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27.01.2022
Ct. No.10
b.das

W.P.A. 1139 of 2022

(Via Video Conference)

Swapan Kumar Pan
Vs.
State of W.B. & Ors.

Mr. S. Bhattacharya
Mr. Pallav Chatterjee ...for the petitioner.

Mr. T. M. Siddiqui
Mr. N. Chatterjee
...for the State.

Mr. Sanjay Saha ...for the respondent No.2.

Affidavit of service filed by the petitioner be taken on record.

It is submitted on behalf of the petitioner that the petitioner was granted long term mining lease by the State respondents by virtue of deed executed and registered on 8th February, 2017. The lease is due to expire on 7th February, 2022. Due to Covid-19 pandemic and lockdown declared by the Government, the petitioner was unable to carry on mining operation for substantial period of time for which he has prayed for extension of the period of lease before the concerned authority.

Learned counsel draws the attention of the court to Clause 5 of part IX of the deed of lease which states that in case of breach of terms of the lease or delay due to force

majeure the period of such delay shall be added to the period fixed by the lease.

The petitioner submitted a representation before the concerned Authority on 22nd December, 2021 (Annexure P-3 to the writ petition) in this regard which is yet to be disposed by the Authorities. The petitioner prays for a direction upon the Authorities to consider the representation at the earliest.

Upon consideration of the submissions made on behalf of the parties and material on record, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated 22nd December, 2021 within a period of one month from the date of communication of this order, after affording reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

With the above directions, the writ petition being W.P.A. 1139 of 2022 is disposed of. However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)