

WDRA (WAREHOUSE ACCREDITATION) REGULATIONS, 2011

8 THE GAZETTE OF INDIA : EXTRAORDINARY -d 28 2011 (2007 37) 35 (2) «i) 51 1. (1) Rfizr* 2011 i (2) (1) (i) 2007 (2cm 37) t ; RINA) 2011 tii) • 24 (1) (vi) " 9 (vii) " ath t frg (viii) " 3tq (ix) "S' atr (x) 2011 t') " 2010 t (xi) t 3, Trg 3trq — gram (ii) (iii) «\$a a-q-rqft GAZETTE : [PART n—sæ. (vi) (vii) (viii) mg (ix) (Xi) (xii) Rg (xiii) ; & (Niv) «Tg \$ (i) qtzrrrq (ii) (iii) - (iv) (v) (vi) (vii) 4. - (1) am 4. I qtzp•r e) afie• 12 THE GAZETrE OF EXTRAORDR-QARY 1 4 10. - (1) 1 (2) Qqsré •qi•grrrq t 14 THE GAZETTE OF INDIA : 14. — — (ii) t (iv) (vi) trg 15. — — Gi) 2011 16. — 15 2010 17. 15 2007 37) 3. mil 116) I 551. æi.] 16 THE GAZETTE : EXR-AORDINARY NOTMCATION New NM, be 28å 2011 [PART n 3(i)] GS.R. —cie —s con±rrred by dause (a) of sub (2) of sedon 3S Md sedon Sl of WarehouAng and Regulün) Acc 2007(37 of 2007), Warehouslxw Development and AuåoriV, in cons&tion wtü Warehousing Advisory Committee and wit) the appmval of Cenü•al Go•rnment. hereby makes followirw r.lations, namely - CHAPTER PRELIMINARY 1. (1) nese rewladons may be called Warehousing Dadopment and Regulatory AuåoriV (Waråouse Aca•ediädon) Reguladons, 2011. (2) 2. (1) shall mme into force on tie date of their publication in the Omcial Gaeüe. In tree rewladons, unlæs be contact o&erwise requires - (iii) (vi) (vii) *Act" means he Warehousing (Development and Rewlaäon) Act, 2007 (37 of 2007); "accreditatbn means an agenw, whatever be iW consdtution, regisered as an accreditation agenq wib Authoriv under tie Act, tie rule and the Warehousing Development and R.latory AuboriW (Regisa•ation of Agency) Regulations 2011; means The Warehousing Development R.lato:y Authority under sub-section (1) of section 24 of the Act; "applicant" mens a person making an to the accrediäåon agency for seeking a certificate of accreditation under the Act, rules and these regulaåons; *Appellate Authority" means the appellate authoriV appointed by the Central Government under the Act read with æe Appellate Rule; "in»ection" means the process of inspection undertaken by an inspection agenq and includes an audit, inspection, site visit by an inspecMon agency or any person authorised by the accreditation agency for this purpose. This wili also include any inspection conducted by an accreditation pursuant to directions from the Authority; 'inspection report" means the report made by the accreditation ageng recording its inspection of the warehouse that it had inspected for the purpose of awarding it a certificate of accreditation; (Viti) (x) (tx) (x) ('d) -enißcae of ecreditadoh" of in be "rm in Sædule 'A' to reguladons wm be by an æere&tion agency tn relaåon to a warehouse in Ace md bee Reguladons; "exuniner• means the person appointed by ete to coüa and enminadon under Hue' AQ Nles means the Wz*ousing Dad.mnt Rewlatory Au&oriV (Warehouse 2011 and such otter regulations made by the Auåodv. arules" means the Warehousing (Development and Regulation) Appellate Authority Procedure Rules, 2010 ; "Warehouse Manual" means the manual in accordance widi which the accrediüdon agencies wm the inspecdon of waråwsæ which m" be modified by Au&ority from ume to dme. (2) The •rds apressions used in tieese ngulations but not d&ed. &dned in ete Act and tte NIB -shall have the same meaning respectively B*ed to in Act or Nles, as die case may be. CHAPTER n GRANT OF CERTIFICATE OF ACCREDITATION Proæss of grant of wrücate of accrediütion.- (1) No warehouse shall be 3. granted reØstration under the Act unless it has a certificate of accreditaåon from an accreditation agency in addition to fulfilling other eligibility criteria under section 3 of die Act. fre rules and regulations made thereunder. (Z) An applicant seeking grant of certificate of accreditaåon shall obuin die same from any accreditation agency registered with the Authority and the *cant shall provide to the accrediution *ncy the following- (iii) (iv) documents to ascertain adequau positive netwotü of be warehouse, a cefiificate from a Chartered Accountant or creditwor&inæ a *eduled bank of the individual warehouse or fts organisation will proof of ownership or regstered lease deed vesting the wiå the warehouseman to use the relevant warehouse for the of operating a warehouse; no objection certificate or warehouse license from the Municipal Corporation or local authority for carrying out the business of warehousing within ete premises of the relevant warehouse; the goods for which the registration is being sou# GAZETTE OF INDIA : EXTRAORDINARY [PART n—sæ. 301 list of Gained graders, we•as and nmplers used in One war*ouse; statement including all documents, and infornution about storage worthiness of the warehouæ for æe goods indudng the insect nr pet man*ment, handling sax*' gading securiV. dre fiÖting systems etc; (vii) list of equipments which are necessary for be storage of goods be stored in the warehouse; (viii) insurance policies for fire or floods or eteR or burØary or eu. and for . (tx)

(xf) lxii) (xiii) (xiv) the goods stored; insurance policies used for the goods stored; audited statement, if any, in relation to warehouse; list of personnel together with their qualifications and experience who are in charge of the concerned warehouse; statement on methodology adopted for valuation of goods which may be as per Agricultural Produce Marketing Committee, spot or future exchanges or news papers; statement, if any, with period and laboratory, and any other document and information is required under the Act and the rules made or is notified by the or as specified in the Warehouse Manual. (3) A certificate of accreditation shall be granted by an accreditation agency only when a warehouse complies with- (i) the construction standards of warehouses as prescribed by the Bureau of Indian Standards (v) (vii) / Central Warehousing Corporation / Food Corporation of India specifications adequately positive net worth with documentary evidence; storage and handling requirements specified in the Warehouse Manual; the availability of trained manpower; insurance policies of the warehouse and the goods stored or to be stored in warehouse; proper maintenance of record in the warehouses timely reporting thereof; and any other requirement for conduct of the warehousing business under the Act and the rules. an accreditation agency shall make and provide the applicant a certificate of (4) accreditation, if found fit. In the event, the accreditation agency does find it suitable for grant an accreditation certificate for the warehouse, it shall demonstrate the reasons for the same in its inspection report. CHAPTER IV ACCREDITATION AGENCY 4. of Section 11 shall be applicable; Inay prescribe warehouse standards and procedures for accreditations. The prescribed standards and procedures shall be made part of the Warehouse Manual that shall be issued by Authority. (2) Agency shall be bound to follow the warehouse specific and warehouse specific accreditation standards as may be and under training If by it. S. of Warehouses by Agency.- (i) before grant of certificate of accreditation, an accreditation agency shall appoint one or more persons as examiners undertake an inspection of the warehouse to ensure that all the conditions prescribed under sub-regulation (3) of regulation 3 are fulfilled. (2) The fee for accreditation of a warehouse shall be borne by the relevant warehouseman

6. Pre-Inspection.- (1) The accreditation agency shall give one week notice before conducting an initial inspection of the warehouse. (2) (3) (4) (5) Notwithstanding anything contained in sub-regulation (1), where the agency is satisfied that in the interest of the depositors, or in public interest no such notice should be given, it may conduct an inspection of warehouse without such notice. In case any of the conditions are not fulfilled, the accreditation agency shall advise the warehouseman to rectify the same within a period of 15 days from the date of receipt of such notice to the warehouseman. On expiry of the period provided in there shall be another inspection conducted by the examiner on the direction of the accreditation agency to verify the compliance of the conditions of regulation (3). On complete satisfaction of all the conditions prescribed under these regulations and any other condition notified by the Authority, the agency shall issue a certificate of accreditation in the form and manner as prescribed in Schedule 'N' to the warehouseman for the goods, specified in such certificate

7. Inspection of Warehouse after (1) Each accreditation agency may appoint one or more persons as examiners to undertake an inspection of the registered warehouse, books of accounts, other records and documents of the warehouseman once every year after the grant of accreditation certificate. (2) The purpose of inspection referred in sub-regulation (1) shall be as follows, namely:- THE GAZETTED OF EXTRAORDINARY PART (a) examine the records and documents are being maintained in the manner required under Act and the rules made thereunder, (b) that the provisions of the Act, rule and regulations are being complied with

8. Obligations to— (1) It shall be the duty of the warehouseman and his to produce the accreditation (or certificate appointed by it) such books, accounts, records, reports and other documents as may be required, control or possession and furnish the statements and information relating to a warehouse within such time as examiner may require. (2) The warehouseman shall allow accreditation agency (or any examiners appointed by it) to have access, at least during the occupied warehouseman or by any other person, on his behalf and also reasonable facility for examining any books, records, report documents in custody, control or possession of warehouseman or any such person on his behalf and also provide copies of documents or other material which in the opinion of the accreditation (or any examiners appointed by it) are relevant for the purposes of the inspection (3) It shall be the duty of every warehouseman and his to to the accreditation agency, its personnel or any examiners appointed by it. all persons concerned in connection with the inspection shall be liable to be examined and be subjected to the provisions of the Act and the rules made thereunder. 9. of by Accreditation Agency. The agency shall submit a monthly report about details of warehouses and inspections to the Authority. CHAPTER NEPENTH ON OR

CANCELLATION OF CERTIFICATE OF IO. Process of Suspension or Cancellation of a of Accreditation.

(1) In the event the accreditation assigned upon undergoing a periodic inspection determines warehouse or warehouseman is defaulting in complying with requirements for grant of a certificate of or is not complying with any of provisions of the ACC and regulations made thereunder shall be same in periodic inspection report and may terminate the name of warehouseman or warehouse, the case may be the certificate of accreditation that it had earlier granted in respect of the relevant warehouse may be suspended or cancelled. The same shall be communicated to the relevant warehouseman in writing together with the copy of the periodic inspection report as soon as possible but not later than ten working days from the date of such decision.

(2) The accreditation agency shall submit a copy of the inspection report as well as its decision to suspend or cancel the certificate of accreditation in respect of a warehouse to be awarded, upon its disposal but not later than ten working days from the date of such decision. In the event Authority spends or incurs expenditure of a warehouseman in the process of being awarded. In the absence of rules and regulations thereunder, the certificate of issued by an accreditation agency in respect of such warehouse shall be suspended or cancelled, as the case may be, with effect from the date of such order of the Authority. In the event the Authority by order of suspension of registration of a warehouse in accordance with the Warehousing (Development and Regulation) Act, 2007, be of an order of suspension of registration of a warehouse, unless Authority directs a certificate to be issued by an accreditation agency in respect of such warehouse.

Effect of suspension or of a Certificate of accreditation is suspended or cancelled, the Authority shall direct the warehouseman to suspend or cancel the registration of the relevant warehouse; or order another accreditation agency to conduct an inspection of warehouse and based on the findings of inspection report determine whether to suspend or cancel registration of warehouse under the Act: provided that shall not prevent the warehouseman from being bound to satisfy obligations to holders of negotiable warehouse receipts that had been issued in relation to such warehouse.

CHAPTER V RENEWAL OF CERTIFICATE OF ACCREDITATION 12. Process of Renewal of Certificate of Accreditation of a warehouseman shall require a fresh certificate of accreditation, in accordance with procedure specified above in these regulations, once the initial period of issue of the certificate has expired.

CHAPTER VI FEES Payment of Fees.- Every warehouseman eligible for grant or renewal of a certificate of accreditation shall pay fees to accreditation agency in such manner and within the period as specified by the Authority. THE GAZETTE OF INDIA : EXTRAORDINARY PART II SECTION 3 (i) (iii) (v) (vi) of the Warehouse Act, 2007. The provisions of the Warehouse Act, 2007 shall ensure that the examiners are competent to undertake inspection of warehouses; the examiners have conducted the same in a fair and manner; -records of inspection undertaken for warehouses are properly maintained; there is no conflict of interest in grant of certificate of accreditation or any inspection conducted under these provisions; no examiner conduct be of the warehouse consequent upon, and comply with reporting requirements to be Authority under the ACC rules and regulations made thereunder. Disposal.- Any application in relation to - (i) the refusal of grant of or (ii) suspension or cancellation of the certificate of accreditation by accreditation agency may be a representation with Authority for resolution of the dispute in accordance with the Warehousing Development and Regulatory Authority Rules, 2011.

16. Appeal. Any person aggrieved by a decision of Authority under regulation 15 above may submit an appeal to the Appellate Authority in accordance with the Warehousing and Regulation Appellate Authority Procedure, 2010. POWER OF APPEAL TO APPELLATE AUTHORITY 17. Inspection.- Notwithstanding anything contained in provisions above, the Authority shall have the power to conduct any number of inspections of the warehouses and any matter connected with the warehousing business. 3(i) Schedule - A CERTIFICATE OF ACCREDITATION for carrying on the business of warehousing [See regulation is hereby granted to District State which has been inspected as by of use Warehousing and Regulation Act, 2007 (37 of 2007) on the following - 1. It shall be valid from the date of issue, ... for the warehouse. 2. The certificate shall be granted to Warehouse for the storage of goods (D 3. The shall be liable to be cancelled or suspended in accordance with regulation 11 (1) of the Warehousing Development & Regulatory Authority Rules, 2011.

4. Upon the issue of the Accreditation. The warehouse shall display such certificate, in a conspicuous place in the principal place of its business. The warehouseman shall assist the accredited (or any examiners appointed by it) to inspect once, books, records, papers, documents etc. at any time.

6. The war&se shall be of accre&tion yanæd to it to any Signature and sul authority acndftadon
[F.No. WDRN5/A&F/2011] Ms. PRASAD, Director

