

Amcham has received a communication from the Weights & Measures Department, Government of NCT of Delhi on clarifications sought re: the Delhi Legal Metrology (Enforcement) Rules, 2011.

This is for the information of Medical Equipment and Devices companies.

**GOVERNMENT OF NCT OF DELHI
WEIGHTS & MEASURES DEPARTMENT
ROOM No.116-117, C-BLOCK, I.P. ESTATE, NEW DELHI-110002**

No.F.HQ/2011/Comp./1614

Dated: 04/11/11

To

The Deputy Executive Director,
American Chamber of Commerce in India,
PHD House, 4th Floor, 4/2, Siri Institutional Area,
August Kranti Marg, New Delhi-16

Subject: Information regarding companies dealing in Medical equipment and devices.

Sir/Madam,

With reference to your letter dated 19/09/2011 on the above mentioned subject, I am directed to provide requisite information as under:

Query	Clarification
Query 1: Do all the companies previously registered under the Weights & Measures Act have to re-register under the Delhi Legal Metrology Rules?	No. In terms of the provisions contained under Section 57(3) of the Legal Metrology Act, 2009 read with Rule 34(2) of the Legal Metrology (Packaged Commodities) Rules, 2011, all registration, licenses and certificates issued or given under the old Act/Rules shall, if in force at the commencement of the new Act, continue to be in force and have effect as if it were made, issued or given under the corresponding provisions of the Legal Metrology Act, 2009 or the Legal Metrology (Packaged Commodities) Rules, 2011.
Query 2: Is re-registration applicable for all products?	No, re-registration is not applicable for all the companies associated with manufacturing, packaging and import, if the same are already having the registration whether in the old Act or in the new Act.
Query 3: Most of our member companies fall under packaged commodities. Do they have to register as manufacturers or importers?	Yes, all the companies which fall under Packaged Commodities shall have to register themselves with the Department in rearms of Rule 27 of Legal Metrology (Packaged Commodities) Rules, 2011 which provides that every firm/company who or which pre-packs or imports any commodity for sale, distribution or delivery shall have to register itself with the Weights & Measures Department as per the jurisdiction.
Query 4: Is one registration with your office for a legal entity sufficient	Yes, registration with Weights & Measures Department of any State in which at least one manufacturing unit is located, is sufficient for a legal entity for entire India

for India? OR if registered as manufacturer earlier, now need the registration as importer also if registered as importer earlier, now need the registration as manufacturer also under new rules?	subject to the condition that the manufacturer has to get all the addresses of the manufacturing units located all over India endorse on the registration certificate. For rest of the questions/queries please see reply in point 1 above.
--	---

Query 4: Do manufacturers and importers of commodities have different rules for registration under the new laws? If yes, please clarify.	No
Query 6: If the companies make a retail sale, they need to adhere to the labeling requirements. However, for institutional sales, are the labeling requires waived off?	Yes, however, as envisages in Rule 3 of the Legal Metrology (Packaged Commodities) Rules, 2011, packaged commodities meant for institutional consumers are exempted from the provisions contained in Chapter II of the above rules which deals with the labeling requirements of the packages meant for retail sale. For the purpose of this rule, institutional consumer means the institutions who buy packaged commodities <u>directly</u> from the manufacturer for use by that institution.
Query 7: With multiple manufacturing plants and multiple destinations, is one licence sufficient or multiple licences are required? Is the licence granted on the basis of destination or place of manufacturing?	A single registration is required even if the company is having multiple manufacturing plants but all the manufacturing addresses have to be endorsed on the registration certificate. The registration can be obtained from the concerned Weights & Measures Department which is having the jurisdiction over the one manufacturing unit.
Query 8: For companies that manufacture as well as import, what is registration process?	Same as above in point 4 & 5.

It is further to inform you that Legal Metrology Unit, Department of Consumer Affairs, Govt. of India is the nodal agency with regard to framing of laws/rules and oversees their implementation, hence, for additional information/clarification, you can contact the Department of Consumer Affairs, Government of India, Krishi Bhawan, New Delhi.

Yours faithfully,

Sd:
3/11/11
(BHUPINDER SINGH)
ASSISTANT CONROLLER (W&M)

