IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6065 OF 2024

Rais Mamoodiya Shaikh ...Petitioner

Versus

Union Of India & Ors. ...Respondents

Mr. Akshay Patil a/w Mr. Kshitij Madekar, Mr. Akshay Kamble, Neha Patil, Mr. Pritesh Bodekar, Ms. Trupti Poojary, Devika Madekar i/by Vivaka Partners, Advocate for the Petitioner.

Mr. B.V. Samant, Addl. G.P. a/w Mr. V.G. Badgujar, AGP for the Respondent/State.

Mr. Mohamedali M. Chunawala a/w Mr. Ashotosh Mishra, Advocate for Respondent Nos.1 & 2.

Mr. Arshad Nehal, Advocate for Respondent No.8.

CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.

DATE : 31st JANUARY, 2025

P.C. :-

1. The Petitioner has put forth the following prayers :-

> *"A. That this Hon'ble Court be pleased to issue a Writ of Mandamus or writ in the nature of mandamus or any other appropriate Writ, Order or Direction to Respondent No.1 to 7 to take cognizance and conduct an inquiry into the matters of the complaint raised by the Petitioner vide it's letter dated 28th January 2023 and its subsequent reminder letters, the failure of Respondent No. 8 to submit its models for approval*

under the Legal Metrology Act, 2009 and the rules framed thereunder and the Maharashtra Motor Vehicle Rules 1989, as well the rampant manufacture, sale, distribution, delivery and/or transfer of illegal, unapproved, and unverified Auto Rickshaw Fare Meters.

B. That this Hon'ble Court be pleased to issue a Writ of Mandamus or writ in the nature of mandamus or any other appropriate Writ, Order or Direction to Respondent No.1 to 7 to revoke the certificate of approval granted to Respondent No. 8 under the Legal Metrology Act, 2009 and the Rules framed thereunder and the Maharashtra Motor Vehicle Rules 1989.

C. That this Hon'ble Court be pleased to issue a Writ of Mandamus or writ in the nature of mandamus or any other appropriate Writ, Order or Direction to Respondent No.1 to 3 such inquiry and investigation as may be necessary and impose penalty and such other punishment on Respondent No. 8 as may be provided under the Legal Metrology Act, 2009 for wilful failure to get the meter models approved and for sale, distribution, delivery, transfer and/or use of unverified Meter Models."

2. After this matter was heard for quite some time, there has been a shocking revelation. An auto rickshaw fare meter, which is known as electronic auto rickshaw fare meter, is said to be manufactured by Global Meter Manufacturing Company, manufacturers of electronic auto fare meters/taxi meters, Siddhique Compound, Survey No.62, Lane No.9, Sai Baba Nagari, Kondhawa Khurd, Pune-48, Maharashtra.

3. On 13th February, 2023, the Deputy Regional Transport Officer, Vasai wrote to the Manager of this factory that there is a serious complaint about the meters manufactured by the said Company. The deficiencies were set out in the said communication, that the metal body has been replaced by a fiber/plastic body and such meters are being sold in the market unauthorizedly. The complaint filed by Mr. Akshay Kamble, an Advocate, date 28th January, 2023, was taken cognizance of. Hence, this factory, which is Respondent No.8 herein, at its address as Survey No.32/3/27/4, behind Angraj Dhaba, Near Sanjivani Surgicals, Danny Mehta Nagar Industrial Area, Kondhwa, Budruk, Pune-48, Maharashtra, was called upon to explain as to why action should not be initiated.

4. Under the Right to Information Act, 2005, the Petitioner sought information as to what action is taken against Respondent No.8. The Public Information Officer, who is the Assistant Regional Transport Officer, Vasai, Mr. Pravin Bagade, has communicated vide his response dated 20th April, 2023, that no action has been initiated since Respondent No.8 has not responded to the notice dated 13th February, 2023.

5. An affidavit in reply has been filed by Mr. Atul Rajeshwar Adey, Regional Transport Officer, Vasai dated 9th December, 2024, wherein it is stated in Paragraph No.8 that the Transport Commissioner issued a directive vide communication dated 7th August, 2024, informing the Regional Transport Office (RTO), Pune to conduct an inquiry and submit a report with reference to the manufacturing activity of Respondent No.8. The RTO, Pune conducted an inspection on 14th August, 2024. A statement is made in Paragraph No.8 of the affidavit that a *'Motor Vehicle Inspector visited the premises of Global Meter manufacturing Company, located at Siddique Compound, Lane No.9, Sai Baba Nagari, Kondhwa Khurd, Pune – 411048'*. Upon inspection, it was found no such meter manufacturing company was operating at the given address. Instead, the premises were occupied by PAIHI-TECH English Primary & High School. Furthermore, the inspector visited the premises of National Meter Manufacturing Company, situated at Survey No.32/3/27/4, behind Angraj Dhaba, Danny Mehta Nagar Industrial Area, Kondhwa Budruk, Pune-48. During the inspection, no other meter manufacturing activities were observed at the site.

6. It is, therefore, obvious that neither Respondent No.8 is manufacturing any meter from the address Siddhique Compound, nor National Meter Manufacturing Company, is manufacturing any such meter from Survey No.32/3/27/4.

7. What intrigues us is that Respondent No.8 is M/s. Global Meter Manufacturing Company and its address is Survey No.32/3/24/4. On the one hand, this Respondent No.8 Company shows its address printed on the meter as Siddhique Compound, whereas, it has been noticed by the RTO, Pune that no manufacturing of the meter is notice on that address. It's Survey revealed that National Meter Manufacturing Company is operating from Survey No.32/3/27/4 and no meter manufacturing activity is conducted in that factory.

8. The learned Advocate for the Petitioner is briefed to state that PAIHI-TECH English Primary & High School, is operating from Siddhique Compound for the last 13 years.

9. The learned AGP submits that this seems to be a very serious issue since the Petitioner has brought before the Court, the

physical units of the meters, which indicate the name of Respondent No.8 Company and the address as Siddhique Compound, where that Company does not exists and the same Company now shows its address as Survey No.32/3/24/4, where the said factory is not in existence. What is existing on the said address is National Meter Manufacturing Company and the RTO, Pune reports through the affidavit that no such manufacturing of meters is conducted.

10. On Page No.215, Respondent No.8 has entered an affidavit in reply through Mr. Hanif Shaikh, M/s. Global Meter Manufacturing Company, Survey No.32/3/27/4, behind Angraj Dhaba, Anny (Danny) Mehta Nagar, Industrial Area, Kondhwa Budruk, Pune-48. The learned Advocate for Respondent No.8 submits that this is the affidavit in reply filed by Respondent No.8. The said learned Advocate has identified his client in the verification clause of the said affidavit at Page No.226.

11. It is, thus, quite glaring that on the one hand Global Meter Manufacturing Company claims to be manufacturing such meters. However, its place of manufacture, meaning the factory in which it is manufactured has different addresses as Siddhique

Compound, where it is not in existence for the last 13 years, then at Survey No.32/3/27/4, where National Meter Manufacturing Company exists.

12. To expose a more suspicious aspect, a physical meter is shown to the Court by the learned Advocate for the Petitioner bearing no. L04648, K(PULSE/KM) 910 and Model/Date as Auto 0123. The label of the manufacturer on the said meter is Global Meter Manufacturing Company (that is Respondent No.8) with the address Survey No.32/3/19, which is completely different from the address mentioned in the affidavit in reply of Respondent No.8, that is Survey No.32/3/27/4 on which address, National Meter Manufacturing Company exists, which does not manufacture such meters.

13. The learned Advocate for the Petitioner submits that day in and day out such meters with plastic bodies, are sold day in and day out, which we have also seen from the physical meter shown to us in the open Court. When the Transport Commissioner directed the RTO, Pune to conduct an inspection, the above factors as recorded in the forgoing paragraphs, have revealed that Global

Meter Manufacturing Company, is not manufacturing meters from Siddhique Compound and it does not exists on the address Survey No.32/3/27/4.

14. The Regional Transport Officer has stated in his affidavit in Paragraph No.10 that if Respondent No.8 has failed to comply with the statutory requirements including, failure to notify the change in address as its constitutes a violation of the conditions stipulated under the approval order, it warrants initiation of proceedings for revocation of the said approval.

15. Rule 137, 138 and 139 of The Maharashtra Motor Vehicles Rules, 1989, read as under :-

> *"**137. Fitment of electronic digital taxi meter:***
> *(1) A new motor cab including auto-rickshaw shall be fitted with an electronic digital taxi meter.*
> *(2) In case of existing motor cabs, or any class of motor cabs including auto-rickshaws, having fare meter and registered in the jurisdiction of different Regional Transport Offices, the date for fitment of new electronic digital taxi meter shall be as specified by the State Government, from time to time, by notification in the Official Gazette.]*
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> ***138. Approval of Type of Meters:***
> *(1) An application for the approval of new modified type of meter shall be sent to the Transport Commissioner and shall be accompanied by two complete specimen of the meters and a detailed*

description with drawings of its mechanism. A working specimen, the flexible cable by which the meter will be driven shall also be forwarded along with the meters for the test.

(2) The Transport Commissioner, shall send the meters to the [Veermata Jijabai Technological Institute, Mumbai] or any other Institution approved by the State Government for the purpose of testing the meters, where they shall be subjected to an exhaustive test in order to ascertain whether they comply with the requirements specified in Rule 140 and whether they would otherwise be suitable. At least one of the meters shall be opened and such parts removed as may be required for a comprehensive examination of the mechanism.

(3) After the test, one instrument shall be retained at the [Veermata Jijabai Technological Institute, Mumbai] or the other Institute, as the case may be, as a sample instrument and the other shall be returned to the Transport Commissioner.

(4) After considering the report received from the [Veermata Jijabai Technological Institute, Mumbai] or any other approved Institute, as the case may be, the Transport Commissioner shall, if he is satisfied that the meter complies with the requirements specified in Rule 140 and is suitable for the purpose, approve the meter. He shall inform the applicant of his decision.

139. Revocation of approval:

If on receipt of a complaint from any member of the public or a report submitted by the Secretary, Regional Transport Authority or an Inspector of Motor Vehicles or a police officer not below the rank of a Sub-Inspector, the Transport Commissioner is satisfied that the meter or any tape approved by him under sub-rule (4) of Rule 138 do not, record fares correctly or develop defects or go out of order at frequent intervals, or have ceased to conform to the requirements of Rule 140 he may, after giving the person on whose application such type of meter approved reasonable opportunity of being heard and after making such inquiries as he may deem fit or order revoke the

> *approval given to such type of meter shall inform the person aforesaid of his order and the reasons therefor:*
> *Provided that, the order of revocation shall not apply to the meters of such type which are already sealed and in use on the date of such order."*

16. We called upon the learned Advocate for the Union of India to state as to what was the type of the body of the meter that was approved, meaning, whether a plastic body or metal body was approved. He submits that he will have to take instructions. So we called upon the learned Advocate for Respondent No.8. He submits on instructions that both type of bodies are permitted. He hastens to add that he will once again check, whether a metal body was approved vide the approval granted in the year 2006 or whether it was a plastic body.

17. To counter the said submission, the learned Advocate for the Petitioner draws our attention to Page No.81 of the Petition paper book, which is an extract obtained from the website 'taximeter.in', wherein Respondent No.8 has advertised its product as Global Auto Fare Meter. It is mentioned on the said page that the meter is cased in *'Heavy Metal Body for long life'.* The contact address is shown as Survey No.32/3/27/4 and the report of the RTO,

Pune indicates that this factory is not in existence on the said address and it is National Meter Manufacturing Company, which does not manufacture the said meters.

18. The learned Advocate for the Petitioner makes a serious submission that such type of suspect plastic meters are being sold in the open market, without approval and monitoring of the RTO and are available to any gullible purchaser who may purchase a plastic body meter, which is against the rules. Such a customer does not bother to find out as to whether an authentic factory has manufactured it. Such meters are being installed on auto rickshaws in huge numbers all over the country. He, therefore, prays at this stage that until further orders, the sale of such meters manufactured by Global Meter Manufacturing Company showing the address of either Siddhique Compound or Survey No.32/3/27/4, should not be permitted to be sold and such sale should be suspended. The learned Advocate for Respondent no.8 submits that he would instruct Respondent No.8 to stop the distribution of such meters, until further order of this Court and the same would not be circulated or distributed for the sale in the market.

19. We appreciate the concern shown by the learned Advocate for the Petitioner that after such suspect meters are being sold, withdrawing them from the open market after being installed, would not only be a cumbersome exercise, but would also entail additional expenditure to those gullible auto rickshaw owners, who have innocently/*bona fide* purchased such meters, being oblivious of the whereabouts of the factory which manufactured them.

20. Sections 16, 17 and 18 of The Legal Metrology Act, 2009 (for short, "the Act of 2009"), read as under :-

> *"**16. Forfeiture.** -(1) Every non-standard or unverified weight or measure, and every package made in contravention of section 18, used in the course of, or in relation to, any trade and commerce and seized under section 15, shall be liable to be forfeited to the State Government.*
>
> *Provided that such unverified weight or measure shall not be forfeited to the State Government if the person from whom such weight or measure was seized gets the same verified and stamped within such time as may be prescribed.*
>
> *(2) Every weight, measure or other goods seized under section 15 but not forfeited under sub-section(1), shall be disposed of by such authority and in such manner as may be prescribed.*
>
> ***17. Manufacturers, etc., to maintain records and registers.** -(1) Every manufacturer, repairer or dealer of weight or measure shall maintain such records and*

registers as may be prescribed.

(2) The records and registers maintained under sub-section (1) shall be produced at the time of inspection to the persons authorised for the said purpose under sub-section (1) of section 15.

***18. Declarations on pre-packaged commodities.**-(1) No person shall manufacture, pack, sell, import, distribute, deliver, offer, expose or possess for sale any pre-packaged commodity unless such package is in such standard quantities or number and bears thereon such declarations and particulars in such manner as may be prescribed.*

(2) Any advertisement mentioning the retail sale price of a pre-packaged commodity shall contain a declaration as to the net quantity or number of the commodity contained in the package in such form and manner as may be prescribed."

21. Sections 22, 25 and 26 of the Act of 2009, read as under :-

*"**22. Approval of model.** - Every person before manufacturing or importing any weight or measure shall seek the approval of model of such weight or measure in such manner, on payment of such fee and from such authority as may be prescribed:*

Provided that such approval of model may not be required in respect of any cast iron, brass, bullion, or carat weight or any beam scale, length measures (not being measuring tapes) which are ordinarily used in retail trade for measuring textiles or timber, capacity measures, not exceeding twenty litre in capacity, which are ordinarily used in retail trade for measuring kerosene, milk or potable liquors:

Provide further that the prescribed authority may, if he is satisfied that the model of any weight or measure which has been approved in a country outside India conforms to the standards established by or under this act, approve such model without any test or after such *test as he may deem fit.*

25. Penalty for use of non-standard weight or measure*. - Whoever uses or keeps for use any weight or measure or makes use of any numeration otherwise than in accordance with the standards of weight or measure or the standard of numeration, as the case may be, specified by or under this Act, shall be punished with fine which may extend to twenty-five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine.*

26. Penalty for alteration of weight and measure. *- Whoever tampers with, or alters in any way, any reference standard, secondary standard or working standard or increase or decreases or alters any wieght or measure with a view to deceiving any person or knowing or having reason to believe that any person is likely to be deceived thereby, except where such alteration is made for the correction of any error noticed therein on verification, shall be punished with fine which may extend to fifty thousand rupees any for the second and subsequent offence with imprisonment for a term which shall not be less than six months but which may extend to one year or with fine or with both."*

22. The learned Advocate for the Union of India points out from Section 16 of the Act of 2009, that every non-standard and unverified weight or measure and every package made in contravention of Section 18 used in the course of or in relation to any trade and commerce and seized under Section 15, shall be liable to be forfeited. Section 17 of the Act of 2009, mandates every manufacturer, repairer or dealer of weight or measure shall maintain

such records and registers, which shall be produced at the time of inspection.

23. Section 18 of the Act of 2009, pertains to declarations on pre-packaged commodities and no person is permitted to manufacture, pack, sell, import, distribute, deliver, offer, expose or possess for sale any pre-packaged commodity unless such package is in such standard quantities or number and bears thereon such declarations and particulars in such manner as may be prescribed. Sub-Section 2, mandates any advertisement mentioning the retail sale price of a pre-packaged commodity to have details about the net quantity or number of the commodity.

24. Section 22 of the Act of 2009, prescribes that every person shall seek the approval of a model of such weight or measure before manufacturing. The proviso indicates such approval of model may not be required in respect any cast iron, brass, bullion, or carat weight etc. which are ordinarily used in retail trade for measuring textiles or timber etc.

25. The Union of India informs us that the Model Approval No. is **IND/09/06/163**. This is in the light of the Gazette of India

dated 13th May, 2006, produced on record by the Union of India at Page No.212, indicating the notification dated 13th April, 2006, issued by the Ministry of Consumer Affairs, Food and Public Distribution, by which approval is granted to manufacture the meter with digital indication of **'RTX-2005'** series with brand name 'GLOBAL' manufactured by M/s. Global Meter Manufacturing Company, Siddhique Compound, Lane No.9, Sai Baba Nagari, Mithanagar, Kondhwa Kurdh, Pune-62. The meter that is manufactured has a different digital indication. This Global Meter Manufacturing Company, Respondent No.8 is said to be existing at Pune-48, Lane No.9, Sai Baba Nagari, MITHANAGAR, which is at Kondhwa Khurd, Pune-62. One more physical meter placed before us shows the address of Survey No.62, Lane No.9, which is at Pune-48 and not Pune-62.

26. In the above backdrop, what we find is that the Global Meter Manufacturing Company is creating a picture of manufacturing meters from three locations, viz. Siddhique Compound, Survey No.62; Survey No.32/3/27/4(when it does not exists on both of these address) and the physical meter shown to us indicates Survey No.32/3/19.

27. Considering the above glaring situation and keeping in view that each day, such meters could be sold in this country in lakhs thereby complicating the further course of action of recalling of such meters, and in the light of the statement of the learned Advocate for Respondent No.8 that it would stop circulating and distributing such meters, we direct that the meters manufactured by Global Meter Manufacturing Company from Siddhique Compound, Survey No.62, from Survey No.32/3/27/4 and from Survey No.32/3/19, shall not be sold in the market, until further orders. So also, the Model Approval No. IND/09/06/163, shall not be sold, if the meter has different specifications which are not approved.

28. We direct Respondent No.3 Controller of Legal Metrology, Maharashtra State to immediately bring this order to the notice of the public at large.

29. We further direct that Respondent No.8 should file an additional affidavit and place before us the stock statement with serial numbers and units sold under the manufacturing name Global Meter Manufacturing Company from which ever addresses it may have shown for the last 5 years. It is rightly pointed out by the learned Advocate for the Union of India through its pleadings on

Page No.203, that the State Legal Metrology Department has the authority to carry out an inspection. We direct Respondent No.3 to inspect all these purported factories and all these four addresses, inclusive of the address on which the approval was granted in the year 2006, and seize the documents pertaining to the manufacture, the sales and distribution of Global Meter Manufacturing Company.

30. We also direct the Union of India to verify and to state as to the life span of the approval granted on 13th April, 2006, to Respondent No.8, to manufacture the 'RTX-2005' series with brand name 'GLOBAL'.

31. We permit the Petitioner to carry out the repairs and recalibration of meters strictly as per the norms and in terms of the licence that he has received for such purpose.

32. List this Petition on **28th February, 2025**. We clarify that if any of the litigating party before us desires to seek a modification of this matter or seek further orders, it would be at liberty to circulate this matter.

(ASHWIN D. BHOBE, J.) **(RAVINDRA V. GHUGE, J.)**