भारतीय मानक ब्यूरो
(केन्द्रीय मुहर विभाग - I)

हमारा सन्दर्भ: सीएमडी-I/2:12:2 **26 अगस्त 2021**

विषय: भारतीय मानक ब्यूरो (अनुरूपता निर्धारण) विनियम, 2018 की अनुसूची-II की अनुरूपता निर्धारण स्कीम-I के अंतर्गत लाइसेंस के निलंबन तथा निरसन के दिशानिर्देश - हेतु।

उपर्युक्त विषय पर सक्षम प्राधिकारी द्वारा अनुमोदित दिशानिर्देश सभी संबंधित पक्षों के कार्यान्वयन के लिए सलंग्न है।

(मोहित जनोहिया)
वैज्ञ-'सी'/सीएमडी-I

प्रमुख, सीएमडी-I

उपमहानिदेशक (प्रमाणन)

Bureau of Indian Standards
(Central Marks Department - I)

Our Ref: CMD-I/2:12:2 **26 August 2021**

Subject: Guidelines for Suspension (SUS) and Revocation of Suspension (RoS) of the Licence as per Scheme - I of Schedule - II of the BIS (Conformity Assessment) Regulations, 2018 - reg.

The guidelines on the above subject as approved by the Competent Authority is attached herewith for implementation by all concerned.

(Mohit Janoiya)
Sc.C/CMD-I

Head, CMD-I

DDG (Certification)

परिचालित/circulated to:

सभी क्षेत्रीय कार्यालयों/ शाखा कार्यालयों
All ROs/BOs

सभी उपमहानिदेशक (क्षेत्रीय)
All DDGRs

अन्य सभी संबंधित पक्ष
All other concerned

प्रमुख, आई०टी०एस० विभाग - बी आई एस इंट्रानेट पर डालने हेतु।
Head, ITSD - with request to host on BIS Intranet

BUREAU OF INDIAN STANDARDS

(CENTRAL MARKS DEPARTMENT - I)

Our Ref: CMD-I/2:12:2 **26 August 2021**

Subject: Guidelines for Suspension (SUS) and Revocation of Suspension (ROS) of Licence as per Scheme - I of Schedule - II of BIS (Conformity Assessment) Regulations, 2018

This document stipulates the guidelines for imposition of Suspension on account of non-conformity of the product to the relevant Indian Standard or unsatisfactory performance or special situations. These are to be read in conjunction with the BIS Act 2016 and Rules, Regulations framed thereunder. In particular, the provisions for Suspension and Revocation of Suspension of a licence are addressed in Regulation 10 and Paragraph 11 of Scheme - I of Schedule - II of BIS (Conformity Assessment) Regulations, 2018. Any situation, in general, not covered in these guidelines are to be dealt as per provisions of the Act, Rules and Regulations by the Regional Offices (ROs) and Branch Offices (BOs).

A. SUSPENSION AND REVOCATION OF SUSPENSION IN CASE OF NON-CONFORMITY OF THE PRODUCT TO THE RELEVANT INDIAN STANDARD

Receipt of Test Reports

1. Each BO shall maintain record(s) for third party laboratory test reports received in BOs inline with Standard Operating Procedure for Processing and Payment of Testing Charges issued by Accounts Department. Maintaining the record and delivering the test reports to the concerned dealing officer (DO) shall be the responsibility of the person(s) designated by Head BO.

2. The DO shall examine the test reports and record 'Conforming/Non-conforming' on it with his signature, name and date. In case of non-conforming sample, the DO shall record on the test report, the requirements in which the sample has shown non-conformity and also make necessary entry(ies) in BIS portal.

Non-conformity of Samples

3. (a) When a sample is found non-conforming either in Third Party Testing(TPT) or Factory Testing(FT), the dealing officer shall prepare "Review of Performance" (ROP) wherein she/he shall determine, in accordance with para 4 & para 5 whether it is a case of first non-conformity or consecutive non-conformity.

(b) Any deviation observed in labelling and marking requirements (For example, absence of batch no., date of manufacturing/expiry (say for food products) which may result in traceability issues, grade/type etc.) is also to be treated as non-conformity of the product.

4. First Non-conformity of sample: The non-conformity of sample in Third Party Testing (TPT) or Factory Testing (FT) shall be treated as first non-conformity, if the previous test report (based on date of manufacturing or in its absence date of drawl) is found conforming.

5. Consecutive Non-conformity of sample: Any non-conformity of sample in TPT or FT shall be treated as a consecutive non-conformity if its date of manufacturing (in case date of manufacturing is not available, then date of drawl) is after the date of completion of corrective actions on first non-conformity and there is no 'conforming' test report in between.

Note: In case any non-conforming test report pertains to the period prior to ROS, then it will not be considered for the purpose of review. However, non-conformity, if any, shall be communicated to the licensee.

Suspension due to non-conformity of samples

6. Suspension shall be imposed in the event of consecutive non-conformity of samples. However, in case of food products non-conforming in the requirement of toxicity or pesticide residues or radioactive residues or as per the product specific guidelines, suspension shall be imposed on first non-conformity itself. The DO shall recommend the case accordingly and put up the ROP to the Head BO.

7. In situations other than para 6 above, the non-conformity shall be communicated to the licensee through email/speed post/IT Software with a copy of the test report (template of the letter attached as ***Annexure - I***). The licensee shall be advised to take corrective actions and submit its reply along with supporting evidence, as applicable, within 30 days (one month) from the date of communication.

8. (a) When the corrective actions as mentioned at para 7 above, are received within 30 days (one month), the DO shall put up the case to the Head BO for nominating an officer for verification of the corrective actions preferably within 90 days through a surveillance inspection.

(b) If during the surveillance inspection, the sample is non-conforming in factory testing, it shall be treated as consecutive non-conformity and suspension shall be imposed and actions as per para 10 shall be taken.

9. However, if corrective actions as mentioned at para 7 are not received within 30 days (one month), the case may be processed for imposition of suspension.

Communication of Suspension

10. The decision of suspension shall be promptly communicated to the licensee through email/speed post/IT Software seeking its response (template of the letter attached as ***Annexure - II***).

Inspection for Revocation of Suspension (ROS)

11. (a) On receipt of corrective actions, an inspection for considering ROS shall be organized by the Head BO preferably within 15 days. In case it is not possible to do so, the reasons for the same shall be recorded. During the inspection, the certification officer shall verify the corrective actions taken by the licensee.

(b) If all the requirements in which non-conformity was reported can be tested in the factory in one or two day(s), then sample from the lot offered shall be tested in the factory for all possible tests including the requirements in which non-conformity was observed.

(c) In case one or more requirements in which non-conformity was reported cannot be tested in the factory within two days, then sample shall be drawn for third party testing and got tested for all requirements except the ones for which testing time is more than 30 days (one month). However, if the non-conformity is in such requirements for which testing time is more than 30 days (one month), then sample shall be drawn for third party testing and got tested for all requirements including the ones for which testing time is more than 30 days (one month). In both the cases, ROS shall be permitted on the basis of possible test(s) and an undertaking shall be taken that in case the sample drawn for third party testing during such ROS visit is found to be non-conforming, SUS shall be imposed.

(d) If the sample drawn on the first occasion for considering ROS shows non-conformity in testing (either FT or TPT, as the case may be), another chance may be given for improvement and reoffering of sample. In such cases, sample shall be drawn for third party testing, except those products for which the licence is granted on factory testing basis, for all the requirements except for those relaxed as per product specific guidelines and ROS will be based on result of such third party testing only.

(e) However, if the sample is found to be non-conforming even on second occasion, the licence may be processed for cancellation.

Processing ROS

12. If the sample shows conformity in FT or TPT, as the case may be, ROS shall normally be processed within 7 days' time.

B. SUSPENSION (SUS) AND REVOCATION OF SUSPENSION (ROS) IN CASE OF UNSATISFACTORY PERFORMANCE

Unsatisfactory Performance of licence

13. Performance of a licence shall be treated as unsatisfactory in case of discrepancies observed in the operation of the licence. Such situations are not limited to, but may include the following:

(a) Non-availability of testing personnel even as the Standard Mark is being used and product being dispatched/sold without testing
(b) Use of Standard Mark on non-conforming products
(c) Major deviations observed in the implementation of scheme of inspection and testing
(d) Major modification(s) in the manufacturing process without prior evaluation of the Bureau
(e) Unsatisfactory hygienic conditions in case of food products
(f) Non-availability of manufacturing machinery and test equipments declared by the manufacturer

Inspection report indicating unsatisfactory performance

14. In case of unsatisfactory performance, the inspection report along with the DVR shall be submitted by the certification officer within 7 days from the date of inspection and necessary data entry shall be made by him/her in IT Software.

15. The DO shall prepare a Review of Performance (ROP) wherein he shall determine whether it is a case of first instance of unsatisfactory performance or consecutive instances of unsatisfactory performance.

Suspension due to unsatisfactory Performance

16. In case of consecutive instances of unsatisfactory performance, suspension shall be imposed. However, suspension is not to be considered on the basis of combination of non-conformity of sample(s) in Third Party Testing/Factory Testing only and unsatisfactory performance.

17. In case of unsatisfactory performance due to the discrepancies mentioned at para 13 (d), (e) and (f) above, suspension may be imposed at the first instance itself.

18. In case of discrepancies mentioned at para 13, except 13 (d), (e) and (f), the reasons for unsatisfactory performance shall be communicated to the licensee through email/speed post/IT Software with a copy of the DV report. The licensee shall be advised to take corrective actions and submit its reply within 30 days (one month) from the date of communication.

19. (a) When the corrective actions are received within 30 days (one month), the DO shall put up the case to the Head BO for nominating an officer for verification of the corrective actions preferably within 90 days through a surveillance inspection.

(b) However, if complete and satisfactory reply is not received within 30 days (one month) from the date of communication of unsatisfactory performance, the case may be processed for suspension.

20. The decision of suspension shall be promptly communicated to the licensee through email/speed post/IT Software seeking its response (template of the letter attached as ***Annexure - II***). If response is received, then further action shall be taken as per para 21 and 22.

Inspection for Revocation of Suspension (ROS)

21. (a) On receipt of corrective actions, an inspection for considering ROS shall be organized by the Head BO preferably within 15 days. In case it is not possible to do so, the reasons for the same shall be recorded. Wherever it is necessary for verification of corrective actions, sample from one lot shall be tested in the factory for all possible tests in a day.

(b) In case of suspension due to major modification(s) in the manufacturing process without prior evaluation of the Bureau [Para 13(d)], sample shall be drawn for complete third party testing.

Processing ROS

22. (a) The action for ROS shall be completed preferably within three weeks' time from the date of receipt of corrective actions from the licensee. However, if the corrective actions are found to be insufficient, or if the sample shows non-conformity in factory-testing (where applicable), the licensee shall be advised to take corrective actions.

(b) In case of para 21(b), the action for ROS shall be completed within 7 days' time from the date of receipt of test report indicating conformity of the sample. However, if the sample shows non-conformity in TPT, the licensee shall be advised to take corrective actions.

C. SUSPENSION (SUS AND REVOCATION OF SUSPENSION (ROS) IN CASE OF SPECIAL SITUATIONS

Shifting of premises

23. When a licensee informs about shifting of the manufacturing facilities to a new premises, suspension shall be imposed. The decision on suspension shall be communicated to the licensee (template attached as ***Annexure - II***) with an advise to also inform-

(i) The proposed new address to which the manufacturing facilities are being shifted,

(ii) Document for authentication of the new premises of manufacture,

(iii) Location map for the new premises,

(iv) The probable date for completion of the shifting process.

(v) All other relevant documents as taken during Grant of Licence.

Inspection for considering ROS

24. On receipt of information from the licensee about completion of shifting process, inspection shall be carried out at the old as well as the new premises to verify the same. During the inspection at the new premises, among other things, the certification officer shall –

(a) verify the manufacturing machinery, test equipment, plant layout and, if applicable hygienic conditions. If the Quality Control In-charge (QCI) has changed, the competence of QCI shall also be checked.

(b) verify the working condition of the manufacturing machinery and test equipment, a sample may be subjected to testing to ascertain the workability of manufacturing and testing equipment.

(c) in case of Packaged Drinking Water (PDW), draw a product sample for complete third party testing including radioactive residues, as change of source of water is involved. For other similar products product specific guidelines shall be followed, if any.

Processing ROS

25. (a) The process for ROS shall be completed preferably within 3 weeks from the date of receipt of information from the licensee about completeness of the shifting process. However, shifting of premises in case of PDW, the process for ROS shall be completed preferably within 7 days from the date of receipt of satisfactory test report. The new address shall be endorsed in the licence as per the format attached as ***Annexure - IV***.

(b) In case the licensee does not confirm completion of shifting process for more than 90 days, a visit may be organized to both the new and existing premises to check any violation of the provisions of the BIS Act 2016 and Rules, Regulations framed thereunder.

Non-payment of fee

26. In case of non-payment of fee as specified in the BIS (Conformity Assessment) Regulations 2018, suspension shall be imposed after giving 21 days' notice to the licensee. Revocation of suspension shall be considered as soon as the necessary fee is paid by the licensee.

Non-implementation of revised Indian Standard

27. In case of non-implementation of revised Indian Standard, amendment to Indian Standard, suspension shall be imposed, if-

(a) Additional testing facilities are required and the licensee fails to develop the facility within the stipulated time;

(b) Non-submission of evidence of conformity to the revised provisions where it is a requirement as per the relevant BIS guidelines.

28. In case of SUS as at para 27,

(a) Where the licensee has to develop the additional testing facilities, ROS shall be permitted on confirmation of additional testing facility.

(b) Where evidence of conformity to the revised Indian Standard is not available, ROS shall be permitted on receipt of evidence of conformity of the product as per the new provisions.

Intentionally using Standard Mark on non-conforming goods

29. (a) In case there is evidence during the factory visit that non-conforming goods with Standard Mark are being produced intentionally, suspension shall be imposed immediately and an explanation shall be sought from the licensee. If the explanation is not found to be satisfactory, the licence may be processed for cancellation.

(b) If explanation is found to be satisfactory, the ROS shall be done as per as per para 11, 12.

Suspension on establishment of Complaint

30. If complaint regarding quality of any goods or article bearing the Standard Mark is established, the licence may be put under suspension and licensee shall be required to take corrective actions.

Revocation of Suspension done at para 30 above

31 The revocation of suspension shall be permitted only after successful verification of corrective actions as per para 11 & 12 above.

Suspension along with cancellation notice

32. The licence may be put under suspension when the cancellation proceedings are initiated against a licensee.

Proceedings for cancellation

33. (a) The cancellation of a licence shall be done as per the Regulation 11 of BIS (Conformity Assessment) Regulations, 2018.

(b) Before cancelling a licence, a cancellation notice of not less than twenty one days shall be given to the licensee (template attached ***Annexure - V***).

(c) The competent authority shall pass speaking orders for decision taken.

(d) The decision to cancel the licence shall be communicated to the licensee (template of the letter attached as ***Annexure - VI***).

Suspension in vogue for more than a year

34. The licence may be cancelled without giving any further notice if licence has been under suspension for more than a year.

Product specific guidelines

35. In addition to these guidelines, any product specific guidelines issued by CMDs shall be followed, as applicable.

Inspection fee

36. All inspections other than surveillance inspections or inspections carried out for complaint investigation shall be chargeable, in advance, as per provisions of BIS (Conformity Assessment) Regulations, 2018.

Testing fee

37. The testing fee of samples other than those, which may be drawn during surveillance or complaint investigation, shall be borne by the licensee.

Provision for appeal

38. For cases in which the manufacturer submits an appeal to the Director General, the brief history of the case shall be communicated by RO/BO to concerned CMD (template as per ***Annexure - IX*** of grant of licence guidelines).

Discreet visit

39. (a) The ROs/BOs may arrange discreet visit(s) as given below to check any possible violation of the BIS Act, 2016 and Rules, Regulations framed thereunder:

(i) Products notified by the Central Government for compulsory BIS certification: No response received from the manufacturer within 15 days - Discreet visit within next 15 days.

(ii) Products under voluntary certification: No response received from the manufacturer within 30 days - Discreet visit within next 15 days.

If there is still no response received from the manufacturer, licence may be processed for cancellation.

(b) In case of detection of misuse or any violation of the provisions of the BIS Act, 2016 and Rules, Regulations framed thereunder, necessary action as per guidelines shall also be taken.

Annexure - I

Our Ref: ..... BO/CML- Dated:

Subject: Non-conformity of sample pertaining to CM/L-.....

M/s

Madam/Sir

Please refer to the BIS Certification Marks Licence No. CM/L-..... granted to you for use of BIS Standard Mark (ISI Mark) on..... (Product name) manufactured according to IS.....

2. In accordance with clause (a)/(d)* of sub-paragraph (6) of Paragraph 3 of Scheme-I of Schedule-II under BIS (Conformity Assessment) Regulations, 2018, a factory/market* sample mentioned below was drawn and found not conforming to the requirements of the standard during third party testing (copy of the test report enclosed).

Particulars of Sample:
Name of the Product: Date of Manufacturing:
Batch/C.U./Lot No.: Date of sampling:
Size/Variety/Type/Grade:
Source: Factory/Market Sample (purchase details)

Name of Laboratory	Test Report No	Requirement(s) in which sample is non-conforming

3. You are required to investigate the reasons for non-conformity by reviewing your quality assurance system and to take appropriate corrective actions. You may test the improved product after the corrective actions have been taken to ensure that the actions taken are appropriate to prevent recurrence of non-conformities observed.

4. You are further required to intimate BIS the details of corrective actions taken along with applicable supporting evidence within one month of the issuance of this letter, failing which your case may be processed for imposition of suspension. You are also required to inform the

production schedule of the product as per the improved process for verification of corrective actions by BIS.

5.* You are advised not to use Standard Mark on the non-conforming material and to take appropriate action to withdraw/recall the non-conforming material pertaining to the Batch/Lot/C.U number (refer paragraph 2 above) from market/dealer/distributor under intimation to this office.

6. In view of the non-conformity at paragraph 2, above, you are required to retest the available stock and ensure conformity to relevant standard before dispatch. Record of such retesting shall be maintained.

7. It may also be noted that, the Bureau may impose suspension according to the provisions of clause (a) of sub-paragraph (5) of Paragraph 11 of Scheme-I of Schedule-II under BIS (Conformity Assessment) Regulations, 2018 if any other sample (after completion of corrective action) is found not conforming to the standard.

8. Kindly acknowledge receipt and ensure compliance and reply as per para 4 above.

Signature of designated authority
(Name of designated authority)

Encl: as stated.

***** *Strike off whichever is not applicable*.

(For product withdraw/recall, please see SOP/guidelines Ref:CMD-I/2:12:9)

Annexure - II

Our Ref: ..... BO/CML- Dated:

Subject: Suspension of Licence CM/L---------- for---------- (Product name)

M/s

Kind Attn: (Name of the CEO/MD)

Madam/Sir,

This has reference to the BIS Certification Marks Licence No. CM/L - …… granted to you for use of Standard Mark on ……. ……. according to IS ……. which is valid up to …….

2. In accordance with the provisions of clause (a) of sub-paragraph (5) of Paragraph 11 of Scheme-I of Schedule-II under BIS (Conformity Assessment) Regulations, 2018, it has been decided to put your licence under suspension with immediate effect due to the following reason(s):

(BO to mention reasons)

3. You are not permitted to mark and dispatch (including stock in hand) the above mentioned product with Standard Mark. You are, therefore, advised to ensure stoppage of marking on the product with immediate effect & confirm the same immediately preferably by return speed post/e-mail. You are also advised to submit us the following details as on the date of receipt of fax/email:

a) Quantity of material with Standard Mark held in stock:
b) (i) Batch No(s). and date(s) of manufacture;
(ii) Brand;
(iii) size/type/grade/variety;
c) Packing details; and
d) Pending Orders for material with Standard Mark, if any with purchasers' names and addresses

4. Your reply with above stated details must reach us within 21 days of the issuance of this letter failing which it will be presumed that you do not have such material in stock. In case it

is subsequently found that you have sold the material with Standard Mark after receipt of BIS instructions to suspension, it will be construed that the material so sold has been marked subsequently contravening the provisions of BIS Act, 2016. In such an eventuality, the Bureau will reserve the right to take such action against you as envisaged in the BIS Act, 2016, Rules & Regulations framed there under.

5. *You are advised to take appropriate action to withdraw/recall the material pertaining to the non-conforming Batch/Lot/C.U number..... from market /dealer/distributor, wherever possible, under intimation to this office.

6. Kindly note that, according to Paragraph 5 of Scheme-I of Schedule-II under BIS (Conformity Assessment) Regulations, 2018, the minimum marking fee as indicated in the Schedule of above mentioned licence is payable by you even during the period the licence is not in operation due to suspension.

7. You are required to take necessary corrective action in the context of the reasons for suspension as stated in paragraph 2 above and submit complete details of compliance with all supporting evidence, as applicable, for examination and verification. *You are advised to produce a fresh batch/lot/control-unit after taking corrective actions and confirm your readiness for the visit by BIS to consider revocation of suspension.

8. A sum of Rs…….shall be payable to BIS in advance towards this visit.

9. The reply with information sought under point 4 & 5 above should be sent immediately by return speed post/e-mail but not later than 21 days from the issuance of this letter. Further, complete reply with respect to Para 7 should reach BIS within 45 days failing which your licence will be considered for cancellation as per Regulation 11 of BIS (Conformity Assessment) Regulations, 2018.

10. Kindly acknowledge receipt and ensure compliance.

Encl. As stated

Signature of designated authority
(Name of designated authority)

Copy to: Quality Control In-charge
(Licensee Name & Address)

** Strike off where not applicable*
(For product withdraw/recall, please see SOP/guidelines Ref:CMD-I/2:12:9)

Annexure - III

Our Ref: ..... BO/CML- Dated:

Subject: Unsatisfactory performance pertaining to CM/L ----------

M/s

Madam/Sir,

This has reference to the BIS Certification Marks Licence No. CM/L-…….granted to you for use of Standard Mark on…….according to IS…….. which is valid up to…….

2. A surveillance inspection was carried out at your factory premises on..... During the visit, following discrepancies in the operation of the licence were observed and communicated to you (Ref. Discrepancy-cum-Advisory Report issued during the visit, copy enclosed):

3.* Also, during the inspection, a sample as per details mentioned below was tested in the laboratory of your factory and found not conforming to the requirements of the standard.

Particulars of Sample:
Name of the Product: Date of Manufacturing:
Batch/C.U./Lot No.: Size/Variety/Type/Grade:

Sl. No.	Requirement	Clause	IS Reference	Specified requirement	Observed value(s)

4.* You are advised not to use Standard Mark on the non-conforming material and to take appropriate action to withdraw/recall the non-conforming material pertaining to the Batch/Lot/C.U number (refer paragraph 3 above) from market/dealer/distributor under intimation to this office.

5.* In view of the non-conformity at paragraph 3, above, you are required to retest the available stock and ensure conformity to relevant standard before dispatch. Record of such retesting shall be maintained.

6. You are advised to take appropriate corrective actions to avoid such discrepancies in future and intimate BIS the details of actions taken along with applicable supporting evidence within one month from the issuance of this letter.

7. Kindly note that in case, complete/satisfactory reply is not received within the stipulated period or performance during next surveillance visit is also found unsatisfactory, suspension may be imposed in accordance with clause (a) of sub-paragraph (5) of Paragraph 11 of Scheme - I of Schedule - II under BIS (Certification) Regulations, 2018.

8. Kindly acknowledge receipt and ensure compliance under intimation to this office.

Thanking you

Signature of designated authority
(Name of designated authority)

Encl: As above

** Strike off where not applicable*
(For product withdraw/recall, please see SOP/guidelines Ref:CMD-I/2:12:9)

Annexure - IV

Attachment to Licence No. CM/L- .....

CM/L-	Name of the Licensee with the Factory Address	Name of the Product	Indian Standard No.

Endorsement No. ..... Dated ....

Consequent to the shifting of the factory, the address of the licensee mentioned in the Licence has been changed to ..... with effect from .....

Other terms and conditions of the Licence remain the same.

Signature of designated authority
(Name of designated authority)

Annexure - V

Our Ref: ..... BO/CML- Dated:

Subject: Notice for Cancellation of BIS Product Certification licence No.CM/L ……for…….(Product Name) as per ……(IS No.)

M/s

Kind Attn: (Name of the CEO/MD)

Dear Sir/Madam,

This has reference to the BIS Product Certification Licence No. CM/L-…….. held by you to use the Standard Mark on your product…….as per IS……which is valid up to……..

2. The following serious discrepancies were observed with regard to the operation of the above licence which is violation of the provision of Regulation ..... of BIS (Conformity Assessment) Regulations, 2018.

(RO/BO to give the reasons for proposed cancellation in this space)

3. In view of the above, it is proposed to cancel the licence CM/L- .....held by you in accordance with the provisions under Section 13 of the BIS Act, 2016 read in conjunction with the provisions of Regulation 11 of BIS (Conformity Assessment) Regulations, 2018.

4. In view of the above you are, henceforth, not permitted to use and apply Standard Mark and dispatch (including stock in hand) the above mentioned product with Standard Mark. Your licence is, therefore, put under suspension with immediate effect & you are advised to confirm that you have stopped using and applying Standard Mark immediately preferably by returned speed post/e-mail. You are also advised to submit us the following details as on the date of receipt of speed post/email:

(a) Quantity of material with Standard Mark held in stock

(b) (i) Batch No(s) and date(s) of manufacture;

(ii) Brand;

(iii) size/type/grade/variety

(c) Packing details; and

(d) Pending Orders for material with Standard Mark, if any with purchasers' name and address

5. In case you have anything to say in this matter, you may submit your explanation to the Bureau within 21 days from the date of issue of this notice, failing which, it will be presumed that you are no longer interested in continuing the said licence and as such the licence will be processed for cancellation without any further reference to you.
This notice is being issued without any prejudice to the right of this Bureau to take any legal action under section 29 of the BIS Act, 2016.

6. If you desire to be heard in person or through a representative authorized by you on your behalf, you may seek an appointment for such a hearing with the undersigned, after submitting your written explanation.

7. Kindly acknowledge the receipt of this letter and ensure compliance.

Thanking You,

Signature of designated authority
(Name of designated authority)

Enclosed: As above

Annexure - VI

Our Ref: ..... BO/CML- Dated:

Subject: Cancellation of BIS Certification Marks Licence No. CM/L…… for……. (product name) as per IS……..

M/s

Dear Sir/Madam,

This has reference to BIS Product Certification Licence No……held by you for (product name) as per IS …….which was valid upto ……..

2. The Competent Authority has decided to cancel your Licence after …… as per the provision of Regulation ..... of BIS (Conformity Assessment) Regulations, 2018 due to the following reasons:

(BO to mention the reasons)

3. Your above mentioned licence, therefore, stands Cancelled w.e.f.…….You are therefore, NOT entitled to mark/ dispatch your product (product name) as per IS …… with BIS Standard Mark after …… or to claim in your advertisements or in any other publicity material that you are a licensee to use the ISI Mark on your product after …….

4. Any publicity material such as handbills, pamphlets, letterheads, etc. claiming that you hold BIS Product Certification Licence for your above mentioned product should be destroyed or such markings obliterated/defaced immediately. This should be confirmed by you at the earliest, positively within 15 days.

5. Further, you are advised to furnish a statement of (Product Name) with Standard Mark as follows:

a) Quality held in stock:
   i) Type or Grade
   ii) Variety
   iii) Brand, if any
b) Batch number/drum number
c) Packing
d) Pending order for ISI certified material, if any and purchaser's name and address

6. Please note that any material found marked with BIS Standard Mark after …….., will be deemed to be the violation of the provisions of the BIS Act 2016, and Rules and Regulations framed thereunder and action will be taken as per the BIS Act 2016, and Rules and Regulations framed thereunder.

7. You are advised to surrender the original licence along with all the attachments/endorsements sheets, etc. and also submit an undertaking to the fact that you have not retained photocopy of the said licence document and shall not produce it anywhere under any circumstances subject to prior permission from BIS in this regard.

8. If you are aggrieved by the above order, you may prefer an appeal to the Director General, Bureau of Indian Standards within ninety days from the date of the order with a fee of two thousand rupees as per provisions of section 34 of the BIS Act 2016 read along with Rule 37 of the BIS Rules 2018.

9. Please acknowledge receipt of this letter and confirm compliance within the stipulated period.

Signature of designated authority
(Name of designated authority)