

Andhra Pradesh Excise (Grant of License of selling by Bar and conditions of licence) Rules, 2005

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-EXCISE-GRANT-OF-LICENSE-OF-SELLING-BY-B of 2005

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Andhra Pradesh Excise (Grant of License of selling by Bar and conditions of licence) Rules, 2005Published vide Notification No. G.O.Ms.No. 997, dated 24.5.2005Last Updated 23rd October, 2019Notification No. G.O.Ms.No. 997. - In exercise of the powers conferred by Section 72 read with Sections 17, 28 and 29 of the Andhra Pradesh Excise Act, 1968 (Act 17 of 1968) and Ordinance 5 of 2005, the Governor of Andhra Pradesh hereby makes the following Rules:

1. Short title, extent and commencement.

(1)These rules may be called The Andhra Pradesh Excise (Grant of License of selling by Bar and conditions of licence) Rules, 2005.

2. They shall extend to all the areas where the Andhra Pradesh Excise Act, 1968 is in force.

(2)They shall come into force at once.

2. Application.

- These rules shall apply for the grant of Licence by bar conditions governing thereof and transport of Indian Made Foreign Liquor and Foreign Liquor by such licensees.

3. Definitions.

(1) In these rules unless the context, otherwise requires:- (a) "Act" means the Andhra Pradesh Excise Act, 1968, (b) "Bar" means the privilege granted under this Act to an establishment where food is served, for sale of Indian Made Foreign Liquor and Foreign Liquor, in loose for consumption on the licensed premises. (c) "Dry day" means a day on which no liquor shall be served in the licensed premises; (d) "Excise Adhesive Label" means the label designed and approved by, printed and supplied by under the supervision and control of the Commissioner of Prohibition and Excise, from time to time in different forms for the purpose of its affixture to sealed bottles of different varieties and sizes containing liquor. (e) "Foreign liquor" includes every liquor imported into India other than Indian Made Foreign Liquor, (f) "Form" means a form appended to these rules, (g) "Highway" means a national Highway or a State Highway but shall not include the part of the National Highway or State Highway which passes within the limits of a Municipal corporation, Municipality or the Gouthan in any village or panchayat area; (h) "Indian Made Foreign Liquor" means liquor produced, manufactured or compounded in India after the manner of Gin, Brandy, Whisky or Rum imported from Foreign Countries and includes, Wine, Beer, Milk punch and other liquors consisting of or containing any such spirits but does not include Foreign liquor. (i) "Licence" means licence granted under these rules; (j) "Licensee" means holder of such licence; (k) ["Licence Fee" means annual licence fee as notified by the Government from time to time and includes proportionate licence fee.] [Substituted by Notification No. G.O.Ms. No. 868, dated 21.6.2007 (w.e.f. 24.5.2005).] (l) "Licence period " means a period of 12 months beginning from the 1st July of the year and ending with 30th of June of the succeeding year or part thereof. (m) "Population" means the figure of population as officially published in the latest census. (n) "Omitted". (o) "Proportionate License Fee" for the purpose of collection of Licence Fee means Licence fee calculated proportionately to one quarter of the Licence Fee. Provided that a part of a quarter shall be reckoned as a whole quarter. (p) "Transport Permit" means a permit issued by the competent officer for transport of IL & FL from the A.P.B.C.L. depot to the licensed premises. (2) The words and expressions used but not defined in these rules shall have the meanings assigned to them in the Andhra Pradesh Excise Act, 1968 and Andhra Pradesh Excise (Import, Export and Transport of Indian Made Foreign Liquor and Foreign Liquor - Permits) RULES, 2005

4. Licence.

- A licence in Form- 2B, may be granted to an establishment licensed by the local authority to serve food such as a Hotel or a Restaurant, for the sale of Indian Made Foreign Liquor and foreign liquor in glasses or pegs for consumption within the licenced premises but not for sale of Indian Made Foreign Liquor and foreign liquor for removing it out of the licensed premises. Such licence may be granted in the establishment functioning in municipalities and within a belt area of 2 kms of the periphery of such municipalities, municipal corporations and within a belt area of 5kms of the periphery of such Municipal Corporations and in Tourism Centers (except places of religious tourism) as notified by the Department of Tourism of the State Government or Central Government. Provided that the licence holder shall not purchase or stock Indian Made Foreign Liquor and Foreign Liquor in bottles of sizes less than 750ml except beer. Provided further in case of Star Hotels (5 Star and above) certified by the Department of Tourism of the State Government or

Central Government, the licence holder may purchase stocks of Indian Made Foreign Liquor and Foreign Liquor in bottles of sizes less than 750 ml".

5. Application for licence.

(1)The person intending to establish a Bar, may submit an application in Form -1A to the Commissioner enclosing a Challan of Rs.1,000/- to get prior clearance.(2)The Commissioner having due regard to requirement and other factors as he deems fit, may grant a prior clearance in Form -2A to such of the applicants covered under sub-rule (1).Provided that the grant of prior clearance shall not confer any right on the applicant for grant of licence in Form -2B. The holder shall not claim for any compensation or loss incase licence in Form -2B is not granted.(3)The holder of prior clearance in Form -2 A may apply in Form 1B for grant of licence for a Bar to the concerned Prohibition & Excise Superintendent where the applicant"s premises is to b e licensed.(4)Applicant in form -1B shall be accompanied by challan of Rs.10,000/- towards non-refundable application fee.(5)The Prohibition and Excise Superintendent, after making such enquiry as he may think necessary, to ascertain the bonafides of the applicant and verifying the particulars furnished in the application should examine the suitability of the premises for granting Bar and forward the same to the Deputy Commissioner of Prohibition and Excise of the division along with his report.(6)The Deputy Commissioner, after causing such enquiry as he may deem fit may grant the licence.(7)The applicant before issue of the licence shall execute a counter-part agreement In Form - 4B, on the stamp paper of requisite value as per the provisions of the Indian Stamp Act, 1899.

6. Restrictions on the grant of Licence.

(1)A licence in form - 2B shall not be granted.(i)Unless the premises has:-(a)a minimum plinth area of 150 Sq. meters. Out of which a minimum 100 Sq. Meters shall be RCC Roof structure.(b)Omitted.(c)Sanitary equipment like wash basin, water closet separately for ladies and gents.(d)Facility for cooking and serving complete meals of good quality to the consumers as licensed by local authority.(e)Air conditioning or Air cooling facility rooms and halls of licensed premises.(f)Adequate vehicle parking arrangement.(ii)Within 100 meters from educational institution recognized by the Government, places for public worship such as Temples registered by the Endowments Department, Mosques registered with the Wakf Board, Churches and Hospitals.Provided that in the limits of Municipal Corporations and within the belt area of 5 Kms of the periphery of Municipal Corporations, the distance restriction mentioned above shall be 50 meters.(iii)Within 500 meters of predominantly residential area but licenses may however be sanctioned if the proposed premises is located on a main road used for shopping purposes.Provided that the restrictions in clauses (i) to (iii) shall not be applicable to Star Hotels (3 Star and above) certified by the Tourism Department of the State or Central Government.(iv)within 50 meters of a Highway(v)Unless the applicant produces the permission or the no objection certificate from the local authority concerned for sale of liquor at the premises by the applicant.(vi)Unless the applicant produces the lease deed on a Stamp paper for the proposed licensed premises from the owner of the premisesExplanation. - For the purpose of this rule(a)"Place of public worship" means a temple registered with the Endowment Department, Mosque registered with Wakf Board and Church and includes such other religious institutions, as the State Government may by order specify in this

behalf;(b)"Educational Institutions" means any Primary school, Middle School and High School recognized by the State Government or Central Government, Junior College or any College affiliated to any University established by law:(c)"High Way" means National High way or State Highway and shall not include the part of the National Highway or State Highway which passes within the limits of Municipal Corporation, Municipality or the Gouthan in any village or Panchayat area.(d)"Hospital" means any hospital which is managed or owned by a local authority, State Government or Central Government or any private hospital having a provision of at least thirty (30) beds.The distances referred above shall be measured from the mid-point of the entrance of the proposed Bar premises along with the nearest path by which pedestrian ordinarily reaches to the mid-point of the nearest gate of the institution or a place of public worship, if there is a compound wall and if there is no compound wall to the mid-point of the nearest entrance of the Institution/ place of public worship or to the entrance of the first house of the predominantly residential area.

7. Persons not eligible for grant of licence.

- The following persons are not eligible for grant of licences:-(i)persons below the age of twenty one years,(ii)persons who are undischarged insolvents or who have been convicted of offences under the provisions of the Act or the Customs Act, 1962 or Narcotics Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985) or convicted under Andhra Pradesh intoxicating liquors (Prohibition of Advertisements) Act, 1978 or convicted of non-bailable offences or are habitual offenders.(iii)Persons suffering from leprosy or other contagious disease only in cases where such persons have to handle the stocks of liquor or beer in premises or elsewhere personally,(iv)Defaulters in the payment of excise revenue to the Government.

8. Failure to comply with directions entails rejection of application.

- Failure to remit fees or to rectify the defects or to comply with other directions relating to the premises, within the time allowed shall entail rejection of an application.

9. Period of the Licence and commencement of business .

(1)Every Bar shall be valid for one year commencing from 1st July, ending with 30th June, of the succeeding year, subject to payment of licence fee as prescribed.Provided that the licence issued on or after the 1st July shall be valid upto the 30th June, of the succeeding year.Provided that a licence granted for a part of the licence period shall be valid for such period as may be specified by the licensing authority.Provided further that every licensee shall commence his business from 1st July, or such other date as may be specified in the licence and shall keep the Bar open every day during the hours fixed till the expiry of the licence period with sufficient stock of liquor unless the closure of the Bar is ordered by the competent authority for the period specified.Before issue of a licence the licensee shall execute a counter part agreement in form - 4B on the stamp paper of requisite value as per the provisions of the Indian Stamp Act, 1899.

9A. [Renewal of 2B License. [Inserted by Notification No. G.O.Ms. No. 868, dated 21.6.2007 (w.e.f. 24.5.2005).]

(1)Before 15 days of expiry of the licence the licensee may apply for renewal of 2B licence to the Deputy Commissioner of Prohibition & Excise concerned.(2)An application for renewal of licence shall bear a court fee stamp of the requisite value as per the provisions of Indian Stamp Act, 1899 and shall be submitted to the Deputy Commissioner of Prohibition & Excise together with a challan in original for Rs.1000/- towards renewal fee and a challan in original in support of having paid the requisite licence fee as prescribed in Rule 10.(3)In case the application for renewal of licence is made as prescribed in sub-rule (2) and the licence is not duly renewed and returned before the licence expired, the licensee shall have the right to carry on business till the renewal is refused and the fact intimated. If the application is not made within the time it shall not however be open to the licensee to continue the business on the expiry of the licence.(4)Before the issue of licence, the licensee shall execute a counter part agreement in form 4-B on the stamp paper of requisite value as per provision of Indian Stamp Act, 1899.]

10. License Fee, mode of levying and method of payment.

- [(1) The annual licence fee for the 2-B licence shall be at the rates as notified by the Government from time to time.] [Substituted by Notification No. G.O.Ms. No. 868, dated 21.6.2007 (w.e.f. 24.5.2005).](2)[The mode of levying licence fee is on the basis of population as notified by the government from time to time. The rates as notified by the Government from time to time are applicable at the time of issue of 2-B licence to one consumption enclosure including any contiguous enclosure of the premises which is licensed by the local authority for establishing a Hotel Restaurant:Provided that the enclosures for consumption purposes which are not contiguous shall attract an additional 10% licence fee for each such additional enclosure.Explanation. - the word "enclosure" means one area of consumption of liquor which is contiguous in utility for consumption. One enclosure is separate from another enclosure by non-contiguity and inter-position of area of different utilities other than consumption of liquor.] [Substituted by Notification No. G.O.Ms. No. 868, dated 21.6.2007 (w.e.f. 24.5.2005).](3)(a)The annual licence fee shall be paid before commencement of the Licence period in one lumpsum or in two equal installments or in a manner as notified from time to time. Where the licence is issued before 1st July the 1st installment, i.e., half of the annual licence fee shall be paid into the Government Treasury through a challan before the issue of licence along with a Bank Guarantee from a Scheduled Bank situated in Andhra Pradesh in Form -3B or fixed Deposit receipt for an amount equal to half of the annual licence fee. The Bank Guarantee shall be valid for a period of seven months. The 2nd installment of the annual licence fee i.e., half of the annual licence fee, shall be remitted in to the Government Treasury on or before 20th December of the same year, failing which the license shall stand cancelled automatically on the expiry of such date and subject to the conditions prescribed in Form -2B.Provided that the licensees in Form -2B shall be permitted to pay 1/3rd of the annual licence fee, together with a Bank Guarantee issued by a Scheduled Bank situated in Andhra Pradesh in Form -3B1 or Fixed Deposit Receipt for an amount equal to 2/3rd of the annual licence fee. The 2nd and 3rd installments of the annual licence fee of 1/3rd each shall be remitted on or before 20th September and 20th December respectively, subject to payment of interest @ 18% per annum on 1/6th of annual licence fee from 1st

July to 20th September of the licence period.(b)The annual licence fee in respect of licenses granted during the currency of the licence period, shall be on the following scale:-(i)Licence granted between 1st July and 30th September - Full annual Licence fee.(ii)Licence granted between 1st October and 31st December - $\frac{3}{4}$ th of the annual licence fee.(iii)Licence granted between 1st January and 31st March- $\frac{1}{2}$ of the annual licence fee.(iv)Licence granted between 1st April and 30th June - $\frac{1}{4}$ th of the annual licence fee.Provided that if the licence is granted between 1st July and 30th September the annual licence fee shall be paid in accordance with the provisions of Sub-Rule 3(a).Provided further that if the licence is granted between 1st October and 31st December 50% of the licence fee shall be remitted before the issue of the licence together with a Fixed Deposit Receipt or a Bank Guarantee issued by a Scheduled Bank situated in Andhra Pradesh in Form -3B for the remaining 50% of the licence fee. If the licence is granted between 1st January and 30th June the prescribed licence fee shall be paid in one lumpsum before the issue of licence.(4)In the event of failure to remit the installment on due date, the licence shall stand cancelled automatically and all the deposits/ Bank Guarantees shall stand forfeited to the Government.(5)If a licence is surrendered in the middle of the licence period, the deposits and the Licence fee paid shall be forfeited to the Government.(6)In case a licence is refused, the fee paid shall be refunded.(7)The licence fee shall be paid into the concerned Government Treasury in the District in which the licensed premises is located.(8)Where a licence stands cancelled or suspended for any violation of the rules and conditions of licence, the Deputy Commissioner may order forfeiture of the deposit/ Bank Guarantee furnished by the licensee either in full or in part depending upon the nature of violation and such forfeited deposit/ Bank Guarantee shall be made good by the licensee within the time fixed by the Deputy Commissioner. In case the licensee fails to make good the extent of forfeited deposit/ Bank Guarantee within the time fixed the licence automatically stands cancelled.

11. Licensing authority .

- The Commissioner shall be competent to grant prior clearance and Deputy commissioner shall be competent to grant the privilege of Bar. The Prohibition and Excise Superintendent shall issue the License in the prescribed form -2B.

12. Transport permit.

- The transport permit may be issued authorizing movement of Indian Made Foreign Liquor and Foreign Liquor within the State from the units of the Andhra Pradesh Beverages Corporation Ltd., to the licensed premises. Such transport shall be governed by Andhra Pradesh Excise (Import, Export and Transport of Indian made Foreign Liquor and Foreign Liquor - Permits) Rules, 2005

13. Sale permitted at the licensed premises only.

(1)The licensee shall sell the liquor only at the premises specified in the licence.(2)(a)No change or alteration of the licensed premises shall be made during the licence period without the prior approval of the Deputy Commissioner.(b)Extension of the licensed premises by adding contiguous enclosures to the existing permitted enclosures for consumption may be permitted for valid reasons by the Deputy Commissioner subject to payment of an extension fee of Rs.10,000/-.(c)Extension of

the licensed premises by adding separate enclosures having no contiguity with the existing permitted enclosures may be permitted for valid reasons by the Deputy Commissioner subject to payment of additional licence fee@ 10% of licence fee for each such separate enclosures and on payment of extension fee of Rs. 10,000/-. (3) No shifting of the licensed premises shall ordinarily be permitted during the licence period from one location to another. However, the shifting of the licensed premises under Form 2-B may be considered by the Commissioner subject to payment of Rs. 10,000/- as shifting fee, if the shifting of the original licensed premises of Hotel and Restaurant is permitted by the local authority.

14. License and plan of the licensed premises to be exhibited.

- The proforma licence shall be exhibited in a conspicuous place in the licensed premises. The Licensee shall also exhibit the approved drawings / plan of the licensed premises for verification by the Inspecting authorities.

15. Hours of Business.

- The Licensee shall transact business from 10.00 AM to 11.00 PM. However, the restaurant may supply food till 12.00 Midnight or as notified by the Government from time to time. Provided that the Licensee in respect of (3) Star and above Hotels shall transact business from 10.00 AM to 12.00 Midnight. Provided further that the Commissioner of Prohibition & Excise with the approval of the Government may bring about any change during the course of licence period in the hours of business and the licensee shall observe such changed timings accordingly.

16. Dry Days.

- The Licensed premises shall be closed and no business transacted on the following days declared as dry days:-(i) 26th January - Republic day (ii) 15th August - Independence day (iii) 2nd October - Gandhi Jayanthi. Provided that the licensee shall not be entitled to any compensation whatsoever for the closure of the licensed premises.

17. Licensee not to transfer the licence without authority.

(1) No licensee shall except with the sanction of the Commissioner of Prohibition and Excise transfer his licence to any other person. The Commissioner of Prohibition and Excise may allow such transfer of licence on payment of the prescribed fee and on production of a certificate to the effect that no cases involving contravention of Excise Act and Rules framed thereunder are pending against him and also on production of Sales Tax and Income Tax clearance certificates. Provided that instead of permitting a licence to be transferred, the Commissioner may require the transferee to take out a fresh licence on payment of fees. (2) The fee payable by any licensee for the privilege of having the transfer of his licence to any other person shall be 10% of the fee chargeable for grant of such licence. (3) Mere change in the name by keeping the entity intact does not amount to transfer of licence. In such cases the Commissioner may allow change in the trade name subject to payment of

fee of Rs. One thousand only and on production of certificates referred to in sub-rule (1) above.(4)When there are only two partners in the firm holding the licence and one of them withdraws or expires, the entity of the firm is changed from partnership to proprietary. It amounts to transfer of licence,(5)Conversion of proprietary concern into a firm or a company or a firm into a company and vice versa shall amount to transfer of licence.

18. Licensee not to declare any person to be or not to be his partner.

- No licensee shall, except with the prior permission of the Prohibition and Excise Superintendent get any other person included as partner to his business, or get an existing partner excluded so long as the partnership nature of the business does not change.Provided that where there was dissolution of partnership it shall be notified to the Commissioner of Prohibition and Excise.

19. On death of a licensee.

- A licence issued under these rules shall be only to the person named therein and on his death the heir or legal representative may apply for continuance of the licence for the leftover licence period in his name to the Commissioner of Prohibition and excise within thirty days of the death of the licensee. The Commissioner of Prohibition and Excise may, at his discretion, continue the licence in the name of the heir or legal representative of the deceased licensee.

20. Licensee not to stock unauthorized Indian Made Foreign Liquor and Foreign Liquor.

- The Licensee shall not stock or sell in the licensed premises Indian Made Foreign Liquor and Foreign Liquor of any kind which he is not authorized to buy, stock or sell under the provisions of Act or Rules, Regulations or Orders made thereunder.

21. The licensee not to stock Indian Made Foreign Liquor or Foreign Liquor at unauthorized place.

- The licensee shall not stock Indian Made Foreign Liquor and Foreign Liquor in any place other than the licenced premises. The licensee shall be held responsible for any Indian Made Foreign Liquor and Foreign Liquor unauthorizedly kept outside or nearby the licensed premises.

22. Licensee to sell Indian Made Foreign Liquor and Foreign Liquor of specified Strength.

- The Commissioner may, authorize the sale of any special brands of Indian Made Foreign Liquor of weaker strength in a particular area, in a particular category of liquor, if he is satisfied with the wholesomeness or purity of such liquor.

23. Indian Made Foreign Liquor or Foreign Liquor not to be adulterated.

- The Indian Made Foreign Liquor and Foreign Liquor offered for sale or stored in the licensed premises shall not be of substandard, deteriorated, spurious or adulterated and the licensee shall not tamper with the Indian Made Foreign Liquor and Foreign Liquor in any manner so as to alter their quality, strength, nature or quantity.

24. Adulterated Indian Made Foreign Liquor or Foreign Liquor to be seized.

- It shall be competent for the inspecting officer, on finding any Indian Made Foreign Liquor and Foreign Liquor unfit for use, substandard, adulterated or spurious or in respect of which it is believed that some substance has been admixed so as to make it unfit for consumption by any process or manner, to stop it from being sold and to seize the same forthwith and take necessary further action as per the provisions of the Act.

25. Indian Made Foreign Liquor and Foreign Liquor shall not be given or sold to certain persons.

- No Indian Made Foreign Liquor or Foreign Liquor shall be sold or given to the following persons namely:-(i)Lunatics;(ii)Persons known or believed to be in a state of drunkenness;(iii)Persons about whom it is known or suspected that they are likely to participate in the commission of sedition, insurrection, breach of peace or any other similar offence threatening public peace and tranquility;(iv)Employees of the Police, Prohibition & Excise and Railway Departments or Chauffeurs of motor vehicles while engaged in discharging their duties;(v)Soldiers in uniform and the camp servants of military officers in their uniform;(vi)Persons below (21) years of age.

26. Restrictions on customers in the Bar .

- The customer intending to avail the service facility, shall not ask for or be served Indian Made Foreign Liquor or Foreign Liquor in sealed bottles and he/ she shall be served liquor only in pegs or glasses.

27. Bottles for sale to carry labels.

- Every bottle of Indian Made Foreign Liquor or Foreign Liquor in a Bar shall carry Excise Adhesive label on the cap of the bottle in addition to the manufacturer's label as approved by the Commissioner of Prohibition and Excise.

28. Sale of only duty paid Indian Made Foreign Liquor or Foreign Liquor .

(1)The licensee shall sell only duty paid Indian Made Foreign Liquor and Foreign liquor(2)The Licensee shall purchase Indian Made Foreign Liquor and Foreign liquor from the allotted depot of the APBCL only on such terms as may be prescribed. However, the Commissioner of Prohibition &

Excise may permit the licensee to purchase the requirement of Indian Made Foreign Liquor and Foreign Liquor from any other Depot of the APBCL.

29. Standard measures to be kept.

- The licensee shall use only standard measures, as may be prescribed by the Commissioner of Prohibition and Excise from time to time. The measures should be got duly stamped by the Weights and Measures Department.

30. Certain acts prohibited in the licensed premises.

- Notwithstanding any permit/ licence granted by any authority, Gambling, dancing, any other acts of disorderliness or obscenity within the licensed premises shall be strictly prohibited.

31. Harboursing of certain persons prohibited.

- Persons, who are known or believed to have been convicted of any non-bailable offences, who are prostitutes and habitual offenders, shall not be employed nor shall they be allowed to assemble or remain in the licensed premises, and if such persons visit licensed premises the matter shall be forthwith reported to the nearest Police Station by the licensee.

32. Provision for a night watchman.

- No person other than a watchman shall be allowed to stay in the licensed premises during night time beyond the hours specified for closure of business.

33. Employment of servants.

(1) No women shall be employed for sale of Indian Made Foreign Liquor and Foreign liquor without the special permission of the Commissioner of Prohibition and Excise. No male person shall be appointed for such a purpose without the prior permission of the Prohibition and Excise Superintendent and every such person whether male or female before being employed shall obtain from the Prohibition and Excise Superintendent, a Nowkarnama in form -5B, on payment of a fee of Rs.100/-. (2) No nowkarnama shall be granted to the following persons: i. Persons below twenty one years of age, ii. Women, iii. Persons suffering from any infectious or contagious diseases, iv. Persons of unsound mind, v. Persons who in the opinion of the Prohibition & Excise Superintendent is of a bad character, vi. Persons whose Nowkarnama or licenses have previously been cancelled within the preceding three years, vii. Persons convicted of any offence under the Andhra Pradesh Excise Act, (Act of 17 of 1968) or the Narcotics Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985) within the preceding three years, viii. Persons convicted under Section 482 to 489 of the Indian Penal Code, 1860 (Central Act 45 of 1860), ix. Defaulters in payment of an amount due to the State Government under the Andhra Pradesh Excise Act or the Rules made thereunder, (3) All illegal things done in connection with the transport, possession or sale of Indian Made Foreign Liquor and

Foreign Liquor or known to have been done in contravention of the provisions of the Act or the rules made thereunder by the servants of the licensee shall forthwith be reported to the Prohibition and Excise Superintendent, by the licensee, and such orders regarding continuance or otherwise of such servants in service as may be issued by the Prohibition & Excise Superintendent shall be carried out by licensee.(4)Every act of the authorized agent or servant shall be deemed to be an act of the licensee"

34. [Intimation to Prohibition and Excise officer. [Substituted by Notification No. G.S.Mo. 1879, dated 8.11.2005 (w.e.f. 24.5.2005).]

- The Excise officer of Andhra Pradesh Beverages Corporation Limited depot shall mark a copy of the transport permit to the Prohibition and Excise Station officer concerned and the Station officer shall inspect and verify the consignment within 3 days of the dispatch of the stocks from the Andhra Pradesh Beverages Corporation Limited depot.If the consignment is not verified within the stipulated time mentioned in the rule the licensee can take the stocks into account and sell them.]

35. Consignments to be opened only in the presence of the Prohibition & Excise officer.

- The licence shall open the boxes or packages of all Indian Made Foreign Liquor and foreign liquors received in the licensed premises only in the presence of and after inspection by the local Prohibition & Excise officer or in his absence by any other Prohibition & excise officer duly authorized in this behalf. If any box, packet, package or bottle is found doubtfully, carelessly or insufficiently sealed, the licensee shall produce it forthwith before the Prohibition & Excise officer for noting down such damages. The articles insecurely sealed or fastened may be returned by the licensee to the consigner with the prior approval of the Commissioner of Prohibition and Excise. The Commissioner of Prohibition and Excise may allow in such an event, replenishment of stock without fresh payment of duty. The Commissioner of Prohibition and Excise shall be competent to relax the application of this rule in special circumstances.

36. No breakages or losses in transit allowed.

- The Licensee is not entitled as against the Government, of any compensation or refund or reduction of duty for any loss in breakage while stocks are in transit.

37. Licensee to maintain accounts.

- The licensee shall maintain full and day to day accounts of Indian Made Foreign Liquor and Foreign Liquor received and disposed of in Form-6B, the pages of which are machine numbered serially. He shall also maintain such other returns as may be required by the Commissioner of Prohibition and Excise, and he shall, for each month, send monthly statements and returns before the 5th of the following months in the forms as may be fixed by the Commissioner to the Prohibition and Excise Superintendent and local Prohibition & Excise Inspector. All registers should be got

authenticated before use by the Prohibition & Excise Superintendent.

38. Licensee to maintain brand-wise accounts.

- The licence shall also maintain in the Daily Brand-wise account in Form -7B, and furnish a statement before the 5th of each month to the Prohibition & Excise Superintendent and local Prohibition & Excise Inspector. The register shall be got authenticated by the Prohibition & Excise Superintendent before use and the pages machine numbered serially.

39. Entries in the daily accounts register.

(1)The licensee shall enter in the register in Form -6B, the full particulars of transport permit of passes and documents or trip sheets, pertaining to the stocks received by him.(2)The moment a bottle is opened, the licensee shall make an entry in the Daily sales register and record the loose balance in each bottle at the end of the day.

40. Statements of accounts to be furnished.

- The licensee shall furnish on requisition any statement of accounts, statistics or any other particulars to the licensing authority or to any other officer of the Prohibition & Excise Department not below the rank of a Prohibition & Excise Sub-Inspector.

41. Monetary transactions with officers prohibited.

- Any kind of monetary transactions unconnected with the official purpose between the licensee and the personnel of the Prohibition & Excise, Police, Revenue Department and the personnel of the A.P.B.C.L is strictly prohibited.

42. Officers authorized to inspect premises.

- Any officer not below the rank of an Prohibition & Excise Sub-Inspector may enter and inspect the licensed premises during the working hours and inspect and verify all the accounts, registers and stocks. It shall be competent for such inspecting officer to take such samples as might be necessary, or to take charge of such records and registers as might be necessary, and it shall be incumbent on the licensee to offer reasonable assistance for such inspecting officers to inspect, verify and to take samples. For any records removed from the premises, the Prohibition & Excise officer should give a receipt or in the alternative make an entry in the inspection book in this regard.

43. Inspection book to be maintained.

- An inspection book inform -8B, with machine numbered pages shall be kept in the shop for the use of the inspecting officers, and the licensee shall be responsible for the safe custody of it. The inspection book shall be the property of the Government and shall be handed over to the Prohibition

& Excise officer concerned on expiry of the period of license.

44. License to be surrendered to the licensing authority on expiry.

- Every license granted under these rules, either jointly or severally to the licensee (s) named therein shall on its expiry be deemed to have been surrendered by the licensee to the licensing authority".

45. License to be cancelled under certain circumstances.

- If any licence or permit has been obtained by misrepresentation or by any other fraudulent means, the licence or permit so obtained is liable to be cancelled and the licensee or the permit holder is also liable for prosecution.

46. Person holding more than one licence liable jointly and severally for all licenses.

- If any licensee holds more than one licence and if any one of them is suspended or cancelled under the provisions of the Act or the rules made thereunder, the Commissioner may, for reasons to be recorded in writing order that all or any of the remaining licences or permits be cancelled.

47. Licensee to abide by the provisions of the Act etc.

- Every holder of the license under these rules shall comply promptly with all orders or directions issued from time to time under the Act, and the rules and orders made thereunder and shall abide by all the conditions of the licence.

48. Suspension, withdrawal or cancellation of a licence.

- A licence may be suspended, cancelled or withdrawn in accordance with the provisions of Section 31 or 32 of the Act.

49. Stocks on cancellation or withdrawal of licence.

- If a licence is cancelled or withdrawn during the currency of the Licence period the whole stock of IL and FL found in the shop shall be seized. The stock so seized shall be sold by the Prohibition & Excise Superintendent to any other licensee(s) and the proceeds of the sale shall after deduction of the expenses and any other sum due to the government shall be refunded to the licensee provided that the licence is not cancelled on account of a Criminal case.

50. Removal of difficulties.

- If there is any doubt or dispute regarding the application or interpretation of any of these rules, the decision of the Commissioner thereon shall be final. The Schedule (See Rule 10) [***] [Omitted]

'Licence Fee' by Notification No. G.O.Ms. No. 868, dated 21.6.2007 (w.e.f. 24.5.2005).]

Privilege at Bar for the sale of Indian Made Foreign Liquor and Foreign Liquor to be consumed on the licensed premises.

(a) Rs.7,50,000/- (Rupees Seven Lakhs fifty thousand only), per year in places where the population of the Village/ town/ city does not exceed 10,000. (b) Rs.9,50,000/- (Rupees Nine lakh fifty thousand only) per year in places where the population of the village/ town/ city is above 10,000 but does not exceed 50,000. (c) Rs.14,00,000/- (Rupees Fourteen Lakhs only) per year in places where the population of the village/ town/ city is above 50,000 but does not exceed 3,00,000. (d) Rs.16,00,000 (Rupees Sixteen Lakhs only) per year in places where the population of the village/ town/ city is above 3,00,000 but does not exceed 7,00,000 and (e) Rs.18,00,000/- (Rupees Eighteen Lakhs only) per year in places where the population of the village/ town/ city is above 7,00,000. Provided that the license fee in respect of Bar situated within a belt of 5 Kms from the periphery of Municipal Corporation measured in a straight line on the horizontal plane shall also be at the rate of license fee of Bar situated within the limits of Municipal Corporations; Provided further that the license fee in respect of Bar situated within a belt of 2 Km from the periphery of Municipalities, and Notified areas measured in a straight line on the horizontal plane shall also be at the rate of license fee of Bar situated within the limits of such Municipalities and Notified areas. Provided also where Bar falls within the belt area of a Municipal Corporation as well as a Municipality and Notified area the license fee payable shall be the fee applicable to the Bar situated in the belt area of the Corporation.

Form -1A (See Rule- 5) (Affix Court fee stamp of Rs.2/-) (Application for prior clearance for grant of Licence by Bar)

1. Name of the Applicant
2. Full residential address
3. Details of company or partnership firm with registration particulars.
4. Details of Hotel / Restaurant etc., licence issued by competent Local authority
5. Details of plinth area of the premises to be licensed and its location.
6. Details of any other licenses held by him.
7. Date on which he is likely to commence business.
8. Details of challan.

I hereby declare that the particulars given above are true to the best of my knowledge and belief. If at a later stage any of the facts are found to be false the licence may be cancelled and I may be prosecuted as per the Andhra Pradesh Excise Act 1968 or the Rules thereunder. I hereby, undertake to abide by the rules and licence conditions prescribed under per the Andhra Pradesh Excise Act

1968. Signature of the Applicant Form-2a (See Rule -5) (Prior clearance for grant of licence by Bar)

Cr.No. Date

Sri _____ s/o _____ r/o _____ holder of a trade licence for the year _____ issued by _____ local authority/ Municipality/ Municipal Corporation in the name and style of M/s _____ Area/ Locality _____ at D.No. _____ Town/ City _____ is granted prior clearance for grant of licence for selling by Bar. The prior clearance is valid for 45 days from the date of issue. The grant of prior clearance shall not confer any right on the applicant for grant of licence in Form-2B. The holder shall apply separately for grant of privilege to the Prohibition and Excise Superintendent concerned, fulfilling the requirements under the rules. The holder shall not claim for any compensation or loss in the event of not granting licence. Commissioner of Prohibition and Excise To Sri _____ Copy to the Deputy Commissioner of Prohibition & Excise _____ Copy to the Prohibition and Excise Superintendent _____ Form -1B (See Rule- 5) (Affix Court fee stamp of Rs.2/-) (Application for licence by Bar)

1. Name of the Applicant
2. Full residential address
3. Details of prior clearance.
4. Details of company or partnership firm with registration particulars.
5. Details of Hotel / Restaurant etc., licence issued by competent Local authority
6. Details of premises to be licensed
7. His capacity to invest annually,
8. Solvency of the applicant,
9. His experience in this business, if any
10. Details of any other licences held by him
11. Date on which he can commence business
12. Details of Challan

I hereby declare that the particulars given above are true to the best of my knowledge and belief. If at a later stage any of the facts are found to be false the licence may be cancelled and I may be prosecuted as per the Andhra Pradesh Excise Act 1968. or the Rules thereunder. I hereby, undertake to abide by the rules and licence conditions prescribed under per the Andhra Pradesh Excise Act 1968. Signature of the Applicant Form - 2B (See Rule -4) (Licence for the sale of Indian Made Foreign Liquor/ Foreign Liquor by bar to be consumed on the premises) I, _____ Prohibition and Excise Superintendent _____ in consideration of the payment of a fee of Rs. _____ (Rs. _____ only), the receipt of which is hereby acknowledged and hereby licence you _____ to sell all kinds of Indian Made Foreign Liquor and Foreign Liquor on the premises _____ bearing No. _____ the details of which area as follows:- Boundaries

1. East

2. West

3. North

4. South

Locality village/ town within the marginally noted boundaries During the licence period commencing from the 1st july, 20 And ending with the 30th june, 20____ subject to the Following conditions and stipulations to be observed by you the said viz.,

- 1. No liquor shall be sold for removal from the licensed premises.**
- 2. The licensee, other than a Five star hotel and above shall not purchase or stock Indian Made Foreign Liquor and Foreign Liquor in bottles of sizes less than 750 ml except beer.**
- 3. The licensee is prohibited from purifying colouring and flavouring the liquor or making any material therewith and from blending another kind of liquor with it or to keep in his possession other than authorised under this licence.**
- 4. The Licensee is prohibited from bottling liquors,**
- 5. The possession or sale of diluted beer by the licensee is prohibited,**
- 6. All Indian Made Foreign Liquor and Foreign Liquor sold under this licence shall be duty paid and obtained from the Andhra Pradesh Beverages Corporation Limited,**
- 7. The licensee shall maintain and furnish to the Prohibition and Excise Superintendent statistics showing the consumption of all kinds of liquors separately,**
- 8. The Licence is not transferable,**
- 9. The licence shall be subject to cancellation or suspension at will by the Commissioner of Prohibition and Excise.**

10. The Licensee shall not act in any manner prejudicial to the interest of the revenues of the Government.

Date: Day of _____ 20____ Prohibition and Excise Superintendent. Form - 8B(See Rule - 43) Inspection Book(1) Date of Inspection, (2) Time of Inspection, (3) Name of the Officer Inspecting with his designation, (4) Quantity of liquors as per stock books, (5) Quantity found actually in stock, (6) Difference if any, and the reasons given by the licensee, (7) General conditions of the licensed premises, (8) Other remarks or directions, if any, Signature of the Officer inspecting Form 3-B Format of Bank Guarantee(See Rule -10) To The Prohibition and Excise Superintendent, _____ Dear Sir, Whereas Sri/ Sarvasri _____ s/o _____ r/o _____ occupation _____ is/ are the licensees of Bar _____ situated in _____ village/ Mandal _____ District _____ known as and is/ are liable to pay licence fee 1st installment _____ of Rs. _____ payable on or before 1st July of the lease year as required under Rule -10(3)(a) of The Andhra Pradesh Excise (Grant of License of selling by Bar and conditions of licence) Rules, 2005. and Sri/ Sarvasri is/ are liable to furnish Bank Guarantee for the 2nd installment of Rs. _____ payable by 20th of December according to sub-rule (3) (a) of Rule-10 of The Andhra Pradesh Excise (Grant of License of selling by Bar and conditions of licence) Rules, 2005. We hereby guarantee for Rs. _____ (Rupees _____ only) being the second installment of licence fee for the lease year _____ to the Government along with such interest and late fee on the above amount which may accrue. Further we _____ Bank undertake to pay the said amount guaranteed on demand from the licensing authority in case this Bank Guarantee stands forfeited under sub-rule (4) of Rule -10 of The Andhra Pradesh Excise (Grant of License of selling by Bar and conditions of licence) Rules, 2005. This guarantee shall be in force for a period of 7 (seven) months from the date of execution or clearance certificate is obtained from the Prohibition and Excise Superintendent which ever is earlier, We undertake not to revoke this guarantee under any circumstances till clearance certificate is obtained from the Prohibition and Excise Superintendent. Yours faithfully, For _____ Bank. Form 3-B1 Format of Bank Guarantee(See Rule -10) To The Prohibition and Excise Superintendent, _____ Dear Sir, Whereas Sri/ Sarvasri _____ s/o _____ r/o _____ occupation _____ is/ are the licensees of Bar _____ situated in _____ village/ Mandal _____ District _____ known as and is/ are liable to pay 1st licence fee installment _____ of Rs. _____ payable on or before 1st July of the lease year as required under proviso to Rule -10(3)(a) of The Andhra Pradesh Excise (Grant of License of selling by Bar and conditions of licence) Rules, 2005 and Sri/ Sarvasri is/ are liable to furnish Bank Guarantee for the 2nd and 3rd instalments payable on or before 20th September 20__ and 20th December 20__ respectively according to proviso to sub-rule (3)(a) of Rule-10 of The Andhra Pradesh Excise (Grant of License of selling by Bar and conditions of licence) Rules, 2005. We hereby guarantee for Rs. _____ (Rupees _____ only) being the second and third installment of licence fee for the lease year _____ to the Government along with such interest and late fee on the above amount which may accrue. Further we _____ Bank undertake to pay the said amount guaranteed on demand from the licensing authority in case this Bank Guarantee stands forfeited under sub-rule (4) of Rule -10 of The Andhra Pradesh Excise (Grant of License of selling by Bar and conditions of licence) Rules, 2005. This guarantee shall be in force for a period of 7 (seven) months from the date of execution or

clearance certificate is obtained from the Prohibition and Excise Superintendent which ever is earlier, We undertake not to revoke this guarantee under any circumstances till clearance certificate is obtained from the Prohibition and Excise Superintendent. Yours faithfully, For _____ Bank. Form -4B(See Rule -5) Counterpart Agreement to sell Indian Made Foreign Liquor, Foreign Liquor by Bar(As required under Section 29 of the A.P. Excise Act, 1968) I/ We _____ s/o _____ age _____ years have severally/ jointly obtained the License in Form IL _____ under the name and style of M/s _____ at premises No. _____ for the period from _____ to _____ on payment of Licence Fee/ Proportionate license fee of Rs. _____. I/We do hereby affirm, agree and covenant with the licensing authority: (i) That, I/ We shall be severally/ jointly responsible to abide by the terms and conditions of the License as laid down in the license in Form IL-2B dated _____ and The Andhra Pradesh Excise (Grant of License of selling by Bar and conditions of licence) Rules, 2005. (ii) That, I/ We shall abide by the provisions of Andhra Pradesh Excise Act, 1968 and the Rules and Orders there under existing and also those that would be issued from time to time. (iii) That, I/ We shall abide by all general conditions applicable to the sale of intoxicants and also the instructions issued by the Commissioner of Prohibition and Excise, in this regard from time to time. (iv) That, I/ We shall be bound to pay the license fee, excise duty and security deposit or any enhanced license fee, excise duty and security deposit, and the like levied from time to time. (v) That, I/ We shall be bound to pay the penalties or privilege fee levied from time to time. (vi) That, I/ We hereby agree that the licence is liable to be cancelled on the basis of any adverse report of investigation for any lapse which amounts to contravention of any Rule or any condition of licence or any other provision of Law and also for any conviction in any criminal case at any time either in the past or in future. (vii) If the license is surrendered in the middle of the lease period, I/ We shall not be eligible for refund of License Fee. (viii) That, If I/ We fail to pay the gallonage fee, Excise Duty, Penalties or Privilege fee etc., if any due to the Government on time, the license is liable to be cancelled and the entire amount so due, without prejudice to any other mode of recovery, may be recovered by way of distraining my/ our movable and immovable property whatsoever I/ We possess and selling the said properties under the Andhra Pradesh Revenue Recovery Act. This agreement is executed in favour of the licensing authority and the said authority may enforce the above terms and conditions agreed to by me/ us.

Place

Date: _____ Signature of the Licensee/ Licensees.

Witnesses: 1.

2.

I certify that Sri/ Sarvasri _____ s/o _____ R/o.H.No. _____ Name of the locality, village or town _____ is known to me / identified by Sri Sarvasri _____ known to me, executed the agreement and signed before me. Signature of the Licensing Authority Official Designation and Seal Form -6B(See Rule- 37) Daily Account Register (Separate page should be set apart for each type of liquor with an index in the front page of the Register) Name of the lease holder Licence No. and Date

SI. No.	Date, Month and year	Opening Stock	Receipts	Issues	
No. of Bottles	Quarts	No. of Bottles	Quarts	No. of Bottles	Quarts
(1)	(2)	(3)	(4)	(5)	(6) (7) (8)

Balance	No. of date of T.P. In respect of receipts Shown in Col. 5, 6.	Signature of the lease -holder	Remarks
No. of Bottles	Quarts		
(9)	(10)	(11)	(12) (13)

Form -8B(See Rule -43) Inspection Book (1) Date of Inspection, (2) Time of Inspection, (3) Name of the Officer inspecting with his designation, (4) Quantity of liquors as per stock books, (5) Quantity found actually in stock, (6) Difference if any, and the reasons given by the licensee, (7) General conditions of the licensed premises, (8) Other remarks or directions, if any, Signature of the Officer inspecting Form -7B(See Rule -38) Daily Brand-wise Account Register. (Separate page should be set apart for each type of liquor with an index in the front page of the Register) Name of the Licensee License No. and Date

Date	Item	Opening Stock Quarts	Receipts Quarts	Issues Quarts	Balance Quarts	Signature of the Licence
1	2	3	4	5	6	7

Form - 5B(See Rule-33) Nowkarnama Date: _____

- (0) District, Here affix photograph, of the agent or the Authorised Servant.
- (1) Mandal,
- (2) Village
- (3) (i) Name of the Bar (ii) Number of the licence and date
- (4) (i) Name of the leaseholder (ii) Address,
- (5) (i) Name of the Agent or the authorised Servant
(ii) Date of Birth/age.
(iii) Father's name.
(iv) Identification Marks of the Agent or the authorised servant,
- (6) Signature or thumb-impression of the Agent or the authorised servant
- (7) Signature or thumb-impression of the Licensee.

Seal:

Place:

Date: Prohibition and Excise Superintendent

Note. - 1. The agent or the authorised servant shall sign or affix his thumb impression before the Prohibition and Excise Superintendent.

- 2. The Prohibition and Excise Superintendent shall attest the signature or thumb impression and also sign across the Photograph of the agent/ authorised servant under his official seal in token of its correctness,**
- 3. The Nowkarnama shall be issued induplicate and the duplicate retained in the Office of the Prohibition and Excise Superintendent.**