

OFFICE OF THE EXCISE COMMISSIONER, UTTAR PRADESH

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of Notification No. 52021 /X-Licence-58, Dated, March 23 ,2018

NOTIFICATION

No. **52021** /X-Licence-58/2018-19

Allahabad Dated: March, **23** 2018

In exercise of the powers under sections-24 and 41 of the United Provinces Excise Act, 1910 (U.P. Act no-IV of 1910), read with section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act no.1 of 1904), the Excise Commissioner, Uttar Pradesh with the previous sanction of the State Government, makes the following rules with a view to amending the Uttar Pradesh Excise (Settlement of Licence for Wholesale of Country Liquor) Rules-2002 published vide Excise Commissioner notification No. 31276/X-Licence-58/2002-2003/dated March 26, 2002

THE UTTAR PRADESH EXCISE (SETTLEMENT OF LICENCES FOR WHOLESALE OF COUNTRY LIQUOR) (TENTH AMENDMENT) RULES, 2018

Short title and commencement

1. (1) These rules may be called the Uttar Pradesh Excise (Settlement of licences for Wholesale of Country Liquor) (Tenth Amendment) Rules, 2018.
- (2) They shall come into force with effect from April 01, 2018

Amendment of rule-2

2. In the Uttar Pradesh Excise (Settlement of Licences for Wholesale of Country Liquor) Rules, 2002, hereinafter referred to as the said rules, for rule-2 setout in Column-I below, the rule as setout in Column-II shall be substituted, namely:-

| Column-I (Existing rule) | Column-II (Rule as hereby substituted) |
|-------------------------------------|--|
|-------------------------------------|--|

2. Definitions

In these rules, unless there is any thing repugnant in the subject or context-

(a) "Act" means The United Provinces Excise Act, 1910 as amended from time to time;

(b) "country liquor" includes country spirit "mild" or "strong" having such alcoholic strengths as may be fixed by the Excise Commissioner with prior sanction of the State Government, from time to time;

(c) "excise year" means the financial year commencing from 1st April to 31st March of the next calendar year;

(d) "family" means and includes spouse (husband or wife), dependent son(s), unmarried daughter(s) and dependent parents;

(e) "form" means the form appended to these Rules;

(f) "licensing authority" means the Excise Commissioner;

(g) "licence fee" means the consideration of grant of licence for exclusive privilege of whole sale of country liquor under section-24 of the Act, payable by the Licensee before the licence is granted to him, on such rates as notified by the Excise Commissioner with the previous sanction of the State Government.

(h) "security amount" means that amount which is to be deposited in cash in Government Treasury as interest free security refundable after the final settlement of all the claims and dues to the State Government. The security amount shall be 10 % of the Licence fee.

(i) "earnest money" means the amount equal to 1/10 of the amount of licence fees, to be tendered with application Form, for ensuring the fulfillment of the offer made, and is liable to be

2. Definitions

In these rules, unless there is any thing repugnant in the subject or context-

(a) "Act" means The United Provinces Excise Act, 1910 as amended from time to time;

(b) "country liquor" includes country spirit "mild" or "strong" Extra Neutral Alcohol having such alcoholic strengths as may be fixed by the Excise Commissioner with prior sanction of the State Government, from time to time;

(c) "Excise Year" means the financial year commencing from 1st April to 31st March of the next calendar year;

(d) "family" means and includes spouse (husband or wife), dependent son(s), unmarried daughter(s) and dependent parents;

(e) "form" means the form appended to these Rules;

(f) "Licensing Authority" means the Excise Commissioner;

(g) "Licence Fee" means the consideration of grant of licence for exclusive privilege of whole sale of country liquor under section-24 of the Act, payable by the Licensee before the licence is granted to him, on such rates as notified by the Excise Commissioner with the previous sanction of the State Government.

(h) "Security Amount" means that amount which is to be deposited **in Government Treasury preferably through e-payment** as interest free security refundable after the final settlement of all the claims and dues to the State Government. The security amount shall be **ten percent** of the Licence fee.

(i) **Omitted**

| | |
|---|--|
| <p>forfeited in default in favour of State Government.</p> <p>(j) 'Partnership Firms' means a Firm registered under Partnership Act, 1932.</p> <p>(k) 'Individual' means a person who is the citizen of India not below the age of 21 years.</p> <p>(l)'Company' means a Company registered under section 12 of the Indian Companies Act, 1956.</p> <p>(m) 'Consortium' means an association of two or more individuals, Companies, Partnership firms (or any combination of these entities) with the objective of participating in a common activity or pooling their resources for achieving a common goal.</p> | <p>(j) 'Partnership Firms' means a Firm registered under Partnership Act, 1932.</p> <p>(k) 'Individual' means a person who is the citizen of India not below the age of twenty-one years at the time of making application for the grant of licence.</p> <p>(l)'Company' means a Company registered under section 12 of the Indian Companies Act, 1956.</p> <p>(m) Omitted</p> <p>(n) "Additional Consideration Fee" means an amount determined by rounding off optimum retail price of country liquor to the next higher denomination of Rs. five and payable at distillery level. Additional consideration fee shall be chargeable by the Distillery from the wholesale supplier in addition to ex-distillery price and which, in turn, shall be chargeable in addition to wholesale price by the wholesale supplier from the retail licensee of country liquor.</p> <p>(o) "Portal" means the electronic platform created specifically for the purpose of uploading information in the prescribed form with regard to the process of manufacturing liquor up to the stage of its distribution.</p> <p>(p) "Solvency" means financial eligibility criteria set for an applicant applying for the grant of wholesale licence.</p> |
|---|--|

Amendment of rule-4

3. In the said rules, for existing rule-4 setout in Column-I below, the rule as setout in Column-II shall be substituted, namely:-

| Column-I (Existing rule) | Column-II (Rule as hereby substituted) |
|---|---|
| <p>4. Grant of licence</p> <p>(1) The licence for wholesale of country liquor shall be granted by Excise Commissioner or an officer authorized by him, not below the rank of Deputy Excise Commissioner on payment of licence fee and deposit of the security amount in accordance with the provisions of these Rules, in every zone in form CL-1B on application of applicant along with earnest money as decided by State Government. This license entitles the license to run the whole sale vend of country liquor in each district of the zone in form CL-1C.</p> <p>(2) The Licensee shall not be permitted to transfer or sublet the licence to any other person.</p> | <p>4. Grant of licence</p> <p>(1) The licence for wholesale of country liquor shall be granted by Excise Commissioner or an officer authorized by him on submission of solvency certificate bearing net worth not less than the requisite amount of licence fee and payment of licence fee and deposit of the security amount preferably through e-payment platform in accordance with the provisions of these rules, in every district in form CL-2 on application of applicant.</p> <p>(2) The Licensee shall not be permitted to transfer or sublet the licence to any other person.</p> |

Amendment of rule-5

4. In the said rules, for existing rule-5 setout in Column-I below, the rule as setout in Column-II shall be substituted, namely:-

| Column-I (Existing rule) | Column-II (Rule as hereby substituted) |
|--|--|
| 5. Application for grant of licence | 5. Application for grant of licence |

Application for grant of licence shall be made in the form prescribed by Excise Commissioner for this purpose.

Application for grant of licence shall be made **preferably online** in the form prescribed by Excise Commissioner for this purpose.

Amendment of rule-6

5. In the said rules, for existing rule-6 setout in Column-I below, the rule as setout in Column-II shall be substituted, namely:-

| Column-I (Existing rule) | Column-II (Rule as hereby substituted) |
|---|--|
| <p>6.Eligibility for licence</p> <p>(1) Licence for shops of whole sale of country liquor for every zone may be given to :-</p> <p>An Individual, a partnership firm or company. Excluding Consortium shall be eligible. It shall be necessary to produce Article of Association, Memorandum of Association and certificate of incorporation in case of company, certified copy of the registered partnership deed in case of partnership firm and copy of domicile certificate issued by the Competent Authority in case of individual;</p> <p>(2). The applicant must have turn over of Rs. 400 crores during any one of the past three Excise years inclusive of the current year. Certificate of Chartered Accountant and certificates of Excise or Commercial Department of States and Union Territories shall be acceptable;</p> | <p>6.Eligibility for licence</p> <p>(1) One or more licences for shops of wholesale of country liquor for every district may be given to distilleries producing country liquor.</p> <p>(2) One or more licence for shops of wholesale of country liquor for every district may also be given to the following:-`</p> <p>(a) A resident of India or A partnership firm not</p> |

| | |
|--|--|
| <p>(3).The applicant should have experience of wholesale vend of liquor as licensee but he shall not be producer of alcohol or manufacturer of liquor.</p> <p>(4) The applicant shall also produce Balance Sheet certified by Chartered Accountant and his PAN number.</p> <p>(5) The applicant has not been a defaulter/blacklisted for the excise dues or debarred from holding and excise license under the provisions of any rules made under the Act.</p> <p>(6) The applicant does not possess any licence for retail sale of country liquor, foreign liquor and beer in the State.</p> <p>(7) The applicant shall submit an affidavit duly verified by notary public as proof of the following,</p> | <p>having more than two partners who shall be citizens of India.</p> <p>(3) Omitted</p> <p>(4) No change in partnership shall be allowed after grant of licence. In the event of death if a licence is held by an individual his legal heir(s) if eligible, may continue to hold the licence for the remaining period of the licence. If a licence is jointly held by two partners, either of them in the event of death of any of them, survivor along with the legal heir(s) of deceased, if eligible, may continue to hold the licence or in case of death of both partners their legal heir(s), if otherwise eligible, may continue to hold the licence. No distinction will be made between the legal liabilities of the two partners who will be jointly and severally responsible.</p> <p>(5) The applicant has not been a defaulter/blacklisted for the excise dues or debarred from holding and excise license under the provisions of any rules made under the Act.</p> <p>(6) The applicant does not possess any licence for retail sale of country liquor, foreign liquor, beer and model shop in the State.</p> <p>(7) The applicant shall submit an affidavit duly verified by notary public as proof of the following,</p> |
|--|--|

namely :-

(I) that he possesses or has an arrangement for taking on rent a suitable premise in that locality for opening the shop in accordance with the provisions of Uttar Pradesh Number and Location of Excise Shop Rules, 1968 as amended from time to time.

(II) that his proposed premises of the shop have not been constructed in violation of any law or rules.

(III) that he and his family members/ Directors of the company possess good moral character and have no criminal back ground nor have been convicted of any offence punishable under United Provinces Excise Act, 1910 or Narcotic Drugs And Psychotropic Substances Act, 1985 or any other cognizable and non-bailable offence .

(IV) that in case he is selected as Licensee he shall furnish a certificate issued by Senior Superintendent of Police / Superintendent of Police of the district of which he is the resident, showing that he as well as his family members possess good moral character and have no criminal background or criminal record, within 30 days of the grant of licence.

(V) that he shall not employ any salesman or representative who has criminal background as mentioned in sub-clause-(iii) or

namely :-

(I) that he possesses or has an arrangement for taking on rent a suitable premise in that locality for opening the shop in accordance with the provisions of Uttar Pradesh Number and Location of Excise Shop Rules, 1968 as amended from time to time.

(II) that his proposed premises of the shop have not been constructed in violation of any law or rules.

(III) that he and **his family members and managers/ Directors** of the **distillery** possess **good moral character** and have no criminal background nor have been convicted of any offence punishable under United Provinces Excise Act, 1910 or Narcotic Drugs And Psychotropic Substances Act, 1985 or any other cognizable and non-bailable offence .

(IV) that in case he is selected as Licensee he shall furnish **prior to issuance of the licence**, a certificate issued by Senior Superintendent of Police / Superintendent of Police of the district of which he is the resident, showing that he as well as his family members possess good moral character and have no criminal background or criminal **history**.

(V) that he shall not employ any salesman or representative who has criminal background as

| | |
|---|--|
| <p>who suffers from any infectious or contagious diseases or is below 21 years of age or a woman.</p> <p>(VI) that he is not in arrear of any public dues or Government dues.</p> <p>(VII) that he is solvent and has the necessary funds or has made arrangements for the necessary funds, for conducting the business, the details of which shall be made available to licensing authority if required.</p> | <p>mentioned in sub-clause-(iii) or who suffers from any infectious diseases or is below 21 years of age or a woman. Licensee shall have to obtain Identity Cards bearing photographs of his authorized salesman / representative from District Excise Officer.</p> <p>(VI) that he is not in arrear of any public dues or Government dues.</p> <p>(VII) that he is solvent and has the necessary funds or has made arrangements for the necessary funds, for conducting the business, the details of which shall be made available to licensing authority if required.</p> |
|---|--|

Amendment of rule-7 6. In the said rules, for existing rule-7 setout in Column-I below, the rule as setout in Column-II shall be substituted, namely:-

| Column-I (Existing rule) | Column-II (Rule as hereby substituted) |
|--|---|
| <p>7.Issue of licence Licence shall be in the form C.L.-1B for entire zone but CL-1B license holder shall take CL-1C license for every district of the zone for wholesale vend as appended and shall be granted on payment of licence fee and security money fixed by the State Government from time to time.</p> | <p>7.Issue of licence Licences shall be in the form C.L.-2 and shall be granted districtwise on payment of licence fee and security as fixed by the State Government from time to time.</p> |

Amendment of rule-8 7. In the said rules, for existing rule-8 setout in Column-I below, the rule as setout in Column-II shall be substituted, namely:-

| Column-I (Existing rule) | Column-II (Rule as hereby substituted) |
|---|---|
| <p>8.Supply of country liquor The Licensee shall procure supplies of country liquor in</p> | <p>8.Supply of country liquor The Licensee shall procure supplies of country liquor in</p> |

bottles of the prescribed capacity having security holograms, approved by the Excise Commissioner, applied on them, from distilleries who are Licensed manufacturers of country liquor or other whole sale shops after full payment in advance of excise duty and such other levies, taxes or cess as leviable from time to time . In case of difficulty of supply from distilleries in UP, he may also import country liquor from other States of India on permission of Excise Commissioner after full payment of consideration fee. Such licensee shall procure hologram from Hologram supplier situated at Excise Commissioner's Office and get it affixed on the liquor being imported after carrying them to the distillery of exporting state.

bottles of the prescribed capacity having **security code** as approved by the **Excise Department as a proof of the payment of consideration fee** applied on them, from distilleries who are Licensed manufacturers of country liquor or other wholesale shops after full payment in advance **through e-payment platform** of excise duty and such other levies, taxes or cess as leviable from time to time. In case of difficulty of supply from distilleries in UP, he may also import country liquor from other States of India on permission of Excise Commissioner after full payment of consideration fee. Such licensee shall **sell imported country liquor after getting it affixed with the security code on the bottles of liquor as per application of security system approved by the Excise Department of U.P.**

Amendment of rule-10

8. In the said rules, for existing rule-10 setout in Column-I below, the rule as setout in Column-II shall be substituted, namely:-

| Column-I (Existing rule) | Column-II (Rule as hereby substituted) |
|---|---|
| <p>10.Area of country liquor sale and maintenance of registers Wholesale Licensee in form CL-1C shall be entitled to sell country liquor, subject to the conditions of his licence to,—</p> <p>(I) Licensees of retail sale of country liquor of the district;</p> <p>(II) retail and whole sale Licensees of other districts of the charge with the prior permission of the Deputy Excise Commissioner of the charge;</p> <p>(III) retail and whole sale Licensees of other districts of the zone with the prior permission of the Joint Excise Commissioner of the zone and of the State with prior permission of the Excise Commissioner.</p> <p>(IV) Licensee shall maintain registers, passbooks, stock registers and other records prescribed by the Excise Commissioner and on demand shall submit within prescribed time limit all information and statements to the Licensing Authority or the officer authorized by him;</p> <p>(V) On receipt of indent, submitted by retailer, along with the price of country liquor including all duties, taxes and cess, whole sale Licensee shall record on the indent the date and time of receiving the indent and he shall be bound to issue country liquor within 48 hours from the time of receipt of indent. In the event of failure of supplies</p> | <p>10.Area of country liquor sale and maintenance of registers Wholesale Licensee in form CL-2 shall be entitled to sell country liquor, subject to the conditions of his licence to,—</p> <p>(I) Licensees of retail sale of country liquor of the district;</p> <p>(II) retail Licensees of other districts of the charge with the prior permission of the Deputy Excise Commissioner of the charge;</p> <p>(III) retail Licensees of other districts of the zone with the prior permission of the Joint Excise Commissioner of the zone and of the State with prior permission of the Excise Commissioner.</p> <p>(IV) Licensee shall maintain registers, passbooks, stock registers and other records in electronic format on Uttar Pradesh Excise online portal approved by the Excise Commissioner and on demand shall submit within prescribed time limit all information in electronic format to the Licensing Authority or the officer authorized by him;</p> <p>(V) On receipt of indent, submitted by retailer, along with the price of country liquor including all duties, taxes and cess deposited preferably through e-payment platform wholesale Licensee shall record on the indent the date and time of receiving the indent and he shall be bound to issue country liquor within 48 hours from the time of receipt of indent.</p> |

to retail Licensee as above the security deposit of the concerned wholesale Licensee shall be liable to be forfeited and his Licence shall be liable for cancellation;

(VI) All supplies to wholesale shops from distilleries or other wholesale shops shall be under the transport pass prescribed by the Excise Commissioner for the purpose. All entries of receipt and supply shall be made by Licensee in the records prescribed for the purpose;

(VII) The entries of daily issues from the wholesale shops shall be made in the register prescribed by the Excise Commissioner;

(VIII) Abstract of daily account of opening balance, receipts, total, sale and closing balance shall be maintained in the register prescribed by the Excise Commissioner;

(IX) Strong or mild country liquor of prescribed strength shall be sold only in sealed bottles having security hologram affixed on them in the same condition as received from the distillery and other wholesale shops.

In the event of failure of supplies to retail Licensee as above the security deposit of the concerned wholesale Licensee shall be liable to be forfeited and his Licence shall be liable for cancellation. **In case of licence being cancelled, he shall also be blacklisted and debarred from holding other excise licences.**

(VI) All supplies to wholesale shops from distilleries or other wholesale shops shall be under **electronically generated** transport pass prescribed by the Excise Commissioner for the purpose. All entries of receipt and supply shall be made by Licensee in the records prescribed for the purpose;

(VII) The entries of daily issues from the wholesale shops shall be made in the register prescribed by the Excise Commissioner;

(VIII) Abstract of daily account of opening balance, receipts, total, sale and closing balance shall be maintained **in electronic format** prescribed by the Excise Commissioner **and also uploaded on the U.P. Excise online portal.**

(IX) Strong or mild country liquor of prescribed strength, **volume, brand and type of packaging (glass/pet bottle)** shall be sold only in sealed bottles having **security code as approved by the Excise Department** affixed on them in the same condition as received from the distillery and other wholesale shops.

Amendment of rule-11

9. In the said rules, for existing rule-11 setout in Column-I below, the rule as setout in Column-II shall be substituted, namely:-

| Column-I (Existing rule) | Column-II (Rule as hereby substituted) |
|--|---|
| <p>11. Issue of liquor and transport pass</p> <p>I) Entries of all issues from wholesale shop to country liquor recipient retail shop shall be made in the retailer's pass book prescribed by the Excise Commissioner. Entries in the passbook shall be made and signed by wholesale Licensee or salesman authorized by him. For transport of country liquor, wholesale Licensee shall prepare transport pass in the form prescribed by the Excise Commissioner in triplicate. The first copy of the transport pass shall be handed over to the Licensee purchasing country liquor and second copy shall be made available to the District Excise Officer of the concerned district latest within 24 hours. Wholesale Licensee shall retain the third copy of the transport pass for his record.</p> <p>(II) Licensee shall maintain a daily shop wise register prescribed by the Excise Commissioner and shall send periodic returns of indents received and total issues made in prescribed form, to the District Excise Officer. In case of issues to retail or wholesale Licensee of other districts of the charge or zone in State the Licensee shall also send a copy of the above statement to the District Excise Officer concerned by a special messenger and obtain a receipt, thereof.</p> | <p>11. Issue of liquor and transport pass</p> <p>I) Entries of all issues from wholesale shop to country liquor recipient retail shop shall be made in the retailer's pass book prescribed by the Excise Commissioner. Entries in the passbook shall be made and signed by wholesale Licensee or salesman authorized by him and duly approved by District Excise Officer. For transport of country liquor, wholesale Licensee shall prepare computer generated transport pass in the form prescribed by the Excise Commissioner in triplicate and upload on Uttar Pradesh Excise online portal The first copy of the transport pass shall be handed over to the Licensee purchasing country liquor and second copy shall be made available to the District Excise Officer of the concerned district latest within twenty-four hours. Wholesale Licensee shall retain the third copy of the transport pass for his record.</p> <p>(II) Licensee shall maintain a daily shop wise register prescribed by the Excise Commissioner and shall send periodic returns of indents received and total issues made in prescribed electronic format, to the District Excise Officer. In case of issues to retail Licensee of other districts of the charge or zone in State the Licensee shall also send a copy of the above statement to the District Excise Officer concerned on the same day and obtain a receipt, thereof and upload it on Uttar Pradesh Excise online portal. Licensee shall not make overwriting or use of corrective fluid to erase any entry in any record.</p> |

Amendment of rule-14 10. In the said rules, for existing rule-14 setout in Column-I below, the rule as setout in Column-II shall be substituted, namely:-

| Column-I (Existing rule) | Column-II (Rule as hereby substituted) |
|---|---|
| <p>14. Responsibility of wrong entries in record The wholesale Licensee shall be fully responsible for the correctness and authenticity of entries made by him or his salesman in accounts, registers and records and he shall be responsible for making good any loss of revenue caused due to incorrect entries.</p> | <p>14. Responsibility of wrong entries in record The wholesale Licensee shall be fully responsible for the correctness and authenticity of entries made by him or his salesman in accounts, registers and records through electronic means and he shall be responsible for making good any loss of revenue caused due to incorrect entries.</p> |

Amendment of rule-15 11. In the said rules, for existing rule-15 setout in Column-I below, the rule as setout in Column-II shall be substituted, namely:-

| Column-I (Existing rule) | Column-II (Rule as hereby substituted) |
|--|---|
| <p>15. Storage and Prohibition of Liquor- (a) Wholesale Licensee shall store country liquor in the approved premises only. (b) Wholesale Licensee is not permitted to dilute, blend or colour liquor or keep any colour, essence or hologram in his Licensed premises. (c) Operation of licence shall be done by the Licensee himself or through his authorized salesman. Licensee shall be held responsible for any breaches of these rules or irregularities committed by his authorized salesman.</p> | <p>15. Storage and Prohibition of Liquor- (a) Wholesale Licensee shall store country liquor in the approved premises only. (b) Wholesale Licensee is not permitted to dilute, blend or colour liquor or keep any colour, essence or security code in his Licensed premises. (c) Operation of licence shall be done by the Licensee himself or through his authorized salesman duly approved by District Excise Officer. Licensee shall be held responsible for any breaches of these rules or irregularities committed by his authorized salesman.</p> |

Amendment of rule-16

12. In the said rules, for existing rule-16 setout in Column-I below, the rule as setout in Column-II shall be substituted, namely:-

| Column-I (Existing rule) | Column-II (Rule as hereby substituted) |
|--|---|
| <p>16. Suspension, Cancellation and Penalties.</p> <p>(1) Licensing Authority may suspend or cancel the Licence and forfeit the security money—</p> <p>(a) if any bottle or container of country liquor is found in the Licensed premises on which excise duty has not been paid and which does not carry security hologram duly approved by the Excise Commissioner as a proof of payment of duty;</p> <p>(b) if any other kind of liquor or intoxicating drug for which licence is not granted is found in the Licensed premises;</p> <p>(c) if Licensee charges from retailers of country liquor more than the maximum wholesale price fixed by the Excise Commissioner;</p> <p>(d) if any unauthorized hologram, spirit, colour, essence etc. is found in the Licensed premises.</p> <p>(e) if Licensee has made incorrect or fraudulent entries in records which resulted in loss of revenue;</p> <p>(f) if it is proved that the wholesale licence has been sublet or transferred;</p> <p>(g) if any liquor or intoxicating drug is found in the possession of the Licensee against the provisions of the Act or rules;</p> <p>(h) if the assertions made in the affidavit or in the application form submitted by the Licensee at the</p> | <p>16. Suspension, cancellation and penalties.</p> <p>(1) Licensing Authority may suspend or cancel the Licence and forfeit the security money—</p> <p>(a) if any bottle or container of country liquor is found in the Licensed premises on which excise duty has not been paid and which does not carry the Security code duly approved by the Excise Department as a proof of payment of duty;</p> <p>(b) if any other kind of liquor or intoxicating drug for which licence is not granted is found in the Licensed premises;</p> <p>(c) if Licensee charges from retailers of country liquor more than the maximum wholesale price fixed by the Excise Commissioner;</p> <p>(d) if any unauthorized security code making apparatus, spirit, colour, essence etc. is found in the Licensed premises.</p> <p>(e) if Licensee has made incorrect or fraudulent entries in records which resulted in loss of revenue;</p> <p>(f) if it is proved that the wholesale licence has been sublet or transferred;</p> <p>(g) if any liquor or intoxicating drug is found in the possession of the Licensee against the provisions of the Act or rules;</p> <p>(h) if the assertions made in the affidavit or in the application form submitted by the Licensee at the</p> |

| | |
|---|--|
| <p>time of application are found incorrect, false or misleading;</p> <p>(i) if it is found that the licence has been obtained in a fictitious name or the Licensee is holding the licence on behalf of some other person;</p> <p>(j) if Licensee fails to supply country liquor within 48 hours of the receipt of indent for supply of country liquor along-with price including duty, other taxes and levy.</p> <p>(2) In case irregularities mentioned in sub-clause (1) are found the Licencing Authority shall immediately suspend the licence and issue a show cause notice for cancellation of licence and forfeiture of security amount, consider the objection and give personal hearing to the Licensee if desired. Thereafter Licensing Authority shall pass suitable orders as deems fit.</p> <p>(3) The licensing authority shall also recover the loss of revenue caused due to incorrect entries or irregularities committed by the Licensee or his sales man from the Licensee after observing procedure of sub-rule(2).</p> | <p>time of application are found incorrect, false or misleading;</p> <p>(i) if it is found that the licence has been obtained in a fictitious name or the Licensee is holding the licence on behalf of some other person;</p> <p>(j) if Licensee fails to supply country liquor according to demand of strength, volume, brand and packing type within forty-eight hours of the receipt of indent for supply of country liquor along-with price including duty, other taxes and levy deposited under e-payment platform.</p> <p>(k) if licensee violates any of the conditions mentioned in the licence form.</p> <p>(2) In case irregularities mentioned in sub-clause (1) are found the Licencing Authority shall immediately suspend the licence and issue a show cause notice for cancellation of licence and forfeiture of security amount, consider the objection and give personal hearing to the Licensee if desired. Thereafter Licensing Authority shall pass suitable orders as it deems fit.</p> <p>(3) The licensing authority shall also recover the loss of revenue caused due to incorrect entries or irregularities committed by the Licensee or his salesman from the Licensee after observing procedure of sub-rule(2).</p> |
|---|--|

| | |
|--|---|
| <p>North South East West</p> <p>8. Names of Salesmen</p> <ol style="list-style-type: none"> 1. 2. 3. 4. <p>Licence for the wholesale vend of "spiced" (special category) Country Liquor at a fixed strength of 25% v/v in bottles having capacities of 200ml,"spiced" Country Liquor at a fixed strength of 36% v/v in bottles having capacities of 750ml, 375ml, 250ml, 200ml, and 100ml, "spiced/plain" country liquor at a fixed strength of 28.0% V/V in bottles having capacities of 750ml, 375ml, 250ml, 200ml, 150ml, and 100ml and "strong- spiced" Country Liquor at a fixed strength of 42.8% v/v in bottles having capacities of 750ml, 375ml, 250ml,200ml, 180ml and 100ml, is hereby granted to above licence holder(s), at(place) in P.S.....Tehsil.....in the district of w.e.f. from..... to March 31st, 20..... for which licence fee and security has been paid in accordance with rule-7.</p> <p>The licence is subject to the following terms and conditions, the infraction of any of which or violation of the provisions of rule-16 or a conviction for any offence under the U.P. Excise Act, 1910 or Narcotic Drugs and Psychotropic Substances Act, 1985 shall make the Licensee(s) liable for cancellation of the Licence and forfeiture of security deposit in addition to any penalties imposed under the relevant laws.</p> <p style="text-align: center;">Terms and Conditions</p> <ol style="list-style-type: none"> 1. The Licensee shall lift country liquor only from the distilleries licensed for manufacture of country liquor or any other wholesale licensee after payment of the price, including consideration fee. In case of difficulty of supply from distilleries in U.P., he | <p>South East West</p> <p>8. Names, address and aadhar number of authorized Salesmen</p> <ol style="list-style-type: none"> 1. 2. 3. 4. <p>Licence for the wholesale vend of "spiced" strong Country Liquor at a fixed strength of 42.8% v/v, 36% v/v and plain/spiced mild country liquor at a strength of 25% v/v in bottles having capacities of 200ml is hereby granted to above licence holder(s), at.....(place) in P.S.....Tehsil.....in the district of w.e.f. from..... to March 31st, 20..... for which licence fee and security has been paid in accordance with rule-7.</p> <p>The licence is subject to the following terms and conditions, the infraction of any of which or violation of the provisions of rule-16 or a conviction for any offence under the U.P. Excise Act, 1910 or Narcotic Drugs and Psychotropic Substances Act, 1985 shall make the Licensee(s) liable for cancellation of the Licence and forfeiture of security deposit in addition to any penalties imposed under the relevant laws.</p> <p style="text-align: center;">Terms and Conditions</p> <ol style="list-style-type: none"> 1. The Licensee shall lift country liquor only from the distilleries licensed for manufacture of country liquor or any other wholesale licensee after payment of the price, including consideration fee and additional consideration fee through e-payment. In case of difficulty of supply from distilleries in U.P., he |
|--|---|

| | |
|--|--|
| <p>may also import country liquor from other States of India on permission of Excise Commissioner after full payment of duty. Such licensee shall procure hologram from Hologram supplier situated at Excise Commissioner's Office and get it affixed on the liquor being imported after carrying them to the distillery of exporting State.</p> <ol style="list-style-type: none"> 2. The Licensee shall not charge more than the prescribed Maximum Wholesale Price of country liquor, fixed by the Excise Commissioner, from the retailer. 3. The Wholesale licensee under the provisions of the licence may sell country liquor to retail or wholesale licensees of the district or other districts in accordance with the provisions of sub-clause (I),(II) and (III) of rule-10. 4. Issue of country liquor to the wholesale vendor shall be under P.D.-25. A pass and record of all such issues shall be maintained in the prescribed register. 5. Licensee shall enter all the indents received from the retailer including the demand of the retail licensee, date and time of the indent and quantity issued in the register prescribed by the Excise Commissioner. 6. The licensee or the authorized salesman of the licensee shall enter day to day issues of country liquor to the retailer in the prescribed sale register and also make entries in the passbook of the retailer. 7. The day-to-day account of opening balance, receipt, sale and closing balance of country liquor shall be | <p>may also import country liquor from other States of India on permission of Excise Commissioner after full payment of duty through e-payment platform. Such licensee shall sell imported country liquor after getting it affixed with the security code on the bottles of liquor as per application of security system approved by the Excise Department of Uttar Pradesh.</p> <ol style="list-style-type: none"> 2. The Licensee shall not charge more than the prescribed Maximum Wholesale Price of country liquor and additional licence fee as fixed by the Excise Commissioner, from the retailer. 3. The Wholesale licensee under the provisions of the licence may sell country liquor to retail licensee of the district or other districts in accordance with the provisions of sub-clause (I),(II) and (III) of rule-10. 4. Issue of country liquor to the wholesale vendor shall be under pass P.D.-25A. Computer generated passes and records of all such issues shall be maintained in the prescribed register. 5. Licensee shall enter all the indents received from the retailer including the demand of the retail licensee, date and time of the indent and quantity issued in the register prescribed by the Excise Commissioner and also upload such information on the website upexciseonline.in 6. The licensee or the authorized salesman of the licensee shall enter day to day issues of country liquor to the retailer in the prescribed sale register and also make entries in the passbook of the retailer and which shall also be uploaded online on the website of upexciseonline.in through MIS (Management Information System). 7. The day-to-day account of opening balance, receipt, sale and closing balance of country liquor shall be |
|--|--|

| | |
|--|---|
| <p>maintained in the stock register.</p> <p>8. The licensee shall be liable to supply the country liquor within 48 hours of receiving the indent, along-with the cost of country liquor inclusive of consideration fee and other taxes etc. In case the licensee fails to supply the country liquor, his security deposit shall be liable to be forfeited and the licence shall be liable for cancellation.</p> <p>9. The Licensee shall maintain a shop-wise register of the daily indents received and total issues made in respect of the indents.</p> <p>10. The licensee shall prepare and issue transport pass in triplicate in the form prescribed by the Excise Commissioner in accordance with the provisions of rule-11, in which name of the retailer, date of issue, purchased quantity and the consideration fee involved shall be entered.</p> <p>11. The country liquor shall be stored in the licenced premises only.</p> <p>12. The licensee would only store bottles of country liquor having security holograms, approved by the Excise Commissioner, in the licensed premises and no other intoxicating liquor or drug shall be stored in the licensed premises.</p> <p>13. The licensee shall not keep any unauthorized liquor or intoxicating drug in his possession.</p> <p>14. Wholesale vendor is prohibited from undertaking any bottling, blending or coloring of liquor and he shall not keep any instrument for this purpose in his possession.</p> <p>15. Licensee shall not tamper with the labels, capsule seals or security holograms affixed on the bottles kept in the licensed premises.</p> <p>16. The licenced premises shall remain open for sale from sunrise to sunset except on 14th April (Ambedkar Jayanti), 15th August (Independence</p> | <p>maintained daily in the stock register.</p> <p>8. The licensee shall be liable to supply the country liquor according to terms and conditions in rule-8 of rules 2002 within forty-eight hours of receiving the indent, along-with the cost of country liquor inclusive of consideration fee and other taxes etc. In case the licensee fails to supply the country liquor, his security deposit shall be liable to be forfeited and the licence shall be liable for cancellation.</p> <p>9. The Licensee shall maintain a shop-wise register of the daily indents received and total issues made in respect of the indents and also upload on the specified website of the Excise Department of Uttar Pradesh.</p> <p>10. The licensee shall prepare and issue computer generated transport pass in triplicate in the form prescribed by the Excise Commissioner in accordance with the provisions of rule-11, in which name of the retailer, date of issue, purchased quantity and the consideration fee involved shall be entered.</p> <p>11. The country liquor shall be stored in the licenced premises only.</p> <p>12. The licensee would only store bottles of country liquor having security Code approved by the Excise Department, in the licensed premises and no other intoxicating liquor or drug shall be stored in the licensed premises.</p> <p>13. The licensee shall not keep any unauthorized liquor or intoxicating drug in his possession.</p> <p>14. Wholesale vendor is prohibited from undertaking any bottling, blending or coloring of liquor and he shall not keep any instrument for this purpose in his possession.</p> <p>15. Licensee shall not tamper with the labels, capsule seals or security code affixed on the bottles kept in the licensed premises.</p> <p>16. The licenced premises shall remain open for sale from 8:00AM to 8:00PM except on 14th April (Ambedkar Jayanti), 15th August (Independence</p> |
|--|---|

| | |
|--|--|
| <p>Day), 02nd October (Gandhi Jayanti) 26th January (Republic Day), and any other day notified by the District Magistrate.</p> <p>17. Licensee shall affix a conspicuous signboard at the entrance of the shop displaying the name of the licensee, location of the licence, period of licence and such other information as prescribed by the Licensing Authority in bold letters.</p> <p>18. The licensee shall provide all possible assistance and shall produce all documents and records required by the inspecting authority.</p> <p>19. The licensee shall abide by such other general or specific orders as are issued by the Excise Commissioner from time to time.</p> | <p>Day), 02nd October (Gandhi Jayanti) 26th January (Republic Day), and any other day notified by the District Magistrate. District Magistrate can order closure of shop under relevant laws for reasons related to law and order or general elections. No compensation will be payable for closures for above mentioned reasons.</p> <p>17. Licensee shall affix a conspicuous signboard at the entrance of the shop approved by Excise Commissioner displaying the name of the licensee, location of the licence, period of licence and such other information as prescribed by the Licensing Authority in bold letters. The signboard will also display the following information :-</p> <p>“Consumption of liquor is prohibited outside near the premises of shop or at public places. Any contravention in this regard shall be punishable.”</p> <p>18. The licensee shall provide all possible assistance and shall produce all documents and records required by the inspecting authority.</p> <p>19. The licensee shall abide by such other general or specific orders as are issued by the Excise Commissioner from time to time.</p> <p>20. The licensee shall not employ any salesman below twenty-one years of age or who has criminal background or suffers from any infectious diseases or a woman. Licensee shall have to obtain Identity Cards bearing photographs of his authorized salesman / representative from District Excise Officer.</p> <p>21. The licensee shall install C.C. T.V. Cameras near opening gate and within godown of licensed premises which could easily be monitored from Excise Headquarters through I.P. Address.</p> |
|--|--|

| | |
|-------------------|--|
| <p>Date:.....</p> | <p>22. The licensee shall also make necessary arrangement for Security System apart from installation of fire fighting instrument in the premises of godown.</p> <p>23. Consignments of country liquor from distilleries of U.P. or other states shall be transported only through the vehicles fitted with Global Positioning system.</p> <p>24. The licensee shall not have any licence for the retail sale of Country Liquor, Foreign Liquor, Beer and Model Shop.</p> <p>25. Shop wise, capacity and strength wise, brand wise, and packaging wise details of PET/Glass bottles lifted shall be uploaded on the specified portal.</p> <p>26. Wholesaler shall keep all popular brands in sufficient quantity for sale. In case of depleted stock licensee shall be held accountable and appropriate action shall be taken against him according to Rule.</p> <p>27. Indents of retail licensees shall be disposed off on first come first serve basis.</p> <p>28. Licensee shall keep a minimum stock equivalent to one week requirement.</p> <p>29. Licensee shall arrange to receive payments for sale through electronic payment platforms such as debit card, credit card, BHIM, RTGS, NEFT and other similar means along with cash.</p> <p>30. Licensee shall employ computer operator for maintenance of records.</p> <p>31. Licensee shall be responsible for affixation of photographs, and depiction of latitude and longitude of location of the licensed premises, names and addresses of salesmen after attestation by the District Excise Officer and submission of an attested copy of the licence within a week to Excise Headquarters.</p> <p>Date:.....</p> |
|-------------------|--|

| | |
|---|---|
| Licensing Authority EXCISE COMMISSIONER, UTTAR PRADESH. | Licensing Authority EXCISE COMMISSIONER, UTTAR PRADESH. |
|---|---|

Omission of Form CL-1B

14. In the said rules the following form CL-1B shall be omitted.

| | |
|---|-----------------------|
| <p style="text-align: center;">CL-1B (Licence for Wholesale vend of Country Liquor in a Zone) (Rule 2(e))</p> <p>This licence is hereby granted to Shri/M/s..... address --- ----- -----office address----- -----for wholesale vend of country liquor in zone on payment of determined licence fee and security amount under rule -7 for the Excise year-----.</p> <p>The licensee shall be entitled and bound to obtain CL-1C Licence in every district of the zone on payment of licence fees and security amount under rule -7.</p> <p>If he fails, his earnest money shall be forfeited in favour of State Government.</p> <p>Date:</p> <p style="text-align: center;">Licensing Authority EXCISE COMMISSIONER, UTTAR PRADESH</p> | <p>Omitted</p> |
|---|-----------------------|

(Dheeraj Sahu)
Excise Commissioner,
Uttar Pradesh