

\$~54

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8095/2017 & CM No.36100/2017**

BHARAT HOTELS LIMITED Petitioner

Through: Mr Abhishek Tewari, Advocate.

versus

UNION OF INDIA & ANR Respondents

Through: Mr Ravi Prakash, CGSL & Mr Nitish Gupta, Advocates with Mr Nitin (Assistant Metrology) for R1 and R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **05.09.2018**

1. The petitioner has filed the above-captioned petition, *inter alia*, praying as under:-

- “a) issue a writ of certiorari or other appropriate writ, order or direction quashing Circular WM-26(162)/2016 dated 4 August 2016, Circular WM-10(62)/2016 dated 24 October 2016, Circular WM-10(62)/2016 dated 2 December 2016 and Circular WM-10(19)/2017 dated 22 March 2017 issued by Respondent No.2;
- b) issue a declaration that the provisions of the Legal Metrology Act, 2009 and the Legal Metrology (Packaged Commodities) Rules, 2011 do not apply to hotels;
- c) issue a writ of mandamus or other appropriate writ, order or direction directing the Respondents to issue directions to the Controllers (Legal Metrology) of all states and union territories to refrain from initiating any coercive actions or proceedings against the Petitioner for sale of pre-packaged commodities at prices in excess of Maximum Retail Price and to withdraw existing proceedings against the Petitioner; and”

2. The petitioner runs Hotels under the brand name 'Lalit' at various locations in India as well as the United Kingdom. The petitioner is, essentially, aggrieved by the notices and circulars issued to it under the Legal Metrology Act, 2009 in respect of sale of packaged commodities at a price greater than the Maximum Retail Price (MRP) fixed for the said commodities.

3. The aforesaid controversy has been authoritatively settled by the Supreme Court in ***Federation of Hotel and Restaurant Associations of India v. Union of India & Ors.: 2018 (2) SCC 97***, wherein the Supreme Court had, *inter alia*, held as under:-

“19. We are, therefore, of the view that neither the Standards of Weights and Measures Act, 1976 read with the enactment of 1985, or the Legal Metrology Act, 2009, would apply so as to interdict the sale of mineral water in hotels and restaurants at prices which are above the MRP.”

4. In view of the above, the present petition is allowed and the impugned circulars dated 24.10.2016, 02.12.2016 and 22.03.2017, to the limited extent of their applicability to hotels and restaurants, are set aside. The parties are left to bear their own costs. The pending application is also disposed of.

5. The hearing fixed on 04.02.2019 stands cancelled.

VIBHU BAKHRU, J

**SEPTEMBER 05, 2018
RK**