

The U.P. Settlement of Licence for Retail Vend of Bhang (Minimum Guaranteed Quantity) Rules, 1990

UTTAR PRADESH

India

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Rule

THE-U-P-SETTLEMENT-OF-LICENCE-FOR-RETAIL-VEND-OF-BHANG- of 1990

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The U.P. Settlement of Licence for Retail Vend of Bhang (Minimum Guaranteed Quantity) Rules, 1990 Published vide Notification No. 498/10-97-B-Licence, dated February 17, 1990, published in the U.P. Gazette, Part 1-ka, dated 24th February, 1990 In exercise of the power under clause (g) of Section 41 of the U.P. Excise Act, 1910 (U. P. Act No. IV of 1910), the Excise Commissioner with the previous sanction of the State Government, make the following rules for determining consideration for the grant of licence for exclusive privilege of retail vend of Bhang under Section 24 of the said Act.

1. Short title, commencement and application.

(1) These rules may be called the Uttar Pradesh Settlement of Licence for Retail Vend of Bhang (Minimum Guaranteed Quantity) Rules, 1990. (2) They shall come into force at once. (3) These rules shall apply for determining consideration on the basis of minimum guaranteed quantity for the grant of licence for exclusive privilege of retail vend of Bhang under Section 24 of the Act.

2. Definitions.

- In these rules unless there is anything repugnant in the subject or context : (a) "Act" means the U. P. Excise Act, 1910; (b) "Auction purchaser" means the person whose bid or tender is accepted by the licensing authority; (c) "Issue price" means the price of Bhang calculated at the rate notified by the Excise Commissioner from time to time and payable by the licensee of Bhang shop or group of shops as part of sum under Section 30 read with Section 24 of the Act, for the entire minimum guaranteed

quantity;(d)"Licence Fee" means the money payable in respect of shop or group of shops under Section 30 of the Act, in consideration of the grant of licence under Section 24 of the Act, besides the issue price payable for the minimum guaranteed quantity for the shop or group of shops;(e)"Licensing authority" means the Collector of the district;(f)"Minimum guaranteed quantity" means the minimum quantity of Bhang as fixed by the licensing authority, guaranteed by the auction-purchaser to be lifted by him from the Bhang Bonded Warehouse, specified by the Excise Commissioner, for the purpose of being sold by retail in his Bhang shop or group of shops during the excise year or part of the excise year for which he has obtained the licence. However, that the total minimum guaranteed quantity for the district shall not be less than the quantity fixed by the Excise Commissioner for the whole district.

3. Licensing authority.

- The "licensing authority" shall subject to clause (f) of Rule 2 (d), be competent to fix the minimum guaranteed quantity in relation to a Bhang shop or group of shops.

4. Monthly distribution statement of Bhang to be lifted.

(1)The auction-purchaser shall, before obtaining licence, submit to the licensing authority for his approval a monthly distribution statement of Bhang to be lifted by him showing the monthly break up of the minimum guaranteed quantity for the excise year that will be lifted by him in each month as per requirements, indicating the issue price payable by him every month. The licensing authority shall, before approving the monthly distribution statement so submitted, revise the statement in order to ensure that the issue price instalment for the first six months shall not be less than fifty per cent of the annual issue price calculated for the total minimum guaranteed quantity fixed by the licensing authority and any one month's issue price shall be one-twelfth of the annual issue price subject to a variation of ten per cent of the average monthly issue price. The decision of the licensing authority shall be binding on the auction-purchaser.(2)The licensee shall lift the monthly minimum guaranteed quantity approved for a month till the last working day of that month. The right to lift the monthly minimum guaranteed quantity, approved for that month but left unlifted, on the close of last working day of the month, shall be forfeited, unless specially permitted to be lifted in the subsequent months by the District Excise Officer.

5. Deposit of issue price.

- The issue price instalment for a month as specified in Rule 4(1) shall be deposited by the licensee in the Government treasury of the district in which shop or group of shops are situated, by fifth day of that month, or where that day or subsequent days happen to be holidays, by the next working day, failing which the issue price to the extent of deficit payment shall stand adjusted from the security deposit and the licensee shall be called upon to make good the amount so adjusted within ten days.

6. Consequence of failure to make good deficiency.

- Where a licensee fails to make good the amount adjusted under Rule 5 within time, his licence shall be liable to cancellation. Where the licence is so cancelled it shall be settled afresh according to the provisions of U. P. Excise Rules, 1910 and any shortfall in the issue price shall be recoverable from the original licensee as arrears of land revenue.

7. Sale to be within licensed period.

- The licensee shall sell in retail the entire minimum guaranteed quantity for the excise year before the expiration of the term of licence. Any balance of quantity found outstanding and unsold at the expiration of the term of the licence shall be declared by the licensee to the licensing authority on the next day after the expiry of the last day of the excise year, which shall be returned by the licensee, to the Government Bonded Warehouse within two days thereafter and the licensee shall be entitled to such amount therefor as may be fixed by the Excise Commissioner after deducting from the issue price such percentage as the Excise Commissioner may think reasonable.

8. No claim for delay in supply.

- The licensee shall have no claim for damages or for remission of licence fee or issue price in the case of delayed supply of Bhang.

9.

These rules shall be supplementary to and not in derogation of the U. P. Excise Rules, 1910.