

20. 18.05.2026.
Court No.08.
(Pritam)

**RVW 72 of 2022.
in
FMA 4692 of 2016.**

**Shaguffta Iasmin.
-Vs.-
State of West Bengal & Ors.**

Mr. P.K. Bhattacharya.

....for the appellant.

1. This application has been filed for review of a judgment and order dated March 1, 2022, whereby we had dismissed FMA 4692 of 2016.
2. The review applicant had approached a learned Judge of this Court in the writ jurisdiction seeking an order directing the respondent authorities to renew a mining lease in her favour. The writ petitioner challenged imposition of penalty to the tune of Rs.4,88,666/- for renewal of the lease.
3. The learned Single Judge was of the opinion that the penalty levied by the District Magistrate, Burdwan did not call for any interference since the same was quantified in terms of the West Bengal Minor Minerals Rules, 2002, after taking into consideration all the relevant factors.

4. The learned Judge granted liberty to the writ petitioner to deposit the said amount within six weeks with a further direction that if such deposit was made, the concerned authorities should renew that mining lease in favour of the writ petitioner for a further period of five years as observed in the order dated June 15, 2015 issued by the District Magistrate, Burdwan.
5. Being aggrieved, the writ petitioner came up before us by filing FMA 4692 of 2016. We dismissed the said appeal holding as follows;

“.....The appellant refers to Rule 62 of the West Bengal Minor Mineral Concession Rules, 2016, and contends that since the application for renewal of lease was made before the said Rule came into operation, her application should be decided in terms of the West Bengal Minor Minerals Rules, 2002.

We cannot accept the contention of the appellant. Admittedly, the lease was directed to be renewed by the concerned District Magistrate for a period of five years with effect from June 15, 2015. 2022. That being the position, the tenure of the lease would have expired in the month of June, 2020.

Since the new Rule namely, West Bengal Minor Mineral Concession Rules, 2016, is already in operation, at this juncture there is no scope for granting any further lease in favour of the writ petitioner on the basis of her application made in terms of the West Bengal Minor Minerals Rules, 2002.

In our view, the appeal has become infructuous since even if the appellant deposits the penalty

amount of Rs.4,88,666/-, no fresh lease in terms of the earlier Rules can be granted in her favour.

In that view of the matter, the appeal being FMA No.4692 of 2016 stands dismissed. Dismissal of the appeal, however, will not prevent the appellant from applying for a fresh lease in terms of the West Bengal Minor Mineral Concession Rules, 2016.”

6. The review applicant now says that she is prepared to deposit the penalty amount. Hence, the lease in respect of the concerned plot of land, should be renewed in her favour.
7. It would appear from the relevant portion of our order, which has been extracted above that we have clearly held that in view of the West Bengal Minor Mineral Concession Rules, 2016, having come into operation, the writ petitioner/appellant would have to apply afresh in terms of those Rules of 2016.
8. Hence, we find no reason or scope to review the said judgment and order.
9. The review application, thus, stands dismissed.
10. The review applicant will be at liberty to apply to the concerned authorities for fresh lease in accordance with the provisions of the West Bengal Minor Mineral Concession Rules, 2016. If any such application is made, the competent authority shall dispose of the same by passing a reasoned order, in accordance with law, observing the principles of natural justice.

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

(Arijit Banerjee, J.)

(Kausik Chanda, J.)