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17.03.2022
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W.P.A. 23767 of 2019
(Radhapada Ghosh vs. State of West Bengal & Ors.)

Mr. Haradhan Mondal
... For the Petitioner

Mr. T. M. Siddiqui
Mr. Nilotpal Chatterjee
... For the State

Report submitted by the State respondents is taken on record.

The report demonstrates that upon hearing the petitioner and perusal of the records the following order was passed:

“ (1) The lease area of the lessee Radhapada Ghosh in respect of the sand block No. Bir/Nanoor/Husenpur/207/2016 is reduced and confined with respect to the area of 3.30 acres situated at/under Plot Nos. 2040(part) and 2053(part) in Mouza-Husenpur, P.S. – Nanoor falling within the jurisdictional area of the district of Birbhum.

(2) In view of the validity of the Environmental Certificate dated 09.10.2017, the lessee is permitted to continue mining activities for the remaining period till 08.10.2022 in respect of the aforesaid reduced area of lease.

(3) Let a rectification be made in the said lease deed dated 02.01.2018 executed in favour of the said lessee with respect to the part of the schedule of land occurring elsewhere in the said deed dated 02.01.2018. For the said purpose, the lessee is directed to execute a rectified declaration/instrument in this regard, to be registered at the concerned DSR, Birbhum where the said deed dated 02.01.2018 was registered. A modified sketch map with respect to the aforesaid modified lease area furnishing the revenue survey details and geo-stationary co-ordinates of the said modified lease area be annexed with the said rectified declaration/instrument. Mining activities in the aforesaid reduced lease area be permitted after execution and registration of the aforesaid declaration/instrument.

(4) The lessee is directed to deposit the aforesaid outstanding dues of Rs.4,51,439/- towards the royalty, cesses, DMF contribution, IT at source deduction together with the applicable interest against the aforesaid quantum of two lakh cubic feet of sand for which the lessee was issued with transit pass, within two weeks from the date of receipt of this order, in appropriate heads through the office of the DL & LRO, Birbhum.

(5) Let the process for refund of the aforesaid amount of Rs.52,52,093/- to the lessee towards refundable bid money in terms of the aforesaid findings, be initiated and sent to the nodal Department of Industry, Commerce and Enterprises, Govt. of West Bengal from the appropriate head of account. Such refund process be initiated only after realization of the

aforesaid outstanding dues of Rs.4,51,439/- from the lessee, as directed here-above in appropriate manner and in appropriate head of accounts.”

In view of the same, nothing further remains to be adjudicated in the present writ petition.

It is submitted on behalf of the petitioner that the lease has been extended till 8th October, 2022 and the petitioner may be granted liberty to approach the Authority for extension of the said term in view of the fact that he was unable to commence the mining operation for a considerable period of time.

Such liberty is granted.

In the event the petitioner approaches the Authority with such request, the Authority should consider the same sympathetically, in accordance with law.

With the above observations and directions, W.P.A. 23767 of 2019 is 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.)