

F.J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

PRESENT :

THE HON'BLE JUSTICE PARTHA SARATHI SEN

W.P.A. NO. 24081 OF 2024

AMRIT VINTRADE PRIVATE LIMITED & ANR.

-VS.-

THE STATE OF WEST BENGAL & ORS.

FOR THE PETITIONERS	:	Mr. Supratim Dhar, Sr. Adv. Mr. Partha Pratim Roy, Mr. Tirupati Mukherjee
FOR THE STATE	:	Mr. Sirsanya Bandopadhyay, Ld. Sr. Standing Counsel Mr. Debopriyo Karan
FOR THE RESPONDENT NO. 6	:	Mr. Sanjay Saha, Mr. Raju Mondal
HEARD ON	:	17.04.2025.
JUDGMENT ON	:	17.04.2025.

PARTHA SARATHI SEN, J. :

1. In the instant writ petition the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities, more specifically against the respondent no.4 to execute the deed of lease in respect of the sand mining in sand block no.0104DM006 located in Plot No.46 in Mouza –

Bakulia, J.L. No.44, P.S. – Saltora, District – Bankura over an area of 11.27 acres in the riverbed of Damodar.

2. In course of his submission Mr. Dhar, learned senior advocate appearing on behalf of the writ petitioners submits the following:-

- (i) The writ petitioners participated in the auction ID 2017_WB_431 and by a letter dated January 3, 2018 the respondent no.5 authority awarded a contract in favour of the writ petitioners after e-auction of sand mining for grant of mining lease for sand in respect of the aforementioned sand block.
- (ii) The writ petitioners deposited the earnest money as well as the application fee by two separate banker cheques with the respondent authorities and soon thereafter on February 27, 2018 a letter of intent was issued in favour of the writ petitioners.
- (iii) On June 15, 2018 the writ petitioners were asked to submit environmental clearance certificate for the proposed sand mining and accordingly, such certificate has been submitted by the writ petitioners which has been issued by the Member Secretary, DEIAA.
- (iv) By a memo dated March 24, 2022 the validity of the earlier letter of intent was extended upto May 31, 2022 by the respondent no.4 authority.

- (v) The writ petitioners issued several letters in the year 2022 to the respondent no.4 for execution of the deed of lease for extraction of sand from the said sand block, but of no effect.
3. It is, thus, submitted by Mr. Dhar that since the writ petitioners have complied with all the formalities, there cannot be any predicament on the part of the respondent no.4 to execute the deed of lease in favour of the writ petitioners pursuant to the terms and conditions of the e-auction, wherein the writ petitioners were found to be the successful bidders and in respect of the said e-auction, the writ petitioners have complied all legal formalities.
 4. Mr. Karan, learned advocate appearing on behalf of the respondent/State while submitting a report dated December 27, 2024 as prepared by the respondent no.5, submits before this Court that from the said report it would reveal that the environmental clearance certificate as has been issued by the DEIAA was declared not to be a competent authority pursuant to a judgment dated December 11, 2018 by the Hon'ble National Green Tribunal. It is further submitted by Mr. Karan that a request has been made to the writ petitioners to submit environmental clearance certificate from SEIAA which has not been complied with.
 5. It is further submitted by Mr. Karan that the writ petitioners have failed and neglected to execute the performance security and financial assurance in favour of the respondents as called for. It is lastly submitted by Mr. Karan that from the letter dated March 29, 2023 as issued by the Assistant Secretary, Department of Industry, Commerce and Enterprises, Kolkata, it would reveal

that a criminal case is pending against the proprietor of the writ petitioner and, therefore, the said department opined that the letter of intent may be extended in respect of other bidders except the writ petitioners.

6. On careful considerations of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court finds that admittedly the writ petitioners have not produced the environmental clearance certificate from the competent authority, that is, SEIAA. Materials have been placed before this Court that an environmental clearance certificate has been submitted by the writ petitioner as issued by DEIAA. However, in view of the judgment pronounced by the Hon'ble National Green Tribunal, the authority of the DEIAA for issuing environmental clearance certificate has practically been taken away over which the writ petitioners had no control.
7. In course of his submission Mr. Dhar submits before this Court that his client has got no predicament for applying a fresh environmental clearance certificate from the SEIAA, that is, the respondent no.2 herein in the event the letter of intent is further extended.
8. In view of such, while disposing the instant writ petition, this Court grants liberty to the writ petitioners to make an application for environmental clearance certificate with the respondent no.2 authority, that is, SEIAA within thirty working days from today. In the event such an application is made by the writ petitioners, the respondent no.2 authority shall consider the same in accordance with law.

9. The respondent no.4, that is, the District Magistrate, Bankura is further directed to extend the period of letter of intent till August 31, 2025. In the event the writ petitioners are successful in placing the environmental clearance certificate from the respondent no.2 authority along with the performance security and financial assurance as required by the District Magistrate, Bankura for execution of the proposed deed of lease for sand mining in respect of the aforementioned block within August 31, 2025, the District Magistrate is directed to execute the necessary deed of lease in favour of the writ petitioners without giving any adherence to the memo dated March 29, 2023 as issued by the Assistant Secretary, Department of Industry, Commerce and Enterprises, since the ground mentioned in the said memo is not found to be a disqualification of the writ petitioners for the execution of the sand mining in sand block no. 0104DM006 located in Plot No.46 in Mouza – Bakulia, J.L. No.44, P.S. – Saltora, District – Bankura over an area of 11.27 acres in the riverbed of Damodar being the successful bidder in the relevant e-auction.
10. With the aforementioned observations the instant writ petition is disposed of.
11. 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.)