

08.07.2022
rc/ct.no.10
Item No.27

WPA No. 3755 of 2022

Mr. Pallav Chatterjee
Mr. Raju Mondal ...for the Petitioner

Mr. Lalit Mohan Mahata
Mr. Supratim Dhar ...for the State

Mr. Sanjay Saha ...for the WBMDTC Ltd.

Affidavit of service filed in Court today is 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 18.08.2017. The lease is due to expire on 17.08.2022. 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 15.12.2021 (Annexure P-2 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 15.12.2021 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 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)