

## **DELHI LIQUOR LICENCE RULES, 1976**

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## DELHI LIQUOR LICENCE RULES, 1976

### **1. . :-**

Class of licences and authorities empowered to grant and renew the licences.

(1) <sup>1</sup> subject to the provisions of sub-rule (2), the following classes of licences may be granted and renewed by authorities noted against each:

<b>Form</b>	<b>Details of licences</b>	<b>Authority empowered to</b>	
		<b>Grant</b>	<b>Renew</b>
	<b>1 (Foreign Liquor)</b>		
<b>L-1</b>	Wholesale vend of foreign liquor to L-2 & L-4 Licences only.	Lt. Governor	Not renewable
<b>L-1A</b>	<sup>1a</sup> wholesale vend of foreign liquor to holders of licence in form L-10 only"		
<b>L-2</b>	Retail vend of foreign liquor to public.	-do-	-do-
<b>L-3</b>	Service of foregin liquor in hotel (to the residents in their rooms).	-do-	Collector
<b>L-4</b>	Service of beer (alcoholic strength not exceeding 8.25% V/V) <sup>2a</sup> and wine in an independent restaurant approved by the department of Tourism of the Central Government.	-do-	Not renewable
<b>L-5</b>	Service of foreign liquor in a bar attached to a hotel or restaurant	Lt. Governor	Collector
<b>"L-5A</b>	Retail vend of foreign liquor in a bar/dining car in a luxury train	Collector	Collector
<b>L-6</b>	Retail vend of foreign liquor in duty free shop	-do-	Not renewable
<b>L-6A</b>	Retail vend of of foeign liquor in duty free shops "off" the premises".	Collector	Collector
<b>L-7</b>	Retail vend of foreign liquor in a military canteen	Collector	Collector
<b>L-8</b>	Retail vend of medicated	-do-	-do-

	Retail vend of liquor wines only for consumption "of the premises		
	<b>II Country Liquor</b>		
<b>L-9</b>	Wholesale vend of country liquor	Collector	Not renewable
<b>L-10</b>	Retail vend of country liquor and 50 degree under proof rum for consumption "off the premises	-do-	-do-
	<b>III Denatured &amp; Special Denatured Spirit</b>		
<b>L-11</b>	Wholesale and/or retails vend of denatured spirit to public only.	Collector	Collector
<b>L-12</b>	Wholesale vend of denatured spirit to trade only.	do-	-do-
<b>L-13</b>	Bonded warehouse licence for import and storage in bond of denatured spirit for wholesale to trade only.	Excise Co- mmisioner	Excise Co-mmisioner
<b>L-14</b>	Bonded warehouse licence for import and storage of in bond of special denatured spirit.	-do-	-do-
	<b>IV Rectified Spirit</b>		
<b>L-15</b>	Retail vend of rectified spirit to public only.	Collector	Collector
<b>L-16</b>	Wholesale vend or rectified spirit to trade only.	-do-	-do-
<b>L-17</b>	Bonded warehouse licence for import in bond and storage of rectified spirit for wholesale to trade only.	Excise Commissioner	Excise Commissioner
	<b>V Special</b>		
<b>L-18</b>	Extension of hours during which sale is permitted.	-do-	Collector
<b>L-19</b>	Retail vend of foreign liquor at a club (bonafide or proprietary).	Lt. Governor	-do-
<b>L-20</b>	Service of foreign liquor at a hotel, conference hall or any other place.	-do-	Not renewable

(2) In cases where the annual fee of a licence is determined by

auction or tender, a licence shall be granted only to a person whose tender or bid is accepted by Lt. Governor.

1. Sub. vide Delhi Gazette (Extra) Part IV Dated 17.4.1986.

**2. . :-**

The authority specified by these Rules to grant and renew licences shall be in each case subject to the restrictions contained in the Delhi Intoxicants Licence and Sale Rules as to the localities in which licences shall be granted and the number of licences which shall be granted in any local area.

**3. . :-**

Every licence shall be granted to a certain licensee in respect of certain premises.

**4. . :-**

(i) A licence shall only be granted to

(a) an individual;

(b) a body incorporated under the Indian Companies Act;

(c) a Society registered under the Co-operative Societies Act (II of 1912);

(d) a partnership or firm.

**1**

(ii)

"(a) A licence in Form L-I and L-1A shall only be granted to distillery/

Provided further that the trade mark registration rights if any, in respect of all such brands as are produced and owned by the distillery/brewery:

Provided further that the trade mark registration rights if any, in respect of all such brands as are proposed to be sold under the L-1/L-1A licence are vested in the distillery/brewery or in favour of an individual/firm/society/company having ownership rights in the distillery/brewery.

(b) No distillery/brewery shall be permitted to have more than one agent for all its brands.

1. Sub. vide Delhi Gazette (Extra) Part IV Dated 17.4.1986.

**5. . :-**

A person, his authorised agent or employee shall be eligible to hold only one licence out of the following: L-I, L-1A, L-2, L-6, FLW-2, L-9, L-10, L-II, L-15, L-16 and L-17.

Provided that the licence in form L-9 shall be held only by the distillery and not by the agent of the distillery.

Provided further that the holder of L-9 licence may also hold the licence in form L-I and L-1A and vice-versa.

Provided also that holder of L-10 licence may also hold L-2 licence and vice-versa.

**6. . :-**

When a licence is granted to a company or society, it must show the name of an individual as agent acting on behalf of the licensee who is amenable to the Criminal Courts in India. On the application of the Company or Society the representative licen- see may be changed by the authority competent to renew the licence.

**7. . :-**

When a licence is granted to a partnership or firm, all individuals comprising the partnership or firm should be specified on the licence.

**8. . :-**

On the application in writing of all the original partners a partner may at any time be added, in case of renewable licences by the authority competent to renew the licence and in case of licences granted by tender and auction or tender by the Lt. Governor provided the proposed partner is eligible under the Delhi Intoxicants Licence and Sale Rules, 1976 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 or renewed in his name.

Provided further that the addition of the name of a new partner to a licence granted by auction/tender shall be permitted at the discretion of the Lt Governor, only on the death of an original partner in respect of a legal heir of the deceased partner.

**9. . :-**

On the application in writing of all the original partners, name of a

partner may, at any time, be removed in case of renewable licences, by the authority competent to renew the licence, and in case of licences granted by auction or tender, by the Lt. Governor.

Provided that the removal of the name of a partner from a licence granted by auction/tender shall be permitted only in respect of the deceased partner.

**10. . :-**

A licence granted to a partnership is determined by voluntary dissolution of the partnership subject to the liability of the partners jointly and severally for any loss caused to Government thereby and for the performance of all obligations to Government incurred by the partnership.

**11. . :-**

Where a licence is granted otherwise than by auction/tender it may be said to be renewed when it is continued after the period of its expiry to the same licensee in respect of the same premises, and whenever any such licence has been determined by reason of surrender cancellation or order of non-renewal or other cause or where it is proposed to issue licence in respect of the premises to persons not previously licensed, a new licence may be issued, provided:

(a) a new licence is not required on account of the addition of or removal of a partner on the application of all the partners or the change of a representative of a company or Society;

(b) a licence continued to the legal representative of a deceased licensee for the remaining period of the licence shall not be deemed to be a new licence;

(c) if the premises of a licence are changed during the period of its continuance, the authority competent to grant the licence may direct that the licence may be continued for the remaining period of the term on the existing fee;

(d) a licence may be transferred by the authority competent to grant it for the remainder of its currency to a new licensee.

**12. . :-**

All applications for the grant or renewal of licences which require the orders of the Lieutenant Governor under the Delhi Intoxicants Licence and Sale Rules, 1976 or these Rules shall be received in the

Excise Commissioner's Officer before the end of the October each year.

**13.** . :-

Whenever it is proposed not to renew a licence which is renewable and granted on a fixed fee, the authority competent to renew it shall give notice to the holder of such licence, record objections, if any, put forward by the licensee, and pass a definite order in writing. The licensee may be given, on an application, an authenticated copy of such order. This list should be accompanied (a) in the case of licences on assessed fee, by the certificate of sales required by rule 28, and (b) in the case of bottling licences by a similar certificate showing the gallons, London Proof, bottled upto 31 st December.

**14.** . :-

A licence under these Rules, except a licence for the vend of medicated wines, denatured and rectified spirit in Forms L-8, L-II and L-15 respectively, may not be combined with any licence for any dealings with any dangerous drug as defined in Section 2(h) of the Dangerous Drugs Act, (II of 1930) without the sanction of the Collector.

**15.** . :-

No licence shown in Column 1 of the sub-joined table may be held by persons holding or in any way connected in interest with the persons holding any of the licences shown against them in Column 2.

**16.** . :-

No person holding a licence for import and storage in bond of country liquor, denatured spirit, special denatured spirit or rectified spirit shall hold any other licence either for retail sale or for wholesale of any intoxicants.

Provided that the holder of wholesale licence for country liquor (Form L-9) may also hold the wholesale licence for Indian made foreign liquor (Form L-1/L-1A) and vice-versa.

**17.** . :-

No person interested in any distillery or brewery shall hold any licence under these Rules except:

(a) a licence in form L-1 and L-1A for the vend of foreign liquor by wholesale;

(b) a licence in form L-9 for the wholesale vend of country liquor. Explanation. For the purposes of this rule a person interested in any distillery or brewery includes every person interested in the business of such distillery or brewery as a member, of a cooperative society, director, partner, agent or employee.

**18. . :-**

The licences shown in column 1 of the following statement shall only be granted to the persons shown against them in column 2.

**19. . :-**

(1) An application for licence for any dealings in denatured spirit, special denatured spirit or rectified spirit shall contain the following particulars, namely:

(i) Name and present address of the applicant including permanent address.

(ii) Quantity of spirit required to be possessed at any one time and during the course of the year ending 31st March,

(iii) Whether the applicant holds any other licence under the Delhi Liquor Licence Rules. If so, give details thereof.

(iv) Details of the premises proposed to be used for storage of spirit

(v) Whether the premises are owned or leased, in case of latter give details of landlord and monthly rent, if any.

(vi) Whether the premises are also used for any other purpose. If so, give details of the business for which the premises are used at present

(vii) Whether the premises are fire-proof? If so, whether the same have been approved by the Delhi Fire Service and other Local Authority, namely Municipal Corporation, N.D.M.C. or Delhi Cantonment

(viii) Whether the applicant is a partner with any person holding a licence for vend of denatured spirit, special denatured spirit or rectified or country liquor.

(ix) A declaration in writing as to whether the applicant has been convicted, at any time, of an offence punishable under any provisions of the Punjab Excise Act, 1914, as in force in the Union Territory of Delhi, or any law in force on the subject in any part of



India.

(x) Whether the applicant is a partnership concern? If so, name and address of all the partners comprising the partnership or firm should be given.

(2) On receipt of an application, the collector shall make such enquiries for verification of the particulars of application and also such other enquiries as he may deem necessary and if he is satisfied that there is no objection to the grant of licence applied for, he shall, unless the application requires the orders of the Excise Commissioner, issue a licence in the appropriate form and subject to the prescribed conditions and on payment of prescribed fee.

(3) Application for a licence requiring the sanction of the Excise Commissioner shall be submitted to him by the Collector with his recommendations. The Excise Commissioner may pass such orders as he may deem necessary.

**20. . :-**

A licence in form L-7 shall be granted with the permission of the competent military authority for the sale of foreign liquor only in Military Units. A canteen run regimentally on the club lines would not require a licence, provided the expense of purchasing liquor is met from a common fund.

**21. . :-**

"A special licence in form L-20 shall be granted by the Collector of Excise for the retail vend of foreign liquor at a bar, when temporary arrangements for the sale of foreign liquor are required inside the licensed premises of L-3 and L-5 licence holders. A special licence in form L-20 shall be granted by the Collector of Excise with the previous approval of the Excise Commissioner for the retail vend or service of foreign liquor at a temporary bar at a place outside the licensed premises of holders of L-3 and L-5 licences, when temporary arrangements for sale or service of foreign liquor are required in connection with National or International Conference/Exhibition/function. This licence shall be granted on such terms and conditions as the Excise Commissioner may deem proper. If such National or International Conference/Exhibition/function is organised by an agency or organisation by an agency or organisation other than Ministry or Department of the Government, licence in form L-20 for a temporary bar shall be granted by the Lt. Governor, Delhi on such

terms and conditions as the Lt. Governor may deem proper.

**22.** . :-

(1) The maximum number of licences for the wholesale vend and retail vend of country liquor or foreign liquor shall be such as fixed by the Lt. Governor and the same shall not be exceeded without prior approval of the Lt. Governor.

(2) The name of the wholesale licensee of country liquor or foreign liquor shall be intimated to the Excise authority of the State where from country liquor or foreign liquor is to be imported as also to the Manager of the distillery concerned.

**23.** . :-

The fees payable in respect of licences under these Rules shall be an assessed fee, if any, as prescribed under rule 26 and

(a) a fixed fees.

(b) an auctionn fee, or

(c) a tender fee.

**24.** . :-

The scale of fixed fees shall be as under:

**25.** . :-

"Licence in form L-20 for a temporary bar for retail vend or service of foreign liquor at a place inside/outside the licensed premises of holders of L-3 annd L-5 licences shall be granted on fixed fee addition to the fees assessed: Fixed fee: Rs. 1,000/- per function/per day. Fixed and Assessed Fees

**26.** . :-

(1) The following licences for the vend of foreign liquor and denatured spirit shall be granted or renewed on payment of fixed fee in addition to the fees assessed at the prescribed scales on the sale made thereunder. The fixed fees are as follows: <sup>1</sup>

(A) "(a) L-3 (Service of foreign liquor in a hotel to the residents in their rooms):

1.	Hotels having 10 to 25 rooms	Rs. 6,000/-	per annum payable
			in one instalment.
2.	Hotels having 26 to 50 rooms	Rs. 12,000/-	-do-
3.	Hotels having 51 to 100 rooms	Rs. 24.000/-	-do-

4.	Hotels having 101 to 200 rooms	Rs. 36,0000/-	-do-
5.	Hotels having 201 to 300 rooms	Rs. 54,000/-	-do-
6.	Hotels having 301 to 400 rooms	Rs. 84,000/-	-do-
7.	Hotels having 401 rooms and above	Rs. 90,000/-	-do-
8.	Budget Hotels irrespective of	Rs. 10,000/-	-do-

Explanation. Budget Hotel is a hotel approved by the Ministry of Tourism which does not provide for any room service of food or beverages of any kind."

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"(aa)L-4 service of beer (alcoholic strength Rs. 35,000/- not exceeding 8.25% V/V) and wine in an independent restaurant approved by the Department of Tourism of Central Govrnment - per annum payable in one instalment.

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"(b) L-5 [Service of foreign liquor in bar attached to a hotel or restaurant which is holder in form L-3)].

1.	5 star, including deluxe and super deluxe	Rs. 1,00,000.00
2.	4-star	Rs. 90,000.00
3.	3-star	Rs. 80,000.00
4.	2-star	Rs. 70,000.00
5.	1-star	Rs. 60,000.00
6.	Budget Hotel	Rs. 50,000.00

<sup>4</sup>(bb) L-5A Retail vend of foreign liquor in Rs. 500 per annum." a bar/dining car in a Luxury Train.

(c) L-6 (Retail vend of foreign liquor in duty Rs. 2,000 per annum free shops.

(cc) L-6A (Retail vend of foreign liquor in duty Rs. 2,000 per annum free shops off the premises.

(d) L-19 (Retail vend of foreign liquor in club (bonafide or proprietary);

(i) clubs with membership of 800 Rs. 5,000 per annum.

(ii) clubs with membership of Rs. 7,500 per annum. 801 to 1,500.

(iii) clubs with membership of more than 1,500 \Rs. 10,000 per annum.

Provided that an additional fee of Rs. 1,000 shall be payable for holding a guest night.

(e) L-20 (Temporary retail vend of foreign liquor at hotels/restaurant/conference conference hall or any other place. \Rs. 1000.00 per function/party per day.

(f) Vends of denatured spirit for licence in form L-11 for wholesale and/retail vend of denatured spirit to public only:

(i) for possession at any one time of denatured spirit, upto 2,000 litres. \Rs. 50.00 per annum.

(ii) for possession at one time of denatured spirit of more than 2,000 litres. \Rs. 500.00 per annum.

(g) for licence in form L-12 for wholesale vend of denatured spirit for trade only. \Rs. 2,000 per annum.

(h) for Bonded Warehouse licence in form L- 14 for denatured spirit for wholesale to trade only. \Such fee as may be prescribed by the Excise Commissioner with the previous sanction of the Lt. Governor.

(i) for Bonded Warehouse licence in form L-13 for Bonded Warehouse of special denatured spirit. \Such fee as may be prescribed by the Excise Commissioner with the previous sanction of the Lt. Governor.

(j)(aa) L- 1 (wholesale vend of foreign liquor) \Rs. 8,00,000 (Rs. Eight lacs) only per licensing year for sale of four brands of IMFL out of which one should be non-whisky.

(bb) For exclusive sale of wine and beer \Rs. 1.25 lacs (Rs. One lac, twenty five thousand) only per licensing year for sale of one brand each of wine and beer.

(cc) For sale of additional brand over and above the number of brands mentioned in (a) and (b) above

(i) Rs. 2.5 lacs (Rs. two lac fifty thousand) only per licensing year per additional brand of whisky.

(ii) Rs. 1 lac (Rs. One lac) only per licensing year per additional brand of rum and beer.

(iii) Rs. 50,000/- (Rs. Fifty thousand) only per licensing year per additional brand other than (i) and (ii) as above: \

Provided that full license fee under this clause shall be leviable irrespective of the date of issue of licence":

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(2) The assessment fee for foreign liquor licences shall be based on the following rates on sale of foreign liquor (IMFL) per bottle of 750 ml. and per bottle of beer of 650 ml. (including draught beer) and in proportion thereof, which shall be payable at the time of issue of liquor from the Bonded Warehouse:

	Kind of licence		Rate of assessment fee
Beer containing upto 5% or less alcohol by V/V	Beer containing more than 5% and upto 8.25% alcohol by V/V	IMFL	
1	2	3	4
L-2 L-3, L-4, L-5 L-6A and L-7 L-19	50% of the wholesale price -do- Nil 50% of the wholesale price	50% of the price "50% of the difference between markd price (as on menu card) and the wholesale grossprice plus special duty." Nil 50% of the wholesale price	50% of the wholesale price "50% of the difference between markd price (as on menu card) and the wholesale grossprice plus special duty." Nil Rs. 8/- per bottle 1

Provided that in respect of L-3, L-4 and L-5 licenses in case of beer, the assessment fee shall be payable after consumption thereof."

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(2a) The Vend fee for foreign liquor licences shall be based on the

following rates on sale of foreign liquor bottle of 750 ml. and beer bottle of 650 ml. and in proportion thereof and shall be payable at the time of issue of liquor from the Bonded Warehouse. 1

(i)	For sale through L-2 vends:	
	(a) All types of Beer	Nil
	(b) All IMFL, other than Beer with wholesale price upto Rs. 40/- per quart	Rs. 12.00
	(c) All IMFL with wholesale price more than Rs. 40/- per quart	Rs. 15.00
(ii)	For sale through Hotels/Restaurants/L-20 vends:	
	(a) Imported spirits including imported liquor.	Rs. 80.001
	"(b) 1. Indian Wine	Rs. 45/-
		(Rs. Forty-five only)
	2. Imported Wine	Rs. 60/-
		(Rs. sixty only)"
	(c) IMFL (except beer and cider)	Rs. 45.00
	(d) Beer including draught beer and cider containing alcohol upto 5% v/v.	Rs. 10.00
(iii)	For Sale through clubs:	
	(a) Imported spirit including imported liquor	Rs. 25.00
	(b) 1. Indian Wine	Rs. 20/-
		(Rs. Twenty only)
	2. Imported Wine	Rs. 25/-
		(Rs. Twenty-five only)

"		
(3)	Extra Strong Beer (5% 8.25% V.V. alcohol)	Rs. 8/- (Rupees Eight) only
		per bottle
	(c) IMFL (except beer and cider)	Rs. 20.00
	(d) Beer including draught beer and cider containing alcohol upto 5% v/v.	Rs. 3.00

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"(iv) The benefit of rounding of retail price of IMFL to the next rupee shall be added to the vend fee."

(3) The assessed fee of denatured spirit shall be based on the following scales:

(a) for ordinary denatured spirit Rs. 2.00 per bulk litre.

(b) for special denatured spirit Rs. 2.00 per bulk litre. The assessed fee shall be levied rateably on the quantity of denatured spirit, special denatured spirit, as the case may be, imported from other States, or issued from a Warehouse and shall be payable at the time of issue of an import permit in form L-32 or transport pass in form L-34, as prescribed in the Delhi Liquor Permit and Pass Rules.

(4)

(a) A person holding a licence in form L-12 shall, notwithstanding that he may be required to submit any other return of sale, furnish a monthly statement of receipt and sale of denatured spirit, special denatured spirit together with the details of payment of permit fee in form M-71A, not later than the 7th of every month to the District Excise Officer.

(b) The monthly statement in form M-71A on receipt from the licensee shall be checked and necessary entries made in a register in form MIA. If on checking, any omission or error in any statement is discovered, the same shall be brought to the notice of the District Excise Officer for such action as he may deem necessary.

(c) After the close of financial year, the licensee shall prepare a statement in form M-71B, in duplicate, showing the details of monthly receipt of spirit and the fee paid thereof and shall submit the original to the District Excise Officer by the 15th April, each year.

(d) If no statements are furnished by the licensee in respect of any month by the prescribed date or if the Collector is not satisfied about the correctness of the statements furnished and it appears necessary for him to make assessment, the Collector shall serve a notice in form M-71C calling upon the licensee to produce his stock and sale registers alongwith other relevant records and documents and proof of payment of permit fee, which he wishes to examine. In the notice, he shall state the period in respect of which such assessment is proposed and shall fix a date giving reasonable time to the licensee for producing such documents and accounts etc., and for considering any objections which the licensee may raise.

(e) After considering any objection made by the licensee and any evidence produced in support thereof or payment made, the Collector shall assess the amount of permit fee, if any, and impose a penalty, if any, after he is satisfied that the default in making

payment was made without reasonable cause.

1. Sub. vide Delhi Gazette (Extra) Part IV Dated 11.5.88.
2. Sub. vide Delhi Gazette (Extra) Part IV Dated 27.9.88.
3. Sub. vide Delhi Gazette (Extra) Part IV Dated 8.5.90.
4. Added vide Delhi Gazette (Extra) Part IV Dated 27.1.86
5. Subs. vide Delhi Gazette (Extra) Part IV Dated 24.7.91.
6. Subs. vide Delhi Gazette (Extra) Part IV Dated 8.5.90.
7. Ins. vide Delhi Gazette (Extra) Part IV Dated 8.5.90.

**26A. . :-**

The Excise Commissioner may, if satisfied that retail vend or service of foreign liquor at a place inside or outside the licensed premises of L-3 and L-5 licencees is required to enable the Government of India to meet its obligation under any international agreement exempt, subject to such conditions as he may deem proper, any person applying for grant of L-20 licence from the payment of fixed fees prescribed under rules 25 and 26."

**27. . :-**

Procedure for payment of assessed fee and imposition of penalty in the case of foreign liquor licenses

(1) After the expiry of each month, a foreign liquor licensee shall calculate the fee payable by him at the rates prescribed in sub-rule (2) "and sub-rule (2a)" of rule 26 on the sale made during the month under the licence held by him and shall deposit it in the Delhi Treasury/State Bank of India and shall forward the receipted challan together with the sales statement by the 10th of the month following that to which it relates, to the District Excise Officer.

Provided that in case of licenses forms L-6 the assessed fee 2"and vend fee" shall be recovered in advance at the time issuing a permit or pass for import or transport on liquor by the licensee in form prescribed under the Delhi Liquor Permit and Pass Rules

(2) On receipt in the District Excise Office of the monthly sales statement together with the receipted challan from the licensee, the Excise Clerk shall make necessary entries relating thereto in the prescribed Register M-I under the signature of the Excise Inspector concerned.

(3) Within 15 days of the close of financial year or the determination of the licence, as the case may be, the licensee shall prepare a statement of yearly sales form M-66A, in duplicate, showing therein the details of monthly sales of various kind of



liquor and the fee paid thereon and shall submit the original to the District Excise Officer.

(4) The said sales statement on its receipt in the District Excise Office, shall be checked by the Excise Inspector concerned with monthly statements. He shall also verify the payment of fee from the treasury challans and the entries in Register M-I and submit his report together with the annual statement to the District Excise Officer.

(5) If the District Excise Officer is not satisfied that the statements furnished are correct and complete, he shall proceed to assess the fee due from the licensee and making such assessment he shall call upon the licensee to produce his stock and sub-registers and other documents which he wishes to examine. In case of failure by licensee to submit monthly or/and yearly statements accompanied by receipts from Treasury or State Bank of India by the prescribed date, the District Excise Officer may if he is satisfied that the default was made without reasonable cause, direct that the licensee shall pay, by way of penalty, in addition to the amount of fee due, a sum not exceeding Rs. 2,000.00.

**28. . :-**

When any of the licences granted under these Rules is renewed, the Collector shall obtain from the Excise Inspector concerned a certificate as regards the sales made from 1st January to 31st December, in which the Excise Inspector shall certify that the register in which the sales are recorded has been personally verified by him and that the totals of the sales are correct and that the monthly fee, if any, has been paid.

**29. . :-**

Before a retail sale foreign liquor licence is issued, the licensee shall pay such sum as advance assessment fee <sup>1</sup> "and vend fee" not exceeding the probable assessment fee for six months, as may be directed, and in such form and manner as may be specified, by the Collector. The said advance fee may be adjusted, if so desired by the licensee, towards the monthly assessment fee <sup>1</sup> "and vend fee" for the last quarter of the year, and balance, if any, refunded to the licensee or treated as an advance fee for the next year, in case the licence is renewed. The said advance fee shall be refunded after adjustment of correct dues, if any, to the licensee at the expiry or cancellation or determination of the licence. The advance fee may, however, be revised at any time if the sales of the licensee are found to have increased or decreased by 50%.

Provided that in the case of existing licence, the advance fee may be recovered at the time of grant or renewal for the next year.

1. Sab. vide Delhi Gazette (Extra) Part IV Dated 18.4.80.

**30. . :-**

Unless otherwise prescribed, the Lt. Governor shall, by order direct whether licences in any form may granted on fixed fee or on fee to be fixed by auction or tender in any financial year:

Provided that the licence fee so directed to be fixed shall be in addition to assessed fee, in any payable under rule 26.

Provided further that if the Lt. Governor considers that it is not likely to adversely affect the interests of the holder of licences in forms L-1A or L-9, the fees for which have been fixed for the financial year by any method provided for in these rules, he may direct that the fees for additional licences in the same form may be fixed by any other such method.

**31. . :-**

The following procedure is prescribed for the grant of licences by auction:

(1) The auction shall be held by the Collector or by such other Gazetted Officer who shall will be called the "Presiding Officer", as may be empowered in its behalf by the Lt. Governor.

(2) The Excise Commissioner shall give atleast ten days' notice of the date and place of the auction. This notice will also specify

(a) the conditiions to which the auction will be subject;

(b) the number and situation of the shops to be licensed on the basis of auction, where applicable;

(c) the occasions, if any, on which the shops are likely to be closed; and

(d) any other information which in the opinion of the Excise Commissionner may be of use to intending bidders.

(3) Before the auction begins, the Presiding Officer shall read out the general conditions governing the auction and satisfy himself that the intending bidders have understood them.

(4) No person shall be allowed to bid for a licence unless:

(a) he has furnished a written statement and declaration in Form 1; (printed at the end of these Rules)

(b) he has furnished the following documents

(i) documentary evidence to the satisfaction of the presiding officer that he is the bona fide representation of a distillery or brewery which is not black listed, in the Union Territory of Delhi for the time being, or is the sole selling agent of the products of at least one brewery or distillery.

(ii) a photostat copy of the registered partnership deed or articles and memorandum

(iii) a sealed cover containing a statement of wholesale prices at which each bottle of foreign liquor of each brand and size is proposed to be sold by the intending bidder during the currency of the licence;

(iv) if the intending bidder is a sole proprietor, partnership firm or a private limited company and did not hold a licence in form L-I, L-1A or L-9 during the previous licensing period a certificate of solvency to the extent of Rs. 1,00,000 signed by a magistrate not below the rank of a Sub-Divisional Magistrate having jurisdiction over the place where the intending bidder resides or, if a firm, has its registered head office;

(v) a clearance certificate issued by the Income Tax Officer who assesses the intending bidder,

(vi) a no-due certificate from the Collector of Excise, Delhi in respect of dues realisable from the intending bidder up to the last date of the month preceding the date of auction, unless the intending bidder has been specially exempted from this requirement by the Lieutenant Governor;

(vii) a no-due certificate from the appropriate assessing authority if the intending bidder is or is interested in the business of a dealer registered under the Delhi Sales Tax Act, 1975 in respect of dues realisable under the Sales Tax laws in force in Delhi upto the last date of the period preceding the date of the auction for which such dealer has been assessed;

Explanation For purpose of this sub-clause "person interested in the business of a dealer" includes every person interested in such business as a shareholder, member, director, partner or agent;

(c) he is allowed after scrutiny of his statement, declaration and documents by the Presiding Officer to enter the bidding area which the Presiding Officer shall specify for intending bidders to assemble;

(5) Entry into bidding area:

(a) No person other than a Government servant on duty shall enter the bidding area unless he is allowed entry by the Presiding Officer.

(b) Only one individual intending to bid on behalf of any person or firm shall be allowed to enter the bidding area;

(6)

(a) The Presiding Officer shall put up each licence separately to auction after announcing its locality where necessary any other information that in his judgment is necessary to identify the licence.

(b) The bids shall be made for the whole annual licence fee for the licence.

(c) The Presiding Officer shall cause the name of each person making the bid and the amount of the bid to be recorded and shall record the final bid accepted by him in his own hand.

(d) The Presiding Officer may refuse to record any bid if he has reason to believe that it has been made in the interests of any person who has not been allowed entry into the area marked for the assembly of intending bidders.

(e) The Presiding Officer may refuse to record any bid which he considers to be merely speculative or not made in good faith.

(f) If the Presiding Officer is of the opinion that the speculative or mala fide bidding is going on, he may, without prejudice to his powers under clause (e), require an immediate deposit of the whole amount bid. If such an order has been passed and announced to the assembly of bidders all subsequent bids for the same licence shall be made subject to the condition that the whole amount of bid will be immediately deposited on acceptance.

(g) All bids shall be in multiples of Rs. 1,000.

(h) Subject to the provisions of clause (f) above, the highest bidder shall pay a sum not less than 25 per cent of the bid money in cash

or by bank drafts immediately on the condition of the auction.

(i) The person accepted as the auction purchaser shall sign his name or affix his thumb mark to the record of auction.

(j) The highest bidder shall also furnish a personal bond with a surety bond in Form-2.

(7) The commissioner shall on receipt of the report of the Presiding Officer forward it to the Lieutenant Governor with a report showing, if need be, the locality for each licence auctioned and stating any other information that he may consider relevant

(8) The Lieutenant Governor may--

(a) accept the highest bid;

(b) reject the highest bid and accept any other bid;

(c) reject all or any of the bids on the ground that the highest bid is not adequate or for any other reasons;

(d) Where all bids are rejected under (c) or where there were no bids, in his discretion order a reauction or direct that the licence may not be granted or may be granted by any other mode of fixing fees prescribed in rule 2.

(9) A person whose bid is accepted under sub-rule (8) shall pay a sum not less than 1/4th of the fee prior to the grant of licence and shall pay the remainder of the fee in nine equal monthly instalments on or before the 7th of every month beginning from the second month of the currency of the licence:

Provided that any sums deposited by a successful bidder under (f) or (g) or (h) of sub-rule (6) shall be adjusted towards the first and, if need be, subsequent instalments of licence fee.

(10) A person whose bid is accepted shall take all requisite action to complete all formalities required for grant of a licence within seven days from the date of communication of acceptance of his bid and if he does not do so, all deposits made by him shall stand forfeited to the Government, and while the licence may be resold he shall not be entitled to any compensation.

### **31A. . :-**

The following procedure is prescribed for the grant of a licence in form L-1 on fixed fee.

I. The Excise Commissioner shall give at least 10 days' notice to invite applications for the grant of a licence in form L-I. This notice will also specify the date up to which the applications are to be submitted.

**1**

"II". The application, with its annexures shall be submitted as prescribed by the Excise Commissioner."

III. No application shall be entertained unless it is accompanied by:

(i) documentary evidence to the satisfaction of the Excise Commissioner that he is

(ii) a photostat copy of the registered partnership deed or articles and memorandum of association, as the case may be, of the distillery or distilleries or brewery or breweries referred to in sub-clause (i) above;

**2**

(iii)

(a) a letter of authority-agency in original from the distillery-brewery in prescribed Annexures "A".

(b) In the case of a distillery-brewery applying for the licence either itself or through its attorney a statement containing information in the prescribed Annexure-B.

(c) A sealed cover containing statement(s) of wholesale price at which each bottle(s) of foreign liquor of each brand and size is initially proposed to be sold by the applicant during the currency of such licence; in the prescribed proforma (Annexure "C").

(d) A sealed cover containing a statement(s) containing the details of different brands of foreign liquor and the wholesale price thereof during the previous licensing period(s) in so far as the applicant is concerned in the prescribed illustrative form (Annexure "D").

(iv) if the applicant is a sole proprietor, partnership firm, or a private limited Co. and did not hold any licence in form L-I, L-1A or L-9 during the previous licensing period, a certificate of solvency to the extent of Rs. two lakhs (Rs.2,00,000) signed by a Magistrate not below the rank of a Sub-Divisional Magistrate having jurisdiction over the place where prospective licence resides or, if a firm, has its registered Head Office;

(v) a clearance certificate issued by the Income Tax Officer who assesses the applicant;

(vi) a no-due certificate from the Collector of Excise, Delhi in respect of dues realisable from the applicant up to the last date of the month preceding the date of grant of licence, unless the applicant has been specially exempted from this requirement by the Lieutenant Governor, Delhi;

(vii) a no-due certificate from the appropriate assessing authority if the applicant is or is interested in the business of a dealer registered under the Delhi Sales Tax Act, 1975 in respect of dues realisable under the Sales Tax laws in force in Delhi upto the last date of the period preceding the date of the grant of licence for which such dealer has been assessed; Explanation For purpose of this sub-clause "person interested in the business of a dealer" includes every person interested in such business as a shareholder, member, director, partner of agent; and

(viii) a personal bond with surety bond in form as may be prescribed by the Collector of Excise.

IV. All the applications received, shall be subject to acceptance by the Lt. Governor, Delhi. He may reject or accept all or any application without assigning any reason.

1. Subs. vide Delhi Gazette (Extra) Part IV Dated 8.5.90.

2. Subs. vide Delhi Gazette (Extra) Part IV Dated 25.4.88.

### **32. . :-**

In case the licence is decided to be granted by tender, the following procedure shall be followed:

(1) Tender for the grant of licences shall be invited by the Excise Commissioner after giving not less than 10 days' notice specifying inter alia

(a) the conditions to which the tender will be subject;

(b) the number and situation of the shops to be licensed on the basis of tender where applicable;

**1**

"(c) In the case of licences in Form L-1A or L-9 the minimum and the maximum quantities of liquor required to be made available for sale either during the currency of 'the licences or during any

specified shorter period or periods."

(d) any other information which in the opinion of the Excise Commissioner may be of use to the intending bidders."

(2) No tender shall be considered unless the earnest money, as prescribed by the Excise Commissioner, has been deposited in a Government Treasury or State Bank of India in favour of the Excise Commissioner or Bank Draft or cash in currency notes is/are attached to each other.

(3) No tender shall be entertained from any person whose name is on the black list or who is otherwise debarred from holding such licences. <sup>2</sup>

(3A) Tenders may be invited for licence fees or, in the case of licensees in Form L-9 or L-I A, for rates or prices at which the licensee will supply liquor.

(4) A tender shall specify the whole annual licence fee and not the amount of the monthly instalment in which it is payable.

(5) A tender from a partnership or a firm shall contain the names of all the partners or the members of the firm, as the case may be. No such tender shall be entertained unless it is signed by all the partners or the members and is accompanied by an attested copy of the partnership deed/firm's constitution. Such attestation shall be by an Executive Magistrate or a Judicial Magistrate of the first class.

(6) The Excise Commissioner may, in his discretion, reject any tender where, in his opinion, the tenderer and/or any of his partners have formed a pool tending to create an undesirable monopoly of interest

(7) The Excise Commissioner is not bound to accept the highest tender or any tender at all. When the highest tender is not accepted, and a lower tender is proposed to be accepted, the Excise Commissioner shall record in writing his reasons therefor. No tender shall be accepted without the approval of the Lt. Governor.  
<sup>2</sup>

"(7A) If in the opinion of the Lieutenant Governor, it is necessary for the purpose of achieving uniformity in the rates, that negotiations may be made with the tenderers, he may for that purpose appoint an officer or a committee of officers to negotiate



with the tenderers, whose tenders are otherwise in orders. Officer and the Committee shall then negotiate with the tenderers in the ascending order of the tender rates but no tenders shall have a vested right to be called for such negotiation. The negotiations made by the officer or the committee of officers shall be subject to the final decision of the Lt. Governor."

(8) The deposits made by unsuccessful tenderers shall be refunded to them.

#### **4**

(9)

(i) Where tenders have been invited for licence fee, the successful tenderer

(ii) Any person whose tender is accepted, whether for licence fee or for rates, shall take all requisite action to complete all formalities required for grant of a licence within seven days from the date of communication of acceptance of his tender and if he does not do so, all deposits made by him shall stand forfeited to the Government and, while the licence may be retendered or granted in any other manner, he shall not be entitled to any compensation.

(10)

(i) If any person, whose tender has been accepted, fails to make the deposits of one-fourth of annual fee (plus an amount equal to six months estimated assessed fee in case of licence for foreign liquor) or if he refuses to accept the licence, the Excise Commissioner may call for fresh tenders, and any deficiency in fee arising as a result thereof together with all expenses incurred in inviting tenders shall be recoverable from the defaulting tenderer in the manner laid down in Section 60 of the Punjab Excise Act, 1914, as in force in the Union Territory of Delhi.

(ii) It shall also be lawful for the Excise Commissioner to forfeit the earnest money of the defaulting tenderer either in part or in full, deposited by the said tenderer.

#### **5**

(11) Where tenders have been invited for licence fee, a licensee shall, by the 7th of the month in which he begins his business under his licence and thereafter by the 7th of every subsequent month, pay in advance one-twelfth of the annual fee till the whole

fee is paid. The one-fourth advance paid under sub-rule (2) shall be adjusted at the close of the year. He may, however, at any time, pay the whole amount due, if he so wishes.

(12) Where tender money exceeds Rs. 1,00,000, it shall be a multiple of Rs. 5,000/- and for lesser amount it shall be a multiple of Rs. 500/-.

**4**

(13) Where tenders have been invited for licence fee, if the Excise Commissioner is of the opinion that no suitable tender is forthcoming, he shall, with the previous sanction of the Lt. Governor, resell the licence by auction.

**4**

(14) If it is not considered expedient to accept the highest or the lowest tender, as the case may be, the Excise Commissioner shall refer the matter to the Lt. Governor as to whether

(a) the licence be auctioned; or

(b) the shop to which the licence relates be closed either permanently or till a person willing to take it up at the minimum fee comes forward; or

(c) the vend in the shop to which the licence relates be carried on by a vendor who may be paid commission on sales.

(15) When a licence has been cancelled, the Collector may resell it by public

1. Subs. vide Delhi Gazette (Extra) Part IV Dated 26.2.85.

2. Ins. vide Delhi Gazette (Extra) Part IV Dated 18.4.80.

4. Subs. vide Delhi Gazette (Extra) Part IV Dated 18.4.80.

5. Subs. vide Delhi Gazette (Extra) Part IV Dated 18.4.80.

**32A. . :-**

If the licence fee for any licence is of an annual character, and the licence granted after the commencement of the financial year, the Lt. Governor may, if he is satisfied that the delay was not attributable to the licensee, remit the fees payable by a sum not exceeding the proportional amount for the period before the licence was granted."

**33. . :-**

General Conditions applying to all licences. Every licence under

these Rules shall be granted subject to the conditions set forth in this rule. <sup>1</sup>

(1) General: The licensee shall comply with the provisions of the Punjab Excise Act, 1914 as in force in the Union Territory of Delhi and observe all the rules made thereunder and the terms and conditions of his licence, and orders issued to him by Excise Officers from time to time; and shall for such observance give security in such amount as may be specified by the authority granting the licence in any of the forms described below or partly in one and partly in another; and in addition shall, if the authority granting the licence so requires, give a personal security bond with or without surety in such amount as may be required to the satisfaction of such authority.

	<b>Form of Security</b>	<b>Connditions</b>
<b>(i)</b>	Post Office Savings Bank Pass Books.	The licensee must have signed and delivered to the Post Master a letter in the prescribed form as required by the Post Office Savings Bank Rules.
<b>(ii)</b>	Deposit receipts of any Scheduled Bank.	The deposit receipts shall be made in the name of the licensee but pledged to the President of India. The Bank shall agree that on receiving a signed treasury challan and withdrawal order duly signed by the licensing authority or such authority as may be authorised by him for the purpose, the Bank will at once remit the amount in full or in part, as may be specified in the order, into the treasury and send the receipted challan to the said authority.
<b>(iii)</b>	Cash	Cash will be deposited in the Treasury as a Revenue Deposit

2

"(1A) No retail vend of country liquor or Foreign liquor for consumption "off the premises shall be located within 75 meters from the following, namely:

- (i) Any industrial estate or other major construction site.
- (ii) Major educational institutions;
- (iii) Religious places;
- (iv) Hospitals; and

(v) Colonies of labourers and harijans.

(2) Conditions dealing with licensed premises. The licensee shall not carry on any business connected with his licence, or store any liquor to be sold or otherwise deal with under his licence, except in the premises specified in his licence, hereinafter, called the 'Licensed Premises'. The Collector may, however, with the previous sanction of the Excise Commissioner, grant in an exceptional case a permit under section 24(3) of the Punjab Excise Act to store a quantity of liquor exceeding the limit of retail sale, at a place other than the licensed premises. This permission shall be granted on payment of an extra fee of Rs. 500/- per mensem and only in cases where it is impossible and impracticable to carry to and stock in the licensed premises hogs-heads of beer or large consignment of liquor. Before the grant of the permit, the Collector shall satisfy himself that the proposed place is adequately guarded and that there is no means of access to it by the public.

3

"(2A) The licensed premises shall be established and maintained by the licensee at his own cost."

4

(3) No premises licensed for sale and storage of liquor or spirits shall be used for any other business. Persons/institutions holding more than one licence must have separate premises for their business. A separate amount must be maintained for sale conducted under the liquor licence.

(4) If a licensee holds a licence in form L-S in conjunction with a licence in form L-3, he shall not, in pursuance of the licence in form L-3, sell any liquor after the hours fixed as the closing hours for the licence in form L-S in any part of the licensed premises to which persons not residents in the hotel are admitted or in any room or bar adjoining or opening into any room to which persons not residents in the hotel are admitted.

(5) Licensed premises shall be premises owned or leased by the licensee, provided that where local conditions render it necessary, sites for liquor shops may be leased or bought for government under the special orders of

(6) Where premises have been specially provided by government for any shop, the licensee shall be bound to carry on his business in

those premises, and to pay to government, in addition to his licence fee, such rent for the premises as may be fixed by the Collector.

(7) In the case of dining car licence, the licensed premises are every dining car authorised by the railway administration and any other premises licensed for the purpose of storage only.

(8) The licensed premises should be a pucca building in a commercial complex recognized as such by the local bodies including DDA/MCD/NDMC etc. with adequate storages facilities and proper electrical fittings. The licensed premises should be duly insured against fire and other natural hazards. The licensee shall keep the premises thoroughly clean and dry shall comply with the orders issued by the Collector of Excise for the removal of defects in the buildings.

5

"(8A) In the case of country liquor and foreign liquor vendes the licensed premises shall be used exclusively for the storage and sale of liquor as licensed and no other business shall be transacted in or from such premises."

(9) The licensee shall maintain conspicuously, above the main outer door of the licensed premises, a sign board exhibiting in conspicuous painted letters, his name and the class of licence held by him. The information shall be in Urdu and Hindi or Gurumukhi for country liquor and in English and Hindi/Urdu for foreign liquor licences.

(10) Except during the licensed hours, the licensee shall permit no person except employees or members of his family to enter or remain on the licensed premises.

(11) Pictures and photographs of prominent national leaders, freedom fighters, saints, gods and goddesses shall not be exhibited on any premises licensed in Delhi under the Punjab Excise Act, 1914, as in force in the Union Territory of Delhi.

(12) Conditions dealing with licensed hours.

(a) No licensee shall sell liquor on days that are notified as 'dry days' by the Excise Commissioner with the previous approval of Lt. Governor from time to time:

Provided that this restriction shall not apply to the service by the

holder of a licence in form L-3 of liquor to a resident in his room;

Provided further that the Excise Commissioner, with the previous approval of the Lt. Governor, may

(i) delete any day from or add any day to the list of dry days notified under his clause;

(ii) permit consumption of any liquor on any licensed premises on any dry day.

Provided also that the maximum number of dry days to be declared during the period of vaility of any licence for the wholesale or retail vend of foreign liquor or country liquor shall be specified by the Excise Commissioner with the previous approval of the Lieutenant Governor in the terms and conditions for the grant of such licences.

(b) No licensee shall be entitled to any compensation on account of any addition to the list of dry days in accordance with clause (i) of the second proviso to clause (a).

**6**

"(12A) The business premises of a licennsee shall be kept closed on all dry days.

Provided that the District Excise Officer may by order in writing permit a licensee to deposit stocks of liquor in his premises, or to open the premises for any work other than sale, on a dry day."

**3**

(13) The hours for the sale of liquor shall be such as may be specified in an order by the Excise Commissioner with the prior approval of the Lieutenant Governor and different hours may be specified for different categories of licences.

(14) Conditions relating to conduct of the business. The licensee shall not give to any customer any free dole of liquor, nor shall he give any customer any perquisite of 'dasturi' on the price of liquor sold.

(15) The licensee shall not receive any wearing apparel or other effects in barter for any intoxicant, the sale of which is covered by his licence.

(16) Any transaction of the nature of a gift or loan between the licensee and an excise officer is prohibited.

(17) The licensee shall not permit any professional entertainment or dancing, or the playing of musical instruments or singing by professionals, to be carried on his premises in such a way as to attract the general attention of his customers.

Exception: This condition shall not apply to a hotel or a restaurant or a club licensed under forms L-3, L-5 and L-19 except in so far it is imposed by the Collector by general or special orders.

8

(17A) The Commissioner may, after giving an opportunity to be heard, to the person licensed, to sell such liquor, fix the price or the maximum price of any liquor in wholesale or in retail or in both.

7

(17B) In fixing any price under sub-rule (17A), the Commissioner, for reasons to be recorded in writing, may increase or decrease the wholesale or retail prices existing at any time in the Union territory of Delhi after giving an opportunity to the applicant/licence of being heard.

3

(17C) Where the price of any liquor is fixed under sub-rule (17A), the licensee shall

(18) Every licensee shall, in respect of liquor sold by him, issue a cash memo and keep a counter-folio/duplicate copy thereof. Such cash memos shall be serially numbered, and bound in a book of hundred cash memos each and will be signed by the licensee or his duly authorised agent and shall show the name and address of the purchaser, the quantity and name of the article sold by him.

(19)

(a) Every licensee shall maintain the registers prescribed for the class of business carried on by him, and on the expiry of his licence shall make them over to the Collector or some other Excise Officer empowered by the latter in this behalf under a valid receipt. The licensee shall submit all prescribed returns punctually and maintain true accounts of transaction from day to day in ink. He shall enter all the figures in English numerals and other particulars in English, Hindi, Gurumukhi or Urdu characters unless the Collector, by special order noted on the licence, permits the use of other numerals or characters.

(b) The licensee shall maintain true accounts for day to day in ink entering all figures in international numerals and other particulars in English, Hindi, Gurmukhi or Urdu characters.

**8**

(c) If a licensee deals in liquor of more than one brand he shall maintain all accounts and submit all returns brandwise."

(20) The licensee shall not permit the resort to his licensed premises, of persons, whom there is a reason to believe to be habitual criminals; he shall prevent gaming and disorderly conduct therein and he shall give information to the nearest magistrate or police officer of the resort to his licensed premises of any person suspected of having committed an offence or habitually committing offences for which under the Criminal Procedure Code, warrant would ordinarily issue, and of every irregularity committed therein, tending to disturb the public peace; and he shall, at all times for police purposes, permit free access to the police to all parts of his licensed premises.

(21) The licensee shall, at any time, produce for inspection on demand of any Excise Officer of the first or second class, his licence and his accounts and shall allow the inspection of his registers, stock and premises by the said officer.

(22) The licensee shall maintain an inspection note-book with the pages numbered consecutively and hand it over on demand to any Excise Officer of the first or second class on a receipt being given therefor. Any punishment or warning incurred by the licensee, without forfeiture or cancellation of his licence, shall be recorded in this book.

(23) The licensee shall furnish to the Collector, every year in the month of April, a list of the persons employed or proposed to be employed in his licensed business. The licensee shall not employ any person whose employment has been objected by the Collector.

(24) Conditions relating to the sale and storage of liquor.

(i) Liquor including Indian made foreign liquor imported into the Union Territory of Delhi for the purpose of wholesale vending can be stored in premises licensed by the

(a) No liquor shall be removed from the Bonded Warehouse without



payment of duty, if any, levied by the Lt. Governor, Delhi, under the Punjab Excise Act.

(b) All the licensees authorised to establish Bonded Warehouses for storage of Indian made foreign liquor shall be permitted to import liquor into the Union Territory of Delhi execution of a bond for payment of duty, if any, under the Punjab Excise Act.

(c) No licensee shall store in the Bonded Warehouse any class or brand of liquor other than that those permitted by the Commissioner of Excise, Delhi.

### **13**

"(ii) The licensee shall transport liquor to his licensed premises and store the same in his licennsed premises in such manner as the Excise Commissioner may by order specify and the Excise Commissioner may specify different kinds of packaging of bottles of liquor for different categories of liquor."

(25) The licensee shall not sell or keep on his licensed premises any chloralhydrate, butyl chloral hydrate or para aldehyde, any caramel, or colouring matter or any essence or material used for flavouring beverages or any rectified spirit.

(26) The licensee shall not, except under the orders of the Collector, or in accordance with the terms and conditions of his licence, compound, blend, colour, flavour or rectify and liquor sold by him or stored in his licensed premises.

(27) The licensee shall not alter or tamper with the labels and capsules on bottles containing liquor purchased by him for sale.

(28) The licensee shall not deteriorate, adulterate or dilute any liquor to be sold by him, or sell the same knowing it to have been deteriorated, adulterated or diluted, or stored or permit to be stored in his licensed permises any liquor in a deteriorated, adulterated or diluted state.

(29) No sale of liquor, whether wholesale or retail, shall be made by any measures other than standard stamped measures approved by the Collector. The standard measures shall be the proof-litre or bulk litre and the multiple, and the licensee shall keep such stamped standard fractional measures of proof or bulk litres as are available in the market and have been approved by the Collector.

(30) The licensee shall not allow any person to conduct sales on his

behalf, unless the name of such person has been previously submitted to the Collector for approval and endorsed by him on the licence.

Exception: This condition does not apply to (1) the licensee of an hotel, restaurant, bar, (2) a chemist or druggist holding a licence in form L-8, or (3) licence for retail sale of denatured spirit.

(31) Subject to the provisions of these rules, every licensee shall, in respect of any article which he is licensed to sell, meet the demand of every customer entitled to be served, who tenders payment for what is required by him, and the licensee shall maintain a sufficient stock of all articles in which he is licensed to deal, to meet the probable demand. This rule does not compel a licensee to

(32) The licensee shall not sell liquor except at the following strength and subject to the following conditions: **14**

"(a) If a licensee for the sale of country liquor

(i) he shall not sell liquor bottled otherwise than in accordance with the rules for bottling liquor contained in these rules;

(ii) he shall not sell country liquor except at the strength, if any, as may be specified by order by the Excise Commissioner."

(b) If a licensee for the sale of foreign liquor

(i) he shall not sell imported foreign liquor of less strength than 25 degrees under proof in the case of brandy, whisky or rum or of a liquor intended to pass as brandy, whisky or rum or of a strength less than 35 degrees under proof in the case of gin or of spirit intended to pass as gin;

Provided that the minimum strength of 25 degrees under proof will not be enforced in case of wines.

(ii) he shall not sell Indian Made Foreign Liquor of any strength except 25 degrees under proof in the case of whisky, brandy or rum or liquor intended to pass as whisky, brandy or rum or of a strength less than 35 degrees under proof in the case of Gin or Vodka or of liquor intended to pass as gin and vodka; **15**"(ii-a) he may be permitted to sell beer of alcoholic strength upto 5% V/V and extra strong beer with alcoholic strength of above 5% V/V upto 8.25% V/V/."

(iii) except as otherwise permitted by the Excise Commissioner, every bottle of imported foreign liquor purporting in the opinion of the Collector to contain 750 mililitres, 375 mililitres or 180 mililitres and in the possession of or sold by a licensee shall, if it contains less than 750 mililitres, 375 mililitres, or 180 mililitres of liquor in respective type of bottles, bear a label showing in conspicuous letters and figures the minimum guaranteed quantity of fixed contents,

(iv) he shall not sell Indian Made Foreign Liquor in bottles unless the bottles are of the following sizes:

(a) bottles of the capacity of 750 mililitres.

(b) bottles of the capacity of 375 mililitres.

(c) bottles of the capacity of 180 mililitres.

(v) He shall not sell beer unless the bottles are of the following sizes:

(a) bottles of the capacity of 650 mililitres.

(b) bottles of the capacity of 325 mililitres.

(vi) Notwithstanding anything contained in sub-clause (iv) above, the bottles of the capacities of  $26\frac{2}{3}$ ,  $13\frac{1}{3}$  and  $6\frac{2}{2}$  ozs. shall also remain in use (if these are filled up to the capacity of 750 mililitres, 375 mililitres and 189.25 mililitres respectively distinctly shown on

## **16**

(C) The licensee shall not store for sale or sell any liquor which does not conform to the specifications required in an order made by the Excise Commissioner with the previous 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.

(d) The permissible variation in the liquor contents of any bottle of liquor shall be plus or minus 7ml, plus or minus 4 ml. or plus 2 ml. respectively in case of 750 ml. 375 ml. and 180 ml. bottles."

(33) If any person who has held a licence under these Rules, have in his possession on the expiry on determination or from any other cause of his licence any intoxicant, he shall take action for its

disposal in the following manner:

(a) He shall submit forthwith to the Collector the list of such intoxicants indicating therein the sale price of each brand. The Collector may allow him time not exceeding 15 days for the disposal of such stocks to the existing licencees. **12**

"Provided that if duty has not been paid on such stocks and the purchaser does not hold a licence permitting him to possess them in bond, the duty on such stocks at the rates in force on the date of sale shall be recovered from the purchaser before he asks possession of them."

(b) In case the licensee is unable to dispose of such stocks, in part or in full, within the stipulated time, he shall immediately surrender the same to the Collector alongwith a list mentioning the quantity and brand of the undisposed stock. He shall also intimate to the Collector the price at which each brand, so surrendered, shall be sold. It shall be open to the licensee to reduce subsequently the sale price earlier intimated by him. If no sale price is intimated to the Collector at the time of the surrendering the stocks, it is lawful for the Collector to dispose of such stocks to the existing licensees by auction.

(c) The Collector shall arrange to dispose of the surrendered stocks at the price intimated by the outgoing licensee. Whenever such price is reduced by the out-going licensee, the Collector shall dispose of the remaining stocks at such reduced prices, as may be intimated to him by the former licensee from time to time. In case the stocks remain unsold for a period of 2 months from the date of the determination of the licence, it shall be lawful for the Collector to destroy these stocks after obtaining the approval of the Excise Commissioner. No compensation will be payable for such destruction to the outgoing licensee. No refund of duty shall also be allowed on stocks of liquor which ultimately remain unsold and are destroyed. • **18**

"Provided that if duty has not been paid on such stocks, the Collector shall not order their destruction but may require in writing any person holding a licence to acquire the stocks, or any part of them, by purchase from the former licence within six weeks of

(d) Where the surrendered stocks are disposed of by the Collector in the manner aforesaid, he shall refund to the outgoing licensee

the sale price of these stocks after deducting the expenditure incurred on arranging the disposal of such stocks.

(e) In case the out-going licensee is unable to dispose of the stocks within the period allowed by the Collector as stated above and also fails to surrender the same to the Collector after the expiry of the aforesaid period, the possession thereof shall be illegal and unauthorised. Such stocks shall be immediately seized and prosecution will be launched for such unauthorised possession.

(f) If any person who has held a licence under these rules has in his possession any intoxicant on which duty had not been paid and such person holds a licence permitting him to hold them in bond, he shall be liable to pay duty on such stocks from the date of commencement of his current licence at the rates in force on that date:

Provided that the licensee shall not be liable to pay interest or any penalty for delayed payment on such duty for a period of one month from the date of commencement.

(34) When a sole licensee dies and the Collector does not continue the licence to the representative of the licensee or other person for the remainder of the period on the same condition, the following rules shall apply:

(i) Licences disposed of by auction. If a licensee dies after paying his initial deposit of 1/4th of the total bid, and any other instalments that may have become due, his estate shall forfeit the sum paid, including any instalment due and paid before the date of his death; but his estate shall not be liable for any other payment. If on the date of his death, the last date allowed for the payment of any instalment had expired, and the instalment had not been paid, his estate shall be liable for the payment of such instalment or instalments, whether the payment of these had been suspended by competent authority or not

(ii) If before his death, the licensee had paid any instalment, the last date for the payment of which was more than one calendar month after the date of his death, his estate shall be entitled to a refund of any such instalment.

(iii) In the event of a loss on resale, the estate of the deceased shall only be liable to the extent laid down above.

(iv) In the event of a gain on resale, the estate of the deceased shall not be entitled to any refund, save as laid down above.

(i) Licences disposed of otherwise than by auction. If the fees are payable in a single payment, the estate of the deceased shall not be entitled to any refund and if payment has not been made, the estate shall be liable for the payment of the fee.

(ii) If the fee is payable in instalments, the estate shall be entitled to a refund of any sums remaining out of the instalments paid, after deducting onetwelfth of the total fee assessed for the year, for each month of the year, during which the licensee was alive, e.g. if a licence had to pay Rs. 1200/- for the whole year, pays Rs. 600/- in April and dies on June 5th, his estate will be entitled to a refund of Rs. 300/-

(iii) If the licensee dies before he has paid any instalment, his estate shall only be liable to the extent laid down above.

(35) If a licence becomes liable to cancellation under Act for the time being in force or these Rules, the competent authority authorised in this behalf may either (i) cancel the licence and make such arrangements as he may think fit for carrying on the business for which the licence was granted, and any fee paid or deposit made in respect thereof shall be forfeited to Government, but if any loss has to be made good, the deposit shall be taken into account in calculating the amount of that loss; or (ii) permit the licensee to retain the licence on payment of such further fee as he may see fit to accept.

(36) On the revocation, cancellation or determination of any licence, the licensee or his representative shall cease to carry on his business under it, and shall return his licence to the Collector.

(37) Conditions relating to compensation. No compensation shall be paid to a licensee for any closure made under section 54 of the Punjab Excise Act, 1914, as in force in the Union Territory of Delhi, when a closure exceeds 24 hours.

(38) No compensation shall be paid to any licensee on account of opening of a new shop or the issue of any special licence during the currency of his licence.

(39) No compensation shall be due on account of any change during the currency of a licence in the conditions thereof, in the

rate at which customs or excise duty is charged on liquor or in any other matter connected with the excise administration and dealt with under powers conferred by Punjab Excise Act (I of 1914), as in force in the Union Territory of Delhi.

**19**

(39A) If the Collector is satisfied that any liquor manufactured in or imported in to Delhi was not as excisable article, being unfit for human consumption at the time of such manufacture or import, and that duty on such liquor has been paid thereon by the licensee, he shall order the refund of such duty.

**(40)**

(a) Excise Black List. Manner of blacklisting: Any licensee, tenderer, bidder, distiller, manufacturer or supplier whose products are sold in Delhi, may be black listed by the Collector for violation of provision of Punjab Excise Act, as extended to the Union Territory of Delhi and the rules framed thereunder or for malpractices or for any other reason whatsoever which may be considered detrimental to the interest of the Sate or public health. No such order shall be passed without giving reasonable opportunity to the person concerned.

(b) Any person, aggrieved by the order of the Collector, may appeal to the Excise Commissioner within 30 days of such order whose decision in the matter shall be final.

(c) Every six months, that is to say, on 1st March and 1st September, the Collector shall cause to be prepared and circulated to the Excise authorities of the adjoining States a list of the persons who have been placed on the Excise Black List.

(d) Any person whose name is mentioned in the black list shall be debarred from applying for or holding any excise licence within the Union Territory of Delhi for such period, not exceeding 5 years, as may be specifically indicated in the black listing order.

(e) Removal of name from black list: The Lt. Governor may remove the name of any person from the black list at any time.

**14**

(41) Without prejudice to any action that may be taken against him. Any licensee does not pay monys recoverable under Section 60 of the Act on the due date, for any reason whatsoever, shall be

liable to pay interest at the rate of 1.5 per cent per mensem from the due date of the date of payment of recovery.

1. Ins. vide Delhi Gazette (Extra) Part IV Dated 18.4.80.
2. Subs. vide Delhi Gazette (Extra) Part IV Dated 8.5.90.
3. Subs. vide Delhi Gazette (Extra) Part IV Dated 18.4.80.
4. Subs. vide Delhi Gazette (Extra) Part IV Dated 22.3.1978.
5. Ins. vide Delhi Gazette (Extra) Part IV Dated 18.4.80.
6. Ins. vide Delhi Gazette (Extra) Part IV Dated 18.4.80.
8. Sub. vide Delhi Gazette (Extra) Part IV Dated 25.4.88.
11. Cls. (b) and (c) ins. vide Delhi Gazette (Extra) Part IV Dated 18.4.80.
13. Subs. Delhi vide Delhi Gazette (Extra) Pan IV Dated 18.4.80.
14. Subs. Delhi vide Delhi Gazette (Extra) Part IV Dated 18.4.80.
15. Subs. vide Delhi Gazette (Extra) Part IV Dated 23.5.91.
16. Cls. (c) and (d) ins. vide Delhi Gazette (Extra) Part IV Dated 18.4.80.
18. Ins. vide Delhi Gazette (Extra) Part IV Dated 17.3.80.
19. Ins. Delhi Gazette (Extra) Part IV Dated 18.4.1980.

#### **34. Special Conditions :-**

**1**

(1) Licences in different forms prescribed in rule 1 shall, in addition to the conditions prescribed else where, be subject to the special conditions prescribed in this rule.

(2) A licence in form L-1 for the wholesale or retail vend of foreign liquor to the trade. **2**

(a) the licensee shall not sell liquor to any person other than holder of a licence in forms L-2, L-3, L-4, L-5, L-5A and L-19 in Delhi."

(b) The licensee shall not sell any liquor of any brand not approved of the Excise Commissioner and the Excise Commissioner shall be under no obligation to permit the sale of a brand by him.

(c) No licensee shall sell any brand of liquor of which he is not either the sole selling agent in Delhi or the manufacturer and if he sells any brand of which he is the manufacturer he shall not appoint any selling agent in Delhi for such brand.

(d) The amount of security other than personal security with surety which the licensee shall be required to give under sub-rule (1) of rule 33 shall not be less than **3**Rs. 1,00,000 (Rupees one lakh).

(e) Duty on all foreign liquor imported into the Union Territory of Delhi shall be payable by the licensee before grant of import passes



at such rates as may be notified under section 31 if the Act unless the liquor is to be kept after import in a warehouse established or licensed under Section 22 of the Act.

<sup>4</sup>(1) No licensee shall allow any discount/concession/rebate in any shape beyond what is permissible."

(3) A licence in form L-1 A for the wholesale vend of liquor other than country liquor to Government.

(a) The licensee shall sell liquor to Government only at such prices (exclusive of any duty and sales tax) as may be fixed by the Lieutenant Governor from time to time;

Provided that the prices once fixed by the Lieutenant Governor shall not be varied to the disadvantage of any licensee during the currency of the licence.

(b) The amount of security for observance of the terms of the licences which the licensee shall be required to give under sub-rule (1) of Rule 33 shall not be less than Rs. 3,000/.

(c) Unless the liquor is to be kept in warehouse established or licensed under

(4) A licence in form L-2 for retail sale of foreign liquor for consumption.

(a)

(i) The licensee shall not sell liquor to any person for consumption on the premises.

(ii) The licensee shall exhibit prominently in the licensed premises notices drawing the attention of the public to the provisions of rule 19 of the Delhi Liquor Import, Export, Transport and Possession Rules, 1976 and to the fact that consumption of liquor on the premises or in any public place is punishable under Section 68 of the Act with fine which may extend to Rs. 200.

(b) The licensee shall not sell liquor to any other L-2 licensee:

Provided that in case of licensees holding more than one L-2 or L-4 licence the transfer of stocks from one licensed premises to another shall not be construed as a sale.

(c) The licensee shall not sell any liquor of any brand not approved by the Excise Commissioner and the Government shall be

under no obligation to permit the sale of any brand of liquor

(d) The licensee shall display at a conspicuous place in the approved premises a list showing the retail price (exclusive of sales-tax) of each size of bottle of each brand of liquor on sale and the price or maximum price if any fixed by the Commissioner under the provisions of rule 33(17A).

(e) Assessed fees at such rates as may be prescribed and duty unless such duty has been paid by the wholesaler, shall be payable by the licensee before grant of a transport pass for any liquor purchased by him.

## **5**

"(f) No licensee shall claim any discount/concession/rebate in any shape beyond what is permissible.";

(5) A license in form L-3 for service of liquor in a Hotel to the resident in their room.

(a) No liquor shall be served by the licensee to any person except to the order of a genuine resident

(b) No liquor shall be served by the licensee at any place other than the room in which the person ordering it resides for the time being.

(c) The licensee shall possess a certificate of recommendation from the Department of Tourism of the Central Government.

**6**"(d) No licensee shall purchase any liquor from any person other than a person holding a licence in form L-1 without the permission of the Commissioner." **7**

"(e) Special duty, unless such duty has been paid by the wholesale, shall be payable by the Licensee before grant of transport pass for any liquor purchased by him."

## **6**

"(6) A licence in form L-4 for service of beer 4(alcoholic strength not exceeding 8.25% V/V) and wine for consumption on the premises. (a) the licensee shall not store or serve any liquor other than beer 4(alcoholic strength not exceeding 8.25% V/V) and wine;

(b) the licensee shall not serve beer or/and wine at a premises other than the one specified and endorsed on the licence;

(c) the licensee shall not store beer or/and wine at any place other than the storeroom and bar specified and endorsed on his licence;

(d) the licensee shall serve beer or/wine only in open bottles or in glasses;

(e) no licensee shall purchase any beer (alcoholic strength not exceeding 8.25% V/V or/and wine from any person other than one holding a licence in form L-1, without the permission of the Excise Commissioner;

(f) the licensee shall possess a certificate of approval in respect of the restaurant from the department of Tourism of the Central Government;

(g) before the grant of the licence, the applicant shall submit the following documents:

(i) a site plan indicating the store-room, area for the Bar and the area for the service of wine and beer;

(ii) approval of the restaurant from the Department of Tourism of the Central Government;

(iii) Certificate of registration under the Shops and Establishments Act;

(iv) Registration certificate of the Sales Tax Department, if any;

(7) A licence in Form L-5 for service of foreign liquor in a bar attached to a hotel.

(a) The licensee shall not sell serve any foreign liquor at any premises of his hotel other than the premises of the bar and restaurants, if any specified and endorsed on his licence.

(b) The licensee shall not store any foreign liquor at any premises other than the store-room and bar specified and endorsed of his licence.

(c) The licensee shall serve beer or wine only in open bottles or in glasses and any other foreign liquor only in glass.

Provided that on serving in a glass of any foreign liquor other than beer or wine shall not be less than 30 mls. before the addition of any other liquid.

"(d) No licensee shall purchase any liquor from any person other than person holding a licence in Form L-1 without the permission of the Commissioner." There shall be seating arrangements in the restaurant for the customers.

**10**

(f) "special duty, unless such duty has been paid by the wholesaler, shall be payable by the Licensee before grant of transport pass for any liquor purchased by him."

**11**

(7A). Licence in Form L-5A for service of foreign liquor in a bar/dining car in a luxury train.:

1. The licensee shall be ITDC or a State Tourism Development Corporation or their Units.
2. The licensee shall not serve foreign liquor at any premises other than the premises of bar or dining car specified or endorsed in the licence.
3. The licensee shall not serve any foreign liquor at any premises of the train except the premises of the bar or dining car specified and endorsed in the licence.
4. The licensee shall serve Beer or Wine only in open bottles or glasses and only other foreign liquor only in glasses.
5. The licensee shall only serve foreign liquor for consumption (consumption) on the premises to bonafide passengers boarding the train.
6. The licensee shall not serve foreign liquor to persons employed in railway service on train.
7. The licensee shall be required to take licence for service of foreign liquor from the excise authorities of those States through which the train passes.
8. The licensee shall not purchase liquor from any person other than person holding in Form L-1 in Delhi without the permission of the Excise Commissioner.
9. The licensee shall pay in advance the special duty and assessment fee before issue of transport pass in his favour for procuring liquor from L-I licence.

10. In the event of dismantling of bar in the train for any person whatsoever the licensee shall intimate the stock position of liquor to the Excise Commissioner and it may be disposed off in the manner as decided by the Excise Commissioner."

(8)

(i) A licence in form L-6 for the retail vend of foreign liquor up Duty free shops for 'on' consumption.

(a) The licensee shall only sell foreign liquor retail for consumption on the premises to bonafide passengers and other persons served with eatables there, premises meaning within the limits of the railway station or airport.

(b) The licensee shall not sell foreign liquor to person employed on railway or air services except under rules issued by the administration concerned.

(ii) A licence in form 6-A for the retail vend of foreign liquor in duty free shops for 'off' and consumption.

(a) The licensee shall only sell foreign liquor retail for consumption 'off' the premises to bonafide passengers going out of India, against Foreign Exchange.

(b) The licensee shall not sell foreign liquor to persons employed on railway or air services except under rules issued by the administration concerned.

(9) A licence in form L-7 for the vend of foreign liquor in military canteens to a contractor and in licensed premises approved by the competent military authority.

(a) The licensee shall not sell liquor, except such liquor as he may be permitted under his contract to sell.

(b) Notwithstanding anything in rule 33(2), the licensee shall establish separate places of vend without taking separate licences in cases where a portion of a unit is detached for training and other purposes or is left behind.

(c) The licensee shall not sell liquor of any description to persons other than those attached to the regiment for which his licence is granted or duly authorised by the competent military authority to use such canteens.

(d) Notwithstanding anything in rule 33(28), the licensee shall store and sell spirit diluted with mineral water with the permission of the competent military authority.

(10) A licence in form L-8 permitting sale of Medicated wines.

(a) The licensee shall not sell under this licence any wine except the wines which are classified as medicated wines and assessed under item 22(5)(b) of the Indian Customs Tariff Act, provided they do not contain more than 42 per cent of proof spirit

(b) The licensee shall not sell any article covered by his licence except for medicinal purpose.

(c) The licensee shall not sell to any person at any one time any article covered by his licence in greater quantity than two imperial gallons of twelve quart bottles, provided that sales in larger quantities may be made to persons holding a chemist's licence and to Government and charitable dispensaries.

(d) Except upon the order of a qualified medical practitioner, the licensee shall not knowingly sell supply and article covered by his licence for consumption by a minor or person of unsound mind.

(11) A licence in form L-9 for the wholesale vend of country liquor.

(a) The licensee shall not sell any country liquor to any person other than the <sup>12</sup>"holder of L-10 licence".

(b) The Lt. Governor may fix the wholesale price (exclusive of duty and sales tax) of country liquor and may fix different prices for different types of country liquor:

Provided that having once fixed the price the Lt. Governor shall not vary it to the disadvantage of the licensee during the currency of his licence and that he shall not vary the price if licences have been granted on the basis of prices quoted in competitive tenders.

(c) The amount of security for the observance of the terms of licence which the licensee shall be required to give for purposes of sub-rule (1) of rule 33 of these rules shall not be less than Rs. 2,00,000.

(d) Duty on all country liquor imported into the Union Territory of delhi shall be payable by the licensee before grant of import passes at such rates as may be notified under section 31 of the Act, unless the liquor is to be kept after import in a warehouse established or

licensed under section 22 of the Act.

(e) The licensee shall in addition to any quantities which he may be required to make available for sale under clause (i) always keep in his licensed premises such minimum stock as may be laid down from time to time by the Collector of Excise.

(f) The licensee shall in addition to any quantities which he may be required to make available for sale under clause (i) always keep in his licensed premises such minimum stock as may be laid down from time to time by the Collector of Excise.

(g) The licensee shall permit any excise officer not below the rank of an excise inspector to take samples from time to time from the stocks of country liquor available in the licensed premises. The Collector may order the destruction of such country liquor as he holds, after giving the licensee an opportunity to be heard, to be unfit, for human consumption.

(h) The licensee shall during the currency of his licence acquire and make available for sale such quantities of country liquor in different sizes of bottles in a year as may be required by an order of the Excise Commissioner and the Excise Commissioner or Government shall not be under any obligation to guarantee the sales of all the country liquor so required to be made available.

(j) The licensee shall make supplies as may be required in the terms and conditions under which licence is granted.

(k) Subject to the provisions contained in clauses (f) and (j) the licensee shall make available for sale in his licensed premises so much country liquor as can be manufactured out of absolute alcohol allocated to him by the Excise Commissioner and shall for this purpose take all necessary actions including action to obtain allocation orders from the Excise Commissioner and release orders from other Excise authorities.

(l) The licensee shall render a true and correct account of the quantities of absolute alcohol allocated and released to him, utilized by him, supplied by him in the form of country liquor and remaining in balance with him so as to reach the Collector on or

(12) Licence in form L-10 for the retail vend of country liquor for 'off consumption.

(i)

(a) The licensee shall, unless otherwise permitted by the Excise Commissioner in exceptional cases, get his requirement of country liquor (plain and ordinary (spiced) from a person licensed to sell country liquor by wholesale in Delhi.

(b) The licensee may, if no arrangement is made in Delhi, obtain his supplies of special spiced liquor upto 20 per cent of his sale of ordinary spiced and plain liquor from any distillery in Punjab, Harayana or U.P. approved for this purpose by the Excise Commissioner.

Provided that in the case of the import of country liquor in bulk, beyond the limits of the Union Territory of Delhi, the licensee shall not break bulk until the consignment has reached Delhi and has been compared by an Excise Inspector or Sub-Inspector with the pass which covers it.

(c) The licensee shall not sell or expose for sale country liquor in bottles of such shape or colour or bearing such figures, words or marks as are reasonably calculated to lead persons to believe that such liquor is other than country liquor,

(d) The licensee shall not sell more than one reputed quart bottle of liquor to any person at one time.

Provided that he may sell to any person at one time any quantity of country liquor covered by a pass issued by an authorised officer, provided that any sale made by a licensee under such a general or special pass shall be specially registered by him.

(e) The licensee shall prominently display in front of his shop, a signboard, showing in Urdu and Hindi, the retail price of each kind of liquor to be charged by him.

(f) The licensee shall sell country liquor at such rates as may, from time to time, be fixed by the Excise Commissioner and endorsed on the licence.

(g) The licensee shall not sell special liquor at a price lower than plain spirit or ordinary spiced liquor.

(h) No country liquor shall be sold for consumption "off the premises in a cantonment, except under a pass unless this condition is dispensed with by military authorities.

(i) The licensee shall maintain account of receipt and sale in form L-



26 and shall at the end of each month prepare and submit to the Excise Inspector a monthly true abstract of receipt and sales in form M-68.

(ii) The following special conditions apply to the licence in form L-10.

(a) The licensee shall sell plain and spiced country liquor only in sealed bottles.

(b) No alteration, addition or deletion in the names of partners shall be made except in accordance with rule 8 or 9 as the case may be. Any contravention of this condition may entail the cancellation of the licence, besides such penal action as may be deemed necessary.

(c) The licensee shall be bound to pay all Govt. dues in time.

(13) A licence in form L-11 for wholesale and retail sale of denatured spirit to public vends only:

(a)

(i) The possession limit of the licensee shall be fixed by the Excise Commissioner from time to time.

(ii) No licensee shall have in his/her possession at any time, denatured spirit in a quantity in excess of the prescribed possession limit without the prior special sanction of the Excise Commissioner. The Excise Commissioner may permit the possession of denatured spirit by a licensee upto 50,000 bulk litres. Permission to the licensee to possess more than 50,000 bulk litres of spirit at any one time shall be granted only with the previous sanction of the Lt. Governor.

(b) The licensee shall sell quantities more than 5 litres by wholesale only to persons holding a permit authorising them to purchase and possess denatured spirit in quantities more than 5 litres.

(c) The licensee shall sell denatured spirit at a price fixed by the Collector from time to time.

(d)

(i) The licensee shall, in particular, satisfy himself about the bonafide of the purchaser to ensure that the spirit is required for the genuine use and the purchaser is not a person of ill-repute or a

bootleggar or an agent of a bootleggar. In all cases where a person comes to purchase spirit repeatedly, the licensee shall be bound to inform the Collector.

(ii) The licensee before selling any denatured spirit by retail to any individual for private home consumption shall use all reasonable diligence to ascertain the quantity already in possession of the purchaser and shall not, at any time, sell to him more than 1.5 litres or such smaller quantity as together with what is or in good faith believe to be in the buyer's possession, will amount to 1.5 litres.

(iii) Likewise the licensee shall ensure that the denatured spirit to be sold to an educational and research institution or a furniture/polish dealer/private hospitals/dispensaries or Registered Medical Practitioners does not exceed 5 litres or such smaller quantity; as together with what is or in good faith he believes to be in buyer's possession, will amount to 5 litres. In all such cases the licensee shall obtain a written requisition in which inter alia the quantity already in possession of the applicant will be mentioned. Particulars of all such sales will be entered in a separate register and all such requisitions and the register shall be checked by the Inspector of the area. The sales in excess of the aforesaid quantity shall be made against the special permit issued by the Excise Department.

(e) The licensee shall keep an account of each and every transaction of receipt and sale of denatured spirit in a register in Form L-30A hereby prescribed in place of existing Form L-30 and shall submit such periodical returns, as may be prescribed by the Excise Commissioner.

(f) Unless otherwise permitted by the Collector, the licensee shall store all his stock of denatured spirit in the licensed premises. In case the Collector has permitted the storage of denatured spirit in a godown under rule 33(2), the licensee shall maintain an account of receipt and issue of denatured spirit at the godown separately in a register in form L-30B. The godown shall be used only for the storage of denatured spirit for issue to the shop (licensed premises). The sale of denatured spirit from the godown on any pretext is strictly prohibited.

(g) Transport of denatured spirit from licensed shop/premises to the godown and from godown to the shop shall be regulated on the

basis of the challan in form L-35A issued by the licensee himself or by his authorised agent.

(h) The licensee shall not sell denatured spirit of a less strength than 50 degrees over proof, nor shall he mix denatured spirit with any other spirit.

(i) The licensee shall not adulterate or dilute any denatured spirit to be sold by him or sell the same knowing it to have been adulterated or diluted or store or permit to be stored in his licensed premises or the licensed godown any denatured spirit in an adulterated or diluted state.

(j) The licensee shall keep denatured spirit in corked bottles or in a metal drum securely closed. All bottles, jars, drums or casks etc. containing denatured spirit shall bear a label printed in red and containing skull and cross bones with a warning "not to be taken internally" written in Urdu, English and Hindi. Before bringing any label into use, the licensee shall submit exact copies thereof in triplicate to the Collector who shall, after approval, forward one copy to the Lt. Governor.

(k) The licensee shall procure his supplies of denatured spirit by purchase from other vendors licensed to sell denatured spirit or by removal from licensed distilleries or warehouse licensed to store denatured spirit after obtaining permit/pass required under the rule applicable.

(l) The licensee shall allow any Excise Officer, not below the rank of Excise Sub-Inspector, to take samples of the denatured spirit imported or lying in storage with him free of cost, for the purpose of verification and analysis of the denaturants and contents of spirit thereof.

(m) The licensee shall comply with all directions/instructions issued by the Excise Commissioner from time to time.

(n) In the event of the enhancement of permit fee leviable on denatured spirit, the difference of permit fee shall be levied, on the balance of the stock, and the licensee shall pay such difference within 30 days of the date on which the enhanced rates come into force.

(o) The licensee shall maintain conspicuously above the main outer gate of the licensed premises, a signboard bearing his name and

the words licensed vendor of denatured spirit written in English, Urdu and Hindi. The board shall be of the size not less than 3 ft. x 1 ft., shall be painted in white with red letters. A board of similar size exhibiting in conspicuous printed letters, the name of the licensee and the words "approved godown, for storage, and not for sale of denatured spirit" written in English, Urdu and Hindi shall be fixed at the outer gate of the godown, if any, approved by the Collector.

(p) No denatured spirit shall be sold or removed from the licensed premises except in bottles, jars or drums or other receptacles securely closed unless they bear a prescribed label. The use of bottles, jars, drums and receptacles bearing the label of any other licensee for sale of denatured spirit is prohibited.

(q) The collector may, having regard to the cost of spirit incidental charges and permit fee payable, fix from time to time the sale price of denatured spirit. Every licensee shall display at a conspicuous part of the premises where he carries on his business in denatured spirit, the sale price so fixed by the Collector and the opening stock in such a manner as to be easily accessible for consultation by any customer visiting the premises.

(r) No licensee shall withhold from sale any demanded spirit kept for sale.

(s) No licensee shall obtain denatured spirit fraudulently in excess of the monthly or annual quota fixed, if any, for him by the Collector.

(t) In case the licensee wants to sell denatured spirit in bottles, he shall use only standard size bottle for the purpose. The capacity of the bottle shall be clearly indicated on the label affixed on the bottle itself.

(14) A licence in form L-12 for wholesale vend of denatured spirit to trade only:

(a) All the provisions of Sub-rule (13) laid down for a licence in Form L-11 except clauses (d) and (e) shall apply to this licensee and the licensee shall observe the same.

(b) The licensee shall sell denatured spirit only to a person holding a licence for sale of denatured spirit or to persons holding permits for purchase and possession of denatured spirit in privileged

quantities.

(c) The licensee shall sell denatured spirit in quantities more than 5 litres and every such sale shall be covered by a pass in form L-35 granted by the Collector or any other officer authorised to issue such passes.

(d) The licensee shall keep standard measures of one litre and five litres, approved by the Controller of Weights and Measures, Delhi Administration. Unless otherwise permitted, he shall cause all receptacles in which denatured spirit is kept, to be gauged, numbered giving their capacity and shall have dip rods prepared for such receptacles.

(e) Every drum or other vessel, containing denatured spirit received or kept for sale in the licensed premises or approved godown, shall be conspicuously labelled or branded with the words "Made and denatured at (name of the distillery)".

(f) The licensee shall maintain a correct account of each and every transaction of receipt and sale of denatured spirit in a register in form L-30 C. Such account and stock shall be produced immediately on demand for inspection by an Excise Officer not below the rank of Excise Sub-Inspector. He shall also produce, in support of his accounts of receipt, the export or transport passes and in respect of his accounts of issue, the bill/cash memos alongwith such transport passes. Such accounts and documents, unless surrendered to the District Excise Officer, shall be preserved for a period of not less than 2 years from the date of last entry in the account register.

(g) The licensee shall not sell any denatured spirit from the consignment received unless District Excise Officer gives him permission to do so after verifying the quality, quantity and strength of the denatured spirit. No such permission shall be given unless the denatured spirit is found on examination by the Chemical Examiner appointed by the Lt. Governor or such other officer as may be appointed by the Lt. Governor to contain specified quantity of denaturants.

(15) A licence in form L-15 for the retail vend of rectified spirit.

(a)

(i) The possession limit of the licensee shall be fixed by the Excise Commissioner from time to time.

(ii) No licensee shall have in his possession at any time rectified spirit in a quantity in excess of the prescribed possession limit without the prior special sanction of the Excise Commissioner. The Excise Commissioner may permit the possession of rectified spirit by a licensee upto 50,000 bulk litres. Permission to licensee to possess more than 50,000 bulk litres of spirit at any time shall be granted only with the previous sanction of Lt. Governor.

(iii) The licensee shall in particular satisfy himself about the bonafide of the purchaser to ensure that the spirit is required for the genuine use and the purchaser is not a person of ill-repute or bootleggar or an agent of a bootleggar. In all cases where a person comes to purchase spirit repeatedly, the licensee shall be bound to inform the Collector.

(b) The rectified spirit sold under this licence shall be of a strength not less than 43 degree over proof and shall include Absolute Alcohol.

(c) The licensee shall not reduce the strength of rectified spirit below that which is when he purchased it. The addition of water or any other substance to rectified spirit is strictly prohibited.

(d) The licensee may procure his supplies of rectified spirit/absolute alcohol by purchase from other vendors licensed to sell rectified spirit or by removal from any licensed warehouse for the storage of rectified spirit after obtaining permit/pass and on payment of Excise Duty at the prescribed rates.

(e) The licensee shall not sell rectified spirit except for bonafide medicinal, industrial and scientific purposes.

(f) Except with the sanction of the Collector the licensee shall not sell rectified spirit in any one transaction more than the quantity which the purchaser is permitted to possess at any one time.

(16) A licence in form L-16 for the wholesale vend of rectified spirit:

(a) All the provisions of the above clause (15) laid down for a licence in form L-15 shall apply to this licence.

(b) The licensee shall sell rectified spirit only to a person holding a licence for sale of rectified spirit or to person holding permit for purchase of alcohol in form L-42 B.

(c) The licensee shall sell rectified spirit/absolute alcohol in quantities more than 500 ml. only on the basis of a pass in the prescribed form.

(d) The licensee shall be bound to comply with such directions or instructions as may be issued by the Excise Commissioner from time to time.

(17) Licence in form L-19 for retail vend of foreign liquor at a club.

(a) The licensee shall be authorised to sell foreign liquor by retail for consumption at the club premises to its members only, but he shall not sell liquor to persons below 25 years of age even if they are members of the club.

(b) Sale of liquor shall be made in glasses or by open bottles only. Such bottles will, on no account, be removed by the members from the premises.

**13**"Provided that on occasion of guest-nights and with prior permission of Collector of Excise, on payment of prescribed fee, foreign liquor may be served to guests also;

Provided further that the occasion of guest-nights shall not exceed the maximum limit prescribed as under:

(a) Clubs having membership of 800 or less members 6 Guest-nights per month

(b) Clubs having membership of more than 300 members 8 Guest-nights per month

**14**

(c) "special duty, unless such duty has been paid by the wholesaler, shall be payable by the licensee before grant of transport pass for any liquor purchased by him."

(19) Licence in form L-20 for the retail vend of foreign liquor at a temporary place/hotel/restaurant/conference hall or any other place.

"(a) The liquor may be served on dry days in the premises licensed in form L-20 only to such foreigners and groups as may be sponsored by the Central Government and approved by an order of the Excise Commissioner.

Provided no such approval or sponsorship shall be necessary in the

case of service of liquor for the celebration of their respective national days by diplomatic missions, if such days happen to be on dry days."

**15**

(b) "L-20 licence shall be granted to licensed hotels for service of liquor on non- dry days to members of foreign diplomatic, cultural, trade delegations and members of Conference/Organization/Associations "and "holder of L-20 licence may be granted a permit, if applied for, by the Collector of Excise to purchase and possess foreign liquor from IMFL retail vends (L-2) on payment of vend fee, as prescribed, in advance."

(c) The licensee is authorized to sell foreign liquor by retail to the residents of hotel/delegates to the conference etc., with such restrictions as may be imposed by the Excise Commissioner at the time of grant of a licence.

(d) Sale of liquor shall be made in glasses or by open bottles. Such bottles on no

(e) The management of hotels may be required by the Excise Commissioner to Keep the surplus stock allowed for consumption under L-20 Licence in their safe custody pending disposal of the stock under orders of the Commissioner of Excise.

1. Subs. Delhi Gazette (Extra) Part IV Dated 18.4.1980.
2. Subs. vide Delhi Gazette (Extra) Part IV Dated 25.4.88.
3. Subs. Delhi Gazette (Extra) Part IV Dated 25.4.88.
4. Ins. vide Delhi Gazette (Extra) Part IV Dated 23.5.91.
5. Ins. vide Delhi Gazette (Extra) Part IV Dated 27.5.91.
6. Sub. Delhi Gazette (Extra) Part IV Dated 27.9.88.
7. Ins. Delhi Gazette (Extra) Part IV Dated 1.4.85.
9. Sub. vide Delhi Gazette (Extra) Part IV Dated 27.9.88.
10. Ins. Delhi Gazette (Extra) Part IV Dated 1.4.85.
11. Added vide Delhi Gazette (Extra) Pan IV Dated 20.1.86.
12. Sub. vide Delhi Gazette (Extra) Pan IV Dated 8.5.90
13. Subs. vide Delhi Gazette (Extra) Part IV Dated 23.5.91.
14. Ins. vide Delhi Gazette (Extra) Part IV Dated 1.4.85.
15. Subs. vide Delhi Gazette (Extra) Part IV Dated 20.9.83.

**35. . :-**

The bottles containing I.M.F.L., and Country Liquor as well as P.P. Seals and Capsules used hereon to be imported and/or sold in the Union Territory of Delhi shall lie of the following specification:

(a) Specification of bottles:



(i) Indian Made Foreign Liquor and country liquor shall be bottled in bottles of the following sizes: 1/8th of bottle of the capacity of 90-ml. in case of country liquor. Quart bottles of the capacity of 180 ml. Reputed pint bottles of the capacity of 375 ml. Reputed quart bottles of the capacity of 750 ml.

**1**

(ii) The bottles used for bottling country liquor for sale in Delhi shall be pucca glass bottles manufactured on fully automatic machines and, unless, otherwise required or permitted by the Excise Commissioner shall bear the following markings either embossed or engraved in such a manner as to be permanent and clearly visible, whether by sand-blasting or by any other process:

(A) Dilly Abkari (in Devanagari), or Delhi Excise (in English).

(B) Bonded Warehouse, Delhi.

(C) The name and registered monogram of the factory manufacturing the bottles and shall not bear any other visible markingd.

**1**

(iii) The bottles used for bottling country liquor shall be transparent and uncoloured and shall be of such shape as may be specifically approved by the Excise Commissioner.

**3**

(b) Capsules or seals to be used on bottles of Indian made foreign liquor and country liquor: All bottles containing Indian Made Foreign Liquor or country liquor shall, unless otherwise required by the Excise Commissioner, be securely sealed with pilfer proof seals in such a way as to make it impossible to remove the seal without its being cut or broken." Hi Lables to be used on the bottles of Indian Made Foreign Liquor and Country liquor:

(i) Lable or lables, affixed to the bottles containing IMFL and country liquor shall not show any announcement that the liquor has been distilled at any particular distillery nor shall any such announcement be made on the capsule or paper wrapper of the bottle.

(ii) The name of the licensed bottler and the place of bottling must appear in full in English on all the labels.

(iii) Labels on the bottles containing the country liquor shall not bear the word "Old" or "Special" or "Rum".

(iv) All labels required to be used on bottle of spiced liquor shall bear the words "missalader" in Hindi and Urdu/Gurmukhi characters and the words "Spiced liquor" in English.

(v) No label shall be allowed if the design is of an objectionable nature or conveys the impression that the lable is intended to be imitation of labels used on imported liquor or in the case of country liquor in imitation of Indian Made Foreign Liquor.

(vi) Labels must be affixed to the bottles as to be easily distinguishable. No label shall be pasted over the words "750 ml." or "180 ml." moulded on the bottles.

## **1**

(vii) On labels on each bottles of Indian Made Foreign Liquor and country liquor sold by the licensee shall bear the following particulars:

(A) Serial No.

(B) Batch No.

(C) Date of bottling.

## **2**

"Monocartons shall also be required to bear the above particulars where the bottles are supplied in monocartons."

(D) A phrase "for sale in Delhi only".

(E) A warning in bold letters in Hindi, Urdu and English to the effect that, 'Consumption of Liquor is Injurious to Health'.

(F) The words "Bonded Liquor".

(G) Retail Price.

Provided that as respects things done, proposed to be done before such repeal and every licence or permit granted under such rules, in so far as they are not inconsistent with the provisions of these Rules shall have the same force and effect as if they had been respectively done or granted under these Rules and by the authority empowered in that behalf.

1. Subs. Delhi Gazette (Extra) Part IV Dated 18.4.80.
3. Ins. vide Delhi Gazette (Extra) Part IV Dated 24.4.80.