



Uttar Pradesh Godam (Sanshodhan) Adhiniyam, 1963
Act 12 of 1964

Keyword(s):
Goods, Warehouse, Warehouseman, Warehousing

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**UTTAR PRADESH GODAM (SANSHODHAN)
ADHINIYAM, 1963***

(U. P. ACT NO. XII OF 1964)

[Authoritative English text† of the Uttar Pradesh Godam
(Sanshodhan) Adhiniyam, 1963]

AN
ACT

to amend the Uttar Pradesh Godam Adhiniyam, 1958

U. P.
Act III
of
1959.

IT IS HEREBY enacted in the Fourteenth year of the Republic
of India as follows :—

1. This Act may be called the Uttar Pradesh Godam (San-
shodhan) Adhiniyam, 1963.

Short title.

2. For the preamble to the Uttar Pradesh Godam Adhiniyam,
1958 (hereinafter called the principal Act) the following shall
be substituted :—

Amendment of
the preamble to
U. P. Act III
of 1959.

“Whereas it is expedient to encourage scientific and
hygienic storage of goods in warehouses and to safeguard
the interest of the depositors of such goods and to make
provision for proper supervision and control of ware-
houses.”

3. In section 2 of the principal Act—

Amendment of
section 2 of U.P.
Act III of 1959.

(1) for clause (c), the following shall be substituted :—

“(c) ‘goods’ means agricultural produce as defined
in clause (a) of section 2 of the Warehousing Corpo-
rations Act, 1962 and such other articles as may be
prescribed;”;

Act
LVIII
of
1962.

(2) for clause (i), the following shall be substituted :—

“(i) ‘warehouse’ means any building, structure or
other protected enclosure used for the purpose of
warehousing;”;

(3) for clause (j), the following shall be substituted :—

“(j) ‘warehouseman’ means a person carrying on
the business of warehousing and includes any person
incharge of that business;” and

*For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette
Extraordinary*, dated December 9, 1963.

Passed in Hindi by the Uttar Pradesh Legislative Council on December 10,
1963 and by the Uttar Pradesh Legislative Assembly on February 7, 1964.

Received the assent of the President on April 19, 1964 under Article 201
of the Constitution of India and was published in the *Uttar Pradesh Gazette
Extraordinary*, dated April 27, 1964.

† Published in the *Uttar Pradesh Gazette Extraordinary*, dated April 27,
1964.

(4) after clause (j), the following shall be added as clause (jj) :—

“(jj) ‘warehousing’ means the business of storing goods on behalf of depositors for preservation or safe custody ; and”.

Amendment of section 3 of U.P. Act III of 1959.

4. For section 3 of the principal Act, the following shall be substituted :—

“3. With effect from such date as may be notified by the State Government in the official *Gazette*, No warehousing no person shall undertake or continue warehousing, except under and in accordance with the terms of a licence granted under this Act.”

Amendment of section 4 of U.P. Act III of 1959.

5. For section 4 of the principal Act the following shall be substituted :—

“4. (1) Every application for a licence shall be made in Application the prescribed form to the licensing authority for licence. and shall be accompanied by the prescribed fee and security :

Provided that where the applicant is a Warehousing Corporation established or deemed to be established under the Warehousing Corporations Act, 1962 or any other Central Act for the time being in force, no security shall be required.

(2) On receipt of an application under sub-section (1), the licensing authority shall, as soon as may be, subject to the provisions of sub-section (3), grant a licence to the applicant in such form and containing such particulars as may be prescribed.

(3) An application for licence may be refused if it appears to the licensing authority that—

(a) the proposed warehouse is not, according to the prescribed conditions, suitable for storage of the class of goods for which it is intended ; or

(b) the application is not accompanied by the prescribed fee or security and the same has not been paid or furnished within such time, not exceeding fifteen days, as the licensing authority may allow.”

Amendment of section 7 of U. P. Act III of 1959.

6. For section 7 of the principal Act, the following shall be substituted :—

“7. (1) Before the licensing authority refuses an application for licence or for the renewal of a licence, it shall allow the applicant an opportunity of being heard.

(2) When the licensing authority refuses an application for licence or for the renewal of a licence, it shall record in writing its reasons for such refusal and send a copy of its order to the applicant.

(3) A person whose application for licence or renewal of a licence has been refused shall, on application made in this behalf, be entitled to the refund or return of the security, if any, deposited or furnished by him and also of the fee, if any, deposited for the period to which the application related."

7. Clause (e) of section 8 of the principal Act shall be deleted.

Amendment of section 8 of U.P. Act III of 1959.

8. For section 9 of the principal Act, the following shall be substituted :—

Amendment of section 9 of U.P. Act III of 1959.

"9. (1) When a licence expires or is suspended or cancelled, the warehouseman shall cease to carry on warehousing, except for winding up the affairs of that business within such period as may be prescribed. The warehouseman shall within ninety days of the expiry of the licence or its suspension or cancellation, as the case may be, return the licence to the licensing authority.

(2) Where a warehouseman does not return the licence as required under sub-section (1), the licensing authority may, without prejudice to any other penalty provided by this Act, order the forfeiture of the whole or any part of the security, if any, deposited or furnished by him."

9. For the explanation to section 15 of the principal Act, the following shall be substituted :—

Amendment of section 15 of U. P. Act III of 1959.

"*Explanation*—Loss of weight or bulk by driage or shrinkage or gain of weight or bulk by absorption of moisture shall be deemed to amount to deterioration within the meaning of this section if the loss or gain exceeds such limits as the licensing authority may, from time to time, having regard to the climatic conditions of different areas, fix by notification published in the official *Gazette*."

10. In section 17 of the principal Act—

Amendment of section 17 of U. P. Act III of 1959.

(1) in sub-section (2) *between* the words "shall" and the words "be defaced" a comma and thereafter the words "subject to the provisions of sub-section (3)," shall be inserted ; and

(2) *for* sub-section (3), the following shall be substituted :—

"(3) Where only partial delivery of the goods is taken by a depositor, the warehouseman shall make an entry of it in the receipt and return it to the depositor."

11. In section 18 of the principal Act—

Amendment of section 18 of U. P. Act no. III of 1959.

(1) in sub-section (1) *for* the words "prescribed limits", wherever they occur, the words "limits fixed by the licensing authority" shall be substituted ; and

(2) *for* sub-section (2), the following shall be substituted :—

"(2) Any dispute arising as to whether loss or gain in weight or bulk in excess of the limit fixed by the licensing authority is due to driage or absorption of moisture

or is due to other causes beyond the control of the warehouseman, shall be referred to the licensing authority and such dispute shall, unless the parties express in writing their desire to refer it to the Board of Arbitrators appointed under section 29, when it shall be so referred, be decided by the licensing authority and the decision of the licensing authority shall be final and binding on the parties."

Amendment of section 19 of U. P. Act III of 1959.

12. For section 19 of the principal Act, the following shall be substituted :—

"19. Every warehouseman shall insure the goods stored in his warehouse in such manner and against such events as may be prescribed :
Insurance of goods in warehouse.

Provided that nothing in this section shall apply to the goods deposited in a warehouse belonging to a Warehousing Corporation established or deemed to be established under the Warehousing Corporations Act, 1962, or any other Central Act for the time being in force where such Warehousing Corporation has undertaken in the prescribed manner to compensate the depositor against loss or damage arising from such events."

Act LVI of 1962

Amendment of section 21 of U. P. Act III of 1959.

13. For section 21 of the principal Act, the following shall be substituted :—

"21. (1) No warehouseman shall either on his own account or that of others including the Warehouseman owner of the goods, deal in, or lend not to deal in or lend money on, goods received by him against goods in for deposit in his warehouse, warehouse. anything to the contrary contained in any other law notwithstanding.

(2) The provisions of sub-section (1) shall not apply to—

(i) a Warehousing Corporation established or deemed to be established under the Warehousing Corporations Act, 1962, except in regard to the restriction on its power to lend money on goods received by it for deposit in its warehouse, or

(ii) a co-operative society."

Act LVI of 1962

Amendment of section 25 of U. P. Act III of 1959.

14. In sub-section (2) of section 25 of the principal Act, for the words "in appeal preferred to the Board of Arbitrators under section 29" the words "made by the Board of Arbitrators on complaint referred to in section 29" shall be substituted.

Amendment of section 27 of U. P. Act III of 1959.

15. In section 27 of the principal Act, for the words "in part of his security money shall be liable to be forfeited", the words "any part of his security shall be liable to be forfeited at the discretion of the licensing authority" shall be substituted.

16. *After* section 27 of the principal Act, the following shall be added as a new section :—

Addition of a new section 27-A after section 27.

“27-A. Where a licence granted to a weigher, sampler or classifier is lost, destroyed, torn, defaced, or otherwise becomes illegible, the licensing authority shall, in the prescribed manner and on payment of the prescribed fee, issue a duplicate licence.”

17. *For* section 29 of the principal Act, the following shall be substituted :—

Amendment of section 29 of U. P. Act III of 1959.

“29. (1) The licensing authority may, in the manner prescribed, constitute a Board of Arbitrators to decide any dispute referred to under sub-section (2) of section 18 or any complaint against any weigher, sampler, classifier or warehouseman relating either to the quality, weight or grade of goods stored in a warehouse or to the description thereof in the receipt.

(2) The Board of Arbitrators in deciding such dispute or complaint shall follow such procedure as may be prescribed.

(3) The decision of the Board of Arbitrators shall be final and binding on the parties.”

18. *For* section 30 of the principal Act, the following shall be substituted :—

Amendment of section 30 of U. P. Act III of 1959.

“30. The warehouseman shall, for the goods deposited in his warehouse by each depositor, issue a receipt in the prescribed form containing full particulars of the goods.”

19. *For* sub-section (1) of section 34 of the principal Act, the following shall be substituted :—

Amendment of section 34 of U. P. Act III of 1959.

“(1) An appeal against an order of the licensing authority refusing to grant or renew a licence or suspending or cancelling any licence under this Act or forfeiting any security deposited or furnished in respect of a licence shall lie to such authority, not below the rank of an Assistant Registrar, Co-operative Societies, and within such time, as may be prescribed.”

20. *For* sub-section (1) of section 37 of the principal Act, the following shall be substituted :—

Amendment of section 37 of U. P. Act III of 1959.

“(1) Whoever—

(a) acts as a warehouseman, weigher, sampler or classifier without having obtained a licence required under this Act, or

(b) knowingly contravenes or fails to comply with any provisions of this Act or the rules made thereunder,

shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.”

Addition of a new section 37-A after section 37.

21. After section 37 of the principal Act, the following new section shall be added :—

“37-A. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act or the rules made thereunder.”

Amendment of section 38 of U. P. Act III of 1959.

22. In section 38 of the principal Act—

(1) in sub-section (2) after clause (d) the following new clause shall be added :—

“(dd) the procedure for the refund of licence fee or security ;” and

(2) for sub-section (3) the following shall be substituted :—

“(3) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature while it is in session, for a total period of not less than fourteen days extending in its one session or more than one successive sessions and shall, unless some later date is appointed, take effect, from the date of their publication in the official *Gazette*, subject to such modifications or annulments as the two Houses of the Legislature may agree to make, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.”

Addition of new sections after section 38 of U. P. Act III of 1959.

23. After section 38 of the principal Act, the following new sections shall be added :—

“39. The provisions of this Act shall not apply to any warehouse licensed under the provisions of Central Excises and Salt Act, 1944, Sea Customs Act, 1878, or the Inland Bonded Warehouses Act, 1896 or the rules made thereunder.

40. The State Government may, by notification in the official *Gazette* and for reasons to be recorded, exempt any person or class of persons from all or any of the provisions of this Act.”

Act of 1944 Act VIII c 1878. Act VIII c 1896