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jdt.

28.07.2023
jb.

W.P.A. 7279 of 2023
(Abhinna Mining Pvt. Ltd. & Anr. vs. State of West Bengal & Ors.)

Mir Anowar

.... For the Petitioners

Mr. Sanjay Saha

Mr. Subhasish Bhattacharya

.... For the WBMDTC Ltd.

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

None appears for the respondents despite service.

Mr. Chandi Charan De who is present in Court and usually appears for the State is requested to represent the State in this matter along with a junior of his choice. The appointment of Mr. De, learned advocate and Mr. Anirban Sarkar, learned advocate be regularised by the office of the learned Legal Remembrancer. Copy of the writ petition along with annexure thereto be served upon Mr. De in course of the day.

Learned counsel for the petitioners submits that being the highest bidder in an e-auction floated by the authority for grant of long term mining lease and upon depositing the entire bid amount the deed of lease was executed and registered in favour of the petitioners for a period of five years on 10th May, 2019. In the process of obtaining environment clearance for the said sand block, the petitioners found that the said block did not have adequate mining reserve and was, therefore, not suitable for excavation. The petitioners submitted a representation in

this regard before the concerned authority on 16th September, 2022 which is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that though the deed of lease was executed in favour of the petitioners in 2019 the petitioners chose to submit the representation before the concerned authority only in 2022, that is, after lapse of more than three years. The delay has not been explained.

Be that as it may, this Court is inclined to hold that since the representation submitted by the petitioners is pending before the concerned authority, the concerned authority being the 4th respondent be directed to consider and dispose of the representation within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the stake holders 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.

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.)