The Punjab Warehouses Rules, 1958

PUNJAB India

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Rule THE-PUNJAB-WAREHOUSES-RULES-1958 of 1958

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The Punjab Warehouses Rules, 1958Published vide Punjab Government Notification No. 2274-Co-op-58/2892, dated 24.9.1958No. 3771-Co-op-58/762. - With reference to the Punjab Government, Co-operative Department, notification No. 2274-Co-op-58/2892, dated the 24th September, 1958 and in exercise of powers conferred by Section 34(3) of the Punjab Warehouses Act, 1957, the Governor of Punjab is pleased to make the following rules:-Preliminary

1.

These rules may be called the Punjab Warehouses Rules, 1958.

2.

In these rules, unless there is anything repugnant to the subject or context, -(a)"Act" means the Punjab Warehouses Act, 1957 (Punjab Act No. 2 of 1958);(b)"Form" means a form appended to these rules;(c)"non-negotiable receipt" means receipt in which it is stated that goods therein specified shall be delivered to the persons who tendered the goods to the warehouses for storage;(d)"Registrar" means that Registrar of Co-operative Societies appointed under the Punjab Co-operative Societies Act, 1954, or any officer of the Co-operative Department not below the rank of an Assistant Registrar authorised by the Government in this behalf;(e)"Year" means the calendar year commencing from the first day of January.Licensing of the Warehouses

3. Sections 4(i), 11 and 34(i).

(a) Every application for a license under Section 3 and for renewal under Section 6 of the Act shall be made to the Registrar in Form I and a duplicate license under Section 11 in Form II. The application shall be signed by the applicant who shall be bound to supply such additional information as may be required by the Registrar.(b) An application for renewal of a license shall be made every year at least one month prior to the commencement of the year for which it is required.(c) No application for a

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license or its renewal shall be entertained unless it is accompanied by the fees specified in rule 14.(d)A person desiring to conduct the business of a warehouseman in more than one village or town shall submit applications for license in respect of his business in each such village or town. In the case of his having more than one place of business in the same village or town he may apply for only one license in respect of such places of business provided he specifies which of them shall be his principal place of business.

4. Sections 43(2), 11 and 34(2)(a).

- (a)The scale of annual fees prescribed for the grant of a license or its renewal for the conduct of the business or a warehouseman shall be as follows:-
- (i) warehouse having a storage capacity up to 25,000 cft.... Rs. 50
- (ii) for every additional 25,000 cft. storage capacity or fraction thereon. Rs. 50
- (b) For the issue of a duplicate license under Section 11 a fee of Rs. 50 shall be charged.

5. Sections 3 and 34(2)(b).

- A license under sub-section (2) of Section 4 of the Act shall be granted in Form III, subject to the following conditions:-(i)every warehouseman shall maintain in respect of each warehouse for which a license has been granted, net assets liable for the payment of any indebtedness arising from the conduct of a warehouse to the extent of at least Rs. 5 per 100 cft. storage capacity of the licensed warehouse. Such assets may consist of movable or immovable property. These assets shall be suitably insured against any loss or damage according to the directions issued from time to time by the Registrar in this behalf;(ii)a warehouseman shall display his license in his principal place of business where receipts are delivered to the depositors;(iii)whenever any warehouseman has become incompetent or has ceased to conduct the business of a warehouse, he shall inform the authority granting the license immediately;(iv)the Registrar or any other person authorised by him in this behalf shall be competent to inspect or examine the warehouse licensed under the Act and shall have access at all usual hours of business to all the books, records, papers and accounts relating to the warehouse;(v)the warehouseman shall furnish such information with regard to the working of the warehouse, as the Registrar or any other person authorised by him in this behalf may require.

6. Section 6.

- A license shall be granted for a period of one year provided that a license issued during a year shall expire on 31st December of the same year.

7. Section 5(1)(c).

- An applicant for the license of a warehouse shall at the time of the application furnish to the Registrar a security deposit in cash or in Government securities assessed at Rs. 5 per hundred cft. of

the storage capacity subject to a minimum of Rs. 100.

8. Section 32(2)(c).

- The names and locations of the warehouses and the names and addresses of the warehousemen licensed under the Act, as on the 1st day of January every year shall be published in the Punjab Government Gazette before the 15th of February of the same year.

9. Sections 9(2) and 34(2)(c).

- The orders passed under sub-section 9 of the Act, by the prescribed authority for the suspension, revocation or cancellation of a license shall take effect from the date of the communication of such orders. All cases of suspension, revocation or cancellation of the licenses shall be published in the Punjab Government Gazette. Deposit and Maintenance of Goods

10. Sections 13(2), 16(1) and 34(1).

- Application for the deposit of goods shall be made to the warehouseman in Form IV and for delivery of goods shall be made in Form V.

11. Sections 13(2), 16(1) and 34(1).

- The warehouseman shall issue receipts of the goods received by him in Form VI.

12. Section 34(1).

- Every warehouseman shall send the names, addresses and signatures of the persons authorised to sign on behalf of the warehouseman, to the Registrar. In the case of any change made in the persons so authorised, information in respect of that shall be supplied immediately to the prescribed authority along with the names, addresses and signatures of the newly-authorised persons.

13. Sections 27 and 34(1).

- Every warehouseman who issues a non-negotiable receipt shall cause to be marked upon it the words "Not Negotiable."

14. Sections 28 and 34(1).

- An application for grant of a duplicate, receipt, if the original is lost or destroyed, shall be made by the depositor to the warehouseman and shall be accompanied by -(a)an affidavit showing that the applicant is lawfully entitled to the possession of the original receipt, that he has not negotiated or assigned it, the circumstances in which the original receipt was lost or destroyed, and if lost, that diligent efforts had been made to find the receipt without success;(b)an indemnity bond for an

amount double the value of the goods represented by the original receipt; and(c)a sum of rupees five.

15. Sections 28 and 34(1).

- On receipt of application, the fact that the receipt is lost shall be published by the warehouseman, at least in one local newspaper giving one month's clear notice of the issue of a duplicate receipt thereof. The expenses in this regard shall be borne by the applicant.

16. Sections 28 and 34(1).

- After the expiry of the period referred to in the preceding rule, a duplicate receipt stamped as "duplicate" shall be issued by the warehouseman.

17. Sections 28 and 34(1).

- The original receipt, after the issue of a duplicate receipt, if produced, shall not be made use of.

18. Sections 27 and 34(1).

- Every depositor shall supply copies under his signatures of any endorsement regarding transfer, mortgage or encumbrance of goods as may be recorded on the warehouse receipt within 48 hours from making such endorsement.

19. Sections 19 and 34(1).

- No warehouseman shall levy or recover charges for his services in excess of the schedule of charges filed by him and approved by the Registrar. A provision shall be made for allowing a concession of 10 per cent to co-operative societies in the schedule of charges.

20. Sections 19 and 34(1).

- Every warehouseman shall display conspicuously the approved schedule of charges at his principal place of business where receipts are delivered to the creditors.

21. Sections 13(1) and 38(1).

- Every warehouseman shall maintain his warehouse in accordance with the directions issued by the Registrar, from time to time, in this behalf and in particular shall keep its warehouse in the following manner:-(a)the warehouse shall be damp-proof and rat-proof;(b)the warehouse shall be repaired whenever necessary and shall be kept disinfected;(c)the goods stored in the warehouse shall be arranged and stored in such a manner as to render stock-taking and verification easy and effective;(d)stacks shall not be constructed touching the walls and a space of about 2 feet shall be left

round each stack; (e) the stacks shall not ordinarily exceed 15' x 15' in dimensions and shall not be more than 15 bags in height; (f) the container and the contents of each container shall be ordinarily uniform and shall be as advised by the Registrar from time to time; (g) all goods received for storage in warehous shall be measured in cubic feet (length, breadth and height) or weighed as the case may be, and such weight or measure shall be duly stenciled on each container or labelled on each stack showing the date and quantity of weight or measure; (h) the container or the stack shall bear the name of the depositor together with the distinctive mark, if any, in bold letters; (i) goods of different classes or grades or qualities shall be stored separately; (j) all leakages in roof, dampness in walls and floors during the monsoons shall be carefully watched and repaired in good time; (k) all appliances in the warehouse, such as scales, weights, measures, packers and ladders shall be maintained correctly and in good condition.

22. Sections 19 and 34(1).

- Every warehouseman shall keep his warehouse clean, free from straw, rubbish or accumulation or materials which may increase the risk of fire or interfere with the handling of goods.

23. Section 18.

- Each warehouseman shall insure the goods, stored in the warehouse against loss or damage by fire, riot or floods for an amount not less than the market value of the goods on the date on which they were deposited in the warehouse. The insurance shall be made with a company which is on the list of companies approved for this purpose by the Registrar.

24. Section 18.

- Every warehouseman shall be entitled to recover from the depositor of goods or its owner the insurance premia and other incidental expenses incurred by him for insurance of goods stored in his warehouse.

25. Sections 13(1) and 34(1).

- Every warehouseman shall keep the goods stored in his warehouse in an orderly manner so as to permit easy access of all lots and to facilitate inspecting, sampling, counting and identification of each lot.

26. Section 34(1).

- Whenever any quality, standard or grade of any of the goods stored in warehouse is stated or is required to be stated for the purposes of the Act, it shall be in accordance with the quality, standard or grades, if any, determined for the particular goods by the Registrar from time to time.

27. Sections 27 and 34(1).

- If a warehouseman delivers part of the goods for which a negotiable receipt has been issued, he shall record this fact clearly on the receipt. On his failure to make such entry on the receipt, the warehouseman shall be liable to deliver all the goods specified in the receipt; to any one who purchases the same in good faith and for valuable consideration whether the purchaser acquired title to the receipt before or after the delivery of any portion of the goods.

28. Sections 15(1) and 34(2)(g).

- The warehouseman shall not be responsible for any shortage caused to goods stored in his warehouse by the drayage or other causes within the limits fixed in each case by the Registrar.

29. Sections 17(4) and 34(2)(a).

- In the event of any dispute arising as to whether the shortage or excess is due to drayage or absorption of moisture or is due to other causes beyond the warehouseman's control, the matter shall be referred to appellate authority specified in rule 51 whose decision shall be final and binding.

30. Section 34(1).

- All goods for storage shall be delivered at the warehouse, properly marked and packed for handling. The depositor shall furnish at or prior to such delivery a manifest showing marks, brands or sizes to be kept and accounted for separately and the class of storage desired, otherwise the goods may be stored in bulk or assorted lots in the discretion of the warehouseman and will be charged for accordingly.

31. Sections 16 and 34(17).

- All goods shall be stored on a month-to-month basis, unless otherwise provided. A storage month shall extend from a date in one calender month to, but not including, the same date of the next and all succeeding calendar month. When the last day of the final storage month falls on Sunday or a holiday that month shall be deemed to expire on the next succeeding business day. All charges including storage and insurance, etc., shall be on monthly basis unless otherwise provided.

32. Sections 16 and 34(1).

- When a negotiable receipt has been issued goods covered by that receipt shall not be delivered unless the receipt properly endorsed is surrendered for cancellation or for endorsement of partial delivery thereon.

33. Sections 16 and 34(1).

- In case a negotiable receipt is lost or destroyed goods covered by it shall not be delivered until the person lawfully entitled to the possession of goods produces a duplicate receipt.

34. Section 15(1).

- In the case of the deterioration of goods, the warehouseman shall serve the depositor with a notice of such period as may be fixed by the Registrar requiring him to remove the goods.

35. Section 15(2).

- On failure of the depositor to remove the goods within the period fixed under Rule 34, the warehouseman shall proceed to sell the goods by public auction.

36. Section 15(2).

- The public auction shall take place in front of the warehouse or in the regulated market as may be deemed fit by the warehouseman. The warehouseman shall cause to proclaim the fact of auction by beat of drum atleast two days prior to the auction at the place where auction is to take place.

37. Section 34(1).

- Every warehouseman shall be bound to render to the depositor correct accounts and tender to him payment of the sale proceeds of goods realised after deducting all charges legally due to him including all reasonable charges for the removal of goods and sale by public auction, within a period not exceeding fifteen days from the date of such sale. He shall make such payment to the depositor on surrender by him of the receipt duly discharged.

38. Section 34(1).

- No warehouseman shall remove any goods stored in the warehouse or transfer them to another warehouse without first obtaining the receipt in respect thereof, cancelling the same after issuing a new receipt. Weighers, Samplers and Classifiers

39. Section 23(1).

- Applications for licenses as weighers, samplers or classifiers may be given by persons, having qualifications as laid down by the Registrar and such applications shall be accompanied by a fee of Rs. 5 and shall be made in writing to the Registrar. The Registrar after making such enquiries, as may be considered necessary, issue a licence on execution of an agreement by the applicant in such form as he may direct. The licence shall be issued subject to the following conditions:-(i)every weigher, sampler or classifier licensed under Section 23 of the Act shall keep books in such form and

manner and submit such returns and statements as the Registrar may from time to time specify; (ii) every weigher, sampler or classifier shall keep such equipment as may be directed by the Registrar; (iii) no licensed weigher, sampler or classifier shall recover charges exceeding the rates laid down by the Registrar from time to time; (iv) every licensed weigher, sampler or classifier when plying his trade shall wear a distinguished badge, as may be approved by the Registrar; (v) no licensed weigher, sampler or classifier shall enter in service of another person or do business other than that for which he holds a licence or licences; (vi) such other conditions as may be laid down by Registrar from time to time.

40. Section 24(1).

- A licence issued to a weigher, sampler or classifier shall remain in force from the date on which it is granted till the 31st December of the same year.

41. Section 23(1).

- The certificate to be issued by weighers, samplers or classifiers shall be in Form X.

42. Section 24.

- Applications for renewal of licenses issued to weighers, samplers and classifiers shall be made atleast one month prior to the termination of the licences and such applications shall be accompanied by a fee of Rs. 5/-. The conditions for the renewal of licence shall be the same as those on which a new licence is issued.

43. Section 24.

- If the original licence is lost or destroyed, a duplicate thereof shall be issued on payment of a fee of Rs. 5/-. Such duplicate licence shall be stamped "Duplicate".

44. Sections 23(2) and 34(1).

(1)On receipt of a written complaint against a weigher, sampler or classifier relating to weight, sample or grade of goods stored or to be stored in warehouse, the Registrar shall require both the parties to dispute to appoint their nominees on the board of arbitrators within 7 days from the date of notice.(2)In case either party fails to do so, the Registrar shall appoint arbitrator on his behalf.(3)When the arbitrators of both the parties have been appointed either by the parties or the Registrar, the Registrar shall nominate a person to act as chairman of the board of arbitrators and the opinion of the majority shall prevail.(4)In the conduct of proceedings before them the board of arbitrators shall follow the procedure prescribed in the Indian Arbitration Act, 1940. Every award passed by the Board shall, if not carried out, be executed in the same manner as a decree of a civil Court.Miscellaneous

45. Sections 10 and 24(4).

- When a license granted to a warehouseman or weigher, sampler or classifier under the Act expires or when it is revoked, cancelled or suspended, it shall be returned to the Registrar within 7 days of such expiration, revocation, cancellation or suspension.

46. Section 9(1).

- At least a week's notice shall be given for suspension, revocation or cancellation of a license under sub-section (1) of Section 9 of the Act. The notice shall be sent by registered post. If the warehouseman fails to show cause within specified time the prescribed authority may decide the matter without giving any further notice.

47. Section 34(1).

- Where a license is held by a partner firm and such partnership is dissolved, every partner of the firm shall send a report of dissolution to the Registrar within a week of the dissolution.

48. Section 34(2)(b).

- Every warehouseman shall use only such standard scales, weights and measures and weighing or measuring machines as may be approved by the Registrar.

49. Section 21.

- A warehouseman shall maintain the account books and such other records connected with accounts in such form and manner as may be directed by Registrar and in particular shall maintain -(1)A stock register in Form VII.(2)A ledger for each depositor in Form VIII.(3)A general insurance account in Form IX.

50. Section 34(1).

- Every warehouseman shall from time to time, make such reports as may be required by the Registrar concerning his business as a warehouseman.

51.

(1)Any person not satisfied with the orders passed for refusing to grant or renew a license or for suspending, revoking or cancelling any license, may appeal within 30 days from the date of the communication of the orders to the -(a)Registrar, Co-operative Societies, if the order appealed against is passed by a subordinate authority exercising the powers of Registrar;(b)Government, if the order appealed against is passed by the Registrar, Co-operative Societies.(2)No appeal shall be entertained by the Registrar, Co-operative Societies or the Government, as the case may be, unless

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the same is accompanied by a copy of the orders appealed against.Form I(See Rule 3)(Application
for grant/renewal of license to the Registrar)ToThe Assistant Registrar,Co-operative
Societies,, village,
P.O, Tehsil, Districtrequest that I/We may be granted a
licenseas warehouseman for the
storage of goodsmay be renewed for.
2. I/We agree to abide by the terms and conditions of the license, to be granted.
3. I/We have paid Rsas license fee inTreasury/Sub-Treasury.
4. I/We agree to abide by the provisions of the Punjab Warehouses Act, 1957, and the Punjab Warehouses Rules, 1958, and also to the terms and conditions regarding the maintenance of a Warehouse and any orders issued by the Registrar or such other Officer as may be authorised by the Government in this behalf.
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 persons concerned in this business against any loss arising out of such false or untrue information.
6. I/We declare that each of the warehouses specified below is suitable for the storage of goods, respectively mentioned against it and that it is in good condition.
7. I/We undertake to execute the security bond of the required amount and in the manner prescribed under ruleof the Punjab Warehouses Rules, 1958.
Date.Signatures.Description of premises to be used as warehouse or warehouses.
1. Village or TownTehsilDate

Serial No. Description of each Detailed description/purpose of the warehouse

2. House No.

- 3. Area
- 4. Storage capacity
- 5. Suitability regarding storage of goods for which it is to be used.
- 6. Quantities and varieties of goods stored in the previous year, if any
- 7. Estimated quantity of goods to be stored during the period of license

Form II(See Rule 3)(Application for issue	of duplicate license)ToThe	Assistant
Registrar, Co-operative Societies,	Sir,I/We-	,
s/o, Village, P.	O, Tehsil-	,
District request that my/our wa	rehouse License No	granted onfor
the period endingfor the ar	rea has been lost/destroyed	in the following circumstances
:		

- 2. I/We therefore request you to grant me/us a duplicate license on the same terms and conditions on which the aforesaid license was granted.
- 3. I/We affix stamp in payment of the fee of Rs. 5.
- 4. I/We hereby solemnly declare that the information herein given is true to the best of my/our knowledge.

Witness 1. Witness 2. DateSignatureForm III(See Rule 5)(Form for is	ssue license)License for carrying
on the business of a warehouseman.License No	of 19License is hereby granted
to(hereinafter referred to as the licensee), on pa	yment of a fee of
Rsfor the conduct of the business of a warehouseman	in the warehouse situated
atsubject to the provisions of the Punjab Warehouse Act,	1957, and the rules made
thereunder and on the following conditions namely:-(1)This license	e shall be valid up to, and
inclusive of 31st December, 19(2)The Licensee shall not carry on	the business of a
warehouseman at any place other than the said warehouse.(3)The li	icensee shall carry on the
aforesaid business for the storage of the following goods in the said	warehouse :-(1)(2)(3)(4)(5)This
License is not transferable.(6)No correction or alterations in the Scl	nedule of charges be valid unless
approved by the Registrar.(7)This license shall be liable to be cancel	lled, revoked or suspended in
accordance with the provisions of Sections 8 and 9 of the Punjab W	arehouse Act, 1957.(8)In the
event of cancellation, revocation or suspension of this license, the li	censee shall surrender it to the
Registrar along with all the unused warehouse receipts in this posses	ession.Assistant Registrar,
Co-operative SocietiesPlace : DatedRenewal of the License	-

Date of Renewal Period for which renewed Signature of Registrar and

Form IV(See Rule 10)(Form for application of deposit of goods)ToThe WarehousemanDear Sir, Please take delivery of the following goods:-Description of No. of packages, bags and Total Measurement Market price Remarks, quantities with valuation of or/and weight the goods if any goods distinguishingmark, if any I certify that the goods mentioned above are my bona fide property and no other person has any claim against them. (When an agent deposits the goods on behalf of an owner, the form should be as under)I certify that the goods above-mentioned are the bona fide property of other person has any claim against them. Yours faithfully, Depositor/AgentCertified that the written descriptions of goods, their grade or quantity and weights and/or measurement and price have been verified and are correct. Warehouseman's Signature Place : Date Form V (See Rule 10) (Form for delivery of goods)ToThe------Warehouseman.Dear Sir,Please deliver the goods described below to self or to-----These goods were deposited with you on-----The deposit receipt granted by you accompanies. Description of goods to be delivered Description of Number of Weight or/and Market Special marks, Remarks packages, etc. measurement **Price** if any goods Yours faithfully, Depositor. Received the above-noted goods in-----condition. Place :DepositorDateThe goods mentioned below are hereby released from this receipt for delivery from warehouse. Any unreleased balance of the goods is subject to a lien for unpaid charges and advances on the released portion:-Quantity due on Quantity released Date receipt Signature of warehousemanForm VI(See Rule 11)(Form for issue of receipt) Serial No. of Receipt Location and No. of warehouse ... Warehouseman's Licence No. Valid up to Date of issue of receipt Received from Description Class or standard Net quantity in

Condition of the goods....(1) Good (2) Fair (3) AveragePrivate Marks of the depositor on the packages.Rate of storing and other charges.Insured for fire/theft/rain/floods/civil commotion with

measure

maunds by weight or

Kind quantity and/or

grade

Number of

packages lots

Name and/or Licence No. of the

weigher/classifier/Sampler

(name of from	Insurance			_	oods are accepte nan or his agent.		_	e Rule	
49)(Form	for stock	Register)]	If the godown i	s hired, p	period of hire fr	om	Ren	it fixed.	
Godown No.	to					-	whose n	ame Date paya	
situated a	at]	Date paid	l.	
Owner's name		_	licies of Insura ed Amounts for		e of Companies nsured.				
Date of Deposit	Name of person who deposited the goods	-	Description of goods Released of Delivered						
No. of receipts issued	-	-	(a)	of	(c)Weight and (or commeasurement s	quantity	make, if	(a)No. f of	(b)Weight or/and measuremen
1	2		3		4		5		
	Balance o	of stock							
Delivery order No	Market goods on of deposi	the date	Initials of the godown-keepe having receive ordelivered th	ed	Initials of Checking officer or the dates of checking	Remar any, of inspec officer	the ting	Reference to Ledger	
	Nos. or unitsWei		Grade or quar standard	ıtity					
6	7		8		9	10		11	12
Deposit Name of		itor	n of Depositor's	s Ledger)) Godown No. Particulars of I No. of Policies		e .		
Reference	e to	Go	down Registra	tion No.	Amount Period				

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specimen s	signature car	d.		Date				
Descriptio of Goods Received	Description of Goods Released of Delivered	0f Payment	3					
Date of deposit	Expenses of stacking or cleansing and charges of safe custody	Goods Receipt No.	(a)No. of packages or bags or quantity (special work ongoods, if any)	and	or / (c)Grade pa or quality on nt standard on	r bags an	Weight or / (c)Grade or d easurement quantity standard	
1	2	3		4		5		
(a)Date of payment	(b)Amount o	rder	tials of lown-keepo	No. of er packages	Weight or / and measurement	Grade or quality standard	goods deposited	

Balance of Stock

6

Name of transferee to whom goods are transferred or by whomthey are held as security for advances, if any

7

Reference to the instrument or document transferring possession Remarks

9

11 12

Form IX(See Rule 49)(Form for General Insurance Account)

8

					Name of				
Name of depositor	Warehouse Receipt No.	Value of goods	for which	for	Insurance Company with which	of	Amount of Insurance charge(s)	of other	Remarks
					insured				
1	2	3	4	5	6	7	8	9	10

Signature of WarehousemanForm X(See Rule 41)(Form of Certificates to be issued by the Weigher, Sampler or Classifier)Weight/grade certificate.Name and location of the warehouse in which the grain or produce is to be stored.Date of certificate.Consecutive number of the certificate.Weight of grain or produce covered by the certificate.Kind of grain or produce covered by the certificate.Grade

13

10

and/or weight of grain or produce as determined by licensed weigher, sampler or classifier. This certificate is issued under the Punjab Warehouses Act, 1957, and the rules made therein. Signature of the licensed weigher, sampler or classifier.