

WPA 23979 of 2022

New Madina Marble
Vs.
The State of West Bengal & Ors.

Adv. Mir Anowar,

...for the petitioner.

Adv. Chandi Charan De,
Adv. Anirban Sarkar,

...for the State.

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

Being the highest bidder in e-auction floated by the respondent authorities on 6th April, 2017 and upon compliance of requisite formalities, deed of lease was executed in favour of the petitioner on 16th January, 2018 and registered on 2nd February, 2018 for a period of five years which is due to expire on 1st February, 2023. The petitioner was unable to carry on mining operation for considerable period of time due to COVID-19 pandemic and sought extension of the period of lease by a representation submitted before the concerned authority on 4th March, 2022 which is still pending.

Learned counsel for the petitioner has taken this Court to Clause 4 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 the lease. The petitioner prays for a

direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the 4th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated 4th March, 2022 within six weeks from the date of communication of this order upon granting reasonable opportunity of hearing to all the interested persons 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 aforesaid directions, WPA 23979 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.)