

April 1, 2024
ARDR (72)

WPA 15681 of 2022

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

Adv. Mir Anowar,
Adv. Debanjali Payra,
...for the petitioner.
Adv. Sanjay Saha,
...for the respondent no.4.
Adv. Soumitra Bandyopadhyay,
Adv. Subhasis Bandyopadhyay,
...for the State.

Heard learned counsels for the parties.

Being the highest bidder in an e-auction floated by the respondent authorities on 20th October, 2016, long term mining lease was granted in favour of the petitioner for a period of five years vide deed of lease registered on 22nd November, 2017. The petitioner was unable to carry on mining operation for a considerable period of time due to advent of covid 19 pandemic and the lockdown declared by the Government of India for which he has requested extension of the lease before the authority by a representation submitted on 7th February, 2022. The representation is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the petitioner takes 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.

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 7th February, 2022 upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner within eight weeks 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.)