






ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL, 1971)

Order Sheet, dated from 03.09.2015 to _District:- Nadia.Arbitration Case No. XIX/Arbi/2015arising out of L. A. Case No. 60/LA/NHAI/Rang/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="113 483 261 551">1 03.09.2015</p> <p data-bbox="86 1025 277 1084">Dictated, Corrected and signed by me</p> <p data-bbox="113 1196 261 1541">  District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956 </p>	<p data-bbox="300 483 1171 810">Whereas, it appears that 68 [Sixty Eight] awardees of Aistala Mouza, J. L. No. 114 under P.S.- Ranaghat - I, 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 Bari, Dokan & Mandir class of land u/s 3G of the said Act.</p> <p data-bbox="300 851 1171 1137">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 10.09.2015 at 2:30 PM at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</p> <p data-bbox="651 1227 1114 1464">  [Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956 </p>	


Serial number and date of Order	Order and signature of Officer.	Note of action taken on Order.
<p data-bbox="113 192 261 259"><u>2</u> 10.09.2015</p> <p data-bbox="86 371 280 430">Dictated, Corrected and signed by me</p> <p data-bbox="165 456 322 555"></p> <p data-bbox="108 562 264 788">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="300 188 1171 255">Notices are duly served. Service returns are filed with the case records.</p> <p data-bbox="826 385 960 474"></p> <p data-bbox="651 483 1114 618">[Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	

Serial number and date of Order	Order and signature of Officer.	Note of action taken on Order.
<p data-bbox="92 271 236 338">3 10.09.2015</p> <p data-bbox="108 1413 240 1496">Dictated, Corrected and signed by me</p> <p data-bbox="108 1541 256 1854">  District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956 </p>	<p data-bbox="268 271 1283 472">Twenty Seven [27] awardees in respect of Mouza Aishtala, J. L. No. 114, P.S.- Ranaghat 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., Ranaghat are also present. Ld. Advocate, Abhik Chakroborty is present on behalf of N.H.A.I.</p> <p data-bbox="268 483 1283 562">It is found that Sixty Eight [68] awardees have submitted arbitration petitions praying for enhancement of rate of Bari/Viti & Dokan class of land.</p> <p data-bbox="268 573 1283 685">On verification of records, it reveals that the basic rate of Bari/Viti & Mandir of this instant Mouza was fixed at Rs.80734/- per dec. and for Dokan class it was Rs.64587/- per dec.</p> <p data-bbox="268 696 1283 931">Therefore they inform that they are not getting the fair compensation for their loss/damage due to acquisition of land. They have been allowed abnormally low rate for their land, and they will not be able to purchase the land equal to their acquired area in any place of the Mouza. They state that the rate of Bari/Viti class of land, at present, is not less than four [4] lakh per Dec.</p> <p data-bbox="268 943 1283 1021">Therefore they pray for its enhancement. They further want to know the process which is being followed to prepare the rate report.</p> <p data-bbox="268 1032 1283 1570">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 data-bbox="268 1581 1283 1738">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> <p data-bbox="268 1749 1283 1951">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>	

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10.09.2015	<p>Ld. Advocate Utsaraj Mukherjee states that Mouza Aishtala is located adjacent to Mouza Ranaghat, which is a sub-divisional town of the District of Nadia. The Mouza is separated with Ranaghat by the river Churni. The lands are used mostly as Bari or Dokan. Moreover, for the publication of Govt. order no land by both the sides of NH has been transferred for a considerable period and no sale was available. Hence, he appeals to follow the approved rate of Mouza Ranaghat in respect of this Mouza. He further states that at present "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013" is enforced, which speaks for grant of 100% Solatium for the land losers.</p> <p>Verified the application, maps & other documents and found that for Bari/viti & Mandir rate has been allowed @ Rs.80734/- per dec. and for Dokan it has been allowed @ Rs.64587/- per dec., but in Mouza Ranaghat rate of Bari/Viti and Dokan are fixed as Rs.375265/- & Rs.764543/- per dec. & for Habibpur Bari/Viti & Mandir has been fixed as @ Rs.86261/- per dec. and for Dokan it is Rs.69009/- per dec.</p> <p>Considering the geographical location of the Mouza Aishtala & Ranaghat, I find no logical ground to follow the rate of Ranaghat for this instant Mouza. Firstly Ranaghat is situated within Municipal area, wherein Aishtala is located within Panchayet jurisdiction. Secondly, the river Churni has created a wide gap between the two in respect of economic activity and social perspective. Lastly Habibpur is more alike with Mouza Aishtala for their over all same topographical aspect.</p> <p>Hence, I think the rate of Aishtala may be fixed as the rate of Habibpur, for being both economically and socially of same nature.</p> <p>Hence, it is ordered that :-</p> <p>1] The rate of Bari/Viti/Mandir will be considered as Rs.8626100/- per acre instead of Rs.8073416/- per acre.</p> <p>2] Rate of Dokan will be considered as Rs.6900900/- per acre instead of Rs.6458733/- per acre.</p> <p>Thus, Sixty Eight [68] 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 compliance.</p>	

Dictated,
Corrected and
signed by me


District
Magistrate,
Nadia,
&
Arbitrator u/s
3G[5] of N.H.
Act, 1956


[Vijay Bharti, IAS]
District Magistrate, Nadia
&
Arbitrator u/s 3G[5] of N.H. Act, 1956