

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 2338 OF 2015

ALONGWITH

CRIMINAL APPLICATION NO. 439 OF 2015

Pragati Agro Products
Processing and Packaging Pvt.Ltd. ...Petitioner

Vs.

The State of Maharashtra and anr. ...Respondents

Mr. Sachin S.Punde for the petitioner/applicant.
Mr. K.V. Saste, APP for the State.

**CORAM : B. P. DHARMADHIKARI &
N.R.BORKAR, JJ.**

DATE : 16TH JANUARY, 2020.

P.C.:

Petitioner/borrower, whose property has been auctioned by Debt Recovery Tribunal after following proper procedure in accordance with law, is before this Court. He is not questioning the auction proceedings. Challenge is to use of measure/unit in advertisement or documents like Contract which according to petitioner is in violation of Sections 25, 28 and 29 of Legal Metrology Act, 2010.

2. Learned Counsel submits that for first offence, penalty up to Rs.25,000/- / Rs.10,000/- or Rs.10,000/- respectively, is envisaged and for second offence, even imprisonment has been provided for.

3. Prayer clause (c) in petition seeks a direction to recover penalty amount of Rs.58,337,925,000/- from the respondents. Learned Counsel explained that in very same advertisement when area of property is repeatedly mentioned in sq.feet and not in sq.meter, fresh offence is committed. When in same advertisement, that description occurs again, it is repeated offence. Same contention according to him, holds good even in relation to other documents i.e. agreement.

4. All the respondents named before this Court have acted in their official capacity and processed the auction as per directions of a Competent Court. Petitioner has not raised any objection on the lines, while that process was undertaken.

5. Today, we have inquired from petitioner whether because of wrong use of unit or measure, any prejudice is caused to him. Petitioner has not explained any such prejudice.

6. We, therefore, find present effort an instance of frivolous petition. We accordingly dismiss it.

7. Pending Civil Application disposed of.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)