

ORDER SHEET

(Rule 129 of the Records Manual, 1917)

District : **Nadia. L.A. Case No. 76 LA/NHAI/Chak/10-11**

Nature of the case : **Arbitration Case No. 1-Arbi/2014**

Sl. Number and Order	Order and signature of officer	Note of action taken on date
1 of 2014	<p>The Arbitration Case No. 1-Arbi/2014 has been taken up for hearing at Nadia Zilla Parishad Conference Hall, Krishnanagar at about 11-00 a.m. It relates to 170 arbitration petitions of Mouza – Tanigachhi, 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 06.09.2013.</p> <p>Heard the petitioners, Ld. Advocates, who are representing some petitioners, Project Director, NHAI, PIU, Krishnanagar, Nadia, Competent Authority, Land Acquisition (CALA), Nadia and/or his representative, Spécial 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 and Petrol Pump.</p>	

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10 of 16.12.2014	<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 deed no. 1-02926 dated 03.08.09, 1-02168 dated 11.06.2009 (2 Deeds), 1-04159 dated 23.11.2009 & 1-01518 dated 01.04.2010 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="311 952 1220 1377"> <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="3">Tantgachhi, 113</td> <td>1</td> <td>9</td> <td>1-02689 / 15.07.09</td> <td>Aman</td> <td>0.1575</td> <td>60000</td> <td>380952</td> </tr> <tr> <td>2</td> <td>10</td> <td>1-01872 / 28.04.2010</td> <td>Aush</td> <td>0.1575</td> <td>80000</td> <td>507937</td> </tr> <tr> <td>3</td> <td>29</td> <td>1-04118 / 19.11.2009</td> <td>Aman</td> <td>0.0166</td> <td>25000</td> <td>1506024</td> </tr> <tr> <td rowspan="2">Khergachhi, 115</td> <td>4</td> <td>13</td> <td>1-01308 / 09.03.2010</td> <td>Aman</td> <td>0.245</td> <td>80000</td> <td>326531</td> </tr> <tr> <td>5</td> <td>26</td> <td>1-04117 / 19.11.2009</td> <td>Aush</td> <td>0.01</td> <td>15000</td> <td>1500000</td> </tr> <tr> <td colspan="7"></td> <td>4221444</td> </tr> </tbody> </table> <p>Average per acre land value = Rs. 8,44,289/- + 10% for having direct road connectivity = Rs. 84,429/- + 25% for being multi-crop land = Rs. 2,11,072/-</p> <p>So, per acre basic rate arrives at = Rs. 11,39,790/- in place of the rate of Rs. 7,74,305/- 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.	Tantgachhi, 113	1	9	1-02689 / 15.07.09	Aman	0.1575	60000	380952	2	10	1-01872 / 28.04.2010	Aush	0.1575	80000	507937	3	29	1-04118 / 19.11.2009	Aman	0.0166	25000	1506024	Khergachhi, 115	4	13	1-01308 / 09.03.2010	Aman	0.245	80000	326531	5	26	1-04117 / 19.11.2009	Aush	0.01	15000	1500000								4221444	
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3 of
10.12.2014

Sale figures of Bari / Viti land pertaining to sale deed no. 1-01450 dated 26.03.2010 & 1-04330 dated 03.12.2009 may be discarded being comparatively lower than the other sale figures as mentioned below to arrive at a reasonable value of land.

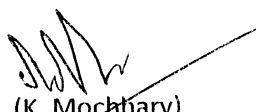
Mouza & JL No.	Sl.No.	ADSR Sl.No.	Deed No. & Dt.	Classification	Sold Area in acres	Set forth value of land in Rs.	Rate per acre in Rs.
Tantgachhi, 113	1	11	1-01751 / 05.05.2009	Viti	0.05	110000	2200000
	2	14	1-04563 / 17.12.2009	Viti	0.10	400000	4000000
	3	15	1-1831 / 23.04.2010	Viti	0.15	250000	1666667
Khorgachhi, 115	4	10	1-00725 / 12.02.2010	Viti	0.06	180000	3000000
	5	11	1-00725 / 12.02.2010	Viti	0.07	200000	2857143
	6	21	1-02002 / 02.06.2009	Viti	0.47	850000	1801511
	7	19	1-1452 / 26.03.2010	Bari	0.02	30000	1500000
	8	20	1-1449 / 26.03.2010	Viti	0.01	15000	1500000
						18525321	

Average per acre land value = Rs. 23,15,665/-

+ 10% for having direct road connectivity = Rs. 2,31,566/-

So, per acre basic rate arrives at = Rs. 25,47,231/-, in place of the rate of Rs. 23,86,889/- fixed by the CALA.

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<p>3 of 15,12,2014</p> <p>170</p> <p>Arbitrator</p>	<p>As regards the value of Petrol Pump/Dokan, 80% of the value assessed for viti / bari is taken as the value for the Petrol Pump/Dokan class of land where no sale figure is available with the ADSR.</p> <p>So, per acre basic rate for Petro Pump/Dokan class arrives at = Rs. 20,37,785/-, in place of the rate of Rs. 19,09,511/- 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. 11,39,790/- per acre. ii) The petitioners having Viti / Bari class of land will get basic price of Rs. 25,47,231/- per acre. iii) The petitioner(s) having Petro Pump/Dokan class of land will get basic price of Rs. 20,37,785/- 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 NHA. 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, 170 arbitration petitions are disposed of.</p> <p>Let this order be communicated by the CALA to all concerned for information and compliance.</p> <div style="text-align: right;">  (K. Mochhary) Arbitrator (under NH Act, 1956) & Additional Secretary L & L.R. Department </div>	