

DELHI LIQUOR PERMIT AND PASS RULES,1936

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1. . :-

All passes and permits granted to cover the import, export or transport of liquor shall be subject to the conditions

(a) that bulk shall not be broken in transit;

(b) deleted.

(c) that copies of the passes shall be sent to the Excise Inspector of the district of destination;

(d) that in case of import of country spirit, no consignment shall be brought into use until it has been examined by the Excise Inspector or Sub-Inspector, to whom intimation of arrival of the consignment shall be given. Such examination shall be conducted within seven days of the receipt of intimation;

(e) that all medicinal and other preparations containing spirit, other than denatured spirit, imported into the Union Territory of Delhi shall be open to inspection by Delhi Excise staff and that the importing firm shall keep a regular account of the receipt and sale of such preparation in form L-47; (ee) deleted.

2. . :-

(1) Any person or a licensed vendor importing, exporting or transporting foreign spirit, country spirit, rectified spirit, (xxxx) denatured spirit shall obtain

(a) a permit from the officer authorised to grant such permit in the district of destination; and

(b) a pass from the officer authorised to grant such passes in the Union Territory of Delhi or in the district of issue.

Provided that a pass shall be sufficient to cover the transport of liquor to the premises in which the importer is either licensed to sell or/and to possess liquor in the Union Territory of Delhi.

(2) The export pass shall show in all cases the quantity and strength of liquor to be exported and that the duty at the rates prevailing at Delhi has been paid. No consignment thus imported shall be brought into use until it has been inspected by the Excise Inspector/Excise Sub-Inspector who shall sign the export pass in token of having done so.

(3) Immediately on receipt of the consignment, the importer shall send necessary intimation of its arrival to the Excise Inspector concerned, who shall conduct the inspection as soon as possible, but not later than 7 days of the receipt from the importer of advice of the consignment.

2A. . :-

Every person who imports medicinal or other preparation containing spirit (other than denatured spirit) from any State in India must obtain an export pass from the officer authorised to grant such passes at the place of issue. Such passes shall show in all cases the

spirit strength of the preparations to be exported and that the duty at the rate prevailing in Delhi has been paid. No consignment thus imported shall be brought into use, until it has been inspected by an Excise Officer, who shall sign the export pass in token of having done so. Such inspection shall be conducted within 7 days of the receipt from the importer of advice or arrival of the consignment.

2B. . :-

The procedure stated above will also apply to the export of medicinal and other preparations from Delhi to other states or Union Territory of India. Medicinal preparation containing spirit (other than denatured spirit) may be exported and transported from the premises of approved manufacturers under a pass in Form L-46.

2C. . :-

The following procedure shall be observed for the export-in-bond of medicinal preparations containing spirit (other than denatured spirit) from the premises of approved manufacturer to other States in India:

(a) Whenever an approved manufacturer in the Union Territory of Delhi licensed under the Punjab Excise Act, as extended to the Union Territory of Delhi, receives a requisition for the export-in-bond of such preparations to any other State in India. The person importing such preparations shall obtain and send to the approved manufacturers an import-in-bond permit signed by the Collector of the district of destination.

(b) Every consignment of medicinal and other preparations containing spirit (other than denatured spirit) shall be issued under an export-in-bond authority in form L-46 mutatis mutandis granted by Collector of Delhi.

Provided that no such authority shall be granted for the despatch of any consignment unless the approved manufacturer has executed and given a bond in form L-37 binding himself in respect of the consignment to be despatched to produce a certificate in form L-38 (mutatis mutandis) and binding himself to pay such duty in respect of any consignment despatched, as may be demanded from him in accordance with the following provisions.

(c) If such certificate is not produced within such time after the expiry of the period of currency of the pass in form L-46, as the Collector considers to be reasonable, the Collector shall recover

from the approved manufacturer duty at the rate for the time being fixed by the Lt. Governor under section 31 of the Punjab Excise Act.

(d) If such certificate is produced before or within a reasonable time after the expiry of the period of the currency of any pass, then

(i) if the certificate shows delivery of any consignment to have been made in full with no greater deficiency than the rate of wastage of half per cent per hundred miles, the Collector shall order that the bond in respect of such consignment has been discharged.

(ii) but, if the certificate shows a deficiency greater than that allowable according to the above scale in any vessel in the consignment, then, unless the said deficiency is satisfactorily explained, the Collector shall obtain the Lt. Governor's order as to the portion of the total deficiency which is to be charged with duty at a rate not less than that fixed for spirit in such preparations under section 31 of the Punjab Excise Act.

2D. . :-

In respect of permits granted for the import of denatured spirit which term also includes specially denatured spirit 2(xxx) into the Union Territory of Delhi, a fee of Rs.2/- per bulk litre shall be charged.

Provided

(i) that the Excise Commissioner may, 4with the prior approval of the Lt. Governor and subject to such conditions as he may deem necessary, exempt any denatured spirit imported into the Union Territory of Delhi for use in any of the specified alcohol based industry from the levy of permit fee;

1

(ii) that denatured spirit not meant for sale but for use of officers of Govt. in their official capacity and hospitals dispensaries run by Government, Statutory Corporation, Local Bodies and other hospital/dispensaries recognised under Medical Attendance Rules may be exempted by Excise Commissioner from payment of permit fee.

1. Substd. vide Notification No.6(i)y75-76/(P) Ex dated 10-3-1976.

2DD. . :-

Deleted.

3. . :-

(i) Any person importing, exporting or transporting foreign liquor must obtain a pass from the officer authorised to grant such passes in the place of issue. A pass in form L-35 shall be required for the transport of foreign liquor and of country liquor used only as samples within the Union Territory of Delhi.

(ii) "In respect of permits granted for the import of IMFL (excluding Beer and 50 degree U.P. Rum) to the holders of L-I Licence for the year 1989-90 and onwards, in the Union territory of Delhi, an import fee of Rs. 1.25/- per bulk litre shall be charged."

3A. . :-

Omitted

3B. . :-

Omitted

3C. . :-

4. . :-

" The Commissioner, Collector or any other Excise Officer may refuse to grant any pass or permit for any sufficient reason be recorded in writing and shall not grant any such pass or permit for any sufficient reason be recorded in writing if he has reason to believe that any applicant for such pass or permit has not on demand paid any dues demanded from him under this Act".

5. . :-

Subject to orders of the Excise Commissioner, if any, under the proviso to section 19 of the Act, passes for the import, export or transport of liquor and permit for possession of liquor under section 24 of the said Act may be granted by the Collector in any of the Forms specified in these Rules, and the Collector may delegate his powers to any Excise Officer subordinate to him."

Provided that permits for the import of country spirit from distilleries in Uttar Pradesh shall be granted with the previous sanction of the Lt. Governor.

6. . :-

No pass or permit shall be valid after the date of its expiry provided

that the Collector granting the permit or authority to authorise the despatch of any consignment under these rules may extend the period of the currency thereof, if extension is applied for owing to delay in transit of a consignment or for any other sufficient reason.

7. . :-

Every pass shall specify the number of each vessel, the seals on it and the quantity and strength of the liquor it contains.

8. . :-

When rectified spirit is imported or transported in bond to the licensed premises of an approved manufacturer, he shall obtain a permit in form L-32 from the Collector, Delhi.

9. . :-

No authority or permit shall be granted to authorise the despatch of any consignment under these Rules, unless the approved manufacturer in case of import or transport under Rule 8 above, has given and executed a bond in form L-37 binding himself in respect of the consignment to be despatched to produce a certificate in form L-38 and binding himself to any such duty in respect of any consignment despatched as may be demanded from him in accordance with the provisions of the rules given below.

10. . :-

If such certificate is not produced within a reasonable time after the expiry of the period of the currency of any pass, as noted thereon, the Collector, Delhi shall recover from the approved manufacturer at the rate for the time being fixed by the Lt. Governor, Delhi under section 31 of the Punjab Excise Act as applied to the Union Territory of Delhi, the duty which would in every circumstances have been levied on the spirit removed under the pass.

11. . :-

If such certificate is produced before or within a reasonable time after the expiry of the period of the currency of any pass, then:

(i) if the certificate shows delivery of any consignment to have occurred in full with no greater deficiency than that allowable according to the scale in sub- paragraph (iii) below, the Collector shall order that the bond in respect of such consignment has been discharged;

(ii) but if the certificate shows a deficiency greater than that allowable according to the said scale in any vessel in the

consignment, then unless the said deficiency is satisfactorily explained, the Collector shall obtain the Lt. Governor's orders as to the portion of the total deficiency which is to be charged with duty at a rate not less than that fixed for such under section 31 of the Punjab Excise Act, as applied to the Union Territory of Delhi;

(iii) the following shall be the scale of wastage allowance per cent for spirit conveyed in (a) wooden, (b) metallic vessels: (a) (b)

For journey taking not more than 2 days 2½

For a journey taking more than 2 days but not more than 9 days 3
1

For a journey taking more than 9 days but not more than 18 days
4 11/2

For a journey taking more than 18 days 5

Explanation: In calculating the time taken by a journey, day of receipt at the destination but not the day of despatch shall be included.

Provided that if in any case the temperature of the spirit on arrival at its destination is found to be lower than the temperature when despatched, a further allowance shall be made (if required to cover any wastage that has occurred) of .05 per cent for every degree fahrenheit of difference between the two temperatures.

12. . :-

The following rules apply to the import and transport of Indian made Foreign Liquor and Country Liquor required for the use of troops: Indian made foreign liquor and country liquor may be imported from any State in India for the use of troops provided that such spirit is not excised at a lower rate of duty than that prevailing in the Union Territory of Delhi and the import is covered by a permit in Form L-39 granted by the Collector or District Excise Officer, Delhi. In case of the Punjab, it will be necessary also to apply for a pass to the officer authorised to grant such pass if granted in accordance with the rules regulating the grant of such passes in the districts of the Punjab from which it is intended to import and such passes which may, from time to time, be in force in the Punjab shall be sufficient authority to cover the import of liquor into the Union Territory of Delhi and further transport of the spirits to their place of destination.

13. . :-

The Lt. Governor is pleased to prescribe the following forms and conditions for the exemption permits, referred to in Rule 14 of the Delhi Administration's notification No. 8060-Commerce dated the 3rd October, 1935.

(a) Deleted.

(b) Deleted.

(c) Deleted.

(d) A permit for the possession of denatured spirit granted to any chemist, varnish maker or other persons engaged in any business who require large quantities of denatured spirit for the purpose of his business shall be granted by the Collector in Form L-42A 2on payment of Rs. 1007-per annum. The grant of permits in form L-42A shall be restricted to the following persons:

(i) bonafide dealers in furniture, chemists, varnish makers or other persons engaged in any business who require large quantities of denatured spirit for purpose of their business;

(ii) manufactureres requiring denatured absolute alchohol/denatured spirit for in- dustril purpose duly recommended by the Director of Industries and Labour, Delhi.

(iii) medical and Educational Institutions recommended by the Superintendent of Medical Services, Director of Education, the Registrar of the University of Delhi, and

(iv) hospitals/dispensaries under the control of Government/Local authority. 'Persons holding permits under (i) and (ii) above shall pay supervision charges in the form of court-fee stamp of Rs. 2 for every 50 bulk litres or part thereof.

(dd) A permit for the possession of denatured spirit shall be granted to the following categories of consumers by Collector or authorised Excise Officer in Form F-34 upto the limit of 5 litres at one time:

(a) an educational and research institution.

(b) a furniture dealer, polished dealer or painter.

(c) a private hospital, dispensary or registered medical practitioner. Persons holding possession permits in Form F-34 shall not require

to pay the supervision charges in the form of court fee stamp and to obtain transport passes for obtaining supplies against possession permits.

(e) A permit for the possession of rectified spirit granted to any chemist, medical practitioner, scientific body, Superintendent of a main hospital, manufacturing chemist or to any local fund hospital, dispensary or educational institution which requires large quantities of rectified spirit shall be granted by the Collector in Form L-42B on payment of Rs. 50 per annum.

(f) ¹ (i) The Collector may, on payment of a fee of Rs. 1000/- per annum, grant a; permit for the possession of special denatured spirit in excess of the limit specified for retail sale, to any manufacturer of alcohol based industry for use in his business. Such permit shall be in the form L-42C and shall be issued only on execution of a bond in Form L-48 to secure the proper storage and use of such spirit. (ii) Persons holding such permit shall pay, unless specially exempted by the Excise Commissioner, supervision charges on the total quantity of industrial spirit consumed at the rate of "Rs. II- per 50 bulk litres or fraction thereof.

1. Substituted vide Delhi Admn. Notification No. Excise/Policy/75-76 dt. 31-3-75.

14. . :-

The following procedure shall be observed before a permit in form L-42B is granted by the Collector in the case of an educational institution:

(a) An application for rectified spirit required for use in research and teaching should be made by the governing body or the representative of the University college or other educational institution to the Lt. Governor through the Collector

(b) The Lt. Governor will communicate his decision to the Collector and if the application is sanctioned, will grant the permit in form L-42B in favour of the representative of the educational institution concerned.

(c) The spirit received at any one institution must only be used in the laboratories of that institution and must not be distributed for the use in the laboratory of any other institution or used for any other purpose than those authorised.

(d) On the arrival of the spirit at the institution, the District Excise

Inspector, in whose jurisdiction the premises are situated, should be informed and the vessels, casks, or packages, containing them are not to be opened until he is present to take account of the spirit.

(e) The stock of spirit in each institution must be kept under separate lock in a special compartment under the control of a permit holder.

(f) The spirit received may be distributed by the permit holder undiluted to any of the laboratories belonging to the same institution.

(g) No distribution of spirit may be made from the receiving laboratory to laboratories of other institutions.

(h) The quantity of spirit in stock at any one time must not exceed half the estimated quantity required in a year where that quantity amounts to 20 bulk litres or upwards.

15. :-

The following procedure shall be observed for the grant of a permit in form L- 2D to a Homoeopathic chemist or practitioner:

(i) An application for the possession of rectified spirit by a Homoeopathic chemist or practitioner shall be made in writing to the Collector of the district giving the following particulars

(a) Name and address of the applicant.

(b) The situation and correct plan of the building to be used. The plan shall be submitted in duplicate drawn to a scale or tracing cloth and shall show the spirit stores and the room to be used for the storage of finished preparations.

(c) The quantity of rectified spirit in imperial gallons likely to be possessed by the licensee at any one time.

(d) The maximum quantity of rectified spirit in imperial gallons required by the applicant in the financial year.

(e) The amount of the security which the applicant is prepared to furnish as a guarantee for the performance of the conditions of the permit and these rules.

(f) A list of the preparations which are to be manufactured.

(ii) The Collector shall, if he considers it desirable, forward the

application to the Excise Commissioner. He shall in particular specify the amount and nature of security which the applicant should be required to furnish,

(iii) If the application is accepted, the Excise Commissioner shall determine

(a) the quantity of rectified spirit in imperial gallons to be possessed at any time,

(b) the quantity of rectified spirit in imperial gallons to be obtained during the financial year,

(c) the nature and amount of the security to be furnished for the performance of the conditions of the permit and these rules, and

(d) the preparations to be manufactured by the applicant hereinafter referred to as the approved Homoeopathic chemist or practitioner.

(iv) The approved Homoeopathic chemist or practitioner should be granted a permit in form L-42D by the Collector for the possession of rectified spirit for the manufacture and sale of Homoeopathic medicines as approved by the] Excise Commissioner.

(v) The permit in L-42D shall be granted by the Collector for a period not exceeding one year and ending on the 31st March. It shall be renewed from year to year by the Collector, who may, however, on sufficient cause shown, refuse to renew it or at any time determine it.

(vi) Before the permit in form L-42D is granted the approved Homoeopathic chemist or practitioner shall execute a bond in form L-42E for such amount as may be specified by the Lt. Governor.

(vii) The approved Homoeopathic chemist or practitioner shall be required to maintain the accounts in form L-42F, G and H.

(viii) Before a permit in form L-42 is granted by the Collector to an approved Homoeopathic chemist or practitioner, he shall be required to submit with his application requisition form L-42-I.

(ix)

(a) A special permit in form L-42J may be granted to an approved Homoeopathic chemist or practitioner for the manufacture of original Homoeopathic tinctures. Such special permit shall be

granted, after proper enquiries to a bonafide and respectable Homoeopathic chemist or practitioner who possesses practical experience in this line.

(b) The procedure laid down in the above clauses for the grant of permit in form L-42D shall apply mutatis mutandis to the grant of a permit in forma L-42J.

(c) The specimen of forms L-42D, L-42E, L-42F, L-42G, L-42H, L-42I, and L-42J are appended hereafter.

15A. . :-

Deleted.

15AA. . :-

Deleted.