

# Punjab Excise Powers and Appeal Orders, 1956

HARYANA

India

## Punjab Excise Powers and Appeal Orders, 1956

### Rule PUNJAB-EXCISE-POWERS-AND-APPEAL-ORDERS-1956 of 1956

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Punjab Excise Powers and Appeal Orders, 1956Published vide Punjab Government Notification No. 1083-E&T-(7)-58/650 dated 18-3-1956The notification may be cited as the Punjab Excise Powers and Appeal Order, 1956, it shall come into force at once.

#### 1.

In exercise of the powers conferred by section 9 of the Punjab Excise Act (1 of 1914), an Excise Commissioner who will be designated as Excise and Taxation Commissioner, Haryana, has been appointed and invested with all the powers conferred on the Financial Commissioner by the said Act.

#### 2.

In exercise of the powers conferred by sub-section (3) of section 3 of the [Punjab Excise Act (1 of 1914) all the Deputy Excise and Taxation Commissioner (Headquarters)] [Legislative Supplement Part III dated 24.1.1986.] [or Joint Excise and Taxation Commissioner (Headquarters)] [Words added by Haryana Government Notification No. GSR20/PA1/14/S. 3 and 12/Amd.(1)/88 dated 3.3.1988.] or [Additional Excise and Taxation Commissioner (Headquarters)] [Added by Haryana Government Notification No. GSR 58/PA1/14/Ss 3 and 14/Amd(2)/92 dated 28.8.1992.] are appointed to discharge the functions of a Collector under the said Act throughout the districts under their respective charges except the powers under section 79 of the said Act.

#### 3.

Under Section 8(a) of the Punjab Excise Act, the general superintendence and administration by the Financial Commissioner in matters relating to excise shall be subject to the following restrictions :- (a) No shops may be licensed for the sale of liquor or intoxicating drugs in any village or in any

ward or quarter of a town in which a license did not previously exist without the sanction of the State Government.(b)The number of liquor and intoxicating drug shops, which may be licensed in any local area, shall be subject to the orders of the State Government.

#### 4.

In exercise of the powers conferred by clause (b) of section 8 of the Punjab Excise Act (1 of 1974) all the Deputy Excise and Taxation Commissioners in Haryana shall control Excise and Taxation Officers, the Assistant Excise and Taxation Officer and the other Excise Staff in the districts under their respective charges.

#### 5.

Under section 10 of the Punjab Excise Act there shall be three classes of Excise Officers, to be designated 1st Class, 2nd Class and 3rd Class, respectively, and the persons mentioned in groups A, B and C below shall be respectively Excise Officers of the 1st, 2nd and 3rd Class :-Group AExcise Officers of the 1st Class(1)All Assistant and Extra Assistant Commissioners.(2)All Deputy Excise and Taxation Commissioners.(2-A) All the Gazetted Officers posted at the headquarters in the office of the Excise and Taxation Commissioner, Haryana excluding himself.(2-B) All Divisional Enforcement Officers.(2-C) All Officers on special duty in Vigilance.(3)All Assistant Excise and Taxation Commissioner.(4)All Assistant Excise and Taxation Officers.(5)All Tehsildars.(6)All Excise Inspectors.(7)All Naib Tehsildars.(8)All Excise Sub-Inspectors, time scale.(9)[ All Taxation Inspectors posted at the Sales Tax Check Barriers and all Taxation Inspectors transferred to work as Excise Inspectors.] [Substituted vide Haryana Government Notification No. GSR 31/PA1/14/s.1/Amd/85 dated 27.2.1985.]Group BExcise Officers of the 2nd ClassAll Excise Inspectors leave reserve.Group CExcise Officers of the 3rd Class(1)All Excise Clerks attached to the Excise Officers of Districts.(2)All Excise Chaprasis and Peons.

#### 6.

The persons mentioned in groups A and B below are, under section 11 of the Punjab Excise Act, invested with the powers of an Excise Officer of the 1st Class and 3rd Class respectively.Group A(To exercise the powers of an Excise Officer of the 1st Class)(1)All Police Officers of the rank of Head Constable and any rank superior thereto.(2)All Assistant Commissioners, Superintendents, Assistant Superintendents and Probationary Assistant Superintendents, of the Central Excise and Salt Department.Group B(To exercise the powers of an Excise Officer of the 3rd Class)(1)All Field Kanungos.(2)Inspectors in-charge of circles, kotgashts, jamadars and peons of the Central Excise and Salt Department.(3)All Police Constable.

#### 7.

Under section 11 of the Punjab Excise Act (1 of 1914) the persons mentioned below in column 1 of the sub-joined Schedule are invested with the powers of an Excise Officer of the 1st Class as given in

order 8 except those given in Section 45 of the Act, such powers to be exercised by them within the limits mentioned in column 2 of that schedule :-

## Schedule

	Column 1	Column 2
1.	Assistant Excise Commissioner, Superintendents Excise, and all Excise Inspectors for the time being exercising jurisdiction in the district of Muzzaffarnagar in Uttar Pradesh	Districts of Rohtak and Karnal
2.	Assistant Excise Commissioner, Superintendent of Excise and all Excise Inspectors, for the time being exercising jurisdiction in the district of Meerut in Uttar Pradesh	District of Rohtak
3.	Assistant Excise Commissioner, Superintendents of Excise and all Excise Inspector for the time being exercising jurisdiction for the time being exercising jurisdiction in district of Bulandshahr and Mathura in Uttar Pradesh	District of Gurgaon
4.	Assistant Excise Commissioner Superintendents of Excise and all Excise Inspectors for the time being exercising jurisdiction in the District of Saharanpur in Uttar Pradesh	District of Karnal and Ambala
5.	All Excise Inspectors and Sub-Inspectors for the time being exercising jurisdiction in Delhi State	Districts of Rohtak Gurgaon, Karnal and Ambala
6.	Assistant Excise Commissioners and Inspectors Excise and Taxation for the time being exercising jurisdiction in the Districts of;	
6	(a) Ganga Nagar, Churu Jhunjnam,	Hissar District
(b) Alwar and Bharatpur	Gurgaon District	
(c) Ganga Nagar	Ferozepur District	
(d) Sikar, Jhunjnam and Alwar	Mohindergarh District	
7.	Staff of Excise Intelligence Bureau of State of Rajasthan not below the rank of Excise Inspector	Hissar, Gurgaon and Mahindergarh District.

## 8.

Under section 10 (b) of the Punjab Excise Act, the powers of Excise Officers of the classes specified below are declared to be as follows :-A - powers of An Excise Officer of the 3rd Class(1)Power under section 47 to arrest without warrant any person found committing an offence under section 61(1)(a) or (c) or section 61(2)(a), (c) or (e).

### **2. Power under section 47 to seized and detain intoxicants or other articles liable to confiscation in connection with any of the aforesaid offences and to detain and search person upon whom any vessel, raft, vehicle, animal, package, receptable or covering in or upon which he may have reasonable cause to suspect any such article to be.**

B - powers of An Excise Officer of the 2nd Class(1)All the powers of an Excise Officer of the 3rd Class.(2)All powers not included in the foregoing and conferable under section 47.(3)Power to enter and inspect places of manufacture and sale and to examine and seize accounts and registers, test measure, weigh and seize any materials, stills, utensils, implements, apparatus or intoxicants as provided in section 45.C - powers of An Excise Officer of the 1st Class(1)All the powers of an Excise Officer of 2nd Class.(2)Powers to investigate under section 46.(3)Power to search without warrant as provided in section 49(1) and to seize, detain, search and arrest as provided in section 49(2).(4)Power to grant bail under section 73.

## 9.

Under section 14 of the Opium Act, 1878 (1 of 1878), the officers mentioned in column 1 of the sub joined Schedule are authorised to exercise the powers with respect to search for and seizure of opium and other things liable to confiscation under section 11 or any other law for the time being in force relating to opium and the detention, search and arrest of any person reasonably believed to be guilty of any offence relating to such opium, such powers to be exercisable by them within the limits mentioned in Column 2 of that Schedule.

### **Schedule 2**

	Column 1	Column 2
1.	All Excise Officers in the State of Haryana for the timebeing above the rank of a jamadar or peons and all PoliceOfficers in this State above the rank of a Constables.	Within the limit of their respective jurisdiction.
2.	All Excise Inspectors and Excise Sub-Inspectors for the timebeing exercising jurisdiction in Delhi State	Districts of Rohtak Gurgaon, Karnal and Ambala
3.	Assistant Excise Commissioner Superintendents of Excise andall Excise Inspectors for the time being	Districts of Rohtak and Karnal.

	exercising jurisdiction in the district of Muzafarnagar in Uttar Pradesh	
4.	Assistant Excise Commissioner Superintendents of Excise and all Excise Inspectors for the time being exercising jurisdiction in the District of Meerut in Uttar Pradesh	District of Rohtak
5.	Assistant Excise Commissioner Superintendents of Excise and all Excise Inspectors for the time being exercising jurisdiction in the Districts of Bulandshahr and Mathura of Uttar Pradesh	District of Gurgaon
6.	Assistant Excise Commissioner Superintendents of Excise and all Excise Inspectors for the time being exercising jurisdiction in the District of Sharanpur in Uttar Pradesh	District of Karnal and Ambala
7.	Inspecting Officers and the Intelligence Officers attached to the Narcotics Intelligence Bureau, Government of India	Whole of the State of Haryana
8.	All officers of the Central Excise Department of and above the rank of Sub-Inspectors	Whole of the State of Haryana
9.	Assistant Commissioners and Inspectors Excise and Taxation for the time being exercising jurisdiction in the District of :-	
	(a) Ganga Nagar, Churu and Jhunjhanm	(a) Hissar Distt.
	(b) Alwar and Bharatpur	(b) Gurgaon Distt
	(c) Ganga Nagar	(c) Ferozepur District.
	(d) Sikar, Jhunjhanm Alwar	(d) Mohindergarh District.
10.	Staff of Excise Intelligence Bureau of the State of Rajasthan not below the rank of Excise Inspector	Hissar, Gurgaon, Ferozepur and Mohindergarh District.

## 10.

Under section 23 (1) of the Dangerous Drugs Act, 1930 (II of 1930), the Officers mentioned in column 1 of the sub-joined Scheduled are hereby authorised to exercise the powers within the limits of the territories mentioned in column 2 of that Schedule:-

## Schedule 3

	Column 1	Column 2
1.	All Excise Officers in the State of Haryana for the time being above the rank of a jamadar or peons and Police Officers in the State above the rank of a Constable.	Within the limits of their respective jurisdiction.
2.	All Excise Inspectors and Sub-Inspectors for the time being exercising jurisdiction in Delhi State	District of Rohtak, Gurgaon, Karnal and Ambala
3.	Assistant Excise Commissioner Superintendents of Excise and all Excise Inspectors for the time being exercising jurisdiction in the District of Mazaffarnagar in Uttar Pradesh	District of Rohtak and Karnal.
4.	Assistant Excise Commissioner Superintendents of Police and all Excise Inspectors for the time being exercising jurisdiction in the District of Meerut in Uttar Pradesh	Distt. of Rohtak.
5.	Assistant Excise Commissioner Superintendents of Excise and all Excise Inspectors for the time being exercising jurisdiction in the Districts of Bulandshehar and Mathura in U.P.	Distt. of Gurgaon.
6.	Assistant Excise Commissioner Superintendents of Excise and all Excise Inspectors for the time being exercising jurisdiction in the Districts of Saharanpur and Mathura in U.P.	Distts. of Karnal and Ambala.
7.	Inspecting Officer and the Intelligence Officer attached to the Narcotics Intelligence Bureau, Government of India	Whole of the State of Haryana.
8.	All Officers of the Central Excise Department of and above the rank of Sub-Inspectors	Whole of the State of Haryana.
9.	Assistant Commissioner and Inspectors Excise and Taxation, for the time being exercising jurisdiction in the District of	
(a) Ganga Nagar, Churu and Jhunjhaum	Hissar District	
(b) Alwar and Bharat Pur	Gurgaon District	
(c) Ganga Nagar	Ferozepur District	
(d) Sikar, Jhunjhanm and	Mohindergarh District.	

Alwar

**11.**

Under section 30 of the Dangerous Drugs Act, 1930 (II of 1930) the officers mentioned in column 1 of the sub-joined Schedule are invested with the powers of an officer-in-charge of Police Station for the investigation of offences under the said Act, within the limits of the territories mentioned in column 2 of that Schedule :-

All Deputy Excise and Taxation Commissioner, all Assistant and Extra Assistant Commissioners, all Excise and Taxation Officers, all Excise		Within the limits of their respective jurisdiction.
1.	Inspectors, all Sub-Inspectors, all Assistant Collectors, Superintendents, Deputy Asstt. Collectors, Superintendents, Deputy Supdts., Probationary Deputy Supdts. of General Excise in the State of Haryana	
Asstt. Excise Commissioner Superintendents of Excise and all Excise		Distts. of Rohtak and Karnal
2.	Inspectors, for the time being exercising jurisdiction in the Distt. of Muzafarnagar in U.P.	
Asstt. Excise Commissioner Superintendents of Excise and all Excise Inspectors		Distt. of Rohtak
3.	for the time being exercising jurisdiction in the Distt. of Meerut in Uttar Pradesh	
Asstt. Excise Commissioner Superintendents of Excise and all Excise		Distt. of Gurgaon
4.	Inspectors, for the time being exercising jurisdiction in the Distts. of Bulandshahar and Mathura of Uttar Pradesh	
Asstt. Excise Commissioner Superintendents of Excise and all Excise Inspectors		Distts. of Karnal and Ambala
5.	for the time being exercising jurisdiction in the Distt. of Saharanpur of Uttar Pradesh	

**12.**

Under section 13 (b) of the Punjab Excise Act every Collector is permitted to delegate the powers specified in column 1 of the schedule below to the persons mentioned in column 2, subject to the conditions, if any, in column 3 :-

**Schedule 4**

Nature of powers		Authority to whom powers may be delegated	Remarks
1		2	3
1.	Powers to grant permits for import or transport of country spirit, foreign liquor, rectified spirit or denatured spirit.	Excise and Taxation Officer and Assistant Excise and Taxation Officer in the district.	
2.	Power to grant permits for the transport of bhang.	Ditto	

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| 3.  | Power to appoint salesman to work at licensed premises.  | Ditto   |
| 4.  | Power to issue passes for export and transport of foreign liquor, country spirit, rectified spirit and denatured spirit from vend premises.  | All Excise Officers of the 1st and 2nd Class ex Officio.  |
| 5.  | Power to grant passes for the export of medicinal and other preparations containing rectified spirit including intoxicating spirituous preparations from vend premises.  | Ditto   |
| 6.  | Power to grant passes for the export and transport of medicinal or other preparations containing rectified spirit including intoxicating spirituous preparations from the bonded warehouse of the approved manufacturer. | The Excise Sub-Inspector-in-charge of Chemical Works.   |
| 7.  | Power to grant permits for the import or transport of intoxicating spirituous preparations.  | Excise and Taxation Officer/Assistant Excise and Taxation Officers in the district                          |
| 8.  | Power to grant passes for the export and transport of spirit from a distillery, or of beer from the brewery or of liquor from a bonded warehouse.  | The excise Inspector or Sub-Inspector-in-charge of the Distillery or brewery or bonded warehouse ex-officio |
| 9.  | Power to grant permit for the possession of country spirit not exceeding 45.460 litres on special occasions.   | All Excise Officers of the I and II Class ex Officio.   |
| 10. | Power to grant licences for the manufacture and possession of country fermented liquor for home consumption.   | Ditto   |
| 11. | Powers to grant licenses for the manufacture of country fermented liquor for use on special occasion.  | Ditto   |
| 12. | Power to grant passes for the  | Ditto   |



export and transport of bhang.

13. Power to grant passes for the transport of bhang.

The Tahsildar and Naib-Tahsildar of any outlying Tehsil exOfficio.

Provided that such delegation shall be subject to the condition that the officer granting the passes shall invariably endorse a copy thereof to the Excise and Taxation Officer in charge of the district of issue.

14. Power of the grant passes for the export and transport of foreign liquor, country spirit and denatured spirit from the whole sale vend premises of the person mentioned in column 2.

Any person within the district licensed to sell foreign liquor country spirit and denatured spirit wholesale.

1. Provided that such power shall be delegated only after obtaining the previous sanction of the Financial Commissioner. 2. Such delegation shall be made by written order naming the person to whom the power is delegated.

15. Power to grant export and transport passes for the export and transport of foreign liquor from the retail premises of any licensee to any other premises of the same licensee.

Any person granting a license for the retail vend of foreign liquor within the district.

16. Power to grant a permit for import or transport of rectified spirit from licensed distillery to an approved manufacturer and homoeopathic chemist or practitioner.

Excise and Taxation and Assistant Excise and Taxation Officer in the district.

17. Power to grant authorisation for the export, transport in bond of country spirit or Indian made foreign liquor or rectified spirit or medicinal, non-medicinal preparations containing rectified spirit including intoxicating spirituous preparations to the Manager of the Distillery, Brewery or etc.

Ditto

18. Power to require the manager of a distillery or brewery or bonded warehouse or the proprietor of a

Excise and Taxation Officer/Assistant Excise and Taxation Officer of the

- chemical works licensed in district.  
Haryana to execute a bond ensuring the safe arrival at its destination of any consignment of liquor exported or transported in bond and the payment of any duty which may become due thereon.  
Power to discharge the bond executed by the manager of the distillery or brewery or bonded warehouse or the approved manufacturer concerned in connection with the export/transport in bond of liquor.
19. Ditto
- Power to grant or renew a permit for purchase, transport and possession of foreign spirit exceeding one bottle of the capacities of 757 millilitres.
20. Ditto
- Power to grant permits for the purchase, transport and possession of brandy in a prohibited area.
21. All Excise Officers of the 1st and 2nd class ex officio.
- Power to suspend licenses granted under Forms L-2 L-14, and L-14-A of Rule 2 of the Haryana Liquor Licences Rules, 1970
22. Excise and Taxation Officers appointed in the district to look after the excise work.
- The suspension shall be ordered only if on preliminary chemical test poisonous ingredients are found in the sample of liquor.
- Power to impose penalty and its recovery under section 61 and powers of confiscation under [section 78 and 79 and powers to refer cases to a magistrate under Section 71 of the Act]
- \* 23. Deputy Excise and Taxation Commissioner, in-charge of excise administration in the district concerned.,

\* Added by Haryana Notification No. S.O. 104/P.A. 1/1914/S. 13/2002 dated 27th December, 2002. # Substituted for "section 78 and 79 of the Act" by Haryana Notification No. S.O. 35/P.A. 1/1914/S. 13/2003. dated 36.3.2003.

### 13.

Under section 14 of the Punjab Excise Act, it is hereby declared that an appeal shall lie from an original or appellate order of an Excise Officer as follows, namely:- (a) to the Collector when the

order is made by an Excise Officer below the rank of Collector,(b)to the Financial Commissioner when the order is made by Collector, provided that :-(i)when an original order is confirmed on first appeal, a further appeal shall not lie.(ii)when any such order is modified or reversed on appeal by the Collector the order made by the Financial Commissioner on further appeal, if any, to him shall be final.

#### **14.**

Under section 58(2)(c) of the Punjab Excise Act it is directed that -(i)every memorandum of appeal must be presented within one month from the date of the order appealed against.(ii)every memorandum of appeal shall be accompanied by the order appealed against, in original or by an authenticated copy of such order unless the omission to produce such order or copy is explained to the satisfaction of the appellate authority. The time spent in obtaining an authenticated copy of such order shall be excluded from the period of limitation prescribed under clause (i) above.

#### **15.**

The Punjab Excise Powers and Appeal Orders and enforced with Pepsu Government Notification No. 50, dated the 12th November, 1952, in the territories immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union shall stand repealed.