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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 08th April, 2021
+ **W.P.(C) 10073/2020**

M/S HIGH COMMAND THROUGH ITS PROPRIETOR MR.
HEMANT BALI Petitioner

Through: Mr. Gaurav Puri, Mr. Sarthak Gupta
& Ms. Yashika Verma, Advocates.

versus

THE SPECIAL SECRETARY (HOME) & ANR. Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD
with Mr. Shikhar Sheel & Ms. Ayushi
Bansal, Advocates for R-1.

Mr. Chetan Sharma, ASG with Mr.
Ajay Digpaul, CGSC with Mr. Amit
Gupta, Mr. Vinay Yadav, Mr. Akshay
Gadeock, Mr. Sahaj Garg & Mr. R.
Venkat Prabhat, Advocates.

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode (physical and virtual hearing).
2. The Petitioner - M/s High Command has filed the present petition through its sole proprietor - Mr. Hemant Bali. The Petitioner was granted a license under the Private Security Agencies Regulation Act, 2005 (*hereinafter 'PSARA'*) for providing services as a private security agency. There were various licenses of security agencies which were lapsing during the lockdown period, post 25th March, 2020. In view of the same, the Ministry of Home Affairs, on 12th June, 2020 had issued an advisory on the relaxation of time period for renewal of licenses to the following effect:

*“ As the COVID-19 pandemic has affected the functioning of government/private sector offices during the various stages of lockdown, there may be situations where renewal of licences of the private security agencies might have been affected either on the part of agencies or Controlling Authorities and the process of renewal of licences might have been delayed resulting in affecting the businesses of private security agencies.
2. To overcome such problems, the State Government/UT Administrations are advised to consider/grant relaxation in renewal of licence to the private security agencies for a suitable period from 25th March 2020 onwards and upto 31st August 2020 due to lockdown during COVID-19 pandemic ”*

3. The case of the Petitioner is that some of the staff members of the Petitioner tested positive for COVID-19 and the Petitioner, along with his staff members, had to remain in quarantine during the said period.
4. Though the relaxation period for renewal of licenses granted by the Ministry of Home Affairs vide its advisory dated 12th June, 2020 was till 31st August, 2020, the Petitioner could only apply for the renewal of its licence on the 11th September, 2020. In view of the delay which occurred, the Petitioner, vide its letters dated 11th September, 2020, prayed to the authorities for relaxation of the period from 31st August, 2020 to 11th September, 2020, i.e., a period of 10 days. The Petitioner also prayed that the request for renewal of its license be considered by the authorities.
5. Since no response was received, the present petition has been filed. The prayers sought in the petition are as under:

*“a) Issue appropriate writ of mandamus or any other appropriate writ;
b) Direct the Respondents to renew the license of the Petitioner company having SL No. 0753*

*(ANNEXURE-A) required by a private security agency to engage in the business of providing services;
c) Pass appropriate order(s) or direction(s) against the Respondents to maintain status quo during the pendency of the present proceeding;
d) Permit the Petitioner company to participate in various tender floated from 31.08.2020 and during the pendency of the present writ petition;
e) Grant any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case along with cost in favour of the Petitioner"*

6. Ld. counsel for the Petitioner submits that considering the reason for the delay, the delay may be condoned and GNCTD may be directed to consider the Petitioner's application for renewal of its license.
7. On behalf of Respondent No.1 - The Special Secretary (Home) Cum Controlling Authority under PSARA, Home Department, GNCTD, it is stated that the relaxation was given till 31st August, 2020, in terms of the advisory of the Ministry of Home Affairs dated 12th June, 2020. In view of this, it could result in discrimination *qua* other similarly situated persons, if the relaxation is granted in the present case. Insofar as GNCTD is concerned, it is submitted that GNCTD would only be bound by the directions issued by the Ministry of Home Affairs.
8. Considering the overall facts and circumstances, and from a perusal of the advisory dated 12th June, 2020 itself, it is clear that the security agencies like the Petitioner may have faced genuine difficulties owing to the lockdown and the outbreak of the pandemic.
9. Moreover, the letter dated 12th June, 2020 is merely an advisory and does not put any embargo on condoning delay in renewal of licenses occurring beyond 31st August, 2020. Considering the reasons given by the

Petitioner for the delay in submitting the renewal application for its license, this Court is of the opinion that the delay deserves to be condoned. Accordingly, the application of the Petitioner for renewal be considered by the GNCTD in accordance with the applicable rules. The same be processed and a decision be taken within a period of 30 days. The delay of the Petitioner in applying for the renewal of its license shall be treated as condoned.

10. The petition is disposed of in these terms.

11. Insofar as the other agencies are concerned, which may have not applied for renewal of their licenses within the stipulated time, each case would have to be considered on its own merits and the present order shall not act as a precedent in respect thereof.

**PRATHIBA M. SINGH
JUDGE**

APRIL 8, 2021

Rahul/Sp