

NOTIFICATION

New Delhi, the 8th November, 2010

G.S.R. 890(E).— In exercise of the powers conferred by sub-section (2), (3) and (5) of section 5 read with clauses (d), (e) and (f) of sub-section (2) of section 50 of the Warehousing (Development and Regulation) Act, 2007 (37 of 2007), the Central Government hereby makes the following rules, namely:—

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

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

2. Definitions.— (1) In these rules, unless the context otherwise requires, -

- (a) "Act" means the Warehousing (Development and Regulation) Act, 2007;
- (b) "applicant" means a person making an application to the Authority seeking registration as an accreditation agency under rule 4;
- (c) "certificate" means certificate of registration granted under rule 6;
- (d) "Form" means the form appended to these rules.

(2) The words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Qualifications and other requirements for functioning as an accreditation agency.— Every person desirous of functioning as an accreditation agency shall fulfill the following qualifications and other requirements, namely:—

(i) such person shall be -

- (a) a body corporate either public or private, and incorporated under the Companies Act, 1956 or any other law in force;
- (b) government body or government affiliated body;

(ii) such person should possess necessary infrastructure including adequate office space, equipment, trained and experienced staff, expertise in the field of warehousing, financial capability and credibility to the satisfaction of the Authority; and

(iii) such person is not directly engaged in warehousing business

4. Application for registration of an accreditation agency.— (1) Any person possessing qualifications and other requirements specified under rule 3 and desirous of being registered as an accreditation agency may make an application to the Authority in duplicate, in Form - A.

- (2) Every application under sub-rule (1) shall be accompanied by –
- (a) proof of identity as a legal entity including certificate of incorporation, Memorandum of Association and Articles of Association ;
 - (b) list of names of owners, shareholders, proprietor and authorized signatory of applicant;
 - (c) list of key management personnel and technical experts engaged by the applicant and their qualifications and experience in various fields relating to warehousing;
 - (d) statement of financial credibility in the form of audited reports or budget statement with supporting documents;
 - (e) declaration that the applicant shall not accredit any warehouse in which it may have a direct conflict of interest;
 - (f) declaration that the applicant shall comply with the terms and conditions of certificate of registration; and
 - (g) a non-refundable registration fee of rupees twenty-five thousand through bank draft/banker's cheque of any nationalized bank in favour of Drawing and Disbursing Officer, Warehousing Development and Regulatory Authority, payable in New Delhi; and
 - (h) a security deposit of rupees one lakh through bank draft/banker's cheque of any nationalized bank in favour of Drawing and Disbursing Officer, Warehousing Development and Regulatory Authority payable in New Delhi:

Provided that the Government controlled institution or body may be exempted from payment of security deposit.

5. Power to make enquiry and call for information at the time of registration .-

(1) Before granting registration to an accreditation agency under rule 6, the Authority may make such inquiry and require such further information, as it deems necessary, other than the information furnished by the accreditation agency in the application.

(2) Authority may call for any information at any time and the applicant shall furnish such information to the Authority within the time stipulated by it .

6. Certificate of Registration. – The Authority shall, after being satisfied that the applicant fulfills the qualifications and other requirements, grant the certificate of registration to the applicant within a period of one month from the date of receipt of application in Form-B and subject to such terms and conditions as it may deem fit.

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

Provided that before rejecting such application, the Authority shall give a reasonable opportunity of hearing to the applicant.

8. Validity and Renewal.- The certificate of registration granted under rule 6 shall be a valid for a period of three years and shall be renewable for a like period in the manner provided under rules 4,5,6 and 7.

9. Duties of accreditation agency.- Every accreditation agency shall-

(a) upon receipt of certificate of registration, display such certificate, in a conspicuous place in the principal place of its business;

(b) make an assessment report in relation to each warehouse that it assesses and shall maintain a copy thereof for a minimum period of three years;

(c) maintain accounts, books, records and documents relating to accredited warehouses;

(d) not transfer the certificate of registration granted to it;

(e) allow and assist the Authority or its authorized representative to inspect its office, books, records, papers, accounts, etc. at any time; and

(f) maintain a Register of accredited warehouses in Form-C and shall publish the list on its website.

10. Issue of duplicate registration certificate. - (1) Where a certificate of registration is lost, damaged or mutilated, the Authority shall issue a duplicate certificate of registration on receipt of a request in Form- D.

(2) A certificate of registration, which is torn or defaced shall be surrendered by the accreditation agency to the Authority on issue of duplicate certificate.

(3) The application for issue of a duplicate certificate of registration shall be accompanied by a fee of rupees five thousand through bank draft/banker's cheque of any nationalized bank in favour of Drawing and Disbursing Officer, Warehousing Development and Regulatory Authority, payable in New Delhi.

11. Publication of grant of registrations and list of accreditation agencies.- The names and addresses of accreditation agencies to whom certificate of registration is granted under rule 6 shall be duly displayed on website of the Authority from time to time.

12. Suspension or cancellation of certificate of Registration.- (1) The Authority may suspend or cancel the certificate of registration granted to a accreditation agency if-

(a) it has furnished wrong information in the application;

(b) it has failed to comply with the terms and conditions of certificate of registration specified by the Authority;

(c) it has failed to perform duties specified under rule 9;

(2) Where the certificate of registration is suspended or cancelled under sub-rule(1), the security deposit paid under clause (h) of sub-rule (2) of rule 4 shall stand forfeited to the Authority.

FORM-A

(See rule 4 (1) and 8)

Application for grant of registration/renewal of registration of an accreditation agency*

To,

The Warehousing Development and Regulatory Authority.

New Delhi.

Photo of
applicant

Dear Sir,

I/Wehaving our main/
registered office in India at District
..... State with branch office at
..... Telephone

No. E-mail request for
grant of registration/renewal of registration* for functioning as an Accreditation Agency
from to

1. Status of the agency (Individual/firm/company/govt. organization/others. (Please specify).....

2. No. of offices/ branches in India

3. Average Turnover during the last three financial years.....

4. Net worth as on the last day of last financial year.....

5. Detailed information in separate sheet indicating

(i) organizational structure, details of experts with credentials, and nature of activities carried out.

ii) other details as may be required by Authority from time to time

6. A non-refundable Registration fee submitted, in the form of bank draft/banker's cheque of(nationalized bank/branch address) No. dated payable at New Delhi for rupees twenty five thousand.

7. Security deposit submitted, in the form of banker's draft/ banker's cheque of(nationalized bank/branch address) No. dated for rupees one lakh payable at New Delhi.

8. Existing or Previous Registration Number**dated.....

* **Strike off whichever not applicable**

** **Strike off if not applicable**

Declaration

1. I/We declare to be authorized representatives of organization to apply for registration of accreditation agency
2. I/We do not have any direct conflict of interest with warehouses to be accredited.
3. I/We are providing all the details required under Rule 4 of the Warehousing (Development and Regulation) Registration of Accreditation Agencies Rules, 2010 in the Report appended to this Application
4. I/We agree to abide by the terms and conditions of the Registration
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, we undertake to indemnify person or persons concerned in this business against any loss arising out of such false or untrue information.

Signature;.....
 Name in full
 Address.....

Documents to be enclosed along with the Application:

1. Proof of identity as a legal entity including certificate of incorporation, Memorandum of Association and Articles of Association ;
2. List of names of owners, shareholders, proprietor and authorized signatory of applicant;
3. List of key management personnel and technical experts engaged by the applicant and their qualifications and experience in various fields relating to warehousing ;
4. Statement of financial credibility in the form of audited reports or budget statement with supporting documents;
5. Declaration that the applicant shall not accredit any warehouse in which it may have a direct conflict of interest;
6. Declaration that the applicant shall comply with the terms and conditions of certificate of registration; and
7. A non-refundable Registration fee of rupees twenty-five thousand through bank draft/banker's cheque of any nationalized bank in favour of Drawing and Disbursing Officer, Warehousing Development and Regulatory Authority, payable in New Delhi; and
8. A security deposit of rupees one lakh through bank draft/banker's cheque of any nationalized bank in favour of Drawing and Disbursing Officer, Warehousing Development and Regulatory Authority payable in New Delhi:

FORM B
(See rule 6)

CERTIFICATE OF REGISTRATION
for carrying on the business as an Accreditation Agency

Registration No. of 201.....

Certificate of Registration is hereby granted to on payment of Registration fee of rupees twenty five thousand for the conduct of the business of an accreditation agency situated at District Statesubject to the provisions of the Warehousing (Development and Regulation) Act, 2007 (37 of 2007) and on the following conditions, namely: -

1. This registration shall be valid from..... to..... 201... for the State of
2. The Accreditation Agency shall not carry out the business of an accreditation at any State other than the said place specified above.
3. This certificate of registration shall not be sold or transferred.
4. The registration shall be liable to be cancelled or suspended in accordance with the provisions of rule 12 read with section 35(2)(b) of the Warehousing (Development and Regulation) Act, 2007 (37 of 2007).
5. In the event of revocation or suspension of this certificate of registration, the Accreditation Agency shall surrender to the Authority along with all the unused paper forms in his possession.
6. Upon receipt of certificate of registration, the Accreditation Agency shall display such certificate, in a conspicuous place in the principal place of its business.
7. The Accreditation Agency shall make an assessment report in relation to each warehouse that it assesses and shall maintain a copy thereof for a minimum period of three years.
8. The Accreditation Agency shall maintain accounts, books, records and documents relating to accredited warehouses.
9. The Accreditation Agency shall allow and assist the Authority or its authorized representative to inspect its office, books, records, papers, accounts, etc. at any time;
10. The Accreditation Agency shall not transfer the certificate of registration granted to it;

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9. The Accreditation Agency shall allow and assist the Authority or its authorized representative to inspect its office, books, records, papers, accounts, etc. at any time;
10. The Accreditation Agency shall not transfer the certificate of registration granted to it,

Signature, seal of the Authority

Date

Place.....

RENEWAL OF THE REGISTRATION

Date of renewal	Period for which renewed	Signature, seal of the prescribed authority and date
1.		
2.		
3.		

FORM-C
(See Rule 9)

REGISTER OF ACCREDITED WAREHOUSES

.....(name of the accreditation agency)

List of applicants/warehouses accredited with.....(name of the accreditation agency).

S.No.	Name of the applicant/warehouse	Date of submission of application for issue of certificate of accreditation	Date of assessment/inspection of the Warehouse	Whether accredited? If so, date on which warehouse accredited.	Date on which accreditation certificate issued/posted to the applicant/Warehouse by regd./speed post
1.					
2.					
3.					

FORM D

(See rule 10)

Application for issue of duplicate registration certificate

To

The Warehousing Development and Regulatory Authority

.....

.....

New Delhi.



Dear Sir,

I/Weresiding at District
 State request that my/our
 original registration No. granted on for the period
 from.....to..... has been stolen/ lost/destroyed/mutilated in the
 following circumstances :

(a)

(b)

(Enclose a copy of FIR and indemnity bond in case of stolen/lost/destroyed
 certificate and original certificate if it is mutilated.)

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

3. I/We have enclosed fee of rupees five thousand by bank draft/banker's cheque of
(nationalized bank/branch)
 No.....dated.....(date & details) for issuance of duplicate
 certificate of registration.

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

Date

Signature of Applicant(s)

Witness 1.

Witness 2.

[F. No. TFC/12/2008]

NAVEEN PRAKASH, Jt. Secy.