

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

Writ Petition No. 37274 of 2015

Order:

The petitioner is engaged in the business of running of Weigh Bridges under the name and style "M/s. Garg Weigh Bridge" in the premises bearing No.11-6-27, Opp: IDPL, Balanagar, Ranga Reddy District. The said premises was inspected by the second respondent on 12.05.2015 at about 5.30 PM and it was discovered that the Weigh Bridges were not correctly showing the weight and were showing error which is beyond permissible limits. The second respondent, therefore, seized the Weigh Bridges. He filed a complaint in STC No.29 of 2015 before the XXIV Metropolitan Magistrate, at Miyapur, for contravention under Sections 8 and 25 of the Legal Metrology Act, 2009, and the Rules made thereunder.

2. The petitioner filed CrIMP No.938 of 2015 in the said STC for interim custody of the two Weigh Bridges therein, but it was dismissed on 18.08.2015. The petitioner approached this Court by way of Criminal Revision Case No.2169 of 2015. On 06.10.2015 this Court directed the second respondent to return the two Weigh Bridges for interim custody, subject to final orders to be passed in the main STC, on petitioner executing a personal bond for a sum of Rs.50,000/- with one surety for a like sum to the satisfaction of the said Magistrate.

3. Thereafter, proceedings were issued on 04.11.2015 by the second respondent returning the seized property to the petitioner. The

petitioner contends that the competent authority under the Act had given him permission to operate the Weigh Bridges on 24.04.2015, that it is valid till 22.04.2016 and without canceling the same he cannot be prevented from running the Weigh Bridges. The petitioner further contends that the second respondent is insisting for permission from a competent Court of law to run the Weigh Bridges and that he had stated that he would not re-stamp on the licence till then.

4. Counsel for the petitioner contends that the petitioner ought to be allowed to run the Weigh Bridges in the above premises and that the petitioner would adhere to the provisions of the above Act and the rules prescribed thereunder and do business strictly in accordance with law.

5. Learned Government Pleader appearing for the respondents contends that the Weigh Bridges have capacity of 50000 Kgs, that they were tested as per rules to determine the metrological control of the instrument, but they displayed deviation in the values beyond the permissible limits under law; that this is not the first offence and earlier also on 24.10.2013 the petitioner had committed the same and got it compounded on payment of Rs.50,000/-; and since the petitioner has again committed the offence on 12.05.2015 within three years, it cannot now be compounded. He further contended that the property had only be released for the purpose of interim custody by the Court and that the petitioner cannot be allowed to run the Weigh Bridges since there is a chance of he would commit the same offence again.

6. I am of the opinion that once the Weigh Bridges have been released to the petitioner by Court subject to the petitioner running the same in accordance with the provisions of the Act and the rules made thereunder, the petitioner can be allowed to run the same. So, the respondents cannot refuse to re-verify or re-stamp the same

subject to the above condition. The petitioner has any way undertaken to produce the Weigh Bridges in question as and when required by the Criminal Court where the prosecution is pending. Therefore, subject to the condition that petitioner would operate the Weigh Bridges in accordance with the prescribed law i.e., the Legal Metrology Act, 2009, the respondents are directed to allow the petitioner to run the Weigh Bridges in question by re-verifying and re-stamping the same.

7. The Writ Petition is allowed with the above direction. No order as to costs.

8. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

M.S. RAMACHANDRA RAO, J.

Date: 19.11.2015

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