

WPA 11211 of 2023

M/s. Sukriti Pebbles

Vs.

The State of W.B. & Ors.

Mr. Sagar Bandyopahdyay
Mr. Satadru Lahiri
Mr. S. Azam
Mr. S. W. Faruque ...for the petitioner.

Mr. Chandi Charan De
Mr. A. Sarkar ...for the State.

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

Heard learned counsels for the parties.

The petitioner was granted long term mining lease for a period of five years with effect from 2nd May, 2019. Permission from the Ministry of Labour and Employment for commencement of mining operation was only granted to the petitioner on 14th August, 2020, after which the petitioner was able to commence mining operation.

Due to advent of covid-19 pandemic and other factors the petitioner was unable to continue with mining operation for a considerable period of time.

The Additional District Magistrate and District Land and Land Reforms Officer, Purulia issued notice upon the petitioner on 22nd September, 2022 directing the latter to pay penalty of Rs.4,85,20,228/- for shortfall in extraction

of black stone for the period 2020-2021 and 2021-2022. The said notice is assailed in the writ petition.

It is submitted on behalf of the petitioner that no opportunity of hearing was granted to the petitioner prior to the notice and also, Rule 21(1)(e) of the Minor Minerals Rules, 2002 on the basis of which the notice has been issued, has already been repealed by the Minor Minerals Concession Rules, 2016.

Though Clause 3(b) of Part VII of the deed of lease authorizes the lessor to charge penalty to the tune of double the amount of royalty for shortfall in extraction of black stone, the petitioner ought to have been given an opportunity of being heard prior to imposition of such penalty.

The petitioner submitted a representation before the concerned authority in this regard on 17th October, 2022, which is yet to be considered. The petitioner prays for a direction upon the authority to consider the said representation and grant him an opportunity to explain the alleged shortfall in extraction.

Learned counsel for the State respondents submits that the 4th respondent be directed to consider the representation of the petitioner in accordance with law.

In view of the above, the notice impugned issued on 22nd September, 2022 is set aside.

Accordingly, the writ petition is disposed of directing the 4th respondent to consider and dispose of the

representation submitted by the petitioner dated 17th October, 2022 within a period of one month from the date of communication of this order upon affording reasonable opportunity of hearing to the petitioner, in accordance with law.

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

With the above observations and directions this writ petition being WPA 11211 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.)