



W.P.(MD) No.15258 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.15258 of 2017

and

W.M.P.(MD) No.12076 of 2017

TVS Srichakra Ltd.,
Perumalpatti Road,
Vellaripatti, Melur Taluk,
Madurai-625 122.

.. Petitioner

Vs.

The Legal Metrology Inspector,
Office of Inspector of Legal Metrology,
Kidwainagar, Kanpur,
Uttar Pradesh-208 012.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the notice of the 1st respondent dated 20.07.2017 bearing reference No.05/Office of Inspector of Legal Metrology and quash the same.

For Petitioner : Mr.T.K.Bhaskar



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W.P.(MD) No.15258 of 2017

For Respondent : Mr.C.Nandagopal
Central Govt. Standing Counsel

ORDER

This writ petition has been filed challenging a communication of the respondent calling upon the petitioner to compound the violations under the Legal Metrology Act, 2009 for not mentioning the details of the dimensions of the product which was to be given under the “Scratch and Win” contest for the purchase of tyres from the petitioner.

2. It is the case of the petitioner that the said notice itself is contrary to the provisions of the enactment. He would submit that the product, which is sought to be sold by the petitioner bears dimension, but what is alleged to have been violated is that the petitioner has not mentioned the dimensions in the scratch and win contest card under which a TV was to be given to the customers of the petitioner, who had the luck in the cards that had been given for the purchase of tyres. Therefore, the dimensions would not be applicable to such contest and dimensions could only be applicable to the products sold.



W.P.(MD) No.15258 of 2017

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3. I find merit in the contention of the petitioner. It is not the case under the impugned order that the products which are sold by the petitioner do not have dimensions. What was the allegation is that this scratch and win contest card does not have dimension of the TV except to contend that the TV was 32". Even the customers of the petitioner, who were successful in such scratch and win contest do not have a right to claim a particular TV to be given to them. Therefore, I do not find any violation of the Legal Metrology Act, 2009 to initiate any proceedings against the petitioner.

4. In fine, the impugned order is set aside and the Writ Petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.12.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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W.P.(MD) No.15258 of 2017

K.KUMARESH BABU, J.

abr

To

The Legal Metrology Inspector,
Office of Inspector of Legal Metrology,
Kidwainagar, Kanpur,
Uttar Pradesh-208 012.

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