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jdt.

11.11.2022
jb.

W.P.A. 23543 of 2022
(Ambey Niwas Pvt. Ltd. & Anr. vs. State of West Bengal & Ors.)

Mir Anowar

.... For the Petitioners

Mr. Sanjay Saha

Mr. Subhasish Bhattacharya

.... For WBMDTC Ltd.

Mr. Chandi Charan De

.... For the State

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

Heard learned counsels for the parties.

Being the highest bidder in e-auction floated on 16th November, 2016 and upon depositing the requisite fees, the petitioners were granted long term mining lease by virtue of deed of lease executed and registered on 15th March, 2018 for a period of five years which is valid till 14th March, 2023. Due to advent of Covid 19 lockdown was declared by the Government throughout the country and the petitioners were unable to carry on mining operation from 21st March, 2020 to 31st May, 2020 and again from 16th May, 2021 to 30th June, 2021 and have prayed for extension of the period of lease for the said period.

Learned counsel for the petitioners has drawn the attention of the Court to Clause 5 of Part IX of the deed of lease which indicates that in the event of failure or delay on the part of the lessee to fulfill any of the terms and conditions of the lease in view of force majeure , the period of such delay shall be added to the period fixed by the lease.

The petitioners submitted a representation praying for extension of the period of the lease before the concerned authority on 10th October, 2022 which is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

Upon consideration of the submission made 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 petitioners dated 10th October, 2022 within one month from the date of communication of this order after affording reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law.

The writ petition is thus 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.)