

18.02.2022
jb/ct.no.10
Item No.35

WPA No. 1716 of 2022
Gopal Ghosh
Versus
The State of West Bengal & Ors.

Mr. Mir Anowar ...for the petitioner

Mr. Soumitra Bandyopadhyay
Mr. Anirban Sarkar ...for the State

Mr. Sanjoy Saha ...for the WBMTDC

Affidavit of service filed in Court is taken on record.

The contention of the petitioner, in a nutshell, is that being the highest bidder in e-auction for grant of long term mining lease, the petitioner was granted long term mining lease for five years by virtue of a deed executed and registered on February 13, 2017 and the term of lease expired on February 12, 2022. Due to Covid-19 pandemic and lockdown declared by the Government, the petitioner was unable to carry on mining operation for a considerable period of time for which he has prayed for extension of the period of lease by representation submitted before the authority on December 29, 2021.

Learned counsel has taken the Court to Clause 5 of Part- IX of the deed of lease which demonstrates that in the event of delay on the ground of force majeure the period of such delay shall be added to the period fixed by the lease. Learned counsel has also drawn the attention of this Court to the Memorandum dated 13th May, 2020 issued by the Deputy Secretary, Government of India to

the Secretaries of all Central Government Ministries/Departments which demonstrates that in view of the restrictions placed on the movement of goods, services and manpower on account of the lock down situation, dates for completion of contractual obligations which had to be completed on or after 20th February, 2020 shall stand extended for a period not less than three months and not more than six months. The petitioner prays for a direction upon the authorities to consider the representation submitted by him at the earliest.

It is submitted on behalf of the State respondents that the 3rd respondent be directed to consider the representation within a stipulated period of time.

Having considered the submissions made on behalf of the parties and material on record, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioner dated December 29, 2021 within a period of one month from the date of communication of this order after taking into consideration the Memorandum dated 13th May, 2020 as well as clause 5 Part IX of the deed of lease and after affording reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

The decision taken by the 3rd respondent shall be communicated to the petitioner within a week thereof.

With the above directions, W.P.A. 1716 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)