

The U.P. Excise Licences (Tender-Cum-Auction) Rules, 1991

UTTAR PRADESH

India

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Rule

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The U.P. Excise Licences (Tender-Cum-Auction) Rules, 1991Published vide Notification No. 10702/10-97-B-Licence-91-92, dated February 23, 1991, published in the U.P. Gazette, Part 1 (Ka), dated 2nd March, 1991In exercise of the powers under clause (c) of Section 41 of the U.P. Excise Act, 1910 (U. P. Act No. IV of 1910), read with Section 21 of the U.P. General Clauses Act, 1904 (U.P. Act No 1 of 1904), the Excise Commissioner, Uttar Pradesh with the previous sanction of the State Government, makes the following rules for determining consideration for and the manner of the grant of licence for exclusive privilege of retail sale of country liquor, foreign liquor and Bhang under Sections 24, 24-A and 30 of the said Act by tender-cwm-auction system in supersession of all previous rules published in this behalf to the extent of their inconsistency with these rules :

1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh Excise Licences (Tender-cum-Auction) Rules, 1991.(2)They shall come into force with immediate effect

2. [Application. [Substituted by Notification No. 13624/92-93, dated 8th March, 1992, published in U.P. Gazette, Part 4, Section (Kha), dated 10th March, 1992.]

- These rules shall apply to the grant of licences for exclusive privilege selling Bhang, Country liquor, and foreign liquor by retail, under the tender-cum-auction system in the manner prescribed hereinafter but the Excise Commissioner reserves the right to grant any such licence on payment of a fixed fee or fee determined in accordance with graduate or uniform scale or by auction or by

inviting tenders or thorough negotiations.]

3. Definitions.

- In these rules-(a)'Act' means the U.P. Excise Act, 1910;(b)'Auction' means the manner of inviting tenders as well as bids in public auction for grant of licence for the retail sale of Bhang and country liquor and foreign liquor;(c)'Auctioning authority' means the licensing authority, or any officer of the rank of Additional Collector, or any officer of the Excise Department not below the rank of Assistant Excise Commissioner authorised by the Licensing Authority to conduct auctions and call for tenders.(d)'auction purchaser' means the person whose bid or tender is accepted by the Licensing Authority;(e)'bid' means an offer of bid-money by a bidder in an excise Auction and includes a tender;(f)'bid-money' means the consideration of the grant of licence under Section 24 or 24-A of the Act for the exclusive privilege of selling by retail any Bhang, or country liquor, or foreign liquor in the shop or group of shops for which the auction is made, payable by the auction purchaser under Section 30 of the Act in two parts, comprising the licence fee and the basic licence fee, if any;(g)'basic licence fee' means that part of bid-money which is payable by the auction purchaser calculated on the entire minimum guaranteed quantity at the rate notified by the Excise Commissioner from time to time;(h)'country liquor' includes country spirit;(i)'excise years' means the financial year commencing from. 1st April to 31st March of next calendar year;(j)'form' means a form given in the Appendix to these rules;(k)'highest bidder' means the person who offers the highest bid-money by bid or tender;(l)'Licensing Authority' means the Collector of the District;(m)'licence fee' means that part of bid-money which is payable on acceptance of the bid other than the part of bid-money described as basic licence fee;(mm)['Low Strength Rum' means spirit made from molasses base and coloured and flavoured so as to resemble rum imported into India and which contains not more than 30 per cent absolute alcohol by volume;] [Inserted by Notification No. 17055, dated 11th March, 1993, published in U.P. Gazette, Part 4, Section (Kha), dated 20th March, 1993.](n)'Minimum guaranteed quantity' means the minimum quantity of Bhang, country liquor or foreign liquor, as the case may be, fixed by the Licensing Authority, if any, guaranteed by the auction purchaser to be lifted by him from the licensed excise bonded warehouse or otherwise as specified by the Excise Commissioner, for the purpose of being sold by retail in his shop or group of shops during the excise year or part of the excise year for which he has obtained the licence, so however, that the total minimum guaranteed quantity for the district shall not be less than the quantity fixed by the Excise Commissioner for the whole district.

4. [Settlement of grant for retail sale. [Substituted by Notification No. 17055, dated 11th March, 1993, published in U.P. Gazette, Part 4, Section (Kha), dated 20th March, 1993.]

(1)Subject to the provisions of these rules and subject to the payment of bid-money for the shop or group of shops as consideration under Section 30 with Section 24 or 24-A of the Act, a licence for retail sale of Bhang or country liquor or foreign liquor shall be settled by tender-cum-auction system as specified hereinafter.(2)The aforesaid licences shall be settled for an excise year or for such lesser period as may be considered necessary.(3)The licences shall be granted in-(a)Form I.D. 14-B for

retail sale of Bhang.(b)[Deleted],(c)Form C.L. 4-B of retail sale of country liquor and low strength Rum, in sealed bottles and poly ponches and beer in sealed bottles for consumption off premises only.(d)Form C.L. 5-B for retail sale of country liquor and low strength Rum in sealed bottles and poly punches and beer in sealed bottles for consumption both 'on' and 'off' the premises.(e)Form F.L. 5-A for retail sale of foreign liquor.]

5. Power to fix number of shops and groups of shops.

- The Licensing Authority shall be competent to fix the number of shop or group of shops and the minimum guaranteed quantity, if any, of the Bhang or country liquor or foreign liquor in relation to such shop or group of shops.

6. Date of auction.

- The settlement of shops under these rules shall ordinarily be made on such date or dates as may be published by the Excise Commissioner in the proclamation of auction issued by him in Form G-35-D.

7. Auction notice.

(1)The date or dates fixed for various districts along with general conditions of auction and licence shall be notified by the Excise Commissioner in prominent daily, newspapers. The Licensing Authority shall also give timely publicity including publication in any regional or district daily newspaper of the date or dates of settlement with the following particulars :(i)date of auction of different licences relating to country liquor, foreign liquor, Bhang;(ii)time and place of auction of licence.(2)Unless prevented by unavoidable circumstances, the Licensing Authority shall proceed with auction on the date or dates appointed leaving any unsettled shops to be settled at a subsequent auction or as opportunity offers. Should a general postponement become necessary for any reason immediate intimation shall be given by the Licensing Authority to the Excise Commissioner about the postponed date with a brief statement of reasons for the postponement.(3)The settlement of licences not settled on the previous date of auction shall ordinarily be made within ten days of the date of postponement. As far as possible the Licensing Authority will declare the date of reauction at the closure of undecided auction and shall also notify about the reauction programme in a local daily newspaper.(4)As far as possible, the settlement of licences should be completed before the commencement of the next excise year.

8. List of licences to be exhibited.

- A list of licences to be disposed of shall be exhibited along with basic licence fee, if any, in advance at the Licensing Authority's Office and at the time of the auction. No shops other than those thus specified shall, except under very special circumstances, be auctioned.

9. [Hall Ticket. [Substituted by Notification No. 11622/X-97-B-Licence-94-95-Auction, dated 10th March, 1994.]

(1)No person, other than the officers on duty shall enter the place of auction without presenting a hall ticket. The hall ticket may be issued either by the District Excise Officer of the concerned district or by the Excise Commissioner, Uttar Pradesh to any bidder or tenderer free of cost, after he submits a demand draft of ten thousand rupees obtained in favour of the auctioning authority.(2)The demand draft so submitted shall be returned at the end of auction.]

10. [Disqualification for bidding. [Substituted by Notification No. 12356/X-97-B-Licence-95-96, dated 2nd March, 1995, published in U.P. Gazette, Part 4, Sec (Kha), dated 4th March, 1995.]

- No person shall be allowed to bid at any auction-(a)unless he produces a certificate of solvency, to the extent of at least one-sixth of his bid in Form G-39 granted by the Tahsildar of the Tahsil in which he resides or holds immovable property and duly countersigned by the Licensing Authority concerned or the Additional Collector authorised by the Licensing Authority in this behalf;(b)unless his name is included in the consolidated list of solvency certificate holders circulated by the Excise Commissioner, Uttar Pradesh :Provided that in case a person does not produce a solvency certificate and/or whose name does not appear in the consolidated list of solvency certificate holders, such person may bid at the auction if he furnishes cash and/or bank Drafts and/or bank guarantee from a Scheduled Bank valid for the period of settlement, which is at least one-eighth of his total anticipated bid and submits his recent photograph duly certified by a gazetted officer of the Government;(c)unless he produces a duly sworn affidavit containing the particulars of his immovable and movable properties along with the copies of documents of title to establish the ownership of property shown in the affidavit with non-encumbrance certificate and also furnishes an undertaking not to transfer the properties shown in the affidavit till the final settlement of all claims and dues of Government in respect of auctioned shops.Note.-In case of any doubt about the genuineness of the solvency certificate decision of the officer conducting the auction shall be final.(d)if he is a defaulter of the excise revenue :Provided that if his name finds place in the list of defaulters having arrears of excise revenue circulated by the Excise Commissioner, he may bid at the auction if he makes payment of the entire arrears due against him along with penal interest accrued thereon, before the auction and also furnishes a stamped undertaking for depositing dues of Excise arrears, if any, as per calculation in the district, to which the arrears relate within two weeks after the conclusion of the auction, or the commencement of the licence for running the shop or group of shops, whichever is earlier;(e)if he has been debarred from bidding under the provision of these to participate in auction.]

11. Procedure regarding solvency certificate and consolidated list of solvency certificate holders.

(1)An intending bidder shall apply by 10th January or such extended date as may be specified by the Excise Commissioner through publication in the daily newspapers, to the Tahsildar of the tahsil in

which he resides or holds immovable property for granting a solvency certificate and shall state in this application the details of his immovable and moveable properties, with all particulars of the encumbrances, if any, thereon. The Tahsildar shall verify after careful inquiry, whether the particulars given by the applicant are true, and if satisfied shall forward the solvency certificate in the prescribed Form G-39 in duplicate along with the supporting documents of title to the Licensing Authority or the Additional Collector authorised by the Licensing Authority to countersign the same. Before countersigning the certificate the countersigning authority shall check that the property exists in the name of the applicant and has been correctly valued. After counter-signature, the original copy will be handed over to the applicant. A consolidated list of all the solvency certificate issued by the countersigning authority, indicating the details regarding the applicants name, address, the date and amount of the solvency certificate issued to him shall be prepared and authenticated by the countersigning authority. One hundred cyclo-styled copies of this list shall be forwarded to the Excise Commissioner by 10th February or such other date as may be specified by the Excise Commissioner.(2)In case of bidders residing outside the State a list of solvency certificate holders issued along with a copy of the solvency certificates duly authenticated by the countersigning authority shall be sent directly to the Excise Commissioner, and the original copy of the solvency certificate shall be given to the applicant.The Excise Commissioner will get prepared a consolidated list of all such solvency certificate holders received in respect of bidders residing outside the State.(3)The Excise Commissioner shall circulate to all the Licensing Authorities the consolidated list of all solvency certificate holders received from the districts and the list prepared in his office under sub-rule (2).

12. Bidders of other States.

- A prospective bidder from outside the State will be allowed to participate in the auction subject to his production of a certificate from the Collector of the district in which he resides certifying that he is not a person convicted by a criminal court of a non-bailable offence and that he is not in arrears of Government revenues.

13. General conditions to be read and explained : Excise Manual 374 (4).

- Before the auction proceedings for the day commence, the general conditions governing the auction shall be read out and explained to all present, so that competitors may clearly understand the conditions on which they bid. The general conditions governing retail sale and the special conditions governing retail sale and the special conditions governing each class of licence shall also be read out in public before the sales to which they apply. Information should be freely given in all matters affecting the value of contracts about to be sold.

14. [Auction of shops. [Substituted by Notification No. 12356/X-97-B-Licence-95-96, dated 2nd March, 1995, published in U.P. Gazette, Part 4, Section (Kha), dated 4th March, 1995.]

(1)The licences or retail sale of country liquor, foreign liquor and Bhang shall ordinarily be auctioned separately, but where, in the opinion of the Licensing Authority, the bids offered in such auctions are not adequate in the interest of revenue he may, in special circumstances and with previous approval of the Excise Commissioner, combine the licence of retail sale of country liquor and foreign liquor to be auctioned in accordance with sub-rule (2). (2)The licences shall ordinarily be auctioned shopwise. However, the shops may be auctioned in such groups as may be decided by the Licensing Authority. No group shall however, be formed except for the shops of one sector in urban areas and shops of an Excise Inspector circle in other areas :Provided that the Licensing Authority may, in special circumstances, if he considers necessary in the interest of revenue to increase the size of the group of shops for conducting the auction, successfully, with previous approval of the Excise Commissioner form a bigger group of shops not exceeding the Tahsil limits, inclusion of an isolated shop or shops in bigger group of shops, situated at an inconvenient location in the adjoining other circle or Tahsil may also be allowed with prior permission of the Excise Commissioner.]

15. [Submission of tenders. [Substituted by Notification No. 16200/X-97-B-Licence, dated 11th March, 1998, published in U.P. Gazette, Part 1-A, dated 14th March, 1998.]

(1)The tender shall contain the following particulars and shall be submitted by the tenderers in a closed cover addressed to the Auctioning Authority before the commencement of the bidding for the shop or group of shops, as the case may be, -(i)name of the tenderer or tenderers alongwith father's name and address;(ii)name and location of the shop or group of shops and kind of shops for which he has offered his tender;(iii)the basic licence fee, if any, for the shop or the group of shops in figures as well as in words;(iv)the sum of licence fee excluding the basic licence fee, if any, in figures as well as in words.(2)The tender shall be accompanied by the demand draft for a sum of not less than one-twelfth of the entire sum offered including basic licence fee, if any, drawn on a Scheduled Bank in favour of Auctioning Authority and any tender not accompanied by such demand draft shall be rejected by the Auctioning Authority forthwith upon opening the sealed cover under rule 17 (1).The demand draft of a person, whose tender is not accepted shall, if he so desires, be returned forthwith.(3)The sealed cover containing the tender shall be superscribed with the words "Tender for the shop/group of shops for the year". The tenderer may obtain acknowledgment for the sealed cover presented.(4)The tenderer shall also be eligible to participate in the bidding at an auction for the same shop or group of shops.(5)The tenderer shall be present at the place of auction at the time of opening of the tenders which shall be after the bidding is over, but his absence shall in no way affect the auction proceedings.(6)The auctioning authority shall announce at the commencement of the auction, the number of tenders received for a particular shop or group of shops.(7)The tenders shall be opened only when the Auctioning Authority is of the opinion that any bid offered for a shop or group of shops in an auction or in a postponed auction is worth consideration.(8)No tender received after the commencement of auction of a shop or group of shops shall be taken into consideration.]

16. Auction procedure.

(1)The auction shall be held at the headquarters of the district and shall be presided over by the Licensing Authority. In case the Licensing Authority for unavoidable reasons cannot personally preside over the auction, he may authorise an officer of the rank of Additional Collector or an officer of the Excise Department not below the rank of an Assistant Excise Commissioner to preside over the same. The auction proceedings conducted by the officer shall be sent to the Licensing Authority for consideration.(2)The auction proceedings shall be attended by the Excise Inspectors on Preventive Duty and by Tahsildars who will assist the Officer conducting the auction in securing adequate bids and in laminating bidders of unsatisfactory character or doubtful solvency.(3)The officer conducting the auction may withdraw any licence or licence from the auction before the auction is commenced under instructions of the Excise Commissioner alongwith reasons for such action.(4)As a rule bids should not be taken in amounts smaller than multiples of Rs. 100 upto Rs. 10,000 and all bids above ten thousand rupees should be in multiples of Rs. 1,000.(5)Following precautions need to be observed while deciding the bids :(i)Care should be taken in respect of bids obviously in excess of fair market value of the licence or which are the result of speculation or ulterior motive, the acceptance of such bids as may be injurious to the interests of the consumers and ultimately to the excise revenue.(ii)It is necessary to guard against the acceptance of bids which may have the effect of constituting an overt or covert monopoly and against the acceptance as licence holders of undesirable persons of doubtful solvency or criminal background.(6)(a)The officer conducting the auction shall record the name of each person making a bid and the amounts of his bids.(b)The signature of the highest bidder and the next two lower bidders shall be taken on the bid sheet.(c)At the time of auction the persons accepted as auction purchaser shall be required to sign his name or affix his thumb-impression against the relevant entry of the licence in Form G-14-A. It shall be explained at that time the deposit paid in advance will be returned in the event of the licence being subsequently refused. The final bid accepted shall invariably be recorded in words with his own hand by the officer conducting the auction.

17. [Acceptance of bid or tender. [Substituted by Notification No. 16200/X-97-B-Licence, dated 11th March, 1998, published in U.P. Gazette, Part 1-A, dated 14th March, 1998.]

(1)(i)After opening the tenders or after receiving tenders or bids under Rule 16 for consideration, if the highest bid is obtained through tender, the Licensing Authority before accepting the same under sub-clause (ii) shall inform to the Excise Commissioner all facts on the same day in that connection. The Excise Commissioner in the interest of State revenue may direct the Licensing Authority either to accept the highest tender so received or to take bids again over and above the amount of licence fee offered in that tender.(ii)The Licensing Authority shall consider all the bids and take decision as far as possible the same day regarding the settlement of licences. The Licensing Authority shall take decision which is best in the interest of State revenue and is not bound to accept the highest or any bid. In case the highest bid is not proposed to be accepted and the Licensing Authority decides to consider the next higher bid, the same shall immediately be reported to the Excise Commissioner alongwith reasons for not accepting the highest bid. The Excise Commissioner may either accept one

of the bids received at the auctions or order reauction.(2)When after having given due weight to the foregoing considerations, a bid has been finally or provisionally accepted at an auction, no subsequent offers in respect of the same engagement should be considered. No further negotiations are admissible and auction once finalised cannot be re-opened by the Licensing Authority.]

18. Final acceptance of bid.

- The final acceptance of any bid is subject to the sanction of the Excise Commissioner which in its turn is subject to the decision of the State Government in appeal or revision, if any.

19. Validity of bid.

- Every person bidding will be held to his bids whether it be highest or not and all such bids shall remain valid till the final decision of the Excise Commissioner or for a period of 60 days whichever is earlier.

20. [Licence security. [Substituted by Notification No. 9862/X-97-B-Licence-96-97, dated 1st March, 1996, published in U.P. Gazette, Part 1, Section (Kha), dated 9th March, 1996.]

(1)In case the Licensing Authority has accepted the highest bid which shall include basic licence fee in the case of Bhang and country liquor, advance security shall be paid by the highest bidder for the due performance of the contract in the following manner :(i)A sum equal to one-twelfth of the highest bid (which shall include basic licence fee in the case of Bhang and country liquor) shall be paid in cash or by Bank Draft as first instalment immediately on the fall of hammer. In case a bidder has already furnished some cash or Bank Draft under the proviso to clause (b) of Rule 10, such amount shall be adjusted towards the security; and(ii)The auction purchaser may either deposit a sum equal to one-eighth of the highest bid (which shall include the basic licence fee in the case of Bhang and country liquor) in cash or by Bank Draft as a second instalment within twenty days of the auction or he may deposit one-twelfth of the highest bid (which shall include basic licence fee in the case of Bhang and country liquor) in cash or by Bank Draft within 10 days of the auction and one-twenty fourth of the highest bid (which shall include basic licence fee in the case of Bhang and country liquor) within twenty days of the auction in the following manner :(a)in cash or by Bank Draft; or(b)in the form of fixed deposit receipt obtained from a Scheduled Bank for the period of the licence duly pledged to licensing authority for a sum equal to one-twelfth of the highest bid (which shall include basic licence fee in the case of Bhang and Country liquor); or(c)in the form of Bank Guarantee for a sum equal to one-twelfth of the highest bid (which shall include basic licence fee in the case of Bhang and Country liquor) issued from a Scheduled Bank and valid till the final settlement of all the claims and dues to the State Government in respect of the auctioned shops or group of shops. In case a bidder has already furnished Bank Guarantee under the proviso to clause (b) of rule 10, the same may be adjusted towards the bank guarantee required under this clause; or(d)partly in cash, partly by Bank Draft, partly in the form of Fixed Deposit receipt obtained from a Scheduled Bank for a period of the licence duly pledged to the licensing authority or/and partly in

the form of Bank Guarantee issued from a Scheduled Bank and valid till the final settlements of all claims and dues to the State Government in respect of the auction shop or group of shops. In this sub-clause, the part deposit by fixed deposit receipt or/ and Bank Guarantee shall for a sum equal to double of the amount which remains after making part deposit in cash or by Bank Draft. In case, a bidder has already furnished bank guarantee under the proviso to clause (b) of rule 10, the same may be adjusted towards the Bank Guarantee required under this sub-clause.(iii)In case the bidder has furnished some cash or Bank Draft or Bank Guarantee under the proviso to clause (b) of Rule 10, and the same has been adjusted towards the security under clause (i) and clause (ii) above, such bidder shall furnish solvency certificate or fresh Bank Guarantee for the amount required under Rule 10 before the commencement of the licence for running the shop or group of shops or within fifteen days of auction, whichever is earlier, before the licensing authority of the concerned district. The Excise Commissioner or the Deputy Excise Commissioner of the charge duly authorised by the Excise Commissioner in his behalf may under very special circumstances to be recorded in writing grant further time, for furnishing solvency certificate or fresh Bank Guarantee under this sub-clause, for such a specific period as he may think necessary.(2)If the Licensing Authority decides to recommend the second highest bid for sanction to the Excise Commissioner, such second highest bidder shall also be required to deposit the security amount as required in sub-rule (1).]

21.

(1)The Treasurer of the district or one of his recognised assistants, shall be required to attend the auction to receive the advance fees paid by bidders provisionally accepted. All sums received by the Treasurer or. his assistant up to 200 p.m. must be credited in that days account and the amount paid subsequently on the same day shall be kept in sealed bags in the treasury and brought to account the next day. At the close of each day's auction the District Excise Officer shall satisfy himself in personal communication with the Treasury Officer, that the remittances to and the receipts in the treasury on account of that day agree. A person whose bid has been provisionally accepted by the Licensing Authority shall be granted a receipt in Form G-19-A.(2)When advance security deposits are provisionally received from two or more rival bidders or when they are received in cases requiring further consideration or reference to higher authority, such advances should be held in revenue deposit and not finally credited to the Government. When a final decision is arrived at, the amount so held in deposit should be at once credited or refunded, as the case may be. The officer conducting the auction should intimate to the Treasury Officer the name of the depositors and the amounts of their advance security payments which are to be held in deposit under this sub-rule.

22. Default in payment of advance security.

- In case of default to pay the security deposit as mentioned in sub-rule (1) of Rule 20 within the time specified the auction, and in case a licence has been issued, the licence, shall stand cancelled and the deposit, if any, shall stand forfeited to the Government. In such cases reauction or alternative arrangements shall be made by the licensing authority at the risk of the original auction purchaser. All monetary losses resulting from reauction or alternative arrangement or from the licence remaining unsold for want of bidders shall be recoverable from the original auction

purchaser as arrears of land revenue.

23. Bar against defaulting auction purchaser.

- The defaulting purchaser shall be debarred from bidding for the same of any other licence within the period of three years from the date of default and may with the prior sanction of the Licensing Authority, be prosecuted under Section 185 of the Indian Penal Code but in every case the defaulter shall be called upon to show cause why he should not be prosecuted for the said offence before he is actually prosecuted thereunder. A consolidated list of defaulting purchasers debarred under this sub-rule from participating in auction along with their addresses shall be circulated by the Excise Commissioner to all the Licensing Authorities before the date of auction every year.

24. Payment of monthly instalments of bid money.

(1)The bid money payable by the licensee for a shop or group of shops for the entire excise year shall be payable in twelve equal monthly instalments specified in the licence by the licensing authority at the time of grant of the licence.(2)The instalment of bid-money for a month as determined in accordance with sub-rule (1) and specified in the licence shall be deposited in full by the licensee into the Government treasury of the district in which shops or group of shops are situated, by the 20th day of each month, or where that day or subsequent days happen to be holidays, by the next working day failing which the total bid-money to the extent of deficit payment shall stand adjusted from the security deposit of the licensee and the licensee shall be called upon to make good the amount so adjusted within ten days.(3)Consequence of failure to make good the deficiency in security deposit.- Where a licensee fails to make good the amount adjusted from security deposits under sub-rule (2) within the specified time, his licence shall, unless otherwise ordered by the Licensing Authority, stand cancelled at the risk of the licensee. Where the licence is so cancelled it shall be settled afresh by tender-cum-auction, under the provisions of these rules and any shortfall in the bid-money in a reauction or settlement in any other way or licence remaining unsettled for want of bidders shall be recoverable from the remaining security and, balance, if any, shall be recovered from the original licensee as arrears of land revenue. Balance of security after recovering shortfall and other arrears, if any, shall stand forfeited to the Government. If a licensee fails to deposit bid-money he shall not be issued the intoxicants for retail sale for which he holds licence.

25. [Adjustment or refund of advance security deposit. [Substituted by Notification No. 9862/X-97-B-Licence-96-97, dated 1st March, 1996, published in U.P. Gazette, Part I, Section (Kha), dated 9th March, 1996.]

- The security referred to in sub-rule (1) of rule 20 shall, unless it is forfeited, be refunded at the end of Excise Year. The aforesaid security may be refunded at an earlier stage in case all dues and claims of State Government in respect of the auctioned shop or group of shops have been cleared by the licensee. In the discretion of Licensing Authority the advance security deposit may also be allowed to be adjusted towards the payments of bid-money in the closing months of the Excise year. In case the amount of security deposited by fixed deposit receipt is forfeited against the arrears of

bid-money, the interest accrued thereon shall vest in the State Government.]

26. Execution of counter-part agreement.

- Every bidder in whose favour the licence is settled shall execute a counter-part agreement in Form G-44-A in conformity with the terms of the licence, on a stamp paper of the requisite value before a licence in respect of the shop or group of shops settled in his favour is granted. The counter-part agreement shall come into force with effect from 1st April of the excise year to which the auction relates and if the licensee executes the counter-part agreement or takes a licence after the said date, it shall be deemed to have come into force on the said 1st April unless the Licensing Authority otherwise directs.

27. Production of surety bond.

- A bidder from another district in whose favour a licence is to be settled shall besides the security referred to above, also furnish within ten days of the date of auction, a surety bond in Form G-45-A executed by a respectable resident of the district where the licence is granted for the amount of the bid-money and for due performance of the conditions of the licence. In case of bidders from outside the State two such sureties from the district where the licence is granted shall be necessary. The sureties shall be to the satisfaction of the Licensing Authority. No shop shall be allowed to be opened and no issues of intoxicant shall be permitted by the Licensing Authority unless the required surety bonds have been furnished. If the required surety bonds are not produced the licence shall be re-auctioned at the risk of the auction purchaser and any loss to the State Government shall be recoverable from him as arrears of land revenue.

28. Commencement of period of licence.

- The licence in favour of an auction purchaser shall be effective from 1st April of the excise year unless the licensing authority otherwise directs. The auction purchaser shall be responsible to pay the bid-money from the first day of the licensed period although he may not have actually received the licence.

29. Declaration of minimum guaranteed quantity.

- The Excise Commissioner shall declare for every excise year well in advance, in the auction proclamation the licences to be settled and the minimum guaranteed quantity of the intoxicants to be lifted by the auction purchaser under those licences and the basic licence fee therefor.

30. Monthwise division and lifting of minimum guaranteed quantity.

- The minimum guaranteed quantity of the intoxicant for the whole excise year shall be divided in twelve equal parts and the auction purchaser shall have to lift one part every month. The licensees can lift the minimum guaranteed quantity for a month till the last day of that month. The quantity

left unlifted on the close of the last working day of the month shall be forfeited unless specially permitted to be lifted in the subsequent months by the District Excise Officer.

31. Price of the intoxicants.

- For lifting the intoxicants from the Bonded Warehouse the licensee, apart from paying the bid-money in the manner specified in sub-rule (2), Rule 24 shall have to pay the price of the intoxicants as fixed by Excise Commissioner or as prevalent at that time.

32. Lifting of intoxicants over and above the minimum guaranteed quantity.

- If the licensee desires to lift and sell intoxicants over and above the minimum guaranteed quantity, if any, he shall be required to pay such further sum at the rate fixed by the Excise Commissioner, as further consideration for the grant of privilege of sale of such intoxicant.

33. Sale to be within licensed period.

- The licensee shall sell in retail the entire minimum guaranteed quantity of the intoxicant for the excise year, before the expiration of the term of licence. Any balance of quantity found outstanding and unsold at the expiration of the term of licence shall be declared by the licensee to the Licensing Authority on the next day, which shall be returned by the licensee to the Government Bonded Warehouse within two days thereafter and the licensee shall be entitled to get the refund of cost price only to the extent of minimum guaranteed quantity and in case if licensee has lifted over and above the minimum guaranteed quantity during the term of licence he shall be entitled to get such amount therefore on such quantity returned as may be fixed by the Excise Commissioner after deducting such sum as the Excise Commissioner may think reasonable, provided the intoxicant returned to the Government Bonded Warehouse or otherwise is found of proper specification.

34. [No claim for delay in supply. [Substituted by Notification No. 16200/X-97-B-Licence, dated 11th March, 1998, published in U.P. Gazette, Part 1-A, dated 14th March, 1998.]

- No claim for delay in supply or for closure or not opening of shop or curtailment in hours of sale-(i)the licensee shall have no claim for damages or for remission of bid-money in the case of delayed supply of the intoxicant;(ii)the licensee shall have no claim for remission or refund of bid-money in case of an auction shop or some or all shops auctioned in a group remain closed or could not be opened for any reason. Similarly the licensee shall have no claim for remission of refund of bid-money in case of curtailment, at any time in the hours of sale.]

35. List of unsold shops to be submitted to Excise Commissioner.

- A list of all sanctioned shops of which it has not been found possible to effect a settlement should be submitted in Form G-33-A for orders to the Excise Commissioner by April 1 each excise year with

a brief statement of the auction proposed in each case.

36. Provisional settlement of unsold shops.

(1) Whenever, for any reasons it has not been possible to settle any licence, it shall be open to the Licensing Authority to settle the shop provisionally in the following manner : (i) The settlement shall be made by inviting tender offers. (ii) The Licensing Authority shall normally give advance notice of three days for the receipt of tenders/offers but in case the auction had not been finalised on the day of auction and if in his opinion it is necessary to make immediate provisional arrangements to avoid any revenue loss, the tenders/offers for the unsettled shops may be invited on the same day from the bidders present at the auction. (iii) The notice given by the Licensing Authority shall contain the following particulars : (a) The name of shop or group of shops to be settled. (b) The period for which tenders/offers are invited. (c) The date, time and place of receipt of tenders/offers. (d) Daily basic licence fee wherever applicable. (e) Conditions governing the tenders/offers. (iv) The tenders shall be opened on the same day before the tenderers. (v) The tender/offers offering highest bid shall ordinarily be accepted. (vi) The provisional settlement shall not be made for more than 15 days at a time. (vii) The bid-money of the provisional settlement shall be deposited in advance, soon after the acceptance of the tender/offer and no settlement shall be made unless such bid-money is deposited. (2) In case of re-auction of any licence settled by auction or auction-cum-tender system within the currency of an excise year, the settlement of the licence for the intervening period between the date of cancellation and final auction shall also be made in accordance with the procedure laid down in sub-rule (1).

37. Statement of settled shops.

- A statement of all the settled shops of Form D-12-A shall be sent to the Excise Commissioner within 30 days of the auction, for final acceptance and the Excise Commissioner shall take final decision within 60 days of the auction.

38. Rescission and Saving.

(1) The following rules are hereby rescinded : (a) The Uttar Pradesh Excise (First Amendment) Rules, 1984 published with Excise Commissioner's Notification No. 5354/ Licence Anubhag-3, dated March 3, 1984. (b) The Uttar Pradesh Settlement of Country Liquor Licence (Tender-cum-Auction) Rules, 1985 published with Excise Commissioner's Notification No. 15795/Licence-3, dated March 22, 1985. (c) Rule 8 of the U.P. Licences for the Retail Vend of Foreign Liquor Other than Denatured Spirit (Amendment) Rules, 1985, published with Excise Commissioner's Notification No. 16719/X-97-B, dated March 24, 1985. (d) The Uttar Pradesh Settlement of Licence for Retail Vend of Bhang (Minimum Guaranteed Quantity) Rules, 1990, published with Excise Commissioner's Notification No. 498/10-97-'B' Licence, dated February 17, 1990. (2) Notwithstanding such rescission settlements already executed for shop or group of shops of Country Liquor, Foreign Liquor and Bhang for the financial year 1990-91 under the provisions of the rules referred to in sub rule (1) shall remain valid and continue in force till March 31, 1991. C.L. 3-B Licence for retail sale of plain Country Liquor in open vessel and in poly pouches and spiced country Liquor in sealed bottles and poly

pouches for consumption "On and Off" the premises. Register No.....Locality
Description of premises (with boundaries) NorthSouth
EastWestName of licence
 holder/holders.....
 of Salesmen

1.

.....

2.

.....

3.

.....

4.

.....Licence for the retail sale of Spiced Country Liquor at
 a fixed strength of 36 per cent V/V in Standard quart, pint and nip bottles and poly pouches of 100
 ml. and 200 ml. capacity and plain country liquor at fixed strength of 25 per cent V/V in open
 vessels and poly pouches of 100 ml. 200 ml. capacity is hereby granted to Sri
 son of..... at in the district of..... from April 1, 19... to March 31, 19..... for
 which Rs..... has been paid in advance subject to the following special general conditions the
 infraction of any of which or a conviction for any offence under the U.P. Excise Act, 1910 and
 Narcotic Drugs and Psychotropic Substances Act, 1985 shall be liable to the forfeiture of his licence
 and security deposit, in addition to any penalties imposed under the above laws. Special Conditions

**1. On acceptance of bid a sum equal to one-fourth of the total bid money
 which included basic licence fee and licensee fee, offered by the highest
 bidder shall be paid in advance was security for the due performance of the
 contract. A sum equal to one-half of the aforesaid security shall be paid
 immediately on the fall of hammer in cash or by Bank Draft. The balance
 one-half of the aforesaid security shall be deposited by the auction
 purchaser/licensee within 10 days of the auction out of which one-third shall
 be deposited in cash/Bank Draft and rest two-third either in cash or in the
 form of fixed deposit receipts obtained from a scheduled bank for the period
 of licence duly pledged to the Licensing Authority or in the form of bank
 guarantee valid till the final settlement of all the claims and dues of the**

Government in respect of the auctioned shop or group of shops. The Licensing Authority may under very special circumstances to be recorded in writing and only in the case of auction for a whole excise year grant further time but not beyond the last day of the excise year immediately preceding for compliance of this condition.

2. In case of default to pay the security deposit as mentioned in condition No. 1 within the time specified the auction and in case a licence has been issued, the licence shall stand cancelled and the deposit, if any, shall stand forfeited to the Government. In such a case re-auction or alternative arrangement shall be made at the risk of the original licence. All monetary losses resulting from re-auction or alternative arrangement or from the licence, remaining unsold for want of bidders shall be recoverable from the original licensee as arrears of land revenue.

3. The bid money for the entire excise year shall be payable in twelve equal monthly instalments, which shall be of Rs..... per month.

4. The instalment of bid money for a month as specified in condition No. 3 shall be deposited in full by the licensee in the Government treasury of the district in which shop or group of shops are situated by the 20th day of each month failing which the total bid money to the extent of deficit payment shall stand adjusted from the security deposit of the licensee and the licensee shall be called upon to make good the amount so adjusted within 10 days and where a licensee fails to make good the amount so adjusted from security deposit within the specified time, his licence shall unless otherwise ordered by the licensing authority stand cancelled where the licence is so cancelled it shall be settled afresh by tender/auction, and any short fall in the bid money in a re-auction or settlement in any other way or licence remaining unsettled shall be recoverable from the remaining security and, balance, if any, shall be recovered from the original licensee as arrears of land revenue. Balance of security after recovering shortfall and other arrears, if any, shall stand forfeited to the Government. If a licensee fails to deposit bid money he shall not be issued intoxicants for retail sale.

- 5. The security deposit unless it is forfeited, shall be refunded at the end of the excise year or may be refunded at an earlier stage in case all dues and claims of Government in respect of the licensed shop or group of shops have been cleared by the licensee. Security deposit may also be allowed to be adjusted towards the payments of bid money in the closing months of the excise year.**
- 6. Sale shall be made only at the licensed premises.**
- 7. The minimum guaranteed quantity of the intoxicant fixed for whole excise year shall be divided in twelve equal parts and the licensee shall have to lift one part every month, till the last day of that month. The quantity lift unlifted on the close of the last working day of the month shall be forfeited unless specially permitted to be lifted in the subsequent months by the district Excise Officer.**
- 8. For lifting the intoxicant from the bonded warehouse the licensee, apart from paying the bid money in the manner as specified in condition No. 3, shall have to pay the price of the intoxicant as fixed by the Excise Commissioner or as prevalent at that time.**
- 9. If the licensee desires to lift and sell intoxicants over and above the minimum guaranteed quantity, he shall be required to pay such further sum at the rate fixed by the Excise Commissioner, as further consideration for grant of privilege of sale of such intoxicant.**
- 10. The licensee shall sell in retail the entire minimum guaranteed quantity of the intoxicant fixed for the excise year before the expiration of the term of licence. Any balance of quantity found outstanding and unsold at the expiration of the term of licence shall be declared by the licensee to the licensing authority on the next date, which shall be returned by the licensee to the Government Bonded warehouse within two days thereafter and the licensee shall be entitled to get the refund of cost price only to the extent of such quantity and in case a licensee has lifted over and above the minimum guaranteed quantity during the term of licence, he shall be entitled to get such amount therefor, on such quantity returned, as may be fixed by the Excise Commissioner, after deducting such sum as the Excise Commissioner may think reasonable, provided the intoxicant returned to the**

Government Bonded warehouse is found of proper specification.

11. The licensee shall obtain his supplies of country liquor of the specified strength for which this licence authorises him to sell the same, only from a bonded warehouse situated in his district or from a wholesale depot or wholesale shop situated in the same district.

12. The licensee shall possess and sell liquor only of the fixed strength for which the shop is licenced and the colour prescribed by the Excise Commissioner. The addition of water or any other substance, whatsoever to the liquor is strictly prohibited.

13. The licensee shall not keep on his licensed premises caramel or any, colouring matter or essence or any material used or likely to be used for flavouring or colouring, or rectified spirit or, power alcohol or denatured spirit.

14. The licensee shall not keep on his licensed premises any foreign ingredient likely add to its actual or apparent intoxicating quantity or strength or any article prohibited under rules.

15. The licensee shall not sell to any person at any time more than 1500 ml. of plain or 1500 ml. of spiced country liquor, except under a permit granted under the provisions of paragraph 443 of the Excise Manual Volume I.

16. The licensee is strictly prohibited under any pretext whatsoever, from tampering with the bottles, their labels, capsules or seals or poly pouches as received from the Government bonded warehouse, wholesale depot or wholesale shop.

17. The sale of country liquor loose or in sealed bottles and poly pouches for consumption both "On and "Off" the premises shall be allowed from the same counter. A portion of the premises shall be set apart where only "On" consumption shall be permitted. For "On" consumption liquor shall be served in standard measures of 200 ml., 100 ml. The portion of the premises set apart for "On" consumption shall have a signboard affixed at the entrance on which shall be painted "Licensed premises" for "On" consumption of country liquor".

18. The licensee shall, at the time of removing liquor from a Government Bonded Warehouse, wholesale depot, or wholesale shop pay to the contract suppliers or licensee wholesale price Liquor to be removed including filling, capsuling, labling and poly pouching charges.

19. Only standard measures of 200 ml. 100 ml., 50 ml., 20 ml., approved by the Excise Department shall be used by the licensee. The licensee shall keep these measures in good condition.

20. At the entrance to the Shop a signboard shall be affixed on which shall be painted the name of the licensee, the designation "Licensed retail seller of country Liquor" and the period for which he holds the licence.

21. In the case of shops situated in municipalities there shall be only one door opening to a public road unless more opening are sanctioned by the licencing authority. The additional doors shall have signboards attached to them as specified in condition No. 20. Window opening in the street shall be covered with wire netting.

22. (a) The licensee shall provide within licensed premises a reasonable seating accommodation, i.e. a sufficient number of chairs, benches and tables in urban areas and benches or takhtas in rural areas.

(b)All Kujjars, Pattals, etc. shall be removed immediately to a specially erected empty receptacle or bin with a cover kept for this purpose which shall be cleaned at least twice during the sale hours of the shop.(c)The licensee, as well as the salesmen, shall be responsible for the proper upkeep and cleanliness of the premises, including its drains, etc. which shall also be kept disinfected.

23. The licensee, shall maintain an accurate daily account separately for Plain liquor and spiced Country Liquor in the prescribed register to be obtain from the Licensing Authority Office on payment.

Accounts shall be written up as soon as the transactions for each day have been closed.

24. The licensee is strictly forbidden from having recourse to any form of publicity, blandishment or inducement to the customers with a view to increase his sales. Providing of any sort of amusement or recreation, such as music (including gramophone music) dances, radio programmes or any other variety of entertainment or granting of any other facilities by or on

behalf of the licensee in order to attract customers as to the shop is also not permitted.

25. The licensee shall not employ any person suffering from any infectious or contagious disease for any purpose in his licensed premises.

26. The shop shall remained open for retail sale from 10 a.m. to 10 p.m.

27. The shop will remain closed on 1st day of every month, Independence Day (15th August), Republic Day (26th January) and Mahatma Gandhi Birthday (2nd October). If 1st day of any month is public holiday then next day will be the day when shop will remain closed. In addition to this, any three days during the excise year, will be declared by the Licensing Authority on which the shops will remain closed. No compensation will be given to the Licensee for closer of the shop on aforesaid days.

28. Liquor shall not be sold to persons below the age of eighteen years.

DateDistrictLicensing AuthorityC.L. 4-BLicence for the retail sale of Plain and spiced Country liquor in sealed bottles and poly pouches for consumption "Off" the premises.Register No.....LocalityDescription of premises (with boundaries)NorthSouthEastWestName of licence holder/holders.....
of Salesmen

1.

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2.

.....

3.

.....

4.

.....Licence for the retail sale of Spiced Country liquor at a fixed strength of 36 per cent V/V and plain country liquor at fixed strength of 25 per cent V/V in Standard quart, pint and nip bottles and poly pouches of 100 ml. and 200 ml capacity is hereby granted to Sri s/o..... at in the district of from April 1, 19... to March 31, 19.... for which Rs..... has been paid in advance subject to the following special and general conditions, the infraction of any of which or a conviction for any offence under the U.P. Excise Act, 1910 and Narcotic Drugs and Psychotropic Substance. Act, 1985 shall be liable to the forfeiture of his licence and security deposit, in addition to any penalties imposed under the above laws.Special Conditions

1. On acceptance of bid a sum equal to one fourth of the total bid money which included basic licence fee and licence fee, offered by the highest bidder shall be paid in advance as security for the due performance of the contract. A sum equal to one-half of the aforesaid security shall be paid immediately on the fall of hammer in cash or by Bank Draft. The balance one-half of the aforesaid security shall be deposited by the auction purchaser/licensee within ten days of the auction out of which one-third shall be deposited in cash/or Bank Draft and rest two-third either in cash or in the form of fixed deposit receipts obtained from a scheduled bank for the period of licence duly pledged to the Licensing Authority or in the form of bank guarantee valid till the final settlement of all the claims and dues of the Government in respect of the auctioned shop or group of shops. The Licensing Authority may under very special circumstances to be recorded in writing and only in the case of auction for a whole excise year grant further time but not beyond the last day of the excise year immediately preceding for compliance of this condition.

2. In case of default to pay the security deposit as mentioned in condition No. 1 within the time specified the auction and in case a licence has been issued, the licence shall stand cancelled and the deposit, if any, shall stand forfeited to the Government. In such a case re-auction or alternative arrangement shall be made at the risk of the original licensee. All monetary losses resulting from re-auction or alternative arrangement or from the licence remaining unsold for want of bidders shall be recoverable from the original licensee as arrears of land revenue.

- 3. The bid money for the entire Excise year shall be payable in.. twelve equal monthly instalments, which shall be of Rs..... per month.**
- 4. The instalment of bid money for a month as specified in condition No. 3 shall be deposited in full by the licensee in the Government treasury of the district in which shop or group of shops are situated, by the 20th day of each month failing which the total bid money to the extent of deficit payment shall stand adjusted from the security deposit of the licensee and the licensee shall be called upon to make good the amount so adjusted within ten days and where a licensee fails to make good the amount so adjusted from security deposit within the specified time, his licence shall unless otherwise ordered by the licensing authority stand cancelled. Where the licence is so cancelled it shall be settled afresh by tender/auction, and any short fall in the bid money in a re-auction of settlement in any other way or licence remaining unsettled shall be recoverable from the remaining security and, balance, if any, shall be recovered from the original licensee as arrears of land revenue. Balance of security after recovering shortfall and other arrears, if any, shall stand forfeited to the Government. If a licensee fails to deposit bid money he shall not be issued intoxicants for retail sale.**
- 5. The security deposit, unless it is forfeited, shall be refunded at the end of the excise year or may be refunded at an earlier stage in cases all dues and claims of Government in respect of the licenced shop or group of shops have been cleared by the licensee. Security deposit may also be allowed to be adjusted towards the payments of bid money in the closing months of the Excise year.**
- 6. Sale shall be made only at the licensed premises.**
- 7. The minimum guaranteed quantity of the intoxicant fixed for whole excise year shall be divided in twelve equal parts and the licensee shall have to lift one part every month, till the last day of that month. The quantity left unlifted on the close of the last working day of the month shall be forfeited unless specially permitted to be lifted in the subsequent months by the District Excise Officer.**

8. For lifting the intoxicant from the bonded warehouse the licensee, apart from paying the bid-money in the manner as specified in condition No. 3, shall have to pay the price of the intoxicant as fixed by the Excise Commissioner or as prevalent at that time.

9. If the licensee desires to lift and sell intoxicants over and above the minimum guaranteed quantity, he shall be required to pay such further sum at the rate fixed by the Excise Commissioner, as further consideration for grant of privilege of sale of such intoxicant.

10. The licensee shall sell in retail the entire minimum guaranteed quantity of the intoxicant fed for the excise year before the expiration of the term of licence. Any, balance of quantity found outstanding and unsold at the expiration of the term of licence shall be declared by the licensee to the licensing authority on the next date, which shall be returned by the licensee to the Government Bonded warehouse within two days thereafter and the licensee shall be entitled to get the refund of cost price only to the extent of such quantity and in case a licensee has lifted over and above the minimum guaranteed quantity during the term of licensee, he shall be entitled to get such amount therefor, on such quantity returned, as may be fixed by the Excise Commissioner, after deducting such sum as the Excise Commissioner may think reasonable, provided the intoxicant returned to the Government Bonded warehouse is found of proper specification.

11. The licensee shall obtain his supplies of country liquor of the specified strength for which this licence authorises him to sell the same, only from a bonded warehouse situated in his district or from a wholesale depot or wholesale shop situated in the same district.

12. The licensee shall possess and sell liquor only of the fixed strength for which the shop is licenced and the colour prescribed by the Excise Commissioner. The addition of water or any other substance, whatsoever to the liquor is strictly prohibited.

13. The licensee shall not keep on his licensed premises caramel or any colouring matter or essence or any material used or likely to be used for flavouring or colouring, or rectified spirit or, power alcohol or denatured spirit.

- 14. The licensee shall not keep on his licensed premises any foreign ingredient likely to add to its actual or apparent intoxicating quantity or strength or any article prohibited under rules.**
- 15. The licensee shall not sell to any person at any time more than 1500 ml. of plain or 1500 ml. of spiced country liquor, except under a permit' granted under the provisions of paragraph 443 of the Excise Manual, Volume I.**
- 16. The licensee is strictly* prohibited, under any pretext whatsoever, from tampering with the bottles, their labels, capsules or seals or poly pouches as received from the Government bonded warehouse, wholesale depot or wholesale shop.**
- 17. The licensee shall not permit liquor to be consumed. "On" his licenced premises.**
- 18. The licensee shall, at the time of removing liquor from a Government Bonded Warehouse, wholesale depot, or wholesale shop pay to the contract suppliers or licensee wholesale price Liquor to be removed including filling, capsuling, labelling and poly pouching charges.**
- 19. Only Standard measures of 200 ml., 100 ml., 50 ml., 20 ml., approved by the Excise Department shall be used by the licensee. The licensee shall keep these measures in good condition.**
- 20. At the entrance to the Shop a signboard shall be affixed on which shall be painted the name of the licensee, the designation "Licensed", retail seller of country Liquor and the period for which he holds the licence.**
- 21. In the case of shops situated in municipalities there shall be only one door opening to a public road unless more opening are sanctioned by the licencing authority. The additional doors shall have signboards attached to them as specified in condition No. 20. Window opening in the street shall be covered with wire nettings.**
- 22. (a) The licensee shall provide within licensed premises a reasonable seating accommodation, i.e. a sufficient number of chairs, benches and tables in urban areas and benches or takhtas in rural areas.**

(b) All kujjars, Pattals, etc., shall be removed immediately to a specially erected empty receptacle or bin with a cover kept for this purpose which shall be cleaned at least twice during the sale hours of the shop. (c) The licensee, as well as the salesman shall be responsible for the proper upkeep and cleanliness of the premises, including its drains, etc., which shall also be kept disinfected.

23. The licensee, shall maintain an accurate daily account separately for Plain liquor and spiced country Liquor in the prescribed register to be obtain from the Licensing authority Office on payment.

Accounts shall be written up as soon as the transactions for each day have been closed.

24. The licensee is strictly forbidden from having recourse to any form of publicity, blandishment or inducement to the customers with a view to increase his sales. Providing of any sort of amusement or recreation, such as music (including gramophone music), dances, radio programme or any other variety of entertainment or granting of any other facilities by or on behalf of the licensee in order to attract customers as to the shop is also not permitted.

25. The licensee shall not employ any person suffering from any infectious or contagious disease for any purpose in his licensed premises.

26. The shop shall remain open for retail sale from 10 a.m. to 10 p.m.

27. The shop will remain closed on 1st day of every month. Independence day (15th August), Republic day (26th January) and Mahatma Gandhi birthday (2nd October). If 1st day of any month is public holiday then next day will be the day, when shop will remain closed. In addition to this, any three days during the excise year, will be declared by the Licensing Authority on which the shops will remain close. The compensation will be given to the Licensee for closer of the shop on aforesaid days.

28. Liquor shall not be sold to persons below the age of eighteen years.

Date District Licensing Authority C.L. 5-B Licence for the retail sale of Plain and spiced country Liquor in sealed bottles and poly pouches for consumption "On and Off the premises. Register No. Locality Description of premises (with boundaries) North South East West Name of licence holder/holders.....

of Salesmen

1.

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2.

.....

3.

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4.

.....Licence for the retail sale of spiced Country liquor at a fixed strength of 36 per cent V/V and plain Country liquor at fixed strength of 25 per cent in Standard quart, pint, and nip bottles and poly pouches of 100 ml. and 200 ml capacity is hereby granted to Sri.....s/o..... at..... in the district of..... from April 1, 19 to March 31, 19.... for which Rs..... has been paid in advance subject to the following special and general conditions, infraction of any of which or a conviction for any offence under the U.P. Excise Act, 1910 and Narcotic Drugs and Psychotropic Substances Act, 1985 shall be liable to the forfeiture of his licence and security deposit, in addition to any penalties imposed under the above laws.Special Conditions

1. On acceptance of bid a sum equal to one-fourth of the total bid money which include basic licence fee and licence fee, offered by the highest bidder shall be paid in advance as security for the due performance of the contract. A sum equal to one-half of the aforesaid security shall be paid immediately on the fall of hammer in cash or by Bank Draft. The balance one-half of the aforesaid security shall be deposited by the auction purchaser/licensee within ten days of the auction out of which one-third shall be deposited in cash/Bank Draft and rest two-third either in cash or in the form of fixed deposit receipts obtained from a scheduled bank for the period of licence duly pledged to the Licensing Authority or in the form of bank guarantee valid till the final settlement of all claims and dues of the Government in respect of the auctioned shop or group of shops. The Licensing Authority may under very special circumstances to be recorded in writing and only in the case of auction for the whole excise year grant further time but not

beyond the last day of the excise year immediately preceding for compliance of this condition.

2. In case of default to pay the security deposit as mentioned in condition No. 1 within the time specified the auction and in case a licence has been issued the licence shall stand cancelled and the deposit, if any, shall stand forfeited to the Government. In such a case re-auction or alternative arrangement shall be made at the risk of the original licence. All monetary losses resulting from reauction or alternative arrangement or from the licence remaining unsold for want of bidders shall be recoverable from the original licensee as arrears of land revenue.

3. The bid money for the entire Excise year shall be payable in twelve equal monthly instalments, which shall be of Rs..... per month.

4. The instalment of bid money for a month as specified in condition No. 3 shall be deposited in full by the licensee in the Government treasury of the district in which shop or group of shops are situated, by the 20th day of each month failing which the total bid money to the extent of deficit payment shall stand adjusted from the security deposit of the licensee and the licensee shall be called upon to make good the amount so adjusted within ten days and where a licensee fails to make good the amount so adjusted from security deposit within the specified time, his licence shall unless otherwise ordered by the licensing authority stand cancelled. Where the licence is so cancelled it shall be settled afresh by tender/auction, and any short fall in the bid money in a reauction or settlement in any other way or licence remaining unsettled shall be recoverable from the remaining security and, balance, if any, shall be recovered from the original licensee as arrears of land revenue. Balance of security after recovering shortfall and other arrears, if any, shall stand forfeited to the Government. If a licensee fails to deposit bid money he shall not be issued intoxicants for retail sale.

5. The security deposit, unless it is forfeited, shall be refunded at the end of the excise year or may be refunded at an earlier stage in case all dues and claims of Government in respect of the licenced shop or group of shops have been cleared by the licensee. Security deposit may also be allowed to be adjusted towards the payments of bid money in the closing months of the

Excise year.

6. Sale shall be made only at the licensed premises.

7. The minimum guaranteed quantity of the intoxicant fixed for whole excise year shall be divided in twelve equal parts and the licensee shall have to lift one part every month, till the last day of that month. The quantity left unlifted on the close of the last working day of the month shall be forfeited unless specially permitted to be lifted in the subsequent months by the District Excise Officer.

8. For lifting the intoxicant from the bonded warehouse the licensee, apart from paying the bid-money in the manner as specified in condition No. 3 shall have to pay the price of the intoxicant as fixed by the Excise Commissioner or as prevalent at that time.

9. If the licensee desires to lift and sell intoxicants over and above the minimum guaranteed quantity, he shall be required to pay such further sum at the rate fixed by the Excise Commissioner, as further consideration for grant of privilege of sale of such intoxicant.

10. The licensee shall sell in retail the entire minimum guaranteed quantity of the intoxicant fixed for the excise year before the expiration of the term of licence. Any balance of quantity found outstanding and unsold at the expiration of the term of licence shall be declared by the licensee to the licensing authority on the next date, which shall be returned by the licensee to the Government Bonded Warehouse within two days thereafter and the licensee shall be entitled to get the refund of cost price only to the extent of such quantity and in case a licensee has lifted over and above the minimum guaranteed quantity during the term of licence, he shall be entitled to get such amount therefor, on such quantity returned, as may be fixed by the Excise Commissioner, after deducting such sum as the Excise Commissioner may think reasonable, provided the intoxicant returned to the Government Bonded Warehouse is found of proper specification.

11. The licensee shall obtain his supplies of country liquor of the specified strength for which this licence authorises him to sell the same, only from a bonded warehouse situated in his district or from a wholesale depot or wholesale shop situated in the same district.

12. The licensee shall possess and sell liquor only of the fixed strength for which the shop is licenced and the colour prescribed by the Excise Commissioner. The addition of water or any other substance, wheresoever to the liquor is strictly prohibited.

13. The licensee shall not keep on his licensed premises caramel or any, colouring matter or essence or any material used or likely to be used for flavouring or colouring, or rectified spirit or, power alcohol or denatured spirit.

14. The licensee shall not keep on his licensed premises any foreign ingredient likely to add to its actual or apparent intoxicating quantity or strength or any article prohibited under rules.

15. The licensee shall not sell to any person at any time more than 1500 ml. of plain or 1500 ml. of spiced country liquor, except under a permit granted under the provisions of paragraph 443 of the Excise Manual, Volume I.

16. The licensee is strictly prohibited, under any pretext whatsoever from tempering with the bottles, their labels, capsules or seals or poly pouches as received from the Government bonded warehouse, wholesale depot or wholesale shop.

17. The sale of country liquor loose or in sealed bottles and poly pouches for consumption both "On" and "Off" the premises shall be allowed from the same counter. A portion of the premises shall be set apart where only consumption shall be permitted. For "On" consumption liquor shall be served in standard measures of 200 ml., 100 ml., 50 ml. The portion of premises set apart for "On" consumption shall have a signboard affixed at the entrance on which shall be painted "Licensed premises" for "On" consumption of country liquor.

18. The licensee shall, at the time of removing liquor from a Government Bonded warehouse, wholesale depot, or wholesale shop pay to the contract suppliers or licensee wholesale price Liquor to be removed including filling, capsuling, labelling and poly pouching charges.

19. Only standard measures of 200 ml., 100 ml. 50 ml., 20 ml., approved by the Excise Department shall be used by the licensee. The licensee shall keep these measures in good condition.

20. At the entrance to the Shop a signboard shall be affixed on which shall be painted the name of the licensee, the designation "Licensed" retail seller of country Liquor and the period for which he holds the licence.

21. In the case of shops situated in municipalities there shall be on one door opening to a public road unless more openings are sanctioned by the licensing authority. The additional doors shall have signboards attached to them as specified in condition No. 20. Window opening in the street shall be covered with wire netting.

22. (a) The licensee shall provide within licensed premises a reasonable seating accommodation, i.e. a sufficient number of chairs, benches and tables in urban areas and benches or takhtas in rural areas.

(b) All kujjars, Pattals, etc. shall be removed immediately to a specially erected empty receptacle or bin with a cover kept for this purposes which shall be cleaned at least twice during the sale hours of the shop. (c) The licensee, as well as the salesman shall be responsible for the proper upkeep and cleanliness of the premises, including its drains, etc., which shall also be kept disinfected.

23. The licensee shall maintain an accurate daily account separately for Plain liquor and spiced Country Liquor in the prescribed register to be obtained from the Licensing authority office on payment.

Accounts shall be written up as soon as the transactions for each day have been closed.

24. The licensee is strictly forbidden from having recourse to any form of publicity, blandishment or inducement to the customers with a view to increase his sales. Providing of any sort of amusement or recreation, such as music (including gramophone music), dances, radio programmes or any other variety of entertainment or granting of any other facilities by or on

behalf of the licensee in order to attract customers to the shop is also not permitted.

25. The licensee shall not employ any person suffering from any infectious or contagious disease for any purpose in his licensed premises.

26. The shop shall remain open for retail sale from 10 a.m. to 10 p.m.

27. The shop will remain closed on 1st day of every month, Independence Day (15th August), Republic Day (26th January) and Mahatma Gandhi Birthday (2nd October). If 1st day of any month is public holiday then next day will be the day, when shop will remain closed. In addition to this, any three days during the excise year, will be declared by the Licensing Authority on which the shops will remain closed. No compensation will be given to the Licensee for closer of the shop on aforesaid days.

28. Liquor shall not be sold to persons below the age of eighteen years.

DateDistrictLicensing Authority.F.L. 5-ALicence for retail sale of foreign liquor (other than denatured spirit) for consumption "Off" the premises only.Register NoLocalityDescription of premises (with boundaries)NorthSouthEastWestName of licence holder/holders.....
of Salesmen

1.

.....

2.

.....

3.

.....

4.

.....Licence for the retail sale of foreign liquor, other than denatured spirit, is hereby granted to Sri, son of at in the district of from April 1, 19.... to March 31, 19.... for which Rs..... has been paid in advance subject to the following special and general conditions, the infraction of any of which or a conviction for any offence under the U.P. Excise Act, 1910 and Narcotic Drugs and Psychotropic Substances Act, 1985 shall be liable to the forfeiture of his licence and security deposit, in addition to any penalties imposed under the above laws. Special Conditions

1. On acceptance of bid a sum equal to one-fourth of the total bid money which includes basic licence fee, if any, and licence fee, offered by the highest bidder shall be paid in advance as security for the due performance of the contract. A sum equal to one-half of the aforesaid security shall be paid immediately on the fall of hammer in cash or by Bank Draft. The balance one-half of the aforesaid security shall be deposited by the auction purchaser/ licensee within ten days of the auction out of which one-third shall be deposited in cash or Bank Draft and rest two-third either in cash or in the form of fixed deposit receipts obtained from a scheduled bank for the period of licence duly pledged to the Licensing Authority or in the form of bank guarantee valid till the final settlement of all the claims and dues of the Government in respect of the auctioned shop or group of shops. The Licensing Authority may under very special circumstances to be recorded in writing and only in the case of auction for a whole excise year grant further time but not beyond the last day of the excise year immediately preceding for compliance of this condition.

2. In case of default to pay the security deposit as mentioned in condition No. 1 within the time specified the auction and in case a licence has been issued the licence shall stand cancelled and the deposit, if any, shall stand forfeited to the Government. In such a case re-auction or alternative arrangement shall be made at the risk of the original licensee. All monetary losses resulting from re-auction or alternative arrangement or from the licence remaining unsold for want of bidders shall be recoverable from the original licensee as arrears of land revenue.

- 3. The bid money for the entire Excise year shall be payable in twelve equal monthly instalments, which shall be of Rs..... per month.**
- 4. The instalment of bid money for a month as specified in condition No. 3 shall be deposited in full by the licensee in the Government treasury of the district in which shop or group of shops are situated, by the 20th day of each month failing which the total bid money to the extent of deficit payment shall stand adjusted from the security deposit of the licensee and the licensee shall be called upon to make good the amount so adjusted within ten days and where a licensee fails to make good the amount so adjusted from security deposit within the specified time, his licence shall unless otherwise ordered by the licensing authority stand cancelled. Where the licence is so cancelled it shall be settled afresh by tender/auction, and any short fall in the bid money in a reauction or settlement in any other way or licence remaining unsettled shall be recoverable from the remaining security and, balance, if any, shall be recovered from the original licensee as arrears of land revenue. Balance of security after recovering shortfall and other arrears, if any, shall stand forfeited to the Government. If a licensee fails to deposit bid money he shall not be issued intoxicants for retail sale.**
- 5. The security deposit, unless it is forfeited, shall be refunded at the end of the excise year or may be refunded at an earlier stage in case all dues and claims of Government in respect of the licenced shop or group of shops have been cleared by the licensee. Security deposit may also be allowed to be adjusted towards the payments of bid money in the closing months of the Excise year.**
- 6. Sale shall be made only at the licensed premises.**
- 7. No quantity, less than one standard Nip bottle of 180 ml. of Liquor shall be sold to any person at one time. No sale shall be made to a person below the age of eighteen years.**
- 8. Sale shall be made only in bottles securely corked and either sealed or capsuled.**

9. No Liquor shall be consumed/drunken on the premises.

10. The licence holder shall not allow sales to be made by any women, except his wife, daughter or other near relation living with him. Liquor shall not be sold by minor.

11. The licence holder shall maintain regular and accurate accounts in the prescribed register (Form F.L. 25-A) to be obtained from the Licensing Authority's office on payment, and shall produce the same for inspection on the requisition by any officer authorised by the Government to demand their production, and shall furnish to the Licensing Authority such returns of sales as may be required.

12. At the entrance to the Licenced premises a signboard shall be affixed on which shall be painted the name of the seller and designation "Licensed seller of foreign liquor" and the period of the Licence for which he holds the licence.

13. The following hours of sale are prescribed :

10. a.m. to 10 p.m. only.

14. The shop will remain closed on 1st day of every month, Independence Day (15th August), Republic Day (26th January) and Mahatma Gandhi Birthday (2nd October). If 1st day of any month is public holiday then next day will be the day, when shop will remain closed. In addition to the any three days during the year which will be decided by the licensing authority, the shops will remain closed. No compensation will be given to the Licensee for closer of the shop on aforesaid days.

15. The licensee shall not be allowed to carry on any other business in the approved premises of the shop of retail sale of foreign liquor.

16. The licensee is strictly forbidden from having the recourse to any form of advertisement, publicity or blunders or inducement to the customer with view to increase his sale.

17. The licence shall invariably obtain supplies of foreign liquor from any wholesale licence of his charge. But if any specific/particular brand of foreign liquor desired by the licence is not available in wholesale licence or licences of his charge, the same may be procured from any other wholesale licence or other charge, with prior permission of the Deputy Excise Commissioner-in-charge.

DateDistrictLicenseeL.D. 14-BLicence for the retail sale of
Bhang.Register No.....LocalityDescription of premises (with
boundaries)NorthSouthEastWestName
of licence
holder/holders.....
of Salesmen

1.

.....

2.

.....

3.

.....

4.

.....Licence for the retail sale of Bhang is hereby granted to
Sri..... son ofat in the district of..... from April 1, 19..... March 31,
19. for which Rs..... has been paid in advance subject to the following special and general
conditions, the infraction of any, of which or a conviction for any offence under the U.P. Excise Act
and Narcotic Drugs and Psychotropic Substances Act, 1985 shall be liable to the forfeiture, of his
licence and security deposit, in addition to any penalties imposed under the above laws.Special
Conditions

1. On acceptance of bid a sum equal to one-fourth of the total bid-money which included basic licence fee and licence fee, offered by the highest bid shall be paid in advance as security for the due performance of the contract. A sum equal to one-half of the aforesaid security shall be paid immediately on the fall of hammer in cash or by Bank Draft. The balance one-half of the

aforesaid security shall be deposited by the auction purchaser/licensee within ten days of the auction out of which one-third shall be deposited in cash/Bank Draft and rest two-third either in cash or in the form of fixed deposit receipts obtained from a scheduled bank for the period of licence duly pledged to the Licensing Authority or in the form of bank guarantee valid till the final settlement of all the claims and dues of the Government in respect of auctioned shop or group of shops. The Licensing Authority may under very special circumstances to be recorded in writing and only in the case of auction for a whole excise year grant further time but not beyond the last day of the excise year immediately preceding for compliance of this condition.

2. In case of default to pay the security deposit as mentioned in condition No. 1 within the time specified the auction and in case a licence has been issued, the licence shall stand cancelled and the deposit, if any, shall stand forfeited to the Government. In such a case re-auction or alternative arrangement shall be made at the risk of the original licensee. All monetary losses resulting from reauction or alternative arrangement or from the licence remaining unsold for want of bidders shall be recoverable from the original licensee as arrears of land revenue.

3. The bid money for the entire Excise year shall be payable in twelve equal monthly instalments, which shall be of Rs. per month.

4. The instalment of bid money for a month as specified in condition No. 3 shall be deposited in full by the licensee in the Government treasury of the district in which shop or group of shops are situated, by the 20th day of each month failing which the total bid money to the extent of deficit payment shall stand adjusted from the security deposit of the licensee and the licensee shall be called upon to make good the amount so adjusted within ten days and where a licensee fails to make good the amount so adjusted from security deposit within the specified time, his licence shall unless otherwise ordered by the licensing authority stand cancelled. Where the licence is so cancelled it shall be settled afresh by tender/auction, and any short fall in the bid money in a reauction or settlement in any other way or licence remaining unsettled shall be recoverable from the remaining security and, balance, if any, shall be recovered from the original licensee as arrears of land revenue.

Balance of security after recovering shortfall and other arrears, if any, shall stand forfeited to the Government. If a licensee fails to deposit bid money he shall not be issued intoxications for retail sale.

5. The security deposit, unless it is forfeited, shall be refunded at the end of the excise year or may be refunded at an earlier stage in case all dues and claims of Government in respect of the licenced shop or group of shops have been cleared by the licensee. Security deposit may also be allowed to be adjusted towards the payments of bid money in the closing months of the Excise year.

6. Sale shall be made only at the licensed premises.

7. The minimum guaranteed quantity of the intoxicant fixed for whole excise year shall be divided in twelve equal parts and the licensee shall have to lift one part every month, till the last day of that month. The quantity left unlifted on the close of the last working day of the month shall be forfeited unless specially permitted to be lifted in the subsequent months by the District Excise. Officer.

8. For lifting the intoxicant from the bonded warehouse the licensee, apart from paying the bid money in the manner as specified in condition No. 3, shall have to pay the price of the intoxicant as fixed by the Excise Commissioner or as prevalent at that time.

9. If the licensee desires to lift and sell intoxicants over and above the minimum guaranteed quantity, he shall be required to pay such further sum at the rate fixed by the Excise Commissioner as further consideration for grant of privilege of sale of such intoxicant.

10. The licensee shall sell in retail entire minimum guaranteed quantity of the intoxicant fixed for the excise year before the expiration of the term of licence. Any balance of quantity found outstanding and unsold at the expiration of the term of licence shall be declared by the licensee to the licensing authority on the next date, which shall be returned by the licensee to the Government Bonded warehouse within two days thereafter the licensee shall be entitled to get the refund of cost price only to the extent of such quantity and in case a licensee has lifted over and above the minimum

guaranteed quantity during the term of licence, he shall be entitled to get such amount therefor, on such quantity returned, as may be fixed by the Excise Commissioner, after deducting such sum as the Excise Commissioner may think reasonable, provided the intoxicant returned to the Government Bonded warehouse is found of proper specification.

11. The licensee shall obtain supplies of Bhang only from a Government bonded warehouse situated in his district.

12. Licensee will keep accurate weights and measures duly prescribed by Excise Commissioner and will utilize the same weights and measures only. The licensee will be responsible to keep them in good condition.

13. At the entrance to the shop a signboard shall be affixed on which shall be painted the name of licensee, place of licence and seller, the period for which he holds the licence.

14. (a) The licensee shall sell Bhang in packets.

(b) Licensee has right to sell Ghota Bhang.

15. No customer shall be allowed to purchase more than 120 grams of Bhang at one time, unless he has a permit to purchase more than 120 grams of Bhang as per para 1003 of Excise Manual, Volume I.

16. The licensee shall possess and sell only that Bhang (intoxicant) which has been lawfully obtained from any Government Bonded warehouse. Admixture of Bhang or doing anything with regard to it which might change appearance, potency, quantity or weight is strictly prohibited.

17. The licence holder shall not permit the consumption of Bhang in any form in his shop.

18. Any portion of stock of bhang which may be declared by any office, duly authorised in this behalf, to be unfit for consumption shall be surrendered for destruction.

- 19. The licensee shall correctly maintain daily account in a printed Register to be obtained from the licensing authority's office on payment. The account shall be written up as soon as the transactions for each day have been closed.**
- 20. No poisonous material be kept at licenced shop.**
- 21. No Bhang shall be sold to a person below the age of eighteen years.**
- 22. The licensee shall not employ any person suffering from any infectious or contagious disease for any purpose in his licensed shop.**
- 23. The shop shall remain open for retail sale from 10 a.m. to 10 p.m.**
- 24. The shop will remain closed on 1st day of every month, Independence Day (15th August), Republic Day (26th January) and Mahatma Gandhi Birthday (2nd October). If 1st day of any month is public holiday then next day will be the day, when shop will remain closed. In addition to this any three days during tire excise year, will be declared by the licensing authority on which the shops will remain closes. No compensation will be given to the Licensee for closer of the shop on aforesaid days.**

DateDistrictLicensing Authority.F.L. 25-ARegister to be maintained by foreign liquor SellerThe register will be divided into four parts :

Part I – . To consist of remarks by inspecting officers.

Part II – . This will show all receipts by the licensee. Entries should be made only on the dates on which supplies are received. A separate line should be given to each consignment and if the consignment consists of liquors of various kinds a separate line should be given to each kind of liquor also.

Part III – .-This part is reserved for sales.

Part IV – .-This should show the total receipt of each kind of liquor during the day, the total sales and the balance at the end of the day. The total sales will be obtained by totalling the entries for the day, as shown in Part III.

Part I – Inspections by Excise and other officers

Date and hour of inspection	Inspection note including stock verification and details of breaches detected, if any
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Part II – Name of licenseelicence held

Receipt account

Date of receipt	Number and date of pass under which the consignment is received	Name and address of the firm from whom received	Kind of Indian made foreign liquor	Quantity received	Remarks
				Quart	Pints Nips

Part III – Account of sales

Date	Name and address of purchaser	Whisky, Brandy, Gin and Rum of Indian manufacture	Beer of Indian manufacture
		Quart	Pints Nips Quarts

Part IV – Daily abstract of Receipts Sales and Balances

Whisky, Brandy, Gin and Rum of Indian manufacture

Date	Opening balance	Receipts	Sales	Closing balance
	Qts.	Pts.	Nip.	Qts. Pts. Nip. Qts. Pts. Nip. Qts. Pts. Nip.
1	2	3	4 5	6 7 8 9 10 11 12 13

Beer of Indian manufacture

Opening balance	Receipts Sale	Closing balance
-----------------	---------------	-----------------

Bottles	Bottles	Bottles	Bottles
14	15	16	17

G.12-A Statement showing the settlement of excise shops under the U.P. Excise Licence (Tender-cum-Auction) Rules, 1991. Year District Licensing authority.

Serial No.	Kind of shop	Name of Shop/ Group of Shops	Name of proposed licensee/ Licensees and address	Details of Licence fee of the year immediately preceding the current year	Details of fee for the year	Licence Current
(a) Basic licence fees	(b) Licence fees	(c) Bid Money [Total of (a) and (b)]	(a) Basic licence fees	(b) Licence fees	(c) Bid Money [Total of (a) and (b)]	
1	2	3	4	5	5	5
						6 6 6
Details of licence fee of the year under report		Variation in column 7 (b) compared with column 6(b)		Remarks		
(a) Basic licence fees	(b) Licence fees	(c) Bid Money [Total of (a) and (b)]	(a) Increase in licence fee Column 7(b)-6(b)	(b) Decrease in licence fee		
7	7	7	8	9		10

(a) The shops should be shown in sector/circle-wise or group-wise (as auctioned) with a fresh serial number, the name of the sector/circle or group of shops being written in red ink in the middle. (b) The total number of shops of each kind in column 1 should be compared with the similar number of the year preceding, and any variations invariably be noted and explained in column 9. (c) In column 9 the incidence of bid money per bulk litre of minimum guaranteed quantity of country liquor or per quart bottle of foreign liquor per kg. of minimum guaranteed quantity of Bhang should be noted in case of each shop/group of shops. G. 14-A Settlement/record of all shops/Groups of shops under the U.P. Excise Licence (Tender-cum-Auction) Rules, 1991 Year District

Serial No.	Kind of shop	Tahsil	Circle/Sector	Name of shop/Group of shops	Name of licensed vendor
1	2	3	4	5	6
Amount of bid Money		Signature of auction purchaser		Date of issue of Licence	
Basic Licence fees		Licence fees		Total of column 7 (a) and 7(b)	
7 (a)		7 (b)		7 (c)	
					8 9 10

N.B.-The entries shall be departmental and separate pages allotted for each kind of the licences. The entries shall be made afresh each year. The licensing authority will verify entries of every page.

G. 19-A Receipt of security deposit under the U.P. Excise Licence (Tender-cum-Auction) Rules, 1991. Received from Sri son of..... resident of

..... Rs..... as security for shop or group of shops..... This deposit has been accepted subject to the auction being sanctioned by the Excise Commissioner. If the auction be not sanctioned the security will be returned. The acceptance of this payment does not give the depositor a claim for grant of the licence for the said shop or group of shops.

District Auctioning Authority

Dated Treasurer.

G. 33-A List of Sanctioned shops unsold at settlement Name of District.....

Sl. No.	Tahsil	Sector/Circle	Locality of shop	Bid money for the last year/Highest Bid received for the current year	Remarks
Basic licence fees	Licence fees	Bid money total of column 5 (a) and 5 (b)			
1	2	3	4	5(a)	5(b) 5(c) 6

Date

District Licensing Authority

G. 35-D The proclamation of auction for Country liquor in Form C.L. 3-B/C.L. 4-B/C.L. 5-B, Foreign liquor in Form F.L. 5-A and Bhang in Form I.D. 14-B. Notice is hereby given that licences of country liquor in Form C.L. 3-B/ B 4-B/5-B, Foreign liquor in Form F.L. 5-A and Bhang in Form I.D. 14-1 in the charges/districts noted below will be sold by tender-cum-auction system at the head-quarters of districts on the date or dates shown against them and subject to the conditions printed at the foot thereof which shall be incorporate by the Excise Commissioner, U.P., Allahabad in accordance to the rules notify in this behalf from time to time.

Serial No.	Name of charge/districts	Date or dates of auction for Country liquor, foreign liquor and Bhang by retail	Remarks
1	2	3	4

N.B.-General conditions of auction for the grant of licences for exclusive privilege for selling Bhang, Country liquor and foreign liquor by retail under tender-cum-auction system may be incorporated in this sale proclamation by the Excise Commissioner. U.P.. Allahabad in accordance to the prevalent rules notified in this behalf from time to time. Excise Commissioner. Counterpart Agreement Form G. 44-AI son of resident of has obtained a licence to sell Country Liquor/Foreign Liquor/Bhang at shop/Group of shops in Tehsil

..... district..... on an annual bid money of Rs..... (Rupees) for the period from 1st April 19 to 31st March, 19 in accordance with the terms and conditions of the auction. I hereby affirm that I will be responsible to abide by the terms and conditions of the licence issued in respect of the said shop/group of shops for the licence period as laid down in the Licence No..... and I shall pay promptly and in time by monthly instalment of bid money and amounts towards penalties imposed, if any, and any other dues, if accrued in respect of my shop/group of shops. I shall abide by all the provisions of the U.P. Excise Act, 1910 and the rules and orders thereunder existing and also those that would be issued from time to time in this respect. I agree to abide by all the general conditions applicable to the sale of intoxicants and special conditions applicable as are existing or as may be amended from time to time. I will be bound to pay an enhanced duty and the licence fees, excise duty and the penalties, if any imposed, and any other dues or make any efforts to evade payment of these amounts the Licensing Authority reserves the right to reauction the shop/group of shops obtained by me and realise the entire amount so due by way of forfeiting the deposit and by way of distraining my moveable and immovable property whatsoever. I will have no objection in the sale of the said properties under the U.P. Revenue Recovery Act and/or any Act which provides for recovery as arrears of land revenue. This Agreement is executed in favour of the Licensing Authority that the said authority may enforce the above terms and conditions agreed to by him. Signature or Thumb Impression of the Licensee. Place Date Witnesses :

1.

2.

I certify that Sri son of resident of executing this counterpart agreement is known to me, has been identified by, Sri who is known to me. He has executed this agreement, and signed before me. District Excise Officer Form G. 45-A Survey Bond To, The Licensing authority of on behalf of the Governor of Uttar Pradesh. WHEREAS A B son of resident of has been granted licence for the country liquor/foreign liquor/Bhang shop(s) of from the 1st April 19..... to 31st March 19..... and has this day of..... 19 executed a counter-part agreement in conformity with the terms of licence which agreement, we have read and fully understood. We, C D son of resident of and E F son of resident of hereby declare ourselves as sureties for the above mentioned AB that we do and perform all that he has undertaken to do and performed that he duly pay the amount that he has undertaken to pay and in the event of his making any default wherein we hereby jointly and severally bind ours our heirs, executors and administrators to forfeit to the Governor of U.P. amount of the bid money and for due performance of the conditions of this licence, not exceeding Rs. as may be adjudged by the Licensing Authority of Executed this..... day of..... 19.

Signed by In the presence of

1. CD. 1.

2. EF. 2.

Form No. G. 39 Solvency Certificate for Bidders in Excise

1. Name

2. Father's Name

3. Residence (full address).....

.....

4. Occupation

5. Details of moveable properties :

6. Valuation of moveable property as ascertained by an officer of the rank of Additional District Magistrate/Additional Collector

7. If property is immovable.

(A) Situation (B) Area (C) Rent as assessed by an officer not below the rank of an Additional District Magistrate/Additional Collector. (D) Market value as ascertained by an officer not below the rank of Additional District Magistrate/Additional Collector

8. (a) Whether the intending bidder is an income tax payer, it must attach a certificate to this effect from the Income Tax Department;

(b) Whether the intending bidder is a Wealth Tax payer, if so, here attach a certificate to this effect from the Income Tax Department; (c) If the bidder is not an income tax/wealth-tax payer, and possesses immovable property, he must attach certificate as intended at Item 7 above in the prescribed form. (d) If the bidder is not an Income Tax/Wealth-tax payer and possesses moveable property, he must attach a certificate obtained from an officer not below the rank of Additional District Magistrate as intended in Item 5 in the prescribed form. Remarks I certify that after due enquiry, I find that Sri son of Tehsil : District is solvent to extent of Rs. and the above details are correct. Tehsildar Dated 79. Countersigned Additional District Magistrate/Additional Collector. I solemnly declare that to the best of my knowledge and belief the facts about my property stated above are correct and true and that the immovable property specified above is free from all encumbrances. Signature of Bidder. Form of Certificate [See Para 8 (c) and (d) of FORM G. 39] I Tehsildar/Additional District Magistrate/Additional Collector have verified the solvency of Sri resident of (Full address) and I am satisfied that even though the applicant is not an Income Tax payer or Wealth Tax payer, he is solvent to the amount of Rs. Details of valuation of his property (moveable) are as follows :

No.

Details of property Valuation

Countersigned

Tehsildar

Additional District Magistrate/Additional Collector.

Notification Notification No. 1264-E-2/13-92, dated March 20, 1992, No. 15121/Sansodhanl Karadhati/Licettce-92-93, dated March 11, 1992, published in the U.P. Gazette (Extraordinary), Part 4, Section (ka), dated 11th March, 1992. In exercise of the power under clause (g) of Rule 3 of the Uttar Pradesh Excise Licences (Tender-Cum-Auction) Rules, 1991, the Excise Commissioner, Uttar Pradesh, with the previous sanction of the State Government, directs that the Basic Licence fee on the minimum guaranteed quantity fixed for each district for Country liquor of strength 36% v/v shall be payable by the auction purchaser at the rate of Rupee 1 per bulk litre with effect from 1st April, 1992 and also directs that the Basic Licence Fee shall be paid to the Government before the issue of Country Liquor from Distillery or Bonded Warehouse to the Licensed Vendor.