

**12.08.2022**  
**rc/ct.no.10**  
**Item No.03**

**WPA No.12914 of 2022**

Mr. Sukanta Chakraborty      ...for the Petitioners

Mr. Chandi Charan De  
Mrs. Reshmi Rahaman      ....for the State

The department is directed to incorporate the correct WPA number on the file cover.

Affidavit of service filed by the petitioner is taken on record.

Being the highest bidder in an e-auction for long term mining lease and upon depositing the entire lease rent, the petitioner was granted long term mining lease by virtue of a deed of lease registered on June 14, 2017 for a period of five years, which expired on June 14, 2022.

It is submitted on behalf of the petitioner that the petitioner was unable to carry on mining operation for about two years due to spread of COVID-19 Pandemic and lockdown declared by the Government and has submitted a representation before the concerned authority for extension of the period of lease.

Learned counsel for the petitioner has taken this Court to Clause 5 of Part IX of the deed of lease which demonstrates that in the event the petitioner is unable

to fulfill any of the terms and conditions of the lease within the stipulated time due to force majeure, such delay shall be added to the period fixed by the lease. Learned counsel for the petitioner has also drawn the attention of the Court to a notification issued by the Government of West Bengal, Department of Industry, Commerce and Enterprises, Mines Branch on February 28, 2022 which indicates that all sand mining leases expiring till April, 2022 are extended till May 31, 2022 and it would be the responsibility of the lessee that all terms and conditions of the lease agreement including environmental guidelines are followed.

The petitioner submitted a representation before the concerned authority on June 26, 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 State respondents that the 3<sup>rd</sup> respondent be directed to consider the representation in accordance with law.

Upon consideration of the submission made on behalf of the parties and material on record, the writ petition is disposed of directing the 3<sup>rd</sup> respondent to consider and dispose of the representation submitted by the petitioner dated June 26, 2022 within one month from the date of communication of this order

after affording reasonable opportunity of hearing to all the interested parties including the petitioner and taking into consideration of the notification dated February 28, 2022, 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 12914 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)**