



CWP-6028-2026

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-6028-2026

Date of Decision: 13.05.2026

Savita

...Petitioner

Versus

Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Dashim Garg, Advocate and
Mr. Hemen Aggarwal, Advocate for the petitioner

Mr. Sunil Sharma, Senior Panel Counsel
for Union of India-respondents

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 16.02.2026 whereby her application seeking renewal of certificate of practice under Notaries Act, 1952 (for short '**1952 Act**') read with Notaries Rules, 1956 (for short '**1956 Rules**') has been rejected.

2. The petitioner is a practicing Advocate. She was appointed as Notary Public by Central Government vide order dated 13.11.2019. The certificate of practice was valid for 5 years i.e. upto 12.11.2024. She on 18.07.2024 applied for renewal of aforesaid certificate. The respondent received her application on 26.07.2024. The respondent by impugned order has rejected her application on the ground of non-compliance of Rule 8-B of 1956 Rules. As per respondent, the petitioner has violated condition of limitation period prescribed in the said Rule.



3. Learned counsel for the petitioner submits that as per Rule 8-B, the petitioner was required to file application at least six months prior to date of expiry of validity period of the certificate. She filed the same about four months prior to expiry of certificate. As per proviso to aforesaid Rule, the competent authority may condone the delay. As per second proviso to said Rule, certificate may be renewed even after its expiry. The Courts in such circumstances have condoned delay and directed respondent to issue certificate. In support of his contentions, he relied upon order dated 09.05.2017 of this Court in *Nirmal Singh v. Union of India and others, CWP No.17973 of 2016*.

4. Learned counsel for the respondents expressed his inability to controvert applicability of aforesaid order to the present case.

5. Heard the arguments and perused the record.

6. The dispute is confined to renewal of certificate of practice. The respondent has rejected petitioner's application on the ground of delay. Rule 8-B of 1956 Rules provides for renewal of certificate of practice. It provides that application should be filed at least six months prior to expiry of certificate. Rule 8-B reads as:

“8-B. 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 online in Form XVI 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 said period of six months:

Provided further that where an application for renewal of Certificate of Practice is received within one year after the date of expiry of its period of validity, the appropriate Government may, after considering the reasons stated in the application, renew the Certificate of Practice with effect from the date of expiry of its period of validity:

Provided also that the application for renewal of certificate of practice may be made in physical form:

Provided also that the applications received in physical form before the commencement of the Notaries (Amendment) Rules, 2024 may also be considered by the appropriate government for the purpose of renewal of the Certificate of Practice of the existing notaries.”

7. From the perusal of first proviso to aforesaid Rule, it is evident that Government may condone delay. Second proviso empowers Government to renew certificate even after the expiry of certificate. The said power can be exercised if application is received within one year from the date of expiry of certificate. It means Legislative is not of the opinion that six months period prescribed under main part of Rule 8-B is sacrosanct and cannot be condoned whereas both provisos make it clear that Authorities can condone delay prior to the expiry of certificate as well as after the expiry of certificate.

8. In the case in hand, the application was filed four months prior to the date of expiry. There was small delay of two months. It is apt to notice that as per common principles of law a certificate can be renewed before its expiry. The petitioner filed application four months prior to expiry of the certificate, thus, there was no hinderance or bottleneck in renewing the certificate. The Authority has not considered second proviso which was

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inserted w.e.f. 22.07.2022. The said proviso has enlarged scope of renewal.

If application for renewal can be filed within one year from the date of expiry of certificate, there seems no reason to refuse to renew where application has been filed four months prior to expiry of certificate.

9. In the wake of above discussion and findings, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. Order dated 16.02.2026 is hereby set aside. The respondents are directed to re-consider petitioner's application for renewal of certificate of practice and pass an appropriate order within two months from today.

(JAGMOHAN BANSAL)
JUDGE

13.05.2026
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No