

January 17, 2024  
ARDR (20)

**WPA 17731 of 2023**

M/s. Lokenath Estate & Export Pvt. Ltd. & anr.  
Vs.  
The State of West Bengal & ors.

Adv. Mir Anowar,  
...for the petitioners.  
Adv. Sanjay Saha,  
Adv. Subhasish Bhattacharjee,  
...for the respondent no.5.  
Adv. Soumitra Bandyopadhyay,  
Adv. Priyabrata Batabyal,  
...for the State.

The order passed by the Principal Secretary, Department of Industry, Commerce and Enterprise on 10<sup>th</sup> January, 2023 turning down the representation submitted by the petitioner for extension of the mining lease is assailed in the writ petition.

By an order passed on May 11, 2022 in WPA 5969 of 2022, this Court directed the concerned authority to consider and dispose of the representation submitted by the petitioner after taking into consideration the memorandum dated 13<sup>th</sup> May, 2020 as well as Clause 5 of Part IX of the deed of lease and after giving reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law. By a subsequent order passed on August 26, 2022 in WPA 18890 of 2022, this Court directed the authority to consider and dispose of a representation submitted by the petitioner dated July 8, 2022 upon granting reasonable opportunity of hearing to all concerned authority including the petitioner, in accordance with law.

It appears from the order impugned that the observation/direction of this Court passed in the order dated May 11, 2022 has not been taken into consideration by the Principal Secretary in the order impugned. The authority has turned down the request of the petitioner by the impugned order on the basis of the new mining policy dated 28<sup>th</sup> February, 2022 without considering the other issues raised by the petitioner before him.

In view of the above, the order impugned dated 10<sup>th</sup> January, 2023 be set aside.

The concerned authority, being the 2<sup>nd</sup> respondent herein, is directed to revisit the issue and pass a reasoned order in the light of the observation made by this Court in the order passed on May 11, 2022 in WPA 5969 of 2022 within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

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

With the aforesaid observations and 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.)**