

18.08.2022
rc/ct.no.10
Item No.59

WPA No. 17413 of 2022

Mr. Somnath Roy Chowdhury ...for the Petitioner

Mr. Chandi Charan De
Mr. Haripada Maity ...for the State

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

Being the highest bidder in a competitive bidding held on July 04, 2017, long term mining lease was granted in favour of the petitioner by a deed of lease executed on December 15, 2017 for a period of 5 years. Possession of the leasehold plot was handed over to the petitioner on March 14, 2018. The petitioner was unable to carry on mining operation in the said plot from April, 2018 to January, 2022 as the course of the river was changed and also due to Pandemic which devastated the entire globe. The petitioner has drawn the attention of the Court to Clause 5 of Part-IX of the deed of lease which says that if due to force majeure the petitioner fails to comply with any of the terms and condition of the lease within the stipulated time, the period of such delay shall be added to the period fixed by the lease. The petitioner submitted a representation dated February 28, 2022 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

It is submitted by the learned counsel appearing on behalf of the State-respondents that the 4th respondent be directed to consider the representation submitted by the petitioner in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider the representation of the petitioner dated February 28, 2022 within a period of one month from the date of communication of this order, after giving reasonable opportunity of hearing to all the affected 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 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)