

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

47 09.01.2025
Sc Ct. no.2

WPA 29651 OF 2024

M/s. Bikalpa Traders Private Limited
company, represented by its Director
Pawan Arora

Vs.

The State of West Bengal & Ors.

Mr. Asif Sohail Tarafdar

.... For the Petitioner

Mr. Chandi Charan De, AGP

Ms. Reshma Chatterjee.

.... For the Respondent
Nos.1, 3 to 6

Mr. Sanjay Saha

Mr. Raju Mondal.

.... For the Respondent
No.2

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

Mr. Asif Sohail Tarafdar, learned advocate appears
for the petitioner.

Mr. Chandi Charan De, learned Additional
Government Pleader appears for the respondent nos.1,
3 to 6.

Mr. Sanjay Saha, learned advocate appears for the
respondent no.2.

The ***Mining Lease*** for excavation of sand block
was executed on ***June 9, 2021*** in favour of the
petitioner, ***Annexure - P4 at page 27*** to the writ

petition. The currency of the lease is for **five years**. The possession of the land was handed over to the petitioner on **June 22, 2022, Annexure - P7 at page 103** to the writ petition. The record, therefore, shows there was a delay for about **eleven months** in handing over possession of the leased out sand block to the petitioner. The lease will expire on **July 8, 2026**. Diverse representations have been made by the petitioner claiming an extension of lease for about **eleven months** which was the delay, caused by the State authority in handing over the sand block physically to the petitioner.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, at the outset, this Court is of the firm view that, the transaction involved in this writ petition is purely commercial. By granting lease, the State has earned revenue from the petitioner. It is, therefore, the obligation of the State authority to deliver the possession of the sand block simultaneously with the execution of the lease which, admittedly, had not been done in this case and the possession was delivered after about **eleven months** of the execution of the lease.

In view of the above, the respondent no.5 upon issuing a prior hearing notice of at least **seven days** to the petitioner and the respondent no.2 and after

granting them an opportunity of hearing shall dispose of the representation of the petitioner dated **August 12, 2024 at page 106** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the respondent no.5 within a period of **four weeks** from the date of communication of this order and the reasoned order then shall be communicated to the petitioner and the respondent no.2 **positively** within a further period of **one 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 claims and rival claims of the parties and the petitioner shall be at liberty to urge whatever points it wishes to urge by relying upon whatever records and documents it wishes to reply upon before the respondent no.5 but the same shall not travel beyond the scope of the said representation dated **August 12, 2024**.

In the event the reasoned order goes in favour of the petitioner, the appropriate authority shall take all necessary and consequential steps to give an immediate effect thereto but **positively** within a period of **four weeks** from the date of the said reasoned order to be passed.

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

With the above observations and directions, this writ petition, **WPA 29651 of 2024** stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)