

WPA 20230 of 2021

Balai Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Mir Anowar,
Mr. Chandi Charan De,
Mr. Haripada Maity,
...for the petitioner.
...for the State.

Affidavit of service filed by the petitioner be 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 14th March, 2017 and the term of the lease is due to expire on 13th March, 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 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, 2020 shall stand extended for a period not less than three months and not more than six months. Learned counsel for the petitioner also draws the attention of the Court to a notification issued by the Government of West Bengal on 28th February, 2022 which records that all sand mining leases expiring till April, 2022 are extended till 31st May, 2022. The petitioner submitted a representation before the concerned Authority on 16th September, 2021 in this regard which is yet to be disposed 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 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 16th September, 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 and 28th February, 2022 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 petitioner, in accordance with law.

With the above directions, W.P.A. 20230 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.)