

\$~14

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

+ **W.P.(C) 13831/2018 & CM APPLN. NO. 33229/2019**

RAJ KUMAR

..... Petitioner

Through: Ms Astha and Ms Naahid Naasir,
Advocates.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr Akshay Makhija, CGSC with Ms
Roshni Namboodiry, Advocates for
UOI.

Mr Satyakam, ASC, GNCTD/R-2
with Mr Vinay Kumar, Licensing
Branch, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

24.07.2019

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 01.08.2014 passed by the Assistant Commissioner of Police, Licencing Unit, New Delhi. By the said impugned order, the petitioner's request for grant of renewal of the arms licence held by the petitioner has been kept in abeyance. The petitioner also seeks restoration of the said arms licence bearing no. SWKS/2/2002/2, which is endorsed with two weapons: (i) .30 bore NPB Pistol No.M-11533 and (ii) 12 Bore Double Barrel Gun No.40596-97. Both the aforesaid weapons are currently deposited with M/s Kewal Krishan Sharma, a licensed arms and ammunition dealer.
2. The petitioner's application for renewal of the said licence was

rejected on account of an investigation pending against the petitioner. The respondents have now clarified that the investigation is complete and the same is no longer an impediment in renewing the said licence in favour of the petitioner.

3. The issue that now stands in the way of the petitioner for the renewal of his licence is that the .30 bore NPB Pistol No.M-11533 is a 'Non-Standard Pattern' (NSP) weapon. The respondents state that NSP weapons are allotted to serving army personnel, with a condition that the same cannot be resold.

4. Mr Satyakam, learned counsel appearing for the respondents referred to the Special Army Order No.1/S/96 and drew the attention of this Court to Paragraphs 20 and 23 of the said order, which read as under:-

“Transfer of Arms by One Entitled Personnel to Another:

20. Weapon purchased ex-Ordinance will be resold with the prior approval of Standing Allotment Committee and at reasonable rates, only to the entitled personnel as given in para 6 above. If the transfer is approved by the allotment committee the records maintained at Army HQ and COD Jabalpur as mentioned in para 16 above will be suitably amended.

XXXX XXXX XXXX XXXX

23. The NSP weapon(s) will, under no circumstances, be sold to any arms dealer or persons other than entitled in para 6 above. Infringement of this rule will invite disciplinary action besides confiscation of the weapon.”

5. The respondents have also filed an affidavit clearly stating that the said weapon is required to be deposited with the Directorate General Ordnance Services (DGOS), New Delhi, directly along with an intimation to the Licencing Authority.

6. In view of the above, learned counsel appearing for the petitioner seeks some time to enable the petitioner to deposit the said weapon with DGOS, New Delhi, as directed.

7. She also drew the attention of this court to Paragraph 9 of the counter affidavit filed on behalf of the respondents wherein it has been affirmed that the respondents would renew the licence on a temporary basis to enable the petitioner to collect the weapon in question and deposit the same with DGOS, New Delhi.

8. In view of the above, the respondents are directed to renew the said licence for a period of three months to enable the petitioner to collect the weapon and deposit it with DGOS, New Delhi.

9. Insofar as the renewal of licence for the second weapon –12 Bore Gun No.40596-97 – is concerned; concededly, there is no impediment in renewal of the licence for the said weapon. The respondents are, accordingly, directed to renew the same in accordance with law.

10. The petition is disposed of in the aforesaid terms. The pending application also stands disposed of.

VIBHU BAKHRU, J

JULY 24, 2019
MK