

July 1, 2025
Sl. No.92
Court No.19
s.biswas

WPA 28673 of 2023

Ramanuj Enterprise and another
vs.
The State of West Bengal and others

Mr. Abhinaba Dan

... for the petitioner

Mr. K. J. Yusuf, AGP

Mr. Parikshit Goswami

... for the State

Mr. Sanjay Saha

... for the respondent no.4

1. The affidavit of service as filed today on behalf of the petitioner is taken on record.
2. Learned advocate appearing on behalf of the respondent State has filed a brief history as prepared by the jurisdictional Additional District Magistrate i.e. the respondent no.6 herein.
3. Let the brief history as filed on behalf of the respondent State be taken on record.
4. The subject matter of the instant writ petitioner is the order dated 03.06.2023 as passed by the respondent no.6/authority whereby and whereunder the respondent no.6/authority declines to consider the representation of the writ petitioner favourably.
5. In course of his submission, Mr. Dan, learned advocate appearing on behalf of the writ petitioner submits before this court that from the materials as placed before this court, it would reveal that the writ petitioner applied for grant of long term mining lease, but the respondent

authorities for the reason best known to them kept it pending, despite deposit of advance royalty and cess amount by the writ petitioner.

6. It is further submitted on behalf of the writ petitioner that on account of inaction of the respondent authorities, the writ petitioner is not supposed to suffer. It is thus submitted that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers mentioned in the writ petitioner.
7. In course of his submission, Mr. Yusuf, learned advocate appearing on behalf of the respondent State submits before this court that there is no perversity in the order dated 03.06.2023 as passed by the respondent no.6/authority inasmuch as from the order under challenge it would reveal that at no point of time the writ petitioner was granted long term mining lease.
8. It is further submitted that the respondent no.6/authority has correctly come to a finding that on account of promulgation of the West Bengal Minor Minerals Concession Rules, 2016 (hereinafter referred to as 'the Rules of 2016' in short), long term mining can be granted only by e-auction.
9. Mr. Saha, learned advocate appearing on behalf of the respondent no.4, adopts the argument of the respondent State.

10. On careful consideration of the entire materials as placed before this court and after hearing the learned advocates for the contending parties, if I look to the factual aspects of this case, it transpires to this court that undisputedly no Letter of Intent was issued in favour of the writ petitioner in connection with earlier application for grant of mining lease.

11. At this juncture, I propose to look to Rules 61 and 62 of the said Rules of 2016, which are quoted hereinbelow in verbatim:

“61. Declaration of ineligibility of the pending minor mineral applications for mining lease including the applications of reclassified major minerals – *All applications for mining lease of minor minerals including the reclassified minor minerals vide SO No.-423 (E) dated 12th February, 2015 received prior to the giving-effect to this rules irrespective of its duration of pendency shall become ineligible.*

Provided that if the applicant has been issued a Grant Order or Letter of Intent (LoI) or any other Government Order requiring the alteration of applicant’s position then his mining lease application may be considered after due compliance of all the necessary conditions.

62. Repeal – (1) *The West Bengal Minor Mineral Rules, 2002, is hereby repealed.*

(2) *Notwithstanding such repeal, anything done, any action taken, or any prosecution started under the said rules, shall be deemed to have been validly done or taken or started, as the case may*

be, under the corresponding provisions of these rules.”

12. On careful consideration of the aforementioned legislative provision, it reveals that as per Rule 61 of the said Rules of 2016 all applications for mining lease of minor minerals received prior to the giving-effect of the said Rules of 2016 irrespective of its duration of pendency shall become ineligible with the proviso that in the event the applicant has been issued with a Grant Order or Letter of Intent, in such case the relevant mining lease application may be considered after due compliance of all necessary condition.

13. Admittedly on behalf of the writ petitioner no materials could be placed before this court that by virtue of earlier application a Government Order and/or Letter of Intent was issued to the writ petitioner. Such being the position, it appears to this court that with the promulgation of the said Rules of 2016, the earlier application of the writ petitioner has become ineligible in terms of Rule 61(1) of the said Rules of 2016.

14. In view of the discussion made hereinabove, this court thus finds no illegality and/or irregularity and/or perversity in the order under challenge.

15. With the aforementioned observation, the instant writ petition is dismissed.

16. Before parting with, this court grants liberty to the writ petitioner to approach the respondent no.6/authority for refund of advance royalty and cess as deposited by the writ petitioner. In the event such approach is made by the writ petitioner by submitting a representation, the respondent no.6/authority is directed to dispose of the said representation, in accordance with law positively within 30 working days from the date of receipt of such representation from the writ petitioner.

17. There shall be no order as to costs.

18. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)