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

+ W.P.(C) 1013/2019

SANJAY TRAMBAKRAO PATIL

..... Petitioner

Through: Mr Saurabh Bhargava and Ms Swetha
Sharma, Advocates.

versus

UNION OF INDIA

..... Respondent

Through: Mr Jasmeet Singh, CGSC with Mr
Aditya Madaan, Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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30.01.2019

1. Issue notice. Learned counsel for the respondents accepts notice. With the consent of the parties, the petition is taken up for final hearing.

2. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(A) Direct the respondent to consider and decide the petitioner’s renewal application dated 08-10-2016 (Annexure P-3) 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 petitioner was appointed as a Notary on 27.07.2006 for a period of five years. The same was renewed on 27.07.2011 for a further period of five years. The said license expired on 26.07.2016. Prior to that, the petitioner’s daughter had fallen seriously ill and in view of the mitigating

circumstances, the petitioner could not apply for renewal of the license within the time prescribed under Rule 8B of the Notaries Rules, 1956.

4. Rule 8B of the said 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.”

5. It is apparent from the plain reading of the proviso to Rule 8B of the aforesaid Rules that the appropriate government has the power to relax the conditions of submission of the application for renewal of certificate of practice prior to the period as specified under the said Rule.

6. The learned counsel appearing for the respondent submits that although the appropriate government does have the power to relax the condition of the period as specified in Rule 8B (the period of six months) of the said Rules, the application for renewal must be submitted prior to the expiry of its validity. He submits that the appropriate government would not have the power to accept the application for renewal that has been submitted after the validity of the license has expired.

7. The learned counsel appearing for the petitioner points out that in a similar case – ***Suraj Kumar Bhaskar v. Union of India: W.P.(C) 8186/2017***

– this Court had directed the petitioner to make a fresh application for issuance of the certificate and further directed that the same would be considered sympathically in a time bound manner. He also drew the attention of this Court to the response received to a queries raised under the Right to Information Act, 2005. The said responses indicates that the respondent has renewed licenses to practise as a Notary in certain cases even where the applications had been received after the expiry of the license.

8. In the present case, the petitioner has not received any response from the respondent with regard to his application for renewal of the license. In view of the above, the present petition is disposed of by directing the respondent to consider the petitioner's application for renewal of license (the certificate of practice) in accordance with law. The respondent shall also examine whether it can relax the condition as imposed under Rule 8B of the Notary Rules, 1956 and accept the application even after the license has expired. The respondent shall also consider whether the petitioner's case could be considered at parity with other cases as referred to in the response received pursuant to the Right to Information Act, 2005.

9. The decision in this regard shall be communicated to the petitioner as expeditiously as possible and preferably within a period of six weeks from today.

10. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

JANUARY 30, 2019

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