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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.14636 of 2019

and

W.M.P.Nos.14633 & 14635 of 2019

M/s.Sri Venkatesa Traders,
Rep.by Smt.Vathsala Partner,
Carrying on business at
37/2-D, Salem Main Road,
Mettur Dam - 2,
Salem District.

... Petitioner

Vs.

1.The Deputy Controller of Legal Metrology,
Department of Labour,
Salem Circle,
Salem - 7.

2.The Inspector of Legal Metrology /
Assistant Controller of Legal Metrology,
Department of Labour,
Salem II Circle,
Salem - 7.

3.The Indian Oil Corporation Ltd.,
Rep.by its Chief Manager (Retail Sales),
Marketing Division,
Salem Divisional Office,
Kondalampatty,
Salem - 636 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of impugned notices dated 09.05.2019 in Na.Ka.No.976 / 2019 issued by the 1st respondent herein and quash the same, consequently direct the respondents 1 and 2 to re-stamp the pump viz. MS/2, Gilbarco GT 2244 of M/s.Sri Venkatesa Traders at 37/2D, Salem Main Road, Mettur Dam - 2, Salem District.



For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.V.Kadhirvelu
1 and 2 Special Government Pleader

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O R D E R

The respondents have initiated proceedings under the Provisions of Legal Metrology Act 2009. They issued impugned notices dated 09.05.2019 in Na.Ka.No.976/2019, wherein it was found that the deficit beyond the norms permitted is violative of Rule 8 read with Rule 23 of the Act and it is punishable under Rule 23 of Legal Metrology and Assistant Commissioner of Labour (Enforcement), 2011. The impugned order is nothing but a show-cause notice. Further on the same day for the very same incident in another show-cause notice was issued under Rule 40 of the very same Rules. After challenging these notices on various grounds, the writ petition has been filed.

2. Subsequent to the filing of writ petition, it appears that the writ petitioner has sent a letter dated 10.04.2019, which was received by the respondents on 02.06.2019.

3. According to the learned Special Government Pleader appearing for the respondents 1 and 2 the offences are compoundable on payment of a sum of Rs.500/- only as fine.

4. Now that, the learned counsel for the petitioner submits that for giving quietus to the issue, the petitioner is ready to pay the fine.

5. Therefore, considering the submissions made by both the sides, the petitioner is directed to remit the fine amount within a period of one week from the date of receipt of a copy of this order. On such payment, the respondents are directed to de-seal or remove the seal of the petrol pump and permit the petitioner to carry on their business as usual. It is made clear that once the fine amount is paid, no further action can be taken by the respondents.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Pns



To

1.The Deputy Controller of Legal Metrology,
Department of Labour,
Salem Circle,
Salem - 7.

2.The Inspector of Legal Metrology /
Assistant Controller of Legal Metrology,
Department of Labour,
Salem II Circle,
Salem - 7.

3.Chief Manager (Retail Sales),
The Indian Oil Corporation Ltd.,
Marketing Division,
Salem Divisional Office,
Kondalampatty,
Salem - 636 010.

+1 cc to Mr.M.R.Jothimanian, Advocate Sr.No.21641

W.P.No.14636 of 2019

AK-II(CO)
GN(16/07/2021)