

WPA 12499 of 2021

Ashik Shaik
Vs.
The State of W. B. & Ors.

Ms. Santi Das ...for the petitioner.

Mr. Chandi Charan De
Mr. Soumitra Bandyopadhyay
Mr. A. Sarkar ...for the State.

Being the highest bidder in e-auction for sand mining blocks, the petitioner was selected as a successful bidder in respect of the sand mining block in Plot. No.469(P) in Mouja-Garadpur, J.L. No.94, P.S. Dantan, District Paschim Medinipur and deposited 1/3rd of the bid amount being Rs.64,42,992/- before the authority on 21st September, 2017.

The petitioner complains that despite depositing the said amount, letter of intent was not issued in his favour by the authority.

In the meantime, in terms of the order of the National Greet Tribunal there was a temporary ban in execution of lease deed for which the petitioner chose not to deposit the remaining bid amount before the authority as under the said circumstances, the authority would not be in a position to execute the deed of lease. The petitioner has

prayed for refund of the 1/3rd bid amount deposited by him.

The petitioner submitted an application in this regard before the authority on 1st October, 2019, which has not been considered.

Per contra, learned counsel for the respondents has placed reliance on the report submitted by them and has submitted that letter of intent was issued to the petitioner on 25th September, 2017 and despite several requests the petitioner failed to deposit the remaining bid amount for which the mining lease could not be executed in favour of the petitioner.

Learned counsel submits that the authority is ready and willing to refund 1/3 of the bid amount deposited by the petitioner but as there was no fault on the part of the authority in not executing the deed of lease, the petitioner is not entitled to any interest on the said amount.

Though copy of the letter of intent as well as copies of several notices have been annexed by the respondents in the report submitted by the authority along with postal receipts, there is nothing on record to indicate that the letter of intent or the notices were actually served on the petitioner or received by the latter.

The documents reveal that despite the order of the National Green Tribunal passed on 4th September, 2018 imposing suspension of mining activities, the concerned

authority issued notice upon the petitioner for extension of letter of intent on 31st March, 2022.

There being no time limit mandated for depositing the 2nd and 3rd instalments by the petitioner under Rule 10(2) of the West Bengal Minor Minerals (Auction) Rules, 2016, the petitioner cannot be held liable for not making such payments before the authority, keeping in mind the ban imposed by the National Green Tribunal.

In view of the above, the petitioner is entitled to refund of the 1/3rd bid amount deposited by him by the authority along with statutory interest thereon in view of the fact that the amount has been lying with the authority for considerable period of time.

Accordingly, the writ petition is disposed of directing the 3rd respondent to take necessary steps for refund of the 1/3rd bid amount deposited by the petitioner along with statutory interest thereon within two months from the date of communication of this order.

With the above observations and directions this writ petition being WPA 12499 of 2021 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.)