

Delhi Warehouse Rules, 1961

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Delhi Warehouse Rules, 1961

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CHAPTER 1 PRELIMINARY

1. Short title :-

These rules may be called the Delhi Warehouse Rules, 1961

2. Definitions :-

In these rules, unless the context otherwise requires;

- (a) "Act" means the Orissa Warehouse Act, 1956 (Orissa Act 4 of 1957) as in force in the Union Territory of Delhi;
- (b) "form" means a form appended to these rules;
- (c) "negotiable receipt" means a receipt by which the goods specified therein will be delivered to the bear or to not the order of the person named therein;
- (d) "non-negotiable receipt" means a receipt by which the goods

specified therein will be delivered to the person who tenders the goods to the warehouseman for storing in the warehouse;

(e) "Section" means a section of the Act;

(f) "year" means the year commencing from the 1st day of October and ending on the 30th day of September next following;

(g) "prescribed authority" means the authority approved by the Chief Commissioner for carrying out all orders of the provisions of the Act and the rules and where no authority is appointed, would mean and known as the Director of Agricultural Marketing, Delhi

CHAPTER 2

LICENCE

3. Application for licence :-

(1) Every application for a licence under section 4 and for renewal under section 6 shall be made to the prescribed authority in Form No. 1 and every application for issue of a duplicate licence shall be made in Form No. 2. The application shall be signed by the applicant and he shall be bound to supply such additional information as may be required by the prescribed authority for the purposes of section 5

.

(2) The application for licence for the first time shall be made at any time but that for renewal thereof shall be made every year at least one month prior to the commencement of the year for which it is required and shall be accompanied by the fee laid down in rule 4 or, as the case may be, in rule 8

.

(3) A person desiring to conduct the business of a warehouseman in more than one village or town shall submit separate applications for licences in respect of his business in each such village or town. In case he has more than one place of business in the same village or town, he may apply for only one licence in respect of all such places of business provided he specifies which of them be his principal place of business

4. Scale of fees for grant of licence :-

The scale of annual fees for the grant of a licence under section 4 to a warehouseman for the conduct of business shall be as under

Rs. Warehouse having a storage capacity up to 25,000 cubic feet
50 For every additional 25,000 cubic feet or fraction thereof 50

5. Terms of licence :-

A licence under section 4 shall be granted in Form 3 subject to the following conditions:

(1) Every warehouseman other than a Corporation established under the Agricultural Produce (Development and Warehousing) Corporation Act, 1956 shall have and maintain in respect of each warehouse for which the application for a licence has been made, net assets liable for the payment of any indebtedness arising from the conduct of the warehouse to the extent of at least Rs. 10 per 100 cubic feet storage capacity of the licensed warehouse. Such assets may also consist of moveable or immovable property of the required valuation. In case buildings, machinery or merchandise are included among such assets, the warehouseman shall keep them insured against loss or damage by fire, burglary and theft with a company or companies approved by the prescribed authority.

(2) Immediately upon receipt of his licence, the warehouseman shall post the same and kept it posted until suspended it revoked, in a conspicuous place in the principal place of his business where receipts issued by such warehouseman are delivered to depositors

.

(3) When any of the events contemplated in clauses (a), (b), (c) and (e) of section 8 occurs, it shall be the duty of the warehouseman to notify such event immediately to the prescribed authority with all details known to him

.

(4) Every warehouseman shall permit the prescribed authority or any officer deputed by him to inspect or examine a warehouse licensed under the Act, to enter and inspect or examine on any business day during the usual hours of business, any warehouse for the conduct of which such warehouseman holds a licence, the office thereof, the books, records, papers and accounts relating thereto and the contents thereof and such warehouseman shall furnish such officer the assistance necessary to enable him to make the inspection or examination

6. Security :-

Every warehouseman other than a Corporation established under

the Agricultural Produce (Development and Warehousing) Corporation Act, 1956, shall at the time of the application for licence either

(a) furnish to the prescribed authority, security deposit in cash or public securities assessed at the rate of Rs. 10 per 100 cubic feet of the storage capacity subject to a minimum of Rs. 1,000 and executed a bond in Form 4 for the observance of the conditions and obligations arising out of his business as a warehouseman, or

,

(b) executed a bond with two sureties to the satisfaction of the prescribed authority for a like amount

7. Period of licences :-

A licence shall be valid with effect from the date on which it is granted for the period ending on the 30th day of September next following

8. Renewal for issue of duplicates of licences :-

(1) The conditions for renewal of licence or issue of a duplicate licence shall be the same as those prescribed for the grant of a licence. The duplicate licence shall be granted on getting an indemnity bond in Form 5 executed by applicant indemnifying the Government against any loss or damage which may be caused by any one using the licence lost by the applicant and shall bear on its face the number and date of the original licence in field of which it has been issued and shall be stamped duplicate."

(2) A licence which is torn; defaced or otherwise becomes illegible, shall be surrendered by the warehouseman to the Prescribed authority.

(3) On receipt-of an application for a duplicate licence, the fact that the licence has been lost or destroyed shall be notified by the prescribed authority once at least in two local newspapers giving one week's clear notice of the proposed issue of duplicate thereof. The cost of such notification in the local newspapers shall be borne by the warehouseman

9. Fee for renewal and issue of duplicate licence :-

Fee for renewal of a licence under section 6 shall be the same as laid down in rule 4 and the fee for issue of a duplicate licenser under section 11 shall be rupees 5.00

10. Publication of the grant, suspension or cancellation of licences and lists of warehousemen and licences warehouses :-

The names and location of warehouses licensed under the Act and the names and addresses of warehouseman as on the 1 st day of October every year shall be published in the Official Gazette before the 15th day of November of the same year. Subsequent suspension or cancellation of the licences shall also be published in the Official Gazette

CHAPTER 3

DEPOSIT AND MAINTENANCE OF GOODS, ETC

11. Application for deposit and delivery of goods to warehousemen :-

Every application for deposit of goods shall be made to a warehouseman in Form 6 and every application for delivery of goods shall be made in Form 7

12. Receipt :-

(1) Every receipt shall be in a Form 8 and shall contain

(i) the location of the warehouse where the goods are stored;

(ii) the name of the person by whom or on whose behalf the goods are deposited;

(iii) the date of issue of the receipt;

(iv) the rate of storage, weighment and handling charges;

(v) the description of the goods or of the packages containing food stuff and quantity by weight or measures;

(vi) particulars showing the ownership of and lines, mortgages or other encumbrances on the goods covered by the receipt as declared by the depositor in his application for deposit under rule 11;

(vii) an endorsement whether it is "negotiable" or non-negotiable; and

(viii) the signature of the warehouseman or his authorised agent

.

(2) no receipt shall by reason of the omission of any of the particulars set forth in sub-rule (1) be deemed not to be a

warehouse receipt, for purposes of settlement or disputes and claims

13. Liability of warehouseman for omission :-

Where a warehouseman omits from a negotiable receipt or non-negotiable receipt any of the particulars set forth in rule 12, he shall be liable for damages caused by the omission

14. Information regarding persons authorised to sign receipts :-

Every warehouseman shall file in the office of the prescribed authority information regarding the names and address or persons with their signatures authorised to sign receipts on behalf of the warehouseman and shall as soon as possible inform the prescribed authority in case there is any change

15. Issue of duplicate receipts :-

(1) An application for the grant of a duplicate receipt, if the original is lost, destroyed, torn, defaced or otherwise becomes illegible, 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 but without success

(b) *

(c) a fee of rupee one

.

(2) On receipt of the application, the fact that the receipt has been lost, destroyed torn, defaced or has otherwise become illegible shall be notified by the warehouseman once at least in two local newspapers giving one week's clear notice of the proposed issue of a duplicate thereof. The cost of such notification in the local newspapers shall be borne by the depositor or, as the case may be by the holder of the receipt

.

(3) After the expiry of the period referred to in sub-rule (2) a duplicate receipt shall be issued by the warehouseman. Such

duplicate receipt shall be stamped "Duplicate"

.

(4) After duplicate receipt has been issued the original receipt, if produced, will not be acted upon

16. Depositor to supply information regarding transfer or receipt :-

Every depositor shall supply copies under his signature of any endorsement regarding transfer, mortgage or encumbrance of goods as may be recorded on the warehouse receipt forthwith after making such enforcement.

(a) furnish to prescribed authority, security deposit in cash or public securities assessed at the rate of Rs. 10 per 100 cubic feet of the storage capacity subject to a minimum of Rs. 1,000 and execute a bond in Form 4 for the observance of the conditions and obligations arising out of his business as a warehouseman, or

,

(b) execute a bond with two sureties to the satisfaction of the prescribed authority for a like amount

17. Charges to be levied by warehouseman :-

(1) No warehouseman shall levy or recover charges for storage in excess of the scheme of charges filed by him along with his application for licence and approved by the prescribed authority from time to time

.

(2) When the warehouseman is required, in the case of emergency or necessity, to remove or transfer the goods from the warehouse, as provided in rule 35, the storage charges shall be recovered on a continuing basis and the cost of such removal or transfer of goods shall be borne by the warehouseman

18. Exhibition of Schedule of charges :-

Every warehouseman shall display conspicuously the current schedule of charges as approved by the prescribed authority and the translation thereof in regional languages at the principal place of his business where receipts issued by such warehouseman are delivered to depositors

19. Maintenance of warehouse :-

Every warehouseman shall comply with the following conditions :

- (1) the warehouse shall as far as practicable be damp-proof, bird-proof and rat-proof;
- (2) the warehouse shall be repaired whenever necessary and shall be kept disinfected;
- (3) the goods stored in the warehouse shall be arranged and stored in such a manner as to render stocktaking and verification easy;
- (4) stacks shall not be constructed touching the walls and space of about 2 feet be left round each stack;
- (5) goods received for storage in the warehouse shall be measured in cubic feet (length, breadth and height) or weighed, as the case may be, and such weight or measure shall be taken by a licensed weigher and such weight or measure shall be duly stencilled on each container or labelled on each stack showing the date and quantity or weight or measure;
- (6) the container or the stack shall bear the name of the depositor together with the distinctive mark, if any, in bold letters;
- (7) goods of different classes or grades or qualities shall be stored separately;
- (8) all leakages in roof and dampness in walls and floors during the monsoons, shall be carefully watched and repaired or removed, as the case may be, well in time;
- (9) all appliances in the warehouse such as sealers, weights, measures, pokers and ladders shall be maintained correctly and in good conditions; and
- (10) such other terms and conditions as may be specified by the prescribed authority from time to time

20. Precautions against injury to goods :-

Every warehouseman shall keep the goods stored in his warehouse reasonable clean at all times and reasonably free from pests, straw, rubbish or accumulation of material likely to increase the risk of fire or interfere with the handling of the goods

21. Insurance of goods in warehouse :-

- (1) Every warehouseman shall have the goods kept in his custody as a warehouseman, issued in his own name against loss or

damage by fire or theft or burglary

.

(2) On written request from a depositor and on his agreeing in writing at the time of deposit of goods to pay the charges for additional risk the warehouseman may insure such goods also against loss or damage by all or any of the following events as may be specified by the depositor in his written request, namely, floods, rain, riot, civil commotion or any other recognised insurable contingency

.

(3) No warehouseman shall be liable for any loss or damages by flood, riot, civil commotion or any other recognised insurable contingency except fire, theft and burglary unless the depositor has made a written request in the manner provided in sub-rule (2) and has actually paid the charges for additional risks before the commencement of storage

.

(4) Any insurance made by a warehouseman shall not be for an amount less than the market value of the goods on the date on which they were deposited in the warehouse

.

(5) The goods deposited in the warehouse shall not be insured with any company which is not on the list of companies approved for this purpose by the prescribed authority

22. Loss or damage caused by fire etc. to be reported immediately :-

If at any time fire, theft, burglary, flood, riot or civil commotion occurs at or in a warehouse, it shall be the duty of the warehouseman and to give notice immediately and not later than 24 hours of such occurrence to the depositor and intimation to the prescribed authority of such occurrence and of the extent of loss or damage caused thereby

23. Recovery of insurance charges :-

(1) Every warehouseman shall keep the goods stored from the depositor the insurance premia and other out of pocket expenditure incurred by him for insurance of goods stored in his warehouse

24. Classification of goods :-

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

.

(2) Whenever any quality, standard or grade of the goods is required to be stated for the purposes of the Act, it shall be in accordance with the qualities, standards, or grades as laid down by the prescribed authority

25. Notice of loss of or damage to goods :-

If at the time of taking delivery of the goods deposited, a depositor finds that the goods are lost or damaged, he shall give notice in writing with full particulars of the loss or damage to the goods to the warehouseman forthwith or shall give notice within 72 hours after examining the goods and defer taking delivery till then. A copy of the notice shall also be sent to the prescribed authority. No claim against the warehouseman shall be valid if the notice of loss or damage has not been given by the depositor in time. Similar notice for claim for damages shall be given to the warehouseman by the depositor in case the depositor comes to know of the loss or damage while the goods are deposited in the warehouse

26. Duty to deliver :-

Subject to the provisions of section 16, every warehouseman shall deliver the goods stored in his warehouse

(a) where the goods are covered by a negotiable receipt, to the bearer, and

(b) where the goods are covered by a non-negotiable receipt, to the person named in the warehouse receipt

27. Part delivery of goods :-

If a warehouseman delivers part of the goods for which a negotiable receipt, make a statement giving particulars of the goods which have been so delivered. On his failure to make such statement the warehouseman shall be liable for failure to deliver all the goods specified in the receipt to any who purchases the receipt 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. Warehouseman not to release goods pledged by depositor :-

If the goods covered by a negotiable receipt are pledged by the depositor with a bank, thereby creating a lien in favour of the bank on such goods, the warehouseman shall

(i) on receipt of a written notice from the bank intimating the lien, acknowledge the notice in writing, and

(ii) shall not release such goods without the consent of or due notice to the bank

29. Negotiable receipt to be cancelled on delivery of goods :-

(1) every warehouseman who delivers goods for which he has issued a negotiable shall take up and cancel that receipt in respect of the goods so delivered

.

(2) Every warehouseman who delivers part of the goods for which he has issued a negotiable receipt shall enter plainly upon it details of the goods so delivered

30. Negotiable receipt to state charges for which lien is claimed :-

Where a negotiable receipt is issued for goods the warehouseman shall have no lien on the goods, except for charges of storage and insurance of those goods from the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed

31. Maintenance of books, records etc :-

Every warehouseman shall maintain the following account books and records

(1) a stock register in Form 9.

(2) a ledger for each depositor in Form 10.

(3) a general insurance account in Form 11

32. Auction sale of goods deteriorating or about to deteriorate in warehouse :-

(1) Before effecting sale by public auction of goods stored in a

warehouse deteriorating or about to deteriorate, the warehouseman shall publish a notice indicating the date, time and place of auction at least a week before the proposed date of auction, in a local newspaper and in case the warehouse is situated within the limits of any regulated market committee shall also exhibit it on the notice board of such committee. A copy of the notice shall also be sent to the prescribed authority.

Explanation In this sub-rule regulated market committee means an Agricultural Procedure Market Committee established under the Bombay Agricultural Procedure Market Act, 1939 as extended to the Union Territory of Delhi

.

(2) If the warehouseman, after reasonable efforts, is unable to sell the goods at public action, he may dispose of them in any manner he may think fit and shall incur no liability by reason thereof

.

(3) The warehouseman shall, from the proceeds of any sale made pursuant to this rule, satisfy his lien and shall hold the balance in trust for the holder of the receipt

33. Effect of sale :-

Where goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of pursuant to the provisions of rule 32. the warehouseman shall not be liable for failure to deliver goods to the holder of the receipt

34. Accounting of proceeds of auction sale :-

Every warehouseman shall render to the depositor correct accounts and tender to him sale proceeds of goods realised after the auction sale 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 be bound to make actual payment of net proceeds of the sale to the depositor, on surrender by him, of the receipt duly discharged and on payment of all charges due to the warehouseman

35. Removal or transfer of goods by warehouseman :-

Except in the event of an emergency or genuine necessity on account of which immediately removal or transfer of goods becomes necessity on account of which immediate removal or transfer of

goods becomes necessary, no warehouseman shall remove any goods stored in his warehouse or transfer them to another warehouse without first obtaining the receipt in respect thereof and cancelling the same after issuing a new receipt

CHAPTER 4

WEIGHERS, SAMPLERS AND GRADERS

36. Application for licence by weighers, samplers and graders :-

(1) No licence shall be issued under section 23 to any person.

(a) to act as a weigher unless he is able to read and write in Hindi and in English and has workable knowledge of taking weights and measured, or

(b) to act as a sample or grader unless he has passed :

(i) Matriculation or Higher Secondary Examination, or

(ii) any examination declared by the prescribed authority as equivalent thereto with agriculture as one of the subjects or has received training in an agricultural school or has sufficient experience in the classification and gradation of goods used for agricultural purposes

(2) Every application for a licence under section 23 to act as weighers, samplers or graders of any goods deposited or to be deposited in a warehouse and to issue certificates as to the weight, bulk quality, or grade of the goods which they have examined shall be made in Form 12 to the prescribed authority and shall be accompanied :

(a) by a fee of rupee one in the case of an application for licence to act as a weigher, and

(b) by a fee of rupees three in the case of an application for licence to act as a sample or grader

(3) The prescribed authority shall, on receipt of an application under sub-rule (2), after making such enquiries as may be considered necessary for the efficient working of the warehouse, grant the application a licence in Form 13 on his executing an agreement in such form as may be determined by the prescribed authority agreeing to confirm to the rules and to the following conditions, namely

(i) every weigher, sampler or grader licensed under section 23 shall keep books in such forms and render such prescribed returns and at such time and in such form as the prescribed authority may from time to time direct;

(ii) every licensed weigher, sampler or grader when playing his trade shall wear a distinguishing badge or a suitable pattern provided by the prescribed authority. A deposit of not less than one and not more than five rupees as may be required to cover the cost of the badge shall be paid by such weigher, sampler or grader to the prescribed authority;

(iii) no licensed weigher, sampler or grader shall recover charges exceeding the rates laid down by the prescribed authority from time to time;

(iv) the licence shall be liable to be suspended or cancelled for breach of any of the provisions of these rules or the conditions of the licence

(4) Notwithstanding anything contained in sub-rules (1) and (3), the prescribed authority may refuse to grant or renew a licence to any person to act as weigher, sampler or grader who in his opinion, is not solvent or whose operations are not likely to further the efficient working of a warehouse. Provided that before refusing to grant or renew a licence the prescribed authority shall communicate to such person the grounds on which it is proposed to refuse to grant or renew the licence applied for and shall give him reasonable opportunity of showing cause against it

(5) Where a warehouse is situated within a market yard every weigher licensed by the market committee under the Bombay Agricultural Produce, Markets Act, 1939 as in force in the Union Territory of Delhi shall be deemed to be licensed under the Act and the rules

37. Period of licence granted to weighers, sampler and graders :-

A licence granted to a weigher, sampler or grader shall remain in force from the date on which it is granted till the 30th day of September next following

38. Certificate to be issued by weighers, samplers and graders :-

The certificate issued by weighers, samplers or graders shall be in

39. Duties of weighers, samplers and graders :-

Every weigher, sampler or grader shall, without making any discrimination between persons desiring to avail themselves of his services, as soon as possible, weigh, sample or classify, as the case may be, any goods deposited or to be deposited in a warehouse

40. Renewal of licence to weighers, samplers and graders :-

Applications for renewal of licences granted to weighers, samplers or graders shall be made to the prescribed authority in Form 12 at least one month prior to the commencement of the year for which they are required and shall be accompanied by the fee prescribed in rule 36 for the initial grant of licence to weigher; or, as the case may be, to sampler or grader. The conditions for renewal of a licence shall be the same as those on which a new licence is granted

41. Issue of duplicate licences to weighers, samplers and graders :-

If the original licence granted to a weigher, sampler or grader is lost, destroyed, torn, defaced or otherwise becomes illegible, a duplicate thereof shall be used on payment of a fee of Re. 1. Such duplicate licence shall be stamped "Duplicate"

42. Suspension or cancellation of licenses of weighers, samplers and graders :-

Subject to the provisions of section 24, the prescribed authority may, for reasons to be recorded in writing suspend or cancel the licence granted to any weigher, sampler or grader if he contravenes any of the conditions of the licence or of these rules or if in the opinion of the prescribed authority his continuance as licensee is likely to be detrimental to the working of the warehouse

43. When warehouseman may determine weight, grade or class of goods :-

In areas where there are no weighers, graders or samplers or samplers licensed under the Act, the weight, quality or grade of the goods covered by a receipt shall be as determined by the warehouseman

CHAPTER 5

MISCELLANEOUS

44. Display of signboard of licensed warehouse :-

A warehousemen shall display prominently at a suitable signboard for each warehouse that the warehouse has been licensed

45. Inspection :-

On an inspection of a warehouse under section 22 the prescribed authority may give such instructions to the warehouseman as he considers necessary for the efficient conduct of the business of a warehouseman. If the warehouseman neglects or fails to carry out such instructions, the prescribed authority may declare that the warehouseman is incompetent to conduct the business of a warehouseman

46. Prescribed authority to maintain register of licences :-

The prescribed authority shall maintain a register of licences issued by it showing the number and the nature of licensee, and the date of suspension or cancellation of licence. Each entry therein shall be attested by the prescribed authority. A separate register shall be maintained in like manner for duplicate licences issued by the prescribed authority. Any person may inspect such registers during office hours

47. Return of licences :-

When a licence granted under the Act expires and is not renewed or is cancelled it shall be returned to the prescribed authority within seven days of such termination or cancellation

48. Manner of giving notices :-

(1) The notice to be given for cancellation of a licence under sub-section (1) of section 9 shall be for a period of not less than a week and shall be sent by registered post. If the warehouseman does not show cause within a week of its receipt by him the prescribed authority shall decide the matter ex-parte

.

(2) The notice to be given to the depositor under sub-section (1) of section 16 shall be for a period of not less than a week and shall be sent by registered post. Such notice shall be served on all persons who hold interest in the goods as may be known to the warehouseman on the date of issuing the notice

49. Dissolution of partnership firm holding licence :-

Where a licence is held a partnership firm and such partnership is subsequently dissolved, every partner of the firm shall send a report of the dissolution within a week of the dissolution, to the

prescribed authority who shall decide whether the licence granted should or should not be continued in the name of the succeeding partner or partners

50. Use of standard weights and measures by warehouseman :-

Every warehouseman shall use only such scale, weights and measures and weighing or measuring instruments as are duly certified to be correct for the purpose by an inspector appointed under the Rajasthan weights and Measures (Enforcement) Act, 1958 as extended to the Union Territory of Delhi or any law corresponding to that Act in force in any part of the territory

51. Hours of business of warehouses :-

Every warehouse shall be made available for transacting business as may be necessary for at least 8 hours a day between the hours of 7 A. M. to 7 P.M. The actual hours when business can be transacted shall be conspicuously exhibited at each warehouse : Provided that a warehouseman may observe such weekly, national or other holidays as have been approved in this behalf by the prescribed authority

52. Supply of reports by warehouseman :-

Every warehouseman shall, from time to time, make such reports as may be required by the prescribed authority concerning the conditions and contents of the warehouse and operation of this business as a warehouseman