

ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL, 1971)

Order Sheet, dated from 27.11.2015 to .Arbitration Case No. XXXII/Arbi/2015Nature of the case :- Arbitration case.District:- Nadia.arising out of L. A. Case No. 49/LA/NHAI/Santi/10-11

Serial number and date of Order	Order and signature of Officer.	Note of action taken on Order.
<p data-bbox="135 560 279 638"><u>1</u> 27.11.2015</p> <p data-bbox="127 1075 311 1131">Dictated, Corrected and signed by me</p> <p data-bbox="183 1198 295 1321"></p> <p data-bbox="159 1355 311 1568">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="319 616 1141 952">Whereas, it appears that 05 [Five] awardees of <u>Bathna Mouza, J. L. No. 45 under P.S.- Santipur 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 Bagan class of land u/s 3G of the said Act.</p> <p data-bbox="319 974 1141 1310">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 04.12.2015 at 12.15 pm. at the Nadia Zilla Parishad Conference Hall, Krishnagar, Nadia before me to participate in the arbitration hearing.</p> <p data-bbox="829 1332 973 1444"></p> <p data-bbox="670 1467 1109 1601">[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="134 212 272 277"><u>2</u> 04.12.2015</p> <p data-bbox="113 383 293 439">Dictated, Corrected and signed by me</p>  <p data-bbox="145 562 288 775">District Magistrate, Nadia, & Arbitrator u/s 3G[5] of N.H. Act, 1956</p>	<p data-bbox="309 192 1129 271">Notices are duly served. Service returns are filed with the case records.</p>  <p data-bbox="651 468 1086 600">[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 04.12.2015</p>	<p>Four [04] awardees in respect of Mouza Bathna J. L. No. 45 of P.S.-Santipur 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. Santipur are present.</p> <p>On verification of records, it reveals that the basic rate of Aman/Aush of the Mouza was fixed at Rs.6435/- per dec. and the rate of Viti was fixed at Rs. 12897/- ,and for Bagan it was Rs 10,317/- per dec.</p> <p>In the adjacent mouza Kandakhola, the arbitration rate of Aush/Aman, Bari/Viti and Bagan was allowed @ Rs. 9293/- , Rs, 12897/- and Rs. 12897/- per dec. and in mouza Ghoralia, the arbitration rate of Bagan was declared as Rs. 29562/- per dec. In case of Chhoto Ranaghat the rates of Aush/Aman and Bari/Viti were Rs. 6435/- & Rs. 12000/- per dec.</p> <p>The awardees present want to know the process which has been 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>One Gopal Ch. Pal, Awardee No.33, states that they are loosing their land for second time. In the initial case they were allowed very little price for their acquisitioned area by P.W.D. At present the rate of Bari/Viti of the mouza is more or less 6 lakh per decimal . Hence he prays for enhancement of rate keeping parity with the present market price.</p> <p>Ld. Advocate Tathagata Biswas states that the land losers are surrendering their land 2nd time and most of them are being totally evicted from their possession including their residential property, where they have been living for the time immemorial. Hence it should be the duty of the Govt. to resettle them. He appeals to follow the rate of assessed value as received from concerned ADSR.</p>	

Dictated,
Corrected and
signed by me


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

4.12.2015

Ld. Advocate Sunandan Sarkar states that to consider the rate, the provision of The NH Act, 56 and the existing rules issued by the State Govt, should be followed. In calculating rate any kind of Arbitral decision should be avoided.

One Ganesh Chandra Khan (Awardee No. 39) states that he has lost 14 bighas of land but he has not been awarded as per present market price. So he requests to enhance the rate in their favour.

I verified the rate report prepared by CALA and found that to ascertain the rate of Aman/Aush, sale data of mouzas Bathna, Chhoto Rnaghat and Kandakhola were considered as sales of the Instant mouza Bathna received from concerned ADSR for 2009.

- | | | | |
|------------|---------------|------|----------------|
| 1. I-03823 | dt. 26.8.2009 | Aush | Rs. 7,27,273/- |
| 2. I-03640 | dt. 14.8.2009 | Aush | Rs. 7,20,000/- |
| 3. I-03640 | dt. 14.8.2009 | Aush | Rs. 7,04,000/- |

Total Rs. 21,51,273/-

Hence average of the three comes to Rs. 7,17,091/-. The Class is Aush and not adjacent to NH and therefore 10% for road connectivity & 25% for multi-crop nature may be added with the average value. Thus the rate per acre of Aman/ Aush Class of land comes to Rs. 9,68,073/- i.e. 10,00,000/-.

In case of Bari/Viti class of land, I want to consider two sales data received from ADSR.

- | | | | |
|------------|-----------------|------|-----------------|
| 1. I-03502 | dt. 04.08.2010. | Viti | Rs. 23,15,303/- |
| 2. I-03505 | dt. 04.08.2010 | Viti | Rs. 23,15,294/- |

Total. Rs. 46,30,597/-

Hence average of 02 comes to Rs. 23,15,299/-. Hence the rate of Bari/Viti per acre may be allowed Rs. 24,00,000/- Per acre.

As no awardee desiring the enhancement rate of Bagan is found present, I do not consider the issue.

In presence of the General Manager (Tech) & Project Director, N.H.A.I. Nadia and Ld. Advocate Suranjan Sarkar & Sanjit Kr. Chowdhuri in favour of N.H.A.I. the rate is declared and the applicant found agreed with the rate also.

It is therefore ordered that :-

- 1] The rate of Aush/Aman class of land will be taken as **Rs. 1000000/-** per acre instead of Rs. 643532/-.
- 2] The rate of Bari/Viti class of land will be taken as **Rs. 2400000/-** per acre instead of Rs. 1289747/- per acre.
- 3] The Rate of other classes of land will remain same.
- 4] All the rest awardees who have failed to submit arbitration petition due to ignorance or otherwise but having the same class of land as mentioned.

Dictated,
Corrected and
signed by me



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

above will also be entitled to the arbitral award as a principle of natural justice.

Thus, Five [05] 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