

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 14957 OF 2018

ORDER:

This Writ Petition is filed challenging the proceedings of the 3rd respondent in CMD-FCT/A-63000183, dated 19.03.2018, wherein the petitioner's application No.63000783 for grant of licence to use standard mark on the product of the petitioner was rejected.

2. Sri S.Laxma Reddy, learned Senior Counsel appearing on behalf of the petitioner submits that though the Director General is the licencing authority, the 3rd respondent has passed order rejecting the application of the petitioner without jurisdiction. He would submit that the application of the petitioner is rejected on the ground of violation of Section 17 of the Bureau of Indian Standards Act, 2016 (for short 'the Act of 2016'), which is irrelevant ground for rejecting the application of the petitioner for licence under Section 13 of the Act of 2016, as such, the matter has to be remitted to the licensing authority for fresh consideration.

3. On the other hand Sri V.V.N.Narayana Rao, learned Standing Counsel for the 3rd respondent submits that pending the writ petition, petitioner has already filed appeal under Section 34 of the Act of 2016 before the 2nd respondent, as such, petitioner cannot maintain parallel proceedings. He submits that as per Sub-Section (5) of Section 7 of the Act of 2016, the Director General has power to delegate such of his powers and functions as

are assigned to him under the regulations or are delegated to him by the Governing Council, as he may deem necessary.

In view above, the fact of filing of appeal before the 2nd respondent during pendency of writ petition is not disputed by the learned counsel for the petitioner. However, learned Senior Counsel appearing for the petitioner submits that petitioner has established units by obtaining loans from public institutions and if the organization is not in operation within a reasonable period, petitioner will suffer huge losses.

In view of above facts and circumstances, without expressing any opinion on the merits of the case, since the petitioner has already availed alternate remedy of appeal before the 2nd respondent, the 2nd respondent-appellate authority is directed to consider all the grounds raised by the petitioner herein regarding rejection of the application for granting of licence and dispose of the same within a period of two weeks from today. It is open for the petitioner to approach the 2nd respondent for fixing up of date for hearing within a period of two weeks.

With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.RAJASHEKER REDDY,J

04-06-2018

Note: Issue CC in two days.

B/o.kvs

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Date: 04.06.2018

kvs



