



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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No. 1 Dispur, Tuesday, 1st January, 2019, 11th Pausa, 1940 (S. E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
EXCISE DEPARTMENT

NOTIFICATION

The 31st December, 2018

No. EX/138/2015/Pt 1/61.- In exercise of the powers conferred by section 84 of the Assam Excise Act, 2000 (Assam Act No.XIV of 2000), the Governor of Assam is hereby pleased to make the following rules further to amend the Assam Excise Rules 2016, hereinafter referred to as the principal Rules, namely:-

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| Short title and commencement | 1. | (1) These rules may be called the Assam Excise (Amendment) Rules, 2018. |
| | | (2) They shall come into force on the date of their publication in the Official Gazette. |
| Amendment of rule 61 | 2. | In the principal Rules, in rule 61, for the existing provision, the following shall be substituted, namely :- |
| | | "61. Renewal of licence : Subject to the provisions contained in rule 128 of these rules, every licence shall be renewed annually by the Excise Commissioner on payment of annual licence fees and if there is nothing adverse against the licensee." |
| Amendment of rule 114 | 4. | In the principal Rules, in rule 114, - |
| | | (i) in sub-rule (iii), for the existing proviso, the following shall be substituted, namely:- |
| | | "Provided that the Commissioner of Excise in respect of wholesale vend of Foreign liquor and District Collector in respect of retail sale of foreign liquor "OFF" the premises shall renew such licences for another term of one year, if there is nothing adverse against the licensee ." |

- (ii) in sub-rule (iv), for the existing provision, the following shall be substituted, namely:-

"(iv) License for retail vend of foreign liquor "ON" the vendors premises shall always be for one year subject to renewal by the District Collector annually if there is nothing adverse against the licensee."

Amendment of
rule 128

5. In the principal Rules, in rule 128, for the existing provision, the following shall be substituted, namely:-

"128. (1) All retail licenses for foreign liquor, country spirit and heritage alcoholic beverages and other intoxicants granted under these rules shall be renewed annually by the District Collector on payment of prescribed annual licence fee if there is nothing adverse against the licensee and if no government dues remain as arrear with the licensee.

(2) All licences for CSD Bonded warehouse and wholesale warehouses for foreign liquor, country spirit and heritage alcoholic beverages and other intoxicants shall be renewed by the Excise Commissioner if there is nothing in contrary.

(3) All licences for distillery and brewery as well as all licences for manufactory for foreign liquor, country spirit and heritage alcoholic beverages and other intoxicants shall be renewed by the Excise Commissioner with the previous sanction of the State Government, if there is nothing in contrary."

Amendment of
rule 129

6. In the principal Rules, in rule 129, for the existing provisions, the following shall be substituted, namely:-

"129. (1) (a) All applications for the renewal of retail licenses shall be received in the office of the District Collector(Excise Branch) on or before the 15th day of February every year along with all requisite documents as may be determined by the District Collector, from time to time, but without the license fee, payable for the renewal of license.

(b) The District Collector shall cause to be scrutinized all such renewal proposals received on or before the 15th day of February and shall grant the sanction for renewal to such licenses as provided in rule 128 (1) at his discretion before the 15th day of March and shall order the concerned licensees in whose favour sanction for renewal has been granted, to deposit the licence fee on or before last day of March through treasury challan or by any other method as may be determined by the State Government, for the renewal of licence for the next year.

(2) (a) All applications for the renewal of licences for wholesale warehouses, CSD Bonded warehouses, manufactories, distilleries and breweries shall be received in the office of the District Collector (Excise Branch) on or before the 15th day of December.

- (b) The District Collector shall cause to be scrutinized all such renewal proposals received on or before the 15th day of December as provided in sub-rule (2) and (3) of rule 128 and shall send such proposals along with a consolidated statement with his specific comments thereto to the Excise Commissioner before the 15th day of January every year.
- (c) The sanction for renewal to such licences as provided in rule 128 (2) shall be granted by the Excise Commissioner at his discretion and such sanction shall be communicated to the District Collector before the 15th day of February every year.
- (d) The Excise Commissioner shall after due scrutiny, send such list prepared by the District Collector in respect of renewal proposals as provided in rule 128(3) to the State Government with his specific comments thereto before the last day of January every year.
- (e) The sanction for such renewal to such licences as provided in rule 128(3) shall be granted by the State Government at its discretion and such sanction or rejection, as the case may be, shall be communicated to the District Collector before last day of February every year.
- (f) On receipt of such sanction as provided in clauses (c) and (e) of this sub-rule, the District Collector shall order the concerned licensee in whose favour sanction for renewal has been received, to deposit the licence fee on or before the last day of March through treasury challan or by any other method as may be determined by the State Government, for the renewal of licence for the next year.

Amendment of
rule 130

7. In the principal Rules, in rule 130, for the existing provision, the following shall be substituted, namely:-

"130. The licensees who fail to deposit the licence renewal proposal as per rule 129 (1) (a) and rule 129(2)(a) and sanction for renewal in whose favour has been delayed due to reasons attributable to the licensee and if for such reasons the licensee fail to deposit the licence renewal fee as provided in rule 129 (1)(b) and rule 129(2)(f), the licence shall cease to have effect with effect from the first day of April to the date of endorsement of renewal by the Collector provided that such defaulter has to pay (50%) of the licence fee as penalty before renewal of the licence."

Omission of rule
288

8. In the principal Rules, in rule 288, the existing provisions shall be omitted.

Amendment of
rule 295

9. In the principal Rules, in rule 295, after sub-rule (ii), the following sub-rule (iii) shall be inserted, namely:-

"(iii) for the purpose of rule 289(i), 295(i) and 295(ii), objections from the owners or occupiers and residents of the neighbourhood located within a radius of 75(seventy five) meters of the premises involved shall be considered."

- Amendment of rule 616 10. In the principal Rules, in rule 616, for the existing provision, the following shall be substituted, namely:-
- "616. Strength of Country Spirit to be sold by Wholesale or retail sale :** Country Spirit of 60 degree under proof (as printed in the label fixed on the bottles) in measure of 750 ml or 375 ml and 600 ml or 300 ml or 200 ml in transparent glass/PET bottles with pilfer-proof seals/capsules are to be sold to the wholesalers by the manufacturers and to the retailers by the wholesalers to whom a licence may be granted for the purpose. One case of country spirit will contain 12 bottles of 750 ml i.e. 9 BL or equivalent quantity or 20 bottles of 600 ml i.e. 12 BL or equivalent quantity."
- Amendment of rule 638 11. In the principal Rules, in rule 638, for the existing provision, the following shall be substituted, namely:-
- "638. Quantity of Heritage Alcoholic Beverages to be sold by wholesale or retail sale :** Heritage Alcoholic Beverages in measures of 750 ml or 375 ml and 600ml or 300 ml or 200 ml in transparent glass/PET bottles with pilfer-proof seals/capsules are to be sold to the wholesalers by the manufacturers and to the retailers by the wholesalers to whom a license may be granted for the purpose. One case of Heritage Alcoholic Beverages will contain 12 bottles of 750 ml i.e. 9 BL or equivalent quantity or 20 bottles of 600 ml i.e. 12 BL or equivalent quantity."

JISHNU BARUA,

Addl. Chief Secretary to the Govt. of Assam,
Excise Department, Dispur, Guwahati-6.