

ORDER SHEET

(Rule 129 of the Records Manual, 1917)

District : Nadia. L.A. Case No. 33 LA/NHAI/10-11
 Nature of the case : Arbitration Case No. IV-Arbi/2014

Sl. number and Order	Order and signature of officer	Note of action taken on date
2 of 2014	<p>The Arbitration Case No. IV-Arbi/2014 has been taken up for hearing at Nadia Zilla Parishad Conference Hall, Krishnanagar at about 2.20 P.M. It relates to 108 arbitration petitions of Mouza – Chapra Dignagar, P.S. – Krishnanagar, 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 03.09.2013.</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 & Bagan.</p>	

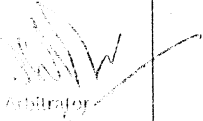

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1 of 1 15.12.2014	<p>After careful consideration of oral / written submission and other relevant facts and circumstances the rate report prepared by CALA may be re-checked and the value of land may be re-assessed.</p> <p>Sale figures of Aman / Aush land pertaining to sale deeds no. 1-09881 dated 15.09.2009 & 1-09882 dated 15.09.2009 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="323 875 1225 1480"> <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>Chapra Dignagar, 82</td> <td>1</td> <td>22</td> <td>1-0736 / 13.03.2009</td> <td>Aush</td> <td>0.0165</td> <td>15000</td> <td>909091</td> </tr> <tr> <td rowspan="6">Hatisala, 81</td> <td>2</td> <td>25</td> <td>1-07788 / 22.07.2009</td> <td>Aush</td> <td>0.230</td> <td>300000</td> <td>1304348</td> </tr> <tr> <td>3</td> <td>61</td> <td>1-13542 / 21.12.2009</td> <td>Aush</td> <td>0.0700</td> <td>200000</td> <td>2857143</td> </tr> <tr> <td>4</td> <td>62</td> <td>1-0228 / 07.01.2010</td> <td>Aush</td> <td>0.0700</td> <td>200000</td> <td>2857143</td> </tr> <tr> <td>5</td> <td>26</td> <td>1-8914 / 17.08.2009</td> <td>Aush</td> <td>0.8400</td> <td>1000364</td> <td>1190910</td> </tr> <tr> <td>6</td> <td>50</td> <td>1-9883 / 15.09.2009</td> <td>Aush</td> <td>0.043</td> <td>35000</td> <td>813953</td> </tr> <tr> <td>7</td> <td>87</td> <td>1-2994 / 17.03.2009</td> <td>Aush</td> <td>0.0825</td> <td>66000</td> <td>800000</td> </tr> <tr> <td>Dignagar,83</td> <td>8</td> <td>4</td> <td>1-2780 / 13.03.2009</td> <td>Aman</td> <td>0.04167</td> <td>35000</td> <td>839933</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>11572521</td> </tr> </tbody> </table> <p>Average per acre land value = Rs. 14,46,565/- + 10% for having direct road connectivity = Rs. 1,44,656/- + 25% for being multi-crop land = Rs. 3,61,641/-</p> <p>So, per acre basic rate arrives at = Rs. 19,52,862/- in place of the rate of Rs. 17,74,889/- 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.	Chapra Dignagar, 82	1	22	1-0736 / 13.03.2009	Aush	0.0165	15000	909091	Hatisala, 81	2	25	1-07788 / 22.07.2009	Aush	0.230	300000	1304348	3	61	1-13542 / 21.12.2009	Aush	0.0700	200000	2857143	4	62	1-0228 / 07.01.2010	Aush	0.0700	200000	2857143	5	26	1-8914 / 17.08.2009	Aush	0.8400	1000364	1190910	6	50	1-9883 / 15.09.2009	Aush	0.043	35000	813953	7	87	1-2994 / 17.03.2009	Aush	0.0825	66000	800000	Dignagar,83	8	4	1-2780 / 13.03.2009	Aman	0.04167	35000	839933								11572521	
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1 of 16.12.2014	<p>Sale figures of Bari / Viti land pertaining to sale deeds no. 1-04751 dated 13.05.2009, 1-3342 dated 25.03.2009, 1-3345 dated 25.03.2009, 1-3346 dated 25.03.2009, 1-11706 dated 12.11.2009 & 1-12964 dated 10.12.2009 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="320 920 1222 1285"> <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="2">Hatisala, 81</td> <td>1</td> <td>38</td> <td>1-8855 / 14.08.2009</td> <td>Viti</td> <td>0.0184</td> <td>50000</td> <td>2717391</td> </tr> <tr> <td>2</td> <td>69</td> <td>1-10965 / 26.10.2009</td> <td>Viti</td> <td>0.0021</td> <td>6000</td> <td>2857143</td> </tr> <tr> <td>Chapra Dignagar, 82</td> <td>3</td> <td>14</td> <td>1-5738 / 09.06.2009</td> <td>Viti</td> <td>0.066</td> <td>120000</td> <td>1818182</td> </tr> <tr> <td>Dignagar, 83</td> <td>4</td> <td>131</td> <td>1-1997 / 23.02.2009</td> <td>Viti</td> <td>0.17</td> <td>425000</td> <td>2500000</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>9892716</td> </tr> </tbody> </table> <p>Average per acre land value = Rs. 24,73,179/-</p> <p>+ 10% for having direct road connectivity = Rs 2,47,318/-</p> <p>So, per acre basic rate arrives at = Rs. 27,20,497/-, in place of the rate of Rs. 25,26,024/- 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.	Hatisala, 81	1	38	1-8855 / 14.08.2009	Viti	0.0184	50000	2717391	2	69	1-10965 / 26.10.2009	Viti	0.0021	6000	2857143	Chapra Dignagar, 82	3	14	1-5738 / 09.06.2009	Viti	0.066	120000	1818182	Dignagar, 83	4	131	1-1997 / 23.02.2009	Viti	0.17	425000	2500000								9892716	
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<p>3 of 10-12-2014</p> <p>Checked & corrected by me</p> <p> Arbitrator</p>	<p>As regards the value of bagan class of land, 80% of the value assessed for bari/viti is taken as the value for the bagan class of land where no sale figure is available with the ADSR.</p> <p>So, per acre basic rate for bagan class of land arrives at = Rs. 21,76,398/-, in place of the rate of Rs. 20,20,819/- 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. 19,52,862/- per acre. ii) The petitioners having Viti / Bari class of land will get basic price of Rs. 27,20,497/- per acre. iii) The petitioners having bagan class of land will get basic price of Rs. 21,76,398/- 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, 108 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>	