

ORDER SHEET

(Rule 129 of The Record Manual, 1971)

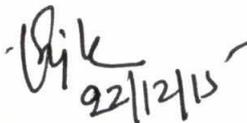
Order Sheet from 22.12.1015

District. Nadia.

Arbitration Case No. XXXVI/Arbi/2015

arising out of L.A. Case No. 87/LA/NHAI/Hgt/10-11

Ayeshpur Mouza, J. L. No. 9 under P.S.- Haringhata,

Serial number and date of order	Order and signature of Officer.	Note of action taken on order.
<p style="text-align: center;"><u>1</u> 22.12.2015</p> <p>Dictated, Corrected and signed by me</p> <p style="text-align: center;"> District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p>Whereas, it appears that 50 [Fifty] awardees of <u>Ayeshpur Mouza, J. L. No. 9 under P.S.- Haringhata, Dist.- Nadia</u> 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/Viti class of land u/s 3G of the said Act.</p> <p>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 14.10.2015 at 12:00 Noon at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</p> <p style="text-align: center;"> [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="199 257 220 286">2</p> <p data-bbox="140 293 279 322">29.12.2015</p> <p data-bbox="119 533 300 584">Dictated, Corrected and signed by me</p> <p data-bbox="172 651 331 763"></p> <p data-bbox="145 808 288 1016">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="316 219 1070 286">Notices are duly served Service returns are filed with the case records</p> <p data-bbox="826 342 986 443"></p> <p data-bbox="651 456 1086 584">[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="145 174 277 241">3 29.12.2015</p> <p data-bbox="108 1339 292 1395">Dictated, Corrected and signed by me</p> <p data-bbox="129 1496 277 1825">  District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956 </p>	<p data-bbox="304 174 1134 383">Forty four [44] awardees in respect of Mouza Ayeshpur , J. L. No. 9, P.S.- Haringhata 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., Sadar are also present. Ld. Advocate, Abhik Chakroborty is present on behalf of N.H.A.I.</p> <p data-bbox="304 383 1134 495">It is found that Forty Seven [47] awardees have submitted arbitration petitions praying for enhancement of rate of Aush/Aman & Bari/Viti class of land.</p> <p data-bbox="304 495 1134 607">On verification of records, it reveals that the basic rate of Bari/Viti of this instant Mouza was fixed at Rs.5732940/- per acre, for Aush/Aman it is Rs.4690571/- per acre.</p> <p data-bbox="304 607 1134 1200">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="304 1200 1134 1402">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="304 1402 1134 1581">One Raj Kumar Sil states that the land of mouja Ayeshpur is very important for being situated near the office of the Animal Resources Department. Moreover Birohi-bazar is actually situated in Mouja Ayeshpur. Hence the rate of mouja Ayeshpur deserves to be higher than that of Birohi.</p> <p data-bbox="304 1581 1134 1816">I verify the petitions, Rate Reports, Plot Index, Comparative Chart of Rate of adjacent moujas, Sale Data of ADSR, Viewed the vedigraphy of the locality, and found that the rate of Bari/Viti of this mouja was previously fixed at Rs. 57329/- per dec, in mouja Birohi it was Rs. 108504/- per dec. in mouja Balindi, it was Rs. 52435/- per dec & in mouja Narayanpur, it was Rs. 57329/- per dec</p> <p data-bbox="304 1816 1134 1962">On the otherhand, the rate of Aush/Aman of mouja Ayeshpur and Narayanpur was Rs. 46905/- per dec. in mouja Birohi, it was Rs. 40642/- per dec, and in mouja Balindi, it was Rs. 45643/- per dec.</p>	

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<p style="text-align: center;">4</p> <p>29.12.2015</p> <p>Dictated, Corrected and signed by me</p> <p style="text-align: center;"></p> <p>District Magistrate, Nadia,</p> <p style="text-align: center;">&</p> <p>Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p>From the Vediography, it seems that the rate of Bari/Viti of mouja Ayeshpur should be enhanced but it should be less than Birohi, as because, Birohi is more important in business activity than Ayjeshpur.</p> <p>I scrutinize the Sale Data, available from ADSR and found that most of the Sales of 2009-2010 (i.e. the period of 3A notification) are of the order of the rate allowed but small plots rates of which were considered are not on NH, rather of the interior portion of the mouja . Hence, I may take up the top 2 sales of Bari/Viti among the Sales for 2007 to 2012 and come to an average.</p> <table border="1" data-bbox="406 761 1236 985"> <thead> <tr> <th>Deed No</th> <th>Class</th> <th>Area</th> <th>Rate per acre.</th> </tr> </thead> <tbody> <tr> <td>1. I-02942 dt. 29.9.08</td> <td>Bari</td> <td>8.25 dec.</td> <td>Rs.3151515</td> </tr> <tr> <td>2. I-0045. dt. 09.02.09</td> <td>Bari</td> <td>0.75 dec</td> <td>Rs.11333333</td> </tr> <tr> <td></td> <td></td> <td></td> <td>Rs.14484848</td> </tr> </tbody> </table> <p>Hence, average of the two (2) comes to Rs. 7242424/ or say Rs. 7500000/- Now arbitral rate of Bari/Viti of Mouja Ayeshpur may be allowed at Rs. 7500000/- per acre.</p> <p>But, in the matter of Aush/Aman, the rate of Mouja Ayeshpur is equal to Mouja Narayanpur. I verify the Sale data , as received from ADSR and found that in 2009 the highest Sale rate of Aush was Rs.30266/- per dec, in 2010 it was Rs. 7583.00 per dec, which are less than the approved rate. In 2008, the highest rate of Aush is found Rs. 48000/- per dec for a land measuring an area of .25 dec. As it is below 05 dec, it can not be accepted. So, I find no justification to enhance the same. Hence there is no reason to increase the rate of agricultural land.</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 give any objection about the arbitral rate, as declared. On the other hand, the applicants are found agreed with the rate also.</p>	Deed No	Class	Area	Rate per acre.	1. I-02942 dt. 29.9.08	Bari	8.25 dec.	Rs.3151515	2. I-0045. dt. 09.02.09	Bari	0.75 dec	Rs.11333333				Rs.14484848	
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<p style="text-align: center;">5.</p> <p>29.12.2015</p> <p>Dictated, Corrected and signed by me</p>  <p>District Magistrate, Nadia,</p> <p>&</p> <p>Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p style="text-align: center;">Hence, it is ordered that :-</p> <p>1] The rate of Bari/Viti class of land will be taken as Rs.7500000/- per acre instead of Rs.5732920/- per acre.</p> <p>2] The rate of other class of land of this Mouja will remain unaltered.</p> <p>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> <p>Thus, Fifty [50] 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>  <p>[Vijay Bharti, IAS]</p> <p>District Magistrate, Nadia .</p> <p>&</p> <p>Arbitrator u/s 3G[5] of N.H. Act, 1956.</p>	