

M.P. Beer and Wine Rules

MADHYA PRADESH

India

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Rule M-P-BEER-AND-WINE-RULES of 2002

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M.P. Beer and Wine Rules Published vide Notification No. (28) B-1-40-98-CTD-5, dated 26-9-2002, M.P. Rajpatra (Asadharan) dated 26-9-2002 In exercise of the powers conferred by sub-section (1) and clause (a), (d), (e), (Or (g) and (h) of sub-section (2) of Section 62 of the Madhya Pradesh Excise Act, 1915 (No. II of 1915), the State Government hereby makes the following rules, the same having been previously published in the "Madhya Pradesh Gazette" as required by sub-section (3) of Section 62, namely :-

1. Short title and commencement.

- (i) These rules may be called the Madhya Pradesh Beer and Wine Rules. (ii) They shall come into force with effect from the date of their publication in the "Madhya Pradesh Gazette".

2. Definitions.

- In these rules, unless the context otherwise requires :- (a) "Act" means the Madhya Pradesh Excise Act, 1915 (II of 1915); (b) "Beer" has the same meaning as assigned to it in Section 2 (1) of the Act (No. II of 1915) and includes Draught Beer that is unpasteurised beer packed in sealed Casks or Kegs; (c) "Bottling" means transfer of manufactured beer or wine in bottles, Casks or Kegs for final removal from the brewery or manufactory and includes rebutting and refilling; (d) "Bottling-Room" means that portion of a brewery or manufactory which is set apart for carrying out bottling operations; (e) "Bottle-Store-Room" means a room whereto bottled beer or wine is transferred from the bottling room for storage and issue; (f) "Brewer" means a person holding a licence for working a brewer; (g) "Brewery" means a building or place licensed under these rules where beer is manufactured and includes every place therein where beer is stored and when it is issued; (h) "Cooler" means any vessel into which worts are passed to be cooled and includes a refrigerator; (i) "Cooper" means any vessel in which worts or water is heated or boiled with hops in course of brewing; (j) "Fermenting vat" means a large vessel or cask into which worts or raisins or fruits are fermented; (k) "Finings" means material added to purify beer; (l) "Flops" means the ripe

female flower of the hop-plant or its other part used in manufacture of beer for imparting bitter flavour and characteristic aroma and shall include concentrate of hops;(m)"Hope back" means any vessel into which worts are run after boiling in order to remove the spent hops;(n)"Licence" means a licence granted under these rules;(o)"Licensee" means a person who holds a licence;(p)"Licensed Premises" means the premises that have been licensed under these rules and which have been specified in schedule appended to Form B-3 and includes a brewery or manufactory;(q)"Manufactory" means a building or place where wine is manufactured and includes every place therein where wine is stored and whence it is issued;(r)"Mash" means sugary solution prepared from cereals;(s)"Mashtun" means a vessel in which hot water is mixed with brewing materials to exhaust if of its fermentable contents;(t)"Officer-in-charge" means an Excise Officer, not below the rank of Assistant District Excise Officer appointed for supervising operations in a brewery or manufactory;(u)"Under back" means a control vessel through which the wort flows either from the mashtum or hopback;(v)"Wine" means the fermented juice of grapes or other fruits with or without the addition of sugar or jaggery, the fermentation being produced by the yeast naturally present on the skin of fruit or added externally and having alcoholic strength not exceeding 42 per cent of proof spirit.(w)The F.L. licensee or forms mentioned in these rules refer to concerned licences and forms under the Madhya Pradesh Foreign Liquor Rules, 1995 shall have the same meanings assigned to them in the Madhya Pradesh Excise Act (No. 11 of 1915) or Madhya Pradesh Distillery Rules, 1996.

3. Construction or Establishment of Brewery/Manufactory.

(1)Brewery or manufactory shall be constructed and/or established only with an explicit permission of the State Government under these rules.(2)Any person intending to construct and/or establish a brewery or manufactory shall apply to the State Government through the Excise Commissioner for the required permission in Form B-1. Where a person desired to contract and work a Brewery and also a manufactory, he shall make separate application in this behalf.(3)Every such application shall be accompanied by,-(a)detailed plan in quadruplicate of the proposed unit drawn to scale on sheets of tracing cloth;(b)A challan in proof of payment of fee prescribed by the State Government;(c)The plan referred to in clause (a) shall contain complete details of the proposed unit including the land buildings, fixtures etc. it will clearly indicate the exact location and dimensions of all the rooms, floors, storeys, windows and other openings. The precise location where vats, vessels, tanks, pipelines, valves, revenue locks, electric or gas conduits, refrigeration or heating systems and any other apparatus, appliance, gadget, equipment or machinery shall be installed, fitted or used alongwith details about their capacity, size, use etc. must appear in the plan. The manner in which the rooms, halls or buildings comprised in the premises shall be utilized must be specified in the layout. The points where revenue locks shall be attached, may be indicated by the symbol RL;(d)A detailed project report of the brewery or manufactory in quadruplicate;(e)A statement in quadruplicate giving in detail the process desired to be adopted for manufacturing beer or wine;(f)Any other certificate, authorisation or clearance required from Central Government, a Local Body, Town and Country Planning Authority or Department, Madhya Pradesh Pollution Control Board or any other authority or department of the State Government under any enactment or rules, in force.(4)The Excise Commissioner shall after such examination as may deem proper, forward the application to the State Government with his comments and recommendation thereon.(5)(i)If the

State Government is satisfied of the proposed scheme of the applicant, it may, issue "Letter of Intent" in Form B-2 to the applicant.(ii)Where it appears that the application is not complete in all material particulars or is not accompanied by the required documents the State Government or the Excise Commissioner or any other Officer authorised in his behalf shall by a notice served by registered post in writing, requiring the applicant to make good the omission or as the case may be, to furnish the documents not later than 30 (thirty) days from the date of communication of the said notice. An application for the grant or renewal made under these rules shall not be refused by the Sanctioning Authority only on the ground that application is not complete in all material particulars or is not accompanied by the documents.(6)Government reserves the right to reject the application after hearing the applicant.(7)In addition to issuance of "Letter of Intent" the State Government shall forward the duplicate, triplicate and quadruplicate copies of the project-report and statement of manufacturing process referred to in clauses (d) and (e) of sub-rule (3) after duly stamping them with the official seal in token of its approvals, to the applicant, the Excise Commissioner and the District Excise Officer of the relevant district respectively. The original shall be retained by the Government. The District Excise Officer shall keep an attested photocopy of both these documents in his office and send the quadruplicate copies bearing the stamp of the State Government to the Officer-in-charge whenever the plant is commissioned.(8)The "Letter of Intent" thus issued shall be valid for two years from the date of communication within which period the holder thereof shall complete the construction of the building and installation of plant and machinery in all respects according to the plan approved by the State Government and make the unit ready for commissioning.(9)In case the applicant fails to complete the job within stipulated period of two years, the "Letter of Intent" granted shall be liable to cancellation without compensation for any damage or loss to the holder thereof :Provided that, where after receiving the recommendation of the Excise Commissioner, the State Government is satisfied that failure on the part of the applicant to complete the works as per approved plans within the specified period is attributable to circumstance beyond control of the holder of the letter of intent or there are other valid reasons, it may grant extension of the period of the letter of intent upto a period not exceeding one more year.(10)The "Letter of Intent" is issued under sub-rule (5) shall not create any prerogative in favour of its holder for grant of a licence and shall be liable to be revoked or withdrawn any time in public interest after giving to him a notice to show cause against such action and hearing him if he so desires.(11)No compensation for damage or loss shall be payable when the "Letter of Intent" is revoked or withdrawn under sub-rule (10).(12)The holder of "Letter of Intent" shall not, without the previous sanction of the State Government transfer or sub-lease it or enter into agreement with any other person for the construction of brewery or as the case may be manufactory or both.

4. Grant and Renewal of Licence for Working a Brewery or Manufactory.

(1)The holder of "Letter of Intent" shall report to the Excise Commissioner the date on which the construction of the premises and installation of plant is complete and formally make a request to him to grant a licence.(2)The application mentioned in sub-rule (1) shall normally be made through the District Excise Officer of the concerned district who, while forwarding it to the Excise Commissioner, enclose the following documents with it,-(a)Report of the committee appointed by the State Government ensuring that the premises have been built and plant erected in accordance with the approved plan enclosed with the "Letter of Intent" and that the plant is ready for

commissioning.(b)A copy of challan of the payment of the prescribed licence fee.(3)The Excise Commissioner after taking into consideration the report of the Committee along with the documents specified in sub-rule (2) or after making such further enquiries as he deems necessary may grant the licence in Form B-3 or may refuse to grant the licence.(4)The licence thus granted shall be for a period ending with the close of financial year in which it is granted, and may be renewed for one financial year at a time of payment of the prescribed licence fee by the Excise Commissioner. The request for renewal shall be decided on merits, the factors to be considered being whether the licensee has duly observed the conditions of licence and had complied with all the rules and orders or directions issued by the Excise Commissioner.(5)The application for renewal of licence shall be submitted through the District Excise Officer of the concerned districts. The application must reach the office of the District Excise Officer by the end of January immediately preceding the financial year for which renewal is desired. If there have been additions and alterations to or in building plant, fresh blueprints showing the additions and alterations carried out shall be attached to the application. If there has been no addition or alteration, a certificate to that effect by the Officer-in-charge shall be attached.(6)No licence shall be granted or renewed unless the applicant or the licensee has deposited a sum prescribed by the Excise Commissioner as security for due performance of licence conditions. Any liability arising against the licensee by way of duty, fee, penalty etc. under the provisions of the Act or these Rules shall be recoverable from it. The security amount thus depleted shall be indemnified to that extent by the licensee within fifteen days. In case the licence is cancelled for gross violation of any licence condition or any other reason on, the security amount shall stand forfeited.(7)Immediately after the initial grant of a licence or its renewal, the licensee shall execute a counter-part agreement in Form 13-14 and shall not commence working of the brewery or manufactory unless he has done so.(8)The Licensee shall not hypothecate, sell, mortgage, transfer or sub-lease the licence or enter into partnership for working of the licence, without the previous permission of the Excise Commissioner. Such a permission if granted shall be endorsed on the licence.(9)No addition to or alteration in the buildings or the plant machinery shall be effected without the prior approval in writing of the Excise Commissioner :Provided that minor additions, alterations or repairs of emergent nature may be permitted by the Officer-in-charge subject to immediate report to a subsequent approval of the Excise Commissioner.(10)A licence granted or renewed under these Rules shall remain in force for the period specified therein unless it is suspended, cancelled, withdrawn or surrendered earlier.

5. Arrangement of a brewery or manufactory.

(1)The premises of brewery and manufactory shall be separate in which the licensee shall provide separate room and for each of the following purposes :-(i)Fermentation process.(ii)Manufacturing Operation.(iii)Storage of spirit in case of manufactory.(iv)Bottling Operations.(v)Storage of manufactured beer or wine in sealed bottles and other receptacles.(2)No room shall be used for more than one purpose.(3)Every room shall be well ventilated and all the windows and apertures thereof securely barred and wire netted.(4)Every room shall bear on the outside a signboard on which shall be painted in oil colour the purpose for which the room is used.(5)All gas and electrical connections within the licensed premises shall be so fixed as to ensure that the supply of gas or electricity can be cut off when required and all the regulators or switches securely locked at the end of the days work.(6)There shall be only one ingress to and one emergency exit from the licensed

premises. Every other door shall be securely locked with a revenue-lock.(7)The licensee shall cause to be legibly painted with oil colour on some conspicuous part of every vat, mashtun, under back, cooper, heating-tank, cooler, fermenting-vessels etc. to be used by him the purpose for which it is used. Where more than one vat, vessel, room or place is used for the same purpose, they shall bear distinctive serial numbers.(8)All vats, vessels and other receptacles shall be placed and fixed in such manner as to ensure that the contents can be accurately ascertained by gauge or measure and shall not be altered in shape, position or capacity unless the Officer-in-charge has informed of that a fortnight ago.(9)All the vats, vessels and receptacles shall be gauged jointly by the Officer-in-charge and the licensee and a table shall be prepared which shall show the total capacity of each vessel in Liters or Kilograms, as the case may be and the capacity at each centimeter and 2 millimeters in depth.(10)No vessel which has been altered in shape, capacity or position shall be again taken in use unless it has been regauged and a table prepared as provided in sub-rule (8) above.

6. General Condition Binding to the Licensee.

(1)The licensee shall manufacture beer according to the approved manufacturing process intimated to him under sub-rule (7) of Rule 3.(2)Every brewery and/or manufactory shall be placed by the Excise Commissioner under the control of an Assistant District Excise Officer to be designated as Officer-in-charge. More Officers of junior ranks shall also be appointed to assist Officer-in-charge in his supervisory functions.(3)Officer-in-charge and other Excise Supervisory staff posted shall be provided with suitable residential accommodation within the licensed premises or in its close vicinity as may be approved by the Excise Commissioner.(4)The licensee shall provide for the Officer-in-charge a duly furnished office within the licensed premises.(5)The Excise Supervisory staff working on public holidays or beyond normal working hours shall be paid overtime allowance by the licensee as per scale fixed to the Excise Commissioner.(6)The licensee shall make proper arrangements for the treatment and disposal of effluents and all other waster material in the manner laid down by the State Government and Madhya Pradesh Pollution Control Board.(7)The licensee shall get the entire premises including building, structures, plant and machinery insured against fire or accident. He shall arrange for suitable fire safety measures and satisfactory fire-fighting apparatus.(8)The licensee shall provide and maintain in the licensed premises sufficient and accurate scales, weights, measures, lights, ladders and other appliances to enable the Officer-in-charge or any other inspecting officer to take account of or to check by weight, gauge or measure, all material wort wash or beer manufactured, vatted, stored or bottled.(9)The licence to work a brewery or manufactory shall carry with it the right to bottle on the licensed premises, all the beer or wine manufactured therein.(10)All the manufacturing operations shall be conducted under proper hygienic conditions. Only pure filtered water shall be used. Under no circumstances any ingredient or materials deleterious to human health shall be used at any stage of manufacture.(11)The licensee shall inform the Excise Commissioner without loss of time if there is discontinuance of manufacture of beer or wine or both and the reasons therefor.(12)On receipt of any direction from the Excise Commissioner or any officer authorised by him to remove any defect in building or plant or in the arrangement for fermentation, storage, pasteurization, bottling issue etc. the licensee shall attend to it at once and shall remove the defect by the date specified therein.(13)In case where a license is granted in favour of a private or public limited company, it shall be binding on such a company to communicate in detail to the licensing authority any changes

in the Directors of Company such as the names and address within fifteen days of the change.(14)The licensee may appoint any competent person to act as his agent with prior approval of the Excise Commissioner.(15)The particulars of all persons including their names and qualifications to be employed either as a brewer, manager, chemist technician, labour or in any capacity whatsoever shall be submitted to the Officer-in-charge for approval. No person other than those approved by Officer-in-charge shall be permitted to work therein or make entries in the accounts book.(16)The licensed premises shall be open only for the entrance or exit of persons who have business therein and are authorised to be there in connection with such business. Others may enter only with permission of the Officer-in-charge. All persons thus entering may be ejected by the Officer-in-charge if they indulge in riotous behaviour or commit any offence under the Act. They are liable to be searched also on their quitting the premises at the discretion of the Officer-in-charge.(17)The licensee shall immediately report to the Officer-in-charge in case any conditions of license is breached by any one of his employees.(18)The licensee shall keep the licensed premises and all the material therein open for inspection and examination at all reasonable times by the officers empowered under Section 51 of the Act. He shall render all possible help in such inspection or examination.(19)The licensee shall maintain a visitor book paged and stamped by the Officer-in-charge in which the visiting officers may record their inspection notes or special remarks. After the expiry of licence, the licensee shall deliver up the visit book, the various registers maintained and the licence to the Officer-in-charge.(20)By the fifth day of every month the licensee shall submit in Form B-13 an all inclusive return of the transactions made in a brewery or a manufactory during the preceding month to the Officer-in-charge.(21)Rules of General application and General License conditions Rules framed in exercise of the powers conferred by Section 62 of the Madhya Pradesh Excise Act, 1915 (II of 1915) and all other powers enabling in that behalf shall apply mutatis mutandis to the brewery or manufactory licensee excepting such conditions which are either specially provided or are not in any contradiction to the provisions of these rules.

7. Manufacture of Beer.

(1)Beer shall be brewed from such materials as are of good quality and Officer-in-charge has no adverse opinion about the materials. Not less than 50 percent by weight of line materials (Exclusive of hops) used in brewing, shall consist of malt. No saccharin or cognate articles like sucramine sugarol and compounds of saccharin, sucramine and sugarol or substances which are chemicals or artificial products and which furnish the chemical tests of saccharin or hop substitutes shall be used in the manufacture of beer or shall be added to beer at any stage. Wort shall not be brewed of a higher gravity than 1073 at 60° F. Nothing shall be added to the beer after it has been racked and removed to the bottling room.(2)The brewer shall keep the produce of a brewing separate from the produce of any other brewing unless an amount regarding bulk and gravity of each has been taken by the Officer-in-charge.(3)The brewer shall not mix the produce of one brewing with that of another except in store vats or casks unless he shall have given previous notice in writing to the Officer-in-charge. When mixed, the brewer shall specify and record the quantity and gravity of the resultant mixture.(4)All grains in a mash-tun shall be kept untouched for a period of one hour after the time specified for the worts to be drawn off and until the Officer-in-charge has attended and taken account of such grains.(5)All worts shall be removed successively and in the usual order of brewing to the under back coopers, coolers and fermenting vessels and shall not be removed from

the last named vessels until an account has been taken by the Officer-in-charge or until such time as may be specified by the Officer-in-charge has elapsed after the time when worts were collected in these vessels.(6)After worts commence running into a fermenting vessel, the whole of the produce of the brewing shall be collected within eighteen hours.(7)No liquor except beer shall be manufactured within the licensed premises. No attempt shall be made to extract spirit from grains or refuse thereof.

8. Manufacture of Draught Beer.

- (i) Any holder of licence in Form B-3 may be permitted by the State Government to manufacture and issue draught beer. Such permission shall be accorded to that B-3 licensee only after ascertaining through a committee appointed by the State Government that the licensee has the necessary technology, expertise equipments etc. for manufacturing, storing, packing and issuing draught beer which should be hygienic, biologically safe and conforms to the highest technical standards.(ii)Such permission whenever accorded shall be endorsed on the licence itself on pre-payment of an additional licence fee to be prescribed by the State Government. The licence to manufacture and issue draught beer shall be an adjunct to B-3 licence and shall not survive if the B-3 licence is cancelled, suspended, surrendered or withdrawn.

9. Manufacture of Wine.

(1)The wine shall be manufactured according to the formula and the process of manufacture submitted by the licensee and approved by the State Government.(2)The spirit required for fortifying wine shall be obtained, stored and utilised in accordance with the rules and procedure as prescribed under Madhya Pradesh Foreign Liquor Rules, 1996.

10. Quality Control.

(1)The licensee shall establish a well-equipped laboratory within the licensed premises. It should be manned by qualified technicians.(2)Chemical analysis as mentioned below shall be carried out in the laboratory established within the licensed premises as above :-(i)The base, water, finings, colouring and flavouring agents must be tested before they are used in the manufacture of beer or wine.(ii)Every batch of manufactured beer or wine, before it is transferred to storage vats, must be tested.(iii)Samples may be drawn from worts or spirit at any stage and tested.(3)The Officer-in-charge may also take samples for analysis at the laboratory located at the Excise Commissioner's Office, Gwalior or any other laboratory as may be directed by the Excise Commissioner of the following :-(i)When the Officer-in-charge apprehends that the manufactured or stored beer or wine is not of the required standard or quality.(ii)When a random sampling for testing is ordered by the Excise Commissioner.(iii)When the Officer-in-charge himself opts for random sampling for the purpose of testing.(4)If the Officer-in-charge believes that the manufactured beer or wine is not of the required quality, he shall not permit it to be transferred to storage vats unless he has got samples of it taken and analysed at the laboratory mentioned under sub-rule (3).(5)Any base, water, finings colouring and flavouring substances that are not or are found to be not of standard quality, shall not be used in the process of manufacture.(6)All

manufactured beer or wine found sub-standard, not conforming to I.S. standard or standards laid down by the Excise Commissioner, or found unfit for human consumption on chemical analysis, shall be rejected and destroyed or disposed of in any manner under the orders of Excise Commissioner or any other authorised by him.(7)An account of tests shall be maintained in the laboratory in a register in Form B-5. The Officer-in-charge shall check the entries and if they are found in order he shall initial the relevant entries in the register.(8)Any quantity left over after the test at the licensee's laboratory shall be mixed back with the main bulk.(9)The samples taken by the Officer-in-charge or any other officer authorised under Section 51 of the Act shall be free of cost.(10)All samples shall be drawn by the licensee in the presence of the Officer-in-charge in a manner directed by the Excise Commissioner.

11. Register to be maintained by Licensee.

(1)The licensee shall keep an account of all processes and operations undertaken/transacted in the brewery and/or manufactory including fermentation, manufacture, storage, bottling, issuance of beer or wine therefrom in the registers as specified below. Separate registers shall be maintained for brewery and manufactory even if they are located within the same premises :- (a)Register of vats, vessels and receptacles in the brewery or manufactory in Form B-4.(b)Register showing quantity of beer or wine used for analysis in Form B-5.(c)Register showing the account of flavouring substances used in the manufacture of beer or wine in Form B-6.(d)Register showing the deposit of bottling fee in Form B-7.(e)Register of transactions in the fermentation room(s) of brewery manufactory in Form B-8. This register shall be maintained fermentation room wise. Once the fermentation is complete the fermented material shall be transferred to the manufacturing room and the quantity thus transferred shall be noted in column 7 of the register.(f)Register of operations in the manufacturing room of the beer or wine in Form B-9.(g)Register of transactions in the storage room in the brewery manufactory in Form B-10.(h)Register of operations in the bottling room in the brewery manufactory in Form B-11.(i)Register of receipts and issues from the bottle-store room in Form B-12.(2)In addition to the registers mentioned in sub-rule (i), the licensee shall also maintain any other register, account book containing such details, as directed by the Excise Commissioner from time to time.(3)All the registers prescribed under this rule or by the Excise Commissioner shall be written, completed and initialled daily by the licensee or his authorised agent.

12. Registration of Labels.

- The provisions of the Madhya Pradesh Foreign Liquor Rules, 1996 shall apply mutatis mutandis to registration or de-registration of labels of beer or wine.

13. Licensee to pay Supervision Charges.

(1)The licensee shall pay in advance, supervision charges at a rate prescribed by the State Government to defray in full or part the expenditure incurred on the salary and other claims of the Excise staff posted to brewery or manufactory exclusively for supervision work.(2)The supervision charges shall be recovered in the district whereat such brewery or manufactory is situated.

14. Licensee to pay bottling fee.

- The licensee shall pay bottling fee, in addition to another fee and duty at such rate as may be prescribed by the State Government.

15. Transport of Beer or Wine.

(1)All transportations of draught beer or bottled beer or wine shall be carried out in accordance with the provisions of sub-rule (8) of Rule 8 and Rule 14 of the Madhya Pradesh Foreign Liquor Rules, 1996.(2)Transport fee or duty leviable on such transport shall be deposited in the district whereat the licensed premises of the purchasing licensee are situated.

16. Export of Beer or Wine.

(1)The provisions of Rules 12 and 13 of the Madhya Pradesh Foreign Liquor Rules, 1996 shall apply for exports of beer or wine.(2)Export-fee-payable on all exports shall be deposited in the district issuing export permit in Form F.L. 22.

17. Import of Beer or Wine.

(1)Import of beer or wine may be allowed into Madhya Pradesh in accordance with the procedure laid down in Rule 10 and Rule 11 of the Madhya Pradesh Foreign Liquor Rules, 1996.(2)Import fee, duty or bottle fee recoverable on such imports shall be recovered in the district issuing No-Objection-Certificate.

18. Issue of Beer or Wine from the Brewery or Manufactory.

(1)Bottled beer or wine shall be issued from a brewery to the licensees enumerated below :-(a)A.F.L. 10 licensee on payment of transport fee.(b)A.F.L. 11 licensee on payment of duty.(c)Licensees of other provinces holding appropriate licenses on payment of export-fee and execution of a bond in Form F.L. 23.(d)Foreign liquor warehouse.(2)Draught beer in bulk may be issued in sealed casks or kegs to such holders of F.L. 2 or F.L. 3 licences who are specially permitted by the Excise Commissioner to sell draught beer to consumers. Such issues shall be made after pre-payment of the prescribed duty and permit fee.(3)Duty, bottling fee, permit fee, transport fee, export fee shall be deposited in the district wherein the licensed premises of the concerned F.L. 10, F.L. 11, B-3, F.L. 2, F.L. 3 licensees are situated.

19. Disposal of Balances.

(1)Whenever a licence in Form B-3 ceases to be in existence, as a result of its expiration, cancellation or any other reason whatsoever, the former licensee shall immediately place the entire stock of manufactured-beer or wine and bottled beer or wine available or stored in the manufacturing-room, storage-room or bottle-store-room, as the case may be, at the disposal of Officer-in-charge.(2)The

erstwhile licensee shall be allowed ten days time for bottling the entire stock or manufactured beer available or stored in the manufacturing or storage room.(3)The bottled beer or wine placed at the disposal of Officer-in-charge under sub-rule (1) or manufactured beer or wine bottled under sub-rule (2) shall be disposed off in accordance with sub-rule (6) or Rule 18 of the Madhya Pradesh Foreign Liquor Rules, 1996 as it is applicable to balance left in similar circumstances with an F.L. 9 or F.L. 9-A licensee.(4)Manufactured beer or wine available or stored in the manufacturing or storage room that remains unbottled even after a period of ten days permitted under sub-rule (2) above shall be destroyed or disposed off in any other manner as directed by the Excise Commissioner.

20. Permissible Quarterly Losses within a Brewery or Manufactory.

(1)Verification shall be made of the stock at a brewery or manufactory at such intervals and in such manner as the Excise Commissioner may direct.(2)The licensee shall submit an account to the Excise Commissioner for all beer or wine manufactured but not forthcoming at such stock-taking :Provided that in every brewery or manufactory a quarterly allowance of five percent for beer or wine manufactured shall be made to cover losses on account of racking, evaporation, storage, pasteurisation and other contingencies within brewery or manufactory. This quarterly allowance shall be calculated on the actual balance in hand at the end of previous quarter's stock-taking plus the quantity since manufactured and received. At the end of the financial year the quarterly figures of such wastages shall be totalled and action against the licensee shall be taken if the actual yearly wastages exceed the permissible limit of five percent.(3)In blending operations undertaken in a brewery or manufactory an allowance of one percent shall be admissible in each operation the loss being calculated on the quantity that is added to the vat.

21. Maximum Limit and Losses Permitted on Transports, Exports etc.

(1)The limits of permissible losses of bottled beer or wine during transportation or exportation, shall be the same as provided in sub-rules (1), (3), (4) of Rule 16 of the Madhya Pradesh Foreign Liquor Rules, 1996.(2)If cases of excess losses during the transport or export of bottled beer or bottled wine are reported, provisions of sub-rule (5) of Rule 16 of the Madhya Pradesh Foreign Liquor Rules, 1996 shall apply to settle them.(3)All cases of wastages of bottled beer or wine stocked with an F.L. 6 or F.L. 10 licensee, shall be dealt with under sub-rule (2) of Rule 17 of Madhya Pradesh Foreign Liquor Rules, 1996.

22. Miscellaneous.

(1)Strength at which beer or wine has been bottled shall be declared on the label pasted to the container thereof. However, a deviation margin upto 0.5 degree from the proof strength declared shall be permissible.(2)The licensee shall be bound by Rule 18 of the Madhya Pradesh Foreign Liquor Rules, 1996.

23. Penalty Imposable on Contravention of Licence Conditions.

(1) Excise Commissioner may impose a penalty not exceeding Rs. 50,000 for contravention of any condition of licence granted under these rules or order issued by him and may further impose in the case of continued contravention an additional penalty not exceeding Rs. 1,000 per day during the period such contravention continues. (2) On all deficiencies in excess of the limits mentioned in Rule 19 of these rules, the licensee shall be liable to pay penalty at a rate not exceeding Rs. 5 per bulk litre to be imposed by the Excise Commissioner or any other officer authorised by him. (3) The penalty imposable under sub-rule (2) may be waived if the licensee proves that the excess deficiency was owing to unavoidable factors.

24. Repeal and Savings.

- The Madhya Pradesh Brewery Rules 1970 are hereby repealed. Provided that any action taken under the rules so repealed shall in so far as it is not inconsistent with the provisions of these rules, be deemed to have been taken under the corresponding provisions of these rules. Form B-1 [See Rule 3 (2)] Application for Licence to Construct and Work a Brewery/Manufactory To, Secretary, Government of Madhya Pradesh, Commercial Taxes Department, Bhopal. Through the Excise Commissioner, Madhya Pradesh, Gwalior. I/We..... of..... (address) request that I/We may be granted licence to construct and work a brewery/manufactory for manufacturing beer/wine. I am/we are enclosing in quadruplicate the site and elevation plans. I am/we are also enclosing four signed copies of the details of manufacturing process which I/we desire to adopt for the manufacture of beer/wine. Other relevant details are also being furnished below which are true to the best of my/our knowledge and belief :-

1. (a) Name and address of the applicant.

(b) Name, address of the undertaking. (c) Whether Public/Private Ltd. Company, or Partnership/Proprietary/Firm/Concern....

2. Capital Structure.

(a) In case of Limited Company :- (i) Authorised (ii) Issued (iii) Paid up (iv) Borrowing if any; (b) In case of others :- (1) Capital (2) Borrowing, if any, (c) Details of proposed investment :- (I) Fixed Assets; (i) Land (ii) Building (iii) Plant & Machinery (iv) Other, if any Total..... (II) Working Capital;

3. Location of the manufactory.

4. Production capacity per annum.

Item of manufacture	Estimated Annual Production
(1)	(2)

5. Plant & Machinery:

(1)Value of plant and machinery to be imported or of imported origin.(2)Value of plant and machinery of indigenous origin.

6. Raw material required for production :

(1)Quantity and value of raw material to be imported or of imported origin per year.(2)Quantity and value of raw material of indigenous origin per year.

7. Water and Power requirement :

(1)Particulars of requirement;(2)Whether necessary permission has been secured.

8. Technical Assistance :

Whether any foreign collaboration or Know-How is envisaged and if so the foreign exchange requirements.

9. Time-frame :

(1)Time required to secure land, building etc. after the letter of intent is issued.(2)Time required to erect machinery to complete the construction and to ready the unit for commissioning.

10. Employment Potential :

(1)Supervisors.(2)Skilled Workers.(3)Un-skilled Workers.

11. (a) Any special facilities required from the Government.

(b)Special features, if any, of the scheme.

12. (a) Challan No. and date in support of payment of the prescribed application fee.

(b)Whether the challan in original is enclosed.....(Signature of the applicant with date)Enclosed :- (1)The site and elevation plans in quadruplicate.(2)Signed copies of details of manufacturing process in quadruplicate.Form B-2[See Rule 3 (5)(i)]From:-Secretary, Government of Madhya Pradesh, Commercial Taxes Department, Bhopal, To, Subject. - Letter of Intent for setting up and working a Brewery/ Manufactory. Ref. - (1) Your application No..... dated.....The State Government have perused the scheme submitted with your proposals for constructing a

brewery /manufactory at for manufacturing beer/wine.(2)The State Government has tentatively decided to approve your proposals for constructing brewery/manufactory for manufacture of beer/ wine as per following description/capacity without any commitment for permitting import of machinery, supply of raw material or foreign technical collaboration, subject to fulfillment by you of the formalities laid down in the rules....

S.No.	Varieties of beer/wine to be manufactured	Quantity to be manufactured per annum
(1)	(2)	(3)

(3)It shall be your sole responsibility to obtain any other licence or permission required for your project under any Act or rule or order of Government of India or Government of Madhya Pradesh.(4)This letter of intent shall be valid for a period of two years only from the date of licence. It shall not, however, create any right in your favour for grant of a licence in Form B-3, and may be cancelled at any time and in that event no compensation or damages shall be payable.Date.....Secretary,Government of Madhya Pradesh,Commercial Taxes Department, Bhopal,Form B-3[See Rule 4 (3)]Licence for the Manufacture of Beer/WineUnder sub-rule (3) of Rule 4 of the Madhya Pradesh Brewery and Wine Rules, 2000 and in pursuance of Letter of Intent No..... Dated..... issued by the Government of Madhya Pradesh, Commercial Taxes Department this licence is hereby granted on a prepayment of annual licence fee of Rs..... to..... authorising him/it to manufacture and bottle beer/wine at his/its brewery/manufactory situated at..... and specified in the schedule below, during the period from..... to..... subject to following conditions namely :-(1)The licensee shall abide by the provisions of the Act, rules made thereunder, conditions of this licence, and all directions issued by the Excise Commissioner, Madhya Pradesh.(2)The licensee shall not manufacture beer exceeding the quantity corresponding to maximum annual production of..... litres during the period mentioned in the preamble.(3)The licensee shall use the same materials or ingredients and adopt the same process of manufacturing beer/wine as have been approved by the State Government, while issuing letter of intent.(4)The licensee shall bottle only that beer/wine which has been manufactured at the licensed premises.(5)The licensee shall pay the bottling fee at prescribed rate.(6)The licensee shall use only such labels on bottles/containers as are registered with the Excise Commissioner.(7)Bottled beer/wine shall be stocked labelwise and batchwise in an orderly manner.(8)The licensee shall leave an accessible passage free of packages containing beer/wine in the middle as well as along the walls of the bottle-store-room to facilitate free movement and verification of stock.(9)The licensee shall not dilute or adulterate beer/wine manufactured, bottled or stored.(10)The licensee shall, under no circumstances, act in any manner prejudicial to the interests of Government revenue.(11)On breach of any of the aforementioned conditions, this licence may be suspended or cancelled by the Excise Commissioner.Date.....Excise Commissioner,Madhya Pradesh,Gwalior

Schedule

Description of the site	Boundaries of the licensed premises		
North	East	South West	
(1)	(2)	(3)	(4) (5)

Form B-4[See Rule 11 (1)(a)]Register of Vats, Vessels and Receptacles in the Brewery/Manufactory

Consecutive numbers	Description of vats, vessels of receptacles	Gauged contents	When taken into use	When taken out of use	Where installed	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Signature of the licenseeForm B-5[See Rule 11 (1)(b)]Register Showing Quantity of Beer/Wine Used for Analysis

Date of drawing sample	Variety of beer/ wine	Batch No.	Quantity taken out sample	Quantity used for analysis	Quantity back and mixed with main bulk	Remarks	Initials of the licensee
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Note. - Quantity shall invariably be shown in litres and millilitres. Form B-6[See Rule 11 (1)(c)]Register Showing the Account of Flavouring Substances used in the Manufacture of Beer/Wine

Date	Name of Substance	Opening Balance	Quantity Received	Total Quantity
(1)	(2)	(3)	(4)	(5)

Quantity issued for the manufacture of beer/wine	Remarks	Signature of the licensee
Variety of beer/wine	Flavouring Substance	Closing Balance
(6)	(7)	(8) (9) (10)

Form B-7[See Rule 11 (1)(d)]Register Showing the Deposit of Bottling Fee

Date	Balance in hand	Bottling fee deposited	Challan No. with date relating to amount shown incolumn 3	Total amount of bottling fee (column 2+3)
(1)	(2)	(3)	(4)	(5)

Number of bottles filled	Bottling fee payable on the bottles shown incolumn 6	Bottling fee in balance column 5-7	Remarks	Signature of the licensee
(6)	(7)	(8)	(9)	(10)

Form B-8[See Rule 11 (1)(e)]Register of Transactions in the Fermentation Room(s) of the Brewery/Manufactory

Date	Vat of vessel No. in which charged	Quantity charged	Date on which charged i.e., date of commencementof fermentation	Date of completion of fermentation
------	------------------------------------	------------------	---	------------------------------------

(1)	(2)	(3)	(4)	(5)
Bulk charged in litres	Quantity transferred to manufacturing Room	Remarks	Signature of licensee	
(6)	(7)	(8)	(9)	

Form B-9[See Rule 11 (1)(f)]Register of Operations in the Manufacturing Room of the Brewery/Manufactory

Quantity of fermented material received from the fermentation	Quantity of spirit received from the spirit room and used						
Month & date	Bulk in litres	Strength	Rectified Spirit with strength	Absolute alcohol with strength	Brandy with strength		
(1)	(2)	(3)	(4)	(5)	(6)		
Beer/Wine manufacturing	Quantity of Beer/Wine transferred						
Batch No.	Variety of Beer/Wine	Qty. in Ltrs.	Strength	Batch No.	Variety of Beer/Wine	To storage room in vats/Ltrs.	To bottling room Ltrs.
(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)

Qty. of Beer/Wine in Balance	Signature of						
Batch No.	Variety of Beer/Wine	Qty. in Ltrs.	Strength	Licensee	Officer-in-charge	Remarks	
(15)	(16)	(17)	(18)	(19)	(20)	(21)	

Form B-10[See Rule 11 (1)(g)]Register of Transactions in the Storage Room in the Brewery/Manufactory

Opening Balance	Quantity of Beer/Wine						
Month & date	Batch No.	Variety of Beer/Wine	Strength	Qty. in Ltrs.	Batch No.	Variety of Beer/Wine	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	

Received from the manufacturing room Qty. of beer/wine transferred to bottling

room

Strength	Qty. in Ltrs.	Page No. of register in Form B-11	Batch No.	Variety of Beer/ Wine	Strength	Qty. in Ltrs.
(8)	(9)	(10)	(11)	(12)	(13)	(14)

Closing Balance Signature of

Batch No.	Variety of Beer/ Wine	Strength	Qty. in Ltrs.	Licensee Officer-in-charge	Remarks
(15)	(16)	(17)	(18)	(19)	(20)
					(21)

Form B-11[See Rule 11 (1)(h)]Register of operations in the Bottling Room in the Brewery/Manufactory

Opening Balance

Date	Batch No.	Variety of Beer/ Wine	Strength	Bulk liters
(1)	(2)	(3)	(4)	(5)

Quantity of beer/wine received from the StorageRoom

Batch No.	Variety of Beer/ Wine	Quantity in bulk	Strength	Page No. of register B-10
(6)	(7)	(8)	(9)	(10)

Quantity of Beer/Wine bottled

Batch No.	Variety of Beer/Wine	Quantity in bulk liters	No. of bottles/casks etc.	Contents in each kind of bottles, casks etc.
(11)	(12)	(13)	(14)	(15)

Transfer of bottled Beer/ Wine to thebottle-store-room

Batch No.	Variety of Beer/Wine	No. of bottles/casks etc. transferred	Contents in each kind of bottles, casks
(16)	(17)	(18)	(19)

Closing Balance

Batch No.	Variety of Beer/Wine	Quantity in bulk liters	No. of bottles/casks	Contents in each kind of bottles, casks etc.
(20)	(21)	(22)	(23)	(24)

Remarks Signature of Licensee

(25) (26)

Form B-12[See Rule 11 (1)(i)]Register of Transactions in the Bottle-Store-Room of Brewery/Manufactory of Variety of Beer/Wine

Opening Balance Qty. of
of the Beer/Wine Beer/Wine

Month & Date	Batch No.	No. of bottles/ casks/ kegs./lt./ml.	Contents in each kind of bottles/ casks/kegs./lt./ml.	Batch No.	No. of Bottles/ casks/ kegs.
(1)	(2)	(3)	(4)	(5)	(6)

Received from the Bottling Room	Qty. of Beer/Wine issued from finished store					
Contents in each kind of bottles/ casks / kegs,lt./ml.	Page No. of register in Form B-4	Batch No.	No. of bottles/ casks/ kegs	Contents in each kind of bottles/ casks/kegs./l./ml.	Transport/ Export Pass No.	Name of the party to whom issued
(7)	(8)	(9)	(10)	(11)	(12)	(13)

Challan No. Date.	Amt. of duty paid	Closing Balance	Signature of Officer-in-charge	Remarks					
(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	

Form B-13[See Rule 6 (20)]Return of Transactions During the Month of.....

Variety of Beer/Wine	Batch No.	Opening Balance		
Quantity of bulk liters	No. of each kind of bottles/ casks etc.	Contents of each kind of bottles/ casks etc.		
(1)	(2)	(3)	(4)	(5)

Manufactured during the month	Total Stock					
Qty. in bulk liters	Number of each kind of bottles/ casks etc.	Contents in each kind of bottles/ casks etc.	Qty. in bulk liters	Number of each kind of bottles/ casks	Contents in each kind of bottles/ casks	
(6)	(7)	(8)	(9)	(10)	(11)	

Quantity Transported	Quantity Exported					
Quantity in Bulk liters	Number of each kind of bottles/ casks etc.	Contents in each kind of bottles/ casks etc.	Number of each kind of bottles/casks etc.	Contents in each kind of bottles/ casks etc.	Details of export fee deposited	
(12)	(13)	(14)	(15)	(16)	(17)	
Total quantity issued in the month	Closing balance at the end of the month					
Quantity in bulk liters	Number of each kind of bottles/ casks etc.	Contents in each kind of bottles/ casks etc.	Quantity in bulk liters	Number of each kind of bottles/ casks etc.	Contents in each kind of bottles/ casks etc.	Remarks
(18)	(19)	(20)	(21)	(22)	(23)	(24)

(Signature of the licensee)Form B-14Counter part-Agreement[See Rule 4 (7)]This deed is made this..... day of..... between the Governor of Madhya Pradesh acting through the Excise Commissioner, Madhya Pradesh (hereinafter called the Governor, which expression shall unless inconsistent with the subject or context, include his successors in office) on the one hand and M/s./Mr..... (hereinafter called the licensee which expression shall, unless inconsistent with the subject or context, include his permitted assigns) on the other. Whereas, a licence has been granted on..... by the Excise Commissioner in Form B-3 for the manufacture, bottling and issue of Beer/Wine to the licensee. Now, Therefore, this deed witness that :-

- 1. The licensee shall abide by and carry out all his obligations under terms and conditions of the said licence.**
- 2. The licensee shall always maintain a security deposit of Rs..... with the Excise Commissioner for the due fulfilment of the conditions of the licence.**
- 3. Any penalty imposed on the licensee under the Madhya Pradesh Excise Act, 1915, or the Madhya Pradesh Brewery Rules, 1998 or any other liability incurred by him under the aforementioned Act or Rules shall be recoverable by the Governor from his security deposit or any amount due to him or any movable and immovable property belonging to him as arrears of land revenue without prejudice to any other legal remedy the State Government**

may seek for the purpose.

In witness whereof the parties hereto have signed this deed on the date respectively mentioned against their signature. Excise Commissioner on behalf of the Governor of Madhya Pradesh.

Witness:

1..... Date.....

2..... Licensee

Witness

1..... Full Name and Address

2..... Date.....