

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
**W.P.(C) No.382 of 2020**

-----

M/s. Narsingh Ispat Limited, a Company incorporated under the provisions of Companies Act, 1956, having its Factory at Gram Khunti, Kandra – Chowka Road, P.S. Chandil, District Saraikela Kharsawan, Jharkhand, through one of its Director, Sri Ajay Singh, son of Sri Umakant Singh, resident of B6-F8D, Moon City, Dimna Road, Mango, P.O. & P.S. Mango, Town-Jamshedpur, District Singhbhum East, Jharkhand. **... ... Petitioner**

Versus

1. The State of Jharkhand.
2. Controller, Legal Metrology, Division of Legal Metrology (Weights & Measures Division) Department of Food, Public Distribution & Consumer Affairs, Government of Jharkhand, having its office at Project Bhawan, Dhurwa, HEC, P.O. Dhurwa, P.S. Jagarnathpur, Town & District Ranchi, Jharkhand.
3. Assistant Controller, Legal Metrology, having its office at Jebiarnagar, near Krishi Bhawan, Sadar, Chaibasa, P.O. & P.S. Town & District Chaibasa.
4. Inspector, Legal Metrology, having its office at Purana Qila, Seraikela-Kharswan.

**... ... Respondents**

-----

**CORAM : SRI ANANDA SEN, J.**

-----

For the Petitioner(s) : Mr. Nitin Kr. Pasari, Advocate  
 Mr. Gaurav Kaushalesh, Advocate

For the Respondent(s) : Mr. Mohan Kr. Dubey, AC to AG

-----

J U D G M E N T

**CAV on : 13/05/2026**

**Pronounced on : 17/06/2026**

-----

By filing this writ petition, the petitioners have prayed for the following reliefs:-

"A) For issuance of an appropriate writ(s), order(s) or direction(s), directing upon the Respondents to show cause, as to how and under what authority of law Rule 23(4) & Rule 23(6) of the Jharkhand Legal Metrology (Enforcement) Rules 2011 is being interpreted in a manner so as to impose upon

*the Petitioner to purchase and keep in its stock at site 50% or 1/3<sup>rd</sup> weights of the capacity of weighing instrument in order to get verification certificate, which is not a dictum of the Act & the Rules.*

- B) For issuance of an appropriate writ(s), order(s) or direction(s), holding and declaring that Rule 23(6) is only for the purpose of making available the verified and stamped weights not exceeding 1/3<sup>rd</sup> of the capacity of the instruments at the time of verification, re-verification or inspection, but for which the Petitioner need not purchase and keep it in its stock said weights.*
- C) Consequent upon showing cause, if any, and on being satisfied that the interpretation is bad in law, the Respondents be directed to carry out necessary verification of the weights and measures required to be verified and stamped at the factory premises of the Petitioner and after giving detailed break-up of the fees chargeable in terms of Rule 17, necessary demand be raised and verification certificate of the Petitioner be renewed forthwith inasmuch as owing to misinterpretation of law and the rules framed thereunder, wrong demand has been raised by the Respondents and the Petitioner has paid in excess of its actual liability which after detailed break-up can be ascertained by the Department itself.*
- D) For issuance of an appropriate writ, order or direction, calling upon the respondents to satisfy the Demand raised in terms of Notice No.26 dated 05.07.2021 received by the petitioner on 27.07.2021.*
- E) Consequent upon showing cause, if any, and on being satisfied that the Demand raised, is*

*directly in conflict with the Rules, more fully Rule 23 of the Jharkhand Legal Metrology (Enforcement) Rules, 2011, the Demand dated 05.07.2021 be quashed and set aside.”*

**2.** The petitioner – Company being an Industrial Unit in Seraikela – Kharsawan, Jharkhand, is engaged in manufacturing and sale of iron and steel products. The petitioner – Company has installed two separate electronic weighbridges with an independent capacity of 60 M.T. (Metric Tons) and 80 M.T. respectively. The petitioner – Company in order to comply the Legal Metrology Act, 2009 (hereinafter referred to as “the Act, 2009”) and the Jharkhand Legal Metrology (Enforcement) Rules, 2011 (hereinafter referred to as “the Rules, 2011”), got the weights & measurements of those weighbridges duly verified and obtained the verification certificate also. The petitioner – Company also renewed the same from time to time. However, from 2015, in spite of filing of application for verification / renewal of certificate, no verification was being carried out and finally the impugned demand was raised.

**3.** Learned counsel representing the petitioner – Company, submitted that the impugned Notice issued by the respondents is required to be condemned on the ground that interpretation of Rule 23, more particularly Rules 23(4) and 23(6) of the Rules, 2011, has not been done in its proper perspective by the Authorities. He submitted that the petitioner – Company has installed two separate electronic weighbridges with an independent capacity of 60 M.T. and 80 M.T. respectively. He

submitted that the petitioner-Company falls on the highest footing in carrying out total number of verified and stamped weights, as prescribed under Rule 23(4) of the Rules, 2011, which is applicable to the petitioner-Company. He submitted that Rule 23(4) of the Rules, 2011, is for the purpose of verification of the instrument to ensure that the weights which are being reflected in the weighing bridge is correct or not. Further, while referring to Section 2(v) of the Legal Metrology Act, 2009, which defines the word "Verification", he submitted that if it is only for the purpose of comparison, then the comparison will be drawn from the instrument of the petitioner-Company vis. a vis. the open market or the third-party facility, weights and measures which the petitioner-Company shall be providing at the time of verification or reverification in terms of Rule 23(6). He submitted that the respondents have imposed the fee over and above the prescribed fee schedule, in violation of the Rules. He finally submitted that the respondents cannot force the petitioner-Company to buy 1/3<sup>rd</sup> weights of the machine i.e. the weight of the weighbridge as per Rule 23 (6) of the Rules, 2011, instead at best they can ask to buy the weights which are necessary for compliance of Rule 23(4) of the Rules, 2011.

**4.** Per contra, learned counsel representing the respondent – State submits that the impugned Notice does not warrant any interference as the petitioner-Company has not complied with the provisions of the Rule 23 of the Jharkhand Legal Metrology (Enforcement) Rules, 2011, in its true letter and spirit,

and has also consequently defaulted in paying the fees. The principal submission made by him is that Rules 23(4) and 23(6) of the 2011 Rules cannot be read in isolation and both Rules will be applicable together in case of the petitioner-Company, to avoid tampering in the weighing machine. He submits that the petitioner-Company must be ready with 1/3<sup>rd</sup> of the weight of the machines, whenever the inspection is made. He submits that the stamp should be on the weight (*batghara*) / inside the weight. As per him, once the law provides that the petitioner-Company will be ready with 1/3<sup>rd</sup> of the weights, it will naturally mean that the petitioner-Company should own this extra 1/3<sup>rd</sup> of the weights, as envisaged in Rule 23(6) of the Rules, 2011. Once it owns the same, as per law, it has to pay the fees also for its verification.

**5.** After hearing the parties at great length and perusal of the materials available on record, this Court finds that the petitioner – Company in this writ petition is raising question of interpretation of Rule 23, more particularly Rule 23(4) & 23(6) of the Rules, 2011, on the basis of which the respondents have issued a Notice No.26 dated 05.07.2021 (received by the petitioner on 27.07.2021) (Annexure-6 to the writ petition) i.e. during pendency of this writ petition, directing the petitioner – Company to deposit Rs.10,40,191/- towards verification and stamping fee of weights. The weighbridge is referred to as the “principal weight” and the smaller weight which are used for verification of the main weighbridge is being termed in this judgment as “secondary weight”.

**5.1.** Further contention of the petitioner-Company is that the respondents cannot force the petitioner-Company to purchase the weights, which are necessary to verify the accuracy of the weighbridge of the petitioner, as the entire provision of law do not provide that the same be purchased by the petitioner. It is the contention of the petitioner-Company that it can take these weights from other sources also and can keep it after taking the same on hire, provided those weights are legal and duly stamped by the Authorities and the stamp is valid on the date of such production.

**6.** Admittedly, the petitioner is the owner of two weighbridges of 60 M.T. and 80 M.T. respectively. For the sake of brevity, these weighbridges are referred to as the principal weight in this order / judgment. Further, as per Rule 23(4) and 23(6) of the Rules, 2011, there has to be smaller weights for the purpose of authenticating the accuracy of the "principal weights". These smaller weights for the sake of brevity in the judgment is referred to as the "secondary weights".

**7.** To adjudicate the present dispute, it is first necessary to deal with the provision of the Act and the Rules, which were referred to and are subject matter of this writ petition.

**8.** The Legal Metrology Act, 2009, is an Act to establish and enforce standards of weights and measures, regulate trade and commerce in weights, measures and other goods which are sold or distributed by weight, measure or number and for matters connected therewith or incidental thereto.

Section 2(t) of the Act, 2009, defines the term “stamp”, which reads as follows:-

*“(t) “stamp” means a mark, made by impressing, casting, engraving, etching, branding, affixing pre-stressed paper seal or any other process in relation to, any weight or measure with a view to-*

*(i) certifying that such weight or measure conforms to the standard specified by or under this Act, or*

*(ii) indicating that any mark which was previously made thereon certifying that such weight or measure conforms to the standards specified by or under this Act, has been obliterated;”*

Section 2(v) of the Act, 2009, defines the term “verification”, which reads as follows:-

*“(v) “verification”, with its grammatical variations and cognate expressions, includes, in relation to any weight or measure, the process of comparing, checking, testing or adjusting such weight or measure with a view to ensuring that such weight or measure conforms to the standards established by or under this Act and also includes re-verification and calibration;”*

Section 2(w) of the Act, 2009, defines the term “weight or measure”, which reads as follows:-

*“(w) “weight or measure” means a weight or measure specified by or under this Act and includes a weighing or measuring instrument.”*

Section 24 of the Act, 2009, provides for verification and stamping of weight or measure. It is necessary to quote clause-(1) of Section 24, which reads as hereunder:-

**"24. Verification and stamping of weight or measure.**-(1) *Every person having any weight or measure in his possession, custody or control in circumstances indicating that such weight or measure is being, or is intended or is likely to be, used by him in any transaction or for protection, shall, before putting such weight or measure into such use, have such weight or measure verified at such place and during such hours as the Controller may, be general or special order, specify in this behalf, on payment of such fees as may be prescribed."*

(2) .....

(3) .....

(4) ....."

From the aforesaid Section 24, it is clear that a weight or measure which is in possession or custody of any person and is likely to be used by him for any transaction, such weight needs to be verified. In terms of the aforesaid provision, weight of the weighbridge of the petitioner also needs to be verified.

Section 53 of the Act, 2009, gives power to make Rules. Section 53 reads as hereunder:-

**"53. Power of State Government to make rules.**—(1) *The State Government may, by notification, and after consultation with the Central Government, make rules to carry out the provisions of this Act.*

(2) *In particular and without prejudice to the*

*generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—*

*(a) the time within which the weight or measure may be got verified under proviso to sub-section (1) of section 16;*

*(b) registers and records to be maintained by persons referred to under sub-section (1) of section 17;*

*(c) the form, manner, conditions, period, area of jurisdiction and fees for issuance of licence under sub-section (2) of section 23;*

*(d) fee for verification and stamping of any weight or measure under sub-section (1) of section 24;*

*(e) manner of notifying Government approved Test Centre, terms and conditions and fee to be paid under sub-section (3) of section 24;*

*(f) fee for compounding of offences under sub-section (1) of section 48.*

*(3) In making any rule under this section, the State Government may provide that a breach thereof shall be punishable with fine which may extend to five thousand rupees.*

*(4) The power to make rules under this section shall be subject to the condition of the rules being made after previous publication in Official Gazette.*

*(5) Every rule made under this section shall, as soon as may be after it is made, be laid before each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House."*

From the aforesaid Section, it is clear that the Statute confers power upon the State to make Rules to serve the purpose and to carry out the provision of the Act.

**9.** By invoking Section 53 of the Act of 2009, the State Government promulgated “the Jharkhand Legal Metrology (Enforcement) Rules, 2011”. Rule 15 of the Rules, 2011 deals with verification and inspection of weights or measures, which reads as hereunder:-

**"15. *Verification and inspection of weights or measures –***

*(1) Every person using any weight or measure in any transaction or for protection shall present such weight or measure for verification/ re-verification, at the office of the Legal Metrology Officer or at such other place as the Legal Metrology Officer may specify in this behalf on or before the date on which the verification falls due:*

*Provided that where any weight or measure is such that it cannot, or should not be moved from its location, the person using such weight or measure shall report to the Legal Metrology Officer at least thirty days in advance of the date on which the verification falls due.*

*(2) Where any weight or measure is such that it cannot, or should not, be moved from its location, Legal Metrology Officer shall take necessary steps for the verification of such weight or measure at the place of its location.*

*(3) For the verification of weight or measure referred to in sub-rule (2) the user shall provide such facilities as may be specified by the Legal Metrology Officer.*

*(4) Every weight or measure presented for verification shall be complete in itself and shall not bear a manufacturer's mark which might be mistaken for the Legal Metrology Officer's stamp.*

(5) *Every weight or measure shall be verified in a clean condition, and if necessary, the Legal Metrology Officer shall require the owner or user to make necessary arrangement for the purpose.*

(6) *A Legal Metrology Officer may visit, as frequently as possible during the period specified in The Legal Metrology (General) Rules, 2011 every premise within the local limits of his jurisdiction to inspect and test any weight or measure which is being or is intended or likely to be used in any transaction or for protection.*

(7) *The Legal Metrology Officer shall obliterate the stamp on any weight or measure, if it is found during inspection that:-*

(a) *Any weight or measure which being due for re-verification has not been submitted for such re-verification.*

(b) *Any weight or measure which does not conform to the Standards established by or under the Act.*

*Provided that where the Legal Metrology Officer is of opinion that the defect or error in such weight or measure is not such as to require immediate obliteration of the stamp, he shall inform the user of the defect or error found in the weight or measure and call upon user to remove the defect or error within such time, not exceeding eight days and shall-*

(i) *if user fails to remove the defect or error within that period, obliterate the stamp, or*

(ii) *if the defect or error is so removed as to take the weight or measure conform to the standards established by or under the Act, verify and stamp such weight or measure.*

*Explanation: The obliteration of the stamp on any weight or measure shall not take, away or*

*abridge the power of the Legal Metrology Officer to seize such weight or measure in accordance with the provisions of the Act.”*

The first proviso of Section 15 provides that where any weight or measure cannot be moved from the location then to verify the accuracy of the said weight, the inspection has to be done after giving thirty days’ notice in advance from the date when the verification falls due. In those cases, the verification has to be done at the place where the weight is located.

Section 16 provides for stamping of weights and measures. As per the aforesaid Section, a weight which is verified and conforms, needs to be stamped. Section 16 reads as hereunder:-

**"16. *Stamping of weights or measures*-(1)**

*The Legal Metrology Officer shall stamp every weight or measure, if after testing and verification, he is satisfied that such weight or measure conforms to the standards established by or under the Act, with a stamp of uniform design, issued by the Controller, which shall indicate the number allotted for administrative purpose to the Legal Metrology Officer by whom it is stamped.*

*Provided that if by reason of the size or nature of any weight or measure it is not desirable or practicable to put a stamp thereon, the Legal Metrology Officer shall take such action as may be directed by the controller by a general or a special order in writing.*

*(2) The Legal Metrology Officer shall also mark the year and its quarter of stamping on every verified weight or measure except when the size*

*or nature of such weight or measure makes it impracticable.*

*Explanation- A year shall be deemed to consist of four quarters of which first quarter shall be of the months of January, February and March which shall be marked as A; second quarter shall be of the months of April, May and June which shall be marked as B, third quarter shall be of the months of July, August and September which shall be marked as C and fourth quarter shall be of the months of October, November and December which shall be marked as D.*

*(3) On completion of verification and stamping the Leal Metrology Officer shall issue a certificate of verification in the form set out in Schedule VIII.*

*(4) Where a certificate of verification is lost or destroyed, the holder of the certificate of verification shall forthwith apply to the Legal Metrology Officer who had issued the certificate, of verification. Every such application for the issue of a duplicate certificate, shall be accompanied by a fee of rupees ten.*

*(5) On receipt of an application under sub-rule (4), the Legal Metrology Officer shall issue to the applicant a duplicate copy of the certificate of verification marked 'DUPLICATE*

Section 17 provides for payment of fees for verification of the weight and measures. Section 17 reads as hereunder:-

**"17. Fee for verification** - (1) Fees payable for verification and stamping of weight or measure at the office or camp office of the Leal Metrology Officer shall be as specified in Schedule IX.

(2) If, at the request of the user of weight or measure, verification is done at any premises other than the office or camp office of the Legal

*metrology Officer, an additional fee shall be charged at half the rate specified in the Schedule IX and the user of the weight or measure shall pay the expenses incurred by the Legal Metrology Officer for visiting the premises including the cost of transporting and handling the Working Standard and other equipment subject to a minimum of rupees one hundred.*

*Provided that no additional fee shall be charged for verification and stamping of weights and measures in situ of-*

*(i) vehicle tanks for petroleum products and other liquids, Meter for Liquids Other than Water (Fuel Dispenser, Liquid Petroleum Gas, Milk Dispensers), Compressed Natural Gas Dispensers, Non-automatic Weighing Instruments like weighbridges, platform machines, crane scale, Automatic Gravimetric Filling Instruments. Automatic Rail-weighbridge, Discontinuous Totalizing Automatic Weighing Instruments, and such other weight or measure which cannot, and should not be moved from its location;*

*(ii) Weight or measure in the premises of manufacturer or dealer of such weight or measure.*

*(3) If a weight or measure is presented to the Legal Metrology Officer for re-verification after expiry of the validity of the stamp, an additional fee at half the rates specified in Schedule IX shall be payable for every quarter of the year or part thereof.*

*(4) Full fee shall be payable for re-stamping any weight or measure held in stock with manufacturer or dealer within the period specified, in The Legal Metrology (General) Rules, 2011 from the date on which it was last stamped, provided that the original stamp was*

*not obliterated.*

*(5) A weight or measure which on verification/inspection is found to be incorrect shall be returned to the person concerned for adjustment informing him, in a proforma specified by the Controller, of the defects found in the weight or measure, and calling upon him to remove the defects within a period not exceeding seven days. When the necessary adjustment has been carried out, such weight or measure shall be verified on payment of the fees specified in Schedule IX and if found correct shall be stamped."*

**10.** It is the case of the petitioner that by the impugned demand, the respondents are demanding the fees for verification of the secondary weight, which according to the petitioner the respondents are mandating the petitioner to possess the same as an owner in terms of Section 23(6) of the Rules, 2011.

**11.** Now, for proper adjudication of this writ petition, Rules 23(4) and 23(6), are quoted herein below:-

**"23. Provision relating to use of weights measure, etc-**

*(1) .....*

*(2) .....*

*(3) .....*

*(4) To ensure a proper check of the accuracy of a weighing instrument the user shall keep at the site of each weighing instrument duly verified and stamped weights equal to one-tenth of the capacity of the instrument or maximum upto one tonne capacity of weight and consumer can also check the accuracy of the weighing instrument.*

*Provided that the Controller may*

*specify the total number of verified and stamped weights to be maintained in trade premises where the number of weighing instruments are more than one.*

*(5) .....*

*(6) The user of Weighing instrument of the capacity of five hundred kilogram or above, shall provide such number of duly verified and stamped weights not exceeding one third of the capacity of the instrument as may be required by the Legal Metrology Officer for the purpose of its verification, re-verification or inspection."*

**12.** As per the Rules, 2011, in terms of Rule 23 (4), the accuracy of the weighbridge of the petitioner has to be checked. As per the said Rule 23(4), for the aforesaid purpose, the petitioner-Company has to keep weights equal to 1/10<sup>th</sup> (one tenth) of the capacity of the instrument or maximum up to one ton capacity of the principal weight. These weights are to be kept so that the accuracy of its main weighbridge can be verified.

**13.** The aforesaid provision of law also provides that any consumer can also check the accuracy of the weight instruments. These weights which are either 1/10<sup>th</sup> of the principal weight or one ton as the case may be, which are secondary in nature, are to be kept to verify the accuracy of the principal weight, which is the weighbridge in the instant case.

**14.** Since the aforesaid provision provides that a consumer can also check the accuracy of the weighbridge by using these secondary weights, it is the duty of the petitioner-Company, casted upon by Statute, to keep these secondary weights at the site of

the main weighing instrument i.e. the weighbridges and that too, at all point of time. They should be kept at the site and must be provided if any of the consumers want to check the accuracy of the main machine for their satisfaction. These secondary weights as per the Act, 2009 and the Rules, 2011, are also to be verified and stamped by the Authorities under the Act and Rules framed thereunder, for which fees are to be paid by the owner of these weights.

**15.** The Proviso to Rule 23 (4) confers power upon the Controller to specify the total number of verified and stamped weights to be maintained in a premises where the number of weighing instruments are more than one. This is an additional power given to the Controller. If such power is exercised and any information to that effect is given to the petitioner-Company, it has to keep such number of weights at the site as directed by the Controller, as admittedly, the petitioner has two weighbridges, then in terms of the proviso of Rule 23(4), the Controller can direct the petitioner to keep more than one weight.

**16.** Rule 23 (6) is a special provision for weighing instrument of the capacity of 500 Kilogram or more. After going through this provision, it is clear that the purpose of this provision is somewhat different to that of Rule 23(4). As per the said provision, since admittedly, capacity of both the weighing instruments (weighbridges) of the petitioner-Company is more than 500 Kilogram, petitioner has to provide duly verified and stamped weights, up 1/3<sup>rd</sup> of the capacity of its weighbridge, which

may be required by the Legal Metrology Officer for the purpose of its verification, re-verification or inspection. As per the said provision, this secondary weight up to the weight of 1/3<sup>rd</sup> of the weighbridge is for the purpose of its verification, re-verification and inspection by the Legal Metrology Officer. This provision does not give any power to the consumer to verify, re-verify or inspect the primary weight; by using those secondary weights.

**17.** Further, Rule 23(6) is only applicable when a Legal Metrology Officer intends to verify, re-verify and inspect the weighbridge of the petitioner-Company.

**18.** As per Rule 15 Proviso, the Legal Metrology Officer by giving advance notice of thirty days' of the date on which the verification falls due, can inspect these primary weights which cannot be moved.

**19.** In this case, the weighbridge definitely cannot be moved, thus the Legal Metrology Officer has to give thirty days' clear notice before verifying, re-verifying and inspecting in terms of Rule 23(6). Thus, the intent of Rule 23(6) is very clear and a holistic reading of this Rule with the other provision mentioned above will clearly suggest that the Legal Metrology Officer will give a notice to the petitioner-Company for verification, re-verification or inspection of its weighbridge and at the time of such inspection, the petitioner-Company shall provide duly verified and stamped weights not exceeding 1/3<sup>rd</sup> of the weight of these weighbridges.

**20.** The word used in Rule 23 (6) is "shall provide". The word "*provide*" as per the 11<sup>th</sup> Edition of Oxford Dictionary means

*“to give something to somebody or make it available for them to use.”* As per the said dictionary, one of the synonyms of the said word is *“supply”*. Thus, it is the duty of the petitioner-Company to give and make available these secondary weights which should also be stamped and verified at the time of verification, re-verification or inspection of the primary weights by the Legal Metrology Officer in terms of Rule 23(6).

**21.** From the aforesaid provisions and its interpretation, it is apparent that nowhere the Rule provides or mandate that the petitioner – Company should be the owner of these secondary weights. Its duty is only to provide, at the time of inspection, those weights, which would be duly stamped and verified. If at the time of such inspection in terms of Rule 23(6), the petitioner-Company fails to provide the same, the petitioner-Company can be penalized. They can also be penalized if the secondary weights so provided is not verified and / or stamped. If at the time of inspection, the petitioner-Company provides those weights and if the same are in order and duly stamped and verified, the Legal Metrology Officer cannot question the ownership of the same. At best, the petitioner – Company can be asked by the inspectors to provide the information about the owners of the secondary weights, if the petitioner-Company has arranged the same on hire or on rent. In that case the petitioner has to provide the information and must also provide verification certificate or authenticated copies of receipts showing payment of fees for such verification and stamping of secondary weights.

**22.** Similar is the provision in Rule 23(4), though the word “provide” is not used in the aforesaid provision of law. What is used is “the user shall keep at the site of each weighing instrument”. This means that it is the duty of the petitioner-Company, to keep at the site these secondary weights, for all times to come. As per Rule 23(6), the secondary weights have to be provided at the time of inspection, but as per Rule 23(4) the secondary weights mentioned therein should be kept at the site for all times to come. Further, the secondary weight can be used by any consumer to verify the accuracy of the weighbridge, and must be provided to a consumer on demand.

**23.** Though Rule 23(4) also does not mandate that the petitioner-Company should be the owner of the secondary weights, yet considering the nature and the purpose for which these weights are to be kept in terms of the aforesaid Rules, the petitioner should possess the said secondary weights as the owner of the same, as he has to keep these weights at the premises for the entire period.

**24.** Thus, from the aforesaid discussion, I hold that the petitioner-Company is not legally bound to purchase the secondary weights, which is to be provided by the petitioner-Company, in terms of Rule 23(6) of the Rules, 2011, but the weights which are to be kept in terms of Rule 23(4), must be owned by the petitioner. The petitioner has to pay the necessary fees for stamping and verification of these weights. Petitioner’s duty is to ensure that a duly stamped weights, as per the capacity mentioned in Rule 23(4) as a secondary weight, is always kept at the site. It is also its duty

to provide separate secondary weights as per the capacity mentioned in term of Rule 23(6) at the time when the Legal Metrology Officer visits the premises to verify, re-verify and inspect the primary weight i.e. the weighbridges of the petitioner. Such weight may not be owned by the petitioner.

**25.** Consequently, the Demand Notice No.26 dated 05.07.2021, is set aside.

**26.** So far as the dues or any amount of fees etc., which are to be paid by the petitioner – Company for verification and stamping of the weights being maintained by the petitioner-Company in terms of Rule 23(4), is concerned, it will be open to the respondent to issue fresh demand. The respondents cannot demand / charge any fees for stamping and verification, if the weights which the petitioner provides at the time of verification, re-verification and inspection in terms of Rule 23(6) are not owned by the petitioner.

**27.** With the aforesaid observations and directions, this writ petition stands **allowed**.

**28.** Pending interlocutory application, if any, stands **disposed of**.

**(ANANDA SEN, J.)**

*High Court of Jharkhand, Ranchi*

17/06/2026

*Prashant  
A.F.R.*