

ANDHRA PRADESH (SALE OF LIQUOR TO PERMIT HOLDERS AND LICENCES) RULES, 1995

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ANDHRA PRADESH (SALE OF LIQUOR TO PERMIT HOLDERS AND LICENCES) RULES, 1995

In exercise of the powers conferred under sub section (1) of Section 4 read with sub section (1) of Section 12 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 sale of Indian Liquor, Foreign Liquor, Wine and Beer to the holders of permits and licences issued under the A.P. Liquor (Permit and Licence) Rules, 1995 in the State of Andhra Pradesh

1. Short Title :-

These Rules may be called the Andhra Pradesh (Sale of Liquor to holders of Permits and Licenses) Rules, 1995.

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) Form means the form appended to these rules;

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

(f) Licensed Premises in relation to the sale of liquor means the licensed premises as defined in the A.P. Liquor (Issue of Permit and Licence) Rules, 1995 authorised to sell liquor in sealed or capsuled bottles to individual permit holders and licensees in quantities not exceeding those specified in Annexure A of the Andhra Pradesh Liquor (Issue of Permit and Licence) Rules, 1995 at any one time or in one transaction.

(g) 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;

(h) Verification means;

(i) 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

(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.

(i) Excise Adhesive Label means the label designed and approved by, printed and supplied under the supervision and control of the Commissioner of Prohibition and Excise, from time to time, for the purpose of its affixture to sealed bottles of different sizes containing Indian Liquor.

(ii) Words and expressions not specifically defined in these rules shall have the meaning assigned to them under the Andhra Pradesh Excise Act, 1968, the A.P. Prohibition Ordinance, 1994 and the rules made thereunder.

3. Fixing the number and places of Licensed Premises :-

(1) The Corporation may, with permission of the Commissioner establish such number of licenced premises as may be found necessary by it for the sale of liquor by wholesale and by retail, to permit holders and licensees. There shall be atleast one licensed premises in each District.

(2) The Commissioner may, as and when he considers necessary, call upon the Corporation to open such number of additional licensed premises as may be required for supply of liquor.

4. Application for permission :-

(1) The Corporation shall make an application to the Commissioner for permission to establish such number of licensed premises 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 licensed premises are to be located.

(3) The building where the licensed premises 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 licensed premises, the Commissioner shall consider and satisfy himself about the suitability of the site and the building selected for establishment of the licensed premises.

6. Grant of permission :-

(1) The permission granted by the Commissioner shall be in Form FW2 for all the licensed premises to be established by the Corporation.

(2) The permission granted under sub rule (1) shall be subject to the provisions of the A.P. Prohibition Ordinance, 1994, 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 licensed premises 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 licensed premises 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 FW1 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 licenced manufacturer in such quantities and at such prices as it may consider necessary and appropriate.

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 permit holders and licensees unless the stock is verified by the Competent Prohibition and 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 Prohibition and 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 the stipulated time the Corporation 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. Sale of Indian Liquor by the Corporation :-

(1) The Corporation shall sell Indian Liquor through its licensed premises only to the holders of permits and licences issued under the A.P. Liquor (Permit and License) Rules, 1995.

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

14. Hours of Business :-

(1) The Corporation shall display at all its licensed premises the hours of business which shall not be less than 6 hours on any working day. No business shall be transacted in the licensed premises of the Corporation before 10.00 A.M. or after 9 00 P.M. on any working day.

(2) The licensed premises 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.

15. 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 Licensed Premises.

16. Prohibition of employment of certain persons :-

(1) The Corporation shall not employ the following persons in the licensed premises :

(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 Narcotics Drugs and Psychotropic Substance Act, 1985 (Central Act 61 of 1985) within preceding three years or under the A.P. Prohibition

Ordinance, 1994;

(vi) Person convicted under Sections 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.

17. Maintenance of Accounts :-

(i) The full and day to day accounts of Indian Liquor and Foreign Liquor received and disposed at the licensed premises 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 of 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 licensed premises to the Prohibition and 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 licensed premises wise consolidated statement showing the account of Indian Liquor and foreign liquor received and disposed of in each licensed premises, to the Prohibition and Excise Superintendent of the District.

18. Corporation to 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 A.P. Prohibition Ordinance, 1994 the Andhra Pradesh (Foreign Liquor and Indian Liquor) Rules, 1970, the A.P. Liquor (Permits and License) Rules, 1995 and any other Rules relating to the procurement of Indian Liquor and Foreign Liquor and sale to the holders of permits and licences existing and issued from time to time. The Corporation shall also abide by the orders, and directions issued by the Government and Commissioner of Prohibition and Excise.

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

19. Inspection :-

The Assistant Commissioners and the Deputy Commissioners of Prohibition and Excise having jurisdiction over the place shall be empowered to enter into and inspect the licensed premises, check the accounts, check the stocks, test the strength of any liquor that may be kept in the licenced premises, 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 the A.P. Prohibition Ordinance, 1994 and the rules made thereunder.

20. 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 licensed premises, if the Corporation or any person in its employment contravenes any of the provisions of the Act, the Andhra Pradesh Excise Act, 1968 the A.P. Prohibition Ordinance, 1994 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.

21. Corporation to act as an Agent of the Government :-

(1) Subject to provisions laid down in these rules, the Corporation shall have the exclusive privilege of carrying on the wholesale and retail trade of Indian Liquor and 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.

22. 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.