

The Jharkhand Excise (Micro Brewery) Rules, 2017

JHARKHAND

India

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Rule THE-JHARKHAND-EXCISE-MICRO-BREWERY-RULES-2017 of 2017

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The Jharkhand Excise (Micro Brewery) Rules, 2017 Published vide Notification Memo No. 1/Niti-15/2017-1853, dated 10th October, 2017 Excise & Prohibition Department Notification Memo No. 1/Niti- 15/2017-1853, dated 10th October, 2017. - S.O. No. 2636 dated the 30.12.2014 In exercise of the powers conferred by Section 90 of the Jharkhand Excise Act, 1915, the Board of Revenue, Jharkhand makes the following rules for regulating the manufacture, storage and sale of beer in Micro Breweries established in Jharkhand :-

1. Short title, extent and commencement.

- (i) These rules may be called the The Jharkhand Excise (Micro Brewery) Rules, 2017. (ii) They shall extend to the whole of the State of Jharkhand. (iii) They shall come into force from the date of publication in the official gazette.

2. Definitions.

- In these rules unless the context otherwise requires :-(a)"Act" means the Jharkhand Excise Act; (b)"Government" means the Government of Jharkhand; (c)"Board" means the Board of Revenue, Jharkhand; (d)"Commissioner" means the Commissioner of Excise, Jharkhand; (e)"Collector" means Deputy Commissioner or District Magistrate of a district. (f)"District Excise Officer" means Superintendent of Excise/Assistant Commissioner of Excise of the district; (g)"Section" means a section of the Act; (h)"Year" means the year beginning from the 1st of April and ending on the 31st of March of the next following year. (i)"Micro Brewery" means small brewery situated in a place on the premises of Bar or Club license issued under the Jharkhand Excise Act, 1915 where Draught Beer is manufactured and same as serve to their customer within the premises, with an installed capacity of not more than 1000 liter's per day. This beer is preservative free and a variety of them can be produced from the same plant, laagers, Ales, Porters, Stouts, Fruit flavored.

3. Grant of license for Micro Brewery.

- (i) Any person, firm, company, society who hold Bar or Club license under Jharkhand Excise Act, 1915 and desirous of obtaining a license for Micro Brewery shall apply to the Excise Commissioner in the form prescribed with this rule through the Deputy Commissioner of this district. The application shall be accompanied by a treasury challan for having credited the fee specified in this rule and full description of the premises, utensils and installed capacity of the plant per day. The detail in the application shall be checked either by the Deputy Commissioner or some other officer duly authorized by him in this behalf, who shall certify to the fact if he finds it correct and forward it to the Commissioner of Excise. The Commissioner of Excise may grant Micro Brewery license in Excise Form No. 18A.(ii) While applying for the license of Micro Brewery appropriate clearance certificate must be obtained from the following board/department like-(a) Pollution Control Board / (b) Fire safety certificate (c) Water testing/used certificate from competent authority.

4. Persons Not eligible for grant of licence.

- The following persons are not eligible for grant of Licences-(i) Persons below the age of twenty one years, (ii) Persons who are undercharged insolvents or who have been convicted of offences under the provisions of the Excise Act or the Customs Act, 1962 or Narcotics Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985) or convicted under Jharkhand Excise Act 1915 or convicted of non-bailable offences or are habitual offenders. (iii) Defaulters in the payment of excise revenue to the Government.

5. Fee for grant of Micro Brewery license .

- The fee for grant of Micro Brewery license shall be Rs. 1.5 lacs per financial year or part of financial year. If a licence is surrendered in the middle of the Licence Period, the deposits and the Licence fee paid shall be forfeited to the Government.

6. Duty to be charged on the beer produced in Micro Brewery.

- The duty shall be charged as per the rate of duty for the bottled/canned beer prevalent in the State. The licensee of the Micro Brewery shall pay minimum duty per day as per the maximum declared capacity of beer production in the Micro Brewery. On the "dry days" declared by Government of Jharkhand beer cannot be brewed from the Micro Brewery and accordingly duty will not be charged for the dry days.

7. Checking of the quality of the beer.

- (i) Licensee shall arrange to check the quality of raw materials used and the beer produced in the Micro Brewery by a chemist holding a degree in science with chemistry as one of his subject preferably organic chemistry or bio chemistry or specialization in alcohol technology. (ii) The beer so produced in Micro Brewery shall be released for sale only after the chemist certified that such beer is

fit for human consumption. Chemist shall be responsible for specification and quality of the beer and safety. Chemist shall be responsible for specification and quality and quality of the beer and safety.(iii)The licensee shall arrange to draw the beer sample once in every month and forward the same to the laboratory for analysis. The reports so obtained their on displayed on the premises of Micro Brewery.(iv)The beer so produced in the Micro Brewery shall be released for sale only after the chemist of the licensee certified that beer is fit for human consumption. The entire responsibility of the quality of beer served on the premises of the licensee shall be of the licensee.(v)The PH, temperature and gravity of the brews up to the maturation stage should be recorded and subject to the inspection as and when called by the competent authority.

8. Alcohol content of the beer.

- The alcohol content of the beer produced in the Micro Brewery shall not ordinarily exceed more than 8% v/v. If the percentage of alcohol in the beer is found to be more than 8% v/v by the chemist or any inspecting authority the duty shall be charged accordingly.

9. Hygiene to be maintained in the Micro Brewery premises.

- (i) The premises must be neat and clean with proper ventilation, lighting to meet all safety and emergency standards.(ii)The beer dispensing system including glasses and serving tables must be maintained ensure proper hygiene.(iii)Periodic fumigation by certifying person of the storage facility and as well as the premises to be done regularly and the records maintained thereof.

10. Sale of beer for consumption on the premises only.

- All the beer produced in the Micro Brewery will be consumed only on the premises of the Bar or the Club associated with Micro Brewery. Beer can not be sold in retail to any person for consumption outside the premises.(I)No change or alteration of the licensed premises shall be made during the licence period without the prior approval of the Commissioner of Excise.(II)No shifting of the licensed premises shall ordinarily be permitted during the licence period from one location to another. However, the shifting of the licensed premises under Form-18A may be considered by the Commissioner of Excise if the shifting of the original licensed premises of Bar, Hotel and Restaurant is permitted by the local authority.

11. Maintenance of Accounts of beer produced/sold.

- The daily accounts of beer produced/sold for consumption on the premises should be maintained by the licensee separately from the registers of accounts of the bar or club, where liquors other than draught beer is served.

12.

The licensee shall be bound by all the provisions/instructions issued under Jharkhand Excise Act, 1915. He shall obey all the instructions issued by Commissioner of Excise regarding running of Micro Brewery.

13. Interpretation of these rules.

- In case of any doubt as to the meaning or interpretation of these rules or the words used herein the same shall be referred to the Excise Commissioner and the decision of the Excise Commissioner shall be final.

14. Licensee not to declare any person to be or not to be his partner.

- No licensee shall, except with the prior permission of the Commissioner of Excise get any other person included as partner to his business, or get an existing partner excluded so long as the partnership nature of the business does not change. Provided that where there was dissolution of partnership it shall be notified to the Commissioner of Excise.

15. On Death of a Licensee.

- A licence issued under these rules shall be only to the person named therein and on his death the heir or legal representative may apply for continuance of the licence for the leftover licence period in his name to the Commissioner of excise within thirty days of the death of the licensee. The Commissioner of Excise may, at his discretion, continue the licence in the name of the heir or legal representative of the deceased licensee.

16. Draught beer shall not be given or sold to certain persons.

- No draught beer 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 and tranquility;(iv)Employees of the police, Prohibition & Excise and Railway Departments or Chauffeurs of motor vehicles while engaged in discharging their duties;(v)Persons below (21) years of age.

17. Certain acts prohibited in the licensed premises.

- Notwithstanding any permit licence granted by any authority, gambling, dancing, any other acts of disorderliness or obscenity within the licensed premises shall be strictly prohibited.

18. Officers authorized to inspect premises.

- Any officer not below the rank of an 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, and it shall be incumbent on the licensee to offer reasonable assistance for such inspecting officers to inspect, verify and to take samples. For any records removed from the premises, the Prohibition & Excise Officer should give a receipt of it and alternatively make an entry in the inspection book in this regard.

19. Inspection book to be maintained.

- An inspection book having machine numbered pages certified by Excise Superintendent shall be kept in the shop for the use of the inspecting officers, and the licensee shall be responsible for the safe custody of it. The inspection book shall be the property of the Government and shall be handed over to the Excise Officer concerned on expiry of the period of license.

20. License to be surrendered to the licensing authority on expiry.

- Every license granted under these rules, either jointly or severally to the licensee (S) named therein shall on its expiry be deemed to have been surrendered by the licensee to the licensing authority.

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

- Every holder of the license 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.

22. Repeal.

- All rules corresponding to these rules in force immediately before the commencement of these rules are hereby repealed in respect of matters covered by these rules :Provided that any order previously made by or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these Rules.Application for grant of Micro BreweryTo,The Excise Commissioner, Jharkhand, Ranchi.

1. Name/s of the Applicant/s with full postal address -

2. The amount of capital proposed to be invested -

- 3. The name and description of the place in which the Micro Brewery is situated -**
- 4. Whether project report is submitted -**
- 5. Whether clearance certificate is obtained from Pollution Control Board/ Environment Department/Water testing.**
- 6. Descriptions of vessels and other permanent apparatus -**
- 7. Production capacity of the Micro Brewery per day/ per annum -**
- 8. Whether Applicant has enclosed the treasury challan for having credited the prescribed license fees in favour of the Government.**

Declaration

- 1. I/We hereby declare that the particulars mentioned in the application are correct.**
- 2. I/We am/are not convicted of any offence under the Jharkhand Excise Act or Rules made there under or any of the cognizable or non bail able offences under any other law.**
- 3. I/We have gone through the Jharkhand Excise (Micro Brewery) Rules, 2017 relating to the license applied for by me/us hereunder and am/are conversant with the provisions thereof.**
- 4. I/we hereby undertake in abide by the conditions of the license and provisions of the Jharkhand Excise Act, 1915 and the rules and regulations made there under.**

Signature of ApplicantForm 18-AMicro Brewery LicenseI.....Excise Commissioner in Jharkhand under the provision of rule of the Jharkhand Excise (Micro Brewery) Rules, 2017 hereby license you (thereinafter called the licensee) to manufacture and serve Beer in your premises at from..... to..... subject to the following conditions to be observed by you, the licenseeConditions

- 1. The licensee shall be bound by the provisions of the Jharkhand Excise Act, 1915. Notifications, Rules and orders made or issued there under and the Jharkhand Excise (Micro Brewery) Rules, 2017.**
- 2. The licensee shall observe such rules as may be prescribed by the State Government or such instructions and orders as may be issued by the Excise Commissioner from time to time in regard to the control of the manufacture, possession and serving,**
- 3. The licensee shall be bound by such orders as may be passed by the State Government or the Excise Commissioner concerning the process of manufacture to be adopted and the standards and quality of beer to be produced and served.**
- 4. The Licensee shall provide a saccharometer and a thermometer of a kind to be approved by the Excise Commissioner for testing the gravity of wort in the Brewery. A Hydrometer shall also be provided for testing the strength of the drought beer.**
- 5. The alcohol content of the beers produced supplied to the customers shall not exceed 8% v/v.**
- 6. The pH, temperature and gravities of the brews up to maturation stage should be recorded and the same is subject to inspection as and when called for by a competent authority.**
- 7. The premises to be maintained neat and clean with proper ventilation, lighting and to meet all safety and emergency standards and the beer dispensing system including glasses, serving tables etc to be maintained hygienically at all times.**
- 8. Periodic fumigation by certified persons of the storage facility as well as the premises to be done on a routine basis and records maintained.**
- 9. Under no circumstances is beer or any alcoholic drinks to be served to under aged persons.**

10. The payment of the license fees and excise duty as specified is to be paid in advance.

11. The licensee shall strictly maintain timings of serving of beer to the customer between 10.00 AM and 11.00 PM.

12. The licensee is prohibited from manufacturing any of the Beers, save the ones specially instructed.

13. The licensee shall issue beer only to the visitors of the licensed premises.

14. The account of the transactions in the Micro Brewery relating to issue shall be maintained in such manner as may be required by the Excise Commissioner.

15. The licensee shall furnish any statistics relating to manufacture and the sale of Beer that may be required when called upon to do so by any competent authority.

16. For any breach of the rules or the conditions of the licence, the Excise Commissioner may after giving a fortnight's notice to the licensee, suspend or cancel the license. The licensee shall not be entitled to any compensation on account of such suspension or cancellation.

Application for Fixation of Maximum Retail Price of Bottles/Cans (See Rule 8(1) of Jharkhand Excise label registration/renewal & fixation of price of liquor rules]

1. Name of the licensee, License No. & Address :-.....

(Brand Owning Company)

2. Kind of Liquor :-

(IMFL, Beer, Country Liquor & Spiced Country Liquor)

3. Nature of Liquor :-

(Whisky, Brandy, Rum, Gin, Vodka Wine, Low Strength Carbonated Beverages, Champagne, Medium Liquor, Country Liquor & Spiced Country Liquor etc.)

4. Country of Origin :-.....

5. Name & Address of Compounding, Blending :-.....

Brewing & Bottling Unit

6. Net Volume of the Bottle Can :-.....

7. Ex-distillery price of liquor/beer inclusive of all expenditure incurred by the company before landing in licensed unit (19 C in the State of Jharkhand) to be submitted by the company :-.....

8. Maximum Retail Price (MRP) :-.....

(a)Is it the first application for approval of MRP :- Yes/No(b)If the application is for revision of MRP :-MRP. Order No.....(Give the details previous approvals) Date....(c)If the application is for revision of MRP sufficient reason for revision along with a comparative chart of component wise detail should be submitted in a separate sheet. :-.....

9. Affidavit regarding ex-distillery price, that it is only for Jharkhand and is approved by Board of Director's of the company is submitted or not :-.....

10. email & phone number of consumer care unit of the company :-.....

11. Whether for `civil supplies only' or defense personnel only':-.....

12. Liquor is Bottled in Pet Bottle/Glass Bottle :-.....

13. Name of the State Government to which duty is paid :-.....

14. Date of submission of application :-.....

DeclarationI, Shri (proprietor/partner/director/attorney holder of the firm/company undertake and declare that above information's are correct and abide by the terms & conditions of the Jharkhand Excise label registration/renewal & fixation of price of liquor rulesSignature of Applicant