
(1998) 08 MAD CK 0063
In the Madras High Court
Case No : W.A. No. 1319 of 1999

Kothari Industrial Corporation Ltd.

APPELLANT

Vs

The Textile Commissioner, Bombay and another

RESPONDENT

Date of Decision : 16-08-1998

Acts Referred:

Textiles (Consumer Protection) Regulation 1988 — Clause 6(5)

Citation : (1999) 3 CTC 314 : (2000) WritLR 137

Hon'ble Judges : A.C. Agarwal, C.J;P.D. Dinakaran, J

Bench : Division Bench

Advocate : Mr. Vijay Narayanan, for the Appellant;

Judgement

1. The appeal is against the order of the learned single Judge, dated 11.1.1999, passed in W.P. No. 8178 of 1991.

2. The appellant herein had filed in W.P. No. 8178 of 1991, challenging the proceedings of the 2nd respondent herein, dated 3.6.1991, whereby

the 2nd respondent had informed the District Collectors and the Police Officials concerned that there is variation in the blending percentage is

polyester-cotton yarn and requested them to take appropriate action in the matter.

3. It appears that similar proceedings were challenged by M/s. Binny Limited in W.P. Nos. 10881 and 12410 of 1991, which were dismissed by

order dated 1.10.1997, holding that the Textile Commissioner, Coimbatore, is empowered under Clause 6(5) of the Textiles (Consumer

Protection) Regulations, 1988 to initiate such action. Following the said decision, the learned single, by order dated 1.10.1999, dismissed the W.P.

No. 8178 of 1991, preferred by the appellant herein holding that the 2nd respondent herein is competent under the said Regulations to initiate such

action. Hence, the present appeal.

4. Mr. Vijay Narayanan, learned counsel for the appellant contends that as per Clause 6(5) of the Textiles (Consumer Protection) Regulation,

1988, where violation of any of the provisions of the said regulations, by any manufacturer of yarn is suspected, the aggrieved person or any

registered voluntary consumer association shall alone be entitled to have such yarn and cloth tested in the laboratory, notified by the Textile

Commissioner from time to time, on payment of such fees and on such terms and conditions, as he may prescribe, but the respondents to initiate

any action against the manufacturer of yarn. Therefore, it is contended that the 2nd respondent has no right to inform the District Collectors and

Police officials concerned to take action against the appellant herein with regard to the alleged variation in the blend percentage of polyester-cotton

yarn.

5. The learned single Judge, taking note of the powers of the Textile Commissioner conferred under Clauses 17(1) and (2) 21(1) and (2) and

25(1) Textile (Control) Order read with Clauses 3(d) and (e) and 6(5) of the Textile Regulations held that a conjoint reading of the above clauses

clearly show that the Textile Commissioner or any other person authorised by him or by the government is competent to inspect the premises of a

manufacturer or retailer of yarn and if any violation of any of the provisions of the Control Orders or Regulations is found committed by the

manufacturer or retailer of yarn and if the marking is misleading, not upto the percentage fixed under the Control Orders or Regulations, it is Open

to the respondents under the Control Orders and the Relations to initiate appropriate action.

6. We are in complete agreement with the decision of the learned single Judge. The provisions of the Control Order and the Regulations have to be

given effect to in order to achieve the object, viz. to regulate and control the quality of yarn and cloth in the interest of the consumers. That being

the position, if any variation is found in the blend percentage of polyester-cotton yarn, the respondents are competent to initiate action against the

manufacturer or retailer of such yarn or cloth and the same need not necessarily be initiated by the aggrieved person or by a registered voluntary

consumer association.

7. Hence, we do not find any good and sufficient reason to interfere with the order of the learned single Judge. The present writ appeal, which is devoid of merits, is summarily dismissed. Connected C.M.P. No. 12386 of 1999 is also dismissed.