

PART III
GOVERNMENT OF PUNJAB
OFFICE OF EXCISE AND TAXATION COMMISSIONER PUNJAB,
PATIALA
NOTIFICATION

The 26th October, 2016

No. G.S.R.72/P.A.1/1914/S.59/Amd.(131)/2016.- In exercise of the powers conferred by section 59 of the Punjab Excise Act, 1914, (Punjab Act No. 1 of 1914) read with the Government of Punjab, Department of Excise and Taxation, Notification No. S.O. 24/PA.1/1914/S.9/2016, dated the 17th March, 2016, and all other powers enabling me in this behalf, I, Rajat Agarwal, I.A.S., Excise Commissioner, Punjab, exercising the powers of the Financial Commissioner, make the following rules further to amend the Punjab Liquor License Rules, 1956, namely:-

RULES

1. (1) These rules may be called the Punjab Liquor License (Fifth Amendment) Rules, 2016.
- (2) They shall come into force on and with effect from the date of their publication in the Official Gazette.
2. In the Punjab Liquor License Rules, 1956, in rule 38, in special condition (I-A),-
 - (i) for clauses (b), (c) and (d), the following clauses shall be substituted, namely:-
 - "(b) The applicant should not be a defaulter of excise revenue upto 30.9.2016, as on the date of application. He shall file an affidavit to this effect. The applicant means "a licensee either in his individual capacity or as a partner or director in some other form or capacity." The excise revenue means "arrears of L-1, L-2, L-13, L-14A or any other license granted under the Punjab Excise Act, 1914 and rules or orders made thereunder;
 - (c) The license shall not be granted,-
 - (i) to any person who has been finally convicted of any non-bailable offence by a criminal court; or
 - (ii) to any person, whether a former licensee or not, who has been convicted of any offence under the Punjab Excise Act, 1914 by the court of competent jurisdiction;

- (d) The applicant should not be a manufacturer and must be at arms length distance from the manufacturing unit/company i.e. he should not be the promoter/Director/partner etc. in the liquor manufacturing unit/company or its holding, subsidiary, closely held company fully/partially owned/ financed /managed firm/company."
- (ii) in clause (g), the word 'and' occurring at the end shall be omitted and in clause (h), for the sign ' . ', the sign ' ; ', shall be substituted and thereafter, the following clauses shall be added, namely:-
 - "(i) a license may be granted only to an individual or a body incorporated under the Companies Act, 2013 or a partnership firm, or Hindu Undivided Family, or Government Department;
 - (j) an application for the grant of liquor license in form L-1A shall be made in the office of Collector-cum-Deputy Excise and Taxation Commissioner on the letter head of the applicant. The application shall be accompanied by the following documents, namely:-
 - (a) Eligibility affidavit as per conditions mentioned in clauses (b), (c) and (d) above;
 - (b) Proof of ownership of the firm;
 - (c) Rent Deed or Rent Receipt or NOC from the landlord; and
 - (d) Three copies of the Site Plan of the proposed premises;
 - (k) in case of an existing L-1A Licensee not opting for grant of license or becoming ineligible for grant of license as per the conditions as above, proportionate fee for the remaining period (from the date of his communication for discontinuation) shall be refunded forthwith without interest. In calculating the amount of refund due, the month in which a person gives an application for discontinuation shall not be counted;
 - (l) in case of an existing L-1A Licensee not opting for grant of license or becoming ineligible for grant of license as per the conditions as above, he may be given the option to transfer his stock to another L-1A or to the manufacturing company with the prior approval of the Collector of the Division. Extra license fee deposited on such transfer of stock shall be refunded to the closing L-1A, if the stocks are transferred back to the manufacturing company;

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- (m) if an existing L-1A Licensee is eligible for grant of L-1A license under the conditions as above and he wishes to continue, then he shall give an undertaking to that effect to the Collector, who shall process the same. He shall be entitled to get the already paid annual license fee adjusted against the L-1A license for the remaining period of the current financial year; and
- (n) all the applicants who fulfil the above mentioned qualification criteria may be given L-1A license. No consent letter shall be required from the manufacturing company.”.

RAJAT AGARWAL,
Excise Commissioner, Punjab.

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