

R. Elangovan vs the Inspector,

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Court : Kerala

Decided On : Jan-31-2022

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/328/2022

Appellant : R. Elangovan

Respondent : The Inspector,

Judgement :

WP(C) NO. 328 OF 2022 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH MONDAY,
THE 31ST DAY OF JANUARY 2022 / 11TH MAGHA, 1943 WP(C) NO.
328 OF 2022 PETITIONER: R. ELANGO VAN,AGED 61 YEARS S/O
RANGASAMY, MANAGING DIRECTOR,,, M/S SHASTHA STEELS PVT
LTD, NEW INDUSTRIAL DEVELOPMENT AREA, KANJIKODE P ,
KANJIKODE, PALAKKAD-678621. BY ADV SIRAJ KAROLY
RESPONDENTS:

1 THE INSPECTOR, BUREAU OF INDIAN STANDARDS, 2ND FLOOR, CWC OFFICE COMPLEX, MAVELI ROAD, GANDHI NAGAR, KADAVANTHARA P O, KOCHI-682020. 2 THE SCIENTIST F & DEPUTY DIRECTOR GENERAL (SOUTH) BUREAU OF INDIAN STANDARDS, SOUTHERN REGIONAL OFFICE, IV CROSS ROAD, CIT CAMPUS, THRAMANI, CHENNAI-600113. 3 THE DIRECTOR GENERAL BUREAU OF INDIAN STANDARDS, 9 BAHADUR SHAH ZAFARMARG, NEW DELHI-110002. 4 THE UNION OF INDIA REPRESENTED BY ITS SECRETARY, MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION, GOVT OF INDIA, NEW DELHI-1. BY ADV SHRI.MANOJ RAMASWAMY,, SC, BUREAU OF INDIAN STANDARDS SRI. MANU.- ASGI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.01.2022, THE COURT ON THE SAME DAY WP(C) NO. 328 OF 2022 2 DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 31st day of January, 2022 The petitioner, who is running an Industrial Unit by name Shastha Steels Private Limited at Kanjikode, is before this Court seeking to direct respondents 1 and 2 to issue ISI Certificate based on Ext.P2 application.

2. From the pleadings, it is discernible that the petitioner

has submitted application for ISI Certificate. The 1 st respondent issued Ext.P6 show-cause notice proposing to reject the application submitted by the petitioner. The petitioner submitted a detailed reply to the show-cause notice by way of Ext.P7. Ext.P7 was submitted on 07.07.2021. Subsequently, the respondents conducted a personal hearing on 22.07.2021, as is evidenced by Ext.P8 record of personal hearing. According to the petitioner, no final decision has been taken pursuant to WP(C) NO. 328 OF 2022 3 Exts.P6 and P8.

3. In the circumstances, this Court is of the view that the

writ petition can be disposed of directing the 1st respondent to finalise the proceedings initiated as per Ext.P6, within a time frame, if no final decision has already been taken. Accordingly, the writ petition is disposed of, directing the 1st respondent to conclude the proceedings initiated under Ext.P6 and proceeded as per Ext.P8, within a period of six weeks, if no final orders are already passed in the matter. The petitioner states that he is ready and willing to compound the offences, if any, committed by him. The learned Standing Counsel for the respondent submits that the offences are not compoundable. The petitioner will be at liberty to approach the 1st respondent for compounding the offences, if compounding is permissible under law. sd/- N.NAGARESH JUDGE hmh WP(C) NO. 328 OF 2022
4 APPENDIX OF WP(C) 328/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE 1ST CERTIFICATE DATED 30.03.2009 EARLIER OBTAINED BY THE PETITIONER FOR A PERIOD OF 2009-2010. Exhibit P2 TRUE COPY OF THE APPLICATION FOR LICENCE TO USE ISI MARK DATED 29.04.2021. Exhibit P3 TRUE COPY OF CERTIFICATE OF REGISTRATION OF TRADE MARK OF THE PETITIONER INDUSTRIAL UNIT DATED 27.04.2013. Exhibit P4 TRUE COPY OF THE CONSENT TO OPERATE

RENEWED UP TO 31.02.2024 ISSUED BY THE POLLUTION CONTROL BOARD IN FAVOUR OF THE PETITIONERS INDUSTRIAL UNIT DATED 22.03.2021.

Exhibit P5 TRUE COPY OF THE LETTER/MEMO ISSUED BY THE 1ST RESPONDENT FOLLOWING THE SEIZURE DATED 30.06.2021. Exhibit P6 TRUE COPY OF THE NOTICE SEEKING EXPLANATION ISSUED BY THE 1ST RESPONDENT DATED 6.7.2021. Exhibit P7 TRUE COPY OF THE REPLY LETTER DATED 7.7.2021 GIVEN BY THE 1ST PETITIONER TO THE 1ST RESPONDENT. Exhibit P8 TRUE COPY OF THE RECORD OF PERSONAL HEARING DATED 22.7.2021. Exhibit P9 TRUE COPY OF THE LETTER DATED 9.12.2021 ISSUED BY THE 2ND RESPONDENT STATING THAT COMPOUNDING IS NOT POSSIBLE. RESPONDENTS EXHIBIT NIL

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