

# **Uttar Pradesh excise Settlement of Licenses for Retail Sale of Beer) (Sixteenth Amendment) Rules, 2019**

UTTAR PRADESH

India

## **Uttar Pradesh excise Settlement of Licenses for Retail Sale of Beer) (Sixteenth Amendment) Rules, 2019**

### **Rule**

### **UTTAR-PRADESH-EXCISE-SETTLEMENT-OF-LICENSES-FOR-RETAIL of 2019**

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Uttar Pradesh excise Settlement of Licenses for Retail Sale of Beer) (Sixteenth Amendment) Rules, 2019 Published vide Notification No. 104284/X-Licence-77/Beer Retail Niyamawali/2019-2020, dated 31.3.2019 Last Updated 7th October, 2019 Notification No. 104284/X-Licence-77/Beer Retail Niyamawali/2019-2020. - In exercise of the power under sections 24-B and 41 of the United Provinces Excise Act, 1910 (U.P. Act IV of 1910), read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act 1 of 1904), the Excise Commissioner, Uttar Pradesh with the Previous Sanction of the State Government, makes the following rules with a view to amending the Uttar Pradesh Excise Settlement of Licenses for Retail Sale of Beer) Rules, 2001, Published Vide Excise Commissioner Notification No. 12011/X-Licence-77/Allahabad/March, 21, 2001, 2001-LLT-V-107[126]) (as amended time to time):

### **1. Short title and commencement.**

(1) These rules may be called the Uttar Pradesh excise Settlement of Licenses for Retail Sale of Beer) (Sixteenth Amendment) Rules, 2019. (2) They shall come into force with effect from April 1, 2019.

### **2. Amendment of Rule 2.**

- In the Uttar Pradesh Excise Settlement of Licenses for Retail Sale of Beer) Rules, 2001, hereinafter referred to as the said rules, for Rule 2, the following rule shall be substituted, namely -

## **2. Definitions. - (1) In these rules, unless there is anything repugnant in the subject or context:-**

(a)"Act" means the United Province Excise Act, 1910;(b)"Beer" includes ale, stout, porter, cider and all other fermented liquors made from malt having alcoholic strength from 3% v/v up to 8% v/v;(bb)"Daily licence fee" means 1/365th part of the fixed licence fee for the whole year;(c)"Excise year" means the financial year commencing from April 1st to March 31st, of the next calendar year.(d)"Family" means and included spouse (husband or wife), dependent son(s), unmarried daughter(s) and dependent parents.(e)"Form" means the form appended to these rules.(f)"Licensing authority" means the Collector of the District.(g)"Licence fee" means a sum fixed in consideration of the grant of the licence for exclusive privilege for selling of beer and Low Alcoholic Beverages in a retail shop under Section 24-A of the Act as fixed by the Excise Commissioner in consultation with the State Government from time to time for the whole excise year or part thereof:Provided that if such shop is settled/re-settled during middle session for the remainder period of the year then licensee fee for shop shall be determined in proportion to the remaining period of the year;(h)"Security amount" means a sum equal to ten per cent of the licence fee to be deposited through National Saving Certificate pledged in favour of District Excise Officer, refundable after the final settlement of all the claims and dues to the State Government:Provided that in case of renewal security deposited prior in cash shall be acceptable until it is not refundable;(i)"Low Strength alcoholic beverages" means the carbonated alcoholic beverages having alcohol upto 5% v/v and above 5% v/v to 10% v/v manufactured from Extra Neutral alcohol (E.N.A.) and sophisticated by addition of flavouring or colouring matter or both and any other material so as to give it a special flavor.(j)"Additional Consideration fee" means difference amount obtained as a result of rounding off the maximum retail price of beer to the next multiple of ten rupees, which shall be payable at Brewery level and recoverable by brewery from wholesale supplier in addition to Ex-brewery Price and which in turn could be recovered by wholesale supplier from retail licensee in addition to maximum wholesale price;(k)"earnest money" means the amount equal to 1/10th of the amount of licence fee, to be tendered with application form, for ensuring the fulfillment of the eligibility conditions for the grant of licence and is liable to be forfeited in case of default under provisions of rule-12 of these Rules.(l)"Hierarchy" means the earnest money of shops in the descending order purported to be the basis for the selection of licensee through the process of e/lottery.(m)"Portal" means the electronic platform created specifically for the purpose of uploading information in the prescribed form with regard to the process of manufacturing liquor up to the terminal stage of its distribution.(n)"Solvency" means financial eligibility criteria set for an applicant applying for the grant of retail licence.(o)"Individual" means a person who is the citizen of India not below the age of twenty one years at the time of application.(p)"Settlement" means settlement or re-settlement of shops through renewal, e/lottery or e-tender which may take place on any day of the week by giving prior notice and intimation through the newspaper and website of the excise department. The settlement of shops for the forthcoming year may also be done prior to the cessation of preceding financial year.(q)"Consideration fee" means a fee for beer and low alcoholic beverages as fixed by the State Government under Section 30 of the Excise Act, which shall be deposited in treasury by the licensee prior to supply of beer and low alcoholic beverages;(r)"State" means the State of Uttar Pradesh.(2)Words and expressions not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

### **3. Amendment of rule-3.**

- In the said rules, for existing rule-3, the following rule shall be substituted, namely:-

**3. Settlement of licenses for retail sale. - (a) Subject to the provisions of these rules and subject to the payment of licence fee and security amount of the retail shop for sale of beer and low alcoholic beverages liquor licenses shall be settled or re-settled by fixed fee system or by inviting offer as specified herein.**

(b)The licence shall be granted in the Form F.L.5-B for retail sale of beer and low alcoholic beverages in sealed bottles or such containers as approved by the Excise Commissioner from time to time for consumption "Off" the premises.

### **4. Amendment of rule 4.**

- In the said rules, for existing rule-4, the following rule shall be substituted, namely:-

**4. Power to fix the number and location of retail shops. - Number of shops shall be fixed by the Licensing Authority under general or specific instructions issued by the Excise Commissioner in consultation with the State Government from time to time. The shops shall be geo-tagged and geo-fenced in order to ensure location as per extant Rules. Location of shop shall be as per the provisions of "Uttar Pradesh Number and Location of Excise Shop Rules, 1968" as amended from time to time.**

Provided that the State Government or Excise Commissioner may create new shops during an excise year on demand of the Licencing Authority of the district.

### **5. Amendment of rule 5.**

- In the said rules, for existing rule-5, the following rule shall be substituted, namely:-

**5. Period of licence. - The period of licence shall be for an excise year or part thereof for which the licence has been granted. The licence may be renewed or extended on the desire of the licensee for the next year according to the parameter fixed by the State Government.**

## **6. Amendment of rule 6.**

- In the said rules, for existing rule-6, the following rule shall be substituted, namely:-

**6. Grant of licence. - The licence shall be granted on payment of licence fee preferably through e-payment platform and deposit of security amount through National Saving Certificate pledged in favour of concerned District Excise Officer in accordance with the provisions of these rules.**

Provided that in case of renewal security deposited prior in cash shall be acceptable till it is not refunded. The licensee shall be required to furnish the solvency certificate or certificate of owned property issued by an authorised Income Tax Valuer in original copy in the district from where it has been issued at the time of grant of licence.

## **7. Amendment of rule 7.**

- In the said rules, for existing rule-7, the following rule shall be substituted, namely:-

**7. Application for grant of licence. - (a) Whenever a new licence is proposed to be granted in an area or locality the Licensing Authority shall invite the applications for this purpose after giving wide publicity through daily newspapers having circulation in the area and website of the district as well as website of the Excise Department ([www.upexcise.in](http://www.upexcise.in)).**

(b) Retail shops of beer for which the Collector proposed to grant licence shall be uploaded by District Excise Officer on shop master developed by N.I.C. along with a list exhibited shop-wise licence fee, security amount, and the earnest money at the Collector's Office, Tehsil Offices and the offices of the Deputy Excise officer and the Deputy Excise Commissioner of the charge. This information shall be displayed on the website of Excise Department ([www.upexcise.in](http://www.upexcise.in)) along with the website of each District. (c) Applications for grant of license shall be submitted online as per time schedule advertised in newspapers. It shall be compulsory to upload a photocopy of (i) solvency certificate, or certificate of own property issued by authorised Income Tax Valuer, (ii) Aadhar Card, (iii) PAN Card, (iv) Photocopy of Income tax return of the preceding year (v) affidavit in the prescribed format, (vi) Scanned copy of bank draft of earnest money which is issued in favour of District Excise officer of the District of the concerned shop. Payment of processing fee shall be made online at the rate as fixed by the State Government and Value Added Tax/Goods and Service Tax payable on the same. (d) The last date to be fixed for the receipt of application shall not be earlier than such number of days as stipulated, in advertisement in the newspaper and the website of Excise Department ([www.upexcise.in](http://www.upexcise.in)).

## 8. Amendment of rule 8.

- In the said rules, for existing rule-8, the following rule shall be substituted, namely:-

### 8. Eligibility conditions for applicant. - Applicants for licence of a Retail Beer shop must fulfil following conditions namely:-

Table

Rate of Special tax on public service vehicles under section 4-A

Description of vehicles	Rate of tax per seat per day (in rupees)
1	2
Stage carriage covered by temporary permit issued under Section 87 of the Motor Vehicles Act, 1988 for the conveyance of passenger on special occasions, such as to and from fair and religious gatherings or public service vehicle covered under special permit issued under sub-section (8) of section 88 of the Motor Vehicles Act, 1988 to carry marriage parties, tourist parties or such other reserved parties for every seat excluding driver	10

Explanation. - 1. Such days in which the stage carriage covered under temporary permit operate outside Uttarakhand shall not be taken into account while computing the Special tax.

**2. In respect of any such motor vehicle the amount of special tax for and month shall be paid by the vehicle owner at the time of getting the permit.**

**3. The special tax for each day deposited by a stage carriage while obtaining temporary permit in any month shall be left one thirty (1/30) part for each day of the amount of tax paid by such vehicle in that month under sub-section (2) of Section.**