






ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL, 1971)

Order Sheet, dated from 25.08.2015 to _District:- Nadia.Arbitration Case No. XX/Arbi/2015arising out of L. A. Case No. 63/LA/NHAI/Rang-II/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="151 459 295 526"><u>1</u> 25.08.2015</p> <p data-bbox="127 974 311 1025">Dictated, Corrected and signed by me</p>  <p data-bbox="151 1243 295 1456">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="327 459 1149 806">Whereas, it appears that 151 [One Hundred Fifty One] awardees of <u>Dayabari Mouza, J. L. No. 152 under P.S.-Ranaghat - II, 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 Bari/Viti, Path & Play Ground class of land u/s 3G of the said Act.</p> <p data-bbox="327 840 1149 1153">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 03.09.2015 at 2:30 PM at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</p>  <p data-bbox="662 1332 1101 1467">[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="153 192 288 255"><u>2</u> 03.09.2015</p> <p data-bbox="129 360 308 416">Dictated, Corrected and signed by me</p> <p data-bbox="201 427 360 524"></p> <p data-bbox="153 539 296 752">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="328 181 1145 248">Notices are duly served. Service returns are filed with the case records.</p> <p data-bbox="839 327 1023 439"></p> <p data-bbox="660 456 1094 591">[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="135 230 274 293">3 03.09.2015</p> <p data-bbox="148 1305 279 1384">Dictated, Corrected and signed by me</p> <p data-bbox="177 1400 231 1512"></p> <p data-bbox="148 1512 293 1724">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="301 192 1254 360">One Hundred Two [102] awardees in respect of Mouza Dayabari, J. L. No. 152 of P.S.- Ranaghat-II is 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. Ranaghat are present.</p> <p data-bbox="301 365 1254 465">It is found that One Hundred Forty Seven [147] awardees have submitted arbitration petitions praying for enhancement of rate of Bari/Viti, Church & Dokan class of land of both the mouzas.</p> <p data-bbox="301 470 1254 571">On verification of records, it reveals that the basic rate of Bari/Viti and Church of the Mouza was fixed at Rs.77000/- per dec. & for Dokan it was Rs.38500/- per dec.</p> <p data-bbox="301 575 1254 640">The awardees present want to know the process which has been followed to prepare the rate report.</p> <p data-bbox="301 645 1254 1084">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="301 1088 1254 1223">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="301 1227 1254 1395">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> <p data-bbox="301 1400 1254 1742">Iswar Mondal states in favour of St. Lukas Church that they have been allowed Rs.77000/- per dec. as base rate for their church-land which is far below the present market price and they will not be able to purchase same quantum of land at present. He intimates that the verandah of the church has been acquired and as a result daily prayer will be badly hampered. So he prays for financial assistance. He also states that Mouza Nasra and Dayabari are situated face to face and the rate of mouza Nasra should be allowed for Mouza Dayabari. The Competent Authority, Land Acquisition, NHAI informed that no portion of main Church building is going to be demolished and this was already informed in writing to the Church authority.</p> <p data-bbox="301 1747 1254 1879">Advocate Raju Mondal states that as per circular of L. & L.R. Deptt., all kinds of transfer of land of both the sides of NH-34 was stayed for the period prior to publication of Notification u/s 3A and therefore it was not possible for the awardees to submit reference regd. Deed in support of their claim.</p> <p data-bbox="301 1883 1254 1984">He states that in the year 2006, the rate of Bari/Viti was Rs.2 Lakh per dec. Hence, he requested to consider the matter following the rate of Nasra, which is adjacent to the Mouza.</p>	

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03.09.2015	<p>It is found on verification that Mouza Nasra and Mouza Dayabari are not identical to one another as because Mouza Nasra is located within municipal jurisdiction, but Mouza Dayabari is situated within panchayat jurisdiction. Hence, mouza Dayabari and Nasra may not be equal. However, verified the sale data available with A.D.S.R and take the following two sales for calculation of the rate of Bari/Viti of Mouza Dayabari.</p> <p>One of the following two sales is Bagan. But as Bagan is a class less valuable than Bari/Viti, it is considered to arrive at the rate of Bari/Viti.</p> <table border="1" data-bbox="309 546 1246 680"> <thead> <tr> <th>Sl. No.</th> <th>Deed No. & date</th> <th>Class</th> <th>Area [acre]</th> <th>Price [Rs.]</th> <th>Rate per acre [Rs.]</th> </tr> </thead> <tbody> <tr> <td>11</td> <td>4456/20.08.2009</td> <td>Viti</td> <td>0.033</td> <td>396000</td> <td>12000000</td> </tr> <tr> <td>19</td> <td>5093/09.10.2009</td> <td>Bagan</td> <td>0.031</td> <td>600000</td> <td>19354839</td> </tr> <tr> <td colspan="5">Total of 2 sales :-</td> <td>31354839</td> </tr> </tbody> </table> <p>Hence, average sale amount stands for Rs. 15677419/- for one acre.</p> <p>Now 10% is allowed for road-connectivity with the average rate, and therefore it stands as Rs. 15677419 × 1.1 = Rs.17245161/- per acre. To round off the amount I raise the rate to Rs.17500000/- per acre.</p> <p>In presence of the General Manager (Tech.) & Project Director, N.H.A.I, Nadia and Ld. Advocate Abhik Chakraborty in favour of N.H.A.I the rate is declared and they did not give any objection about the arbitral rate, as declared. On the other hand, the applicants found agreed with the rate also.</p> <p>It is therefore ordered that :-</p> <ol style="list-style-type: none"> 1] The rate of Bari/Viti & Church class of land will be taken as Rs.17500000/- per acre instead of Rs.7700000/- per acre. 2] As per G.O. No. 16/SS[S]-LA/3M-43/2000 (Pt. III) dt. 21.07.2005 of L.& L.R Deptt. W.B, the rate of Dokan/Bazar may be considered as 80% of Bari/Viti and hence the rate of Dokan/Bazar will also be taken as Rs. 14000000/- per acre instead of Rs.6160000/- per acre. 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>Thus, One Hundred Fifty One [151] awardees 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>	Sl. No.	Deed No. & date	Class	Area [acre]	Price [Rs.]	Rate per acre [Rs.]	11	4456/20.08.2009	Viti	0.033	396000	12000000	19	5093/09.10.2009	Bagan	0.031	600000	19354839	Total of 2 sales :-					31354839	
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District Magistrate, Nadia
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