

12.06.2023
rc/ct.no.10
Item No.13

WPA No. 6252 of 2023
Joydeep Chakraborty
Versus
The State of West Bengal & Ors.

Mr. Mir Anowar ...for the petitioner

Mr. Susovan Sengupta
Mr. Subir Pal ...for the State

Mr. Sanjoy Saha
Mr. Subhasish Bhattacharjee
...for the WBMDTC Ltd.

Affidavit of service filed in Court today is taken on record.

Being the highest bidder in the e-auction floated by the respondents on July 04, 2017, the petitioner was granted long term mining lease for a period of 5 years vide a deed of lease dated December 14, 2022. The petitioner was unable to carry on mining operation in the said block due to resistance offered by the local villagers and anti-socials and also advent of covid-19 pandemic. The petitioner takes this Court to Clause 5 of Part-IX of the deed of lease which demonstrates that failure of the lessee to fulfill any of the terms and conditions of the lease due to force majeure shall not give the State Government any claim against the lessee and the period of delay in fulfillment of the terms and conditions shall be added to the period fixed by the lease. The petitioner seeks to submit a comprehensive representation along with relevant

documents before the concerned authority for extension of the period of lease and 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, this writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the 4th respondent within a fortnight from date. The 4th respondent is directed to consider and dispose of the representation submitted by the petitioner within one month from the date of receipt thereof upon affording reasonable opportunity of hearing to all stakeholders including the petitioner, in accordance with law.

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

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)