

Andhra Pradesh Excise (Grant of licence of selling by Shop and conditions of licence) Rules, 2019

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-EXCISE-GRANT-OF-LICENCE-OF-SELLING-BY-S of 2019

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Andhra Pradesh Excise (Grant of licence of selling by Shop and conditions of licence) Rules, 2019Published vide Notification No. G.O.Ms.No. 372, Revenue (Ex.2), 22.8.2019Last Updated 7th October, 2019G.O.Ms.No. 372. - In exercise of the powers conferred by Section 12 read with Section 6 of the Andhra Pradesh (Regulation of Trade in Indian Made Foreign Liquor, Foreign Liquor) Act, 1993 and read with Sections 72, 17 and 28 of the Andhra Pradesh Excise Act, 1968 (Andhra Pradesh Act 17 of 1968) and in supersession of the Andhra Pradesh Excise (Grant of licence of selling by Shop and conditions of licence) Rules, 2012 issued in G.O. Ms. No, 391 Revenue (Ex-II) Department dated 18-06-2012, the Governor of Andhra Pradesh hereby makes the following Rules:

1. Short title, extent, commencement and application.

(1)These rules may be called the Andhra Pradesh Excise (Grant of licence of selling by Shop and conditions of licence) Rules, 2019.(2)They shall extend to all the areas where the Andhra Pradesh Excise Act, 1968 is in force.(3)They shall come into force w.e.f. 01.10.2019.These rules shall apply for the grant of licence for selling IMFL and FL in retail by Shop, conditions governing such licence and transport of IMFL and FL by such licence holder.

2. Definitions.

(1)In these rules unless the context otherwise requires,(a)"Act" means the Andhra Pradesh Excise Act, 1968, Act No. 17 of 1968.(b)"APSBCL" means the Andhra Pradesh State Beverages Corporation Limited.(c)"Dry day" means a day on which no liquor shall be sold in the licensed

premises;(d)"Holographic Excise Adhesive Label" means the label designed and approved, printed and supplied under the supervision and control of the Commissioner of Prohibition and Excise, from time to time in different forms for the purpose of its affixture to sealed bottles of different varieties and sizes containing liquor.(e)"Foreign Liquor", referred to as "FL", means every liquor imported into India, other than the Indian Made Foreign Liquor;(f)"Form" means a form appended to these Rules;(g)"Government" means the State Government of Andhra Pradesh(h)"Highway" means a National highway or a State highway as notified by the competent authority.(i)"Indian Made Foreign Liquor", referred to as "IMFL" means Liquor produced, manufactured or compounded in India after the manner of Gin. Brandy. Whisky or Rum imported from foreign countries and includes Wine and Beer and Milk Punch and other liquors consisting of or containing any such spirits but does not include foreign liquor.(j)"Licence" means a licence issued under these Rules:(k)"Licensee" means holder of such licence.(l)"Licensing Authority" means the Commissioner of Prohibition and Excise.(m)"Licence Fee" means the annual licence fee prescribed under these Rules.(n)"Licence period" means the period of twelve months commencing from 1st October and ending on 30th September or part thereof.(o)"Licensed premises" means a premises where IMFL and FL are permitted to be sold by the Licensee.(p)"Maximum Retail Price" (MRP) means the price indicated by the Andhra Pradesh State Beverages Corporation Limited or any other agency authorized by the Government for declaration on each variety of label by the Manufacturers of Indian Made Foreign Liquor as required under Section 39 of the Standards of Weights and Measures Act, 1976 read with clause (r) of rule 2 of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977.(q)"Permit" means a permit issued under these rules.(r)"Population" means the figure of population as officially published in the latest census.(s)"Scheduled Areas" means the Scheduled Areas notified under paragraph 6 of the Fifth Schedule of the Constitution of India(t)"Shop" means a privilege granted under these rules for sale of Indian Made Foreign Liquor or Foreign Liquor in sealed or capsuled bottles or packages or tins to an individual in quantities not exceeding the limits as prescribed without permitting consumption on the licensed premises.(u)"Sealed" in relation to the bottles containers or other receptacles means closed with a capsule and wrapped by wire or closed with a cork or lid and Wrapped with a lining around it.(v)"Transport Permit" means a permit issued by the competent officer for transport of IMFL and FL from the A.P.S.B.C.L. Depot / Government Wholesale Depot or the Depot of any other Corporation owned by the State Government to the licensed premises.(w)"Village/ Town/ City etc." shall mean Village/ Town/ City as defined in the latest census.(2)The words and expressions used but not defined in these rules shall have the same meanings assigned to them in the Andhra Pradesh Excise Act, 1968 and Andhra Pradesh Excise (Import, Export and Transport of Indian Made Foreign Liquor and Foreign Liquor - Permits) Rules, 2005.

3. Establishment of Shops.

- Subject to such directions, which the Government may issue in this regard from time to time, the Commissioner of Prohibition and Excise, having due regard to the requirement, public order, health, safety and other factors as he thinks fit, may fix the number of Shops to be established in a Village/Nagar Panchayat/ Municipality /Municipal Corporation.

4. Application for Grant of Licence.

(a) The A.P. State Beverages Corporation Limited or any other Corporation wholly owned and controlled and authorized in this behalf by the Government shall make an application in form A-1 to the Commissioner of Prohibition and Excise for grant of licence of selling by Shop. (b) The application shall be accompanied by a Treasury Challan for the annual licence fee.

5. Grant of Licence.

- On application, the Commissioner of Prohibition and Excise shall grant Licence in form A-2 for sale of IMFL and FL in retail. Provided that no Shop Licence shall be issued in Scheduled Areas unless the Grama Shabha concerned gives its consent or is deemed to have given its consent to grant such licence to establish the Shop(s). Explanation: - For the purpose of this proviso, a Gram Sabha shall be deemed to have given its consent to establish the Shop(s) if it fails to indicate its consent or otherwise for establishment of the Shop(s) in the Village concerned within 15 days of seeking the same,

6. Licence fee.

- The licence fee for the Shop licence in Form A-2 shall be Rs.1,000/- per annum, or part thereof.

7. Period of the licence and commencement of business.

- Every licence shall be valid for twelve months commencing from 1st October, and ending on 30th September. Provided that licence holder shall commence his business from 1st October of the licence period or such other date as may be specified in the licence and shall keep the licensed premises open every day during the hours fixed till the expiry of the term of licence with sufficient stocks of liquor unless the closure of the Licensed premises is ordered by the competent authority for the period specified,

8. Renewal of Licence.

- Subject to such directions as may be issued by the Government, the Licensing Authority may, on payment of annual licence fee, renew the Licence for a period not exceeding one year.

9. Selection of Premises.

(1) "Subject to the approval of the Commissioner of Prohibition & Excise, the Licence holder shall select suitable premises for sale of IMFL and FL within the Municipal Corporation, Municipality, Nagar Panchayat or Village, as the case may be. It shall be at least 100 meters away from the places of Public worship, Educational Institutions and Hospitals." (2) "No Shop for the sale of liquor shall be (i) visible from a National or State Highway, (ii) directly accessible from a National or State Highway and (iii) situated within a distance of 500 Mts. of the outer edge of the National or State

Highway or of a service lane along the Highway". Provided that in case of areas comprised in local bodies with a population of 20,000 or less, the distance shall be 220 meters. Provided further that the restrictions in sub-rule (2) shall not apply to the Shops established within Municipal areas. (3) No signages and advertisements of the availability of liquor shall be permitted both on National and State Highways. Explanation : - For the purpose of this rule: (a) "Place of public worship" means a temple registered with the Endowment Department, Mosque registered with Wakf Board and Church established and managed by a registered Christian Organisation / Society and includes such other religious institutions, as the State Government may by order specify in this behalf; (b) "Educational Institution" means any Primary school, Middle School and High School recognized by the State Government or Central Government, Junior College or any College affiliated to any University established by law; (c) "High Way" means National Highway or State Highway as notified by the competent authority; (d) "Hospital" means any hospital which is managed or owned by a local authority, State Government or Central Government or any private hospital and having a provision of at least thirty (30) beds. (4) The distances referred above shall be measured from the mid-point of the entrance of the Licensed premises along the nearest path by which a pedestrian would ordinarily reach the mid-point of the nearest gate of the institution or a place of public worship, if there is a compound wall and if there is no compound wall to the mid-point of the nearest entrance of the Institution/ Place of public worship. (5) The boundaries of the premises shall be indicated in the licence. (6) There shall be a single door for entry and exit for the licensed Shop and sales shall be conducted without giving entry to the customers inside the premises.

10. Transport permit.

- Transport permit may be issued authorizing movement of IMFL and FL within the State from the units of the Andhra Pradesh State Beverages Corporation Ltd., / Government Wholesale Depot or the Depot of any other Corporation owned by the State Government to the licensed premises. Such transport shall be governed by Andhra Pradesh Excise (Import, Export and Transport of IMFL and FL - Permits) Rules, 2005.

11. Shifting of licensed premises.

- No change or alteration of the licensed premises shall be made nor the licensed premises shifted elsewhere except with the previous permission of the Commissioner of Prohibition and Excise.

12. Hours of Business.

- The Licensee shall transact business from 10.00 AM to 9.00 PM only.

13. Dry Days.

- The Licensed premises shall be closed and no business transacted on the following days declared as dry days: - (i) 26th January - Republic day (ii) 15th August - Independence day (iii) 2nd October - Gandhi Jayanthi.

14. Licensee not to stock Indian Made Foreign Liquor or Foreign Liquor at unauthorized place.

- The Licensee shall not stock IMFL and FL in any place other than the licensed premises. The Shop supervisor, the salesmen or any other person employed by the Corporation shall be held responsible for any IMFL and FL unauthorizedly kept outside or nearby the licensed premises.

15. Indian Made Foreign Liquor or Foreign Liquor unfit for human consumption to be seized.

- It shall be competent for the inspecting officer, on finding any IMFL and FL unfit for use, substandard, adulterated or spurious or in respect of which it is believed that some substance has been admixed so as to make it unfit for consumption by any process or manner, to stop it from being sold and to seize the same forthwith and take necessary further action as per rules. The Shop supervisor, the salesmen or any other person employed by the Corporation of the Shop concerned shall be held responsible for dilution or brand mixing of liquor or otherwise rendering liquor unfit for human consumption.

16. Indian Made Foreign Liquor and Foreign Liquor shall not be given or sold to certain persons.

(1) No liquor shall be sold or given to the following persons namely: (i) Lunatics; (ii) Persons known or believed to be in a state of drunkenness; (iii) Persons about whom it is known or suspected that they are likely to participate in the commission of sedition, insurrection, breach of peace or any other similar offence threatening public peace and tranquility; (iv) Soldiers in uniform and the camp servants of military officers in their uniform; (v) Persons below (21) years of age. (2) The salesmen or any other person employed by the Corporation of the Shop concerned shall be held responsible for any IMFL and FL sold in contravention of this Rule.

17. Bottles for sale to carry labels.

- Every bottle of IMFL or FL in a licensed premises shall carry Excise Adhesive label or Hologram on the cap of the bottle in addition to the manufacturer's label as approved by the Commissioner of Prohibition and Excise.

18. Maximum Retail Price.

(1) The Licensee shall sell IMFL and FL at prices not exceeding the Maximum Retail Price indicated on the labels of the bottles and issue bills to the customers accordingly. A price list of the brands of IMFL & FL kept for sale shall be displayed in a conspicuous place in the Shop for information of the Public. (2) The Shop supervisor, the salesmen or any other person employed by the Corporation of the Shop concerned shall be held responsible for sale of IMFL and FL at retail prices exceeding Maximum Retail Prices fixed.

19. Employment of servants.

- (i) No woman shall be employed in Retail Outlets.(ii)No person below the age of twenty one years shall be employed for sale of IMFL and FL.(iii)Persons convicted of any offence under the Andhra Pradesh Excise Act, (Act of 17 of 1968) or the Narcotics Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985) within the preceding three years,(iv)Persons convicted under Section 482 to 489 of the Indian Penal Code, 1860 (Central Act 45 of 1860),

20. Licensee to maintain accounts.

(1)The Licensee shall maintain full and day to day accounts of IMFL and FL received and disposed of in Form R-1 and daily Brand-wise account in Form R-2, the pages of which are machine numbered serially.(2)The licensee shall install the required equipment for effective implementation of Hedonic Path Finder System (HPFS) and required machinery for reading of Holographic Excise Adhesive Labels (HEAL)."(3)The Shop supervisor, the salesmen or any other person employed by the Corporation of the Shop concerned shall be responsible for maintenance of accounts for the Shop.

21. Licensee to provide CC Cameras.

- The licensee shall provide required number of CC cameras in the Shop.

22. Officers authorized to inspect premises.

- Any officer not below the rank of a Prohibition & Excise Sub - Inspector may enter and inspect the licensed premises during the working hours and inspect and verify all the accounts, registers and stocks. It shall be competent for such inspecting officer to take such samples as might be necessary, or to take charge of such records and registers as might be necessary. An inspection book in Form 1-1 with machine numbered pages shall be kept in the Shop for the use of the inspecting officers.

23. Licensee to abide by the provisions of the Act etc.

- Every holder of the licence under these rules shall comply promptly with all orders or directions issued from time to time under the Act, and the rules and orders made there under and shall abide by all the conditions of the licence / permit.

24. Existing Rules cease to operate.

- The A.P. Excise (Grant of licence of selling by Shop and conditions of licence) Rules, 2012 shall cease to operate on the commencement of these Rules.

25. Removal of difficulties.

- If there is any doubt or dispute regarding the application or interpretation of any of these rules, the decision of the Commissioner of Prohibition and Excise thereon shall be final. Form A-1 Application for Grant of Licence for the privilege of selling by Shop (Rule 4)

1. Name of the Applicant :

2. Address :

3. Serial Number of the Shop :

4. Village/Nagar Panchayat/

Municipality/Municipal Corporation in which the Shop is located

5. Details of Premises to be licensed :

(a) Ward No. (b) D.No. (c) Boundaries (i) East (ii) West (iii) North (iv) South

6. Details of payment of Licence fee:

I hereby declare that the particulars given above are true to the best of my knowledge and belief. I hereby, undertake to abide by the Rules and Licence Conditions prescribed under the Andhra Pradesh Excise Act, 1968. Place: Date: Signature of the Applicant Form A-2 (See Rule 5) Licence for sale of Indian Made Foreign Liquor and Foreign Liquor by Shop Licence is hereby granted and issued to _____ in respect of the privilege of sale of Indian Made Foreign Liquor and Foreign Liquor by Shop at the premises bearing D.No. _____ for the period from _____ to _____. The details of the Shop and the conditions subject to which the licence is granted are as follows. (a) Boundaries Locality _____ Village/Town/City within the boundaries noted below. East: West: North: South: (b) Licence Conditions (1) The privilege extends to the sale of all kinds of Indian Made Foreign Liquor and Foreign Liquor which can be sold for removal from the licensed premises in sealed receptacles in quantities as specified by notification by the Government from time to time in one transaction to an unlicensed person. The Licensee can also sell stocks of IMFL/ FL to the holder of licence in Form EP-1 without any restriction on the quantity. (2) The Licensee is prohibited from purifying, colouring and flavouring the Indian Made Foreign Liquor or mixing any material therewith and from blending another kind of Indian Made Foreign Liquor with it or to keep to his possession other than liquor authorised under this licence. (3) The Licensee is prohibited from bottling Indian Made Foreign Liquor and Foreign Liquor. (4) The possession or sale of diluted beer by the Licensee is prohibited. (5) All Indian Made Foreign Liquor and Foreign Liquor sold under this licence shall be duty paid and obtained from the IML Depot of the Andhra Pradesh

Beverages Corporation Limited/ Government Wholesale Depot / Depot of any other Corporation owned by the State Government as allotted by the Licensing Authority.(6)The Licensee shall sell only duty paid Indian Made Foreign Liquor in sealed, capsuled bottles affixed with Excise Adhesive Labels and manufacturers labels duly approved by the commissioner of Prohibition & Excise as required, under these rules.(7)The Licensee shall maintain and furnish to the Prohibition & Excise Superintendent statistics showing the consumption of all kinds of Indian Made Foreign Liquor and Foreign Liquor separately.(8)This licence is not transferable.(9)The Licensee shall be subject to cancellation or suspension at will by the Commissioner of Prohibition and Excise.(10)The Licensee shall not act in any manner prejudicial to the interests of the revenues of the Government,(11)The Licensee shall sell Indian Made Foreign Liquor and Foreign Liquor at prices not exceeding the Maximum Retail Price printed on the liquor bottles and issue bills accordingly.(12)The Licensee shall abide by the Rules and instructions issued by the Government / Commissioner from time to time.Dated: day of 20Commissioner of Prohibition and ExciseForm R-1(See Rule - 20)Daily Account Register(Separate page should be set apart for each type of liquor with an index in the front page of the Register)Name of the LicenseeLicence No. and Date

SI. No	Date, Month And year	Opening Stock	Receipts	Issues				
		No. of Bottles	Quarts, Pints, Nips, Dips	No. of Bottle's	Quarts, Pints, Nips, Dips	No. of Bottle's	Quarts, Pints, Nips, Dips	
1	2	3	4	5	6	7	8	
Balance		No.of date of T.P. In respect of receipts Shownin col.5, 6				Signature of the Licensee		Remark's
No. of Bottles		Quarts, Pints, Nips, Dips						

Form R-2(See Rule - 20)Daily Brand-wise Account Register.(Separate page should be set apart for each type of liquor with an index in the front page of the Register) Name of the Licensee Licence No. and Date

Date	Item	Opening Stock	Receipts	Issues									
	Quarts	Pints	Nips	Dips	Quarts	Pints	Nips	Dips	Quarts	Pints	Nips	Dips	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Balance													
Quarts_	Pints	_Nips	Dips										
15													

Form 1-1Inspection Book(See Rule - 22)(1)Date of Inspection,(2)Time of Inspection,(3)Name of the Officer Inspecting with his designation,(4)Quantity of liquors as per stock books,(5)Quantity found actually in stock,(6)Difference if any, and the reasons given by the Licensee(7)General conditions of the licensed premises,(8)Other remarks or directions, if any,Signature of the Officer inspecting