

टिप्पणः— उपरोक्त नियत निबन्धनों की कड़ी अनुपालना सुनिश्चित करने के लिए सम्बद्ध जिले के उप आबकारी तथा कराधान आयुक्त (आ०) की जिम्मेवारी होगी।”।

(ii) खण्ड (छ) के स्थान पर, निम्नलिखित खण्ड प्रतिस्थापित किया जाएगा, अर्थात्:—

“(छ) (क) उप ठेका खोलने के लिए अनुज्ञप्तिधारी को प्ररूप एल-14क/एस०वी० में अनुज्ञप्ति प्राप्त करनी होगी। शहरी क्षेत्रों के लिए, उप आबकारी तथा कराधान आयुक्त (आ०) द्वारा प्रत्येक जोन में दो उप-ठेके तक खोलने की अनुमति प्रदान की जा सकती है। इसके अलावा, उप आबकारी तथा कराधान आयुक्त (आ०) द्वारा केवल शहरी क्षेत्रों के लिए जोन के कमाण्ड एरिया के भीतर अनुज्ञप्तिधारियों से विशिष्ट अनुरोध पर और उनके कमाण्ड क्षेत्र में अवैध शराब की अवैध बिक्री या अवैध शराब की बिक्री, तस्करी और तस्करी से बचने के लिए दो उप-ठेकों तक खोलने की अनुमति प्रदान की जा सकती है। प्रत्येक उप ठेके की लाईसेंस फीस निम्नलिखित प्रकार से होगी:—

शहरी क्षेत्रों		ग्रामीण क्षेत्र
2 उप-ठेकों तक	आगे दो उप-ठेकों के लिए	
₹20.00 लाख	₹30.00 लाख	₹2.00 लाख

ग्रामीण क्षेत्रों में उप ठेकों के लिए प्रावधान नीचे वर्णित पैरा (ख), (ग) और (घ) के अनुसार लागू किया जायेगा:—

- (ख) उप-ठेके 1000 (2011 की जनगणना के अनुसार) से अधिक की जनसंख्या की प्रत्येक ग्राम पंचायत के लिए अनुज्ञात किए जाएंगे;
- (ग) 1000 (2011 की जनगणना के अनुसार) से कम की जनसंख्या वाली ग्राम पंचायत के लिए उप-ठेके, उप आबकारी तथा कराधान आयुक्त (आबकारी) द्वारा ग्राम पंचायत की सहमति से अनुज्ञात किए जाएंगे;
- (घ) दो उप-ठेके उस ग्राम पंचायत में अनुज्ञात किये जाएंगे, यदि ऐसी ग्राम पंचायत की जनसंख्या 5000 (2011 की जनगणना के अनुसार) से अधिक है।”।

अमित कुमार अग्रवाल,
आबकारी तथा कराधान आयुक्त,
हरियाणा।

HARYANA GOVERNMENT
EXCISE AND TAXATION DEPARTMENT

Notification

The 29th March, 2019

No. 35 /X-I/P.A. 1/1914/S.59/2019.— In exercise of the powers conferred by section 59 of the Punjab Excise Act, 1914 (Punjab Act 1 of 1914) and with reference to the Haryana Government, Excise and Taxation Department, notification No. 98/X-I/P.A.1/1914/S.9/2018, dated the 31st October, 2018, I, Amit Kumar Agrawal, Excise Commissioner, Haryana exercising the powers of Financial Commissioner hereby make the following rules further to amend the Haryana Liquor License Rules, 1970, namely:—

1. (1) These rules may be called the Haryana Liquor License (Amendment) Rules, 2019.
- (2) They shall come into force with effect from the 1st April, 2019.
2. In the Haryana Liquor License Rules, 1970 (hereinafter called the said rules), in rule 24,—
 - (i) for clause (i), the following clause shall be substituted, namely:—

“(i) for a license in form L-1,-

- (a) ₹1.30 crore in case the annual quota of IMFL in an excise district is less than or equal to 25 lakh Proof Litre.
- (b) ₹1.50 crore in case the annual quota of IMFL in an excise district is more than 25 lakh Proof Litre and less than or equal to 50 lakh Proof Litre.
- (c) ₹2.00 crore in case the annual quota of IMFL in an excise district is more than 50 lakh Proof Litre.

Provided that no such license shall be issued unless a refundable security of thirty lakh rupees is deposited which shall be liable to be forfeited or adjusted for any amount or penalty due under the Act.”;

(ii) for clause (i-bb), the following clauses shall be substituted, namely:-

“(i-bb) for licenses in form L-4/L-5:-

- (a) L-4/L-5 licenses granted to the hotels of 5 Star grading and above: ₹ 45,00,000

Provided that L-4/L-5 licensees shall also be granted in emerging residential townships and such places where Haryana State Industrial Development Corporation has developed Industrial Model Townships and Theme/Specialized Parks like Industrial Model Townships, Manesar, Industrial Model Townships, Bawal, Industrial Model Townships, Rohtak, Industrial Town Park Manesar, Technology Park, Panchkula:

Provided further that such licensees shall be allowed one main bar and three additional points, alongwith room service (L-3), without any further fee. Such licensee shall further be allowed to operate the main bar round the clock. By virtue of having L-3 license, these hotels are allowed to keep liquor in the refrigerators kept in the hotels rooms along with other food articles and beverages. L-4/L-5 licensee bars can remain open upto 12.00 hours (Midnight). The timings of bars can be extended by one hour on payment of additional annual fee of Rs. 10 Lakh. Sale of liquor including imported foreign liquor made through L-4/ L-5 outlets (bars) shall attract VAT @ 18 % + surcharge @ Rs. 5% on VAT.

- (b) Hotels having grading of 4 Star: ₹ 38,00,000

Provided that such licensee shall be allowed one main bar and two additional points, alongwith room service (L-3), without any further fee. Such licensee shall further be allowed to operate the main bar round the clock. By virtue of having L-3 license, these hotels are allowed to keep liquor in the refrigerators kept in the hotels rooms along with other food articles and beverages.

Provided further that L-4/L-5 license shall also be granted provisionally to a Hotel located anywhere in the State subject to the condition that the applicant shall procure star classification of 4 star and above from the Ministry of Tourism, Government of India within the financial year of grant, failing which the provisional license shall not be renewed subsequently. The licensee shall apply for the star rating within one month of obtaining the L-4/L-5 license:

- (c) Hotels having grading of 3 Star: ₹ 20,00,000

Provided that such licensee shall be allowed one main bar, alongwith one additional point and room service (L-3), without any further fee. By virtue of having L-3 license, these hotels are allowed to keep liquor in the refrigerators kept in the hotels rooms along with other food articles and beverages.

Provided further that such licensee of category (a), (b) and (c) mentioned above shall also be allowed to serve liquor in functions, parties, events and meetings, held in up to three (03) of their identified and approved halls including banquet halls and ground floor lawns, sourced from the main bar, on payment of a one - time fee equal to 50% of his annual license fee.

The L-4/L-5 and L-12C licensees shall be allowed to procure Imported Foreign Liquor (BIO) directly from any L-1BF in the State subject to the payment of prescribed permit fee.

Provided that a refundable security of ₹5,00,000 Lacs shall be taken from the L-4/L-5 licensees in addition to the license fee.”;

- (iii) For a license in form L-4/L-5, for clause (a), (b), (c), (d) and (e), the following clauses shall be substituted namely:-

(a)	for revenue district Gurugram	₹18,00,000
(b)	for district Faridabad	₹15,00,000
(c)	for all other districts in the State except Gurugram and Faridabad	₹12,00,000
(d)	for Bar(s) operated by Haryana Tourism Corporation.	A composite fee of ₹ 2, 25,00,000
(e)	Bars operated by Haryana Urban Development Authority in their Gymkhana and Golf Clubs:	A composite fee of ₹ 1,50, 00,000

Provided that a composite security of ₹6,00,000 Lacs shall be taken from Haryana Tourism Corporation and Haryana Urban Development Authority in addition to the composite license fee.

- (iv) (a) in clause (ii), for the figure and sign “60,00,000”, the figure and sign “70,00,000” shall be substituted;
- (b) in clause (ii-a), for the figure and sign “50,00,000”, the figure and sign “60,00,000” shall be substituted;
- (c) in clause (ii-b), for the figure and sign “80,00,000”, the figure and sign “1,10,00,000” shall be substituted;
- (d) in clause (ii-b), for heading “Franchise Fee” and entries thereunder, the following heading and entries thereunder shall be substituted, namely:-

“Franchise Fee

Indian Made Foreign Spirit	22.00 per proof litre
Beer	16.00 per bulk litre”;

- (v) after clause (ii-b), for the existing proviso, the following proviso shall be substituted, namely:-

“Provided that a letter of intent shall be obtained by the applicant for setting up a bottling plant in the State of Haryana. The letter of intent shall be issued with certain terms and conditions with a specified period of validity. It shall be issued with the permission of the Government and a fee per annum for grant and renewal of letter of intent shall be forty lac rupees. Fee for revalidation of letter of intent for the first extension of one year shall be at the rate equal to the fee for grant of letter of intent and for each subsequent extension of one year, the revalidation fee shall be 125% by the previous year’s fee. The fee for revalidation of letter of intent where previously no fee for letter of intent or its revalidation was charged shall be charged at the rate of forty lac rupees and subsequent revalidation shall be 125% of the previous year’s fee”.

- (vi) for clause (ii-c), the following clause shall be substituted, namely : -

“(ii-c) The bottling fee on Indian Made Foreign Spirit shall be levied as under: -

(a)	for D-2 licenses bottling their own brands	₹ 15.00/- per Proof Litre
(b)	for bottling plants bottling their own brands	₹ 20.00/-per Proof Litre
(c)	for bottling of brands not covered in (a) and (b) above and where no franchise fee is levied	₹ 22.00/- per Proof Litre
(d)	for bottling of beer by the brewers	₹ 8.00/- per Bulk Litre

Provided that bottling fee shall be leviable on liquor for export as well as on liquor on local consumption, if no franchise fee is levied.

(vii) in clause (iv), for the existing proviso at the end, the following proviso shall be substituted, namely :-

“Provided that a license in form L-12A may be granted by the Deputy Excise and Taxation Commissioner (Excise) to an individual at private place beyond possession limit for a day on payment of ₹500 per day function.

The commercial places like banquet halls, farm houses, community centres, dharamshalas holding functions, get-togethers shall have to be registered with the Deputy Excise and Taxation Commissioner (Excise) of the District on payment of a registration fee Rs. 50,000/- per annum. The fee structure in such cases shall be as under:-

- | | | |
|-----|----------------------------------------------------------------------------------------|------------------------------|
| (a) | for persons serving liquor at commercial places registered with Excise department. | ₹5,000 per day per function |
| (b) | for persons serving liquor at commercial places not registered with Excise department. | ₹10,000 per day per function |

The application for grant of L-12A license at all the commercial venues shall mention the details of caterer i.e. name and style, GSTIN, the approximate number of guests and the quantity of liquor.”.

(viii) for clause (iv-b), the following clauses shall be substituted, namely :-

“(iv-b) for a license in form L-12C,-

- | | | |
|-----|--------------------------------------------------------------------|-----------------|
| (a) | for revenue district Gurugram | ₹ 18,00,000/- |
| (b) | for district Faridabad | ₹ 15,00,000/- |
| (c) | for All other district in the State except Gurugram and Faridabad: | ₹ 12,00,000/-”. |

Provided that L-12C licenses shall be granted to the Clubs of repute situated in the district headquarter cities, except as provided hereunder, having infrastructure and level of facilities required to meet the parameters and condition prescribed by the District Level Committee constituted for this purpose. The club having L-12 C license shall be entitled to all the facilities granted to L-4/L-5 having grading of 3 star. The fee of this license shall be Rs.20 Lakh:

Provided further that a new license in the form of L-12C for residential condominium shall be allowed at district headquarter cities. The main bar shall be equivalent to the L-4/L-5 license while any additional mini club within the condominium shall also get license @ 20% of the license fee of its main bar for each such additional mini club. This will be subject to the condition that only the residents of the condominium or their guests shall be allowed to utilize this facility:

Provided further that in case of L-12C license granted to Sirhind Club, Ambala, the army official shall be allowed to utilize their quota through CSD canteen while the civilian members shall not be entitled for the liquor supplied through CSD canteen:

Provided further that a refundable security of ₹5,00,000 Lacs shall be taken from the L-12C licensees in addition to the license fee.”;

(ix) for clause (iv-c) and entries thereagainst the following clauses and entries thereagainst shall be substituted namely:-

“(iv-c) for a license in form L-12CC,-

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|-----|------------------------------------------------------------------|---------------|
| (a) | Golf Club with the capacity Up to 9 holes (with 2 sale points). | ₹ 30,00,000/- |
| (b) | Golf Club with the capacity Up to 18 holes (with 3 sale points). | ₹ 50,00,000/- |

Provided that license to serve liquor shall only be granted to Golf Clubs having facilities of 9 holes or more and they shall not be permitted as an additional point attached to any hotel or any type of bar license. The L-12CC Club bar licensee can remain open up to 12:00 hours (midnight). The timings of bars can be extended by one hour on payment of additional annual fee of ₹ 10 lac.

Note 1. - Any additional point above the points already allowed, shall be allowed on payment of a fee equal to 20 % of the annual license fee for each such point and maximum number of three additional points per license shall be allowed.

Note 2. - In case of bars operated by Haryana Tourism and Haryana Urban Development Authority in their Gymkhana and Golf Clubs. They shall be allowed additional point on payment of a fee equal to ₹ 1 lakh for each such point.

Provided that a refundable security of ₹5,00,000 Lacs shall be taken from the L-12CC Club bar licensees in addition to the license fee.”;

(x) in clause (v), for clause (i) and entries thereagainst, the following clause and entries thereagainst shall be substituted, namely :-

“(v) (i) The annual license fee for the wholesale outlet of country liquor (L-13) shall be as under:-

- (1) ₹ 35.00 lakh in case the annual quota of country liquor in an excise district is less than 50 lack PL.
- (2) ₹ 50.00 lakh in case the annual quota of country liquor in an excise district is equal to or more than 50 lack PL.

The licensee shall be required to deposit a refundable security amount of ₹ 10.00 lakh per L-13 outlet in the district.

(xi) for clause (i-cc) and entries thereagainst, the following clause and entries thereagainst shall be substituted, namely:-

“(i-cc) for a license in form L-1AB-1 ₹ 50,00,000;”

(xii) for clause (i-e) and entries thereagainst, the following clause and entries thereagainst shall be substituted, namely:-

“(i-e) for a license in form L-1B,-

- (1) L-1B of Distillery situated in the State ₹50 lakh
- (2) L-1B of Distillery situated outside the State ₹1.00 crore

(xiii) for clause (i-ee) and entries thereagainst, the following clause and entries thereagainst shall be substituted, namely:-

- “(i-ee) (a) for a license in form L-1B1 to a brewer ₹ 1,00,00,000;”
 (b) for a license in form L-1B1 to wine manufacture ₹ 50,00,000;”

(xiv) for clause (i-eee) and entries thereagainst, the following clause and entries thereagainst shall be substituted, namely:-

“(i-eee) for a license in form L-1B1-A ₹ 1,00,00,000;”
 (Ready to drink beverages)

(xv) for clause (i-eeee), the following clause shall be substituted, namely : -

“(i-eeee) For a license in form L-1BF. –

- (a) The license fee for L-1BF shall be ₹16,00,00,000.
- (b) The license shall be granted by inviting application on the department portal.
- (c) The applicant shall be allowed to make only one application. The applicant shall be, a proprietor firm or a partnership firm, or, a company registered under the Companies Act, 1956.
- (d) The applicant shall deposit application fee of ₹1,00,000 and earnest money of ₹1,60,00,000. The application fee shall be non refundable. The details of which shall be furnished in his application.
- (e) All the applications which are found in order shall be considered eligible for draw of lots. The draw of lots shall be conducted in the presence of those who choose to be present in the Head office of the Department at Panchkula.

- (f) The licenses to the applicants shall be granted subject to their acceptance of the proposal of the department, in case the applicants do not accept the proposal of the department, The Excise and Taxation Commissioner shall be authorized to grant the license in such manner as he may deem fit in the best interest of the revenue. The process for allotment of L-1BF license shall be scrapped, if there is single application.
- (g) The successful applicant shall deposit security amount equal to 21% of the license fee within three days of the allotment.
- (h) The earnest money of the applicant shall be forfeited in the following cases:-
- In case the applicant furnishes any false or forged document in his application
 - In case the applicant is found guilty of indulging in any malpractice
 - If the successful applicant fails to deposit installment of security amount within three days of the allotment.
 - If the successful applicant fails to furnish documents as he is required to submit to the department within the seven days of the allotment. For any other reason as the Excise Commissioner may think fit.
- (i) The successful applicant shall pay the license fee in ten monthly installments as per provisions applicable to retail licenses of Indian Made Foreign Liquor and Country Liquor. The security amount of 21% shall be adjusted towards the balance amount of license fee in the end of the financial year. The interest shall be leviable for the period of delay in depositing the license fee in accordance with the provisions of retail licensees of Indian Made Foreign Liquor and Country Liquor.
- (j) The minimum quota for L-1BF License shall be fixed as under:-
- Whisky, Scotch, Rum, Vodka, Gin, Brandy etc. 25000 cases
 - Beer 25000 cases
 - Wine, Cider, Liqueur etc 12000 cases
- Provided that the licensee shall have to lift the minimum quota as mentioned above in the financial year. In case of failure to lift the minimum quota shall attract a penalty of ₹5000 per case of whisky and wine as mentioned above in (i), (iii) and ₹2500 per case of beer as mentioned above in (ii). The quota shall be monitored on quarterly basis. Penalty shall be leviable for deficient quantity of quota lifted at the end of all the quarters calculated on cumulative basis. In case of shortage of quota penalized in a quarter, the same quota shall not be penalized again in any subsequent quarters(s). Each quarter shall have 25% of the annual quota of each segment. The quota of wine shall be allowed to be transferred on request to the segment of whisky to be computed by cases without any additional fees.
- (k) All the L-1BF licensee shall be entitled for opening an additional licensed premises called branches at any one or any combination given as per the table given below:-

Minimum Quota (4)					
Name of Place (1)	Additional License fee (2)	Catchment Area (3)	Whisky	Beer	Wine
Faridabad	50 Lakh	Faridabad and Palwal	6000 cases	6000 cases	2000 cases
Karnal	25 Lakh	Karnal, Kurukshetra & Kaithal	3000 cases	3000 cases	1000 cases
Panipat	25 Lakh	Panipat & Sonapat	3000 cases	3000 cases	1000 cases
Panchkula	25 Lakh	Panchkula, Yamuna Nagar & Ambala	5000 cases	5000 cases	1000 cases

Rewari	25 Lakh	Rewari & Mahendergarh	3000 cases	3000 cases	1000 cases
Rohtak	25 Lakh	Rohtak, Jind, Bhiwani & Jhajjar	3000 cases	3000 cases	1000 cases
Hisar	25 Lakh	Hisar, Fatehabad & Sirsa	3000 cases	3000 cases	1000 cases

- (l) The licensee shall also be entitled to 'Extra Quota' which will be 15% of 'minimum quota' without any additional license fee. It will be available after exhausting his 'minimum quota'. In case of any further requirement of quota, after exhausting the minimum quota and extra quota, the licensee shall be entitled to further additional quota in the slab of 10% of annual quota on payment of special fee of Rs.1.5 Crore. Subsequent additional quota in the slabs of 10% of annual quota can also be obtained after exhausting the previous slab of additional quota on payment of Rs.1.5 Crore each.

Provided that 15% Extra quota shall be allowed for branches as well. It will be allowed after exhausting the 'minimum quota' for the branches. No additional quota shall be provided in respect of minimum quota for branches. However, additional quota shall be allowed only for the branch at Panchkula on payment of Rs.2.5 Lakh for 10% of 'minimum quota' of Panchkula branch.

Permit Fee

- | | | |
|-----|--------|----------------------|
| (a) | Whisky | ₹ 75 per Proof litre |
| (b) | Wine | ₹ 75 per Bulk litre |
| (c) | Beer | ₹ 30 per Bulk litre |

Brand Level Fee

- | | | |
|-----|-----------------------------------|-----------------------|
| (a) | Scotch/Whisky, | ₹ 70,000 per brand |
| (b) | Beer | ₹ 60,000 per brand |
| (c) | Rum/Vodka/Wine | ₹ 35,000 per brand |
| (d) | Gin/Brandy Cider/Champagne/Liquor | ₹ 25,000 per brand.”; |

Assessment Fee

- | | | |
|-----|--------|-----------------------|
| (a) | Whisky | ₹ 250 per Proof litre |
| (b) | Wine | ₹ 100 per Bulk litre |
| (c) | Beer | ₹ 250 per Bulk litre |
- (m) VAT on Imported Foreign Liquor (BIO) shall be charged at the rate of 10% with surcharge @ 5%.
- (n) The outgoing licensee of L-1BF for the year 2018-2019 can transfer quota of unsold stock of imported foreign liquor as on 31-03-2019 to any of incoming licensees for the year 2019-2020. The stock shall be transferred on payment of differential amount arising from increase in permit fee and levy of assessment fee. In addition, a transfer fee shall also be levied @ ₹ 120 per proof litre for whisky, Scotch, Rum, Vodka, Gin and Brandy etc. and ₹ 120 per Bulk litre for wine and ₹ 50 per Bulk litre for beer.

- (xvi) for clause (i-g), the following clause shall be substituted, namely :-

“(i-g) For a license in form L-1-C

Annual fee at the rates given below against each :-

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|-------|----------------|----------------------|
| (I) | Whisky/ Scotch | ₹ 1,00,000 per brand |
| (II) | Beer | ₹ 80,000 per brand |
| (III) | Rum | ₹ 60,000 per brand |

(IV)	Gin/Vodka	₹ 45,000 per brand
(V)	Wine/Brandy/Cider/Champagne	₹ 30,000 per brand
(VI)	Vodka/Brandy/Cider/Wine and Champagne for supply to CSD	₹ 15,000 per brand
(VII)	Country Liquor	₹ 1,00,000 per brand
(VIII)	Ready to Drink Beverages (RTB)	₹ 90,000 per brand
(IX)	Brand label fee for exports out of State (for all types of brands):	₹ 75,000 per brand

Provided that bottling fee shall be leviable on liquor for export as well as on liquor on local consumption, if no franchise fee is levied.

3. In the said rules, in rule 27-A,-

in sub-rule (1), for clauses (iii), (iv) and (v) the following clauses shall be substituted, namely:-

“(iii) (a)	The fee for license in form L-10B obtained by L-2 licensee Located in shopping malls.	₹10,00,000
(b)	The fee for license in form L-10B located in departmental sotres in the shopping malls.	₹25,00,000
(iv) (a)	The fee for license in form L-10C obtained by Microbrewery.	₹20,00,000
(b)	The fee for license in form L-10C obtained by L-4/L-5 licensee.	₹12,00,000

Provided that a security of ₹3,00,000 shall be taken from L-10C licensees in addition to the license fee.

(v)	for a license in form L-10E	₹10,00,000
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Provided that a security of ₹3,00,000 shall be taken from L-10E licensees in addition to the license fee.

4. In the said rules, in rule 36-A,-

(i) for sub-rule (1), the following sub-rule shall be substituted, namely:-

“(1) The allotment of retail outlets of country liquor and Indian Made Foreign Liquor shall be grouped into Zones in urban and rural areas through e-tendering. The Command area of a Zone shall be the geographically area specified for the Zone in the Excise Arrangements. The Command area for a Zone shall include both urban and rural areas. The licensee shall have the flexibility to decide the type of vend i.e. Country Liquor only or Indian Made Foreign Liquor only or both Country Liquor and Indian Made Foreign Liquor. The Indian Made Foreign Liquor shall include Indian Made Foreign Spirit, Imported Foreign Liquor (BIO), Beer, Wine, Cider and Ready to drink beverages. The overall limit shall be of six (06) retail vends, and shall locate his vends at any place within the command area of the Zone with prior approval of the Deputy Excise and Taxation Commissioner (Excise) of the district. The licensee shall also decide the proportionate quota for each individual vend for Country Liquor/ Indian Made Foreign Liquor as the case may be. The process of allotment shall be conducted by a committee consisting of the Deputy Commissioner with Deputy Excise and Taxation Commissioner (Excise), Deputy Excise and Taxation Commissioner (Sales Tax) of the respective districts as its members in the presence of the participants who wish to be present on the date of evaluation of e-bids to be published by the department in the newspapers. The allotment of Zone of vends shall be done by way of inviting e-bids. The Deputy Excise and Taxation Commissioner (Excise) shall upload the Geographic Information System coordinates of all L-2, L-14A vends, sub-vends and anumak-kaksh located in his district.

After preparing the Excise Arrangement the Deputy Excise and Taxation Commissioner (Excise) of the district shall display the same in his office, office of the Deputy Commissioner of the district, office of Deputy Excise and Taxation Commissioner (Sales Tax) of the district as well as office of the Joint Excise and Taxation Commissioner (Range) concerned and on the departmental website

www.haryanatax.gov.in and shall invite the objections from the public/stakeholders for two days after the display and shall decide these objections if any within two days. The decision of the concerned Dy. Excise and Taxation Commissioner (Excise) of the district shall be final.

Provided that allotment of un-allotted zones of vends, the process of inviting tenders shall be continued by successively reducing the reserve price in the following manner:-

- (i) In the slab of 5% of the original reserve price in case reserve price of the zone is less than Rs. 5.00 crore,
- (ii) In the slab of 3% of the original reserve price in case reserve price of the Zone is more than Rs.5.00 Cr. till these are allotted or up to 25th April, or the next working day in case 25th April happens to be a holiday, whichever is earlier and the decision of Excise and Taxation Commissioner in this regard shall be final.

Provided further that in case of cancellation of a license, the process of re-allotment shall be initiated by inviting e-bids through advertisement immediately. The reserve price for re-allotment shall be computed proportionately for the remaining period for which the Zone of vends is to be re-allotted using the original license fee. In case no bid is received, the reserve price shall be further reduced by 10 % of the above mentioned original reserve price or Rs. 50 lac, whichever is lower and the process of inviting e-bids shall be repeated till the Zone of vends is re-allotted. This re-allotment shall be done at the risk and cost of original licensee.”.

- (ii) for sub-rule (5), the following sub-rule shall be substituted, namely:-

“(5) The bidder shall have to deposit a participation fee of ₹1,00,000 for each Zone. The participation fee is non refundable and non adjustable. The participation fee shall be deposited in the Office of Deputy Excise and Taxation Commissioner (Excise) of the district of his registration concerned either in cash or by demand draft in favour of Deputy Excise and Taxation Commissioner (Excise) .”.

- (iii) In sub-rule (17), the following words shall be added at end, namely :-

“The licensee to whom a retail liquor outlet of country liquor (L-14A) or Indian Made Foreign Liquor (L-2) is allotted, shall be bound to lift its entire annual quota of Country Liquor or Indian Made Foreign Liquor on quarterly basis from the licensed wholesale outlet of Country Liquor (L-13) and licensed wholesale outlet of Indian Made Foreign Liquor (L-1) located at every district headquarter in the State. The lifting of quota shall mean physical lifting of liquor from the licensed wholesale outlet of Country Liquor (L-13) and licensed wholesale outlet of Indian Made Foreign Liquor (L-1). It shall be obligatory for a licensee to lift entire basic quota of Country Liquor and Indian Made Foreign Liquor to his/ her Zone of vends as per the schedule below:-

Quarter	Monthwise	
April	9%	25%
May	8%	
June	8%	
July	7%	20%
August	7%	
September	6%	
October	10%	30%
November	10%	
December	10%	
January	9%	25%
February	8%	
March	8%	

The licensee shall have the freedom to convert maximum 10% of his Country Liquor quota to Indian Made Foreign Liquor on quarterly basis.

Non compliance of the provision regarding lifting of quarterly quota shall attract penalty at the rate of Rs. 55/- and Rs. 100/- per proof litre of Country Liquor and Indian Made Foreign Liquor respectively (on a quarterly basis) for the deficient quantity.

The licensee shall also be allowed to transfer his quota on a quarterly basis, within an excise district, after paying the transfer fee of ₹ 7.00 per Proof Litre for Country Liquor and ₹ 13.00 per Proof Litre for Indian made foreign liquor which shall be payable by the transferor licensee at the time of making such request for transfer of quota”.

- (iv) for sub-rule (19), the following sub-rule shall be substituted, namely:-

“(19) No person to whom a license for retail liquor outlet is granted shall establish the same on such premises as is situated at a distance of less than 150 meters from the main gate of a recognized school/college/main bus stand and a place of worship. However, Excise Commissioner can relax such distance for the location of retail liquor outlet for 150 meters to 75 meters on the recommendations of Deputy Excise and Taxation Commissioner (Excise). Further, in urban areas, the retail liquor outlets shall be located in the market places. However, this provision shall not apply in such cases where a new recognized school/college/main bus stand or a place of worship comes up with a distance of 150 meters during the currency of the year subsequent to the establishment of vend in the year 2019-2020.”.

- (vi) for sub- rule (22), the following sub-rule shall be substituted, namely:-

“(22) The Excise and Taxation Department shall offer/facilitate setting up liquor vends having high revenue potential in Haryana Sahari Vikash Pradhikarn, Haryana State Infrastructure and Industrial Development Corporation area and land of Haryana Tourism Corporation/Urban Local Bodies. However, the rent thereof, as decided by the concerned Department/Corporation, shall be paid by the licensees directly to such Department/Corporation. The Deputy Excise and Taxation Commissioner (Excise) shall monitor and ensure its compliance on a quarterly basis. However, in case of Haryana Tourism Complexes, only L-2 vends will be allowed. No Anumat Kaksh will be allowed with the L-2 vends in the tourist complexes.”.

- (v) for sub- rule (24) to (27), the following sub-rules shall be substituted, namely:-

“(24) The licensee shall convert one or more of his composite vends/sub-vends to Avant-Garde Outlet(s) in posh market or shopping mall of the urban area, where he intends to sell Indian Made Foreign Liquor only. For this purpose, some of the retail outlets in the posh markets or Shopping Malls of the Urban Areas shall be identified to be allotted as Avant-Garde Outlets. The Avant-Garde Outlets shall be identified by the department, keeping in view the clientele and potential of the area. The Avant-Garde Outlets shall have a separate section for Indian Foreign Liquor (BIO). The Avant-Garde Outlets shall be entitled to lift an additional quota up to 10% of his basic quota without any additional excise duty i.e. at the rate of excise duty as applicable to basic quota:

Provided that the provision of machine generated invoices (POS) shall be mandatory for all the retail licensees to issue an invoice on sale. In case of violation of this provision, a penalty of ₹ 500 per incident shall be imposed on the licensee, after enquiry by the Deputy Excise & Taxation Commissioner (Excise) concerned. It is provided further that if any retail Licensee in urban areas having license fee of his zone equal to or above ₹ 15 crore, wants to convert his vend into a Avant-Garde Outlet after allotment of vends, he may be allowed to do so with the approval of the Department. Such applications may be examined and considered for approval by a committee comprising of the Deputy Excise and Taxation Commissioner (Excise), Deputy Excise and Taxation Commissioner (Sales Tax) and two senior most Excise and Taxation Officers of the district.”.

“(25) Every successful allottee of retail Zone of vends shall be required to deposit a security amount equal to 21% of the annual license fee of the Zone of vends, out of which, 5% of the license fee shall be deposited on the day of evaluation of e-bids; 5% of the license fee within seven days of the allotment on or before 31st March, whichever is earlier; and the remaining security equal to 11% of the license fee shall be deposited by 7th of April, 2019.

In case of bids that exceed the reserve price by more than 25%, the bidder shall be required to have balance of minimum amount equal to 15% of his bid amount deposited as Earnest Money Deposit (EMD) with the Dy. Excise and Taxation Commissioner (Excise) of the district concerned. In case of successful bid, 15% of his bid money shall be deducted by the system and shall be deposited as 15% security.

The 82% of his bid money shall be payable by him in ten equal monthly installments equal to 8.2% of his bid money; each payable by 20th of each month starting from the month of commencement of his operation of vends in their Zones, and every subsequent month. The payment shall continue till

full amount of 82% is paid by the licensee by way of monthly installments. A part of his security, equal to 18% of his bid money, shall be adjusted at the end towards his license fee after the payment of installments amounting to 82% of his bid money. The adjustment shall be made over a period of two months in two equal installments; each equal to 9 % of his bid money.

“(26) The balance security equal to 3 % of his bid money shall be refunded after adjusting any amount found outstanding or unpaid towards him by the 15th April, 2020. This amount shall be refunded by the Deputy Excise and Taxation Commissioner (Excise) of the District. No interest of any kind shall be payable on the security amount. If an allottee/ licensee fails to make the full payment of security in the prescribed time, his license shall be cancelled automatically and security deposited, if any, forfeited. In case of failure to adhere to the prescribed time for payment of any of the ten installments, interests on late payment shall be charged from the first day of the month of default till the date of payment @ 18% per annum.

“(27) In case of Zone of vends which are allotted/re-allotted during the currency of the financial year, the security equal to 10% of bid money shall be deposited on the day of allotment and remaining security equal to 11% of bid money shall be deposited within ten days of the date of allotment. The Zone of vends shall come into operation from the day following the date of allotment/re-allotment. The license fee for the month in which the allotment/re-allotment is made shall be payable by the end of the month, in proportion to the remaining days of that month. The remaining amount out of 82% of the license fee shall be payable upto January in equal monthly installments. Thereafter, his security shall be adjusted as in case of other allotments.

In case the allotment or re-allotment takes place after December, 2019, the 82% of his bid money shall be recovered upto the last date of month in which it is allotted/re-allotted. The installment for the month of allotment/re-allotment shall be computed treating it as a full month.

The date of payment for the month of allotment/re-allotment shall be 20th if allotment takes place before 20th or the last day of the month if allotment takes place on or after 20th. No interest shall be payable on the security amount.”.

5. In the said rules, in rule 37, for sub-rule (10), the following sub-rule shall be substituted, namely:-

(i) for sub-rule (10), the following sub-rule shall be substituted, namely:-

“(10) Every licensee shall have to keep its vend closed on Republic Day (26th January) up to 5:00 P.M, Independence Day (15th August) up to 5:00 P.M, Mahatma Gandhi’s Birthday (2nd October) full day. In the area within the concerned constituency and in the adjoining areas within 3 kilometres of the constituency in the State of Haryana or in the adjoining States for the period of two days before polling days, the polling days, the day after the poll, the days before the counting day(s), the counting day(s), the day immediately thereafter where polling is held for the State Assembly or Parliament as per the directions of the Election Commission of India and election to local bodies in Haryana as per the directions of the Haryana State Election Commission. No compensation of any kind or relief in license fee for such account shall be given and in case of breach of this rule, in addition to the penal proceedings, the licensed vend shall be automatically sealed for seven days commencing from the next day of the dry day by Deputy Excise and Taxation Commissioner (Excise) under intimation to the Excise and Taxation Commissioner and Excise Collector.”

(ii) for sub-rule (32), for clause (iv), the following clause shall be substituted, namely:-

“(iv) The stock transfer fee shall be levied at the rate ₹7.00 per proof litre for country liquor, ₹13 per proof liter for all brands of Indian Made Foreign Liquor and ₹ 11 for beer per bulk litre.”

Provided further that inter-district transfer of left over stock of the licensee of the pervious year to a current licensee shall be allowed only in case of wholesalers, after approval of the Collector (Excise). The stock transfer fee in such cases shall be ₹ 9.00 per proof litre for country liquor, ₹ 15.00 per proof litre for all brands of Indian Made Foreign Liqour and ₹ 12.00 per bulk litre for beer.

It is further provided that stock surrendered due to determination of wholesale license during the currency of the year shall also be allowed to be transferred to another licensee of the same district or to another licensee of some other district by the Collector (Excise). The stock transfer fee in such cases shall be ₹ 9.00 per proof litre for country liquor, ₹ 15.00 per proof litre for all brands of Indian Made Foreign Liqour and ₹ 12.00 per bulk litre for beer.

Note: Where the rate of excise duty in the Excise Policy for the year 2019-20 have been increased in case of any type of liquor over the rates of excise duty for the years 2018-19, the differential excise duty on the unsold stock as on 01.04.2019 shall be payable, in addition to the stock transfer fee, if any.

6. In the said rules, in rule 38, in sub rule (16A),-

(i) for clause (aa) the following clause shall be substituted namely :-

“(aa) No license for sale of liquor shall be granted to a shop that is :

- (i) visible from a National or State Highway;
- (ii) directly accessible from a National or State Highway and
- (iii) situated within a distance of 500 meters of the outer edge of the National or State Highway or of a service lane along the highway:

Provided that above restrictions shall not apply to the liquor vends located within the limits of municipal areas.

Provided further that in case of areas comprised in local bodies with a population of 20000 people or less, the distance of 500 meters shall stand reduced to 220 meters.

Provided further that like in earlier years, it shall be the responsibility of the successful bidder to ensure due compliance of the various provisions of Food Safety and Standard Authority of India, Municipal Bye-laws, National Highway Authority of India Act, 2002, Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 or any other law applicable, wherever required.

Note: It shall be the responsibility of the Deputy Excise and Taxation Commissioner (Excise) of the district concerned to ensure the strict compliance of the above stipulated restrictions.

(ii) for clause (g), the following clause shall be substituted, namely:-

“(g) (a) For opening a sub-vend, the licensee shall have to obtain a license in form L-14A, L-2/SV. For urban areas, up to two sub-vends per zone may be allowed by Deputy Excise and Taxation Commissioner (Excise). Beyond that, on the specific request from licensees and to avoid bootlegging, smuggling and possibility of illicit distillation or sale of spurious liquor into his command area, further up to two sub-vends may be allowed by the Deputy Excise and Taxation Commissioner (Excise) within the command area of the Zone for urban areas only. The fee per Sub-vend shall be as follows:-

Urban Areas		Rural Area
Up to 2 Sub-Vends	For further 2 Sub-vends	
₹ 20 lakh	₹ 30 lakh	₹ 2 lakh

For sub-vends in rural areas, the provisions shall be applied as per para (b), (c) and (d) mentioned below.

- (b) Sub-vend shall be permitted for each Gram Panchayat with a population of more than 1000 (as per 2011 census).
- (c) Sub-vends for a Gram Panchayat having population less than 1000 (as per 2011 census), shall be allowed with the consent of the Gram Panchayat, by the Deputy Excise and Taxation Commissioner (Excise).
- (d) Two sub-vends shall be allowed in a Gram Panchayat, if the population of such Gram Panchayat is more than 5000 (as per 2011 census).

AMIT KUMAR AGRAWAL,
Excise and Taxation Commissioner,
Haryana.