

ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL, 1971)

District:- Nadia.

Order Sheet, dated from 07.10.2015 to

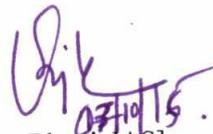
arising out of L. A. Case No. 50/LA/NHAI/Santi/10-11

Arbitration Case No. XXVII/Arbi/2015Nature of the case :- Arbitration case.

| Serial number and date of Order | Order and signature of Officer. | Note of action taken on Order. |
|---------------------------------|--|--------------------------------|
| 1 07.10.2015 | <p>Whereas, it appears that 35 [thirty five] awardees of <u>Chhoto Ranaghat Mouza, J. L. No. 46 under P.S.- Santipur, 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 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 2:00 PM at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</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

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|---|--|--------------------------------|
| <p data-bbox="130 183 271 255"><u>2</u> 14.10.2015</p> <p data-bbox="105 358 287 416">Dictated, Corrected and signed by me</p> <p data-bbox="159 421 316 533"></p> <p data-bbox="130 537 277 752">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p> | <p data-bbox="303 183 1126 250">Notices are duly served. Service returns are filed with the case records.</p> <p data-bbox="794 331 1088 465"></p> <p data-bbox="692 456 1075 591">[Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956</p> | |

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| <p data-bbox="140 248 277 315"><u>3</u> 14.10.2015</p> <p data-bbox="145 1352 272 1431">Dictated, Corrected and signed by me</p>  <p data-bbox="145 1563 272 1771">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p> | <p data-bbox="300 248 1257 450">Eight [08] awardees in respect of Mouza Chhoto Ranaghat, J. L. No. 46, P.S.- Santipur 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., Santipur are also present. Ld. Advocate, Abhik Chakroborty is present on behalf of N.H.A.I.</p> <p data-bbox="300 495 1257 568">It is found that Thirty Five [35] awardees have submitted arbitration petitions praying for enhancement of rate of Aush/Aman class of land.</p> <p data-bbox="300 573 1257 647">On verification of records, it reveals that the basic rate of Aush/Aman of this instant Mouza was fixed at Rs.643532/- per acre.</p> <p data-bbox="300 692 1257 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="300 1245 1257 1397">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="300 1442 1257 1516">Rabindra Nath Mondal states that absurdly low value has been allowed for their land. During hearing, no amount of rate was announced.</p> <p data-bbox="300 1561 1257 1635">Kalipada Karmakar states that they have been given the rate of 2009 but they have been paid in the year 2013 and 2014. It is not at all justifiable.</p> <p data-bbox="300 1680 1257 1912">Advocate Tathagata Biswas argues that no sufficient sale data of Mouza Chhoto Ranaghat has been found available and therefore sale date of Kandokhola and Bathna have been taken. He states that Gobindapur is also adjacent to Chho Ranaghat, which will be revealed from the mouza map and the lands of both the Mouzas are of same nature. Therefore he pleads for allowing the rate of Gobindapur for Chhoto Ranaghat.</p> | |

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| <p>4 14.10.2015</p> <p>Dictated, Corrected and signed by me</p> <p></p> <p>District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p> | <p>Verified the petition, the rate report, the Mouza map and sale data produced by the ADSR, Santipur and found that the rate of Aush/Aman of this Mouza was originally allowed as Rs.643532/- per acre. The rate of Aush/Aman for Mouza Kandokhola and Bathna which are adjacent to this mouza are found the same. It is also reported that arbitration hearing of Mouza Kandokhola has already been completed and Rs.929368/- per acre has been allowed for class Aman/Aush. As Mouza Chhoto Ranaghat is better than that of Kandokhola in socio-economic status, I consider that the arbitral rate of Mouza Chhoto Ranaghat should be higher than that of Mouza – Kandokhola.</p> <p>Verified the Sale data, as received from ADSR, Santipur, and found that a Regd. deed bearing No. I-03328 dt. 27.7.2009 was executed for 42 dec. area of Aush Class (as per ROR) of land and the consideration amount was Rs. 500000/- for the area. On calculation the rate per acre of the land comes to Rs. 11,90,476/-</p> <p>It will be just and fair, if the rate is followed to arrive at the arbitral compensation value of Aman/Aush Class of land for mouja Chhoto Ranaghat, and therefore, the rate of Aush/Aman of Mouza Chhoto Ranaghat comes to Rs. 11,90,476/- or say Rs.1200000/- per acre.</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> <p>Hence, it is ordered that :-</p> <p>1] The rate of Aush/Aman class of land will be taken as Rs.1200000/- per acre instead of Rs.643532/- per acre.</p> <p>2] 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, Thirty five [35] 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></p> <p>[Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956</p> | |