

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

June 13, 2022
ARDR
(106)

WPA 1293 of 2022

M/s. Gee Dee Mining Pvt. Ltd.
Vs.
The State of West Bengal & Ors.

Mr. Kirshore Dutta, Sr. Adv.,
Mr. Antarikhya Basu,
Mr. Hillol Saha Podder,
Mr. Sayan Mukherjee,
Mr. Pratik Ghosh,

...for the petitioner.

Mr. Subir Kumar Ghosh,
Mr. Momenur Rahman,

...for the State.

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

Being the highest bidder in e-auction for sand mining lease, the petitioner was granted a Letter of Intent upon depositing 1/3rd of the bid amount in respect of 4.73 hectares in Mouza Barapetia Nuton Bass, J.L. No. 1 under Police Station Kotwali, Block Sadar, District Jalpaiguri on 20th June, 2017. Subsequently, it was detected that the said plot comprised an area of 0.08 hectares instead of 4.73 hectares allotted to the petitioner. The petitioner submitted an application before the concerned authority in this regard on 6th October, 2018 praying for a copy of the L.R. sheet in order to ascertain the actual quantum of land in the said plot. However, the said application was not heeded to by the authority

which by an order dated 11th January, 2019 cancelled the Letter of Intent of the petitioner on the ground that the petitioner failed to submit mining plan in accordance with Rule 12 of the West Bengal Minor Minerals (Concession) Rules, 2016 within three months from the date of acceptance of the bid and also as considerable time had lapsed from the date of issuance of Letter of Intent without any communication from the end of the petitioner. The petitioner seeks liberty to submit a comprehensive representation before the concerned authority and prays for a direction upon the authority to consider the representation at the earliest.

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 2nd respondent in this regard within a fortnight from date. The 2nd respondent is directed to consider and dispose of the representation within a month from the date of receipt of the same after granting 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 merit of the case and the petitioner shall be at

liberty to place its contention as made out in the writ petition before the concerned authority at the time of hearing.

With the above directions, WPA 1293 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.)