

The Rajasthan Foreign Liquor (Grant of Wholesale Trade & Retail Off Licences) Rules, 1982

RAJASTHAN

India

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Rule

THE-RAJASTHAN-FOREIGN-LIQUOR-GRANT-OF-WHOLESALE-TRADE of 1982

- Published on 20 February 1982
- Commenced on 20 February 1982
- [This is the version of this document from 20 February 1982.]
- [Note: The original publication document is not available and this content could not be verified.]

The Rajasthan Foreign Liquor (Grant of Wholesale Trade & Retail Off Licences) Rules, 1982 Published vide Rajasthan Government Gazette Part 4-C (Extraordinary), dated 20.2.1982, pages 433-440 Last Updated 24th May, 2019 G.S.R. 116. - In exercise of the powers conferred by section 41 of the Rajasthan Excise Act, 1950 (Rajasthan Act 2 of 1950). The State Government hereby makes the following rules and orders with reference to the proviso to sub-section (3) of the said section, that previous publication of these rules is dispensed with, as the State Government considers that they should be brought into force at once, namely:-

1. Short title & Commencement.

(1) These rules may be called the Rajasthan Foreign Liquor (Grant of wholesale Trade and Retail Off Licences) Rules, 1982. (2) They shall come into force on their publication in the Official Gazette.

2. Definition.

- In these rules unless the subject or context otherwise requires the words and expression used shall, have the same meaning as defined in the Rajasthan Excise Act, 1950 (Rajasthan Act 2 of 1950) & Rajasthan Excise Rules, 1956.

3. [Eligibility and grant of wholesale vend licences for sale of foreign liquor. [Substituted by Notification No. G.S.R. 120, dated 14.3.2017 (w.e.f 20.2.1982).]

(1) Any person who possesses a licence for the manufacture of foreign liquor in the State of Rajasthan shall be eligible for grant of wholesale vend licence for sale of foreign liquor to the Rajasthan State Beverages Corporation Limited under clause (a) of sub-rule (1) of Rule 47 of the Rajasthan Excise Rules, 1956. Eligible person may apply to the Excise Commissioner for grant of such licence. The licence may be granted by the Excise Commissioner on payment of licence fees specified under Rule 68 of the Rajasthan Excise Rules, 1956. (2) Any person who possess a licence for manufacture of wine within or outside the State of Rajasthan shall be eligible for grant of wholesale vend licence for sale of wine under clause (d) of sub-rule (1) of Rule 47 of the Rajasthan Excise Rules, 1956. Eligible person may apply to the Excise Commissioner for grant of such licence, the licence may be granted by the Excise Commissioner on payment of licence fees specified under Rule 68 of the Rajasthan Excise Rules, 1956. (3) Notwithstanding anything contained in sub-rule (1) & (2), licence for wholesale vend may be granted to the Rajasthan State Beverages Corporation Limited by the Excise Commissioner on such terms and conditions as may be specified by the State Government.]

3A. [Grant of Licence for exclusive privilege. [Added by GSR 129, Dated 31.3.1982, Published in Rajasthan Government Gazette Part 4-C (Extraordinary), dated 31.3.1982, page 463 (31-3-82).]

(1) Licences for the wholesale and retail sale of foreign liquor for exclusive privilege of selling of foreign liquor within any local area under section 24 of the Rajasthan Excise Act, 1950 (Rajasthan Act 2 of 1950), may be granted either on condition of payment of such lump-sum instead of, or in addition to excise duty as may be determined by the Excise Commissioner and subject to such other terms and condition as may be laid down by him: [Provided that nothing in these rules shall prevent granting of licence for beer under more than one system to different agencies or persons in the same area.] (2) Licence for exclusive privilege of selling foreign liquor by wholesale or by retail off at a shop may be granted either by negotiation with the existing licensees, or by auction in accordance with the procedure prescribed in rule 4 of these rules or on commission basis or any other system sanctioned by the Government from time to time: [***] [Deleted 'three Proviso' by Notification No. S.O. 6, dated 1.4.2005 (w.e.f 20.2.1982).]

4. [Eligibility and Procedure for Grant of retail off licences for Sale of Foreign Liquor. [Substituted by Notification No. G.S.R. 120, dated 14.3.2017 (w.e.f 20.2.1982).]

(1) A retail licence for sale of foreign liquor for consumption off the premises under Rule 49 read with Rule 48 of the Rajasthan Excise Rules, 1956 shall be granted by inviting applications or by any other system as may be sanctioned by the Government, from time to time. (2) In such case applications will be invited by the Excise Commissioner for the grant of licence for retail off sale of foreign liquor in specified zone of a municipality or whole municipal area as the case may be on the

payment of yearly licence fees as may be specified by the Excise Commissioner.(3)A notice for invitation of application shall be issued by the Excise Commissioner at least fifteen days before the date fixed in the notice for receipt of applications. The time upto which applications shall be received on the fixed day shall be indicated in the notice. The applications shall be submitted in the manner and in the form as may be specified by the Excise Commissioner. Applications received after the time and date fixed for receipt of application shall not be taken into consideration.(4)The Excise Commissioner shall specify the yearly licence fees payable for the financial year with the prior approval of the State Government.(5)Application or bunch of applications shall be accompanied by such earnest money as may be specified by the Excise Commissioner with prior approval of the State Government.(6)Applications shall be received by the District Excise Officer concerned. All applications received shall be recorded in a register in the form specified by the Excise Commissioner. The District Excise Officer concerned shall scrutinize the applications so received for a municipal zone or the whole municipal area as the case may be and the District Excise Officer concerned shall be the authority competent to accept or reject any application. In case of rejection reasons shall be recorded.(7)After the scrutiny of the applications so received for a zone of municipality or the whole municipal area and the list of acceptable applications are more than the number of shops specified for a zone of municipality or whole municipal area, then the District Excise Officer concerned shall submit the list of accepted applications and slips for draw of lot before the committee headed by the Collector of the District concerned.(8)The committee headed by the District Collector shall conduct the draw of lots for selection of successful applicant for grant of licence of the shop.(9)Acceptance of an application shall be communicated to successful applicant in the form specified by the Excise Commissioner and successful applicant shall be required to deposit due yearly license fees and other required amount in state exchequer within the time indicated in such communication.(10)If the required security and other required amount is not deposited within the time indicated, acceptance of the application may be revoked by the District Excise Officer concerned and the Earnest money deposited with the application and any other amount deposited by the applicant shall in the event of such revocation be forfeited to the State.(11)An application for licence shall be liable to be rejected, -(a)if it has not been signed by the competent person or is incomplete;(b)if there are arrears of excise dues outstanding against him;(c)if applicant is below the age of 18 years;(d)if applicant is in the employment of the Central Government, State Government, Enterprises of Government of India or State Government, Corporation and Companies of Government of India or State Government; and(e)if applicant is convicted of any offence punishable under the Rajasthan Excise Act, 1950 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 the Narcotic Drugs and Psychotropic Substances Act 1985 or any law relating to merchandise marks or of any offence punishable under Sec. 482 to 489 (both inclusive) of the Indian Penal Code, 1860.(12)Licence for a duty free shop of International Airport in the State to sell foreign liquor manufactured in other countries may be granted on such fee as the State Government may decide and on such conditions as the Excise Commissioner may specify.(13)Licence for retail off sale of foreign liquor in rural area and Municipal area of fourth category Municipality except Sagwara Municipal area, through country liquor shop may be granted on payment of composite fees specified by the Excise Commissioner with the approval of the State Government.]

4A. [Licence for group of shop. [Added by GSR 129, Dated 31.3.1982, Published in Rajasthan Government Gazette Part 4-C (Extraordinary), dated 31.3.1982, page 463 (31-3-82).]

- Nothing in these rules shall prevent group of shops being put to auction for granting licences.]

5. [Cancellation of sanction for default by licensee. [Substituted by Notification No. G.S.R. 120, dated 14.3.2017 (w.e.f 20.2.1982).]

(1)Where a person in whose favour a wholesale vend licence has been sanctioned under these rules in the event of any breach by the holder of such licensee or by his servant or by anyone acting on his behalf with his express or implied permission, of any of the terms and conditions of such licence, the Excise Commissioner may cancel the licence sanctioned in his favour and forfeit the amount deposited by him.(2)Where a person in whose favour a retail off licence has been sanctioned under these rules does not deposit the fee specified by Rule 69-AA of the Rajasthan Excise Rules, 1956 within specified time from the date of receipt of the sanction, the District Excise Officer concerned may cancel the sanction issued in his favour for grant of the licence and forfeit the amount deposited by him.(3)Where a person in whose favour a retail-off licence has been sanctioned does not start the shop within specified time after the receipt of licence, the District Excise Officer concerned may cancel the licence and forfeit the amount deposited by him:Provided that before taking any action under sub-rule (1), (2) and (3) above the authority concerned shall give a reasonable opportunity of being heard to the aggrieved person.(4)Where it is brought to the notice of the District Excise Officer concerned that, -(a)the retail off licensee suffer from any of the disqualifications as mentioned in sub-rule (11) of Rule 4 of these rules; or(b)the sanction for grant of licence has been obtained by the licensee by fraud and questionable methods, he shall after giving a reasonable opportunity of being heard to the licensee cancel the sanction issued for grant of licence and forfeit the entire amount deposited by him.]

6. Exemptions.

(1)The provisions of these rules shall not apply to the Canteen Stores Department (India) or the Commanding Officers of the Armed Forces of the Union of India or the Border Security force Personnel stationed in Rajasthan who are holding requisite licence under the provisions of Rajasthan Excise Rules, 1956.(2)[x x x] [Deleted by GSR 129, Dated 31.3.1982, Published in Rajasthan Government Gazette Part 4-C (Extraordinary), dated 31.3.1982, page 463 [31-3-82].]

7. [Fee for the renewal of licences. [Substituted by Notification No. G.S.R. 120, dated 14.3.2017 (w.e.f 20.2.1982).]

(1)A licence granted or deemed to have been granted under these rules shall expire on the 31st day of March of the financial year, unless it is further renewed by the licensing authority.(2)A person seeking renewal of the licence shall apply in accordance with Rule 72-A of the Rajasthan Excise Rules, 1956 and such application shall be accompanied by a treasury receipt showing the payment of

required amount of renewal application fee and yearly licence fee: Provided that no person to whom a licence has been granted under these rules shall have any claim to the renewal of such licence or to any claim for compensation on the determination or non renewal thereof.]

8. Rules to have overriding effect.

- In case there is any conflict between the provisions of these rules and the Rajasthan Excise Rules, 1956 the former shall prevail.

9. Repeal & savings.

- The Rajasthan Foreign Liquor (Grant of Wholesale Trade and Retail off Licences) Rules, 1972 are hereby repealed: Provided that any action taken and any licence granted under the rules so repealed shall be deemed to have been taken and granted under the provisions of these rules. Amendments