

WPA 24775 of 2022

Ambey Abasan Pvt. Ltd. & anr.
Vs.
The State of West Bengal & Ors.

Adv. Mir Anowar,	...for the petitioners.
Adv. Sanjay Saha,	...for the WBMDTCL.
Adv. Soumitra Bandyopadhyay, Adv. Priyabrata Batabyal	...for the State.

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

Being the highest bidder in e-auction floated on 7th July, 2017 and upon payment of requisite amount, the petitioners were granted long term mining lease for a period of five years by virtue of deed of lease registered on 2nd February, 2018 which shall expire on 1st February, 2023. Due to COVID-19 pandemic, the petitioners were unable to carry on mining operation for considerable period of time and have prayed for extension of period of lease on that ground.

Learned counsel for the petitioner has taken this Court to Clause 5 of Part IX of the deed of lease which indicates 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 petitioners submitted a representation in this regard before the concerned

authority on 21st September, 2021 which is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

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 21st September, 2021 within two months from the date of communication of this order upon granting reasonable opportunity of hearing to all the interested persons including the petitioners, 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 24775 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.)