

75
jdt.

06.05.2024
jb.

W.P.A. 21045 of 2022
(Basudeb Majhi vs. State of West Bengal & Ors.)

Mr. Pallav Chatterjee
Mr. M. Chakraborty
... For the Petitioner
Mr. Soumitra Bandyopadhyay
Mr. Subhasis Bandyopadhyay
... For the State
Mr. Sanjay Saha
Mr. Subhasish Bhattacharya
... For the Respondent No. 2

Affidavit of service filed on behalf of the petitioner and the report submitted by the State respondents are taken on record.

Heard learned counsels for the parties.

Being the highest bidder in the e auction floated by the authority on 4th November, 2017 and upon depositing 1/3rd of the bid amount, letter of intent was issued in favour of the petitioner for long term mining lease for a period of five years. The deed of lease was not executed despite the petitioner depositing the entire bid amount along with other relevant documents. The authority issued show cause notice upon the petitioner on 6th March, 2018 informing the petitioner that the letter of intent would remain valid for a period of one month from the date of issuance and if the successful bidder was unable to fulfill all the above conditions

within the said period he could submit an application addressed to the District Magistrate for extension of time. The petitioner has deposited the entire bid amount in the meantime.

Learned counsel for the petitioner has taken this Court to a notification issued by the Department of Industry, Commerce and Enterprises, Mines Branch, Government of West Bengal on 21st February, 2024 which authorises the district authorities 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.

The petitioner prays for a direction upon the authority to execute the deed of lease in terms of such notification.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that in view of the notification issued by the Government on 21st February, 2024, the 4th respondent be directed to execute and register deed of lease in favour of the petitioner in terms of the notification dated 21st February, 2024 upon the petitioner complying with all requisite formalities, in accordance with law within six weeks from the date of communication of this order.

The writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)