

**OFFICE OF THE EXCISE COMMISSIONER, UTTAR PRADESH, ALLAHABAD**

**NOTIFICATION**

No. /X-License-59/2018-19

Allahabad Dated: March , 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 Licenses for Retail Sale of Country Liquor) Rules, 2002 published vide Excise Commissioner notification No. 27091/X-License-59/2002-2003 Dated March 14, 2002 and as amended from time to time.

**THE UTTAR PRADESH EXCISE (SETTLEMENT OF LICENSES FOR RETAIL SALE OF COUNTRY LIQUOR) (NINTH AMENDMENT) RULES, 2018**

**Short title and commencement- 1.** (1) These rules may be called the Uttar Pradesh Excise (Settlement of licenses for Retail Sale of Country Liquor) (Ninth 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 Licenses for Retail Sale of Country Liquor) Rules, 2002, hereinafter referred to as the said rules, for rule-2 set out in Column-1 below, the rule as set out in Column-II shall be substituted, namely:-

Column-I	Column-II
(Existing rule)	(rule as hereby substituted )
<p><b>2-Definitions</b></p> <p>In these rules, unless there is anything repugnant in the subject or context:-</p> <p>(a) "<b>Act</b>" means the United Province Excise Act, 1910 as amended from time to time.</p> <p>(b) "<b>Additional basic license fee</b>" means part of consideration fee which is payable by the licensee for lifting of liquor in excess of the monthly minimum guaranteed quantity on such rate as notified by the Excise Commissioner with prior sanction of the State Government.</p> <p>(c) "<b>annual minimum guaranteed quantity</b>", means the quantity of "Strong" country liquor (in terms of 36% v/v) as fixed by the licensing authority in accordance with the general or specific instructions issued by the Excise Commissioner and guaranteed by the licensee to be lifted by him for his retail shop during an excise year for the purpose of retail sale. However if any license is granted after the commencement of the excise year then its annual minimum guaranteed quantity shall be reduced proportionately accordance to the number of days remaining in the excise year.</p> <p>(d) "<b>Basic License fee</b>" means that part of consideration for the grant of</p>	<p><b>2-Definitions</b></p> <p>In these rules, unless there is anything repugnant in the subject or context:-</p> <p>(a) "<b>Act</b>" means the United Provinces Excise Act, 1910 as amended from time to time.</p> <p>(b) <b>Omitted</b></p> <p>(c) "<b>Annual Minimum Guaranteed Quantity (MGQ)</b>", means the quantity of "Strong" country liquor (in terms of 36% v/v) as fixed by the Licensing Authority in accordance with the general or specific instructions issued by the Excise Commissioner and guaranteed by the licensee to be lifted by him for his retail shop during an excise year for the purpose of retail sale. However if any license is granted after the commencement of the excise year then its annual minimum guaranteed quantity shall be reduced proportionately in accordance to the number of days remaining in the excise year.</p> <p>(d) "<b>Basic License fee</b>" means that part of consideration <b>fee</b> for the grant of license for the</p>

license for the exclusive privilege of retail sale of country liquor under section- 24 of the Act, payable by the person selected as licensee before the license is granted to him, for the whole excise year or part thereof on such rates as notified by the Excise Commissioner in consultation with the State Government from time to time:

Provided that if settlement is done in mid session the basic license fee will be in proportion to remaining minimum guaranteed quantity

(e) "**country liquor**" included country spirit "mild" or "strong" having such alcoholic strength as may be fixed by the Excise Commissioner with prior sanction of the State Government from time to time.

(f) "**daily basic license fee**" means that part of consideration which is payable by the grantee in interim license on such rate as notified by the Excise Commissioner with prior sanction of the State Government. The amount of daily basis license fee shall be adjustable against the basic license fee for the shop.

(g) "**daily**" minimum guaranteed quantity" shall be 1/365th part of annual minimum guaranteed quantity.

(h) "**excise year**" means the financial year commencing on 1st April to 31st March of the next calendar year.

(i) "**family**" means and included spouse (husband or wife), dependent son (s), unmarried daughter (s) and dependent parents;

(j) "**Form**" means a Form appended to these rules;

(k) "**Licensing authority**" means the Collector of the District;

exclusive privilege of retail sale of country liquor under section- 24 of the Act, payable by the person selected as licensee before the license is granted to him, for the whole excise year or part thereof on such rates as notified by the Excise Commissioner in consultation with the State Government from time to time:

Provided that if settlement is done in mid session the basic license fee will be in proportion to remaining minimum guaranteed quantity.

(e) "**country liquor**" includes country spirit "mild" or "strong" **manufactured from Extra Neutral Alcohol(ENA)** having such alcoholic strength as may be fixed by the Excise Commissioner with prior sanction of the State Government from time to time.

(f) "**daily basic license fee**" means that part of consideration **fee** which is payable by the grantee in interim license on such rate as notified by the Excise Commissioner with prior sanction of the State Government.

(g) "**daily** minimum guaranteed quantity" shall be 1/365th part of annual minimum guaranteed quantity.

(h) "**Excise Year**" means the financial year commencing on 1st April to 31st March of the next calendar year.

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

(j) "**Form**" means a form appended to these Rules;

(k) "**Licensing Authority**" means the Collector of the District;

(l) "**License fee**" means the remaining part of consideration for grant of license for exclusive privilege of retail sale of country liquor under section-24 of the Act, payable by the licensee, in addition to the basic license fee. This sum shall be equal to the consideration fee leviable on the annual minimum guaranteed quantity fixed for the shop.

Provided that if settlement is done in mid session it will be equal to consideration fee leviable on minimum guaranteed quantity.

(m) "**monthly installments of licence fee**" shall be in addition to basic licence fee which shall be equal to the consideration fee involved in the minimum guaranteed quantity of a month fixed by the licensing authority and shall be payable every month. However the consideration fee involved in the quantity of the country liquor lifted during the month by the licensee, may be adjusted against the monthly installments of the licence fee subject to the provisions of these rules.

(n) "**monthly minimum guaranteed quantity**"- ; Annual Minimum Guaranteed quantity shall be apportioned into such twelve parts that the quantity involved in the split part should be calculated in the Form of cases of 9 BL. The fraction exceeding the quantity obtained from such calculation of cases shall be added in the fixation of minimum guaranteed quantity of month April.

(o) "**security amount**" means a sum equal to the 1/10th part of the license fee excluding basic license fee, 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 Govern

(p) "**consideration fee**" means a fee fixed, per liter by the State Government

(l) "**License Fee**" means the remaining part of consideration **fee** for grant of license for exclusive privilege of retail sale of country liquor under section-24 of the Act, payable by the licensee, in addition to the basic license fee. This sum shall be equal to the consideration fee leviable on the annual minimum guaranteed quantity fixed for the shop.

Provided that if settlement is done in mid session it will be equal to consideration fee leviable on minimum guaranteed quantity.

(m) "**Monthly Installments of Licence fee**" It shall be in addition to basic licence fee which shall be equal to the consideration fee involved in the minimum guaranteed quantity of a month fixed by the licensing authority and shall be payable every month. However the consideration fee involved in the quantity of the country liquor lifted during the month by the licensee, may be adjusted against the monthly installments of the licence fee subject to the provisions of these rules.

(n) "**Monthly Minimum Guaranteed Quantity**"- ; Annual Minimum Guaranteed quantity shall be apportioned into twelve equal parts. Quantity obtained from such calculation shall be minimum guaranteed quantity.

(o) "**Security amount**" means a sum equal to the 1/10th part of the license fee excluding basic license fee, to be **deposited preferably through e-payment** in Government Treasury as interest free security, refundable after the final settlement of all the claims and dues to the State Government.

(p) "**Consideration fee**" means a fee fixed, per liter by the State Government under

under section 30 of the Excise Act according to the strength of the country liquor, to be deposited in the Government Treasury by the licensee before taking supply of country liquor.

Section 30 of the Excise Act according to the strength of the country liquor, to be deposited in the Government Treasury by the licensee before taking supply of country liquor.

(q) **"Additional Consideration fee"** means difference amount obtained as a result of rounding off the optimum retail price of country liquor to the next multiple of five rupees, which shall be payable at Distillery level and recoverable by distillery from wholesale supplier in addition to Ex-Distillery Price and which in turn could be recovered by wholesale supplier from retail licensee in addition to maximum wholesale price. But this amount of additional consideration fee shall not be adjusted against the license fee payable by retail licensee.

(r) **"earnest money"** means the amount equal to 1/10 of the amount of basic licence fee, to be tendered with application form, for ensuring the fulfillment of the eligibility conditions for the grant of licence and is liable to be forfeited in case of default under provisions of rule-12 of these rules.

(s) **"Hierarchy"** means the earnest money of shops in the descending order purported to be the basis for the selection of licensee through the process of e/lottery.

(t) **"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 terminal stage of its distribution.

(u) **"Solvency"** means financial eligibility criteria set for an applicant applying for the grant of retail licence.

(v) **'Individual'** means a person who is the citizen of India not below the age of twenty-one years.

(w) **"Settlement"** means settlement of shops through e/lottery which may take place on any day of the week by giving prior notice and intimation through the newspaper and website of the excise department. The settlement of shops for the forthcoming year may also be done prior to the cessation of preceding financial year.

(2) Words and expressions not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.	(2) Words and expressions not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.
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**Amendment of rule-3**      3.      In the said rules, for existing rule-3 setout in Column-I below, the rule as setout in Column-II shall be substituted, namely:-

<b>Column-I (Existing rule-3)</b>	<b>Column-II (rule as hereby substituted )</b>
<p><b>3-Settlement of licenses for retail sale-</b></p> <p>(a) Subject to the provisions of these rules and subject to the payment of basic licence fee and security amount of the retail shop for sale of country liquor licenses shall be settled or resettled by fixed fee system as specified herein.</p> <p>(b) The licence shall be granted in the Form C.L.5-C for retail sale of country liquor in sealed bottles or such containers as approved by the Excise Commissioner from time to time for consumption both “On” and “Off” the premises.</p> <p>(c) Licensee/salesman shall be responsible for destroying by crushing/truncation of remaining pet bottles in quarts, pints and nips as well as capsules affixed upon them after being consumed at the shop.</p>	<p><b>3-Settlement of licenses for retail sale-</b></p> <p>(a) Subject to the provisions of these rules and subject to the payment of basic licence fee and security amount of the retail shop for sale of country liquor licenses shall be settled or resettled by fixed fee system as specified herein.</p> <p>(b) The licence shall be granted in the Form C.L.5-C for retail sale of country liquor in sealed bottles or such containers as approved by the Excise Commissioner from time to time for consumption both “On” and “Off” the premises.</p> <p>(c) Licensee/salesman shall be responsible for <b>disposing these empty pet/glass bottles as well as capsules affixed upon them after being consumed at the shop as per the Solid Waste Management (SWM) Rules,2016.</b></p>

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

<b>Column-I (Existing rule-4)</b>	<b>Column-II (rule as hereby substituted )</b>
<p><b>4. Power to fix the number and location of retail shops</b> Number of shops shall be fixed by the licensing authority under general or specific instructions issued by the State Government</p>	<p><b>4. Power to fix the number and location of retail shops</b> Number of shops shall be fixed by the licensing authority under general or specific instructions issued by the State Government</p>

<p>or by the Excise Commissioner from time to time. Location of shop shall be as per the provisions of Uttar Pradesh Number and Location of Excise Shop Rules, 1968 as amended from time to time.</p> <p>Provided that the State Government or Excise Commissioner may create new shops during an excise year on demand of Licensing Authority of the district.</p>	<p>or by the Excise Commissioner from time to time. <b>The shops shall be geo-tagged in order to ensure location of shops.</b> Location of shop shall be as per the provisions of Uttar Pradesh Number and Location of Excise Shop Rules, 1968 as amended from time to time.</p> <p>Provided that the State Government or Excise Commissioner may create new shops during an excise year on demand of Licensing Authority of the district.</p>
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**Amendment of rule-5**      5. In the said rules, for existing rule-5 setout in Column-I below, the rule as setout in Column-II shall be substituted, namely:-

<b>Column-I (Existing rule-5)</b>	<b>Column-II (rule as hereby substituted )</b>
<p><b>5. Period of Licence-</b> The period of licence shall be for an excise year or part thereof for which the licence has been granted, but the licence may be renewed or extended on the desire of the licensee for the next excise year on such restrictions and conditions as may be decided by the State Government.</p>	<p><b>5. Period of Licence-</b> The period of licence shall be for an excise year or part thereof for which the licence has been granted, but the licence may be renewed or extended <b>on the desire of the licensee</b> for the next excise year <b>according to the parameter of consumption</b> as fixed by the State Government.</p>

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

<b>Column-I (Existing rule-6)</b>	<b>Column-II (Rule as hereby substituted )</b>
<p><b>6. Grant of Licence-</b> The licence shall be issued on payment of basic licence fee and deposit of the security amount in accordance with the provisions of these rules.</p>	<p><b>6. Grant of Licence-</b> The licence shall be issued on payment of basic licence fee and deposit of the security amount <b>through e-payment platform</b> in accordance with the provisions of these rules. <b>The licensee shall be required to furnish the solvency certificate in original copy in the district from where it has been issued at the time of grant of licence.</b></p>

**Amendment of Rule-7**

7.

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

<b>Column-I (Existing rule)</b>	<b>Column-II (rule as hereby substituted )</b>
<p><b>7-Application for grant of license--</b>            (a) Whenever a new license is proposed to be granted in an area or locality the licensing authority shall invite the applications for this purpose after giving wide publicity through daily news paper having circulation in that area.</p> <p>(b) A list of the retail shops of country liquor for which the Collector purposes to grant license shall be exhibited along-with shop wise basic license fee, annual minimum guaranteed quantity, license fee security amount and the earnest money at the Collector's office. Tehsil offices and the officers of the District Excise Officer and the Deputy Excise Commissioner of the Charge.</p> <p>(c) Application for grant of license shall be made on the prescribed forms with one of the following photo identity            1- passport, 2-driving license, 3- Income tax identity card (PAN No.), 4-Bank/Kishan/Post office, 5-Documents of property as Patta, Registered deed etc. 6-SC/STC/ OBC certificates issued by competent authority, 7- Pension documents as Ex Service Man Pension book/Pension payment order/ Ex-Service man dependent widow certificate/Old age pension order/ widow pension order, 8- Railway identity card, 9- Freedom fighter identity card, 10- Arm license, 11- Physically handicapped certificate,12 Electoral identity card            Application forms shall be issued, on payment of application and processing</p>	<p><b>7-Application for grant of license--</b>            (a) Whenever a new license is proposed to be granted in an area or locality the licensing authority shall invite the applications for this purpose after giving wide publicity through daily newspaper having circulation in that area <b>and website of the District as well as website of the Excise Department (www.upexcise.in)</b></p> <p>(b) A list of the retail shops of country liquor for which the Collector proposes to grant license shall be exhibited along-with shop wise basic license fee, annual minimum guaranteed quantity, license fee security amount and the earnest money at the Collector's office, Tehsil offices and the officers of the District Excise Officer as well as the Deputy Excise Commissioner of the Charge. <b>This information shall also be displayed on the website of the Excise Department (www.upexcise.in) along with the website of each District.</b></p> <p>(c) <b>Application for grant of license shall be submitted online as per the time schedule advertised in newspapers. It shall be compulsory to upload a photocopy of (i) solvency certificate (ii) Aadhar Card (iii) PAN Card (iv) Income tax return of the preceding year and (v) Affidavit in the prescribed format.</b>  <b>Payment of processing fee and earnest amount shall be made online at the rate as fixed by the State Government and Value Added Tax/Goods and Services Tax payable on the same.</b></p>



<p>fee, from the offices of District Excise Officer, Deputy Excise Commissioner, Joint Excise Commissioner and Excise Commissioner.</p> <p>(d) The last date to be fixed for the receipt of application shall not be earlier than such number of days as stipulated, in the advertisement in a newspaper.</p> <p>(e) If the Special Zone has been demarcated by the Excise Commissioner under the provisions of THE Uttar Pradesh demarcation &amp; regulation of Special Zones for exclusive privilege of excise shops rule-2009, then the exclusive privilege may be granted in this zone with in the purview of these rules. For this purpose any person, Apex Cooperative Societies/ Nigam who has experience of retail vend of liquor and neither in arrear of Govt. revenue nor otherwise illegible to hold license may apply to Excise Commissioner for grant of license. Excise Commissioner reasonable scrutiny shall select illegible applicant. If more then one unit qualify then selection by done by public lottery and if only unit qualifies then such solitary unit shall be selected for conducting all the country liquor shops of the special zone. Such selected applicant apply to licensing authority of the district for grant of license to each shop.</p>	<p>(d) The last date to be fixed for the receipt of application shall not be earlier than such number of days as stipulated, in the advertisement in the newspapers <b>and the website of Excise Department (www.upexcise.in).</b></p> <p>(e) <b>Omitted</b></p>
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**Amendment of rule-8**

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

<p align="center"><b>Column-I (Existing rule)</b></p>	<p align="center"><b>Column-II (rule as hereby substituted )</b></p>
<p><b>8-Eligibility conditions for applicants-</b> Eligible applicants for license of a retail country liquor shop must fulfill following conditions namely-</p> <p>(a) be a citizen of India or</p>	<p><b>8-Eligibility conditions for applicants-</b> Eligible applicants for license of a retail country liquor shop must fulfill following conditions namely-</p> <p>a) be a citizen of India or</p> <p><b>Not more than two applicants i.e.</b></p>

a partnership firm having not more than two partners and their partners are not partners in more than four such firms, both being citizens of India.

No change in partnership shall be allowed after allotment of shop (s) :

Provided that if a license is held by an individual in the event of his death, his legal heir (s) if otherwise eligible, may continue to hold the license for the remaining period of the license:

Provided further that if a license is jointly held by two partners, in the event of death of either of them, the survivor along with the legal heir (s) of deceased if otherwise eligible, may continue to hold the license or in case of death of both partners their legal heir(s), if otherwise eligible may continue to hold the license. No distinction will be made between the legal liabilities of the two partners who will be jointly and severally responsible:

(b) be above 21 years of age.

(c) not be defaulter/blacklisted or debarred from holding an excise license under the provisions of any rules made under Act. Any person who has been convicted of any excise offence by any court of law unless fully and finally acquitted shall be automatically debarred from holding the license.

**one in individual capacity and other with co-applicant individual both being citizens of India.**

**No partnership firm or company shall be eligible for the grant of retail licence. Likewise, Wholesaler or Distiller/Manufacturer of liquor shall also not be eligible for holding licence of any type of retail shop.**

No change in **the status of applicant and co-applicants** shall be allowed after allotment of shop(s) :

Provided that if a license is held by an individual in the event of his death, his legal heir (s) if otherwise eligible, may continue to hold the license for the remaining period of the license:

Provided further that if a license is jointly held by two **persons**, in the event of death of either of them, the survivor along with the legal heir (s) of deceased if otherwise eligible, may continue to hold the license or in case of death of both **persons** their legal heir(s), if otherwise eligible may continue to hold the license. No distinction will be made between the legal liabilities of the two **persons** who will be jointly and severally responsible:

**(b) be above twenty-one years of age on the first day of the period fixed for receiving application.**

(c) not be defaulter/blacklisted or debarred from holding an excise license under the provisions of any rules made under Act. Any person who has been convicted of any excise offence by any court of law unless fully and finally acquitted shall be automatically debarred from holding the license.

**(cc) The applicant shall be eligible to make not more than two applications in total for any**

<p>(d) Applicant shall have to fulfill the following eligibilities for the allotment of model shops in special zone under provisions of "the Uttar Pradesh Demarcation and Regulation of Special Zones for Exclusive Privilege of Excise Shops Rule-2009":-</p> <p>(i) The applicant should be a person of age more than 21 years, who is the citizen of India. Such applicant shall have to produce domicile certificate issued by the competent authority</p> <p>(ii) The applicant should be registered partnership firm or company registered under Company Act 1956. Consortium shall not be eligible for that. It shall be necessary to produce article of Association, memorandum of Association and certificate of incorporation in case of registered company and certified copy of the registered partnership deed in case of registered partnership firm.</p> <p>(iii) The applicant should be Apex Cooperative body/ Corporation of U.P. State under control of State.</p> <p>(iv) The applicant must have turn over of minimum Rs. 400 crores accrued from the trade of whole/retail vend of liquor during any one of the past three financial years inclusive of the current financial year. Sale of liquor from the shops of whole/ retail sale of country liquor/ foreign liquor/beer as well as model shops shall be included in the calculation of turn over. This turn over shall not include the production of liquor and the sale of manufactured liquor. Certificates issued by the chartered accountant and excise or commercial department of states/ Union Territories shall have to be furnished as a proof of turn over.</p> <p>(v) The applicant should not be producer of alcohol or manufacturer of liquor.</p> <p>(vi) The applicant should have experience</p>	<p><b>one shop to the limit of applying one application in his own name and second application with co-applicant individual.</b></p> <p><b>(d) Omitted</b></p>
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as a licensee in the trade of whole/retail vend of liquor. It shall be necessary to submit the certificate of experience issued by the Excise Departments of State Government/ Union Territories as a evidential proof of experience as well as certified copy of the license verified by the Gazetted officer along with the application.

(vii) The applicant should not be a defaulter for the excise dues and otherwise, not ineligible for holding the license of excise.

(viii) The applicant shall have to furnish a

certificate of financial capacity to the tune of rupees 100 crores issued by any scheduled bank.

(ix) The applicant shall have to make only singular application form for the entire retail shops of country liquor, foreign liquor, beer and model shops of the special Meerut zone. Earnest money, equivalent to 1/10<sup>th</sup> of basic license fee for all country liquor shops and 1/10<sup>th</sup> of license fee for all foreign liquor shops, beer shops as well as model shops shall be payable through bank draft/ pay order issued under the designated name of Excise Commissioner, Uttar Pradesh which shall be refundable in case of non- selection.

(x) Bank draft/ pay order of rupees ten thousand issued by Schedule Bank under designated name of Excise Commissioner, Uttar Pradesh shall have to be enclosed as a processing fee along with the application.

(e) submit an affidavit duly verified by notary public as proof of the following 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.

(e) submit an affidavit duly verified by notary public as proof of the following 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 has not been constructed in violation of any law or rules.

(iii) That he and his family members possess good moral character and have no criminal back ground not have been convicted of any offence punishable under United Provinces Excise Act. 1910 or Narcotics Drugs and Psychotropic Substances Act, 1985 or any other cognizable and non-bailable offence.

(iv) That in a case he is selected as licensee he will furnish a certificate issued by Senior Superintendent/ Superintendent of police of the district of which he is resident, showing that he as well as his family members possess good moral character and have no criminal background or criminal record, within thirty days of grant of license.

(v) That he shall not employ any salesmen or representative who has criminal background as mentioned in clauses (iii) or who suffers from any infectious or contagious diseases or is below 21 years of age or a women.

(vi) That he is not in arrear of any public dues or Government dues.

(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.

(viii) That applicant is not involved in mafia activities, anti social activities and organized offensive activities, if after issuance of license it is proved that he is involved in

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

(iii) that he and his family members possess good moral character and have no criminal background not have been convicted of any offence punishable under United Provinces Excise Act. 1910 or Narcotics Drugs and Psychotropic Substances Act, 1985 or any other cognizable and non-bailable offence.

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

(v) that he shall not employ any salesmen or representative who has criminal background as mentioned in clauses (iii) or who suffers from any infectious or contagious diseases or is below **twenty-one** years of age or a woman. **Licensee shall have to obtain Identity Cards bearing photographs of his authorized salesman / representative from District Excise Officer.**

(vi) that he is not in arrear of any public dues or Government dues.

(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 the licensing authority.

(viii) that applicant is not involved in mafia activities, anti social activities and organized offensive activities. If after issuance of license it is proved

mafia activities, anti social activities and organized offensive activities then the allotted agreement/ lease/ contract shall be cancelled.

(ix) That applicant is not an advocate registered with bar council. If he is found registered advocate after getting the license then the license shall be cancelled.

(x) that he shall furnish the Pan No. with in 3 months of the selection.

(e) Furnish a bank draft drawn in favour of the District Excise Officer or Excise Commissioner issued from a scheduled bank as earnest money. The amount of earnest money shall be such as may be fixed by the Excise Commissioner with prior sanction of the State Government. In case the applicant is selected as licensee, the earnest money shall be adjusted against the basic license fee. In other cases it shall be returned as such to the applicant as soon as the selection process is over.

(f) If any licensee wants to have partnership in his country liquor shop with any person or persons, he shall apply to the licensing authority with the details of the person or persons with whom he wants partnership. Such partner or partners have to fullfil the conditions laid down in clauses (a), (b) and (c) and submit affidavit duly verified by a notary as proof of sub clauses (ii), (iii), (iv), (v), (vi) and (vii) of clause (d).

The licensing authority may allow the person or persons as partner of the shop if sum equal 1% of the basic license fee of the shop is deposited by such person or persons as the case may be in the Government treasury.

that he is involved in mafia activities, anti social activities and organized offensive activities then the allotted **licence** shall be cancelled.

(ix) that applicant is not an advocate registered with Bar Council. If he is found registered advocate after getting the license then the license shall be cancelled. **An employee of the Government shall also be ineligible to apply for the grant of licence.**

(x) **Omitted**

**(ee) That he will deposit the amount of earnest money online in the Government account of the Excise Department along with online application as may be fixed by the Excise Commissioner with the prior sanction of the State Government. In case the applicant is selected as licensee, the earnest money shall be adjusted against the basic license fee. In other cases it shall be returned to the applicant through electronic payment as soon as the selection process is over at the earliest.**

(f) **Omitted**

**(g) That he is holder of solvency certificate and the worth of**

	<p>solvency alongwith co-applicant shall be equivalent to not less than the amount of 1/6 part of sum of basic license fee and license fee determined for the grant of licence of one shop in a district. Provided in case of being co-applicant, both individuals shall individually meet the stipulated criteria of solvency required for the grant of licence in a district.</p>
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**Amendment of rule-10**      9.      In the said rules, for existing rule-10 setout in Column-I below, the rule as setout in Column-II shall be substituted, namely:-

<b>Column-I (Existing rule)</b>	<b>Column-II (rule as hereby substituted )</b>
<p><b>Selection of licensee-</b> (a) The District Excise Officer shall prepare a list of all applications received with the summary report to be put before the District Level Committee of Licensing.</p> <p>(b) The said committee shall select licensees from the list of applicants. In case more than one applicants are found eligible for any particular shop the committee shall select the licensee for such shop by public lottery.</p> <p>(c) In case the selected applicants does not deposit the required basic licence fee or security amount and does not fulfill the</p>	<p><b>Selection of licensee-</b> (a) <b>Applicants shall be selected shop wise through e/Lottery process by inviting online applications. District Excise Officer shall scrutinize the applications received online and prepare list of all eligible and ineligible applications, describing the reasons of ineligibility and shall put up this list before the District Level Committee of Licensing constituted for e/Lottery.</b></p> <p>(b) The said committee shall identify <b>eligible and ineligible</b> applicants. <b>The licensee shall be selected for each shop from amongst the eligible applicants through the computer driven randomized arrangement. Randomization process shall be adopted in the order of country liquor, Model Shops, foreign liquor and beer shops as per prescribed hierarchy under respective rule. Not more than two shops including all categories of country liquor, model shop, foreign liquor and beer shall be allotted either in favour of any applicant as an individual or alongwith co-applicant individual in the district.</b></p> <p>(c) In case the selected applicants does not deposit the required basic licence fee or security amount and does not fulfill</p>

<p>prescribed formalities or is unable to arrange suitable premises for the shop within the stipulated period, the Licensing Authority shall cancel the allotment and take steps for resettlement of the shop.</p> <p>(d) In case there is no application for a particular shop or no candidate is found suitable for a shop, the Licensing Authority shall take immediate steps for resettlement of the shop.</p> <p>Provided that if an An Apex Cooperative Society/ Nigam as defined in THE Uttar Pradesh demarcation &amp; regulation of Special Zones for exclusive privilege of excise shops rule-2009 is selected for retail vend of country liquor in special zone by Excise Commissioner, such selected Apex Cooperative society/ Nigam shall directly apply to licensing authority along with with relevant documents as provided in the rules. The licensing authority shall grant the licence to such society/ Nigam .</p>	<p>the prescribed formalities or is unable to arrange suitable premises for the shop within the stipulated period, the Licensing Authority shall cancel the allotment and take steps for resettlement of the shop <b>through the process as prescribed by the Government.</b></p> <p>(d) In case there is no application for a particular shop or no candidate is found suitable for a shop, the Licensing Authority shall take immediate steps for resettlement of the shop <b>through the process as prescribed by the Government.</b></p> <p><b>Omitted</b></p>
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**Amendment of rule-11**      10.      In the said rules, for existing rule-11 set out in Column-I below, the rule be as set out in Column-II shall be substituted, namely:-

<b>Column-I (Existing rule)</b>	<b>Column-II (rule as hereby substituted)</b>
<p><b>11-Statement of settled shops.</b> A statement of the settled shops along-with names and addresses of the licensees, shop-wise annual minimum guaranteed quantity, details of security amount and basic licence fee deposited shall be sent by the District Excise Officer to the Excise Commissioner within 15 days of the settlement.</p>	<p><b>11-Statement of settled shops.</b> A statement of the settled shops along-with names and addresses of the licensees, shop-wise annual minimum guaranteed quantity, details of security amount and basic licence fee deposited shall be sent by the District Excise Officer to the Excise Commissioner within <b>seven</b> days of the settlement <b>and the details of the same shall be entered into the prescribed register besides being uploaded on the website of the Excise Department (www.upexcise.in).</b></p>

**Amendment of rule-12**      11.      In the said rules, for existing rule-12 set out in Column-I below, the rule as set out in Column-II shall be substituted, namely:-

<b>Column-I (Existing rule)</b>	<b>Column-II (rule as hereby substituted)</b>
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**12. Payment of Basic License fee & Security amount-** In case an applicant is selected as licensee, he shall deposit the entire amount of basic licence fee within 03 working days of being intimated of his selection. He shall be required to deposit half of the security amount within 10 working days of intimation of his selection and balance of the security amount within 20 working days of intimation of his selection.

For the forthcoming Excise Year the licensee of the shop to be settled through renewal in the month of March, shall deposit the entire amount of basic license fee at the time of making application. He shall be required to deposit half of the security amount within 10 working days after renewal and balance of the security amount within 20 days after renewal.

Provided that for the forthcoming Excise Year, the licensee of the shop to be settled though renewal prior to March, Shall deposit the half of the basic license fee at the time of making application and half of the security amount within 10 working days after renewal. Such licensee shall deposit the balance of basic license fee and the security amount by end of 15th March during currency of the Excise Year.

If he fails to deposit the amount of the basic license fee and security amount within prescribed period, his selection shall stand cancelled and his earnest money and basic license fee as well as the security amount, if deposited by him, shall be forfeited in favour of State Government and the said shop shall be resettled forthwith.

**12. Payment of Basic License fee & Security amount-** In case an applicant is selected as licensee, he shall deposit the entire amount of basic license fee within **six** working days of being intimated of his selection. He shall be required to deposit half of the security amount within **ten** working days of intimation of his selection and balance of the security amount within **twenty** working days of intimation of his selection. **Entire amount of basic license fee and security shall be deposited by the applicant preferably through e-payment.**

**In subsequent year, the licence of the shop may be renewed on the desire of the licensee according to the parameter of consumption as fixed by the State Government.**

If he fails to deposit the amount of the basic license fee and security amount within prescribed period, his selection shall stand cancelled and his earnest money and basic license fee as well as the **security amount deposited** by him, shall be forfeited in favour of State Government and the said shop shall be resettled forthwith **in manner as prescribed by the Government.**

**Amendment of rule-13**      12.    In the said rules, for existing rule-13 set out in Column-I below, the rule as set out in Column-II shall be substituted, namely:-

<b>Column-I (Existing rule)</b>	<b>Column-II (rule as hereby substituted)</b>
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<p><b>13-Lifting of liquor-(a)</b>The licensee under these rules shall obtain supplies of country liquor from any wholesale licence of the District after making full payment of cost price of country liquor including all taxes, duties and cess as levied from time to time. The licensee shall place indent at-least 72 hours in advance to the wholesale licensee in the District from whom he intends to procure the supply of country liquor.</p>	<p><b>13-Lifting of liquor-(a)</b>The licensee under these rules shall obtain supplies of country liquor from any wholesale licence of the District after making full payment of cost price of country liquor including all taxes, duties, <b>fees (including additional consideration fee)</b> and cess as levied from time to time <b>preferably through e-payment platform.</b> The licensee shall place indent at-least <b>seventy-two</b> hours in advance to the wholesale licensee in the District from whom he intends to procure the supply of country liquor.</p>
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**Amendment of rule-14**      13.    In the said rules, for existing rule-14 set out in Column-I below, the rule as set out in Column-II shall be substituted, namely:-

<p align="center"><b>Column-I (Existing rule)</b></p>	<p align="center"><b>Column-II (rule as hereby substituted)</b></p>
<p><b>14. Payment of monthly installment of licence fee and consequences of failure-</b></p> <p>(a) The licensee shall be liable to pay the monthly installment of licence fee by the last day of the month. However, the consideration fee involved in the quantity of country liquor lifted by him during the concerned month shall be adjusted against the monthly installment of licence fee under the provisions of these rules.</p> <p>(b) The licensee shall be required to submit his account and licence fee pass book giving details of the country liquor lifted by him and licence fee deposited to the District Excise Officer by 5.00 p.m. of the 1<sup>st</sup> day of the next month of verification and calculation of licence fee due from him.</p> <p>(c) In case there is any short fall in the licence fee after due adjustment of consideration fee involved in the country liquor lifted by the licensee, the District Excise Officer shall adjust the outstanding balance amount of licence fee from the security deposit of the licensee and having been issued notice to the licensee by the</p>	<p><b>14. Payment of monthly installment of licence fee and consequences of failure-</b></p> <p>(a) The licensee shall be liable to pay the monthly installment of licence fee by the last day of the month. However, the consideration fee involved in the quantity <b>and strength</b> of country liquor lifted by him during the concerned month shall be adjusted against the monthly installment of licence fee under the provisions of these rules.</p> <p>(b) The licensee shall be required to submit his account and licence fee passbook giving details of the country liquor lifted by him and licence fee deposited to the District Excise Officer by 5.00 p.m. of the <b>first</b> day of the next month of verification and calculation of licence fee due from him.</p> <p>(c) In case there is any shortfall in the licence fee after due adjustment of consideration fee involved in the country liquor lifted by the licensee, the District Excise Officer shall adjust the outstanding balance amount of licence fee from the security deposit of the licensee and</p>

<p>Licensing Authority for depositing cash to replenish the deficit in security amount, action shall be ascertained while imparting due opportunity of hearing to him. The maximum duration of this proceeding shall be ten working days from the beginning of the month. After the lapse of stipulated period, the licence in question shall be cancelled by the Licensing Authority in case of failure to replenish the requisite security amount.</p> <p>After the expiry of the month, the replenishment in the deficit of security amount shall not be permitted for lifting the quantity of country liquor in the forthcoming month.</p>	<p><b>after</b> having issued notice to the licensee by the Licensing Authority for depositing cash to replenish the deficit in security amount, action shall be ascertained while imparting due opportunity of hearing to him. The maximum duration of this proceeding shall be ten working days from the beginning of the month. After the lapse of stipulated period, the licence in question shall be cancelled by the Licensing Authority in case of failure to replenish the requisite security amount.</p> <p>After the expiry of the month, the replenishment in the deficit of security amount shall not be permitted for lifting the quantity of country liquor in the forthcoming month.</p>
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**Amendment of rule-15      14.      In the said rules, for existing rule-15 set out in Column-I below, the rule as set out in Column-II shall be substituted, namely:-**

<b>Column-I (Existing rule)</b>	<b>Column-II (rule as hereby substituted)</b>
<p><b>15-Lifting of country liquor in excess of monthly minimum guaranteed quantity</b></p> <p>(1) The licensee may lift excess quantity of country liquor of any strength of general categories after paying additional basic license fee.</p> <p>(2) Licensee may lift spiced country spirit of strength 25% v/v (special category) over and above the fixed minimum guaranteed quantity without payment of additional basic license fee. This special category of country spirit can be lifted by the licensee in the referred month within the limit of 10% in bulk litres of the fixed minimum</p>	<p><b>15-Lifting of country liquor in excess of monthly minimum guaranteed quantity</b></p> <p><b>(1) The licensee may lift country liquor of any strength over and above the minimum guaranteed quantity for which licensee shall not be liable to pay any additional basic license fee.</b></p> <p><b>Further, the consideration fee involved in the lifting of the additional quantity shall not be adjusted against the license fee due for forthcoming months.</b></p> <p><b>(2) Omitted</b></p>

<p>guaranteed quantity of a month of the country liquor shop.</p> <p>(3) The consideration fee involved in the lifted quantity of country spirit of such special category shall not be adjusted against the monthly license fee of the shop.</p> <p>(b) Omitted</p> <p>(c) Omitted</p>	<p><b>(3) Omitted</b></p>
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**Amendment of rule-16**      15.      In the said rules, for existing rule-16 set out in Column-I below, the rule as set out in Column-II shall be substituted, namely:-

Column-I (Existing rule-16)	Column-II (rule as hereby substituted)
<p><b>16. Maximum retail price.</b></p> <p>The maximum retail price as fixed by Excise Commissioner on sanction of the State Government, shall be printed on the labels of the bottles of containers of country liquor. The licensee shall not charge from consumers more than the maximum retail price printed on labels of bottles.</p>	<p><b>16. Maximum Retail Price.</b></p> <p>The maximum retail price as fixed by Excise Commissioner on sanction of the State Government, shall be printed on the labels of the bottles of containers of country liquor. The licensee shall not charge from consumers more than the maximum retail price printed on labels of bottles. <b>In case of charging price above the Maximum Retail Price (M.R.P.), he shall be liable to punishment under rule-21.</b></p>

**Amendment of rule-17**      16.      In the said rules, for existing rule-17 set out in Column-I below, the rule as set out in Column-II shall be substituted, namely:-

Column-I (Existing rule)	Column-II (rule as hereby substituted)
<p><b>17- Hours of sale and closure of shops-</b></p> <p>The licensed premises shall remain open for sale on all days from 9.00 am to 11 p.m. except on 14th April (Ambedkar Jayanti), 15th August (Independence Day), 2nd October (Gandhi Jayanti), 26th January (Republic Day), and upto 3 more days as notified for closure by the Licensing Authority. Licensing Authority may also order for closure of shop on account of law and order or General Election related activity under the provisions of relevant laws. No compensation shall be given for the closure of shop on above grounds.</p>	<p><b>17- Hours of sale and closure of shops-</b></p> <p>The licensed premises shall remain open for sale on all days from <b>12.00 mid noon to 10 p.m. night</b> except on 14th April (Ambedkar Jayanti), 15th August (Independence Day), 2nd October (Gandhi Jayanti), 26th January (Republic Day), and upto 3 more days as notified for closure by the Licensing Authority. Licensing Authority may also order for closure of shop on account of law and order or General Election related activity under the provisions of relevant</p>

	laws. No compensation shall be given for the closure of shop on above grounds.
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**Amendment of rule-18**    17.    **In the said rules, for existing rule-18 set out in Column-I below, the rule as set out in Column-II shall be substituted, namely:-**

<b>Column-I (Existing rule)</b>	<b>Column-II (Rule as hereby substituted)</b>
<p><b>18. Disposal of balance stock left at the expiry of the license.</b> Entire quantity of country liquor lifted by the licensee during the year shall have to be sold during the validity of his license and the licensee shall not be permitted to sell it after expiry of the license. Any balance of country liquor quantity found outstanding and unsold at the expiry of the term of license shall be declared by the licensee to the Licensing Authority on the next day, and shall be returned by him to the concerned wholesale shop of the district by 5.00 p.m. of the next date of expiry of license. The licensee shall be entitled to get the refund of cost price only, excluding consideration fee and other taxes. The disposal of such stock shall be made by the wholesale licensee as per order of the Excise Commissioner in this regard.</p>	<p><b>18. Disposal of balance stock left at the expiry of the license.</b> Entire quantity of country liquor lifted by the licensee during the year shall have to be sold during the validity of his license and the licensee shall not be permitted to sell it after expiry of the license. Any balance of country liquor quantity found outstanding and unsold at the expiry of the term of license shall be declared by the licensee to the Licensing Authority on the next day, and shall be returned by him to the concerned wholesale shop of the district by 5.00 p.m. of the next date of expiry of license. <b>The licensee shall be entitled to get the refund of cost price only, excluding consideration fee and other taxes. Such stock of country liquor received at wholesale license shall be auctioned by the District Excise Officer in presence of Deputy Excise Commissioner under permission of the Excise Commissioner. Only potable distilleries shall be permitted to participate in the aforesaid auction. Amount obtained from auctioning shall be deposited in the treasury of the district under Head of Account-8443 Security and Other receipts and thereafter deposited amount shall be proportionately distributed to the concerning licensees against the amount due as cost price. Consequent upon non availability of willing distillers Licensees shall not be liable for payment of any price and remnant quantity of country liquor shall be destroyed</b></p>

	<b>before the Deputy Excise Commissioner.</b>
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**Amendment of rule-20** 18. In the said rules, for existing rule-20 setout in Column-I below, the rule as setout in Column-II shall be substituted, namely:-

<b>Column-I (Existing rule)</b>	<b>Column-II (rule as hereby substituted)</b>
<p><b>20. Interim Settlement of shop-</b>  (a) In case a license is suspended cancelled or surrendered in accordance with the provisions of these rules or if the shop remains unsettled for any reasons the licensing authority may make interim settlement of the shop on payment of daily basic license fee, on such rates as notified by the Excise Commissioner with prior sanction of the Government, and proportionate license fee (i.e. duty X daily minimum guaranteed quantity) for a maximum period of 14 days at one stretch of the date of regular settlement, whichever is earlier. Such licensee shall also be required to deposit refundable/ adjustable security amount equivalent to the duty involved in daily minimum guaranteed quantity for the period of interim settlement.</p> <p>Provided that no such settlement of a shop shall be made by the licensing authority for more than two times except with prior approval of the Excise Commissioner.</p> <p>Provided further that in case of Special Zone matter should be referred to Excise Commissioner for decision.</p> <p>(b) The amount of daily basic license fee so</p>	<p><b>20. Interim Settlement of shop-</b>  (a) In case a license is suspended cancelled or surrendered in accordance with the provisions of these rules or if the shop remains unsettled for any reasons the licensing authority may make interim settlement of the shop at the <b>highest offer on the</b> payment of daily basic license fee, on such rates as notified by the Excise Commissioner with prior sanction of the Government, and proportionate license fee (i.e. duty X daily minimum guaranteed quantity) for a maximum period of <b>fourteen</b> days at one stretch of the date of regular settlement, whichever is earlier. <b>In case of obtaining two or more equal offers for one shop, settlement shall be done through the public lottery.</b> Such licensee shall also be required to deposit refundable/ adjustable security amount equivalent to the duty involved in daily minimum guaranteed quantity for the period of interim settlement.</p> <p>Provided that no such settlement of a shop shall be made by the licensing authority for more than two times except with prior approval of the Excise Commissioner</p> <p><b>Omitted</b></p> <p>(b) <b>Omitted</b></p>

realized during the interim settlement shall be adjusted against the amount of basic license fee at the time of regular settlement of the shop.	
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**Amendment of rule-21**

**19.** In the said rules, for existing rule-21 setout in column-I below, the rule as setout in Column-II shall be substituted, namely:-

<b>Column-I (Existing rule)</b>	<b>Column-II (rule as hereby substituted)</b>
<p><b>21- Suspension and cancellation of the license and penalties.</b></p> <p>(i) Licensing authority may suspend or cancel the license:-</p> <p>(a) if any bottle or container of country liquor is found in the licensed premises on which duty has not been paid and which does not carry security hologram duly approved by the Excise Commissioner as proof of payment of duty:</p> <p>(b) if any bottle or container of any other kind of liquor or intoxicating drug (for which license is not granted) is found in the licensed premises:</p> <p>(c) if any liquor or intoxicating drug is found in the possession of the licensee against the provisions of the Act or Rules:</p> <p>(d) if the affidavit submitted by the licensee at the time of application is found incorrect and assertions made therein are found to be false:</p> <p>(e) if it is found that license has been obtained in a false name or the licensee is holding the license on behalf of some other person.</p> <p>(f) If the licensee fails to deposit monthly installment of license fee or replenish the deficit in security amount within prescribed period:</p> <p>(g) If the licensee is convicted of an offence punishable under the Act or of any</p>	<p><b>21- Suspension and cancellation of the license and penalties.</b></p> <p>(i) Licensing authority may suspend or cancel the license:-</p> <p>(a) if any bottle or container of country liquor is found in the licensed premises on which duty has not been paid and which does not carry <b>security code affixed</b> duly approved by the Excise <b>Department</b> as proof of payment of duty:</p> <p>(b) if any bottle or container of any other kind of liquor or intoxicating drug (for which license is not granted) is found in the licensed premises:</p> <p>(c) if any liquor or intoxicating drug is found in the possession of the licensee against the provisions of the Act or Rules:</p> <p>(d) if the affidavit submitted by the licensee at the time of application is found incorrect and assertions made therein are found to be false:</p> <p>(e) if it is found that license has been obtained in a false name or the licensee is holding the license on behalf of some other person.</p> <p>(f) If the licensee fails to deposit monthly installment of license fee or replenish the deficit in security amount within prescribed period:</p> <p>(g) If the licensee is convicted of an offence punishable under the Act or</p>

<p>cognizable and nonbailable offence or any offence punishable under Narcotics Drugs and Psychotropic substances Act. 1985 or of any offence punishable under sections 482 to 489 of the Indian Penal Code.</p> <p>(2) The licensing Authority shall immediately suspend the license and issue a show cause notice for cancellation of license and forfeiture of security the licensee shall submit his explanation within 7 days of the receipt of notice. There after the licensing authority shall pass suitable orders after giving due opportunity of hearing to the licensee.</p> <p>Provided that the procedure of suspension and cancellation of license related to relevant matter as adduced in the sub paragraph (f) of the aforesaid rule-21(1) shall be executed in accordance with the rule-14.</p> <p>(3) In case the license is cancelled the basic license fee, license fee deposited by him shall stand forfeited in favour of the Government and the licensee shall not be entitled to claim any compensation or refund. Such licensee may also be blacklisted and debarred from holding any other excise license.</p>	<p>of any cognizable and non-bailable offence or any offence punishable under <b>the</b> Narcotics Drugs and Psychotropic Substances Act. 1985 or of any offence punishable under sections 482 to 489 of the Indian Penal Code, <b>1860</b>.</p> <p>(2) The licensing Authority shall immediately suspend the license and issue a show cause notice for cancellation of license and forfeiture of security the licensee shall submit his explanation within <b>seven</b> days of the receipt of notice. There after the licensing authority shall pass suitable orders after giving due opportunity of hearing to the licensee.</p> <p>Provided that the procedure of suspension and cancellation of license related to relevant matter as adduced in the sub paragraph (f) of the aforesaid rule-21(1) shall be executed in accordance with the rule-14.</p> <p>(3) In case the license is cancelled the basic license fee, license fee and security amount deposited by him shall stand forfeited in favour of the Government and the licensee shall not be entitled to claim any compensation or refund. Such licensee may also be blacklisted and debarred from holding any other excise license.</p>
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Amendment  
of form C.L.5-C

20. In the said rules, for existing Form C.L.5-C set out in Column-I below, the Format as setout in Column-II shall be substituted, namely:-

<p align="center"><b>Column-I</b> <b>(Existing Form)</b></p>	<p align="center"><b>Column-II</b> <b>(Form as hereby substituted )</b></p>
<p align="center"><b>C.L.5-C</b></p> <p align="center"><b>License for the Retail Sale of "Mild" &amp; "Strong" Country Liquor in sealed Bottles &amp; Container for Consumption "On" and "Off" the premises.</b></p>	<p align="center"><b>C.L.5-C</b></p> <p align="center"><b>License for the Retail Sale of "Mild" &amp; "Strong" Country Liquor in sealed Bottles &amp; Container for Consumption "On" and "Off" the premises.</b></p>



License No.....year.....  
 Name of Shop.....District.....  
 Basic License fee Rs.....(in figures).....(in words)  
 Annual Minimum Guaranteed Quantity.....bulk litres  
 (in terms of "strong" country liquor of 36% v/v)  
 License fee Rs.....(in figures).....  
 (in words) Monthly Minimum Guaranteed Quantity.....bulk litres  
 (in terms of "strong" country liquor of 36% v/v)  
 Monthly installment of license fee Rs. ....  
 (in figures).....in words)  
 Description of premises (with boundaries)  
 North.....South.....  
 East.....West.....

Name, Father's Name & Address of Licensee(s)  
 1.....S/o .....R/o.....  
 2.....S/o .....R/o.....

Name, Father's Name & Address of Salesmen  
 1.....S/o .....R/o.....  
 2.....S/o .....R/o.....  
 3.....S/o .....R/o.....  
 4.....S/o .....R/o.....

License for the retail sale of "strong" and mild Country Liquor in bottles of strength &

<b>Photo of applicant</b>	<b>Photo of co-applicant</b>
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**Photo of shop**

**Latitude/longitude of shop.....**

License No.....year.....  
 Name of Shop.....District.....  
 Basic License fee Rs.....(in figures).....(in words)  
 Annual Minimum Guaranteed Quantity.....bulk litres  
 (in terms of "strong" country liquor of 36% v/v)  
 License fee Rs.....(in figures).....  
 (in words) Monthly Minimum Guaranteed Quantity.....bulk litres  
 (in terms of "strong" country liquor of 36% v/v)  
 Monthly installment of license fee Rs. ....  
 (in figures).....in words)  
 Description of premises (with boundaries)  
 North.....South.....  
 East.....West.....

Name, Father's Name & Address of Licensee(s)  
 1.....S/o .....R/o.....  
 2.....S/o .....R/o.....

Name, Father's Name & Address of Salesmen  
 1.....S/o .....R/o.....  
 2.....S/o .....R/o.....  
 3.....S/o .....R/o.....  
 4.....S/o .....R/o.....

License for the retail sale of "strong" and mild Country Liquor in **200ml**

capacity (as prescribed by the Excise Commissioner) is hereby issued to above license holder(s). at .....(place) in p.s. .... Tahsil.....in the District of .....w.e.f. from .....to March, 31, 20.....for which basic license fee and security deposit has been paid in accordance with rule-6 and rule-12.

The License is subject to the following terms and conditions the infraction of any of which or violation of the provisions as expounded in Rule-21 of U.P. Excise (Settlement of licenses for retail sale of country liquor) rules- 2002 (as amended) or conviction for any offence under the U.P. Excise Act. 1910 or Narcotics Drugs and Psychotropic Substances Act, 1985 shall make the licensee(s) liable for cancellation of the license and forfeiture of security deposit, in addition to any penalties imposed under the relevant laws.

#### TERMS AND CONDITIONS

1. The licensee shall lift country liquor from wholesale license after payment of cost and consideration fee in accordance with the provisions of rule-13.
2. The licensee is liable to pay the monthly installment of license fee by the last day of the month in accordance with the provisions of Rule-14.
3. Maximum Retail Price shall be printed on the label of bottles and containers of country liquor. The retail licensee shall not charge more than the printed maximum retail price.
4. The Sale of Country Spirit in sealed bottles and containers for consumption both "on" and "off" the premises shall be allowed from the same Gaddi. A portion of the premises shall be set apart where only "on" consumption shall be permitted. Even for "on" consumption

**pet/glass** bottles of strength and as prescribed by the Excise Commissioner is hereby issued to above license holder(s). at .....(place) in P.S. .... Tahsil.....in the District of .....w.e.f. from .....to March, 31, 20.....for which basic license fee and security deposit has been paid in accordance with Rule-6 and Rule-12.

The License is subject to the following terms and conditions the infraction of any of which or violation of the provisions as expounded in Rule-21 of U.P. Excise (Settlement of licenses for retail sale of country liquor) rules- 2002 (as amended) or conviction for any offence under the U.P. Excise Act. 1910 or Narcotics Drugs and Psychotropic Substances Act, 1985 shall make the licensee(s) liable for cancellation of the license and forfeiture of security deposit, in addition to any penalties imposed under the relevant laws.

#### TERMS AND CONDITIONS

1. The licensee shall lift country liquor from **CL-2 Godown of licensee** after payment of cost and consideration fee in accordance with the provisions of rule-13 **preferably by e-payment.**
2. The licensee is liable to pay the monthly installment of license fee by the last day of the month in accordance with the provisions of rule-14.
3. Maximum Retail Price shall be printed on the label of bottles of country liquor. The retail licensee shall not charge more than the printed maximum retail price.
4. The Sale of Country Spirit in sealed bottles for consumption both "on" and "off" the premises shall be allowed from the same Gaddi. A portion of the premises shall be set apart where only "on" consumption shall be permitted. Even for "on"

<p>the country spirit shall not be served loose and licensee/salesman shall be responsible for destroying by crushing / truncation of remaining pet bottles in quarts, pints and nips as well as capsules affixed upon them after being consumed at the shop.</p> <p>5. The sales shall be made in sealed bottles and containers of country liquor of prescribed strength and quantity carrying Security Hologram or Security Holographic Shrink Sleeves approved by the Excise Commissioner, as proof of payment of consideration fees.</p> <p>6. The licensee shall maintain a regular and accurate daily account in the prescribed register, which can be obtained from Licensing Authority on payment and account register shall be produced for inspection whenever asked by the competent inspecting authority. The licensee shall also furnish account of sale etc. and facilitate and provide the material and documents required by the inspecting authority.</p> <p>7. The licensee shall not be allowed to carry on any other business on the licensed premises except sale of Country Liquor for which license is granted.</p> <p>8. The license premises shall remain open for sale on all days from 9.00 am to 11 p.m., except on 14th April (Ambedkar Jayanti), 15th August (Independence Day), 2nd October (Gandhi Jayanti), 26th January (Republic Day) and upto 3 more days as notified for closures by the Licensing Authority, Licensing Authority may also order closure of shop on account of law and order or General Election related activity etc. under the provisions of relevant laws. No Consideration fee shall be given</p>	<p>consumption the country spirit shall not be served loose and licensee/salesman shall be responsible for <b>disposing of pet/glass bottles as well as capsules affixed upon them after being consumed at the shop as per Solid Waste Management (SWM) Rules, 2016.</b></p> <p>5. The sales shall be made in <b>200 ml</b> sealed <b>pet/glass</b> bottles of country liquor of prescribed strength carrying <b>security Code as</b> approved by the Excise <b>Department</b>, as proof of payment of consideration fees.</p> <p>6. The licensee shall maintain a regular and accurate daily account in the <b>form and register as prescribed by the Licensing Authority and SMS upload the same on Uttar Pradesh Excise portal</b> be produced for inspection whenever asked by the competent inspecting authority. The licensee shall also furnish account of sale etc. and facilitate and provide the material and documents <b>as</b> required by the inspecting authority.</p> <p>7. The licensee shall not be allowed to carry on any other business on the licensed premises except sale of Country Liquor for which license is granted.</p> <p>8. The license premises shall remain open for sale on all days from <b>12.00 Mid Noon to 10 P.M. Night</b>, except on 14th April (Ambedkar Jayanti), 15th August (Independence Day), 2nd October (Gandhi Jayanti), 26th January (Republic Day) and upto 3 more days as notified for closures by the Licensing Authority, Licensing Authority may also order closure of shop on account of law and order or General Election related activity etc. under the provisions of relevant</p>
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<p>for the closure of shop on above dates/days.</p> <p>9. The licensee shall store entire stock of Country Liquor in the license premises only.</p> <p>10. The licensee shall affix a conspicuous signboard at the entrance to the shop on which the name of the licensee, designation, location of the shop of "Licensed Retail sale of Country Liquor", period of license and such other information's as prescribed by Licensing Authority in bold letters shall be printed.</p> <p>11. The licensee shall provide within the licensed premises a reasonable seating accommodation i.e. a sufficient number of benches, " takhats" , chairs and tables etc. and provide tumbler, water, ice, soda, snacks and other edibles after cooking.</p> <p>12. The Licensee shall not employ any person as salesman who is below 21 years of age or is suffering from any infectious and / or contagious diseases, or has criminal background.</p>	<p>laws. No Consideration fee shall be given for the closure of shop on above dates/days.</p> <p>9. The licensee shall store entire stock of Country Liquor in the licensed premises only. <b>He shall be required to maintain requisite equipment for scanning of bottles as per prescribed security code under the Track and Trace System.</b></p> <p>10. The licensee shall affix a conspicuous signboard at the entrance to the shop <b>in the form/size approved by the Excise Commissioner</b> on which the name of the licensee, designation, location of the shop of "Licensed Retail sale of Country Liquor", period of license and such other information as prescribed by Licensing Authority in bold letters shall be printed.</p> <p><b>The signboard shall also display the following information :-</b></p> <p><b>Consumption of liquor is prohibited outside near the premises of shop or at public places. Any contravention in this regard shall be punishable.</b></p> <p>11. The licensee shall provide within the licensed premises a reasonable seating accommodation i.e. a sufficient number of benches, " takhats", chairs and tables etc. and provide tumbler, water, ice, soda, snacks and other <b>cooked</b> edibles.</p> <p>12. The Licensee shall not employ any person as salesman who is below 21 years of age or is suffering from any infectious diseases, has criminal background <b>or a woman. The Licensee shall have to obtain identity cards of the salesmen bearing their photographs duly issued by the District Excise</b></p>
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<p>13. The licensee shall not sell to any person more than 1.5 litres of plain and spiced country liquor of different strength separately except under permission granted in accordance to rule 28(3) of rules relating to import, export transit and custody of country liquor under the provisions of Excise manual Volume-1 (1995 edition).</p> <p>14. The sale should not be made to a person below the age of 21 years or any official in uniform.</p> <p>15. The licensee is strictly forbidden under any pretext whatsoever from tampering with bottles and containers or with their labels, Security Hologram/ Shrink Sleeve, Pilfer proof caps or seals.</p> <p>16. The licensee shall not keep in his licensed premises any caramel, colour, essence, hologram/ Shrink Sleeves, labels, capsules, seals and any other noxious material.</p> <p>17. The licensee or his salesmen are strictly prohibited from keeping water on the Gaddi of the shop or within 5 feet of the place. Where Country Liquor is stored or kept for sale.</p> <p>18. The licensee shall be responsible for the proper upkeep and cleanliness including it's drain etc. which shall be kept disinfected.</p> <p>19. All kujjar, pattals etc. used in the premises shall be removed immediately to specially erected empty receptacles or bin with a cover kept for this purpose which shall be cleaned at least twice during the sale hours.</p> <p>20. The premises in which the shop is situated, shall not be used as a place of residence except by the licensee/ salesmen and his family.</p>	<p><b>Officer, which shall be produced as and when demanded by inspecting authorities.</b></p> <p>13. The licensee shall not sell to any person more than 1.5 litres of plain and spiced country liquor of different strength separately except under permission granted in accordance to Rule 28(3) of rules relating to import, export transit and custody of country liquor under the provisions of Excise Manual Volume-1 (1995 edition).</p> <p>14. The sale should not be made to a person below the age of <b>twenty-one</b> years or any official in uniform.</p> <p>15. The licensee is strictly forbidden under any pretext whatsoever from tampering with bottles or with their labels, <b>security Code</b>, Pilfer proof caps or seals.</p> <p>16. The licensee shall not keep in his licensed premises any caramel, colour, essence, <b>security Code making apparatus</b>, labels, capsules, seals <b>or</b> any other noxious material.</p> <p>17. The licensee or his salesmen are strictly prohibited from keeping water on the Gaddi of the shop or within 5 feet of the place where Country Liquor is stored or kept for sale.</p> <p>18. The licensee shall be responsible for the proper upkeep and cleanliness including its drain etc. which shall be kept disinfected.</p> <p>19. All kujjar, pattals etc. used in the premises shall be removed immediately to specially erected empty receptacles or bins with a cover kept for this purpose which shall be cleaned at least twice during the sale hours.</p> <p>20. The premises in which the shop is situated, shall not be used as a place of residence except by the licensee/ salesmen and his family.</p>
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<p>21. The licensee is strictly forbidden from having recourse to any form of blandishment or inducement to the customer with a view to increase his sales. Gambling and dance programmes are strictly forbidden.</p> <p>22. The licensee shall on expiry of the license, report to the Licensing Authority for disposal of balance stock which will be disposed of in accordance with rule-18.</p> <p>23. The licensee shall abide by the general or specific instructions issued by the Excise Commissioner or licensing authority from time to time.</p> <p>Date.....</p> <p>District.....</p> <p style="text-align: right;">Licensing Authority</p>	<p>21. The licensee is strictly forbidden from having recourse to any form of blandishment or inducement to the customer with a view to increase his sales. Gambling and dance programmes are strictly forbidden.</p> <p>22. The licensee shall on expiry of the license, report to the Licensing Authority for disposal of balance stock which will be disposed of in accordance with Rule-18.</p> <p>23. The licensee shall abide by the general or specific instructions issued by the Excise Commissioner or licensing authority from time to time.</p> <p>Date.....</p> <p>District.....</p> <p style="text-align: right;">Licensing Authority</p>
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**(Dheeraj Sahu)**  
Excise Commissioner,  
Uttar Pradesh