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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8186/2017

SURAJ KUMAR BHASKAR Petitioner

Through: Mr Saurabh Bhargava, Advocate.

versus

UNION OF INDIA Respondent

Through: Mr Ruchir Mishra and Mr Ramneek Mishra, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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21.09.2017

1. The petitioner - who is a senior citizen aged about 73 years - has filed the present petition, *inter alia*, praying that the respondent be directed to consider the petitioner's application dated 10.08.2015 for renewal of his certificate of practice as a Notary Public.
2. The petitioner was appointed as a Notary Public on 15.07.1982 and has been continuing to practice as a Notary Public since then. The certificate of practice issued to the petitioner had been renewed from time to time and was last renewed for a period of five years with effect from 15.07.2010 and the validity of the said certificate expired on 15.07.2015.
3. In terms of Rule 8B of the Notaries Rules, 1956 (hereafter 'Rules') the certificate of practice issued to the Notary Public may be renewed for a period of five years on payment of prescribed fee. However, the application

for such renewal has to be made to the appropriate Government before six months from the date of expiry of its period of validity. In terms of the proviso to Rule 8B of the Rules the appropriate Government may after considering the reasons for delay in filing the application relax the condition of submission of the renewal application before the above specified period. The said Rule 8B of the Rules is set out below:-

“8B. Renewal of Certificate of Practice. - The certificate of practice issued under sub-rule (4) of rule 8 may be renewed for a further period of five years on payment of prescribed fee. An application for renewal of Certificate of Practice shall be submitted to the appropriate Government before six months from the date of expiry of its period of validity:

Provided that the appropriate Government may, after considering the reasons stated in the application, relax the condition of submission of application for renewal of certificate of practice before the above specified period.”

4. Mr Misra, learned counsel for the respondent submits that a plain reading of the above Rule indicates that although, the appropriate Government has the power to relax the condition of submission of the application for renewal of certificate of practice, however, the said power is limited to accepting the renewal application prior to the date of the expiry of the renewal certificate.

5. He states that in this view, the petitioner’s application for renewal of a certificate of practice as a Notary Public could not be entertained as it was admittedly filed after the certificate of practice had expired.

6. Mr Bhargava, learned counsel for the petitioner submits that the delay in submitting the application for renewal was not intentional; the petitioner had misplaced his original certificate of practice and thus, could not submit the renewal application on time.

7. He further points out that in certain cases the respondent has renewed certificate of practice of Notary Public pursuant to applications that were submitted belatedly and the same is established from the response of the respondent to the petitioner's application under the Right to Information Act, 2005.

8. In view of the stand taken by the respondent, directing the respondent to consider the petitioner's renewal application would serve no purpose as the respondent is bound to reject the same on account of delay.

9. Without going into controversy whether an application for renewal of certificate of practice could be considered even though filed belatedly, this Court is of the view that it would be apposite to direct the petitioner to make a fresh application and further direct the respondent to consider the same in a time bound manner.

10. Needless to mention that the respondent shall also give due credit to the petitioner for the period served as a Notary Public.

11. Accordingly, the present petition is disposed of by directing that in the event the petitioner makes a fresh application for issuance of certificate of practice within a period of two weeks from today, the same shall be considered sympathetically as expeditiously as possible in any event within

a period of eight weeks from today.

12. The petition is disposed of with the aforesaid directions.

13. Order *dasti*.

VIBHU BAKHRU, J

SEPTEMBER 21, 2017
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