

IN THE HIGH COURT OF BOMBAY AT GOA
MISC.CIVIL APPLICATION NO. 391 OF 2018
IN
WRIT PETITION NO. 533 OF 2018

HAVELLS INDIA LTD., THR. ITS AUTH.
REP., SIDDHARTHA PANDIT., ... Applicant

Versus

THE CONTROLLER DEPARTMENT OF LEGAL
METROLOGY AND 2 ORS., ... Respondents

Shri S.S. Kantak, Senior Advocate with Shri Vishnuprasad A.
Lawande, Advocate for the applicants.

Ms. Susan Linhares, Additional Government Advocate for the
respondent Nos.1,2 & 3.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 15th June 2018

P.C.:

Heard Shri S.S. Kantak, learned Senior Advocate for the
applicants and Ms. Susan Linhares, learned Additional
Government Advocate for the respondent Nos.1, 2 and 3 for
sometime.

2. It has ultimately been agreed that the respondents
would retain 5 out the 50 packages and release the balance
45 packages in favour of the applicants. The 5 packages
would bear the details of the label which is identical to the

remaining 45 packages of the applicants. In that context, there would be no hardship for the respondents insofar as the identification thereof is concerned in the event any prosecution is contemplated against the applicants in due course of time. Besides, considering that the penalty in respect of the violations, if any, amount to ₹25,000/- per Director and that as per Shri S.S. Kantak, learned Senior Counsel that there are 12 Directors of the applicants and considering the other alleged statutory violations such as non-registration with the respondents and non-production of documents, the penalty at the highest would work out to around ₹10,00,000/- as contended on behalf of the respondents.

3. The labels of not only these 45 packages ordered to be released in favour of the applicants but also the earlier packages bear identical labels qua the ones to be retained by the respondents.

4. In view thereof, the order dated 04/05/2018 earlier passed by this Court stands modified whereby the respondents are directed in the following terms :

1. The respondents are directed to release 45

packages of the split Air Conditioners with distinct model number retained by them in favour of the applicants within a week from today.

2. The Bank Guarantee would accordingly stand reduced from ₹2,00,00,000/- earlier furnished by the applicants to an amount of ₹10,00,000/- to the satisfaction of the respondent.

3. The Registry of this Court is directed to return the earlier Bank Guarantee of ₹2,00,00,000/- crores on furnishing the Bank Guarantee of ₹10,00,000/-.

5. In the above terms the application stands disposed off.

NUTAN D. SARDESSAI, J.

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