

Sl. 12
25.06.2026
Court No.19
BP

WPA 13786 of 2026

Mtr. Infra Projects Pvt. Ltd. & Ors.
-versus-
The State of West Bengal & Ors.

Mr. Pijush Chaturvedi, Sr. Advocate
Mr. Tarun Kumar Das
..for the petitioners

Mr. Nilanjan Bhattacharjee, Sr. Standing Counsel
Ms. Jayita Dhar Chakraborty
..for the State

Mr. Sanjay Saha
..for WBMDTCL

On the prayer of Mr. Chaturvedi, learned senior advocate appearing for the petitioners, leave is granted to the learned advocate on record to incorporate the correct description of the respondent no. 4, here and now.

The petitioners became the H-1 bidder in respect of the sand blocks under RFP No. JHG_45_20122024_B17 dated 20th December, 2024.

The petitioners were requested to submit 50% annual sand premium amount within 4th April, 2025. It is not in dispute that the petitioners failed to make the payment within the aforesaid date. The petitioners were

given an additional time till 6th May, 2025 for depositing the said amount but the petitioners also did not comply with such directions. The petitioners were thereafter granted an additional time till 31st May, 2025. It is not in dispute that the amount has not been deposited within 31st May, 2025. Accordingly by a notice dated 5th June, 2025 the declaration of the petitioners as H-1 bidder stood cancelled and the empanelment of the petitioners as MDO also stood cancelled with immediate effect.

Mr. Chaturvedi, learned senior advocate appearing for the petitioners submits that for reasons beyond the control of the petitioners the amount could not be deposited by the petitioners within the time limit fixed by the authorities from time to time as well as till the last extended date. He submits that the petitioners could however make arrangement for depositing the requisite amount and thereafter approached the authorities by several representations, the last of which is dated 8th June, 2026, requesting the authorities to permit the petitioners to deposit the requisite amount by extending the time and to withdraw the termination letter dated 5th June, 2025 and 16.07.2025.

Mr. Chaturvedi, learned senior advocate appearing for the petitioners submits that the petitioners participated in several tenders in respect of several sand blocks and the petitioners were successful in respect thereof. The petitioners deposited the

requisite amount against such sand blocks but could not commence operations in respect of those sand blocks since the petitioners could not obtain the statutory clearances within the stipulated time. He submits that since the substantial amount of money was blocked with the authorities at the relevant point of time, the petitioners could not comply with the directions passed by the respondent Corporation from time to time to deposit the amount.

Mr. Saha, learned advocate appearing for the Corporation submits that repeated opportunities were granted to the petitioners to deposit the amount but the petitioners failed and neglected to deposit the said amount in spite of several extensions being granted in favour of the petitioners. He submits that further opportunity should not be granted to the petitioners to deposit the said amount.

Heard Mr. Bhattacharjee, learned senior standing counsel.

Faced with the submission of Mr. Saha, Mr. Chaturvedi, learned senior advocate for the petitioners submits that the petitioners are also ready and willing to pay interest as per Rule 12 of West Bengal Minor Mineral (Auction) Rules, 2016.

On a query of the Court Mr. Saha, learned advocate appearing for the Corporation submits, on instructions that in the event the petitioners are ready

and willing to pay interest, the Corporation would issue a demand notice in terms of Rule 12 of the 2016 Auction Rules within the time limit as may be fixed by this Court.

It would not be out of place to mention here that even after issuance of the termination letter dated 5th June, 2025 the authorities granted a further extension to the petitioners to deposit the said amount but since the said amount was not deposited within the said extended time, the 2nd termination letter dated 16th July, 2025 was issued.

In the light of the submissions made by the learned advocates for the respective parties, the appropriate authority of the West Bengal Mineral Development and Trading Corporation Limited being the 3rd respondent is directed to raise a demand of the amount which the petitioners are required to pay as indicated in the letter dated 12th March, 2025 i.e. Rs. 16,34,05,000/- (Sixteen Crore Thirty Four Lakh Five Thousand only) together with interest at the rate mentioned in Rule 12 of the 2016 Rules on expiry of sixty days from the date of issuance of the termination letter dated 5th June, 2025. The said demand shall be raised within ten days from the receipt of a server copy of this order. Immediately upon the said demand notice being served, the petitioners shall pay the amount as indicated in the demand notice within thirty days from the receipt of such demand notice. In the event the petitioners pay

the amount as indicated in the demand notice within the date and time indicated hereinbefore, the 3rd respondent shall withdraw the termination letters dated 5th June, 2025 and 16th July, 2025 and take all consequential steps thereafter in accordance with law.

It is however made clear that this order has been passed considering the special facts and circumstances of the case and the same shall not be treated as a precedent.

With the above observations, WPA 13786 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.)