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jdt.

16.06.2023
jb.

W.P.A. 6648 of 2023
(Sukantha Banik vs. State of West Bengal & Ors.)

Mr. Anindya Lahiri
Mr. Arkadipta Sengupta
.... For the Petitioner

Mr. Ansar Mondal
Mr. Bibek Jyoti Basu
.... For the State

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

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that being the highest bidder in an e-auction floated by the respondents and upon depositing 1/3rd of the bid amount, letter of intent was issued in favour of the petitioner. The petitioner deposited the entire bid amount on 19th January, 2018 and deed of lease was registered in his favour on 18th June, 2018. At the time of taking possession of the sand block, it was detected that there was no sand reserve in the said block for mining. The petitioner submitted several representations before the concerned authority for changing the location of the sand block, but to no effect. The petitioner finally submitted representations

claiming refund of the bid amount deposited by him since he was not able to commence operation despite depositing the entire bid amount. A field enquiry was held by the authority on 20th April, 2022 and it was found that no sand was available in the block in question for mining.

The District Magistrate and Chairperson, District Committee for Competitive Bidding, Paschim Medinipur, by a letter issued to the Secretary to the Government of West Bengal, Department of Industry, Commerce and Enterprises on 22nd April, 2022, referred to the situation as well as the letters issued by the petitioner in this regard and sought guidance from the latter upon annexing the survey report.

Learned counsel for the petitioner seeks a direction upon the Secretary, Government of West Bengal for taking a decision on the said letter upon considering the entire facts and circumstances of the case.

It is submitted on behalf of the respondents that the 1st respondent be directed to take a decision on the letter issued on 22nd April, 2022 in accordance with law.

In view of the above, the writ petition is disposed of directing the 1st respondent to take a decision on the letter dated 22nd April, 2022 issued in his favour by the District Magistrate, Chairperson of the District

Committee for Competitive Bidding, Paschim Medinipur in the light of the joint survey report annexed to the writ petition as well as the representations submitted by the petitioner before the authority in this regard within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all the stake holders including the petitioner or his authorised representative, if required, 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.)