

09.11.2022
rc/ct.no.10
Item No.16

WPA No. 21082 of 2022

Mr. P.R.Chakraborty
Mr. Tallav Chatterjee ...for the petitioner

Mr. Soumitra Bandyopadhyay
Mr. P.B.Mahato ...for the State

Mr. Sanjay Saha
Mr. Subhasish Bhattacharya..for the WBMDTC Ltd.

Affidavit of service filed in Court today is taken on record.

Being the highest bidder in the e-auction floated by the concerned authority and upon depositing 1/3rd bid amount deed of lease in respect of the sand block in question was executed in favour of the petitioner on 18.12.2017 and possession of the leasehold block was handed over on 21.12.2017. The concerned authority directed stoppage of issuance of challan in favour of the petitioner due to non-payment of the remaining bid amount by the petitioner. The entire bid amount was subsequently deposited by the petitioner and was informed to the Managing Director, West Bengal Mineral Development and Trading Corporation Limited by a letter issued on 22.04.2022 by the Additional District Magistrate and District Land and Land Reforms Officer, Purba Burdwan.

Learned counsel appearing on behalf of the petitioner submits that during the lease period, a notification was issued by the Government of West Bengal, Department of Industry, Commerce and Enterprises on 23.05.2017 to the effect that the successful bidders who deposited 1/3rd bid amount would be permitted to deposit the remaining amount within a gap of maximum 45 days each from the date of the first instalment which shall in no case exceed the lease period or the closure of mining operation. Since the petitioner was unable to continue with mining operation due to issuance of the “stoppage of challan” letter on 24.09.2019 till 22.04.2022, the petitioner prays for extension of the deed of lease for the said period. The petitioner submitted a representation in this regard on 16.08.2022 before the concerned authority which is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

Upon consideration of the submission made by the learned counsels appearing on behalf of the parties the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner on 16.08.2022 within a period of one month from the date of communication of this order, after giving reasonable opportunity of hearing to all the affected 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 observations and directions this writ petition is disposed of.

There shall be, however, 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)