

WPA 17078 of 2022

Niraj Kumar Pandey
Vs.
The State of West Bengal & Ors.

Mr. Somnath Roy Chowdhury,
Ms. Arpita Chowdhury,
...for the petitioner.
Mr. Chandi Charan De,
Mr. Somnath Mukhopadhyay,
...for the State.

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 September 13, 2017 for a period of five years, which is due to expire on September 12, 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 India, Ministry of Finance, Department of Expenditure, Procurement Policy Division on 13th May, 2020 which indicates that in case contractual obligations were not fulfilled by the parties due to force majeure on or after February 20, 2020, the said period shall stand extended for not less than three months and not more than six months without imposition of any costs or penalty on the contractor.

The petitioner submitted a representation before the concerned authority on 15th July, 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 4th 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 4th respondent to consider and dispose of the representation submitted by the petitioner dated 15th July, 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, 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 17078 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.)