

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

208

CWP-15155-2016 (O&M)
Date of Decision: 15.03.2023

M/S BRIDGESTONE INDIA PVT LTD

... Petitioner

VERSUS

UNION OF INDIA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Wills Mathews, Advocate
for the petitioner.

Mr. R.C. Sharma, Advocate
for respondent No.2.

Mr. Deepanjay Sharma, Addl. AG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition raises a challenge to the compounding notice dated 08.02.2016 (Annexure P-3) issued by the Inspector, Department of Legal Metrology against the petitioner in Case Prosecution No.P/09/BTD-2/2016 dated 26.01.2016 and the order dated 23.06.2016 (Annexure P-10) passed by respondent No.2- The Controller, Legal Metrology in appeal No.1 of 2016.

Learned counsel for the petitioner contends that the petitioner - Multi National Company was served with a compounding notice under Section 48 of the Legal Metrology Act, 2009 without disclosing the violation, if any, of the provisions of Legal Metrology Act, 2009 and/or Rules framed thereunder. Despite the representations/reminders submitted by the petitioner to the respondent-Authorities seeking information about the allegations of violation of the provisions of Legal Metrology Act, 2009, if any, the requisite

information was not furnished to the petitioner, thus, compelling him to approach this Court.

Pursuant to the notice issued, the written statement on behalf of the respondents had been filed. An additional affidavit dated 30.11.2017 was also filed by G.P.S. Dara, Assistant Controller, Legal Metrology Organization, Ferozepur. It has been averred in the additional affidavit that a complaint dated 22.01.2016 against the petitioner for committing violation of Section 18(1)/36(1) of the Legal Metrology Act, 2009 stands instituted in the Court of Chief Judicial Magistrate, Bathinda. The discrepancies/shortcomings and violations of provisions of the Legal Metrology Act, 2009 as noticed by the Authorities before institution of the complaint and prosecution against the petitioner find mention in the aforesaid additional affidavit. The copy of the complaint instituted, however, has not been appended.

Learned counsel for the petitioner contends that as the copy of the said complaint has neither been appended nor has been served upon the petitioner, he has been denied of his right to know the reasons for being prosecuted.

Learned State Counsel, on instructions from Mandeep Singh, Inspector, Legal Metrology Department, undertakes to supply the copy of aforesaid complaint within a period of four weeks to the learned counsel for the petitioner at his official address i.e. "Wills Mathews, Advocate, 84, Lawyer's Chamber, Supreme Court of India, New Delhi" as well as on his email ID i.e. "WILLSMATHEWS@gmail.com."

In view of the above, learned counsel for the petitioner seeks withdrawal of the present petition with liberty to take recourse to the alternative efficacious remedy(ies) available to him in accordance with law

after being supplied with the copy of the aforesaid complaint instituted by the respondent-Authorities.

Disposed of as withdrawn with the liberty as aforesaid.

All other misc. application(s), if any, also stand(s) disposed of accordingly.

15.03.2023.
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*