

WPA 1407 of 2023

Ashok Kumar Saha
Vs.
The State of West Bengal & Ors.

Adv. Kushal Chatterjee,
Adv. Abir Lal Chakraborti,
Adv. Shibjit Mitra,
Adv. Sk. Hedayatullah,
...for the petitioner.
Adv. Sanjoy Saha,
Adv. Subhasish Bhattacharya,
...for the WBMDTCL.
Adv. Chandi Charan De,
Adv. Anirban Sarkar,
...for the State.

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

Report submitted on behalf of the State respondents is taken on record.

The petitioner was granted long term mining lease by virtue of an agreement executed on 11th February, 2017 which has expired on 10th February, 2017. Due to advent of covid-19 pandemic and lockdown declared by the Government, the petitioner was unable to carry on mining operation for a considerable period of time and has prayed for extension of the lease period by submitting a representation before the authority.

Learned counsel for the petitioner has taken this Court to paragraph 5 of Part IX of the deed of lease which demonstrates that failure on the part of the lessee to fulfill any of the terms and conditions of the lease

shall not give the State Government any claim against the lessee or be deemed a breach of this lease, insofar as such failure is considered by the said Government to arise from force majeure, and if through force majeure the fulfillment by the lessee of any of the terms and conditions of this lease be delayed, the period of such delay shall be added to the period fixed by the lease.

The petitioner submitted a representation in this regard before the concerned authority on 10th September, 2021 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

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 10th September, 2021 within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

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

With the aforesaid directions, WPA 1407 of 2023 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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 furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)