
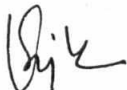




ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL, 1971)

Order Sheet, dated from 21.07.2015 to _District:- Nadia.Arbitration Case No. IX/Arbi/2015arising out of L. A. Case No. 29/LA/NHAI/Dhubulia/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 style="text-align: center;">1 21.07.2015</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>Whereas, it appears that 12 [Twelve] awardees of Chaugachha Hasadanga Mouza, J. L. No. 35 under P.S.-Dhubulia, 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/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 06.08.2015 at 12:00 PM at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</p> <p style="text-align: center;"></p> <p style="text-align: center;">[Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	


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<p data-bbox="55 257 207 336"><u>2</u> 06.08.2015</p> <p data-bbox="31 436 231 504">Dictated, Corrected and signed by me</p> <p data-bbox="95 504 247 604"></p> <p data-bbox="63 604 223 840">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="239 235 1117 324">Notices are duly served. Service returns are filed with the case records.</p> <p data-bbox="821 380 997 504"></p> <p data-bbox="598 526 1069 683">[Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	

Serial number A date of Order	Order and signature of Officer.	Note of action taken on Order.
06.08.2015	<p>Eight [8] awardees in respect of Mouza Chaugachha Hasadanga, J. L. No. 35, P.S.- Dhubulia are found present in hearing. General Manager (Tech.) & Project Director, N.H.A.I, Kgr., Nadia & Competent Authority & Additional District Magistrate (L.A), Nadia & A.D.S.R. Bethuadahari are also present. Ld. Advocate, Abhik Chakroborty is present on behalf of N.H.A.I.</p> <p>It is found that Twelve [12] awardees have submitted arbitration petitions praying for enhancement of rate of Aush/Aman & Bari/Viti class of land.</p> <p>It is found on verification that the base rate of Aush/Aman of this Mouza has been fixed as Rs.559084/- per acre and for Bari/Viti it is fixed as Rs.1518090/- per acre.</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>Bidhan Ch. Ghosh [Awardee No. 9], Sribas Ghosh [Awardee No. 21], Meghnad Ghosh, Goutam Ghosh [Awardee No. 32] state that the land value, allowed for this Mouza is very much poor. As their locality is connected by pucca road with Mayapur, its rate should be enhanced. Moreover this instant Mouza is adjacent to Mouza Dhubulia, an important business centre and block head quarter, where rate of Bari/Viti and Aush/Aman have been considered much higher than that of the Mouza Chaugachha Hasadanga.</p> <p>They informed that the present rate of Bari/Viti has increased considerably and they are not in a position to purchase land equal to the acquired area to compensate their loss/damage. Hence, they have prayed to allow the land value at the rate of Dhubulia.</p>	

Dictated,
Corrected and
signed by me

District
Magistrate,
Nadia,
&
Arbitrator u/s
3G[5] of N.H.
Act, 1956

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<p>06.08.2015</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>I viewed the area in the vidiography and found that though the Mouza is adjacent to Dhubulia, it is not at all same in standard with the Mouza. It is mainly agriculture based area with some residential buildings thereon. It is not at all a business/market spot. Moreover Mayapur is situated at a far distance approximately 10 KMs. away. Road linkage with Mayapur, therefore can not increase any additional weightage to this Mouza. Hence, I find no reason to follow the rate of Dhubulia to re-assess the arbitral rate of this instant Mouza. Sribas Ghosh [Awardee No. 21] states that his residential building is situated beside a pucca structure of Mouza Dhubulia, which has been allowed much higher rate than the rate allowed to him.</p> <p>From the vidiography of the acquisitioned area, it is found that the two buildings are situated contiguously, one at Chaugachha Hasadanga and other at Dhubulia, but land value of both of them has been assessed separately. I do admit that it is unjust and steps should be taken to remove it. For the sake of natural justice two adjacent buildings & related plots should be equally considered, may these be situated in a same Mouza or in different mouzas. Besides, the buildings / plots located in the central part of a market complex should get a special attention, wherein, the buildings/plots of distant location with a gap of non-residential area should be treated separately. I think a single rate for all the plots of a Mouza with difference of location/importance / utility should be avoided for proper adjudication. Hence, rates should be assessed plot-to-plot basis.</p> <p>Therefore, I direct the L.A. Officials to inspect and place a plotwise list situated contiguously beside Dhubulia with nature of use to decide plot-to-plot rate.</p> <p>Verified the documents placed before me i.e. the applications submitted for arbitration, the rate report of the Mouza, the plot index [Form 2B], List of applicants and compared the class wise rates of this Mouza in respect of Aman/Aush & Bari/Viti class of land with the rates of the adjacent Mouzas, i.e. Dhubulia, J. L. No. 33. The base rate of Bari/Viti of Mouza- Dhubulia is found to be fixed as Rs.3849847/- per acre and rate of Aush/Aman is found fixed as Rs.2990442/- per acre.</p> <p>As per the report of Asstt. LAO, the plot No. 443 is found to be a homestead plot having pucca building situated contiguously with the pucca building of plot No. 2423 of Mouza- Dhubulia, J.L.No. 33. But its adjacent plot being No. 442 is very low land having a small room of approximately 100 Sqft. The next plot is found vacant.</p>	

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06.08.2015	<p>Hence only for the plot No. 443, [Class- Viti] the rate of Dhubulia may be followed. For the rest plots, the rate of Aush/Aman & Bari/Viti may remain the same.</p> <p>The General Manager (Tech.) & Project Director, National Highways Authority of India, Krishnagar, Nadia agrees with the view in determination of arbitral rate.</p> <p>Hence, it is ordered that :-</p> <ol style="list-style-type: none"> 1] The rate of Aush/Aman & Bari/Viti class of land will remain the same. 2] Only the rate of plot No. 443 class Viti will be taken as Rs. 3849847/- per acre instead of Rs.1518090/- per acre. <p>Thus, Twelve [12] 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> <div style="text-align: center;">  [Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956 </div>	

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