






ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL, 1971)

Order Sheet, dated from 03.09.2015 to _District:- Nadia.Arbitration Case No. XII/Arbi/2015arising out of L. A. Case No. 42/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="108 481 256 548">1 03.09.2015</p> <p data-bbox="84 1021 277 1077">Dictated, Corrected and signed by me</p> <p data-bbox="113 1312 264 1536">  District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956 </p>	<p data-bbox="296 481 1169 801">Whereas, it appears that 22 [Twenty Two] awardees of Chak Dignagar Mouza, J. L. No. 118 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/Aman & Bari class of land u/s 3G of the said Act.</p> <p data-bbox="296 846 1169 1131">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 2:50 PM at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</p> <p data-bbox="651 1317 1114 1456">  [Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956 </p>	


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<p data-bbox="108 197 256 271"><u>2</u> 10.09.2015</p> <p data-bbox="84 383 276 439">Dictated, Corrected and signed by me</p>  <p data-bbox="108 568 264 792">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="296 192 1166 264">Notices are duly served. Service returns are filed with the case records.</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>3 10.09.2015</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>Eleven [11] awardees in respect of Mouza Chak Dignagar, J. L. No. 118, 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 twenty two [22] awardees have submitted arbitration petitions praying for enhancement of rate of Bari/Viti and for Aush/Aman class of land.</p> <p>On verification of records, it reveals that the basic rate of Bari/Viti class of land of this instant Mouza was fixed at Rs.47874/- per dec. & for Aush/Aman it is Rs.39173/- per dec.</p> <p>Uttam Sarkar states that he is the owner of plot No. 4, 6, 7 & 8 and an area of 1.5 dec. has been acquired from his part. But he has not been properly compensated. He appeals that the rate of this Mouza [Chak Dignagar] should be allowed at par with Mouza Paschim Bhatjangla.</p> <p>Sadhan Sarkar, the owner of plot No. 15 submits that the compensation value, allowed for him, is not at all sufficient for purchase of land of the equal area at present. Hence, he appeals to allow at least the market price, as decided by A.D.S.R. for this Mouza.</p> <p>One Nilratan Mandal also requests to enhance the rate for the same cause.</p> <p>Ld. Advocate, Tathagada Biswas submits that present land value should be granted to the land-loser.</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> <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>	

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10.09.2015	<p>It is found on verification of relevant document that the rate of Aush/Aman of Mouza Chak Dignagar has been fixed at Rs.39173/- per dec., wherein, at Mouza Itla it is Rs.12485/- per dec. and Mouza Durgapur, it is Rs.9535/- per dec. It shows that the rate of Aush/Aman at Mouza Chak Dignagar is much higher [3 times to 4 times] than the rate of Itla and Durgapur.</p> <p>In respect of Bari/Viti class of land, the rate allowed for Chak Dignagar is Rs.48878/- per dec. and for Durgapur it is Rs.37866/- per dec.</p> <p>In respect of Aush/Aman & Bari/Viti class of land, the rates calculated for Mouza Chak Dignagar are higher than that of the rates of the adjacent mouzas. So, I feel no urge to revise the rate to a much higher amount.</p> <p>I, therefore, order to extend the base rate of Bari/Viti to Rs.50000/- per dec. and of Aush/Aman to Rs.40000/- per dec.</p> <p>In presence of the General Manager (Tech.) & Project Director, National Highways Authority of India, Krishnagar, Nadia and Ld. Advocate Abhik Chakraborty in favour of N.H.A.I the rate is announced and they did not raise 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 will be taken as Rs.4000000/- per acre instead of Rs.3917306/- per acre 2] The rate of Bari/Viti class of land will be taken as Rs.5000000/- per acre instead of Rs.4787818/- per acre 3] 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, Twenty Two [22] 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