

**In the High Court at Calcutta  
Circuit Bench at Jalpaiguri  
Constitutional Writ Jurisdiction  
Appellate Side**

**WPA 2826 of 2023**

**Manohar Lal Singh  
Versus  
State of West Bengal and Ors.**

Mr. Sudipto Kumar Mazumdar, Sr. Adv.  
Mr. Shubhankar Datta, Adv.

... for the petitioner

Mr. Subir Kr. Saha, Adv.  
Mr. Rima Sarkar, Adv.

... for the State

Mr. Sudipto Kumar Mazumdar, learned senior counsel, is appearing for the petitioner.

Mr. Subir Kr. Saha, learned counsel, is appearing for the State.

The petitioner has applied for renewal of fire licence no.69/2023, Siliguri P.S. serial no.12218 Pistol bearing no. RP 114132 dated 29.04.2019. On receipt of the said application for renewal, the District Magistrate has taken no steps. Subsequently, the petitioner came to know that the renewal authority has been changed from the District Magistrate to the Commissioner, Siliguri Police Commissionerate, Siliguri and accordingly, on 14<sup>th</sup> June, 2022 the petitioner had made an

application to the Commissioner, Siliguri Police Commissionerate for renewal and on receipt of the said application, by a communication dated 30<sup>th</sup> September, 2023, the request of the petitioner was rejected on the ground that the Arms Licence of the petitioner is not registered online and without “UIN” the office is not in a position to renew the licence of the petitioner.

Being aggrieved by the said communication, the petitioner has filed the present application. Initially, the licence was issued to the petitioner in the year 2003. In the year 2016, the petitioner has made an application for renewal and on receipt of the request of the petitioner, the licence of the petitioner was renewed up till 30<sup>th</sup> April, 2019.

In the meantime, the District Magistrate, Darjeeling had requested the petitioner to submit data on the enclosed NDAL format for online registration fire Arms Licence at the nearest Police Station/BDO office within two days but the petitioner has not applied for the same but admittedly the petitioner has applied for renewal of the said licence in the year 2016.

Rule 15 of the Arms Rule 2016 reads as follows:

**“15. Maintenance of records in electronic format and consolidation of licences.-**

(1) Every licensing authority and the renewing authority specified in Schedule II,

while granting a license or renewing a licence, thereof, shall enter the data of the record locally in an electronic format specified by the Central Government.

[(2) Every licensing authority and the renewing authority shall also enter such data in the NDAL system which shall generate a unique identification number (UIN) and with effect from the [30<sup>th</sup> June, 2020], any arms license without UIN shall be considered invalid.]

(3) The UIN so generated under sub-rule (2) shall be unique for a licensee. [(4) Any existing licensee holding multiple licenses in Form III shall on or before the [30<sup>th</sup> June, 2020], make an application for grant of a single license in respect of all the firearms held by him under his UIN, to the concerned licensing authority:

Provided that where the applicant applying a license for restricted category of arms or ammunition specified in Schedule I is also a holder of a licence for permissible category of arms or ammunition specified in the said Schedule; or where the applicant, applying for permissible category of arms or ammunition is also a holder of a licence for restricted category of arms or ammunition specified in the said Schedule, the licensing authority concerned shall issue a new licence for such restricted or permissible category of arms or ammunition, as may be applicable, under the existing UIN of the licensee:

[Provided further that separate licence either in book form or in electronic form shall be generated in case of each licence in

Form II, Form III, Form IIIA and Form IV and in case of a licence in Form III, separately for restricted and permissible categories of arms and ammunition specified in Schedule I, with an overall ceiling of two firearms under a single UIN.]

(5) The licensing authority on receipt of an application from a multiple licence holder under sub-rule (4) shall cancel the existing multiple licences of the applicant and issue in lieu thereof, a new licence endorsing therein, all the existing firearms of the said licensee.

(6) The period of validity of the new licence so issued by the licensing authority under sub-rule (5) shall be the farthest period as mentioned in any of the cancelled licenses and the area validity endorsed on the new licence shall be the more extensive area in any of the cancelled licences.”

Learned counsel for the respondent tried to impress upon this Court that the petitioner failed to submit data on NDAL format for online registration of the arms licence in the year 2015 and as such it is not possible for the authorities to renew the said licence of the petitioner without UIN number.

This Court finds that though the District Magistrate, Darjeeling by a communication dated 09.09.2015 had requested the petitioner to submit data on the enclosed NDAL format for online registration of arms licence at the nearest police station or the BDO office but the petitioner has not

submitted the same. Simultaneously the petitioner has made an application for renewal for his licence in the year 2016 and in the old format the District Magistrate has renewed the same in the month of April 2016 till 30<sup>th</sup> April, 2019. The District Magistrate at the relevant point of time ought to have directed the petitioner to submit data on the NDAL format for renewal but in spite of doing so, the District Magistrate has renewed the Arms licence of the petitioner on the old format. Now when on the second time the period of licence was going to be expired, the petitioner has again applied for renewal before the District Magistrate on 29<sup>th</sup> April, 2019 but the District Magistrate has neither consider the application submitted by the petitioner nor has renewed the same.

Subsequently, when petitioner came to know that the application to be submitted before the Commissioner for renewal, the petitioner has submitted the same but the Deputy Commissioner of Police by a communication dated 30<sup>th</sup> September, 2023 has rejected the request of the petitioner on the ground that the petitioner's licence has not been registered online and without the UIN, the same cannot renewed.

As per Section 15(1) & (2) it is the duty of the licensing or renewing authority to enter the data in

the NDAL system but in the present case, the petitioner has applied for renewal of his licence in the year 2016 and the same was renewed in the old format without entering the data in the NDAL system and not generate a unique identification number (UIN).

In view of the above this Court finds that due to the fault of the authority, the petitioner cannot suffer.

Accordingly, the communication dated 30<sup>th</sup> September, 2023 is set aside and quashed.

The Deputy Commissioner of Police Head Quarter, Siliguri Police Commissionerate is directed to consider the request of the petitioner afresh and to renew the licence of the petitioner by entering the data in the NDAL system by generating UIN within a period of eight weeks from the date of receipt of this order.

WPA No. 2826 of 2023 is disposed of.

**(Krishna Rao, J.)**