

04.02.2022
Court No.13
Item No.27
AP

WPA 10996 of 2020

**Geetanjali Infrastructure & Earthmovers and Anr.
Vs.
State of West Bengal and Ors.**

(Through Video Conference)

Mr. Aniruddha Chatterjee

... For the Petitioners.

Mr. T.M. Siddiqui

Mr. M.M. Rahaman

... For the State.

The facts of this case have been extensively set out in the order dated 9th April 2021. Mr. Aniruddha Chatterjee and Mr. S. Mal, learned counsels appearing for the petitioners have made detailed submission today.

The only issue whether the writ petitioners are entitled to refund of the sum of Rs.57,19,400/-.

Admittedly, the formal mining lease was not executed with the petitioners. The petitioners could not obtain Environmental Clearance since the National Green Tribunal has a notification of the Ministry of Environment and Forest, Government of India for such clearance to sand mining operation.

The demand by the State on the petitioners to put in the balance of the total bid amount can best be treated as request and/or an invitation to offer. The State thought it fit to make such request to the petitioners, since the process of environmental clearance for sand mining has since began after changes having been

effected to the notification by the Ministry of Environment and Forest, Government of India.

In the facts of the case a request of the State can at best be an offer and/or invitation to offer. The writ petitioners are not inclined to accept such offer or submit any further counter offer or avail the benefit of a mining lease.

In that view of the matter, this Court is of the view that the writ petitioners are entitled to refund of the entire sums of Rs.57,19,400/- deposited on 7th September 2018 with the respondents.

The respondents shall refund the sum within a period of six weeks from the date of communication of a copy of this order.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

This Court records the appreciation for the fair stand taken by Mr. Siddique learned counsel appearing for the State.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)