

I-19/16/2020
Government of India
Ministry of Consumer Affairs, Food & Public Distribution
Department of Consumer Affairs
Weight and Measures Unit

Krishi Bhawan, New Delhi-01
Dated: 11.03.2020

To,

The Controller of Legal Metrology,
All States/ UTs

Subject: Charging more than MRP- Violation of provision of the Legal Metrology
(Packaged Commodities) Rules, 2011-reg.

Sir,

The Global outbreak of COVID-19, which has been declared as Pandemic by WHO, has raised grave public safety concerns in this regard, the undersigned is directed to state that this Department has received several complaints for charging more than MRP in respect of 3 layers mask, N 95 mask and sanitizer which is used for the protection from Corona Virus.

2. It may be mentioned that Section 18 (1) of the Legal Metrology Act, 2009 provides that:

"No person shall manufacture, pack, sell, import, distribute, deliver, offer, expose or possess for sale any pre-packaged commodity unless such packaged is in such standard quantities or number and bears thereon such declarations and particulars in such manner as may be prescribed."

3. The penal provision for violation of Section 18 is made under section 36 (1) as follows:

"Whoever manufactures, packs, imports, sells, distributes, delivers or otherwise transfers, offers, exposes or possesses for sale, or causes to be sold, distributed, delivered or otherwise transferred, offered, exposed for sale any pre-packaged commodity which does not conform to the declarations on the package as provided in this Act, shall be punished with fine which may extend to twenty-five thousand rupees, for the second offence, with fine which may extent to fifty thousand rupees and for the subsequent offence, with fine which shall not be less than fifty thousand

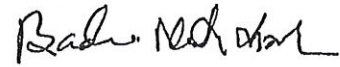
rupees but which may extend to one lakh rupees or with imprisonment for a term which may extend to one year or with both."

4. Further, it is to inform that Rule 18 (2) of the Legal Metrology (Packaged Commodities) Rule, 2011 provides that:

"No retail dealer or other person including manufacturer, packer, importer, and wholesale dealer shall make any sale of any commodity in packed form at a price exceeding the retail sale price thereof."

5. In the interest of public safety, it is therefore, requested to urgently take necessary action to prevent overcharging in respect of masks, sanitizers etc. so that their availability and affordability is freely available to health services providers and consumers at large.

Yours faithfully,



(B. N. Dixit)

Director (Legal Metrology)

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Copy to: Industries/ Industry Associations for kind information