

Uttar Pradesh Brewery Rules (Till Seven Amendments)

Rule 1.

Short title and commencement.

These rules may be called the Uttar Pradesh Brewery Rules, 061, and shall come into force with effect from the date of publication in the Gazette.

Rule 2.

Definitions.

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019.)

(1) In these rules unless there is anything repugnant in the subject or context-

(i) "Act" means the United Provinces Excise Act, 1910 (U.P. Act no. 4 of 1910).

(ii) "Bar" means the privilege granted under the Act to an establishment that makes retail sale of foreign liquor and Indian made foreign liquor in loose quantity for the consumption on the licensed premises.

(iii) "Beer" includes ale, stout, port and all other fermented liquor made from malt.

(iv) "Brewer" means a person holding licence in Form B-1 for running a brewery.

(v) "Brewery" means a building where beer is brewed and includes every place therein where beer is stored or wherefrom it is issued.

(vi) "Copper" means any vessel in which either worts or water is boiled or heated in the course of brewing.

(vii) "Draught Beer" means Bulk Beer (filtered, carbonized and ready to serve) drawn from a Vat/Barrel/Cask or any other vessel before pasteurization.

(viii) "Excise Year" means the period from April 1 to March 31 following.

(ix) "Fermenting vessel" means any vessel in which worts are fermented by the action of yeast.

- (x) "Form" means a form appended to these rules.
- (xi) "Gravity" means the proportion which the weight of a liquid bears to that of an equal bulk of distilled water. the gravity of distilled water of 60F being taken to be 1000."
- (xii) "Hops" means the ripe female flowers of the hop plant or its other parts used in brewing for giving bitter taste to beer and for preserving and clarifying it.
- (xiii) "Hop back" means any vessel into which worts are run after boiling for removal of the spent hops.
- (xiv) "Licence" means licence granted under these rules;
- (xv) "Licence Fee" means annual licence fee as fixed by the Excise Commissioner from time to time with the previous consultation of the State Government.
- (xvi) "Malt" means the basic germinated grain, used for brewing obtained as a result of diastatic fermentation or subjecting grain to the process of steeping and crushing.
- (xvii) "Malt substitutes" means sugars or starches mixed in proper proportion for being used as a substitute for malt for brewing purpose.
- (xviii) "Mash-tun" means any vessel in which malt or grain is exhausted of its fermentable content in the course of brewing.
- (xix) "Micro Brewer" means a person holding license in Form MB-1 for running microbrewery.
- (xx) "Microbrewery" means a small brewery having installed capacity not exceeding six hundred bulk litres per day and situated on the premises of a bar licence issued to hotel/resort/ restaurant and commercial club bar where draught beer is manufactured and served to their customers for consumption within the premises.
- (xxi) "Officer-in-charge" means the Excise Inspector or any other Officer of the Excise Department not below the rank of an Excise Inspector, appointed by the Excise Commissioner to hold charge of a brewery.

(xxii) "Racking or settling back" means any vessel into which worts are passed from a fermenting vessel and run off (racked), either at once or after a time into store vats or casks.

(xxiii) "Underback" means any vessel into which worts are run either from the mash-tun or hop back.

(xxiv) "Worts" means the liquor obtained by the exhaustion of malt or grain or by the solution of saccharine matter in the process of brewing.

(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.

A. Establishment of breweries

Rule 3.

(THE UTTAR PRADESH BREWERY (FIRST AMENDMENT) RULES, 1974)

(1) Any person desiring to obtain a licence to establish a brewery in the State of Uttar Pradesh shall apply for a licence therefor to the Excise Commissioner, Uttar Pradesh through the Collector of the district in which the brewery is proposed to be established. The application shall be in Form B-19.

(2) On his application being entertained, the applicant shall file a plan and full description (hereinafter called the entry) of his premises and vessels, clearly specifying the purpose of, and the distinguishing mark on each room and vessel. The plan shall be drawn to scale on tracing cloth showing the exact position and dimension, of each room and vessel proposed to be used.

(3) If, after such enquiry as he may deem necessary, the Excise Commissioner is satisfied, he shall subject to such conditions as the State Government deem fit to impose, authorise the establishment of brewery and issue a licence in Form B-20. The fee for grant of such a licence shall be Rs. 25,000 (Rupees Twenty-five thousand only) payable in advance for the year or part thereof for which the licence is granted.

NOTE-The Excise Commissioner shall have power to grant or re-fuse any application for licence having regard to the actual requirement in the State.

(4) The aforesaid licence shall be valid only for a year from the date of issue, unless specifically extended and during the period of validity the holder thereof shall arrange to secure the land, building plants, machinery and other equipment for the establishment of the brewery. It shall not confer any right or

privilege for grant of a licence for the manufacture of beer and is liable to be revoked or with-drawn at any time, in the public interest, after giving the holder a notice to show cause against such action and after hearing him, if he so desires. No compensation for damage or loss shall be payable when the licence is so revoked or with-drawn.

Rule 4.

(THE UTTAR PRADESH BREWERY (FIRST AMENDMENT) RULES, 1974)

(1) No beer shall be manufactured and no person shall use, keep or have in his possession any material, utensil, implement and apparatus whatsoever, for the purpose of manufacturing beer except under the authority and subject to terms and conditions of a licence granted in Form B-1 by the Excise Commissioner.

(2) An of the aforesaid licence shall be in Form application for the grant B-21 and shall be submitted to the Excise Commissioner within one year from the date of grant of licence in Form B-20 unless specifically permitted otherwise.

(3) Before the licence in Form B-1 is granted an Excise Officer authorised by the Excise Commissioner, shall inspect the premises, etc, and compare the same with the plan and entry aforesaid and certify accordingly.

Rule 5.

(THE UTTAR PRADESH BREWERY (FIRST AMENDMENT) RULES, 1974)

No licence in Form B-1 shall be granted until the applicant has-

(a) satisfied the Excise Commissioner that the plant is capable of producing not less than 2,500 litres of beer per day;

(b) Satisfied the Excise Commissioner that the proposed building, vessels, plant and apparatus to be used in connection with the business of brewing; storage and issue of beer are built in accordance with the rules in this behalf and that due pre-caution has been taken against fire;

5(c)(THE UTTAR PRADESH BREWERY (THIRD AMENDMENT) RULES, 2003)

Deposited as security for fulfilment of all conditions of his licence and for the payment of all sums which may become due to Government by way of duty, penalties, fines and taxes under the provisions of his licence or to which the brewery may be liable by law or by rules having the force of law, or under any

engagement or bond into which he may have entered, a sum fixed by the Excise Commissioner with previous sanction of the State Government from time to time.

5(d) (THE UTTAR PRADESH BREWERY (FIRST AMENDMENT) RULES, 1974)

deposited the licence fee prescribed under rule 7(1) in advance and proof of such deposit is furnished to the licensing authority for grant of the licence for the year or part thereof.

Rule 6.

Power to refuse or grant licence.

(1) Subject to provisions of sub-rule (2), the Excise Commissioner shall have power to grant or refuse any application for licence or for renewal of a licence having regard to actual requirements in the State.

(2) Any person aggrieved with any order of the Excise Commissioner refusing to grant or renew a licence may, within thirty days of the order, apply to the State Government for revision and the Government may make such order in the ease as it thinks fit.

Rule 7.

Form of licence and licence fee for running a brewery.

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

(1) The fee for the grant or renewal of a licence in Form B-1 shall be as under:

(i) For breweries having an yearly installed capacity up to 5,000 kilolitres Rs. 1,50,000 (Rs. One Lac Fifty Thousand only).

(ii) For breweries having an yearly installed capacity over 5,000 kilolitres and up to 10,000 kilolitres-3,00,000 (Rs. Three Lacs only).

(iii) For breweries having an yearly installed capacity over 10,000 kilolitres, the fee shall be payable by Rs.30 (Rupees Thirty only) per kilo-litre.

(2) Form of licence for bottling of beer.

No brewer shall bottle the beer produced in his brewery without having obtained a licence for the bottling of foreign liquor.

Rule 8.

Forfeiture of and deduction from the security deposit.

In the event of any breach of the excise laws for the time being in force being proved before an officer of the Excise Department not below the rank of the Assistant Excise Commissioner the whole or part of the security deposit as the State Government may determine, shall be forfeited together with the brewery licence. The Excise Commissioner may also direct deduction therefrom of all sums which may become due to the Government by way of duty, licence fee, penalty or fine.

Rule 9.

Renewal of Licence

(THE UTTAR PRADESH BREWERY (SEVENTH AMENDMENT) RULES, 2021)

Application for renewal of licence for up to following three Excise years shall be made to the Excise Commissioner through Collector on or before February 28 of the year in Form B-2. If there has been alteration in either plant or building, fresh plans must be submitted. If there has been no alteration, a certificate to this effect from the officer-in-charge should be attached with the application for renewal of the licence.

Rule 10.

Unrenewed licences to be void.

Un-renewed licences shall be null and void and the beer produced in the brewery after the expiry of the licence shall be liable to seizure and confiscation and the parties working the brewery to the penalties provided by law for illicit brewing:

Provided that in the event of renewal of licence being refused, permission may be granted for continuing operations temporarily, for a reasonable time, pending revision before the State Government.

Rule 11.

Removal of beer, etc. after expiry of licence.

On the expiry of his licence (unless a fresh licence has been granted to him), or if his licence is cancelled or suspended, the brewer shall be bound forthwith to pay the duty on, and to remove all beer remaining within the brewery in accordance with the rules in force. Failure to do so within ten days of receipt of

written notice from the Collector shall entail on the brewer the liability of meeting the cost of any establishment which it may be necessary to employ at the brewery. In the event of the failure continuing for more than three weeks, the beer shall be liable to be forfeited at the discretion of the Excise Commissioner.

Rule 12.

Office for officer-in-charge to be provided by the brewery

The brewer shall provide, within the brewery enclosure, an office for the officer-in-charge duly equipped with office furniture.

Rule 13.

Residential quarters for Excise Supervisory staff to be provided by the brewer.

The brewer shall also provide residential quarters to the satisfaction of the Excise Commissioner for the Government Excise Establishment posted to the brewery. The rent chargeable from the staff and other conditions of tenancy shall be such as may be determined by the Excise Commissioner.

Rule 14.

Government not liable for loss, etc. of beer in a brewery.

Government shall not be liable for the destruction, loss or damage of any beer stored in a brewery by fire or theft, or by gauging or by any of the cause whatsoever. In case of fire or other accident, the officer-in-charge of brewery shall immediately attend to open the premises at any hour of the day or night.

Rule 15.

Appointment of brewer's agents and other servants.

Rules governing the appointment of distiller's agents and other servants in distilleries shall apply mutatis mutandis to agents and other servants in breweries.

B. General arrangement and management of breweries

Rule 16.

Distinguishing mark to be painted on each room, place and vessel.

On the outside of the door of every room and place in which business is carried on, and on some conspicuous part of each vessel, there shall be legibly printed in oil colour the name of the vessel, utensil, room or place according to the purpose for which it is intended to be wed. If more than one room or vessel is used for the same purpose each shall be distinguished by a progressive number.

Rule 17.

Manner of fixing of vessels.

Mash-tuns, underbacks, wort receivers, coppers and collecting and fermenting vessels shall be so placed and fixed that contents of each can be accurately gauged or measured.

Rule 18.

All mash-tuns and other vessels to be gauged.

All mash-tuns and fermenting vessels shall be gauged jointly by the officer-in-charge and the licensee. Tables in Form B-3 shall be prepared by the officer-in-charge showing the total capacity of each vessel in imperial gallons (or in case of mash-turns, in imperial bushels) and the capacity of each tenth of an inch in depth.

Rule 19.

Placement of mash-tuns, etc. to admit of gauging and alterations to be intimated to the officer-in-charge.

All mash-tuns, underbacks, coolers, fermenting vessels and settling barks shall be so placed and fixed as to admit to their contents being accurately ascertained by gauge or measure and shall not be altered in shape, position or capacity without two days' notice in writing to the officer-in-charge.

Rule 20.

Regauging necessary after alteration in placement of mash-tuns, etc.

No vessel which has been altered in shape, position or capacity shall again be taken into use unless it has been regauged by the officer-in-charge and new tables worked out by him, if necessary.

Rule 21

Brewers to provide weights, scale and other appliances.

The brewer must provide and maintain adequate number of scales in good working order and weights of correct specification and other necessary and reasonable appliances to enable the officer-in-charge and other officers to take account of or check by weight, gauge or measures, all materials and liquids produced in brewing and provide sufficient lights, ladders, facilities to enable the Excise staff to perform their duties.

C. Control of Breweries

Rule 22.

Excise Commissioner to appoint officer-In-charge of brewery.

Every brewery shall be placed by the Excise Commissioner under the charge of an Excise Inspector to be designated as officer-in-charge of the brewery. The Excise Commissioner will, further, appoint such other officer of the Excise Department as he may deem fit to the charge of breweries. The pay of all such officers shall be met by the Government; provided that when the annual charges exceed ten per cent of the duty leviable on the issues made from the brewery to districts within the State, the excess shall be realised from the brewer.

Rule 23.

Control.

The officer-in-charge will, unless otherwise directed, work under the supervision of, and correspond with the Assistant Excise Commissioner in whose territorial charge the brewery lies.

In all ordinary matters regarding the working of the breweries, the brewers should, in the first instance, apply to the officer-in-charge, who will, if necessary, secure orders.

Rule 24

- 1. (i) Control of officer-in-charge over admittance and behaviour of persons to brewery premises**
(THE UTTAR PRADESH BREWERY (FOURTH AMENDMENT) RULES, 2013)

Rules Governing admittance and behaviour of persons within distillery premises, shall apply, mutatis mutandis, to admittance within brewery premises of persons and their behaviour within the premises.

- 1. (ii) Control over issue of beer from brewery-CCTV cameras shall be installed at the entrance/exit gate of the breweries by brewers according to the following procedure: -
(THE UTTAR PRADESH BREWERY (FOURTH AMENDMENT) RULES, 2013)**

1. There shall be only one gate for entrance and exit in the breweries.
2. CCTV Cameras shall be installed by the brewer at the gate of entrance/exit.
3. CCTV Cameras shall remain conducted and operative all through twenty-four hours.
4. CCTV Cameras shall be installed in breweries in such a way that all the vehicles carrying beer and other produce could be recorded along with its number while entering and going outside the breweries.
5. Brewers shall make available its IP address of Camera/Computer to the Excise Commissioner, U.P. in order to facilitate real time monitoring of CCTV through the Internet of Head Quarter.
6. After having completed recording of CCTV carried out in a month, its DVD/Hard Disk/Portable Disk shall be prepared and the duration of recording shall be printed on DVD/Hard Disk/Portable Disk.
7. DVD/Hard Disk/Portable Disk shall bear the signature of Officer in-charge of brewery/authorized brewery. representative of
8. One copy of aforesaid media shall remain preserved with the Officer in-charge of brewery second copy with the management of brewery as well as the third copy in the Office of the Excise Commissioner, U.P.
9. The aforesaid prepared storage media of a month shall be kept preserved for the next twelve months.

Rule 25.

Hours of attendance of and holidays allowed to Excise officials: -

Rules governing the hours of attendance of Excise officials posted to distilleries, holidays allowed to them and overtime work by them, shall govern Excise officials posted to breweries also.

Rule 26.

Special duties of officer-in-charge posted to brewery.

It shall be the special duty of the officer-in-charge to see that-

- (i) the brewer's licence in the prescribed form B-1 is renewed in time;
- (ii) the brewer makes entry of his premises and utensils in the prescribed form 11-2;
- (iii) the vessels and rooms in the brewery are properly numbered and marked;
- (iv) the entries made by the brewer in the brewing book in form B-1 are promptly and correctly made;
- (v) no materials other than those entered by the brewer in the brewing book are used;
- (vi) no worts are removed from the brewery until an account of them has been taken; and
- (vii) the rules prescribed for the management of breweries are strictly followed.

Rule 27.

Instruments to be supplied: -

The officer-in-charge shall place indent on the Excise Commissioner through the Assistant Excise Commissioner for instruments, such as saccharometers and thermometers, as are necessary, and will maintain an account thereof in form B-5. He will be responsible for their safe custody and if any instrument is broken or lost for want of proper care, he may be required to make good such loss or damage.

Rule 28.

Brewery open to inspection by officers.

The brewer shall, at any time, permit the Collector, the District Excise Officer, or any officer of the Excise Department not below an Excise inspector in rank, in whose jurisdiction the brewery lies to inspect and examine his brewery, the premises, warehouses, utensils connected therewith, any room, place or utensil and the beer made or stored therein and shall render the inspecting officer all proper assistance in making such inspection and examination.

Rule 29.

Notice before brewing.

The Excise Commissioner may require any brewer to send to the officer-in-charge, 48 (forty-eight) hours before brewing, a written notice of his intention to brew.

Rule 30.

Use of deleterious matter prohibited. -

The Excise Commissioner may prohibit the use of any material in the manufacture of beer, which, in his opinion, is of deleterious nature.

Rule 31.

Analysis of sample.

The officer-in-charge or any inspecting officer may take without payment, for the purpose of analysis, samples of any beer or material used in the manufacture thereof.

Rule 32.

Sampling.

All samples taken will be recorded by the officer-in-charge in the register in F B-6 and will be forwarded by him direct to the Chem Examiner, U.P. Government, Agra, along with an invoice note stating the nature of the examination or analysis required.

Note- samples should be prepared for despatch in accordance with the instructions contained on page 125 of Technical Excise Manual.

D-Mode of Working

Rule 33.

Brewer's book.

The brewer shall keep a book in form B-4 and shall observe the following rules in relation to it and to the entries to be made therein:

(1) "He shall keep the book in some part of licensed premises, ready at all times, for the inspection of the Collector, the officer-in-charge or any other officer of the Excise Department not below such rank as the State Government may

prescribe and shall permit any such officers is duly empowered to inspect the Brewery any time, to inspect the book and take extra therefrom".

(2) He shall enter separately in the book in quantity of malt, corn, sugar, hops and substitutes which he intends to use in his brewing and also the day and hour when next brewing is intended to take place.

(3) He shall make such entry, so far inspector the day and hour of brewing, at least twenty-four hours before he begins to mash any malt or dissolve any sugar, and so far as respects to quantity of malt, corn, sugar, hops and he substitutes at least two hours before the entered for brewing.

(4) He shall, at least two hours before the hot entered for brewing, enter the time when all the worts will be drawn off the grains in the mash

(5) He shall, within one hour of the wort being collected in the fermenting vessels or, if worts be not collected before six in the afternoon before eight in the forenoon on the following day, enter the dip and gravity of worts produce from each brewing, and also the description and number of the vessels into which the wort have been conveyed.

(6) He shall, at the time of making any entry insert the date when the entry is made.

(7) He shall not cancel, obliterate or alter an entry in the book, or make therein any entry which is untrue in any respect. Should it b necessary to correct any entry, a line shall b drawn through the incorrect entry in such manner as to leave it distinctly visible, and the amended entry shall be inserted above it; ever; correction shall be initialled by the person making it at the time.

Rule 34.

Produce of any brewing not to be mixes with that of another unless accounted for.

The brewery shall keep the produce of any brewing separate from the produce of any other brewing unless an account (regarding bulk and gravity) of each has been taken by the officer-in-charge.

Rule 35.

Notice to be given when mixing to take place.

The brewer shall not mix the produce of one brewing with that of another except in store vats or casks, unless he shall have given previous notice in writing the officer-in-charge, when mixed, the brewer shall specify the quantity and gravity of the resultant mixture.

Rule 36.

Time prescribed for grain to remove in mash-tuns after the worts are drawn off.

All grain in a mash-tun must be kept untouched for one hour after the time entered in the book as the time for the worts to be drawn off, unless the officer-in-charge has attended and taken account of such grain.

Rule 37.

Worts to be drawn off in the order of production.

All worts shall be removed successively, and in the customary order of brewing, to the under-back coppers, coolers and fermenting vessels, and shall not be removed from the last-named vessel until an account has been taken by the officer-in-charge or until after the expiry of twenty-four hours from the time at which the worts are collected in these vessels.

Rule 38.

Time fixed for collection of the product of brewing.

When worts shall have commenced running into a fermenting vessel, the whole of the produce of the brewing shall be collected within eighteen hours.

Rule 39.

Extraction of spirit from refuse prohibited.

No liquor except beer shall be manufactured within the brewery premises. No attempt shall be made to extract spirit from grain or the refuse of the brewery.

Rule 40.

Addition to beer of materials other than finings prohibited.

The brewer shall not dilute, adulterate or add anything to beer except finings or other matters sanctioned by the Excise Commissioner.

E. Issues of Beer

Rule 41. Beer not to be issued until Consideration Fee paid or bond executed

(THE UTTAR PRADESH BREWERY (FIFTH AMENDMENT) RULES, 2015)

No beer shall be removed from a brewery until the Consideration Fee imposed under section 28 of the U.P. Excise Act, 1910 (Act no. IV of 1910) has been paid or until a bond, under section 19 of the Act, in Form B-7 or B-t 8 has been executed by the brewer for export of beer outside the State, direct from the brewery.

Rule 42.

Modes of realising duty.

Duty shall be realised in either of the two ways, viz.

(i) by payment in cash either in the local sub-treasury or in the Sadar treasury of the district, if there is no sub-treasury in the station,

(ii) by book credit from any advance account kept for the purpose.

Rule 43.

Mode of tendering duty in cash.

If the brewer wishes to pay duty in cash in he shall present an application in Form B-9 in triplicate at the treasury or sub-treasury, as the case may be, correctness whereof shall be duly verified by the officer-in-charge. The accountant of the treasury or sub-treasury shall, after verifying that the amount tendered has been deposited with the treasurer, fill up the figure in the endorsement in all the copies of the application. He shall then present them to the officer-in-charge of the treasury or sub-treasury who shall sign them in token of receipt of the amount tendered and stamp them. One copy of the application shall then be given to the applicant, the second copy forwarded to the officer-in-charge of the brewery and the third copy retained for record.

Rule 44.

Payment of duty from brewer's advance deposit.

Brewers are permitted to make advance payments on account of excise duty on beer to be removed from time to time from the brewery. Such removals shall be

permitted upto the limit of the advance, with-out separate payment of duty on account of each. consignment of beer removed. No original advance deposit shall be of less than Rs.2,000 and each time an advance is replenished, it must be of a sum which brings it up to not less than that amount.

Rule 44 A

Deposit of fees

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

Brewery shall deposit in Government Treasury the consideration fee and the additional consideration fee involved in indents received from the beer wholesales within 2 working days of receiving such indents, failing which a penalty of Rs. 5000/- per day shall be imposed on brewery.

Rule 45.

Form of applications for removal of beer against advance deposit.

Applications for the removal of beer the duty on which will be debited against the advance will be in Form B-10.

Form of register of advance deposit. The register of advance deposit will be in Form B-11.

Rule 46.

Removal of beer from brewery not permitted save under a pass.

No beer shall be removed except under a pass in Form B-12 granted by the officer-in-charge empowered in this behalf. The pass shall be issued either on proof of full payment of duty or of proof of execution of bond. It shall be in triplicate, one copy shall be made over to cover the transport or export, the second forwarded to the Chief Revenue Authority of the district of import or transport and the third retained for record.

Rule 47.

Modes of issue of beer from brewery-Issues may be made from the brewery as under-

(i) On pre-payment of duty for transport to the wholesale premises of the brewers.

(ii) For export under bond to other states in India.

Rule 48.

Pass required for export under bond-

Any person may export under bond beer manufactured at a brewery in Uttar Pradesh to any place in India under a pass in Form B-12 granted by the officer-in-charge of the brewery empowered in this behalf and in accordance with the rules relating to ex-port of foreign spirit under bond. The generate bond-to be executed shall be in Form B-7 and the special bond in Form B-8.

F-Allowable wastage and refund of duty

Rule 49.

Destruction by accident.

When any malt liquor on which duty has been charged or paid is destroyed by accidental fire or other unavoidable causes while the same is on the specified premises of a brewer, as given in his entry, the State Government may, on proof of such loss to their satisfaction, remit or order to be repaid the duty so charged or paid.

Rule 50.

Refund of duty.

(1) When beer on which duty has been charged and paid becomes unfit for consumption as such, the Excise Commissioner may, on receipt of formal claim from the brewer, through the Collector, order a refund of duty, provided such claim is preferred within six months of payment of duty.

(2) If the beer has been returned, the fact must be reported to the officer-in-charge as soon as the invoice is received. The consignment shall on receipt be got checked by the officer-in-charge and claim preferred shall be got attested by him.

(3) The claim must contain

(a) a declaration that the beer which is the subject of claim was brewed by the brewer;

(b) a statement of the circumstances to which the claim is due;

(c) a statement of date or dates on which the beer was brewed, and the quantity and the original gravity of each lot of beer referred to in the claim, and

(d) a statement that it is proposed to dispose of the beer either

(i) by destroying, or (ii) by converting it into vinegar.

(4) When required to do so the brewer must give satisfactory proof of any fact mentioned in the claim.

(5) When the Excise Commissioner's order regarding refund has been received the Collector shall make the refund as soon as the Assistant Commissioner of the charge furnishes a certificate in Form B-13 or B-14 that the beer had been (i) destroyed in his premises, or (ii) turned into vinegar.

Rule 51.

Beer on which refund of duty is claimed may be examined-

In the case of refunds on beer returned to the brewery of issue, the Collector may require the applicant to produce, in whole or part, the beer on which refund of duty is claimed and may have any portion of the beer, on which refund is claimed, tested or analysed in any way he thinks fit; and may depute any officer to make any inquiry or examination concerning the said beer which the Collector for may consider necessary.

Rule 52.

Quarterly account-

On the 7th of the first month after the close of each quarter of the excise year an account, in Form B-15, shall be forwarded by every brewer to the Assistant Excise Commissioner of the charge, in which shall be shown the total quantity of beer returned unsold to the brewery, and the amount claimed or received as refund of duty. The Assistant Excise Commissioner shall, after testing the corrections of the entries, forward a copy to the Excise Commissioner for recording his office on the 15th of the month succeeding the close of the quarter.

Rule 53.

Quarterly examination of stock-

(THE UTTAR PRADESH BREWERY (SECOND AMENDMENT) RULES, 1975)

The accounts of a brewery and the stock of beer in hand in the brewery shall be examined by the Assistant Excise Commissioner once a quarter. If the quantity of the beer in stock in the brewery on such examination be found to exceed the quantity shown as in hand in the stock account, the brewer shall be liable to pay duty on such excess at double the rate prescribed for ordinary issue. If the quantity be found less than that shown in the stock account, the cause of the deficiency shall be inquired into and the result reported to the Excise Commissioner, who may direct the levy of a fine not exceeding double the amount represented by the duty on such defect.

Provided that any deficiency not exceeding 10 per cent shall be disregarded, allowance to the extent being made to cover loss in bulk due to evaporation, sullage and other contingencies within the brewery. This allowance shall be calculated upon the amount represented by the actual ascertained balances in hand at the date of the last stock-taking, together with the total quantity since manufactured or received, as shown in columns 2 and 3 of the register of manufacture and distillation (Form B-16).

G-Supervision

Rule 54.

Inspection by Assistant Excise Commissioner-

The Assistant Excise Commissioner of the Charge will inspect the brewery at least once in every two months.

Rule 55.

Trade secrets-

The officer-in-charge is strictly enjoined to abstain from divulging to any person the nature or extent of the brewers' operations.

Rule 56.

Gauging of mash-tun-

Mash-tuns should be gauged by the dry method, the measurements being taken above the false bottom, but the tables should be worked out by the wet method, that is from the top of the false bottom, and no drip need be taken into account.

Rule 57.

Intermediate gauges and gravities in breweries to be checks only -

All gauges and gravities taken during the course of a brewing are to be deemed checks only, and should not form the basis of any charge for duty or calculation of out-turns.

Rule 58.

Officer-in-charge not to ascertain dips and gravities for licensee –

The officer-in-charge may not ascertain for the licenses the quantity or gravity of any worts collected.

H-General

Rule 59.

Registers to be maintained by the officer-In-charge and the brewer-

The following registers shall be maintained in a brewery-

(A) by the officer-in-charge:

- (i) Register in Form B-6 of samples of malts and worts taken for analysis.
- (ii) Register of gauge tables in Form B-3.
- (iii) Register in Form B-11 of issues of beer against deposit of duty.
- (iv) Register of manufacture and issue of beer in Form B-16.
- (v) Register in Form B-17 of beer returned unsold to the brewery.

(B) by the brewer:

- (i) Register in Form B-2 showing details of entry regarding premises and utensils.
- (ii) Brewing book in Form B-4.

Rule 60.

Submission of annual statement of breweries-

Every brewer shall submit to the Collector through the officer-in-charge a statement in duplicate in Form B-18 relating to his brewery in respect of the excise year by December 5. The Collector after satisfying himself that the entries made are correct, shall forward one copy of the statement to the Excise

Commissioner, by December 15. The Excise Commissioner shall submit to the State Government, by January 15, a consolidated statement in Form B-18.

Rule 61.

The brewer shall be bound to report to the -officer-in-charge any case in which any person employed by him has been found to have committed any breach of the excise laws or of the terms and conditions of service regulating his employment.

Rule 62-

Microbrewery Licence –

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

A licence in Form-MB-1 may be granted for manufacturing draught beer and serving the same on the premises of bar licenses issued to hotel/resort/restaurant/ commercial club.

Rule 63-

Procedure for grant of licence for microbrewery–

(THE UTTAR PRADESH BREWERY (SEVENTH AMENDMENT) RULES, 2021)

(1) Any person who possesses bar licence of hotel/resort/restaurant/ commercial club bar and is desirous of obtaining a licence for microbrewery shall apply to the Excise Commissioner, Uttar Pradesh through the Collector of the district in which the microbrewery is proposed to be established. The application for grant of licence shall be made in Form MB-2. The application shall be accompanied by the following documents:

- (i) A treasury challan of Rs.50,000/- for having credited the fee in advance for a year of part thereof for which licence is granted.
- (ii) Full description of the premises with latitude & longitude.
- (iii) Installed capacity of the plant per day.
- (iv) Description and drawings for the construction of proposed microbrewery.
- (v) List of equipment's to be installed for Microbrewery.
- (vi) Copy of a valid Bar licence.
- (vii) A declaration in Form MB-3.

(viii) An undertaking in the prescribed Form MB-4 on a non-judicial stamp paper of the requisite value as per Indian stamp Act binding the applicant that he shall erect equipment as per standards as may be prescribed by the Commissioner from time to time for maintaining the specifications and quality of products.

(2) The detail of each application shall be scrutinized by the Collector of the concerned district or the District Excise Officer duly authorized by him in this behalf. Thereafter, the Collector of the districts shall forward his recommendation to the Excise Commissioner, Uttar Pradesh for approval of licence

(3) The Commissioner after causing such enquiry as he may deem fit and after satisfying himself of the bona-fide and capabilities of the applicant may grant licence by the approval of State Government in Form MB-5 for establishment of Microbrewery.

(4) After receipt of licence, the applicant shall erect the equipment within one year, failing which the fee paid under sub-rule (1) shall be forfeited. In case the licence holder fails to operate the Microbrewery according to specifications and quality standards, the licence granted shall be liable for cancellation without compensation for any damage or loss. The licence holder may apply for extension of licence for six months by paying an additional fee of Rs.25,000 -/- (Twenty-five thousand only).

(5) The licence fee for the grant of microbrewery licence shall be Rupees Two lakhs per year.

(6) As soon as the equipment is installed, the licence holder shall submit an application in Form MB-6 in respect of Micro Brewery, to the Excise Commissioner within one year from the date of grant of licence in Form MB-5. The following documents shall be submitted:

- (i) challan of requisite amount towards the licence fee for grant of licence;
- (ii) fixed deposit receipt of requisite amounts security deposit;
- (iii) No Objection Certificate from Uttar Pradesh Pollution Control Board, local water utility and licence/registration from FSSAI;
- (iv) Counterpart agreement

(7) Where the Commissioner is satisfied that the licence holder has fulfilled the conditions and is ready to make beer according to the specifications and quality standards, he may grant a licence in Form MB-1 to Microbrewery.

(8) Before the licence in Form MB-1 is granted an Excise Officer authorized by the Excise Commissioner, shall inspect the premises, etc. and compare the same with the plan and entry aforesaid and certify accordingly.

(9) No beer shall be manufactured and no person shall use, keep or have in his possession any material, utensil, implement and apparatus whatsoever, for the purpose of manufacturing beer except under the authority and subject to terms and conditions of a licence granted in Form MB-1 by the Excise Commissioner.

(10) Application for renewal of licence for upto following three excise years shall be made to the Collector with treasury challan of Rs. 2 lakhs for each year on or before 28th February of the year in Form MB-7. If there has been alteration in either plant or building, fresh plans must be submitted. If there has been no alteration, a certificate to this effect from the Officer-in-charge should be attached with the application for renewal of the licence.

Rule 64.

Restrictions on the grant of licenses for Micro Breweries

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

A licence in Form-MB-1 shall not be granted unless the bar premises, including the space used for microbrewer plant, has a minimum plinth area of 250 sq. meters.

Rule 65.

Persons not eligible for grant of Microbrewery licence-

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

The following persons are not eligible for grant of licenses: -

(i) Persons below the age of twenty-one years.

(ii) Persons who are undischarged insolvents or who have been convicted of offences or Narcotics Drugs and Psychotropic Substances Act, 1985 (Act 61 of 1985) or convicted of non-bailable offences.

(iii) Defaulters in the payment of excise revenue to the Government.

Rule 66.

Failure to comply with directions entails rejection of application for Microbrewery

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

In case the licence holder fails to operate the microbrewery according to specification and quality standards, the licence granted shall be liable for cancellation without compensation for any damage or loss.

Rule 67.

Period of Microbrewery licence and commencement of business

(THE UTTAR PRADESH BREWERY (SEVENTH AMENDMENT) RULES, 2021)

Every Microbrewery licence shall be valid for upto three years commencing from 1st April ending with 31st March of the year as mentioned, subject to payment of licence fee as prescribed. Provided that the licence issued on or after the 1st April shall also be valid up to the 31st March of the year as mentioned.

Rule 68.

Licence Fee of Microbrewery

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

- (1) The licence fee shall be Rs. two lacs per annum. The licence fee shall be paid through treasury challan to the concerned Government Treasury in the District in which the licensed premises is located.
- (2) The licensee shall furnish a security deposit of an amount of Rs. 1,00,000/- (Rs. One Lac only) in the mode of fixed deposit receipt issued by any Scheduled Bank in the name of Excise Commissioner.

Rule 69.

Surrender of Microbrewery licence

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

Licensee will have to give a one month notice prior to surrendering his licence.

Rule 70.

Forfeiture of security in Microbrewery

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

Where a licence stands cancelled or suspended for any violation of the rules and conditions of licence, the Excise Commissioner may order forfeiture of the security deposit furnished by the licensee either in full or in part depending upon the nature of violation and such forfeited security shall be made good by the licensee within fifteen days. In case the licensee fails to make good the extent of forfeited security within the time fixed the licence automatically stands cancelled.

Rule 71.

Conditions of Microbrewery Licence

(THE UTTAR PRADESH BREWERY (SEVENTH AMENDMENT) RULES, 2021)

(1) The licensee shall be bound by the provisions of the U.P. Excise Act, 1910 and notifications and orders issued thereunder.

(2) The licensee shall observe such rules as may be prescribed by the State Government or such instructions and orders as may be issued by the Excise Commissioner from time to time in regard to the control of the manufacture, possession and serving of draught beer.

(3) The licensee shall be bound by such orders as may be passed by the State Government or the Excise Commissioner concerning the process of manufacture to be adopted and the standards and quality of beer to be produced and served.

(4) The licensee shall provide a saccharometer and thermometer of a kind to be approved by the Excise Commissioner for testing the gravity of wort in the Micro Brewery. A hydrometer shall also be provided for testing the strength of the draught beer.

(5) The alcohol content of the beers produced supplied to the customers shall not exceed 8%V/V.

(6) The pH, temperature and specific gravity of the brews up to maturation stage should be recorded in MB-8 and the same is subject to inspection as and when called for by a competent authority.

(7) The premises shall be maintained neat and clean with proper ventilation, lighting and it should meet all safety and emergency standards as well as the beer dispensing system including glasses, serving tables, etc. be maintained hygienically at all times.

(8) Periodic fumigation of the storage tanks as well as the premises shall be done by authorized persons on a routine basis and records be maintained.

(9) Under no circumstances, beer or any alcoholic drinks shall be served to under aged persons.

(10) The payments of the license fees and excise duty as specified shall be paid in advance.

(11) The licensee is prohibited from manufacturing any of the beers, save the ones specially registered.

(12) The account of the transactions in the Microbrewery relating to issue shall be maintained in such manner as may be required by the Excise Commissioner.

(13) The licensee shall furnish any statistics relating to manufacture and the sale of beer that may be required when called upon to do so by any competent authority.

(14) Contravention of any provision of these rules or instructions issued thereunder and for every breach of License conditions, the Excise Commissioner shall take appropriate action against the licensee unit in accordance with the relevant provisions of the Act.

(15) Installed capacity of microbrewery shall not exceed 600(Six thousand) bulk litres per day and 2.1 lac (Two Lacs Ten thousand) litres per annum on the basis of 350 working days in a year.

(16) The draught beer so produced shall not be bottled/sold outside the premises. The draught beer shall be served in glasses or pitchers.

(17) The finished product in the storage tanks shall be removed for "on site" consumption as and when required

Provided that in special circumstances the Excise Commissioner with the prior approval of the State Government, may allow the sale of draught beer for consumption " off the premises".

(18) The shelf life of the beer manufactured in microbrewery shall be 72 hrs. only.

(19) The licensee shall install CCTV camera in the room for microbrewery plant which would be easily monitored from Excise Headquarters through I.P. address.

(20) The licensee shall make necessary arrangement for online submission of relevant information and accounts in the specified website of the Excise Department.

Rule 72.

Appointment of chemist and assigned duties and functions in Microbrewery (THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

(1) The licensee shall deploy a chemist holding a degree in Science with Chemistry or Bio Chemistry or Alcohol Technology.

(2) The licensee shall have to hire full time head brewer with at least three years of industrial experience and a certificate from a reputed brewing educational institute. Foreign work experience and foreign educational institutions shall also be accepted.

(3) The chemist shall be responsible to check the quality of raw materials used and the beer produced in the microbrewery.

(4) The analysis report of the chemist shall be countersigned by authorized officer.

(5) The beer so produced in the microbrewery shall be released for sale / consumption only after the said Chemist certifies that such beer is fit for human consumption. Besides the licensee, the Chemist shall be responsible for specifications, quality and safety of the beer.

(6) Sample from each batch shall be examined by the said chemist. Samples of beer shall also be drawn once in every month and forwarded the same to the chemical examiner of the regional laboratory concerned for analysis which shall be passed by the chemical examiner. The reports so obtained thereon shall be displayed predominantly at conspicuous place accessible for the consumers in the premises of microbrewery.

Rule 73.

Stock keeping of Beer at Microbrewery–

(THE UTTAR PRADESH BREWERY (SEVENTH AMENDMENT) RULES, 2021)

As soon as a batch of beer is manufactured, it shall be removed to the storage room and the quantity of beer thus transferred shall be measured by a flow meter installed between the fermentation/Bright Beer tanks and the storage/service tanks and shall be further validated by calibrated gauges attached to the tanks. The said flow meter shall be under excise lock and key. The quantity of beer thus transferred and measured shall be recorded in form MB-8A. The excise duty shall be charged on the quantity thus recorded in form MB-8A. The finished products in the storage tanks shall be removed for “on-site” consumption as and when required.

Rule 74.

Excise Duty and other levies for Microbrewery

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

The excise duty shall be paid at such rates as may be specified by the Government from time to time.

Rule 75.

Sale permitted at the Microbrewery licensed premises only

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

- (1) The licensee shall sell the draught beer only at the premises specified in the licence.
- (2) No change or alteration of the licensed premises shall be made during the licence period without the prior approval of the Excise Commissioner.
- (3) No shifting of the licensed premises shall be permitted during the licence period from one location to another. However, the shifting of the licensed premises under Form-MB-1 may be considered by the Excise Commissioner if the shifting of the original licensed premises of Hotel and Restaurant is permitted.

Rule 76.

License and plan of the Microbrewery licensed premises to be exhibited

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

The Performa licence shall be exhibited on a conspicuous place in the licensed premises. The licensee shall also exhibit the approved drawing/plan of the licensed premises for verification by the inspecting authorities.

Rule 77.

Hours of Business of Microbrewery

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

(1) The Licensee shall transact business along with the supply of food in the Restaurant as per the timings specified in bar licence.

(2) Provided further that the Excise Commissioner with the prior approval of the Government, may bring about any change during the course of licence period in the hours of business and the licensee shall observe such changed timings accordingly.

Rule 78.

Transfer and Mutation of Microbrewery licenses

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

In case of demise of licensee, the licence may be mutated in the name of his legal heirs/successors, if they are not found otherwise unsuitable after considering their application made for the mutation of licence. Legal heirs/successors may apply for continuance of the licence for the remainder period of licence to the Excise Commissioner within thirty days of the death of the licensee. The Excise Commissioner may, at his discretion, allow to continue the licence in the names of the legal heirs /successors of the deceased licensee.

Rule 79.

Draught beer shall not be given or sold to certain persons

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

No draught beer shall be sold or given to the persons below 21 years of age.

Rule 80.

Standard measures to be kept in Microbrewery

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

The licensee shall use only standard measures, as may be prescribed by the Excise Commissioner from time to time. The measuring apparatus should be got duly stamped by the Weights and Measures Department.

Rule 81.

Certain acts prohibited in the Microbrewery licensed premises

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

Notwithstanding any permit/ licence granted by any authority, gambling, dancing, any other acts of inducement, disorderliness or obscenity within the licensed premises shall be strictly prohibited.

Rule 82.

Employment of servants in Microbrewery

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

(1) No women shall be employed for sale of draught beer. Male persons shall be appointed for such a purpose after seeking the prior approval of the District Excise Officer of the concerned district. For this purpose, Identity Card for all employees shall be issued by concerned District Excise Officer.

(2) Every act of the authorized agent or servant shall be deemed to be an act of the licensee shall be responsible for vicarious liability.

Rule 83.

Licensee to maintain accounts in Microbrewery

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

Every licensee shall maintain a correct and full accounts of daily production, sale in Form MB-9, the pages of which shall be numbered in serial order and each page shall bear the stamp of the District Excise Officer concerned. He shall maintain such other returns as may be required by the Excise Commissioner, and shall also send monthly statements and returns before the 5th of every month in the forms as may be prescribed by the Excise Commissioner to the District Excise Officer and local Excise Inspector. All registers should be duly approved by the District Excise Officer.

Rule 84.

Entries in daily accounts register of Microbrewery

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

The licensee shall furnish on requisition any statement of accounts, statistics or any other particulars, online or manually, to the licensing authority or to any other officer of the Excise Department not below the rank of Excise Inspector

Rule 85.

Officers authorized to inspect Microbrewery premises

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

Any officer not below the rank of an Excise Inspector may enter and inspect the licensed premises during the working hours and inspect and verify all the accounts, registers and stocks. Inspecting officer shall be competent to take such samples as might be necessary, or to take charge of such records and registers as might be necessary, and it shall be incumbent on the licensee to offer reasonable assistance for such inspecting officers to inspect, verify and to take samples. For any records removed from the premises, the Excise Officer should give a receipt of it and make an entry in the inspection book in this regard.

Rule 86.

Inspection book to be maintained in Microbrewery

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

An inspection book in Form-MB-10 shall be kept for the use of the inspecting officers, and the licensee shall be responsible for its safe custody. The inspection book shall be the property of the Government and shall be handed over to the Excise Officer concerned on the expiry of the period of license.

Rule 87.

Microbrewery License to be surrendered to the licensing authority on expiry

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

Every license granted under these rules shall on its expiry be deemed to have been surrendered by the licensee to the licensing authority.

Rule 88.

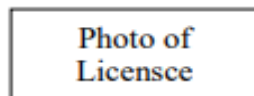
Removal of difficulties in Microbrewery

(THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019)

If there is any doubt or dispute regarding the application or interpretation of any of these rules, the decision of the Excise Commissioner thereon shall be final.

Form MB-1
{See Rule 63 (7)}

Licence to work a Microbrewery



Latitude-----

Longitude-----

Premises boundary-----

East-----

West-----

North-----

South-----

..... Name of licence holder (s).....

Licence is hereby granted toresident (s) ofto manufacture and serve draught beer on the premises atsubject to the following conditions and provisions of Uttar Pradesh Brewery Rules, 2019 as well as to such other rules as may from time to time be made by the Excise Commissioner for the security of Excise revenue and for regulating the manufacture, sale, supply and prices of beer. The infraction of any of the rules herein before enumerated shall involve forfeiture of the licence in addition to such other penalties as may be prescribed under the United Provinces Excise Act, 1910.

This licence shall be valid for the Excise year

The microbrewers shall apply to the Collector on or before 28th February of the year for renewal of their licenses for upto following three Excise years.

Conditions

(1) The licensee shall be bound by the provisions of the United Provinces Excise Act 1910, notifications, and orders issued thereunder.

(2) The licensee shall observe such rules as may be prescribed by the State Government or such instructions and orders as may be issued by the Excise Commissioner from time to time in regard to the control of the manufacture, possession and serving.

(3) The licensee shall be bound by such orders as may be passed by the State Government or the Excise Commissioner concerning the process of manufacture to be adopted and the standards and quality of beer to be produced and served.

(4) The licensee shall provide a saccharometer and a thermometer of a kind to be approved by the Excise Commissioner for testing the gravity of wort in the Brewery. A hydrometer shall also be provided for testing the strength of the draught beer.

(5) The alcohol content of the beers produced supplied to the customers shall not exceed 8% V/V.

(6) The pH, temperature and specific gravity of the brews up to maturation stage should be recorded and the same is subject to inspection as and when called for by a competent authority.

(7) The premises shall be maintained neat and clean with proper ventilation, lighting and it should meet all fire safety and emergency standards as well as the beer dispensing system including glasses, serving tables etc be maintained hygienically at all times.

(8) Periodic fumigation of the storage facility as well as the premises shall be done by authorized persons on a routine basis and records be maintained.

(9) Under no circumstances, beer or any alcoholic drinks shall be served to under aged persons.

(10) The payments of the license fees and excise duty as specified shall be paid in advance.

- (11) The licensee is prohibited from manufacturing any of the beers, save the ones specially registered.
- (12) The account of the transactions in the Microbrewery relating to issue shall be maintained in such manner as may be required by the Excise Commissioner.
- (13) The licensee shall furnish any statistics relating to manufacture and the sale of beer, online or manually, that may be required by any competent authority.
- (14) For any breach of the rules or the conditions of the license, the Excise Commissioner may after giving a fortnight's notice to the licensee suspend or cancel the license. The licensee shall not be entitled to any compensation on account of such suspension or cancellation.
- (15) Installed capacity of microbrewery shall not exceed -----bulk litre per day and ----- lac litre per annum on the basis of 350 working days in a year.
- (16) The draught beer so produced shall not be bottled/sold outside the premises. The draught beer shall be served in glasses or pitchers.
- (17) The finished product in the storage tanks shall be removed for "'on site" consumption as and when required.
- (18) The shelf life of the beer manufactured in microbrewery shall be 72 hrs only.
- (19) The licensee shall install CCTV camera in the room for microbrewery plant which would be easily monitored from Excise Headquarters through I.P. address.
- (20) The licensee shall make necessary arrangement for online submission of relevant information and accounts in the specified website of the Excise Department.

Allahabad

Dated.....

Excise Commissioner,
Uttar Pradesh.

FORM MB-7

[See rule 63(10)]

Application for renewal of licence MB-1

The Collector

District-----

Sir,

I/We.....S/O..... residing
at.....District.....hereby apply for renewal of licence
to work a microbrewery under rule 63(10) of the Uttar Pradesh Brewery Rules
2019 at locality/place in the district ofUttar Pradesh.

Required information with regard to sanction of renewal of licence is furnished
as below.

2. Details of Bar licences.
3. Total area of the premises in Sq. meters.
4. The name and description of the place in which the Microbrewery is situated.
5. Whether no objection certificate is obtained from Pollution Control Board and water utility.
6. Descriptions of vessels and other permanent apparatus.
7. Production capacity of the Microbrewery per day/per annum.
8. Whether Applicant has enclosed the treasury challan for having credited the prescribed licence fees in favour of the Government.
9. Full particulars of each room, place or vessel.....
10. Original layout plan and map
11. Whether any alteration/addition/modification has been carried out with the previous approval of the Excise Commissioner. If so, number & date of the order.

Place

Name of applicant.....

Date

Name of applicant

Signature of applicant

By order,

Excise Commissioner

Uttar Pradesh.

FORM MB-2
[See Rule 63(1)]
Application to establish a Microbrewery

1. Name/s of the applicant/s with full address.
2. Details of Bar licence.
3. Total area of the premises in sq. meters.
4. Total plinth area in sq. meters.
5. Area of the dining hall in sq. meters.
6. Area of the parking in sq. meters.
7. The amount of capital proposed to be invested
8. Capital Structure
 - (a) In case of limited company
 - (i) authorized
 - (ii) issued
 - (iii) paid up
 - (iv) borrowings, if any
 - (b) in case of others
 - (i) capital
 - (ii) borrowings, if any,
 - (c) Details of investments-
 - I. Fixed assets--
 - (i) Land Rs.
 - (ii) buildings Rs.
 - (iii) Plant or machinery Rs.
 - (iv) Others, if any Rs.
 - Total Rs.
 - II. Working capital Rs.
9. The name and description of the place in which the Microbrewery is situated alongwith latitude and longitude.
10. Whether project report is submitted.
11. Description of vessels and other permanent apparatus.
12. Production capacity of the microbrewery per day/per annum.
13. Whether application has enclosed the treasury challan for having credited the prescribed processing fee. If so, challan no.and date.
14. Description of Plant and machinery:
Value of Plant and machinery including refrigeration unit.
 - (i) to be imported or of imported origin
 - (ii) of indigenous origin

15. Raw materials required for production:
 - (i) Quantity and value of raw material including hops.
 - (a) to be imported or of imported origin per year.
 - (b) of indigenous origin per year.
 - (ii) Quantity and value of barley malt required per year in the manufacture of beer.
16. Water and power requirements:
 - (i) Particulars of requirements.
 - (ii) Whether necessary permission has been secured.
 - (iii) State whether the quality of water available is fit for the manufacture of beer.
17. Process:
 - (a) Brief process of manufacture
 - (b) Standard and quantity of products proposed to be manufactured.
18. Technical Assistance--
Whether any foreign collaboration is envisaged and if so the amount of foreign exchange involved.
19. Forecast of timings:
 - (a) Time required to secure land, building, other accommodation after licence in Form MB-5 is issued.
 - (b) Time required to fetch machinery and start production after the licence is granted.
20.
 - (a) Item of manufacture
 - (b) Annual capacity(in metric measures)
 - (c) Calculation details of annual capacity on the basis of fermentation house and batch cycle time.
21. Employment potential
 - (i) Supervisory
 - (ii) Skilled
 - (iii) Un-skilled
22.
 - (a) A certificate for non pending of Excise revenue
 - (b) Any special facilities required from the Government.
 - (c) Special features, if any of the scheme.

Place -
Date -

Name of Applicant/s
Signature of Applicant/s

Form MB-3
{See Rule 63(1)(vii)}

Declaration

1. I/we hereby declare that the particulars mentioned in the application are correct.
2. I/we am/are not convicted of any offence under the United Provinces Excise Act, 1910 or Rules made there under or any of the cognizable or non-bailable offences under any other law.
3. I/we have gone through the Uttar Pradesh Brewery Rules, 2019 relating to the licence applied for by me/us hereunder and am/are conversant with the provisions thereof.
4. I/we hereby undertake to abide by the conditions of the licence and provisions of the United Provinces Excise Act 1910 and the Rule and regulations made thereunder.

Place -
Date -

Signature of Applicant/s

Form MB-4
{See Rule 63(1)(viii)}
Undertaking

I/wes/o.....r/o..... hereby undertake that I/we shall erect the equipment as per standards and within stipulated period as may be prescribed by the Excise Commissioner from time to time for maintaining the specifications and quality of products.

Place -
Date -

Signature of Applicant/s

Form-MB-5
{See Rule 63(3)}
(Grant of Licence to establish a Micro Brewery)

Applicant/Applicants named Sri..... S/O.....
R/o..... is hereby issued licence on payment of a fee of Rs. 50,000 (Rupees Fifty Thousand only) authorizing him/them to establish and construct a brewery atin the district ofsubject to the provisions contained in this Uttar Pradesh Brewery Rules 2019 and to such other rules as may from time to time be made by the Excise Commissioner, Uttar Pradesh, for the security of excise revenue and for regulating the manufacture of beer. The infraction of any of the rules hereinbefore enumerated shall involve forfeiture of the licence in addition to such other penalties as may be prescribed under the U.P. Excise Act, 1910 .

The licence shall be valid for the period of one year from(the date of issue of Licence).

The microbrewer shall apply to the Excise Commissioner at least thirty days before the expiry of this licence for an extension of the term of this licence.

Prayagraj
Date20.....

Excise Commissioner
Uttar Pradesh

MB-6
[See Rule 63(6)]

Application for grant of a licence to work a microbrewery in Form MB-1

To,
The Excise Commissioner
Uttar Pradesh, Prayagraj

Through the Collector

Sir,

- (1) I/We..... S/O.....
residing at..... District..... hereby apply for a licence to work a
microbrewery under rule 63(6) of the Uttar Pradesh Brewery Rules 2019 at locality /place
..... in the district of Uttar Pradesh.
- (2) List of equipments and vessels used for the establishment of Microbrewery along with invoice
copy is attached herewith
- (3) In the event of a licence being granted, the applicant/s propose/s to commence working of the
microbrewery on the
- (4) The applicant/s undertake/s to comply with
(a) the provisions of rules applicable to the microbrewery or to its working and
(b) the conditions which may be entered in the licence applied for.
- (5) No objection certificate issued by Uttar Pradesh Pollution Control Board; the local water utility
and licence/registration from FSSI are attached herewith.
- (6) Any further plans, estimates or information required shall be supplied forthwith.
- (7) The applicant/s is/are ready and willing to deposit the security amount as fixed by the Excise
Commissioner from time to time with the previous sanction of the State Government.

Place -
Date -

Name of applicant/s
Signature of the applicant/s

FORM MB-9
[Rule 83]
Daily Production Account

Name of the Microbrewery and Licence No.

Sr. No.	Opening Balance of Beer (in B.L.)	Beer transferred from fermentation tank to storage tank (in B.L.)	Total beer stored in microbrewery in a day (in B.L.)	Beer sold in a day (in B.L.)	Closing Balance (in B.L.)	Signature of authorized person of Microbrewery
1	2	3	4	5	6	7

FORM MB-10
[Rule 86]
Inspection book of MicroBrewery

Sr. No.	Name of inspecting authority	Designation	Date of inspection	Inspection report in brief	If any irregularity found, action taken
1	2	3	4	5	6

P. GURU PRASAD,
Excise Commissioner,
Uttar Pradesh.

FORM B-1

[See Rules 4(1), 4(3) and 7]

Licence to work a brewery

Name of licence holder (s)

Licence is hereby granted to

..... resident (s) of
to manufacture beer in their brewery situated at.....subject to
the Uttar Pradesh Brewery Rules, 1961 and to such other rules as may from time to time
be made by the Excise Commissioner for the security or Excise Revenue and for regulating
the manufacture, sale, supply and prices of beer. The infraction of any of the rules herein
before enumerated shall involve forfeiture of the licence in addition to such other penal-
ties as may be prescribed under the U. P. Excise Act, 1910.

This licence shall be valid for the Excise year

The brewers shall apply to the Excise Commissioner through the Collector on or
before February 28 in each year, for the renewal of their licences for the Excise year
following.

Allahabad

Dated 19

*Excise Commissioner,
Uttar Pradesh*

4. In the said rules after Part D

[RULE 3 (862) (2)]

Brewer's entry in respect of premises and utensils

I/We, licensed brewer, do hereby withdraw all former entries and do now make entry of the following rooms, places and vessels in my/our brewery situate at _____ in the district of _____

Name _____
Residence _____
Date _____

Here enter full particulars of each room, place or vessel

.....
.....
.....
.....

A plan as required by rule 3 of the U. P. Brewery Rules, 1961 as is attached hereto.

Name.....
Date.....

Received by me this _____ day of _____ 19 _____
Entry and map examined and checked with the places, rooms and vessels shown herein and found correct (with the following exceptions):

If incorrect, the correct.....
details should be here specified.....
If correct, strike out the.....
works in brackets

Officer-in-charge.....

Date.....

Examined and passed.

Assistant Excise Commissioner

Date.....

Charat.

Form B-7

[Rules 41 and 48]

Provided that any quantity not delivered at destination for which Consideration Fee has been paid under clauses (3) hereinafter following shall not be included in the calculation of the quantity not delivered at destination.

2. That the *brewer/brewers shall within the time mentioned, in *his/their pass in Form B-11 issued by the officer-in-charge of the brewery on each occasion of the export of beer or within such further time as may be granted by way of extension by the Collector of the exporting district, deliver or cause to be delivered the beer so exported on that occasion into the custody of the consignee mentioned in the pass:

3. That if the whole of any quantity of beer exported on any occasion shall not have been delivered at the destination as hereinbefore agreed the *brewer/brewers shall indemnify the Governor of any loss of Consideration Fee which the Governor may suffer by reason of such non-delivery or short delivery by paying to him on demand the Consideration Fee at the rate then in force on any quantity of beer not so delivered.

In witness thereof the *brewer has/brewers have hereunto set *his hand/their hands hereunder on the day and the year first above written.

Signed by-----

*brewer/brewers

In the presence of -----
and of -----

*Cancel whichever entry is inappropriate.
s, in form B-8 set out in Column I below, the form as

Form B-8

[Rules 41 and 48]

Form of special bond to be executed for the removal of beer from a brewery for export to other States in India without prepayment of Consideration Fee.

This indemnity bond made the ----- day of ----- between ----- son of ----- resident of ----- (and son of ----- resident of -----).

(hereinafter called the *brewer/brewers which expression shall include *his/their heirs, representatives, successors and assigns) of the one part and the Governor of Uttar Pradesh (hereinafter called "the Governor" which expression shall include his successors and assigns) of the other part;

Form B-3

[Rules 41 and 48]

Whereas the *brewer has/brewers have been permitted to remove ----- litres of beer from *his/their brewery at ----- to any State in India without previous payment of Consideration Fee thereon the *brewer/brewers executing an indemnity bond on the terms and conditions hereinafter appearing.

And whereas the Consideration Fee on the said quantity of beer at the present rate of Rs. ----- per bulk litres amounts to Rs. -----

Now this bond witnesses and the *brewer/brewers hereby *covenant/covenants with the Governor as follows:

1. That the *brewer/brewers shall on or before the expiration of ----- days from the date whereof or within such further time as may be granted by way of extension by the Collector of ----- district, deliver or cause to be delivered the abovementioned ----- litres of beer into the custody of the consignee mentioned in the pass in Form B-11.

2. That if the abovementioned ----- litres of beer shall not have been delivered at the destination as hereinbefore agreed, the *brewer/brewers shall indemnify the Governor for any loss of Consideration Fee which the Governor may suffer by reason of such non-delivery or short delivery by paying on demand the Consideration Fee at the rate of Rs. per bulk litres of beer not so delivered.

In witness whereof the *brewer has/brewers have hereunto set *his hand/their hands on the day and the year first above written.

Signed by ----- *brewer/brewers in the presence of ----- and of -----

*Cancel whichever entry is inappropriate.

KISHAN SINGH ATORIYA,
Excise Commissioner,
Uttar Pradesh.

[See Rule 3(1)]

Application to establish a Brewery

1. (a) Name and address of the applicant—
- (b) Name and address of the undertaking
- (c) Whether public/private Ltd., or proprietary concern.
2. Capital Structure
 - (a) In case of limited company
 - (i) authorised
 - (ii) issued
 - (iii) paid up
 - (iv) borrowings, if any.
 - (b) In case of others
 - (i) capital
 - (ii) borrowings, if any,
 - (c) Details of investments—
 - I--Fixed assets—

(i) Land	..	..	Rs.
(ii) buildings	..	..	Rs.
(iii) Plant or machinery	..	..	Rs.
(iv) Others, if any	..	..	Rs.
Total			Rs.
 - II- Working capital Rs.
3. Location.
4. Plant and machinery :—

Value of plant and machinery including refrigeration unit.

 - (i) to be imported or of imported origin Rs.
 - (ii) of indigenous origin Rs.
5. Raw materials required for production.—
 - (i) Quantity and value of raw material including hops.
 - (a) to be imported or of imported origin per year.
 - (b) of indigenous origin per year
 - (ii) Quantity and value of barley/malt required per year in the manufacture of beer.
 - (iii) Whether it is proposed to procure barley/malt or hops etc, from private sources without the aid of the government.

6. Water and power requirements :
- (i) Particulars of requirements,
 - (ii) Whether necessary permission has been secured.
 - (iii) State whether the quality of water available is fit for the manufacture of beer.

7. Process—

- (a) Brief process of manufacture
- (b) Standard and quantity of products proposed to be manufactured.

8. Technical Assistance—

Whether any foreign Collaboration or know-how is envisaged and if so the foreign exchange involved.

9. Forecast of timings.

- (a) Time required to secure land, buildings and other accommodation after licence in Form B-20 is issued.
- (b) Time required to each machinery and start production after the licence is granted.

10.	Item of manufacture	Annual capacity (in metric measures)	Capacity Value	Estimated annual production
-----	---------------------	---	----------------	-----------------------------

11. Employment potential

- (i) Supervisory
- (ii) Skilled
- (iii) Un-skilled

12. (a) Any special facilities required from the Government.
 (b) Special features, if any of the scheme.

*Signature of the applicant
with date.*

FORM--B-20

[See Rule 3 (3) and 4(2)]

Licence to establish a Brewery

Name of the licence holder/s

Licence is hereby granted to
resident/s of
(Rupees Twenty five thousand only) authorising him/them to establish and construct a
brewery at

on payment of a licence fee of Rs.25,000
in the district of subject

to the provisions contained in this Uttar Pradesh Brewery Rules, 1961 and to such other
rules as may from time to time be made by the Excise Commissioner, Uttar Pradesh, for
the security of excise revenue and for regulating the manufacture of beer. The infraction
of any of the rules here in before enumerated shall involve forfeiture the licence in addi-
tion to such other penalties as may be prescribed under the U. P. Excise Act, 1910.

The licence shall be valid for the period of one year from.....
(the date of issue of this licence) .

The brewer shall apply to the Excise Commissioner atleast thirty days before the
expiry of this licence for an extension of the term of this licence.

Allahabad
Dated

19

Excise Commissioner,
Uttar Pradesh.

References

1. THE UTTAR PRADESH BREWERY RULES, 1961
2. THE UTTAR PRADESH BREWERY (FIRST AMENDMENT) RULES, 1974
3. THE UTTAR PRADESH BREWERY (SECOND AMENDMENT) RULES, 1975
4. THE UTTAR PRADESH BREWERY (THIRD AMENDMENT) RULES, 2003
5. THE UTTAR PRADESH BREWERY (FOURTH AMENDMENT) RULES, 2013
6. THE UTTAR PRADESH BREWERY (FIFTH AMENDMENT) RULES, 2015
7. THE UTTAR PRADESH BREWERY (SIXTH AMENDMENT) RULES, 2019
8. THE UTTAR PRADESH BREWERY (SEVENTH AMENDMENT) RULES, 2021