

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No. 21203 of 2018 (O&M)

Date of decision: 25th May, 2023

Knight Detective and Security Services Pvt. Ltd.

Petitioner

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Aakash Singla and Ms. Vaishali Singla, Advocates
for the petitioner.
Mr. Samarth Sagar, Addl. AG, Haryana.
Mr. Sumeet Jain, Addl. Standing Counsel for UT, Chandigarh.
Mr. Arun Gosain, Senior Govt. Counsel with Ms. Swati Arora,
Advocate for UOI.

AVNEESH JHINGAN, J (Oral):

1. This writ petition in the nature of *Certiorari* is filed seeking quashing of orders dated 23.4.2018 and 21.6.2018 rejecting the application for renewal of the licence and dismissing the appeal, respectively.
2. The relevant facts are that on 8.5.2012, the petitioner applied for a licence of security agency under the Private Security Agencies (Regulation) Act, 2005 (for short, 'the Act') and Haryana Private Security Agencies Rules, 2009 (hereinafter referred to as 'the Rules'). The licence issued on 14.3.2013 was valid upto 13.3.2018. The application made by the petitioner on 12.2.2018 for renewal of the licence was rejected on 23.4.2018. The ground of rejection was that the word 'detective' should be removed from the name of the petitioner-company. The appeal filed was dismissed on 21.6.2018. Hence the present petition.

3. Learned counsel for the petitioner submits that the petitioner is not working as a detective agency but is a security agency operating Pan India and is having licence in various States on this very name. It is further argued that respondent No. 2 erred in refusing renewal on the basis that word 'detective' finds mention in the name of the petitioner. It is further argued that the appellate authority erred in dismissing the appeal relying upon Section 13 of the Act as it was not a case of cancellation of licence. The grievance of the petitioner in appeal was vis-a-vis refusal to renew the licence. He further submits that the petitioner has already given an undertaking and will again file an affidavit to the effect that no detective services would be provided by the petitioner and in case of violation of the said undertaking, it may itself be treated as a ground for cancelling the licence.

4. Learned counsel for the State defends the impugned orders but is not in a position to dispute the factual aspect contended by learned counsel for the petitioner. He further submits that the impugned order was passed considering that the word 'detective' in the name of the petitioner may result in mis-representation.

5. The appellate authority went beyond the issue involved in appeal, the grievance raised was that renewal of the licence was wrongly refused. It was not an issue of cancellation of licence. Section 13 of the Act deals with eventualities for cancelling the licence.

6. It would not be out of place to mention that it is not the case set up by the respondents that from 2012 to 2018, the petitioner has mis-used the licence or has indulged in providing detective services. There is no

pleading or averment made by the respondents that renewal of the licence can be refused merely on the basis of name of the agency, more-so when the respondents had granted licence for the same name.

7. In view of the above, the impugned orders are set aside. The matter is remitted back to respondent No. 2 to decide the issue afresh after filing of an undertaking by the petitioner, as stated above by counsel for the petitioner. There is no doubt that the matter would be considered in accordance with law and as per the statutory provisions existing as on date.

8. The writ petition is allowed.

[AVNEESH JHINGAN]
JUDGE

25th May, 2023

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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No