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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 15407/2023 & CM APPL. 61786/2023

ZENG HSING INDUSTRIAL COMPANY LIMITED & ANR.

..... Petitioners

Through: Mr. Rajshekhar Rao, Sr. Advocate
with Mr. Sameer Jain, Mr. Suvigya
Awasthy, Mr. Rohan Gulati and Ms.
Yamini Mookherjee, Advocates for P-
1 and 2.

versus

**BUREAU OF INDIAN STANDARDS BIS, MINISTRY OF
CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION,
GOVERNMENT OF INDIA & ANR.**

..... Respondents

Through: Mr. Anil Kaushik, Mr. Rajat Rana
and Ms. Anju Kaushik, Advocates for
R-1.
Mr. Piyush Beriwal and Mr. Vedansh
Anand, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

01.12.2023

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1. The Petitioner has approached this Court primarily challenging the Cancellation Notice dated 14.05.2023 issued by the Respondent No.1 cancelling the BIS Certification Marks Licence bearing No. FMCD/CML-4100049170 granted to the Petitioner for the use of BIS Standard Mark on Household Zig-Zag Sewing Machine Head: Part 1 General Requirements according to IS 15449 (Part 1): 2004 which is valid up to 31.05.2024.
2. Material on record indicates that the Petitioner had been granted the



aforesaid licence for the product Household Zig-Zag Sewing Machine Head for Single Needle for producing tow thread lock stitch with reverse stitch mechanism with unpainted AI-alloy die caused body and plastic (ABS) cover as per IS 15449 (Part 1): 2004 on 07.06.2018. The licence of the Petitioner has been cancelled on the ground of violation of Sub Regulation 4 of the Regulation 6 of BIS (Conformity Assessment) Regulations, 2018. A perusal of the Cancellation Order shows that although the Order has been passed on 14.08.2023 but licence of the Petitioner has been cancelled retrospectively i.e., from 05.06.2023.

3. Material on record further indicates that in January, 2023, a meeting was held for laying down the standards for the Household Zig-Zag Sewing Machines Head. Material on record discloses that though it was decided in-principle to revise the standards, however, the standards have yet not been prescribed.

4. The question arises for consideration in this case is whether a licence could be cancelled on the ground that the licensee has used the mark without conforming to the scope of the licence when fresh standards for licence have yet not been laid down.

5. Issue notice.

6. Learned Counsel appearing for the Respondents accept notice.

7. Let reply(s) be filed within two weeks from today.

8. List on 15.12.2023 for consideration on stay.

SUBRAMONIUM PRASAD, J

DECEMBER 1, 2023

S. Zakir