



FOOD

Rule 33 as a Regulatory Shock-Absorber: Legal Metrology's Answer to Sudden GST Rate Shifts

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Introduction

A sudden shift in the Goods and Services Tax rate sends ripples far beyond the statute book; it reaches every supermarket and kirana shelf, every warehouse and every e-commerce dark store where pre-packaged goods are already sealed, labelled and waiting for buyers. The Legal Metrology (Packaged Commodities) Rules, 2011 normally treat the printed retail sale price as immutable once the package leaves the factory, so an unanticipated tax change leaves manufacturers trapped between the rigour of the Act and the commercial reality of lakhs of unsold units. On 9 September 2025 the Ministry of Consumer Affairs, Department of Legal Metrology, invoked its rarely-used power under Rule 33 to unlock this impasse by permitting a swift, transparent and time-bound re-pricing of existing stock. The circular that followed is therefore more than an administrative breather; it is a reconciling device between fiscal policy and consumer-protection law.

The statutory anchor for the dispensation is Rule 33 of the Packaged Commodities Rules, a residual clause that empowers the Central Government to relax any provision of the Rules by general or special order. Rule 33 is framed under Section 39 of the Legal Metrology Act, 2009, which itself derives from the Constitution's Entry 50 of the Union List, giving Parliament exclusive authority over standards of weight and measure. Because Section 18(2) of the Act criminalises the sale of a package at a price higher than the declared MRP, any alteration in the tax component embedded in that price must receive prior legislative sanction; otherwise every dealer would technically contravene the statute the moment the new GST rate is notified. The relaxation order thus operates as a protective umbrella against unintended prosecutions while the market adjusts to the revised tax matrix.

The permission is deliberately narrow. It applies only to pre-packaged commodities that were manufactured, packed or imported before the GST rate was altered and that remain unsold as on the date of the notification. The benefit is available up to 31 December 2025 or until the particular stock is exhausted, whichever is earlier. During this window the manufacturer, packer or importer may stamp, stick or online-print a revised MRP on each unit, but the original price must remain fully legible underneath. This visual coexistence of old and new prices is the first line of transparency: the consumer can instantly verify that the difference corresponds exactly to the tax variation and nothing more.

Public accountability is reinforced through mandatory publicity. Before the first re-stickered unit leaves the godown the company must publish at least two newspaper advertisements alerting consumers and competitors that certain SKUs are being re-priced pursuant to the GST change. Simultaneously, formal notices must travel to every stockist, retailer, the Director of Legal Metrology at the Centre and the Controllers of all States and Union Territories.

The circular also addresses the practical problem of surplus packaging material. Millions of labels, laminates and shrink-sleeves carrying the old MRP were already printed and dispatched to packaging lines before the tax notification arrived. Rather than scrap this inventory, the Department allows its continued use till 31 December 2025 or till exhaustion, provided the revised MRP is superimposed in the same permitted manner. The concession saves environmental cost and working capital, but again the original declaration must stay legible so that an inspector or a vigilant consumer can audit the arithmetic.

Conclusion

Rule 33 is framed as a safety valve, yet the Department has turned it into a precision instrument: every condition in the 9 September circular is calibrated to ensure that the benefit of the relaxation flows to the taxpayer or the consumer, never to the intermediary who happens to hold inventory on the day the GST rate changed. By tethering price revision to the exact tax differential, insisting on dual display, mandating public notice and preserving prosecution rights for transgressions, the Ministry has demonstrated how elastic use of subordinate legislation can keep hard statute both alive and humane. The episode is a textbook illustration of responsive governance—law bending just enough to prevent business from breaking, while keeping the consumer shield intact.

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