

Item No.60
16.07.2025
Court. No. 19
Suvayan

**RVW 139 of 2025
In
WPA 27471 of 2024**

**Dilip Mondal
Vs.
The State of West Bengal & Ors.**

*Mr. Pinaki Ranjan Chakraborti
Mr. Pallav Chatterjee
Mr. Monajit Chakraborti*

...for the petitioner/applicant.

*Mr. Chandi Charan De, AGP
Mr. Anirban Sarkar*

...for the State.

*Mr. Sanjay Saha
Mr. Raju Mondal*

...for the respondent no. 2.

1. The affidavit-of-service as filed today on behalf of the review petitioner is taken on record.
2. From the affidavit-of-service it reveals that on behalf of the respondent no. 2 Mr. Sanjay Saha, learned Advocate received the notice of review. It is pertinent to mention herein that Mr. Saha appeared in WPA 27471 of 2024 which came to be disposed of by this Court on 01.05.2025.
3. The review petitioner and the respondents/authorities are represented by their respective Counsels.
4. By filing the instant review petition the review petitioner has sought for review of the judgment and order dated 01.05.2025 as passed by this Court in WPA 27471 of 2024.
5. At the time of hearing Mr. Chakraborty, learned Advocate appearing on behalf of the review petitioner at

the very outset draws attention of this Court to Section 25 of the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as the 'said Act of 1957' in short). It is submitted by Mr. Chakraborty that at the time of hearing of WPA 27471 of 2024 due to *bona fide* mistake on the part of the writ petitioner the provision of Section 25 of the said Act could not be placed on behalf of the writ petitioner as a result whereof this Court had got no occasion to consider the true spirit and implication of Section 25 of the said Act of 1957.

6. It is further contended by Mr. Chakraborty that Section 25 of the said Act of 1957 clearly mandates that any rent, royalty, tax, fee or other sum due to the Government under the said Act and/or any Rules made thereunder and/or under the terms and conditions of any mineral concession can be recovered by initiating a certificate proceeding. It is further contended by Mr. Chakraborty that in the judgment and order dated 01.05.2025 this Court came to a finding that the writ petitioner has failed to deposit the second and third installment within the specified time in terms of the notification dated 22.05.2017 a copy of which has been annexed at page no. 86 of WPA 27471 of 2024.
7. It is submitted that the said notification dated 22.05.2017 further indicates that if the payment conditions are not fulfilled the authorities are within their right to cancel the mining lease.

8. It is further contended by Mr. Chakraborty since the mining lease of the writ petitioner was not cancelled, the only remedy lies with the respondents/authorities to recover the arrears amount by way of certificate proceeding in terms of the provision of Section 25 of the said Act of 1957 and not by issuance of a stop order for issuing road challan/transit pass for carrying the minor minerals.
9. On being asked by this Court Mr. Chakraborty, learned Advocate appearing for the review petitioner, however, in his usual fairness says that at that material time the writ petitioner had not challenged the action of the respondents/authorities which issued the aforementioned stop order. It is thus submitted by Mr. Chakraborty that it is a fit case for review of the judgment and order dated 01.05.2025 as passed by this Court in WPA 27471 of 2024.
10. Mr. Saha, learned Advocate appearing on behalf of the respondent no. 2 and Mr. De, learned AGP appearing on behalf of the respondents/State, however, contends that no case has been made out by the review petitioner for entertaining the instant review petition.
11. This Court has meticulously perused the entire materials as placed before this Court. This Court has given its due consideration over the submissions of the learned Advocates for the contending parties.
12. Before going to the factual aspects of this case this Court proposes to recapitulate the basic principles for review as

has been enunciated in Section 114 read with Order XLVII of the Code of Civil Procedure.

13. It is trite law that a review of a judgment is permissible basically on three grounds, namely; (i) on account of discovery of new and important matter or evidence which after the exercise of due diligence was within the knowledge of the review petitioner or could not be produced by him at the time when the decree was passed or order made or; (ii) on account of some mistake or error apparent of face of record or; (iii) for any other sufficient reason.

There is also a rider that from such order on which review has been preferred no appeal is presented.

14. Keeping in mind the aforementioned provisions of law relating to review if I look to the factual aspects of this case it appears to this case that it is not the case of the review petitioner that the instant review has been sought for either on account of discovery of new matter of evidence or on account of some mistake or error apparent on the face of record.

15. From the submission of Mr. Chakraborty it appears to this Court that the instant review has been preferred on the ground (iii) as mentioned in the foregoing paragraph that is on the ground of 'sufficient cause' that is for non-consideration of Section 25 of the said Act of 1957 since it was not placed on account of a *bona fide* mistake on the part of the writ petitioner at the time of hearing.

16. For the sake of argument even if I accept the contention of Mr. Chakraborty, it appears to this Court that the submission as made by Mr. Chakraborty is not at all convincing for entertaining the instant review petition in view of the fact that when the respondents/authorities had issued the stop order for issuance of road challan for carrying the minor minerals, the writ petitioner has not approached this Court by challenging the said action of the respondents/authorities.
17. As already noticed by this Court in its judgment and order dated 01.05.2025 that WPA 27471 of 2024 was preferred by the writ petitioner challenging the action of the respondents/authorities when the said authorities have declined to grant extension of the period of lease for the period for which the writ petitioner could not perform his work of excavation due to the order of stoppage of issuing road challan thereby preventing the review petitioner from carrying the minor minerals.
18. In considered view of this Court admittedly Section 25 clearly mandates that any rent, royalty, tax, fee or other sum as due to the Government is to be recovered by way of a certificate proceeding. However, in further considered view of this Court the provision of Section 25 cannot be applied favourably for holding that the orders under challenge in WPA 27471 of 2024 are faulty inasmuch as this Court by its judgment and order dated 01.05.2025 has specifically held that the writ petitioner has violated the conditions of lease as well as the

mandate of the notification dated 22.05.2017 which persuaded the respondents/authorities to take a decision for not extending the period of lease.

19. In view of the discussion made hereinabove this Court considers that the present review petitioner has miserably failed to establish any of the grounds for invoking the power of review as sought for.

20. With the aforementioned observation, the instant review petition being RVW 139 of 2025 is dismissed.

21. However, there will be no order as to costs.

22. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)