Serial No. 105
Regular List

IN HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 173/2025

M/S Bhat Filling Station **…Petitioner(s)**

Through: Mr. Bilal Ahmad Khan, Advocate

Vs.

UT of JK and Ors. **...Respondent(s)**

Through: Mr. Mubashir Malik, Dy.AG.

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE.

ORDER
10.02.2025

1. The petitioner, who is proprietor of his Retail Outlet run by him under the name and style of M/S. Bhat Filling Station situated at Kuzwara, Goharpora, Chadoora of District Budgam, is aggrieved of the seizure of his Retail Outlet on the main ground that same has been done in contravention of the law.

2. On the contrary, it is submitted by learned counsel for the respondents that respondent-department has taken action in accordance with the provisions of Legal Metrology Act, 2009, [herein referred to as "the Act"] upon witnessing that the dispensing machines relating to weights and measures at the petitioner's Retail Outlet have not been verified and stamped as per the Section 24 of the Act.

3. It is also revealed from the perusal of the petition that the petitioner had preferred an appeal against the seizure order before a wrong forum.

4. In the facts and circumstances of the instant case, the matter, in the opinion of the Court, can be disposed of even at this threshold stage by passing of some appropriate direction, which otherwise, has to take course as per the law.

5. Section 24 of the Act mandates that every person having weight or measure in his possession, custody or control in circumstances indicating that such weight or measure is being, or is intended or is likely to be, used by him in any transaction or for protection, shall, before putting such weight or measure into such use, shall have such weight or measure verified at such place and during such hours as the Controller may, by general or special order, specify in this behalf, on payment of such fees as may be prescribed.

6. It is undisputed as per the perusal of the record of the file that the dispensing tools at the petitioner's Retail Outlet are without valid verification and stamping from the respondent-Department as on date. The filing of any appeal even before the competent Forum is likely to prove useless for the petitioner, who, at any cost, has to ensure compliance of the provisions of Section 24 of the Act.

7. However, the petitioner's concern that the respondent-department should do the needful expeditiously so that he is not put to financial loss, needs to be taken care of.

8. Accordingly, the instant petition is disposed of at this stage with the direction to the respondents, especially, respondents 3 and 4 that they shall, upon being approached by the petitioner and making necessary application/payment of applicable fees, verify under rules the dispensing tools relating to weights and measures at the petitioner's Retail Outlet i.e., M/S. Bhat Filling Station situated at Kuzwara, Goharpora, Chadoora of District Budgam, within a period of one week and issue the necessary verification/stamping certificate so that the petitioner is in a position to run his business.

9. **Disposed of** in the aforesaid manner along with connected CM(s).

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR:
10.02.2025
"Shamim Dar"