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

+ **W.P.(C) 2841/2018**

DINESH KUMAR KULSHRESTHA Petitioner
Through **Mr. Saurabh Bhargavan, Adv.**

versus

UNION OF INDIA Respondent
Through **Mr. Jasmeet Singh, CGSC with Ms.
Astha Sharma and Mr. Srivats Kaushal,
Adv.**

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER
% **23.03.2018**

1. Issue notice. Mr. Jasmeet Singh accepts notice. Learned counsel says that he does not wish to file a counter affidavit as the issue raised in the present writ petition is covered by a judgment of a coordinate bench of this Court dated 11.9.2015, passed in W.P.(C) 8503/2015, titled: *Neelam Sharma v. UOI*. It appears that this judgment has been followed by another Judge of this Court. The said judgment is dated 5.2.2018, passed in W.P.(C) No.1022/2018, titled: *Latika Mohan Kulkarni v. UOI*.

2. The substantive prayer made in this petition is as follows:

“(A) Direct the respondent to consider and decide the petitioner's renewal application dated 26-08-2016 (Annexure P-2) submitted with respondent for the renewal of his Certificate of Practice as Notary within such period as this Hon'ble Court may deem fit and proper.”

3. The brief facts as set out in the petition indicate the following:

3.1. The petitioner was appointed as a Notary Public on 10.3.2006. The petitioner's licence to act as a Notary expired on 10.3.2016. The

petitioner, however, failed to seek renewal before expiry of his license. An application for renewal of Certificate of Practice (COP) to act as a Notary was filed on 26.8.2016 alongwith an affidavit, explaining the reasons for delay.

3.2 The petitioner avers that because of his illness and illness of his parents he could not apply for renewal prior to the expiry of the COP which, as indicated above, lost its efficacy on 10.3.2016.

4. I am told by the counsel for the petitioner that petitioner's application for renewal of COP is pending consideration with the respondent.

5. Accordingly, the writ petition is disposed of with the direction to the respondent to consider the pending application of the petitioner for renewal of COP. The respondent will give due credit to the petitioner for the period he has already worked as a Notary. This direction is passed in line with order dated 24.5.2017, passed in W.P.(C) 6528/2016, in the matter of, *Mihir Banerjee vs. Union of India* by a coordinate bench of this Court. The respondent will pass a speaking order and a copy of the same will be furnished to the counsel for the petitioner.

6. Needless to say, the observations made above will not impact the consideration of the petitioner's application for renewal on merits.

7. I make it clear that the issue as to whether an application for renewal filed after the expiry of the COP could be considered is not an aspect which I have decided in the present writ petition. If the respondent rejects the application on this ground, it will give reasons in support of the same. The respondent will also ensure that the principle of even handedness is applied to the petitioner.

8. As indicated above, once a speaking order is passed, the petitioner will have liberty to assail the same if he is aggrieved by the order.
9. Dasti.

RAJIV SHAKDHER, J

MARCH 23, 2018
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