

# **The Chhattisgarh Excise Settlement of Licences for Retail Sale of Foreign Liquor (In District Raipur, Durg, Rajnandgaon, Dhamtari and Mahasamund) Rules, 2001**

CHHATTISGARH

India

## **The Chhattisgarh Excise Settlement of Licences for Retail Sale of Foreign Liquor (In District Raipur, Durg, Rajnandgaon, Dhamtari and Mahasamund) Rules, 2001**

### **Rule**

### **THE-CHHATTISGARH-EXCISE-SETTLEMENT-OF-LICENCES-FOR-RETAIL-SALE-OF-FOREIGN-LIQUOR-RULES-2001**

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The Chhattisgarh Excise Settlement of Licences for Retail Sale of Foreign Liquor (In District Raipur, Durg, Rajnandgaon, Dhamtari and Mahasamund) Rules, 2001 Published vide Notification No. F-10-49/2001-CT/5-(15), dated the 23rd May, 2001, Chhattisgarh Rajpatra (Asadharan), at pages 208 (7-14) Notification No. F-10-49/2001-CT/V-(15), dated the 23rd May, 2001. - In exercise of the powers conferred by sub-section (1) of Section 18 read with clauses (d), (e), (f), (g), (h) of sub-section (2) of Section 62 of Chhattisgarh Excise Act, 1915 (No. II of 1915), the State Government makes the following rules for the settlement of foreign liquor shops in the revenue districts Raipur, Durg, Rajnandgaon, Dhamtari and Mahasamund which were published previously as required by sub-section (3) of Section 62, in Chhattisgarh Gazette.

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

- (i) These rules may be called the Chhattisgarh Excise Settlement of Licences for Retail Sale of Foreign Liquor (in District Raipur, Durg, Rajnandgaon, Dhamtari and Mahasamund) Rules, 2001.
- (ii) These shall come into force from the date of their publication in the Gazette.

## **2. Definitions.**

- In these rules, unless there is anything repugnant in the subject or context :-(a)"Act" means the Chhattisgarh Excise Act, 1915 (No. II of 1915), as amended from time to time.(b)"Foreign Liquor" means and includes spirit or liquors imported into India or spirit 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 Liqueur;(c)"Excise year" means the financial year commencing from 1st April to 31st March of the calendar year;(d)"Family" means and includes spouse (husband or wife), 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 foreign liquor in a retail shop under clause (ii) of sub-section 2 of Section 62 of the Act as fixed by the State Government from time to time for the whole excise year or part thereof which shall be fixed on the basis of its location in the areas of Municipal Corporation, Municipal Committee, Nagar Panchayat & Rural area;(h)"Minimum monthwise guaranteed quantity" means the quantity of foreign liquor 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 in a month of an excise year for the purpose of retail sale which shall be fixed for any foreign liquor shop on the basis of maximum lifting in a district during last five years after making necessary increase/ decrease;(i)"Annual Quantity" means the sum total of the month wise guaranteed quantity of an excise year;(j)"Security amount" means a sum equal to 1/12th part of total payable duty calculated at the rate of Rs. 150/- per /proof litre of spirit and Rs. 10/- per bottle of Beer to be deposited in cash in Government Treasury as interest free security, refundable after the final settlement of all the claims and dues to the State Government.

## **3. Settlement of Licences for retail sale.**

(a)Subject to the provision of these rules and subject to the payment of licence fee and security amount, the retail shop for sale of foreign liquor shall be settled or resettled by fixed fee system as specified herein.(b)The licence shall be granted in the Form F.L. ID for retail sale of foreign liquor in sealed bottles.

## **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. Location of shop shall be as per the provisions of Rule (1) of rules of general application framed under the Act.

## **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 on such terms and conditions as may be decided by the State

Government.

## **6. Payment of licence fee & Security Amount.**

- The licence shall be granted on payment of licence fee and deposit of the security amount.

## **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. (b) A list of the retail shops of foreign liquor for which the Collector proposes to grant licence, shall be exhibited along with shopwise licence fee and security amount at the Collector's office, Tehsil Office and the office of the District Excise Officer/Asstt. Commissioner Excise of the district. (c) Application for grant of licence shall be made in the prescribed form as appended to these rules. (d) The last date to be fixed for the receipt of application shall not be earlier than seven days with effect from the date of publication of the advertisement in a newspaper.

## **8. Eligibility Conditions for applicants.**

- Eligible applicants for licence of a retail foreign liquor must fulfil following conditions, namely :- (a) Be a citizen of India, or A partnership firm whose partners are citizens of India. No change in partnership shall be allowed after the settlement of shops. (b) Be above 21 years of age. (c) Not be a defaulter/blacklisted or debarred from holding an excise licence under the provisions of any rules made under the Act. (d) Submits an affidavit duly verified by public notary as proof of the following namely:- (1) That he possesses or has an arrangement for taking on rent a suitable premise in that locality for opening the shop in accordance with the rules; (2) That his proposed premise of the shop have not been constructed in violation of any law or rules; (3) That he possesses good moral character and has no criminal background and has not been convicted of any offence punishable under the Act or Narcotic Drugs and Psychotropic Substances Act, 1985 or any other law for the time being in force, or any other cognizable and non-bailable offence; (4) That in case he is selected as licensee he will furnish a certificate issued by Superintendent of Police of the district of which he is the resident showing that he possesses good moral character and has no criminal background or criminal record, within thirty days of grant of licence; (5) That he shall not employ any salesman or representative who has criminal background as mentioned in clause (III) or who suffer from any infections or contagious disease or is below 21 years of age or a woman; (6) That he is not in arrear of any Government dues. (e) Furnish a bank draft drawn in favour of the District Excise Officer or Asstt. Commissioner issued from a Nationalised Bank as earnest money. The amount of earnest money shall be as fixed by the Excise Commissioner. In case the applicant is selected as licensee, the earnest money shall be adjusted against the licence fee. In other cases it shall be returned as such to the applicant as soon as the selection process is over.

## **9. District level committee.**

- There shall be a district level committee for selection of licensees for retail sale of foreign liquor.  
The committee shall consist of the :-

- |   |                  |
|---|------------------|
| (i) The Collector of the District   | Chairman         |
| (ii) One Gazetted Officer of Excise Department nominated by the Excise Commissioner | Member           |
| (iii) The District Excise Officer/Asstt. Excise Commissioner of the District        | Member-Secretary |

## **10. Selection of Licensee.**

(a) The District Excise Officer/Asstt Excise Commissioner shall prepare a list of all applications received with summary report to be put before the district level committee for licensing. (b) The said committee shall select licensees from the list of applicants. In case more than one applicant are found suitable for any particular shop, the committee shall select the licensee for such shop by public lottery. In case the selected applicant does not deposit the required 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. (c) 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. (d) Licensing Authority shall have the right to reject applications received for a shop or shops without assigning any reasons.

## **11. Statement of Settled shops.**

- As statement of the settled shops along with names and addresses of the licensees, details of security amount and licence-fee deposited shall be sent by the District Excise Officer/Asstt. Commissioner Excise to the Excise Commissioner within 15 days of the settlement.

## **12. Payment of Licence-fee and security amount.**

- In case an applicant is selected as licensee, he shall deposit the entire amount of licence fee and the security amount within 3 days of being informed of his selection. If he fails to deposit the amount of licence fee and security amount within prescribed period, his selection shall stand cancelled and his earnest money shall be forfeited in favour of the State Government and the said licensee shall be debarred from holding any excise licence in future anywhere in the state. A consolidated list of such defaulters under this rule, along with their complete address shall be forwarded by the District Excise Officer/Asstt. Commissioner to the Excise Commissioner, who will circulate the consolidated list of the state to all Licensing Authorities of the State.

### **13. Lifting of liquor.**

(a) The licensee under these rules shall obtain supplies of foreign liquor from any wholesale licensee after making full payment of cost price of foreign liquor including all taxes, duties and cess as levied from time to time. The licensee shall place indent at least 72 hours in advance to the wholesale licensee from whom he intends to procure the supply of foreign liquor. (b) The wholesale licensee/supplier with whom the indent has been placed shall record the date and time of receipt of indent and shall ensure supply of the desired quantity of liquor within 48 hours of the receipt of indent.

### **14. Lifting of minimum Guaranteed Quantity fixed for the month and consequences of failure.**

(a) The licensee is liable to lift the entire minimum monthwise guaranteed quantity during a month. The licensee shall make indent for the entire minimum monthwise guaranteed quantity fixed for that month along with cost of foreign liquor including all duties, taxes and cess, which must be submitted to wholesale licensee by 25th day of the month. (b) In case the retail licensee fails to submit the indent as per clause (a) the District Excise Officer/Asstt. Commissioner shall immediately report the matter to the Licensing Authority, who shall take action to impose penalty on the amount of guaranteed quantity less lifted than the fixed monthly guaranteed quantity [of spirit] [Inserted by Notification No. F-10/227/2001/CT/V(21), dated 4-6-2001.] at the rate of rupees 150/- proof litre [and Rs. ten per bottle of beer] [Inserted by Notification No. F-10/227/2001/CT/V(21), dated 4-6-2001.] and shall adjust the amount equal to the imposed penalty from the security amount and issue a notice to the licensee to replenish the shortfall in security amount within a week and also show cause as to why the licence should not be cancelled. If the licensee fails to deposit the amount of deficit in security amount and does not furnish suitable explanation within the stipulated period, the licence shall stand cancelled and the Licensing Authority shall take immediate steps to resettle the shop.

### **15. Lifting of foreign liquor in excess of minimum monthwise guaranteed quantity.**

- The licensee may lift in excess of monthwise minimum guaranteed quantity for the month with the permission of the District Excise Officer/Asstt. Commissioner and on payment of additional excise duty as may be prescribed.

### **16. Minimum retail price.**

- The minimum retail price as may be fixed by Excise Commissioner on approval of the State Government, shall be printed on the label of bottles of foreign liquor. The licensee shall not charge from consumers less than the minimum retail price as may be fixed by the Excise Commissioner on approval of the State Government.

## **17. Hours of sale and closure of shops.**

- The licensed premises shall remain open for sale on all days from 10.00 a.m. to 10.30 p.m. except on 15th August (Independence day), 2nd October (Gandhi Jayanti), 26th January (Republic day), Holi and Moharrum and upto 3 more days as notified for closure by the Licensing Authority. Licensing Authority may also order for closure of shop on account of law and order or General Election related activity under the provisions of relevant laws. No compensation shall be given for the closure of shop on above grounds.

## **18. Disposal of Balance stock left at the expiry of the licence.**

- Any balance of foreign liquor found outstanding and unsold at the expiry of the term of licence shall be declared by the licensee to the Licensing Authority on the next day and shall be returned by him to the concerned wholesale/ supplier/shop (s) of the district by 5. 00 p.m. of the next date of expiry of licence, the licensee shall be entitled to get the refund of cost price only, excluding duty and other taxes. The disposal of such stock shall be made as per orders of the Excise Commissioner in this regard.

## **19. Surrender of licence.**

- A licensee may surrender his licence after giving atleast one month's notice in writing to the Licensing Authority under provisions of Section 33 of the Act. On receipt of such application the Licensing Authority will take steps for recovering all outstanding excise dues from his security deposit and refund the balance amount after obtaining orders of the Excise Commissioner. The Licensing Authority shall also proceed for resettlement of the shop without delay for the remaining period of the excise year.

## **20. Suspension and cancellation of the licence and penalties.**

(1)Licensing Authority may suspend or cancel the licence :- (a) If any bottle is found in the licensed premises on which duty has not been paid and which does not carry security hologram duly approved by the Excise Commissioner as a proof of payment of duty; (b) If any other kind of liquor or intoxicating drug (for which licence is not granted) is found in the licensed premises; (c) If the affidavit submitted by the licensee at the time of application is found incorrect and assertions made therein are found to be false; (d) If the licensee is convicted of any offence punishable under the Act or any other law for the time being in force relating to revenue, or any cognizable and non-bailable offence, or any offence punishable under Narcotic Drugs and Psychotropic Substances Act, 1985 or of any offence punishable under Sections 482 to 489 of the Indian Penal Code; (e) If any bottle is sold below the minimum rate as prescribed by Excise Commissioner under Rule 16; (f) If the licensee fails to lift the minimum monthwise guaranteed quota and also fails to replenish the shortfall in security deposit within the period prescribed, consequent to the imposition of penalty. (2) The Licensing Authority shall immediately suspend the licence and forfeit the security deposit on above mentioned grounds. The Licensing Authority will also serve a show cause notice for cancellation of

licence and the licensee shall submit his explanation within 7 days of the receipt of the notice. Thereafter the Licensing Authority will pass suitable orders after giving due opportunity of hearing to the licensee, if he so desires. (3) The licensee shall not be entitled to claim any compensation or refund for suspension or cancellation of licence under the rules. (4) In case the licence is cancelled on the above mentioned grounds the licensee may also be blacklisted and debarred from holding any excise licence in future.

## 21. Repeal and Saving.

- (i) All rules corresponding to these rules in force immediately before the commencement of these rules are hereby repealed irrespective of matters covered by these rules : Provided that any order made or action taken under the rules so repealed shall be valid in respect of foreign liquor shop/shops of the financial year 2001-2002. F.L. 1-D[Rule 3] License for the retail sale of foreign liquor in sealed bottlers for Licence

No.....Year.....Locality.....District.....Licence fee Rs.....(in figures).....(in words) Annual Quantity.....Minimum monthwise guaranteed quantity.

Sl. No.	Month	Minimum Monthwise guaranteed quantity
1.	April	8.5% of Annual Quantity
2.	May	8.5% of Annual Quantity
3.	June	8.5% of Annual Quantity
4.	July	7.5% of Annual Quantity
5.	August	7.5% of Annual Quantity
6.	September	7.5% of Annual Quantity
7.	October	8.5% of Annual Quantity
8.	November	8.5% of Annual Quantity
9.	December	9.0% of Annual Quantity
10.	January	9.0% of Annual Quantity
11.	February	9.5% of Annual Quantity
12.	March	9.5% of Annual Quantity

Description of Premises (with

boundaries) North.....South.....East.....

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 Salesmen

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 foreign liquor in standard quart, pint and nip bottles is hereby granted to above licence holder(s), at..... (Place) in P.S..... Tehsil..... in the District of..... w.e.f. from..... to March 31, 200..... for which licence fee and security deposit has been paid in accordance with Rule 6. The Licence is subject to the following special and general conditions :-The infraction of any of which or a conviction for any offence under the Chhattisgarh Excise Act, 1915 or Narcotic 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 penalty imposed under the relevant laws. General and Special Conditions

**1. The licensee can obtain supply of the foreign liquor from the wholesale foreign liquor licensee (FL-10) after making full payment of price of liquor including all taxes, duties, cess etc. leviable from time to time.**

**2. The retail licensee shall not charge less than the minimum retail price as fixed under Rule 16.**

**3. Sales at the licensed premises shall be made only for consumption "Off the premises. No liquor shall be consumed /drunk "On" the premises.**

**4. No quantity less than one standard Nip bottle of 180 ml of liquor shall be sold to any person. No sale shall be made to a person below the age of 18 years.**



**5. The sales shall be made in sealed bottles i.e. quarts, pints and nips of foreign liquor of prescribed strength and quantity and which carry security Hologram or security Holographic shrink Sleeves approved by Excise Commissioner as proof of payment of duty.**

**6. The licensee shall maintain a regular and accurate daily account in the prescribed register and the account register shall be produced for inspection whenever asked by the competent inspecting authority. The licensee shall also furnish account of sales etc. and facilitate and provide the material and documents required by the inspecting authority.**

**7. The licensee shall store entire stock of foreign liquor in the licensed premises only.**

**8. (a) The licensee is liable to lift the entire minimum monthwise guaranteed quantity during that month only. The quantity left unlifted on the last working day of the month shall be forfeited.**

(b) The indent for the entire minimum guaranteed quantity of foreign liquor fixed for the month alongwith cost of liquor including all duties, taxes and cess must be submitted to the wholesale licensee by 25th day of the month. (c) In case the retail licensee fails to submit the indent by 25th day of the month as above the District Excise Officer/Asstt. Commissioner Excise shall immediately report the matter to the Licensing Authority, who shall take action to impose penalty on the amount of guaranteed quantity less lifted than the fixed monthly guaranteed quantity [of spirit] [Inserted by Notification No. F-10/227/2001/CTA/(21), dated 4-6-2001.] at the rate of rupees 150/- proof litre [and Rs. ten per bottle of beer] [Inserted by Notification No. F-10/227/2001/CT/V(21), dated 4-6-2001.] and shall adjust the amount equal to the imposed penalty from the security amount and issue a notice to the licensee to replenish the shortfall in security amount within a week and also show cause as to why the licence should not be cancelled. If the licensee fails to deposit the amount of deficit in security amount and does not furnish suitable explanation within the stipulated period, the licence shall stand cancelled and the Licensing Authority shall take immediate steps to resettle the shop.

**9. The licensee shall affix a conspicuous signboard at the entrance to the shop on which the name of the licensee, designation "Licensed Retail Vendor of Foreign Liquor" location of the shop, period of licence and such other information as prescribed by Licensing Authority in bold letters shall be printed.**

**10. The licensee shall not employ any person as salesman who is below 21 years of age or is suffering from any infectious and/or contagious disease, or has criminal back ground.**

**11. The licensee shall not sell to any person more than prescribed limit of foreign liquor.**

**12. The sale should not be made to a person below the age of 18 years, police personnel below the rank of sub-inspector or to a soldier or official in uniform.**

**13. The licensee is strictly forbidden under any pretext whatsoever from tempering with bottles, pints and nips, their labels, security Hologram/ Shrink sleeve, pilfer proof seals.**

**14. The licensee shall not keep in his licensed premises any spirit, caramel, colour, essence, hologram/Shrink Sleeve, labels, capsules, seals or any other noxious material.**

**15. 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.**

**16. 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 programme are strictly forbidden.**

**17. The licensed premises shall remain open for sales on all days from 10.00 a.m. to 10.30 p.m. except on 15th August (Independence Day), 2nd October (Gandhi Jayanti), 26th January (Republic Day), 30th January (Mahatma Gandhi, Nirwan Diwas), Holi, Moharrum and upto 3 more days as notified for closure 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 provision of relevant laws. No compensation shall be given for the closure of shop on above dates/days.**

**18. The licensee shall not be allowed to carry on any other business on the licensed premises except sale of foreign liquor for which licence is granted.**

**19. The licensee shall on expiry of the licence, report to the Licensing Authority for disposal of balance stock which will be disposed off in accordance with Rule 18.**

**20. [ The licensee shall sell foreign liquor to F.L. 2, F.L. 3, F.L. 4, F.L. 4-A or F.L. 5 licensees as specified by the Collector.**

**21. The licensee shall be bound by Chhattisgarh Excise Act, 1915 and the rules made thereunder except General Licence condition Nos. 2-A and 2-B and also with the special instruction by the competent authority.] [Inserted by Notification No. F-10/227/2001/CT/V(21), dated 4-6-2001.]**

Date..... Licensing Authority

District.....

Application for the grant of licence for Retail Sale of Foreign Liquor[for consumption "Off" the premises (in Form FL-1D)] [Rule 7 (c)]Registration No ..... (To be filled by the office) Excise year.....Details of the shop applied for

**1. Name of the District.....**

**2. Name of the shop.....Tehsil.....PS.....**

**3. Licence Fee (Rs.).....(in words).....(in figures)**

**4. Annual Quantity.....**

**5. Earnest Money (Rs.).....(in words).....(in figures)**

**6. Security Amount (Rs.).....(in words).....(in figures)**

Details of the applicant(In case of co-applicant photograph of co-applicant and details at serial Nos. 1 to 5 be also given)

**1. Name of the Applicant.....**

**2. Father's/Husband's Name.....**

**3. Age.....Sex: Male/Female.....**

**4. Permanent address : House No. and Locality/Village.....**

Police Station.....Tehsil.....Distt.....State.....Telephone  
No.....

**5. Present Address : House No. and Locality/Village .....**

Police Station.....Tehsil.....Distt.....State.....Telephone  
No.....

**6. Details of the earnest money deposited.....**

(a)Bank Daft No. and Date.....Name of Bank.....The above information is true to the best of my/our knowledge. In the event of above information being found incorrect, my/our application shall be liable to be rejected and earnest money shall be liable to be forfeited. If above details are found to be incorrect subsequent to the grant of licence it shall render my/our licence liable for cancellation and forfeiture of licence/fee and security deposit made by me/us. I/we am/are aware that submission of false or incorrect information is a penal offence.Signature(s)/Thumb impression(s)of the applicant(s)AnnexureAffidavit duly verified by Public Notary (Acknowledgment receipt)Received application from Shri/Smt./Ku..... s/o/w/o/d/o..... r/o..... foreign liquor shop..... alongwith affidavit and bank draft for earnest money and entered in the register at serial number.....

Date.....Time..... Signature of person authorisedby Distt. Excise  
Officer/Asstt.Commissioner Excise, Distt.....