






ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL, 1971)

Order Sheet, dated from 17.07.2015 to _District:- Nadia.Arbitration Case No. IV/Arbi/2015arising out of L. A. Case No. 21/LA/NHAI/Naka/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="97 517 242 589">1 17.07.2015</p> <p data-bbox="76 1093 264 1149">Dictated, Corrected and signed by me</p>  <p data-bbox="108 1249 252 1469">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="284 510 1157 808">Whereas, it appears that 13 [Thirteen] awardees of Dahakula Mouza, J. L. No. 73 under P.S.- Nakashipara, 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 Bari/Viti class of land u/s 3G of the said Act.</p> <p data-bbox="284 846 1157 1137">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 30.07.2015 at 12:25 PM at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</p>  <p data-bbox="639 1323 1102 1458">[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.	Action taken on Order.
<u>2</u> 30.07.2015	Notices are duly served. Service returns are filed with the case records.	
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	

Serial number and date of Order	Order and signature of Officer.	Note of action taken on Order.
<p>3 30.07.2015</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 Dahakula, J. L. No. 73, P.S.-Nakashipara 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., Nakashipara are also present. Ld. Advocate, Abhik Chakroborty is present on behalf of N.H.A.I.</p> <p>It is found that thirteen [13] awardees have submitted arbitration petitions praying for enhancement of rate of Bari/Viti class of land.</p> <p>On verification of records, it reveals that the basic rate of Bari/Viti of this instant Mouza was fixed at Rs.694229/- per acre.</p> <p>Akhil Biswas [Awardee No. 6], Pradip Biswas [Awardee No. 8], Sambhunath Biswas [Awardee No. 11] and Uttam Modak [Awardee No. 10] submit that the rate of Bari/Viti class of land of Mouza- Dahakula has been fixed very low in comparison to the market price.</p> <p>Therefore they inform that they are not getting the fair compensation for their loss/damage due to acquisition of land. They have been allowed abnormally low rate for their land, and they will not be able to purchase the land equal to their acquired area in any place of the Mouza. They state that the rate of Bari/Viti class of land, at present, is not less than four [4] lakh per Dec.</p> <p>Therefore they pray for its enhancement. They further want to know the process which is being followed to prepare the rate report.</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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30.07.2015	<p>I request the awardees to submit any registered deed of the concerned Mouza/locality executed prior to the date of 3A Notification for consideration of the arbitral value. But, no deed is found submitted by the awardees before me.</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. Compared the class wise rates of this Mouza in respect of Bari/Viti class of land with the rates of the adjacent Mouzas, i.e. Chakhatisala, J. L. No. 50 & Jugpur, J. L. No. 51 as the applicants have prayed for enhancement of rate of Bari/Viti class of land.</p> <p>The rate of Bari class of land of Mouza- Dahakula is assessed as Rs.694229/- per acre, whereas in Mouza- Chakhatisala it is Rs.1037131/- per acre & in Mouza Jugpur it is Rs.1104048/- per acre.</p> <p>The rate of Bari class of land of Mouza Dahakula is found much less (about 50%) than that of the adjacent Mouzas - Chakhatisala & Jugpur.</p> <p>Moreover, Arbitration hearing of both the adjacent Mouzas has not yet been completed. During arbitration, the rate of the Mouzas may be enhanced.</p> <p>In my opinion, the rate of Bari class of land in this Mouza should be revised for the sake of natural justice. If the rate is doubled, the parity of rates among the adjacent mouzas, I think, may be maintained.</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 Bari/Viti class of land will be taken as Rs.1388458/- per acre instead of Rs.694229/- per acre. 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>Thus, Thirteen [13] 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