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jdt.

12.07.2023
jb.

W.P.A. 15 of 2023
(Sk. Aftabuddin vs. State of West Bengal & Ors.)

Ms. Santi Das

.... For the Petitioner

Mr. Chandi Charan De

Mr. Anirban Sarkar

.... For the State

Report in the form of affidavit submitted on behalf of the respondents is taken on record.

It is not in dispute that being the highest bidder in the e-auction floated by the respondent authority and upon payment of the entire bid amount, letter of intent was issued in favour of the petitioner by the authority. It is contended on behalf of the petitioner that the deed of lease could not be executed in favour of the petitioner due to ban imposed by the Hon'ble National Green Tribunal upon grant of mining lease. The petitioner initially prayed for refund of the amount deposited by him before the authority.

Learned counsel for the petitioner submits that since the ban on mining operation has been lifted by the Hon'ble National Green Tribunal and the petitioner is eager to commence mining operation and also, since a huge amount of money to the tune of Rs.70,10,976/- deposited by the petitioner is lying with the authority,

the petitioner intends to carry on mining operation upon execution of deed of lease by the authority.

The report submitted by the respondents indicates that the auction is still operative and has not been terminated as yet. The petitioner submitted a representation in this regard before the concerned authority on 3rd February, 2020 and prays for a direction upon the authority to consider the representation at the earliest and take necessary steps for execution of the deed of lease in his favour.

It is submitted on behalf of the respondents that the 4th respondent be directed to consider the representation in accordance with law.

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 3rd February, 2020 within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the stake holders including the petitioner, in accordance with law.

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

The writ petition is thus 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.)