

U.P. excise Settlement of Licenses for Retail Sale of Foreign Liquor (Excluding Beer) (Thirteenth Amendment) Rules, 2016

UTTAR PRADESH

India

U.P. excise Settlement of Licenses for Retail Sale of Foreign Liquor (Excluding Beer) (Thirteenth Amendment) Rules, 2016

Rule

U-P-EXCISE-SETTLEMENT-OF-LICENSES-FOR-RETAIL-SALE-OF-FOREIGN-LIQUOR-EXCLUDING-BEER-AND-WINE-RULES-2016

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U.P. excise Settlement of Licenses for Retail Sale of Foreign Liquor (Excluding Beer) (Thirteenth Amendment) Rules, 2016 Published vide Notification No. 33105/10-Licence-6161/FL, Retail Niyamawali/2016-17, dated March 25, 2016, published in the U.P. Gazette Extraordinary, Part 4, Section (Ka) dated 26th March, 2016, pp.4-5 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 Foreign Liquor (Excluding Beer and Wine) Rules, 2001, Published Vide Excise Commissioner Notification No. 10806/X-97B/Sansadhan, dated March, 8, 2001, (as amended time to time) 2001-LLT-V-97[21]

1. Short title and commencement.

(1) These rules may be called the Uttar Pradesh excise Settlement of Licenses for Retail Sale of Foreign Liquor (Excluding Beer) (Thirteenth Amendment) Rules, 2016. (2) They shall come into force at once.

2. Amendment of Rule 2.

- In the Uttar Pradesh Excise Settlement of Licenses for Retail Sale of Foreign Liquor (Excluding

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Beer) Rules, 2001, hereinafter referred to as the said rules, or 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, as amended from time to time.(b)"Daily licence fee" means that part of consideration which is payable by the grantee of interim licence on such rate as notified by the Excise Commissioner with prior sanction of the Government. The amount of daily licence fee shall be adjustable against the licence fee for the shop.(c)"Foreign liquor" means and includes spirit or liquors imported into India or spirits or liquors made in India, and sophisticated or coloured so as to resemble in flavour or colour liquor imported into India and includes Malt Spirit, Whisky, Rum, Brandy, Gin, Vodka and liquors.(d)"Excise year" means the financial year commencing from 1st April to 31st March, of the next calendar year.(e)"Family" means and included spouse (husband or wife), dependent son(s), unmarried daughter(s) and dependent parents.(f)"Form" means the form appended to these rules.(g)"Licensing authority" means the Collector of the District.(h)"Licence fee" means a sum fixed in consideration of the grant of the licence for exclusive privilege for selling of foreign liquor 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/resettled during middle session for the remainder period of the year then:(i)If such shop is settled/resettled during first quarter (from April 1 to June 30), the licence fee as fixed for the whole year shall be payable.(ii)If such shop is settled/resettled during second quarter (from July 1 to September 30), the licence fee shall be payable equivalent to 3/4 part of annual licence fees.(iii)If such shop is settled/resettled during third quarter (from October 1 to December 31), the licence fee equivalent to 1/2 part of annual licence fee shall be payable.(iv)If such shop is settled/resettled during fourth quarter (from January 1 to March 31), the licence fee equivalent to 1/4 part of annual licence fee shall be payable.(i)"Security amount" means a sum equal to the ten per cent of the licence fee in cash to be deposited in Government Treasury as interest free security, refundable after the final settlement of all the claims and dues to the State Government.(j)"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.