

Item No.72
13.01.2026
Court. No. 2
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 2225 of 2025

Smt. Rina Dutta
VS
The State of West Bengal & Ors.

*Mr. Rajat Das,
Mr. Nabankur Paul,
Ms. Sutopa Sen Paul,
Ms. Anumita Lahiri,
Mr. Bodhisatya Ghosh*

...for the Petitioner.

*Mr. Joyjit Choudhury, Ld. AAG,
Mr. Sumit Kumar*

...for the State.

Mr. Sanjay Saha

...for the Respondent No.2.

1. Despite service, none appears on behalf of the respondent nos.5 to 8.
2. It is submitted by Mr. Paul, learned advocate for the petitioner that subject to an e-auction held for grant of mining lease of sand blocks for quarrying sand, the petitioner as the highest bidder was issued a letter of intent. The said letter of intent was extended from time to time to enable the petitioner to obtain environment clearance from the respondent nos.5 and 6.
3. The respondent nos.5 and 6 are the authorities who assess the impact on the environment if such quarrying permits are granted. It is alleged that the

respondent no.6 kept the application of the petitioner pending since long. In the meantime, the policy of the Government changed. It is submitted by the learned Additional Advocate General as also by Mr. Saha, learned advocate who appears for the West Bengal Mineral Development and Training Corporation Limited, that in view of the change in the policy of the Government, the letter of intent which was issued under the policy of 2016, does not survive.

4. It is an admitted position that the petitioner did not and still does not have any environment clearance. The terms and conditions of the e-auction and the issuance of the LOI were subject to the petitioner providing such environment clearance from the authorities. Thus, the mining lease could not be executed.
5. Under such circumstances, this Court cannot pass any mandatory direction upon the respondents to allow the petitioner either to commence mining or to keep the letter of intent extended from time to time in view of the change of policy. However, the petitioner's allegation that the respondent nos.7 and 8 have been permitted to continue without any clearance, is a matter which must be investigated upon by the concerned authorities and the Court directs the District Magistrate and Collector,

Darjeeling to make an enquiry with regard to such allegation against the respondent nos.7 and 8. However, as the petitioner had advanced 1/3rd of the bid amount, the said amount shall be refunded by the concerned authority to the petitioner within a period of four weeks from date.

6. Accordingly, the writ petition is disposed of.
7. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)