

Rajasthan Excise (Grant of Restaurant, Bar Licences) Rules, 2004

RAJASTHAN

India

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Rule

RAJASTHAN-EXCISE-GRANT-OF-RESTAURANT-BAR-LICENCES-RULES of 2004

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Rajasthan Excise (Grant of Restaurant, Bar Licences) Rules, 2004 Published vide Notification No. C.S.R.51C.S.R.51. - In exercise of the powers conferred by section 41 of the Rajasthan Excise Act, 1950 (Rajasthan Act 11 of 1950), the State Government is hereby pleased to make the following rules and orders with reference to proviso to sub- Section (3) of the said section that previous publication of these rules be dispensed with as the State Government considers that the said rules be brought into force at once, namely: -

1. Short title and Commencement.

(1) These rules may be called the Rajasthan Excise (Grant of Restaurant. Bar Licences) Rules, 2004. (2) They shall come into force with immediate effect.

2. Definition.

- In these rules, unless the context otherwise requires.-(a)"Restaurant Bar Licence" means a 'retail on licence for the sale of beer (including draught beer but excluding beer of strength above 8.75 degree proof), ready to drink (RID.) liquor and wine granted to a restaurant which makes sale to consumers for consumption in the restaurant. -(b) The words and expressions defined in the Rajasthan Excise Act, 1950 and Rajasthan Excise Rules, 1956 and not defined in these rules shall have the meaning as defined in the Rajasthan Excise Act, 1950 and Rajasthan Excise Rules, 1956, as the case may be.

3. Eligibility and procedure for grant of licence..

(1) Only such restaurants which conform to the criteria laid down by the Government from time to time and which do not possess any of the disqualifications mentioned in sub-rule (6) shall be eligible to apply in Form 'A' for a Restaurant Bar Licence. (2) Every application for a Restaurant Bar licence shall be signed-(a) by each partner, if the applicant is a partnership firm; (b) by the Managing Director or Director authorized in this behalf, if the applicant is a company. The registered name and address of the company along with names of other Directors would also be furnished. (3) Every application for a Restaurant Bar licence shall be accompanied by process fee of Rs. 5000/- and an amount equal to the following amount of initial fee which shall be in addition to the fee payable under rule 69 (1) of the Rajasthan Excise Rules, 1956: -

[S. No.

[Substituted

by

Notification

Category

Initial and minimum

special vend fee for

year or part thereof

No. G.S.R. 3,
dated

1.4.2017.]

Basic licence
fee

Minimum special
Vend fee

Total of (Col. No.
3+4)

1

2

3

4

5

Restaurant situated in
and within 5
Kilometer of
Municipal limit of (i)
Jaipur/Jodhpur headquarter (ii)
Other Divisional

1

headquarter Mount
Abu and Jaisalmer (iii)

8.00 6.00 5.00 4.50

1.00 1.00 1.00 1.00

9.00 7.00 6.00 5.50

Other
district headquarter (iv)
Other Municipalities
and Bhiwadi
(District Alwar)

2

Other restaurants not
covered in (i) to
(iv) above.

4.00

0.50

4.50]

(4) The District Excise Officer concerned shall initial the application noting the date of receipt and cause each application to be entered in register maintained for this purpose. (5) Each application shall then be scrutinized by the District Excise Officer with regard to the suitability of the applicant for holding the licence. Before forwarding the application to Excise Commissioner through Additional Commissioner concerned for final order, case shall be put up before the committee,

constituted by the State Government in this behalf.(6)An application for licence shall be liable to be rejected for the following reasons:(a)If it has not been signed properly or is incomplete.(b)If the applicant has been convicted or punished for any offence under the Rajasthan Excise Act, 1950 the Narcotic Drugs & Psychotropic Substances Act, 1985 or rules made thereunder.(c)If the applicant is found to have been convicted for any now - bailable offence.(d)If there are arrears of excise due outstanding against him.(e)If the applicant is below the age of 18 years.(f)[If the applicant cannot fulfill the minimum annual turnover criteria fixed by the State Government, from time to time.] [Added by Notification No. F. 4(1) FD/Excise/2014, part II, G.S.R. 6, dated 1.4.2014-Rajasthan Gazette Extraordinary Part IV(C)(I), dated 1.4.2014.](g)[If land of restaurant is not converted for the said purpose by the local body concerned in urban area or competent authority concerned in rural area.] [Added by Rajasthan Notification No. G.S.R. 2, dated 1.4.2015.](7)Notwithstanding anything contained in these rules, the Excise Commissioner shall be competent to reject any application for licence without assigning any reason whatsoever.

4. Deposition of minimum licence fee and grant of licence.

(1)As soon as the applicant receives the sanction of licence to him, he shall within 15 days, deposit into the Treasury the minimum licence fee prescribed under rule 69(I) of the Rajasthan Excise Rules, 1956.(2)The District Excise Officer concerned, after satisfying himself that the minimum licence fee has been deposited into Treasury shall inspect the location of the premises where the beer, RTI and Wine shall be stored and the counters where it shall be sold and submit his report to the Excise Commissioner who will issue the licence accordingly, under his signature and the seal of his office in Form 'B' .

5. Cancellation of sanction/Licence.

- A sanction for grant of licence or the licence issued under these rules shall be liable to be cancelled;(i)If the amount of minimum licence fee is not deposited within 15 days from the receipt of information of sanction of licence.(ii)If any of the provisions of Rajasthan Excise Act, 1950, Rajasthan Excise Rules, 1956 or these rules have been violated;(iii)For any breach of conditions of the licence;(iv)If it is found that licence has been obtained by fraud or misrepresentation of facts .

6.

Any person holding a licence under these rules shall be bound by the conditions, if any, imposed by the Government with regard to the purchase, of liquor to be sold in the restaurant but the licensee may import into Rajasthan under permission from Excise Commissioner beer, ready to drink liquor and wine bottled in other countries from a licensee of other state authorized to make such a sale .

7. Refund of initial fee for licence not sanctioned.

- In case an application for licence is not sanctioned and is rejected for no fault on the part of the applicant, the applicant shall be entitled to refund of initial fee paid by him, The amount of process

fee shall, however, not be refunded.

8. [Renewal of licence. [Substituted by Notification No. G.S.R. 1, dated 1.4.2011.]

- [(1)] A licence granted under these rules shall expire on 31st day of March every year. A person seeking renewal of the licence granted to him must confirm the criterion laid down by the Government from time to time and do not possess any of the disqualification mentioned in sub-rule (6) of Rule 3. The application for renewal shall be made in accordance with Rule 72-A of the Rajasthan Excise Rules, 1956 and shall accompanied with a treasury receipt of payment of renewal fee equivalent to initial fee prescribed in sub-rule (3) of rule 3] [***] [Deleted 'and minimum licence fee payable under sub-rule (1) of rule 69 of the Rajasthan Excise Rules, 1956.' by Notification No. F. 4(1) FD/Excise/2014, part II, G.S.R. 6, dated 1.4.2014-Rajasthan Gazette Extraordinary Part IV(C)(I), dated 1.4.2014.](2)[No Licence shall be renewed if the licence cannot fulfil the turnover criteria fixed by the State Government, from time to time.] [Added by Notification No. F. 4(1) FD/Excise/2014, part II, G.S.R. 6, dated 1.4.2014-Rajasthan Gazette Extraordinary Part IV(C)(I), dated 1.4.2014.]

9. 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. Form-A[Rule 3 (I)]To, The Excise Commissioner, Rajasthan, Udaipur Through : The District Excise OfficerSir,

1. I/We Son of residing at District request that I/We may be granted Restaurant Bar Licence for the retail sale of Beer (including draught beer but excluding beer), ready to drink (R.T.D.) liquor and wine for consumption on the premises of out restaurant situated at for the year ending 31st March
.....

2. I/We have deposited a sum of Rs. to words the process fee and initial fee for the above licence in Treasuryvide challan No. date (enclosed herewith).

3. I/We agree to abide by the provisions of the Rajasthan Excise Act, 1950 and Rules framed thereunder.

4. I/We declare that I/We do not suffer from any of the disqualification prescribed by the Rajasthan Excise / Grant of Restaurant Bar Licences Rules, 2004 which may render me/us ineligible to hold the licence applied for.

5. 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)