

18.03.2025

Item No.06

Crt.No.02

b.r.

WPA 11074 of 2024

M/s. Sukriti Pebbles

-vs-

The State of West Bengal & Ors.

Mr. Sagar Bandyopadhyay, Ld.Sr. Adv.

Mr. Satadru Lahiri

Mr. Syed Wasim Faruque

..... for the petitioner.

Mr. Soumitra Bandyopadhyay. Ld. Sr. Adv.

Mr. Priyabrata Batabyal

.... For the State-

Respondents.

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

Mr. Sagar Bandyopadhyay, learned Senior Advocate appears for the petitioner.

Mr. Soumitra Bandyopadhyay, learned Senior State counsel appears for respondents.

The mining lease was executed in favour of the petitioner on **May 2, 2019**. The currency of the lease was for **five years**. The lease expired on **May 1, 2024**.

The petitioner applied for extension on **October 30, 2023**, before the expiry of the lease. The application submitted for extension at **Page-128** to the writ petition has not yet been considered.

Learned State counsel submits that the application has already been referred before the

Deputy Secretary to the Government of West Bengal, Dept. of Industry, Commerce & Enterprises (Mines Branch). In turn, the application was further referred before the **Special Secretary to the Government of West Bengal, Dept. of Industry, Commerce & Enterprises (Mines Branch)** and the same is lying on his desk.

In view of the above, the **respondent no.2** upon issuing a prior hearing notice of at least **seven days** to the petitioner and after granting him an opportunity of hearing shall decide the representation of the petitioner at **page 128** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the **respondent no.2** positively within a period of **four weeks** from the date of communication of this order considering the fact that the relevant web portal shall be closed on **March 24, 2025** and if the same is closed, the petitioner will not be able to operate the mining activity. The reasoned order then shall be communicated to the petitioner positively within **a week** from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the petitioner and the petitioner shall be at liberty to urge whatever points

he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the **respondent no.2.**

In the event, the reasoned order goes in favour of the petitioner, then all consequential steps shall be taken forthwith by the appropriate State authorities but positively within a period of **two weeks** from the date of the said reasoned order to be passed.

As the application submitted by the petitioner at **page 128** to the writ petition is pending since **October 30, 2023** at the State level and no decision has been received by the petitioner in this regard so long, no laches or fault can be attributed to the petitioner. The petitioner shall be entitled to carry out the mining activity from the subject mines strictly in accordance with law without any interference or coercive step being taken against him till **three weeks** after the said reasoned order is passed and communicated to the petitioner.

It is however made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to his claim before the respondent no.2 **strictly** in accordance with law.

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 11074 of 2024** stands **disposed of**, without any order as to costs.

The petitioner and/or its advocate-on-record shall communicate the server copy of today's order to the respondent no.2 positively within next **two working days**.

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

(Aniruddha Roy, J.)