

ORDER SHEET

(Rule 129 of the Records Manual, 1917)

District : **Nadia. L.A. Case No. 78 LA/NHAI/Chak/10-11**Nature of the case : **Arbitration Case No. IX-Arbi/2014**

ref number of Order	Order and signature of officer	Note of action taken on date
3 of 12,2014	<p>The Arbitration Case No. IX -Arbi/2014 has been taken up for hearing at Nadia Zilla Parishad Conference Hall, Krishnanagar at about 11.30 A.M. It relates to 231 arbitration petitions of Mouza – Rautari, P.S. – Chakdaha, to increase the value of land acquired for widening of NH-34. It appears that the notification u/s 3A of NH Act, 1956 was published on 15.12.2009 and 08.02.2010 and the declaration of award was done on 30.09.2013.</p> <p>Heard the petitioners, Ld. Advocates, who are representing some petitioners, representative of the Project Director, NHAI, PIU, Krishnanagar, Nadia, Ld. Advocate appearing for NHAI, Competent Authority, Land Acquisition (CALA) and/or his representative, Special LAO, Nadia (attendance sheet kept with the case records). Considered the oral submission of all concerned and also perused the relevant papers / documents including a few sale deeds submitted by the petitioners and also placed by the CALA.</p> <p>It is contended by the petitioners in general that the land price/value has considerably soared up in recent times, especially after acquisition of land for widening of NH-34 and consequently it has become very difficult for them to purchase alternative piece of land with the compensation money they have received from the Government. In support of their claim, a few of them have also produced sale deeds executed well after the publication of 3A notification.</p> <p>Perused the rate report prepared by the CALA and its methodology of preparation. The instant arbitration petitions involve land of the following classifications only: Aman/Aush, Bari/Viti & Dokan/Petrol Pump/Saw Mill.</p>	


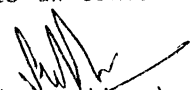
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1 of 2, 12/2014	<p>After careful consideration of oral / written submission and other relevant facts and circumstances the rate report prepared by CALA may be re-checked and the value of land may be re-assessed.</p> <p>Sale figures of Aman / Aush land pertaining to sale deeds no. 1-1437 dated 29.04.2010 & 1-0400 dated 08.02.2010 may be discarded being comparatively lower than the other sale figures as mentioned below to arrive at a reasonable value of land.</p> <table border="1" data-bbox="323 913 1235 1503"> <thead> <tr> <th>Mouza & JL No.</th> <th>Sl.No.</th> <th>ADSR Sl.No.</th> <th>Deed No. & Dt.</th> <th>Classification</th> <th>Sold Area in acres</th> <th>Set forth value of land in Rs.</th> <th>Rate per acre in Rs.</th> </tr> </thead> <tbody> <tr> <td rowspan="8">Raotari, 109</td> <td>1</td> <td>8</td> <td>1-2777 / 25.08.2010</td> <td>Aush</td> <td>0.03</td> <td>50000</td> <td>1666667</td> </tr> <tr> <td>2</td> <td>69</td> <td>1-2769 / 24.08.2010</td> <td>Aman</td> <td>0.045</td> <td>70000</td> <td>1555556</td> </tr> <tr> <td>3</td> <td>89</td> <td>1-2872 / 23.12.2010</td> <td>Aman</td> <td>0.029</td> <td>75000</td> <td>2523553</td> </tr> <tr> <td>4</td> <td>106</td> <td>1-2046 / 18.06.2010</td> <td>Aman</td> <td>0.099</td> <td>180000</td> <td>1818182</td> </tr> <tr> <td>5</td> <td>108</td> <td>1-3688 / 06.12.2010</td> <td>Aush</td> <td>0.073</td> <td>200000</td> <td>2711129</td> </tr> <tr> <td>6</td> <td>110</td> <td>1-01770 / 26.05.2010</td> <td>Aush</td> <td>0.066</td> <td>150000</td> <td>2272727</td> </tr> <tr> <td>7</td> <td>112</td> <td>1-0920 / 15.03.2010</td> <td>Aman</td> <td>0.05</td> <td>180000</td> <td>3600000</td> </tr> <tr> <td>8</td> <td>174</td> <td>1-2441 / 19.11.2009</td> <td>Aman</td> <td>0.110</td> <td>200000</td> <td>1818182</td> </tr> <tr> <td colspan="6"></td> <td>17965996</td> <td></td> </tr> </tbody> </table> <p>Average per acre land value = Rs. 22,45,750/- + 10% for having direct road connectivity = Rs. 2,24,575/- + 25% for being multi-crop land = Rs. 5,61,437/-</p> <p>So, per acre basic rate arrives at = Rs. 30,31,762/- in place of the rate of Rs. 26,25,953/- fixed by the CALA.</p>							Mouza & JL No.	Sl.No.	ADSR Sl.No.	Deed No. & Dt.	Classification	Sold Area in acres	Set forth value of land in Rs.	Rate per acre in Rs.	Raotari, 109	1	8	1-2777 / 25.08.2010	Aush	0.03	50000	1666667	2	69	1-2769 / 24.08.2010	Aman	0.045	70000	1555556	3	89	1-2872 / 23.12.2010	Aman	0.029	75000	2523553	4	106	1-2046 / 18.06.2010	Aman	0.099	180000	1818182	5	108	1-3688 / 06.12.2010	Aush	0.073	200000	2711129	6	110	1-01770 / 26.05.2010	Aush	0.066	150000	2272727	7	112	1-0920 / 15.03.2010	Aman	0.05	180000	3600000	8	174	1-2441 / 19.11.2009	Aman	0.110	200000	1818182							17965996		
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1 of 12/2014	<p>Sale figures of Bari / Viti land pertaining to sale deeds no. 1-3098 dated 01.10.2010 may be discarded being comparatively lower than the other sale figures as mentioned below to arrive at a reasonable value of land.</p> <table border="1" data-bbox="320 801 1225 1438"> <thead> <tr> <th>Mouza & IL No.</th> <th>Sl.No.</th> <th>ADSR Sl.No.</th> <th>Deed No. & Dt.</th> <th>Classification</th> <th>Sold Area in acres</th> <th>Set forth value of land in Rs.</th> <th>Rate per acre in Rs.</th> </tr> </thead> <tbody> <tr> <td rowspan="9">Raotari, 109</td> <td>1</td> <td>20</td> <td>1-0186 / 04.06.2010</td> <td>Bari</td> <td>0.04698</td> <td>290000</td> <td>6172840</td> </tr> <tr> <td>2</td> <td>21</td> <td>1-0186 / 04.06.2010</td> <td>Viti</td> <td>0.01302</td> <td>80000</td> <td>6144393</td> </tr> <tr> <td>3</td> <td>23</td> <td>1-2449 / 20.11.2009</td> <td>Bari</td> <td>0.01</td> <td>40000</td> <td>4000000</td> </tr> <tr> <td>4</td> <td>75</td> <td>1-1176 / 30.06.2009</td> <td>Bari</td> <td>0.03</td> <td>200000</td> <td>6666667</td> </tr> <tr> <td>5</td> <td>77</td> <td>1-2843 / 06.09.2010</td> <td>Bari</td> <td>0.055</td> <td>200000</td> <td>3636364</td> </tr> <tr> <td>6</td> <td>78</td> <td>1-609 / 02.02.2010</td> <td>Bari</td> <td>0.107</td> <td>600000</td> <td>5607477</td> </tr> <tr> <td>7</td> <td>85</td> <td>1-01882 / 10.09.2009</td> <td>Bari</td> <td>0.008593</td> <td>100000</td> <td>11636364</td> </tr> <tr> <td>8</td> <td>47</td> <td>1-261 / 25.01.2010</td> <td>Bari</td> <td>0.05</td> <td>100000</td> <td>2000000</td> </tr> <tr> <td>9</td> <td>107</td> <td>1-2860 / 23.12.2009</td> <td>Bari</td> <td>0.0270</td> <td>45000</td> <td>1666667</td> </tr> <tr> <td colspan="7"></td> <td>47530772</td> </tr> </tbody> </table> <p>Average per acre land value = Rs. 52,81,197/-</p> <p>+ 10% for having direct road connectivity = Rs 5,28,119/-</p> <p>So, per acre basic rate arrives at = Rs. 58,09,316/-, in place of the rate of Rs. 53,41,322/- fixed by the CALA.</p>							Mouza & IL No.	Sl.No.	ADSR Sl.No.	Deed No. & Dt.	Classification	Sold Area in acres	Set forth value of land in Rs.	Rate per acre in Rs.	Raotari, 109	1	20	1-0186 / 04.06.2010	Bari	0.04698	290000	6172840	2	21	1-0186 / 04.06.2010	Viti	0.01302	80000	6144393	3	23	1-2449 / 20.11.2009	Bari	0.01	40000	4000000	4	75	1-1176 / 30.06.2009	Bari	0.03	200000	6666667	5	77	1-2843 / 06.09.2010	Bari	0.055	200000	3636364	6	78	1-609 / 02.02.2010	Bari	0.107	600000	5607477	7	85	1-01882 / 10.09.2009	Bari	0.008593	100000	11636364	8	47	1-261 / 25.01.2010	Bari	0.05	100000	2000000	9	107	1-2860 / 23.12.2009	Bari	0.0270	45000	1666667								47530772	
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<p>1 of 12.12.2014</p> <p>Order is disposed by me</p> <p> Arbitrator</p>	<p>As regards the value of dokan/petrol pump/saw mill class of land, 80% of the value assessed for bari/viti is taken as the value for the dokan/petrol pump/saw mill class of land where no sale figure is available with the ADSR.</p> <p>So, per acre basic rate for dokan/petrol pump/saw mill class of land arrives at = Rs. 46,47,453/-, in place of the rate of Rs. 42,73,058/- fixed by the CALA.</p> <p>So, it is hereby ordered that --</p> <ul style="list-style-type: none"> i) The petitioners having Aman / Aush class of land will get basic price of Rs. 30,31,762/- per acre. ii) The petitioners having Viti / Bari class of land will get basic price of Rs. 58,09,316/- per acre. iii) The petitioners having dokan/hotel class of land will get basic price of Rs. 46,47,453/- per acre. iv) As per section 3H(5) of the NH Act, all the petitioners will also get interest @ 9% p.a. on the excess amount determined by the Arbitrator from the date of taking possession of land till the date of actual deposit of fund by the NHAI. v) All the rest awardees who have failed to submit arbitration petitions due to ignorance or otherwise but having the same classes of land as mentioned above will also be entitled to the arbitral award as a principle of natural justice. <p>Thus, 231 arbitration petitions are disposed of.</p> <p>Let this order be communicated by the CALA to all concerned for information and compliance.</p> <p style="text-align: right;">  (K. Moehary) Arbitrator (under NH Act, 1956) & Additional Secretary L & L.R. Department </p>	