

Bombay Warehouses Rules, 1960

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Bombay Warehouses Rules, 1960

No. WHA.1059/32930-MSC In exercise of the powers conferred by section 41 of the Bombay Warehouses Act, 1959 (Bom. V of 1960) the Government of Bombay hereby makes the following rules, namely:

1. Short title :-

These rules may be called the Bombay Warehouses Rules, 1960.

2. Definitions :-

In these rules, unless the context otherwise requires,

- (a) "Act" means the Bombay Warehouses Act, 1959 (Bom. V of 1960);
- (b) "form" means a form appended to these rules;
- (c) "negotiable receipt" means a receipt in which it is stated that the goods therein specified will be delivered to a bearer or to the order of a named person;
- (d) "non-negotiable receipt" means a receipt in which it is stated that the goods therein specified will be delivered to the person who tendered 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 in relation to a district, the authority empowered under rule 2.A."

2A. Prescribed Authority :-

The District Registrar of Cooperative Societies for a district is hereby empowered as the authority to carry out the duties under the Act, in that district.

3. Application for licence :-

(1) Applications for taking out a licence under section 4 and for its renewal under section 6 shall be made to the prescribed authority in Form No. 1 and applications for issue of a duplicate licence 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 will be his principal place of business.

4. Scale of fee for grant of licence :-

The scale of annual fees prescribed for the grant of a licence under section 4 to a warehouseman for the conduct of his 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 storage capacity or 50 fraction thereof. . .

5. Terms of licence :-

A licence under section 4 shall be granted in Form No. 3 subject to the following conditions:

(1) Every warehouseman other than a Corporation established under the Agricultural Produce (Development and Warehousing) Corporations 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 movable or immovable property of the required evaluation. 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 keep it posted until suspended or 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 (c) and (e) of section 8 occur, it shall be the duty of the warehouseman to notify such event immediately to the prescribed authority with all the details known to him.

(4) Every warehouse 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) Corporations 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 execute a bond in Form No. 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.

7. Period of licence :-

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, or a period not exceeding three years ending on the 30th day of September.

8. Renewal and issue of duplicates of licences :-

(1) The conditions for renewal of a licence and 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 No. 5 executed by the applicant indemnifying Government against any loss or damage which may be caused by any one using the licence lost by the applicant and shall bear in its face the number and date of the original licence in lieu of which it is issued and shall be stamped "duplicate".

(2) A licence which is torn, defaced or rendered 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 is lost or destroyed shall be notified by the prescribed authority once at least in local newspapers giving one weeks clear notice of the issue of a 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 that laid down in rule 4 and the fee for issue of a duplicate licence under section 12 shall be Rs. 5.

10. Publication of grant, suspension and revocation of licences and list of warehousemen and their warehouses :-

The names and location of warehouses and the names and addresses of warehousemen licensed under the Act as on the 1st 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 revocation of the licences shall also be published in the Official Gazette.

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

The application for deposit of goods shall be made to a warehouseman in Form No. 6 and the application for delivery of goods shall be made in Form No. 7.

12. Receipts :-

(1) A receipt shall be in Form No. 8 and shall contain the following particulars:

- (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 goods and quantity by weight or measure;
- (vi) particulars showing the ownership of and liens, 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."
- (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 of disputes and claims.

13. Liability of warehouseman for omission :-

Where a warehouseman omits from a negotiable receipt and 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 receipt :-

Every warehouseman shall file in the office of the prescribed authority information regarding the names and addresses of 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 such persons are changed. If new persons are authorised, information in respect of them shall also be supplied.

15. Issue of duplicate receipts :-

(1) An application for 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 without success,

(b) a bond for an amount equal to the value of the goods represented by the original receipt, and

(c) a sum of rupee one.

(2) On receipt of the application, the fact that the receipt is lost, destroyed, torn, defaced or otherwise become illegible shall be notified by the warehouseman once at least in local newspapers giving one week's clear notice of the 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 receipts have been issued, the original receipts, if produced, will not be acted upon.

16. Depositor to supply information regarding transfer of receipts :-

Every depositor shall be bound to 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 endorsement.

17. Charges to be made by warehouseman :-

(1) No warehouseman shall levy or recover charges for his services in excess of the schedule 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 keep his warehouse in the following condition:

(1) The warehouse shall 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 stock-taking and verification easy and effective;

(4) Stacks shall not be constructed touching the walls and a space of about 2 feet shall 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 of 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, dampness in walls and floors during the monsoons shall be carefully watched and repaired in good time;

(9) All appliances in the warehouse, such as scales, weights, measures, pokers and ladders shall be maintained correctly and in good condition;

(10) Any other terms and conditions as may be prescribed from time to time shall be attended to or complied with.

20. Precaution against injury to goods :-

Every warehouseman shall keep the goods stored in his warehouse reasonably clean at all times and reasonably free from pests, straw, rubbish or accumulations of materials which may increase the risk of fire or interfere with the handling of the goods.

21. Manner of insuring goodsEach warehouseman shall insure the goods stored in the warehouse in the following manner :-

(1) The warehouseman shall keep such goods, while in his custody as a warehouseman, insured in his own name for an amount not less than the market value of goods on the date of their deposit, against loss or damage by fire or burglary :

Provided that if the Corporation established under the Agricultural Produce (Development and Warehousing) Corporations Act, 1956, has in operation its own scheme of insurance, the Warehouseman of the Corporation shall insure goods under that scheme against loss or damage by fire or burglary for an amount not less than the market value of the goods on the date on which they were deposited in the warehouse.

(2) On a written request from the depositor and on his agreeing to pay the charges agreed to for additional insurance, the Warehouseman may insure such goods also against loss or damage by flood, riot, civil commotion or any other contingency.

(3) Except where the insurance is covered under proviso to sub-rule (1), the goods deposited in the warehouse shall not be insured with a company which is not on the list of companies approved for this purpose by the prescribed authority.

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

If at any time fire, burglary, flood, riot or civil commotion occurs at

or in a warehouse, it shall be the duty of the warehouseman to give notice immediately within 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 :-

Every warehouseman shall be entitled to recover 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 any of the goods is required to be stated for the purpose of the Act, it shall be in accordance with the quality, standards, or grades as laid down by the prescribed authority.

25. Notice of loss 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 a notice in writing with full particulars of the loss or damage to the goods to the warehouseman forthwith or 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 damage 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 conditions laid down in section 17, 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 depositor.

27. Part delivery of goods :-

If a warehouseman delivers part of the goods for which a negotiable receipt has been issued, he shall on such receipts, 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 one 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 the 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 receipt shall take up and cancel that receipt in respect of the goods so delivered.

(2) Every warehouseman who delivers part of goods for which he is issued a negotiable receipt shall enter plainly upon it a statement 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 claimed.

31. Maintenance of books, records etc :-

Every warehouseman shall maintain the following accounts, books and records:

(1) A stock register in Form No. 9,

- (2) A ledger for each depositor in Form No. 10,
- (3) A general insurance account in Form No. 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 which deteriorate or are about to deteriorate, the warehouseman shall issue a notice indicating the date, time and place of auction at least a week before the date of auction. The notice shall be published in a local news-paper and in case the warehouse is situated within the limits of any regulated market committee, it shall also be exhibited on the notice board of such committee.

Explanation- In this sub-rule "regulated market Committee" means a market Committee established under the Bombay Agricultural Produce Market Act, 1939 or under any law corresponding to that Act in force in any part of the State. Copies of the notice shall also be sent to the prescribed authority.

(2) If the warehouseman, after reasonable efforts, is unable to sell the goods at public auction, 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 be bound to render to the depositor correct accounts and tender to him payment of the 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 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, cancelling the same after issuing a new receipt.

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

(1) No licence shall be granted under section 24 to any person,

(a) to act as a weigher unless he is able to read and write in regional language and in English and has workable knowledge of taking weights and measures.

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

(i) the Secondary School Certificate 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 24 to act as weighers, samplers or graders and to issue certificates as to the weight, bulk quality or grade of any goods deposited or to be deposited in a warehouse shall be made in Form No. 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 sampler 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 applicant a licence in Form No. 13 on his executing an agreement in such form as may be determined by the prescribed authority agreeing to conform with the rules and to the following conditions,

namely:

(i) every weigher, sampler or grader licensed under section 24 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 plying 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 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:

Provided that where a warehouse is situated within a market yard, the weigher licensed by the Market Committee under the Bombay Agricultural Produce Market Act, 1939 or any law corresponding thereto in force in any part of the State shall be deemed to be licensed under the Act and these rules.

(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.

37. Period of licence granted to weighers, samplers 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. Certificates to be issued by weighers, samplers and

graders :-

The certificates issued by weighers, samplers, or graders shall be in Form No. 14.

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 and graders shall be made to the prescribed authority in Form No. 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 issued on payment of a fee of Re. 1. Such duplicate licence shall be stamped "Duplicate".

42. Suspension or revocation of licences of weighers, samplers and graders :-

Subject to the provisions of section 26, the prescribed authority may, for reasons to be recorded in writing, suspend or revoke 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 the opinion of the prescribed authority his continuance as a licensee is likely to be detrimental to the working of the warehouse.

43. Appointment of Board of Arbitrators :-

On receipt of a written complaint against a weigher, sampler or grader relating to weight, quality or grade of the goods stored in a warehouse, the prescribed authority shall issue notices to either party to the dispute calling upon them to nominate an arbitrator each on their behalf within a period not exceeding 15 days from the date of the notice. If either of them fails to nominate an arbitrator within the period specified in the notice, the prescribed authority

shall nominate the arbitrator on their behalf. He shall also nominate a third arbitrator on his behalf who shall act as the Chairman of the Board of Arbitrators.

44. Procedure of Board of Arbitrators and mode of executing awards :-

In the conduct of proceedings before them, the Board of Arbitrators shall, as far as possible, follow the procedure prescribed in the Arbitration Act, 1940. Every award passed by the Board shall, if not carried out, be executed on a certificate signed by the Chairman of the Board in the same manner as a decree of a civil court.

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

In areas where there are no weighers, graders 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.

46. Display of signboard of licensed warehouse :-

A Licensed warehouseman shall display prominently by a suitable signboard for each warehouse that the warehouse has been licensed.

47. Inspection :-

On an inspection of a warehouse under section 23, 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.

48. 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 licence, the name of the licence, the date of issue of the licence, and the date of suspension or revocation of licence. Each entry therein shall be attested by the prescribed authority. A register shall be maintained in like manner for duplicate of licences issued by the prescribed authority. Any person may inspect such registers during office hours.

49. Return of licences :-

When a licence granted under the Act expires and is not renewed or is revoked, it shall be returned to the prescribed authority within

seven days of such termination, or revocation.

50. Manner of giving notices :-

(1) The notice to be given for revocation 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.

51. Dissolution of partnership firm holding licence :-

Where a licence is held by 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.

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

Every warehouseman shall use only such scales, weights and measures and weighing or measuring instruments as are duly certified to be correct for the purpose by an inspector appointed under the Bombay Weights and Measures Act, 1932, or any law corresponding to the Act in force in any part of the State of Bombay.

53. 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.

54. 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 his business as a warehouseman.

55. Repeal and Savings :-

On the commencement of these rules, the Bombay Warehouse Rules, 1949 and all other rules corresponding thereto in force in any part of the State immediately before the commencement of these rules, shall stand repealed:

Provided that anything done or any action taken under any of the rules so repealed shall be deemed to have been done or taken under the corresponding provisions of these rules unless such thing or action is inconsistent with any of the provisions of these rules.