

## **KARNATAKA EXCISE (ISSUE OF DUPLICATE LICENCES AND PERMITS) RULES, 1967**

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## **KARNATAKA EXCISE (ISSUE OF DUPLICATE LICENCES AND PERMITS) RULES, 1967**

In exercise of the powers conferred by Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act No. 21 of 1966), the Government of Karnataka hereby makes the following rules, the draft of the same having been previously published as required by sub-section (1) of Section 71 of the said Act, in Notification GSR No. 408 in Part IV-2C(i) of the Karnataka Gazette Extraordinary, dated 13th September, 1967, namely:

### **1. Title, extent and commencement :-**

- (1) These rules may be called the Karnataka Excise (Issue of Duplicate Licences and Permits) Rules, 1967.
- (2) They shall extend to all the areas of the State of Karnataka where the Karnataka Excise Act, 1965, is in force.
- (3) They shall come into force at once.

### **2. Definitions :-**

In these rules, unless the context otherwise requires:

- (a) "Act" means, the Karnataka Excise Act, 1965;
- (b) "Licence" means, a licence granted under the Act or the rules;
- (c) "Permit" means, a permit granted under the Act or the rules, and includes an authorisation;
- (d) "Rules" means, rules framed under the Act and includes orders

and notifications issued under the Act;

(e) "Licensing Authority" means, the State Government or any other Officer who is empowered and who has issued the original licence or permit as the case may be.

### **3. Application for copy :-**

(1) When a licence, permit, or authorisation granted or issued under the Act or rules or orders made thereunder is lost, misplaced, destroyed, torn, defaced or otherwise becomes illegible, the holder of such licence, permit or authorisation may make an application to the Officer or authority who granted such licence, permit, or authorisation for the grant of a duplicate licence, permit or authorisation as the case may be.

(2) Such application shall be accompanied by an affidavit sworn by the applicant explaining the circumstances necessitating the request for a duplicate licence, permit or authorisation.

(3) When the application is made on the ground that the original licence, permit or authorisation is torn, defaced or has become illegible, such original document shall be enclosed to the application.

### **4. Grant of duplicate :-**

(1) On receipt of the application, affidavit and the enclosures, if any, referred to in Rule 3, the Licensing Authority may, after making such enquiries as he deems necessary, if he sees no objection, may grant the duplicate of the licence, permit or authorisation.

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

(3) The following fee shall be paid for the grant of a duplicate licence, permit or authorisation, namely:

(a) In cases where a fee is charged for grant of the licence, permit or authorisation an amount of five rupees or an amount equal to five per cent of the fee paid for the original licence, permit or authorisation, whichever is less.

(b) In cases where no fee is chargeable for the grant of the original licence, permit, or authorisation, a fee of one rupee.

## **5. Bond to be executed :-**

When the duplicate is applied for on the ground that the original licence, permit, or authorisation has been lost or misplaced, the licensee shall, before taking delivery of the duplicate licence, permit or authorisation execute a bond on a stamp paper of appropriate value mat he or she shall surrender the original lost or misplaced licence, permit, or authorisation if and when the same is found or recovered and that the applicant shall not before so surrendering make any use of the same.

## **6. Repeal and Savings :-**

All rules corresponding to the foregoing rules framed under any enactment repealed by Section 72 of the Act are hereby repealed:

Provided that the repeal shall not affect:

- (a) The previous operation of the rules so repealed or anything duly done or suffered thereunder, or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any rule so repealed, or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any rules so repealed, or
- (d) any investigation or legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if such rules had not been repealed:

Provided further that subject to the preceding proviso, anything done or any action taken (including any appointment or delegation made, notification, order, instructions or direction issued form, certificate obtained, permit or licence granted or registration effected under any such rules) shall be deemed to have been done or taken under the corresponding provisions of these rules and shall continue to be in force accordingly, unless and until superceded by anything done or any action taken under the Act or these rules as the case may be.