

# THE WAREHOUSING DEVELOPMENT AND REGULATORY AUTHORITY (REGISTRATION OF ACCREDITATION AGENCY) REGULATIONS 2011<sup>1</sup>

*In exercise of the powers conferred by clause (b) of sub-section (2) of section 35 read with section 51 of the Warehousing (Development and Regulation) Act, 2007 (37 of 2007), the Warehousing Development and Regulatory Authority, in consultation with the Warehousing Advisory Committee and with the previous approval of the Central Government, hereby makes the following regulations, namely:—*

## CHAPTER I PRELIMINARY

**1. Short title, extent and commencement.**—(1) These regulations may be called the Warehousing Development and Regulatory Authority (Registration of Accreditation Agency) Regulations, 2011.

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

**2. Definitions.**—(1) In these regulations, unless the context otherwise requires,—

- (i) “Act” means the Warehousing (Development and Regulation) Act, 2007 (37 of 2007);
- (ii) “applicant” means the person making an application to the Authority for seeking registration as an accreditation agency under the Act, rules and these regulations;
- (iii) “Authority” means The Warehousing Development and Regulatory Authority constituted under sub-section (1) of section 24 of the Act;
- (iv) “Form” means the form appended to these regulations;
- (v) “registration” means registration granted under these regulations; and
- (vi) “Rules” means the Warehousing (Development and Regulation) Registration of Accreditation Agencies Rules, 2010.

(2) The words and expressions used in these regulations and not defined, but defined in the Act and the rules shall have the same meanings respectively assigned to them in the Act or rules as the case may be.

## CHAPTER II ACCREDITATION AGENCIES

**3. Registration of Accreditation Agencies.**—The Authority may register such entities for the purpose of acting as accreditation agency under the Act, rules and

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1. *Vide* G.S.R. 18(E), dated 28th December, 2011, published in the Gazette of India, Extra.. Pt. II, Sec. 3(i), dated 16th January, 2012.

2. Came into force on 16-1-2012.

regulations, that have sufficient experience as mentioned in the rules in the field of research, development, training, inspection or accreditation of warehouses.

### CHAPTER III

#### PROCEDURE FOR REGISTRATION

**4. Process of Registration.**—(1) The Authority shall examine with due diligence all the relevant information as prescribed in the Act and the Warehousing (Development and Regulation) Registration of Accreditation Agencies Rules, 2010, for the grant of registration certificate to the accreditation agency.

(2) The Authority may, for sufficient reasons to be recorded in writing, refuse to grant the registration to any applicant and shall furnish him with a copy of the order so passed.

(3) Any application submitted under regulation 4 which is not complete in all respects and does not conform to the instructions specified in the form, shall be rejected.

**5. Renewal of Registration.**—Any registered accreditation agency desirous of renewal of such registration, may make an application in duplicate to the Authority in the stipulated form at least three months before the expiry of the period of registration.

**6. Issue of Duplicate Registration Certificate.**—(1) The duplicate registration certificate shall be issued on receipt of request made in the form prescribed by the Authority against the original certificate, if it is lost, torn, damaged, defaced or mutilated.

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

(3) The application for issue of a duplicate registration certificate shall be accompanied with the fee of rupees five hundred through bank draft/banker's cheque of any nationalised bank in favour of Drawing and Disbursing Officer, Warehousing Development and Regulatory Authority, payable in New Delhi, as prescribed in the sub-rule (3) of rule 10 of the Rules.

### CHAPTER IV

#### PROCEDURE FOR REGISTRATION, SUSPENSION, CANCELLATION OR REVOCATION OF REGISTRATION

**7. Certificate of Registration.**—The Authority shall, after satisfying that the applicant fulfils the qualifications and other requirements, grant the certificate of registration to any applicant within a period of one month from the date of receipt of application in Form prescribed in the rules.

**8. Suspension, Cancellation and Revocation of Registration.**—(1) Every registration that has been granted under section 5 of the Act, shall subject to the following conditions, namely:—



The accreditation agency has made an application to be declared an insolvent

- (i) The accreditation agency has failed to carry out any orders issued by the Authority;
- (ii) The accreditation agency has committed a fraudulent act;
- (iii) The accreditation agency has in any other manner become incompetent to conduct accreditation of warehouses as required under the Act; and
- (iv) The accreditation agency has failed to comply with any of the conditions as provided in the rules of registration or any provision of the Act or rules and regulations made thereunder.

(2) The Authority may modify, from time to time, suitable regulations governing the suspension, cancellation and revocation of registration of a warehouse.

#### **9. Procedure for Suspension, Cancellation and Revocation of Registration.—**

(1) Before passing the order of suspension or cancellation or revocation of registration, the Authority shall give notice to accreditation agency stating the ground on which it is proposed to suspend, cancel or revoke the registration and call upon him to show cause as to why the proposed action should not be taken.

(2) The accreditation agency shall respond to the suspension notice issued under sub-regulation (1) above in writing to the Authority, within 15 days of receipt of the notice, failing which decision shall be taken on the basis of available material.

(3) After considering the submission made by the accreditation agency, the Authority shall pass such orders as it may deem fit.

(4) The person aggrieved by the order of suspension, cancellation or revocation of certificate of registration, may place an appeal to the Appellate Authority as prescribed under the Act.

**10. Voluntary Surrender of Certificate of Registration.—**No accreditation agency shall be allowed to voluntarily surrender its certificate of registration till the pendency of his request for such cancellation with the Authority.

### **CHAPTER V**

#### **MISCELLANEOUS**

**11. Return of Certification of Registration.—**When the certification of registration expires or is suspended or cancelled or revoked, the accreditation agency shall cease to operate and function as an accreditation agency under the Act; and shall return the registration certificate forthwith and not later than Seven (7) days of such suspension, cancellation or revocation:

Provided that this shall not prevent the accreditation agency from being bound to satisfy its obligations to the Authority in relation to any accreditation activity pending *inter alia*, furnishing of reports, submission of documents etc.

**12. No Compensation for Suspension, Cancellation or Revocation of Registration.—**Where registration of any accreditation agency is suspended, cancelled or revoked under the provisions of these regulations, the Authority shall not be liable for any compensation, or refund of fee or deposit paid to the accreditation agency.

**13. Publication of Granting of Registration, Suspension and Revocation of Registrations and list of Accreditation Agencies.**—(1) The names and addresses of registered accreditation agencies under the Act shall be notified from time-to-time and would also be provided on the website of the Authority.

(2) Subsequent suspension or revocation of the registration shall also be notified and the information thereof, would also be provided separately on the website of the Authority.

**14. Appeals.**—Any person aggrieved by an order of the Authority made under this Act, or any rules or the regulations made thereunder may prefer an appeal to the Appellate Authority within sixty days from the date of such order:

Provided that an appeal may be admitted after the expiry of the said period of sixty days but not beyond a total period of ninety days if the appellant satisfies the Appellate Authority that he had sufficient cause for not preferring the appeal within the said period.

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