

THE Uttar Pradesh Vintnery Rules

2. Definitions- In these rules, unless there is anything repugnant in the subject or context,-

- (a)"Excise Year" means the period from April one to March thirty-one following;
- (b)"Fortification" means the addition of brandy or some neutral spirit to wine or to the must, for preventing wine from turning sour"
- (c)"Lees" means the residue left on straining off wine after completion of the process of fermentation;
- (d)"Must" means the juice or pulp of flowers, vegetables, non-narcotic (non-psychoactive) herbs and crushed grapes as expressed for wine making before fermentation thereof and includes the juice or pulp of any other fruit for production of wine;
- (e)"Officer-in-Charge" means the Excise Inspector appointed as such by the Excise Commissioner or the Excise Inspector in-charge of the concerned preventive circle for the purpose of supervising work in a vintnery;
- (f)"Vintner" means a person licensed to work a wine-manufactory;
- (g)"Vintnery" means a wine-manufactory;
- (h)"Wine" means the product obtained on alcoholic fermentation of juice or pulp of flowers, vegetables, non-narcotic (non-psychoactive) herbs, grape juice or pulp or juice of any other fruit, natural or fortified, the alcoholic content whereof does not exceed 24 percent by volume (24%v/v). Wine may contain added sugar, honey, and/or water. Wine also means and includes Cider, Sherry and Perry.
- (i)"Young Wine" means the fermented unmaturing wines product obtained immediately after straining off the lees.

3.Application for licence-Any citizen of India not below the age of 21 years having no criminal history whatsoever, firm or company duly registered in India and having clean records, desiring to establish a vintnery in the State shall apply for a licence to the Excise Commissioner, Uttar Pradesh, through the Collector of the district in which the vintnery is proposed to be set up. The application in Form V-3 shall be accompanied by a plan and full description of the premises where the manufacture would be carried on. The blue print of the said plan shall be drawn to the scale indicating the number and full description of fermenting and storage vessels, and the exact position and description of each vessel proposed to be used. The Collector shall after such enquiry, as he may deem necessary, forward the application with his recommendation, to the Excise Commissioner, Uttar Pradesh.

4.Inspection of premises before grant of licence-

- (1)Application for licence in Form V-3 shall be submitted before the Excise Commissioner through the Collector.
- (2)If the Excise Commissioner is satisfied, he shall subject to such conditions as the State Government deem fit to impose, authorise the establishment of a vintnery and issue a licence in the appended Form V-1. The fee for such a licence shall be Rs. 2,500(Rupees Two thousand five hundred only) payable in advance for the year or part thereof for which the licence is granted.
- (3)The aforesaid licence shall be valid, unless specifically extended, for a period of one year only from the date of issue within which period the holder thereof shall arrange

to secure the land, building, plant, machinery and other equipment required for the establishment of the vintnery.

5. Conditions precedent to sanction of licence.-

- (1) No wine shall be manufactured and no person shall use, keep or have in his possession any material, still, utensil, implement and apparatus whatsoever, for the purpose of manufacturing wine except under the authority and subject to the terms and conditions of a licence granted in Form V-2 by the Excise Commissioner.
- (2) An application for the grant of a licence under sub-rule(1) shall be in Form V-4 and shall be submitted to the Excise Commissioner with the period of validity of the licence in Form V-1.
- (3) Before grant of a licence in Form V-2 an Excise Officer duly authorised by the Excise Commissioner shall inspect the premises, all apparatus and fermenting and storage vessels, compare the same with the particulars furnished and certify the same if found to be in order.
- (4) No licence shall be granted unless and until the applicant has—
 - (a) satisfied the Excise Commissioner that the building and the plant have been built in accordance with the prescribed regulation and that due precaution against fire has been taken, and
 - (b) deposited as security a sum of Rs.5,000 (Rupees Five thousand only) in the form of Fixed Deposit Receipt or National Saving Certificate pledged in favour of Excise Commissioner Uttar Pradesh.
 - (c) deposited a licence fee of **Rs. 50,000 (Rupees Fifty thousand only)** payable in advance for the Excise Year or part thereof for which the licence is granted.

6. Power to grant licence.- The licence shall be valid for the Excise year for which it is issued and shall require renewal annually. The application shall be made to the Excise Commissioner on or before February 28, every year for the renewal of the licence for the Excise year following. If there has been alteration in either plant or building fresh plans must be submitted. If there has been no alteration, a certificate to this effect from the officer-in-charge should be attached with the application for the renewal of the licence. A licence fee of Rs. 50,000/- (Rupees Fifty thousand only) for a year or part thereof shall be payable in advance for such renewal.

7. The licence fee shall be deposited in the Government Treasury through e-payment mode at the time an application for grant or renewal of the licence is made and proof of such deposit shall be furnished to the Excise Commissioner with the application.

8. Additional licences.- The vintner shall also obtain a bottling licence in Form F.L.3 for bottling of wine produced in his vintnery.

9. Establishment charges of permanent staff –

- (1) The Excise Commissioner may post to a vintnery the excise staff of such rank and in such numbers as he thinks appropriate. In the case excise staff is not posted by the Excise Commissioner, the Excise Inspector of the concerned preventive circle shall be the in-charge of the vintnery.
- (2) The pay of the excise staff posted to a vintnery under sub-rule(1) shall be borne by the State Government.

10. Supply of office furniture – The vintner shall provide :-

- (1) deleted

(2) the officer-in-charge, necessary accommodation in the vintnery to be used as office by him along with suitable office furniture and stationery.

11. **Supervising Staff.-** The initial operation of wine manufacturing shall be carried out after giving information to this effect to the officer in-charge. The officer-in-charge may be present in the vintnery during initial operations of wine manufacturing.
12. The Vintner shall obtain prior approval of the excise commissioner as regards materials to be used for manufacturing wine.
13. **General outlay of building .-** The vintnery building shall consist of a fermentation room, a bottling room and at least one store room for finished preparations. All the rooms shall be well ventilated and all the windows shall be securely barred and adequately wire netted. Every room shall bear on the outside, aboard on which shall be legibly painted, the name of the room. The bottling room and store room for finished preparations shall have but one entrance each and shall be separately locked by the vintner.
14. **Unauthorised alterations in building or fixtures not be made.-**No additions and alterations to the vintnery or to the permanent fixtures therein shall be made without the previous sanction of the Excise Commissioner:

Provided that minor additions and alterations urgently required may, on presentation of a fresh plan of the vintnery, be allowed by the District Excise Officer concerned subject to the subsequent approval of the Excise Commissioner.
15. **(A) Precaution against fire -** Sufficient number of chemical fire-extinguishers and fire buckets shall be maintained by the vintner in the premises. Smoking and use of naked lights with the vintnery shall be prohibited. A notice to this effect shall be conspicuously displayed in the vintnery building.
16. **Omitted.**
17. **Maintenance of accounts. -**The vintner shall maintain a correct account of all the materials used in the manufacture of wine, item wise, together with the total quantity (in Litres) of the resultant liquor with its specific gravity taken by means of a glass saccharometer or by any suitable electronic device, in a register to be maintained by him, and signed by him which should also be signed by the officer-in-charge.
18. **Specific gravity and changes in the bulk of the must to be recorded -** Every morning, subsequent to the pitching of the must, the vintner himself or his authorised agent shall record its specific gravity and the changes in bulk in the register under his own signature, till the liquor referred to in rule 17 is ready for casking or racking, after straining off the lees.
19. **Specific gravities to be determined by the officer-in-charge -**The quantity of fruit juice placed in each fermenting vessel, the bulk of the fermented must therein and the original and final gravities shall be ascertained by the officer-in-charge. For the first two items he may rely on the figures furnished by the vintner. No fermented must shall be taken out of the vintnery or brought in from outside
20. **Finished wine to be sealed by the officer-in-charge –** The vintner shall inform the officer-in-charge about the date of the transference of strained liquid to the storage receptacle which should be capable of being properly sealed by the officer-in-charge.

The bulk and the final specific gravity of the fermented must shall be recorded after straining by the vintner in the register which will be maintained and signed by him and also by the officer-in-charge.

- 21. Power of Excise Commissioner to fix alcoholic strength discretionary** – Range of alcohol percentage in the wine shall be between 12 to 24% V/V without any addition of alcohol. If any vintner wishes to manufacture wine of strength higher or lower than the above-mentioned range, he will seek special permission from the Excise Commissioner
- 22. Samples for analysis** - The officer-in-charge shall take two samples of the young wine in quart bottles in the presence of the vintner or his agent and after duly sealing the same deposit one with the concerned District Excise Officer and send the other to the concerned excise laboratory, for reports as to its potability, real alcoholic strength, and as to whether the wine is sparkling or of the other variety. The vintner shall pay the packing charges, freight and the examination fee of the samples sent to the excise laboratory. The vintner may take samples for examination by his own laboratory: Provided that if the examination report is not received within 7 days of receipt of the sample of young wine by the laboratory, the sample shall be deemed to be approved: Provided further that no fee for the chemical examination shall be levied from the vintner for 5 years from the year of start of operation of the vintnery.
- 23. Wine to be released on being certified by the excise laboratory and after payment of consideration fee** – The young wine shall remain in a receptacle, sealed by the officer-in-charge and shall be released after the chemical report from concerned excise laboratory is received or 7 days after the receipt of the sample by the laboratory have lapsed whichever is earlier and the consideration fee on the sealed wine as prescribed from time to time by the State Government has been deposited in the treasury through e-payment mode. The amount of consideration fee deposited together with the number and the date of treasury challan shall be recorded, under the signatures of the officer in-charge together with the date of release of the wine.
- 24. Rates of consideration fee** – Consideration fee and or any other type of consideration fee on the quantity of wine to be released shall be payable at the rates notified by the Uttar Pradesh Government from time to time: Provided that no consideration fee shall be levied from the vintner for 5 years from the year of start of operation of the vintnery for manufacture of wine using flowers, vegetables, non-narcotic herbs, grapes and other fruits grown in Uttar Pradesh: Provided further if any natural calamity like drought, flood or any other type of natural calamity occurs in the state affecting the crop of raw materials, vintner can import/procure flowers, vegetables, non-narcotic herbs, grapes and other fruits from other state on the basis of the report to this effect from the District Collector of the concerned district where vintnery is installed: Provided also that if consideration fee paid brandy or any neutral spirit is added for the purpose of fortification of young wine, the exemption in consideration fee will not be applicable.
- 25. Sale and Purchase of Wine** –
- (1) Only the bottled wine shall be sold by the vintner. No bottled wine shall be sold by the vintner unless its Maximum Retail Price has been approved by the Excise Commissioner. The vintner may sell his bottled wine to wholesale vendors as prescribed by the State Government in Uttar Pradesh after depositing all the applicable fees. All such sales shall be covered by a pass in Form F.L.36 issued by the vintner: Provided that the vintner may export his wine to the vendors outside U.P. holding the valid import permit issued from the Excise Department of the concerned State or Union Territory in accordance with relevant rules as

amended from time to time :

Provided further that vintner may sell the wine in retail in his vintnery premises after depositing a licence fee of Rs. 50,000 (Rupees Fifty thousand only) payable in advance for the Excise Year or part thereof for which the licence is granted under prescribed limits. Consumption of sold wine on the premises may be allowed by the vintner.

Wine tavern may also be installed in the vintner for which a fee of Rs. 2,500 (Rupees Two thousand Five hundred only) payable in advance has been deposited for the Excise Year or part thereof for which permission is granted.

where wine lovers can taste the wine :

Provided also that no vintner shall open any hotel in the vintnery premises and if the vintner opens a hotel/restaurant in the vicinity of the vintnery premises he may sell his product to consumers in the said hotel only after obtaining a regular Bar License.

(2) Intra-state inter -vintnery transfer (sale and purchase) of bulk wine in wooden or stainless-steel barrels for blending purposes may be allowed by the permission of Excise Commissioner. Each such dispatch of wine in bulk will be made under PD-25 pass.

26.Omitted.

27. Before and while exporting wine to other States or Union territories in India, the vintner shall comply with the rules and regulations governing import of foreign spirits and wines into the State or Union territory concerned.

28. **Bottling to be done under F.L. 3**-Bottling of wine shall be carried in a separate room within the premises of the vintnery under F.L. 3 licence granted by the Excise Commissioner under U.P. Foreign Liquor Bottling Rules, 1969 as amended from time to time:

Provided that the Excise Commissioner may give relaxations as he deems fit, in the conditions of F.L. 3 licence granted in favour of a vintnery.

29. **Bottling account to be maintained.** -The vintner shall maintain accounts of such bottling operations in the form prescribed under Uttar Pradesh Foreign Liquor Bottling Rules, 1969 as amended from time to time.

30. **Labelling of wine** – No wine shall be sold in retail or wholesale or exported by the vintnery without obtaining approval for its brand and label by the Excise Commissioner:

Provided that the brand and label approval application shall only be entertained when the prescribed fee for the same has been deposited in the treasury through e-payment mode.

31. **Liability of vintner for loss.** - The vintner shall be held strictly responsible for the safe custody and accounting of all alcoholic liquid under fermentation or other process of manufacture, and of the finished wine at the licensed premises. He shall be liable to pay the penalty not exceeding Rupees one lac at the discretion of the Excise Commissioner along with the applicable fees on the loss of wine. The licensee shall maintain a daily accurate account of all transactions (including bottling) of the finished and unfinished wine.

32. The vintner shall have a proper signboard affixed to the premises licensed for the manufacture of wine.

33. Inspection by officers - The vintner shall allow Excise Officers of and above the rank of an Excise Inspector to visit the vintnery, at all hours of day and night to inspect the premises, to check the accounts and pass-books, to measure finished and unfinished wines and to ascertain their specific gravity,

34. Only authorised persons to be allowed in the premises – The names of all persons engaged in the manufacture and disposal of wine shall be duly endorsed on the licence, on approval of the District Excise Officer: Provided that visitors may be allowed under strict supervision of vintnery staff. A register shall be also maintained in which name, address and mobile number of visitors shall be recorded by the vintner.

Form V-1

[See Rule 4(2)]

Licence to establish a Vintnery

Name of the licence holder/s.....

Licence is hereby granted to Mr./Mrs./Miss/.....

.....resident of on behalf of(Name of Firm/Company etc.) authorising him/her/them to establish and construct a vintnery at..... in the district of Uttar Pradesh subject to the provisions contained in the U.P. Vintnery Rules, 1961(as amended) and to such other rules as may from time to time be made by the Excise Commissioner, U.P. for the security of excise revenue and for regulating the manufacture of wine. The infraction of any of the rules herein before enumerated or of conditions specified below may attract cancellation of the licence and forfeiture of security in addition to such other penalties as may be prescribed under the U.P. Excise Act, 1910 (as amended).

The licence shall be valid for the period of one year from the date of issuance of this licence.

The vintner shall apply to the Excise Commissioner at least thirty days before the expiry of this licence for an extension of the term of this licence.

Conditions

- (1)The vintnery building shall consist of rooms etc., in accordance with the specifications laid down and approved by the Excise Commissioner, Uttar Pradesh and subject to the provisions of rule 13 of the U.P. Vintnery Rules, 1961 and no alteration in the building or fixtures shall be made without his prior approval.
- (2)The vintner shall install and maintain such vessels in the vintnery , duly numbered, which are according to the specifications prescribed by the Excise Commissioner for the manufacture, etc., of wine.

Prayagraj

Dated.....

Excise Commissioner,
Uttar Pradesh

Form V-2

[See Rule 5(1)]

Licence to manufacture wine in a Vintnery

Licence is hereby granted to Mr./Mrs./Miss/..... resident of on behalf of(Name of Firm/Company etc.).....authorising him/them (1) to manufacture wine in the premises situated at

.....in the district of
Uttar Pradesh and (2) to use, keep or have in his /their possession any material, still, utensil. implement or apparatus whatsoever for the purpose of manufacturing wine, as previously approved by the Excise Commissioner, U.P., subject to the provisions contained in the U.P. Vintnery Rules, 1961(as amended) and to such other rules as may from time to time be made by the Excise Commissioner, U.P. for the security of excise revenue and for regulating the manufacture, sale, supply and price of wine. The infraction of any of the rules herein before enumerated or of conditions specified below may attract cancellation of the licence and forfeiture of security in addition to such other penalties as may be prescribed under U.P. Excise Act, 1910 (as amended).

The licence shall be valid for the current Excise Year.

The vintner shall apply to the Excise Commissioner on or before February, 28 in each year for the renewal of his licence for the Excise year following.

Conditions

- (1)The vintner shall use only such materials for manufacturing wines which have been previously approved by the Excise Commissioner, Uttar Pradesh and shall maintain such vessels in the vintnery, duly numbered, which are according to the specifications prescribed by the Excise Commissioner for the manufacture etc. of wine.
- (2)On the event of default or breach of any of conditions or non-observance of any rule referred to above, orders or circulars issued by the Excise Commissioner licence may be cancelled along with forfeiture of security and other penalties as may be prescribed under U.P. Excise Act, 1910 (as amended).
- (3)The vintner shall allow all Excise Officers of or above the rank of an Excise Inspector to visit the vintnery at all hours of day and night; to inspect the premises to check the accounts and pass books and measure finished and unfinished wines ascertain their specific gravity and also to verify the bottled stock of wines.
- (4)The names of all persons engaged in the manufacture and disposal of wine shall be duly endorsed on the licence, on approval of District Excise Officer.

District.....

Dated.....

Excise Commissioner
 Uttar Pradesh

Form V-3

[See Rule 3]

Application to establish a Vintnery

1. (a) Name and address of the applicant/firm or company
- (b)Type firm/company (public/private/proprietary etc.) 2.
- Capital Structure:
 - (a)In case of limited company
 - (i)Authorised
 - (ii)issued
 - (iii)paid up
 - (iv)borrowings, if any
 - (b)In case of others
 - (i)Capital
 - (ii)Borrowings, if any
- (c)Details of investment:

(i)Fixed assets	
(1)land	Rs.
(2)Buildings	Rs.
(3)Plant and machinery	Rs.
(4)Others, if any	Rs.
	Total Rs.
(ii)Working Capital	Rs.

3.Location

4.Plant and machinery

(a)Value of plant and machinery to be imported or of imported origin Rs.

(b)Value of plant and machinery of indigenous origin Rs.

5.Raw materials required for production

(a)Quantity and value of raw material to be imported or of imported origin per year.

(b)Quantity and value of raw material of indigenous origin per year

(c)Quantity and value of the fruits etc. required per year in the manufacture of the wine proposed to be manufactured.

(d)Whether it is proposed to procure fruits etc. from private sources without the aid of the government.

6.Water and power requirements:

(a)Particulars of requirements,

(b)Whether necessary permission has been secured.

7.Process:

(a) Brief process of manufacture.

(b) Standard and quantity of products proposed to be manufactured.

8.Technical Assistance:

Whether any foreign collaboration or know-how is envisaged and if so the foreign exchange involved.

9.Forecast of time factors:

(a)Time required to secure land, buildings and other accommodation after V-1 licence is issued.

(b)Time required to erect machinery and start production after this licence is granted.

10. Item of manufacture

(a)Annual Capacity (in litres)

(b)Capacity value

(c)Estimated annual production

11. Employment potential:

(a)Supervisory

(b)Skilled

(c)Un-skilled

12. (a)Any special facilities required from Government

(b)Special features, if any, of the scheme.

Signature of the
applicant
with date.

Form V-4
[See Rule 5(2)]

**Application for grant of a licence in Form V-2
under rule 5(1) of the Uttar Pradesh Vintnery Rules, 1961(as amended) to work a Vintnery**

To,

The Excise Commissioner,
Uttar Pradesh.

Through

The Collector
District.....

Application of(name of the firm/company etc) through
Sri.....resident of for the grant of licence in form
V-2.

(1) The undersigned..... for himself/acting on behalf of..... beg to apply
for a licence to work a Vintnery under rule 5(2) of the Uttar Pradesh Vintnery Rules, 1961(as
amended) at in the district of.....Uttar Pradesh.

(2) The applicant desires to work fermenting vessels etc., established under licence in
Form V-1 no.....dated.....granted by U.P. Excise Department.

(3) In the event of a licence being granted, the applicant proposes to commence working at
the vintner on

(4) Plans and statements of the premises and buildings to be used as a vintnery and for
Storehouses and other purposes connected with the business of manufacturing wines are annexed
for approval. The applicant undertakes to erect buildings and to make all the necessary structural
or other alterations and additions to the premises and buildings which the government may from
time to time approve or direct and in all respect to conform to the Excise Commissioner's
directions as to maintenance of the premises and buildings in a proper state in regard both to the
repair and conditions of the premises and the buildings and their sanitation and suitability to the
purpose of vintnery under the rules in that behalf for the time being in force.

(5) The applicant undertakes to comply in all respects with (a) the provisions of the
vintnery rules applicable to the vintnery or its working or possession and (b) the conditions which
may be entered in the licence applied for.

(6) A certificate from the municipality or other local authority to the effect that there are
no objections on sanitary grounds to the carrying on of the business of manufacturing wine in the
locality and in the premises and buildings proposed, is attached. A NOC issued from the U.P.
Pollution Control Board is also attached herewith.

(7) Any further plans, estimates or information required will be promptly supplied. (8)
The applicant has deposited the licence fee vide challan no.
dated..... and security vide NSC/FDR no.....
dated..... The original copies of the above-mentioned challan and NSC are attached
herewith.

Encl: As above.

Signature of the Applicant
With date