

## **CHAPTER II**

### **LICENSES AND REGISTRATIONS**

For dealing in weights and measuring instruments, obtaining of license is must. The Department of Legal Metrology, Punjab issues licensees to manufacturers, dealers and repairers of weights and measures.

Every license issued or renewed is required to be displayed at conspicuous place in the premises where the licensee carries on business. A license so issued or renewed cannot be transferred or sold out.

The Controller of Legal Metrology is the competent authority to grant such a license. Section 23 of the Legal Metrology Act, 2009 read with Rule 3 of the Punjab Legal Metrology (Enforcement) Rules, 2013 provides that every manufacturer, repairer or dealer of weights and measures shall make an application for issue of a license to the Controller or such other officers as may be authorized by him in this behalf. However, no license to repair shall be required by a manufacturer for repair of his own weight or measure manufactured by him and used in the State other than the State of manufacture of the same. In such a case the manufacturer has to inform in advance to the concerned Inspector about the repairing.

While considering the application for issuance of the license to manufacturer, dealer or repairer the guidelines issued by the office of the Controller Legal Metrology Punjab vide memo no. M/R/D/2013/3832-34 dated 22.11.2013, be followed, which are annexed at **ANNEXURE-1**.

<b>New License</b>							
<b>Sr. No.</b>	<b>Type of License</b>	<b>Application Form</b>	<b>Fee Per year Rs.</b>	<b>Form Can be submitted to</b>	<b>Issuing and Approving Authority and Form</b>	<b>Security Rs</b>	<b>Record to be maintained</b>
1.	Manu- - facturer	LM1, Schedule- IV	5000	Inspector/AC/ Controller	Controller (LM3)	-	LM4
2.	Repairer	LR1, Schedule- V	2000	Inspector/AC/ Controller	Controller (LR3)	5000	LR4
3.	Dealer	LD1, Schedule- VI	1000	Inspector/AC/ Controller	Controller (LD3)	-	LD4
4.	Alteration In license		200	Inspector/AC/ Controller	Controller	-	
5.	Duplicate license		100	Inspector/AC/ Controller	Controller	-	
<b>Renewal of License</b>							
1.	Manufacturer	LM2, Schedule- IX,	5000	Inspector	Controller	-	LM4
2.	Repairer	LR2, Schedule- X	2000	Inspector	Controller	-	LR4
3.	Dealer	LD2, Schedule- XI	1000	Inspector	Controller	-	LD4

#### **LICENSE TO MANUFACTURER:**

The Controller Legal Metrology can issue license to manufacturer of weight or measure under Rule 3 of the Punjab Legal Metrology (Enforcement) Rules, 2013. An application on the prescribed Performa as provided in SCHEDULE IV of the Punjab Legal Metrology (Enforcement) Rules, 2013, along with documents as per guidelines mentioned in forthcoming paragraph

for issuing of such a license can either be made directly to the Controller or to the Legal Metrology Officer of the concerned district. In case application is submitted to the Legal Metrology Officer of the concerned district, such officer shall scrutinize the application and documents attached therewith and after conducting due investigation, along with report/ comments as inspection officer, as required under column 3 of application form, submits the same to the Controller along with his investigation report through his/her Assistant Controller. In case of the application being submitted directly to the Controller at the Head Office, the Head Office after scrutinizing the application and documents attached therewith shall assign the work of further investigation to the Legal Metrology Officer of the area where the manufacturing unit is situated.

While investigating the LMO shall see if the application is on the prescribed application form and supported by the following documents:

1. Proof of the legal title of the premises, attested copy of the sale deed/ allotment letter, property tax receipt or rent receipt and NOC from the owner.(It is advisable that the investigating officer, while recommending the proposal shall make specific remarks of the area occupied by such unit, It is desirable that area of such unit should not be less than 100 m<sup>2</sup>)
2. Tools and Equipments list.(With Purchase Bill)
3. List of testing equipments.(With Purchase Bill)
4. Copy regarding constitution of the firm.(In case of the partnership firm, registration certificate alongwith partnership deed and in case of the company, its registration certificate under company Act along with copy of Article of Associations and Memorandum of Understanding be filed.)
5. Experience certificate and Certificate of Diploma in Engineering
6. M.C.L. / Original Lal Dora Certificate.
7. Copy of the Literature of the items to be manufactured.
8. Trademark/ monogram registration certificate
9. Proof of financial status.

10. Proof for Power Load Sanctioned/ Installed/ energized by PSPCL (Punjab State Power Corporation Ltd.).
11. Copy of permanent SSI Registration.
12. List of skilled, unskilled workers with their names & addresses.
13. Model Approval Certificate, if applicable.

After verification of documents so attached with the application and investigations in detail, the inspecting officers shall submit a report along with the application, with his findings/ observations and recommendations within 15 days to the concerned authority through the concerned Assistant Controller. While doing so, he shall follow the guidelines issued to this effect from time to time by the Controller Legal Metrology.

After receipt of the investigation report, if the licensing authority is of the opinion that license can be issued considering the investigation report, he shall constitute a committee of at least three members for conducting the samples inspection for technical ability test of the applicant and the committee shall consist of licensing authority or his nominee, an Assistant Controller and an Inspector. The said committee will conduct the technical ability test as specified by the Controller within 7 days or with such extended period of not more than 7 days with proper communication to the applicant. The Committee after completion of such technical ability test will submit its report to the licensing authority, who after considering the said report along with the report received from the Inspecting officer, if arrives at the conclusion and is satisfied that the applicant fulfill all the requirements, his/her application should be considered for grant of license.

The decision of the licensing authority then shall be communicated to the applicant asking him/her to deposit the license fee as prescribed in SCHEDULE X of the Punjab Legal Metrology (Enforcement) Rules, 2013.

**After receipt of the license fee the licensing authority shall issue license in respective form as provided in SCHEDULE VII of the Punjab Legal Metrology (Enforcement) Rules, 2013 within 7 days.**

**If the license is refused due to non compliance of all or any of the requirements, the decision duly reasoned shall be communicated to the applicant within a period of 7 days.**

**The process of issuing a license, as far as possible should be completed within the period of one month or with in such extended period of not more than 15 days, with reasonable cause**

Intimation regarding issuance of license shall be communicated to the concerned Legal Metrology Officer for the information and record.

#### **LICENSE TO REPAIR:**

An application on the prescribed Performa as provided in SCHEDULE V of the Punjab Legal Metrology (Enforcement) Rules, 2013 along with document mention in forthcoming Para for issuance of a license to repair can either be made directly to the Controller or to the Legal Metrology Officer of the concerned area. In case application is submitted to the Legal Metrology Officer of the concerned area, such officer shall scrutinize the application and documents attached therewith and after conducting due investigations, along with report/ comments as inspection officer, as required under column 3 of application form, be forward to the Controller along with his investigation report through the concerned Assistant controller. In case of the application being submitted directly to the Controller at the head office, head office after scrutinizing the same and documents attached therewith, shall assign the work of further investigation to the Legal Metrology Officer of the area concerned where the repairing workshop is situated.

While investigating, the Legal Metrology Officer shall see if the application is on the prescribed application form as provided in SCHEDULE V of the Punjab Legal Metrology (Enforcement) Rules, 2013 and supported by the following documents.

1. Proof of Legal title of the workshop premises (attested copy of the Sale Deed/ Lease Deed/ allotment letter/property tax receipt)
2. Rent receipt/NOC from the owner.
3. Tools and equipment list with proof of procuring the same.
4. Test equipment.

5. List of loan articles with verification certificate.
6. Copy of the constitution of the firm.
7. Experience certificate and Certificate from ITI in relevant trade.
8. Site plan.
9. Memorandum of Articles in case of Private Limited Company and Limited company.
10. List of skilled and unskilled workers with name and address.

After verification of documents so attached with the application and investigations in detail, the inspecting officer shall submit a report along with the application with his findings/ observations and recommendations within 15 days to the concerned authority. While doing so he shall follow the guidelines issued to this effect from time to time by the Controller of Legal Metrology.

After receipt of the investigation report, if the licensing Authority is of the opinion that license can be issued considering the investigation report, he shall constitute a

Committee of at least three members for conducting the technical ability test of the applicant. The committee shall consist of licensing authority or his nominee, an Assistant Controller and an Inspector. The said committee will conduct the technical ability test as specified by the Controller within 7 days or within such extended period of not more than 7 days with proper communication to the applicant. The Committee after completion of such technical ability test, shall submit its report to the licensing authority who after considering the said report along with the report received from the Inspecting officer, if arrives at the conclusion and is satisfied that the applicant fulfils all the requirements, his/her application should be considered for grant of license.

The decision of the licensing authority then shall be communicated to the applicant asking him/her to deposit the license fee as prescribed in SCHEDULE X of the Punjab Legal Metrology (Enforcement) Rules 2013.

**After receipt of the license fee, the Licensing Authority shall issue license in respective form as provided in SCHEDULE VIII of the Rules within 7 days.**

If the license is refused due to non compliance of all or any of the requirements, the decision duly reasoned shall be communicated to the applicant within a period of 7 days.

**The process of issuing a license, as far as possible shall be completed, from the date of receipt of application ,within a period of one month or with in such extended period of not more than 15 days, with reasonable cause**

Intimation regarding issuance of license shall be communicated to the concerned Legal Metrology Officer for the information and record.

### **LICENSE TO DEALER:**

Application for issuance of license to dealer can also be made either directly to the Controller or to the Legal Metrology Officer of the concerned area, in the Performa for the application prescribed in SCHEDULE VI of the Punjab Legal Metrology(Enforcement) Rules, 2013, along with supporting documents mentioned in the forthcoming Para.

In case application is submitted to the Legal Metrology Officer of the concerned area, such officer shall scrutinize the application and documents attached therewith and after conducting due investigations forward the same to the Controller along with his investigation report. In case of the application being submitted directly to the Controller at the Head Office, head office after securitizing the application and documents attached therewith, shall assign the work of further investigation to the Legal Metrology Officer of the area where the establishment is situated.

While investigating, the Legal Metrology Officer shall see if the application is on the prescribed application form as provided in SCHDULE VI of the Punjab Legal Metrology (Enforcement) Rules 2013 and supported by the followings documents:

1. Proof of the legal title of the premises like attested copy of the Sale Deed. Lease Deed/ Allotment Letter/ Property Tax receipt.
2. Rent receipt/NOC from the owner.
3. Copy of the Constitution of the firm.

4. Proof of the financial status.
5. Site plan.
6. Memorandum and Articles of Association in case of Private Limited Company and Limited Company.
7. Sales Tax/VAT Registration Number, if registered.
8. If the applicant intends to import weight and measure: Model approval certificate and registration as importer of weight and measure.
9. Electrical energy: Latest electrical bill.

After verification of documents and investigation in detail, the inspecting officer shall submit a report along with the application with his findings, recommendations and observation within 15 days to the concerned Assistant controller. While doing so, he shall follow the guidelines issued to this effect from time to time by the Controller of Legal Metrology. After due consideration of the investigation report, if the Licensing Authority arrives at the conclusion and is satisfied that the applicant fulfils all the requirements, his/her application should be considered for grant of license. Such decision of the Licensing Authority then shall be communicated to the applicant asking him/her to deposit the license fee as prescribed in SCHEDULE X of the Punjab Legal Metrology (Enforcement) Rules 2013. **After deposit of the license fee, the licensing authority shall issue license in respective form as provided in SCHEDULE IX of the above said Rules within 7 days.**

**If the license is refused due to non compliance of all or any of the requirements, the decision along with reason shall be communicated to the applicant within a period of 7 days. The process of issuing of license, as far as possible should be completed, from the date of receipt, within period of one month or with in such extended period of not more than 15 days, with reasonable cause.**

Intimation regarding issuance of license shall be communicated to the concerned Legal Metrology Officer for information and record.

Where manufacturer is also a dealer the Controller being the Licensing Authority shall follow same procedure as above.



#### **MAINTAINING OF REGISTER:**

The Controller shall maintain a register of licensed manufacturers, repairs and dealers in the form as set out in SCHEDULE XIV as prescribed under the Punjab Legal Metrology (Enforcement) Rules, 2013.

#### **VALIDITY OF LICENSE:**

Every new license issued to the manufacturer, repairer or dealer shall be valid for a minimum period one calendar year and may be renewed for a period of 1 to 5 calendar years by the Controller on payment of necessary fee as specified in SCHEDULE X of the Punjab Legal Metrology (Enforcement), Rules 2013. Presently the licenses are renewed for two calendar years.

#### **RENEWAL OF LICENSE:**

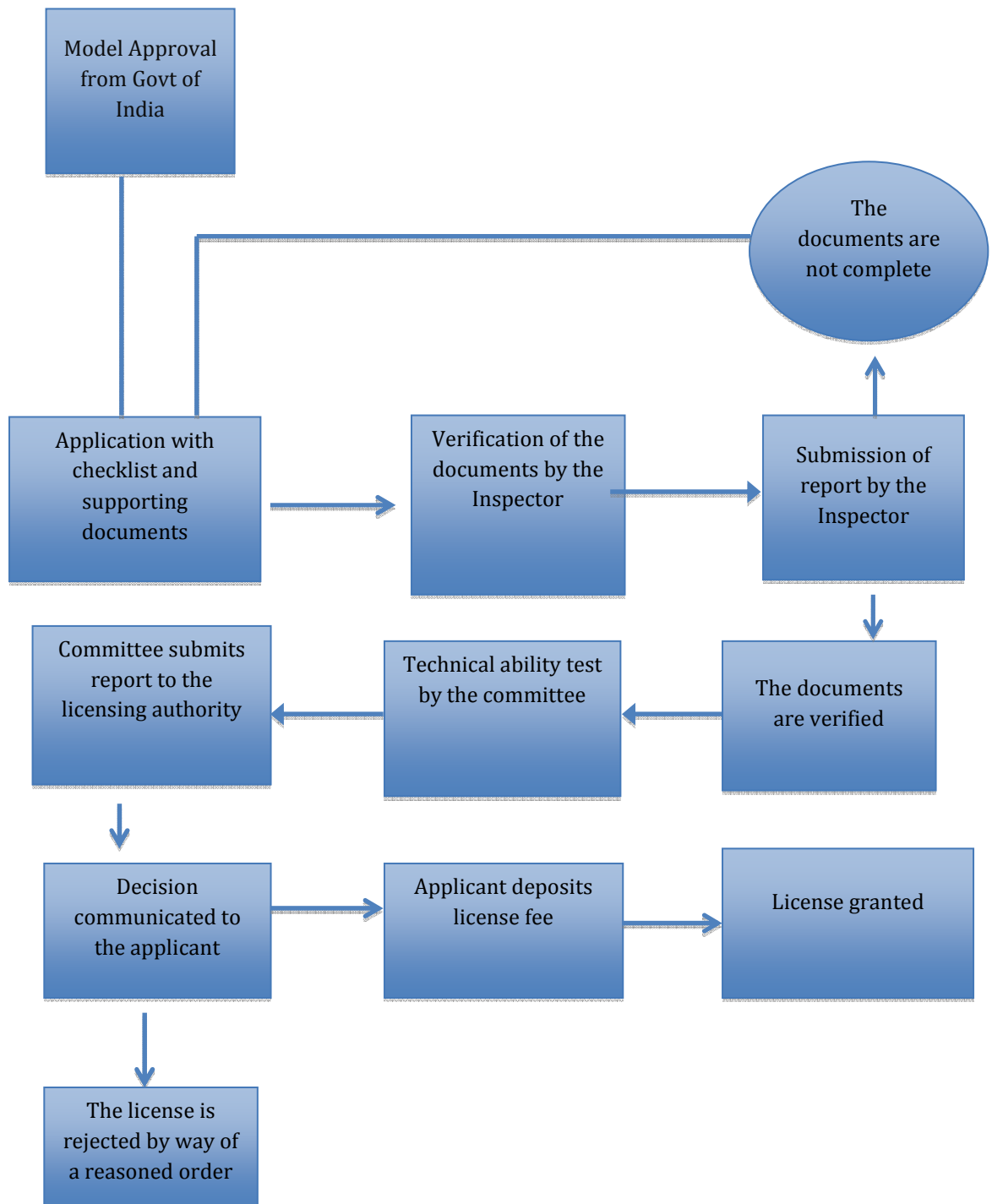
It is mandatory under the rules that **the licensee shall make an application for renewal of license at least 30 days before the expiry of validity of license**, to the Controller in the prescribed form as provided in SCHEDULE XI, XII and XIII of the Punjab Legal Metrology (Enforcement) Rules, 2013.

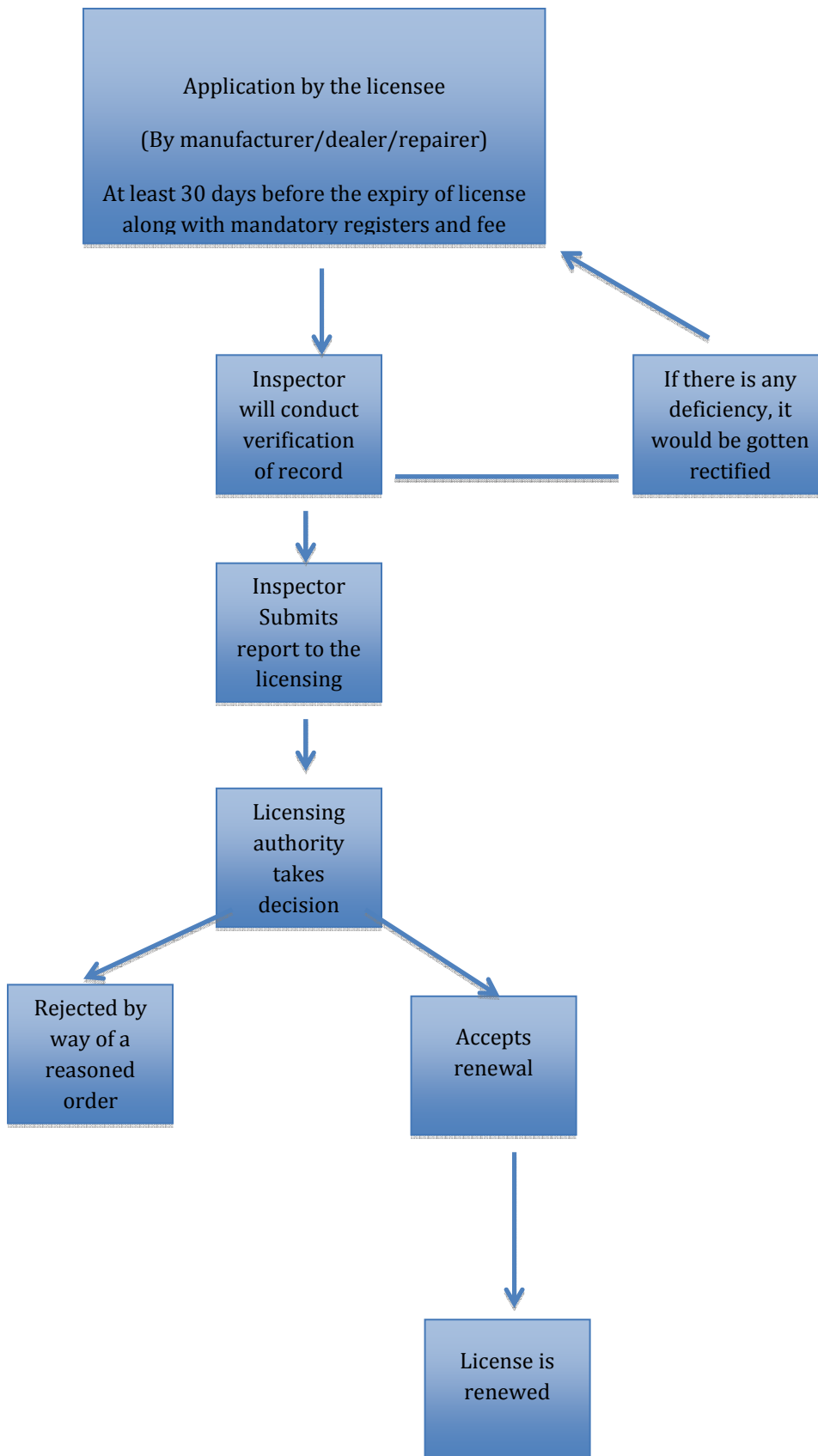
The Controller has power to allow a licensee to make an application for renewal of license after expiry of validity of license but such an application can be made before expiry of 3 months from such expiry on payment of additional fee at half the rates as specified in amended SCHEDULE X of the Punjab Legal Metrology (Enforcement) Rules, 2013.

After receiving the application for renewal, the Licensing Authority shall refer the application to the concerned Inspector for verification and investigation. **After receiving the application for investigation, the Inspector shall communicate the date for investigation to the licensee within 3 days. The process of verification and investigation has to be complete within 15 days. For renewal of licenses all the process shall be completed within 45 days after receiving the complete application.**

While investigating, the Legal metrology Officer/Inspector shall see if the application is on the prescribed application form as provided in SCHEDULES XI, XII and XIII of the Punjab Legal Metrology (Enforcement) Rules, 2013 and supported by the following documents:

## PROCESS OF ISSUANCE OF LICENSE AND RENEWAL





## **I. RENEWAL OF MANUFACTURING LICENSE:**

The license renewal application shall be furnished in the prescribed Performa as provided in SCHEDULE XI of the Punjab Legal Metrology( Enforcement) Rules, 2013, with the following supporting documents/paper etc.

1. Proof of continued legal possession.
2. Change in constitution of the firm, if any.
3. Statement of stock and sales in form LM-4 as specified in SCHEDULE I, duly verified by the area Inspector.
4. All the documents as required for fresh license except experience certificate/ copy of the literature of the item being manufactured/ Lal Dora Certificate/MCL.
5. List of workers skilled & unskilled with names and addresses.
6. Attested copy of renewed M.C.L. certificate where required.
7. Prescribed license renewal fee receipt.
8. Sales Tax/VAT registration number, if registered.

## **II. RENEWAL OF REPAIRING LICENSE:**

The license renewal application shall be furnished on the prescribed performa as provided in SCHEDULE XII of the Punjab Legal Metrology (Enforcement) Rules, 2013 with the following supporting documents/papers:

1. Proof of the legal title of the premises (attested copy of the sale deed/lease deed/ allotment letter/ property tax receipt.)
2. Rent receipt/NOC from the owner.
3. Tools and equipment list.
4. Test equipments.
5. List of loan articles with verification certificate.
6. Copy of the constitution of the firm.
7. Month wise statement of repairing job conducted during the year in form LR-4 as specified in SCHEDULE II, duly verified by the area Inspector.

8. Site plan, if any change.
9. Memorandum and Articles of Associations in case of Private Limited Company and Limited Company
10. List of workers, skilled and unskilled with names and addresses.
11. Prescribed license renewal fees receipt.

### **III. RENEWAL OF DEALER LICENSE:**

The license renewal application shall be furnished on the prescribed performa as provided in SCHEDULE XIII of the Punjab Legal Metrology( Enforcement) Rules, 2013 with the following supporting documents/papers etc.

1. Proof of the legal title of the premises (attested copy of the sale deed/ lease deed/allotment letter/property tax receipt)
2. Rent receipt/ NOC from owner.
3. Copy of the constitution of the firm.
4. Month wise statement of sale of weights and measures in form LD-4 as specified in SCHEDULE III. Duly verified by the area Inspector.
5. Site plan, if any change.
6. Memorandum and Articles of Associations in case of Private Limited Company and Limited Company
7. Sales Tax/VAT Registration number, if registered.
8. Prescribed license renewal fees receipt.

After due consideration of the investigation report, if the licensing authority arrives at a conclusion and is satisfied that the applicant fulfils all the requirements, his/her application should be considered for renewal of license. In case of refusal of renewal, the duly reasoned reference shall be communicated to the applicant.

It is to be kept in mind that in case the premises of the licensee are on rent/lease expires; the renewal of such license should not be more than 1 calendar year or upto the date on which such agreement of lease expires, whichever is earlier.

The decision of the Licensing Authority shall be communicated to the applicant asking him/her to deposit the license fee. **After receipt of the license fee, Licensing Authority shall renew license within 7 days** and intimation of the same be communicated to the concerned Legal Metrology Officer for information and record.

Every license issued or renewed is required to be displayed at conspicuous place in the premises where the licensee carries on business.

A license so issued or renewed cannot be transferred or sold out.

#### **AMENDMENT IN LICENSE :**

In case of any amendment in the existing license of manufacturer /repairer/dealer with reference to change in constitution, business premise, item of manufacture/repair/ sale, the relevant part laid down in case of the licensing policy if any is to be observed and adhered to.

**Any such change, alteration or amendment in existing license should only be made after due enquiries, in respect of change/ alteration/ amendment so purposed, within 15 days from receipt of application,** and that too against payment of fee of Rs. 500 as provided in SCHEDULE -X of the Punjab Legal Metrology( Enforcement) Rules, 2013.

#### **ISSUANCE OF DUPLICATE LICENSE:**

If the application is for duplicate license, the Licensing Authority shall verify the documentary proof in support of application and consider the matter on merit. Documents such as police complaint along with affidavit duly notarized may be considered while deciding the application, for issuance of duplicate license. If the issuance of duplicate license is permitted, fee of Rs. 100/- as prescribed in SCHEDULE X of the Punjab Legal Metrology (Enforcement) Rules, 2013 shall be charged and recovered from the applicant/licensee. **After receipt of fees, duplicate license should be issued to the concerned applicant within 7 days.**

**RECORDS TO BE MAINTAINED BY MANUFACTURER, REPAIRER AND DEALER :**

1. Every manufacturer, repairer or dealer of weight and measure holding license under the rules, shall maintain record and a register in the form as set out in SCHEDULES- I, II and III respectively of the Punjab Legal Metrology (Enforcement) Rules 2013 as the case may be and also submit such periodically reports as may be specified by the Controller from time to time which shall be subject to inspections by the Inspector at least once in six months and report be submitted to the Controller for records.
2. The manufacturer and dealer should update their register LM-4 and LD-4 every month and Repairer should update LR-4 register date wise on daily bases.
3. To ensure transparency of verification and stamping, of each and every weight or measure, manufactured, sold and repaired, the complete particulars of descriptive marking (Max./min. capacity, e-value, accuracy class), Trade mark, Serial Number, Model Approval Number, of weight or measure shall be given in the verification certificate to be issued by Inspector, in sale bill or invoice to be issued by the Manufacturer , Dealer and in the repair receipt to be issued by Repairer.
4. Verification certificate number and date, Inspector number should be mentioned, in sale bill or invoice to be issued by the Manufacturer , Dealer and in the repair receipt to be issued by Repairer, along with on own office copy ,to be kept for record.

**INSPECTIONS OF LICENSES SUCH AS MANUFACTURER, DEALER AND REPAIRER OF WEIGHT OR MEASURE :**

The Inspector should visit the premises of the licensees to carry out the inspection at least once in six months and may call all or any record, document, register relating to any sale or purchase, at his office for inspection. After completion of inspection, he shall forward the inspection report along with his remark to the Licensing Authority through proper channel for

information and necessary action if any proposed. A copy of the same should also be handed over to the concerned licensee. **The same Inspector should not inspect the same premises consecutively and should submit the inspection report along with action taken if any, within 48 hours of the inspection , to the concerned Assistant Controller with copy to the Controller. Concerned Assistant Controller or next higher authority shall arrange/depute/authorise any other Inspector, in case of requirement of inspection of same premises consecutively.**

If inspection is carried out by the Licensing Authority himself and finds violation of any of the provisions of the Act or Rules, he should take action such as suspension, cancellation of the license as provided under section 23(2) of the Legal Metrology Act and Rule 4 of the Punjab Legal Metrology (Enforcement) Rules 2013 after following due procedure of law i.e. after affording due opportunity of hearing to the licensee.

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## **REGISTRATION OF MANUFACTURER, PACKER AND IMPORTER OF PACKAGED COMMODITIES:**

The registration of manufacturers, packers and Importers of packaged commodities are done under the Legal Metrology (Packaged Commodities) Rules 2011. The main object of the registration is to put them on the list of the Legal Metrology Department so that the checking of the packages regarding net contents can be done regularly by the department and packages should be checked in respect of declarations as required under the aforesaid Rules.

Basically the Registration of manufacturers, packers and Importers of packaged commodities under the Legal Metrology (Packaged Commodities) Rules 2011 is, under the preview of the Director Legal Metrology, Govt. of India, New Delhi, who's powers in this regards ,have been delegated to the state Controllers , by the Central Govt.

An application in the form set out in **Annexure -II** for registration of manufacturer, packer and Importer of packaged commodities can be made under Rule 27 of the Legal Metrology (Packaged Commodities) Rules 2011 accompanied by fee of Rs. 500 to the Controller and every such application is required to contain the following particulars, namely :-

- (a) The name of the applicant;
- (b) The complete address of the premises at which the pre-packing or import of one or more commodities is made by the applicant; and
- (c) The name of the commodity or pre-packed or imported by the application.

### **The format of the application has been given as ANNEXURE- II.**

After receipt of the application, the concerned authority shall scrutinize, verify the application and the documents thereof as supportive evidence and if it is found that the application is complete in all respects, **the authority shall enter the name, address of the manufacturer/packer in the register the format of which is given in the forthcoming paragraph and grant the registration certificate within three weeks from the date of receipt, as per the format given in ANNEXURE -III.** The Registration done

After issuance of certificate, necessary entries in the register kept and maintained at the Head Office for the purpose, shall be made as per the following format:

S. No.	Name of the Applicant	Name of the Proprietor/partners/directors	Complete address of the premises	Name of Commodities to be pr e-packed /imported	Details of fees paid	Registration Number	Shorter address if any registered	Sign
1	2	3	4	5	6	7	8	9

It is pertinent to note here that all manufacturer, packer and Importer firms of Packaged Commodities should be registered at the Controller's office.

**If the application is not complete in itself, the registering authority shall return the same to the applicant within the period of 7 working days from the date of receipt of application.**

Once registration is made, it is valid for the entire country for:

- All the premises of the import and packing mentioned in the Registration Certificate
- For all the items mentioned in the Registration Certificate.

The registration once made do not require renewal. However alteration or addition, if any can be allowed with the change of circumstances on payment of fee of Rs. 100/-.

#### **PENALTY FOR NONREGISTRATION:**

For non-registration of Manufacture, Packer and Importer of the Packaged Commodities, legal action as envisaged under Rule 27 r/w 32 of the Legal Metrology (Packaged Commodities) Rules, 2011 read with the provisions of the Legal Metrology Act, 2009 should be initiated against the defaulter.

Compilation of State-wise list of registered manufacturers, packers or importers is contemplated under Rule 30 of the Legal Metrology (Packaged

Commodities) Rules, 2011. The Controller's Office shall compile a State-wise list of such registrations and should submit it to the Director, Legal Metrology and also circulate the same to all concerned enforcement staff and other concerned controllers of the other States. The List of all Registrations as manufacturers, packers or importers has been uploaded on the Legal Metrology link of food supply website [www.foodsuppb.nic.in](http://www.foodsuppb.nic.in)

**Registration of Shorter address:**

Registration of shorter addresses should be done at Controller's Office. If any application for shorter address is received by the Controller's office, then a letter shall be sent on the shorter address mentioned in the application and directing him/her to produce the same letter along with the original envelope sent to him/her by the office. **On receipt of this, a certificate to that effect should be issued to the applicant within 7 days and necessary entry in the register should be made.**

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**Registration of Importer of weight or measure:**

No weight or measure shall be imported without registration u/s 19 of the Legal Metrology Act, 2009.

For registration of Importer of weight or measure, application specified in TENTH SCHEDULE under Rule 15 of the Legal Metrology (General) Rules, 2011, given as **ANNEXURE –XXII** has to be preferred through the Controller to the Director of Legal Metrology, Department of Consumer Affairs, Ministry of Food, Public Distribution and Consumer Affairs, Government of India, along with prescribed fee, **within 15 days from the date of receipt of application**. The registration so made shall be valid for a period of 5 years under rule 15 of the Legal Metrology (General) Rules, 2011.