

Item-
8. 24-06-2026

WPA 13368 of 2026

Sayed Neajuddin
Versus
The State of West Bengal & Ors.

sg Ct. 19

Mr. Ashoke Banerjee, Sr. Adv.
Mr. Mir Anowar
...for the petitioner
Mr. Sanjoy Saha
Mr. Raju Mondal
...for the respondent no.3
Mr. Nilanjan Bhattacharjee, SSC
Ms. Jayita Dhar Chakraborty
Mr. Rhitam Chatterjee
...for the State

Affidavit of service filed in Court is taken on record.

The petitioner is an existing Mine Developer and Operator (in short “MDO”)/lessee having a valid lease till the end of November, 2028. The petitioner has challenged the demand notice directing the petitioner to pay penalty to the tune of Rs.25,37,25,509/- within a certain date.

Mr. Banerjee, learned Senior Counsel appearing for the petitioner submits that the said demand notice is de hors the order dated 29th May, 2025 issued by the Government of West Bengal, Department of Industry, Commerce and Enterprises, Mines Branch. He submits that the petitioner excavated sand in terms of the challans generated through the e-portal of the Department and, therefore, the petitioner cannot be fastened with the penalty as indicated in the demand notice dated 7th May, 2026.

Mr. Sanjoy Saha, learned Advocate appearing for the Corporation does not dispute the fact that by an order dated 29th May, 2025, a decision was taken to the effect that penalty to be paid by existing MDO/lessee having valid

lease/agreement period, for disposal of such petty excess quantity of sand (per cft) should be the prevailing rate of sand notified by Public Works Department in the concerned District or the sum of the bid premium of that sand block plus 1.5 times the royalty, whichever is higher.

It is not in dispute that the challan over and above the permissible limit was issued due to some technical glitches in the portal. For such reason, this Court is inclined to accept the contention of Mr. Banerjee that the petitioner could not have been fastened with the liability to pay penalty at the rate indicated in the demand notice dated 7th May, 2026.

For view of the above, this Court is inclined to set aside the demand notice dated 7th May, 2026 and accordingly, the same stands set aside and quashed. However, it is not in dispute that the petitioner excavated sand over and above the permissible limit. The petitioner has not challenged the office order dated 29th May, 2025. Therefore, the petitioner having excavated excess quantity of sand is liable to pay penalty in light of the order dated 29.05.2025.

Mr. Saha, learned Advocate appearing for the Corporation, on instructions, submits that the excess quantity of sand excavated by the petitioner is 1,24,68,084 cft and the amount which the petitioner would be required to pay in terms of the office order dated 29th May, 2025 is Rs.10,41,08,501/-. He further submits that till date, the Corporation realized an amount of Rs.8,59,47,445/- from the petitioner and as on date, a sum of Rs.1,81,61,056/- is lying due and payable from the petitioner in terms of the order dated 29th May, 2025. He further submits that if the petitioner is ready and willing to pay the aforesaid outstanding amount

within a specified time limit, no coercive shall be taken against the petitioner.

Faced with such submission, Mr. Banerjee, learned Senior Counsel, on instructions, submits that the petitioner is ready and willing to deposit such amount within one month from date.

Such submission is placed on record.

In view of the stand taken by the respective parties, this Court permits the petitioner to deposit the aforesaid outstanding amount of Rs.1,81,61,056/- on or before July 31, 2026.

No coercive steps shall be taken by the Corporation or any other respondent authorities against the petitioner till July 31, 2026.

It is, however, made clear that in the event the petitioner fails to deposit the aforesaid amount on or before the date mentioned hereinabove, it will be open to the Corporation and other respondent authorities to take steps in accordance with law.

With the above observations and directions, this writ petition stands disposed of.

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

(Hiranmay Bhattacharyya, J.)