

WPA 5585 of 2022

Sovon Ballov
Vs.
Government of West Bengal & Ors.

Mr. Rabindra Nath Dutta, Mr. Sayantan Bose, Ms. Ankita Chowdhury,	...for the petitioner.
Mr. Sanjay Saha,	...for the WBMDTCL.
Mr. Chandi Charan De, Mr. Soumitra Bandyopadhyay,	...for the State.

Being the highest bidder in e-auction floated on July 4, 2017, the petitioner was granted lease for sand block by way of registered deed of lease dated 21st September, 2017 which is due to expire on 20th September, 2022. Due to pandemic and lockdown declared by the Government and also due to rainy season the petitioner was unable to continue with the sand mining for considerable period of time and has filed a representation before the concerned authority praying for extension of the lease. The petitioner has taken this Court to Clause 5 of Part IX of the deed of lease which indicates that in the event of delay in fulfillment of any of the terms of the lease arising out 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 the Court to the office memorandum issued by the Deputy Secretary to the Government of West Bengal on 13th May, 2020 stating that in view of

restrictions placed on the movement of goods, services and manpower on account of the lockdown situation prevailing overseas and in the country in terms of the guidelines issued by MHA under D.M. Act, 2005 if the parties to the contract are unable to fulfill the contractual obligations within the stipulated time frame, the date of completion of such 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 a representation before the concerned authority on 28th February, 2022 which is yet to be disposed of. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the 4th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated 28th February, 2022 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.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the above directions, WPA 5585 of 2022 is disposed of. There shall however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)