

December 13, 2023
ARDR (11)

WPA 5493 of 2023

Maa Sarada Enterprise
Vs.
The State of West Bengal & ors.

Adv. Pinaki Ranjan Chakraborty,
Adv. Pallav Chatterjee,
Adv. Monajit Chakraborti,
...for the petitioner.

Adv. Sanjay Saha,
Adv. Subhasish Bhattacharya,
...for the respondent no.2.

Adv. Chandi Charan De,
Adv. Anirban Sarkar,
...for the State.

Affidavit of service and supplementary affidavit
submitted by the petitioner are taken on record.

Written instructions submitted on behalf of the State
respondents is also taken on record.

Heard learned counsels for the parties.

Pursuant to an earlier order passed by this Court on
4th November, 2022 in WPA 20323 of 2022, representation
submitted by the petitioner for grant of long term mining
lease upon depositing the earnest money and one-third of
the bid amount was considered by the authority being the
Additional District Magistrate and District Land & Land
Reforms Officer, Purba Bardhaman and by an order passed
on 24th November, 2022, the authority rejected the prayer
of the petitioner on the ground that the petitioner did not
submit the entire bid amount even after service of demand
notice and the draft lease deed and bank guarantee were
also not submitted within the stipulated time.

The supplementary affidavit filed by the petitioner demonstrates that after rejection of the representation, the authority has accepted the total bid amount of Rs.1,92,37,600/- from the petitioner.

In view of such acceptance, the petitioner seeks fresh consideration of his application by the authority.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the concerned authority has accepted the entire bid amount from the petitioner despite rejection of his representation for grant of lease, the concerned authority, being the 4th respondent herein, be directed to consider the representation of the petitioner afresh and pass a reasoned order within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner, in accordance with law.

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

The impugned order dated 24th November, 2022 is set aside.

With the above observations and directions the writ petition is disposed of.

There shall however, 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.)