

# Telangana Regulation of Trade in Indian Made Foreign Liquor, Foreign Liquor Act, 1993

TELENGANA

India

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### Act 15 of 1993

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Telangana Regulation of Trade in Indian Made Foreign Liquor, Foreign Liquor Act, 1993(Act No.15 of 1993)Last Updated 8th January, 2020The Andhra Pradesh (Regulation of Wholesale Trade and Distribution and Retail Trade in Indian Liquor, Foreign Liquor, Wine and Beer) Act, 1993 received the assent of the President on the 4th September, 1993. The said Act amended from time to time and in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Notification issued in G.O.Ms.No.7, Revenue (Excise-II) Department, dated 06.01.2016.

### 1. Short title, extent and commencement.

(1)This Act may be called the [Telangana] [Substituted by G.O.Ms.No.7, Revenue (Excise-II) Department, dated 06.01.2016.] [Regulation of Trade in [Indian Made Foreign Liquor] [Substituted by Act No.24 of 2005.], Foreign Liquor] Act, 1993.(2)It extends to the whole of the State of Telangana.(3)It shall come into force on such date as the Government may, by notification, appoint and they may appoint different dates for different areas and for different provisions.

### 2. Definitions.

- In this Act, unless the context otherwise requires,-(1)"appointed date" means the date appointed under sub-section (3) of section 1.(2)"Commissioner" means the Officer appointed under section 3 of the [Telangana Excise Act, 1968 (Act XVII of 1968)] [The Andhra Pradesh Excise Act, 1968 has been adapted as the Telangana Excise Act, 1968 (Act XVII of 1968) under section 101 of the A.P.Reorganisation Act, 2014 (Central Act 6 of 2014) vide. G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.].(2a)[ "TSBCL" means Telangana State Beverages Corporation Limited.] [Inserted by G.O.Ms.No.7, Revenue (Excise-II) Department, dated 06.01.2016.](3)The

words and expressions used but not defined in this Act shall have the meaning assigned to them in the [Telangana Excise Act, 1968 (Act XVII of 1968)] [The Andhra Pradesh Excise Act, 1968 has been adapted as the Telangana Excise Act, 1968 (Act XVII of 1968) under section 101 of the A.P.Reorganisation Act, 2014 (Central Act 6 of 2014) vide. G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.]. and the rules made thereunder.

### **3. Termination of licences to sell [Indian Made Foreign Liquor] [Throughout the Act for the words 'Indian Liquor' the words 'Indian Made Foreign Liquor' substituted by Act No.17 of 2006.] etc., in wholesale.**

(1)Notwithstanding anything contained in the [Telangana Excise Act, 1968 (Act XVII of 1968)] [The Andhra Pradesh Excise Act, 1968 has been adapted as the Telangana Excise Act, 1968 (Act XVII of 1968) under section 101 of the A.P.Reorganisation Act, 2014 (Central Act 6 of 2014) vide. G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.]. and the rules made thereunder, the Indian Contract Act, 1872 or any judgment, decree or order of any Court, Tribunal or other authority or the terms and conditions of any agreement entered into with the licensing authority under the [Telangana Excise Act, 1968 (Act XVII of 1968)] [The Andhra Pradesh Excise Act, 1968 has been adapted as the Telangana Excise Act, 1968 (Act XVII of 1968) under section 101 of the A.P.Reorganisation Act, 2014 (Central Act 6 of 2014) vide. G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.]. and a licence prior to the appointed date or any other law for the time being in force, every import permit, export permit, transport permit and licence granted to sell [Indian Made Foreign Liquor] [Throughout the Act for the words 'Indian Liquor' the words 'Indian Made Foreign Liquor' substituted by Act No.17 of 2006.], Foreign liquor, Wine and Beer in wholesale and remaining in force on the appointed date shall stand terminated with effect on and from the appointed date and thereupon the licensing authority shall be free from all obligations arising out of such permit and licence and accordingly no suit or other proceeding shall be entertained or continued in any Court against the licensing authority or any person or authority whatsoever for the enforcement of any terms and conditions of such permit or licence so terminated or for any damages or compensation on the ground that any loss is sustained by the termination thereof before its expiry.(2)Within a period of one month from the date of commencement of this Act the Government shall, takeover the entire stock of [Indian Made Foreign Liquor] [Throughout the Act for the words 'Indian Liquor' the words 'Indian Made Foreign Liquor' substituted by Act No.17 of 2006.], Foreign liquor, Wine and Beer which on the date of such commencement is in the possession of any holder of a permit or licence which stood terminated under sub-section (1) on such terms and conditions as may be prescribed.Explanation. - For the purpose of this sub-section, the expression stock of [Indian Made Foreign Liquor] [Throughout the Act for the words 'Indian Liquor' the words 'Indian Made Foreign Liquor' substituted by Act No.17 of 2006.], Foreign liquor, Wine and Beer which on the date of such commencement, is in the possession of any holder of a permit or licence which stood terminated under sub-section (1) shall include stock in movement on the date of commencement of this Act consequent on the orders placed by such holder with the appliers in pursuance of permits granted by the competent authority under the [Telangana Excise Act, 1968 (Act XVII of 1968)] [The Andhra Pradesh Excise Act, 1968 has been adapted as the Telangana Excise Act, 1968 (Act XVII of 1968) under section 101 of the A.P.Reorganisation Act, 2014 (Central Act 6 of 2014) vide. G.O.Ms.No.162, Revenue (Excise-II) Department, dated

10.09.2015.] and the rules made thereunder.

#### **4. Taking over of wholesale trade in [Indian Made Foreign Liquor] [Throughout the Act for the words 'Indian Liquor' the words 'Indian Made Foreign Liquor' substituted by Act No.17 of 2006.].**

(1)Notwithstanding anything contained in the [Telangana Excise Act, 1968 (Act XVII of 1968)] [The Andhra Pradesh Excise Act, 1968 has been adapted as the Telangana Excise Act, 1968 (Act XVII of 1968) under section 101 of the A.P.Reorganisation Act, 2014 (Central Act 6 of 2014) vide. G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.], the right to carry on whole sale trade and distribution of [Indian Made Foreign Liquor] [Throughout the Act for the words 'Indian Liquor' the words 'Indian Made Foreign Liquor' substituted by Act No.17 of 2006.], Foreign liquor, Wine and Beer shall on and from the appointed date solely vest in the Government and subject to such rules as may be made in this behalf the [Telangana State Beverages Corporation Limited] [Substituted by G.O.Ms.No.7, Revenue (Excise-II) Department, dated 06.01.2016.], a Corporation wholly owned and controlled by the Government shall have the exclusive privilege of importing, exporting and carrying on the wholesale trade and distribution of [Indian Made Foreign Liquor] [Throughout the Act for the words 'Indian Liquor' the words 'Indian Made Foreign Liquor' substituted by Act No.17 of 2006.], Foreign liquor, Wine and Beer on behalf of the Government, for the whole of the State of Telangana and no other person shall be entitled to any privilege of importing, exporting and supplying the same in wholesale or distributing the same for the whole or any part of the State.Explanation. - For the removal of doubts it is hereby declared that the [Telangana State Beverages Corporation Limited] [Substituted by G.O.Ms.No.7, Revenue (Excise-II) Department, dated 06.01.2016.] shall, while carrying the wholesale trade and distribution of [Indian Made Foreign Liquor] [Throughout the Act for the words 'Indian Liquor' the words 'Indian Made Foreign Liquor' substituted by Act No.17 of 2006.], Foreign liquor, Wine and Beer under this section shall be deemed to be an authority acting on behalf of the Government for purpose of section 68A of the Telangana Excise Act, 1968.(2)The [Telangana State Beverages Corporation Limited] [Substituted by G.O.Ms.No.7, Revenue (Excise-II) Department, dated 06.01.2016.] shall open its branches in the State in such place and subject to such conditions as the Commission may specify.(3)Until the date on which the [Telangana State Beverages Corporation Limited] [Substituted by G.O.Ms.No.7, Revenue (Excise-II) Department, dated 06.01.2016.] commences supplying, by whole sale, [Indian Made Foreign Liquor] [Throughout the Act for the words 'Indian Liquor' the words 'Indian Made Foreign Liquor' substituted by Act No.17 of 2006.], Foreign liquor, Wine and Beer retail dealers or till the date of the expiry of a period of two months commencing on and from the appointed date whichever is earlier, the Government shall as an interim measure, effect supply, by whole sale, of [Indian Made Foreign Liquor] [Throughout the Act for the words 'Indian Liquor' the words 'Indian Made Foreign Liquor' substituted by Act No.17 of 2006.], Foreign liquor, Wine and Beer to Bars, Clubs and Military Canteens and the retail dealers directly through the officers of the Government.

**4A. [ Levy of Trade margin, Privilege fee etc. [Sections 4A, 4B & 4C inserted with marginal headings by Act No.5 of 2012 w.e.f.21.07.1993.]**

- The Government shall from time to time, specify the Trade margin, Privilege Fee or any other levy, by whatever name called, to be collected by the [Telangana State Beverages Corporation Limited] from the holders of licences.

**4B. Remittance to the Government.**

- The amount realized under section 4A, being the income of the Government, shall be remitted by the [Telangana State Beverages Corporation Limited] [Incorporated a new corporation in the name and style of Telangana State Beverages Corporation Limited (TSBCL) vide G.O.Ms.No.187, Revenue (Excise-II) Department, Dated 16.05.2014 r/w. G.O.Ms.No.246, Revenue (Excise-II) Department, Dated 29.05.2014.] to the Government in the manner specified by the Government.

**4C. Privilege fee etc., under sections 23(1), 23-A and [Telangana Excise Act] [The Andhra Pradesh Excise Act, 1968 has been adapted as the Telangana Excise Act, 1968 (Act XVII of 1968) under section 101 of the A.P.Reorganisation Act, 2014 (Central Act 6 of 2014) vide. G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.] to be the income of the government.**

- Notwithstanding anything contained in this Act, the [Telangana Excise Act, 1968 (Act XVII of 1968)] [The Andhra Pradesh Excise Act, 1968 has been adapted as the Telangana Excise Act, 1968 (Act XVII of 1968) under section 101 of the A.P.Reorganisation Act, 2014 (Central Act 6 of 2014) vide. G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.] and the rules made there under or any order issued by the Government or the Commissioner of Prohibition and Excise, all amounts paid by the Corporation from 21 -07-1993 to the Commissioner of Exdse Act to be Prohibition and Excise or the Government as Privilege Fee the income of the or Special Privilege Fee or any other fee or cess, by Government. whatever name called, in consideration of the privilege conferred on the Corporation, as per the provisions of sections 23(1), 23-A and 23-B of the [Telangana Excise Act, 1968 (Act XVII of 1968)] [The Andhra Pradesh Excise Act, 1968 has been adapted as the Telangana Excise Act, 1968 (Act XVII of 1968) under section 101 of the A.P.Reorganisation Act, 2014 (Central Act 6 of 2014) vide. G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.] shall be deemed to be and always deemed to have been the income of the Government and due payment for the relevant years in terms of section 4B.]

**5. Termination of licences to sell [Indian Made Foreign Liquor] [Throughout the Act for the words 'Indian Liquor' the words 'Indian Made Foreign Liquor' substituted by Act No.17 of 2006.] in retail.**

- Notwithstanding anything contained in the Telangana Act XVII of 1968 and the rules made thereunder, the Indian Contract Act, 1872 (Central Act IX of 1872). or any judgment, decree or order of any Court, Tribunal or other authority or the terms and conditions of any agreement entered into with the licensing authority under the [Telangana Excise Act, 1968 (Act XVII of 1968)] [The Andhra Pradesh Excise Act, 1968 has been adapted as the Telangana Excise Act, 1968 (Act XVII of 1968) under section 101 of the A.P.Reorganisation Act, 2014 (Central Act 6 of 2014) vide. G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.] and the licence prior to the appointed date or any other law for the time being in force, every licence granted to sell [Indian Made Foreign Liquor] [Throughout the Act for the words 'Indian Liquor' the words 'Indian Made Foreign Liquor' substituted by Act No.17 of 2006.], Foreign liquor, Wine and Beer in retail and remaining in force on the appointed date shall stand terminated with effect on and from the appointed date and thereupon the licensing authority shall be free from all obligations arising out of such licence and accordingly no suit or other proceeding shall be entertained or continued in any court against the licensing authority or any person or authority whatsoever for the enforcement of any terms and conditions of such licence so terminated or for any damages or compensation on the ground that any loss is sustained by the termination thereof before its expiry: Provided that the licensing authority shall refund any licence fee paid as earnest money or otherwise which is found to be in excess of the amount due to the Government in proportion to the duration of the licence enjoyed by the licence before its termination under this section.

## **6. [ Regulation of Sale in Shop, Bar and by in-house Licence. [Substituted with marginal heading by Act No.24 of 2005.]**

- On and from the appointed date, the sale by Shop, Bar or in-house in [Indian Made Foreign Liquor] and Foreign Liquor shall be regulated by rules made by the Government in that behalf and notwithstanding anything contained in section 5, it shall be competent for the Government to provide in such rules any transitional arrangements for carrying on the trade by Shop, Bar or in-house until such trade as regulated under such rules comes into being and also with regard to the stocks of [Indian Made Foreign Liquor] [Throughout the Act for the words 'Indian Liquor' the words 'Indian Made Foreign Liquor' substituted by Act No.17 of 2006.] and Foreign Liquor remaining on the appointed date with Shop, Bar or In-house.]

## **7. Prohibition of private trade in [Indian Made Foreign Liquor] [Throughout the Act for the words 'Indian Liquor' the words 'Indian Made Foreign Liquor' substituted by Act No.17 of 2006.] etc.**

(1) No person shall import, export or otherwise carry on wholesale trade in [Indian Made Foreign Liquor] [Throughout the Act for the words 'Indian Liquor' the words 'Indian Made Foreign Liquor' substituted by Act No.17 of 2006.], Foreign Liquor, Wine and Beer or carry on retail trade in [Indian Made Foreign Liquor] [Throughout the Act for the words 'Indian Liquor' the words 'Indian Made Foreign Liquor' substituted by Act No.17 of 2006.], Foreign Liquor, Wine and Beer in contravention of the provisions of this Act. (2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment which shall not be less than two years but which may extend upto

five years or with fine which shall not be less than ten thousand rupees but which may extend upto twenty five thousand rupees or with both.

## **8. Offences by Companies.**

(1) If the person committing an offence under this Act is a company, the company as well as every person in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation. - For the purposes of this section, - (a) 'Company' means any body corporate, and includes a firm or other association of individuals; and (b) 'Director' in relation to a firm, means a partner in the firm.

## **9. Abatement of applications.**

- Notwithstanding anything contained in the [Telangana Excise Act, 1968 (Act XVII of 1968)] [The Andhra Pradesh Excise Act, 1968 has been adapted as the Telangana Excise Act, 1968 (Act XVII of 1968) under section 101 of the A.P. Reorganisation Act, 2014 (Central Act 6 of 2014) vide. G.O. Ms. No. 162, Revenue (Excise-II) Department, dated 10.09.2015.], or the rules made thereunder or in any judgment, decree or order of any court, tribunal or other authority every application made for the grant of renewal of any permit or licence of the nature referred to in sections 3 and 5 and pending before the Commissioner or before the State Government or any other authority on the appointed date and every action taken, or enquiry made, in respect of such application, shall abate and all fees paid in connection therewith (including the application fee and licence fee, if any) already paid shall be refunded.

## **10. [ Act not to apply to canteen stores department. [Substituted with marginal heading by Act No.24 of 2005.]**

- Nothing contained in this Act shall apply to Military Canteen Stores Department dealing in [Indian Made Foreign Liquor] and Foreign Liquor.]

## **11. Overriding effect.**

- The provisions of this Act shall have effect notwithstanding anything contained in the [Telangana Excise Act, 1968 (Act XVII of 1968)] [The Andhra Pradesh Excise Act, 1968 has been adapted as the

Telangana Excise Act, 1968 (Act XVII of 1968) under section 101 of the A.P.Reorganisation Act, 2014 (Central Act 6 of 2014) vide. G.O.Ms.No.162, Revenue (Excise-II) Department, dated 10.09.2015.].

## **12. Power to make rules.**

(1)The Government may, by notification make rules for carrying out all or any of the purposes of this Act.(2)Every rule made under this Act shall immediately after it is made, be laid before the Legislature of the State if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following, the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## **13. Repeal of Ordinance 5 of 1993.**

- The Andhra Pradesh (Regulation of Wholesale Trade and Distributor and Retail Trade in Indian Liquor, Foreign Liquor, Wine and Beer) Ordinance, 1993 is hereby repealed.