

Uttar Pradesh Excise [(Amendment) Re-Enactment And Validation] Act, 1976

5 of 1976

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Uttar Pradesh Excise [(Amendment) Re-Enactment And Validation] Act, 1976

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An Act to re-enact and validate the United Provinces Excise (Amendment) Act, 1972 Whereas it is expedient in the public interest to provide for the adoption of the system of grant of licence prevailing in respect of country liquor with necessary modifications for the grant of licences in respect of foreign liquor; And whereas the Uttar Pradesh Excise (Amendment) Ordinance, 1972 (U.P. Ordinance No, 13 of 1972), which was replaced by the Uttar Pradesh Excise (Amendment) Act, 1972 (U.P. Act No. 30 of 1972), was adjudicated by the High Court of Judicature at Allahabad in its judgment reported in 1972ALJ 1000--Sheopat Rai v. State of Uttar Pradesh, to be beyond the competency of the State Legislature; And whereas subsequently, in the case of reported in AIR 1975 SC360-- Nashishwar v. State of Madhya Pradesh, the Supreme Court has upheld the power of the State Legislature to make provision for holding of public auction for the grant of right or privilege to possess and sell foreign liquor; And whereas it has become necessary to repeal and re-enact the Uttar Pradesh Excise (Amendment) Act, 1972 (U. P. Act No. 30 of 1972); Now, therefore it is hereby enacted in the twenty-seventh Year of the Republic of India, as follows : 1. Received the assent of the Governor on April 16, 1976, published in U.P. Gazette, Extra., dated 16th April, 1976, pp. 4-6.

1. Short Title :-

This Act may be called the Uttar Pradesh Excise [(Amendment) Re-enactment and Validation] Act, 1976.

Note.--Amendment made by Sections 2 and 3 are incorporated at their proper places.

2. Section 2 :-

3. Section 3 :-

4. Validation :-

Notwithstanding any judgment, decree or order of any Court to the contrary, anything done or purporting to be done, any action taken or purporting to have been taken under any provision of the Uttar Pradesh Excise (Amendment) Act, 1972, before the commencement of this Act, shall be deemed to be and always to have been as valid as if the provisions of this Act were in force at all material times.

5. Repeal And Savings :-

(1) The Uttar Pradesh Excise (Amendment) Re-enactment and Validation Ordinance, 1976 (U.P. Ordinance No. 15 of 1976), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the aforesaid Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act had come into force on February 28, 1976.