

04.12.2024
Ct. No. 2
Sl. No. 40
tbsr

WPA 28224 of 2024

Pradip Arora
Vs.
State of West Bengal & Ors.

Mr. Somnath Roy Chowdhury
....for the petitioner

Sk. Md. Galib
Mr. Priyamvada Singh
....for the State

Mr. Raju Mondal
....for the respondent no. 2

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

Mr. Somnath Roy Chowdhury, learned counsel appears for the petitioner.

Sk. Md. Galib, learned State counsel appears for respondent nos. 1 and 3 to 5.

Mr. Raju Mondal, learned advocate appears for respondent no. 2.

Referring to **Annexure P-10 at pages 178 and 199** to the writ petition, learned counsel for the petitioner submits that the petitioner has preferred an appeal under **Rule 51 of the West Bengal Minor Mineral concessions Rules, 2016** along with an application filed for condonation of delay for the period in

filing the appeal but the same have not been taken for consideration and are kept pending.

In view of the above, the jurisdictional appellate authority being respondent no. 3 herein shall dispose of the application for condonation of delay positively within a period of **four weeks** from the date of communication of this order after granting opportunity of hearing to the parties thereto and by passing a reasoned order in accordance with law.

If the condonation application succeeds, then the appellate authority shall consider the appeal and dispose of the same after granting an opportunity of hearing to the parties thereto and by passing a reasoned order in accordance with law within a period of **eight weeks** from the date of the order to be passed in the condonation application.

The date of hearing shall be communicated to the petitioner and the parties to the proceedings at least **one week** before the date of hearing to be fixed by the appellate authority for both condonation application and main appeal depending upon the situation.

It is made clear that this Court has not gone into the merits of the condonation application or the appeal and the parties thereto shall be at liberty to urge whatever points they wish to urge within the scope of the proceeding.

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

With the above observations and directions, this writ petition, **WPA 28224 of 2024** stands **disposed of**, without any order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)