

WPA 7273 of 2023

Abhinna Mining Pvt. Ltd. & Anr.
Vs.
The State of W.B. & Ors.

Mir Anowar ...for the petitioners.

Mr. Sanjay Saha
Mr. Subhasis Bhattacharya ...for WBMDTCL.

Mr. Soumitra Bandyopadhyay
Mr. P. Batabyal ...for the State.

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

Heard learned counsels for the parties.

It is contended on behalf of the petitioners that being the highest bidder in the e-auction floated by the authority Letter of Intent was granted in favour of the petitioners, who paid the entire bid amount in terms of the Letter of Intent on 20th March, 2017.

In the process of obtaining the environment clearance for commencement of mining, the petitioners found that the block in question was not viable for sand mining since there was no mineable reserve in the block and the block consists of fertile soil, suitable for cultivation, for which the local people have raised objection to any mining activity therein.

The petitioners submitted a representation in this regard before the concerned authority on 16th September,

2022, seeking shifting of the block to an alternative site suitable for sand mining, which is yet to be considered. The petitioners pray for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that though Letter of Intent was issued in favour of the petitioners in 2017, the petitioners remained silent for a period of more than five years and chose to submit the representation only on 16th September, 2022. The delay remains unexplained.

Be that as it may, since representation submitted by the petitioners before the authority is pending, the writ petition is disposed of directing the concerned authority, being the 4th respondent herein, to consider and dispose of the representation submitted by the petitioners dated 16th September, 2022 within a period of one month from the date of communication of this order upon granting reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law.

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

It is made clear that this Court has not gone into the merits of the case and the authority shall be at liberty to deal with the representation submitted by the petitioners independently, in accordance with law.

With the above observations and directions the writ petition being WPA 7273 of 2023 is disposed of.

However, there shall 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.)