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jdt.

19.06.2023
jb.

W.P.A. 4316 of 2023
(Local Boat's Man & Hereditary Patni named and
stsyled as M/s R. K. Singh & Ors. vs. State of West
Bengal & Ors.)

Mr. Syed Euteshan Huda
Ms. Niharika Singh
Ms. Subhangini Singh
Mr. Ashok Kumar Singh
.... For the Petitioners
Mr. Santanu Kumar Mitra
Samim Ul Bari
.... For the State

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

Heard learned counsels for the parties.

It is contended on behalf of the petitioners that in an earlier e -auction floated by the respondents, the petitioners were declared as the second highest bidder. The said auction was cancelled and subsequent e-auction was floated by the concerned authority on 25th September, 2020. Being highest bidder in the second auction and upon depositing an amount of Rs.94,20,000/- an agreement of lease was executed in favour of the petitioners on 7th October, 2020. Cancellation of the first auction was challenged by the highest bidder therein before this Court in a writ

petition being WPA 10074 of 2020 and by an order passed on 14th December, 2020, this Court allowed the writ petition and set aside the notice of the second auction and all consequential action taken therein. The contract, if any, granted in favour of the private respondent No. 12 (the petitioner herein), pursuant to the second auction was cancelled.

In view of cancellation of the 2nd auction and consequential action taken therein by virtue of the order of this Court, the petitioner, by applications filed on 30th September, 2021 and 25th May, 2022 respectively requested refund of the lease rent to the tune of Rs.94,20,000/- deposited by him before the authority. The said application is yet to be considered. The petitioners pray for a direction upon the authority to consider the applications and refund the amount deposited by them at the earliest.

It is submitted on behalf of the respondents that the 4th respondent be directed to consider the applications 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 applications submitted by the petitioners dated 30th September, 2021 and 25th May, 2022 respectively within one month from the date of communication of this order and cause refund of the amount deposited by the petitioners within the said date.

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.)