

CHHATTISGARH EXCISE SETTLEMENT OF LICENCES FOR RETAIL SALE OF COUNTRY LIQUOR (IN DISTRICT RAIPUR, DURG, RAJNANDGAON, DHA

23 SIV 2001 208 (15) es) ds) n) ion Shall t of tity a mt(s) 1 nest 23 2001 10-49/2001/a-rx./qiFX (14)- 1915 2 1915) I 62 (1) (2) (Q) (g) F) (g) (q) 62 (3) frf.&fraa - 2. (3) 4. (04) (q) (J) g-TLÄ«r (NFTT gjt, if) 2001 GTü. öTT. 1915 2 1915) VTO-T 31 (ft qdr) 57, 18 62 (2) (q) fü fü Fir qf\$T (7) GTIër ft-Rr if OT) 1/12 Ä;u-r q. (I) ÉFIT. 5. , •ÉTJfT. 208 (16) 23 2001 Git qât, eqT\$fi, (JT) fä-â fü 8. QTä - ft. atdfraa (qg) 21 (JT) / qf.Äfää ur fiM--er 1985 q-t 30 (qfi) AT er 21 Ér AT (61) 23 2001 208 (17) *JIT. -eir *VIT . I l. - / 15 q-a-qfQT a-r-q-@-eq qf4T 12. - q-Ä -RFI fQ--;r . tr R-a-r 13. - äQtr *OTT. 72 / q-rg 208 (18) 23 2001 48 *JIT. 48 qf-ä / graft / *JIT 14. - TIIÄT , , q.%TJt qtJT å qq /- qtd efi-Qf tr Äuff, a-TaQ Vt Érar aur t. GITq31T. 15. - 16. 17. 15 (FüaTRqq), 2 (qtQfiqqir), 26 Raq), 30 Zltectr q-fiTër qfäG6 10 10.30 gar . atr 18. qq aqr 5 19. 33 . *31T. 20. (i) - 23 2001 208 (19) 21. qf4T if qeaT 1985 AT 482 489 (3) AT AT ÄTAT qr Gir ur 2001-2002 fitr 2. 3. 4. S. 6. 8.5% 8.5% 8.5% 7.5% 7.5% 7.5% 8.5% 208 (20) 10. 12. ft-a-r HTK, 23 2001 8.5% 9.00/0 9.5% 25 Q.I#. 50 Qtr. äQtr ft;ü 31 20 -6 frAT GIT?TT 1915 1985 fü a-h tf*t OTT. I e-tfäq -Rr 25 / 3. 25 I 120/- 23 2001 208 (21) €. -T.q-q tr ah 20 aër V. qtr 72 *JIT. / 48 äQtr / 24 erü. Gllü-jfr. qar, 11. 15 2 qztär), 26 RANI) 30 Raq), är, 3 10.00 10.30 12. *JIT

13. FWIÜJTT, RUT, on 62 of 208 (22) 14.23 2001 *JIT. 15. ix 21 AT ervr AT qr a. 16. 17. 18. 1.5 *JIT . 18 Gir 19. FIQFtr), (qi), / 20. ql#r 21. 22. era Ä;QT 23. 24. I 25. 18 I GTÄ) 1. 2. 3. 23 2001 4. q-a-q-rfQT 5. 6. 2. 3. 5. 4. fi---dT / 2. qq a-Gi I 208 (23) q-t-ÄQi / u-g:r 208' (24) 23 2001 GOVERNMENT OF CHHATTISGARH FINANCE, COMMERCIAL TAX, PLANNING, STATISTICS DEPARTMENT MANTALAYA, RAIPUR Raipur the 23rd May 2001 NOTIFICATION ECONOMIC AND 6. Gri oi the sec No.f.10-49/2001/ct/v(14)- in exercise of the powers conferred by sub section(l) of section 18, read with clause (d) (e) (f) (g) (h) of sub section (2) of section 62, of chhattisgarh Excise Act. 1915 (No. 11 of 1915), the State Government make the following rules for the settlement of country liquor shops in the revenue districts Raipur, Durg, Rajnandgaon, Dhamtari and mahasamund which were published previously as required by sub section (3) of section 62, in Chhattisgarh Gazette

4. Short title and commencement - (1) These rules may be called the Chhattigarh Excies Settlement of Licences for retail sale of country liquor (in disrtict Raipur, Durg, Rajnandgaon, Dhamtari and Mahasamund) Rules 2001.(2) These shall come into force from the date of their publication in the Gazette. In these rules, unless there is anything repugnant in the subject or context- Definitions - 2. 3. 4. (b) (c) (d) (g) (h) "Act" means the Chhattisgarh Excise Act, 1915 (No.11 of 1915), as amended from time to time. "Country Liquor" includes country spirit: "Excise Year" means the financial year commencing from 1st April to 31st March of the calender year: "Family" means and includes spouse (husband or wife), dependent son(s), unmarried daughter(s) and dependent parents; "Form" means the form appended to these rules. "Licensing Authority" means the Collector of the district. "Licence fee" means a sum fixed in consideration of the grant of the licence for . exclusive privilege for selling of country liquor in a retail shop under section 18 read with subsection (g) of section 62 of the Act as fixed by the Excise commissioner in counsultation with the State Government from time •to time for the whole excise year or part thereof; which shall be fixed for any country liquor shop on the basis of the categories of the annual quantity. "Minimum month wise guaranteed quantity", means the quantity of country liquor as fixed by the licensing authority in• accordance with the general or specific instructions issued by the Excise Commissioner and guaranteed by the licensee to be lifted by him for his retail shop in a month of an excise year for the purpose of retail sale which shall be fixed for any country liquor shop on the basis of maximum lifting in a district . during last five years after making necessary increase/decrease. "Annuai Quantity" means the sum total of the month wise guaranteed quantity of an excise year; "Security amount" means a sum equal to the duty payable on 1/ 12th of annual quantity in cash to be deposited in Government Treasury as interest free security, refundable after the final settlement of all the claims and dues to the state Government. Settlement of Licences for retail sales - 8. c. API (b) (c) (d) Elic (a) (b) (c) (d) Fur a. b. Subject to the provision of these rules and subject to the payment of licence fee and security amount of the retail shop for sale of country liquor shall be settled or resettled . by fixed fee system as specified herein, The licence shall be granted . in the form C.S.2 D for retail sale of country liquor in sealed bottles for consumption 'On' the premises. Power to fix the number and iocation 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. Location of shop shall be as per the provisions of rule (1) of rules of general applications framed under the Act. as amended from time to time. Period of Licence - The period of license shall be for an excise year or part thereof for which the licence has been granted. The licence may be renewed on such terms and conditions as may be decided by the State Government. issued from the Excise against the selection p 9. Dis for retail s (iii) 23 2001 208 (25) Grant of Licence - The licence shall be granted on payment of annual licence fee and deposit security amount. Application for grant of licence - (a) (b) (c) (d) Whenever a new licence is proposed to be granted in an area or locality the licensing authority giving wide publicity through daily newspapers shall invite the applications for this purpose having circulation in that area, A list of the retail shops of country liquor for the collector proposes to grant licence shall be exhibited along with shopwise licence security amount and annual quantity at the Collector's office, Tehsil Office and the offices of the District Excise Officer/Asstt. Commissioner Excise of the District, Application for grant of licence shall be made in the prescribed form as appended to these rules. The last date to be fixed- for the receipt of application shall not be earlier than seven days with effect from the date of publication of the advertisement in a newspaper. Eligibility Conditions for application - Eligible applicants must fulfil following conditions namely- (a) (b) (c) (d) Be a citizen of India or Partnership firm who are citizen of India. No change in partnership shall be allowed after allotment of shop(s). Be above 21 -years of age Not be a defaulter/blacklisted or debarred from holding an excise licence under the provisions of any rules made under the Act. Submit an affidavit duly verified by public notary as proof of the following namely- (2) (3) (4) (5) (6) That he possesses or has an arrangement for taking on rent a suitable premise in that locality for opening the shop in accordance with the provisions of the rule of rules of general applications under the Act. as amended from time to time; That his proposed premises of the shop have not been constructed in violation of any law or rules; That he possesses good moral character and have no criminal background and have not been convicted of any offence punishable under the Act or Narcotic Drugs And Psychotropic Substances Act. 1985 or any other law for the time being in force, or any other cognizable and non-bailable offence; That in case he is selected as licensee he will furnish a certificate issued by Superintendent of Police of the district of which he is the resident, showing that he possess good moral character and have no criminal background or criminal record, within thirty days of grant of licence; That he shall not employ any salesman or representative who has criminal background as mentioned in clause (III) or who suffer from any infectious or contagious disease or is below 21 years of age or a woman That he is not in arrear of any Government money. Furnish a bank draft drawn in favour of the District Excise Officer or Asstt. Commissioner Excise drawn from a nationalised Bank as earnest money. The amount of earnest money shall be as fixed by Excise Commissioner. In case the applicant is selected as licensee, the earnest money shall be adjusted with the licence fee. In other cases it shall be returned as such to the applicant as soon as the selection process is over. District level committee for licensing - There shall be a district committee for selection. of licensees retail sale of country liquor. The committee shall consists of the following members namely (ii) (iii) The Collector of the District One Gazetted Officer of Excise Department nominated by the Excise Commissioner The District Excise Officer/Asstt. Commissioner as Chairman Member Member/Secretary 208 (26) 10

11. Selection a.b. c. d. The with The 23 2001 of Licensee- District Excise Officer/Asstt. Commissioner shall prepare a list of all applications received summary report to be put before the district level committee for licensing. said committee shall select licensees from the list of applicants found eligible. In case there are more than one suitable applicant for any particular shop, the committee shall select the licensee for such shop by public lottery. In case the selected applicant 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. 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. Licensing authority shall have the right to reject the application for any shop/shops without assigning any reason. Statement of Settled shops - A statement of the settled shops alongwith names and addresses of the licensees, shopwise annual quantity, details of security amount and licence-fee deposited shall be sent by the District Excise Officer/Asstt. Commissioner Excise to the Excise Commissioner within 15 days of the settlement. - In case an applicant

is selected as licensee, he Payment of licence-fee and security amount 12. shall deposit the entire amount of license fee and the security amount within 3 days of being informed of his selection if he fails to deposit the amount of licence fee and security amount within prescribed period, his selection shall stand cancelled and his earnest money shall be forfeited in favour of the state Government and the said shop shall be resettled forth with. The defaulter shall be debarred from holding any excise licence in .future anywhere in the state. A consolidated list of such defaulters under this rule, along with their complete address shall be forwarded by the District Excise officer/Asstt. Commissioner to the Excise Commissioner, who will circulate the consolidated list of the state to all the licensing authorities of the state. 13

14. Lifting of liquor - a.b. The licensee under these rules shall obtain supplies of country liquor from any wholesale licensede warehouse of the district after making full payment of cost price of country liquor including all taxes, duties, sealing charges avid cess as levied from time to time. The licensee shall place indent at-least 72 hours in advance to the wholesale licensee/supplier of the district from whom he intends to procure the supply of country liquor. The wholesale licensee/supplier with whom the indent has been placed shall record the date and time of receipt of indent and shall ensure supply of the desired quantity of liquor within 48 hours of the receipt of indent. In case there is no country liquor available with the wholesale licensee/supplier the District Excise Officer/Asstt. Commissioner shall make alternative arrange- ments for the supply of indented quantity of country liquor. Lifting of minimum Guaranteed Quantity fixed for the month and consequences of failure a. b. The licensee is liable to lift the entire minimum monthwise guaranteed quantity during a month. The licensee shall make indent for the entire minimum monthwise guaranteed quantity fixed for that month along with cost of country liquor including all duties sealing charges taxes and cess, which must be submitted to the wholesale licensee/supplier by 25th day of the month. In case the retail licensee fails to submit the indent as per clause (a) the District Excise Officer/Asstt. Commissioner Excise shall immediately report the matter to the licensing authority, who shall take action to impose penalty on the amount of guaranteed quantity jess lifted than the fixed monthly guaranteed quantity at the rate of rupees 120/- proof litre and shall adjust the amount equal to the imposed penqlty from the security amount and issue a notice to the licensee to replenish the shortfall in security amount with in a week and also show cause as to why the licence should not be cancelled. If the licensee fails to deposit the amount of deficit in security amount and does not furnish suitable explanation with in the stipulated period the licence shall stand cancelled and the licensing authority shall take immediate steps to resettle the shop. 23 2001 208 (27) Lifting of Country liquor in excess of minimum monthwise guaranteed quantity - The licensee lift upto 20% in excess of monthwise minimum guaranteed quantity for the month on the same rate illty, any further excess quantity shall be lifted on permission of the District Excise Officer/Asstt. missioner and on payment of additional Excise Duty as may be prescribed. Minimum retail Price - The minimum retail price as fixed by Excise Commissioner on approval he State Government, Which shall be printed on the bottles of country liquor. The licensee shall not •ge from consumers less than the minimum retail price printed on lables of bottles. Hours of sale and closure of shops - The licensed premises shall remain open for sale on days from 10.00 a.m to 10.30 p.m. except on 15th August (Independance day) 2nd October (Gandhi anti), 26th January (Republic Day) 30th January (Mahatma Gandhi Nirwan Diwas), Holi and Mohharum 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 under the provisions relevant laws. No compensation shall be given for the closure of shop on above grounds. Disposal of balance stock left at the expiry of the licence - Any balance of country liquor .ntity found outstanding and unsold at the expiry of the term of licence shall be declared by the licensee the licensing authority on the next day and shall be returned by him to the concerned wholdesale nsee/supplier of the district by 5.00 p.m. of the next date of expiry of licence. The licensee shall be tied to get the refund of cost price only, excluding duty and other taxes. The disposal of such stock .11 be made as per orders of the Excise Commissioner in this regard. Surrender of licence - A licensee may surrender his licence after giving atleast one month's notice Nriting to the licensing authority under provisions of section 83 of the Act. On receipt of such application licensing authority will take steps for recovering all outstanding excise dues from his security deposit refund the balance amount after obtaining orders of the Excise Commissioner. The Licensing authority Ill also proceed for resettlement of the shöp without delay for the remaining period of the excise years. Suspension and cancellation of the licence and penalties - (l) Licensing authority may suspend (a) (b) (c) (d) or cancel the licence - If any

bottle is found in the licenced premises on which duty has not been paid and which does not carry security hologram duly approved by the Excise Commissioner as a proof of payment of duty. If any other kind of liquor or intoxicating drug (for which licence is not granted) is found in the licensed premises. If the affidavit submitted by the licensee at the time of application is found incorrect and assertions made therein are found to be false. If the licensee fails to lift minimum monthwise guaranteed quantity during that month and also fails to replenish the short fall in security deposit within the period prescribed ; consequent to the imposition of penalty. If the licensee is convicted of any 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 Narcotic Drugs and Psychotropic substances Act 1985 or under section 482 to 489 of the Indian Penal Code. If any bottle is found in the licensed premises . on which minimum retail price is not printed. (2) (3) (4) Repeal The licensing authority shall immediately suspend the licence and forfeit the security deposit on above mentioned grounds. The licensing authority will also serve a show cause notice for cancellation of licence and the licensee shall submit his explanation within 7 days of the receipt of the notice. Thereafter the licensing authority will pass suitable orders after giving due opportunity of hearing to the licensee, if he so desires. The licensee shall not be entitled to cancellation of licence under In case the licence is cancelled also be blacklisted and debarred - (i) All rules corresponding to these to claim any compensation or refund for suspension the rules. on the above mentioned from holding any excise rules in force immediately grounds the licensee may licence in future. before the commencement 208 (28) of these rules are hereby repealed irrespective of 23 2001 matters covered by these rules. Provided that any order of country liquor Licence for the retail sale Licence No. Locality. Licence fee Rs... Annual Quantity made or action taken under the rules so repealed shall be valid in respect of shop/shops for the financial years (Rule 3-b) of country liquor in sealed year 2001-2002 bottles for consumption on the Year..... District (in figures) premise (in Minimum monthwise guaranteed quantity Sl.No. 10. 11

12. Month April May June July August September October November December January February March Description of premises (with boundaries) North South.. East West Name, Father's Name Name, Father's Name and Address of Licensee(s), s/o..... s/o and Address of Salesmen s/o s/o Minimum Monthwise Guaranteed Quantity 8.5% of annual quantity 7.5% - 8.5% 9.0% 9.5 r/c r/o. r/o. s/o r/o. s/o r/o. Licence for retail sale of spiced Country Liquor at a strength of 25 U.P. and plain country liquor strength of 50 U.P. in standard quart (750ml) pint (875 ml) and nip (180 ml) bottles capacity, is hereby granted to above licence holder(s), at ..(place) Tahsil March 31, 20 with rule 6. in the District of w.e.f. from .for which licence fee and security deposit has been paid in accord 23rd 2001 The Licence is subject to the following special and general conditions the licensee a conviction for any offence under the Chhattisgarh Excise Act 1915 or opium substance Act, 1985 shall make the licensee(s) liable for cancellation of security deposit in addition to any penalty imposed under the relevant GENERAL AND SPECIAL CONDITIONS 208 (29) infraction of any of Narcotic Drugs and of the licence and laws, The licensee is liable to lift the entire Minimum Monthwise Guaranteed Quantity of Country Liquor during the month only. The quantity left unlifted on the last working day of the month shall be forfeited. The indent for the entire Minimum Guaranteed Quantity fixed for the month along with cost of country liquor including all duties taxes and cess must be submitted to the wholesale licensee/supplier by 25th day of the month. In case the retail licensee fails to submit the indent by 25th day of the month as above, the District Excise Officer/Asstt. Commissioner shall immediately report the matter to the licensing authority, who shall take action to impose penalty on the amount of guaranteed quantity less lifted than the fixed monthly guaranteed quantity at the rate of rupees 120/- per proof litre and shall adjust the amount equal to the imposed penalty from the security amount and issue a notice to the licensee to replenish the shortfall in security amount within a week and also show cause as to why the licence should not be cancelled. If the licensee fails to deposit the amount of deficit in security amount and does not furnish suitable explanation within the stipulated period,.. the licence shall stand cancelled and the licensing authority shall take immediate steps to resettle the shop. -the licensee may lift upto 20% in excess of Minimum Monthwise Guaranteed Quantity for the month 'in the same rate of duty, any further excess quantity shall be lifted on permission of the District Excise Officer/Asstt. Commissioner and on payment of additional excise duty as fixed by the State -the licensee can obtain supply of the country liquor from the wholesale country liquor licensee/ supplier of the district after making full payment of cost price of liquor including sealing charges 11 taxes, duties cess etc.

leviable from time to time. The licensee 'Shall place indent at least 72 ours in advance to the wholesale licensee/supplier in the district from whom he wants to procure supply of country liquor, In case the wholesale licensee/supplier with whom the indent has been laced fails to supply coutry liquor within 48 hours of the receipt of indent, the licensee must pproach the District Excise Officer/Asstt. Commissioner concerned who will make arrangements for upply of country liquor with in 24 hours of receipt of such indent. linimum retail price shall be printed on the label of bottles of country liquor. The retail licensee hall not charge less than the printed minimum retail price. he sale of country spirit in sealed bottles for consumption shall be allowed from the same Gaddi. portion of the premises shall be set apart where only "on" consumption shall be permittd. Even jr "On" consumption the spirit shall not be served loose. he sales shall be made in sealed .bottles of quarts pints, nips of country liquor of prescribed rength and quantity carrying s.ecurity Hologram or security Holographic Shrink Sleeves approved / Excise Commissioner, as proof of payment of duty. ne licensee shall maintain a regular and accurate daily account in the prescribed register. The s,count register shall be produced for inspection whenever asked by the compentent inspecting Ithority. le licensee shall not be allowed to carry on any other business on the licenced premises except Ile of country liquor for which licence is granted. le licensed premises shall remain open for sale on all days from 10.00 a.m. to 10.30 p.m. except i 15th August (Independence Day), 2nd October (Gandhi Jayanti), 26th January (Republic Day),)th Ja•nuary (Mahatma Gandhi • Nerwan Diwas), Holi and Moharrum and upto 3 more days as)tified for closure by the licensing authority. Licensing authority may also order closure of shop i account of law and order or General Election related activity etc. under the provisions of relevant MS. No compensation shall be given for the closure of shop on above dates/days. je license shall store entire stock of country liquor in the licensed premises only. te licensee shall affix a conspicuous signboard at the entrance to the shop on which the name the licensee, designation "Licenced Retail Vendor of Country Liquor", location of the shop, period licence and such other information as prescribed by licensing authority in bold letters shall be nted. e licensee shall provide within the licensed premises a reasonable seatina accommondation i.e. 62 fraz 208 (30) 23 2001 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. a sufficient number bf benches. 'takehats", chairs and tables etc. The licensee shall not employ any person as salesman who is beiw 21 years of age or is suffering from any infectious and/or contageious disease, or has criminal background or a woman. The licensee shall not sell to any person more than 1.5 litres of country liquor. The sales should not be made to a person below the age of 18 years or any official in uniform. The licensee is strictly forbidden under any pretext whatsoever from tempering with bottles or with their lables, security Hologram/Sleeve, pilfer proof caps or seals. The licensee shall not keep in his licensed premises any caramel coloui, essence, hologram Shrink Sleeve, lables capsules, seals and any other noxious material. The licensee or his salesmen are strictly prohibited from keeping water on the Ganddi the shop or within 5 feet of the place where the country liquor is stored or kept for sale. The licensee shall be responsible for the proper upkeep and cleanliness including its drain etc. whie! shall be kept disinfected. All Kujjar, pattals etc. used in the premises shall be removed immediately to specially erected empty receptacles or bin with a cover kept for this purpose which shall be cleaned atleast twice during the sale hours. The premises in which the shop is situated shall not be used as a place of residence except by the licensee/saleman and his family. The licensee is strictly forbidden frem having recourse to any form of blandishment or to the customer with a view -to increase his sales. Gambling and dance programme forbidden. The licensee shall on expiry of the licence, report to the licensing authority for disposal inducement are strictly of balance stock which will be Date District Application for Registration No. (To be filled by the office) disposed of in. accordance with rule 18. the grant of licence for Retail CS2D [Rule 7(c)] Sale of Licensing Authority Liquor in Form Country Year Details of the shop applied for Name of the District Name of the shop Excise Tahsil 2. 3. 4. 5. 6. 2. 3

4. Licence Fee (Rs.) (in words) Annual Quantity Earnest Money Security Amount (in Figures) (in words) (Rs.) (in Figures) (in words) (RS) (in Figures) Details of the Applicant (In case of co-applicant photograph of co-applicant and details at serial no. 1 to 6 be also given) Name of the Applicant Father's/Husband's Name Sex : Male/Femal Permanent Address House No. and Locality/Village 23 2001 208 (31) Police Tehsil Distt. State Station Telephone No. Present Address House No. and Locality/Village PoliCe Station Tehsil Distt. State Telephone No. Details of the Earnest Money depositÜ b. Bank Draft/Pay-order No. and Date Name of Bank The above information is true to the best of the my/our knowledge. In the event of above information oeing found incorred, my/our application shall be

liable to be rejected and earnest money shall be liable to be forfeited. If above details are found to be incorrect subsequent to the grant of licence it shall render my/our licence liable for cancellation and forfeiture of licence fee and security deposit made by me/us. I/we am/are aware that submission of false or incorrect information is penal offence. Signature(s)/thumb impression(s) of the application(s) with date ANNEXURE Affidavit duly verified by Public Notary (Acknowledgement receipt) Received application from Shri/smt./ku. s/o., w/o., d/o r/o for country liquor retail shop along with affidavit and Bank Draft for Earnest Money and entered in the Register at Serial Number Date Time Signature of District Asstt. District person authorized Excise Officer/ Commissioner by 3 By order and in the name of the Governor of Chhattisgarh, K. R. MISHRA. Deputy Secretary. 2001.

