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W.P.A. 15702 of 2021
(Sri Prabhas Ghosh vs. State of West Bengal & Ors.)

Mr. Rahul Karmakar
Ms. Sayanti Sengupta
.... For the Petitioner

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

Affidavit-of-service filed by the petitioner be taken on record.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioner that being the highest bidder in an e-auction floated by the Government for long term mining lease, the petitioner was granted deed of lease in respect of the land in question on November 18, 2016 on payment of entire bid amount as well as the entire lease premium. The possession of the land was not handed over to the petitioner for which the petitioner filed a writ petition before this Court and by an order dated 12th January, 2021 passed in W.P.A. 9096 of 2019, a co-ordinate

Bench of this Court directed the State respondents to make over possession of the mining plot of land in favour of the petitioner within a week from the date of communication of the order. Pursuant to the said order, possession of the plot was handed over to the petitioner but carrying order was not granted for which the petitioner was constrained to come up before this Court for a second time praying for grant of such carrying order. The Court vide order dated 28th January, 2021 directed the State respondents to issue relevant order in favour of the petitioner enabling him to carry on the mining operation on submission of Form A under the West Bengal Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2002. It was further directed that no illegal mining activity be carried on in the plot in question by any third party in any manner whatsoever.

The petitioner complains that despite depositing the entire bid money as well as the lease premium, the petitioner was able to carry on mining operations for barely six months and the period of lease expired in November, 2021. The petitioner prayed for renewal of the lease which was turned down by the State respondents. The petitioner prays for direction upon the respondents to renew his lease in accordance with

Section 5 of the West Bengal Minor Minerals Concession Rules, 2016.

It is submitted on behalf of the State respondents that the petitioner may submit a representation expressing his grievance before the concerned Authority which shall be disposed of by the Authority on merits.

Upon consideration of the submissions made on behalf of the parties, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the 4th respondent within a week from date. The 4th respondent should consider and dispose of the said representation within a month from the date of receipt of the representation after granting reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

The respondents should not reject the representation on technical grounds and should consider the representation on merits in terms of the West Bengal Minor and Minerals Concession Rules, 2016. The decision taken by the Authorities shall be communicated to the petitioner within a week thereafter.

W.P.A. 15702 of 2021 is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)