



Punjab Government Gazette

EXTRAORDINARY

Published by Authority

CHANDIGARH, WEDNESDAY, MARCH 17, 2010
(PHALGUNA 26, 1931 SAKA)

LEGISLATIVE SUPPLEMENT

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GOVERNMENT OF PUNJAB
EXCISE AND TAXATION COMMISSIONER'S OFFICE,
PUNJAB, PATIALA

Notification

The 17th March, 2010

No. G.S.R. 7/P.A.1/14/S.59/ Amd.(120)/2010.—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.17/PA.1/14/S.9/2007, dated the 24th April, 2007, and all other powers enabling me in this behalf, I, A. Venu Prasad, I.A.S., Excise Commissioner, 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 (First Amendment) Rules, 2010.

(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 (hereinafter referred to as the said rules), in rule 1, in the table, under the heading captioned as "1. Foreign liquor"—

(a) for the existing Form L-2B and the entries relating thereto, the following Form and entries shall be substituted, namely :—

"L-2B	Wholesale and retail vend of Imported Foreign Liquor (bottled in origin), Beer imported from abroad (bottled in origin), wine upto 13.5 percent V/V and Ready to Drink Beverages upto 20 degree proof strength, for consumption off the premises in a departmental store or such like store.	Fixed fee	Collector Collector"	
			with the prior approval of the Excise Commissioner	

(b) after Form L-2C and the entries relating thereto, the following Form shall be inserted, namely :—

L-2D	Retail vend of wine and beer, for consumption off the premises.	Fixed fee	Collector Collector.",	
			and	

- (c) below the table, for the existing proviso, the following proviso shall be substituted, namely :—

“Provided that the licenses in forms L-3, L-3A, L-4, L-4A, L-5, L-5A, L-5B, L-5C and L-12C, shall however, be granted by the Collector with the prior approval of the Financial Commissioner, and renewed by the Collector every year.”

3. In the said rules, in rule 16, in the table, after Form L-2C and the entries relating thereto, the following Form and entries shall be inserted, namely:—

“L-2D, retail vend of wine and beer, for consumption off the premises.	The holder of a license in Form L-2D shall be allowed to sell wine of all types upto 13.5% v/v and Beer imported from abroad (bottled in origin) only.”.
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4. In the said rules, for rule 25, the following rule shall be substituted, namely :—

“25. (1) The amount of fixed fee and security in respect of different kinds of licenses, granted under these rules, shall be as follows :—

Serial No.	Kind of License	Rate of annual license fee (Rs.)	Rate of security (Rs.)
1.	L-1 (Grant and Renewal)	1200000	15000
2.	L-1B	300000	5000
3.	L-1C	10000	1000
4.	L-2	To be worked out @ Rs. 146/- per P.L. on fixed quota	15 per cent of the amount of license fee.
5.	L-2A	1000	
6.	L-2B	300000	
7.	L-2C	License fee equivalent to the fee fixed for one unit for the Municipal Corporation, Ludhiana.	15 per cent of the amount of license fee.

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Serial No.	Kind of License	Rate of annual license fee (Rs.)	Rate of security (Rs.)
8.	L-2D	50000	1000
9.	L-3, L-4 and L-5,—		
	(i) for hotels having 4 or 5 star category certificate;	400000	10000
	(ii) for hotels in Municipal Corporations;	250000	10000
	(iii) for hotels in Municipal Councils and other areas of the State	175000	10000
10.	L-3A, L-4A and L-5A,—		
	(i) for towns having population of one lakh or more; and	110000	
	(ii) for other towns.	60000	
11.	L-5B (Pub License),—		
	(a) Independent License; and	30000	10000
	(b) Supplementary License (with L-5, L-5A, L-5C and L-12C).	30000	
12.	L-5C	50000	
13.	L-5D,—		
	(i) Municipal Corporation and areas falling within 5 km of their outer boundaries;	30000	
	(ii) All types of Municipal Councils and areas falling within 5 km of their outer boundaries; and	20000	
	(iii) Other areas of the State	5000	

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Serial No.	Kind of License	Rate of annual license fee (Rs.)	Rate of security (Rs.)
14.	L-5E,—		
	(i) Municipal Corporation and areas falling within 5 km of their outer boundaries.	50000	
	(ii) All types of Municipal Councils and other areas.	25000	
15.	L-12-A		
	(a)	Minimum fee—1000 per license per day.	
	(b)	Maximum fee—100000 per license per day.	
16.	L-12C	150000	
17.	L-12E	15000	1000
18.	L-13	15000	1000
19.	L-14 A	To be worked out @ Rs. 146/- per PL. on the fixed quota.	15 per cent of the amount of license fee.
20.	L-52 PML		
	(a) Urban	30000	
	(b) Rural	6000	
	EMFL		
	(a) Corporation Area	40000	
	(b) Other Urban Area	25000	
	(c) Rural	8000	
(2) In addition to the fixed license fee, as stated in the sub-rule (1), the following fees shall also be charged :—			
(a) an extra license fee of rupees four per proof litre on Punjab Medium Liquor ;			

- (b) an extra license fee on Indian Made Foreign Liquor, as prescribed under rule 36-A;
- (c) an additional license fee at the rate of rupees five per proof litre on Punjab Medium Liquor and rupees six per proof litre on Indian Made Foreign Liquor ; and
- (d) special license fee at the rate of rupees six per proof litre on both Punjab Medium Liquor and Indian Made Foreign Liquor.

The above levies on Indian Made Foreign Liquor and Punjab Medium Liquor shall be charged from L-1 and L-14A licensees, respectively, at the time of issue of permits.

- (3) The L-2 and L-14A licensees, shall be liable to pay the extra license fee, additional license fee and special license fee, at the prescribed rates by the 25th day of March, 2011, on the total quota allocated to them even if, the total fixed quota of Punjab Medium Liquor and Indian Made Foreign Liquor is not lifted by the prescribed date. The additional license fee and special license fee shall be deposited in the State Exchequer, and the same shall be treated towards Dedicated Fund for Education and for Social Security."

5. In the said rules, rule 29 shall be omitted.

6. In the said rules, for rule 30, the following rule shall be substituted, namely:—

" 30 The fixed fee for licenses in Form L-3, L-3A, L-4, L-4A, L-5, L-5A, L-5B, L-5C, L-6, L-7, L-8, L-1 (Canteen Store Depot), L-12B and L-12C, shall be as under:—

(a) For a license in Forms L-3, L-4 and L-5

- (a) four lac rupees for hotels, having 4 or 5 star category certificate ;
- (b) two lac fifty thousand rupees for hotels in Municipal Corporations; and
- (c) one lac seventy-five thousand rupees for hotels in Municipal Councils and other areas.

In addition to this fee, a security of rupees ten thousand in the shape of National Savings Certificates, duly pledged in favour of the Collector shall also be furnished within a period of seven days from the grant or renewal of the license;

- (b) For a license in Forms L-3A, L-4A and L-5A-
- (i) One lac ten thousand rupees for town with population of one lac or more; and
 - (ii) sixty thousand rupees for places not covered by item (i) above;
- (c) For a license in Form L-5B-
- (i) supplementary license fee for retail vend of draught beer in a bar attached to a restaurant. thirty thousand rupees; and
 - (ii) independent pub license fee thirty thousand rupees and in addition to the fee, a security or ten thousand rupees in the shape of National Savings Certificates, duly pledged in favour of the Collector, shall also be furnished within seven days of the grant or renewal of such license;
- (d) For a license in Form L-12C one lac and fifty thousand rupee;
- (e) For a license in Form L-2B three lac rupees for a Departmental Store or such like Store;
- (f) For a license in Form L-5C fifty thousand rupees for each license;
- (g) For a license in the lawn attached to L-4, L-4A and L-12C twenty thousand rupees for each license; and
- (h) L-1 Canteen Store Depot twelve lac rupees:

Provided that in addition to fixed license fee, assessed fee, as prescribed in rule 31, shall also be payable by such license holders. The assessed fee shall be payable at the time of issue of permits to such licensees.”.

7. In the said rules, for rule 31, the following rule shall be substituted, namely :—
“31. The assessed fee shall be levied on the following rates on the sale of liquor per bulk litre, namely :—

KIND OF LICENSES

Kind of liquor	L-1 and L-1B	L-2 and L-14A	L-2B	L-2D	L-6, L-7 and L-8	L-3, L-4, L-5 and L-5C	L-3A, L-4A and L-5A	L-5B	L-1 (Canteen Store Depot)	L-12C
Indian Made	—	—	—	—	6.20	110.00	—	—	110.00	110.00
Foreign Liquor Imported	—	—	110.00	—	8.80	110.00	—	—	110.00	110.00
Foreign Liquor (Bottled in origin)	—	—	12.00	12.00	1.80	12.00	—	12.00	12.00	12.00
Wine	Light = 10.00	—	—	—	0.10	12.00	Light = 12.00	—	Light = 29.00	Light = 12.00
Indian Made Beer	Strong = 12.00	—	—	—	—	Strong = 12.00	Strong = 12.00	—	Strong = 31.00	Strong = 12.00
Imported Beer (Bottled in origin)	Light = 10.00	—	Light = 12.00	Light = 12.00	0.35	12.00	Light = 12.00	—	Light = 29.00	Light = 12.00
	Strong = 12.00	—	Strong = 12.00	Strong = 12.00	—	Strong = 12.00	Strong = 12.00	—	Strong = 31.00	Strong = 12.00
Cider (per bottle)	—	5.00	—	—	0.10	2.00	—	—	2.00	2.00
Rum	—	—	—	—	0.35	—	—	—	40.00	—
Draught Beer	—	—	—	—	—	—	—	29.00	—	—
Ready to drink Beverages	—	12.00	12.00	—	—	12.00	12.00	12.00	12.00	12.00
Sweets and wines upto 13.5%	—	4.00	12.00	12.00	—	12.00	—	—	12.00	12.00

In addition to the aforesaid assessed fee, an additional assessed fee at the rate of rupees two per bulk litre, and a special assessed fee at the rate of rupees five per bulk litre on both light beer and strong beer, shall also be levied at the stage of issue of permits to L-1 Licensees.”.

8. In the said rules, in rule 35, for sub-rule (2), the following shall be substituted, namely;

“(2) The Punjab Medium Liquor and Indian Made Foreign Liquor vends shall be disposed of as Licensing Units. A Licensing Unit in urban areas shall consist of one L-14A vend and one L-2 vend. In rural areas, a Licensing Unit may consist of single or multiple L-14A vends, subject to a maximum of five vends in one unit. One L-2 vend may also be added to any of the aforesaid rural units; provided that the total license fee of the unit is not less than Rs. 35 lac. The licensing units shall be formed by the Collector with the approval of the Excise Commissioner, Punjab.

The number of licensing units in a group or zone shall be as under:—

- | | | |
|-------|--|---|
| (i) | In Municipal Corporations of Amritsar, Jalandhar and Ludhiana | Geographical zones consisting of five to nine units ; |
| (ii) | In Municipal Corporations Patiala and Bathinda | Upto group of seven units; |
| (iii) | In District Headquarters other than the Municipal Corporations | Upto group of five units ; |
| (iv) | In Sub-Divisional Headquarters, Municipal Committees, other than District Headquarters and Nagar Panchayats; and | Upto group of four units ; |
| (v) | Rural areas | Upto group of two units; |

Zones will be allowed in places approved by the Excise Commissioner,

A group or zone shall be formed by the Collector with the prior approval of the Excise Commissioner.

The license fee of a group or zone shall be the sum total of the license fee, prescribed for each of the units in that group or zone.

A person shall not be allowed to submit more than five applications per licensing unit/ group/ zone in Corporation areas. However, in other urban areas, namely District Head Quarters, Sub- Divisional Head Quarters, Municipal Committees, other than district Head Quarters and Nagar Panchayats, a person shall not be allowed to file more than 30 applications irrespective of the number of licensing units or groups in that area. Similarly, in rural areas, the limit will be of 20 applications for each licensing unit or group.

If it is found that applications have not been received for all the Units in a particular area, the Excise and Taxation Commissioner may, if satisfied that a part allotment of Units/ Groups / zones in such area will adversely affect the State revenue, or that it may impinge upon the smooth administration of Excise laws in such area, he may cancel the allotment procedure for that particular area. To facilitate the re-allotment of such units, the Excise and Taxation Commissioner may invite fresh applications with or without reorganizing the groups. The groups or zones may be enlarged at this stage to include all the Units in that location or area."

9. In the said rules, in rule 36,

(a) for sub-rule (2), the following sub-rule shall be substituted, namely:—

"(2) The application form for the grant of liquor vends shall be available in the office of the Assistant Excise and Taxation Commissioner (hereinafter referred to as AETC), In-charge of the district on payment of rupees ten thousand for single unit. If, in an area, more than single unit is allotted on single application form, then the fee structure shall be as follows:-

(i)	Group of two units	..	Rs. 18000
(ii)	Group of three units	..	Rs. 27000
(iii)	Group of four units	..	Rs. 36000
(iv)	Group of five units	..	Rs. 42000
(v)	Group of six units	..	Rs. 45000
(vi)	Group of seven units and	..	Rs. 50000
(vii)	Zones within Corporation of Amritsar, Jalandhar and Ludhiana	..	Rs. 50000

The fee shall not be refundable or adjustable. If the first or any subsequent allotment procedure is cancelled by the department or, any application form is rejected by the department being invalid and not put to draw of lots, then the amount of application fee will be

refunded to the concerned applicant, after deducting rupees two thousand as processing fee. The entire proceeds from the sale of application forms shall be utilized for the welfare of scheduled castes to meet the expenditure on their pensions and shagun scheme.

The application forms shall be serially numbered at three places, i.e. in the application form, in the slip of draw of lots and on the receipt, issued to the applicant.”.

- (b) for sub-rules (6) and (14), the following sub-rules shall, respectively, be substituted, namely ;

“(6) (a) A successful applicant shall be required to pay allotment fee immediately on the draw of his lot which shall be Rs. 10.00 Lac per unit or group or zone in the case of a Corporation, and Rs. 5.00 Lac per unit or group in District Head Quarters, and Rs. 2.00 Lac per unit or group in other areas. This payment may be made by cash or through demand draft, banker’s cheque, pay order or other pre paid Bank instruments.

- (b) The next draw shall be made after the first successful applicant deposits the amount of allotment fee due from him. Failure to deposit allotment fee shall lead to disqualification and cancellation of allotment.

- (14) The allotment fee charged in the above manner shall be adjusted towards the fifteen per cent, security, which shall be recovered in the following manner:—

- (i) five per cent within 48 hours of the draw of lots; and
- (ii) ten per cent within 96 hours of the draw of lots.

- (c) after sub-rule (14), the following sub-rule shall be inserted namely:—

(14-A) Notwithstanding anything contained in sub-rule (14), the entire fifteen per cent security shall have to be deposited by 31st day of March, in case the period of forty-eight hours or ninety-six hours, as the case may be, is completed after the 31st day of March.;

- (d) in sub-rule (16), for the letters and figures “Rs. 135”, the letters and figures “Rs. 146” shall be substituted.

- (e) in sub-rule (28), for the words "The licensee shall be required to open his vend on the first day of April or within a period of one month from the commencement of the financial year, failing which his allotment shall be cancelled", the following shall be substituted namely:—

"The licensee shall be required to open his vend on or before 15th day of April 2010. In case, he fails to do so, the AETC of the district concerned may extend the said period upto 30th day of April 2010 on payment of late fee of Rs. 25,000/- in respect of the area falling within the jurisdiction of a Municipal Corporation, and Rs. 10,000/- in other areas.",

- (f) in sub-rule (30), in the proviso, for the figures "2009", the figures "2010" shall be substituted ; and

- (vi) for sub-rules (38), (39) and (40), the following sub-rules shall, respectively, be substituted namely:—

"(38) 50 per cent of the total quota of PML shall be lifted by a L-14A license from the distillery specified and allocated to him by the Excise Commissioner and the remaining 50 per cent of the quota, may be lifted by him from any distillery of his choice.

(39) A licensee shall also be allowed to lift additional quota of both Punjab Medium Liquor and Indian Made Foreign Liquor to the extent of 10 per cent of the total quota. This quota shall be allowed to be lifted at the end of each quarter after the licensee has lifted full quota.

In the first quarter, 25 per cent of the additional quota shall be given @ Rs. 8/- per PL for Punjab Medium Liquor and @ Rs. 10/- per PL for Indian Made Foreign Liquor.

In the second quarter, the 20 per cent quota shall be allowed to be lifted at the aforesaid rates.

In the third quarter, another 30 per cent quota shall be allowed to be lifted on the payment of Rs. 6/- per PL on Punjab Medium Liquor and Rs. 8/- per PL on Indian Made Foreign Liquor.

In the fourth quarter, the remaining 20 per cent quota, shall be allowed, to be lifted at the rates, as specified for lifting the quota in the first quarter. This quota shall be lifted by a licensee from any distillery of his choice in the case of Punjab Medium Liquor. In the case of Indian Made Foreign Liquor, this quota shall be lifted by the licensee from any L-1 of his choice in the State of Punjab.

- (40) The licensees having L-2 vends attached to their units, will be given the option to convert 20 per cent of the fixed quota of Punjab Medium Liquor into Indian Made Foreign Liquor. This option shall be exercised in respect of medium brands of Indian Made Foreign Liquor only for the distilleries producing country liquor and their own registered Punjab Medium Liquor. The Extra License Fee for such conversion shall be at a concessional rate of Rs. 17/- per PL. This option shall not be allowed to licensee, who have only L-14A vend in his licensing unit. The conversion from Punjab Medium Liquor to Indian Made Foreign Liquor will be only from the open 50 per cent quota of Punjab Medium Liquor which shall be lifted from any of the allotted distilleries, which are producing their own registered Indian Made Foreign Liquor brands.”.

10. In the said rules, in rule 36-A, for sub- rules (1), (2), (3) and (5), the following sub-rules, shall respectively, be substituted, namely:—

- “(1) The Punjab Medium Liquor of 50° and Rum/Gin/Whisky of 65°, shall be allowed to be sold at Punjab Medium Liquor vends.
(2) The minimum sale price in respect of Punjab Medium Liquor shall be fixed as under:—

(a) Punjab Medium Liquor 50°

Quart	=	Rs. 95/-
Pint	=	Rs. 55/-
Nip	=	Rs. 35/-
Nano	=	Rs. 25/-

(b) Rum/Gin/Whisky of 65°

Quart	=	Rs. 110/-
Pint	=	Rs. 65/-
Nip	=	Rs. 35/-
Nano	=	Rs. 25/-

Provided that the minimum retail price of Punjab Medium Liquor may be increased or decreased marginally after the fixation of the Ex-distillery Issue

Price by the State Government.”

(3) Indian Made Foreign Liquor, to be sold in the State of Punjab, shall be classified in the following 13 different categories with extra license fee, specified against each category, namely:—

Name of the Category	Ex-Distillery Price (landed Cost per case of 9 BL in Rs.)	Extra license fee (Rs./PL)
Economy	100-300	30
Medium	301-450	30
Regular	451-650	30
Semi Premium	651-800	30
Upper Semi Premium	801-900	30
Premium	901-1200	45
Super Premium	1201-1900	45
Semi Deluxe	1901-2300	45
Deluxe	2301-2800	45
Upper Deluxe	2801-3200	45
Super Deluxe	3201-4000	45
Scotch		
Category-1	5001-7000	45
Category-2	7001 and above	45

Minimum sale price in respect of Indian Made Foreign Liquor shall be fixed as under :—

Brand	Quart	Pint	Nip
Economy Brand	Rs. 155	Rs. 80	Rs. 45
Medium Brand	Rs. 175	Rs. 90	Rs. 50
Regular Brand	Rs. 195	Rs. 100	Rs. 55
Semi Premium Brand	Rs. 215	Rs. 110	Rs. 60
Upper Semi Premium Brand	Rs. 235	Rs. 120	Rs. 65

Brand	Quart	Pint	Nip
Premium Brand	Rs. 280	Rs. 145	Rs. 80
Super Premium Brand	Rs. 320	Rs. 165	Rs. 85
Semi Deluxe Brand	Rs. 360	Rs. 185	Rs. 100
Deluxe Brand	Rs. 380	Rs. 195	Rs. 105
Upper Deluxe Brand	Rs. 420	Rs. 215	Rs. 115
Super Deluxe Brand	Rs. 460	Rs. 235	Rs. 125
Scotch	Quart	Pint	Nip
Category-1	Rs. 720	Rs. 370	Rs. 195
Category-2	Rs. 920	Rs. 470	Rs. 245

(5) The value of one licensing unit in terms of license fee shall be as under:—

Serial No.	Category	Value
1	Municipal Corporation	Rs. 50.00 Lac to Rs. 100.00 Lac with variation of Rs. 1.00 Lac.
2	Municipal Committee and Notified Area Committee (including Nagar Panchayat)	Rs. 35.00 Lac to Rs. 100.00 Lac with variation of Rs. 1.00 Lac.
3	Rural	Rs. 15.00 Lac to Rs. 100.00 Lac with variation of Rs. 1.00 Lac.”.

11. In the said rules, in rule 38, after special condition (2-C), the following special condition shall be inserted, namely:—

“(2-D) A license in Form L-2D for the retail vend of beer and wine for consumption off the premises.

- The license shall be renewable by the Collector.
- The licensee shall sell wine of all types up to 13.5% v/v and beer imported from abroad (bottled in origin) for consumption off the premises.
- The licensee shall maintain accounts of receipts and sales and submit to the Excise Inspector a monthly abstract of such receipts and sales in Form M-66.”.

12. In the said rules, for the existing Application Form referred to in rule 36, the following shall be substituted namely:—

“DEPARTMENT OF EXCISE AND TAXATION, PUNJAB
(see rule 36)

**Application for the Allotment of Retail Sale Licenses of Punjab
Medium Liquor (L-14A) and Indian Made Foreign Liquor (L-2)
for the year, 2010-2011**

(Separate Application Form to be submitted for each licensing
Unit/Group/Zone)

Serial No.

Application Fee
(Non-refundable
/non-adjustable)

Rs. _____

Mode of payment

Cash

Bank instruments

To

The Assistant Excise and Taxation Commissioner,
District _____.

Affix 1 recent
passport size
photograph.

Sir/ Madam

I hereby submit my request for consideration for the allotment of
licensing unit/ group/ zone in _____.

Annual License fee:

Rs. _____ lac

2. My particulars are as under :—

(i) Name

(ii) Father's/Husband's Name

(iii) Postal Address:

(iv) Age (should be above 25 years)

(v) Telephone No.(s)

Signature of the Applicant.

PART-I

(Slip for draw of lots)

Serial No. District:

Name of the applicant

Code No. of the Licensing Unit/
Group/Zone Annual License fee Rs. Lac

Signature of the Applicant.

Sign.

AETC District incharge

ETO(X)

EI/ETI

-----Cut from here-----

PART-II

(Receipt)

Serial No.

Received from Sh./Smt.

S/o, W/o, D/o

r/o application along with the
requisite documents, for the grant of the following licensing Unit:—

Name of the Licensing Unit/Group/Zone applied for:

Code No. of the Licensing Unit/
Group/Zone Annual License fee Rs. Lac

Date:

Place:

Time:

Signature of the receiving Official
With office stamp

(Specimen affidavit to be furnished by a successful allottee before the commencement of business)

AFFIDAVIT

I, _____
S/o/D/o/W/o _____
do hereby solemnly affirm and declare as under :—

1. That I have not been convicted of any non-bailable offence, by a criminal court.
2. That I have not held a license in the State of Punjab for the sale of any intoxicant, which was cancelled for failure to pay the license fee.
3. That I am not a defaulter under any of the Acts administered by the Excise and Taxation Department, Punjab.
4. That I undertake to abide by the provisions of the Punjab Excise Act, 1914 (Act 1 of 1914) and the rules framed thereunder and the terms and conditions of the license.

Place :

Deponent

Date :

Verification

Verified that the above statement is true and correct to the best of my knowledge and belief and nothing has been concealed therein.

Deponent

Attested

Signature and Stamp of notary public".

A VENU PRASAD,
Excise Commissioner, Punjab.