

DELHI COUNTRY LIQUOR BONDED WAREHOUSE RULES, 1976

CONTENTS

1. Short title
2. Definitions
3. .
4. Security
5. Cancellation of licence
6. Transfer of partnership
7. Right of Inspection
8. Establishment
9. Building
10. Closing of Warehouse
11. Locks
12. Specifications
13. Bottles
14. Crown Corks and Capsules
15. Labels
16. Quality of Liquor
17. .
18. Quantity of Country Liquor
19. Strength of Liquor
20. Stocks
21. Penalty
22. Issue of Country Liquor
23. Samples
24. Employees
25. Entry into Warehouse
26. Search
27. Working hours
28. .
29. Import permits
30. Loss due to fire etc
31. Enquiry
32. Act, Rules etc
33. Violation of Act, Rules etc
34. Use of label
35. Wastage in transit
36. Sorting of consignments
37. .
38. Duty
39. Residuary
40. Repeal and Savings

DELHI COUNTRY LIQUOR BONDED WAREHOUSE RULES, 1976

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1. Short title :-

These rules may be called Delhi Country Liquor Bonded Warehouse Rules, 1976.

2. Definitions :-

In these rules, unless the context otherwise requires:

(i) "Act" means the Punjab Excise Act (1 of 1914), as in force in the Union Territory of Delhi.

(ii) "Bonded Warehouse" means a bonded warehouse for the receipt and storage under bond of country liquor imported into the Union Territory of Delhi from any place in India as approved by the Excise Commissioner, Delhi.

(iii) "Litre" means bulk litres of 100 millilitres.

(iv) "Licensee" means an individual, a firm, Company incorporated under Companies Act, 1956, or Society registered under the Cooperative Societies Act, 1912, to whom a licence in form L-9 has been granted under these rules for the supply of country liquor to the Bonded Warehouse in the Union Territory of Delhi.

(v) "Excise Commissioner" means an officer appointed by the Lt. Governor, under section 9 of the Act.

(vi) "Collector" includes any revenue officer in independent charge of a district and or any of the official appointed by the Lt. Governor to discharge throughout any specific local area, the functions of a Collector under the Act.

(vii) "Excise Officer" means the officer appointed as such under the Act.

(viii) "Chemical Examiner" means the officer appointed by the Lt. Governor as Chemical Examiner to. the Excise Control Laboratory, Delhi, and includes the Asstt. Chemical Examiner of the Central Revenues Control Laboratories or Chemical Examiner of the Central Forensic Science Laboratory, New Delhi.

(ix) "Officer-in-charge" or "Excise Officer, Bonded Warehouse" means a Gazetted Officer appointed by the Commissioner of Excise

to supervise the working of the Bonded Warehouse.

(x) "Minimum Stock" means such stock as may be fixed by the Excise Commissioner to be the minimum stock of country liquor in bottles as prescribed.

3. . :-

(a) No licence for a Bonded warehouse shall be granted by the Excise Commissioner unless the applicant for grant of such licence possesses a licence to sell country liquor in wholesale in Delhi

(b) The licence for a Bonded Warehouse shall be granted in form CLW-I on payment of a fee of Rs. 50,00 per annum payable in advance.

Provided that when licences in form CLW-1 and L-9 are granted in any of the manners provided in sub-rule 3(b), the Lt. Governor may authorise any public servant for a

(c) When a licence is granted to a company or society, it shall show the name(s) of an individual(s) as agent acting on behalf of licensee who will be amenable in full to the criminal courts in India. On the application of the company or society, the representative licensee may be changed by the Excise Commissioner.

(d) When a licence is granted to a partnership or firm, all the individuals comprising the partnership or firm shall be specified on the licence and on the application in writing of all the original partners, a partner may, at any time, be added with concurrence of the Lt. Governor, provided the proposed partner is eligible to hold the licence under the Delhi Intoxicants Licence Sale Orders or these rules, in which case he shall be responsible for all obligations incurred or to be incurred under the licence during the period of its currency as if it had originally been granted in his name.

(e) On the application in writing of all the original partners, a partner may, at any time, be removed by the Excise Commissioner.

(f) A licence granted to a partnership firm shall be determined by the dissolution of the partnership, and shall be subject to the liability of the partners jointly, and severally for any loss to the Govt. thereby and for the performance of all obligations to Govt. incurred by the partnership.

4. Security :-

(a) The licensee shall be required to deposit immediately after the decision has been communicated to him the amount of security, as determined by the Excise Commissioner, in cash or Government promissory notes of equivalent value and also to furnish a surety, other than himself, who will execute a personal bond in the sum as prescribed by the Excise Commissioner for the due fulfilment of the terms and conditions of the licence that he will be responsible to make necessary arrangements for sale of country liquor of the prescribed specifications.

(b) In case any person to whom decision regarding the grant of licence in form L-9, CLW-1 has been communicated, does not execute bond and deposit security and furnish suitable surety as provided in rule 4(a) within a period of 15 days or such other period as may be specified by the Excise Commissioner, the offer of grant of licence made to him shall be withdrawn. In case the licences are granted by tender, in addition to the withdrawal of the offer, the earnest money deposited by the defaulter may be forfeited and he may be black listed.

5. Cancellation of licence :-

If the licensee or his employee infringes or causes or permits any person to infringe any of the conditions of the licence, the Excise Commissioner may revoke and determine the licence and may forfeit to Govt. the whole or any part of the security deposit. Provided that if the infringement is of a minor nature, the licence may be restored and the order for forfeiting the security may be set aside on payment of such sum not exceeding Rs. 5.000/- or as may be fixed by the Excise Commissioner. If the licensee for any cause, physical or mental becomes incapable of carrying on business or dies or becomes insolvent or in the case of a firm or company, being wound up, the Excise Commissioner may

(1) either cancel the licence; or

(2) continue it in the name of the legal heir(s) of the licensee.

6. Transfer of partnership :-

The licensee shall not transfer or divide his interest in the licence without the prior written permission of the Excise Commissioner.

7. Right of Inspection :-

The licensee shall at any time permit the Excise Commissioner or any other officer authorised by the Excise Commissioner on his behalf, to inspect and examine the Bonded Warehouse and country

liquor stored there and shall render all proper assistance in making such inspection and examination.

8. Establishment :-

The licensee shall not object the posting of the Govt. excise establishment consisting of as many officers, not below the rank of Sub-Inspectors and as many Excise Constables as the Excise Commissioner may deem sufficient for watch and ward for ensuring the due observance of the Bonded Warehouse Rules and Excise Rules and regulations and directions issued by the competent authorities and realisation of the excise duty. This establishment shall, unless otherwise directed by the Excise Commissioner, be subject to the control of the Collector of Excise.

9. Building :-

The Administration may provide and maintain a building for the use of Bonded Warehouse, Delhi, for the storage and issue for country liquor. The licensee shall pay the rent of the building and fixture etc. at the Bonded Warehouse as may be determined by the Delhi Administration including other taxes and charges like water tax, electricity charges and telephone charges.

(a) If any damage is caused to the building or fixtures installed by the Administration at the Bonded Warehouse by the licensee or his representative or employee, he shall be liable to make good the loss as may be determined by the Administration.

(b) If the Bonded Warehouse is shifted from its existing premises to any other site or if a new Bonded Warehouse is opened, the country liquor shall be removed and taken to the new premises by the licensee at his own cost and risk and the Delhi Administration shall not be liable to pay any price or compensation in lieu thereof or make good any loss which the licensee may suffer on this account.

(c) In case the building of the Bonded Warehouse is not provided by the Delhi Administration, the applicant will furnish a correct plan of the premises which he proposes to use for the purposes of his business under his licence and of the entire building. The plan shall be submitted in duplicate, drawn to scale on tracing cloth, showing the plan and elevation of the premises and the position of the various rooms, almirahs, racks and all important details connected with the warehouse. A No Objection Certificate from the landlord with regard to the premises for the storage of country liquor, if it is

not owned by him, shall also be necessary. The Collector shall, after making such enquiries of the details of the building submitted by the applicant, furnish a report to the Excise Commissioner. The Excise Commissioner shall, if he is satisfied that the condition of the proposed building for the Bonded Warehouse is good for the storage and supply of country liquor to the country liquor vends, recommend the proposed building for the bonded warehouse to the Lt. Governor, Delhi alongwith his comments in the case. The approval to the use of a building as Bonded Warehouse accorded under this sub-rule shall be without prejudice to the provisions of sub-rule (b) above.

1

(d) The building of a Bonded Warehouse shall be pucca with suitable locking arrangements and the storage capacity in the building shall not be less than 20 truck loads of country Liquor equal approximately to 7000 bottles of 750 Ml. each.

1. Substituted vide notification No. F. 10/68/80-Fin (G) at 18.4.80.

10. Closing of Warehouse :-

The Excise Commissioner may close the warehouse during the currency of the licence period and the Delhi Administration shall not be liable to pay any price or compensation in lieu thereof or make good any loss which the licence may suffer on this account.

11. Locks :-

The Bonded Warehouse shall be under the joint lock and key of the Officer-in-Charge and of the licensee. The lock used by the Officer-in-Charge shall be a revenue lock and its key shall remain in his personal custody.

12. Specifications :-

The country liquor of prescribed specifications shall be duly bottled, corked, capsuled and labelled on the premises of the distillery as per Delhi Excise Specifications as laid down from time to time and transported duly packed in gunny bags to the Bonded Warehouse, Delhi by the licensee.

13. Bottles :-

(i) The bottles used by the distillery for bottling of the country liquor shall be such as may be prescribed from time to time.

(ii) The bottles used in bottling of country liquor shall be of 750 ml.

and 375 ml. or any other capacity as may be prescribed from time to time by the Excise Commissioner.

The variations permissible are:

(a) 750ml.± 7ml.

(b) 375 ml.+ 4 ml.

14. Crown Corks and Capsules :-

After bottling of the country liquor the bottles corked with crown corks and capsules combination or p.p. seals with or without capsules, specification of which shall be such as may be approved by the Excise Commissioner, who shall have the discretion to change the combination and specifications of capsules during the currency of the licence. The licence shall also be bound to obtain supplies of crown corks and capsules only from such firms/companies, as may be approved by the Excise Commissioner.

15. Labels :-

Labels to be used for country liquor bottles shall be got approved from the Excise Commissioner, from time to time and shall, in addition to the other prescribed particulars, indicate:

(a) serial number which shall be conspicuously printed;

(b) the date of bottling; and

(c) the signatures of the Excise Officer-in-charge of the bottling at the distillery on the reverse of the labels;

(d) a warning in English and Hindi, to the effect that liquor is injurious to health.

16. Quality of Liquor :-

1

"(i) The licensee shall not store or sell any liquor which does not conform to the specifications required in an order made by the Excise Commissioner with the prior approval of the Lt. Governor, or if no such order has been made, which does not conform to the specifications laid down by the Indian Standards Institution."

2

(ii) The Excise Commissioner shall fix the issue price of country liquor applied to the BWH by different distilleries, and, if necessary, the prices shall be fixed brandwise.

(iii) In case the country liquor is declared by the Chemical Examiner as unfit for human consumption or below quality, it shall be disposed of in such manner as may be directed by the Collector of Excise.

1. Substituted vide Notfn. No. F. 10/68/80-Fin (9) dt. 18.4.1980.
2. Rs. 13. 14 and 15 Del. vide notification No. F. 10/68/80-Fin (G) at 18.4.80.

17. . :-

The licensee shall be bound to issue from the Bonded Warehouse the entire demand of liquor within the stipulated time of 10 A.M. to 5 P.M.

18. Quantity of Country Liquor :-

Issue of country liquor from the Bonded Warehouse to country liquor retail vends shall be in such quantities as shall be fixed by the Collector of Excise from time to time.

19. Strength of Liquor :-

The licensee shall be required to supply any liquor of the strength of 50 degrees U.P. only. The proof strength will, however, be increased or decreased by the Excise Commissioner, any during the pendency of the licence.

20. Stocks :-

The licensee shall always be bound to keep a minimum stock of the country liquor as may be laid down from time to time by Collector of Excise.

21. Penalty :-

Failure to build up and to maintain the minimum stock of country liquor and failure to maintain its regular supplies as prescribed by the Collector of Excise, from time to time and/or failure to supply country liquor within the time which the Collector of Excise deems reasonable, will render the licensee liable to pay penalty not exceeding Rs. 21- per proof litre of country liquors demanded but not supplied. Aggrieved by the order of the Collector of Excise, the licensee shall have right of appeal to (he Excise Commissioner whose decision shall be final and binding upon the licensee.

22. Issue of Country Liquor :-

The country liquor to the retail vends shall be issued from the Bonded Warehouse. The licensee and the Officer-in-charge of the bond shall maintain account of the issues so made. The Officer-in-

charge shall submit a monthly statement by the 5th of every month to the Collector indicating the quantity of liquor issued to various vends, particulars of the transport passes, the dates of such issues and the excise duty involved. The receipt of the statement the Collector shall have it checked with the record maintained in the office to ensure that there is no leakage of revenue at any stage. He shall record a certificate to this effect. Discrepancies, if any, shall be immediately brought to the notice of the Excise Commissioner.

23. Samples :-

(a) The licensee shall permit the Officer-in-charge, Bonded Warehouse or any other Excise Officer authorised by the Collector or Excise Commissioner to take samples of the liquor for analysis. Each sample shall be taken in three reputed quart bottles, in the presence of the licensee or a responsible representative of the licensee and such bottle shall be immediately and securely sealed in the presence of Excise Officer and the licensee or his representative. Both of them shall sign a label which shall be fixed to the bottle and describe the contents thereof as accurately as possible. One bottle shall then be made over to the licensee or his representative. The second bottle shall be despatched to " the Chemical Examiner in form BWH-1 for analysis pending the disposal of the case.

(b) At least one sample will be drawn from each consignment of country liquor received in the Bonded Warehouse.

24. Employees :-

(1) The licensee, unless he personally acts as manager, shall be bound to appoint a competent manager as his agent whose appointment shall be subject to the approval of the Collector of Excise.

(2) The licensee shall furnish to the Officer-in-charge a list containing the name of the manager or assistant manager employed by him and of all the employees whose duties require them to enter into the Bonded Warehouse premises. The Officer-in-charge shall forward a copy of this list to the Collector of Excise for his approval and the licensee shall not employ persons to whom the Collector of Excise objects.

(3) If the licensee desires to employ any person temporarily on

duties requiring him to enter into the warehouse premises to replace a servant who is absent, on leave or for sickness or otherwise to perform any special duty in the warehouse, he shall inform the Officer-in-charge who shall add the name of such person to the list mentioned in the above sub-rule (2).

(4) If any servant leaves the service of the licensee or is no longer employed on duties requiring him to enter into the warehouse, the licensee shall inform the officer-in-charge and have his name removed from the list mentioned above in sub-rule (2). The Officer-in-charge shall inform the Collector of Excise accordingly.

25. Entry into Warehouse :-

No person shall be allowed to enter into the warehouse except (i) licensee, (ii) any director of the company owning the warehouse licence, (iii) any Govt. official including the officials of the department of Excise and Police officer whose duties require them to be there, (iv) any person authorised by the licensee or director, the Manager, (v) any employee defined under rule 24 and such other persons as may be authorised in writing by the Excise Commissioner.

26. Search :-

(1) Every person entering the Bonded Warehouse or leaving shall be liable to be searched at the gate by the Excise staff.

(2) All the consignments, on their arrival as well as at the time of issue from the Bonded Warehouse, shall be checked by the excise staff deputed at the Bonded Warehouse.

27. Working hours :-

The working hours of the bonded Warehouse shall be such as may be specified in an order by the Excise Commissioner with the prior approval of the Lt. Governor. The Bonded Warehouse shall not remain open on dry days as mentioned in rule 35(10) of the Delhi Liquor Licence Rules except with the previous sanction, in writing, of the Collector of Excise, for reasons recorded in writing. The Collector of Excise may allow the opening of the Bonded Warehouse on request of the licensee on the following conditions:-

(a) When the Bonded Warehouse is allowed to work beyond the prescribed hours or on dry days by the Excise Commissioner, the licensee shall pay the following fees:

(i) Rs. 50/- per hour or fraction thereof for working beyond the prescribed working hours;

(ii) Rs. 300/- per day or fraction thereof for working on dry days during 10.00 a.m. to 5.00 p.m. and Rs. 50/- per hour for working beyond these hours.

(b) An account of overtime fees charged under sub-rule (a) shall be maintained in a register and the amount due for each month shall be deposited by the licensee by the 7th of the month following that to which it relates. Intimation of the amount due and paid shall be sent by the Officer-in-charge to the Collector of Excise each month by the 15th.

28. . :-

On arrival of the consignment at the Bonded Warehouse, Officer-in-charge shall be informed immediately and the consignment shall not be opened until the same has been examined and verified with the pass by the officer-in-charge who shall also note the results in the prescribed register in form BWH-II and also on the pass covering the consignment. One copy of the pass with entries of receipt shall be immediately returned to the Officer-in-charge who issued the pass, and the other copy with entries thereon shall be kept in the warehouse. The consignment issued from the Bonded warehouse and received into the Bonded Warehouse shall be required to be checked at the gate by the excise staff. Any discrepancy noticed by the excise staff shall be reported to the Officer-in-charge bonded warehouse, who shall further report to the Collector of Excise for further necessary action.

29. Import permits :-

(i) The country liquor shall be imported by the licensee into Delhi against the import permits valid for a specified period, duly issued by the District Excise Officer.

(ii) It shall be the duty of the licensee to obtain necessary allocation from the State/ territory where the distillery is situated within the time prescribed in the contract. The Excise Commissioner will not accept any responsibility in this matter.

30. Loss due to fire etc :-

Govt. shall not be held responsible for the loss or damage by fire, theft or due to any other cause whatsoever occurring to any quantity of country liquor stored in the warehouse. In case of fire

or other accident the officer-in-charge shall immediately attend and open the warehouse during the day or night.

31. Enquiry :-

If a fire, theft or any other accident causing loss or damage to the country liquor stored in the Bonded Warehouse takes place, the Collector of Excise shall immediately cause an enquiry to be held by a gazetted officer, as approved by the Excise Commissioner, and if in such enquiry it is found that theft/fire has occurred due to connivance or negligence of the licensee, the Collector of Excise shall determine his liability to pay the Excise duty on the country liquor wasted. On receipt of the enquiry report and on the basis of the evidence before him the Collector of Excise may, if he is satisfied that the theft has occurred due to connivance or negligence of the licensee, take necessary action against the licensee.

Provided that before any liability is determined, the licensee shall be given opportunity of being heard after giving him a copy of the enquiry report.

32. Act, Rules etc :-

The licensee shall be bound by the provision/Of the Act and by all rules which may be prescribed under the Act in this behalf, from time to time, and by all special orders which may be issued by the Excise Commissioner and shall cause all persons employed by him to obey all such orders, and he shall be held responsible for any acts of his employees.

33. Violation of Act, Rules etc :-

If it comes to the notice of the licensee that any person employed by him has committed any breach of Act or of the agreement entered into by him, it shall be his duty to report the matter to the Officer-in-charge and to comply with the direction of that officer. The officer-in-charge shall report the matter together with the action taken by him to the Collector of Excise.

34. Use of label :-

Nothing in these rules shall justify the use of label or in any advertisement of words stating or implying that the country liquor is sold under the Government guarantee as to its contents or quality.

35. Wastage in transit :-

As soon as consignment of the country liquor is received at the

Bonded Warehouse, the same shall be taken charge of by the Officer-in-charge of the Bonded Warehouse. He shall duly verify it with reference to the P.O. 25 pass issued by the Officer-in-charge of the Distillery. Any apparent discrepancy in the number of bags shall be immediately noted and intimated by the officer-in-charge to the Collector of Excise. The licensee shall be called upon to explain the discrepancy and in the event of his not being able to give satisfactory reasons, the Collector of Excise may proceed to impose on him a penalty not exceeding the amount of duty chargeable on such liquor at the prevailing rates. The breakage/leakage found inside the bags shall be dealt with in the manner hereinafter prescribed.

36. Sorting of consignments :-

The country liquor consignments shall be sorted out by the licensee at the time of issuing the country liquor to the retail vends with a view to ensure that no defective or leaked bottles are issued. Such bottles shall be separated and be dealt with in such manner as may be determined by the Collector of Excise after giving an opportunity to the licensee to explain his case.

37. . :-

The licensee shall keep the necks of the broken bottles separately from the defective and leaked bottles. Such necks will be preserved in the containers which will be made over to the Officer-in-charge of the Bonded Warehouse at the time of the close of the Bond. Such containers shall thereafter be sealed datewise indicating the quantity therein and the labels pasted thereon shall bear the signatures of both the licence or his representative and the officer-in-charge, Bonded Warehouse. The Officer-in-charge of the Bonded Warehouse shall be responsible for the safe-custody of such containers. The remanenis after destruction shall be removed from the Bonded Warehouse on the same day. The empty bottles of which the contents have been destroyed shall also be removed by Bonded Warehouse licensee on the same day.

38. Duty :-

The wholesale licensee shall import potable country liquor into the Union Territory of Delhi on payment of special duty or on execution of a bond as required under section 16 of the Punjab Excise Act, 1914.

Provided that when liquor is imported on execution of a bond, the Lt. Governor of Delhi may direct that the special duty in respect of

the potable country liquor issued "for sale from the Bonded Warehouse, shall be paid by the retail seller.

"Provided further that the wholesale licensee shall be liable to pay special duty on liquor which is or has been contained in bottles found damaged in transit or found broken or defective in the Bonded Warehouse, except the liquor which is found defective being not potable."

39. Residuary :-

In all matters not expressly provided for in these rules, the same will be referred to the Collector of Excise whose decision will be binding on the licensee.

40. Repeal and Savings :-

The Delhi Country Liquor Bonded Warehouse Rules, 1976, published vide Notification No. F. (6)/75 Excise dated 16.1.76 and all rules made under any law corresponding to these rules in force in the Union Territory of Delhi are hereby repealed and except in respect of things done or committed to have been done before such repeal and every licence granted under any such Rules shall be deemed to have been granted in accordance with the provisions of these rules.