



# भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय)

## National Highways Authority of India

(Ministry of Road Transport and Highways)

जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली-110075

G-5 & 6, Sector-10, Dwarka, New Delhi-110075

दूरभाष / Phone : 91-11-25074100/25074200

फैक्स / Fax : 91-11-25093507 / 25093514

**No.: NHAI/11013/DGM(LA&Coord.)/2015/FTS-417/70689**

**Dated: 24.08.2015**

To

1. All ROs
2. All PIUs

**Sub: Determination of market value for land acquired under NH Act, 1956, w.e.f 01.01.2015- reg.**

Sir,

As you are kindly aware, all awards of compensation under NH Act, 1956, declared by CALA on or after 01.01.2015 will be in accordance with the First Schedule of the RFCTLARR Act, 2013. The aforesaid was conveyed to all ROs and PIUs vide NHAI HQ letter No.NHAI/11013/DGM(LA&Coord.)/2015/FTS-3247/65906 dated 12.05.2015, enclosing therewith Ministry of Road Transport & Highways' letter No.11011/30/2015-LA dated 29.04.2015 in this matter.

**2.** As per section 12 of The Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement (Amendment) Second Ordinance, 2015, the sub-section 3 of section 105 of the RFCTLARR Act, 2013, in respect of compensation under NH Act, 1956, has been amended to the effect that the provisions in RFCTLARR Act, 2013, relating to determination of compensation in accordance with the First Schedule, shall be applicable to NH Act, 1956, w.e.f 01.01.2015. Therefore, in view of the aforesaid, the method of determination of market value shall be in terms of sub-section 1 of section 26 of RFCTLARR Act, 2013. The relevant portion of the said sub-section 1 of section 26 is reproduced below for ready reference:

*(1) The Collector (in case of NH Act, CALA instead of Collector) shall adopt the following criteria in assessing and determining the market value of the land, namely,:*

*(a) the market value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or*

*(b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area;*

*Whichever is higher*

**Explanation1-** *The average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made.*

**Explanation2-** *For determining the average sale price referred to in Explanation1, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account.*

**Contd. to ...P/2.**

*Shankh*  
24/08/15

**Explanation 3-** While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration.

**Explanation 4-** While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid, which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value.

The date of determination of market value shall be the date on which the 3A notification was published.

3. It has come to our notice that in a few instances in some States, the determination of market value by CALA is not in accordance with the method prescribed in sub-section 1 of section 26 of the RFCTLARR Act, 2013, resulting in delay in land acquisition. If the manner of determination of market value is prescribed, there is no reason why the same should not be determined in the manner prescribed.

4. You are, therefore, requested to inform all concerned authorities dealing with land acquisition under NH Act, 1956, to ensure that the market value for land being acquired under NH Act, 1956, is determined in the manner prescribed, as stated in para-2 above.

5. It is further requested that in respect of 3G awards amounting to more than Rs.100 Cr. per case the Regional Officers, before forwarding the 3G award to NHAI HQ for approval, may examine the 3G award to find out whether the CALA has followed the prescribed procedure for determination of compensation as mentioned in para-2 above. In case of non-adherence to the procedure prescribed in para-2 above by CALA, the 3G award may be returned to the CALA by RO for adherence to the prescribed procedure for determination for compensation

Yours faithfully,

  
(Prag Ghosh)

DGM(LA&Coord.)

**Copy to:**

The Director(Land Acquisition), Ministry of Road Transport & Highways, Transport Bhawan (Room No.237), 1, Parliament Street, New Delhi, for information please.