

11.07.2022
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WPA No. 8266 of 2022
Pawan Arora
Versus
The State of West Bengal & Ors.

Mr. Mir Anowar
...for the petitioner

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

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

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 31st May, 2017 and the term of the lease has expired on 31st May, 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 the event of delay on the ground of force majeure the period of such delay shall be added to the period of lease. The petitioner submitted a representation before the concerned Authority on 15th February, 2022 in this

regard which is yet to be disposed by the Authority. The petitioner prays for a direction upon the Authority to consider the representation 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.

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 representation submitted by the petitioner dated 15th February, 2022 within a period of one month from the date of communication of this order after taking into consideration 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, W.P.A. 8266 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)