

(2013) 09 KAR CK 0231

In the Karnataka High Court

Case No : Writ Petition No. 39779 of 2013 (GM-RES)

Yashaswini K.S.

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 06-09-2013

Acts Referred:

Citation : (2013) 09 KAR CK 0231

Hon'ble Judges : A.S. Bopanna, J

Bench : Single Bench

Advocate : H. Shanthi Bhushan, for the Appellant; Jagadish Mundargi, G.A., for the Respondent

Final Decision : Disposed Off

Judgement

A.S. Bopanna, J.—Learned Government Advocate to accept notice for respondents No. 1 to 5 and file memo of appearance in four weeks. The petitioner is before this Court assailing the order dated 20.07.2013 at Annexure-L to the petition. Petitioner is also seeking to direct the respondents to extend the time for a period of six months to enable the petitioner to get necessary certificate from the ISI/BIS as directed by this Court.

2. The petitioner claims to be a small scale business enterprise, wherein the purification of drinking water is made and is being supplied through containers to the consumers. According to the petitioner, since at the time when they had started the business the requirement of obtaining ISI/BIS certificate was not provided for, the petitioner had not obtained the same. However, subsequently since the requirement has been brought into force, the petitioner has made an application as at Annexure-E and has thereafter produced further particulars in order to comply with the requirements. The grant of certification is still pending consideration.

3. The grievance of the petitioner is with regard to the seizure order dated 20.07.2013 (Annexure-L), whereunder the unit belonging to the petitioner has

been sealed. The petitioner contends that since the petitioner has already applied for the certification, certainly no manufacturing activity would be carried on for the purpose of sale or distribution of water without obtaining such certificate. In that regard, an undertaking as at Annexure-M is also said to have been filed with the authorities. It is in that circumstance, the petitioner is before this Court.

4. Having noticed the contentions put forth, at the outset, the seizure of the establishment of the petitioner has been made for want of possession of certificate, more particularly in view of the directions that had been issued by this Court in W.P. No. 17713/2012 and other connected petitions, wherein this issue had been considered in public interest. Therefore, to the extent of preventing the petitioner from carrying on the manufacturing activity or sale of such packaged water, the respondents would be justified. However, having taken note of the undertaking that had been filed before the Authorities and also the affidavit that has been filed before this Court, the request of the petitioner to the extent of having the premises opened for the purpose of maintaining the premises requires to be considered.

5. In that regard, the respondent No. 5 is directed to remove the seal and hand over the possession of the premises to the petitioner. It is however made clear that the petitioner shall not undertake manufacturing process or sale of the packaged water until a certification is issued in favour of the petitioner, but she would be entitled to use the premises for any other purpose in accordance with law and to maintain the machineries that have been installed. The respondents are granted the liberty to inspect the premises and if any manufacturing activity is found, they would be entitled to thereafter proceed against the petitioner in accordance with law. With the above directions, the petition stands disposed of.