

## **Andhra Pradesh Excise (Amendment) Act, 1984**

**10 of 1984**

**[21 March 1984]**

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## **Andhra Pradesh Excise (Amendment) Act, 1984**

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An Act further to amend the Andhra Pradesh Excise Act, 1968. Be it enacted by the Legislature of the State of Andhra Pradesh in the Thirty-fifth year of the Republic of India as follows:- \* Received the Assent of the Governor on the 21st March, 1984. For Statement of objects and Reasons, please see the Andhra Pradesh Gazette, Part-IV-A, Extra ordinary, dated the 1st March, 1984, pages 4 & 5.

### **1. Short Title And Commencement :-**

- (1) This Act may be called the Andhra Pradesh Excise (Amendment) Act, 1984.
- (2) It shall be deemed to have come into force on the 28th January, 1984.

### **2. Substitution Of New Section For Section 17, Act 17 Of 1968 :-**

In the Andhra Pradesh Excise Act, 1968, (hereinafter referred to as the principal Act), for section 17, the following section shall be and shall be deemed always to have been substituted, namely:-

"17. Grant of exclusive privilege of manufacture, etc.-

- (1) Subject to the provisions of section 28 and any rules made in this behalf, the Government may, subject to such conditions as

they may deem fit to impose grant for a fixed period to any person at any place a lease or licence or both either jointly or severally for the exclusive privilege,-

(i) of manufacturing or of supplying by wholesale or of both, or

(ii) of selling by wholesale or by retail, or

(iii) of manufacturing or of supplying by wholesale, or of both, and of selling by retail, any liquor or other intoxicant within any such area in the State as may be specified in the said order.

Explanation:- A lease shall not take effect until the Collector or any other competent officer has issued a licence under this Act.

(2) The Government may confer on any officer the power mentioned in sub-section (1).

### **3. Substitution Of New Section For Section 23 :-**

For section 23 of the principal Act, the following section shall be and shall be deemed always to have been substituted, namely:-

"23. Payment for exclusive privilege.-Instead of or in addition to any excise duty or fees leviable under sections 21 and 22, the Commissioner or any other competent officer may accept payment of a sum in consideration of the grant of lease or licence or both for the exclusive privilege in respect of liquor or any other intoxicant under section 17."

### **4. Validation :-**

Where, before the commencement of this Act, any issue price (which includes excise duty also) has been collected or recovered from the licensee in respect of short-drawn or undrawn minimum guaranteed quantity of arrack in pursuance of rule 15 of the Andhra Pradesh Excise (Arrack, Retail, Vend and Special Conditions of Licences) Rules, 1969, by deducting such price from the advance money paid by the licensee, then, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority to the contrary, the price so collected or recovered shall be deemed to be and shall be deemed always to have been validly collected or recovered as consideration for the grant of lease or licence or both to the lessee or licensee for the exclusive privilege in respect of sale of liquor in accordance with the provisions of the principal Act as amended by this Act as if the amendments made to the principal Act by sections 2 and 3 of this Act had been in force at all material times and accordingly,-

(a) all Acts, proceedings or things done or taken by the State

Government or by any officer of the State Government or by any other authority in connection with the collection of such price shall for all purposes, be deemed to be and to have always been done or taken in accordance with law;

(b) no suit or other proceeding shall be maintained or continued in any court or before any authority for the refund of, and no enforcement shall be made by any Court or other authority of any decree or order directing the refund of, any such price which has been collected and which would have been validly collected as if the provisions of the principal Act as amended by this Act had been in force at all material times.

#### **5. Repeal Of Ordinance 6 Of 1984 :-**

The Andhra Pradesh Excise (Amendment) Ordinance, 1984, is hereby repealed.