

August 22, 2022
ARDR
(20)

WPA 17722 of 2022

M/s. Success Niryat Pvt. Ltd. & anr.
Vs.
The State of West Bengal & Ors.

Mr. Mir Anowar,	...for the petitioners.
Mr. Sanjay Saha,	
Mr. Subhasish Bhattacharya,	...for the WBDMTCL.
Mr. Chandi Charan De,	
Mr. Anirban Sarkar,	...for the State.

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

The petitioners submit that long-term mining lease was granted in their favour for a period of five years by virtue of registered deed dated 11th February, 2020 and the term of the lease is due to expire on 10th February, 2025. Due to Covid-19 pandemic and lockdown declared by the Government, the petitioners were unable to carry on mining operation for substantial period of time for which they have prayed for extension of the period of lease before the concerned authority.

Learned counsel draws the attention of the court to Clause 5 of part IX of the deed of lease which states that in the event of delay on the ground of force majeure the period of such delay shall be added to the period of lease. Learned counsel has also drawn the attention of this Court to the Memorandum dated 13th May, 2020 issued by the Deputy Secretary, Government of India to the Secretaries of all

Central Government Ministries/Departments which demonstrates that in view of the restrictions placed on the movement of goods, services and manpower on account of the lockdown situation, dates for completion of contractual obligations which had to be completed on or after 20th February, 2020 shall stand extended for a period not less than three months and not more than six months. The petitioners submitted a representation before the concerned authority on 30th May, 2022 in this regard which is yet to be disposed of by the authority. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the 3rd respondent be directed to consider the representation within a stipulated period of time.

Upon consideration of the submissions made on behalf of the parties and material on record, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioners dated 30th May, 2022 within a period of one month from the date of communication of this order after taking into consideration the Memorandum dated 13th May, 2020 as well as clause 5 of part IX of the deed of lease and after affording reasonable opportunity of hearing to all the interested parties including the petitioners, in accordance with law.

With the above directions, WPA 17722 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.)