

Uttar Pradesh excise Settlement of Licenses for Retail Sale of Country Liquor) (Eleventh Amendment) Rules, 2019

UTTAR PRADESH

India

Uttar Pradesh excise Settlement of Licenses for Retail Sale of Country Liquor) (Eleventh 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 Country Liquor) (Eleventh Amendment) Rules, 2019 Published vide Notification No. 104800/X-Licence-59/2019-2020, dated 31.3.2019 Last Updated 7th October, 2019 Notification No. 104800/X-Licence-59/2019-2020. - 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. 27091/X-Licence-59/2002-2003, dated March 14, 2002 (2002-LLT-V-63[80]) and as amended from 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 Country Liquor) (Eleventh 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 Country Liquor) Rules, 2002,

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; as amended from time to time.(b)Omitted(c)"Annual Minimum Guaranteed Quantity (MGQ)" means the quantity of "strong" country liquor (in terms of 36% v/v) as fixed by the Licensing Authority in accordance with the general or specific instructions issued by the Excise Commissioner and guaranteed by the licensee to be lifted by him for his retail shop during an Excise year for the purpose of retail sale. However if any licence is granted after the commencement of the excise year then its annual minimum guaranteed quantity shall be reduced proportionately in accordance to the number of days remaining in the excise year.(d)"Basic Licence Fee" means that part of consideration fee for the exclusive privilege of retail sale of country liquor under Section 24 of the Act, Payable by the person selected as licensee before the licence is granted to him, for the whole excise year or part thereof on such rates as notified by the Excise Commissioner in consultation with the State Government from time to time:Provided that if settlement is done in mid session the basic licence fee will be in proportion to remaining minimum guaranteed quantity.(e)"Country Liquor" includes country spirit "mild" or "strong" manufactured from Neutral Alcohol (ENA) having such alcoholic strength as may be fixed by the Excise Commissioner with prior sanction of the State Government from time to time.(f)"Daily Basic Licence fee" means that Part of consideration fee which is payable by the grantee in interim licence on such rate as notified by the Excise Commissioner with prior sanction of the State Government.(g)"Daily Minimum Guaranteed Quantity" shall be 1/365th part of annual minimum guaranteed quantity.(h)"Excise year" means the financial year commencing on 1st April to 31st March of the next calendar year.(i)"Family" means and includes spouse (husband or wife), dependent son(s), unmarried daughter (s) and dependant parents.(j)"Form" means a appended to these rules.(k)"Licensing Authority" means the Collector of the District.(l)"License fee" means the remaining part of consideration fee for grant of licence for exclusive privilege of retail sale of country liquor under Section 24 of the Act, Payable by the licensee, in addition to the basic licence fee. This sum shall be equal to the consideration fee leviable on the annual minimum guaranteed quantity fixed for the shop:Provided that if settlement is done in mid session it will be equal to consideration fee leviable on minimum guaranteed quantity.(m)"Monthly Instalments of Licence Fee" it shall be in addition to basic licence fee which shall be equal to the consideration fee involved in the minimum guaranteed quantity of a month fixed by the Licensing Authority and shall be payable every month. However the consideration fee involved in the quantity of the country liquor lifted during the month by the licensee, may be adjusted against the monthly instalments of the licence fee subject to the provisions of these rules.(n)"Monthly Minimum Guaranteed Quantity" Annual Minimum Guaranteed quantity shall be apportioned into twelve equal parts. Quantity obtained from such calculation shall be minimum guaranteed quantity.(o)"Security Amount" means a sum equal to the 1/10th part of the licence fee excluding basic 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, in case of renewal security deposited prior in cash shall be acceptable till it is not refunded.(p)"Consideration Fee" means a fixed, per litre by the State Government under Section 30 of the Excise Act according to the strength of the country liquor,

to be deposited in the Government Treasury by the licensee before taking supply of country liquor;(q)"Additional Consideration Fee" means difference amount obtained as a result of rounding off the optimum retail price of country liquor to the next multiple of five rupees, which shall be payable at Distillery level and recoverable by distillery from wholesale supplier in addition to Ex-Distillery Price and which in turn could be recoverable by wholesale supplier from retail licensee in addition to maximum wholesale price. But this amount of additional consideration fee shall not be adjusted against the licence fee payable by retail licensee.(r)"Earnest money" means the amount equal to 1/10 of the amount of basic licence fee, to be tendered with application form, for ensuring the fulfilment 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.(s)"Hierarchy" means the earnest money of shops in the descending order purported to be basis for the selection of licensee through the process of e/lottery.(t)"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.(u)"Solvency" means financial eligibility criteria set for an application applying for the grant of retail licence.(v)"Individual" means a person who is the citizen of India not below the age of twenty one years.(w)"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.(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 country 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 C.L.5-C for retail sale of country liquor in sealed bottles or such containers as approved by the Excise Commissioner from time to time for consumption both "On" and "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 State Government or by the Excise Commissioner

from time to time. The shops shall be geo-tagged and geo-fenced in order to ensure location of shops. 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 and excise year on demand of the Licencing Authority of the district.

5. 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 issued on payment of basic licence fee preferably through e-payment platform and deposit of security amount through National Saving Certificate pledged in favour of 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 in original copy in the district from where it has been issued at the time of grant of licence.

6. 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 that area and website of the district as well as website of the Excise Department (www.upexcise.in).

(b) A list of the retail shops of country liquor for which the Collector proposes to grant licence shall be exhibited along-with shop wise licence fee, annual minimum guaranteed quantity, licence fee security amount and the earnest money at the Collector's office, Tehsil offices and the offices of the District Excise Officer as well as the Deputy Excise Commissioner of the charge. This information shall also be displayed on the website of Excise Department (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 owned property issued by authorised Income Tax Valuer, (ii) Aadhar Card, (iii) PAN Card, (iv) Income tax Return of the preceding year (v) affidavit in the prescribed

format, and (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).

7. Amendment of rule 8.

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

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

(a) Application by an individual who is a Citizen of Indian. Provided in case of renewal co-applicant, if any and who is a Citizen of India, shall also be allowed. No partnership firm or company shall be eligible for the grant of retail licence. Likewise, Wholesaler or Distiller/ Manufacturer of liquor shall also not be eligible for holding licence of any type of retail shop. No change in the status of applicant shall be allowed after allotment of shop. In case of death of licensee his legal heir or otherwise eligible, may continue to hold the licence for the remaining period of the licence: Provided further that if a licence is jointly held by two person, in the event of death of either of them, the survivor along with the legal heir(s), of decided, if otherwise eligible, may continue to hold the licence or in case of death of both persons their legal heir(s), if otherwise eligible, may continue to hold the licence. No distinction will be made between the legal liabilities of the persons who will be jointly and severally responsible; (b) be above twenty-one years of age on the first day of the period fixed for receiving application. (c) not be a defaulter/ blacklisted or debarred from holding an excise licence under the provisions or any rules made under the Act. Any person who has been convicted of any excise offence by any court of law unless fully and finally acquitted shall be automatically debarred from holding the licence. (cc) The applicant shall be eligible to make only one applications in his own name for any one shop. Provided, in case of renewal, applicant and co-applicant both shall be eligible for applying and their mutual consent shall be essential for renewal. (d) submit an affidavit duly verified by notary public as proof of the following namely:- (i) that he possesses or has an arrangement for taking on rent a suitable premises in that locality for opening the shop in accordance with the provisions of Uttar Pradesh Number and Location of Excise Shop Rules, 1986 as amended from time to time. (ii) that his proposed premises of the shop have not been constructed in violation of any law or rules. (iii) that he and his family members possess good moral character and have no criminal background nor have been convicted of any offence punishable under the United Provinces Excise Act, 1910 or the Narcotics Drugs and Psychotropic Substances Act, 1985 or any other cognizable and nonbailable offence. (iv) that in case he is selected as licensee he will furnish a certificate issued by Senior Superintendent/ Superintendent of Police of the district of which he is the resident, showing that he as well as his family members possess good moral character and have no criminal background or criminal record prior to issuance of license. (v) that he shall not employ and salesman or representative who has criminal background as mentioned in clause (iii) or, who suffers from any infectious contagious diseases or is below twenty-one years of

age or a woman. Licensee shall have to obtain Identity Cards bearing photographs of his authorized salesman / representative from District Excise Officer.(vi)that he is not in arrear of any public dues or Government dues.(vii)that he is solvent and has the necessary funds or has made arrangements for the necessary funds for conducting the business, the details of which shall be made available to the licensing authority.(viii)That applicant is not involved in mafia activities, anti social activities and organized offensive activities. If after issuance of licence it is proved that he is involved in mafia activities, anti social activities and organized offensive activities then the allotted licence shall be cancelled.(ix)That applicant is not an advocate registered with Bar Council. If he is found registered advocate after getting the licence then the licence shall be cancelled. An employee of the Government shall also be ineligible to apply for the grant of licence.(x)that in case of selection as licensee, bank draft of earnest money, which has been uploaded online along with application, shall be deposited in the office of district Excise officer within 48 hours of such selection.(xi)that he has not made use of the earnest money bank draft for application of any other shop in the same phase.(e)That he shall upload a scanned copy of bank draft issued in favour of District Excise Officer of concerned shop of the district for fixed earnest money along with online application as may be fixed by the Excise Commissioner with the prior sanction of the State Government.In case o selection as licensee, it shall be necessary to deposit bank draft of earnest money in the office of the concerned District Excise Officer within 48 hours after selection. The earnest money shall be adjusted against the basic licence fee.(f)That he is holder of solvency certificate or certificate of owned property issued by income tax valuer and the worth of solvency or property certificate issued by income-tax Valuer shall be not less than equivalent amount of 1/6 part of sum of basic licence fee licence fee determined for the grant of licence of the shop applied in the District:Provided, for renewal solvency certificate produced during the settlement of previous year shall be acceptable and there shall be no need of new solvency certificate along with added value.

8. Amendment of rule-10.

- In the said rules, for existing rule-10, the following rule shall be substituted, namely:-

10. Selection of licensee. - (a)(i) Licence of shop may b renewable online under the terms and conditions specified by the State Government.

(ii)In case of non-renewal, licensees shall be selected shop wise through the process of e-lottery or e-tender, as specified by the State Government, through inviting online applications. District Excise Officer shall scrutinise the applications received online and prepare list of all eligible and ineligible applications, describing the reasons of ineligibility and shall put up this list before the District Level Committee of Licensing Constituted for e-lottery and e-tender.(b)The said committee shall identify eligible and ineligible applicants. The case of lottery the licensee shall be selected for each shop from amongst the eligible applicants through the computer driven randomized arrangement. Randomisation process shall be adopted in the order of country liquor, model shops, foreign liquor and beer shops as per prescribed hierarchy under respective rule. In case of selection of licensee through e-tender the same aforesaid sequence shall be adopted. Not more than two shops including all categories of country liquor, model shop, foreign liquor and beer shall be allotted in favour of an applicant in the district, where in renewed shops shall also be included.(c)In case the selected

applicants does not deposit the required basic licence fee or security amount and does not fulfil the prescribed formalities or is unable to arrange suitable premises for the shop within stipulated period, the Licensing authority shall cancel the allotment and take steps for resettlement of the shop through the process as prescribed by the Government.(d)In case there is no application for a particular shop or no candidate is found suitable for a shop, the Licensing Authority shall take immediate steps for resettlement of the shop through the process as prescribed by the State Government.

9. Amendment of rule-11.

- In the said rules, for existing rule-11, the following rule shall be substituted, namely:-

11. Statement of settled shop. - A statement of the settled shops along with names and addresses of the licensees, geo-tagging of shops, shop-wise annual minimum guaranteed quantity, details of security amount and licence fee deposited shall be sent by the District Excise Officer to the Excise Commissioner within fifteen days of the settlement or by 15th April, whichever is latter, and details of the same shall be entered into the prescribed register besides being uploaded on the website of the Excise Department (www.upexcise.in).

10. Amendment of rule-12.

- In the said rules, for existing rule-12, the following rule shall be substituted, namely:-

12. Payment of License fee and Security amount. - In case an applicant is selected as licensee, he shall deposit the entire amount of license fee within six working days of being intimated of his selection. He shall be required to deposit half of the security amount within ten working days of intimation of his selection and balance of the security amount within twenty working days of intimation of his selection. Entire amount of basic license fee shall be deposited by the applicant preferably through E-payment. Security amount shall be deposited through National Saving Certificate pledged in favour of the concerned District Excise Officer. Provided, in case of renewal, security deposited prior in cash shall be acceptable till it is not refunded.

In subsequent year, the licence of the shop may be renewed on the desire of the licensee according to parameter of consumption as fixed by the State Government. Difference amount of basic licence fee and security shall be deposited for renewal with the stipulated period as specified by the State Government.If he fails to deposit the amount of the basic license fee and security amount within

prescribed period, his selection shall stand cancelled and his earnest money and basic license fee as well as the security amount deposited by him shall be forfeited in favour of State Government and the said shop shall be resettled forthwith, in manner as prescribed the Government.

11. Amendment of rule-13.

- In the said rules, for existing rule-13, the following rule shall be substituted, namely:-

13. Lifting of liquor. - (a) The licensee under these rules shall obtain supplies of country liquor from any wholesale licence of the districts, after making full payment of cost price of country liquor including all Taxes, duties, fees (including additional consideration fee) as cess as levied from time to time preferably through e-payment platform. The licence shall place indent atleast seventy two hours in advance to the wholesale licensee in the District from whom he intends to procure the supply of country liquor.

(b) In case of more than one wholesale licensee in any District the State Government may fix the limit of lifting from any one wholesale licensee.

12. Amendment of rule-14.

- In the said rules, for existing rule-14, the following rule shall be substituted, namely:-

14. Payment of monthly instalment of licence fee and consequence of failure.

- (a) The licensed shall be liable to pay the monthly instalment of license fee by the last day of the month. However, the consideration fee involved in the quantity and strength of country liquor lifted by him during the concerned month shall be adjusted against the monthly instalment of licensee fails to lift entire MGQ of month, it shall be necessary for the licensee to pay the consideration fee as well as the additional consideration fee, payable on the basis of 200 ml bottles of country liquor 36% v/v strength, involved in the MGQ not lifted.

(b) The Licensee shall be required to submit his account and licence fee passbook giving details of the country liquor lifted by him and licence fee deposited to the District Excise Officer by 5.00 p.m. of the first day of the next month of verification and calculation of licence fee due him. (c) In case there is any shortfall in the licence fee after due adjustment of consideration fee involved in the country liquor lifted by the licensee, the District Excise Officer shall adjust the outstanding balance amount of licence fee from the security deposit of the licensee and after having issued notice to the licensee by the Licensing Authority for depositing cash to replenish the deficit in security amount, action shall be ascertained while imparting due opportunity of hearing to him. The maximum

duration of this proceeding shall be ten working days from the beginning of the month. After the lapse of stipulated period, the licence in question shall be cancelled by the Licensing Authority in case of failure to replenish the requisite security amount. After the expiry of the month, the replenishment in the deficit of security amount shall not be permitted for lifting the quantity of country liquor in the forthcoming month.

13. Amendment of rule-18.

- In the said rules, for existing rule-18, the following rule shall be substituted, namely:-

18. Disposal of balance stock left at the expiry of the license. - (1) Entire quantity of country liquor lifted by the licensee during the year shall have to be sold during the validity of his license and the licensee shall not be permitted to sell it after expiry of the license. Any balance of country liquor quantity found outstanding and unsold at the expiry of the term of license shall be declared by the licensee brand wise, volume wise, intensity wise and packaging wise before the District Excise officer on the next day 12 p.m, and shall be returned by him to the wholesale shop of the district by 5.00 p.m. of the next date of expiry of license. Separate register shall be maintained for balance stock. Moreover, the balance stock shall be uploaded on portal by the District Excise officer.

(2) Such stock of country liquor received at wholesale license shall be auctioned by the District Excise Officer in presence of Deputy Excise Commissioner under the permission of the Excise Commissioner. Only potable distilleries shall be permitted to participate in the aforesaid auction. Amount obtained from auctioning shall be deposited in the treasury of the district under Head of Account-8443 Security and Other receipts and thereafter deposited amount shall be proportionately distributed to the concerning licensees against the amount due as cost price (excluding consideration fee and other taxes). Consequent upon non availability of distillers willing for auction of remnant quantity of country liquor Licensees shall not be liable for payment of any price and remnant quantity of country liquor shall be destroyed, under videography, by a joint Committee of District Excise Officer and Local Sub-Divisional Magistrate in the presence of the Deputy Excise Commissioner of the charge.

14. Amendment of rule-20.

- In the said rules, for existing rule-20, the following rule shall be substituted, namely:-

20. Interim Settlement of shop. - (a) In case a license is suspended cancelled or surrendered in accordance with the provisions of these rules or if the shop remains unsettled for any reasons the licensing authority may make

interim settlement of the shop at the highest offer on the payment of daily basic license fee, on such rates as notified by the Excise Commissioner with prior sanction of the Government, and proportionate license fee (consideration fee and additional consideration fee involved in daily minimum guaranteed quantity) for a maximum period of fourteen days at one stretch of the date of regular settlement, whichever is earlier. In case of obtaining two or more equal offers for one shop, settlement shall be done through the manual public lottery. Such licensee shall also be required to deposit refundable/ adjustable security amount equivalent to the duty involved in daily minimum guaranteed quantity for the period of interim settlement.

Provided that no such settlement of a shop shall be made by the licensing authority for more than two times except with prior approval of the Excise Commissioner.(b)Omitted(c)In case any licence is cancelled or surrendered in accordance with the provisions of these rules, regular settlement of the shop shall be done as soon as possible by the Licensing Authority through the process of e-tender in mid-session after giving public advertisement. The intimation of aforesaid settlement shall be sent forthwith the headquarter.

15. Amendment of rule-21.

- In the said rules, for existing rule-21, the following rule shall be substituted, namely:-

21. Suspension/cancellation and compound of the license and penalties. - (i) Licensing authority may suspend or cancel the license:-

(a)if any bottle or container of country liquor is found in the licensed premises on which duty has not been paid and which does not carry security code affixed duly approved by the Excise Department as proof of payment of duty.(b)if any bottle or container of any other kind of liquor or intoxicating drug (for which license is not granted) is found in the licensed premises.(c)if any liquor or intoxicating drug is found in the possession of the licensee against the provisions of the Act or Rules:(d)if the affidavit submitted by the licensee at the time of application is found incorrect and assertions made therein are found to be false.(e)if it is found that the license has been obtained in a false name or the licensee is holding the license on behalf of some other person.(f)If the licensee fails to deposit monthly instalment of license fee or replenish the deficit in security amount within prescribed period.(g)If the licensee is convicted of an offence punishable under the Act or of any cognizable and non-bailable offence or any offence punishable under the Narcotics Drugs and Psychotropic Substances Act, 1985 or of any offence punishable under sections 482 to 489 of the Indian Penal Code, 1860.(h)If any caramel, colour, essence, hologram/shrink sleeve or barcode, label, capsule, seal or other illegal material found in licence premises.(2)The licensing Authority shall immediately suspend the license and issue a show cause notice for cancellation of license and

forfeiture of security the licensee shall submit his explanation within seven days of the receipt of notice. There after the licensing authority shall pass suitable orders after giving due opportunity of hearing to the licensee. Provided that the procedure of suspension and cancellation of license related to relevant matter as adduced in the sub paragraph (f) of the aforesaid rule-21(1) shall be executed in accordance with the rule-14.(3) In case the license is cancelled the basic license fee, license fee and security amount deposited by him shall stand forfeited in favour of the Government and the licensee shall not be entitled to claim any compensation or refund. Such licensee may also be blacklisted and debarred from holding any other excise license.(4) Matter of compoundable breaches pertaining on retail licenses such as below shall be imposed with minimum compounding fee:

SI. No.	Type of violation	For first time (in Rs)	For second time (in Rs)	For thirdtime (in Rs)
1	2	3	4	5
1	Shop found opened before or after the stipulated time.	2500	3000	5000
2	Unauthorised sales man found to be making sale.	5000	7000	10,000
3	Stock register not produced when asked for.	10,000	15,000	20,000
4	Stock register found incomplete.	10,000	15,000	20,000
5	Tempering with bottles and quarters or their labels or bar code, pilfer proof cap or seals.	10,000	15,000	20,000
6	Found having recourse to inducement to the customer with a view to increasing sales such as dancing or gambling.	5000	7000	10,000
7	To store duty paid stock in unauthorised premises/ warehouse.	20,000	25,000	30,000
8	Duty paid stock being found in excess of account.	25,000	30,000	50,000
9	Adulteration with water/ dilution of liquor mixing of low category liquor with high category liquor.	40,000	50,000	Proceeding of cancellation of licence
10	Found selling of loose liquor.	5000	10,000	15,000
11	Found making sale of liquor during days of prohibition and closure.	30,000	40,000	50,000
12	Any alteration in the premises without permission.	20,000	25,000	30,000
13	Found selling of liquor above the prescribed MRP.	10,000	20,000	30,000
14	Non-displaying of essential information according to rule or displaying faulty information on the sign board installed outside the premises.	5000	10,000	20,000
15	On being found no proper arrangement of cleanliness in the shop.	2000	5000	10,000
16		2000	5000	10,000

Any other irregularity, which is not
mentioned under Serial 1 to 15.

16. Amendment of Form C.L.-5-C.

- In the said rules, for existing Form C.L.-5-C, the following form shall be substituted, namely-C.L. 5-C(For Renewal Purpose)Licence for the Retail Sale of "Mild" and "Strong" Country Liquor in sealed Bottles and Container for Consumption "On" and "Off" the premises

Photo of Applicant Photo of Co-Applciant

Photo of Shop

Latitude/longitude of shop.....Licence No.....Year.....Name of Shop DistrictBasic Licence fee Rs(in figures).....(in words)Annual Minimum Guaranteed Quantity.....bulk litres(in terms of "strong" country liquor of 36% v/v).Licence fee Rs.....(in figures).....(in words) Monthly Minimum Guaranteed Quantity.....(in figures).....(in terms of "strong" country liquor of 36% v/v).Monthly instalment of licence fee Rs. (in figures)..... (in words)Description of premises (with boundaries):North.....South.....East.....West.....Name, Father's Name and Address of Licensee(s)

1.

.....S/o.....R/o...

2.

.....S/o.....R/o...Name, Father's Name and Address of Salesman:

1.

.....S/o.....R/o...

2.

.....S/o.....R/o...

3.

.....S/o.....R/o...

4.

.....S/o.....R/o...Licence for the retail sale of "strong" and mild Country Liquor in 200ml pet/glass bottles of strength and as prescribed by the Excise Commissioner is hereby issued to above licence holder(s) at (place) in.....P.S.
Tahsil.....in the District of.....w.e.f. from to March 31, 20.....for which basic licence fee and security deposit has been paid in accordance with Rule 6 and Rule 12. The licence is subject to the following terms and conditions the infraction of any of which or violation of the provisions as expounded in Rule 21 of U.P. Excise (Settlement of licensee for retail sale of country liquor) Rules, 2002 (as amended) or conviction for any offence under the U.P. Excise Act, 1910 or Narcotics Drugs and Psychotropic Substances Act, 1985 shall make the licensee(s) liable for cancellation of the licence and forfeiture of security deposit, in addition to any penalties imposed under the relevant laws. Terms And Conditions

- 1. The licensee shall lift country liquor Form CL-2 Godown of wholesale licensee after payment of cost and consideration fee in accordance with the provisions of Rule 13 preferably by e-payment.**
- 2. The licensee is liable to pay the monthly instalment of licence by the last day of the month in accordance with the provisions of Rule 14.**
- 3. Maximum Retail Price shall be printed on the label of bottles of country liquor. The retail licensee shall not charge more than the printed maximum retail price.**
- 4. The sale of Country Spirit in sealed bottles for consumption both "on" and "off" the premises shall be allowed from the same Gaddi. A portion of the premises shall be set apart where only "on" consumption shall be permitted. Even for "on" consumption the country spirit shall not be served loose and licensee/salesman/distiller shall be responsible for disposing of pet/glass bottles as well as capsules affixed upon them after being consumed at the shop as per Solid Waste Management (SWM) Rules, 2016.**
- 5. The sales shall be made in 200 ml sealed pet/glass bottles of country liquor of prescribed strength carrying Security Code as approved by the Excise Department, as proof of payment of consideration fees.**

- 6. The licensee shall maintain a regular and accurate daily account in the form and register as prescribed by the Licensing Authority and SMS upload the same on Uttar Pradesh Excise portal be produced for inspection whenever asked by the Competent Inspecting Authority. The licensee shall also furnish account of sale, etc. and facilitate and provide the material and documents as required by the Inspecting Authority.**
- 7. The licensee shall not be allowed to carry on any other business on the licensed premises except sale of Country Liquor for which licence is granted.**
- 8. The licence premises shall remain open for sale on all days from 10 a.m. to 10 p.m. except on 14th April (Ambedkar Jayanti), 15th August (Independence Day), 2nd October (Gandhi Jayanti), 26th January (Republic Day), and up to 3 more days as notified for closures by the Licensing Authority. Licensing Authority may also order for closure of shop on account of law and order or General Election related activity, etc. under the provisions of relevant relevant laws.**
- 9. The licensee shall store entire stock of Country Liquor in the licensed premises only. He shall be required to maintain P.O.S. (Point of Sale) equipment as specified for scanning of bottles as per prescribed security code under the Track and Trace System.**
- 10. The licensee shall affix a conspicuous signboard at the entrance to the shop in the form/size approved by the Excise Commissioner on which the name of the licensee, designation, location of the shop, period of licence, opening and closing time of shop and such other information as prescribed by Licensing Authority in bold letters shall be printed.**

The signboard shall also display the following information-> Consumption of liquor is prohibited outside near the premises of shop or at public places. Any contravention in this regard shall be punishable.> Drunken driving can be fatal. Please do not drink and drive.

- 11. The licensee may provide within the licensed premises a reasonable seating accommodation i.e. a sufficient number of benches, "takhats", chairs and tables, etc. and provide tumbler, water, ice, soda, snacks and other cooked edibles.**

12. The licensee shall not employ any person as salesman who is below 21 years of age or is suffering from any infectious diseases, has criminal background or a woman. The licensee shall have to obtain Identity Cards of the salesman bearing their photographs duly issued by the District Excise Officer, which shall be produced as and when demanded by Inspecting Authorities.

13. The licensee shall not sell to any person more than 1.5 litres of plain and spiced country liquor of different strength separately except under permission granted in accordance to Rule 28(3) of rules relating to import, export transit and custody of country liquor under the provisions of Excise Manual Volume 1 (1995 edition).

14. The sale should not be made to a person below the age of twenty one years or any official in uniform.

15. The licensee is strictly forbidden under any pretext whatsoever from tampering with bottles or with their labels. Security Code, Pilfer proof caps or seals.

16. The licensee shall not keep in his licensed premises any caramel, colour, essence, Security Code making apparatus, labels, capsules, seals or any other noxious material.

17. The licensee or his salesman are strictly prohibited from keeping water on the Gaddi of the shop or within 5 feet of the place where Country Liquor is stored or kept for sale.

18. The licensee shall be responsible for the proper upkeep and cleanliness including its drain, etc. which shall be kept disinfected.

19. All kujjar, pattals etc., used in the premises shall be removed immediately to specially erected empty receptacles or bins with a cover kept for this purpose which shall be cleaned at least twice during the sale hours.

20. The premises in which the shop is situated, shall not be used as a place of residence except by the licensee/salesman and his family.

21. The licensee is strictly forbidden from having recourse to any form of blandishment or inducement to the customer with a view to increase his sales. Gambling and dance programmes are strictly forbidden.

22. The licensee shall on expiry of the licence, report to the District Excise Officer for disposal of balance stock which will be disposed of in accordance with Rule 18.

23. The licensee shall abide by the general or specific instructions issued by the Excise Commissioner Licensing Authority from time to time.

Date.....District.....Licensing AuthorityC.L. 5-C(1)(For new licence)Licence for the Retail Sale of "Mild" and "Strong" Country Liquor in sealed Bottles and Container for Consumption "On" and "Off" the premises

Photo of Applicant Photo of Co-Applciant

Latitude/longitude of shop.....Licence No.....Year.....Name of shop
..... District.....Basic Licence fee Rs..... (in figures)(in
words)Annual Minimum Guaranteed Quantitybulk litres (in terms of "strong" country
liquor of 36% v/v)Licence fee Rs.....(in figures).....(in words)Monthly Minimum Guaranteed
Quantity bulk litres (in terms of "strong" country liquor of 36% v/v)Monthly
instalment of licence fee Rs..... (in figures)..... (in words)Description of premises
(with
boundaries)-North.....South.....East.....West.....Name,
Father's Name and Address of Licensee.....S/o.....R/o.....Name,
Father's Name and Address of Salesmen

1.

.....S/o.....R/o.....

2.

.....S/o.....R/o.....Licence for the retail sale of "strong" and mild Country
Liquor in 200ml pet/glass bottles of strength and as prescribed by the Excise Commissioner is
hereby issued to above licence holder(s) at(place) in RS.....Tahsil..... in
the District of..... w.e.f. fromto March 31, 20..... for which basic licence fee
and security deposit has been paid in accordance with Rule 6 and Rule 12.The licence is subject to
the following terms and conditions the infraction of any of which or violation of the provisions as
expounded in Rule 21 of U.P. Excise (Settlement of Licence for Retail Sale of Country Liquor) Rules,
2002 (as amended) or conviction for any offence under the U.P. Excise Act, 1910 or Narcotics Drugs
and Psychotropic Substances Act, 1985 shall make the licensee(s) liable for cancellation of the

licence and forfeiture of security deposit, in addition to any penalties imposed under the relevant laws. Terms and Conditions

- 1. The licensee shall lift country liquor Form CL-2 Godown of wholesale licensee after payment of cost and consideration fee in accordance with the provisions of Rule 13 preferably by e-payment.**
- 2. The licensee is liable to pay the monthly instalment of licence fee by the last day of the month in accordance with the provisions of Rule 14.**
- 3. Maximum Retail Price shall be printed on the label of bottles of country liquor. The retail licensee shall not charge more than the printed maximum retail price.**
- 4. The sale of country spirit in sealed bottles for consumption both "on" and "off" the premises shall be allowed from the same Gaddi. A portion of the premises shall be set apart where only "on" consumption shall be permitted. Even for "on" consumption the country spirit shall not be served loose and licensee/salesman/distiller shall be responsible for disposing of pet/glass bottles as well as capsules affixed upon them after being consumed at the shop as per Solid Waste Management (SWM) Rules, 2016.**
- 5. The sales shall be made in 200 ml sealed pet/glass bottles of country liquor of prescribed strength carrying Security Code as approved by the Excise Department, as proof of payment of consideration fees.**
- 6. The licensee shall maintain a regular and accurate daily account in the form and register as prescribed by the Licensing Authority and SMS upload the same on Uttar Pradesh Excise portal be produced for inspection whenever asked by the Competent Inspecting Authority. The licensee shall also furnish account of sale, etc. and facilities and provide the material and documents as required by the Inspecting Authority.**
- 7. The licensee shall not be allowed to carry on any other business on the licensed premises except sale of Country Liquor for which licence is granted.**

8. The licence premises shall remain open for sale on all days from 10 a.m. to 10 p.m. except on 14th April (Ambedkar Jayanti), 15th August (Independence Day), 2nd October (Gandhi Jayanti), 26th January (Republic Day), and up to 3 more days as Current Central Legislation/Lucknow Law Times 20-7-2019/25-7-2019 notified for closures by the Licensing Authority. Licensing Authority may also order closure of shop on account of law and order or General Election related activity, etc. under the provisions of relevant laws.

No consideration fee shall be given for the closure of shop on above dates/days.

9. The licensee shall store entire stock of Country Liquor in the licensed premises only. He shall be required to maintain P.O.S. (Point of Sale) equipment as specified for scanning of bottles as per prescribed security code under the Track and Trace System.

10. The licensee shall affix a conspicuous signboard at the entrance to the shop in the form/size approved by the Excise Commissioner on which the name of the licensee, designation, location of the shop, period of licence, opening and closing time of shop and such other information as prescribed by Licensing Authority in bold letters shall be printed.

The signboard shall also display the following information-> Consumption of liquor is prohibited outside near the premises of shop or at public places. Any contravention in this regard shall be punishable.> Drunken driving can be fatal. Please do not drink and drive."

11. The licensee may provide within the licensed premises a reasonable seating accommodation i.e. a sufficient number of benches, "takhats", chairs and tables, etc. and provide tumbler, water, ice, soda, snacks and other cooked edibles.

12. The licensee shall not employ any person as salesman who is below 21 years of age or is suffering from any infectious diseases, has criminal background or a woman. The licensee shall have to obtain Identity Cards of the salesman bearing their photographs duly issued by the District Excise Officer, which shall be produced as and when demanded by Inspecting Authorities.

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20. The premises in which the shop is situated, shall not be used as a place of residence except by the licensee/salesman and his family.

21. The licensee is strictly forbidden from having recourse to any form of blandishment or inducement to the customer with a view to increase his sales. Gambling and dance programmes are strictly forbidden.

22. The licensee? shall on expiry of the licence, report to the District Excise Officer for disposal of balance stock which will be disposed of in accordance with Rule 18.

23. The licensee shall abide by the general or specific instructions issued by the Excise Commissioner or Licensing Authority from time to time.