

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA INDUSTRIES,
COMMERCE, AND TECHNICAL EDUCATION
DEPARTMENT**

NOTIFICATION

Peshawar, dated the ____/____, 2024

No._____.- In exercise of the powers conferred by section 18 of the Khyber Pakhtunkhwa Registration of Godowns Act, 2021 (Khyber Pakhtunkhwa Act No. XVI of 2021), the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE KHYBER PAKHTUNKHWA REGISTRATION OF
GODOWNS RULES, 2024**

1. Short title and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Registration of Godowns Rules, 2024.

(2) These shall come into force at once.

2. Definitions.---(1) In these rules unless there is anything repugnant in the subject or context,-

- (a) **“Act”** means the Khyber Pakhtunkhwa Registration of Godowns Act, 2021(Khyber Pakhtunkhwa Act No. XVI of 2021);
- (b) **“applicant”** means a person who applies for license or its renewal, as the case may be, under section 5 of the Act;
- (c) **“Court”** means Court as defined in clause (dd) of section 2 of the Khyber Pakhtunkhwa Consumer Protection Act, 1997;
- (d) **“Deputy Commissioner”** means Deputy Commissioner of the concerned district;
- (e) **“hoarding”** means hoarding as defined in COVID-19 (Prevention of Hoarding) Act, 2020;
- (f) **“profiteering”** means overcharging and generation of unfair profits by charging prices in excess of the prices fixed by government or the manufacturers; and
- (g) **“Schedule”** means the Schedule appended to these rules.

(2) All other words and expressions used but not defined in these rules, shall have the same meanings as are respectively assigned to them in the Act.

3. Procedure for the grant of license.---(1) Any person who intends to obtain a license for establishment and operation of godown or renewal of license, as the case may be, shall apply to the Licensing Authority on the Form given in **Schedule-I**.

(2) The Form under sub-rule (1), shall be accompanied by a fee as specified in **Schedule-II** along with the following documents, namely:

- (a) copy of Computerized National Identity Card of the owner;
- (b) copy of mutation in case the applicant is the owner of the land or lease or rent agreement of the land where the godown is to be located in case the applicant is not the owner of the land;
- (c) description of goods to be stored in the godown;
- (d) in case of a Firm or Company, a copy of its registration or certificate of incorporation, as the case may be, along with list of partners or directors, as the case may be;
- (e) copy of electricity bill if any, in case the godown is already established;
- (f) a copy of the Bank Challan through which the fee is deposited; and
- (g) in case of renewal of license, a copy of the previous license.

(3) The Licensing Authority shall examine the application to ensure that it is complete in all respect and accompanied by the requisite fee and in case of any deficiency, the Licensing Authority shall return the same in writing to the applicant for removing such deficiency.

(4) The Licensing Authority after satisfying itself as to the completeness of the application and requisite documents attached thereto and after conducting inquiry under sub-section (3) of section 5 of the Act, may grant the license or renew the license, as the case may be, on the format as specified in **Schedule-III** to the applicant.

4. Procedure of inquiry for grant or renewal of license.---(1) For the purpose of inquiry under sub-section (3) of section 5 of the Act, the Licensing Authority or authorized officer shall proceed to visit the site where the godown is established or to be established, as the case may be.

(2) The Licensing Authority or authorized officer, as the case may be, during visit to the site shall-

- (a) examine the site or premises, location, address, GPS coordinates, covered area, open area, access road, surroundings, capacity of the godown;

- (b) check whether the site or premises are secure for using as godown or otherwise.;
- (c) ensure that the premises or the environment of the godown is otherwise conducive for the items to be stored in the godown; and
- (d) ascertain whether the godown is already established or is to be established.

5. Conditions of grant or renewal of license.---The license shall be granted or renewed on the following terms and conditions, namely:

- (a) that the ownership of license shall not be transferrable without prior permission of the Licensing Authority on payment of fee as specified in **Schedule-II**;
- (b) that the license shall be renewed each year by submitting an application to the Licensing Authority at least thirty (30) days prior to the date of expiry, on payment of fee as specified in **Schedule-II**; and
- (c) that in case of delay in renewing the license within the stipulated time as mentioned in clause (b), the licensee shall, in addition to the fee, be liable to pay late payment charges as specified in **Schedule-II**.

6. Procedure of inspection.---(1) The Licensing Authority or authorized officer, as the case may be, in order to ensure the compliance of the Act and these rules, may inspect any godown under section 9 of the Act.

(2) During inspection, the Licensing Authority or authorized officer may-

- (a) confirm the area of godown in respect of its storage;
- (b) check the details mentioned in rule 4; and
- (c) check the license issued by the licensing authority.

(3) The owner or in-charge of the godown as the case may be, shall assist the Licensing Authority or the authorized officer, as the case may be, during inspection.

7. Procedure for prosecution.---(1) No prosecution for an offence punishable under the Act, shall be initiated, except on the complaint made by the Licensing Authority or the authorized officer, as the case may be.

(2) The complaint shall be in writing and reflect details of violation of the Act and these rules and the nature of the offence.

(3) The complaint shall be duly signed, sealed and dated by the Licensing Authority or the authorized officer, as the case may be.

8. Procedure for sealing.---(1) If the Licensing Authority or the authorized officer, as the case may be, finds any godown violating the provisions of section 11 of the Act, he may, if deemed appropriate, seal the godown in accordance with the provisions of the Act.

(2) The Licensing Authority or the authorized officer shall serve a notice of hearing on the person before sealing godown under sub-rule (1).

(3) If during inspection, the Licensing Authority or the authorized officer, as the case may be, is obstructed, the person causing such obstruction shall be proceeded under sub-section (2) of section 12 of the Act.

(4) No person shall interfere with or break or open the godown duly sealed by the Licensing Authority or the authorized officer, as the case may be, under sub-rule (1), except by an order of the Appellate Authority.

(5) Whoever violates the provisions of sub-rule (3), shall be liable to punishment in accordance with sub-section (2) of section 11 of the Act.

9. Procedure for appeal.---(1) An appeal under section 13 of the Act shall be submitted to Appellate Authority by the appellant himself or through counsel.

(2) The appellant shall file three extra copies of the appeal with the Appellate Authority.

(3) The appeal shall be accompanied by-

- (a) a copy of the impugned order;
- (b) a copy of the license;
- (c) a copy of CNIC of the licensee; and
- (d) a copy of the certificate of registration in case of registered firm or certificate of incorporation in case of a company, as the case may be.

(4) On receipt of appeal, the Appellate Authority shall issue notices to the parties and fix a date for hearing of the appeal.

(5) The notice under sub-rule (4) shall be served on the parties in the manner as provided in the Code of Civil Procedures, 1908 (Act No. V of 1908).

(6) On the date fixed, both the parties shall appear before the Appellate Authority.

(7) If any of the parties is not present on the date fixed, the Appellate Authority may adjourn the proceedings to the next date.

(8) The Appellate Authority, after being shown cogent reasons, may adjourn the proceedings to next date on the request of any of the parties:

Provided that the proceedings cannot be adjourned more than twice.

(9) If any party fails to appear before the Appellate Authority consecutively on two dates, the Appellate Authority may proceed *ex-parte*.

(10) The appeal shall be disposed of by the Appellate Authority within sixty days from the date of receipt of the appeal.

SCHEDULE-I
(see sub rule (1) of rule 3)
Application Form for License

Photo

I hereby apply for the grant of license/renewal of license to enable me to establish and/or operate a godown, for the purpose of storing _____ items.

1. Applicant's Name _____
2. Applicant's Profession _____
3. Applicant's Address _____
4. Contact No and Email Address _____
5. Name of the Godown _____
6. Category: (Please tick one) Small ☐ Large ☐
7. Area of the godown _____
8. Coordinates _____
9. Location where the applicant intends to establish and/or operate the godown

10. In case of renewal, the No. and date of the previous license _____

I have carefully read the provisions of the Khyber Pakhtunkhwa Registration of Godowns Act 2021 and the rules made thereunder and solemnly hereby declare that any violation of the above said shall render me liable for any action under the Act and the rules made thereunder.

I further do hereby solemnly affirm and declare on oath that the contents of the application are true and correct to the best of knowledge and belief and nothing has been concealed from the Licensing Authority.

I further do hereby solemnly affirm and declare on oath that no hazardous goods will be stored in the godown without approval of the relevant authority.

**Signature and thumb impression
of the applicant**

SCHEDULE-II

(See sub-rule (3) of rule 3)

Fee for License and its renewal

S. No.	Categories of Godown	License Fee	Renewal Fee
1.	Storage Capacity (Small) Up-to 1 Kanal Covered Area	Rs 10,000/-	Rs. 5000/ year
2.	Storage Capacity (Large) Above 1 Kanal Covered Area	Rs. 20,000/-	Rs. 10,000/ year

Fee for transfer of ownership of godown

(See clause (a) of rule 5)

S. No.	Category of Godown	Amount of Fee
1.	Storage Capacity (Small) Up-to 1 Kanal Covered Area	Rs. 1000/-
2.	Storage Capacity (Large) Above 1 Kanal Covered Area	Rs. 2000/-

In case of violation of the Act/Rules the amount of fine is as following

S. No.	Categories of Godown	Amount of Fee
1.	Storage Capacity (Small) Up-to 1 Kanal Covered Area	Rs. 100,000/-
2.	Storage Capacity (Large) Above 1 Kanal Covered Area	Rs. 200,000/-

Late payment charges

(see clause (d) of rule 5)

- Late payment charges @ of 10 % of the total License or renewal of License fee, as the case may be, per month.



SCHEDULE-III

(see sub-rule (4) of rule 3)

DIRECTORATE OF INDUSTRIES AND COMMERCE,
GOVERNMENT OF KHYBER PAKHTUNKHWA,
PESHAWAR.

No.....

Dated.....

LICENSE

1. Name of the Godown _____
2. Category _____
3. Storage Capacity _____
4. Coordinates _____
5. Location _____
6. Name of Owner/Lease Holder _____
7. Permanent Address _____
8. Contact No and Email Address _____
9. No. and Date of Previous License (if applicable) _____
10. (i) This license is granted to establish and/or operate the godown in accordance with the Khyber Pakhtunkhwa Registration of Godowns Act 2021.
(ii) The license holder is authorized to store _____.
(iii) The license holder is authorized to operate the godown subject to the fulfillment of codal formalities and the conditions as envisaged in the Khyber Pakhtunkhwa Registration of Godowns Act, 2021 and the Khyber Pakhtunkhwa Registration of Godowns Rules, 2021.
(iv) The license is valid for one year commencing from _____ to till _____, and shall be renewed afterwards annually as per the rules ibid.

(LICENCING AUTHORITY)
DIRECTOR INDUSTRIES AND COMMERCE
KHYBERPAKHTUNKHWA