

Rajasthan Excise (Amendment) Rules, 2010

[03 February 2010]

CONTENTS

1. Short title and commencement
2. Amendment of rule 2
3. Amendment of rule 3
4. Amendment of rule 5
5. Amendment of rule 8
6. Amendment of rule 9
7. Amendment of rule 11
8. Amendment of rule 12
9. Amendment of rule 13
10. Amendment of rule 14
11. Amendment of rule 15
12. Amendment of rule 16
13. Amendment of rule 19
14. Amendment of rule 25
15. Amendment of rule 29
16. Amendment of rule 31
17. Amendment of rule 34
18. Amendment of rule 37
19. Amendment of rule 39
20. Amendment of rule 41
21. Amendment of Chapter IV - A
22. Amendment of rule 46A
23. Amendment of rule 46B
24. Amendment of rule 46C
25. Amendment of rule 46D
26. Amendment of rule 46E
27. Amendment of rule 57
28. Amendment of rule 63
29. Amendment of rule 67B
30. Amendment of rule 67D
31. Amendment of Rule 67E
32. Amendment of rule 67 I
33. Amendment of rule 67 J
34. Amendment of rule 67 K
35. Amendment of rule 67 KK
36. Amendment of rule 67 L
37. Amendment of rule 70
38. Amendment of rule 71
39. Amendment of rule 72 -B

- 40. Amendment of rule 73
- 41. Amendment of rule 74
- 42. Amendment of rule 77-A
- 43. Amendment of rule 77-C
- 44. Amendment of rule 80
- 45. Amendment of rule 81
- 46. Amendment of rule 85
- 47. Amendment of rule 86

Rajasthan Excise (Amendment) Rules, 2010

[03 February 2010]

In exercise of the powers conferred by section 41 of the Rajasthan Excise Act, 1950 (Act No. 11 of 1950), the State Government hereby makes the following rules further to amend the Rajasthan Excise Rules, 1956 and orders with reference to the proviso to sub-section (3) of the said section that previous publication of these amendment rules is dispensed with as the State Government considers that they should be brought into force at once, namely:

1. Short title and commencement :-

(1) These rules may be called the Rajasthan Excise (Amendment) Rules, 2010. (2) They shall come into force at once.

2. Amendment of rule 2 :-

In rule 2 of the Rajasthan Excise Rules, 1956; hereinafter referred to as the said rules: i. the existing provisions shall be numbered as sub-rule (1). ii. in sub-rule (1), so renumbered: (i) in clause (a) for the existing expression "the Act", the expression "Act" shall be substituted. (ii) after the existing clause (f) following new clause (g) shall be inserted, namely: "(g) "countervailing duty" means duty paid on import of excisable articles from out side the state;" (iii) the existing clause (g) appearing below the clause (g), so inserted, shall be renumbered as sub - rule (2). (iv) the existing clause (h) shall be deleted.

3. Amendment of rule 3 :-

In clause (c) of rule 3 of the said rules, for the existing expression "subject and for", the expression "subject, for" shall be substituted.

4. Amendment of rule 5 :-

In rule 5 of the said rules for the existing expression "State or District", the expression "State" shall be substituted.

5. Amendment of rule 8 :-

In rule 8 of the said rules, for the existing expression "prove" , the

expression "ascertain the strength of" shall be substituted.

6. Amendment of rule 9 :-

In clause (c) of rule 9 of the said rules, for the existing expression "subject and for", the expression "subject for" shall be substituted.

7. Amendment of rule 11 :-

In sub- rule (2) of rule 11 of the said rules: i. for the existing expression "One part", the expression "Original" shall be substituted. ii. for the existing expression "second part", the expression "duplicate" shall be substituted. iii. for the existing expression "third part", the expression "triplicate" shall be substituted. iv. for the existing expression "fourth part", the expression "quadruplicate" shall be substituted.

8. Amendment of rule 12 :-

In rule 12 of the said rules: i. in clause (c) the existing expression "and these particulars shall tally with the entries made in the pass" shall be deleted. ii. below clause (c) the expression "and these particulars shall tally with the entries made in the pass" shall be added.

9. Amendment of rule 13 :-

In the rule 13 of the said rules: i. for the existing expression "establishing sufficient cause", the expression "giving sufficient reasons" shall be substituted. ii. the existing expression "for sufficient reasons" appearing between the expressions exercised" and "form time to time" shall be deleted.

10. Amendment of rule 14 :-

In the sub- rule (1) of rule 14 of the said rules, for the existing expression "State of export", the expression "Exporting State" shall be substituted.

11. Amendment of rule 15 :-

The existing sub- rule (4) of the rule 15 of the said rules shall be deleted.

12. Amendment of rule 16 :-

In sub- rule (2) of rule 16 of the said rules, for the existing expression "country spirit", the expression "country liquor" shall be substituted.

13. Amendment of rule 19 :-

In rule 19 of the said rules: i. for the existing expression

"provision", the expression "provisions" shall be substituted. ii. for the existing expression "this", the expression "the" shall be substituted. iii. In clause (3) for the existing expression "state of export", the expression "exporting state" shall be substituted.

14. Amendment of rule 25 :-

In sub- rule (3) of rule 25 of the said rules: i. for the existing expression "One copy", the expression "Original copy" shall be substituted. ii. for the existing expression "second copy", the expression "duplicate copy" shall be substituted. iii. for the expression "State of export", the expression "exporting state" shall be substituted. iv. for the existing expression "third copy", the expression "triplicate copy" shall be substituted. v. for the existing expression "fourth copy", the expression "quadruplicate copy" shall be substituted.

15. Amendment of rule 29 :-

In sub - rule (1) of rule 29 of the said rules, for the existing expression "chemists or druggists", the expression "chemist or druggist" shall be substituted.

16. Amendment of rule 31 :-

In rule 31 of the said rules, for the existing marginal heading "Duty how paid", the marginal heading "Payment of duty" shall be substituted.

17. Amendment of rule 34 :-

In the note below sub- rule (2) of rule 34 of the said rules, for the existing expression "Usually, the ", the expression "The" shall be substituted.

18. Amendment of rule 37 :-

In sub- rule (1) of rule 37 of the said rules, for the existing expression, "bond have been" wherever occurring, the expression "bond has been" shall be substituted.

19. Amendment of rule 39 :-

In the sub- rule (1) of rule 39 of the said rules, for the existing expression "I.M.F.", the expression "Indian Made Foreign" shall be substituted.

20. Amendment of rule 41 :-

In sub- rule (1) of rule 41 of the said rules: i. for the existing expression "I.M.F", the expression "Indian Made Foreign" shall be substituted. ii. For the existing expression "He shall send one

copy", the expression "He shall send original copy" shall be substituted. iii. for the existing expression "one copy to the appropriate", the expression "duplicate copy to the appropriate" shall be substituted. iv. for the existing expression "one copy to consignee", the expression "triplicate copy to consignee" shall be substituted. v. for the existing expression "retain the fourth copy", the expression "retain the quadruplicate copy" shall be substituted.

21. Amendment of Chapter IV - A :-

In Chapter IV- A of the said rules: i. the existing title "Import", occurring above the rule 46A, shall be deleted. ii. the existing title "Export", occurring above the rule 46B , shall be deleted. iii. the existing title "Transport", occurring above the rule 46C, shall be deleted. iv. the existing title "Possession", occurring above the rule 46D, shall be deleted. v. the existing title "Sale", occurring above the rule 46E, shall be deleted.

22. Amendment of rule 46A :-

In rule 46A of the said rules: i. for the existing marginal heading "(i) By whom:" of sub- rule (i), the marginal heading "Procedure for import - (1)" shall be substituted. ii. the existing sub -rule (ii) shall be renumbered as sub- rule (2). iii. the existing marginal heading "Application for import" of sub - rule (2), so renumbered, shall be deleted. iv. the existing sub- rule (iii) shall be renumbered as sub- rule (3). v. the existing marginal heading "Issue of permit" of sub- rule (3), so renumbered, shall be deleted. vi. in sub- rule (3), so renumbered, for the existing expression "One copy", the expression "Original copy" shall be substituted. vii. In sub- rule (3), so renumbered, for the existing expression "second copy" the expression "duplicate copy" shall be substituted. viii. in sub- rule (3), so renumbered, for the existing expression "third shall", the expression "triplicate copy shall" shall be substituted. ix. in sub- rule (3), so renumbered, for the existing expression "fourth shall", the expression "quadruplicate copy shall" shall be substituted. x. the existing sub- rule (iv) shall be renumbered as sub- rule (4). xi. the existing marginal heading "Procedure on arrival" of sub- rule (4), so renumbered, shall be deleted. xii. the existing sub- rule (v) shall be renumbered as sub- rule (5). xiii. the existing marginal heading "Procedure at place of export" of sub- rule (5), so renumbered, shall be deleted.

23. Amendment of rule 46B :-

In rule 46B of the said rules- i. for the existing marginal heading "

(i) By whom" of sub- rule (i), the marginal heading "Procedure for export - (1)" shall be substituted. ii. the existing sub- rule (ii) shall be renumbered as sub- rule (2) iii. the existing marginal heading "Permit of Export" of sub- rule (2), so renumbered, shall be deleted. iv. the existing sub- rule (iii) shall be renumbered as sub- rule (3). v. the existing marginal heading "Application for pass" of sub- rule (3), so renumbered, shall be deleted. vi. the existing sub- rule (iv) shall be renumbered as sub- rule (4). vii. the existing marginal heading "Issue of pass" of sub- rule (4), so renumbered, shall be deleted. viii. in sub- rule (4), so renumbered, for the existing expression "one copy", the expression "original copy" shall be substituted. ix. in sub- rule (4), so renumbered, for the existing expression "second", the expression "duplicate", shall be substituted. x. in sub- rule (4), so renumbered for the existing expression "third", the expression "triplicate" shall be substituted. xi. in sub- rule (4), so renumbered, for the existing expression "fourth" the expression "quadruplicate" shall be substituted. xii. the existing sub- rule (v) shall be renumbered as sub- rule (5). xiii. the existing marginal heading "Verification of export" of sub- rule (5), so renumbered, shall be deleted.

24. Amendment of rule 46C :-

In the rule 46C of the said rules: i. for the existing marginal heading " (i) Transport from wholesale vendors premises" of sub- rule (i), the marginal heading "Procedure for transport- (1)" shall be substituted. ii. the existing sub- rule (ii) shall be renumbered as sub- rule (2). iii. the existing marginal heading "Excise Duty" of sub- rule (2), so renumbered shall be deleted. iv. the existing sub- rule (iii) shall be renumbered as sub- rule (3). v. the existing marginal heading "Transport by individual" of sub- rule (3), so renumbered, shall be deleted.

25. Amendment of rule 46D :-

In the rule 46D of the said rules: i. for the existing marginal heading " (i) Possession by any individual" of sub- rule (i), the marginal heading "Possession- (1)" shall be substituted. ii. the existing sub- rule (ii) shall be renumbered as sub- rule (2). iii. the existing marginal heading "Permit for possession" of sub- rule (2), so renumbered, shall be deleted. iv. the existing sub- rule (iii) shall be renumbered as sub- rule (3). v. the existing marginal heading "Possession for specified purposes" of sub- rule (3), so renumbered, shall be deleted.

26. Amendment of rule 46E :-

In the rule 46E of the said rules: (i) for the existing marginal heading " (i) Wholesale vendor" of sub- rule (i), the marginal heading "Procedure for sale - (1)", shall be substituted. (ii) the existing sub- rule (ii) shall be renumbered as sub- rule (2). (iii) the existing marginal heading "Retail Vendor" of sub- rule (2), so renumbered shall be deleted. (iv) the existing sub- rule (iii) shall be renumbered as sub- rule (3). (i) the existing marginal heading "Limit of retail vendor" of sub- rule (3), so renumbered, shall be deleted.

27. Amendment of rule 57 :-

In rule 57 of the said rules: (i) in clause (1) for the existing punctuation mark " " appearing at the end, the expression " or " shall be substituted. (ii) in clause (2) for the expression " or (2) on commission basis", the expression " (2) on commission basis; or" shall be substituted. (iii) for the existing clause (3) the following shall be substituted, namely: " (3) on guarantee system."

28. Amendment of rule 63 :-

In clause (1) of rule 63 of the said rules, the existing expression "without the consent of the presiding officer" shall be deleted.

29. Amendment of rule 67B :-

In rule 67B of the said rules: i. the existing sub- rule (a) shall be renumbered as sub- rule (1). ii. in sub- rule (1), so renumbered, for the existing expression "In cases in which tenders are to be invited for", the expression "For" shall be substituted. iii. the existing sub- rule (b) shall be renumbered as sub- rule (2). iv. the existing sub- rule (bb) shall be renumbered as sub- rule (3). v. the existing sub- rule (c) shall be renumbered as sub- rule (4). vi. the existing sub- rule (d) shall be renumbered as sub- rule (5). vii. the existing sub- rule (e) shall be rendered as sub- rule (6). viii. the existing sub- rule (f) shall be renumbered as sub- rule (7). ix. the existing sub- rule (g) shall be renumbered as sub- rule (8). x. in sub- rule (8), so renumbered, the existing expression "He may accept any tender other than highest without assigning any reasons therefore" shall be deleted. xi. the existing sub- rule (h) shall be renumbered as sub- rule (9). xii. for the sub- rule (9), so renumbered, the following shall be substituted namely: "(9) The decision of the Deputy Excise Commissioner accepting any tender shall be final: Provided that if the tender accepted by the Deputy Excise Commissioner is not the highest tender for a shop or a group

of shops, as the case may be, the Deputy Excise Commissioners decision shall be subject to confirmation by the Excise Commissioner. The Excise Commissioner may either confirm the decision of the Deputy Commissioner or require that the highest tender shall be accepted or that the shop or the group of shops, as the case may be, shall be put to open auction. (xiii) the existing sub- rule (i) shall be renumbered as sub- rule (10). (xiv) the existing sub- rule (j) shall be renumbered as sub- rule (11).

30. Amendment of rule 67D :-

In rule 67D of the said rules, for the expression "Clauses", the expression "Sub- rule" shall be substituted.

31. Amendment of Rule 67E :-

For the existing sub- rule (2) of rule 67E of the said rules, the following shall be substituted, namely: " (2) The District Excise Officer on failure of negotiations with the licensee may, subject to general or special directions as may be issued by the Excise Commissioner from time to time, call the interested persons for negotiations and may accept the offer not below the guarantee amount fixed by the Excise Commissioner."

32. Amendment of rule 67 I :-

In rule 67 I of the said rules, (i) in sub- rule (2) for the existing expression "selling by retail country liquor at a shop", the expression "selling country liquor at retail shop" shall be substituted. (ii) in sub- rule (3) for the existing expression "above methods", the expression "methods referred in sub- rule (2), shall be substituted.

33. Amendment of rule 67 J :-

In sub- rule (1) of rule 67 J of the said rules, the existing expression " by way of allotment" shall be deleted.

34. Amendment of rule 67 K :-

In rule 67 K of the said rules: (i) the existing sub- rule (i) shall be renumbered as sub- rule (1). (ii) the existing sub- rule (ii) shall be renumbered as sub- rule (2). (iii) the existing sub- rule (iii) shall be renumbered as sub- rule (3). (iv) in sub- rule (3), so renumbered, for the existing expression "Clauses", the expression "Sub-rule" shall be substituted. (v) the existing sub- rule (iv) shall be renumbered as sub- rule (4).

35. Amendment of rule 67 KK :-

In rule 67KK of the said rules, (i) in the sub- rule (9) for the

existing expression "time indicated in this", the expression "time given in the " shall be substituted. (ii) for the existing sub- rule (11) the following shall be substituted, namely: " (11) The tenderer shall not be required to indicate amount or name of the shop for which tender is being submitted on the cover or the sealed envelope containing the tender."

36. Amendment of rule 67 L :-

In rule 67 L of the said rules for the existing expression "may at his discretion grant", the expression "may grant" shall be substituted.

37. Amendment of rule 70 :-

In the beginning of rule 70 of the said rules, the marginal heading "Mode of payment of fees for certain permits" shall be added.

38. Amendment of rule 71 :-

In rule 71 of the said rules, after the existing expression "following month" and before the existing punctuation mark ".", the expression " to the District Excise Officer concerned" shall be inserted.

39. Amendment of rule 72 -B :-

In rule 72- B of the said rules, (i) the existing sub- rule (a) shall be renumbered as sub- rule (1). (ii) the existing sub- rule (b) shall be renumbered as sub- rule (2). (iii) the existing sub- rule (c) shall be renumbered as sub- rule (3). (iv) the existing sub- rule (d) shall be renumbered as sub- rule (4).

40. Amendment of rule 73 :-

In sub- rule (1) of rule 73 of the said rules: (i) for the existing expression "ordinarily be granted", the expression "be granted" shall be substituted. (ii) in clause (b) the existing expression "and", occurring at the end shall be deleted. (iii) in clause (c) for the existing punctuation mark ".", occurring at the end, the expression, "and" shall be substituted.

41. Amendment of rule 74 :-

In rule 74 of the said rules; (i) the existing clause (1) shall be renumbered as clause (i). (ii) the existing clause (2) shall be renumbered as clause (ii). (iii) the existing clause (3) shall be renumbered as clause (iii). (iv) the existing clause (4) shall be renumbered as clause (iv). (v) in clause (v), so renumbered, the existing expression " in the financial year 1972 - 73 or thereafter" shall be deleted.

42. Amendment of rule 77-A :-

In rule 77-A of the said rules, the existing paras shall be numbered as sub- rule (1) and (2), respectively.

43. Amendment of rule 77-C :-

In the rule 77-C of the said rules: (i) for the existing expression "intoxicants", the expression "intoxication" shall be substituted. (ii) the existing expression "Notwithstanding anything contained in sub-rule (2) of rule 77-B, the State Government", the expression "The State Government" shall be substituted.

44. Amendment of rule 80 :-

In clause (d) of rule 80 of the said rules, for the existing expression "sub rule", the expression "sub- clause" shall be substituted.

45. Amendment of rule 81 :-

The existing rule 81 of the said rules shall be substituted by the following namely: " 81.Perishable article: Notwithstanding anything contained in rule 78 to 81, perishable articles or animals in respect of which proper arrangement for custody cannot be made, may be disposed off immediately by public auction by the Magistrate himself or by the District Excise Officer."

46. Amendment of rule 85 :-

In sub- rule (2) of rule 85 of the said rules for the existing expression "in all cases is payable", the expression "in all cases shall be payable" shall be substituted.

47. Amendment of rule 86 :-

In rule 86 of the said rules for the existing expression "issue is under bond", the expression "issue is under the bond" shall be substituted. By order of the Governor S.S Rajawat, Dy. Secy. to the Government.