



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 % *Reserved on: 18th March, 2025*
Pronounced on: 27th June, 2025

+ **CRL.M.C. 1291/2021 & CRL. M.A. 6525/2021**

1. GODREJ AND BOYCE MFG CO LTD

Regd. Office: Pirojshanagar
 Vikhroli, Mumbai
 Maharashtra- 400 079
 Through: Mr. Ajay Mathur,
 Branch Commercial Manager

- 2. M/s. MBJ Traders Pvt. Ltd.,**
 268, F.I.E. Patparganj Industrial Area,
 New Delhi- 110 092.
 Through: Mr. Rohit Kumar Tyagi,
 Accountant.

.....Petitioners

Through: Mr. Varun Chandiok, Ms. Surekha
 Raman and Ms. Riya Seth, Advocates

versus

- 1. CONTROLLER OF LEGAL METROLOGY WEIGHTS AND
 MEASURES DEPT GOVT OF NCT OF DELHI**

- 2. THE STATE**

.....Respondents

Through: Mr. Shoaib Haider, APP for the State
 Mr. Jagdish, LMO/Senior Asstt.,
 Weight & Measure

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T



NEENA BANSAL KRISHNA, J.

1. Petition under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*) has been filed on behalf of the Petitioners seeking quashing of the Summoning Order dated 20.12.2019 in Criminal Case No. 63/2019 under Sections 18(1) and 36(1) of Legal Metrology Act, 2009 (*hereinafter referred to as "LM Act"*).

2. ***Briefly stated***, Petitioner No.1, Godrej & Boyce Manufacturing Co. Ltd. ("*Godrej*") is a Company having its registered office at Pirojshangar, Vikhroli, Mumbai, 400079 and deals in manufacture and import of various consumer and industrial products. Petitioner No. 2, M/s. MBJ Traders Pvt. Ltd. ("*MBJ Traders*") is the trade partner and dealer of the Petitioner No.1, Godrej.

3. The Respondent No.1, Controller, Legal Metrology, Govt of NCT of Delhi (*Controller, LM*), filed a Complaint under Sections 18(1) and 36(1) of the LM Act before the Ld. MM wherein it was asserted that on 20.08.2019, Insp. Legal Metrology inspected the premises of Petitioner No. 2, MBJ Traders and found a product, i.e. Frost-Free Refrigerator ("*Refrigerator*"), manufactured by Petitioner No.1, Godrej, being sold. Post the inspection, a Memo was issued to the Petitioners wherein following violations were found:

(i)that the capacity of the Refrigerator was not mentioned properly, it was mentioned as '240 L' instead of '240 l';

(ii)Address of the manufacturer is incomplete as Plot number/factory number/ factory No./street number etc. is not



mentioned as the Address of the manufacturer mentioned on the box was M/s Godrej & Boyce Mfg Co. Ltd., Pirojshanagar, Vikhroli (W)' Mumbai – 400079;

(iii)Size of the Refrigerator was mentioned as 143.70cm x59.70cmx 70.60 cm (H x W x D), whereas the unit of length should be "m" for length more than 100cm/1m; and

(iv)the size of the display Panel is less than 40% of the total area (LxB) which can be observed through naked eye.

4. The Inspector thereafter, directed that the Refrigerator to be kept in the possession of the Petitioner No. 2, MBJ Traders with a direction to produce it as and when required by the concerned authority. Thereafter, a *Notice bearing No. W&M ZO (East)/LMO-01/1863/93111/6546-47 dated 09.10.2019* was issued by the Respondent No.1, Controller, LM to the Petitioners for the alleged breach of Section 18(1) and Section 36(1) of the LM Act. It also mentioned about Section 48 of the LM Act for compounding on payment of the specified amount, by the Petitioners.

5. On 05.11.2019, a detailed Reply was submitted by the Petitioner No.1, Godrej addressing all the contentions raised by the Respondent No.1, Controller, LM in the Notice stating that all the allegations of the Respondent are devoid of any merits. Petitioner No.1, Godrej further requested the Respondent No.1, Controller LM to withdraw the Notice dated 09.10.2019.

6. Thereafter, Respondent No.1, Controller LM instituted the *Complaint Case No. 63 of 2019* under Sections 18(1) and 36(1) LM Act, before the Ld. MM, District Courts, Delhi.



7. Ld. MM took the cognizance against the Petitioners for the alleged offence under Sections 18(1) and 36(1) of the LM Act and issued the summons, vide Order dated 20.12.2019.
8. The Petitioner No.1, Godrej on 05.10.2021, on receiving the summons, entered its appearance was before the Ld. MM.
9. The Petitioners have sought quashing/setting aside of the Summoning **Order dated 20.12.2019** by way of the Present Petition.
10. **The Petitioners have asserted that no offence has been committed by them** as alleged by the Respondents and the Summoning Order dated 20.12.2019, is liable to be set aside.
11. The **ground on which the setting aside of the Complaint** is sought is that the capacity of the Refrigerator has been clearly mentioned as 240 L. Rule 13(5) of the Legal Metrology (Packaged Commodities) Rules, 2011, (*hereinafter referred to as "LM Rules"*) as amended vide GSR No. 385 (E) dated 14.05.2015, clarify that for denoting the unit for litre, the letter 'L' may be adopted to avoid any confusion with the letter 'I' and figure '1'. It is therefore, asserted that no violation in mentioning the capacity of the Refrigerator in litres, was committed.
12. It is further submitted that though the Respondent No. 1, Controller LM, has alleged that the address mentioned on the packaging was incomplete, but explanation to Rule 10 of the LM Rules provides that "*complete address*" means the postal address at which the factory is situated or the Firm is registered. The complete and registered address of the Petitioner No.1, Godrej was mentioned on the Refrigerator, and there is no violation in this regard.



13. It is further explained that the statement of units of weight, measure or number under Rule 13(3)b and sub-clause 3(b) is with regard to “*Expressing Quantity*”. The Petitioner No.1, Godrej had clearly mentioned the quantity ‘1N’ on the Refrigerator.

14. The size of the Principal Display Panel was alleged to be less than 40% of the total area of the Refrigerator. However, as per Rule 7(4)(a) of the LM Rules *in the case of a Rectangular package, where one entire side can properly be considered to be Principal Display Panel side, the product of the height multiplied by the width of that side would be the Display Panel.* The Refrigerator packaging was rectangular and one of the four sides could have been considered as the Principal Display Panel, which is beyond 2500 square centimetres and the size of numerals and fonts used in the label, were of 6 mm.

15. It is, therefore, submitted that the Summoning Order dated 20.12.2019 was completely contrary to the law and without jurisdiction since there was no breach of LM Act committed by the Petitioners. All the requirements were duly complied with and no offence under Sections 18(1) and 36(1) of the LM Act was made out.

16. Reliance has been placed on *Colorplus Fashions Ltd. v. The Controller, Legal Metrology & Anr.* [W.P. (Crl.) No. 1404/2011], passed on 11.08.2016, wherein it was observed that the sufficient material on record should exist for summoning of an accused under the relevant sections.

17. *Accordingly, it prayed that the present Petition be allowed and the Summoning order dated 20.12.2019, be set aside.*



18. *Status report has been filed on behalf of Respondent No.1, Controller LM*, wherein it is submitted that since the capacity was mentioned as 240 L, it was not made part of the Prosecution Notice.

19. It is asserted that the address of the Petitioner No.1, Godrej was contrary to the provisions of Rule 10 of the LM Rules. The Explanation clarifies that the consumer must be able to identify and locate the manufacturer or packer or importer, as the case may be. In case the address is incomplete, it hampers the interest of consumer. Furthermore, the intention of the legislator in requiring the requisite information in clear terms and not to allow the manufacturer/packer/importer to give vague information, would be defeated by giving such addresses which was only an eyewash.

20. It is further explained that as per the *proviso 2 of sub rule (c) of Rule 6 of LM Rules*, the net quantity in terms of the *standard unit of weight or measure of the commodity* contained in the package or where the commodity is packed or sold by number, the number of the commodity contained in the package, shall be mentioned. It is a common practice that Refrigerator is sold as per the standard unit of weight or measure and not as per the number as contained in the pre-package. *Sub rule (f) of Rule 6* requires mandatory declaration of size on the pre-package commodity which states that where the size of the commodity contained in the package is relevant, the dimensions of the commodities contained in the package and if the dimensions of the different pieces are different, the dimensions of each such different piece, should be mentioned.



21. The Respondents has merely mentioned the capacity of the Refrigerator as 240 L, which does not satisfy the requirement of mentioning the standard unit of weights as per LM Rules.

22. The Display Panel was also less than 40% of the total area (LxB). The font size was also not as per Rule 7 of the LM Rules.

23. *It is, therefore, submitted that the Petitioners have been rightly summoned and the Petition is liable to be dismissed.*

24. **Submissions heard and record perused.**

25. The Complaint under Sections 18(1) and 36(1) of the LM Act has been filed against the Petitioners alleging that the details as required on the packaging, were not according to the Rules made under the LM Act and LM Rules.

Incomplete Address:

26. The first assertion in the Complaint is that the address of the manufacturer is incomplete, in terms of Rule 10 of the LM Rules. It reads as under:

Rule 10. Declaration of name and address of the manufacturer, etc.

(1) Subject to the provisions of rule 6, every package kept, offered or exposed for sale or sold shall bear conspicuously on it, the name and complete address of the manufacturer, or where the manufacturer is not the packer, the name and address of the manufacturer and the packer and in case of imported packages, the name and address of the importer; Provided that for packages of capacity 5 cubic cm or less, it shall be a sufficient compliance of this sub-rule, if a mark or inscription which would enable the consumer to identify the manufacturer or packer or the importer, as the case may be, is made on the package:



Provided further that where any commodity manufactured outside India is packed in India, the package shall also contain on the principal display panel the name and complete address of the packer or the importer in India.

[Explanation 1: In this sub-rule, ‘complete address’ means, the postal address at which the factory is situated or company or firm is registered, and, in any other case, the name of the street, number (if any) assigned to the premises of the manufacturer or packer or importer and the name of the city and State where the business is carried on by the manufacturer or packer or importer and the Postal Index Number [PIN] Code so that a consumer can identify and locate the manufacturer or packer or importer, as the case may be].....

27. The perusal of the record shows that the Petitioner No. 1, Godrej has mentioned its complete and registered address as reflected in the Master Data of Registrar of Companies (“ROC”).

28. Moreover, as has been rightly submitted by the Petitioners, the summons of the complaint case has been served on Petitioner No. 1, Godrej at the same address. Therefore, the contention of the Respondent that merely because the plot No./factory No., street No., etc., was not mentioned, it would make the address incomplete, is completely fallacious. The purpose of having a complete address is to enable the consumers to be able to reach the manufacturer by having a complete address. Herein, there is nothing to show that the plot No./factory No., street No., etc., was the requisite details of the address of the manufacturer. Therefore, it has been rightly contended that the complete address as mentioned on the website of ROC has been



printed. *No violation in this aspect can be asserted on behalf of the Petitioners.*

Size of Refrigerator:

29. The second contention of the Respondents is that the size of Refrigerator was not mentioned properly. It is claimed by the Respondents that the unit of weight, measure of number as per sub-clause 3(b) in respect of expressing the quantity has not been mentioned.

30. **Rule 2(1) of LM Rules** defines quantity as under:-

“Rule 2(1): Quantity in relation to commodity contained in a package means the quantity by weight, measure or number of such commodity contained in that package. The terms used are ‘weight’, ‘measure’ or ‘number’.”

31. Rule 13(5)(ii) of the LM Rules further provides that “...*Symbol of units...For items sold by number the symbol should be N or U.*”

32. In the present case, the Petitioner No.1, Godrej, had indicated on the packaging of the Refrigerator, the quantity as ‘1N’. Therefore, it was in due compliance of the Rules.

33. It has been rightly contended that in the case of Refrigerator, dimensions cannot be construed as a mandatory information, since it is sold as per the capacity, which was duly indicated on the packaging. The dimensions, net weight, etc., provided in the label of the package is merely additional information to the consumer. According to the International System of Units is in Centimetre and in Kilogram to help the consumers make reasoned decisions.

34. It has been rightly contended that there is no violation in this regard.

Size of Principal Display Panel:



35. The next alleged violation is that the size of Principal Display Panel is less than 40% of the total area (LxB).

36. Rule 7 of the LM Rules provides that *Principal Display Panel is the total surface area of the package* where the information mandated under package commodity Rules, is to be given and imposed. This information can be grouped together at one place. In a pre-printed information, this information can be grouped and displayed at one place and online information can be grouped together in other place.

37. Relevant part of Rule 7(4) of the LM Rules reads as under:-

- ...The area not including the top, bottom, flange at top and bottom of cans, and shoulders and neck of bottle and jars shall be determined in the following manner, namely*
- (a) in the case of a rectangular package, where one entire side can properly be considered to be the principal display panel side, the product of the height multiplied by the width of that side;*
 - (b) in case of a cylindrical or nearly cylindrical package, 40 per cent of the product of the height of the package multiplied by the circumference;*
 - (c) in case of any other shaped package, 40 per cent of the total surface of the package, or an area considered to be principal display panel of the package.*

38. It has been rightly contended on behalf of the Petitioners that since the packaging of the Refrigerator was rectangular in shape, as per Rule 7(4)(a) of the LM Rules, any of the four sides of the package could be considered as Principal Display Panel. The entire one side i.e. LxB had to be calculated to decide the size of the font/numerals to be used in the label of the package as per the Table mentioned in Rule 7(4) of the LM Rules.



39. The Principal Display Panel of the package in the present case was beyond 2500 square centimetres and thus, the size of the numerals and font used in the label for mentioning the mandatory information was 6 mm, which is in the complete compliance with the Rules. The specifications were conspicuously displayed in A4 size label very clearly and there was no confusion or misinterpretation.

Conclusion:

40. It is, therefore, concluded that no *prima facie* evidence is disclosed in the Complaint for the violation of the Rules of LM Act. Accordingly, the Summoning Order dated 20.12.2019 is hereby, set aside.

41. The present Petition along with pending Applications, stands disposed of.

**(NEENA BANSAL KRISHNA)
JUDGE**

June 27, 2025

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