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

+ **W.P.(C) 1022/2018**

LATIKA MOHAN KULKARNI

..... Petitioner

Through: Mr Saurabh Bhargava and Mr Khoda
Apa, Advocates.

versus

UNION OF INDIA

..... Respondent

Through: Mr Jasmeet Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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05.02.2018

1. The petitioner has filed the present petition, *inter alia*, impugning a communication/order dated 24.09.2015, whereby the petitioner's application for renewal of a license to practice as a Notary was denied on the ground that her application for renewal was delayed.
2. The petitioner was appointed as a Notary Public on 07.09.2010 and was issued a license to practice as Notary, which was valid upto 07.09.2015. She applied for renewal of the Notary license on 23.07.2015.
3. Rule 8B of the Notary Rules, 1956 provides for renewal of a certificate of practice issued to Notary. In terms of the said Rule, a certificate of practice may be renewed for a further period of five years on payment of the prescribed fee. The Rule further provides that an application for renewal of the certificate of practice shall be submitted to the appropriate government before six months from the date of expiry of its period of

validity. Thus, admittedly, the petitioner's application for renewal was beyond the prescribed time.

4. Notwithstanding the delay in making the application, in terms of proviso to Rule 8B of the said Rules, the appropriate government has the power to relax the condition for submission of application for renewal of certificate of practice before the specified period.

5. In view of the above, this Court is of the view that the respondent ought to have considered the petitioner's grounds for delay and taken an informed decision.

6. In a matter concerning similar facts, in ***Neelam Sharma v. Union of India: W.P.(C) 8503/2015*** decided on 11.09.2015, a Coordinate Bench of this Court had disposed of the writ petition with the following directions:-

(i) The petitioner, if he so desires, may, within 10 days hereof, file more particulars/documents in support of his explanation for the delay in applying for renewal, if any.

(ii) The respondent shall thereafter, within six weeks of the receipt of such further documents from the petitioner, consider the grounds given by the petitioner for condonation of delay in applying for renewal and shall take a reasoned decision thereon.

(iii) The respondent, if of the opinion that the petitioner is to be denied the renewal for any other reason, would, after notifying the petitioner of the said reason and after giving the petitioner an opportunity of being heard thereon within the subject period of six weeks, shall pass reasoned order within a period of three months from today.

(iv) Needless to state that if the petitioners remains aggrieved, he shall have his remedies."

7. This Court is of the view that the present petition is also required to be disposed of in the aforesaid directions. It is so directed.
8. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

FEBRUARY 05, 2018/MK