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16.02.2022
Ct. No.10
b.das

W.P.A. 1807 of 2022

(Via Video Conference)

Teni Yadav
Vs.
State of W.B. & Ors.

Mr. Mir Anowar ...for the petitioner.

Mr. Chandi Charan De
 ...for the State.

Mr. Sanjay Saha ...for the respondent No.6.

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

The petitioner submits that long-term mining lease was granted in his favour for a period of five years by virtue of registered deed dated 3rd February, 2017 and the term of the lease has expired on 2nd 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 by representations before the concerned authority.

Learned counsel for the petitioner has taken the Court to Annexure P-5 of the writ petition which indicates the extractions of sand in some of the sand blocks was suspended with effect from 2nd January, 2020 and such

suspension was lifted by an order dated 13th May, 2020. Though the plot of the petitioner was not included in the said order, extraction of sand in the petitioner's plot was also halted by the order. Also, traffic restriction was imposed for stopping movement of goods vehicles to and from the sand quarries by an order dated 25th March, 2021 for a period of three months (Annexure P-11 to the writ petition).

Learned counsel draws the attention of 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 of 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 submitted representations before the concerned Authority on 18th August, 2021, 22nd December, 2021 and 5th January, 2022 in this regard which are yet to be disposed of by the Authority. The petitioner prays for a

direction upon the Authority to consider the representations at the earliest.

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

Upon consideration of 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 representations submitted by the petitioner dated 18th August, 2021, 22nd December, 2021 and 5th January, 2022 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 of 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.

With the above directions, the writ petition being W.P.A. 1807 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.)