

26.09.2022
rc/ct.no.10
Item No.119

WPA No. 17099 of 2022

Mr. Sandipan Banerjee
Mr. Pinaki Ranjan Chakraborty ...for the petitioner

Mr. Sanjoy Saha
Mr. Subhasish Bhattacharya ...for the WBMDTCL

Mr. Chandi Charan De
Mr. Anirban Sarkarfor the State

Affidavit of service filed in Court today is taken on record.

The grievance of the petitioner is that upon being highest bidder in the e-auction floated by the respondent authorities a notice was issued upon the petitioner on 10.06.2022 requesting for depositing 50% of annual sand premium to the tune of Rs.5,76,00,000/-. The petitioner sought extension of time on several occasions but was unable to deposit the said amount before the authority for which the authority, by a letter issued on 18.07.2022 terminated the lease of the petitioner with immediate effect. The petitioner submitted a representation before the authority on 21.07.2022 praying for recalling the said termination order and undertaking to deposit the annual sand premium at the earliest.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner shall deposit the said annual sand premium within 15.10.2022.

It is submitted by the learned counsel appearing on behalf of the 4th respondent that several opportunities were granted to the petitioner which were not availed of by him for which the authority was constrained to terminate the lease granted to the petitioner.

It is also submitted by the learned counsel appearing on behalf of the 4th respondent that upon the petitioner depositing the 50% annual sand premium to the tune of Rs.5,76,00,000/- before the authority, the authority shall consider and dispose of the representation submitted by the petitioner within 30.10.2022.

Upon consideration of the submission made by the learned counsels appearing on behalf of the parties, this Court is of the view that the 4th respondent may be directed to consider the representation submitted by the petitioner on 21.07.2022 in accordance with law subject to the petitioner depositing the 50% annual sand premium to the tune of Rs.5,76,00,000/- before the authority within October 15, 2022.

Accordingly, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation dated 21.07.2022 of the petitioner within October 30, 2022 upon the petitioner depositing the 50% annual sand premium to the tune of Rs.5,76,00,000/- before the authority within October 15, 2022 and upon granting 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.

It is made clear that this Court has not gone into the merits of the case and the parties shall be at liberty to place their respective contention before the authority at the time of hearing, if so advised.

Pending disposal of the representation submitted by the petitioner the termination letter issued on 18.07.2022 be stayed.

With the above observations and directions this writ petition is disposed of.

There shall be, however, 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)