






ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL, 1971)

Order Sheet, dated from 17.07.2015 to _District:- Nadia.Arbitration Case No. III/Arbi/2015arising out of L. A. Case No. 12/LA/NHAI/Kali/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;"><u>1</u> 17.07.2015</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>Whereas, it appears that 1 [One] awardees of <u>Ban Palasi Mouza, J. L. No. 64 under P.S.- Kaliganj, 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, Bari/Viti & Dokan 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 30.07.2015 at 12:05 PM at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</p>  <p>[Vijay Bharti, IAS] District Magistrate, Nadia & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	

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<p data-bbox="92 277 239 344"><u>2</u> 30.07.2015</p> <p data-bbox="67 421 258 479">Dictated, Corrected and signed by me</p> <p data-bbox="108 501 159 600"></p> <p data-bbox="86 613 239 837">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="277 277 1150 367">Notices are duly served. Service returns are filed with the case records.</p> <p data-bbox="829 577 979 667"></p> <p data-bbox="628 689 1091 824">[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>3 30.07.2015</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>Only One [01] awardee in respect of Mouza Ban Palasi, J. L. No. 64 P.S.-Kaliganj is found present in hearing. General Manager (Tech.) & Project Director, N.H.A.I, Kgr., Nadia & Competent Authority & Additional District Magistrate (L.A), Nadia are also present. Ld. Advocate, Abhik Chakroborty is present on behalf of N.H.A.I.</p> <p>It is found that One [01] awardee has submitted arbitration petition praying for enhancement of rate of Aman class of land.</p> <p>Ismail Sk [Awardee No.1] submits that the rate of Aman of this Mouza has been fixed very low in comparison to the market price. Therefore he argues for its enhancement. He further wants to know the process which is 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> <p>I request the awardee 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>	

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30.07.2015	<p>Verified the documents placed before me i.e. the application 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 Aush class of land with the rates of the adjacent Mouzas, i.e. Debogram, J. L. No. 60 & Pachachandpur, J. L. No. 62. It is found that the arbitration hearing of both the mouzas have been completed and a single arbitral rate of all class has been declared as Rs.7000000/- per acre as base rate.</p> <p>Though the Mouza Ban Palasi is not the same in nature with the adjacent mouzas, I do think that the rate of Aman class of land as Rs.445355/- per acre is considerably poor and it should be enhanced for the interest of justice. In my opinion Rs.1500000/- may be allowed for Aman class of land of this Mouza</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> <p>1] The rate of Aman class of land will be taken as Rs.1500000/- per acre instead of Rs.445355/- per acre.</p> <p>Thus, one [01] arbitration petition is 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