

PENALTIES

Penal Provisions – The penal provisions for violation of Legal Metrology Act, 2009 & Rules framed thereunder have been detailed below. The penalties mainly relate with the violation of manufacturing of non-standard Weights & Measures, counterfeiting of seal, short weighment / measurement, use of non verified weights & measures, not making mandatory declarations on the packaged commodities.

The penalty is imposed depending upon the nature of offence committed by the accused. The non-compoundable offences are sent to court of law for trial. The details of major offences and penalties are given below

Sl. No.	Pro sec ution u/s	Pena lty u/s	Prosecution & Penalty for violation of Legal Metrology Act, 2009 and rules framed there under	Penalty Amount (Ist offence) read with section 49 of Legal Metrology Act, 2009		Fine/ imprisonment for IInd Offence (read with section 49 of Legal Metrology Act, 2009)	Fine/imprisonmen t for subsequent offences (read with section 49 of Legal Metrology Act, 2009)
				If compounded at Departmental level	If tried by the Hon'ble Court of Law		
1	8(3)	25	Use of weight, measure or numeration other than the standard weight, measures or numeration	Rs. 2500	Upto Rs. 25000	Upto six months imprisonment and also with fine upto Rs. 25000	Upto six months imprisonment and also with fine upto Rs. 25000
2	8(4)	27	Manufacture of weights & measures not conforming to standards of w & m.	Rs. 2000	Upto Rs.20,000/-	Upto three years imprisonment OR fine Rs.20000 OR BOTH	Upto three-years imprisonment OR fine Rs.20000 OR BOTH
3	10	28	Transaction or dealing or contract in respect of goods etc. by weight, measure or number as prescribed.	Rs. 1000	Upto Rs. 10000	Upto one year imprisonment OR Rs.10000 OR BOTH	Upto one year imprisonment OR Rs.10000 OR BOTH
4	11	29	Quote or make announcement or issue or exhibit of price list or charging of price other than in accordance with the standard unit of weight or measure or	Rs. 1000 for Importers & Manuf. & Rs20,000/- For retailer. Ambendent no GSR359(E)	Rs. 10000	Upto one year imprisonment OR Rs.10000 OR BOTH	Upto one year imprisonment OR Rs.10000 OR BOTH

Sl. No.	Pro sec ution u/s	Pena lty u/s	Prosecution & Penalty for violation of Legal Metrology Act, 2009 and rules framed there under	Penalty Amount (1st offence) read with section 49 of Legal Metrology Act, 2009		Fine/ imprisonment for 1st Offence (read with section 49 of Legal Metrology Act, 2009)	Fine/imprisonment for subsequent offences (read with section 49 of Legal Metrology Act, 2009)
				If compounded at Departmental level	If tried by the Hon'ble Court of Law		
			numeration.				
5	12	30	Demanding or receiving any articles or thing on service in excess or less than the quantity specified by contract or agreement.	Rs. 1000	Upto Rs. 10000	Upto one year imprisonment OR Rs.10000 OR BOTH	Upto one year imprisonment OR Rs.10000 OR BOTH
6	17	31	Maintenance of records, registers by manufacturer, dealer or repairer and production of weight, measures, documents, register on demand.	Rs. 500	Upto Rs. 5000	Upto one year imprisonment and also with fine upto Rs. 5000	Upto one year imprisonment and also with fine upto Rs. 5000
7	18(1)	36(1)	Compliance of declarations in respect of pre-packed commodity by manufacturer / importer / packer/dealer etc. Non-maintaining of records and register by through dealing in weights or measures	Rs. 2500 for Manufacturer /Importer & Rs5000/- For Retailer Amendment n GSR359(E)	Upto Rs. 25000	Upto Rs. 50000	Not less than Rs. 50000 and Up to Rs. 100000 OR with imprisonment upto one year OR BOTH
8	18(1)	36(2)	Compliance of net quantity requirement of pre-packaged commodity by	Rs.15000	Not below Rs. 10000 but upto Rs. 50000	Upto Rs. 100000 OR with imprisonment upto one year OR BOTH	Upto Rs. 100000 OR with imprisonment upto one year OR BOTH

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				If compounded at Departmental level	If tried by the Hon'ble Court of Law		
			manufacturer/ packer/importer				
9	23	45	Manufacture/ of weight or measure with licence	Rs. 5000	Upto Rs. 20000	Upto one year imprisonment OR with fine upto Rs 20000 OR with BOTH	Upto one year imprisonment OR with fine upto Rs 20000 OR with BOTH
10	23	46	Repair/Sale of weight or measure only with licence	Rs. 2000	Upto Rs. 5000	Upto one year imprisonment OR with fine upto Rs 5000 OR with BOTH	Upto one year imprisonment OR with fine upto Rs 5000 OR with BOTH
11	24	33	Use of verified weight or measure in transaction or protection	Rs. 5000	Not below Rs. 2000 but upto Rs. 10000	Upto one year imprisonment and also with fine upto Rs. 10000.	Upto one year imprisonment and also with fine upto Rs. 10000.
12	33	33	Sale of weight or measure without verification	Rs. 5000	Not below Rs. 2000 but upto Rs. 10000	Upto one year imprisonment and also with fine upto Rs. 10000.	Upto one year imprisonment and also with fine upto Rs. 10000.
13	34	34	Sale or delivery of commodities by non-standard weight or measures	Rs. 2500	Not below Rs. 2000.00 but upto Rs. 5000	With imprisonment of not less than three months but upto one year OR with fine upto Rs. 5000 OR with BOTH	With imprisonment of not less than three months but upto one year OR with fine upto Rs. 5000 OR with BOTH
14	35	35	Rendering service by non-standard	Rs. 2500	Not below Rs. 2000 but upto	With imprisonment of	With imprisonment of

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				If compounded at Departmental level	If tried by the Hon'ble Court of Law		
			weight or measure		Rs. 5000	not less than three months but upto one year OR with fine upto Rs. 5000 OR with BOTH	not less than three months but upto one year OR with fine upto Rs. 5000 OR with BOTH
15	47	47	Tempering with licence	Rs. 5000	Upto Rs. 20000 OR with imprisonment upto one year OR with BOTH	Fine upto Rs. 20,000 OR with imprisonment upto one year OR with BOTH	Fine upto Rs. 20,000 OR with imprisonment upto one year OR with BOTH
16	53(3)	53(3)	Provision of any rule made under the Act	Rs.500	Upto Rs. 5000	Upto Rs. 5000	Upto Rs. 5000

Note: The offence punishable under Section 25, Section 27 to 31, Section 33 to 37, Section 45 to 47 & any Rule made under Sub-Section 3 of Section 52 are compoundable offences. The offences can be compounded by the Controller or any officer authorized by him. In rest of the cases offences are not compoundable and complaint shall be decided by the Hon'ble Court.