

The U.P. Excise (Appeal and Revision) Rules, 1968

UTTAR PRADESH

India

The U.P. Excise (Appeal and Revision) Rules, 1968

Rule THE-U-P-EXCISE-APPEAL-AND-REVISION-RULES-1968 of 1968

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The U.P. Excise (Appeal and Revision) Rules, 1968Published vide Notification No. 6335 (8)-E/13-521-67, dated March 25, 1968, published in U.P. Gazette (Extraordinary), dated 25th March, 1968In exercise of the powers under Section 40(2)(e) and Section 40(1) read with Section 11(2) of the U.P. Excise Act, 1910 (Act IV of 1910), read with Section 21 of the U.P. General Clauses Act, 1904 (Act 1 of 1904) and in supersession of the rules published with Government Notification No. 170/XIII-66, dated April 9, 1931, as amended from time to time, the Governor is pleased to make the following rules regulating appeals to the Excise Commissioner and revisions to Government and having considered that they should be brought into force at once, is further pleased to direct that they shall come into force with immediate effect :

1.

These Rules shall be called the Uttar Pradesh Excise (Appeal and Revision) Rules, 1968.A-Appeals

2.

An appeal shall lie to the Excise Commissioner from an order of a Collector.Note. - An order of the District Excise Officer shall be deemed to be an order of the Collector for the purposes of these rules. The Collector shall, however, retain the right to confirm or modify any order of the District Excise Officer provided that this right shall not be exercised by the Collector in respect of any order of the District Excise Officer against which An appeal has already been preferred to the Excise Commissioner.

3.

A petition of appeal shall be presented within thirty days of the order either direct to the Excise Commissioner or to the authority against whose order the petition is made, for transmission to the

Excise Commissioner.

4.

A petition of appeal shall be-(a)properly stamped, and(b)accompanied by the order in original against which the petition is made or by a certified copy of such order unless the omission to produce (such order or copy thereof) is explained to the satisfaction of the Excise Commissioner.

5.

Any person aggrieved by an order of the Collector intending to file an appeal against such order shall be entitled, on application, to receive under the ordinary rules governing the issue of copies of certified copy of the order appealed against.B-Revisions

6.

Any person aggrieved by an order of the Excise Commissioner or the Collector, may make an application to the State Government for revision of such order. The application for revision shall be made to the State Government within six months of the order of the Collector or Excise Commissioner as the case may be, provided that no application for revision against the order of the Collector, will be entertained unless an appeal, where one day, had been filed and disposed of by the Excise Commissioner.

7.

The provision of Rules 4 and 5 shall apply to petitions of revision :Provided that no court-fee shall be livable on revision petitions to the State Government but any enclosure to these petitions which are liable to court-fee or stamp duty under the law must be stamped in accordance with Paragraph 376 of the Manual of the Government Orders, Volume I.