

DISTRICT EXCISE OFFICE: JAJPUR

NO. 1321 /EX. DTD. 8/8/2019

FORM – "A"

**NOTICE INVITING APPLICATIONS FOR SETTLEMENT OF COUNTRY LIQUOR SHOPS
THROUGH LOTTERY FOR THE REMAINING PERIOD OF THE YEAR, 2019-20**

[See Clause (ii)]

- (1) The consideration money for exercising the exclusive privilege for retail sale of **Country Liquor** in the District of **Jajpur** will be determined through "inviting applications on fixed consideration money and by draw of lottery" in accordance with the order issued under Section 35 of the Odisha Excise Act, 2008 as for the time being in force and applicable and pursuant to Excise Department Letter No. 3956/ Ex. Dtd. 05.08.2019 on Dt. 27.8.2019 (date), at 11:00 AM (time) in the Office Chamber of Collector, **Jajpur (Place)**.
- (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 sought to be opened with their monthly consideration money as per Up-set / Reserve Price **prescribed in the Excise Policy for the year, 2019-20 vide Excise Department Letter No. 1161/ Ex. Dtd. 07.03.2019 and No. 3759/ Ex. Dtd. 26.07.2019** is mentioned below.

Kind of Exclusive Privilege	Name of the Shop	Sanctioned Locality of the shop	Monthly Consideration Money (in Rs.)	Monthly MGQ Fixed on Country Liquor
1	2	3	4	5
Retail sale of Country Liquor in Country Liquor Shop	Tomaka	At- Tomaka, GP- Kiajhar, P.S- Tomaka	Rs. 30,000/-	Country Liquor - 2700 LPL
-do-	Chirgunia	At- Chirgunia, GP- Kankadapal, P.S- Kaliapani	Rs. 30,000/-	Country Liquor - 2700 LPL

- (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 Orissa Excise (Exclusive Privilege) Rules, 1970, as amended from time to time (Rule- 34 of Odisha Excise Rules, 2017).
- (ii) The currency of the licence will commence **from the date of grant till Dt. 31.03.2020** on which date the holder of the licence is to open the shop for retail sale of India Made Foreign Liquor. Failure to open the shop as stipulated herein will entail cancellation of licence and recovery of any loss caused to Government, except in case of delay in granting the licence or where any shop is closed under Section 26 of the Act.
- (iii) No compensation shall be paid to the holder of an exclusive privilege for retail sale of Country liquor for closure of his shop on 2nd 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 of India and in conformity with the direction of the State Election Commissioner during the election to Gram Panchayat / Panchayat Samiti / Zilla Parishad and Urban Local Bodies.

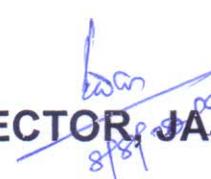
- (iv) The holder of a licence shall not be entitled to any compensation or to the refund of any consideration money paid or deposits made in respect thereof, in the event of his licence being cancelled or suspended before the expiration of its term under the provisions of Section 47 of the aforesaid Act.
- (v) A shop once starts operating in its sanctioned locality shall not ordinarily be removed. However shifting of a 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 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. Willful 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 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 147 & 149 of the 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, up-to-date Sales Tax, Income Tax Clearance or Non-Assessment Certificate, as the case may be, copy of Permanent Account Number Card, Excise No Dues Certificate, and a Bank draft of **Rs. 1,00,000/-** towards Non-Refundable application fee drawn in favour of the **Collector, Jaipur** 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 pass port 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/ 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 and a Bank Draft equal to one month's Consideration Money as Interest Free Security Deposit** shall be submitted by the applicant alongwith 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 Dt. 22.8.2019 by 5.00 PM in the Office of the Superintendent of Excise, Jajpur on any working day during office hours and no application shall be entertained thereafter.
- (h) Prior to one day before the date of drawal 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 filing 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 shops, 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 9.00 London Proof Litre of Country Liquor per one Hundred Rupees of Consideration Money as per Excise Policy for 2019-20. 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 shops 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 willfully 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 filing of applications. So also, if the last date for filing of application or the date fixed for drawal of lottery is declared as a 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 applicants to the lottery.

Place: Jajpur

Date:

8/8/2019


COLLECTOR, JAJPUR

Memo No. 1322 / Ex. Dtd. 8/8/2019

Copy to all OICs of Excise Stations of this District / Inspector of Excise, Jajpur / Deputy Superintendent of Excise, Jajpur for information and wide publicity. All the OICs of Excise are directed to affix a copy of this notice in the Notice Board of concerned Block Office / Gram Panchayat Office/ Municipality Office / Panchayat Samities of the district and other offices, where the shops are proposed to be opened (as the case may be) for wide publicity. They are also directed to arrange sufficient number of suitable applicants to take part in the Lottery Sale of Excise shops. They are also directed to attend the settlement on the date and time fixed along with their staff without fail.

Copy to Notice Board, District Excise Office / Collectorate, Jajpur for information of General Public.

l. d. a.
8/8/2019
COLLECTOR, JAJPUR

Memo No. 1323 / Ex. Dtd. 8/8/2019

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

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

Copy forwarded to the Joint Excise Commissioner, Odisha, Cuttack / all Deputy Commissioners of Excise in the State for information and necessary action.

Copy forwarded to all Collectors / Additional District Magistrates in the State for information and wide publicity.

Copy forwarded to the Superintendent of Police, Jajpur / Project Director, DRDA, Jajpur for information.

Copy to all Superintendents of Excise in the State for information and wide publicity.

Copy to the Sub-Collector, Jajpur / all B.D.Os / Tahasildars of this district for information and wide publicity.

Copy to the District Informatics Officer, NIC, Jajpur for information and wide publicity. He is requested to publish this Notice in the District Websites.

Copy forwarded to the Director, Information and Public Relations Department, Odisha, Bhubaneswar for information and wide publicity.

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

l. d. a.
8/8/2019
COLLECTOR, JAJPUR

FORM – 'B'

**APPLICATION FOR GRANT OF LICENCE OF COUNTRY LIQUOR SHOP / SHOPS
THROUGH LOTTERY SYSTEM
(FOR THE YEAR 2019-20)**

Place for
affixing
Photograph

[See Clause (iv)]

1	Name of the Applicant with Father's / Husband's Name.	
2	Permanent Address in Full	
3	Present Postal Address	
4	Shop/Group of shops for which application is made	
5	Locality of the shop (or each shop 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/ Vat Certificate in Form VAT-612 / GST (No., Date, Issuing Authority) (Attested copy to 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 Bank Draft showing deposit of Rs. 1,00,000/- towards Non-Refundable application fee	
13	Bank Draft / Banker's Cheque in original showing deposit of <u>Three months consideration money and one month's security Deposit</u>	
	(a) Amount	(a) Three months Consideration Money of Rs. 90,000/- (b) One month's Security Deposit of Rs. 30,000/-
	(b) Name of the Bank	(a) (b)
	(c) Bank Draft / Bankers Cheque No. & Date	(a) (b)

14. Declaration:

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