

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

rpa

**WRIT PETITION NO.3762 OF 2013
ALONGWITH
CIVIL APPLICATION NO.543 OF 2015**

M/s.Shield Protection Guards
Pvt. Ltd.

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

....
Mr.Samir Anukumar Vaidya, Advocate for the Petitioner/Applicant.
Mrs.M.T. Thakur, AGP for Respondent Nos.1 to 3.

....

**CORAM : A.S. OKA &
A.P. BHANGALE, JJ.**

DATED : APRIL 10, 2015.

P.C. :

The petitioner was granted a license to engage in the business of the private security agency under the provisions of the Private Security Agencies (Regulation) Act, 2005 and the Regulations framed thereunder. The license granted to the petitioner was valid till 27th February, 2013. By order dated 24th January, 2012 the said license was cancelled. The petitioner challenged the order of cancellation by preferring an Appeal. The State Government dismissed the Appeal by order dated 23rd January, 2013.

2 The order of cancellation as well as the order of the Appellate Authority have been impugned in the Writ Petition.

3 During the pendency of this Petition, the Deputy Commissioner of Police Special Branch in the office of Commissioner of Police New Bombay submitted a report dated 27th November, 2011 addressed to the Government Pleader in which it is stated that deficiencies noted in the show-cause notice dated 17th July, 2011 are no long in existence and the petitioner has made necessary compliances. Civil Application No.543 of 2015 is filed for seeking interim relief on the basis of the said report dated 27th November, 2014.

4 Even assuming that the petitioner succeeds in the Writ Petition and the license is restored, the term of license has expired on 27th February, 2013.

5 Therefore, now in any event, the petitioner will have to make a fresh application for grant of a license. If such fresh application is made, the same will have to be considered without being influenced by the orders impugned in the Writ Petition in the light of the report dated 27th November, 2014, submitted by the Deputy Commissioner of Police.

6 Accordingly, we dispose of the petition by passing the following order:

:: ORDER ::

(i) In view of the fact that the period of license has expired, the petition as well as the Civil Application do not survive;

(ii) It will be open for the petitioner to make a fresh application for grant of license to engage in the business of the Private Security Agency. If such application is made by the petitioner, the concerned Competent Authority shall decide the said application on its own merits without being influenced by the orders impugned in this petition. The concerned Competent Authority shall also take in to consideration the report dated 27th November, 2014 submitted by the Deputy Commissioner of Police, Special Branch in the office of the Commissioner of Police at Navi Mumbai;

(iii) If such application is made, the same shall be disposed of as expeditiously as possible and, in any event, within a period of three months from the date on which such application is made;

(iv) The Writ Petition and the Civil Application are disposed of on the above terms.

(A.P. BHANGALE, J.)

(A.S. OKA, J.)