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11.07.2022
b.das
Ct. No.10

WPA No. 8950 of 2022

**Ambey Niwas Pvt. Ltd. & Anr.
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 petitioners be taken on record.

The petitioners submit that long-term mining lease was granted in his favour for a period of five years by virtue of registered deed dated 5th May, 2017 and the term of the lease has expired on 4th 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 they have 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 petitioners submitted a representation before

the concerned Authority on 8th February, 2022 in this regard which is yet to be disposed by the Authority. The petitioners pray 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 petitioners dated 8th 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 petitioners, in accordance with law.

With the above directions, W.P.A. 8950 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.)