

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2018

C O R A M

THE HON'BLE Mr.JUSTICE P.D.AUDIKEVALU

W.P.No.25463 of 2003

Hindustan Coca-cola Beverages (P) Ltd.,
Pulianthope,
Madura Nemam Village,
Nemam Post,
Thiruvellore District 602 107,
represented by the Regional Legal
Manager Muthiah Kannan.

...Petitioner

vs

1.Government of Tamilnadu,
represented by the Secretary to Govt.,
Department of Civil Supplies &
Consumer affairs, Fort St.George,
Chennai-1.

2.The Controller of Legal Metrology,
Labour Welfare Board Building,
DMS Complex, Teynampet, Chennai-6.

3.The Inspector of Legal Metrology,
31, Bank of Baroda Road,
Ambattur, Chennai 600 053.

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records of the third respondent comprised in its notices under Ref.Na.Ka.No.791/03 dated 26.06.2003 and Na.Ka.No.791/03 dated 26.08.2003 and quash the same and consequently forbear the respondents from in any manner seeking to insist upon the petitioner to obtain a certificate approval of models for its filling machines and equipments morefully described in the notice of the third respondent in Na.Ka.No.791/03 dated 26.06.2003 under the provisions of Weights and Measures Act, 1976 and the Standards of Weights and Measures (Approval of Models) Rules, 1987.

For petitioner : Ms.S.Anupama Kumar
for Mr.R.Parthasarathy

For Respondents : Mr.K.S.Suresh
Government Advocate

O R D E R

Heard Ms.Anupama Kumar, learned counsel appearing for the petitioner and Mr.K.S.Suresh, learned Government Advocate appearing for the respondents.

2. Ms.Anupama Kumar, representing Mr.R.Parthasarathy, learned counsel for the Petitioner, on the basis of the additional affidavit dated 05.07.2018 filed on behalf of the Petitioner, submits that at the time of filing the Writ Petition, the Petitioner was aggrieved by the direction issued by the Third Respondent requiring the Petitioner to obtain certificate of approval of models under the provisions of Weights and Measures Act, 1976 and the Rules made thereunder for the following filling machines at its bottling plant:-

(i) Simonazzi - Euro Star - 70 heads - Made in Italy. Type AA 597 -

Machine No.RAA 597.

(ii) Simonazzi - Euro Star - 70 heads - Made in Italy. Type AA 471

Machine No. RAA 471 Year 1995.

(iii) Manufactured by M/s.Satelite Conveyor Andheri (East), Mumbai

400 072 Model Hy 168 A - 50 heads S.No.001 - Year 1988.

It is explained that the aforesaid machines are no longer being used at its bottling plant and from 2010 onwards, the Petitioner has been using the following equipments:-

(i) PET FILLER - MODEL KHS DRV VF 120/20 SV/RL

(ii) CSD RGB FILLER - Simonazzi - Euro Star - 70 heads - Made in

Italy, Type AA 597 - Machine No.RAA 597.

(iii) TETRPAK - TETRPAK(R) FILLER A3 SPEED

It is further contented that the Standards of Weights and Measures Act, 1976 has been repealed and the Legal Metrology Act, 2009 has come into force and the Petitioner has obtained certification under the Legal Metrology Act (Packaged Commodities) Rules, 2011 for the machines that are now in operation. In view of the aforesaid subsequent events, it is

pointed out that nothing survives for adjudication in the Writ Petition.

3.Recording the same, the writ petition is disposed of, with an observation that the authorities concerned shall not be precluded from requiring the Petitioner to comply with the requirements under the prevailing law. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vri

To

1.Government of Tamilnadu,
represented by the Secretary to Govt.,
Department of Civil Supplies &
Consumer affairs, Fort St.George,
Chennai-1.

2.The Controller of Legal Metrology,
Labour Welfare Board Building,
DMS Complex, Teynampet, Chennai-6.

3.The Inspector of Legal Metrology,
31, Bank of Baroda Road,
Ambattur, Chennai 600 053.

+1cc to Mr.R.Parthasarathy, Advocate, S.R.No.

+1cc to the Government Pleader, S.R.No.44904

सत्यमेव जयते

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GSP(06/08/2018)

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