

ANDHRA PRADESH EXCISE (ISSUE OF DUPLICATE LICENCES AND PERMITS) RULES, 1969

CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Application for duplicate copy of the licence or permit
4. Grant of Duplicate licence or permit
5. Fees
6. Undertaking to be executed
7. Liability for mis-use or fraudulent use of the duplicate or original licence or permit

ANDHRA PRADESH EXCISE (ISSUE OF DUPLICATE LICENCES AND PERMITS) RULES, 1969

In exercise of the powers conferred by Section 72 read with Sections 9, 10, 12, 14, 15 and 28 of the Andhra Pradesh Excise Act, 1968 (A.P. Act No.17 of 1968) and in supersession of all rules on the subject, the Governor of Andhra Pradesh hereby makes the following rules, the same having been previously published as required under sub-section (1) of Section 72 of the said Act, namely-

1. Short title, extent and commencement :-

- (1) These rules may be called the Andhra Pradesh Excise (Issue of Duplicate Licences and Permits) Rules, 1969.
- (2) They shall extend to all the areas where the Andhra Pradesh Excise Act, 1968 is in force.
- (3) They shall come into force at once.

2. Definitions :-

In these rules, unless the context otherwise requires,-

- (a) "Act" means the Andhra Pradesh Excise Act, 1968 (A.P. Act 17 of 1968);
- (b) "Licence" means a licence granted under the provisions of the Act;

(c) "Licensing authority" means the authority by which any licence or permit shall be granted or issued in any particular case;

(d) "Permit" means a permit granted under the provisions of the Act and includes an authorisation issued under the rules or orders made thereunder.

3. Application for duplicate copy of the licence or permit :-

(1) When a licence or permit is lost, misplaced, destroyed, torn, defaced or otherwise mutilated, the holder thereof may make an application to the licensing authority for issue of a duplicate copy of such licence or permit.

(2) The application referred to in sub-rule (1) shall be affixed with a court fee stamp of the value of rupee one and accompanied by an affidavit of the applicant stating the circumstances necessitating the issue of a duplicate licence or permit.

(3) Where the application is made on the ground that the original licence or permit is torn, defaced or has otherwise mutilated, the original document or part thereof shall be enclosed to the application.

4. Grant of Duplicate licence or permit :-

(1) On receipt of the application, together with the enclosures referred to in Rule 3, the licensing authority may, after making such enquiry as he deems necessary either by himself or through his subordinates grant a duplicate licence or permit, as the case may be, if he is satisfied that there is no objection for issuing the same.

(2) Where duplicate licence or permit is issued, it shall be clearly stamped 'Duplicate' and shall be marked with the date of issue of the duplicate and that of the original.

5. Fees :-

A fee of rupee one shall be remitted in the Treasury for issue of a duplicate licence or permit.

6. Undertaking to be executed :-

Where an application for issue of a duplicate licence or permit is made on the ground that the original has been lost or misplaced the applicant shall before taking delivery of the duplicate, execute an undertaking to produce and surrender the original without using

it, in case it is found or recovered and agreeing to indemnify the Government against any damage or loss to the Government referred to in Rule 7(2).

7. Liability for mis-use or fraudulent use of the duplicate or original licence or permit :-

(1) If, at any time during the currency of a licence or a permit, the Government or the licensing authority has reason to believe that the holder thereof has obtained a duplicate for the purpose of causing wrongful gain to himself or wrongful loss the Government or any other person or for wilfully defrauding the Government in any manner, the original licence or permit, as the case may be, is liable for cancellation under the provisions of the Act.

(2) The holder of the licence or permit shall also be liable to compensate the Government for any damage or loss caused on account of the mis-use of the duplicate licence, if such loss or damage is caused on account of the failure to exercise proper care or caution or on account of the wilful act of the holder of the licence or permit.