

ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL, 1971)

Order Sheet, dated from 25.08.2015 to _District:- Nadia.Arbitration Case No. XIV/Arbi/2015arising out of L. A. Case No. 43/LA/NHAI/Kri/10-11Nature of the case :- Arbitration case.

Serial number and date of Order	Order and signature of Officer.	Note of action taken on Order.
<p data-bbox="108 472 256 539">1 25.08.2015</p> <p data-bbox="84 1016 276 1072">Dictated, Corrected and signed by me</p> <p data-bbox="148 1167 339 1267"></p> <p data-bbox="108 1308 260 1532">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="296 472 1169 763">Whereas, it appears that 05 [Five] awardees of Senpur Mouza, J. L. No. 119 under P.S.- Kotwali, Dist.- Nadia have submitted petitions under the provisions of the National Highways Act, 1956 [48 of 1956] and The Arbitration and Conciliation Act, 1996 [26 of 1996] with a prayer for reconsideration of market value of land as acquired u/s 3D of the National Highways Act, 1956 and for re-determination of amount payable as compensation in connection with Aush class of land u/s 3G of the said Act.</p> <p data-bbox="296 801 1169 1093">Now, I, Sri. Vijay Bharti, IAS, the District Magistrate, Nadia, being appointed as Arbitrator by the National Highways Authority of India u/s 3(G)5 of the N.H Act.- 1956 do, hereby, request the A.D.M [L.A], Nadia & Competent Authority under the said Act to arrange for issuance of notices to the petitioners for appearing on 03.09.2015 at 1:00 PM at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</p> <p data-bbox="842 1178 1018 1267"></p> <p data-bbox="647 1279 1110 1413">[Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	

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<p data-bbox="113 192 260 259"><u>2</u> 03.09.2015</p> <p data-bbox="86 371 280 432">Dictated, Corrected and signed by me</p> <p data-bbox="156 450 308 544"></p> <p data-bbox="108 562 264 786">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="300 185 1169 253">Notices are duly served. Service returns are filed with the case records.</p> <p data-bbox="826 376 1002 465"></p> <p data-bbox="651 477 1114 618">[Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	

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<p style="text-align: center;"><u>3</u> 03.09.2015</p> <p>Dictated, Corrected and signed by me</p>  <p>District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p>Four [4] awardees in respect of Mouza Senpur, J. L. No. 119, P.S.- Kotwali are found present in hearing. General Manager (Tech.) & Project Director, N.H.A.I, Kgr., Nadia & Competent Authority & Additional District Magistrate (L.A), Nadia and A.D.S.R., Krishnagar are also present. Ld. Advocate, Abhik Chakroborty is present on behalf of N.H.A.I.</p> <p>It is found that four [4] awardees have submitted arbitration petitions praying for enhancement of rate of Aush/Aman class of land.</p> <p>On verification of records, it reveals that the basic rate of Aush/Aman of this instant Mouza was fixed at Rs.10542/- per dec.</p> <p>One Gopal Ghosh [Awardee No. 6] states that he has received the compensation of his Aush plot of land @ Rs.18444/- per dec. which is very much low in comparison to present market price, what is about one lakh per dec. The rate of Mouza Itla, which is situated adjacently should be granted in their favour.</p> <p>Ld. Advocate, Tathagata Biswas argues that the market value of Aush/Aman of this Mouza has increased manifold times and he demands the rate of 3 lakh per dec. He states that the market value, assessed by A.D.S.R. should be allowed for the Aush class of land of Mouza Senpur. He further informs that due to the order of L & L.R. Deptt. transfer of sale by both the sides of NH-34 was stayed for long and therefore, the awardees are not in a position to place reference Regd. Deed executed during the period of 3A Notification. Hence, he argues that if Competent Authority, N.H.A.I can produce the sale data, as taken up for consideration of rate report and show that the related plots are adjacent to NH, he may accept the rate as allowed. But if, it is seen that the sales are of distant plots of interior area, he argues to accept the market value, as assessed by the A.D.S.R.</p> <p>I think his claimed rate is abnormally high and has no justification.</p> <p>He refers the judgement of Bombay High Court from AIR that post notification sales may be considered to arrive at a reasonable market price.</p> <p>I direct the Competent Authority & Additional District Magistrate (L.A), Nadia to explain the process which is being followed to decide the base rate of land and how the calculation is assessed. He states that the class wise sale data are collected from the concerned A.D.S.R. Office for a period of one year prior to the date of 3A Notification. If sufficient sale data are not found available, sale data of two or three years back are collected. From the sales, ten sales of higher side are generally taken. When sufficient sales are not available in the concerned Mouza, sales from adjacent Mouzas are taken for consideration. Thereafter, average of the 10 sales are assessed, and 10% is added to the average value of each class for direct road connectivity. For preparing the land value of Aman/Aush class of land 25% is further added to the same for double-crop nature of the agri land. Sum total of the three are taken as base price.</p> <p>For calculation of total compensation, payable to each awardee, 30% as Solatium is added to the base price and 12% Additional Compensation per year is further allowed for the period from date of Notification to the date of Declaration of Award; i.e. date of payment.</p>	

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<p>03.09.2015</p> <p>Dictated, Corrected and signed by me</p> <p></p> <p>District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p>Abhik Chakroborty, Ld. Advocate for N.H.A.I submits that the rate report as prepared by Competent Authority, N.H.A.I is justified and fair, as the existing Govt. circulars and provisions of NH Act., 1956 has duly been followed. However, he admits that if Regd. deed of the reference period is submitted by the awardees, these may be considered by Hon'ble Arbitrator.</p> <p>I request the awardees to submit any registered deed of the concerned Mouza/locality executed prior to the date of 3A Notification for consideration of the arbitral value. But, no deed is found submitted by the awardees before me.</p> <p>However, the rate of Aush/Aman of this instant Mouza has been fixed @ Rs.10542/- per dec. but in the adjacent Mouzas Chapra Dignagar it is Rs.19528/- per dec. and in Mouza Itla it is Rs.12485/- per dec.</p> <p>However, it is evident that the rate of Aush/Aman of Mouza Senpur is lower than its adjacent Mouzas and I admit that the rate needs be increased.</p> <p>As the Mouza is better in economic and social status than Mouza Chapra-Dignagar, the arbitral rate of Mouza Senpur should be, I think, a bit higher than Chapra-Dignagar. It is learnt that Senpur is a market area, on which the residents of no of Mouzas/villages depend. Moreover the agricultural product of this Mouza is also better than that of Chapra-Dignagar.</p> <p>Hence, I think, the rate of Senpur should be above 23% of the rate of Chapra-Dignagar. If it is allowed, the rate will come to Rs.24019/- or Rs.24000/- per dec.</p> <p>In presence of the General Manager (Tech.) & Project Director, N.H.A.I, Nadia and Ld. Advocate Abhik Chakraboty in favour of N.H.A.I the rate is declared and they did not give any objection about the arbitral rate, as declared. On the other hand, the applicants found agreed with the rate also.</p> <p>Hence, it is ordered that :-</p> <ol style="list-style-type: none"> 1] The rate of Aush/Aman class of land of Mouza Senpur will be taken as Rs.2400000/- per acre instead of Rs.1054286/- per acre. 2] 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, Four [4] arbitration petitions are disposed of.</p> <p>Let this order be communicated by the Competent Authority, N.H.A.I. & Additional District Magistrate (L.A), Nadia to all concerned for information and necessary action for compliance.</p> <p style="text-align: center;"></p> <p style="text-align: center;">[Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	