

November 17, 2022
ARDR
(22)

WPA 22637 of 2022

Chanchal Bag
Vs.
The State of West Bengal & ors.

Adv. Susanta Kumar Rakshit,
...for the petitioner.
Adv. Sirsanya Bandyopadhyay,
Adv. Arka Kumar Nag,
...for the State.

The petitioner was granted long term mining lease vide deed executed on 29th November, 2017 upon payment of one-third of the bid amount and possession of the block in question was handed over to the petitioner on 7th December, 2017. The petitioner was unable to continue with mining operation from 25th February, 2021 to 26th February, 2022 due to COVID-19 pandemic. The authority stopped issuance of challan in favour of the petitioner due to non payment of the remaining bid amount by the petitioner. The petitioner was directed to pay the said amount within 25th February, 2021 by a letter issued by the Additional District Magistrate and District Land & Land Reforms Officer, Purba Burdwan on 12th February, 2021. The entire bid amount was deposited by the petitioner by 14th June, 2022 for which no due certificate was issued in his favour on 13th September, 2022. Upon such payment the authority started issuing challans in favour of the petitioner and the petitioner resumed mining operation. The petitioner submitted a representation before the concerned authority on 10th August, 2022 requesting extension of the period of lease since he was unable to

continue with the mining operation for considerable period of time. The said representation is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the petitioner failed to deposit the remaining bid amount in terms of the Letter of Intent issued in favour of the petitioner on 25th August, 2017 and the said amount was deposited after more than a year of the authority demanding the same. There is no laches on the part of the authority in stoppage of the mining operation by the petitioner.

Be that as it may, since the representation submitted by the petitioner before the authority is still pending, the concerned authority may be directed to consider the same within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated 10th August, 2022 within a 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 thereto.

With the aforesaid directions, WPA 22637 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.)