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W.P.A. 20720 of 2021
(Probhat Bauri vs. State of West Bengal & Ors.)

Mr. Pallav Chatterjee
.... For the Petitioner

Mr. Susovan Sengupta
Mr. Srikanta Paul
.... For the State

Mr. Sanjay Saha
.... For the WBMDTC Ltd.

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

It is contended on behalf of the petitioner that being the highest bidder in an e-auction for grant of long term mining lease, the petitioner was granted letter of intent by the concerned Authority and has deposited 1/3rd of the bid amount as required under the Rules. The petitioner has also submitted the environment clearance certificate before the concerned Authority and prays for issuance of deed of lease in his favour in terms of the Rules. The petitioner submitted a representation in this regard before the concerned Authority on 3rd December, 2021 which is yet to be disposed of. The

petitioner prays for direction upon the Authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that in terms of clause 2 of the letter of intent dated 23rd June, 2018, the petitioner is required to pay the bid amount in three installments over a gap of maximum 45 days each from the date of the first installment.

Having considered the submissions made on behalf of the parties and material on record, this Court is of the view that the representation submitted by the petitioner is required to be considered by the concerned Authority in executing the deed of lease in favour of the petitioner as per Rules.

Accordingly, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioner dated 3rd December, 2021 within a period of one month from the date of communication of this order, 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.

It is made clear that this Court has not gone into the merits of the case and the petitioner shall be at liberty to place his contentions as made out in the writ petition before the concerned Authority at the time of hearing.

With the above observations and directions, W.P.A. 20720 of 2021 is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)