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THE ANDHRA PRADESH GAZETTE

PART IV-B EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 16]

AMARAVATI, FRIDAY, 21st OCTOBER, 2022.

ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 18th October, 2022 and the said assent is hereby first published on the 21th October, 2022 in the Andhra Pradesh Gazette for general information :

ACT No. 16 of 2022.

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH SHOPS AND ESTABLISHMENTS ACT, 1988.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy Third Year of the Republic of India as follows:-

- (1) This Act may be called the Andhra Pradesh Shops and Establishments (Amendment) Act, 2022. Short title and commencement.
- (2) It shall be deemed to have come into force on and from the 9th day of September, 2022.
- In the Andhra Pradesh Shops and Establishments Act, 1988 (hereinafter referred to as the Principal Act) sub-section (5) of section 48 shall be omitted. Omission of sub-section (5) of section 48.
- In the principal Act, for section 61, the following shall be substituted, namely,- Substitution of section 61.

“61. Penalties - (1) - Any employer who makes any false or incorrect statement under Section 3 shall be imposed with fine which may extend to Rs.10,000/-.

(2) Any employer who contravenes any of the provisions of the Sections 3, 4, 5, 7, 9 to 12, 13, 15 to 32, 34 to 47, 49, 68 and 69 shall be imposed for a first contravention with fine which may extend to Rs. 10,000/-, for a second contravention with fine which shall not be less than Rs. 10,000/- but which may extend to Rs.20,000/- and for the third or subsequent contravention with a fine which shall not be less than Rs.20,000/- but which may extend to Rs.50,000/-.

Provided that where any employer fails to possess a valid certificate of Registrations in contravention of the provisions of Sections 3, 4 and 5, he shall, in the case of a continuing contravention, be imposed with a further fine which may extend to Rs.500/- for each day during which the offence continues.

(3) whoever contravenes the provisions of Section 8 shall be imposed for a first contravention with fine which may extend to Rs. 10,000/-, and for a second or subsequent contravention with fine which may extend to Rs. 15,000/-.

(4) whoever contravenes the provisions of sub-section 2 of Section 48 shall be imposed with fine which may extend to Rs.250/- for each day during which the contravention continues.

(5) whoever contravenes the provisions of sub-section (3) of Section 48, shall be imposed with fine which may extend to Rs.250/- for each day during which the contravention continues.

(6) No order under sub-sections (1) to (5) shall be passed by the authority prescribed except after issuance of notice followed by an opportunity of hearing to the person / employer as prescribed under the Rules.

Provided that any person / employer aggrieved by any order passed by the authority prescribed, shall have a right to file an appeal within thirty (30) days of the receipt of the order, to the appellate authority as prescribed under the Rules.

(7) In case the fine so imposed is not paid within fifteen (15) days of passing of the order by the authority concerned, whether in appeal or otherwise, the said fine shall be recovered from such person, without prejudice to any other mode of recovery, as an arrear of land revenue.

4. In the principal Act, Section 62 shall be omitted.

Omission of
section 62.

5. In the principal Act, for section 63, the following shall be substituted, namely,-

Substitution of
section 63.

“63 . Penalty for obstructing Inspector, etc., - (1) Any person who willfully obstructs an Inspector in the exercise of any power conferred on him by or under this Act or any person lawfully assisting such Inspector in the exercise of such power, or who fails to comply with any lawful direction made by such Inspector, shall be imposed fine upto Rs.50,000/-.

(2) The Inspector shall forward the inspection report to the authority, as prescribed, within three (3) days of inspection. The authority, shall cause a notice to be issued to the establishment concerned and after giving reasonable opportunity of hearing, shall impose the fine as deemed fit.

Provided that any person aggrieved by any order passed under sub-section (2) by the authority prescribed, shall have a right to file an appeal within thirty (30) days of the receipt of the order, to the appellate authority as prescribed under the Rules.

(3) In case the fine so imposed, whether in appeal or otherwise, is not paid within fifteen (15) days of passing of the order by the authority concerned, the said fine shall be recovered, without prejudice to any other mode of recovery, as arrear of land revenue.

6. In the principal Act, sections 64 and 67 shall be omitted.

Omission of
sections 64 and 67.

7. (1) The Andhra Pradesh Shops and Establishments (Amendment) Ordinance, 2022 is hereby repealed.

Repeal and saving.

Ordinance
No. 10 of 2022.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

G. SATYA PRABHAKARA RAO,
Secretary to Government,
Legal and Legislative Affairs & Justice,
Law Department.