

Export (Quality Control and Inspection) Act, 1963

Section 7 - Machinery for Quality Control and Inspection

(1) The Central Government may, by Notification in the Official Gazette, establish, or recognise subject to such conditions as it may deem fit, agencies for quality control or inspection or both:

PROVIDED that if the Central Government is of opinion that any recognition granted to any agency under this sub-section should, in the public interest, be withdrawn, the Central Government may, after giving a reasonable opportunity to that agency to make representations in the matter, withdraw, by like notification, the recognition granted to it.

(2) Any agency referred to in sub-section (1) may, on application made to it or otherwise, hold or cause to be held such examination as it thinks fit relating to quality control or inspection of notified commodities, either at the time of export or earlier, in such testing houses or by such surveyors or samplers as are approved by the Central Government in this behalf and may charge such fees as may be prescribed for the purpose of such examination.

(3) If, after the examination, the agency is of opinion that the commodity satisfies the standard specifications laid down in respect of it under section 6 or, as the case may be, any other specifications stipulated in the export contract, it may issue a certificate that the commodity satisfies the conditions relating to quality control and inspection.

1[(3A) Where the agency has reason to believe that a certificate issued under sub-section (3) has been obtained fraudulently or by misrepresentation, or the commodity in relation to which the certificate is issued has been changed or has deteriorated in quantity, the agency may, by order, amend, suspend or cancel the certificate in such manner and subject to such procedure as may be prescribed.

PROVIDED that before amending, suspending or canceling any such certificate the holder thereof shall be given a reasonable opportunity of being heard.]

(4) Any person aggrieved by the refusal of any agency referred to in sub-section (1) to issue a certificate,1[or by the amendment, suspension or cancellation of a certificate under sub-section (3A),] may prefer an appeal within such time as may be prescribed to such authority as the Central Government may, by Notification in the Official Gazette, constitute for the purpose of hearing appeals.

(5) Subject to the provisions of sub-section (6), the decision of the agency where no appeal is filed, and the decision of the appellate authority where an appeal is filed, shall be final and shall not be questioned in any Court of law.

(6) The Central Government may, at any time, call for and examine the record of any proceeding relating to any decision of an agency or appellate authority under this section for the purpose of satisfying itself as to the legality or propriety of such decision and may pass such order thereon as it thinks fit.

1. Inserted by Export (Quality Control and Inspection) Amendment Act (Act 40 of 1984) w.e.f 02.07.1984.
