**BY E-MAIL / COURIER**

**File No.11/2024-Opinion**

19.01.2024

M/s. TVS Electronics Limited,

“Arihant E-Park”, 9th Floor,

No.117/1, L.B. Road,

Adyar, Chennai – 600 020.

Attn.: Mr. Kesavan, Manager-HR <d.kesavan@tvs-e.in>

**Mobile: 96068 14604**

Sir,

**Sub.: Clarifications relating to Legal Metrology Act and Rules.**

1. In connection with the above, find attached the following.

(a) Opinion.

(b) Our Bill towards professional charges.

2. Should you require any further clarification in this regard, please feel free to contact me. Kindly arrange for payment of the attached bill.

Regards,

**S. Murugappan**

Attached: as above.

sm/ss

**OPINION**

**1. QUERIST:**

M/s. TVS Electronics Limited,

“Arihant E-Park”, 9th Floor,

No.117/1, L.B. Road,

Adyar, Chennai – 600 020.

**2. FACTS:**

2. Discussions over Team Meet may be re-called. It is reported that the issue relating to the issue of notice by the Inspector of Legal Metrology has been sorted out. Apart from that, the querist has sought for additional clarification as mentioned below.

**3. QUERY:**

3.1 To rectify the changes to be done as highlighted by Legal Metrology inspector in the notice.

3.2 Process to change the registered office address.

3.3 Process to nominate one representative from the querist’s organisation instead of all Board of Directors.

**4. OPINION:**

4.1.1 Rule 7 of Legal Metrology (Packaged Commodities) Rules 2011 specifies details regarding the labelling requirements for different types of packages. Rule 7(1) refers to affixing of card or tape when the package is of ten cubic centimeters or less. Rule 7(2) of the above rules cover dimensional details of the letters and numerals to be adopted in respect of other types of packages. Such details are given in Table-I attached to the above rule. A copy of the above rule is attached as **Annexure-1** to this opinion.

4.1.2 If the labels affixed are not as per these requirements, then, it is quite likely that the officials of the Legal Metrology department will raise objections and contend that the packaging/labelling requirement is not as per the rules and therefore, there is a violation and offence committed. Therefore, to avoid such instances, the labelling requirements as stipulated in Rule 7 mentioned above can be followed.

4.2 Rule 27 of Legal Metrology (Packaged Commodities) Rules 2011 specifies details with regard to registration of manufacturers, packers and importers under Legal Metrology provisions. Application for registration needs to be filed by providing basic details required. Sub-rule (3) of Rule 27 states that for making any alteration in the registration certificate already issued, a fee of

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rupees one hundred is to be paid to be Director/Controller. There is no prescribed form, forming part of these rules for that purpose. Under such circumstances, a simple letter addressed to the jurisdictional official of the Legal Metrology department can be submitted with a request to change the registered office address. The officials may call for the original of the certificate issued. Based on the request and after verification, the officials will incorporate the new address in the certificate or issue a fresh certificate. A copy of Rule 27 is attached as **Annexure-2** to this opinion.

4.3.1 In the absence of nominating any specific person for handling the matters relating to Legal Metrology Act, for any violation of the provisions of the above Act, action can be taken against every person who, at the time the offence was committed was in-charge of and was responsible to the company for the conduct of its business. The legal presumption is that every Director, Chief Operating Officer, General Manager etc. are responsible for the conduct of the affairs of the company and it will be up to the individuals concerned to establish that, in reality, they were not conducting the affairs of the company, as assumed.

4.3.2 To avoid such situations where action is taken by the department against all persons concerned, Section 49 of Legal Metrology Act 2009 provides for nominating a particular person as the person in-charge of and responsible to the company for the conduct of its business. A copy of Section 49 referred to above is attached as **Annexure-3** to this opinion. The provisions contained in the above section will clearly indicate what will be the responsibility of the person so nominated and when and under what circumstances his nomination will cease to have any effect.

4.3.3 Rule 29 of Legal Metrology Rules provides for nominating a director for the purpose of Legal Metrology Act and Rules. As per this rule, a nomination is to be filed in the format given in the Thirteenth Schedule of the above rules. A copy of the above rule and also the format are attached as **Annexures-4 & 5** to this opinion.

4.3.4 Accordingly, application in the prescribed format can be filed with the authorities for nominating a specific person.

**S. MURUGAPPAN**

Attached: as above.

sm/ss

**Disclaimer:-** The above opinion is provided based on the information and documents made available to us by the querist and further based on the laws and rules prevalent as on date and the understanding of such provisions by the author and is meant for the private use of the person to whom it is provided without assuming any liability for any consequential action taken based on the views expressed here.