

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

WRIT PETITION NO. 2550 OF 2017

Adv. D.P.Pawsar

.. Petitioner

v/s.

Union of India & Anr.

..Respondents

Ms. Vrushali Maindad for the Petitioner.

Mr. Anil Singh, Addl. Solicitor General a/w. D.P.Singh for the Respondent No.1.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : JULY 16, 2018.

P.C. :

1. Heard Mr. Desai, learned Counsel for the petitioner and Mr. Singh learned Counsel for the respondent. By this petition, the petitioner is challenging the Order/Communication dated 29th March, 2016 passed by the Respondent No.2. By the said order, the petitioner's application for renewal of Notary Practice Certificate was rejected.

2. In terms of Rule 8B of the Notaries Act, 1952, the Certificate of

Practice issued under Sub Rule 4 of Rule 8 can be renewed for further period of five years on payment of prescribed fees. The Rule further stipulates that 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. Proviso to Rule 8B gives discretion to the appropriate Government, after considering the reasons stated in the application, to relax the condition of submission of application for renewal of certificate of practice before the above specified period.

3. In the instant case, it is not in dispute that the certificate of practice issued in favour of the petitioner was valid till 15.2.2015. The petitioner had applied for renewal of certificate of practice on 4.2.2015. It is thus evident that the application was not filed within the time prescribed under Rule 8B. Upon perusal of the application, we find that the petitioner had not disclosed any reason for not filing the application in time. The petitioner had also sent a reminder and the said reminder also does not disclose the reasons for not making the application within the stipulated time. Since the petitioner had not disclosed any reasons for not making the application within the

prescribed time under Rule 8B, the appropriate Government could not exercise the discretion under the proviso, and consequently not condone the delay.

4. In the above circumstances, we do not find any error in the impugned order so as to invoke the jurisdiction under Article 226 of the Constitution of India. The writ petition is accordingly dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)

Prasanna
Pradeep
Salgaonkar

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Prasanna
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