

16.09.2022
rc/ct.no.10
Item No.19

WPA No. 21171 of 2022

Mr. Kumarjit Banerjee
Mrs. Sanchari Chakraborty
Mr. S. Dasgupta
Mrs. A. Choudhury ...for the petitioners

Mr. Chandi Charan Defor the State

Mr. Sanjoy Saha ...for the respondent no.5

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

None appears on behalf of the State-respondents despite service.

Mr. Chandi Charan De, learned advocate, who usually appears on behalf of the State-respondent and is present in Court today, is requested to represent the State-respondents in this matter. The office of the learned Legal Remembrancer is requested to regularise the service of Mr. De in this matter.

The petitioners are directed to serve a copy of this application along with annexures thereto upon Mr. De in course of this day.

It is contended on behalf of the petitioners that being the highest bidder in an e-auction floated by the respondents on 23.06.2017 and upon payment of entire bid amount as well as royalty, deed of lease was executed in favour of the petitioners on 20.09.2017 which is due to expire on 19.09.2022. Due to Covid-19 pandemic which

restricted mining operation as well as other activities through out the globe, the petitioners were unable to operate the sand block for considerable period of time and submitted a representation before the concerned authority praying for extension of lease.

Learned counsel for the petitioners has taken this Court to Clause 5 of Part-IX of the deed of lease which demonstrates that if through force majeure the fulfillment by the lessee of any of the terms and conditions of the lease be delayed, the period of such delay shall be added to the period fixed by this lease.

Learned counsel for the petitioners has also taken this Court to Clause 17 of Part-VII which speaks of renewal of lease.

The petitioners have submitted representations before the concerned authority on 07.04.2022 and 14.06.2022 which are yet to be considered. The petitioners pray for a direction upon the authority to consider the representations at the earliest since they are pending since long and the term of the lease is due to expire on 19.09.2022.

Upon consideration of the submission made on behalf of the parties, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representations submitted by the petitioners on 07.04.2022 and 14.06.2022 within one month from the date of communication of this order, after affording

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 petitioners 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)