

March 22, 2023
ARDR

WPA 17298 of 2019

M/s. Rural Dev. & Marketing Pvt. Ltd.
Vs.
The State of West Bengal & Ors.

Adv. Atarup Banerjee,
Adv. Rajdeep Pramanik,
Adv. Sanwyabi Nandi,
...for the petitioner.
Adv. Md. T. M. Siddiqui,
Adv. N. Chattejee,
Adv. Md. S. T. Meena,
...for the State.

It is admitted by both the parties that a statutory appeal under Rule 51 of the West Bengal Minor Minerals Concessions Rules, 2016 lies against the order impugned which is assailed in the writ petition. The petitioner seeks to approach the appropriate forum in appeal under the said provision of law.

In view of the above, the writ petition, being WPA 17298 of 2019 is dismissed for non-prosecution.

Liberty is granted to the petitioner to approach the appropriate forum for redressal of its grievance.

The appropriate forum shall deal with the appeal on merits upon liberally construing the issue of limitation in filing the appeal subject to the petitioner preferring the appeal within a fortnight from date.

It is made clear that this Court has not gone into the merits of the case and the concerned authority shall be at liberty to deal with the case on merits upon

submission and materials placed by the parties before the authority without being influenced by any observation which may have been made in this order.

There shall however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)