

**ORDER SHEET**

(Rule 129 of the Records Manual, 1917)

District : **Nadia. L.A. Case No. 46 LA/NHAI/Santi/10-11**Nature of the case : **Arbitration Case No. V-Arbi/2014**

Serial number and Order	Order and signature of officer	Note of action taken on date
3 of 10.12.2014	<p>The Arbitration Case No. V-Arbi/2014 has been taken up for hearing at Nadia Zilla Parishad Conference Hall, Krishnanagar at about 2.00 P.M. It relates to 161 arbitration petitions of Mouza – <b>Bagdia</b>, P.S. – Santipur, to increase the value of land acquired for widening of NH-34. It appears that the notification u/s 3A of NH Act, 1956 was published on 15.12.2009 and 08.02.2010 and the declaration of award was done on 15.09.2013.</p> <p>Heard the petitioners, Ld. Advocates, who are representing some petitioners, Project Director, NHAI, PIU, Krishnanagar, Nadia, Ld. Advocate appearing for NHAI, Competent Authority, Land Acquisition (CALA), Nadia and/or his representative, Special LAO, Nadia (attendance sheet kept with the case records). Considered the oral submission of all concerned and also perused the relevant papers / documents including a few sale deeds submitted by the petitioners and also placed by the CALA.</p> <p>It is contended by the petitioners in general that the land price/value has considerably soared up in recent times, especially after acquisition of land for widening of NH-34 and consequently it has become very difficult for them to purchase alternative piece of land with the compensation money they have received from the Government. In support of their claim, a few of them have also produced sale deeds executed well after the publication of 3A notification.</p> <p>Perused the rate report prepared by the CALA and its methodology of preparation. The instant arbitration petitions involve land of the following classifications only: Aman/Aush, Bari/Viti &amp; Dokan.</p>	



**CONTINUATION SHEET**

Serial number and Order	Order and signature of officer							Note of action taken on date																																																												
3 of 16.12.2014	<p>After careful consideration of oral / written submission and other relevant facts and circumstances the rate report prepared by CALA may be re-checked and the value of land may be re-assessed.</p> <p>Sale figures of Aman / Aush land pertaining to sale deeds no. 1-01646 dated 08.04.2009, 1-05405 dated 10.12.2009, 1-02088 dated 19.05.2009 &amp; 1-02090 dated 19.05.2009 may be discarded being comparatively lower than the other sale figures as mentioned below to arrive at a reasonable value of land.</p> <table border="1" data-bbox="336 898 1241 1375"> <thead> <tr> <th>Mouza &amp; JL No.</th> <th>Sl.No.</th> <th>ADSR Sl.No.</th> <th>Deed No. &amp; Dt.</th> <th>Classification</th> <th>Sold Area in acres</th> <th>Set forth value of land in Rs.</th> <th>Rate per acre in Rs.</th> </tr> </thead> <tbody> <tr> <td rowspan="3">Bagdia, 34</td> <td>1</td> <td>8</td> <td>1-01619 / 07.04.2009</td> <td>Aush</td> <td>0.165</td> <td>300000</td> <td>1818182</td> </tr> <tr> <td>2</td> <td>58</td> <td>1-03382 / 29.07.2009</td> <td>Aush</td> <td>0.15</td> <td>100000</td> <td>666667</td> </tr> <tr> <td>3</td> <td>6</td> <td>1-4891 / 17.11.2009</td> <td>Aush</td> <td>0.021</td> <td>10000</td> <td>476190</td> </tr> <tr> <td rowspan="3">Bathangachhi, 35</td> <td>4</td> <td>62</td> <td>1-04227 / 08.10.2009</td> <td>Aush</td> <td>0.0825</td> <td>80000</td> <td>969697</td> </tr> <tr> <td>5</td> <td>93</td> <td>1-4293 / 15.10.2009</td> <td>Aush</td> <td>0.16</td> <td>40000</td> <td>250000</td> </tr> <tr> <td>6</td> <td>95</td> <td>1-5812 / 31.12.2009</td> <td>Aush</td> <td>0.13</td> <td>40874</td> <td>314415</td> </tr> <tr> <td colspan="6"></td> <td>4495151</td> <td></td> </tr> </tbody> </table> <p>Average per acre land value = Rs. 7,49,192/-  + 10% for having direct road connectivity = Rs. 74,919/-  + 25% for being multi-crop land = Rs. 1,87,298/-</p> <p>So, per acre basic rate arrives at = Rs. 10,11,409/- in place of the rate of Rs. 7,35,813/- fixed by the CALA.</p>							Mouza & JL No.	Sl.No.	ADSR Sl.No.	Deed No. & Dt.	Classification	Sold Area in acres	Set forth value of land in Rs.	Rate per acre in Rs.	Bagdia, 34	1	8	1-01619 / 07.04.2009	Aush	0.165	300000	1818182	2	58	1-03382 / 29.07.2009	Aush	0.15	100000	666667	3	6	1-4891 / 17.11.2009	Aush	0.021	10000	476190	Bathangachhi, 35	4	62	1-04227 / 08.10.2009	Aush	0.0825	80000	969697	5	93	1-4293 / 15.10.2009	Aush	0.16	40000	250000	6	95	1-5812 / 31.12.2009	Aush	0.13	40874	314415							4495151		
Mouza & JL No.	Sl.No.	ADSR Sl.No.	Deed No. & Dt.	Classification	Sold Area in acres	Set forth value of land in Rs.	Rate per acre in Rs.																																																													
Bagdia, 34	1	8	1-01619 / 07.04.2009	Aush	0.165	300000	1818182																																																													
	2	58	1-03382 / 29.07.2009	Aush	0.15	100000	666667																																																													
	3	6	1-4891 / 17.11.2009	Aush	0.021	10000	476190																																																													
Bathangachhi, 35	4	62	1-04227 / 08.10.2009	Aush	0.0825	80000	969697																																																													
	5	93	1-4293 / 15.10.2009	Aush	0.16	40000	250000																																																													
	6	95	1-5812 / 31.12.2009	Aush	0.13	40874	314415																																																													
						4495151																																																														

**CONTINUATION SHEET**

Serial number and Order	Order and signature of officer							Note of action taken on date																																														
3 of 16.12.2014	<p>Sale figures of Bari / Viti land pertaining to sale deeds no. 1-05407 dated 10.12.2009, 1-02088 dated 19.05.2009, 1-04149 dated 23.09.2009 (2 Deeds), 1-00820 dated 17.02.2010 &amp; 1-2908 dated 07.07.2009 may be discarded being comparatively lower than the other sale figures as mentioned below to arrive at a reasonable value of land.</p> <table border="1" data-bbox="343 840 1248 1211"> <thead> <tr> <th>Mouza &amp; JL No.</th> <th>Sl.No.</th> <th>ADSR Sl.No.</th> <th>Deed No. &amp; Dt.</th> <th>Classification</th> <th>Sold Area in acres</th> <th>Set forth value of land in Rs.</th> <th>Rate per acre in Rs.</th> </tr> </thead> <tbody> <tr> <td>Bagdia, 34</td> <td>1</td> <td>33</td> <td>1-05407 / 10.10.2009</td> <td>Viti</td> <td>0.02</td> <td>40000</td> <td>2000000</td> </tr> <tr> <td rowspan="3">Bathangachhi, 35</td> <td>2</td> <td>44</td> <td>1-04150 / 23.09.2009</td> <td>Viti</td> <td>0.0046</td> <td>10000</td> <td>2149576</td> </tr> <tr> <td>3</td> <td>66</td> <td>1-01109 / 03.03.2010</td> <td>Viti</td> <td>0.10</td> <td>220000</td> <td>2200000</td> </tr> <tr> <td>4</td> <td>67</td> <td>1-03654 / 17.08.2009</td> <td>Viti</td> <td>0.02</td> <td>50000</td> <td>2500000</td> </tr> <tr> <td colspan="7"></td> <td>8849576</td> </tr> </tbody> </table> <p>Average per acre land value = Rs. 22,12,394/-</p> <p>+ 10% for having direct road connectivity = Rs 2,21,239/-</p> <p>So, per acre basic rate arrives at = Rs. 24,33,633/-, in place of the rate of Rs. 22,27,639/- fixed by the CALA.</p>							Mouza & JL No.	Sl.No.	ADSR Sl.No.	Deed No. & Dt.	Classification	Sold Area in acres	Set forth value of land in Rs.	Rate per acre in Rs.	Bagdia, 34	1	33	1-05407 / 10.10.2009	Viti	0.02	40000	2000000	Bathangachhi, 35	2	44	1-04150 / 23.09.2009	Viti	0.0046	10000	2149576	3	66	1-01109 / 03.03.2010	Viti	0.10	220000	2200000	4	67	1-03654 / 17.08.2009	Viti	0.02	50000	2500000								8849576	
Mouza & JL No.	Sl.No.	ADSR Sl.No.	Deed No. & Dt.	Classification	Sold Area in acres	Set forth value of land in Rs.	Rate per acre in Rs.																																															
Bagdia, 34	1	33	1-05407 / 10.10.2009	Viti	0.02	40000	2000000																																															
Bathangachhi, 35	2	44	1-04150 / 23.09.2009	Viti	0.0046	10000	2149576																																															
	3	66	1-01109 / 03.03.2010	Viti	0.10	220000	2200000																																															
	4	67	1-03654 / 17.08.2009	Viti	0.02	50000	2500000																																															
							8849576																																															

**CONTINUATION SHEET**

Serial number and Order	Order and signature of officer	Note of action taken on date
<p>3 of 16.12.2014</p> <p>Dictated &amp; Corrected by me</p>  <p>Arbitrator</p>	<p>As regards the value of dokan class of land, 80% of the value assessed for bari/viti is taken as the value for the dokan class of land where no sale figure is available with the ADSR.</p> <p>So, per acre basic rate for dokan class of land arrives at = Rs. 19,46,906/-, in place of the rate of Rs. 17,82,111/- fixed by the CALA.</p> <p>So, it is hereby ordered that –</p> <ul style="list-style-type: none"> <li>i) The petitioners having Aman / Aush class of land will get basic price of Rs. 10,11,409/- per acre.</li> <li>ii) The petitioners having Viti / Bari class of land will get basic price of Rs. 24,33,633/- per acre.</li> <li>iii) The petitioners having dokan class of land will get basic price of Rs. 19,46,906/- per acre.</li> <li>iv) As per section 3H(5) of the NH Act, all the petitioners will also get interest @ 9% p.a. on the excess amount determined by the Arbitrator from the date of taking possession of land till the date of actual deposit of fund by the NHA.</li> <li>v) 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.</li> </ul> <p>Thus, 161 arbitration petitions are disposed of.</p> <p>Let this order be communicated by the CALA to all concerned for information and compliance.</p> <div style="text-align: right;">  <p>(K. Mochhary) Arbitrator (under NH Act, 1956) &amp; Additional Secretary L &amp; L.R. Department</p> </div>	