

721
15.04.2024
Ct. No.10
b.das

WPA 2191 of 2024

Maa Sarada Enterprise
Vs.
The State of W.B. & Ors.

Mr. Pinaki Ranjan Chakraborty
Mr. Pallav Chatterjee
Mr. Monajit Chakraborti ...for the petitioner.

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

Mr. Sanjay Saha
Mr. S. Bhattacharya ...for respondent no.2.

Affidavit of service and supplementary affidavit filed
by the petitioner are taken on record.

Heard learned counsels for the parties.

The petitioner has assailed the order of the
Additional District Magistrate and District Land & Land
Reforms Officer, Purba Bardhaman dated 8th January,
2024 turning down the prayer of the petitioner for
execution and registration of the deed of lease.

Being the highest bidder in the e-auction floated by
the respondents and upon depositing the entire bid
amount, Letter of Intent was issued in favour of the
petitioner on 5th December, 2018.

The petitioner submitted a draft lease deed along
with bank guarantee and requested execution of the deed
of lease by the authority which not being considered, the

petitioner filed a writ petition being WPA 20323 of 2022 seeking execution of the deed.

By an order passed on 4th February, 2022, this Court directed the concerned authority to consider the representation of the petitioner in accordance with law within a stipulated time frame. Pursuant thereto, the matter was considered by the authority who by an order passed on 24th November, 2022, rejected the prayer of the petitioner on the ground that the entire bid amount and the draft lease deed along with bank guarantee were not submitted by the petitioner within the stipulated time frame.

The petitioner approached this Court for a second time in WPA 5493 of 2023. By an order passed on December 13, 2023, this Court held that the authority had accepted total bid amount to the tune of Rs.1,92,37,600/- from the petitioner. The concerned authority was directed to consider the representation submitted by the petitioner afresh within a stipulated time frame. The representation was again turned down by the authority by the order impugned.

It appears from an order issued by the Department of Industry, Commerce and Enterprises, Mines Branch, Government of West Bengal, dated 21st February, 2024 annexed to the supplementary affidavit filed by the petitioner that the District authorities have been authorized to execute sand mining lease agreement of sand

mines previously auctioned by them with such highest bidders provided all statutory approvals and payment receipts are submitted and all the terms and conditions of the tender document and the LOI issued to them are complied with as per the norms.

Learned counsel for the petitioner submits that the petitioner has complied with all the requirements in terms of the notification.

In view of the above, this Court is inclined to hold that in terms of the notification dated 21st February, 2024, the concerned authority be directed to execute and register long term mining lease in favour of the petitioner within a stipulated time frame.

The order passed by the Additional District Magistrate and District Land & Land Reforms Officer, Purba Bardhaman dated 8th January, 2024 is set aside.

The writ petition is accordingly allowed.

The concerned authority, being the 4th respondent herein, is directed to execute and register the deed of lease in favour of the petitioner in terms of the order dated 21st February, 2024 of the Department of Industry, Commerce and Enterprises, Mines Branch, Government of West Bengal within six weeks from the date of communication of this order, in accordance with law.

There shall, however, 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.)