

The U.P. Excise (Settlement of Licences for Retail Sale of Low Strength Rum) Rules, 1988

UTTAR PRADESH

India

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Rule

THE-U-P-EXCISE-SETTLEMENT-OF-LICENCES-FOR-RETAIL-SALE-OF of 1988

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Vide Notification No. 1535/Upa/97 B/Licence-88-89, dated October 15, 1988, published in the U.P.
Gazette, Part 1-ka, dated April 29, 1989In exercise of the powers under Section 41 of the U.P. Excise
Act, 1910 (U. P. Act No. IV of 1910), read with Section 21 of the Uttar Pradesh General Clauses Act,
1904 (U. P. Act No. 1 of 1904), the Excise Commissioner, Uttar Pradesh with the previous sanction
of the State Government, makes the following rules, with a view to regulating the grant of licences
for retail sale of low strength rum.

1. Short title and commencement.

(1)These Rules may be called the Uttar Pradesh Excise (Settlement of Licences for Retail Sale of Low
Strength Rum) Rules, 1988.(2)They shall come into force with effect 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 U.P.
Excise Act, 1910;(b)'Low Strength Rum' means spirit made from molasses base and coloured and
flavoured so as to resemble rum imported into India and which contains not more than 30 per cent,
absolute alcohol by volume;(c)'Minimum guaranteed quantity' means the minimum quantity of
country liquor as defined in Rule 2 (f) of the U. P. Settlement of Country Liquor Licences
(Tender-cum-Auction) Rules, 1985.

3. [[Substituted by Notification No. 20847, dated 31st March, 1993, published in U.P. Gazette, Part 4, Section (kha), dated 24th April, 1993.]

Persons holding licences in Forms C.L. 4-B and C.L. 5-B for retail sale of country liquor may sell low strength rum under the same licence.]

4.

[Deleted] [Deleted by Notification No. 20847, dated 31st March, 1993, published in U.P. Gazette, Part 4, Section (kha), dated 24th April, 1993.]

5.

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6. U.P. Bottling of Foreign Liquor Rules, 1969 to apply.

- The provisions of the U. P. Bottling of foreign Liquor Rules, 1969 shall apply mutatis mutandis to the bottling of low strength rum in a distillery so far as they are not inconsistent with these, rules.

7. [Supply of low strength rum. [Substituted by Notification No. 20847, dated 31st March, 1993, published in U.P. Gazette, Part 4, Section (kha), dated 24th April, 1993.]

- Supply of low strength rum to the licensed vendors holding licences in Forms C.L. 4-B and C.L. 5-B will be made by the wholesale vendors of foreign liquor holding licence in Form F.L. 2 in the same district.]

8. [Adjustment towards minimum guaranteed quantity country liquor. [Substituted by Notification No. 20847, dated 31st March, 1993, published in U.P. Gazette, Part 4, Section (kha), dated 24th April, 1993.]

- A retail vendor of country liquors holding licence in Form C.L. 4-B or C.L. 5-B shall be entitled to draw low strength rum from the F.L. 2 licensee of the district. The licensee holding licence in Form C.L. 4-B or C.L. 5-B shall be entitled to draw low strength, rum towards and within the limits of minimum guaranteed quantity fixed for retail vend of country liquor and an adjustment of excise duty leviable on low strength rum so drawn shall be permitted towards the basic licence fee payable on minimum guaranteed quantity of country liquor fixed for his retail vend. However, if the amount of excise duty payable on low strength rum exceeds the amount of basic licence fee payable on the minimum guaranteed quantity of country liquor fixed for his retail vend, the same shall be paid before drawing the excess quantity of low strength rum.][Form F.L. 4-A][See Rule 4]Application for

the grant of a licence in Form F.L. 4-B for retail vend of low strength rum (Delete the letters and words not applicable) To, The Collector, District. Sir, I/We resident of hold licence in Form C.L. 3-A/C.L. 4-A/C.L. 5-A at for the year I/We request a licence Form F.L. 4-B for sale of low strength may be granted to me/us for the period 31st March

2. I/We hereby declare that-

(a) I/We agree to abide by the terms and conditions of the licence which may be granted. (b) I/We enclose a Treasury challan no. of date for rupees as licence fees. (c) I/We am/are holding licence for sale of country liquor in Form C.L. 3-A/C.L. 4-A/C.L. 5-A at a rural/urban area for the year and a copy of the licence is enclosed.

3. I/We hereby declare that no excise licence previously held by me/us has been revoked or suspended or failed to renew the licence owing to a breach of the Act and/or rules governing the grant of such licence

4. I/We declare that to the best of my/our knowledge and belief the information furnished herein is true and complete.

Place Date Signature(s) of the Applicant(s) Form F.L. 4-B [See Rule 15] Shop licence for retail vend of low strength rum for consumption both on and off the premises Register No. Locality Name of licence holder Licence for the retail vend of low strength rum of strength 30 per cent, v/v is hereby granted to at in the district of from to for which Rs. has been paid in advance subject to the following special and general conditions the infraction of any of which or a conviction for any offence under the Excise or Neurotics and psychotropic laws shall render the licensee liable to the forfeiture of his licence and advance deposit in addition to any penalties imposed under the above laws. Special Conditions

1. Sale shall be made only at the licensed premises approved for retail sale of country spirit.

2. The licence-holder shall maintain regular and accurate account in the prescribed register (Form F.L. 25), to be obtained from the Collector's office on payment, and shall produce the same for inspection on the requisition of any officer authorized by Government to demand their production and shall furnish to the Collector such returns of sales as may be required.

3. At the entrance to the licensed premises a signboard shall be affixed on which shall be painted the name of the vendor and designation "Licensed retail vendor of low strength rum".

4. In the case of shops situated in Nagarmahapalika or Nagarpalika there shall be only one door opening into a public road, unless more are sanctioned by the Collector. In the latter case the additional doors shall have signboards attached to them as in condition 3. Window opening into the street shall be covered with wire netting.

5. In the case of shops situated in Nagarmahapalika or Nagarpalika separate rooms for the consumption on the premises shall be provided. The entrance to such room shall have a signboard affixed to it bearing the words 'Room for on sale of low strength rum'.

6. The shop shall be so constructed that the interior of every public and private bar shall be visible from the door way.

7. The building in which the shop is situated shall not be used as a place of residence except by the licensee and his family or by a caretaker.

8. [The retail vendor shall be entitled to draw low strength rum from the supply contractor of the district holding F.L. 3 licence in accordance with the rules on the subject. The duty leviable on such quantity of low strength rum be adjusted towards the issue price leviable on the minimum quantity of country liquor fixed for his vend.] [Substituted by Notification No. 1491/UPA/89-90, dated 16th May, 1989.]

9. The following hours of sale are prescribed :

10.00a.m. to 10.00 p.m.

10. No sale shall be made on Independence Day (15th August), Republic Day (26th January), Mahatma Gandhi Birthday (2nd October) and 1st and 7th of every month. If 1st or 7th day falls on public holiday then the next date of that month the day when shop shall remain closed.

11. The licensee is strictly forbidden from taking recourse to any form of enticement, blandishment, or inducement to the customers with a view to increasing sale.

CollectorDistrictDated