

The Chhattisgarh Excise Settlement of Licences for Retail Sale of Country Liquor (In District Raipur, Durg, Rajnandgaon, Dhamtari and Mahasamund) Rules, 2001

CHHATTISGARH

India

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Rule

THE-CHHATTISGARH-EXCISE-SETTLEMENT-OF-LICENCES-FOR-RETAIL-SALE-OF-COUNTRY-LIQUOR-RULES, 2001

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The Chhattisgarh Excise Settlement of Licences for Retail Sale of Country Liquor (In District Raipur, Durg, Rajnandgaon, Dhamtari and Mahasamund) Rules, 2001 Published vide Notification No. F-10-49/2001/CT/V/(14) dated the 23rd May, 2001, Chhattisgarh Rajpatra Part 1, at Pages 208 (23-31) Notification No. F-10-49/2001/CT/V/(14) dated the 23rd May, 2001. - In exercise of the powers conferred by sub-section (1) of Section 18 read with clauses (d), (e), (f), (g), (h) of sub-section (2) of Section 62, of Chhattisgarh Excise Act, 1915 (No. II of 1915), the State Government make the following rules for the settlement of country liquor shops in the revenue districts Raipur, Durg, Rajnandgaon, Dhamtari and Mahasamund which were published previously as required by sub-section (3) of Section 62, in Chhattisgarh Gazette.

1. Short title and commencement.

(1) These rules may be called the Chhattisgarh Excise Settlement of Licences for retail sale of country liquor (in district Raipur, Durg, Rajnandgaon, Dhamtari and Mahasamund) Rules, 2001. (2) These shall come into force from the date of their publication in the Gazette.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context :-(a)"Act" means the Chhattisgarh Excise Act, 1915 (No. II of 1915) as amended from time to time;(b)"Country Liquor" includes country spirit;(c)"Excise Year" means the financial year commencing from 1st April to 31st March of the calendar year;(d)"Family" means and includes spouse (husband or wife) dependent son(s), unmarried daughter(s) and dependent parents;(e)"Form" means the form appended to these rules;(f)"Licensing Authority" means the Collector of the District;(g)"Licence fee" means a sum fixed in consideration of the grant of the licence for exclusive privilege for selling of country liquor in a retail shop under Section 18 read with clause (g) of sub-section (2) of Section 62 of the Act as fixed by the Excise Commissioner in consultation with the State Government from time to time for the whole excise year or part thereof; which shall be fixed for any country liquor shop on the basis of the categories of the annual quantity;(h)"Minimum month wise guaranteed quantity" means the quantity of country liquor as fixed by the Licensing Authority in accordance with the general or specific instructions issued by the Excise Commissioner and guaranteed by the licensee to be lifted by him for his retail shop in a month of an excise year for the purpose of retail sale which shall be fixed for any country liquor shop on the basis of maximum lifting in a district during last five years after making necessary increase/decrease;(i)"Annual Quantity" means the sum total of the month wise guaranteed quantity of an excise year;(j)"Security amount" means a sum equal to the duty payable on 1/12th of annual quantity in cash to be deposited in Government Treasury as interest free security, refundable after the final settlement of all claims and dues to the State Government.

3. Settlement of Licences for retail sales.

(a)Subject to the provision of these rules and subject to the payment of licence fee and security amount, the retail shop for sale of country liquor shall be settled or resettled by fixed fee system as specified herein.(b)The licence shall be granted in the Form C.S. 2-D for retail sale of country liquor in sealed bottles for consumption 'On' the premises.

4. Power to fix the number and location of retail shops.

- Number of shops shall be fixed by the Licensing Authority under general or specific instructions issued by the State Government or by the Excise Commissioner from time to time. Location of shop shall be as per the provisions of Rule (1) of rules of general applications framed under the Act as amended from time to time.

5. Period of Licence.

- The period of licence shall be for an excise year or part thereof for which the licence has been granted. The licence may be renewed on such terms and conditions as may be decided by the State Government.

6. Grant of licence.

- The licence shall be granted on payment of annual licence fee and deposit of the security amount.

7. Application for grant of licence.

(a)Whenever a new licence is proposed to be granted in an area or locality, the Licensing Authority shall invite the applications for this purpose after giving wide publicity through daily newspapers having circulation in that area.(b)A list of the retail shops of country liquor for which the Collector proposes to grant licence, shall be exhibited along with shopwise licence fee and security amount at the Collector's Office, Tehsil Office and the Offices of the District Excise Officer/Asstt. Commissioner Excise of the District.(c)Application for grant of licence shall be made in the prescribed form as appended to these rules.(d)The last date to be fixed for the receipt of application shall not be earlier than seven days with effect from the date of publication of the advertisement in a newspaper.

8. Eligibility Conditions for applicants.

- Eligible applicants must fulfil following conditions namely :-(a)Be a citizen of India or partnership firm whose partners are citizens of India. No change in partnership shall be allowed after the allotment of shop(s);(b)Be above 21 years of age;(c)Not be a defaulter/blacklisted or debarred from holding an excise licence under the provisions of any rules made under the Act;(d)Submits an affidavit duly verified by public notary as proof of the following namely:-(1)That he possesses or has an arrangement for taking on rent a suitable premise in that locality for opening the shop in accordance with the provisions of the rule of rules of general applications under the Act as amended from time to time;(2)That his proposed premises of the shop have not been constructed in violation of any law or rules;(3)That he possesses good moral character and have no criminal background and have not been convicted of any offence punishable under the Act or Narcotic Drugs and Psychotropic Substances Act, 1985 or any other law for the time being in force, or any other cognizable and non-bailable offence;(4)That in case he is selected as licensee he will furnish a certificate issued by Superintendent of Police of the district of which he is the resident, showing that he possesses good moral character and have no criminal background or criminal record, within thirty days of grant of licence;(5)That he shall not employ any salesman or representative who has criminal background as mentioned in clause (111) or who suffer from any infectious or contagious disease or is below 21 years of age or a woman;(6)That he is not in arrear of any Government money;(e)Furnish a bank draft drawn in favour of the District Excise Officer or Asstt. Commissioner Excise issued from a nationalised Bank as earnest money. The amount of earnest money shall be as fixed by the Excise Commissioner. In case the applicant is selected as licensee, the earnest money shall be adjusted against the licence fee. In other cases it shall be returned as such to the applicant as soon as the selection process is over.

9. District level committee for licensing.

- There shall be a district level committee for selection of licensees for retail sale of country liquor. The committee shall consist of the following members namely :-

- | | |
|---|------------------|
| (i) The Collector of the District | Chairman |
| (ii) One Gazetted Officer of Excise Department nominated by the Excise Commissioner | Member |
| (iii) The District Excise Officer/Asstt. Excise Commissioner of the District | Member-Secretary |

10. Selection of Licensee.

(a) The District Excise Officer/Asstt. Excise Commissioner shall prepare a list of all applications received with summary report to be put before the district level committee for licensing. (b) The said committee shall select licensees from the list of applicants found eligible. In case there are more than one suitable applicant for any particular shop, the committee shall select the licensee for such shop by public lottery. In case the selected applicant does not deposit the required amount and does not fulfil the prescribed formalities or is unable to arrange suitable premises for the shop within stipulated period, the Licensing Authority shall cancel the allotment and take steps for resettlement of the shop. (c) In case there is no application for a particular shop or no candidate is found suitable for a shop, the Licensing Authority shall take immediate steps for resettlement of the shop. (d) Licensing Authority shall have the right to reject applications received for a shop/shops without assigning any reason.

11. Statement of Settled shops.

- As statement of the settled shops along with names and addresses of the licensees, shopwise annual quantity, details of security amount and licence fee deposited shall be sent by the District Excise Officer/Asstt. Commissioner Excise to the Excise Commissioner within 15 days of the settlement.

12. Payment of licence-fee and security amount.

- In case an applicant is selected as licensee, he shall deposit the entire amount of licence fee and the security amount within 3 days of being informed of his selection. If he fails to deposit the amount of licence fee and security amount within prescribed period, his selection shall stand cancelled and his earnest money shall be forfeited in favour of the State Government and the said shop shall be resettled forthwith. The defaulter shall be debarred from holding any excise licence anywhere in the state. A consolidated list of such defaulters under this rule, along with their complete address shall be forwarded by the District Excise Officer/Asstt. Commissioner to the Excise Commissioner, who will circulate the consolidated list of the state to all Licensing Authorities of the state.

13. Lifting of liquor.

(a)The licensee under these rules shall obtain supplies of country liquor from any wholesale licensed warehouse of the district after making full payment of cost price of country liquor including all taxes, duties, sealing charges and cess as levied from time to time. The licensee shall place indent at-least 72 hours in advance to the wholesale licensee/supplier of the district from whom he intends to procure the supply of country liquor.(b)The wholesale licensee/supplier with whom the indent has been placed shall record the date and time of receipt of indent and shall ensure supply of the desired quantity of liquor within 48 hours of the receipt of indent. In case there is no country liquor available with the wholesale licensee/supplier, the District Excise Officer/Asstt. Commissioner shall make alternative arrangements for the supply of indented quantity of country liquor.

14. Lifting of minimum Guaranteed Quantity fixed for the month and consequences of failure.

(a)The licensee is liable to lift the entire minimum monthwise quantity during a month. The licensee shall make indent for the entire minimum monthwise guaranteed quantity fixed for that month along with cost of country liquor including all duties, sealing charges, taxes and cess, which must be submitted to wholesale licensee by 25th day of the month.(b)In case the retail licensee fails to submit the indent as per clause (a) the District Excise Officer/Asstt. Commissioner Excise shall immediately report the matter to the Licensing Authority, who shall taken action to impose penalty on the amount of guaranteed quantity less lifted than the fixed monthly guaranteed quantity at the rate of rupees 120/- proof litre and shall adjust the amount equal to the imposed penalty from the Security amount and issue a notice to the licensee to replenish the shortfall in security amount within a week and also show cause as to why the licence should not be cancelled, if the licensee fails to deposit the amount of deficit in security amount and does not furnish suitable explanation within the stipulated period, the licence shall stand cancelled and the Licensing Authority shall take immediate steps to resettlement the shop.

15. Lifting of country liquor in excess of minimum monthwise guaranteed quantity.

- The licensee may lift upto 20% in excess of monthwise minimum guaranteed quantity for the month on the same rate of duty, any further excess quantity shall be lifted on permission of the District Excise Officer/Asstt. Commissioner and on payment of additional excise duty as may be prescribed.

16. Minimum retail Price.

- The minimum retail price as may be fixed by Excise Commissioner on approval of the State Government, which shall be printed on the bottles of country liquor. The licensee shall not charge from consumers less than the minimum retail price printed on labels of bottles.

17. Hours of sale and closure of shops.

- The licensed premises shall remain open for sale on all days from 10.00 a.m. to 10.30 p.m. except on 15th August (Independence day), 2nd October (Gandhi Jayanti), 26th January (Republic Day), 30th January (Mahatma Gandhi Nirwan Diwas), Holi and Moharrum and upto 3 more days as notified for closure by the Licensing Authority. Licensing Authority may also order for closure of shop on account of law and order or General Election related activity under the provisions of relevant laws. No compensation shall be given for the closure of shop on above grounds.

18. Disposal of Balance stock left at the expiry of the licence.

- Any balance of country liquor found outstanding and unsold at the expiry of term of licence shall be declared by the licensee to the Licensing Authority on the next day and shall be returned by him to the concerned wholesale licensee/ supplier of the district by 5.00 p.m. of the next date of expiry of licence. The licensee shall be entitled to get the refund of cost price only, excluding duty and other taxes. The disposal of such stock shall be made as per orders of the Excise Commissioner in this regard.

19. Surrender of licence.

- A licensee may surrender his licence after giving atleast one month's notice in writing to the Licensing Authority under provisions of Section 33 of the Act. On receipt of such application the Licensing Authority will take steps for recovering all outstanding excise dues from his security deposit and refund the balance amount after obtaining orders of the Excise Commissioner. The Licensing Authority shall also proceed for resettlement of the shop without delay for the remaining period of the excise year.

20. Suspension and cancellation of the licence and penalties.

(1)Licensing Authority may suspend or cancel the licence :- (a) If any bottle is found in the licensed premises on which duty has not been paid and which does not carry security hologram duly approved by the Excise Commissioner as a proof of payment of duty; (b) If any other kind of liquor or intoxicating drug (for which licence is not granted) is found in the licensed premises; (c) If the affidavit submitted by the licensee at the time of application is found incorrect and assertions made therein are found to be false; (d) If the licensee fails to lift minimum monthwise guaranteed quantity during that month and also fails to replenish the shortfall in security deposit within the period prescribed; consequent to the imposition of penalty; (e) If the licensee is convicted of any offence punishable under the Act or any other law for the time being in force relating to revenue, or of any cognizable and non-bailable offence, or any offence punishable under Narcotic Drugs and Psychotropic Substances, Act, 1985 or of any offence punishable under Sections 482 to 489 of the Indian Penal Code; (f) If any bottle is found in the licensed premises on which minimum retail price is not printed. (2) The Licensing Authority shall immediately suspend the licence and forfeit the security deposit on above mentioned grounds. The Licensing Authority will also serve a show cause

notice for cancellation of licence and the licensee shall submit his explanation within 7 days of the receipt of the notice. Thereafter the Licensing Authority will pass suitable orders after giving due opportunity of hearing to the licensee, if he so desires.(3)The licensee shall not be entitled to claim any compensation or refund for suspension or cancellation of licence under the rules.(4)In case the licence is cancelled on the above mentioned grounds the licensee may also be blacklisted and debarred from holding any excise licence in future.

21. Repeal.

- (i) All rules corresponding to these rules in force immediately before the commencement of these rules hereby repealed irrespective of matters covered by these rules :Provided that any order made or action taken under the rules so repealed shall be valid in respect of country liquor shop/shops for the financial year 2001-2002.C.S. 2-D[Rule 3-b]Licence for the retail sale of country liquor in sealed bottles for consumption on the premisesLicence

No.....Year.....Locality.....District.....Licence
fee Rs.....(in figures).....(in words)Annual
Quantity.....Minimum monthwise guaranteed quantity.

Sl. No.	Month	Minimum Monthwise guaranteed quantity
1.	April	8.5% of Annual Quantity
2.	May	8.5% of Annual Quantity
3.	June	8.5% of Annual Quantity
4.	July	7.5% of Annual Quantity
5.	August	7.5% of Annual Quantity
6.	September	7.5% of Annual Quantity
7.	October	8.5% of Annual Quantity
8.	November	8.5% of Annual Quantity
9.	December	9.0% of Annual Quantity
10.	January	9.0% of Annual Quantity
11.	February	9.5% of Annual Quantity
12.	March	9.5% of Annual Quantity

Description of Premises (with

boundaries)North.....South.....East.....

Father's Name and Address of Licensee (s)

1.

.....s/o.....r/o.....

2.

.....s/o.....r/o.....Name, Father's Name and Address of Salesmen

1.

.....s/o.....r/o.....

2.

.....s/o.....r/o.....

3.

.....s/o.....r/o.....

4.

.....s/o.....r/o.....Licence for the retail sale of spiced Country Liquor at a strength of 25 U.P. and plain country liquor at a strength of 50 U.P. in standard quart (750 ml), pint (375 ml) and nip (180 ml) bottles capacity, is hereby granted to above licence holder(s), at.....(place) in..... Tahsil..... in the District of..... w.e.f. from..... to March 31, 200..... for which licence fee and security deposit has been paid in accordance with Rule 6. The licence is subject to the following special and general conditions, the infraction of any of which or a conviction for any offence under the Chhattisgarh Excise Act, 1915 or Narcotic Drugs and Psychotropic Substances Act, 1985 shall make the licensee (s) liable for cancellation of the licence and forfeiture of security deposit in addition to any penalty imposed under the relevant laws. General and Special Conditions

1. The licensee is liable to lift the entire Minimum Monthwise Guaranteed Quantity of Country Liquor during the month only. The quantity left uplifted on the last working day of the month shall be forfeited.

2. The indent for the entire Minimum Guaranteed Quantity fixed for the month along with cost of country liquor including all duties, taxes and cess must be submitted to the wholesale licensee/supplier by 25th day of the month.

3. In case the retail licensee fails to submit the indent by 25th day of the month as above, the District Excise Officer/Asstt. Commissioner shall immediately report the matter to the Licensing Authority, who shall take action to impose penalty on the amount of guaranteed quantity less lifted

than the fixed monthly guaranteed quantity at the rate of rupees 120/- proof litre and shall adjust the amount equal to the imposed penalty from the security amount and issue a notice to the licensee to replenish the shortfall in security amount within a week and also show cause as to why the licence should not be cancelled. If the licensee fails to deposit the amount of deficit in security amount and does not furnish suitable explanation within the stipulated period, the licence shall stand cancelled and the Licensing Authority shall take immediate steps to resettle the shop.

4. The licensee may lift upto 20% in excess of Minimum Monthwise Guaranteed Quantity for the month on the same rate of duty, any further excess quantity shall be lifted on permission of the District Excise Officer/Asstt. Commissioner and on payment of additional excise duty as fixed by the State Government.

5. The licensee can obtain supply of the country liquor from the wholesale country liquor licensee/supplier of the district after making full payment of cost price of liquor including sealing charges, all taxes, duties, cess etc. leviable from time to time. The licensee shall place indent atleast 72 hours in advance to the wholesale licensee/supplier in the district from whom he wants to procure the supply of country liquor. In case the wholesale licensee/supplier with whom the indent has been placed fails to supply country liquor within 48 hours of the receipt of indent, the licensee must approach the District Excise Officer/Asstt. Commissioner concerned who will make arrangements for supply of country liquor within 24 hours of receipt of such indent.

6. Minimum retail price shall be printed on the label of bottles of country liquor. The retail licensee shall not charge less than the printed minimum retail price.

7. The sale of country spirit in sealed bottles for consumption shall be allowed from the same Gaddi. A portion of the premises shall be set apart where only "on" consumption shall be permitted. Even for "On" consumption the spirit shall not be served loose.

8. The sales shall be made in sealed bottles of quarts, pints, nips of country liquor of prescribed strength and quantity carrying security Hologram or security Holographic Shrink Sleeves approved by Excise Commissioner, as proof of payment of duty.

9. The licensee shall maintain a regular and accurate daily account in the prescribed register. The account register shall be produced for inspection whenever asked by the competent inspecting authority.

[9-A. The Licensee shall return to the supply contractor on the date he goes to the warehouse for obtaining supply of country liquor, all the empty bottles in stock with him on the preceding day.]
[Inserted by Notification No. F-10-227-2001-CT-V (22) dated 4th June, 2001, Published in Chhattisgarh Rajpatra (Asadharan), dated 4-6-2001.]

10. The licensee shall not be allowed to carry on any other business on the licensed premises except sale of country liquor for which licence is granted.

11. The licensed premises shall remain open for sale on all days from 10.00 a.m. to 10.30 p.m. Except on 15 August (Independence day), 2nd October (Gandhi jayanti), 26th January (Republic Day), 30th January, (Mahatma Gandhi, Nirwan Diwas), Holi and Moharrum and upto 3 more days as notified for closure by the Licensing Authority. Licensing Authority may also order closure of shop on account of law and order or General Election related activity etc. under the provision of relevant laws. No compensation shall be given for the closure of shop on above dates/days.

12. The licensee shall store entire stock of country liquor in the licensed premises only.

13. The licensee shall affix a conspicuous signboard at the entrance to the shop on which the name of the licensee, designation "Licensed Retail Vendor of Country Liquor", location of the shop, period of licence and such other information as prescribed by Licensing Authority in bold letters shall be printed.

14. The licensee shall provide within the licensed premises a reasonable seating accommodation i.e. a sufficient number of benches, "takehats" chairs and tables etc.

15. The licensee shall not employ any person as salesman who is below 21 years of age or is suffering from any infectious and/or contagious disease, or has criminal background or a woman.

16. The licensee shall not sell to any person more than 1.5 litres of country liquor.

17. The sales should not be made to a person below the age of 18 years or any official in uniform.

18. The licensee is strictly forbidden under any pretext whatsoever from tampering with bottles or with their labels, security Hologram/Sleeve, pilfer proof caps or seals.

19. The licensee shall not keep in his licensed premises any caramel, colour, essence, hologram/Shrink Sleeve, labels, capsules, seal and any other noxious material.

20. The licensee or his salesman are strictly prohibited from keeping water on the Gaddi the shop or within 5 feet of the place where the country liquor is stored or kept for sale.

21. The licensee shall be responsible for the proper upkeep and cleanliness including its drain etc. which shall be kept disinfected.

22. All Kujjar, pattals etc. used in the premises shall be removed immediately to specially erected empty receptacles or bin with a cover kept for this purpose which shall be cleaned atleast twice during the sale hours.

23. The premises in which the shop is situated shall not be used as a place of residence except by the licensee/salesman and his family.

24. The licensee is strictly forbidden from having recourse to any form of blandishment or inducement to the customer with a view to increase his sales. Gambling and dance programme are strictly forbidden.

25. The licensee shall on expiry of the licence, report to the Licensing Authority for disposal of balance stock which will be disposed off in accordance with Rule 18.

26. [The Licensee shall be bound by the provisions of the Chhattisgarh Excise Act, 1915 and the rules made thereunder except General Licence Condition No. 2A-and 2B also with the special instruction by the competent authority.] [Inserted by Notification No. F-10-227-2001-CT-V-(22), dated 4th June, 2001. Published in Chhattisgarh Rajpatra (Asadharan), dated 4-6-2001.]

Date : Licensing Authority

District :

Application for the grant of licence for Retail Sale of Country Liquor in Form CS-2D[Rule 7(c)]

Registration No..... Excise year.....

(To be filled by the office)

Details of the shop applied for

1. Name of the District.....

2. Name of the shop.....Tehsil.....

3. Licence Fee (Rs.).....(in words).....(in figure)

4. Annual Quantity

5. Earnest Money (Rs.).....(in words).....(in figures)

6. Security Amount (Rs.).....(in words).....(in figures)

Details of the Applicant(In case of co-applicant photograph of co-applicant and details at serial No. 1 to 6 be also given)

1. Name of the Applicant.....

2. Father's /Husband's Name.....

3. Age.....Sex.....

Male/Female.....

4. Permanent address.....

House No. and Locality/Village.....Police
Station.....Tehsil.....Distt.....
No.....

5. Present address.....

House No. and Locality/Village.....Police
Station.....Tehsil.....Distt.....
No.....

6. Details of the earnest money deposited.

(a)Bank Draft No. and Date.....(b)Name of Bank.....The above information is true to the best of my/our knowledge. In the event of above information being found incorrect, my/our shall be liable to be rejected and earnest money shall be liable to be forfeited. If above details are found to be incorrect subsequent to the grant of licence it shall render my/our licence liable for cancellation and forfeiture of licence-fee and security deposit made by me/us. I/we am/are aware that submission of false or incorrect information is a penal offence. Signature (s) /thumb impression (s) of the applicant(s) with dateAnnexureAffidavit duly verified by Public Notary(Acknowledgement receipt)Received application from Shri/Smt./Ku..... s/o..... w/o..... d/o..... r/o..... country liquor shop..... along with affidavit and bank draft for earnest money and entered m the register at serial number.....Date.....Time.....Signature of person authorizedby District Excise Officer / Asstt.Commissioner District.....