

**Office of the Excise & Taxation Commissioner
Himachal Pradesh
Block No. 30 S.D.A. Complex
Kasumpti, Shimla-171009.**

No.7-155/2008-EXN-

Dated:-06/03/2009

PUBLIC NOTICE

NOTICE FOR INVITING APPLICATIONS FOR THE ALLOTMENT OF RETAIL SALE LIQUOR LICENSES IN RESPECT OF COUNTRY LIQUOR VENDS (L-14/L-14A), FOREIGN LIQUOR VENDS (L-2) AND RETAIL SALE VENDS OF COUNTRY FERMENTED LIQUOR (L-20-B) FOR THE YEAR 2009-10 IN THE STATE OF HIMACHAL PRADESH.

It is notified for the information of general public that the applications for allotment of retail sale licenses in respect of vend of Country Liquor (L-14/L-14A), Foreign Liquor (L-2) and Country Fermented liquor (L-20-B) for the year 2009-10 are invited in the state of Himachal Pradesh on the following terms and conditions:-

1. The liquor licenses shall be granted subject to the provisions of the Punjab Excise Act, 1914 (1 of 1914) as in force in Himachal Pradesh, the Rules framed thereunder from time to time and such other terms and conditions as the Excise & Taxation Commissioner-cum-Financial Commissioner (Excise) may direct.
2. The liquor licenses shall be granted for each vend or pre-determined combination of vends termed as "licensing unit". All applicants intending to participate in the allotment of vends are required to go through the terms and conditions and fulfill all the requirements before submitting the applications.
3. The prescribed application form for allotment can be obtained from the office of the Assistant Excise & Taxation Commissioner or Excise and Taxation Officer Incharge of the District or the office of the Addl./Dy. Excise & Taxation Commissioner of the Zone free of cost. The application form can also be downloaded from the website of the department i.e. www.hptax.gov.in.
4. The details of the vends/licensing units available for allotment, the location of each retail sale liquor vend, the basic license fee, the annual license fee, and the minimum guaranteed quota of liquor fixed for each vend/licensing unit, shall be displayed by the AETC/ETO Incharge of the district on the office notice board for the information of the intending applicants on **15.03.2009**. The applications shall be received in the O/O the AETC/ETO I/c of the district upto one day before the day fixed for allotment or draw of lots for example if the date of allotment is fixed for 19.3.2009, the applications can be submitted upto 17.3.2009.
5. The Excise and Taxation Commissioner-cum-Financial Commissioner (Excise) may, if no application is forthcoming in respect of a vend or a group of vends or if it is expedient to do so in the interest of revenue, grant these licenses, alone or in combination with any other license for any vend or group of vends.
6. The applications for the allotment shall only be filed by the following:-
 - (a) an individual; or
 - (b) a body incorporated under the Indian Companies Act; or

- (c) a society registered under the Himachal Pradesh Co-operative Societies Act; or
 - (d) a partnership firm; or
 - (e) a Hindu undivided family.
7. When a Company or Society or Hindu undivided family referred to in clauses (b), (c) and (e) of para 2.5 above, applies for the allotment of a vend/unit, it must authorize an individual to act as an agent on behalf of the applicant, who shall be amenable in full to the Criminal Courts in India.
8. An individual applicant should fulfill the following conditions to be eligible to file an application for the allotment of a vend/unit:-
- i) He should be a citizen of India.
 - ii) He should have attained the age of 21 years on the day of filing of application.
 - iii) He should not have been blacklisted or debarred from holding an excise license under the provisions of any rules made under the Punjab Excise Act 1914, as applicable in the State of Himachal Pradesh. Any person, who has been convicted of any excise offence by any court of law unless finally acquitted, shall be automatically debarred from holding the license.
 - iv) He should not be a defaulter of any Government dues and should have cleared all the arrears, if any, due to be paid by him upto the date of filing of application for allotment.
 - v) He should possess good moral character and should have no criminal background nor should have been convicted of any offence punishable under any taxation statute in Himachal Pradesh.
9. An applicant shall not be allowed to file more than one application for the same vend/unit.
10. An individual, should not be a partner in more than four applicant partnership firms. No withdrawal of any partner shall be allowed but only addition of partners can be allowed. All the partners shall be jointly and severally liable to meet the liabilities.
11. The applicant is required to submit following documents alongwith the application of allotment:-
- (i) Proof of payment of non-refundable application fee of Rs.10,000/- per application.
 - (ii) a bank draft drawn in favour of the AETC/ETO Incharge of the district or the Excise & Taxation Commissioner issued from a Scheduled bank as earnest money which shall be equal to 10% of the basic license fee fixed for the vend/unit. In case the applicant is selected as licensee, the earnest money shall be adjusted against the basic license fee. In other cases it shall be returned as such to the applicant as soon as the selection process is over.
 - (iii) declaration of solvency in form 'A' attached to the application form. The value of assets held by an applicant should not be less than 15% of the annual license fee of the vend/unit.
 - (iv) an affidavit, specimen of which is given in form 'B' attached to the application form.
 - (v) two latest photographs alongwith proof of residence in the form of copies of voter Identity Card/Ration Card.

12. The application complete in all respects will be submitted in the office of the Asstt. Excise & Taxation Commissioner/Excise & Taxation Officer Incharge of the concerned District. The concerned AETC/ETO Incharge of the district or such other Officer as may be authorized by him to receive the applications, shall issue a receipt to the applicant in the prescribed form contained in part-II of the application form.

13. The district wise dates for allotment/draw of lots are fixed as under:-

Date fixed for allotment/Draw of Lot.	Time	Name of District	Venue
19.3.2009	10.30 A.M.	1. Una	O/O Asstt. Excise & Taxation Commissioner, Una
		2. Sirmour	Municipal Community Hall Nahan
		3. Kullu	Bachat Bhawan, Kullu
20.3.2009	10.30 A.M.	1. Kangra	Zila Parishad Hall, Dharamsala
		2. Mandi	Bipasha Sadan, Mandi
		3. Solan	O/O the Asstt. Excise & Taxation Commissioner, I/C Solan.
21.3.2009	10.30 A.M.	1. Chamba	Bachat Bhawan Hall Near Irawati Hotel, Chamba
		2. Bilaspur	Kishan Bhawan, Bilaspur
		3. Shimla	O/O Asstt. Excise & Taxation Commissioner Shimla-9
22.3.2009	10.30 A.M.	1. Hamirpur	Bachat Bhawan Hamirpur
		2. Kinnaur & Spiti Area.	Bachat Bhawan, Reckong peo

14. The AETC/ETO I/c of the district shall examine the applications. The details of incorrect and incomplete applications or those filed by the ineligible persons shall be displayed by the AETC/ETO I/c of the district on the office notice board on the previous day of the date fixed for allotment/draw of lots. An applicant who has been declared as ineligible or whose application has been found incorrect or incomplete by the AETC/ETO Incharge of the District, may make a representation to the Selection Committee before the start of the process of allotment for consideration by it. The decision of the Selection Committee on such a representation shall be final and binding on the parties.

15. The Selection Committee at the district level shall consist of the concerned Deputy Commissioner of the District, Collector (Excise) of the zone, Asstt. Excise and Taxation Commissioner/Excise & Taxation Office In charge of the district and any other gazetted officer of the Department nominated by the Excise and Taxation Commissioner.

16. The Selection Committee shall select the successful allottee from the list of applicants. In case more than one applicant is found eligible for any particular vend/unit, the Committee shall select the successful allottee for such vend/unit by way of draw of lots. The applicant or holder of Power of Attorney is required to be present at the time of selection of successful allottee so as to complete certain formalities. While drawing lottery a panel of two more applicants shall be prepared who will be given option to operate the vend in succession according to their position in the panel, in case the original allottee fails to run the same as per the terms of allotment. This panel will be valid till the expiry of the period of license. In case the applicants placed in the panel refuse to operate the vend the same will be reallocated as per the prescribed procedure.
17. A successful allottee shall be required to pay 50% of the basic license fee in cash or through a demand draft drawn at a local Scheduled bank on the day of allotment failing which the vend/unit in question shall be allotted to the next person in the panel. The remaining 50% of the basic license fee shall be paid in a Govt. Treasury within seven days from the date of allotment or before 31st March whichever is earlier. The basic license fee shall be in addition to the annual license fee. The rates of the basic license fee fixed for the year 2009-10 are as under:-

Sr. No.	Minimum Guaranteed Quota of the Unit	Basic license fee
1.	Upto 15000 Pls	Rs. 25,000.00
2.	Above 15000 to 25000 Pls	Rs. 35,000.00
3.	Above 25000 to 35000 Pls	Rs. 45,000.00
4.	Above 35000 to 45000 Pls	Rs. 55,000.00
5.	Above 45000 to 65000 Pls	Rs. 70,000.00
6.	Above 65000 to 80000 Pls	Rs. 80,000.00
7.	Above 80000 to 100000 Pls	Rs. 1,00,000.00
8.	Above 100000 to 200000 Pls	Rs. 2,00,000.00
9.	Above 200000 Pls	Rs. 5,00,000.00

18. The successful allottee shall also be required to pay 5% of the amount of annual license fee to be determined on the basis of annual Minimum Guaranteed Quota of the vend on the day of draw of lots in cash or through a demand draft drawn on a local Scheduled bank. This amount shall be adjustable against the license fee for the month of April 2009.
19. A list of all the successful allottees who have paid 50% of the basic license fee and the 5% of the annual license fee as mentioned in para 2.20 and 2.21, shall be forwarded by the AETC/ETO Incharge of the District to the Excise & Taxation Commissioner-cum-Financial Commissioner (Excise) through the Collector (Excise) of the Zone concerned for confirmation, who reserves the right to deny any proposal for confirmation without assigning any reason for doing so.
20. The successful allottee shall also be required to furnish a security equal to the 10% of the annual license fee within seven days or 31st March whichever is earlier in the shape of cash or F.D.R. or Bank Guarantee duly pledged in favour of Asstt. Excise & Taxation Commissioner, I/C or Excise & Taxation Officer I/C of the District. This security amount shall only be released after the close of the financial year and only after the final settlement of all the Government dues. This security amount can also be released after 1st March provided whole license fee and other dues including penalties, if any, for the

year are deposited by the licensee. If successful allottee fails to furnish F.D.R or Bank Guarantee or cash within stipulated time, the amount of 5% of the license fee deposited on the day of draw of lots, shall be forfeited to the Government and the vend shall be allotted to the next person in the panel or as per the procedure prescribed.

21. A successful allottee will also furnish two sureties who own immovable property in Himachal Pradesh, equal to the amount of two monthly installments i.e. 17% of the total license fee.
22. The retail outlets of country liquor (L-14 and L-14A) shall receive supplies of double distilled country liquor from the wholesale outlet of country liquor (L-13) of the respective district at a price fixed by the Excise and Taxation Commissioner, Himachal Pradesh. The quota of HPGIC Bottling Plants at Mehatpur and Parwanoo shall be 20% of the total quota of the Country Liquor of the State.
23. The retail outlets of Foreign Liquor (L-2) shall receive supplies of liquor from the wholesale outlets of Foreign Liquor (L-1s) of the respective district.
24. A whole saler shall not be entitled to obtain retail license.
25. For detailed enquiry regarding the terms and conditions and other information, please contact the AETC/ETO I/c of the district or the Addl./Dy. Excise & Taxation Commissioner of the concerned Zone.

(R.D.DHIMAN), IAS
EXCISE AND TAXATION COMMISSIONER-CUM-
FINANCIAL COMMISSIONER (EXCISE) H.P.
S.D.A. COMPLEX, BLOCK-30, KASUMPTI,
SHIMLA-171 009.