

March 4, 2024
ARDR (68)

WPA 10222 of 2022

Pawan Arora
Vs.
The State of West Bengal & ors.

Adv. Mir Anowar,
Adv. D. Payra,

...for the petitioner.

Adv. Sanjay Saha,
Adv. Subhashis Bhattacharya,

...for the respondent no.5.

Adv. Chandi Charan De,
Adv. Soumitra Bandyopadhyay,
Adv. Reshmi Rahaman,

...for the State.

Heard learned counsels for the parties.

Being the highest bidder in an e-auction floated by the respondent authorities on 18th November, 2016 and upon depositing requisite fees, the petitioner was granted long term mining lease for a period of five years vide deed of lease dated 17th August, 2017 which has expired on 16th August, 2022. The petitioner was unable to carry on mining operation for a considerable period of time due to advent of covid 19 pandemic and submitted a representation before the concerned authority on 15th February, 2022 for extension of the lease.

Learned counsel for the petitioner has taken this Court to clause 5 of part IX of the deed of lease which demonstrates that if through *force majeure* the fulfillment by the lessee of any of the terms and conditions of the lease be delayed, the period of such delay shall be added to the period fixed by this lease. The

petitioner seeks consideration of his representation by the authority.

Learned counsel for the respondents submits that the 3rd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioner dated 15th February, 2022 upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner and upon consideration of the clause 5 of part IX of the deed of lease within one month from the date of communication of this order, in accordance with law.

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

With the aforesaid directions the writ petition is disposed of.

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.)