

# The Board's Excise Rules, 1965

ODISHA

India

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### Rule THE-BOARD-S-EXCISE-RULES-1965 of 1965

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The Board's Excise Rules, 1965 Published vide Notification Orissa Gazette Extraordinary No. 1703/15.11.1965, Notification No. 2769/14.8.1965. In exercise of the powers conferred by Section 90 of the Bihar and Orissa Excise Act, 1915 (Bihar and Orissa Act 2 of 1915) and in supersession of all previous rules on the subject including the rules published in Board of Revenue, Orissa's Notification No. 3296-Ex. dated the 21st June, 1937, the Board of Revenue, Orissa hereby make the following rules, namely :

## Chapter I General

### 1.

(1) These rules may be called the Board's Excise Rules, 1965. (2) They shall come into force at once.

### 2.

In these rules, unless the context otherwise requires, - (1) "Act" means the Bihar and Orissa Excise Act, 1915 ; (2) "Alcohol" means ethyl alcohol of any strength and purity having the chemical composition  $C_2H_5OH$ ; (3) "Compounding" means the artificial preparation of foreign liquor by the addition to imported or locally made spirit of flavouring or colouring matter or both; (4) "Fermentation" means the natural or artificial change which produces alcohol or aids production of alcohol; (5) "Form" means a form as prescribed in the Appendix to these rules; (6) "Kharian" means the enclosed place, within or attached to a field, in which Ganja or Bhang is processed and stored; (7) "London Proof" or "L.P." or simply "Proof" means the strength of liquor as ascertained by means of the Sykes's hydrometer or any other instrument prescribed for the purpose by the Commissioner and denotes that spirit which at the temperature of 10-55 degrees Centigrade weighs exactly 12/13th part of an equal measure of distilled water. It has a density of 0-

91984 at the temperature of 15.55 degrees Centigrade and contains 49.24 per cent by weight of alcohol and 50.76 per cent by weight of water or 57.06 per cent by volume of alcohol;(8)"Mritasanjibani" means a medicinal preparation of the Ayurvedic system of medicines containing alcohol not exceeding 42 per cent of proof spirit, obtained by the process of fermentation and distillation;(9)"Ma-ul-laham" means a medical preparation of the Tibbi system of medicine containing alcohol not exceeding 42 per cent of proof spirit, obtained by the process of fermentation and distillation;(10)"Outstill" means a still in a licensed premises, other than a distillery, in which country spirit is manufactured, subject to the provisions of the Act and the rules and notifications made thereunder;(11)"Plain spirit" means spirit to which no flavour has been communicated and to which no flavouring or colouring matter or other material or ingredient has been added;(12)"Rectified spirit" means plain spirit of strength of not less than fifty degrees above proof and includes absolute alcohol;(13)"Still" includes any part of a still and any apparatus whatever for distilling or manufacturing spirit;(14)"To gauge" means to determine the quantity of spirit contained in, or taken from any cask or other receptacle, or to determine the capacity of a cask or other receptacle;(15)"To prove" means to test the strength of spirit by hydrometer or any other instruments prescribed for the purpose by the Commissioner;(16)"To tap" means to prepare any part of a tari (toddy) producing tree or to use any means, for the purpose of causing sap to exude from such tree ;(17)"Wash" means the material for distillation which is set for or has undergone fermentation by the natural or by any artificial means or process;[(17-a) "Corporation" means Orissa State Beverages Corporation Ltd., as established under Section 20-A of the Act; [Added vide BOR Notification No. LXVI-75/2001-6823/Ex. dated 30.7.2001, O.G.No. 34 dated 24.8.2001.](17-aa) "Corporation Officer" means an employee of the Corporation.](18)words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act, and the rules thereunder.

## Chapter II

### Part I

Grant of Licence to distillery

#### 3. Purposes for opening distillery.

- Distilleries may be opened [\* \* \*] [Omitted vide Orissa Gazette Extraordinary Part III/1968.] for all or any of the following purposes ;(1)manufacture and supply of country spirit.(2)manufacture and supply of foreign liquor.(3)manufacture and supply of spirit for the manufacture of chemicals and medicated articles, etc., or for other industrial purposes.

#### 4. Submission of application for licence and particulars of licence.

(1)Any person desiring to obtain a licence to work a distillery at any place within the State of Orissa may, in response to the notice to be issued by the Commissioner, [or otherwise] [Inserted vide Orissa Gazette Extraordinary Part III/1968.] apply in writing to the Commissioner for the grant of a licence,(2)The application shall, besides such other particulars as may be required in the said notice

contain the following : (a) the name and address (local and permanent) of the person applying (in case of a firm, the name of the firm and of every partner thereof and in case of a company, the registered name and other particulars thereof); (b) the purpose for which the distillery is proposed to be opened, specifying in detail the nature of the business which the applicant desires to carry on therein; (c) the name of the place and the particulars of the site on and the buildings in which the distillery is proposed to be constructed or worked ; (d) the number and full description of the stills, vats and other permanent apparatus which the applicant wishes to work or set up, and the size and capacity of such stills, etc ; (e) the date from which, in the event of a licence being granted to him, the applicant proposes to commence working the distillery; (f) the amount of security which the applicant is ready to furnish for the due compliance and performance of the conditions on which a licence may be granted to him ; and (g) correct plan of the buildings which he intends to use or to construct for his distillery ; a plan showing the position of stills, vats and other permanent apparatus therein, and a list of store rooms, warehouses, etc., connected therewith.

## **5. Pre-requisites for grant of licence.**

(1) After receipt of the application and after consultation with the Collector of the district, in which the distillery is proposed to be opened, regarding the suitability of the site and of the existing building, if any, for the purpose, as well as on any other points, and on receipt of the Collector's opinion, and after such further inquiry as he may think fit, the Commissioner shall decide under Section 15, subject to the provisions of Section, 22, whether the licence for establishing the distillery shall be granted. (2) If the Commissioner sanctions the establishment of a distillery. He shall so inform the Collector of the district, in which the distillery is to be opened, and the applicant directing him to make arrangements for the construction of the distillery, if such construction is necessary. (3) Upon completion, if necessary under Sub-rule (2), of the building and after the stills and other appliances and apparatus have been set up, the applicant shall furnish two fresh copies of the plans to the Collector who shall cause them to be verified in any manner he thinks fit, and then submit, with his observations, if any, one such copy of the plan to the Commissioner for examination and for comparison with the plans first submitted by the applicant and for any further verification which the Commissioner may think necessary. (4) After the Commissioner approves of the plan, he will instruct the Collector to grant a licence to the applicant in the prescribed form. (5) The applicant shall be bound to conform to the orders of the Commissioner regarding any addition or alteration to the buildings or plans, whether before or after final plans are submitted, for the proper security of revenue and to render illicit practices impracticable. (6) Whenever any addition or alteration to the buildings, stills or other apparatus as shown in the plans submitted under Sub-rules (3) becomes necessary, the applicant shall submit fresh plans through the officer-in-charge who will check the same regarding correctness of the existing portions of the plan and submit them, with his comments on the suitability and feasibility or the changes or opposed, to the Collector for orders of the Commissioner and no such addition or alteration shall be made without the previous sanction of the Commissioner.

## **6. Execution of bond and written instrument and grant of licence.**

(1) Before the licence to work the distillery is granted by the Collector the applicant shall execute a bond in the prescribed form pledging the premises, stills, all apparatus and utensils employed in the manufacture and/or supply of spirit for the due discharge of all payments which may become due to Government ; or in lieu of executing such a bond the applicant may deposit Government promissory notes of such value as the Commissioner may direct. (2) In addition to the requirement under Sub-rule (1), the Collector shall also at the same time ensure that the applicant executes a written agreement agreeing to such terms and conditions as he may be called upon at the time by the Commissioner to guarantee the manufacture and supply of the required type, quality and quantity of spirit. (3) On execution of the bond and the written instrument referred to in Sub-rules (1) and (2) respectively, the Collector shall grant a licence in Form No. D/W. 1 or D/W 4, as the case may be.

## **7. Intimation by licensee on starting work in the distillery.**

- Every proprietor or manager of a licensed distillery shall give at least fifteen day's notice in writing to the Collector of the date on which he proposes to commence working the distillery and at least one month's notice before he ceases to work it.

## **Part I – A Distillery Area**

### **7A. [ [Inserted vide Orissa Gazette Part III-A/14.2.1975.]**

- No country spirit other than distillery liquor shall be sold in any area or areas which the Board may notify from time to time to be distillery area.]

## **Part II – Control and regulation of manufacture in the distillery**

### **8. Arrangement of stills and pipes, etc., in the distillery.**

(1) Distillers shall so arrange their stills that spirit shall discharge into closed and locked receivers of such pattern that no spirit can be removed from them unless they are unlocked. (2) Every pipe used for conveying spirit or feints shall be so fixed and placed that the officer-in-charge can examine it throughout its whole course. (3) They shall also provide and maintain suitable and secured fastenings and Chubb's locks, or any other equally suitable locks of Indian make approved by the Commissioner, for all stills, spirit-receivers, fermentation rooms, store rooms, pipes, etc., to the satisfaction of the Commissioner, and the keys of all such locks shall be retained by the officer-in-charge. (4) Distillers, if they so desire, may put their additional locks on all stills, receivers, etc. but shall be bound to open such locks when required by the officer-in-charge to allow free inspection. (5) Duplicate keys of all locks for fastenings on stills, receivers, vats, pipes, pipe connections, etc. shall be deposited with the Treasury Officer by the Superintendent. (6) The stills, receivers and vats shall be so arranged that the spirit may be conveyed from the receiver to the store

room by gravitation through pipes having sealed flanges or may be pumped through closed pipes.(7)Spirit collected in the receivers may be conveyed to the store room in casks with special permission of the superintendent.

## **9. Storing of spirit.**

(1)Spirit shall be stored in sound casks or vats and no cask or vat shall be used for storage of spirit, or for conveyance of spirit from the receivers to the store room, until it has been examined and registered by the officer-in-charge or by such other officer as the Collector may depute for the purpose.(2)Each cask or vat shall be so placed as to admit of the contents being accurately gauged ; its internal parts must also be clearly visible and it shall also be fitted with a proper dipping for gauging.(3)The distiller shall not cause or allow the dipping place or level of any vessel to be altered or any device to be used to deceive the officer-in-charge in taking the gauge of any vessel, or to prevent him from taking a true account of all wash or spirit in any vessel.(4)[ All spirit collected in the receiver/I.M.F.L. or beer bottle shall be transferred or conveyed into the Store room/Ware house without any delay, provided that no Spirit/I.M.F.L./Beer shall be transferred between 10 p.m. to 6 a.m.] [Substituted vide O.G.E.No. 1720 dated 7.12.2006.]

## **10. Responsibility for loss, damage or theft of spirit in a distillery.**

(1)Government shall not be made responsible for the destruction, loss or damage by fire, theft or any other cause whatsoever, occurring to any spirit stored, received, gauged, weighed or verified in the distillery or warehouse.(2)In case of fire or other accident in the distillery the officer-in-charge shall immediately attend to and open it at any hour of day or night.

## **11. Materials to be used for distillation.**

- The materials, of bases to be used in distilling country spirit shall only be of such descriptions as are generally approved of by the Commissioner and all materials used must be of good quality.(2)No ingredients noxious to human health shall be added to, the spirit intended for human consumption.

## **12. Distiller to maintain accounts.**

(1)The distiller shall keep accurate and regular daily accounts showing :(a)quantity and description of materials used,(b)quantity of wash and of spirit manufactured,(c)quantity of wash used,(d)quantity of spirit passed out, and(e)quantity of wash and of spirit in store.(2)The quantity of spirit remaining in stork in each cask, vat or other receptacle shall be shown under Clause (e) Sub-rule (1).(3)Such accounts shall be open at all times to inspection by the officer-in-charge, the Superintendent, the Deputy Commissioner or the Commissioner, or any other Excise Officer authorised for the purpose by the Collector.

### **13. Samples of spirit for chemical examination and its cost.**

- Samples of materials used in distilleries for the manufacture of spirit and of spirit manufactured therefrom shall be sent to the Chemical Examiner for examination once in July and again in December, and at other times if required and the cost of despatch of the samples and also the prescribed fee for the examination shall be paid by the distiller.

### **14. Use of fire or naked light prohibited in distillery.**

- The use of fire or of naked lights of any description in any room within the distillery or the warehouse in which spirit is manufactured, received, stored, issued or otherwise handled, is prohibited.(2)Naked lights may, if necessary, be used in the laboratories attached to distilleries, provided such laboratories are quite separate, and at least 10 meters apart from rooms mentioned in Sub-rule (1).

### **15. Relevant instructions in Technical Excise Manual to be allowed.**

- With regard to further details of procedure relating to working in a distillery, the instructions at Chapters V to XI in the Technical Excise Manual prepared by Lt, Col. C. H. Bedford, so far as may be relevant, shall be followed.

## **Part III – Duty on spirit and recovery of dues, etc.**

### **16. Stock-taking and calculation of duty on wastage or deficiency of spirit.**

(1)An account shall be taken of the distiller's stock of spirit by the Superintendent at least once every quarter.

#### **16A. [ [Inserted vide O.G. No. 2 Part-III, dated, 12.1.1996, B. & O. Notification No. 8630, dated, 27.12.1995.]**

(1)Wastage allowance up to a maximum 2% (two per cent) of all spirit in the process of re-distillation of Rectified Spirit shall be allowed.](2)The distiller shall pay to the Government duty at the rate prescribed by the State Government under Section 27 of the Act, on all spirit which may not be forthcoming in the stock-taking mentioned in Sub-rule (1) and for which he is unable to account to the satisfaction of the Commissioner, in excess of a wastage allowance of 1½ per cent calculated on the number of proof litres passed into the store room.(3)Wastage for the purpose of collection of duty on the excess as aforesaid in Sub-rule (2) shall be calculated annually, that is, at the end of the year for which the licence is in force.(4)If it is proved to the satisfaction of the Commissioner, or such officer, as he may specify, that the deficiency or wastage, mentioned in Sub-rules (2) and (3), in excess of 1½ per cent has been caused by accident or other unavoidable cause, the payment of duty at the above rate on such deficiency shall not be required.

## **17. Duty on spirit under obscuration.**

(1) If any saccharine or other matter of such a nature as to obscure the indications of the hydrometer is introduced into spirit, duty shall be calculated on the quantity and strength of such spirit as ascertained before the introduction of such matter. (2) No allowance shall be made for wastage in such spirit to which saccharine or other matter is added, after such addition and before removal from the distillery. (3) All spirit referred to in Sub-rule (1) shall be kept in separate receptacle.

### **17A.**

[\* \* \*] [Deleted vide BOR Notification No. 6409 dated 1.10.1999.]

## **18. Recovery of dues from distiller.**

- Without prejudice to the procedure prescribed for recovery of dues by Section 93 of the Act, all sums due to Government may be recovered from the amount of deposit made by the distiller or by sale of the premises, stills, and other things pledged under the bond or the promissory notes mentioned in Rule 6.

## **19. Action to be taken by Commissioner on expiry of licence.**

- On termination of the licence, either on account of expiry of the term or on account of cancellation or suspension of the licence, the Commissioner can take over, or permit the distiller's successor to take the balance of liquor in the distillery at 20 per cent below the contract rate or may allow the distiller to remove all liquor remaining within the distillery on payment of full duty within a period of one month from the date of expiry of the licence for sale to licensed warehouses, and when in the latter case, the distiller fails to so remove the liquor, it shall be liable to forfeiture at the discretion of the Commissioner.

## **Part IV – Regulation of working in a distillery**

### **20. [ Operations in Distilleries, Bottling units and breweries : Payment of overtime fees, etc. [Substituted vide O.G.E.No. 1720 dated 7.12.2006.]**

(1) All operations in a distillery, bottling Unit, brewery, which require the presence of an Excise Officer shall be stopped, subject to the provisions of this rule, on Sundays, other public holidays and specially declared holidays. (2) The licensee of any distillery, bottling Unit or brewery shall also so arrange its operations that no Excise Officer or any of his employee need be on duty for more than eight hours per day which is prescribed as the scheduled hours of duty per shift. (3) If it becomes necessary for the licensee to run the second shift of 8 (eight) hours, then he can do so only with the prior permission of the Excise Commissioner, Orissa. (4) If the production unit will function more than one shift, additional staff shall be posted as would be determined by the Excise Commissioner in accordance with the provisions of Rule 34 of the Board's Excise Rules, 1965 and the cost of

establishment as prescribed under Sub-rule (2) of Rule 34 of the Board's Excise Rules, 1965 shall be borne by the Unit.(5)The Distillery brewery/bottling Unit will pay to the State Government Rs. 1,000 per each extra hour of operation of their bottling Unit/Warehouse beyond the scheduled hours as prescribed in Sub-rules (1) and (2) above, in addition to the overtime fees payable to the Excise Staff in pursuance of the provisions prescribed hereunder. The Officer-in-charge of the Unit shall deduct the amount due for each day of operation of the Unit beyond the Scheduled hours from the P.L. Account of the licensee. The Officer-in-charge shall submit a detailed report to the Superintendent of Excise of the district with copy thereof to the Excise Commissioner, Orissa at the end of the month indicating the work done and the number of hours engaged in the Unit beyond the scheduled hours of each occasion and the fee realized thereof, for a cross verification at the level of the Superintendent of Excise.(6)On Sundays/public holidays and special declared holidays, the Officer-in-charge will not be required to attend for conducting any operation in the Unit without a written requisition of the licensee and overtime fee besides the fee prescribed in Sub-rule (5), may be claimed and allowed for such attendance.(7)A licensee when requiring the presence of Officer-in-charge for operation of the distillery, brewery, bottling Unit beyond the scheduled hours prescribed in Sub-rule (5) or on holidays prescribed in Sub-rule (6), he shall submit a written requisition to the Officer-in-charge indicating the work to be done and the approximate time the work is likely to cover and the hour at which Officer-in-charge is required to attend. A copy of the requisition shall be kept by the licensee for future reference.(8)All claims for overtime work must be accompanied by a full statement of work done and the time occupied, stating the hour and minutes and by a copy of the requisition of the licensee for attendance.(9)No claim for overtime shall be paid by any Unit until it has been examined and passed by the Superintendent of Excise.(10)When an Officer attends on a requisition of the Unit made in accordance with the foregoing conditions, the minimum charges, whatever may be the time occupied shall be for one hour.(11)The fee to be charged for each hour of overtime work done shall be one seventh of a day's pay of the officer concerned.(12)The claim for fees passed by the superintendent of Excise shall be credited into the Treasury by the licensee and then redrawn on a bill passed by the Superintendent of Excise.]

## **21. Gauging of vats or casks.**

(1)For taking periodical stocks, the gauging of spirit in vats or casks may be done by diprod measurement, weighment of by such other method as may be prescribed by the Commissioner.(2)Whenever by bung-rod measurement the deficiency in any cask is found to be excessive, the whole contents of the cask shall be promptly measured by litre measures and the actual deficiency accurately ascertained.

## **22. Distiller to report on offences in distillery.**

(1)It shall be the duty of the distiller to bring any breach of the excise, opium and allied laws, or of any rules made thereunder, committed by any person in his employ to the notice of the officer-in-charge of the distillery who shall report the matter to the Superintendent, and the Superintendent shall apprise the Collector of it.(2)The distiller shall be bound to comply with the orders of the Collector passed on the report mentioned in Sub-rule (1).



## **23. Action by officer-in-charge against offenders in the distillery premises.**

- The officer-in-charge may expel for some or all times, from the premises of the distillery warehouse, any person whom he finds to have committed, or to be committing, or about to commit, any breach of the excise, opium and allied laws or rules made thereunder or who is intoxicated or disorderly; and any such action taken by such officer shall be immediately reported by him to his official superior for approval or further inquiry as may be considered necessary in each case by such official superior.

## **Part V – Manufacture of Foreign liquor**

### **24. Separate licence required for manufacture or compounding and blending etc., of foreign liquor.**

(1) Distillers who desire to manufacture foreign liquor for sale must apply for and obtain separate licences for the purpose in the same manner as specified in Rules 4 to 6 whether the spirit is manufactured in his own distillery or in premises owned by Government. (2) Manufacturers of foreign liquor must also take out separate compounding and bottling licences in accordance with the rules in Chapter III prior to taking up or conducting such operations. (3) All processes connected with bottling, flavouring, blending or colouring foreign liquor shall be conducted in a separate building within the distillery enclosure and according to the special rules on the subject in Chapter III.

## **Part VI – Appointment of Officers for distillery**

### **25. Posting of officers and staff.**

(1) The Commissioner shall appoint such officers and establishment as he thinks fit according to the type and nature of work to the charge of a distillery. (2) The Superintendent shall post constables to the distillery and transfer them at suitable intervals to executive work.

### **26. Quarters for officer and staff.**

(1) The distiller shall provide suitable rent-free quarters for the officer-in-charge and other establishment in close proximity to the distillery. (2) He shall also supply such office furniture as may be reasonably required for the use of the officer-in-charge within the distillery.

## **Part VII – Issue of spirit from distilleries and warehouses within or attached to distilleries**

## **27. Payment of duty on spirit for removal.**

(1) No spirit shall be removed from any distillery unless it has been gauged and proved by the officer-in-charge. (2) When spirit is removed on payment of duty, the gauging must be by actual measurement or by weighment and when it is removed under bond, the gauging may be by bung-rod.

## **28. Pass required for removal.**

(1) No spirit shall be removed except under a pass in the prescribed form granted by the officer-in-charge, but when spirit is sent to the Chemical Examiner for examination no pass will be necessary. (2) The pass mentioned in Sub-rule (1) shall be issued either on proof of full payment of duty or on proof of execution of bond by persons permitted to remove spirit under bond and may include any quantity up to the quantity covered by the duty paid or the bond executed. (3) The Collector may permit distillers or licensees to remove spirit from the distillery on account of advance deposits made towards payment of duty.

## **29. Issue of spirit-How made.**

- Issues may be made from the warehouse in or attached to the distillery under conditions specified below : (1) Foreign liquor (excluding denatured spirit and rectified spirit)-(a) to licensed vendors of foreign liquor; or (b) to any person for his personal consumption subject to restrictions prescribed in Chapter III of the Orissa Excise Rules, 1965 the rules in Part II of Chapter IX of these rules and the notification issued by the State Government under Section 19 of the Act. (2) Mritasanjibani in its varying names or Ma-ul-laham to persons licensed to sell medicated wines. (3) Country spirit, subject to Rules 30 and 31, to persons licensed to sell such spirit and permitted by the Commissioner to obtain supply from the distillery. (4) Denatured spirit, to persons holding licences for sale of such spirit or for the use of such spirit in business, such as, repair or production of inedible industrial or commercial goods or of any article other than those containing or composed of food, foodstuffs, drinks or beverages intended for human consumption either internally as medicine or in any other way. (5) Rectified spirit (i.e., spirit of a strength higher than 50 O.P. to which no flavouring or colouring matter has been added)-(a) to a chemist or druggist requiring such spirit for the manufacture of drugs, medicines or chemicals, and holding a permit from the Collector to obtain such spirit from the distillery or warehouse; or (b) to a chemist or druggist licensed to sell such spirit by retail for medicinal, industrial or scientific purposes and holding a pass from the Collector to obtain such spirit from the distillery or warehouse ; or (c) to a person holding a licence for compounding and blending foreign liquor ; or (d) to a person requiring such spirit for industrial purposes in the process of manufacture of any article except those which, if imported from outside India, would on such importation be liable to spirit duty under the Indian Tariff Act, 1934 (Act 32 of 1934), and holding a permit from the Collector to obtain such spirit free of duty from the distillery or warehouses.

### 30. Special rules for issue of country spirit.

(1) Issue of country spirit may be made only from the warehouse within or attached to the distillery and only such strengths as may be prescribed under Section 5 for retail sale. (2) The rules in Chapter VI relating to warehouses for country spirit outside a distillery shall apply to all operations in a warehouse in or attached to the distillery, so far as they are relevant.

### 31. Minimum quantity for issue of country spirit.

- The quantity of country spirit to be removed from the distillery to any excise warehouse or depot shall not generally be less than 225 L. P., but issues of country spirit may be made from the warehouse in or attached to the distillery in any quantity not less than five litres.

### 32. Allowances for transit wastage of spirit.

(1) An allowance at a rate not exceeding in any case the appropriate maximum specified in the table below, shall be made for the loss in transit by leakage or evaporation of spirit which is transported or exported in metal vessels only under bond by land, the period of transit meaning to include the day of arrival in the receiving warehouse but not the day of despatch:

Maximum quantities of allowance Period of transit (1)	Percentage of wastage allowed (2)
(a) For a journey of not greater duration than five days	0.5 per cent
(b) For a journey of duration exceeding five but not exceeding twenty days	1.0 per cent per day of the journey
(c) For a journey of duration exceeding twenty days	2.0 per cent

Provided that if, in any case, the temperature of the spirit on arrival at its destination is found to be lower than that when despatched, a further allowance shall be made, if necessary, of 0.05 per cent for every degree of difference between the temperatures. (2) If the report of the officer by whom a consignment of spirit, transported or exported by land under bond or duty, free has been gauged and proved on arrival at its destination, shows that wastage to a greater extent than the appropriate allowance specified in Sub-rule (1) has occurred, the distiller or the warehouse-keeper, as the case may be, on receipt of an intimation to the effect from the said officer shall pay forthwith the duty at the highest rate for the time being in force on country spirit in any place through which the said consignment has passed, or so much of the deficiency as is in excess of the above allowances : Provided that, if it shall be proved to the satisfaction of the Commissioner that such deficiency has been caused by accident or other unavoidable cause, the duty levied on such deficiency shall be refunded, and in any case, the Commissioner's decision shall be final. (3) The wastages referred to in this rule shall be determined by deducting from the quantity of spirit despatched, the quantity received at the destination, both quantities being stated in terms of L. P. litres, and the percentage shall be calculated on the quantity of spirit contained on despatch in each cask or other receptacle comprised in a consignment. (4) When duty is levied on any deficiency of spirit occurring in transit it shall be realised by the Collector of the district in which the distillery or the warehouse from which

the spirit was despatched is situated.

## **Chapter III**

### **Part I**

Warehousing, compounding and blending or bottling of potable foreign liquor for the purpose of sale-to-trade

#### **33. Conditions relating to the operations.**

(1) Potable foreign liquors other than wines and fermented liquors shall not be—(a) compounded, blended or reduced, or (b) bottled, or (c) stored in a bonded warehouse of a non-bonded warehouse or a store-room, as the case may be, for sale-to-trade except under a licence granted in this behalf under Sub-section (2) of Section 22 by the Collector. (2) Licences under Clauses (a) and (b) of Sub-rule (1) shall not be granted to a person unless he holds a licence under Clause (c) for sale to trade of foreign liquor. (3) Except in the manner provided for in these rules, potable foreign liquor referred to in Sub-rule (1) shall not be stored either in shape of bottles or in bulk, or compounded, blended, reduced, bottled in a warehouse or store-room in bond and issued or sold therefrom otherwise than in the presence of an Excise Officer appointed under Rule 34.

#### **34. Appointment of staff for supervision and payment of fees.**

(1) The Commissioner shall determine and appoint the Excise Officer and staff necessary for the proper supervision of the operations carried on in each warehouse or store-room mentioned in Sub-rule (3) of Rule 33. [Provided that if any Unit will function with the prior approval of the Excise Commissioner for more than one shift [i.e. 8 (eight) hours], additional staff shall be posted as would be determined by the Excise Commissioner and the cost of establishment of the officer and staff including the additional staff, as prescribed in Sub-rule (2), shall be borne by the Unit.] [Inserted vide O.G.E.No. 1720 dated 7.12.2006.] (2) The licensee shall pay to the State Government the fees for maintaining a warehouse and for conducting the operations referred to in Sub-rule (1) at the rates prescribed for each in Chapter VIII of these rules, at the time of obtaining the licence and at the end of each calendar month pay such fees as may be determined from time to time by the Commissioner, which shall not exceed in amount the whole of the cost of the excise staff employed for the purpose of this rule.

## **Part II – Requirements before and after grant of licence**

#### **35. Particulars required from licensee and his responsibilities.**

(1) Any person when applying for a licence under Clause (a) or Clause (b) or Clause (c) of Sub-rule (1), Rule 33 shall furnish the following particulars, namely : (a) the place at which and the premises in which the operation or operations will be carried on; (b) the nature of the operations to be carried

on;(c)the approximate number of days in a week or month for which the operation or operations will be carried on ; and(d)a detailed plan of the warehouse or store-room, as the case may be, showing therein the different rooms or compartments and all the permanent fixtures, the plan being submitted in triplicate in the case of a warehouse and in duplicate in case of a storeroom outside bond.(e)[ Non-Refundable application fee of Rs. 50,000/- (Rupees Fifty thousand) only in shape of Bank Draft/Treasury Challan shall be accompanied with the application for grant of licence for Brewery, Bottling Units, Distillery, etc. [Inserted vide BOR Notification No. 2511-LVII-70/06-2511/Ex. dated 15.04.2006, O.G.E. No. 593 dated, 3.5.2006.]Similarly, Non-Refundable application fee of Rs. 10,000/- (Rupees ten thousand) only in shape of Bank Draft/Treasury Challan shall also be accompanied with the application for renewal of licence of Brewery, Distillery, Bottling Units etc.](2)No addition or alterations within such warehouse or store-room shall be made without the previous approval in writing of the Collector.(3)The approved storeroom shall consist of at least one room for the storage of foreign liquor and the carrying on of the operation referred to in Sub-rule (1) of Rule 33, and the bonded foreign liquor warehouse shall consist of at least two rooms or compartments, one for the storage of spirit in bulk as well as for carrying on of the operations, and another for the storage of finished products.(4)All the rooms or compartments in the warehouse or store room shall be well ventilated and have their grills embedded in cement, and the windows shall be securely barred with bars embedded in cement and they shall be wire-netted, the net having a mesh of not more than 2.5 centimetres.(5)Every room or compartment shall bear on the outside a board on which shall be legibly painted in oil-colour the purpose for which the room or compartment is set apart.(6)The warehouse or store-room at well as each of the rooms and compartments therein shall remain under double lock, one of the licensee and the other supplied by the Collector to the officer-in-charge of the warehouse or the store-room, the duplicate key of the latter being deposited in the Treasury.

### **36. Grant of licence.**

- If the Collector is satisfied on inquiry that the applicant is a fit person to hold the required licence and the promises in which such person proposes to carry on the said operation of operations are suitable, he shall grant the licence to such person under previous approval of the Commissioner.

#### **36A. [ [Added vide Orissa Gazette Notification No. 1483-Ex./10.4.1990.]**

The licence under Rule 36 may be granted for a period of 5 years subject to renewal by the Excise Commissioner every year on payment of the prescribed licence fee.]

### **37. Requirements to be met by licensee.**

(1)In case of warehouse in bond, the licensee shall provide, free residential quarter for the officer-in-charge and staff, near the warehouse or store-room, an in all cases, he shall provide suitable office accommodation with sanitary arrangements for such officer within the warehouse or store room and also supply such furniture and other articles tor his use as may be considered reasonable by the Superintendent.(2)The State Government shall not be held responsible for an loss or damage by theft, fire or any other cause whatsoever occurring to any spirit in the warehouse or

storeroom.(3)For each day's operation or operations a 72 hours' previous notice (exclusive of Sundays and holidays) shall be given by the licensee to the officer-in-charge.(4)All colouring and flavouring substances to be used by the licensee shall be kept in the warehouse or store-room and no such substance shall be used unless the Chemical Examiner appointed by the State Government as a sample thereof and approved the same as suitable for the compounding of foreign liquor.(5)The cost of despatching samples for chemical examination and of the chemical examination shall be borne by the licensee.(6)Only pure filtered water shall be used for the purpose of education of foreign liquor from a higher to a lower strength.(7)In the process of compounding and blending of brandy, whisky, gin and rum in Orissa, no spirit except British spirit, or India-made spirit or Scotch whisky or French brandy shall be used.

## **Part III – Receipt and disposal of foreign liquor**

### **38. Procedure for receipt and disposal of foreign liquor.**

(1)Foreign liquor to be stored for sale-to-trade or to be bottled or used for compounding and blending shall be transported in bulk under cover of a pass or chalan from a Custom House, a distillery or a bonded warehouse direct to the licensed warehouse or store room and for foreign liquor to be bottled or used for blending every receptacle containing such liquor shall, bear a label showing clearly the name and the strength of the liquor, the place of manufacture, and the date of removal, as the case may be, from the Custom-House, distillery or bounded warehouse.(2)Foreign liquor shall not be compounded, blended, reduced or bottled unless an account of its strength and quantity has been taken by the officer in-charge of the warehouse or store-room.(3)Duty shall be assessed and realised on proof strength as ascertained from the bulk and strength before liquor is sold, or compounded, and blended or bottled at the rates specified under Section 27.(4)The whole of the contents of a cask, where casks are used, shall be bottled in one operation and as soon as the bottling is over the officer-in-charge shall ascertain the quantity bottled and record in the concerned register the fullage and wastage.(5)The grant of rebate or refund of duty which shall have been previously laid on account of deficiencies in the operation mentioned in Sub-rule (4) up to a maximum limit of 2 per cent will be considered by the Commissioner on application made by the licensee through the Collector at the end of each quarter.(6)The bottles to be used for the purpose of bottling foreign liquor shall be properly cleansed and washed first with a solution of potassium permanganate and then with pure water and shall finally be rinsed with a quantity of the liquor to be bottled therein.(7)[(i) The Officer-in-charge shall, without prior notice to the licensee, take sample in duplicate, of not less than 750 M.L. from the I.M.F.L. of different categories like Whisky, Rum, Brandy and Gin bottled for chemical analysis and declaration of true strength and obscuration from each batch of I.M.F.L. manufactured.(ii)If the strength, reported by the Chemical Examiner is more than 2 per cent proof degree that the strength declared by the manufacturer on the labels pasted on each bottle, the manufacturer shall pay the differential duty and a penalty at the rate of 10 (ten) times the difference in duty but not exceeding Rs. 25,000.(iii)If such differences are found to occur frequently the Excise Commissioner may order lot the cancellation of the licence held by the manufacturer.(iv)Samples of finished products may also be taken at any time by the Excise Commissioner and such other Excise Officer authorised by the Excise Commissioner in this behalf.(v)The officer-in-charge shall carefully pack and forward sample from each batch of India

Made Foreign Liquor manufactured of different categories for chemical analysis and keep the duplicate sample under lock and key in his custody until receipt of Chemical Examiner's reports or required by the Chemical Examiners to replace, the previous sample.(vi)The Officer-in-charge shall take samples in presence of the licensee or his authorised agent and affix his seal and record the batch number on the label and sign on it.](8)[ Alcoholic strength of the Foreign Liquor which shall be bottled shall conform to the following standards :

Name of the Foreign Liquor		Sikes Degrees (Proof Strength)	
(1)		(2)	
(1) SPIRIT -			
(i)	Whisky, Rum, Vodka and Brandy made from India made Spirit	...	75 Degrees and above.
(ii)	Gin made from India made Spirit	...	65 Degrees and above
(iii)	Brandy made from imported Grade Spirit	...	70.1 Degrees and above
(iv)	Whisky, Gin, Rum and Vodka made from Imported Spirit	...	71 Degrees and above
(2) LIQUOR-			
(i)	Liquor, Liquor Cordial, Mixtures	...	60 Degrees or below
(3) WINE-			
(i)	Table Wines such as Red, White, Rose, Sparkling and Still,from imported base and India made base	...	12.3-24.5 Degrees
(ii)	Fortified Wines such as Port, Sherry, Madeira, etc. made from imported base	...	31.5-36.8 Degrees
(iii)	Fortified Wines from India made base	...	40 Degrees or below
(iv)	Vermouths and Aperitifs from imported and India made base	...	28.0-35.1 Degrees
(4) BEER-			
(i)	Mild	...	Upto 4.5% V/V
(ii)	Strong/Super Strong	...	

Above  
4.5% V/V]

[Substituted vide O.G. No. 25, Part-III-A, dated, 5.7.1996.](9)Immediately after the bottles have been filled up after bottling they shall be corked, capsuled to prevent tampering and labelled and removed to the store-room for bottled liquor and a distinct serial number to be known as the batch number shall be assigned to each bottling operation, the number being noted on the label of each bottle of the batch.(10)The capsule, if it is metallic, shall be firmly fixed in position by a capsuling machine or any other suitable appliance and if of paper it shall be gummed over the cork and the neck of the bottle.(11)[The capsule shall bear inscription showing either the name of the distiller, compounder, blender, bottler or brewer of the Foreign Liquor, as the case may be, or the brand name or both, and not any other inscription.] [Substituted vide Orissa Gazette Part III-A No. 24 of 1996, dated, 28.6.1996.](12)Bottles shall be packed as soon as a bottling operation is completed and each package shall contain a dozen or multiple of a dozen of litres and the bottles in each package shall be of uniform size.(13)The officer-in-charge shall satisfy himself that the proper number of bottles are placed in each case and shall see that the packed cases are closed at once and fastened.(13A)[ After the operations under Sub-rule (13) is over, the licensee shall pay a fee at the rate of Rupee one per Bulk Litre as Blending and Bottling fee and the bottled I.M.F.L. shall thereafter be removed to the approved warehouse or store room.] [Inserted vide Notification No. 3191-EX-/21.5.1992.](14)After each bottling operation the premises shall be cleaned to the satisfaction of the officer-in-charge.

### **39. Removal of foreign liquor.**

(1)The licensee shall remove all bottled liquor from an approved store-room within three months after it is bottled.(2)No liquor shall be removed or sold from a warehouse or storeroom except under a pass granted by the officer-in-charge.

### **39A. [ Added vide Notification No. 5429/12.11.1991.]**

(1)For identification of the stock of I.M.F.L./Beer at a glance and to facilitate easy entry to the retailers in pursuance of Sub-rule (ii), the licensee shall make necessary arrangements at entering chronologically according to date of manufacture date of receipt of the stock in the bonded warehouse.(2)Issue from them and shall be made in order of priority according to the date at manufacture/date of receipt/or otherwise, as the case may be, with a view to avoiding sedimentation and deterioration at quality.(3)The Bond Officer shall maintain a separate register and keep a record of the stock received in the consignment showing quality at each brand along with place of Import/Batch No./year at manufacture date of Receipt/date of Disposal etc.(4)The Bond Officer shall affix a proforma slip prominently on each case pack of I.M.F.L. /Beer as to the following giving the details as under Sub-rule (11) of Rule 39-A.Proforma Slip(a)Name and address of the Bond(b)Category of Stock(c)Details of Brand(d)Where from imported(e)Details of Import/Export permit with year/No. and date(f)Year of Manufacture(g)Batch No.(h)Date of receipt in the Bond(i)Last date due for disposal (3 Months)(5)The licensee shall place indent and import of I.M.F.L./Beer keeping in view the marketability of the stock intended to be imported and also the provisions under Sub-rule (VI) and under Clause (b) of Sub-rule (vii) of Rule 39-A.(6)The licensees



shall remove all liquor from the bond for the sale-to-trade within three months all it is stored.(7)The Superintendent of Excise shall be careful while issuing import and transport permits with a view to voiding unnecessary piling up of huge stock which may lead to sedimentation and deterioration in quality if not disposed of in time and shall observe the following principles:(a)The licensee may be allowed to indent for fresh stock of I.M.F.L. and Beer keeping in view the marketability of the new stock in reasonable time with due observance of provisions under Sub-rule (VI).(b)If any stock of I.M.F.L./ Beer stored under Rule 33 (c) becomes unfit for human consumption owing to long storage or for other factors the licensee shall be squarely responsible and shall be liable to pay fine equal to five times the duty payable to the Government on the stock so spoiled.(c)When any stock is found unfit for human consumption on Chemical Examination, the same shall be destroyed in the manner as provided under Rule 135.]

#### **40. Licensee to maintain accounts.**

- Correct accounts of all liquors for compounding, blending and bottling and of colouring and flavouring substances in the warehouse or store-room shall be maintained by the licensee in the manner as may be specified by the Commissioner and the said accounts shall remain in the custody of the officer-in-charge who shall check them at the end of each day's work and shall produce them for inspection by his official superiors.

#### **41. Other rules applicable to warehouse or store-room for foreign liquor.**

- Rules 6 to 10, 16 to 19, 21 to 25, 27 to 29 and Rule 32 in Chapter II relating to working in distilleries and warehouse within or attached to the distilleries and the rules in Chapter VI relating to warehouses for country spirit outside distilleries shall apply to the work and functions relating to receipt, storing, compounding and blending, reducing, bottling, issue, or sale of foreign liquor in or from a warehouse or a store-room in bond so far as the said rules may be relevant and not inconsistent with the rules in this Chapter.[Part-IV [Inserted vide O.G. No. 24, Part III-A, dated, 28.6.1996.] Issue of Permit for use of Label on Bottles Containing Foreign Liquor Manufactured in India

#### **41A.**

(1)No foreign liquor which has been manufactured within Orissa in the manner prescribed in Part III above or foreign liquor which has been manufactured outside the State in India by licensed manufactures and allowed to be imported into the State, shall be stored in any warehouse or sale-to-trade premises or any retail or any other licensee's premises for the purpose of sale unless and until the brand name under which and the label with which it is to be sold has been approved by the Excise Commissioner, Orissa and a permit by the Excise Commissioner, Orissa and a permit has been granted by him authorising sale under such brand name and with such label.(2)The manufacture shall, after the bottles are filled, corked and capsuled, affix on each bottle a Label approved by the Excise Commissioner for the purpose of affixing such label. The labels shall contain such particulars as may be prescribed by the Board from time to time.

**3. (a) The manufacturers licences to manufacture foreign liquor within the State shall apply for approval of brands and labels and for issue of permit to use such brandname and label directly to the Excise Commissioner, Orissa. The manufacturers licenced to manufacturer foreign liquor outside Orissa shall apply to Excise Commissioner, Orissa for approval of the brands and labels and for issue of permit through their respective Excise Authority of the State.**

(b) Applications for approval for a new brand name of foreign liquor mentioned at Sub-rule (1) and the labels corresponding to it, shall be made to the Excise Commissioner, Orissa, at least two months prior to its sale or offer for sale; but the application for renewal of approval of existing brand and label shall be made to the Excise Commissioner, Orissa, within the last working day of the months of February each year. (c) [The Manufacturer licenced to manufacture Foreign Liquor within the State and outside the State of Orissa besides 750 ml., 375 ml, 180 ml. and 90 ml. may also manufacture I.M.F.L. and bottle in quantities of 60 ml. and 1000 ml. size for sale only in I.M.F.L. OFF shops. They shall have to apply for approval of the registration of the brands and labels for sale to trade inside the State of Orissa.] [Substituted vide Notification No. 3171-Ex., dated, 4.5.2005, O.G.E. No. 839 dated 24.5.2005.]

**4. All applications for approval of brands and labels and renewals of such brands and labels and for issue of permit shall be accompanied by such fees as may be notified by the Board from time to time.**

**5. (a) The Excise Commissioner, Orissa before approval of Brands and labels and issue of permit, shall make such enquiries as deemed necessary and may also require samples of the liquor to be chemically examined before such approval to ensure that the liquor meets required standard;**

(b) The correct and up to date record of all Brands and labels which are approved or whose approval is renewed from time to time shall be maintained by the Excise Commissioner, Orissa. (c) The list of Brands which are approved by the Excise Commissioner, Orissa up to 28th of February every year shall be published by him within 31st March following and offered for sale at such price as may be fixed by the Excise Commissioner.

**6. The Excise Commissioner, Orissa may refuse approval of brand and label if he is not satisfied.**

(a) in the case of foreign liquor bottled in India, that the bottler whose name is stated in the application holds a valid licence from the Government or any State or Union Territory in India to distill, compound, blend or bottle spirits or brew beer, and (b) in the case of foreign liquor brought into India from any foreign country and bottled in India, that the brand name under which or the

label with which it is proposed to be sold in distinguishable from other brand names or labels which have already been approved or whose approval has already been applied for :Provided that while refusing to approve a particular or brand the Excise Commissioner, Orissa will state reasons to be recorded in writing and such refusal shall be made after giving the affected party a reasonable opportunity of being heard.

**7. The permit which has been once issued shall remain valid until 31st of March next**

**8. A permit already issued may be withdrawn at any time by the Excise Commissioner for reasons to be recorded in writing and after giving the affected party reasonable opportunity of being heard.**

**41B.**

(1)No foreign liquor shall be stored by any whole-sale, retail or other licensee (except Military Canteens), for purpose of sale unless the labels of foreign liquor which are intended for sale have been notified to the Collector and permit obtained from loan for such storage.(2)The permit once issued shall remain valid till 31st March next(3)While applying for issue of permit for storage of foreign liquor the licensee shall pay such fees as may be notified by the Board from time to time.(4)The list of foreign liquor for which permit has been issued may be amended from time to time on payment of fee for each additional item.Provided that there shall be no refunds in case of deletions of any item during the year.

**41C.**

In case of foreign liquor brought into India from any foreign country for the purpose, of storage for sale, the manufacturing Company, through their office situated in India or through agents stationed in India, shall prove to the satisfaction of the Excise Commissioner, Orissa, that the distiller, compounder, blender, bottler or brewer of the foreign liquor has been duly registered in that foreign country and if satisfied, the Excise Commissioner may approve the label of such foreign liquor which will remain in force for 5 years at a time in Orissa for the time of first registration and permit may be granted for that period on payment of prescribed fees, renewals shall be allowed for five years at a time subject to payment of fees as may be prescribed.] [Substituted vide Orissa Gazette Notification No. 2709-Ex./9.5.1991.]

## **Chapter IV**

### **Part I**

Licensing and regulation of Breweries

## **42. Requirements from the brewer before grant of licence.**

(1) Any person intending to brew liquor for sale as beer, shall submit to the Commissioner through the Collector a description in writing, signed by himself, of all premises, rooms, places and vessels intended to be used in the brewing operations and sale of beer specifying the purpose for which each is to be used and the distinguishing mark of each. (2) Before the licence to brew is granted, an Excise Officer authorised by the Commissioner shall inspect the premises and vessels, etc., check the correctness of the particulars stated in the written description mentioned in Sub-rule (1) and report to the Collector on his such checking. (3) If the written description mentioned in Sub-rule (1) is correct and found satisfactory and if the applicant is considered a fit person to receive a licence, the Collector will grant the licence in the prescribed form to the applicant with the prior approval of the Commissioner.

## **Part II – Arrangement of vessels and maintenance of accounts, etc.**

### **43. Marking and placement of vessels.**

(1) On the outer side of the door of every room and place for brewing operations and sale, and, on some conspicuous part of each of the aforesaid vessels, there shall be legibly painted in oil colour the name of the vessel, utensil, room or place according to the purpose for which it is intended to be used and if more than one vessel is used for the same purpose, each such vessel shall be distinguished by a progressive number. (2) Mash tuns, underbacks, coppers and collecting and fermenting vessels shall be so placed and fixed that the contents can be accurately gauged and measured. (3) The name and number of each vessel shall be legibly painted in oil colour at a conspicuous part thereof, according to the purpose for which it is intended to be used. (4) The brewer shall not alter the shape, position or capacity of any vessel without giving two days' previous notice in writing to the Excise Officer mentioned in Sub-rule (2) of Rule 42.

### **44. Procedure for maintaining accounts and for inspection.**

(1) The brewer shall enter correctly in the brewing book at least twenty-four hours before beginning to mash any malt, etc., or to dissolve any sugar—(a) the day and hour of brewing, with the date of making the entry; (b) at least two, hours before the time entered for mashing or dissolving, the quantity of malt and unmarred corn, rice, ricegrits, flaked rice, maize grits, flaked maize, separately; (c) other similar preparations and quantity of sugar to be used; and (d) the hour when all the worts will be drawn off, the grain in the mash tun. (2) The brewer shall also enter in the brewing book the quantity and specific gravity before fermentation of the worts collected, the number and description of the vessel or vessels in which the worts were collected, and the date and hour when the entry is made and such entry must be made within one hour after the collection has been completed. (3) The brewer shall enter the true original gravity of the worts, and at all times keep the book on the licensed premises accessible to the Excise Officer mentioned in Sub-rule (2) of Rule 42 or to any Excise Officer superior in rank to such Excise Officer for inspection. (4) The brewing book

shall be the property of the Government.(5)In the brewing book, the brewer shall not cancel, obliterate or alter any entry, or make an entry which is incorrect in any respect.

## **Part III – Mode of working and materials for use**

### **45. Time and manner of removal of worts or produce.**

(1)All worts shall be removed successively and in the order of brewing specified in Chapter XIII of the Technical Excise Manual prepared by Lt. Col. C. H. Bedford, to the under back, coppers, coolers and collecting or fermenting vessels, and shall not be removed from the last named vessels until an account shall have been taken by the officer, or until after the expiration of twelve hours from the time at which the worts are collected.(2)All the produce of a brewing shall be collected in the collecting or fermenting vessels within twelve hours from the time when the work commences running into the collecting or fermenting vessel.(3)The total produce of a brewing shall be kept separate from the produce of any other brewing for sixteen hours, unless an account of such total produce has been taken by the officer.(4)No produce of any brewing shall be mixed with that of any other brewing except in the store vats or casks, unless the brewer has given previous notice in writing in the brewing book and specifies in writing the quantity and gravity of the worts when mixed.

### **46. Scales and weights.**

- Every brewer shall provide and maintain the required scales and weights and render assistance to the Excise Officer mentioned in Sub-rule (2) of Rule 42 and any Inspecting officer in taking account.

### **47. Allowance for wastage or for spoilt beer.**

(1)An allowance of 10 per cent of the monthly total of the charges shall be made on account of wastage and no duty shall be levied on such percentage of wastage.(2)Written application shall be made by the licensee to the Collector for any allowance for sour or spoilt beer.

### **48. Procedure for granting the allowance.**

- There must be satisfactory evidence to enable the Collector to decide whether the beer reported to be sour or spoilt can be properly identified and if the Collector is satisfied on this point he will sanction the destruction of the beer in an officer's presence subject to the following conditions :  
(i)the brewer shall sign a declaration that the beer was brewed by him and had never let his premises and that no part of it consists of "bottoms" or "returns" from vendors or other customers;(ii)representative samples shall be taken and sent to such laboratory for analysis and report as the Commissioner may decide upon; and(iii)the officer, mentioned in Sub-rule (2) of Rule 42 shall state the means by which he checked the bulk, quantity, and after samples have been taken under Clause (ii) he must witness the destruction of the beer and record a note of the fact in the brewing book.

## **49. Refund of duty paid on sour or spoilt beer.**

- If on receipt of the reports of analysis from the laboratory the Commissioner is satisfied that refund is justifiable, he shall pass orders for refund the proportionate duty to the brewer and inform the Collector to effect the refund.

## **50. Materials for use.**

(1)The Commissioner may prohibit the use of any material in the manufacture of beer which, in his opinion, or on analysis by the Chemical Examiner is considered to be of a deleterious nature.(2)The Excise Officer mentioned in Sub-rule (2) of Rule 42 or any Excise Officer superior in rank to him may take, without payments, for the purpose of analysis, samples not exceeding one litre of any beer or material used in the manufacture thereof.

# **Chapter V**

## **Part I**

Denaturation of spirit

## **51. Denaturing substances, their chemical examination and use.**

(1)"Denatured spirit" shall include methylated spirit.(2)Only the following substances or agents may, as specified in these rules, be used as denaturants :(i)"Caoutchoucine" which is made by the slow dry distillation of waste vulcanised rubber, and "light caoutchoucine" made by the redistillation of this liquid which process has the effect of removing certain smoke-causing and otherwise objectionable ingredients and by collecting that portion of the redistilled liquid which passes over at or below the temperature of about 200 degrees Centigrade;(ii)"Pyridine bases" which are made chiefly from the distillation of Coalter or shale and are mixtures of Pyridine with closely allied compounds boiling at various temperatures and must be of guaranteed mineral origin;(iii)Pyridine proper is a single definite compound  $C_5 : H_5 : N$  boiling at 100 degrees Centigrade and the use of Pyridine from animal sources is strictly prohibited in denaturation of spirit ;(iv)"Woodnaptha" or "Mineral naptha" which means inflammable oil distilled from coal, etc.:(v)"Special denaturants" are as mentioned in the formulae for denaturing alcohol prepared by the Standing Technical Committee in the Development Wing of the Ministry of Commerce and Industry, Ministry of Finance (Department of Revenue), Government of India ;(vi)Special denaturants are used in certain industries where the general denaturants are unsuitable for use and the use of special denaturants may be permitted under special sanction of the Board in consideration of each case according to specific requirements and subject to general regulations intended to safeguard the interest of revenue in the matter;(vii)Each denaturant shall be submitted for test by the Chemical Examiner for the purpose of analysing its chemical compounds and to ascertain and report whether it is fit for being used as a denaturant.

## **52. Purpose of denaturation.**

(1)The purpose of denaturing spirit or alcohol by admixture of denaturants is to render the mixture fit for purposes of scientific, mechanical or commercial work, art and manufacture and unfit for human consumption whether as a beverage or internally as medicine or in any other way.(2)The denaturants shall be procured by and at the expense of the person licensed to denature spirit and the expenses for their examination by the Chemical Examiner for purposes referred to at Sub-rule (1) shall also be borne by such person.

## **Part II – Licensing and procedure of working**

### **53. Grant of licence for denaturation.**

(1)Spirit may be denatured only under a licence issued by the Collector and only at a distillery or an excise bonded warehouse.(2)Only the spirit which is manufactured in the distillery where the denaturing is to take place or the spirit which is imported from another State in India under bond in accordance with the rules for the import of foreign liquor of a strength not less than 50 O. P. or of such other strength as may be fixed in any particular case by the Government for use in particular arts and manufactures, may be denatured.(3)A licence granted for denaturation of spirit at a distillery may specify the maximum quantity of spirit manufactured in the distillery which may be denatured in any one month.

### **54. Placement of vessels and procedure for denaturation.**

(1)Denaturing shall be conducted, and the stock of denatured spirit be kept in a separate building or room, within the distillery or warehouse premises as approved by the Commissioner.(2)In the room set apart for denaturation of spirit, vat or vats shall be placed, properly gauged, tabulated and painted with chocolate colour and then used to denature spirit.(3)To smaller vessels with manholes cut in the top and fitted with discharge cocks, one painted black for storage of caoutchocine or woodnaphtha and the other painted white for the storage of pyridine, shall be placed and treated in the manner as specified in Sub-rule (2).(4)Similar arrangements with necessary modifications shall be made if the use of special denaturants is permitted.(5)The name of the liquor for which each vessel is intended, and the markings and the descriptions as specified in Rule 55 shall be painted on it in prominent letters.(6)On no account shall any vessel be used for any purpose other than that for which it is ostensibly set apart.(7)No spirit shall be issued for denaturation or placed in the denaturing vats unless a proper quantity of denaturants has been provided and the officer-in-charge of the distillery or the warehouse where denaturation is conducted is present.(8)A denaturing vat shall be exempted of all denatured spirit before any undenatured spirit is put in it.(9)When put as under Sub-rule (8) and as soon as the surface of the undenatured spirit has come to rest, it should be gauged and proved by the officer-in-charge, and denaturants from the vessels referred to in Sub-rules (3) and (4), as necessary, added to it in the proportion as prescribed in the formulae of the Standing Technical Committee referred to in Sub-rule (2) of Rule 51 and as may be specified in the licence according to the said formulae, in the presence of the officer-in-charge and of the licensee or

his agent, and the admixture thoroughly stirred in their presence with a proper stirring implement.(10)On the expiration of 24 hours after the work under Sub-rule (9), the contents of the vat so treated shall again be gauged and thoroughly stirred in the presence of the officer-in-charge.

## 55. Painting and labelling of denatured spirit vessels.

- All vessels in or from which denatured spirit is manufactured, stored, supplied, or issued shall be legibly painted, branded or labelled in red, and bear picture of skull and cross bones as indicated below with the words Denatured Spirit and their use on any vessel containing spirit to which denaturants have not been added, is strictly forbidden.

	tgj
fMuspj fLifV~	POISON NOT TO BE TAKEN INTERNALLY
DENATURED SPIRIT	[kcjnkj bldk fiuk [krjukd gS

## 56. Drawing and chemical examination of denatured spirit.

- The officer-in-charge shall immediately after the gauging and stirring mentioned in Sub-rule (10) of Rule 54, draw two samples from the vat and despatch the same at the cost of manufacturer to the Chemical Examiner with an advice on and a reference to the purpose mentioned in Sub-rule (1) of Rule 52 relating to the denaturants used and a statement signed by the officer-in-charge indicating the manner and proportion in which the denaturants have been admixed.

## 57. When is denaturation completed.

(1)Spirit can be said to be denatured and, in the case of spirit originally imported under bond, the bond can be treated as released, only after the Chemical Examiner has declared it to be unfit for human consumption whether as a beverage or internally as a medicine or in any other way.(2)If the Chemical Examiner's report be otherwise, stating that the spirit has not been thoroughly denatured or is still fit for human consumption in any manner, the spirit may, if the licensee so desires be further mixed with denaturants and treated in the manner specified in Rules 54 to 56, or duty shall be levied on such spirit at the rate prescribed under Section 27 for the kind of spirit as the one to which the spirit not thoroughly denatured may be declared to belong by the Chemical Examiner in his said report, or subsequently on further reference for the purpose from the Collector and after such realisation of duty the said spirit shall be issued under orders of the Collector, as such kind of spirit which it is so declared to be.

## 58. Issue of denatured spirit.

- Denatured spirit may be issued from a distillery or warehouse only in quantities exceeding five litres at a time and only on the production of-(i)a pass granted by the Collector in case of transport within the(ii)a pass granted by the Collector of that district to which the denatured spirit is to be transported or exported.



## **59. Conditions for issue of denatured spirit.**

(1) Spirit, which has been treated in the manner prescribed in Rule 54 and of which samples have been sent to Chemical Examiner in the manner prescribed in Rule 56 shall not be issued, except under special sanction of the Commissioner or of the Collector under special or general authority of the Commissioner, until the report of the Chemical Examiner is received certifying that the spirit has been perfectly denatured and rendered unfit for human consumption whether as a beverage or internally as a medicine or in any other way. (2) If prior to the receipt of the Chemical Examiner's report any denatured spirit is issued in the manner specified in Sub-rule (1), the holder of the licence shall execute a bond in favour of the Collector guaranteeing payment of duty at the full rate prescribed for potable foreign spirit on the total quantity of the denatured spirit so issued ; and if the Chemical Examiner's report indicates that such denatured spirit has not been rendered actually and effectually unfit for human consumption whether as beverage or internally as medicine or in any other way whatsoever, the holder of the licence shall pay the duty at the said rate on the said quantity.

## **60. Penalty for alteration or manipulation to undenatured spirit fit for human consumption.**

- If any denatured spirit in any consignment or at any other place is in any way altered or manipulated at any stage by any process of addition or extraction by any person, rendering such denatured spirit fit for human consumption in any manner, such person, besides being otherwise punishable under the Act, shall be liable to pay the duty on the total quantity of the said spirit at the full rate prescribed by the State Government under Section 27 of the Act for potable foreign liquor.

## **61. Licences for sale or possession of denatured spirit.**

(1) Licences for sale of denatured spirit may be granted by the Collector to approved persons only. (2) Licences for sale of denatured spirit shall not be granted to vendors of potable spirit. (3) The holder of a licence for retail sale of denatured spirit shall not possess more than 270 litres of such spirit at a time. (4) The holder of a licence for wholesale sale of denatured spirit may possess such spirit up to any quantity within the promises licensed for the purpose. (5) Licences for possession of denatured spirit for business purposes, in excess of the quantity fixed as the limit of a retail sale under Section 5 may be issued only to varnish makers, carpenters, chemists and others who may require such spirit in large quantities for their business : Provided that the quantity authorised for possession in each case shall be specified in the licence by the Collector.

## **62. Manner prescribed for storing by licensee.**

(1) The room where denatured spirit may be stored by persons licensed under Sub-rule (3) of Rule 61 or by persons licensed under Sub-rule (4) of the said rule shall be built of unflammable materials : Provided that the Collector may, at his discretion relax this rule in favour of persons holding licences for retail sale, who may store denatured spirit in tightly stoppered bottles only and in total

quantities less than 45 litres at a time.(2)In all cases, the room wherein denatured spirit is stored shall be well ventilated so as to prevent the accumulation of spirit fumes, and no naked lights nor fire shall be used or kept in such room.(3)All receptacles containing denatured spirit shall be kept tightly closed so as to prevent accumulation of spirit fumes in the room.

## Chapter VI

### Part I

Warehouse for country spirit outside distilleries

#### **63. Establishment, grant of licence and supply of spirit to warehouse.**

(1)One or more than one warehouses for wholesale supply of country spirit to retail vendors in any area at the expense of Government or of the wholesale licensee selected under Sub-rule (2) may be sanctioned by the Board under Section 22 at suitable and convenient places preferably in the proximity of a treasury or sub-treasury.(2)When it becomes necessary under Sub-rule (1) to establish one or more than one warehouse outside or away from a distillery, for wholesale supply of country spirit to retail vendors in any area, whether with or without opening a distillery for the purpose, a person to whom the licence for such wholesale supply from one or more than one warehouse is granted under Sub-section (2) of Section 22, shall be selected in the same manner as specified in Rules 4 to 6 in Chapter II relating to grant of licence for supply of spirit from a warehouse within a distillery, so far as they may be relevant.(3)Ordinarily, a warehouse should be constructed by the distiller or the wholesale licensee for the warehouse, but when it is not so constructed and the warehouse is located in a Government building, the licensees selected under Sub-rule (2) shall pay the rent for such building, at such rate as may be fixed for the purpose by the Public Works Department.(4)Supply of spirit to the warehouse from source or sources specified under Sub-rule (2) shall be the responsibility of the distiller or the wholesale licensee to whom a licence has been granted under the said sub-rule.(5)On account of factors mentioned in Sub-rule (3) of Rule 74 or on failure of the distiller or the wholesale licensee concerned to supply spirit to the warehouse, the Commissioner or the Collector shall be competent to allow spirit to be received into such warehouse from a source or sources other than the source authorised at the time of grant of licence under Sub-rule (2).(6)A consignment of spirit to a warehouse shall be imported or transported, as the case may be, under bond and at the sole risk and responsibility of the distiller or the wholesale licensee concerned, and the bond shall be released only after the spirit is taken into stock in the warehouse after being duly gauged and proved by the officer-in-charge of the warehouse and after the duty on the excess deficiency, if any, occurring during transit in the quantity of the spirit so imported or transported has been realised.(7)Allowance for any deficiency in the quantity of spirit during transit mentioned in Sub-rule (6) shall be regulated by Rule 32 in Chapter II.(8)Every warehouse licensed under Sub-rule (2) shall be in-charge of a Sub-Inspector who along with the Constables to assist him shall be posted by the Superintendent of the district in which such warehouse is situated.

#### **64. Minimum stock to be maintained in warehouse.**

(1) It shall be the duty of the licensee to always keep such minimum stock of spirit in the warehouse as the Collector may fix at the beginning of the year or at the time of granting the licence. (2) If and whenever the stock of spirit falls below the minimum prescribed under Sub-rule (1), the licensee shall forthwith replenish the stock up to the prescribed minimum at the least and in default of his so doing within the period to be fixed by the Collector either by a general or special order duly intimated to the said licensee, the Collector may procure the quantity of spirit required from any source he may think fit to restore the said minimum stock. (3) The licensee shall be liable to pay to the Collector on demand any excess in the cost of the spirit procured by the Collector under Sub-rule (2) over the price realised by the sale thereof, together with the cost of transit and a penalty that may extend to the amount of duty on the spirit actually required to restore the minimum stock including the compensation for any loss that may fall on Government in consequence of such procurement.

#### **65. Tickets to be used on vats and casks.**

- All casks or vats in a warehouse containing spirit must bear tickets showing the quantity and strength of the spirit received, stored, blended or reduced therein and the same particulars on the spirit issued from time to time from such casks or vats.

### **Part II – Receipt and storing of spirit**

#### **66. Procedure for receipt of spirit.**

(1) Spirit intended for a warehouse must be conveyed in sound and watertight casks, the exact capacity of which must be branded or carved thereon. [Provided that Country Spirit in such strength and capacity as may be determined by the Excise Commissioner shall be packed in polythene sachets or bottles in manufacturer's warehouse and sealed therein and on supply, such sachets for bottles shall be stored in Corporation's Warehouses/Depots for issue to retailers : Provided further that each sealed sachet or bottle shall be checked by the Officer in-charge/Corporation Officer and if any such sachet or bottle is found to be leaking, its issue shall be held up and such sachets or bottles shall be sent back for repacking so as to prevent leakage : Provided also that such leaked country spirit shall be collected in clean bottles both at the manufacturer's warehouses as well as Corporation Warehouses/Depot : Provided also that the Country Spirit in sachets shall expire after 45 days of packing and thereafter be destroyed in the presence of an excise officer not below the rank of Superintendent of Excise ; Provided also that the Excise Commissioner shall determine the period after which the country spirit in bottle shall expire and the mode of disposal of such expired spirit : Provided also that samples of polythene sachets or bottles shall be placed in closed envelope which shall bear the personal seal of the officer-in-charge : Provided also that issue/movement of sacheted or bottled country liquor from manufacturing point to Corporation shall be made on the strength of a pass to be issued by the concerned Superintendent of Excise.] [Substituted vide BOR Notification No. LXVI-75/2001-6823/Ex. dated 30.7.2001, O.G. No. 34 dated 24.8.2001.] (1) [(a) No country spirit which has been manufactured within the State of Orissa in the manner prescribed

under Rule 66 (1) shall be stored in the manufacturer's warehouse and supply to the Orissa State Beverages Corporation for the purpose of sale until and unless labels to be printed on the sachets/ bottles have been approved by the Excise Commissioner and permit has been granted by him authorising sale of country liquor in such sachets/ bottles. The labels shall contain such particular as may be prescribed by the Excise Commissioner from time to time.

**2. (B) The manufacturers licensed to Manufacture Country Spirit in sachets/bottles within the State of Orissa shall apply for approval of the labels and for issue of permits to use such labels directly to the Excise Commissioner, Orissa.**

**2. (C) In case of renewal of labels the manufacturer shall submit application within the last working day of the month of February each year.**

**2. (D) Application for approval of labels and for issue of permit shall be accompanied by such fees as may be notified by the Board from time to time.**

**3. (a) The Excise Commissioner, Orissa before approval of labels and issue of permit shall make such enquiries as deemed necessary and may also required samples of the Country Spirit to be chemically examined before such approval to ensure that the Country Spirit meet the requirement as per Rule.**

**3. (b) The list of label which are approved by the Excise Commissioner, Orissa shall be published within the 31st March following offered for sale.**

**3. (c) The Excise Commissioner, Orissa may refuse approval of labels if he is not satisfied :**

Provided that while refusing to approve the labels the Excise Commissioner will state the reasons to be recorded in writing and such refusal shall be made after giving reasonable opportunity to the affected party being heard.

**3. (d) The permit once issued shall remain valid upto the 31st March next year.**

**3. (e) A permit issued may be withdrawn at any time by the Excise Commissioner for reasons to be recorded in writing and after giving the affected party reasonable opportunity of being heard.**

**3. (f) Particulars to be printed on labels -**

**1. Name of the Manufacturer**

**2. Place of Manufacture**

**3. Month and date of Manufacture**

**4. Quantity**

**5. Batch No.**

**6. Serial No.**

**7. Date of expiry**

**8. Alcohol strength**

**9. For sale of Orissa (Oriya and English)**

**10. Statutory warning (Drinking of liquor is injurious to health)**

**11. Any other information required by Indian Law.**

**4. No country spirit in sacheted/bottles shall be sold by the retail vendors/kept in the licensed premises unless the said sacheted/bottled country spirit labels are permitted by the Excise Commissioner, Orissa.] [Inserted vide BOR Notification No. 8005-Ex. dated 22.9.2001, O.G.No. 42 dated 19.10.2001.]**

(2) Soon after the receipt of a consignment at the warehouse, the officer-in-charge shall, for verification of the consignment, open the vessels and measure by bungrod, or weight, if weighing machine has been provided and test the strength of the spirit in each vessel in the consignment. (3) If on verification of the consignment by the officer-in charge and on comparison of the result with the copy of the pass covering the consignment any excessive deficiency is found to occur in any vessel, the whole contents of the cask shall be measured by litre measures, and the actual deficiency ascertained. (4) The officer-in-charge shall then note the results in the concerned registers and also on the pass covering the consignment return one copy of the pass with the entries of receipt immediately to the officer who issued the consignment, and retain the other copy with entries thereon in the warehouse.

## **67. Quality of spirit to be supplied.**

(1) All spirit supplied to a [manufacturer's] [Inserted vide BOR Notification No. LXVI-75/2001-6823/Ex. dated 30.7.2001, O.G.No. 34 dated 24.8.2001.] warehouse shall be of good quality and correspond with the sample approved by the Commissioner. (2) If any spirit supplied be found by the officer-in-charge to be unfit for human consumption, he shall stop the issue of such spirit and submit a sample of such spirit with a detailed report to the Superintendent for transmission to the Commissioner who may direct the action to be taken in the matter or order the destruction of such spirit and in any case orders of the Commissioner shall be final.

## **68. Storing of spirit.**

(1) Spirit supplied to a [manufacturer's] [Inserted vide BOR Notification No. LXVI-75/2001-6823/Ex. dated 30.7.2001, O.G.No. 34 dated 24.8.2001.] warehouse shall be stored in casks, vats or iron tanks which shall be furnished by the licensee along with all other appliances which may be required for the safe and proper storing, blending, reducing or issue of spirit and the cost of storing, blending or reducing the spirit shall also be borne by such licensee. (2) Vats or tanks must be of such make, design, number and capacity and set up in such manner as the Commissioner may, by general or special order, direct.

## **Part III – Issue of spirit**

### **69. Working days and hours in a warehouse for issue of spirit.**

- [(1) The working days for a Corporation warehouse/depot shall be prescribed by the Corporation Officer considering the need of the retailers in consultation with the Superintendent of Excise. The warehouse/depot shall open for 8 hours and issue of spirit to retailers shall be made on repayment of duty and cost price. There will be no issue of country spirit to retailers after sunset or 6 P.M. whichever is earlier. Any change in working days shall be notified to all concerned one month prior to such changes.] [Substituted vide BOR Notification No. LXVI-75/2001-6823/Ex. dated 30.7.2001.] (2) The warehouses shall remain open for 8 hours on the working days and issues of spirit shall be given in the order in which vendors present chalans or money-order receipts showing payment of duty and cost price and produce their transit casks or drums ready. (3) Ordinarily 2 p.m. shall be the latest hour for presentation of chalan or money-order receipt; but the Superintendent may fix any other hour in consideration of local conditions : [Provided that no spirit collected in the receiver/I.M.F.L. or Beer bottled shall be transferred or conveyed into the Storeroom/Warehouse between 10 P.M. to 6 A.M. Provided further that no spirit/I.M.F.L./Beer shall be issued from the Storeroom/Warehouse after Sunset or 6 P.M.] [Substituted vide O.G.E.No. 1720 dated 7.12.2006.] (4) Any change in the working days shall be notified one month before the change and intimated to all concerned officers for communication to the licensee and all retail vendors.

## **70. Pass required for issue of spirit.**

- No spirit shall be issued from the [manufacturer's] [Inserted vide BOR Notification No. LXVI-75/2001-6823/Ex. dated 30.7.2001, O.G.No. 34 dated 24.8.2001.] warehouse except under a pass in the prescribed form granted by the officer-in-charge of the Warehouse :Provided that no pass shall be required for any sample of spirit sent with the report or written authority of the officer-in charge, or of any other officer specially authorised in this behalf by the Collector, to the Chemical Examiner or to an Excise Officer superior in rank to Inspector for examination.

## **71. Special issue of spirit.**

- Special issue of spirit on non-working days shall be made only under written orders of the Superintendent [or Corporation Officer] [Substituted vide O.G.E.No. 1720 dated 7.12.2006.] passed on the application of any retail vendor for this purpose and on payment of a fee of rupees two by such vendor.

## **72. Procedure for issuing sample bottles.**

- The officer-in-charge shall issue two sealed sample bottles [in case of loose supply two sealed packets in case of sacheted C.S. and two sealed bottles in case of bottled country spirit] [Inserted vide BOR Notification No. LXVI-75/2001-6823/Ex. dated 30.7.2001, O.G.No. 34 dated 24.8.2001.] sealed in his presence, out of each kind of liquor issued to retail licensees and the bottles [polythene sachets and sealed bottles] [Inserted vide BOR Notification. No. 2300/1993.] shall be sealed by the following method;(1)the cork shall be driven in flush with the top of the bottle and should be tied down before the cork is sealed.(2)the knot of the tying twine shall be put on the top of the cork and under the seal ;(3)a sufficient quantity of shellac shall be melted in a bowl, and while the shellac is in a liquid state, the mouth of the bottle up to about 25 millimetres of its neck shall be immersed in it and the bottle manually revolved a few times while so immersed ;(4)the bottle shall then be withdrawn, the personal seal of the officer-in-charge impressed on the liquid shellac sticking to the cork aid the ingress allowed to cool.

## **73. Reduction of spirit.**

(1)Reduction of spirit of high strength to the strength or strengths prescribed for issue shall be made according to instructions for the purpose in the Technical Excise Manual prepared by Lt. Col.C.H. Bedford.(2)Restriction on change in the source of retail vendors-The receptacle in which spirit is reduced by the addition of water shall be emptied before the operation is commenced and the wastage on account of reduction shall be calculated and noted after the spirit is reduced.

## **74.**

[(1) Retail vendors shall take their supplies of spirit in sealed polythene sachets or bottles from the corporation warehouse which is established for the area in which the retail shops are situated.]

[Substituted vide BOR Notification No. LXVI-75/2001 -6823/Ex. dated 30.7.2001, O.G.No. 34 dated 24.8.2001.](2)For special reasons the Collector may permit retail vendors to take their supply of spirit from any other warehouse owned or managed by the same licensee who owned or managed the warehouse mentioned in Sub-rule (1).(3)The source of supply shall not be allowed to be changed during the course of the financial year unless a necessity arises owing to flood or such other unforeseen factors, and when such necessity arises, the statistics of supply made from the ware-house mentioned in Sub-rule (1) shall be sent to the new source of supply by the officer-in-charge [or Corporation Officer] [Inserted vide BOR Notification No. LXVI-75/2001 -6823/Ex. dated 30.7.2001, O.G.No. 34 dated 24.8.2001.] of the said warehouse.(4)[ The samples,of polythene sachets/bottles, shall be placed in closed wrapper. The closed wrapper shall bear the personal seal of the officer-in-charge of the warehouse] [Inserted vide BOR Notification. No. 2300/1993.].

## **75. Procedure for issue of spirit to retail vendors.**

(1)The minimum quantity of spirit to be issued to a retail vendor at any one time shall be five litres.(2)[ A retail vendor desiring to obtain a supply of spirit from a Corporation warehouse/depot shall pay the duty leviable on the country spirit and cost price by way of Bank Draft/Pay Order of a nationalised bank payable to the Corporation.] [Substituted vide BOR Notification No. LXVI-75/2001 -6823/Ex. dated 30.7.2001, O.G.No. 34 dated 24.8.2001.]

## **76. [ Payment of duty, etc. and issue of pass. [Substituted vide BOR Notification No. LXVI-75/2001 -6823/Ex. dated 30.7.2001, O.G.No. 34 dated 24.8.2001.]**

- When duty and cost price has been paid by a retail licensee and the application for country spirit alongwith bank draft/pay order showing payment of duty and cost price are submitted before the Corporation Officer, the latter shall make necessary entry in his register and issue the required quantity of country spirit under a pass to be issued by the Excise Officer-in-charge posted to such Corporation Warehouse/Depot.]

## **77. Ledger account of wholesale supplier.**

(1)Under orders of the Collector, a licensee holding a licence for any duty-paid depot of country spirit in his area of contract may credit into the treasury or sub-treasury money in lump-sum amounts from time to time on account of duty on spirit to be issued from the warehouse and a ledger account shall then be kept by the Collector and by the officer-in-charge of the warehouse from which liquor is issued to the depot.(2)The account shall be dealt with according to Sub-rule (2) of Rule 83 and balanced after each transaction in issue of spirit from the warehouse.



## **Part IV – Duties of officers and of the licensee**

### **78. [ Duties of the officer-in-charge. [Substituted vide BOR Notification No. LXVI-75/2001-6823/Ex. dated 30.7.2001, O.G.No. 34 dated 24.8.2001.]**

- The Officer-in-charge/Corporation Officer of the Corporation warehouse/depot shall ensure that no spirit is issued to any vendor in excess of the quantity for which duty and cost price payable has been paid through bank draft/pay order. The Corporation Officer/ Officer-in-charge shall maintain correct account of the Country Spirit received in sachets or bottles and also shall maintain a register each showing issue to individual vendor. The Corporation Officer/Officer-in-charge shall ensure that Country Spirit in sachets or bottles are issued on first come first go basis and based on date of manufacture.]

### **79. [ Action and responsibility in case of excess wastage. [Substituted vide BOR Notification No. LXVI-75/2001-6823/Ex. dated 30.7.2001, O.G.No. 34 dated 24.8.2001.]**

- If the wastage in respect of any such country spirit in polythene sachets or bottles received in the Corporation warehouse/depot exceed 1/2% on the number of proof litres of the quantity stored therein, the matter shall be enquired by a Corporation Officer higher in rank to the Corporation Officer-in-charge and appropriate action shall be taken for such excess loss.(2)The Corporation shall be responsible for excess wastage, if any, found to occur for any negligence on the part of any officer working on its behalf.]

### **80. Duties of the distillers' or wholesale suppliers' agents.**

- The following shall be the duties of the distillers' or the wholesale licensees' agents attached to the bonded spirit warehouses-(1)The agents should have a thorough knowledge of warehouse work and should keep regular and correct accounts of stock, receipt, reduction, blending, issue, and wastage of spirit independently.(2)They should arrange to take delivery of consignments of spirit immediately on their arrival at the railway station or at any other place of receipt, as necessary, and to transport the same to the warehouses without delay.(3)They should make necessary arrangements for the examination and storage by the officer-in-charge of the spirit received in the consignments and see that the spirit is racked into the store vats without delay.(4)They should see that the plants, e.g., all receptacles, pumps and weighing machines are kept perfectly clean and in proper working order and in case of any defect in these plants, which cannot be repaired or remedied locally, they should promptly report the matter to the licensee, keeping a copy of the letter in their file to show that they have taken due action.(5)They should reduce and bland spirit under the supervision of the officer-in-charge and see that proper quantities of water and spirit are added and the mixture thoroughly stirred before gauging and proving and that accurate strengths of spirit are noted in the concerned register.(6)If there is any difference of opinion in the matter mentioned in Clause (5) between the officer-in-charge and an agent, the opinion of the former shall prevail and accounts written accordingly but the agent should note in the remarks column of his register what he

considered to be the correct strength.(7)Sample of the spirit, the strength of which is under question shall be kept in two sealed bottles and intimation of such difference of opinion given at once to the Superintendent who will depute the Inspector or himself visit the warehouse as early as possible and make inquiries for suitable action in the matter and against the person at fault.(8)If in addition to Government locks the agents keep their own locks on the warehouse they should punctually attend and open the warehouse, during working hours or whenever required by the officer-in-charge and remain present so long as the warehouse is open.(9)They should arrange to keep the warehouse and their surroundings neat and tidy at all times.(10)They should see that quantities of spirit for which passes have been issued by the officer-in-charge are accurately measured out to the vendors and the strengths are, as nearly as possible, equal to those prescribed by the Board, maximum variation of actual issue strength being 0-3 degree proof where hydrometer is marked in one-tenth of a degree, or 0-4 degree where hydrometer is marked in one-fifth of a degree.(11)They are not to write out or to make any entries in the registers maintained by the officer-in-charge.(12)The agents should make suitable arrangement for coolies required at the warehouse for purpose of receipt, storing, reduction, blending and issue of liquor to the retail vendors.(13)The agents should, on each occasion examine all pipe connections before leaving the warehouse, and again when the warehouse is opened during the working hours, with a view to satisfy themselves that the joints and flanges are in tact.(14)They should under no circumstances, leave the warehouse without closing the taps opened earlier to supply water for purpose of reduction.

## **81. Other rules applicable.**

- Rules in Chapter II relating to prohibition of naked lights or fire inside a warehouse and relating to regulation of working in a warehouse shall, mutatis mutandis and so far as they are not inconsistent with the rules in this Chapter, apply to the warehouse outside or away from distilleries.

## **82. to 87.**

[\* \* \*] [Part V of Chapter VI containing Rules 82 to 87 deleted vide BOR Notification No. LXVI-75/2001-6823/Ex. dated 30.7.2001, O.G.No. 34 dated 24.8.2001.]Chapter-VII Part ICultivation, manufacture and warehousing of hemp

## **88. Preliminary.**

(1)Ganja may be cultivated and manufactured only under a licence granted by the Collector after prior approval of the Commissioner.(2)No licence fee shall be charged, but the licensee shall have to pay the entire cost of establishment of the excise staff entertained for guarding the field and for supervising the cultivation and manufacture of Ganja including double the travelling allowances of such staff to cover the cost of their joining the field and returning after the manufacture is over.

## **89. Procedure for grant of licence.**

(1)When the Commissioner considers that the cultivation and manufacture of Ganja is necessary, he

shall issue a notice calling on persons interested in the cultivations and manufacture of Ganja in the districts specified in the said notice to submit tenders therefor.(2)Tenders in sealed covers superscribed Tender for cultivation and manufacture of Ganja shall be submitted to the Commissioner within such period as may be specified in the notice.(3)The application shall be enclosed with a map of the area showing the name of the locality and plot or survey numbers of the field in the scale adopted for the preparation of village maps in the locality or in such scale as may be specified in the notice. The map shall be prepared on tracing paper in duplicate and the applicant shall simultaneously forward one copy of the map to the Collector of the district.(4)The applicant should not forward a copy of his application to the Collector. He shall forward the duplicate of the map with the endorsement that the map pertains to the area intended to be applied to the cultivation of Ganja and that the tender application has been submitted separately to the Commissioner.(5)The tender application shall contain the following particulars, namely:-(i)the plot or survey numbers of the land proposed for cultivation of Ganja, its area, the village, post office, police-station and district in or under which it is situate;(ii)the name and address of the landowner and his relationship with the applicant;(iii)name, address and solvency of the applicant;(iv)details showing facilities of communication to the field during the monsoons and fair weather ; and(v)the yield of Ganja expected from the field and the cost price per quintal on delivery at the central warehouse or such other place as may be specified in the notice.(6)The Collector shall, on receipt of the map and the endorsement of the applicant, enquire into his antecedents, solvency, rights in the land proposed to be applied to the cultivation of Ganja, facilities of communication to the field during the monsoons and fair weather, and shall submit a report to the Commissioner on these points as well as on the advisability of entrusting the cultivation of Ganja to the applicant. The Collector shall ensure that his report reaches the Commissioner sufficiently before the date fixed or opening of the tender.(7)The Commissioner shall, on receipt of the sealed tender, open the same on the date and at the place specified in the notice. The applicants or their authorised agents may be present when the tenders are opened. The Commissioner may, however, for reasons to be recorded in writing, fix another date and place for opening the sealed tenders. The applicants or their authorised agents may be present at the place and on the date so fixed.(8)The Commissioner shall then proceed to select the applicants and approve of the area to be applied to the cultivation of Ganja and the rates at which Ganja shall be supplied to the Central Ganja-Gola or such other place as may have been specified in the notice. The area approved shall be described in acres and decimals. The Commissioner will be competent to fix different rates of cost price for different areas.(9)The Commissioner shall then direct the Collector of the district to issue, on or before such date as he may indicate, a licence in Form H.D 1-A to the selected cultivator on payment by him of an advance calculated at Rs. 200 per acre of the area selected for cultivation of Ganja and on his execution of the agreement in Form No. G. L.2-A together with its Annexures.[Provided that no advance is to be taken and no agreement in Form G. L. 2-A shall be insisted upon from any Government Agency undertaking cultivation of Ganja in the State.] [Added vide Notification No. 6496/1. 10. 1982-Orissa Gazette Extraordinary No. 1620/8.11.1982.](10)The advance shall be credited into the Treasury and a copy of the chalan shall be submitted to the Collector by the selected cultivator prior to the issue of the licence. The advance shall be adjusted towards the cost at the time of payment of the cost price of Ganja.(11)[ The selected cultivator shall furnish cash security to the extent of Rs. 30,000 (rupees thirty thousand) or such other sums as the Commissioner may, for reasons to be recorded in writing, determine and shall execute the surety bond in the form

prescribed in Annexure II to Form G. L. 2-A. He shall also furnish two personal sureties for a sum of Rs. 30,000 each and the selector shall ensure prior to the grant of the licence, that the form prescribed in Annexure I to Form No. G. L. 2-A is duly filled in.] [Substituted vide Orissa Gazette Extraordinary No. 355/1981.][Provided that no cash security or surety bond is to be furnished by any Government agency undertaking cultivation of Ganja in the State] [Added vide Notification. No. 6496/1.10.1982.]

## **90. Report of cultivation to be furnished.**

- On receipt, of the licence from the Collector, the cultivator shall immediately take up cultivation and report the same to the Commissioner through the Collector before the 15th day of July. The Collector shall, while forwarding the report, indicate the staff required for guarding the field and supervising the operations.

## **91. Appointment of the staff.**

- The Commissioner shall, on receipt of the report of the Collector referred to in Rule 90, take steps for appointment of the staff considered necessary by him for guarding the field and supervising the operations. The Collector shall ensure that the staff report for duty in the field sufficiently before the commencement of the harvest.

## **92. Duties and responsibilities of the cultivator.**

(1)The cultivator shall maintain accounts showing the progress of cultivation and manufacture throughout the period of his licence. The accounts may be inspected by the Commissioner, the Collector and such other officer as may be authorised in this behalf by the Commissioner or the Collector.(2)He shall erect two parallel fences around the field, the outer fence being at least two metres high and securely built with bamboos and green hedge of thorns. The inner fence shall be at least 1.5 metres high and securely erected. The width between the outer and the inner fences should at least be 1.5 metres. A clear space of at least two metres shall be left between the inner fence and the last line of Ganja plants. The fences shall be maintained in good condition throughout to the satisfaction of the Superintendent of the district.(3)There shall be only one gate for entrance into and exit from the field unless the Collector considers more than one gate necessary.(4)If the cultivator fails to erect the fences or to do any other work enjoined on him by these rules or by the conditions of the licence in due time, the Collector, if he thinks fit, shall arrange to have all such work executed at the cost of the cultivator and such cost shall be, recovered from the cost/ price of Ganja payable to the cultivator.(5)He shall build watch-towers and light posts between the two lines of fences and at all corners around the field at a minimum distance of 50 metres from each other and the light posts and the watch-towers shall be so erected as to be clearly visible from inside and outside the fences. Lighting, with at least petromax lights, shall be arranged between 5.30 p. m. to 6 a. m. of the next day.(6)He shall intimate in writing, at least one week prior to the commencement of the harvest, the date thereof to the Superintendent.(7)He shall keep the Kharian neat and clean and shall engage adequate number of workers in the field and the Kharian from time to time as may be necessary for the work therein.(8)He shall appoint his agent or agents only under prior approval of

the Superintendent.(9)All articles of furniture and stationery as may reasonably be required for use in the office of the officer-in-charge shall be supplied by the cultivator.(10)The cultivator shall submit to the Collector before the 15th day of September a plan of the quarters to be built or provided by him in or in close proximity of the field for accommodation of the staff for guarding and supervising the operations in the field. He shall provide the said quarters before the 1st day of November strictly according to the plan as approved of by the Collector, and if the quarters are not so provided in time, these may be constructed or otherwise provided by the Collector at the cultivator's cost which will be recoverable from the cost price of Ganja payable to him.(11)The following articles shall also be supplied by the cultivator to the officer-in-charge one week before manufacturing operations commence.(i)one big and medium weighing scale and other accessories with weights ranging from one quintal to one gram;(ii)adequate number of steel trunks of uniform size obtained from the Central Ganja-Gola, Cuttack, or elsewhere, as may be specified by the Collector ; and(iii)metal sieves of suitable sizes.

### **93. Procedure for work in the field and Kharian.**

(1)All grass and weeds uprooted in the process of weeding and elimination of male Ganja plants from the field shall be destroyed by fire inside the field in the presence of the officer-in-charge of the field on the day of uprooting.(2)When the plants ripen and are fit for harvest, the officer-in-charge shall count them in the field and record the result of such counting in the relevant register. All Ganja plants cut for harvesting shall be counted at the time of cutting and be immediately conveyed in bundles to the Kharian under a permit in the prescribed form issued by the officer-in-charge.(3)All persons going into the field shall possess an admit card issued under the signature of the officer-in-charge of the field indicating the name, sex, age and address of the person and the nature of work to be performed by such person inside the field.(4)The admit card shall show the date of issue and shall be returned to the officer-in-charge after termination of each day's work for being reissued on the next day of work.(5)The admit card shall be duly checked by the sentry at the gate in the field. The sentry shall not allow anyone to go outside the field when another person enters into it.(6)The gates of the field and Kharian shall be kept closed and locked under double lock by the officer-in-charge and the cultivator at 6 p. m. daily and this shall be noted in the diary of the officer-in-charge and of the sentry. The gates shall not be opened thereafter till sunrise of the next day.(7)If, due to any emergency, it becomes necessary to open the gates after closure, the officer-in-charge shall record the fact and the reasons therefor in his diary and in the diary of the sentry,(8)The person and belongings of any person going out of the field or Kharian shall be thoroughly searched by the sentry on duty at the gate.(9)The officer-in-charge shall suitably arrange for the posting of the sentry at the gate during day and night and no sentry shall ordinarily be kept on duty at the gate for more than four hours at a time and not more than twice during a period of twenty-four hours. The officer-in-charge shall ensure that as far as possible, the sentry on duty, during the normal hour of ingress of the employees and workers is not posted during the normal hour of their exit.(10)The officer-in-charge shall arrange for frequent checking ground the field and at the Kharian at quick intervals by himself and also by the officers under him to ensure against theft or removal of Ganja from the field or the Kharian.(11)The officer-in-charge shall be responsible for the satisfactory work of his subordinates and shall promptly report to the Superintendent any case of delinquency or negligence of duty by the staff with details of each case.(12)No Assistant

Sub-Inspector or Constable working in the field shall be deputed on work outside the field without a command certificate signed by the officer-in-charge and a note thereof being kept in the diary of the said officer-in-charge.(13)The Kharian shall be constructed by the cultivator and located inside the field in close proximity to the gate.(14)It shall be stoutly fenced having only one gate. Arrangements to the satisfaction of the officer-in-charge shall be made to embed posts with suitable fixtures for lighting the enclosure with petromax lights. There shall be of least two such posts (one near the gate of the Kharian and the other inside its enclosure) and lighting arrangement shall be made from 5.30 p.m. to 6 a.m. of the next day.(15)The number of plants harvested from the field shall be verified on receipt in the Kharian and the result noted in the permit mentioned in Sub-rule (2) as well as in the relevant register. These plants whether or not fit for manufacture shall be accordingly indicated in the aforesaid permit and register.(16)After the plants fit for manufacture are dried in the sun and trampled by feet for elimination of leaves, the portions of the stem and twigs containing Ganja spikes shall be stripped off. These (the portions containing Ganja spikes) shall be bound up in fresh bundles for further processing, and each such bundle shall be affixed with a serial number and then weighed by the officer-in-charge. The serial number attached to each such bundle and its weight shall be recorded by the officer-in-charge in the relevant register. The bundles shall be weighed again by the officer-in-charge when, after further processing in the Kharian and after humification in the storeroom, they are next taken out of the storeroom for curing of the Ganja spikes, the result of such weighment being recorded by the officer-in-charge in the relevant register.(17)All Ganja refuse and Ganja dust collected in the field or Kharian shall be weighed and accounted for regularly in the relevant register from day to day by the officer-in-charge kept in store separately and produced before the Superintendent for destruction by fire in his presence from time to time.(18)No naked lights shall be used inside the Kharian or within a distance of six metres from the fencing of the Kharian until the stock of Ganja is despatched from the field.(19)All Ganja manufactured, after the curing mentioned in Sub-rule (16) during any day shall, within the course of that day, be carefully and thoroughly winnowed and cleaned by the cultivator for elimination of twigs and stalks and then weighed and taken to store by the officer-in-charge for storage, the result of such weighment being at the same time recorded by the said officer in the relevant register.(20)The accounts relating to manufacture shall be maintained by the officer-in-charge up to date in the registers which may be specified for the purpose.(21)All Ganja properly processed and fully manufactured as under Sub-rule (9) shall be transferred to the store-room inside the Kharian for storage. The storeroom shall be under double lock of the officer-in-charge and the cultivator.(22)The procedure for admission into and exit out of the field shall be followed for admitting any person into the Kharian.

#### **94. Despatch of manufactured Ganja to the Central Warehouse or Gola and adjudging Ganja.**

(1)The officer-in-charge shall immediately on completion of storage, inform the Superintendent who shall, on physical verification of the said stock, arrange or its despatch to the Central Warehouse or such other place as may have been determined by the Commissioner, on such date, by such means and under such escort as may be specified in that behalf by the Commissioner.(2)The entire stock of Ganja shall be weighed and then packed and sealed in the presence of the Superintendent, the officer-in-charge, and the cultivator or his agent, in steel trunks supplied by the Commissioner at

the cost of the cultivator and transported at the cost of the cultivator and under a pass in the prescribed form granted for the purpose by the officer-in-charge.(3)The Ganja received in the Central Warehouse or such other place as may have been specified by the Commissioner shall be examined by the Deputy Commissioner of Excise [and/or Additional Commissioner of Excise] [Inserted vide Orissa Gazette Extraordinary No 1620/8.11.1982.] who will be the Adjudging Officer for the purpose, such examination being made in the presence of the cultivator or his agent, and with the assistance of the Superintendent of Excise of the district.(4)An appeal against the order of the Adjudging Officer under Sub-rule (3) shall lie to the Commissioner when preferred by the cultivator within seven days from the date of such order.

## **95. Duties of the officer-in-charge.**

(1)The officer-in-charge shall also be responsible for strict and regular guarding of the field and supervision of the cultivation and manufacture therein to ensure that no Ganja is stolen from the field, or otherwise removed from the field except under Sub rule (2) of Rule 94.(2)The officer-in-charge of the field shall send weekly diaries every Sunday to the Superintendent indicating the progress of operations made in the field by the cultivator and any legitimate action taken by the officer-in-charge to improve or expedite the operations.(3)Separate reports shall be promptly submitted by the officer-in-charge to the Superintendent on any other matter of importance.(4)The accounts and the diaries maintained by the officer-in- charge shall be produced by him for inspection on demand by any superior officer.

## **Part II**

### **96. Manufacture of Bhang.**

(1)The leaves of the wild hemp plant (*Cannabis Sativa*) may be collected for the manufacture of Bhang in such area as may be fixed by the Commissioner and only under a licence granted by the Collector under prior approval of the Commissioner.(2)The rules in Part I of this Chapter shall mutatis mutandis apply to collection and manufacture of Bhang.

## **Part II – Warehouse or Gola for Ganja and Bhang**

### **97. Establishment of Central warehouse and appointment of staff.**

(1)When the Commissioner considers it necessary, he may establish one or more Central Warehouse for Ganja and/or Bhang being supplied therefrom to the district warehouses.(2)A warehouse established under Sub-rule (1) may be managed departmentally or by any person to whom a licence is granted for the purpose, with the approval of the Commissioner and subject to the provisions of Rules 99 and 100, by the Collector of the district within which the warehouse is situated.(3)In either case mentioned in Sub-rule (2) the warehouse shall be accommodated in a Government building selected for the purpose by the Commissioner or the Collector in close proximity of the Treasury at a district headquarters, and when managed by a person licensed for the purpose under the said

sub-rule, the rent of the building shall be paid by the person at a rate fixed by the Public Works Department.

## **98. Area of supply and rate of cost price.**

(1)The Commissioner shall specify the area to which Ganja and/or Bhang will be supplied from any particular Central warehouse.(2)The Commissioner shall fix the issue price of Ganja and/or Bhang at which these intoxicants shall be issued from a Central warehouse.

## **99. Procedure of working.**

(1)The Collector of the district wherein a departmentally managed Central warehouse is situated shall, unless otherwise directed by the Commissioner in any case, provide the said Central warehouse with the required sets of scales and weights, steel trunks, boxes and other equipments necessary for the receipt, storage and issue of Ganja and/or Bhang in and from the Central were-house.(2)The accounts and registers in a Central warehouse shall be maintained correctly by the officer-in-charge.(3)For purposes of the Act and the rules and orders made thereunder, and subject to specific provisions thereof a Central warehouse shall, unless otherwise directed by the Commissioner in any case, function under the control and supervision of the Collector mentioned in Sub-rule (1).(4)Percentage of dryage in Ganja and/or Bhang stored in a Central warehouse during any year shall not exceed 1.5 per cent of the total quantity stored during the year and for any dryage in excess of this limit, the responsibility for such excess dryage shall be fixed-(a)in case of departmental management, on the officer-in-charge; and(b)in case of management by a person licensed under Sub-rule (2) of Rule 97, on such person.(5)Any dryage in excess of the limit specified in Sub-rule (4) may be written off by the Commissioner, if he is satisfied that such dryage has occurred due to natural causes.(6)Rules in Chapter VI relating to regulation of working in a warehouse for country spirit shall, so far as may be relevant, apply to the same of a Centra! warehouse for Ganja and/or Bhang.

## **100. Conditions for grant of licence.**

- Before a licence is granted under Sub-rule (2) of Rule 97 to any person for management of a Central Warehouse the following conditions shall be satisfied namely:(1)The Commissioner shall issue notices in due time specifying, the type and types of Ganja which is or are to be received from the field or from any other source in the Central warehouse and is to be supplied therefrom to the district warehouses calling for tenders on or before a date fixed for the purpose from persons intending to so supply Ganja and/or Bhang.(2)Tenders in sealed covers superscribed Tender for supply of Ganja from the Central warehouse at 'shall be submitted' by registered post to the Collector of the district wherein such warehouse is situated, so as to reach him on or before the due date by the person of persons intending to so supply Ganja or Bhang.(3)The tender petition shall contain the following particulars:(i)Name, address, profession and solvency of the applicant;(ii)his previous experience in management of any such warehouse; and(iii)the rate of issue price at which he will be able to supply Ganja and/or Bhang from the Central warehouse to the district warehouses.(4)On receipt of the tenders, the Collector shall forward the tender a in the sealed



covers, with his remarks on the solvency and antecedents of the applicant, so as to reach the Commissioner before the date fixed by him for the purpose.(5)On receipt of the tenders, the Commissioner shall open the sealed covers in presence of each applicant or his, authorised agent, if he is present, and select the applicant he thinks fit.(6)If there be a single tender, the propriety of the rate of issue price quoted therein shall be examined or fresh tenders may, if possible, be invited after such examination, and if there be more than one tenders the lowest tender may be accepted subject to a consideration of the solvency and antecedents of the applicant in all cases.(7)The licenses shall provide the scales, weights, steel trunks, boxes and other equipments as may be required for the receipt, storage, and issue of Ganja and/or Bhang in and from the Central warehouse as well as the furniture and other articles to be used in office by the officer-in-charge.

## **101. Licensing and management of district warehouse.**

(1)District warehouses for supply of Ganja and/or Bhang to retail vendors in the respective districts may be established at any district or sub-divisional headquarters as may be considered necessary by the Collector under prior approval of the Commissioner.(2)The Collector shall grant the licence for a district warehouse, subject to the provision of Sub-rule (4).(3)Sub-rule (2) and Sub-rule (3) of Rule 97 and Rule 99 shall mutates mutandis apply to the district warehouses.(4)Mutatis mutandis, the conditions for grant of a licence for a Central warehouse as specified in Rule 100 shall apply to the same matter in respect of a district warehouse, and the powers of the Commissioner mentioned under the said rule shall be exercised in respect of a district warehouse by the Collector.(5)A Sub-Inspector as the officer-in-charge of a district warehouse and the constables to assist him there shall be posted to such warehouse by the Superintendent of the district.

## **Chapter VIII**

### **Part I**

Fees, conditions and restrictions on licences under the Act, settled by auction

## **102. Conditions and restrictions on grant of licences.**

- Licences for the retail, wholesale or sale-to-trade sale of an intoxicant under the Act or the rules thereunder shall be granted. Subject to the restrictions imposed in respect of retail sale. The privileges granted and the concessions made in those behalf by or under the Act or by the rules made under Section 89 and also to the conditions prescribed and, restrictions imposed in each case by these rules.

### **102A. [ [Inserted by O.G. No. 26, Part III-A, dated, 12.7.1996, Notification No. 5427 dated 3.7.1996.]**

No licence for Retail, Wholesale/or Sale to trade for any intoxicant shall be granted to any person, Company or Firm or their associates or family members of that person within the same district or

anywhere else in the State, if that person, Company or firm omits wilfully or otherwise, to renew his existing licence in terms and conditions generally prescribed for all or to obtain fresh licence on being successful in any settlement by tender-cum-auction or otherwise. Names of such defaulters shall be circulated by Collectors to all concerned at the earliest.]

### **103. Manner of fixation and realisation of fees.**

- [(1) The fees for licences for the retail vend of country spirit, fermented Tari, Pachwai, Ganja and Bhang shall be fixed by auction, subject to reserved fee sanctioned in each case by the Commissioner] [Substituted vide Notification No. 3779-X1V-7/67 Ex./26.9.1967.] :[Provided that the fees for licences for retail vend of any intoxicant in any specified area of the State as may be directed by the Board of Revenue may be fixed otherwise than by auction.] [Added vide Orissa Gazette Extraordinary No. 640 of 1970- Notification No. SRO 360/70/ 23.4.1970.](2)The fees for licences mentioned under Sub-rule (1) shall be paid in the manner specified below, namely :Two months' fees in advance and one month's fee on the date on which the currency of the licence begins and one month's fee on the 1st day of every succeeding month until the total fee due for the licence has been realised.(3)The fees for temporary licences for sale of intoxicants other than foreign liquor shall be fixed by auction and such fees shall be paid in advance.(4)In auctions held to fix fees for excise licences under Sub-rule (1) and under Sub-rule (3), the Presiding Officer may in his discretion refuse to accept the higher bid, if he considers such bid to be unreasonably speculative, or is likely to lead to malpractices, and when he does so, he shall record the reasons for such refusal at the appropriate place in the concerned register of bids.(5)[ Collector of a District may allow an Exclusive Privilege Holder of an Out Still Liquor shop to open up to a maximum of 10 (ten) Branch shops within the Exclusive Privilege area allotted to the shop on payment of a monthly licence fee of Rs. 5,000/- (Rupees five thousand) per Branch upto 5 (five) branches and Rs. 3,000/- (Rupees three thousand) per each of subsequent Branch shops, which shall be payable together with the monthly consideration money as determined for the shop, subject to such other stipulations that the Collector may like to fix in conformity with the provisions of the Act and Rules framed thereunder and other statutory Orders.] [Substituted vide O.G.E No. 781 dated 5.5.2007.]

### **103A. [ [Inserted vide BOR Notification No. 2852-Ex. dated 12.4.2004, OGE No. 603 dated, 29.4.2004.]**

The Exclusive privilege Holder of any I.M.F.L. 'OFF' shop in six major cities of Orissa, namely Cuttack, Bhubaneswar, Puri, Sambalpur, Rourkela and Berhampur, desirous of holding a Permit Room (where the customer can stand and drink) adjacent to his licensed premises may be permitted by the Collector to hold the same by taking a separate licence in Form No. F.L. 2(A), subject to payment of Rs. 1,00,000/- per annum payable in lump sum prior to grant of such licence for permit room :Provided that the Superintendent of Excise shall cause a personal enquiry on receipt of any such proposal from an Exclusive privilege Holder of a F.L. 'OFF' shop and shall satisfy himself that the permit Room adjacent to the licensed premises is suitable and free from objections, whereafter he shall propose the Collector for grant of permit Room in Form No. F.L. 2(A).]

## Part II – Fees, conditions and restrictions on licences under the Act, settled otherwise than by auction

### 104. Manner of fixation and realization of fees on licences for foreign liquor.

- [(1) Subject to restrictions, referred to in Rule 102, the annual licence fee for the Bonded Warehouse of the Manufacturing Companies shall be Rs. 5,00,000/- (Rupees five lakhs) per annum.] [Substituted vide BOR Notification No. 2495-Ex. dated 15.4.2006.](2)[ (a) The consolidated fee for compounding and blending of Foreign Liquor (Form No. F.L.13) shall be charged in the following scale :

Sl. No.	Production capacity (In proof litres)	Annual licence fee
(1)	(2)	(3)
1.	Upto 5,00,000	Rs. 4,00,000/-
2.	5,00,001 to 9,00,000	Rs. 5,00,000/-
3.	9,00,001 to 15,00,000	Rs. 9,00,000/-
4.	15,00,001 to 30,00,000	Rs. 14,00,000/-
5.	30,00,001 to 60,00,000	Rs. 19,00,000/-
6.	60,00,001 and above	Rs. 22,00,000/-

(b)The licence fee for bottling of Foreign Liquor (In Form No. F.L.14) shall be Rs. 3/- (Rupees three) per Bulk Litre of I.M.F.L. manufactured and bottled. Such fee shall be paid by the licensee on the quantity of I.M.F.L. manufactured and bottled at the above rate before the stock is removed to the approved warehouse or store room.

[Annual license fee of Beer Parlour "ON"

1. Six major cities of the State namely-

Cuttack, Bhubaneswar, Sambalpur, Puri Rourkela and Berhampur Rs. 1,87,500

2. All other urban areas of the State

Rs. 1.00,000

3. Rural areas of the State

Rs. 75,000]

[Substituted vide O.G.E.No. 774 dated 5.5.2007.](3)The Orissa State Beverages Corporation shall pay licence fee Rs. 30.00 crore and an amount of Rs. 5.00 lakhs for each depot per annum.](4)[ (i) Persons/Companies licensed to compound, blend and bottle India Made Foreign Liquor in the State may be permitted by the Excise Commissioner to tie up with any manufacturing Company from outside the State for compounding, blending and bottling of I.M.F.L. for and on behalf of such manufacturing company, subject to condition that a fee of Rs. 4/- (Rupees four) per L.P. litres shall be payable by such person/company before removal of stock (bottles I.M.F.L.) from the Bottling Plant to the Excise Warehouse in Bond and such fee shall be termed as Franchise fee. The Excise Commissioner may, however, refuse to permit and tie up with any Manufacturing Company from outside the State for any valid reason.(ii)Persons/Companies licensed to brew and bottle Beer in the State may be permitted by the Excise Commissioner to tie up with any manufacturing company from outside the State to brew and bottle Beer for and on behalf of such manufacturing company, subject to the condition that a fee of Rs. 4/- (Rupees four) per B.L. shall be payable by such

person/company before removal of stock (bottled beer) from the Brewery to the Excise Warehouse in Bond, and such fee shall be termed as "Franchise Fee". The Excise Commissioner may, however, refuse to permit a tie up with any manufacturing Company from outside the State for any valid reason. There will be no purchase/import of brands of the manufacturers from outside Orissa who having their tie up and franchise with local Units in Orissa.] [Substituted vide BOR Notification No. 3195-Ex. dated 4.5.2005, O.G.E. No. 844 dated 24.5.2005.]

### **105. [ [Substituted by Notification No. 2687-Ex, dated 30.3.2007, O.G.E. No. 779, dated 5.5.2007.]**

The fee for grant of I.M.F.L. Club "ON" licence for consumption on the vendor's premises shall be at the following rate, which shall be payable in advance prior to grant of licence :

- |  |                         |
|--|-------------------------|
| (i) Where the consumption is upto 500 L.P. litres per month                | Rs. 75,000 per annum    |
| (ii) Where the consumption is 501 L.P. litres to 800 L.P. litres per month | Rs. 1,00,000 per annum  |
| (iii) Where the consumption is 801 L.P. litres and above per month         | Rs. 1,50,000 per annum] |

[License fee for the retail vend of Foreign Liquor for consumption on the premises -

Category of Hotel	License fee
1. Three star hotel and above	Rs. 3,00,000 per annum
2. Hotels in Six major cities namely -Cuttack, Bhubaneswar,Puri, Sambalpur, Rourkela and Berhampur	Rs. 2,50,000 per annum
3. For other urban areas with lodging	Rs. 2,00,000 per annum
4. Hotel & Restaurant without lodging	Rs. 2,50,000 per annum
5. Model Wine shop	Rs. 50,000 per annum]

[Vide O.G.E. No. 785, dated 5.5.2007.]

### **106.**

[\* \* \*] [Deleted vide Orissa Gazette Part-III-A/13.12.1976.]

### **107. [ Fees on licences for sale of foreign liquor in Military Canteens, Hotels and Bars etc. [Substituted vide O.G.No. 15, Part-III-A, dated 11.4.1996.]**

- [(1) The fees for licence for retail sale of Foreign Liquor in a Military Canteen shall be Rs. 5,000/ - (Rupees five thousand) per annum. The annual licence fee shall be paid in advance prior to issue of the licence.](2)The fees for any licence granted for sale of foreign liquor in bars, hotels of restaurants shall be the same as prescribed under Rule 105 in respect of such licence.(3)[ The fees for a temporary Bar licence at theatres or at other places of amusement shall be Rs. 20 per annum or Rs.

400 per month, such fees being payable in advance prior to issue of the licence, and if such a licence is required for a theatre or performance held for bona fide charitable purpose, the Collector may grant it either free of any fee or at a reduced fee.] [Substituted vide Orissa Gazette Extraordinary Part III-A/21.5.1976.](4)The fees for late-closing licences granted to any hotel or restaurant holding a licence for sale of foreign liquor shall be levied according to the rate specified below :

After the prescribed sale hours	Rate of fees
	Rs.
Up to 12 p.m.	25 per month
Up to 1 a.m.	40 per month
Up to 1.30 a.m.	50 per month

(5)The fees prescribed in Sub-rule (4) shall be payable as in Sub-rule (2) of Rule 103, except that only one month's advance shall be taken in each case.(6)When two or more bars are maintained in a hotel, restaurant, theatre or other place of amusement, the Collector shall be competent to grant a single licence for all the bars, subject to a single fee not exceeding the aggregate fee payable for all the bars at the rate and in the manner as prescribed under these rules.(7)The fee for a temporary late-closing licence shall be Rs. 20 per diem and shall be payable in advance prior to issue of the licence.(8)The fee for 'ON' sale of foreign liquor in a Railway Refreshment Room shall be rupees three hundred per annum payable in advance in addition to the literage fees payable in the same manner as prescribed in Rule 106.(9)The fees for licences for 'ON' sale of foreign liquor in steamers and in dining cars on trains shall be the same as prescribed in Sub-rule (8):Provided that when such steamers or cars pass through two or more States, such fee shall be levied in one State only.]

### **108. [ Fees on licence for sale of foreign liquor by Co-operative Society or Association. [Substituted vide Orissa Gazette Notification No. 279-Ex. XXX.1/1/66, 28.1.1966.]**

- The fee for a licence granted, subject to restrictions in Rule 102, for the sale of foreign liquor other than the retail 'off' vend in licence Form F.L. 2 by a Co-operative Society or Association shall be determined in each case by the commissioner on the report of the Collector.]

### **109. Fees and conditions on licences for manufacture, sale and possession of denatured spirit.**

(1)Subject to restrictions in Chapter V licences to manufacture denatured spirit may be issued without any fees to holders of licences to work a distillery or to store spirit in an excise warehouse.(2)[ The fee payable on licences for wholesale vend of Denatured spirit in Form No. D.S.1 shall be Rs. 15,000 (Rupees fifteen thousand) only per annum which shall be payable in advance prior to grant of licence.(3)Licence fee for the retail sale of Denatured Spirit (Form D.S.2) shall be Rs. 10,000 (Rupees ten thousand) only per annum which shall be payable in advance prior to grant of licences.Licence fee for possession of Denatured Spirit in excess of the limit of retail sale for carpentry work (in Form No. D.S.3) shall be Rs. 10,000 (Rupees ten thousand) only per annum

which shall be payable in advance prior to grant of licence. Licence fee for possession of Denatured Spirit in excess of the limit of retail sale for industrial use (in Form No. D.S.3) shall be Rs. 20,000 (Rupees twenty thousand) only per annum. Licence fee for possession of Methyl Alcohol (Methanol) and Ethanol (Power Spirit) beyond limit of retail sale for industrial use (in Form No. D.S.3) shall be Rs. 20,000 (Rupees twenty thousand) and Rs. 25,000 (Rupees twenty-five thousand), respectively per annum which shall be payable in advance prior to grant of licence.] [Substituted vide BOR Notification No. 2675 dated 30.3.2007 O.G.E.No. 777 dated 5.5.2007.](4)The holder of a licence for sale of denatured spirit shall not be allowed to have a shop or depot for the vend or storage of denatured spirit located in the same building where any shop for the sale of potable liquor for consumption on the premises is also located.(5)Licences for possession of denatured spirit in excess of the limit of retail sale shall be issued free of charge to Government hospitals and dispensaries and to other charitable hospitals and dispensaries under Government supervision as well as to other Government Departments exempted or authorised under Section 94 or Section 89 of the Act.

### **110. Fees on licence for a brewery.**

- [(a) The Licence to establish or work Breweries and for the sale of Beer from such Breweries may be granted on payment of fees on the following scales :

Sl. No.	Production Capacity	Annual licence fee of Breweries and Selling of Beer (Form No. F.L.12)
(1)	(2)	(3)
1.	Upto 15 lakhs B.L.	Rs. 8,00,000.00
2.	15,00,001 to 30,00,000 B.L.	Rs. 13,00,000.00
3.	30,00,001 to 60,00,000 B.L.	Rs. 18,00,000.00
4.	60,00,001 lakhs B.L. and above	Rs. 21,00,000.00

(b)The licence fee for bottling of Beer (Form No. F.L.14) shall be Rs. 3 (Rupees three) only per Bulk litre of Beer manufactured. Such licence fee shall be paid by the licensee on the quantity of Beer manufactured and bottled at the above rate before the stock is removed to the approved Warehouse or Store Room.]

### **111. [ Fees on licence for sale of rectified spirit and brandy for medicinal or surgical purposes. [Substituted vide Notification. No. 6440-XL.153/67-Ex/2.11.1968.]**

- The fees for a licence for the retail sale of rectified spirit (including absolute alcohol) and brandy for bona fide medicinal or surgical purposes shall be Rs. 10 per annum and such fees shall be paid in advance prior to the issue of the licence] [Substituted vide Notification No. 2527-LVIII-70/2006, dated 15.4.2006, O.G.E. No. 597 dated 3.5.2006 (w.e.f. 1.4.2006).].

**112.**

[The fee payable on licence to manufacture spirit in a Distillery issued under Chapter II to grantee of an exclusive privilege for supply of portable spirit shall be in the following scale per annum which shall be payable in advance prior to issue of licence.

Sl. No.	Production Capacity (In proof liters)	Annual licence fee
(1)	(2)	(3)
1.	Upto 5,00,000	Rs. 4,00,000
2.	5,00,001 to 9,00,000	Rs. 5,00,000
3.	9,00,001 to 15,00,000	Rs. 9,00,000
4.	15,00,001 to 30,00,000	Rs. 14,00,000
5.	30,00,001 to 60,00,000	Rs. 19,00,000
6.	60,00,001 and above	Rs. 22,00,000]

[Substituted vide O.G.E. No. 775 dated 5.5.2007.][Provided that the Licence fee for manufacture and supply of country spirit shall be Rs. 15,00,000 (Rupees fifteen lakhs) per annum.] [Inserted vide O.G.E. No. 780 dated 5.5.2007.]

**112A. [ [Substituted vide BOR Notification No. 2515-Ex. dated 15.4.2006  
O.G.E. No. 594 dated, 3.5.2006.]**

The fee payable on licence to manufacture E.N.A. and production of wine in a Distillery or in a Bottling plant shall be as follows:(i)The annual licence fee for manufacture of E.N.A. (Extra Neutral Alcohol) by installing separate plant (column) in a Distillery or in a Bottling Unit shall be Rs. 6,00,000/-.(ii)The annual licence fee for production to wine shall be Rs. 1,00,000/-.The above fee shall be payable in advance prior to issue of licences.]

**113. [ Fees on special licences for tari and pachwai. [Substituted vide Notification No. 2101/30.3.1968.]**

- Subject to restrictions, privileges and commissions referred to in Rule 102-(1)Licence for drawing of unfermented tari for manufacturing gur or molasses therefrom shall be issued free of charge in local areas in which a notification under Section 14 of the Act may be in force.(2)Licences for the home-brewing of pachwai may be granted to any household in the areas specified below only after the fees prescribed in each case is paid before the licence is issued.Balasore-Rs. 2 per household per annum.Angul and Khondmals-Re. 1 per household per annum.(3)The fee for special licence granted for home-brewing of pachwai to meet the requirements of special occasions such as marriage, etc., shall be fifty paise for each family:Provided that no licences under Sub-rule (2) shall be granted for home-brewing of pachwai within the limits of any Municipal area.]

**113A. [ [Added vide Orissa Gazette Extraordinary No. 1250/22.9.1990.]**

The fee for retail vend of Country Spirit in Bolangir District shall be Rs. 200 in rural areas and Rs. 500 in urban areas per annum.]

**114. Restrictions on grant of certain wholesale licences.**

- A licence for the wholesale sale or sale-to-trade of any intoxicant shall not be granted to any person to whom the grant of a licence for the retail sale of such intoxicant is restricted or prohibited by rules made under Section 89.

**Part III – Fees on passes, permits and duplicates thereof or of Licences**

**115. Fees on pass for Ganja or Bhang.**

- A fee of rupees four shall be charged for each pass for the import, export or transport of Ganja or Bhang under bond.

**115A. [ [Inserted vide BOR Notification No. 2459, dated, 26.3.1996.]**

A pass fee shall be charged for issue of each pass for import, export and transport of foreign liquor at such rate as may be notified by the Board from time to time. In case of genuine loss or misplacement of the Original Pass. The Collector may grant a duplicate pass on payment of such fees as may be notified by the Board from time to time :Provided that no pass fee shall be charged on Hospitals, Government Organisations, Educational Institutions, Charitable Institutions, for issue of passes for Rectified/Denatured Spirit, Absolute Alcohol, Extra Neutral Alcohol and similar varieties of foreign liquor on which they are not required to pay any excise duty.]

**115B. [ Excise Adhesive Labels to be affixed on each Bottle/Can/ Container/Pouch. [Substituted vide Notification No. 865-Ex. dated, 1.2.2002, O.G. No. 16 dated, 19.4.2002.]**

- Excise Adhesive Labels (EAL) shall be affixed on each bottle/can of I.M.F.L./Beer and on each pouch/container of country spirit. Their printing/procurement/storage/distribution and affixture shall be in the following manner, namely : (i) The Excise Commissioner will make arrangement for printing/ procurement/storage/distribution of E.A.Ls. (ii) The printing of E.A.Ls. shall be under the supervision of Excise staff as may be directed by the Excise Commissioner from time to time. (iii) The printed/procured E.A.Ls. will be delivered to the Superintendent of Excise, Khurda by the Excise Commissioner and the Superintendent of Excise, Khurda will keep the same in his safe custody for distribution to the Distillery Officers/Excise Officers-in-charge of Distilleries/Bottling Plants/Breweries operating inside the State of Orissa and the Excise Officer posted in the Registered



Office of the Orissa State Beverages Corporation.(iv)The Excise Commissioner shall post an officer of the rank of Inspector of Excise for receipt and distribution of E.A.Ls. in case of I.M.F.L. and Beer imported from outside the State. Such Inspector shall have his Store or Office in the Registered Office of the aforesaid Corporation.(v)In case of Distilleries/Bottling Plants/Breweries inside the State, the concerned Excise Officer-in-charge will collect E.A.Ls. from the Office of the Superintendent of Excise, Khurda.The Distillery/Bottling Plant/Brewery Excise Officer-in-charge shall always maintain sufficient stocks of E.A.Ls. so that there is no disruption in production and supply of I.M.F.L./Beer and/or country spirit as the case may be. The requirement of E.A.Ls. in each case shall be reported to the Superintendent of Excise, Khurda, one month ahead.(vi)The Excise Officer-in-charge of the Distillery/Bottling Plant/Brewery shall issue E.A.Ls. for the days production to the manufacturer. The E.A.Ls. must be affixed in each bottle/can/container and pouch, as the case may be under the supervision of the Officer-in-charge.(vii)The Excise Officer-in-charge of the Distillery/Bottling Plant/Brewery shall be held responsible for maintaining detailed account of the E.A.Ls. issued, used and damaged. He shall also certify that E.A.Ls. have been affixed on the bottles/cans/containers/pouches and arrange to write the E.A.Ls. serial numbers outside the sealed cartoons/receptacles.(viii)The E.A.Ls. account shall be maintained in such a manner that it shall allow tracking of individual E.A.Ls. from the manufacturers point to the retail point.(ix)The Orissa State Beverages Corporation in each case of Import permit for procurement of stock from outside the State shall present the pass to the Inspector appointed under Clause (iv) with a requisition as to the number of E.A.Ls. required to be issued to ensure that no bottle/can is received from outside the State without affixture of E.A.L. and taken to godown of Orissa State Beverages Corporation. The Inspector will maintain detailed accounts of the E.A.Ls. received/issued/used and damaged. The requirement of E.A.Ls. in each case shall be reported to the Excise Commissioner one month ahead.(x)In case of inside the State Distilleries/Manufacturing Plants/Breweries, the concerned Excise Officer-in-charge shall collect the E.A.Ls. fee as may be prescribed by the Board from time to time at the time of issue of E.A.Ls. from the Manufacturers and credit the same to Government Treasury.The Inspector of Excise posted under Clause (iv) will collect E.A.L. fee on the date of issue of the same to outside the State Manufacturing Units and credit the same to the Government Treasury.(xi)Save as otherwise any orders/instructions issued by the Government, the Excise Commissioner will issue orders for Printing/Procurement/ Storage and distribution of E.A.Ls. to avoid any disruption and scope of loss of revenue.]

## **116. Fees of duplicate licences, permit or pass.**

- A fee of rupees two shall be charged for issue of a duplicate licence, permit or pass when the original issued under the Act or the rules thereunder is lost or destroyed inadvertently:Provided that such fee for any duplicate Tari Tapper's Licence or Tari Carrier's Pass under similar circumstances shall be at a concessional rate as may be specified by the Board from time to time.

## **Part IV – Conditions of licence, pass or permit**

**116A. [ [Inserted vide Boards Notification No. 376 dated 19.1.1968.]**

The passes prescribed under Part VII of orders issued under Sub-section (1) of Section 12 of the B. & O. Excise Act, 1915 as published in the Government of Orissa Notification No. 4975 O.R. Dated the 24th July, 1965 in the Extraordinary Orissa Gazette No. 1776, dated the 7th August, 1965 for -(i)the export from Orissa; and(ii)the transport in Orissa to a Customs House, Customs bonded warehouse or land customs station of foreign liquor and spirit of the kind specified in Column (i) of the table below shall be granted on payment of fee at the rate specified in the corresponding entry in Column (ii) of the said table :Table

Sl. No.	Column I	Column II
	Kind of liquor	Rate per bulk litre
(1)	(2)	(3)
(i)	Ale, beer, porter, cider and other tormented liquors	0.25
(ii) [ [Substituted by BOR Notification No. 2887-Ex. dated, 12.4.2004.]	Export fee on India Made Foreign Liquor	Re. 1 per L.P.L.:
(iii) [ [Substituted by BOR Notification No. 2867-Ex. dated 31.3.2003, O.G.E. No. 740/20.5.2003.]	The import of Beer into the State of Orissa shall be permitted only on payment of import fee of Rs. 5.00 (Rupees five) per Bulk litre before grant of pass for such import irrespective of any strength.]	
(iv) [ [Substituted vide O.G.E.No. 782 dated 5.5.2007.]	(i) The import fee on India Made Foreign Liquor shall be Rs.19 (Rupees nineteen) per L.P.L.	
(ii)	The import fee on beer shall be Rs. 9 (Rupees nine) per B.L.]	
(v) [ [Substituted by BOR Notification No. 2692-Ex. dated, 30.3.2002.]	The import/Export fee on Denatured spirit	Rs.[4] [Substituted vide O.G.E. No. 837 dated 24.5.2005.]per bulk litre]
(vi) [ [Substituted O.G.E.No. 776 dated 5.5.2007.]	(i) Import fee on Rectified spirit/ENA	Rs. 4.00 per B.L.
(ii)	Export fee on Rectified Spirit/ENA	Rs. 3.00 per B.L.
(iii)	Transport fee on Rectified spirit/ENA for preparation of I.M.F.L. or C.S.	Rs. 3.00 per B.L.

(iv)	Transport fee on Rectified Spirit/ENA for purposes other than preparation of I.M.F.L. or C.S.	Rs. 4.50 per B.L.
(v)	Import, export and Transport fee of Denatured Spirit/Methanol	Rs. 4.00 per B.L.
(vi)	Import fee on ethanol/power spirit for blending in petrol	Rs. 2.00 per B.L.]

## 117. Conditions and maintenance of licences.

(1) All licences granted under the Act shall be subject to the conditions specified in the form of general conditions of licence applicable to vend licences under the Excise Law as prescribed in the appendix to these rules. (2) All licences granted under the Orissa Dangerous Drugs Rules, 1965 for sale and possession of dangerous drugs containing any intoxicating drug shall also be subject to the general conditions of licence mentioned in Sub-rule (1). (3) All licences, permits and passes granted under the Act and the rules thereunder shall also be subject to the conditions as may be specified in the relevant forms prescribed in the appendix to these rules. (4) Any licence, permit or pass granted to a licensee under the Act or the rules thereunder shall be kept in the licensed premises of such licensee until the expiry, cancellation, suspension, withdrawal or surrender of the licence, permit or pass.

## 118. Payment of fees.

- All payments of fees on licences, passes or permits shall be made by the holders of the licences, permits or passes into the local treasury or by postal money-order and such payment in case of fees on licences for home-brewing of pachwai shall be regulated according to the instructions of the Commissioner: Provided that when any fee payable under these rules for any licence is not paid in the due time it may be realised under Section 93 of the Act according to any special or general instructions of the Board.

## Chapter IX

### Part I

Regulation of working of licensed premises

## 119. Adulteration of liquor.

- Licensed vendors of foreign liquor, country spirit, tari or pachwai are prohibited from mixing therewith any noxious substance, such as 'kuchila', aconite or 'dhatura' or any objectionable article, such as tobacco, pepper or kerosene oil intended to increase thirst or the intoxicating power of the liquor.

## **120. Reduction of strength of country liquor.**

- Unless specially permitted by the Commissioner in the case of any particular strength or any particular area, the strength of country spirit issued from a distillery or an excise warehouse or depot at a strength prescribed by the Board shall not be reduced by a licensed vendor from such strength to a lower strength by the addition of water or by mixing with spirit of a lower strength, or by any other means whatsoever.

## **121. Arrangement of premises for vend of intoxicants and of signboards.**

(1) Premises, other than hotels, restaurants and railway refreshment rooms, licensed for the vend of foreign liquor or country spirit for consumption on the premises shall have all doors for admission of the public opening only on to a public road or path and be so constructed that the interior thereof where sales are affected may be visible from the doorway and the rooms in which sale is conducted shall be well lighted and be visible from the doorway. (2) Except in the case of hotels, restaurants, railway refreshment rooms, dining cars and steamers, and premises of chemists or druggists holding excise licences or permits, there shall be fixed in a prominent position at the entrance of all premises licensed for the retail vend of any intoxicant, a signboard showing in large characters the intoxicant sold therein, the name of the vendor, the period of currency of the licence; and in case of country spirit shops, also the strengths prescribed for retail vend and the maximum or minimum or fixed price as may be prescribed for each strength of such spirit. (3) A sign-board in a licensed Ganja or Bhang shop shall show the prescribed maximum, minimum or fixed retail prices, as may be in force, for the different denominations in weight for retail sale. (4) The prescribed minimum, maximum or fixed retail prices shown in a sign-board shall be lowered, enhanced or altered except under written orders of the Superintendent. (5) Subject to Sub-rule (2), the sign-board fixed in the licensed premises for sale of foreign liquor shall be written in the local vernacular as well as in English and the same with regard to country spirit or Ganja or Bhang shall be written in local vernacular.

## **122. Employment of agents or salesman or servants by licensees.**

(1) No licensee for the retail vend of any intoxicant, other than in case of a hotel, restaurant, bar, railway refreshment room, steamer or dining car in a train, or in case of a chemist or druggist holding a licence or permit under the Act, shall allow any person to conduct sales in his licensed premises unless the name of such person shall have been previously endorsed by him on the licence under his own signature. (2) A licensee shall not appoint more than four salesmen at a time without the previous sanction of the Superintendent and no salesman whose name is already entered in the licence shall be changed without the previous permission in writing of the Superintendent. (3) At the time of receiving the licence, a licensee for the retail sale of country spirit shall be required to give a list of agents and salesmen or servants appointed or to be appointed by him to the Superintendent and to furnish a declaration on the body and counterfoil of the said licence under his signature to the effect that, such agents or salesmen or servants are not debarred from being appointed or employed as such according to Condition No. 7 of the general conditions applicable to vend licences under the Excise Law. (4) Persons mentioned below are disqualified from being appointed as salesmen in any premises licensed under the Act or the rules thereunder: (i) persons below 18 years

of age;(ii)persons convicted of offences under the law relating to Excise, Opium, Opium Smoking or Dangerous Drugs or of any non-bailable offence;(iii)persons whose licences have, been cancelled under the Act or under the Dangerous Drugs Act, 1930 ; or, who have been held guilty of charging more than the prescribed prices and adulterating intoxicants;(iv)persons of notoriously bad character;(v)persons suffering from any infectious or contagious disease;(vi)persons who are illiterate;(vii)persons other than the licensee, having any pecuniary interest in the sales at the shop :Provided that in the case of persons mentioned under Clauses (ii), (iii) and (iv) the disqualification may, at any time, be removed by a written order of the Collector or the Superintendent.(5)No licensee for the wholesale or retail vend of an intoxicant shall employ any person suffering from any infectious and contagious disease for any purpose in his licensed premises.

### **123. Hours when licensed premises may be kept open.**

- [The selling hours, that is the hours during which premises licensed for the retail vend of foreign' liquor, for consumption of the licensed premises may be kept open shall be from [9.30 a.m. to 10.30 p.m.] [Substituted vide Orissa Gazette Extraordinary No. 19/10.5.1991-Notification No. 2020/28.3.1991.] daily without any extension in any case except when closed under orders from a competent authority.The selling hours, that is the hours during which premises licensed for the retail vend of foreign liquor for consumption on the licensed premises whether within or outside hotels and restaurants may be kept open shall be from 11 a.m. to 11 p.m. daily without any extension in any case except when closed under orders from a competent authority.For retail vend of country liquor (distillery spirit) Toddy and Pachwai and for retail vend of Bhang the licensed premises may be kept open from 9 a.m. to 10 p.m. daily without any extension in any case except when closed under orders from competent authority.Provided as follows :

- 1. No agent, salesman or servant in a licensed country liquor shop shall be required to work for more than 8 (eight) hours any day.**
- 2. Bars, Theatres, social gatherings or other entertainments licensed by the Collector under authorisation from the Commissioner for sale of foreign liquor may be kept open during hours of performance, rehearsal or entertainment and not beyond half an hour after the closure of such performance rehearsal or entertainment.**
- 3. Premises in motor cars, railway refreshment rooms and steamers licensed by or under authorisation by the Commissioner may be kept open for retail sale of foreign liquor to bona fide passengers between 12 noon to 2 p.m. and between 8p.m. to 10p.m. and the premises of chemists or druggist licensed by the Collector to sell medicated wine similar preparation or rectified spirit may be kept open at any time during day and night.**

**4. Premises licences for the retail vend of foreign liquor at a military canteen may remain open during such hours as the officer in command of the regiment or unit directs.]**

**123A. [ [Substituted vide O.G.E.No. 1726 dated 7.12.2006.]**

Conditions of licence relating to sales hours i.e. the hours during which premises licensed for retail vend of foreign liquor may be kept open and as prescribed in the appendix to the aforesaid rules shall be regulated according to the provisions of Rule 123.]

**124. Closure of liquor shops.**

(1)Notwithstanding the provisions of Section 26 of the Act premises licensed for the vend of country liquor and foreign liquor, other than hotels and restaurants may be closed at any time for the preservation of peace and such premises which are on the line of march of troops shall be closed -(a)while troops are passing or are encamped in the vicinity; and(b)on the requisition of the 'Officer-in-Command' during the passage of troops.(2)Provisions of Sub-rule (1) may be applied by the Collector to hotels and restaurants so far as regards the sale of liquor when such action may be found necessary.(3)[ (i) The licenced premises for retail sale of foreign liquor or country liquor in the respective areas and adjoining areas shall remain closed for such period as the Election Commission of India or the State Election Commission of Orissa directs on account of election of by-election to the Lok Sabha, Bidhan Sabha, Zilla Parishad, Panchayat Samiti, Grama Panchayat and other local bodies, as the case may be specially declared as "dry days" on account of such election or by-election.(ii)All licenced premises for retail sale of foreign liquor or country liquor shall remain closed on the 2nd day of October every year on account of the birth day of Mahatma Gandhi which has been specifically declared as dry day.No compensation shall be payable for closure of licenced premises during such days.] [Substituted vide BOR Notification No. 6409 dated 1.10.1999, O.G. No. 19/2.6.00.]

**124A.**

[\* \* \*] [Deleted vide BOR Notification No. 6409 dated 1.10.1999, O.G. No. 19/2.6.00.]

**Part II – Maintenance of accounts of licences**

**125. Correct and regular accounts by licensees.**

- Unless otherwise ordered by the Board in any particular case, regular and accurate accounts shall be maintained by all persons holding licences under the Act or under any rules or orders made thereunder in such manner as may be specified by the Board from time to time :Provided that persons holding licences for manufacture or sale of tari, home brewing of pachwai, and the sale of pachwai if the fee is less than Rs. 1,200 per annum, shall not be required to maintain any such

accounts.

## 126. Returns and accounts on foreign liquor.

(1) On receipt of an application from a person authorised by licence to import foreign liquor, the Collector after satisfying himself that the rules in Chapter II of the Orissa Excise Rules, 1965 regulating such import have been fulfilled shall issue an import permit in the prescribed form to such person, the permit being drawn up in quadruplicate and two copies handed over to the applicant, the third copy issued to the exporting firm or officer and the fourth copy retained in the office of the Collector of the importing district. (2) The Collector of the importing district shall maintain a register of imports in which all particulars relating to the indent shall be filled up at the time of issue of the import permit under the attestation of the officer issuing the permit and the other particulars filled up in the said register on the return of the import permit with the endorsement on it of the officer authorising the export or on receipt of the export pass from such officer. (3) When the import permit endorsed under Sub-rule (2) or the export pass is not received by the Collector within the period of currency of the import permit, he shall make an enquiry and note the result of enquiry and action taken by him in the register of imports. (4) A monthly statement, on the basis of entries in the register of imports showing quantities of India-made foreign liquor imported from the bonded warehouses and distilleries in West Bengal each month shall be submitted in the appropriate manner by the Collector to the Excise Commissioner by the 20th of the month following. (5) A quarterly statement based on the entries made in the register of imports showing the quantities of India-made foreign liquor imported from the Punjab and Uttar Pradesh each quarter, shall be submitted by the Collector in the appropriate manner so as to reach the Commissioner by the 20th of the month following the quarter to which the statement relates. (6) The holder of a licence for sale of foreign liquor shall maintain correct and regular accounts daily in the appropriate register showing the full quantity received on the strength of the import permit and export pass, the number and date of the import permit and export pass. [Besides he shall maintain in a separate register details of every transaction of I.M.F.L. variety-wise sold daily as per license conditions.] [Added by Orissa Gazette Extraordinary Notification No. 2593-XXI.26/81/2.6.1981.] (7) The accounts maintained under Sub-rule (6) and the foreign liquor received under import or transport by and in stock with the holder of a licence shall be kept open for inspection by an Excise Officer competent under the law for the purpose. (8) [\* \* \*] [Deleted vide Orissa Gazette Notification No. 2101/30.3.1968.] (8)[] [Re-numbered vide Orissa Gazette Notification No. 2101/30.3.1968.] The licensee shall submit monthly statements on sales of foreign, liquor in the appropriate form showing the opening balance in litres and millilitres; quantities received on the strength of the import permit or transport permit, quantities sold, the balance left in stock during the month under report and the literage fees paid with the number and date of the Treasury chalan relating to such payments in appropriate columns of the said statement. (9)[] [Re-numbered vide Orissa Gazette Notification No. 2101/30.3.1968.] The monthly statement mentioned in Sub-rule (8) shall be submitted, on the 5th of the month following the one to which it relates, to the Collector through the Sub-Inspector in-charge, who shall send it to the Inspector promptly so that the Inspector through whom the return is sent, shall verify the entries in the register of accounts and furnish a certificate of correctness or otherwise on the statement, and forward it to the Superintendent by the 10th of the said following month. (10)[] [Re-numbered vide Orissa Gazette

Notification No. 2101/30.3.1968.] The opening balance in the statement mentioned in Sub-rule (9), shall be compared with the closing balance shown in the statement for the previous month available in the District Excise office and the quantity shown as receipt during the month shall be chocked up with the entries in the register showing the details of import and export passes.maintained therein.(11)[ [Re-numbered vide Orissa Gazette Notification No. 2101/30.3.1968.] The literage fee on the sales shall be calculated at the rate prescribed by the Board from time to time and the relevant particulars of the Chalan furnished in the statement mentioned in Sub-rule (9) shall be verified with reference to the Chalan Register in the District Excise Office and the result of verification shall then be recorded under the signature and certificate of the Superintendent on the statement in the following manner:(a)the total quantity imported as shown in the said statement agrees with the total of receipts according to the register of imports ; and(b)the calculation and remittance of literage fees is correct, or otherwise.

### **Part III – Transfer or sub-lease of licences**

#### **127. [ ] [Original Section 127 was deleted and re-numbered vide Orissa Gazette Notification No. 2101/30.3.1968.] Condition-for transfer or sub-lease of licences.**

(1)No transfer or sub-lease whether entire or partial, of a licence under the Act or any rule or order thereunder shall be made, subject to the rules made under Section 89, except with the previous permission of the Collector.(2)The Collector shall not allow a transfer or sub-lease under Sub-rule (1) unless good and sufficient reason be shown to his satisfaction, and unless the transferee or sub-lessee is, in his opinion, fit and qualified to hold such licence.

#### **128. [ ] [Original Section 127 was deleted and re-numbered vide Orissa Gazette Notification No. 2101/30.3.1968.] Renewal of licence on death of licensee.**

- On the death of a licensee the Collector may renew the licence on the same terms, without any fresh deposit or advance payment of any fees, in favour of a representative of the deceased, if he be satisfied that such representative is fit to hold such licence and on the condition that any arrears due from the deceased licensee are recovered before the licence is so renewed.

#### **129. & 130.**

[\* \* \*] [Part IV of Chapter IX containing Rules 129 and 130 deleted vide BOR Notification No. 7994 dated 9.10.2002 vide OGE No. 1935 dated, 29.10.2002.]



## **Part V – Time, place and manner of payment and duty**

### **131. [ Time for payment of duty. [Re-numbered vide Orissa Gazette Notification No. 2101/30.3.1968.]**

- The duty imposed on spirit whether imported under bond,(1)foreign liquor or country or manufactured in a distillery and stored in a distillery or excise warehouses; and(2)except as otherwise stated in Sub-rule (3), Ganja or Bhang whether imported under bond, or stored in an excise warehouse;shall be paid before removal of the foreign liquor, country spirit, Ganja or Bhang from the distillery or excise warehouse, as the case may be, unless a bond has been executed for such payment;(3)duty imposed on Ganja or Bhang exported to any place outside India shall be paid before issue of such Ganja or Bhang from the excise warehouse where it is stored.]

### **132. [ Place of payment of duty. [Re-numbered vide Orissa Gazette Notification No. 2101/30.3.1968.]**

- When the duty on an intoxicant is to be paid before removal from a distillery or excise warehouse, the payment shall be made, subject to any special provision in these rules, into the local treasury either by direct payment or by money-order and advance deposits on account of such duty may also be made with permission of the Collector.]

### **133. [ Duty on deficiency of Ganja or Bhang. [Re-numbered vide Orissa Gazette Notification No. 2101/30.3.1968.]**

(1)No allowance shall be made for any loss or deficiency of Ganja or Bhang in transit under bond, unless in any case the Commissioner is satisfied that such loss is due to dryage, and the duty on any such loss or deficiency shall be recovered in case of a licensed warehouse, from the licensee of the warehouse by the officer-in-charge of such warehouse, and in case of a departmentally managed warehouse, from the officer-in-charge of such warehouse, after the Ganja or Bhang Imported or transported is deposited in the warehouse.(2)The limit of wastage through dryage in Ganja or Bhang in a warehouse shall not exceed 1½ per cent of the total quantity stored in a warehouse during the year and any excess beyond this limit shall be chargeable on which the duty shall be recovered, from the licensee in case of a licensed warehouse, and from the officer-in-charge of the warehouse in case of warehouse departmentally managed, immediately after the excess dryage is detected.]

## **Chapter X**

### **Part I**

Destruction of intoxicants deemed to be unfit for use

**134. [] [Re-numbered vide Orissa Gazette Notification No. 2101/30.3.1968.]  
Ganja or Bhang unfit for use.**

- Ganja or Bhang stored in a district warehouse and deemed by the Superintendent after personal examination, to be unfit for use, shall be destroyed in presence of the Superintendent at the time of quarterly inspections.

**135. [] [Re-numbered vide Orissa Gazette Notification No. 5428/12.11.1991.]  
Any intoxicant unfit for human consumption.**

(1) Any intoxicant kept in any premises of a vendor licensed to sell such intoxicant and found by the Superintendent after personal examination, to be unfit for human consumption may be destroyed by him and the licensee shall have no claim to compensation on this account : (2) [ (a) When any intoxicant kept in the premises a licensed Bonded Warehouse is found deteriorated in quality by the Officer-in-charge or Superintendent of Excise samples of the stock shall be drawn and sent for Chemical Examination to a certain laboratory whether it is fit for human consumption. (b) Before the sample of the spoilt stock is sent for Chemical Examination, the Officer-in-charge shall prepare a list of such stock indicating the detail as under Sub-rule (3) and Sub-rule (4) of Rule 39-A including number of bottles to be physically examined jointly by the Superintendent of Excise and the Executive Magistrate as under Sub-rule 3-c(III) of Rule 135 at two stages named before the samples are sent for Chemical Examination and before the spoilt stocks actually destroyed. (c) If the stock is found to be unfit for human consumption on Chemical Examination, the issue shall be held up and the stock may be destroyed. In case of I.M.F.L. and Beer destruction may be made in the following manner : (i) Permission of the Collector for its destruction shall be obtained if the quantity to be destroyed is within 50 B.L. of I.M.F.L. and 250 B. L. of Beer. (ii) Prior approval of the Excise Commissioner shall be obtained for destruction if the quantity to be destroyed exceeds the prescribed limit under Sub-rule (i) of Rule, 135. (iii) After permission is accorded under Sub-rule (i) or (ii), as the case may be, the stock shall be destroyed by the Superintendent of Excise in the presence of an Executive Magistrate to be nominated by the Collector. (d) The officers in whose presence the stock is to be destroyed shall keep record and a certificate to this effect under their signature and also sign the Register maintained in the Bonded warehouse.]

**Part II – Disposal of things confiscated under the Act**

**136. [] [Re-numbered vide Orissa Gazette Notification 2101/30.3.1968.]  
Confiscation under Section 67 of the Act.**

(1) When in any case a Magistrate orders the confiscation of anything under Section 67 of the Act, such thing shall be made over to the Superintendent for disposal. (2) If the cost of transporting the article mentioned in Sub-rule (1) to the Superintendent exceeds its estimated value, the article shall be destroyed by the Magistrate and the Superintendent informed accordingly by the concerned Magistrate.

### **137. [] [Re-numbered vide Orissa Gazette Notification 2101/30.3.1968.] Confiscation by a Magistrate or Collector.**

- The disposal of things confiscated by order of a Magistrate, or of a Collector shall be regulated in the manner specified below : (1) The sale or disposal in any other manner, of things confiscated under the Act shall be deferred till the period of appeal against the order of confiscation has expired, or if an appeal be made against such order till the appeal is disposed of: Provided that the sale of any animal or other thing ordered to be confiscated shall not be so deferred unless the owner or his agent deposits with the Superintendent such sum as the Superintendent may consider to be required and to be sufficient for the keep or safe custody of such animal or other thing pending the result of such appeal: Provided further that if the thing ordered to be confiscated be of a perishable nature it may be sold immediately. (2) If any order of confiscation of any article or thing be reversed on appeal, such article or thing, or the sale-proceeds thereof, and the amount, if any, deposited for the keep or safe custody of such article or thing shall be at once returned to the owner thereof, or his agent under the orders of the Superintendent and if within two months from the date of such order on appeal the owner or his agent does not appear to receive the article or thing confiscated, the sale-proceeds or the amount, if any, deposited for the safe keep or custody of such article of thing shall be forfeited to Government. (3) [ Foreign liquor or pachwai, confiscated but when found fit for human consumption by the Superintendent shall be sold by an auction by him to the highest bidder subject, as may be necessary to a reserved fees specified in Sub-rule (4) and if there is no bid in the auction the said intoxicant shall be destroyed in his presence. If the quantity so sold exceeds the limit of a retail sale it shall be sold only to the highest bidder possessing a licence for its retail sale in Orissa. Any tari confiscated shall also be destroyed.] [Re-numbered vide Orissa Gazette Notification No. 2101/30.3.1968.] (4) [\* \* \*] [Deleted vide Orissa Gazette Notification No. 2101/30.3.1968.] (5) [\* \* \*] [Omitted vide Orissa Gazette Notification No. 2101/30.3.1968.] (4) [ Subject to the provisions of Sub-rule (7) confiscated country spirit, Ganja and Bhang in any area shall be sold by auction to the highest bidder by the Superintendent subject to a reserve price equal to the amount of duty and cost price leviable and payable on the said intoxicant in the place at which the sale takes place.] [Re-numbered vide Orissa Gazette Notification No. 2101/30.3.1968.] (5) [ [Re-numbered vide Orissa Gazette Notification No. 2101/30.3.1968.] Subject to the provisions of the "Medicinal and Toilet Preparations (Excise Duties), Rules, 1956, Clause (3) and Clause (4) shall mutatis mutandis apply to confiscated medicinal preparations containing alcohol or any intoxicating drug. (6) [ Confiscated articles other than those mentioned in Clauses (3) to (7) shall be sold by auction by the Superintendent to the highest bidder and if there is no bid in the auction they shall be destroyed.] [Re-numbered vide Orissa Gazette Notification No. 2101/30.3.1968.] (7) [ [Re-numbered vide Orissa Gazette Notification No. 2101/30.3.1968.] Subject to the provisions of the foregoing clauses : (a) no confiscated intoxicant exceeding in quantity the limit of its retail sale under Section 5 shall be sold to a person other than a holder of licence under the Act, to sell such intoxicant. (b) when shortage of Ganja [or Bhang] [Added vide Orissa Gazette Notification No. 1225X-XV-16/81/1 3.3.1981.] is apprehended in the Central Ganja [or Bhang] [Added vide Orissa Gazette Notification No. 1225X-XV-16/81/1 3.3.1981.] Gola, Board may by special order require that any non-duty-paid Ganja [or Bhang] [Added vide Orissa Gazette Notification No. 1225X-XV-16/81/1 3.3.1981.] otherwise liable for destruction shall, instead of being destroyed, be despatched, to the Central Ganja [or Bhang] [Added vide Orissa Gazette Notification No. 1225X-XV-16/81/1 3.3.1981.] Gola for

sale in specified areas and within a specified period to be specified by the Board in the said special order and in determining the issue price to be paid by the retail vendors the cost price of the Ganja [or Bhang] [Added vide Orissa Gazette Notification No. 1225X-XV-16/81/1 3.3.1981.] shall be deemed to be the same as for Ganja [or Bhang] [Added vide Orissa Gazette Notification No. 1225X-XV-16/81/1 3.3.1981.] purchased from licensed cultivators for the year.(c)confiscated non-duty-paid Ganja [or Bhang] [Added vide Orissa Gazette Notification No. 1225X-XV-16/81/1 3.3.1981.] received in the Central Ganja [or Bhang] [Added vide Orissa Gazette Notification No. 1225X-XV-16/81/1 3.3.1981.] Gola and found fit for use after examination by an officer authorised for the purpose by the Commissioner shall be issued under the special permission of the Commissioner to any district warehouse for being issued to retail vendors in a compact area, and while granting such permission, the Commissioner shall specify the procedure for payment of duty leviable under Section 27 and the same for payment of the issue price fixed by him in each case and direct that the sale of such Ganja [or Bhang] [Added vide Orissa Gazette Notification No. 1225X-XV-16/81/1 3.3.1981.] shall be completed within a specified time-limit after expiry of which such Ganja [or Bhang] [Added vide Orissa Gazette Notification No. 1225X-XV-16/81/1 3.3.1981.] shall be destroyed under Rule 135 or Rule 136, as the case may be.

## Chapter XI

### Part I

Strength fixed for vend of foreign liquor

#### **138. [] [Re-numbered vide Orissa Gazette Notification No. 2101/30.3.1968.] Prescribed strength for foreign liquor.**

- [(1) Foreign Liquor shall not be sold by a licenced vendor at a strength lower than the strength prescribed in Rule 38(8).] [Substituted vide Orissa Gazette No. 25 dated 5.7.1996.](2)A licensed vendor shall obtain a certificate on the strength of whisky, brandy, rum, and gin [and other Foreign Liquors] [Inserted vide Orissa Gazette No. 25 dated 5.7.1996.] purchased and keep the said certificate in the shop for inspection by excise officers of and above the rank of Sub-inspector.(3)If it is suspected that the strength of any whisky, brandy, rum or gin [and other Foreign Liquors] [Inserted vide Orissa Gazette No. 25 dated 5.7.1996.] in a licensed premises is lower than prescribed, one bottle shall be opened by the Superintendent-for examination either at his inspection or on report of a subordinate officer.

### **Part II – Strength and price fixed for vend of country spirit**

#### **139. [] [Re-numbered vide Orissa Gazette Notification No. 2101/30.3.1968.] Prescribed strength and price of country spirit.**

- Country spirit manufactured in licensed distilleries or in licensed outstill shops shall be sold by the retail vendors thereof in the areas and at the strengths and prices as specified in the table below

## :Table of areas and rates

[District	Description of area	Strength	Maximum or minimum price per bulk litre in excess of which sale shall not be made	
(1)	(2)	(3)	(4)	
1.	Cuttack	Distillery	40 U.P.	Not fixed
2.	Kendrapara			
3.	Jajpur			
4.	Jagatsinghpur			
5.	Puri			
6.	Khurda			
7.	Nayagarh			
8.	Bhadrak			
9.	Balasore			
*10.	Mayurbhanj			
11.	Dhenkanal			
*12.	Angul			
13.	Ganjam			
14.	Gajapati			
*15.	Keonjhar			
16.	Phulbani			

\* Changed subsequently to outstill system.]

[Substituted vide BOR Notification No. LXVI-75/2001-6816/Ex. dated 30.7.2001.]

II. (1) All districts All outside areas 75 U.P. to 40 U.P. (Minimum per bulk litre)

0.25

# **140. [Re-numbered vide Orissa Gazette Notification No. 2101/30.3.1968.] Prescribed price for hemp drugs.**

- Ganja and Bhang shall be sold by retail vendors thereof in the areas specified below at prices noted against each :

Area	Description of the article	Price per gram in excess of which sale shall not be made
Throughout the State of Orissa	Ganja	[75 paise] [Substituted vide Orissa Gazette Notification No. 2912/24.6.1981.]
Ditto	Bhang	13 paise

**141. [] [Re-numbered vide Orissa Gazette Notification No. 2101/30.3.1968.]  
Repeal and savings.**

(1) Any order made or action taken or things done under the previous rules repealed by these rules shall be deemed to have been made, taken or done under these rules. (2) Notwithstanding such repeal, or any petition for revision pending before the Board or the Commissioner, the Collector or the Additional District Magistrate in respect of or under the rules so repealed shall be disposed by him as if these rules had not been made. [Notifications [Substituted vide Notification No. 2487 dated 15.4.2006, O.G.E. No. 587 dated, 3.5.2006.] "Excise Adhesive Label Fee @ 0.25 (twenty-five) paise for each bottle of I.M.F.L. and Country Spirit Pouch/Bottle shall be charged." In case of Beer, the Excise Adhesive Label shall be affixed on the top of the case/cartoon (joint portion of the flap) containing Beer with a fee of Rs. 3 (Rupees three) only per case/cartoon. Non-affixing of E.A.L. on I.M.F.L. Bottles/C.S. Pet Bottles/Glass bottles/ pouches and the cartoons of Beer by any company or the retailer will invite penalty upto Rs. 10,0.00 per case/cartoon.] [Added vide Orissa Gazette Notification No. 5428/12.11.1991.]