
**ANDHRA PRADESH (REGULATION OF WHOLESALE TRADE
AND DISTRIBUTION OF INDIAN LIQUOR, FOREIGN LIQUOR,
WINE AND BEER) RULES, 1993**

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In exercise of the powers conferred under sub-section (1) of Section 4 of the Andhra Pradesh (Regulation of Wholesale Trade and Distribution and Retail Trade in Indian Liquor, Foreign Liquor, Wine and Beer) Act 1993 (Act 15 of 1993), the Governor of Andhra Pradesh hereby makes the following rules for the regulation of wholesale trade and distribution of Indian Liquor, Foreign Liquor, Wine and Beer in the State of Andhra Pradesh.

1. Short Title :-

These rules may be called the Andhra Pradesh (Regulation of Wholesale Trade and Distribution of Indian Liquor, Foreign Liquor, Wine and Beer) Rules, 1993.

2. Definitions :-

(1) In these rules, unless the context otherwise requires, _

(a) 'Act' means the Andhra Pradesh (Regulation of Wholesale Trade and Distribution and Retail Trade in Indian Liquor, Foreign Liquor, Wine and Beer) Act, 1993;

(b) 'Bottle' means to transfer liquor from a cask or other vessel to a bottle, jar, flask, pot or similar receptacle for the purpose of sale whether or not any process of manufacture is employed and includes rebottling;

(c) 'Corporation' means the Andhra Pradesh Beverages Corporation Limited, Hyderabad

(d) 'Depot' means the authorised premises in which the stocks of Indian Liquor and Foreign Liquor are kept for wholesale by the Corporation;

(e) 'Distillery permit' or 'Brewery Permit' means a permit issued by the Distillery Officer or Brewery Officer, as the case may be, for the release of Indian Liquor or Beer therefrom;

(f) 'Form' means the form appended to these rules;

(g) 'Indian Liquor' includes wine and beer but does not include arrack;

(h) 'Retail Licence' in relation to the sale of liquor means in sealed or capsuled bottles to individual consumers of quantities not exceeding those specified under Section 14 of the Andhra Pradesh Excise Act, 1968 at any one time or in one transaction and the word `retail' shall be construed accordingly;

(i) 'Sealed' in relation to bottles, containers or other receptacles means closed with a capsule and wrapped by wire or closed with cork or lid and wrapped with lining around it;

(j) 'Verification' means, _

(1) examining the seal of the bottles, containers or other receptacles forming the consignment of intoxicants to verify that

they are not tampered with during transit;

(2) ascertaining that the number of bottles and make thereof, containers and other receptacles, tally with those shown in the permit and that the excise adhesive labels are affixed on each and every bottle of Indian made Liquor and the serial numbers of the excise adhesive labels so affixed tally with those noted in the permit;

(3) ascertaining that the quantity of liquor transported tallied with the quantity mentioned in the permit, and in the case of spirit, examining the contents with a hydrometer by drawing samples from the bottles, containers or other receptacles in order to find out that the strength of the spirit corresponds with that shown in the permit; and

(4) satisfying that the excise revenue (and cost of excise adhesive labels) required to be paid under the rules have been correctly levied and paid; and the word 'Verified' shall be construed accordingly.

(k) 'Excise Adhesive Label' means the label designed and approved by, printed and supplied under the supervision and control of the Commissioner of Excise, from time to time, for the purpose of its affixture to sealed bottles of different sizes containing Indian Liquor (1) manufactured within the State and (2) manufactured outside the State and imported into the State. (2) Words and expressions not specifically defined in these rules shall have the meaning assigned to them under the Andhra Pradesh Excise Act, 1968 and rules made thereunder.

3. Fixing the number and places of Wholesale depots :-

(1) The Corporation may, with the permission of the Commissioner shall establish such number of wholesale depots as may be found necessary by it for the sale by wholesale of Indian Liquor to retailers. There shall be atleast one depot in each district.

(2) The Commissioner may, as and when he considers necessary, call upon the Corporation to open such number of additional depots as may be required for supply by wholesale of Indian Liquor.

4. Application for permission :-

(1) The Corporation shall make an application to the Commissioner for permission to establish such number of wholesale depots as may

be found necessary by it. The application shall be in Form FW-1

(2) The application shall be affixed with a Court Fee label of the requisite value as per the provisions of Indian Stamp Act, 1899 and shall be accompanied by copies of the Locational plans of the Buildings in Triplicate where the wholesale depots are to be located.

(3) The building where the wholesale depots is to be located shall be of pucca construction with sufficient space for storing the Indian Liquor and Foreign Liquor safely. No portion of such building shall be made of or constructed by any thatched or inflammable material.

5. Matters to be taken into consideration by the Commissioner :-

While granting permission to the Corporation for establishment of wholesale depots, the Commissioner shall consider and satisfy himself about the suitability of the site and the building selected for establishment of the wholesale depots.

6. Grant of permission :-

(1) Permission granted by the Commissioner shall be in Form FW-2 for all the wholesale depots to be established by the Corporation.

(2) The permission granted under sub-rule (1) shall be subject to the provisions of the Act, the Andhra Pradesh Excise Act, 1968 and the rules made thereunder and the terms and conditions of the grant of permission.

7. Permission for change of site or buildings :-

If at any time after the grant of permission the need arises to the Corporation for shifting of the wholesale depot from the permitted premises to another premises, the Commissioner may on an application made by the Corporation permit the Corporation to change from the permitted premises to another site, building or premises approved as suitable by the Commissioner for the location of the wholesale depot and make necessary amendment to the permission originally granted in this regard.

8. Validity of the permission :-

The permission granted to the Corporation under Rule 6 shall be valid for a period of one excise year and thereafter, it may be renewed from each excise year to year.

9. Renewal of Permission :-

The application for renewal of permission granted under rule 6 shall be made by the Corporation in Form FW-1 atleast 30 days in advance of the date of expiry of the validity thereof : Provided that the Commissioner may admit an application made after the expiry of the said date but before the expiry of permission; if he is satisfied that the Corporation has sufficient cause for not filing the application in time.

10. Permission to be valid for 2 months if no order of renewal on application is received :-

Notwithstanding anything contained in Rule 9, if an application for the renewal of the permission made within the time specified under Rule 9 has not been disposed of by the Commissioner before the date of expiry of the permission, the period of permission shall be deemed to have been further extended for a period of 2 months from the date of expiry of such permission or till the date of receipt of the orders passed by the Commissioner on the application for renewal, whichever is earlier.

11. Getting Supplies of Indian Liquor or Foreign Liquor :-

The Corporation shall get the supplies of Indian Liquor and Foreign Liquor from such manufacturers within or outside the State, in such quantities and at such prices as it may consider necessary and appropriate.

11A. Fixation of Recommended Maximum Retail Price :-

The Corporation shall arrive at the recommended maximum retail price in respect of each variety of liquor by loading its sale price by such percentage as fixed by the Government, and indicate the same to the manufacturers for printing on the labels.

12. Import :-

(1) Indian Liquor or Foreign Liquor shall be imported by the Corporation under an import permit issued by the authorised officer under the provisions of the Andhra Pradesh Foreign Liquor and Indian Liquor Rules, 1970 and in accordance with the terms and conditions subject to which such import permit is issued.

(2) The Corporation shall not take such imported stocks into its books or sell it to the licensees unless the stock is verified by the Competent Excise Officer in accordance with the provisions of the Andhra Pradesh Foreign Liquor and Indian Liquor Rules, 1970.

(3) A notice of three clear days shall be given to the Excise Officer concerned about the arrival of consignment so that he may have reasonable time and opportunity to inspect the consignment before the seals or packages are opened. If the consignment is not verified within stipulated time the licensee can take the stocks into account and conduct the sale. The intimation of arrival of consignment shall be in the form prescribed in the Andhra Pradesh Foreign Liquor and Indian Liquor Rules, 1970.

13. Transport :-

The transport of Indian Liquor by the Corporation from the premises of a licensed manufacturer situated within the State to the permitted wholesale depots of the Corporation shall be under the cover of a Transport permit issued by the concerned Distillery Officer or Brewery Officer, as the case may be, in accordance with the Andhra Pradesh Distillery Rules, 1970 and the Andhra Pradesh Brewery Rules, 1970 and subject to the terms and conditions of such Transport permit.

14. Sale of Indian Liquor by the Corporation :-

(1) The Corporation shall sell Indian Liquor through its permitted wholesale depots only to the holders of retail licences issued under the Andhra Pradesh Foreign Liquor and Indian Liquor Rules, 1970 and the Andhra Pradesh Excise (Lease of Right to Sell Indian Liquor and Foreign Liquor in Retail) Rules, 1993.

(2) The stocks of Indian Liquor sold to the retail licensees by the Corporation shall be moved from the wholesale depots of the Corporation to the licensed premises of their retailers only under the cover of a Transport permit issued under the provisions of the Andhra Pradesh Foreign Liquor and Indian Liquor Rules, 1970

15. Hours of Business :-

(1) The Corporation shall display at all its permitted wholesale depots the hours of business which shall not be less than 6 hours on any working day. No business shall be transacted in the permitted wholesale depots of the Corporation before 10-00 a.m. or after 9-00 p.m. on any working day.

(2) The permitted wholesale depots shall be kept open during the working hours notified by the Corporation for business or for inspection by the authorised officers on all days, except holidays and such other days on which the Commissioner may order a

closure. The Corporation may also on their own accord close the permitted wholesale depots during any riot or disturbance in the neighbourhood.

16. Sale of other Intoxicants prohibited :-

No intoxicant other than the Indian Liquor and Foreign Liquor authorised for sale, shall be sold or kept in the Wholesale Depot.

17. Prohibition of employment of certain persons :-

(1) The Corporation shall not employ the following persons in the wholesale Depots :

- (i) Persons below twenty one years of age;
- (ii) Women without the special permission of the Commissioner;
- (iii) Person suffering from any infectious or contagious diseases;
- (iv) Person of unsound mind;
- (v) Person convicted of an offence under the provisions of the Andhra Pradesh Excise Act, 1968 (Act 17 of 1968) or the Narcotic Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985) within preceding three years;
- (vi) Person convicted under Section 482 to 489 of the Indian Penal Code, 1860 (Central Act XIV of 1860);
- (vii) Defaulters in payment of an amount due to the State Government under the Andhra Pradesh Excise Act, 1968 or the rules made thereunder.

(2) The Corporation shall keep the permitted premises and all appurtenances thereto in a clean and decent condition.

18. Maintenance of Accounts :-

- (i) The full and day to day accounts of Indian Liquor and Foreign Liquor received and disposed at the wholesale depot shall be maintained in the form prescribed in the Andhra Pradesh Foreign Liquor and Indian Liquor Rules, 1970.
- (ii) The Brand-wise Account in the form prescribed in the Andhra Pradesh Foreign Liquor and Indian Liquor Rules, 1970 shall also be maintained.
- (iii) The Registers shall be got authenticated by the officer authorised before use and the pages machine numbered serially.

(iv) All indents, bills, invoices, permits etc., relating to purchase or sale of Indian Liquor and Foreign Liquor under these rules shall be kept filed carefully and chronologically in support of the accounts. The accounts, bills, invoices, permits and other vouchers relating to the accounts shall be preserved for a period of (5) years from the date of expiry of the permission. They shall be produced for inspection or check by their own or any officer authorised to inspect the permitted depots whenever required and copies thereof shall be handed over to such officer on a receipt being given therefor.

(v) The Corporation shall furnish monthly sales returns and any other statistics relating to the transactions in the wholesale depot to the Excise Superintendent and/or any other officer authorised by the Commissioner before 5th of the following month in the form prescribed by the Commissioner.

(vi) The Corporation shall also submit District wise and Depot wise consolidated statement showing the account of Indian Liquor and Foreign Liquor received and disposed of in each Wholesale Depot.

19. Corporation shall be bound by the provisions of Act and Rules :-

(1) The Corporation shall be bound by all the provisions of the Andhra Pradesh Excise Act, 1968, the Andhra Pradesh Foreign Liquor and Indian Liquor Rules, 1970, and any other Rules relating to the procurement of Indian Liquor and Foreign Liquor and sale to the retailers existing and issued from time to time. The Corporation shall also abide by the orders, and directions issued by the Government and Commissioner of Excise.

(2) The Corporation shall cause all persons employed by them in the transport, storage, sale and issue of Indian Liquor and Foreign Liquor from and to their business to comply with all such rules, orders and directions.

20. Inspection :-

The Assistant Commissioners (Enforcement) and the Deputy Commissioner of Excise having jurisdiction over the place shall be empowered to enter into and inspect the permitted wholesale depots, check the accounts, check stocks, test the strength of any liquor that may be kept in the depot, take samples of such liquor for chemical test and analysis and exercise all such powers as may be deemed necessary to ensure that the Corporation conforms to the terms and the relevant provisions of the Andhra Pradesh Excise

Act, 1968 and the rules made thereunder.

21. Suspension/Cancellation of the permission :-

The Commissioner may without prejudice to any other proceedings that may be taken against the Corporation, by an order in writing suspend or cancel the permission granted under Rule 6, either in its entirety or in respect of one or more of the permitted wholesale depots, if the Corporation or any person in its employment contravenes any of the provisions of the Act, the Andhra Pradesh Excise Act, 1968 or the rules made thereunder or the conditions of the permission. Before proceeding under this rule the Commissioner shall give the Corporation a notice in writing stating the grounds on which it is proposed to take action and requiring the Corporation to show cause against the proposed action within such time not exceeding 14 days, as may be, specified in the notice.

22. Corporation to act as an agent of the Government :-

(1) Subject to provision laid down in these rules, the Corporation shall have the exclusive privilege of import, export and carrying on the wholesale trade and distribution of Indian Liquor, Foreign Liquor on behalf of the Government.

(2) In consideration of the grant of permission under Rule 6, the Commissioner may demand payment of a sum in the nature of privilege fee specified in Section 23 of the Andhra Pradesh Excise Act, 1968 subject to such guidelines and procedure as the Government may prescribe in this regard.

23. Exemption from the provisions of Rules :-

The Government or the Commissioner with the previous permission of the Government may exempt the Corporation from the operation of any of these rules for specific reasons to be recorded in writing.