



ORDER SHEET



(RULE 129 OF THE RECORDS MANUAL, 1971)

Order Sheet, dated from **22.12.2015** toDistrict:- **Nadia.**

Arbitration Case No. XXXVII/ARBI/2015

arising out of L. A. Case 38/LA/NHAI/Kri/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="159 459 295 515">1 22.12.2015</p> <p data-bbox="127 918 311 974">Dictated, Corrected and signed by me</p> <p data-bbox="159 1030 311 1153"></p> <p data-bbox="143 1198 295 1411">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="327 481 1157 795">Whereas, it appears that 22 [Twenty two] awardees of <u>Baruihuda Mouza, J. L. No. 91 under P.S.- Krishnagar, 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, & Rasta class of land u/s 3G of the said Act.</p> <p data-bbox="327 828 1157 1108">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 29.12.2015 at 2:00 P.M. at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</p> <p data-bbox="638 1142 1117 1422">  [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="177 174 320 241"><u>2</u> 29.12.2015</p> <p data-bbox="153 344 336 400">Dictated, Corrected and signed by me</p> <p data-bbox="193 400 347 517"></p> <p data-bbox="177 524 320 736">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="352 174 1177 241">Notices are duly served. Service returns are filed with the case records.</p> <p data-bbox="836 322 995 434"></p> <p data-bbox="683 456 1118 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.
<u>3</u> 29.12..2015	<p>Ld. Advocate Soumen Biswas for Awardee, Kamal Kumar Saha & 8 others states that the instant Mouja Baruihuda and Paschim Bhatjangla/Dakshin Jitkipota are situated face to face on two sides of the N.H.34. Hence he prays to grant the same rate as was ordered in Mouja Paschim Bhatjangla and Dakshin Jitkipota.</p> <p>Ld. Advocate, Jayashree Paul for Saroj Kr. Roy, Pankaj Roy, Tulshi Rani Roy, Bina Roy, Brojogopal Saha and Shyamal Kr. Basak states that 5 dec. homestead land of Mouja Baruihuda was sold in the year 2010 at Rs. 12 lakh. Hence the rate of Bari/Viti per dec. stands Rs. 2.40 lakh. In another Registered Deed 2 dec. of Bari/Viti was transferred at Rs. 9 lakh in the year 2013. Hence the rate of Bari/Viti per dec. comes to Rs. 4.5 lakh.. He appeals to consider the Registered Deeds while passing the order of Arbitration.</p> <p>Verified the applications, Rate Report, Plot Index, Sale data of ADSR, Block-Map , Comparative Chart of rates and viewed the Vediography of the locality and found that Mouja Baruihuda and Paschim Bhatjangla / Dakshin Jitkapota are situated face to face. The Mouja Baruihuda bears almost the same status as Paschim Bhatjangla and Dakshin Jitkipota. Hence, rate of the Mouja Baruihuda can not be much different than that of Paschim Bhatjangla and Dakshin Jitkipota. The rate of Bari/Viti of the Mouja Paschim Bhatjangla was primarily approved at the rate of Rs. 99,71,070/-by the Competent Authority while after Arbitration the rate of Bari/Viti of Mouja Paschim Bhatjangla & Dakshin Jitkipota has been fixed at Rs. 1,45,000/-per dec. As positional advantage of all the Moujas are more or less equal, the rate of Baruihuda should be enhanced keeping parity with the other Moujas.</p> <p>Hence, I think the rate of Bari/Viti of Mouja Baruihuda may be taken as Rs.1,40,000/- per acre, a bit lower than Paschim Bhatjangla.</p> <p>In presence of the General Manager (Tech.) & Project Director, National Highways Authority of India, Krishnagar, Nadia and Ld. Advocate Abhik Chakraborty in favour of N.H.A.I the rate is announced . On the other hand, the applicants are found agreed with the rate also.</p>	

Dictated,
Corrected and
signed by me



District
Magistrate,
Nadia,

&

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

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29.12.2015

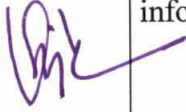
Hence, it is ordered that :-

- 1] The rate of Bari/Viti class of land will be taken as Rs.14250000/- per acre instead of Rs.9971078/- per acre.
- 2] The rate of other classes will remain the same.
- 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.

Thus, Twenty Two [22] arbitration petitions are disposed of.

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.

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