

ORDER SHEET

(Rule 129 of the Records Manual, 1917)

District : **Nadia. L.A. Case No. 22 LA/NHAI/Naka/10-11**Nature of the case : **Arbitration Case No. III-Arbi/2014**

Serial number and Order	Order and signature of officer	Note of action taken on date
3 of 15.12.2014	<p>The Arbitration Case No. III -Arbi/2014 has been taken up for hearing at Nadia Zilla Parishad Conference Hall, Krishnanagar at about 3.20 P.M. It relates to 115 arbitration petitions of Mouza – Bholadanga, P.S. – Nakashipara, 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 04.12.2009 and 08.02.2010 and the declaration of award was done on 14.02.2013.</p> <p>Heard the petitioners, Ld. Advocates, who are representing some petitioners, Project Director, NHAI, PIU, Krishnanagar, Nadia, Ld. Advocate appearing for NHAI, Competent Authority, Land Acquisition (CALA), Nadia 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 34 National Highway 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/Hotel.</p>	

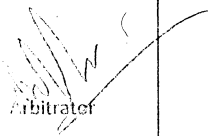
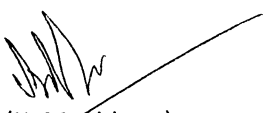
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1 of 16.12.2014	<p>After careful consideration of oral / written submission and other relevant facts and circumstances the rate report prepared by CALA may be re-checked and the value of land may be re-assessed.</p> <p>Sale figures of Aman / Aush land pertaining to sale deeds no. 1-15105 dated 17.12.2009, 1-13489 dated 17.11.2009, 1-10087 dated 11.08.2009, 1-14804 dated 14.12.2009, 1-9762 dated 03.08.2009 & 1-13791 dated 20.11.2009 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="327 947 1230 1319"> <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></td> <td>1</td> <td>05</td> <td>1-6588 / 10.06.2009</td> <td>Aush</td> <td>0.575</td> <td>225000</td> <td>391304</td> </tr> <tr> <td></td> <td>2</td> <td>18</td> <td>1-2967 / 06.03.2009</td> <td>Aush</td> <td>0.17</td> <td>51000</td> <td>300000</td> </tr> <tr> <td></td> <td>3</td> <td>37</td> <td>1-10087 / 11.08.2009</td> <td>Aush</td> <td>0.04</td> <td>16000</td> <td>400000</td> </tr> <tr> <td></td> <td>4</td> <td>80</td> <td>1-8288 / 07.07.2009</td> <td>Aush</td> <td>0.08</td> <td>30000</td> <td>375000</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>1466304</td> </tr> </tbody> </table> <p>Average per acre land value = Rs. 3,66,576/- + 10% for having direct road connectivity = Rs. 36658/- + 25% for being multi-crop land = Rs. 91,644/-</p> <p>So, per acre basic rate arrives at = Rs. 4,94,878/- in place of the rate of Rs. 3,92,413/- 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.		1	05	1-6588 / 10.06.2009	Aush	0.575	225000	391304		2	18	1-2967 / 06.03.2009	Aush	0.17	51000	300000		3	37	1-10087 / 11.08.2009	Aush	0.04	16000	400000		4	80	1-8288 / 07.07.2009	Aush	0.08	30000	375000								1466304	
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3 of 19.12.2014	<p>Sale figures of Bari / Viti land pertaining to sale deeds no. 1-9083 dated 22.07.2009, 1-2973 dated 06.03.2009, 1-2955 dated 06.03.2009, 1-4518 dated 17.04.2009, 1-7069 dated 16.06.2009, 1-4517 dated 17.04.2009 & 1-11225 dated 23.09.2009 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="320 907 1225 1234"> <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></td> <td>1</td> <td>01</td> <td>1-3512 / 18.03.2009</td> <td>Viti</td> <td>0.03</td> <td>20000</td> <td>666667</td> </tr> <tr> <td></td> <td>2</td> <td>10</td> <td>1-9034 / 21.07.2009</td> <td>Viti</td> <td>0.02</td> <td>1000</td> <td>750000</td> </tr> <tr> <td></td> <td>3</td> <td>62</td> <td>1-11225 / 23.09.2009</td> <td>Viti</td> <td>0.0112</td> <td>8000</td> <td>714286</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>2130953</td> </tr> </tbody> </table> <p>Average per acre land value = Rs. 7,10,318/-</p> <p>+ 10% for having direct road connectivity = Rs 71,032/-</p> <p>So, per acre basic rate arrives at = Rs. 7,81,350/-, in place of the rate of Rs. 6,66,729/- 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.		1	01	1-3512 / 18.03.2009	Viti	0.03	20000	666667		2	10	1-9034 / 21.07.2009	Viti	0.02	1000	750000		3	62	1-11225 / 23.09.2009	Viti	0.0112	8000	714286								2130953	
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<p>3 of 16.12.2014</p> <p>Dictated & Corrected by me</p> <p> Arbitrator</p>	<p>As regards the value of dokan/hotel class of land, 80% of the value assessed for bari/viti is taken as the value for the dokan/hotel class of land where no sale figure is available with the ADSR.</p> <p>So, per acre basic rate for dokan/hotel class of land arrives at = Rs. 6,25,080/-, in place of the rate of Rs. 5,33,383/- 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. 4,94,878/- per acre. ii) The petitioners having Viti / Bari class of land will get basic price of Rs. 7,81,350/- per acre. iii) The petitioners having dokan/hotel class of land will get basic price of Rs. 6,25,080/- 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, 115 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. Mochhary) Arbitrator (under NH Act, 1956) & Additional Secretary L & L.R. Department</p>	