

WPA 18776 of 2021

Sukumar Sarkar
Vs.
State of West Bengal & Ors.

Mr. Mir Anowar,
...for the petitioner.
Mr. Pantu Deb Roy,
Mr. Pannalal Bhattacharyya,
...for the State.

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

It is contended on behalf of the petitioner that the petitioner was granted long term mining lease by virtue of a deed of lease executed and registered on 16th February, 2017. The said lease is due to expire on 15th February, 2022. Due to Covid-19 pandemic and lockdown declared by the Government, the petitioner was unable to carry on mining operation for substantial period of time for which he has prayed for extension of the period of lease before the concerned authority.

Learned counsel draws the attention of the court to Clause 5 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 lock down situation, dates for completion of contractual obligations which had to be completed on or after 20th February, 2022 shall stand extended for a period not less than three months and not more than six months. The petitioner submitted a representation before the concerned Authority on 11th August, 2021 in this regard which is yet to be disposed by the Authorities. The petitioner prays for a direction upon the Authorities to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the third 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 petitioner dated 11th August, 2021 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 the deed of lease and after affording reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

The decision taken by the 3rd respondent shall be communicated to the petitioner within a week thereof.

With the above directions, W.P.A. 18776 of 2021 is disposed of. However, there shall 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)