

WPA 22538 OF 2023

Ambey Abasan Pvt. Ltd. & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Mir Anowar

... For the Petitioners

Mr. Chandi Charan De
Mr. Anirban Sarkar.

.... For the Respondent
Nos. 1 to 4

Mr. Sanjay Saha

.... For the Respondent
No. 5

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Mir Anowar, learned counsel appears for the petitioners.

Mr. Chandi Charan De, learned Additional Government Pleader appears for the respondent nos. 1 to 4.

Mr. Sanjay Saha, learned counsel appears for the respondent no. 5.

A mining lease was executed on **October 12, 2017** in favour of the petitioners for excavation of sand blocks by virtue of a tender process. Currency of the lease was for **five years**. The lease had expired on **October 11, 2022**. The petitioners then submitted a representation dated **February 21, 2022**. A coordinate Bench by its order dated **August 18, 2022** directed the said

representation to be considered by the appropriate authority. Pursuant to and in terms of the said direction of the coordinate Bench, the representation of the petitioners was considered and was rejected by the respondent no.2 on the plea that, it was found that, the department pursuant to its policy had allowed extension of lease for some of the lessees. The department further took a decision not to extend this lease as of their policy.

Learned counsel appearing for the respondent no.5 submits that the leases, expired till **April, 2022**, were **extended till May 31, 2022**. The petitioners' lease had expired on **October 11, 2022** and, therefore, there was no question of extension of the petitioners' lease at the relevant point of time.

Both the learned Additional Government Pleader and the learned counsel for the respondent no.5 then submits that, in view of the **West Bengal Sand Mining Policy, 2021** (for short the 2021 policy) published in the official gazette dated **July 30, 2021**, the State adopted a policy that, the leases which are expired, the State shall proceed through the West Bengal Mineral Development and Trading Corporation Limited as the nodal agency for granting fresh leases in the manner and mode as stated in the said 2021 policy.

After considering the submissions made on behalf of the parties and upon perusal of the records, it appears to this Court that, since the State has adopted a specific

policy, no further direction cannot be passed in contrary thereto.

As such, the said impugned order dated **August 21, 2023** has not been interfered with.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

In view of the above, this writ petition, **WPA 22538 of 2023** stands **dismissed**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)