

WPA 18758 of 2022

Arup Mondal
Vs.
The State of West Bengal & Ors.

Mr. Somnath Roy Chowdhury,
Ms. Arpita Chowdhury,
...for the petitioner.
Mr. Chandi CharanDe,
Ms. Reshmi Rehman,
...for the State.

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

The petitioner submits that long-term mining lease was granted in his favour for a period of five years by virtue of registered deed dated September 6, 2017 and the term of the lease is due to expire on September 5, 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 part IX of the deed of lease which states that in the event of delay in fulfilling any of the terms and conditions of the lease on the ground of force majeure the period of such delay shall be added to the period of lease. The petitioner submitted a representation before the concerned authority on 4th March, 2022 in this regard which is yet to be disposed of by the authority. 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 3rd respondent be directed to consider the representation within a stipulated period of time.

Upon consideration of the submission 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 4th March, 2022 within a period of one month from the date of communication of this order after taking into consideration clause 5 of part IX 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 authority shall be communicated to the petitioner within a week thereof.

With the above directions, WPA 18758 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.)