

# **Uttar Pradesh excise Settlement of Licenses for Retail Sale of Foreign Liquor (Excluding Beer) (Sixteenth Amendment) Rules, 2019**

UTTAR PRADESH

India

## **Uttar Pradesh excise Settlement of Licenses for Retail Sale of Foreign Liquor (Excluding Beer) (Sixteenth Amendment) Rules, 2019**

### **Rule**

### **UTTAR-PRADESH-EXCISE-SETTLEMENT-OF-LICENSES-FOR-RETAIL of 2019**

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Uttar Pradesh excise Settlement of Licenses for Retail Sale of Foreign Liquor (Excluding Beer) (Sixteenth Amendment) Rules, 2019 Published vide Notification No. 104537/X-Licence-61/FL Retail Niyamawali/2019-2020, dated 20.5.2019 Last Updated 7th October, 2019 Notification No. 104537/X-Licence-61/FL Retail Niyamawali/2019-2020. - In exercise of the power under sections 24-B and 41 of the United Provinces Excise Act, 1910 (U.P. Act IV of 1910), read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act 1 of 1904), the Excise Commissioner, Uttar Pradesh with the Previous Sanction of the State Government hereby makes the following rules with a view to amending the Uttar Pradesh Excise Settlement of Licenses for Retail Sale of Foreign Liquor (Excluding Beer and Wine) Rules, 2001, Published Vide Excise Commissioner Notification No. 10806/X-97B/Sansodhan, dated March 8, 2001 (2001-LLT-V-97[121]) (as amended from time to time):

### **1. Short title and commencement.**

(1) These rules may be called the Uttar Pradesh excise Settlement of Licenses for Retail Sale of Foreign Liquor (Excluding Beer) (Sixteenth Amendment) Rules, 2019. (2) They shall come into force with effect from April 1, 2019.

## **2. Amendment of Rule 2.**

- In the Uttar Pradesh excise Settlement of Licenses for Retail Sale of Foreign Liquor (Excluding Beer) Rules, 2001, hereinafter referred to as the said rules, for Rule 2, the following rule shall be substituted, namely -

### **2. Definitions. - (1) In these rules, unless there is anything repugnant in the subject or context:-**

(a)"Act" means the United Province Excise Act, 1910; as amended from time to time.(b)"Daily Licence Fee" means 1/365th Part of the fixed licence fee for the whole excise year.(c)"Foreign liquor" means and includes spirit or liquors imported into India or spirits or liquors made in India, and sophisticated or coloured so as to resemble in flavour or colour liquor imported into India and includes Malt Spirit, Whisky, Rum, Brandy, Gin, Vodka and liquors.(d)"Excise year" means the financial year commencing from 1st April to 31st March, of the next calendar year.(e)"Family" means and included spouse (husband or wife), dependent son(s), unmarried daughter(s) and dependent parents.(f)"Form" means the form appended to these rules.(g)"Licensing authority" means the Collector of the District.(h)"Licence fee" means a sum fixed in consideration for the grant of the licence for exclusive privilege for selling of foreign liquor in a retail shop under Section 24-A of the Act as fixed by the Excise Commissioner in consultation with the State Government from time to time for the whole excise year or part thereof:Provided that if such shop is settled/resettled during middle session for the remainder period of the year then licence fee for shop shall be determined in proportion to the remaining period of the excise year.(i)"Security amount" means a sum equal to the ten per cent of the licence fee to be deposited through National Saving Certificate pledged in favour of District Excise Officer, refundable after the final settlement of all the claims and dues to the State Government.Provided that in case of renewal security deposited prior in cash shall be acceptable until it is not refunded.(j)"State" means the State of Uttar Pradesh.(k)"Additional Consideration fee" mean difference amount obtained as a result of rounding of the maximum retail price of foreign liquor to the next multiple of ten rupees, which shall be payable at Distillery level and recoverable by distillery from wholesale supplier in addition to Ex-Distillery Price and which in turn could be recovered by wholesale supplier from retail licensee in addition to maximum wholesale price.(l)"earnest money" means the amount equal to 1/10 of the amount of licence fee, to be tendered with application form, for ensuring the fulfillment of the eligibility conditions for the grant of licence and is liable to be forfeited in case of default under provisions of rule-12 of these Rules.(m)"Hierarchy" means the earnest money of shops in the descending order purported to be the basis for the selection of licensee through the process of e/lottery.(n)"Portal" means the electronic platform created specifically for the purpose of uploading information in the prescribed form with regard to the process of manufacturing liquor up to the terminal stage of its distribution.(o)"Solvency" means financial eligibility criteria set for an applicant applying for the grant of retail licence.(p)"Individual" means a person who is the citizen of India not below the age of twenty one years at the time of application.(q)"Settlement" means settlement or re-settlement of shops through renewal, e/lottery or e-tender which may take place on any day of the week by giving prior notice and intimation through the newspaper and website of the excise department. The settlement of shops for the forthcoming year may also be done prior to the cessation of preceding

financial year.(r)"Consideration fee" means a fee for foreign liquor and wine as fixed by the State Government under Section 30 of the Act, which shall be deposited in treasury by the licensee prior to supply of foreign liquor and wine.(2)Words and expressions not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

### **3. Amendment of rule 3.**

- In the said rules, for existing rule-3, the following rule shall be substituted, namely:-

**3. Settlement of licenses for retail sale. - (a) Subject to the provisions of these rules and subject to the payment of licence fee and security amount of the retail shop for sale of foreign liquor licenses shall be settled or re-settled by fixed fee system or by inviting offer as specified herein.**

(b)The licence shall be granted in the Form F.L.5-D for retail sale of foreign Liquor and wine in sealed bottles or such containers as approved by the Excise Commissioner from time to time for consumption both "Off" the premises.

### **4. Amendment of rule 4.**

- In the said rules, for existing rule-4, the following rule shall be substituted, namely:-

**4. Power to fix the number and location of retail shops. - Number of shops shall be fixed by the Licensing Authority under general or specific instructions issued by the State Government or by the Excise Commissioner from time to time. The shops shall be geo-tagged and geo-fenced in order to ensure location of shops. Location of shop shall be as per the provisions of "Uttar Pradesh Number and Location of Excise Shop Rules, 1968" as amended from time to time:**

Provided that the State Government or Excise Commissioner may create new shops during and excise year on demand of the Licencing Authority of the district.

### **5. Amendment of rule 6.**

- In the said rules, for existing rule-6, the following rule shall be substituted, namely:-

**6. Grant of licence. - The licence shall be issued on payment of licence fee preferably through e-payment platform and deposit of security amount through National Saving Certificate pledged in favour of concerned District Excise Officer in accordance with the provisions of these rules:**

Provided that in case of renewal security deposited prior in cash shall be acceptable till it is not refunded. The licensee shall be required to furnish the solvency certificate of owned property issued by authorized Income Tax Valuer in original copy in the district from where it has been issued at the time of grant of licence.

## **6. Amendment of rule 7.**

- In the said rules, for existing rule-7, the following rule shall be substituted, namely:-

**7. Application for grant of licence. - (a) Whenever a new licence is proposed to be granted in an area or locality the Licensing Authority shall invite the applications for this purpose after giving wide publicity through daily newspapers having circulation in that area and website of the district as well as website of the Excise Department ([www.upexcise.in](http://www.upexcise.in)).**

(b) A list of the retail shops of foreign Liquor for which the Collector proposes to grant licence shall be exhibited along-with shop wise licence fee, security amount and the earnest money at the Collector's office, Tehsil offices and the offices of the District Excise Officer and the Deputy Excise Commissioner of the charge. This information shall also be displayed on the website of Excise Department ([www.upexcise.in](http://www.upexcise.in)) along with the website of each District. (c) Applications for grant of license shall be submitted online as per time schedule advertised in newspapers. It shall be compulsory to upload a photocopy of (i) solvency certificate, or certificate of owned property issued by authorised Income Tax Valuer, (ii) Aadhar Card, (iii) PAN Card, (iv) Photocopy of Income tax Return of the preceding year (v) affidavit in the prescribed format (vi) Scanned copy of bank draft of earnest money which is issued in favour of District Excise officer of the District of the concerned shop. Payment of processing fee shall be made online at the rate as fixed by the State Government and Value Added Tax/Goods and Service Tax payable on the same. (d) The last date to be fixed for the receipt of application shall not be earlier than such number of days as stipulated, in advertisement in the newspaper and the website of Excise Department ([www.upexcise.in](http://www.upexcise.in)).

## **7. Amendment of rule 8.**

- In the said rules, for existing rule-8, the following rule shall be substituted, namely:-

**8. Eligibility conditions for applicant. - Eligibility Applicants for licence of a Retail foreign liquor shop must fulfil following conditions namely:-**

(a) Application by an individual who is a Citizen of Indian. Provided in case of renewal co-applicant, if any who is a Citizen of India, shall also be allowed. No partnership firm or company shall be eligible for the grant of retail licence. Likewise, Wholesaler or Distiller/ Manufacturer of liquor shall also not be eligible for holding licence of any type of retail shop. No change in the status of applicant shall be allowed after allotment of shop. In case of death of licensee his legal heir if otherwise

eligible, may continue to hold the licence for the remaining period of the licence: Provided further that if a licence is jointly held by two person, in the event of death of either of them, the survivor along with the legal heir(s), of deceased, if otherwise eligible, may continue to hold the licence or in case of death of both persons their legal heir(s), if otherwise eligible may continue to hold the licence. No distinction will be made between the legal liabilities of the persons who will be jointly and severally responsible; (b) be above twenty-one years of age on the first day of the period fixed for receiving application. (c) Not be a defaulter/ blacklisted or debarred from holding an excise licence under the provisions or any rules made under the Act. Any person who has been convicted of any excise offence by any court of law unless fully and finally acquitted shall be automatically debarred from holding the licence. (cc) The applicant shall be eligible to make only one applications in his own name for any one shop. Provided, in case of renewal, applicant and co-applicant both shall be eligible for applying and their mutual consent shall be essential. (d) submit an affidavit duly verified by public notary as proof of the following namely:- (i) that he possesses or has an arrangement for taking on rent a suitable premises in that locality for opening the shop in accordance with the provisions of Uttar Pradesh Number and Location of Excise Shop Rules, 1968 as amended from time to time. (ii) that his proposed premises of the shop have not been constructed in violation of any law or rules. (iii) that he and his family members possess good moral character and have no criminal background nor have been convicted of any offence punishable under the United Provinces Excise Act, 1910 or the Narcotics Drugs and Psychotropic Substances Act, 1985 or any other cognizable and nonbailable offence. (iv) that in case he is selected as licensee he will furnish a certificate issued by Senior Superintendent/ Superintendent of Police of the district of which he is the resident, showing that he as well as his family members possess good moral character and have no criminal background or criminal record prior to issuance of license. (v) that he shall not employ and salesman or representative who has criminal background as mentioned in clause (iii) or, who suffers from any infectious contagious diseases or is below twenty-one years of age or a woman. Licensee shall have to obtain Identity Cards bearing photographs of his authorized salesman / representative from District Excise Officer. (vi) that he is not in arrear of any public dues or Government dues. (vii) that he is solvent and has the necessary funds or has made arrangements for the necessary funds for conducting the business, the details of which shall be made available to the licensing authority if required. (viii) That applicant is not involved in mafia activities, anti social activities and organized offensive activities. If after issuance of licence it is proved that he is involved in mafia activities, anti social activities and organized offensive activities then the allotted licence shall be cancelled. (ix) That applicant is not an advocate registered with Bar Council. If he is found registered advocate after getting the licence then the licence shall be cancelled. An employee of the State Government shall also be ineligible to apply for the grant of licence. (x) that in case of selected as licensee, bank draft of earnest money, which has been uploaded online along with application, shall be deposited in the office of district Excise officer within forty eight hours of such selection. (xi) that he has not made use of draft of earnest money bank for the application of any other shop in the same phase. (e) That he shall upload a scanned copy of bank draft issued in favour of District Excise Officer of the district of concerned shop for earnest money, along with online application as may be fixed by the Excise Commissioner with the prior sanction of the State Government. In case of selection as licensee, it shall be necessary to deposit bank draft of earnest money in the office of the concerned District Excise Officer within 48 hours after selection. The earnest money shall be adjusted against the licence fee. (f) That he is holder of solvency certificate or certificate of owned property issued by an

authorised income tax valuer and the worth of solvency or certificate of owned property certificate issued by authorised Income Tax valuer shall be equivalent to an amount not less than the licence fee determined for the grant of licence of the applied shop in the District: Provided that for renewal solvency certificate produced during the settlement of previous year shall be acceptable and there shall be no need of new solvency certificate along with added value.

## **8. Amendment of rule-10.**

- In the said rules, for existing rule-10, the following rule shall be substituted, namely:-

### **10. Selection of licensee. - (a)(i) Licence of shop may be renewable online under the terms and conditions specified by the State Government.**

(ii) In case of non-renewal, licensees shall be selected shop wise through the process of e-lottery or e-tender, as specified by the State Government, through inviting online applications. District Excise Officer shall scrutinize the applications received online and prepare list of all eligible and ineligible applications, describing the reasons of ineligibility and shall put up this list before the District Level Committee of Licensing Constituted for e-lottery and e-tender. (b) The said committee shall identify eligible and ineligible applicants. In case of e-lottery the licensee shall be selected for each shop from amongst the eligible applicants through the computer driven randomized arrangement.

Randomization process shall be adopted in the order of country Liquor, model shops, foreign liquor and beer shops as per prescribed hierarchy under respective rule. In case of selection of licensee through e-tender the same aforesaid sequence shall be adopted. Not more than two shops including all categories of foreign Liquor, model shop, foreign liquor and beer shall be allotted in favour of an applicant in the district, where in renewed shops shall be included. (c) In case the selected applicants does not deposit the required amount and does not fulfil the prescribed formalities or is unable to arrange suitable premises for the shop within stipulated period, the Licensing authority shall cancel the allotment and take steps for resettlement of the shop through the process as prescribed by the Government. (d) In case there is no application for a particular shop or no candidate is found suitable for a shop, the Licensing Authority shall take immediate steps for resettlement of the shop through the process as prescribed by the Government.

## **9. Amendment of rule-11.**

- In the said rules, for existing rule-11, the following rule shall be substituted, namely:-

**11. Statement of settled shop. - A statement of the settled shops along with names and addresses of the licensees, geo-tagging of shops, shop-wise details of security amount and licence fee deposited shall be sent by the District Excise Officer to the Excise Commissioner within fifteen days of the settlement or by 15th April, whichever is latter, and details of the same shall be entered into the prescribed register besides being uploaded on the**

**website of the Excise Department ([www.upexcise.in](http://www.upexcise.in)).**

## **10. Amendment of rule-12.**

- In the said rules, for existing rule-12, the following rule shall be substituted, namely:-

**12. Payment of License fee and Security amount. - In case an applicant is selected as licensee, he shall deposit the entire amount of license fee within three working days of being intimated of his selection. He shall be required to deposit half of the security amount within ten working days of intimation of his selection and balance of the security amount within twenty working days of intimation of his selection. Entire amount of license fee shall be deposited by the applicant preferably through E-payment, Security amount shall be deposited through National Saving Certificate pledged in favour of the concerned District Excise Officer. Provided, in case of renewal, security deposited prior in cash shall be acceptable till it is not refunded.**

In subsequent year, the licence of the shop may be renewed on the desire of the licensee according to parameter as fixed by the State Government. Difference amount of basic licence fee and security shall be deposited for renewal with the stipulated period as specified by the State Government. If he fails to deposit the amount of the basic license fee and security amount within prescribed period, his selection shall stand cancelled and his earnest money and license fee as well as the security amount deposited by him shall be forfeited in favour of State Government and the said shop shall be shop shall be resettled forthwith, in manner as prescribed the Government.

## **11. Amendment of rule-13.**

- In the said rules, for existing rule-13, the following rule shall be substituted, namely:-

**13. Lifting of liquor. - (a) The licensee under these rules shall obtain supplies of foreign Liquor including wine from any wholesale licence of (F.L.-2) of the districts and FL-2D of district/charge/State after making full payment of cost price of foreign Liquor including all Taxes, consideration fee (including additional consideration fee) as levied from time to time preferably through e-payment platform. If the F.L.-2 licence is not sanctioned or supply interrupts in the concerned district, the licensee shall obtain supplies of foreign liquor including wine from wholesale licence (F.L.-2) of other district/districts with prior permission of Excise Commissioner.**

In case of insufficient supply of any District Excise Officer shall seek the orders from Excise Commissioner.(b)Licensee shall be under obligation to regularly lift foreign liquor to ensure steady and continuous quality supply as per seasonal, requirements of the customers as well as to remove any chances of spurious supplies in the market. He shall regularly place written indents on portal or messages to the wholesaler. In order to meet the above requirements the licensee shall be under obligation to lift in each quarter foreign liquor, at least equivalent to the consideration fee involved in the quantity of foreign liquor lifted in the preceding year.

## **12. Amendment of rule-16.**

- In the said rules, for existing rule-16, the following rule shall be substituted, namely:-

**16. Disposal of Balance Stock left at the expiry of the licence. - Any balance of foreign liquor/wine quantity found unsold at the expiry of the term of license shall be declared by licensee brand wise, volume wise, strength wise and packaging wise before the District Excise Officer on the next day up to 12'o clock and shall be returned by him to the whole sale shop of the district by 5.00 p.m. of the next day of expiry of licence. Seperate register shall be maintained for balance stock and shall be also uploaded on the portal by District Excise Officer. The disposal of such stock shall be made in a manner as prescribed by the State Government.**

## **13. Amendment of rule-18.**

- In the said rules, for existing rule-18, the following rule shall be substituted, namely:-

**18. Suspension and cancellation of the license and penalties. - (1) Licensing authority may suspend or cancel the license:-**

(a)if any bottle is found in the licensed premises on which duty has not been paid and which does not carry the security Code affixed duly approved by the Excise Department as proof of payment of duty.(b)if any other kind of liquor or intoxicating drug (for which license is not granted) is found in the licensed premises.(c)if any liquor or intoxicating drug is found in the possession of the licensee against the provisions of the Act of rules.(d)if the affidavit submitted by the licensee at the time of application is found incorrect and assertions made therein are found to be false.(e)if the licensee is convicted of an offence punishable under the Act or any other law for the time being in force relating to revenue, or of any cognizable and non-bailable offence, or any offence punishable under the Narcotics Drugs and Psychotropic Substances Act, 1985 or of any offence punishable under Sections 482 to 489 of the Indian Penal Code, 1860.(f)if any bottle/container is found in the licensed premises on which maximum retail price is not printed and(g)if it is found that the licence has been obtained in a false name and the licensee is holding the licence on behalf of some other person.(2)The licensing authority shall immediately suspend the license and issue a show cause



notice for cancellation of licence and for forfeiture of security deposit, the licensee shall submit his explanation within seven days of the receipt of notice. Thereafter, the licensing authority shall pass suitable orders after giving due opportunity of hearing to the licensee, if he so desires.(3)The licensee shall not be entitled to claim any compensation or refund for suspension or cancellation of licence under this rule.(4)In case the licence is cancelled the licensee may also be blacklisted and debarred from holding any other excise licence.(5)Matter of compoundable breaches pertaining or retail licenses such as below, shall be imposed with minimum compounding fee-

| SI. No. | Type of violation   | For first time (in Rs) | For second time (in Rs) | For thirdtime (in Rs)                 |
|---------|---|------------------------|-------------------------|---------------------------------------|
| 1       | 2   | 3                      | 4                       | 5                                     |
| 1       | Shop found opened before or after the stipulated time.  | 2500                   | 3000                    | 5000                                  |
| 2       | Unauthorised sales man found to be making sale.   | 5000                   | 7000                    | 10,000                                |
| 3       | Stock register not produced when asked for.   | 10,000                 | 15,000                  | 20,000                                |
| 4       | Stock register found incomplete.  | 10,000                 | 15,000                  | 20,000                                |
| 5       | Tempering with bottles and quarters or their labels or bar code, pilfer proof cap or seals.   | 10,000                 | 15,000                  | 20,000                                |
| 6       | Found having recourse to inducement to the customer with a view to increasing sales such as dancing or gambling.                            | 5000                   | 7000                    | 10,000                                |
| 7       | To store duty paid stock in unauthorised premises/ warehouse.   | 20,000                 | 25,000                  | 30,000                                |
| 8       | Duty paid stock being found in excess of account.   | 25,000                 | 30,000 r                | 50,000                                |
| 9       | Adulteration with water/ dilution of liquor mixing of low category liquor with high category liquor.  | 40,000                 | 50,00(1                 | Proceeding of cancellation of licence |
| 10      | Found selling of loose liquor.  | 5000                   | 10,000                  | 15,000                                |
| 11      | Found making sale of liquor during days of prohibition and closure.   | 30,000                 | 40,000                  | 50,000                                |
| 12      | Any alteration in the premises without permission.  | 20,000                 | 25,000                  | 30,000                                |
| 13      | Found selling of liquor above the prescribed MRP.   | 10,000                 | 20,000                  | 30,000                                |
| 14      | Non-displaying of essential information according to rule or displaying faulty information on the signboard installed outside the premises. | 5000                   | 10,000                  | 20,000                                |
| 15      | On being found no proper arrangement of cleanliness in the shop.  | 2000                   | 5000                    | 10,000                                |
| 16      | Any other irregularity, which is not mentioned under Serial 1 to 15.  | 2000                   | 5000                    | 10,000                                |

## 14. Amendment of rule-18-A.

- In the said rules, for existing rule-18-A, the following rule shall be substituted, namely:-

**18A. Interim Settlement. - (a) In case a license is suspended cancelled or surrendered in accordance with the provisions of these rules or if the shop remains unsettled for any reasons the licensing authority may make interim settlement of the shop at the highest offer on the payment of daily license fee, on such rates as notified by the Excise Commissioner with prior sanction of the Government, for a maximum period of 14 days at one stretch or till the date of regular settlement, whichever is earlier. In case of obtaining two or more equal offers for one shop, settlement shall be done through the manual public lottery. Such licensee shall also be required to deposit security amount according to the rate of daily licence fees for the period of interim settlement.**

Provided that the licensing authority shall not make interim settlement of the shop for more than two times without taking prior permission of Excise Commissioner.(b)In case a licence is cancelled or surrendered in accordance with the provisions of these rules, regular settlement of the shop shall be done as soon as possible by the Licensing Authority through the process of e-tender in mid-session after giving public advertisement. The intimation of aforesaid settlement shall be sent forthwith to the Excise Commissioner.

## 15. Amendment of Form F.L.-5 (D).

- In the said rules, for existing Form F.L.-5 (D), the following form shall be substituted, namely-F.L.-5 (D)(For Renewal)Licence for the Retail Sale of Foreign Liquor (Except Beer ) (including wine) in sealed Bottles for consumption "off" the premises

Photo of Applicant Photo of Co-Applciant

Photo of Shop

Latitude/longitude of shop.....Licence No.....District .....Name of

Shop .....Licence fee Rs .....(in figures).....(in

words)Security amount Rs.....(in figures).....(in words)Description of premises

(without

boundaries)North.....South.....East.....

Father's Name & Address of Licensee(s)-

1.

.....S/o.....R/o...

2.

.....S/o.....R/o...Name, Father's Name and Address of Salesman:

1.

.....S/o.....R/o...

2.

.....S/o.....R/o...

3.

.....S/o.....R/o...

4.

.....S/o.....R/o...Licence for the retail sale of Foreign Liquor (except Beer) (including wine) in standard bottles/tetrapack of 2000ml, 1000ml, 750ml, 500ml, 375ml, 180ml, 90ml (in the categories of Premium and above) and 60ml (only scotch) and wine in capacities as provided in relevant rules for consumption "off" the premises is hereby granted to above licence holder(s) ....at.....(place) in P.S. ....Tehsil ..... in the District of .....w.e.f. ....to March 31, 20.....for which licence fee and security fee and security deposit has been made in accordance with rule-6. The licence is 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 or Narcotics Drugs and Psychotropic Substances Act, 1985 shall make the licensee(s) liable for forfeiture of the licence and security deposit, in addition to any penalties imposed under the relevant laws.

**1. The licensee shall obtain supply of the foreign liquor (including wine) from the wholesale foreign liquor licensee (F.L.2) of the district and FL-2D of the district/charge/State after making full payment of price of liquor including all taxes, consideration fee, cess etc. leviable from time to time preferably through e-payment. If the F.L.-2 licence is not sanctioned in the concerned district, the licensee shall obtain supplies of foreign liquor including wine from wholesale licensee (F.L.2) of other district/districts with prior**

**permission of Excise Commissioner.**

- 2. In case of insufficient supply, the licensee shall inform to the District Excise Officer, who shall obtain orders from Excise Commissioner.**
- 3. Maximum retail price shall be printed on the label of bottles of Foreign Liquor and wine. The retail licensee shall not charge more than the printed M.R.P.**
- 4. Sale at the licenced premises shall be made only for consumption "off" the premises. No liquor shall be consumed/drank "on" the premises.**
- 5. No quantity less than one standard Nip bottle of 60ML. of liquor shall be sold to any person. No sale be made to a person below the age of 21 years.**
- 6. The sale shall be made in sealed bottles of 2000ml, 1000ml, 750ml, 500ml, 375ml, 180ml, 90ml (in the categories of Premium and above) and 60ml (only scotch) of foreign liquor and wine in capacities as provided in relevant rules of above mentioned capacities with prescribed strength and quantity and which is affixed with security code approved by Excise Department, as proof of payment of consideration fee.**
- 7. The licensee shall maintain a regular and accurate daily account in the form and register (FL-25A), as prescribed by the Licensing Authority and the account register shall be uploaded on the upexciseonline.in portal through sms produced for inspection whenever asked by the competent inspecting authority. The licensee shall also furnish account of sales etc. and facilitate and provide the material and documents as required by the inspecting authority.**
- 8. The licensee shall store entire stock of Foreign Liquor (including wine) in the licenced premises only. He shall be required to maintain requisite equipment for scanning of bottles as per prescribed security code under the Track and Trace System.**
- 9. The licensee shall affix conspicuous signboard at the entrance to the shop in the form/size approved by the Excise Commissioner on which the name of the licensee, designation Licenced Retail Vendor of Foreign Liquor, location**

**of the shop, period of licence and such other information as prescribed by Licensing Authority in bold letters shall be printed.**

The signboard will also display the following information :-> Consumption of liquor is prohibited outside near the premises of shop or at public places. Any contravention in this regard shall be punishable.> Drunken driving can be fatal, please do not drink and drive.

**10. The licensee shall not employ any person as salesmen who is below 21 years of age or is suffering from any infectious and /or contagious diseases, or has criminal background or a woman. The Licensee shall have to obtain identity cards of the salesmen bearing their photographs duly issued by the District Excise Officer, which shall be produced as and when demanded by inspecting authorities.**

**11. Licensee shall not sell to any purchaser in quantity more than 6 litres of foreign liquor, Bottled In India (BII) and imported, each separately inclusive of whisky, brandy, rum (including white rum), gin and vodka; 3 litres of wine, bottled in India and imported, both separately; 2 litres of other kind of Indian/imported liquor at a time, except under a permit.**

**12. The sale should not be made to police personnel below the rank of sub inspector or to a soldier or a official in uniform.**

**13. The licensee is strictly forbidden under any pretext whatsoever from tampering with of bottles 2000ml, 1000ml, 750ml, 500ml, 375ml, 180ml, 90ml and 60ml, their labels, security Code affixed under security System, pilfer proof caps or seals etc.**

**14.**

The Licensee shall not keep in his licenced premises any spirit, caramel, colour, essence, security Code making apparatus labels, capsules, seals or any other noxious material.

**15. The premises in which the shop is situated, shall not be used as a place of residence except by the licensee/ salesmen and his family.**

**16. The licensee is strictly forbidden from having recourse to any form of blandishment or inducement to the customer with a view to increase his sales, such as dancing floors or gambling.**

**17. The licenced premises shall remain open for sale on all days from 12.00 Mid Noon to 10 PM Night except on 14th April (Ambedkar Jayanti), 15th August (Independence Day), 2nd October (Gandhi Jayanti), 26th January (Republic Day) and upto 3 more days as notified for closure by the Licensing Authority. Licensing Authority may also order closure of shop on account of law and order or General Election related activity etc. under the provisions or relevant laws. No compensation shall be given for the closure of shop on that day/ days.**

**18. The licensee shall not be allowed to carry on any other business on the licensed premises except sale of Foreign Liquor for which licence is granted.**

**19. The licensee shall on expiry of the licence, report to the Licensing Authority for disposal of balance stock which will be disposed of in accordance with rule-16.**

**20. The licensee shall abide by the general or specific instructions issued by the Excise Commissioner or licensing authority from time to time.**

**21. No Country Liquor should be stored in Foreign Liquor premises.**

Date.....District.....Licensing AuthorityC.L. 5-D(1)(For new licence)Licence for the Retail Sale of Foreign Liquor (Except Beer ) (including wine) in sealed Bottles for consumption "off" the premises

Photo of Applicant Photo of Co-Applicant

Latitude/longitude of shop.....Licence No.....District .....Name of Shop .....Licence fee Rs .....(in figures).....(in words)Security amount Rs.....(in figures).....(in words)Description of premises (without

boundaries)North.....South.....East.....

Father's Name & Address of Licensee(s)-

**1.**

.....S/o.....R/o...

**2.**

.....S/o.....R/o...Name, Father's Name and Address of Salesman:

1.

.....S/o.....R/o...

2.

.....S/o.....R/o...

3.

.....S/o.....R/o...

4.

.....S/o.....R/o...Licence for the retail sale of Foreign Liquor (except Beer) (including wine) in standard bottles/tetrapack of 2000ml, 1000ml, 750ml, 500ml, 375ml, 180ml, 90ml (in the categories of Premium and above) and 60ml (only scotch) and wine in capacities as provided in relevant rules for consumption "off" the premises is hereby granted to above licence holder(s) ....at.....(place) in P.S. ....Tehsil ..... in the District of .....w.e.f. ....to March 31, 20.....for which licence fee and security fee and security deposit has been made in accordance with rule-6.The licence is 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 or Narcotics Drugs and Psychotropic Substances Act, 1985 shall make the licensee(s) liable for forfeiture of the licence and security deposit, in addition to any penalties imposed under the relevant laws.General and special conditions

**1. The licensee shall obtain supply of the foreign liquor (including wine) from the wholesale foreign liquor licensee (F.L.2) of the district and FL-2D of the district/charge/State after making full payment of price of liquor including all taxes, consideration fee, cess etc. leviable from time to time preferably through e-payment. If the F.L.-2 licence is not sanctioned in the concerned district, the licensee shall obtain supplies of foreign liquor including wine from wholesale licensee (F.L.2) of other district/districts with prior permission of Excise Commissioner.**

**2. In case of insufficient supply, the licensee shall inform to the District Excise Officer, who shall obtain orders from Excise Commissioner.**

- 3. Maximum retail price shall be printed on the label of bottles of Foreign Liquor and wine. The retail licensee shall not charge more than the printed M.R.P.**
- 4. Sale at the licenced premises shall be made only for consumption "off" the premises. No liquor shall be consumed/drunk "on" the premises.**
- 5. No quantity less than one standard Nip bottle of 60ML. of liquor shall be sold to any person. No sale be made to a person below the age of 21 years.**
- 6. The sale shall be made in sealed bottles of 2000ml, 1000ml, 750ml, 500ml, 375ml, 180ml, 90ml (in the categories of Premium and above) and 60ml (only scotch) of foreign liquor and wine in capacities as provided in relevant rules of above mentioned capacities with prescribed strength and quantity and which is affixed with security code approved by Excise Department, as proof of payment of consideration fee.**
- 7. The licensee shall maintain a regular and accurate daily account in the form and register (FL-25A), as prescribed by the Licensing Authority and the account register shall be uploaded on the upexciseonline.in portal through sms produced for inspection whenever asked by the competent inspecting authority. The licensee shall also furnish account of sales etc. and facilitate and provide the material and documents as required by the inspecting authority.**
- 8. The licensee shall store entire stock of Foreign Liquor (including wine) in the licenced premises only. He shall be required to maintain requisite equipment for scanning of bottles as per prescribed security code under the Track and Trace System.**
- 9. The licensee shall affix conspicuous signboard at the entrance to the shop in the form/size approved by the Excise Commissioner on which the name of the licensee, designation Licenced Retail Vendor of Foreign Liquor, location of the shop, period of licence and such other information as prescribed by Licensing Authority in bold letters shall be printed.**

The signboard will also display the following information :-> Consumption of liquor is prohibited outside near the premises of shop or at public places. Any contravention in this regard shall be



**10. The licensee shall not employ any person as salesmen who is below 21 years of age or is suffering from any infectious and /or contagious diseases, or has criminal background or a woman. The Licensee shall have to obtain identity cards of the salesmen bearing their photographs duly issued by the District Excise Officer, which shall be produced as and when demanded by inspecting authorities.**

**11. Licensee shall not sell to any purchaser in quantity more than 6 litres of foreign liquor, Bottled In India (BII) and imported, each separately inclusive of whisky, brandy, rum (including white rum), gin and vodka; 3 litres of wine, bottled in India and imported, both separately; 2 litres of other kind of Indian/imported liquor at a time, except under a permit.**

**12. The sale should not be made to police personnel below the rank of sub inspector or to a soldier or an official in uniform.**

**13. The licensee is strictly forbidden under any pretext whatsoever from tampering with bottles 2000ml, 1000ml, 750ml, 500ml, 375ml, 180ml, 90ml and 60ml, their labels, security Code affixed under security System, pilfer proof caps or seals etc.**

**14.**

The Licensee shall not keep in his licensed premises any spirit, caramel, colour, essence, security Code making apparatus labels, capsules, seals or any other noxious material.

**15. The premises in which the shop is situated, shall not be used as a place of residence except by the licensee/ salesmen and his family.**

**16. The licensee is strictly forbidden from having recourse to any form of blandishment or inducement to the customer with a view to increase his sales, such as dancing floors or gambling.**

**17. The licensed premises shall remain open for sale on all days from 12.00 Mid Noon to 10 PM Night except on 14th April (Ambedkar Jayanti), 15th August (Independence Day), 2nd October (Gandhi Jayanti), 26th January (Republic Day) and upto 3 more days as notified for closure by the Licensing**

**Authority. Licensing Authority may also order closure of shop on account of law and order or General Election related activity etc. under the provisions or relevant laws. No compensation shall be given for the closure of shop on that day/ days.**

**18. The licensee shall not be allowed to carry on any other business on the licensed premises except sale of Foreign Liquor for which licence is granted.**

**19. The licensee shall on expiry of the licence, report to the Licensing Authority for disposal of balance stock which will be disposed of in accordance with rule-16.**

**20. The licensee shall abide by the general or specific instructions issued by the Excise Commissioner or licensing authority from time to time.**

**21. No Country Liquor should be stored in Foreign Liquor premises.**