

## DISTRICT EXCISE OFFICE, KALAHANDI

No. 698 / Ex., Dt. 04.05.2018

### Form – 'A' (SALE NOTICE)

## NOTICE INVITING APPLICATIONS FOR SETTLEMENT OF I.M.F.L. 'OFF' SHOPS THROUGH LOTTERY FOR THE YEAR 2018-19.

(See Clause (ii))

The consideration money for exercising the exclusive privilege for retail sale of India Made Foreign Liquor (OFF) in the District of Kalahandi will be determined through "Inviting applications on fixed monthly consideration money and by draw of lottery" in accordance with the order issued under Section – 35 of the Odisha Excise Act, 2008 (herein after called as Act) read with letter in Memo No. 2020 / Ex., Dt. 25.04.2018 of the Addl. Secretary to Govt. in Excise Department, Odisha, Bhubaneswar as per the time being in force and applicable on 16-5-2018 (date) at (time) 11 A.M (place) in the Office Chamber of Collector, Kalahandi.

2. The Exclusive Privilege to be so granted will confer the right to open a shop in the locality named in the list. The list of the localities where the shops are to be opened with their monthly consideration money is as noted below.

Kind of exclusive privilege	Locality at which the privilege is to be exercised	Local area	Consideration money of the shop as per Excise policy for the year 2018-19	Monthly M.G.Q. fixed	
				I.M.F.L. (in LPL)	Beer (In BL)
I.M.F.L. 'OFF' Shop	Ward No. 8 or 20 of Bhawanipatna Municipality	Within the shop premises	Rs.60,000/-	4200.000	6000.000
I.M.F.L. 'OFF' Shop	Ward No. 8 or 12 of Kesinga, / N.A.C.	Within the shop premises	Rs.50,000/-	3500.000	5000.000

3. The exclusive privilege shall, without prejudice to any of the provisions of the Act and the rules made there under shall be subject to the following conditions.

- I. The consideration money shall be payable in the manner specified in the Rule – 34 of Odisha Excise Rules, 2017 as amended from time to time.
- II. The currency of the licence will commence on (From the date of grant till 31.03.2019) on which date the holder of the licence is to open his shop for retail sale of India Made Foreign Liquor. Failure to open the shop as stipulated herein will entail cancellation of the licence and recovery of any loss caused to Government, except in the case of delay in granting the licence or where any shop is closed under section – 26 of Odisha Excise Act, 2008.
- III. No compensation shall be paid to the holder of an exclusive privilege for retail sale of liquor for closure of his shop on 2<sup>nd</sup> day of October every year on account of "Gandhi Jayanti" and also for closure during general election / Bye- election to Parliament (Lok Sabha) / State Assembly as per direction of the Election Commission during the election to the Gram Panchayat / Panchayat Samiti / Zilla Parisad and Urban Local Bodies.

- IV. The holder of a licence shall not be entitled to any compensation or to the refund of any consideration money paid or deposit made in respect thereof in the event of his licence being cancelled or suspended before the expiration of its term under the provisions of section 47 of Odisha Excise, Act, 2008.
- V. A shop once starts operating in its sanctioned locality shall not ordinarily be removed. However shifting of shop to any site other than the sanctioned locality for any special reasons shall be subject to the approval of the Excise Commissioner.
- VI. The holder of the licence shall abide by the provisions of the Act and of the Rules and orders made there under.
- VII. The State Government will not be responsible for providing the place for location of the shops. It will be the responsibility of the privilege holder to arrange suitable place and carry on the privilege granted to him. The place so arranged shall be free from objection from the public.
- VIII. The Exclusive privilege once granted shall continue for a period of three years including the year of grant, unless and otherwise directed by the Government. The exclusive privilege holder shall renew his licence on terms and conditions generally prescribed for all by the State government from year to year till completion of three years. Wilful omission to renew the licence for a shop or group of shops in terms and conditions generally prescribed for all will not allow the exclusive privilege holder or his family members or his associates to take part in subsequent settlement of the shop or any other shops till completion of three years including the year of grant.
- IX. No Licence shall be granted to any person who is of doubtful solvency or who is known to be involved in spurious liquor trade or who has been facing a trial in any criminal Court under the Act or who has been charged of a non-bailable offence under the provisions of the Indian Penal Code, 1860 (Act No. XLV of 1860) or who is a defaulter in terms of rule 35 of the Odisha Excise, Rules, 2017 or in terms of rule 149 of Odisha Excise Rules, 2017.
- X. The State Government reserve the right to refuse grant of exclusive privilege without assigning any reason thereof and settle the privilege before expiry of three years in the manner as may be directed by the State Government from time to time.
- XI. The Lottery shall be held subject to the following conditions.
- a. The person (s) intending to take part in the lottery shall submit application (s) to the Collector in the format prescribed herewith.
  - b. the application as in Form – 'B' shall be accompanied with the up-to date solvency Certificate worth at least Rs.5,00,000/- up-to date sale tax, income tax clearance or non-assessment certificate as the case may be, copy of Permanent Account Number Card, excise no dues certificate, and an amount of Rs.1,00,000/- through treasury challan (As per Excise Policy – 2018-19) towards non-refundable application fee besides the requisite court fee of the value as prescribed under the Indian Stamp Act, 1899.
  - c. The applicant shall also enclose a copy of Voter's Identity Card or in the absence of the same a copy of recent passport size photograph.
  - d. An affidavit duly executed by the applicant before an Executive Magistrate to the effect that the applicant has not been convicted in any criminal case or being tried in any Court of Competent jurisdiction shall also be enclosed to the application.
  - e. A Bank Draft equal to three months consideration money as notified herewith in the list of shops shall be submitted separately by the applicant along with other documents, as aforesaid. The Bank Draft of the winner of lottery shall be adjusted

towards the advance for the shop payable by the applicant and in all other cases, the same will be returned / released after the lottery is over.

- f. The amount offered shall be in terms of monthly consideration money and shall not be less or more than the monthly consideration money declared in the Notice.
- g. The application shall be filed by intending applicants on or before 13-5-2018 at 1.00 P.M. in the Office of the Superintendent of Excise, Kalahandi and no application shall be entertained thereafter.
- h. Prior to one day before the date of drawl of lottery, the list of persons whose applications qualify for consideration in the lottery shall be notified in the district Office Notice Board.
- i. At least after two days of the last day fixed for filling of applications, the lottery will be drawn by the Collector, who shall declare the name (s) of the winner (s) of lottery. If there is but only one application for any shop or group of shop, the Collector shall declare the name of such applicant to be the winner of the lottery. The applicant (s) or their authorized agents may remain present at the time of drawal of lottery.
- j. After the declaration of lottery, the applicant shall be required to put his signature in the Register of settlement, register of undertaking to lift the monthly minimum guaranteed quantity as determined for the shop on the basis of the monthly consideration money which is now 7 London Proof Litre of India made foreign liquor and 10 Bulk Litre of Beer in all area per one hundred rupees of consideration money. This ratio for fixation of minimum guaranteed quantity may undergo any change as may be decided by the Government from time to time.
- k. The winner of the lottery will be issued with a licence for the shop or group of shop as the case may be on payment of consideration money for the period of the month in which the licence is granted. The advance for three months tendered by him in shape of Bank Draft shall be adjusted for the last three months of the period of grant.
- l. If the applicant after being successful in the lottery declines or refuses or wilfully omits to take licence on some plea or other, the amount tendered by him through Bank Draft shall be forfeited to the State Government and he shall be further liable for any loss that may accrue to the Government on account of delay in settlement of the shop or group of shops. He or his family members or his associates will not be permitted to take part in the settlement of that shop / group of shops or any shop for three years including the year of his default.
- m. If no application is received, the Collector may notify another date for filling applications. So also, if the last date for filling the application or the date fixed for drawl of lottery is declared as holiday for any special reason or for any unavoidable contingency, the Collector shall reserve the right to defer the date to some other suitable date by issuing notice to the effect. Such lottery will be held subject to terms and conditions, as notified herewith.
- n. The decision of the Excise Commissioner relating to any dispute on account of lottery in the District level shall be final which shall be binding on all the pplicants of the lottery.

N.B : That, monthly minimum guaranteed quantity of I.M.F.L. 'OFF' Shops shall be as follows.

- I. In all areas – 7 LPL of I.M.F.L. and 10 BL of Beer per Rs. 100/- of consideration money.
- II. Scrutiny of applications will be held on 14-5-2018

- III. As the aforesaid I.M.F.L. 'OFF' shops are to be settled in the month of \_\_\_\_\_ the proportionate consideration money will be collected from the date of settlement.
- IV. The Superintendent of Excise duly assisted by Dy. Superintendent of Excise, Kalahandi / Inspectors of Excise, Bhawanipatna / Dharamgarh Range will scrutinize the papers / documents submitted by the applicant and should suggest the names of only eligible applicants who will go for lottery for the Excise shops.
- V. No liquor shops will be allowed in the Govt. land and within 500 Mtrs. from N.H. & S.H.

Collector,  
Kalahandi

Memo No. 699 / Ex., Dt. 04.05.2018

Copy forwarded to the Excise Commissioner, Odisha, Cuttack for information and necessary action.

Copy forwarded to the Deputy Secretary to Govt. Excise Department, Odisha, Bhubaneswar for information and necessary action.

Copy forwarded to all Deputy Commissioners of Excise of the state for information and necessary action.

Copy forwarded to all Superintendent of Excise in the State for information and necessary action.

Copy to all Sub-Inspectors of Excise / Inspectors of Excise of this District for information and wide publicity. The Charge S.Is. shall ensure service of Notice to Chairman, Bhawanipatna Municipality, Chairman, Kesinga N.A.C., concerned Panchayat Samiti for wide public publication.

Copy forwarded to Sub-Collector, Bhawanipatna / A.D.M., Kalahandi for information and necessary action.

Copy forwarded to Informations Officer, N.I.C., Kalahandi, Bhawanipatna for uploading in the District website for wide publication.

Copy forwarded to D.I.P.R.O., Kalahandi for information and wide publicity.

Copy to Notice Board of District Excise Office, Kalahandi / Collectorate, Kalahandi for wide publicity.

Collector,  
Kalahandi

FORM 'B'  
**APPLICATION FOR GRANT OF LICENCE OF INDIA MADE FOREIGN LIQUOR 'OFF' SHOP /  
 SHOPS THROUGH LOTTERY SYSTEM.**  
 [See clause (iv)]

Place for  
affixing  
Photograph

1. Name of the applicant with father's name
2. Permanent address in full.
3. Present postal address.
4. Shop / Group of shops or which application is made.
5. Locality of the shop (Or each shops in case group of shop is sought to be opened).
6. Solvency Amount (Solvency certificate No. Date, Issuing Authority. The original Certificate be enclosed).
7. Sales Tax Clearance / Non-assessment Certificate. (No. Date, issuing authority) (Attested copy be enclosed).
8. Income Tax clearance certificate or PAN Card No. (Duly attested to be enclosed).
9. Excise no dues Certificate (to be enclosed in original)
10. Monthly consideration money of the shop (s)
11. Affidavit executed before the Executive Magistrate (In original)
12. Original treasury challan showing the deposit of Rs.1,00,000/- towards non-refundable application fee.
13. Bank draft / Banker's Cheque in original showing deposit of three months consideration money.
  - (a) Amount
  - (b) Name of the Bank
  - (c) Bank draft/ Banker's Cheque No. & Date
14. Declaration -
  1. Certified that the information furnished above are true to the best of my knowledge and belief.
  2. Certified that I shall abide by all the conditions of licence, Excise Act and Rule, Notification, Orders issued and which may Issue in future, if the licence is granted in my favour.

Signature of the applicant.