

The Warehousing (Development And Regulation) Registration Of Warehouses Rules, 2010

UNION OF INDIA

India

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Rule

THE-WAREHOUSING-DEVELOPMENT-AND-REGULATION-REGISTRATION OF 2010

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The Warehousing (Development And Regulation) Registration Of Warehouses Rules, 2010 Published vide Notification in the Gazette of India, extra, Part 2, Section 3(i), dated 8th November, 2010.

1759.

G.S.R. 892(E), dated 8th November, 2010. - In exercise of the powers conferred by sub-sections (2), (3) and (4) of Section 4 read with clause (a) of sub-section (2) of Section 50 of the Warehousing (Development and Regulation) Act, 2007 (37 of 2007), the Central Government hereby makes the following rules, namely :-

1. Short title and commencement. - (1) These rules may be called the Warehousing (Development and Regulation) Registration of Warehouses Rules, 2010.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. - In these rules, unless the context otherwise requires,---

(a) "Act" means the Warehousing (Development and Regulation) Act, 2007 (37 of 2007); (b) "Authority" has the same meaning as assigned to it in clause (c) of Section 2 of the Act; (c) "applicant" means a person submitting an application for grant of a certificate of registration

in respect of each warehouse under the Act and these rules;(d)"Form" means the form appended to these rules;(e)"registration" means registration granted under these rules;(f)"warehouse" has the same meaning as assigned to it in clause (s) of Section 2 of the Act; and(2)the words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Application for registration. - (1) Any person desirous of commencing or carrying on the business of maintaining a warehouse, issuing a negotiable warehouse receipt may make an application to the Authority for registration of such warehouse in Form A-1 :

Provided that a person desirous of carrying on the business of a warehouse in more than one warehouse shall submit a separate application for registration in respect of each warehouse.(2)Any person who is a warehouseman under this Act shall not store his own goods in a warehouse registered by the said person.(3)The Authority shall, from time to time, notify the type of goods that may be the subject matter of negotiable warehouse receipt.(4)Any negotiable receipt may be issued only in respect of such goods that have been notified under sub-rule (3) for which the relevant registration certificate has been issued to it by the Authority.(5)An applicant shall specify the overall limit of the total value of negotiable warehouse receipts that it may issue.

4. Documents to be filed with the application from. - Every application for registration of a warehouse shall be accompanied with the following documents, namely--

(a)Identity proof of the applicant such as certificate of incorporation or Memorandum and Articles of Association for companies or copy of partnership deed for partnerships or such other documents as may be specified by the Authority;(b)[proof of ownership or lease deed or rent agreement, showing possession of the warehouse; [Substituted by Notification No. G.S.R. 821 (E) dated 19.11.2014 (w.e.f. 8.11.2010)](c)an undertaking by the applicant that all the local laws have been complied with for carrying out the business of warehousing;](d)accreditation certificate issued by an accreditation agency registered by the Authority under Section 5 and the matters' referred to under clause (a) of sub-section (2) of Section 35 of the Act;(e)fee as specified by the Authority;(f)statement of financial credibility in the form of audit reports/budget statement with supporting documents; and(g)such other documents as may be specified by the Authority.

5. Fee. - Every application for registration of warehouse or renewal thereof shall be accompanied with fee by way of bank draft or bankers cheque of any nationalised bank in favour of the Drawing and Disbursing Officer, Warehousing Development and Regulatory Authority payable at New Delhi at the rate as indicated below-Registration/Renewal of registration of warehouse-

(i)State Capital cities Rs. 2.50 per MT(ii)District Headquarters Rs. 1.50 per MT(iii)For rural and other areas Re. 1.00 per MTSubject to a minimum amount of Rs. 7500 for each warehouse.

6. Security Deposit. - Every applicant, at the time of submission of the application for registration of each warehouse, shall furnish to the Authority, security deposit by bank draft or bankers cheque of any nationalised bank in favour of Drawing and Disbursing Officer, Warehousing Development and Regulatory Authority payable in New Delhi at the rate as indicated below :-

(i)State Capital cities Rs. 2.50 per MT(ii)District Headquarters Rs. 1.50 per MT(iii)For rural and other areas Re. 1.00 per MTSubject to a minimum amount of Rs. 7500 for each warehouse.

7. Power to make inquiry and call for information at the time of registration or renewal. - (1) Before granting registration to a warehouse under sub-sections (2) and (3) of Section 4 of the Act, the Authority may make such inquiry and require such further information, as it deems necessary, other than the information furnished by the warehouse owner in its application in Form A-1.

(2)The Authority may call for any information at any time and same shall be furnished by the applicant within the time stipulated by the Authority.

8. Requirement for Registration of a warehouse. - No registration certificate shall be issued unless-

(i)[proof of ownership or lease deed or rent agreement showing possession of the warehouse] [Substituted by Notification No. G.S.R. 191(E), dated 13.3.2015(w.e.f. 8.11.2010)](ii)the warehouse is storage worthy for specified goods to be stored for which registration has been obtained;(iii)the warehouse is constructed as per the Bureau of Indian Standards specification and notified by the Authority;(iv)the warehouse is equipped with all necessary equipments and apparatus for weighing, handling, sampling, grading, fire fighting and insect pest management;(v)the warehouse has adequate trained staff with expertise and knowledge for the scientific storage of goods to be stored in the warehouse; and(vi)warehouse should have adequate security arrangements;(vii)the warehouse is adequately insured as per the requirement of the Authority.

9. Form of Registration Certificate. - The registration granted by Authority to a warehouse shall be in Form A-3 and be subject to the following terms and conditions, namely :-

(a)the registration shall be for a maximum period of three years and the same may be specified in the registration certificate; and(b)the Authority may suspend or cancel the registration duly notified at any time if the work of warehouse is not found satisfactory:-Provided that an opportunity of being

heard shall be given to warehouse man by the Authority before cancellation of the warehouse registration.

10. Issue of Registration Certificate. - The Authority may, after being satisfied that the applicant is eligible, shall grant the certificate in Form A-3 to the applicant within a period of three months from the date of receipt of the completed application and classifications sought, if any.

11. Terms of registration. - (i) Immediately upon receipt of its registration certificate, the warehouseman shall display the same and keep it pasted until suspended or revoked, in a conspicuous place in the principal place of its business.

(ii)The certificate of registration shall not be transferable.(iii)The Authority or its authorised representative may inspect or examine the warehouse registered under that Act at any time.(iv)The Authority or its authorised representative may inspect the warehouse at any time with or without giving prior notice, the books, records, papers and accounts etc. relating thereto.

12. Refusal of Registration. - The Authority may, for sufficient reasons to be recorded in writing, refuse to grant the registration to any applicant and shall furnish him with a copy of the order so passed :

Provided that before rejecting any such application, the applicant shall be given a personal hearing by the Authority.

13. Renewal of Registration. - (1) The Authority may, on an application for renewal made to it [* * *] [Omitted words "in duplicate" by Notification No. G.S.R. 191(E), dated 13.3.2015(w.e.f. 8.11.2010)], renew the registration.

(2)Every such application for renewal shall be in Form A-1.(3)[Any registered warehouseman desirous of renewal of registration, may make an application in duplicate to the Authority in Form A-1 within three months before the expiry of the period of registration.] [Substituted by Notification No. G.S.R. 191(E), dated 13.3.2015(w.e.f. 8.11.2010)](4)The provision of Rules 3, 4 and 5 shall apply in relation to renewal of registration as they apply in relation to grant of registration.

14. Issue of duplicate Registration Certificate. - (1) The duplicate registration certificate shall be issued on receipt of request in Form A-2 against the original certificate, if it is lost or damaged or mutilated.

(2)A registration certificate, which is torn or defaced, shall be surrendered by the warehouseman to the Authority on issue of duplicate certificate.(3)The application for issue of a duplicate registration

certificate shall be accompanied with the fee along with an indemnity bond as specified by the Authority and the fee for issue of duplicate registration certificate by way of tank draft or bankers cheque of any nationalised bank in favour of the Drawing and Disbursing Officer, Warehousing Development and Regulatory Authority, payable at New Delhi at the rate as indicated below-(a)State Capitals Rs. 1000(b)District Headquarters Rs. 750(c)Other areas Rs. 500

15. Withdrawal or voluntary surrender of Certificate of Registration. - No warehouseman by whom the negotiable warehousing receipts have been issued shall be allowed to voluntarily surrender its certificate of registration till such time that any of the negotiable warehouse receipts issued by it are still valid and in circulation.

16. Suspension and Cancellation of Registration. - (1) Every registration that has been granted under Section 4 of the Act shall be liable to be suspended or cancelled or revoked temporarily or permanently by the Authority if-

(i)the warehouseman files an application to declare him an insolvent;(ii)the warehouseman has lost control of the warehouse or has ceased to conduct the business of warehousing;(iii)the warehouseman has assigned the registration of the warehouse to any third party;(iv)the warehouseman commits any fraudulent act;(v)the warehouseman has in any other manner become incompetent to conduct the business of warehousing;(vi)the warehouseman has not permitted regular audit and unannounced inspection by the Authority or any of its agencies; and(vii)the warehouseman fails to comply with any of the conditions of registration or any provision of the Act or rules and regulations made thereunder.(2)Before passing an order of suspension or cancellation or revocation of registration, the Authority shall issue a show-cause notice to warehouseman on which it is proposed to suspend, cancel or revoke the registration and call upon him to show-cause as to why the proposed action should not be taken.(3)The warehouseman shall respond to the suspension notice issued under sub-rule (2) in writing to the Authority, within 15 days of receipt of the notice, failing which the matter will be decided based on the available material.(4)After considering the submissions made by the warehouseman, if any, the Authority shall pass such orders as it may deem fit.

17. Return of Certificate of Registration. - When the certificate of registration expires or is suspended or cancelled or revoked, the warehouseman shall cease to issue negotiable warehousing receipts in respect of the relevant warehouse, and shall return the registration certificate within seven days of such expiration, suspension, cancellation or revocation:

Provided that a warehouseman who has issued negotiable warehouse receipts shall continue to be liable in relation to the negotiable warehouse receipts issued by him till the expiry of all the negotiable warehouse receipts issued by him.

18. Publication of granting of licences, suspension and revocation of registrations and list of ware housemen and their warehouses. - (1) The names and location of the warehouses and names and addresses of warehousemen registered under the Act as on the first day of April every year shall be duly publicised before the 15th day of May of the same year, in the manner as decided by the Authority.

(2) Subsequent suspension or revocation of the registration shall also be publicised in the manner as decided by the Authority.

19. Appeals. - Any person aggrieved by an order of the Authority made under this Act, or any rule or the regulations made thereunder may prefer an appeal to such person or authority appointed by the Central Government (hereafter referred to as the Appellate Authority) within sixty days from the date of such order:

Provided that an appeal may be admitted after the expiry of the said period of sixty days but not beyond a total period of ninety days if the appellate satisfies the Appellate Authority that he had sufficient cause for not preferring the appeal within the said period. FORM A-1 (See Rules 3, 13) Application for grant of Registration/Renewal of Registration of Warehouse

To, Photo of authorized office of the
applicant who signs the application
form

The Warehousing Development and Regulatory Authority.

.....
.....

New Delhi,

Dear Sir, I/We
in designation (Name of the organization) having
registered office at Telephone Nos
..... and E-mail request for grant of
registration/renewal of registration* for carrying on the business of warehouse at
..... from to for storage of
following goods-

1.

2.

3.

(Enclose list of goods to this Application)

1. Detailed description of warehouse for which registration is applied. Name of warehouse Location of warehouse Village/Taluka District State.....Telephone No..... E-mail.

2. (i) Details of technical staff--

Nameand Designation Educationalqualifications Detailsof experience

(ii)Capacity of storage and area of warehouse(iii)Equipment and other facilities in the field of warehousing available as per Rule 8, are:(a).....(b).....(c).....(Please enclose a list)

3. Existing or Previous Registration Number and a copy of the existing/earlier certificate of registration enclosed. Declaration**

1. I/We declare to be authorized representatives of organization to apply for registration of warehouse.

2. I/We hereby solemnly declare that all applicable laws and statutory requirements in relation to the warehouse for which the application is being submitted, are complied with.

3. I/We agree to abide by the terms and conditions of the registration.

4. I/We declare that the warehouses specified above is suitable for carrying on the business of warehouse and that it is in good condition and having all the requirements as per Rule 8.

5. I/We hereby solemnly declare that all information herein given is true to the best of my/our knowledge and that in case it proves to be untrue, I/We undertake to indemnify person or persons concerned in this business against any loss arising out of such false or untrue information and cancellation or registration.

Signature (s)Name in fullAddress
.....Attested documents to be enclosed along with the Application:

1. Board Resolution/Power of attorney authorizing the applicant to apply on behalf of the organization.

2. Proof of identity.

3. Title deeds or Lease agreement or franchise agreement with its validity.

4. Registration fees in the form and manner as prescribed.

5. Certificate of Compliance from Accreditation agency with detailed report of the Accreditation agency.

6. Security deposit in the form and manner as prescribed.

7. Statements of financial credibility.

8. NOC from local authorities for operating the warehouse.

9. Layout plan of the Warehouse.

*Strike of whichever not applicable.**Strike off if not applicable.FORM A-2(See Rule 14)Application for issue of duplicate registration certificate

To, Photo
TheWarehousing Development and Regulatory Authority.

.....
.....

NewDelhi,

Dear Sir,I/We having a registered warehouse located at
.....request that my/our original certificate of registration bearing No
.....granted on.....for the storage of

..... from tohas been lost/destroyed/lost/stolen/mutilated in the following circumstances :(a)(b)(Attach copy of FIR in case original certificate has been destroyed/lost/stolen.)

2. I/We therefore, request you to grant me/us a duplicate registration on the same terms and conditions on which the aforesaid registration was granted.

3. I/We have enclosed bank draft Noin respect of payment of specified fee of Rs

.....vide.....for issuance of duplicate registration certificate.

4. I/We hereby solemnly affirm that the information given herein is true to the best of my/our knowledge.

Signature of ApplicantsDateWitness 1.Witness 2.

.....Document to be attached :

1. Attested copy of the destroyed/lost/stolen/mutilated registration certificate.

2. Notarised Affidavit providing the above details and background of the destruction/lost/stolen/mutilation of the registration certificate.

3. Copy of FIR

4. Bank draft for duplicate Registration Certificate.

5. Indemnity bond.

FORM A-3(See Rule 9)Warehouse Registration Certificate(Under Warehousing (Development and Regulation) Act, 2007)

RegistrationNo.....Valid from.....to.....

Registration is hereby granted to(Name of warehouseman) located atfor the purpose of issuance of Negotiable Warehouse Receipt in respect of following commodities

:(a).....(b).....(c).....for a period of three years fromto subject to the provisions of the Warehousing (Development and Regulation) Act, 2007 and on the following conditions, namely-

**1. This registration shall be valid up to and inclusive of the from
.....to20.....**

2. The licensee shall not carry on the business of a warehouse at any place other than the said warehouse.

3. The licensee shall carry on the aforesaid business for the storage of the following goods in the warehouse(s):

(i)(ii)(iii)(List of goods).

4. The registration shall not be transferable.

5. This registration shall be liable to be revoked or suspended in accordance with the provisions of (a) of sub-section (2) of Section 35 of the Warehouse (Development and Regulation) Act, 2007.

6. In the event of cancellation or suspension of this registration, the authorized representative of the registered warehouse shall surrender the registration certificate to the Authority along with all the unused negotiable warehouse receipts etc.

SignatureSeal of the AuthorityDatePlaceRenewal of the
Registration

Dateof renewal Periodfor which renewed Signature,seal of the Authority and date

SignatureSeal of the AuthorityDatePlace