



## LexCognito

*This issue of LexCognito, which in Latin means 'awareness about law', seeks to provide you an insight into significant legal and regulatory developments that have taken place very recently in India.*

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### **Show caused by Legal Metrology Department? What should you know?**

The businesses are quite often confronted by inspectors from legal metrology department with alleged violations of legal metrology norms. In these circumstances, knowing the rules plays a key role.

The legal metrology norms *inter alia* regulate sale of commodities in packaged form and mandates prescribed declarations, which are different for retail and wholesale packages.

Recently, the inspector of legal metrology department issued a show cause notice to Samsung India over alleged violation of legal metrology norms with instructions to appear for compounding. When the department initiated proceedings for the alleged violation despite submission of detailed response, Samsung India filed a petition under Section 482 of the Code of Criminal Procedure before the Karnataka High Court for quashing the proceedings for being illegal.

After hearing the parties, the Karnataka High Court on 31 May 2023 quashed the proceedings initiated by the legal metrology department, while stating that the inspector had misinterpreted the provisions of the Legal Metrology Act, 2009 and rules issued thereunder.

The department had alleged that MRP printed on pre-packed Samsung Galaxy Tab-4 was not in conformity with Rule 4(2) of the Legal Metrology (Numeration) Rules, 2011, without realising that MRP on pre-packaged commodities is required to be as per the Legal Metrology (Packaged Commodities) Rules, 2011 and not as per the said rules on Numeration.

The department had also alleged that one wholesale package containing 20 individual packages did not have the qualifying number 'N' for indicating quantity as per Rule 13(5)(ii) of the Legal Metrology (Packaged Commodities) Rules, 2011, without realising that the said provision is applicable on retail packages and not on wholesale packages.

In the instant case, the Court had to intervene to quash the illegal proceedings and render justice in the matter.

Similarly, the legal metrology department had issued notices to the Bangalore Book Sellers and others for alleged violation of the legal metrology norms in selling the books. In this case, the petitioners had filed objections before the department that the books not in

packaged form do not fall under the definition of Packaged Commodities. However, the petitioner had straight away approached the High Court instead of appearing before the department first. Therefore, the Karnataka High Court, on 22 July 2019, had directed the petitioner to appear before the legal metrology department which will decide as to whether the books of the Petitioners fall under the definition of pre-packaged commodities or not, and termed the petition as premature.

There are numerous such cases, wherein actions/proceedings are initiated by the legal metrology without properly analysing the legal provisions. This makes it imperative to know the legal provisions and their applicability, and accordingly handle such cases by taking timely and available legal actions with proper strategy.

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