

ANNEXURES TO
BE MAINTAINED
BY LMOs

ANNEX I

Format of Prosecution Register to be kept in the office of the Inspector

1.	Case R.No.
2.	Name and address of accused
3.	Seizure receipt no. and date/panchanama
4.	Details of seized articles
5.	Violation section/rule
6.	Date of issue of compounding notice
7.	Date of receipt of consent for compounding
8.	Date of submission of case to A.C./D.C. for compounding
9.	Date of receipt of compounding order
10.	Order no. with date and compounding amount (Rs.)
11.	Money receipt/challan no. and date
12.	Date of filing the case in court
13.	Name of the court and C.C. No.
14.	Date of hearing
15.	Final court order with date
16.	Details of seized articles returned
17.	Signature of accused or his authorized person
18.	Signature of the Inspector
19.	Remarks.

ANNEX II

A) Format of letter for obtaining name and addresses of responsible person(s)

No...../name & address/20.../.....
Office of the Zonal Officer of Legal Metrology
.....Zone
Date.....

To

The Assistant Controller of Legal Metrology,
..... District.

Subject- To provide the name(s), address(es) of the responsible persons.

Reference- Seizure Receipt No.....dated.....

Respected Sir,

This office has made out a case against the following establishment for the violation of provisions under The Legal Metrology Act, 2009 and Rules made thereunder. This office has issued a notice to the below mentioned establishment but till now no reply is received, from their end.

You are hereby requested to provide the name(s) and address(es) of the responsible persons of the said establishment for taking further action.

M/s.

.....
Thanking you in advance. I seek your co-operation and prompt action.

Yours Faithfully,

Zonal Officer of Legal Metrology,
..... Zone.

B) Format of letter for obtaining names(s) and address (es) of responsible person (s) from AC of any district within the State

No...../name and address/20...../.....
Office of the Zonal Officer of Legal
MetrologyZone
Date.....

To

The Assistant Controller of Legal Metrology,

.....District.

Subject- To provide the name(s) and address(es) of the responsible persons.

Reference-1) Seizure Receipt no.....Dated.....
2) The letter no.....dated.....of Legal Metrology Officer,
Zone.....

Respected Sir,

The Legal Metrology Officer, Zone....., has made out a case against the following firm/company located in your jurisdiction, for the violation of provisions under The Legal Metrology Act, 2009 and the Rules made thereunder.

You are hereby kindly requested to provide the name(s) and address(es) of the responsible person(s) of the firm/company for further legal proceedings.

Name and address firm/Company,

Thanking you in advance. I seek your co-operation and prompt action.

Yours faithfully,

Zonal Officer of Legal Metrology,
.....Zone.

Copy to-For information

- 1) The Dy. Controller of Legal Metrology,.....Region.
- 2) The Dy. Controller of Legal Metrology,.....Region

C) Format of letter for obtaining names(s) and address (es) of responsible person (s) from the Controller of another State

No...../name and address/20...../.....
Office of the Zonal Officer of Legal
MetrologyZone
Date.....

To

The Controller of Legal Metrology,

.....State.

Subject- To provide the name(s) and address(es) of the responsible persons.

Reference-1) Seizure Receipt no.....Dated.....
2) The letter no.....dated.....of Inspector of Legal Metrology,
Division.....

Respected Sir,

The Legal Metrology Officer, Zone, has made out a case against the following firm/company located in your State, for the violation of provisions under The Legal Metrology Act, 2009 and the Rules made thereunder. May I request you to provide the name(s) and address(es) of the responsible person(s) of the firm/company, as mentioned below as the said Inspector did not get any response from the firm/Company. I approach you form this information to enable me to take further legal proceedings.

Name and Address of firm/Company,

.....

Thanking you in advance. I seek your co-operation and prompt action.

Yours faithfully,

Zonal Officer of Legal Metrology,
.....Zone.

Copy to-For information

- 1) The Controller of Legal Metrology,.....Region.
- 2) The Dy. Controller of Legal Metrology,.....Region

ANNEX III

Proforma for compounding Notice

No...../Notice/20...../.....

Office of the Zonal Officer of Legal Metrology

.....Zone

Date.....

To

M/s.....

Sub:- 1. The Legal Metrology Act, 2009.

2. The Legal Metrology (P.C) Rules, 2011.

3. The Delhi Legal Metrology (Enf.) Rules, 2011.

Ref: Seizure Receipt No. dated.....

Sir,

During my inspection/surprise visit on to the premises of M/s
..... located at

the following irregularities were observed.

1)

2)

3)

I have therefore, reasons to believe that you have prima-facie contravened
section/Rule.....which is punishable under Section/Rule.....of the
said Act/Rules.

The said contravention is compoundable vide provisions of Section 48 of The Legal
Metrology act, 2009 by the Assistant Controller of Legal Metrology by the powers
delegated to him.

However, before proceeding further, you are requested to intimate the undersigned your
say about the contravention in writing within 10 days from the date of this notice along
with documentary evidence etc., if any.

Please note that if your say is not received within the stipulated period, further action will be initiated as per the provision of the Act and Rules.

If you desire to compound the said contravention constituting an offence at department level your request for compounding should reach this office within 10 days. Your request in duplicate should contain specific mention about the following points:

Your acceptance of the infringement of the provisions of the Act and Rule(s).

Your declaration to the effect that the offence committed by you is the first offence under the Act and Rules(s).

Your willingness to pay for credit to the Government such sum as the compounding authority may specify by order.

You shall take due care hereafter.

Name(s) of responsible/nominated person(s) along with authorization/resolution to that effect, including copy of nomination certificate form Controller.

If you wish to be heard in person, you may approach the compounding authority referred in this notice and seek appropriate date for hearing under intimation to this office.

Yours faithfully,

Zonal Officer of Legal Metrology,
.....Zone.

Copy to:

The Assistant Controller/Dy. Controller of Legal Metrology
.....Dist/.....Region.

3. Short delivery of goods in packaged form.

Remarks:

Generally these kind of prosecutions are booked by Zonal Officers/LMO Gr. I in respect of Gas Agencies and Manufacturing Units.

4. Over charging in respect of packaged commodities.

Remarks:

As far as possible the inspectors may support his case by way of bill, if the retailer issues the same. Due care should be taken in booking this kind of prosecution as the case solely depends upon the report of the inspectors.

ANNEX IV

Proposal for compounding

No...../Notice/20...../.....

Office of the Zonal Officer of Legal Metrology

.....Zone

Date.....

To

The Assistant Controller of Legal Metrology

Govt. of NCT of Delhi.

(Through-Zonal Officer of Legal Metrology.....Zone)

Subject: Compounding of the Offence..

Respected Sir,

An offence has been registered against Shri.....of
M/sresiding at.....and whose
occupation is.....for violation of the provisions of the Legal
Metrology Act, 2009 and the Rules made thereunder. The accused has admitted the
offence and it being his first offence within last three years, has requested to compound
the case at departmental level and submitted the consent to that effect in writing on
/ / . In his request he also agrees to pay the compounding amount which is
to be imposed on him. Therefore, compounding order may kindly be issued. The details
of the case are as follows:

1) Name and address of the accused

.....

2) Nature of establishment

*Proprietor/Partnership/Company

3) Nature of Business

*Retailer/Wholesaler/Manufacturer/packer/Importer

- 4) Case number in the register
- 5) Details of seized articles
- 6) Sections/Rules violated
- 7) Punishable Sections/Rules
- 8) Financial status of the accused
- 9) Remarks, if any

(* Strike out which is not required)

Enclosures:-

- i) Seizure receipt.
- ii) Panchanama if any.
- iii) Consent letter.
- iv) Documentary evidence showing the names and addresses of the accused.
- v) A copy of complaint along with court case number and next date of hearing if case is pending in the court.

Yours faithfully,

Zonal Officer of Legal Metrology,
.....Zone

No/ACLM/...../Prosecution/...../20...

Office of the Assistant Controller of
Legal Metrology, Govt. of NCT of Delhi

Dated

The case is compoundable and all the contents in the proposal are correct, hence being forwarded for compounding.

Assistant Controller of Legal Metrology,
Govt. of NCT of Delhi

Compounding order

No/A.C./...../compounding/20...../

Office of the Asst. Controller of

Legal Metrology, Govt. of NCT of Delhi

Date _____

Compounding of offence under The Legal Metrology Act, 2009 and Rules made thereunder.

Ref:-1) Seizure Receipt no...../panchnama dated.....

3) Compounding notice No.....dated.....

4) Consent letter of Shri./M/s.....dated.....

5) Proposal of Inspector of Legal Metrology,

Div.....Dist.....dated.....

ORDER

Whereas a compounding notice was issued to Shri _____ of
M/s _____ and, whereas the said
Shri, _____ has agreed to
compound the offence (s), punishable under Section _____ and/or Rule
_____ of The Legal Metrology Act, 2009/The Legal Metrology (P.C)
Rules, 2011/The Delhi Legal Metrology (Enforcement) Rules, 2011 by submitting
their consent/reply in writing.

Therefore, in exercise of the powers of u/s 48(3) of The Legal Metrology Act,
2009 and Rule 25 of the Delhi Legal Metrology (Enforcement) Rules, 2011, and
powers conferred upon me vide order LMO/2010/410/C.R.175 (Part-2)/ C.P.4

dated 29th July, 2011 by the Controller of Legal Metrology, I
Shri _____ hereby determine the amount of
compounding for the above offence of
Rs. _____ (_____) of M/s
_____ to deposit the said amount to the Government,
within 15 days from the receipt of this order.

Only after the amount of compounding fees is realized, the compounding notice
shall be deemed to be discharged.

Assistant Controller of Legal Metrology,
Govt. of NCT of Delhi

M/s. _____

Copy to,

1) Legal Metrology Officer _____ Zone

He should serve the order to the person (s). The compounding amount should be
collected immediately and credited under receipt head 1475-other general economic
services, fees for stamping weights and measures, other fees, fine and forfeitures. He
should submit his compliance report to the compounding authority immediately after
receipt of the aforesaid sum along with the credited copy of the challan.

After deposition of compounding fee:

- i) The seized packages should be returned to the concerned person immediately by taking the undertaking from the concerned to the effect that seized packages shall be rectified and conform to the provisions laid down under the Act and Rules.
- ii) The seized weight or measures should be returned to the user after taking an undertaking from the user that he will get the same verified and stamped within fifteen days.
- iii) In case of seizure of non standard weight or measure, they shall be forfeited to the Government.

In the event of non payment of compounding amount by the defaulter within 15 days from the receipt of this order, the case shall be launched in the court of law before the expiry of the period of limitation.

- 2) The Deputy/Assistant Controller of Legal Metrology.....for information.

Assistant Controller of Legal Metrology,
Govt. of NCT of Delhi

ANNEX VI

Compounding Case Register

Prosecution Register in the Office of the Assistant Controller of Legal Metrology, Govt. of NCT of Delhi

Year.....

1.	Sr. No.
2	Name and Address of the Accused
3	Division/District
4	Business
5	Date of offence
6	Contravention of Section/Rules
7	Intra-State/Inter-State
8	Details of Seized and detained articles and its value
9	Seizure Receipt No. and date
10	Date of Receiving Case in the office of the Assistant/Deputy Controller
11	Compounding Order No. and Date
12	Compounding Amount
13	Signature of A.C./D.C. of Legal Metrology
14	Compounding Amount Remitted in Government vide Challan No. and Date
15	Name of the Court, Case No. and Date of the Case, if Prosecution is Lodged.
16	Remarks

ANNEX VII

Intimation letter to accused

Case Reg No. /20...-20...
NO/LMO/...../Prosecution/20.../...
Office of The Zonal Officer of Legal
Metrology.....Zone
Date.....

To
.....
.....

Sub:- 1) Appearance before Court of Law.
2) As per Indian Penal Code section 174 (As per sec. 45 of 1860)

Ref :- 1) The Seizure Receipt No dated
2) Compounding Notice No.....dated.
3) Compounding Order No.....dated.....

A Criminal Case against you/your Firm and/or Owner/Partners/Directors/Responsible persons of your firm is being lodged as per following provisions of Act and Rules made thereunder on _____ at _____ a.m./p.m. before the Hon. Court _____ for violation of-----

- 1) Sec..... of The Legal Metrology Act, 2009 punishable u/s.....
- 2) Rule.The Legal Metrology (Packaged Commodities) Rules, 2011 punishable under Rule.....
- 3) Rule ... of The Legal Metrology (Enforcement) Rules, 2011 punishable under rule....

The following persons are requested to attend the Court on the abovementioned date and time.

Sr No.	Name of the person	Designation
1)
2)
3)

Zonal Officer of Legal Metrology,
.....Zone

Copy submitted for information to,
Hon. C.J.M/Judicial Magistrate First Class,
Court No. _____ at _____

Form of complaint

GOVERNMENT OF NCT OF DELHI
(Food, Civil Supplies and Consumer Protection Dept.)
(Legal Metrology Organization)

The Legal Metrology Act, 2009/The Legal Metrology (Packaged Commodities) Rules, 2011/The Delhi Legal Metrology (Enforcement) Rules, 2010.

In the Court of Honorable Metropolitan Magistrate .

1. Name of the Complainant and his address :
2. Name of the accused and their address :
3. Nature of offence :
4. Date and place of offence :
5. Details of the property attached if any :
6. Particulars of offence :

The Complainant Shri _____ Inspector of Legal Metrology, division _____ who is appointed under Sector-14 of The Legal Metrology Act, 2009 and empowered under Section 13 and 14 of the said Act and also as per Section 190 of the Criminal Procedure Code, 1973 to prosecute the offender under Legal Metrology Act which empowers the Magistrate to take cognizance of offence on the basis of complaint received. Since prima facie the accused is guilty of offence committed under Section _____ of The Legal Metrology Act, 2009, read with Rule _____ of _____ Rules, 2011. This complaint is hereby made for institution of prosecution against the accused.

7. The accused is the Owner/Partner/Director/Manager of the shop/stall/Factory etc. situated at _____.

8. The accused has therefore, committed a breach of Section _____ of The Legal Metrology Act, 2009 and Rule _____ of The Legal Metrology (Packaged Commodities) Rules, 2011/The Delhi Legal Metrology (Enforcement) Rules, 2010 and is, therefore guilty of the offence punishable under section _____ of Legal Metrology Act, 2009 and under Rule _____ of The Legal Metrology (Packaged Commodities) Rules, 2011/The Delhi Legal Metrology (Enforcement) Rules, 2010.

9. The following persons may be summoned as witness, in the case.

i) Name :

Address :

ii) Name :

Address :

10. Prayer: the Complainant therefore, prays that the accused should be tried according to law for the offence mentioned hereinabove.

Date:

Legal Metrology Officer,

Address of the complainant

.....Zone.

.....

.....

Case papers submitted as under:

1) Original copy of Seizure receipt ()

2) Original Panchnama copy ()

3) Complaint form ()

ANNEX IX

Request letter to stop Proceedings

IN THE COURT OF HON'BLE METROLOPOLITAN MAGISTRATE

C.C. No. _____/20

Legal Metrology Officer

_____ Zone

.....Complainant

V/s

M/s. _____

.....Accused

MAY IT PLEASE YOUR HONOUR

Whereas, during the pending prosecution before this Hon. Court in C.C.

No...../20.....the accused requested to compound the offence under intimation to the court. Whereas the compounding authority has passed an order, copy of which is enclosed herewith for reference. Whereas, amount of compounding has been deposited and a copy of Money Receipt/Challan is attached herewith.

Therefore, an appropriate order to stop the further proceedings envisaged under sub Section 5 of Section 48 of The Legal Metrology Act, 2009 may kindly be passed.

Date:.....

Legal Metrology Officer,

Place:.....

.....Zone

business

INSPECTION OF¹ ESTABLISHMENTS BY INSPECTOR

- i) To carry Identity Card at the time of inspection.
- ii) To carry seizure Receipt Book.
- iii) To carry Weighing Balance as per requirement.
- iv) To carry verified Test weights or measure as per requirement.
- v) To carry a copy of the Act and Rules.
- vi) To carry formats of required documents such as undertaking for goods returnable in case of speedy and natural decay.
- vii) To carry designation stamps, sealing wire, seal etc.
- viii) To disclose the identity to the person in-charge of the premises. In case identity disclosure hampers the merit of the inspection, identity should be disclosed at proper time.
- ix) To inform the police in case of any obstruction or resistance created by the proprietor or the person in-charge of the premises.

INSPECTION OF PACKAGED COMMODITIES

- i) Ask to produce registration certificate of Manufacturer, Packer or Importer.
- ii) Check the declarations, on the packages ready for dispatch.
- iii) Check the net content of the packages as per Rule 19 of Packaged Commodities Rules.
- iv) Check the declarations on the packaged commodities.
- v) Check whether there is any alteration, obliteration, and/or smudging on MRP declared on the packages.
- vi) In case of overcharging, at first, receipt of said packaged commodity should be procured from evidence and thereafter prosecution may be filed against the retail or wholesale dealer as the case may be.
- vii) In case no receipt is given on demand or incorrect receipt is given, punchnama shall be prepared in presence of two witnesses and action should be initiated as per Act and Rule.
- viii) Check the net content of the packages, on complaint or if there is any reason to suspect that any package has been tampered with as per Rule 21 of PCR.

General Instructions for Inspectorate Staff of Weights & Measures Department:

Do's

1. To be ensure that only genuine prosecutions / challans are booked.
2. The identity of the proprietor/partner/Managing Director of the firm should be ascertained at the time of inspection, whenever possible documentary evidence may also be collected.
3. Language of the inspection be specific and to the point clearly indicating the rule position with regard to the violation.
4. If any Inspector has any doubt about the violations noticed by him he should immediately discuss the same with his Zonal Officer before booking of the case.
5. Before booking of the case, the intention of the Act may be kept in mind and the matters which may create unnecessary litigation may be avoided.
6. The violations regarding weighing machines/instruments should be booked in respect of working/usable machines only. In case any machine is not usable or in working condition then the possessor should be advised to remove the same from the premises.
7. In case the party/shopkeeper claims that his weighing machine is calibrated at the time of inspection and he fails to produce the document there and then, in that scenario, he should be instructed to produce documents in the Zonal Office within next two days.
8. While preparing notices, it should be ensured that proper penal sections of the Act are applied and accordingly correct penalty amount is mentioned on it. As far as possible, the notices should be in typed form.
9. The cases along with notices should be sent to Compounding Branch latest by 07th of the preceding month.
10. After receiving of cases back from Compounding Branch, the non-compounded cases should be properly filed in the Hon'ble Courts. It may be ensured that the cases filed in the Hon'ble Courts are proper in every respect and would stand to the legal scrutiny of Hon'ble Courts. Before filing of cases in the Hon'ble Court, it may also be ensured that the complaint forms are properly prepared.

DON'TS

1. The violations regarding weighing machines/instruments should not be booked in case of non-functional weighing machines/instruments.