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## DELHI COUNTRY LIQUOR RETAIL VEND RULES, 1976

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## DELHI COUNTRY LIQUOR RETAIL VEND RULES, 1976

### DELHI COUNTRY LIQUOR RETAIL VEND RULES, 1976

#### **1. Short title :-**

These rules may be called The Delhi Country Liquor Retail Vend Rules, 1976.

#### **2. Commencement :-**

These rules shall come into force with immediate effect.

#### **3. Definitions :-**

In these rules unless the context otherwise requires:

- (i) "Act" means the Punjab Excise Act (I 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,

(iii) "Officer-in-charge" or "Excise Officer, Bonded Warehouse" means a Gazetted Officer appointed by the Excise Commissioner to supervise the working of the Bonded Warehouse.

(iv) "Litre" means bulk litre of 1000 mililitres.

(v) "Licensee" means an individual, a firm, company incorporated under Companies Act, 1956, all societies registered under the Cooperative Societies Act, 1912, to whom a licence in form L-10 has been granted under these rules for the retail sale of country liquor in the Union Territory of Delhi.

(vi) "District Excise Officer" means the officer appointed as such under the Act;

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

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

(ix) "Bottle" means an excise bottle of such type or description as may be or as may have been permitted by the Excise Commissioner from time to time.

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

(a) Grant of Licence. The licence in form L-10 for the retail sale of country liquor shall be granted by auction or by tender.

(b) The licence shall be issued by the Collector of Excise in the name of the licensee on payment of such fee as may be prescribed by the Excise Commissioner with the approval of the Lt. Governor.

(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 the licensee who will be amenable 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 the concurrence of the Excise Commissioner, provided the proposed partner is eligible to hold the licence under the Delhi Intoxicants Licence and 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 partnership shall be determined by the dissolution of the partnership, and shall be subject to the liability of the parties jointly and severally for any loss to the Government thereby and for the performance of all obligations to Government incurred by the partnership.

## **5. . :-**

(a) No person or member of his family shall be eligible to hold more than one licence for the retail sale of country liquor.

(b) No person or member of his family holding any of the following licences shall be eligible to bid for a licence in form L-10 (retail sale of country liquor) namely:

L-1 (wholesale of I.M.F.L.).

L-2 (retail sale of I.M.F.L.).

L-4 (retail vend of exclusive sale of beer).

L-9 (wholesale trade of country liquor).

L-1 2 (wholesale of denatured spirit for trade only).

L-16 (wholesale of rectified spirit for trade only).

## **6. . :-**

(a) No remission of fee will be allowed in any circumstances except in the following circumstances:

(i) When a licence is cancelled for a cause other than a breach of the conditions of the licence, the licensee may be excused payment of the licence fee calculated for a period of 15 days previous to the closure, if due notice of the Collector's intention to close the shop has been given. He should also be excused payment of the fees due for the remainder of the term of his licence. (Section 41 of the Act),

(ii) If notice has not been given, the licensee may be awarded, in addition, such further sum, if any, as the Lt. Governor may direct, by way of compensation.

(iii) When a licensee dies, his heirs may be awarded any sum paid for the period subsequent to his death.

(iv) When a farm of fees leviable for the retail sale of spirits or drugs has lapsed by reason of the death of the farmer, his heirs may be granted the farm fees due for the remainder of the period.

(v) When such a farm lapses from any cause other than a breach by the farmer of his conditions, or when within the term of a farm any reservation or restriction is made with regard to the grant of sub- licences, a proportional refund may be paid to the farmer.

(vi) Such circumstances, as a serious outbreak of plague, the occurrence of unusual scarcity, the sudden departure of troops from acantonment, the placing out of bounds of acantonment shop, or the closure of a fair, give a licensee an equitable claim to compensation.

(vii) When a shop is closed by order of the Collector, under Section 54 of the Act, for more than six hours, compensation should be granted by the Collector by remission of the daily licence fee in proportion to the length of the closure. Compensation under subparagraphs (ii) and (vi) requires the sanction of the Lt. Governor.

(b) No remission of duty shall be allowed to licensee on account of any breakage, leakage, theft or any other reason whatsoever.

## **7. . :-**

A licence for the retail sale of country liquor shall not be granted

(a) to any person who has been convicted of any non-bailable

offence by a criminal court or of any offence under the Punjab Excise Act, 1914 as extended to the Union Territory of Delhi.

(b) to any person, whether a former licensee or not who has been convicted or reasonably suspected of committing or conniving at the commission of any offence under the Excise or Opium Acts or the Punjab Opium Smoking Act or the Dangerous Drugs Act.

(c) to any person who had held a licence in Delhi for the sale of any excisable article, and that licence was cancelled for failing to pay his licence fee and subsequently not exempted by an order of the Lt. Governor.

## **8. Security :-**

(a) The licensee shall be required to deposit within 15 days after the decision of the Lt. Governor of acceptance of the bid or tender by the Excise Commissioner has been communicated to him, the amount of security as determined by the Excise Commissioner cash or Govt. promissory notes of equivalent market value for the due fulfilment of terms and conditions of the auction and tender and the observance of these rules.

(b) In case of the licensee who does not deposit the security within 15 days from the date of the decision referred to above, the Excise Commissioner shall be within his powers to forfeit the bid or earnest money deposited with the Collector in full or part at the time of auction.

## **9. . :-**

(a) The licensee shall pay a sum equal to 1/4th of the bid money immediately after the auction and the balance in 3 equal monthly instalments payable by 7th of every month starting from 1st April or the 7th of the following month after the opening of the shop. If default be made in the payment of advance money, the licences may be re-auctioned and if the price at the said auction is less than that bid at the first sale, the difference together with expenses of such resale or attempted resale and damages, if any, as the Collector may determine, shall be recovered from the defaulters as arrears of land revenue in the manner laid down in Section 60 of the Punjab Excise Act (I of 1914) as in force in the Union Territory of Delhi.

(b) In case of tenderer whose tender has been accepted by the

Excise Commissioner, he shall pay immediately 1/6th of the amount quoted by him. If he fails to make the deposit or refuses to accept the licence, the Excise Commissioner may call for fresh tender and any deficiency in fee arising as a result thereof and expenses incurred, shall be recovered from the defaulting tenderer in the manner provided in Section 60 of the Punjab Excise Act as in force in Delhi.

**10. . :-**

The licensee shall open the shop within one week of the grant of licence. If he fails to do so, the advance deposited shall be forfeited to the Government. He shall also be responsible to pay any damages and losses to the Government as the Collector may determine and the licence shall be auctioned.

**11. . :-**

The licensee is bound to observe the provisions of the Punjab Excise Act as in force in the Union Territory of Delhi and the rules made thereunder.

**12. . :-**

The licensed premises shall remain closed for the sale of country liquor on the dry days as may be notified by the Excise Commissioner, Delhi from time to time.

**13. . :-**

Pictures and photographs of Mahatma Gandhi, Jawahar Lai Nehru and other prominent leaders shall not be exhibited on any premises licensed in Delhi under the Excise Act.

**14. . :-**

In furtherance of the prohibition, the Government may do propaganda and publicity in favour of temperance or to minimise consumption of alcoholic and other intoxicants and to promote the use of non-alcoholic drinks. No claim shall be entertained from any licensee for any compensation or any other relief on this account.

**15. . :-**

No alteration, addition or deletion in names of partners shall be made except in accordance with the Delhi Liquor Licence Rules, 1976.

**16. . :-**

The system of vend shall be for consumption 'off the premises.

**17. . :-**

The sale hours of country liquor will be from 11:30 A.M.to'8:30 P.M.

**18. . :-**

The limit of retail sale and private possession of country liquor during the year 1976-77 will be one bottle of 750 ml.

**19. Procurement of country liquor :-**

The licensee shall obtain the country liquor from the Bonded Warehouse o'lly against the transport passes issued by the Distt. Excise Officer. No country liquor bottle shall be received in the vend unless accompanied by a pass issued by the Officer-in-charge of the Bonded Warehouse.

**20. Issue of Transport Pass :-**

(a) The licensee shall apply for the issue of a transport pass in such form as may be prescribed by the Excise Commissioner from time to time. Each application shall be accompanied by a receipted treasury challan showing the deposit of the duty payable on the quantity of the country liquor for which the transport pass is required.

(b) The District Excise Officer shall cause the application to be scrutinised to see that the quantity applied for is within the limit, if any, of the licensee and after satisfying himself that the duty has been duly paid and the application form is otherwise in order, he shall issue the transport pass.

(c) The transport pass shall be in quadruplicate; the first copy will be issued to the applicant, the second copy will be given to the licensee of the Bonded Warehouse, the third copy will be sent to the Officer-in-charge, Bonded Warehouse and the fourth will remain on record in the office. Under no circumstances, the copy meant for the Excise Officer, Bonded Warehouse shall be handed over to any licensee or his representative. The quantity issue will be indicated legibly both in figures and words on all the copies of the pass. The amount of duty charged shall also be indicated in both figures and words in the pass. Reverse carbon paper will also be used while making out the copies.

(d) No over-writing or cutting is permissible. If because of any reason some erroneous entries have been made in the pass, the District Excise Officer shall issue a fresh pass and shall cancel all

the three copies of the defective pass.

(e) The signatures of the Excise Officer, to whom the pass shall be issued for delivery to the Officer-in-charge, Bonded Warehouse, shall be in ink on the office copy and his name and designation written below in capital letters.

(f) The Officer-in-charge of the Bonded Warehouse shall issue the country liquor on the basis of the said pass. He shall refrain from issuing any liquor unless he has received his own copy of the pass from the Excise Officer to whom it was given by the Distt. Excise Officer for delivery to the Officer-in-charge, Bonded Warehouse.

(g) He shall maintain a record of all such passes in such registers as may be prescribed by the Excise Commissioner.

(h) After issue of the country liquor, he shall make appropriate endorsements on the copies of the pass of the:

(i) Pass-holder.

(ii) Bonded Warehouse licensee, and

(iii) the copies to be retained by him in his personal custody.

(i) The transport passes shall be printed and serially numbered in books containing 100 passes. At no time, more than one book shall be used. All unused books shall be kept in the personal custody of the Superintendent (Excise) as may be authorised by the Commissioner of Excise and he shall issue a fresh book to the dealing assistant only after the used book has been returned with an endorsement of the District Excise Officer.

(j) The District Excise Officer shall maintain a register showing the particulars of all such passes issued by him. Each entry in the register shall be maintained like cash book and will be closed daily, with a summary showing the total number of passes issued, names of licensees to whom issued and the total quantity of liquor and the total duty involved. The Distt. Excise Officer shall append his signatures below the summary.

## **21. Samples :-**

The licensee, when required, shall permit any Excise Officer authorised by the Collector of Excise, or the Excise Commissioner to take samples of the liquor for analysis. Each sample of the liquor shall be taken in three quart bottles, in the presence of the licensee

or a responsible representative of the licensee and each bottle shall be immediately and securely sealed in the presence of the 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 licensee or his representative. The second bottle shall be despatched to the Chemical Examiner for analysis and the third bottle shall be retained by the licensee himself pending the disposal of the case.

**22.** . :-

The licensee shall display the retail sale price and the list of dry days, conspicuously at the counter.

**23.** . :-

The licensee shall not store in the licensed premises

(i) Any empty liquor bottle, cork, capsule, pilfer proof seal, bottle necks etc. except as provided under these rules.

(ii) Any bottle of soda water or any other soft drink.

(iii) Any eatables,

(iv) Any bottle of I.M.F.L./Beer.

(v) Rectified spirit, denatured spirit and special denatured spirit,

(vi) .Any other intoxicant.

**24.** . :-

The licensee shall maintain the following registers in such manner and form as may be prescribed from time to time:

1. Stock Register.

2. Daily Sale Register.

3. Visitors' Book.

**25.** . :-

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