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jdt.

**19.06.2023**  
**jb.**

**W.P.A. 10221 of 2022**  
**Adyamaa Tradelink Pvt. Ltd. & Anr.**  
**vs.**  
**State of West Bengal & Ors.**

**Mir Anowar**

**.... For the Petitioners**

**Mr. Chandi Charan De**

**Mr. Soumitra Bandyopadhyay**

**.... For the State**

**Mr. Sanjay Saha**

**Mr. Subhasis Bhattacharya**

**.... For the WBMDTC Ltd.**

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

Being the highest bidder in e-auction floated by the respondent authority on 16<sup>th</sup> February, 2017 and upon depositing the entire bid amount, the petitioner was granted long term mining lease for a period of five years vide deed of lease executed on 9<sup>th</sup> August, 2017 which expired on 8<sup>th</sup> August, 2022. The petitioner was unable to carry on mining operation due to covid 19 pandemic and submitted a representation before the concerned authority for extension of the period of lease.

Learned counsel for the petitioner has taken this Court to Clause V of Part IX of the deed of lease which

indicates that if through force majeure the fulfillment by the lessee of any of the terms and conditions of this lease be delayed, period of such delay shall be added to the period fixed by this lease. Learned counsel also draws attention of the Court to Section 105 of the Transfer of Property Act, 1882 and submits that the petitioner was prevented from enjoying the lease granted to him by the authority due to reasons beyond his control.

The representation submitted by the petitioner in this regard on 7<sup>th</sup> February, 2022 is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the 4<sup>th</sup> respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 4<sup>th</sup> respondent to consider and dispose of the representation submitted by the petitioner dated 7<sup>th</sup> February, 2022 within two months from the date of communication after giving reasonable opportunity of hearing to all the stake holders including the petitioner and in the light of Section 105 of the Transfer of Property Act, 1882 as well as Clause 5 of Part IX of the lease of deed, 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.)**