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

+ **W.P.(C) 3344/2020**

SILICA INFOTECH PVT. LTD.

..... Petitioner

Through: Mr.Karan Sharma, Mr.Rohit
Kaliyar and Mr.Mohit Siwach,
Advs.

versus

MINISTRY OF CONSUMER AFFAIRS AND ORS

..... Respondents

Through: Mr.Ripudaman Bhardwaj, CGSC
with Mr.Jatin Puniyani, GP for
Resp. Nos. 1,3 and 4.
Mr.Sanjay Sarin and Mr.Pushkar
Karni Sinha, Advs. for R-2 & 5
alongwith Mr.Rakesh Kumar,
Scientist (AR for R-2),
Mr.M.K.Parmanik, Head Office
Patna (AR for R-5).

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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04.06.2020

This hearing has been held through video conferencing.

CM No.11789/2020 (Exemption)

Allowed, subject to all just exceptions.

CM No.11790/2020 (Exemption from filing notarized affidavit and affixing of court fee)

1. This application has been filed seeking exemption from filing duly notarised affidavits and affixing requisite court fee. Binding the deponent of the affidavit to the contents of the application, the exemption is

granted.

2. Court fee shall be deposited online with the concerned authority within one week and physical stamp be filed within 72 hours from the date of resumption of regular functioning of the Court, as mandated in terms of Office Order dated April 04, 2020 issued by this Court.

3. Application is disposed of.

W.P.(C) 3344/2020

1. This petition has been filed by the petitioner praying for a direction to the respondent nos.2 and 5 to decide its application for grant of licence to use the standard mark for its LPG gas cylinders.

2. The petitioner had earlier filed a Writ Petition, being WP(C) No. 2304/2020, which was disposed of by this Court vide its order dated 28.02.2020, which is reproduced herein below:

“The learned counsel for the petitioner confines his prayer to a direction to the respondent no. 5 to consider the contents of the present petition as a reply of the petitioner to the Impugned Notice dated 27.01.2020 as also to the subsequent mail dated 27.02.2020 addressed by it to the petitioner and decide the same within the time and manner prescribed in The Bureau of Indian Standards (Conformity Assessment) Regulations, 2018 (hereinafter referred to as the 'Regulations').

Keeping in view the limited nature of the direction prayed for, respondent no. 5 is hereby directed to consider the contents of the present petition as a representation of the petitioner and decide the same in accordance with the Regulations within the time period prescribed in the Regulations. If the decision taken by the respondent no. 5 is adverse to the petitioner, it will always be open to the petitioner to challenge the same in accordance with law. The objection of the respondent on the territorial jurisdiction of this court to entertain the present petition, is

left open.

The petition is disposed of in the above terms.”

3. The grievance of the petitioner is that in spite of this order and the representations dated 13.03.2020 and 13.05.2020, the respondent no.2 and 5 have not re-considered the application of the petitioner.

4. On the other hand, Mr.Sarin, the learned counsel for respondent nos. 2 and 5 submits that by an order dated 18.03.2020, the application of the petitioner was rejected by the respondent no. 5. This order was communicated to the petitioner by an e-mail dated 22.05.2020. He has supplied a copy of the order to the learned counsel for the petitioner as also to this Court.

5. A perusal of the order shows that the respondent no.5 was of the opinion that the petitioner had failed to give a reply to the e-mail dated 27.02.2020. This Court in its order dated 28.02.2020 had clearly directed that the contents of the writ petition would be considered as a reply of the petitioner to the said e-mail as well. Clearly, therefore, the order dated 18.03.2020 does not reflect the consideration of the contents of the writ petition.

6. In view of the above, the respondent no.5 is directed to pass a fresh order considering the contents of the writ petition, being WP(C) No.2304/2020, filed by the petitioner.

7. The learned counsel for the petitioner has further drawn my attention to an e-mail dated 27.05.2020 addressed by the CMD-III, BIS to the Under Secretary to the Government of India, Department of Consumer Affairs, *inter alia* seeking guidance on similar issues.

8. While passing the fresh order, the respondent no.5 shall also keep

in mind the said email. The respondent no.5 shall pass a fresh order preferably within a period of two weeks from today.

9. The petition is disposed of with the above directions.

NAVIN CHAWLA, J

JUNE 04, 2020/ Arya/sd