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

CNR No. DLHC010404322026

+ **W.P.(C) 12527/2026**

ADVOCATE RAMKISHAN SARASWATPetitioner

Through: Mr. Rahul Rai, Mr. Vishal Bhardwaj
and Mr. Jatin Bhardwaj, Advs.

versus

UNION OF INDIA & ANR.Respondents

Through: Mr. Rajesh Kumar, SPC.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **31.08.2026**

CM APPL. 58151/2026 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 12527/2026 & CM APPL. 58150/2026

3. By way of the present writ petition, the petitioner seeks following reliefs:

“A. Issue a Writ of Declaration, or any other appropriate writ, declaring that the Advisory Note on FIPS 140-2 to FIPS 140-3 Migration issued by Respondent No. 2 in January 2026 (Annexure P-1) is arbitrary, discriminatory, and unconstitutional to the extent it imposes a binding cutoff date of 21.09.2026 on private/commercial users without providing an extended transitional glide-path or self-assessment option;

B. Issue a Writ of Mandamus or any other appropriate writ, order, or direction, holding that the impugned Advisory cannot be enforced as a mandatory guideline by token manufacturers or vendors to compel private subscribers to purchase new FIPS 140-3 tokens;



C. Issue a Writ of Mandamus directing Respondent Nos. 1 and 2 to accord private individuals, professionals, and commercial entities the equal right to continue using FIPS 140-2 tokens up to 21.09.2029 on the basis of self declaration/ self-assessment of risk, at par with Government organisations under Annexure-2 of the impugned Advisory;

D. Pending final disposal of the present Petition, stay/suspend the operation and enforcement of the 21.09.2026 cut-off date under the impugned Advisory insofar as it applies to private/commercial entities and individual professional subscribers, so as to maintain status quo;

E. Direct Respondent Nos. 1 and 2 to place on record before this Hon'ble Court the material, data, and reasons, if any, considered while prescribing the differential cut-off dates for Government and private/commercial entities;"

4. Briefly stated the facts of the case are that the petitioner is a practising Advocate required to use Digital Signature Certificate (DSC) stored on FIPS-validated USB cryptographic token for e-filings and statutory, judicial, regulatory, and financial transactions. It is stated that respondent No. 2 issued the impugned advisory in January 2026, prescribing mandatory cut-off of 21.09.2026 for private/commercial entities and individual professionals for issuance/renewal of DSCs on FIPS 140-2 tokens, while permitting Government organisations to continue till 21.09.2029 through risk-assessment/waiver mechanism. The impugned advisory itself records that no known security vulnerability exists from continued use of FIPS 140-2 modules and yet private users are compelled to migrate three years earlier than Government organisations. The same has been done without intelligible differentia or rational nexus, and without any consultation, regulatory impact assessment, or cost-benefit analysis. It is further stated that the petitioner had submitted detailed representation dated 21.06.2026 to the respondents but no response was received despite lapse of over 8 weeks.

5. This Court notes that the representation dated 21.06.2026 has not been decided as yet. The impugned advisory in this case was issued in the month



of January, 2026 and the petitioner had filed the representation in June, 2026, after lapse of six months.

6. After hearing learned counsels appearing on behalf of the petitioner and in view of the issues involved in the instant petition, this Court finds it appropriate to direct the respondents to decide the representation filed on behalf of the petitioner within a period of four weeks from date, under intimation to the petitioner herein.

7. In above terms, the present petition stands disposed of.

8. In case of any further grievance, the petitioner will be at liberty to approach this Court by way of a fresh writ petition.

9. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

AUGUST 31, 2026/A/VS