

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Writ Petition No.949/2014

Nilesh Marotrao Nagolkar Vs. Haldiram Food International Ltd.

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Kalar, Advocate for the petitioner.
 Ms. Udeshi, APP for respondent no.1.

**CORAM : A.B. Chaudhari &
 P.N. Deshmukh, JJ.**

DATE : 10.04.2015.

Heard.

Following is the paragraph nos. 4, 5 and 6 of the affidavit-in-reply filed by the respondent no.11:-

“4. It is submitted that the complaint filed by the petitioner to the answering respondent were immediately addressed and the inspection was carried out by Mr. V.B. Zote, Inspector of Legal Metrology on dt. 05.06.2013. As per the provision of Rule 6(1)(c) of the Legal Metrology (Packed Commodities) Rule 2011, the manufacturer or packer is required to mention the net quantity of the content in package and therefore the net content of the packages were checked according to the procedure prescribed in the Rule 19 of the aforesaid Rules. The net content of the packages were found within the tolerance prescribed in Rules.

The answering respondent is not required to deal with the other additional declaration given by the respondent nos. 1 to 6.

5. The answering respondent further submit that in view of the complaint (s) received from the petitioner, the answering respondent exercising its power under rule 19 to the Legal Metrology (packaged Commodities) Rules, 2011 the inspection was carried out by Mr. V.B,Zote, Inspector of Legal Metrology on dt. 05.06.3023. Then

Inspection report on dated 24.06.2013 was forwarded to the petitioner. The copy of which is already attached by the petitioner at Annexure 11 to the petition.

6. *The answering respondent thus submits that, upon inspection contents of the commodities were found within the limit of net weight in gram as mentioned on the package. It is pertinent to point out that, as per rule and guidelines governing the field, certain errors as prescribed under Schedule-I is permissible and in the inspection the extent of error in deficiency was not found to be exceeding the maximum permissible error”*

From the above inquiry made by the respondent no.11 and the opportunity to the petitioner by forwarding report of Inspection dated 24.6.2015, we decline to grant adjournment to the counsel for the petitioner.

Apart from that, we are satisfied that necessary inquiry has been made by concerned respondent no.11. At any rate, the petitioner does not have any locus standi to maintain the petition but notice was issued to find out the truth in the matter. We, therefore, find that the petition cannot be entertained. Hence, we make the following order:-

Order

Criminal Writ Petition No.949/2014 is rejected.

JUDGE

JUDGE