

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

105
13.06.2022
Ct. No.2
b.das

**M/s. GEE DEE Mining Pvt. Ltd.
Vs.
The State of W.B. & Ors.**

WPA 1275 of 2022

Mr. Kishore Dutta
Mr. Antarikha Basu
Mr. H. S. Poddar
Mr. Sayan Mukherjee
Mr. P. Ghosh

...for the petitioner.

Mr. Bikramaditya Ghosh
Mr. Pretom Das

...for the State.

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

Being the highest bidder in an e-auction for grant of sand mining lease, the petitioner was granted Letter of Intent upon deposit of 1/3rd of the bid amount. The petitioner was required to comply with the conditions laid down in the letter of intent within six months from the date of issuance thereof, the letter of intent containing an extension clause upon an application being made by the petitioner.

It is contended on behalf of the petitioner that the petitioner was unable to comply with the conditions laid down in the letter of intent within the stipulated time frame due to infructuctural and technical glitches and submitted applications before the concerned authority on 14th September, 2018 and 8th January, 2019 requesting

permission to submit relevant documents for execution of the deed of lease.

The applications of the petitioner were not considered by the authority, which by a letter dated 11th January, 2019 cancelled the letter of intent issued in favour of the petitioner on the ground of failure of the petitioner to submit the mining plan in accordance with Rule 12 of the West Bengal Minor Minerals (Concession) Rules, 2016 within three months from the date of communication of acceptance of the bid and also as no communication was received from the petitioners during this period.

By an order dated 17th February, 2022, the concerned authority allowed the highest bidders who deposited 1/3rd of the bid money to apply for environment clearance before the State Environment Impact Assessment Authority within 31st March, 2022, subject to which lease would be executed as per process mandated in the tender documents.

Pursuant to such order, the petitioner submitted several representations before the concerned authority requesting consideration of his case and extension of the letter of intent issued in his favour.

The petitioner seeks liberty to submit a comprehensive representation before the concerned authority in this regard and prays for a direction upon the authority to consider the representation within a stipulated

period, after affording reasonable opportunity of hearing to the petitioner.

Having considered the submissions made on behalf of the parties and material on record, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the concerned authority being the 2nd respondent herein ventilating his grievance within a fortnight from date. The 2nd respondent is directed to consider and dispose of the representation within one month from the date of receipt thereof after affording reasonable opportunity of hearing to the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

It is made clear that this Court has not gone into the merits of the case and the petitioner shall be at liberty to place his contention as made out in this writ petition before the authority at the time of hearing.

With the above observations and directions this writ petition being WPA 1275 of 2022 is disposed of.

However, there shall 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)