

SL. 13
26.02.2026
Court No.19
BP

WPA 4430 of 2026

Shyam Charan Tudu
-versus-
The State of West Bengal and others

Mr. Piush Chaturvedi, Sr. Advocate
Mr. Pallav Chatterjee
Mr. Monajit Chakraborti
..for the petitioner

Mr. Jahar Lal De, Ld. Addl. Govt. Pleader
Mr. Shamim ul Bari
..for the State

Mr. Sanjay Saha
Mr. Raju Mondal
..for the respondent nos. 4 and 5

The petitioner claims to be the owner of quartz bearing land being Plot Nos. 619, 629 and 630 within Mouza Haramgara under Police Station Barikul in the District of Bankura. Pursuant to an application submitted by the petitioner for grant of prospective licence cum mining lease, the letter of intent was issued in favour of the petitioner on 6th March, 2023 which was valid till twelve months from the date of issuance i.e. till 5th March, 2024. The said LoI stipulates the necessary clearances and permissions which the petitioner has to obtain prior to execution and registration of the mining lease. The

petitioner applied before various authorities for obtaining necessary clearances and permission from such authorities and the last of the permission was issued in favour of the petitioner on 6th May, 2025 by the Divisional Forest Officer, Bankura. The petitioner states that the environmental clearance and certain other permissions from different authorities are still awaited and the pre-condition for obtaining the licenses and permissions from such authority is that the LoI should remain valid.

Mr. Chaturvedi, learned senior advocate appearing for the petitioner submits that the petitioner took prompt steps in obtaining the requisite permissions and licenses from the respective authorities but since the authorities took time to process such applications the validity period of the LoI stood expired in the meantime. He submits that the petitioner applied before the respondent no.4 praying for extension of the validity period of the LoI and such prayer stood rejected by an order dated 19th December, 2025. He submits that the petitioner took prompt steps to obtain the necessary clearances and permission but there was undue delay on the part of the respondent authorities in issuing such permission and clearances. He submits that the petitioner cannot be made to suffer for the delay on the part of the authorities in issuing the necessary clearances and certificates.

Mr. Saha, learned advocate for the Corporation submits that the petitioner applied for extension of the

validity period of the LoI long after the validity period of LoI stood expired. He submits that the validity period of the LoI cannot be extended on the basis of an application submitted after its validity period.

Heard Mr. De, learned Additional Government Pleader. He also submits that an extension of the LoI can be granted only if an application is submitted within its validity period.

Heard the learned advocates for the respective parties and perused the materials placed.

After going through the order dated 19th December, 2025 this Court finds that the only ground for rejection of the prayer for extension of the validity period of the LoI is that the application was submitted after the validity period of the LoI stood expired.

In course of his argument Mr. Chaturvedi, learned senior advocate for the petitioner places reliance upon a Government order dated September 24, 2025 in support of his contention that the Government by a policy decision extended the validity period for LoI for a period of two years from the date of issuance of the said Government order. He, therefore, submits that the validity period of the LoI issued in favour of the petitioner automatically stood extended till 23rd September, 2027.

After going through the Government order dated 24th September, 2025 this Court finds that the Government extended the validity period of letter of intent

(LoI) that were valid as on 20th February, 2025 till two years from the date of issuance of the Government order dated 24th September, 2025. Though the validity period of the LoI stood expired on 5th March, 2024 but the fact remains that the Government took a policy decision to extend the LoI that were valid as on February 20, 2025 for a period till two years from the date of issuance of such Government order. The petitioner applied before the authorities for issuance of licences and permissions and the concerned authorities took time to process such application which resulted in the expiry of the validity of LoI in the meantime. The last permission was, however, issued on 6th May, 2025, i.e., after the validity period of LoI expired.

The Government order dated 24.09.2025 was issued extending the period for execution of mining lease in case where LoI has not been issued before 20.02.2025.

Though the LoI has been issued in favour of the petitioner before 20.02.2025 but the fact remains that the mining lease could not be executed and registered as some clearances and permissions are still awaited. The object behind issuance of the Government Order dated 24.09.2025 is to extend the time for execution of the mining lease.

This Court, therefore, holds that the application for extension of the validity period of the LoI submitted by the petitioner on 13th November, 2025 shall be deemed to

have been made within the extended time limit for execution of the mining lease as per the Government order dated 24th September, 2025.

For such reason, this Court is inclined to interfere with the order dated 19th December, 2025. Accordingly the order dated 19th December, 2025 is set aside.

The Competent Authority under Raiyati Policy, West Bengal Mineral Development and Trading Corporation Limited being the 5th respondent is directed to reconsider the application of the petitioner praying for extension of the validity period of LoI and to dispose of the same by passing a reasoned order after affording an opportunity of hearing to the petitioner or his authorized representative. The entire exercise shall be completed as expeditiously as possible but positively within a period of fifteen working days from the receipt of a server copy of this order.

With the above observations and directions, WPA 4430 of 2026 stands disposed of.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)