

1[THE HIMACHAL PRADESH LIQUOR LICENCE RULES, 1986]**PRELIMINARY**

(A) These rules may be called the Himachal Pradesh Liquor Licence Rules, 1986 and shall extend to whole of Himachal Pradesh.

(B) These rules shall come into force at once.

A .Class of licences and authorities empowered to grant and renew.

1. There shall be the following classes of licences. Their mode of grant and authorities to grant and renew them shall be noted against each:-

Form	Nature	Mode of grant	Authority empowered to Grant	Authority empowered to Renew
1	2	3	4	5

I—Foreign Liquor

L.1	Wholesale vend of foreign liquor to the trade only	Fixed fee	Collector	Collector
L.1-A	Storage of foreign liquor in bond combined with wholesale and retail vend of foreign liquor to the trade only.	--do--	--do--	--do--
² [L.1-AA	Wholesale vend of imported foreign liquor to the trade only.	Fixed fee	Collector	Collector]
³ [L.1.B	Wholesale vend of foreign liquor to L-1 vend only	Fixed fee	Financial Commissioner	Financial Commissioner]

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1. Published by notification no. EXN.H(code) 84-85 dated 1-4-1986 published in R.H.P (Extra ordinary) dated 3-5-1986.
 2. Inserted by notification No. 7-47/96-EXN-5675-728 dated 31-3-1997. published in R.H.P. (Extra ordinary) dated 31-3-1997.
 3. Inserted by notification No. 7-44/79-EXN-21020-72 dated 26-9-1997 published in R.H.P. (Extra ordinary) dated 3-10-1997.

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¹ [L.1-C	Wholesale vend of foreign liquor to L.1 vend only by the manufactures within the state.	Fixed fee	Collector	Collector
L.2	Retail vend of foreign liquor to the public only and wholesale vend to licenses in Forms L.3, L.4,L.4-A,L.5 and L.12-A, L.12-B and L.12-C	Auction or negotiation	--do--	Not renewable
² [L.2-A (Ahata)	Retail vend of foreign liquor to the public only for consumption on the premises (supplementary to Form L-2)	Fixed fee	Collector	Not renewable]
L.3	Retail vend of foreign liquor in a hotel or a dak bangalow.	Fixed fee and assessed fee.	--do--	Collector.
L.3-A	Retail vend of beer in a hotel or dak-bangalow.	--do--	--do--	--do—
L.4	Retail vend of foreign liquor in a restaurant.	--do--	--do--	--do—
L.4-A	Retail vend of beer ² [cider and wine] in a restaurant.	--do--	--do--	--do—
L.5	Retail vend of foreign liquor in a bar attached to a restaurant (Supplementary to Form L.4).	--do--	--do--	-do—
L.5-A	Retail vend of beer in a bar (Supplementary to form L.4-A).	--do--	--do--	--do—

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1. Inserted by notification no. 7-51/98-EXN-7390-440 dated 30th March, 1999, published in R.H. P.(Extra- ordinary) dated 30th March, 1999.
 2. Inserted by notification No. 7-76/89-23306-35 dated 26th March, 1990 published in R.H.P. (Extra ordinary) 31st March, 1998.
 3. Inserted by notification No. 7-38/94-EXN-5522-65 dated 29th March, 1995 published in R.H.P. (Extra Ordinary) dated 31st March, 1995.

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L.6	Retail vend of foreign liquor in a railway refreshment room.	--do--	--do--	--do--
L.7	Retail vend of foreign liquor in a railway dining car.	--do--	Financial Commissioner	Financial Commissioner
L.8	Retail vend of foreign liquor off the premises supplementary to L.7 which off the premises (Suppl- by the Fin.ancial and L.4-A).	Fixed fee and assessed fee supplementa ry to L.7 whi- renewed by	Collector except when shall be granted Commissioner.	Collector except when (supplementary to Nos. L.3, L.4, L.6, L.7) and beer ch shall be ementary to Nos.L-3-A the Financial Commissioner.
L.9	Retail vend of foreign liquor in a military Canteen including unit-run Military Canteens or those ru n regimentally on club lines and I.T.B.P Canteens.	Assessed fee	Collector with the consent of Comanding Officer.	Collector.
¹ [L.9-A	Retail vend of foreign liquor exclusively for sale of the liquor to ex-servicemenn (Supplementary to licence in form L.9 in a Military Canteen including unit-run Military Canteens or those run regimentally on club lines).	Assessed fee	Collector on the recomendations of commanding Officer.	Collector]
L.10	Retail vend of beer ² [cider and wine] for the premises	Auction or negotiation.	Collector	Not renewable. consumption on and off

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1. Inserted by notification No. 7-6/87-EXN-1397-45 dated 20th January, 1988 published in R.H.P. (Extra Ordinary) dated 4th February, 1988.
 2. Inserted by notification No. 7-38/94-EXN-15522-65 dated 29th March, 1995 published in R.H.P. (Extra Ordinary) dated 31st March, 1995.

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L.10-A	Retail vend of beer for the premises in the premises of L-14 vend of Country Liquor.	Fixed fee	Collector	Not renewable.	consumption on and off
L.10-B	Retail vend of beer for premises of L.14-A vend of Country Liquor.	Fixed fee	-d0-	--d0--	consumption off the
L.11	Bottling of foreign Liquor	--do--	Financial Commissioner.	Collector	
L.12	Vend of Medicated Wines	--do--	Collector	Not renewable.	
L.12-A	Temporary licence for the retail sales of foreign liquor at a bar in a theatre or cinema. ¹ [xxxxx]	Assessed fee (Plus fixed fee in case of cinema).	--do--	--do—	
L.12-B	Licence for the retail vend of foreign liquor at a bar attached permanently to a thoatre or cinema or other such place of entertainment.	--do--	--do--	--do—	
L.12-C	Licence for the retail vend of foreign liquor at a club.	Assessed fee.	--do--	--do—	
L.12-D	Licence for the manufacture and possession of sacramental wine for use on special occasions	Free	--do--	--do—	

1. Omitted vide notification No. 7-47/96-EXN-5675 dated 31-3-1997 published in R.H.P. (Extra Ordinary) dated 31-3-97.

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II- Country Spirit

L.13	Wholesales vend of except when held by a Distilleries or renewed by the	Fixed fee	Collector	Not renewable	Country Spirit. Warehouse, in Collector.
¹ [L.13-A	Licence for storage and transfer of Country Spirit by "L.14" or "L.14-A" licensee to own vends.	Fixed fee	Collector	Not renewed	
L.14	Retail vend of Country Spirit ² [and beer] for consumption off the premises.	Auction or negotiation.	--do--	Not renewable.	
L.14-A	Retail vend of Country Spirit ² [and beer] for consumption off the premises.	--do--	--do--	--do--	
L.14-B	Retail vend of Country Spirit at a fair or on a special occasion.	--do--	--do--	--do--	
L.15	Bottling of Country Spirit..	Fixed fee	--do--	Collector	
L.16	Reduction of Country Spirit.	Free	--do--	--do--	

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1. Inserted by Notification No. 7-38/90-EXN-5036 dated 30th March, 1991 published in R.H.P. (Extra Ordinary) dated 7th May, 1991.
 2. Inserted by notification No. 7-51/97-EXN-dated 30-3-1998 published in R.H.P. (Extra Ordinary) dated 31-3-98.

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III-Denatured Spirit

L.17 Vend of denatured spirit Fixed(Plus Collector Collector.
wholesale and / or retail permit fee)

IV- Rectified Spirit

L.19 Vend of rectified spirit Fixed fee Collector Collector wholesale and /or retail

V- Country fermented Liquor and Country Spirit prepared from fruits.

L.20-A Vend of Tari Not determined Collector Collector

L.20-B Manufacture and retail Auction or --do-- Not- vend of Country Ferme-
negotiation. renewable nted Liquor.

L.20-C Manufacture and posse- Fixed fee --do-- --do--
sion of Country Fermen-
ted Liquor for home cons-
umption.

L.20-CC Manufacture of Country --do-- Any Excise --do--
Liquor by distillation Officer of the
from fruits and grain for first class in his
home consumption. jurisdiction.

L.20-D Manufacture and posse- Fixed fee Collector Collector.
sion of Country ferm-
ented liquor for use on
special occasions.

VI- Special

L.21 Extension of hours Fixed fee Collector Collector
during which sale is
permitted.

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Licence in forms L.1, L.1-A, ¹[L.1-AA], ²[L.1-C], L.3, L.4 & L.5, L.3-A, L.4-A and L.5-A, L.6, L.7, L.8, L.11, L.12-A, L.12-B, L.12-C, L.13, ³[L.13-A], L.15, L.16 and L.20-A shall, however, be granted with the previous sanction of the Financial Commissioner:

⁴[XX XX XX]

B. Regulations governing the grant and renewal of licences.

2. The authority given by these rules to grant and renew licences is, in each case subject to the restrictions contained in the Intoxicants Licence and Sale Orders as to the localities in which licences may be granted and the number of licences which may be granted in any local area, and to such reservations from the general superintendence of the Financial Commissioner as the State Government may notify under section 8 of the Punjab Excise Act as applied to Himachal Pradesh.
3. Every license shall be granted to a certain licensee in respect of certain premises.
4. A license may only be granted to :-
 - (a) an individual;
 - (b) a body incorporated under the Indian Companies Act;
 - (c) a society registered under the Himachal Pradesh Co-operative Societies Act;
 - (d) a partnership or firm;
 - (e) Hindu undivided family;
 - (f) Government Department ; and
 - (g) a Government Undertaking.

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1. Inserted by notification No. 7-47/96--5675-728 dated 31-3-1997 published in R.H.P. (Extra Ordinary) dated 31-3-1997
 2. Inserted by notification No.7-51'98-EXN-7390-440 dated 30th march, 1999,published in RH.P. (Extra-Ordinary) dated 30th March, 1999.
 3. Inserted by notification No. 7-38/90-EXN-5036 dated 30th March, 1991 published in R.H.P. (Extra Ordinary) dated 7-5-1991.
 4. Proviso omitted by notification No. 7-1/90-EXN-7318-351 dated 29th May, 1990 published in R.H.P. (Extra-Ordinary) dated 8-6-1990.

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5. When a licence is granted to a Company or Society or Hindu undivided family or Government Department or Government Undertaking referred to in clauses (b), ©, (e), (f) and (g) above it must show the name of an individual as agent acting on behalf of the licensee, who is amenable in full to the Criminal Courts in India. On the application of the Company or Society or Hindu undivided family or Government Departments or Government Undertaking, the representative licensee may be changed by the authority competent to grant or renew the licence as the case may be.
6. When a licence is granted to a partnership or firm not incorporated under any Act, all the individuals comprising the partnership of firm should be specified on the licence.
7. On the application in writing of all the original partners, a partner may at any time be added in case of renewable licences, by the authority competent to renew the licence and in case of licences granted by auction or negotiation by the Collector, provided the proposed partner is eligible under the intoxicants Licence and Sale Orders or these rules, in which case he shall be responsible for all obligations incurred or to be incurred under the licence during the period of its currency as if it had originally been granted or renewed in his name.
8. On the application in writing of all the original partners, a partner may at any time be removed, in case of renewable licences, by the authority competent to renew the licence and in case of licences granted by auction or negotiation by the Collector.
9. A licence granted to a partnership or firm is determined by the dissolution of the partnership or firm subject to the liability of the partners jointly and severally, for any loss caused to Government thereby and for the performance of all obligations to Government incurred by the partnership or firm.
10. A licence is said to be renewed when the competent authority allows it to continue after the period of its expiry to the same licensees in respect of the

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same premises; and whenever a licence has determined by reason of surrender, cancellation or order of non-renewal or other causes, or where it is proposed to issue a licence in respect of premises or persons not previously licenced, a new licence is required:

Provided—

- (a) a new licence is not required on account of the addition of or removal of a partner on the application of all the partners or the change of representative of a company or society;
- (b) a licence continued to the legal representative of a deceased licensee for the remaining period of the licence shall not be deemed to be a new licence;
- (c) if the premises of a licence are changed during the period of its currency, the authority competent to grant the licence may direct that the licence may be continued for the remaining period of the term on the existing fee;
- (d) a licence may be transferred by the authority competent to grant it for the remainder of its currency to a new licensee.

11. All applications for the grant, extension or renewal of licences, which required the orders of the Excise Commissioner under the Intoxicants Licence and Sale Orders or these rules should be received through proper channels in the Excise Commissioner's office before the end of December, each year;

Provided that applications for the grant of licences in forms L-3 , L-3 -A, L-4, L-4-A, L-5, L-5-A or L-12-B may, in pungent case where they do not adversely affect any existing licence be submitted at any time in the year.

¹[X X X]

1.. Second proviso, inserted by notification No. 7-76/89-EXN-3306-35 dated 26-3-1990, omitted by notification no 7-77/92-EXN-6217-54 dated 26-3-1993, published in R.H.P. (Exta Ordinary) dated 31-3-1993.

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12. ¹[(1)] Every application for renewal of a licence, other than a licence governed by rule 11, shall be submitted to the Excise Officer in charge of the district by the 31st January, each year. The Excise Officer-in-charge of the district shall lay before the Collector by the 10th day of February each year a list of all licences requiring renewal. The list shall be accompanied in the case of licences on the assessed fee, by a certificate of sales during the current upto 31st December; in the case of bottling licence by a similar certificate showing proof litres bottled upto 31st day of December. Except with the special sanction of the Excise Commissioner, no order for renewal or non-renewal shall be made after 28th day of February in respect of licences for the following financial year :

²[Provided that no order for renewal of license in form L-1 shall be made if the licensee is in arrears of Excise and Sales Tax dues and undues the applicant furnishes alongwith the application for renewal a certificate to the following effect duly issued in his favour by the Assessing Authority of the District concerned:-

CERTIFICATE

Certified that M/s are registered/not registered under the Himachal Pradesh General Sales Tax Act ,

1968/ the Central Sales Tax Act, 1956 against Registration Certificate No.(if any)

It is further certified that the dealer has filed the quarter/monthly returns under the above Acts upto 31-12-19 i.e. upto to the third quarter of the current financial year and has paid the entire Sales Tax due upto

(Preceding financial year) and additional demand of the

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1. "(1)" added by notification No. 7-71/92-EXN-2207-45 dated 9-2-1995, published in R.H.P. (Extra Ordinary) dated 25-2-1995.
 2. Sign ":" substituted and provisos inserted by notification No. 7-76/89-EXN-10742-770 dated 21-7-90 published in R.H.P. (Extra Ordinary) dated 28-7-1990.

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and interest amounting to Rs. have been duly paid into the Government Treasury and no Sales Tax dues from the dealer are in arrears.

Place

Date Signature of A.A. with seal of office.

Provided further that non submission of the certificate by the applicant alongwith the application for renewal shall render the license automatically liable to be cabcelled for the following year.]

¹[(2) Not with standing anything contained in sub rule (1) of this rule and 31 in respect of the licenses granted on fixed fee and assessed fee or fixed fee alone, the orders or renewal shall be passed only after the 25th day of March

and in case of any change in the rates of fixed fee, the renewal shall be ordered only after the applicant - licensee has paid the difference in the fee before 25th day of March. The licence shall not be renewed if the difference of licence fee due to its upward revision in not paid before 25th day of March and the part payment of the fee already made while making the application for renewal shall be refund.]

²[Provided that the Financial Commissioner may for reasons to be recorded in wtriting allow renewal to be made if the difference of licence fee due to its upward revision is paid after 25th day of March but before 31st March..]

13. No person to whom a licence has been granted shall be entitled to claim any renewal or extension thereof and no claim shall lie for damages or otherwise in consequence of any refusal to renew or extend a licence on the expiry of the period for which it remains in force.

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- 1. Added by notification No. 7-71/92-EXN-2207-45 dated 9-2-1995 published in R.H.P. (Extra Ordinary) dated 25-2-1995.
 - 2. Added by notification No. 7-56/93-EXN-9218-62 dated 23-3-1996 published in R.H.P. (Extra Ordinary) dated 30-3-1996.

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14. No licence under these rules except a licence for the vend of medicated wines, denatured and rectified spirit in forms L.12, L.17 and L.19, respectively, shall be combined with any licence for any dealings with any narcotic drug as defined in section 2 (xiv) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) without the sanction of the Collector.
15. No licence shown in column 1 of the subjoined table may be held by persons holding or in any way connected in interest with the persons holding any of the licences shown against them in column 2 :-

A Licence in form 1	May not be held on conjunction with 2
L.1, 1[L.1-AA] 2[and L-1-B], L-1-C for the wholesale vend of foreign liquor to the trade only.	A licence in form L.13, L.14, L.14-A, L.14-B, L.10-A, L.10-B for the wholesal or retail vend of country Spirit and Beer. Any licence for the sale of Country Fermented Liquor. A licence in form L.3, L.4, L.5, L.3-A, L.4-A, L.10-A, L.8, L.10-B and L.12-C, except with the special sanction of the Financial Commissioner.
L.1-A combined with L.11 for the storage and bottling of foreign liquor (in bond).	A licence in form L.13, L.14, L.14-A, L.14-B, L.10-A, L.10-B for the wholesale or retail vend of Country Spirit and Beer. Any licence for the sale of Country Fermented Liquor.

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1. Inserted by notification No. 7-47/96-EXN-5675-728 dated 31-3-1997 published in R.H.P. (Extra Ordinary) dated 30-3-1996.
 2. Inserted by notification No. 7-44/79-EXN-21620-72 dated 26-9-1997 published in R.H.P. (Extra Ordinary) dated 3-10-1997.

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- A licence in form L.3, L.4, L.5, L.3-A, L.4-A, L.5-A, L.8, L.10-B and L.12-C, except with the special sanction of the Financial Commissioner.
- L.2 Retail vend of foreign liquor to the public and wholesale vend to licences in form L.3, L.4, L.4-A, L.5 and L.12-A, L.12-B and L.12-C A licence in form L.3, L.4, L.5, L.3-A, L.4-A, L.5-A, L.7, L.8, L.9, L.10-A, L.12-B, L.12-C, L.12-D, L.15, L.16, L.17 or L.19.
- L.3 L.3-A, L.4, L.4-A, L.5, L.5-A, L.8 or L.12-B or L.12-C for the vend of Foreign Liquor, Beer in a Hotel or Dalk Bangalow or Restaurant or Club. A licence in form L.1, ¹[L.1-AA] ²[and L.1-B] except with the special sanction of the Excise Commissioner or L.2 or a licence for any dealing in C Country Liquor or a licence in form L.10-A and L.10-B attached with Country Liquor Vends.
- L.9 For the sale of foreign liquor in a Military Canteen including Unit-run Military Canteen or these run regimentally on club lines and Indo Tibetan Border Police Canteen. A licence in form L.2, L.3, L.4, L.5, L.3-A, L.4-A, L.5-A, L.6, L.7, L.8, L.10, L.12-A, L.12-B or L.12-C.
- L.13 L.14, L.14-A or L.14-B for the wholesale and retailsale of Country Liquor. Any licence for any dealing in rectified spirit and denatured spirit.

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1. Inserted by notification No. 7-47/96-EXN-5675-728 dated 31-3-1997 published in R.H.P. (Extra Ordinary) dated 31-3-1997.
 2. Inserted by notification No. 7-44/79-EXN-21020 dated 26-9-1997 published in R.H.P. (Extra Ordinary) dated 3-10-1997.

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L.17 And L.19 for the wholesale or A licence for any dealing in retail sale of Denatured and country liquor or foreign liquor Rectified Spirit

¹[Provided that all the conditions regarding holding of licence in form L.13 in conjunction with thw other licences or vice versa shall mutandis apply to the licensee in form L.13-A.]

16. No person holding a licence for a distillery, ²[bonded Warehouse] brewery or winery shall hold any licence under these rules except ---

³[(a) licences in form 4[L.1-C], L.1-A and L.11 for the wholesale vend of foreign liquor to the trade only, storage of foreign liquor in bond combined with wholesale and retail vend of foreign liquor to the trade only and bottling of foreign liquor respectively;

(b) licences in form L.13, L.15 and L.16 for the wholesale vend of country spirit bottling of country spirit and reduction of country spirit respectively];

(c) a licence in form L.17 for the wholesale vend of denatured spirity;

(d) a licence in form L.19 for the wholesale vend of rectified spirit ;

17. The licences shown in column 1 of the following statement may only be granted to the persons shown against in column 2:-

1. Sign substituted and proviso inserted by Notification No. 7-38/90-EXN-5036 dated 30-3-1991 published in R.H.P. (Extra Ordinary) dated 7-5-1991.

2. Inserted by Notification No. 7-38/90-EXN-5036 dated 30-3-1991 published in R.H.P. (Extra Ordinary) dated 7-5-1991.

2. Substituted by notification No. 7-47/96-EXN-5675-728 dated 31-3-1997 published in R.H.P. (Extra Ordinary) dated 31-3-1997.

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	A licence in form 1	May only be granted to 2
L.5	for the retail vend of foreign liquor in a bar.	The holder of licence in form L.4 the retail vend of foreign liquor in a restaurant (only the most superior establishments shall be so licensed). Holders of L.3 licences shall not be granted L.5 licences unless they are also in possession of L.4 licences.
L.5-A	for the retail vend of beer in a bar (Supplementary to form L.4-A).	The holder of a licences in form L.4-A for the retail vend of beer in a restaurant (only the most superior establishments shall be so licensed) Holders of L.3-A licences shall not be granted L.5-A licences unless they are also in possession of L.4-A licences.
L.8	Supplementary for the retail vend of foreign liquor of the premises	The holder of a licence in forms L.3, L.3-A, L.4, L.4-A, L.6 and L.7 for the retail vend of foreign liquor / Beer in a hotel or dak-bingalow, restaurant, railway refreshment room or dining car.
L.10-A	for the vend of Beer.	A person holding a licence in form L.14 for the retail vend of Country Liquor.
L.10-B	for the vend of Beer.	A person holding a licence in form L.14-A for the retail vend of Country Liquor.

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- L.11 for bottling foreign Liquor. The holder of a licence in form L.1 and L.1-A for the vend of foreign liquor to the trade only or storage of foreign liquor in bond combined with the wholesale vend of foreign liquor to trade only or the holder of licence in form B.W.H. 2 to run an excise bonded warehouse ¹[or holder of a licence in form D-2 or B-1 to run a distillery or brewery as the case may be.]
- L.12 or the sale of medicated wine. A Chemist or Druggist of good standing.
- L.15 for the bottling of Country Spirit. The holder of a licence in form B.W.H.2 to run as Excise bonded Warehouse or the holder of a licence in form D.2 to run a Distillery.
- L.16 for the reduction of Country Spirit. The holder of a licence in form B.W.H.2 to run as Excise bonded Warehouse or the holder of a licence in form D.2 to run a Distillery
- L.19 for the vend of rectofied spirit. A person holding a licence in form L.12 or L.17 or a chemist or a druggist of good standing.
- L.21 for the extension of hours. A person holding a licence for the retail sale of Foreign Liquor/ Beer or Country Spirit in forms L.2, L.10, L.10-A, L.10-B, L.14 and L.14-A in urban areas.

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1. Substitute by Notification No. 7-47/96-EXN-5675-728 dated 31-3-1997 published in R.H.P. (Extra Ordinary) dated 31-3-1997.

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18. A list of all L.1, L.2, AL.10, L.10-A, L.10-B, L.13, L.14, L.14-A and all other licences authorised to get supplies from the distilleries and the breweries shall be drawn up in each district by 15th April each year and supplied by the Excise Officer, Incharge of the district to the managers of the distilleries and breweries in Himachal Pradesh.

¹[18-A (1) The licences ----

- (a) either in form L.3, L.4 and L.5 or
- (b) in form L.3-A, L.4-A and L.5-A

shall be granted as a single unit and only for single premises of a hotel having a restaurant.

- (2) The licence mentioned in sub-rule (1) shall be granted only to the proprietor of a hotel combined with a restaurant and only if such a hotel is having not less than 10 residential rooms duly approved and registered with the Tourism Department.
- (3) Not with standing anything contained in sub-rule (2), either the licence in form L.4 and L.5 (combined), or the licences in form L.4-A and L.5-A (Combined) as the case may be, shall be granted, as a single unit, to any person who is running a restaurant, only if -

(a) such a restaurant ---

- (i) has minimum seating capacity for fifty persons and has proper seating arrangements;
- (ii) has uniformed waiters;
- (iii) separate dining hall within it, meant for persons other than those taking liquor in the bar;
- (iv) has separate toilet and separate bar room of a seating capacity not exceeding fifty percent of aggregate capacity of the restaurant;

1. Substituted by Notification No. 7-47/96-EXN-5675-728 dated 31-3-1997 published in R.H.P. (Extra Ordinary) dated 31--3-1997.

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to the satisfaction of the Collector (Excise) of the Zone or the Financial Commissioner or any other officer duly authorised to inspect the premises; and

(v) is registered with the Tourism Department and, in addition to sub-conditions (I) to (iv) of this condition, also conforms to the standard prescribed by that Department; and

(b) the proprietor of such restaurant, if liable to pay tax under the Himachal Pradesh General Sales Tax Act, 1968 is registered under that Act.]

[Provided that if the licensee has additional premises, along with the restaurant in the same hotel, he may, on application and in the sole discretion of the competent authority, be granted additional license or such premises on payment of prescribed additional license fee for each such additional premises.]

¹[18-B Any distillery, brewery, winery or bonded warehouse licensed outside Himachal Pradesh may either itself or through an agent duly authorised by the licensee of such distillery, brewery, winery or bonded warehouse, may subject to the conditions specified by the Financial Commissioner, be granted a licence in form L-1-B for storage and sale of the brands of liquor manufactured by it :

Provided that the Financial Commissioner may, subject to the applicant being otherwise eligible to hold the licence, allow any existing licence in form L-1, held by such distillery, brewery, winery or bonded warehouse or such agent for the year 1997-98, to be converted into a licence in form L-1-B, by treating the payment of Rs. 1,75,000/- made in respect of the licence in form L-1 to be a payment for licence in form L-1-B and the licence in form L-1 so converted shall cease to be operative.]

18-C. Any distillery, brewery, winery or bonded warehouse licensed within the State shall obtain a license in form L.1-C for sale to L.1 vends only.

Provided that the Financial Commissioner may, subject to the applicant being otherwise eligible to hold the license, allow any existing license in form L.1 (held by such distillery, brewery, winery or bonded warehouse for the year 1998-99 or renewed for the year 1999-2000) to be converted into a license in form L.1-C treating the payment of the licensee fee made in respect of the license in form L-1 to be the payment for license in form L.1-C and on such conversion, the license in form L.1 so converted shall cease to operate.

19. A licence in form L.9 may be granted with the permission of the competent military authority of Indo-Tibetan Border Police authority for the sale of foreign liquor only in military or Indo-Tibetan Border Police Units. All canteens including unit-run military canteens or those run-regimentally on club lines shall be required to take out this licence.

1. Inserted vide notification No. 7-44/79-EXN-21020-72 dated 26-9-97 published in R.H.P. on 3-10-97.

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20. A special licence in form L.12-A may be granted for the retail vend of foreign liquor at a bar, whom temporary arrangement for the sale of foreign liquor are required.

Note:- ¹[The maximum period of such licence will not, except with the special permission of the Excise Commissioner, exceed one month, i.e from the first day of the validity of the licence to the date immediately precoding that date in the succeeding month.]

21. A licence in form L.12-D shall be granted to Church Authority only.

22. Except in the case of a distillery, the grant of L.13 licence shall be subject to the following conditions:-

- (i) Only the holder of ²[L.14 or L.14-A licence in the vend sphere] would be eligible to apply for the grant of L.13 licence
- (ii) The licensee, who takes major business of the Country Liquor in the vend sphere in terms of total amount in bids shall have to take one L.13 licence, whereas other licensees ²[L.14 or L.14-A] vend retailers may be granted L.13 licence if the licensees apply for the same.
- (iii) ³[The location of such wholesale vend shall be[* * *] near the L.14 and L.14-A vend premises of the same licence holder.]
- (iv) The location of the L. 13 vend will be approved by the Collector (Excise) of the Zone concerned on the recommendations of the Excise Officer, Incharge of the District concerned and his own satisfaction.

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1. Substituted by notification No. 7-47/96-EXN-5675-728 dated 31-3-1997 published in R.H.P. (Extra Ordinary) dated 31-3-1997.
 2. Substituted by notification No. 7-38/90-EXN-5036 dated 30-3-1991 published in R.H.P. (Extra Ordinary) dated 7-5-1991.
 3. Substituted by notification No. 7-77/92-EXN-6217 dated 26-3-1993 published in R.H.P. (Extra Ordinary) dated 31-3-1993.

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- (v) Application for the grant of L.13 licence will be submitted to the Excise Officer, Incharge of the District concerned immediately after auction, who will forward the same, after recording his remarks/ recommendations to the Collector (Excise) of the Zone concerned, who will grant licence subject to the approval of the Excise Commissioner.
- (vi) The holder of L.13 licence will have to deposit or furnish security for Rs. 10,000/- in the shape of Bank Draft or time deposit Receipt or National Savings Certificate duly pledged to the Excise Officer, Incharge of the Distt. concerned.
- (vii) The payment of the licence fee shall be in the same manner as for auctioned ¹ [L.14 or L.14-A] vends.
- (viii) In case of dispute regarding attachment /detachment of particular ¹[L.14 or L.14-A] vend with / from L.13 vend for the supply of Country Liquor, the decision of the Collector (Excise) of the Zone concerned shall be final.
- (ix) The L.13 licensee shall be bound to give open delivery to the retail sale licensees of his vend sphere, if so desired by the retail sale licensees. The L.13 licensee shall also be bound to make supplies of additional demand of Country Liquor, if any.
- (x) In case the L.13 licensee fails to make supplies of liquor both fixed and additional sanctioned, the Excise Commissioner will be at liberty to permit the retailer to take supplies of the liquor, either from any other L.13 vend in Himachal Pradesh or direct from any of the Distilleries outside or inside the State, in which case the L.13 licensees shall not be entitled to any compensation whatsoever. The Excise Commissioner may at his own discretion in any case allow supplies of liquor from any other source and no claim for compensation in this behalf will be entertained from L.13 licensees.
- (xi) The L.13 licensee shall be liable to pay such compensation to the retail sale licensees of his vend sphere as may be determined by the Collector (Excise) in the event of his failure to supply liquor to the retail sale licensee

1. Substituted by Notification No. 7-38/90-EXN-5036 dated 30-3-1991, published in R.H.P. (Extra Ordinary) dated by 7-5-1991

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(xii) The L.13 licensee shall not be entitled to claim any compensation from the Government in case the retail licensees of his vend sphere do not lift the entire quota of liquor.

The Excise Officer, Incharge of the district shall report to the Financial Commissioner the names of the L.13 licensees in the district, by 15th April, each year and a list will also be supplied by him to the managers of the distilleries in Himachal Pradesh.

¹[22-A (i) Licence in Form L.13-A for storage and transfer of Country Liquor may be granted, at fixed annual licence fee, to the holder of a licence in form L.14 or L.14-A in a district; and

(ii) The conditions (i), (iii), (iv), (v), (vi), (vii) and (xii) envisaged in rule 22 for licence form L.13 shall apply mutatis mutandis.]

23. A licence in form L.14-B may be granted for the vend of Country Spirit on special occasions, subject to the following conditions:-

(i) No special liquor licence shall be granted for any fair where such a licence has hither to not been granted, or where having in the past been granted, it has now been discontinued. If a new fair is inaugurated the Collector shall not grant a special liquor licence without the approval of the Financial Commissioner.

(ii) In the case of fairs for which the special liquor licences have hither-to been granted, the Collector may continue to grant such licences. He should, however, take cognizance of any bonafide movement favouring prohibition, and he may, without further sanction, decline to grant the special liquor licence if, on testing local opinion as provided in the Intoxicants Licence and Sale Orders, he is thoroughly satisfied that the discontinuance of such a licence would be

----- 1. Inserted by Notification No.7-38/90-EXN-5036 dated 30th March 1991 published in R.H.P.(Extra ordinary)dated. 7.5.1991

a measure approved by the unquestioned voice of the local opinion, and that such local opinion is free from any suspicion or connivance at illicit distillation.

(iii) Licence for recurring fairs of importance at which it is permissible under those rules to provide for the sale of Country liquor should be included in the list of shops to be auctioned.

24. A licence in form L.20-A to sell tari may be issued by the Collector in any locality if there is a demand for such licence.

25. (a) Licence in form L.20-B for manufacture and retail vend of Country Fermented Liquor will be granted by auction or otherwise in the District of Kangra , Kullu and Mandi.

(b) The licences in form L.20-C and L.20-D for the manufacture and possession of Country Fermented Liquor for home consumption and for use on special occasions, respectively, will be granted on application on payment of prescribed fee, in the following areas of Himachal Pradesh:-

- (i) Bharmaur Sub-tehsil of Chamba district;
- (ii) Whole of Kinnaur district;
- (iii) Dodra Kwar in Shimla district;
- (iv) Lakkar Mandi area in Chamba district for Dhogries only;
- (v) Whole area of Mandi district (Except Chachiot tehsil);
- (vi) Specified 42 villages of Tehsil Paonta and 70 villages of Tehsil Renuka in Sirmaur district;
- (vii) Kothi-Kohar and Kothi Sawar and 17 specified villages of Baijnath in Palampur Tehsil of Kangra district;
- (viii) District of Kullu and Tehsil Pangi of Chamba district.

(c) The licences in form L.20-CC for manufacture of country liquor by distillation from fruits and grains for home consumption may be granted by the Collector concerned in Kinnaur and Lahaul district, Dodra Kwar area of Shimla district and Pangi tehsil of Chamba district subject to the condition that no such distillation shall be permitted from gur or molasses.

(d) The licences in form L.20-C, L.20-CC and L.20-D mentioned above, will be issued by the Collector or any Excise Officer of the First Class authorised by the Collector.

C.--- Fees :

26. The fees payable in respect of licences under these rules are of the following kind :-

- (a) fixed fees;
- (b) assessed fees;
- (c) fees fixed by auction or negotiation; and
- (d) tender fees.

C (i).-- Fixed fees:

27. (a) The licences in form L.1, L.1-A, ¹[L.1-AA], ²[L.1-B], ³[L.1-C], L.3, L.4, L.5, L.3-A, L.4-A, L.5-A, L.6, L.7, L.8, ⁴[L.9-A], L.10-A, L.10-B, L.11, L.12, L.12-A, L.12-B, L.13, ⁵[L.13-A], L.15, L.17, L.19, L.20-A, L.20-C, L.20-CC and L.20-D are granted on fixed fees.

(b) The fixed fees for licences in form L.1, L.1-A, ¹[L.1-AA], ²[L.1-B], ³[L.1-C] L.3, L.4, L.5, L.3-A, L.4-A, L.5-A, ⁴[L.9-A], L.10-A, L.10-B, L.11, L.12, L.12-A, L.12-B, L.13, ⁵[L.13-A], L.17, L.19, L.20-C, L.20-CC and L.20-D are hereby prescribed as per the rates specified in Schedule 'A' appended to these Rules.

(c) The operative rates of fixed fee for licence in form L.12-A shall be fixed by the Financial Commissioner subject to the limits prescribed against item 8 of Schedule 'A'. However, when L.12-A Licences are required for entertainments which are to be a regular weekly feature or are to be given at more frequent intervals, the fee should be assessed progressively greater

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1. Inserted by Notification No. 7-47/96-EXN-5675-728 dated 31-3-1997 published in R.H.P. (Extra Ordinary) dated 31-3-1997.
2. Inserted by Notification No. 7-44/79-EXN-21020-72 dated 26-9-1997 published in R.H.P. (Extra Ordinary) dated 3-10-1997.
3. Inserted by Notification No. 7-51/98-EXN-7390-440 dated 30th March ,1999 published in R.H.P.(Extra- ordinary)dated 30.3.1999.
4. Inserted by Notification No. 7-6/87-EXN-1397-445 dated 20-1-1988 published in R.H.P. (Extra Ordinary) dated 4-2-1988.
5. Inserted by Notification No. 7-38/90-EXN-5036 dated 30-3-1991 published in R.H.P. (Extra Ordinary) dated 7-5-1991.

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according to the frequency with which an entertainment is to be held. The Collector shall recommend fee for the approval of the Financial Commissioner. In making his recommendations the Collector shall take into consideration the retail prices of liquor and the quantity of liquor likely to be sold, should it not be possible in the case of new institution to estimate for sufficient period the quantity of liquor likely to be sold; then the Collector should submit his recommendation for a limited period only and report again after greater experience has been obtained.

(d) The fixed fees prescribed under sub-rule (b) of this rule for licence in form L.3, L.4, L.5, L.3-A, L.4-A, L.5-A, L.12-A, L.12-B and L.17 are in addition to the assessed fee leviable under Rule 30.

(e) The fixed fee for licence in form L.6, L.7, L.8, L.15 and L.20-A shall be determined by the Financial Commissioner and for the licence in form L.21 the fixed fee shall be determined by the Collector (Excise), while granting/renewing or extending the licence as the case may be. The fees will be so determined by the Financial Commissioner/ Collector keeping in view the retail price of the liquor and the quantity likely to be sold.

¹[(f) Not- with- standing anything contained in sub-rule (a), (b), (c), (d) and (e) of this rule :-

(i) additional license fee at the rate of Rs. 2.00 per unit of 750 millitres shall be charged from L.14 and L.14-A licensees on country liquor (both annual auctioned quota fixed, and additional / or special quota sanctioned for each vend 2[or foreign liquor]) meant for sale on such vends;

(ii) an additional license fee at the rate of Rs. 2.00 per unit of 750 millitres shall be charged ---

(a) from L.2 and L.2-A licensees; and

(b) from L.3, L.4, L.5, L.3-A, L.4-A, L.5-A, L.12-A, L.12-B and L.12-C licensees in respect of the sale of such liquor as has been procured by them from sources other than L.2 vends,

1. Substituted by Notification No. 7-51/97-EXN-5615-5660 dated 30-3-1998 published in R.H.P. (Extra Ordinary) dated 31.3.98

2. Inserted via notification No.7-43/99-EXN-6374-6409 dated 29th March, 2000 published in R.H.P. (Extra Ordinary) dated 30.3.2000

- 1
- (iii) [the additional licence fee specified in clauses (i) and (ii) of this sub-rule shall be payable by the licensee into the Government Treasury before obtaining the pass for liquor ;

Provided that where the licensee specified in clause (ii) above has paid the additional licence fee at the time of obtaining permit, it shall not be payable again at the time of issue of pass for such liquor.]

- (iv) Every Excise and Taxation Inspector, Incharge of the Circle shall -
- (a) maintain a register in form L.22-A showing the quantity of Foreign Spirit including Indian Made Foreign Spirit and country spirit issued for sale, amount of additional licence fee payable amount of additional licence fee recovered by him during each month ;
- (b) submit by the 7th of May and 7th of every subsequent month the statement in form L.22-A showing complete particulars therein, to the Assistant Excise and Taxation Commissioner or Excise and Taxation Officer, Incharge of the district; and
- (c) be responsible for recovery of additional licence fee in respect of all the concerned vends in his circle.
- (v) The Financial Commissioner may order the utilization of not more than one-half of the collections of additional licence fee in the manner approved by the Government.]

28. A licence in form L.12-D for manufacture and possession of sacramental wine for use on special occasions is granted free of fee.

29. A licence in form L.16 for the reduction of Country Spirit granted free of fee.

C (ii) Assessed fee :

30. The licences in form L.3, L.4, L.5, L.3-A, L.4-A, L.5-A, L.6, L.7,

1. Substituted vide notification No.7-43/99-EXN-6374-6409 dated 29th March, 2000 published in R.H.P. (Extra Ordinary) dated 30.3.2000

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L.8, L.9, ¹[L.9-A], L.12-A, L.12-B, L.12-C and L.17 are granted on assessed fee as prescribed in Schedule 'B' appended to these rules :

²[Provided that all licensees, except in form ³[L.3,L.4,L.5,L.9 and L.17] shall obtain their supplies from the L.2 licensees in respective locality approved by the Collector of the Zone concerned for this purpose and in that case these licensees shall not be required to pay the assessed fee prescribed. In the event of failure by the L.2 licensees, either to make timely supply or to supply the desired brands of Foreign Liquor, the L.3, L.4, L.5, L.3-A, L.4-A, L.5-A, L.12-A, L.12-B or L.12-C licensees may be allowed, by the Collector, the supplies of such liquor from any of the L.1 license 4[xxx xxx xxx]]

Provided further that the assessed fee recoverable in the form of permit fee from the licensees in form L.17 shall be recovered at the specified rates at the time of issuing permit/pass. However, no such fee shall be recovered on the quantity of denatured spirit on which the same has been previously recovered in Himachal Pradesh.

Explanation ---- The assessed fee prescribed in schedule 'B' shall be in addition to the fixed fees prescribed under Rule 27, wherever applicable.

D -- Mode of payment of fees :

31. The persons required to pay the fixed fees prescribed in Rule 27 shall pay such fees when the relevant licence is granted but before such licence is issued except specifically provided otherwise. In cases of renewal or extension of the licences the licensee shall pay the fee at the time of making application in this behalf.

⁵[Provided further that the provisions of levy and payment of interest

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1. Inserted by Notification No. 7-6/87-EXN- 1397-45 dated 20-1-1988 published in R.H.P. (Extra Ordinary) dated 4-2-1988.
 2. Substituted by Notification No. 7-38/90-Exn-5036 dated 30-3-1991 published in R.H.P. (Extra Ordinary) dated 7- 5-91.
 3. Substituted by Notification NO. 7-77/92-EXN-9528 dated 25-5-1993 published in R.H.P. (Extra Ordinary) dated 1-6-1993.
 4. Deleted vide notification No.7-43/99-EXN-6374-6409 dated 29th March, 2000 published in R.H.P. (Extra Ordinary) dated 30.3.2000
 5. Inserted by Notification No. 7-77/92-EXN-6217-254 dated 26-3-1993 published in R.H.P. (Extra Ordinary) dated 31-3-1993.

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as contained in rule 1[36 (26) (vii)] shall apply mutatis mutandis in relation to the payment of fixed licence fee in respect of all the licences except those licences which are not renewable.]

32. The persons required to pay the assessed fee prescribed in Rule 28 shall pay such fee at the time of applying for the issue of a permit or pass.

33. All payments on account of fees mentioned in Rule 27 and 28 shall be made into the Government Treasury under proper Head of Account, and in token of such payments the Treasury Receipts will be submitted to the competent authority.

E -- Special Power of Financial Commissioner :

34. (a) The Financial Commissioner reserves the right to grant all or any of the licences mentioned in rule I, other than the licences granted on fixed fee, assessed fee or both, by auction or by negotiation or by private contract or by allotment or by calling tenders or by any other arrangement which he may consider expedient.

(b) The Financial Commissioner further reserves the right to change the mode of granting the licences mentioned in clause (a) of this rule, prior to the grant of such licences in a Financial year, and by an order in writing on record.

F -- Auction :

35. Subject to Rule 34 of these rules, the following licences shall be granted on the fee fixed by auction :-

- (i) a licence in form L.2 for retail vend of foreign liquor to the public only and wholesale vend to licenses in forms L.3, L.4, L.4-A, L.5 and L.12-A, L.12-B and L.12-C
- (ii) A licence in form L.10 for retail vend of beer for consumption on and off the premises.
- (iii) A licence in form L.14 for retail vend of Country Spirit for consumption on and off the premises.

1. Substituted by Notification No.7-51/98-EXN-7390-440dated 30thMarch, 1999 Published in R.H.P.(Extra- ordinary)dated 30.3.1999.

(v) A licence in form L.14-A for retail vend of Country Spirit at a fair or on a special occasion.

(vi) A licence in form L.20-B for manufacture and retail vend of Country Fermented Liquor.

“**Note:** The competent authority may, if no bid in auction/tender is forthcoming in respect of a vend or a group of vends or if the highest bid is considered insufficient or if the situation otherwise warrants or if it is expedient to do so in the interest of revenue, grant these licenses, alone or with any other license(whether or not a highest bid for the same has already been received) resorting to any of the modes mentioned above.”

“ 36. PROCEDURE FOR AUCTION – CUM – TENDER.”

(1) Subject to any directions made by the Excise Commissioner in this behalf, the Collector shall, each year before the annual auction-cum-tender determine:--

(a) In respect of licenses in form L-2 and L-10 the license fee at which each vend may be reasonably licensed; and

(b) In respect of country liquor vends the quantum of quota in proof litres and bottles for the period for which license is to be granted and on the basis thereof the minimum annual license fee at which each vend may reasonably be licensed.

(2) Country liquor quota will be fixed on the basis of lifting pattern during previous years. License fee (also reserve price in the context of this sub-rule) for L-2, L-10, L-14 and L-14-A vends or group of vends will be determined on the basis of country liquor quota, actual lifting of CL/IMFS/Beer and prevalent prices and not merely by adding constant percentage on reserve price last year. The reserve price of a district as a whole will not, however, be less than the reserve price last year. Reserve price for individual vend or group of vends will be determined on the basis the quota of country liquor in proof litres and bottles fixed for each vend of country liquor shall be announced by the Collector or any officer authorized by the Excise Commissioner hereinafter referred to as the Presiding Officer, before such vend is put to auction.

(3) Tenders will be submitted in accordance with the procedure prescribed in the ‘Tender Document for Sale of Licenses by Auction/Tender’ (Schedule-C). However, all bidders intending to participate in auction also are expected to go through the Tender Document and submit the relevant forms before participating in the auction. The tender documents may be obtained from office of the Assistant Excise & Taxation Commissioner for filing bid or for participating in the auction in any one or more districts in Himachal Pradesh.

(4). The tenders shall be received by the Deputy Commissioner/Presiding Officer as per the terms and conditions laid down in Tender Document before the auction commences. Terms and conditions laid down in the Tender Document shall be part and parcel of these conditions governing the procedure for auction/tender. Every Assistant Excise & Taxation Commissioner or Excise & Taxation Officer, Incharge of the district shall complete the record of every person (other than the Presiding Officer or any other officer or official of the Excise & Taxation Department) entering the auction venue/hall in the following format:-

S.NO.	NAME AND FULL ADDRESS OF PERSON ENTERING AUCTION VENUE/HALL.	FULL SIGNATURES OF PERSON MENTIONED IN COLUMN NO. 2.	SIGNATURE OF DEPARTMENTAL OFFICIAL

(5).The auction shall be presided over by the Deputy Commissioner of the respective District. If due to certain urgent exigencies beyond control, the Deputy Commissioner cannot preside over the auction, the Collector (Excise) of the respective Zone shall preside over the auction.

(6). Tenders will be submitted in accordance with the procedure prescribed in the **‘Tender Document for Sale of Licenses by Auction/Tender’** (Annexure-A). **However, all bidders intending to participate in auction also are expected to go through the Tender Document and submit the relevant forms before participating in the auction.** The Tender Document may be obtained from the office of any Assistant Excise & Taxation Commissioner or Excise and Taxation Officer Incharge in Himachal Pradesh for filing bid or for participating in the auction in any one or more districts in Himachal Pradesh.

(7).The tenders shall be received by the Deputy Commissioner/Presiding Officer as per the terms and conditions laid down in Tender Document before the auction commences. Terms and conditions laid down in the Tender Document shall be part & parcel of these conditions governing the procedure for auction/ tender. Every Assistant Excise & Taxation Commissioner or Excise & Taxation Officer, Incharge of the district shall complete the record of every person (other than the Presiding Officer or any other officer or official of the Excise & Taxation Department) entering the auction venue/hall in the following format:-

S.NO.	NAME AND FULL ADDRESS OF THE PERSON ENTERING AUCTION VENUE/HALL.	FULL SIGNATURES OF PERSON MENTIONED IN COLUMN NO. 2.	SIGNATURE OF DEPARTMENTAL OFFICIAL

(8). The auction shall be presided over by the Deputy Commissioner of the respective district. If due to certain urgent exigencies beyond control, the Deputy Commissioner cannot preside over the auction, the Collector (Excise) of the respective Zone shall preside over the auction.

(9). **Every intending bidder in the auction-cum-tender shall bring along with him Eligibility Claim as defined in the Tender Document.** Similarly, every person(s) submitting a sealed bid will have to first prove his eligibility. If eligibility claim of a bidder is found to be defective the same will be returned to the bidder after recording reasons for rejection on this eligibility claim. In such cases, the bidders shall be advised to submit the sealed tender after removing the shortcomings.

(10). Only those persons who are found eligible and who have deposited a sum of **Rs.10, 000/-** in the Government Treasury or with the Presiding Officer shall be allowed to bid for any license. Such a person may also, however, bid for more than one license.

(11).When the bidding for any license exceeds a figure of Rs. 1,00,000/-, each further bid shall be **multiple of Rs.10,000/-**, and above Rs. 10 lacs each further bid shall be **multiple of Rs.25,000/-**.

(12).The auction shall be conducted for each unit separately. However, the Presiding Officer may (subject to the conditions given in Tender Document) in very rare circumstances and with the approval of the Financial Commissioner (Excise), auction more than one unit together keeping in view the interest of Government revenue. The Financial Commissioner may reject any grouping done by the Presiding Officer.

(13).The Presiding Officer may refuse any bid, which he considers to be merely speculative. However, reasons in this regard will be recorded in writing.

(14).The Presiding Officer may exclude any person, on account of his *conviction or record as a bad character* or on account of being suspected of pooling or indulging in other activities pre-judicial to Government revenue or for any other sufficient reason to be recorded in writing, from participating in the auction. He may further recommend to the Financial Commissioner for black listing of that person.

(15).If the Presiding Officer is of the opinion that the bids are sluggish as a result of suspected pooling, he may postpone the tender-cum-auction of that particular Unit.

(16).When the Presiding Officer finds that a bid has crossed the predetermined threshold amount, he will demand an immediate deposit of part amount of the bid money (called 'cash down' payment). This 'cash down' payment will increase as per a predefined formula as the bids increase further. The cash down condition may be made applicable on that bid also which crosses the predetermined threshold amount if, in the opinion of the Presiding Officers an abnormally high jump is made from one to another only to take advantage of no or lower cash down condition. However, normally a cash down condition will apply only for bids, which are made after this cash down condition is announced.

(17)There will be no restriction on bidding for a license and holding licenses for Country liquor, Foreign Liquor, Country Fermented Liquor at a time. However, the wholesale licensees of Foreign Liquor (L-1, L-1-A and L-11 licensees) are not allowed to hold license for the wholesale or retail sale of Country Liquor or Country Fermented Liquor. A license in Form L-2 for the retail sale of Foreign Liquor to the public only may not be held in conjunction with any other license except a license in form L-13, L-13-A, L-14 and L-14-A. Similarly, licenses for retail sale of Country Liquor may not be held in conjunction with any other license except a license in L-2, L-2-A, L-10, L-13 and L-13-A. License in form L-17 and L-19 for the wholesale or retail sale vend of Denatured Spirit and Rectified Spirit may not be held in conjunction with a license for any dealing in Country Liquor or Foreign Liquor. An 'Ahata' may be held with a L-2 vend.

(18) The highest bidder, at the auction/tender, shall furnish two acceptable sureties who own immovable property in Himachal Pradesh of an amount determined by the Zonal Collector with the approval of Deputy Commissioner. The maximum amount of surety will range between 25% to 50% of the bid money. As an option to sureties, duly pledged FDRs/NSC or Bank Guarantee can be given. The sureties are required for ensuring strict observance of the terms and conditions of the license and Excise Announcements and the provisions of the Punjab Excise Act, 1914, as applicable in Himachal Pradesh, and the rules framed thereunder. The sureties/security deposit will be made within seven days from the date of auction or by 31st March, whichever is earlier.

(19) If the lowest annual fee mentioned in clause (1) of this rule is not bid for any shop, the Collector may in his discretion accept a lower bid provisionally; but in forwarding the results of the auction to the Excise Commissioner under the Collector shall call special attention to the case of any vend or vends for which he has provisionally accepted a lower bid, and shall state in regard to each vend whether he recommends that the vend may be:-

- (a) closed either permanently or until a person willing to take it up at the minimum license fee comes forward; or
- (b) carried on by a vendor who will work it for a commission on sales; or

- (c) resold at another auction; or
- (d) sold for the lower bid provisionally accepted.

(20) All sales are open to revision by the Financial Commissioner.

(21) At the conclusion of every auction the Collector or the Presiding Officer shall refund to all persons, whose bids have not been accepted, all deposits made by them.

(22) The Collector shall forward to the Financial Commissioner statements in forms M-14 and M-14-A, showing the locality of each shop sold, the probable sales during the year, the lowest fee determined under clause (1) of this rule, the name of the persons to whom the shop has been sold, the amount for which it has been sold compared with that of the preceding year, and, in any case in which the shop has not been sold for the highest bid, a short statement of the reason for rejecting it. If no intimation to the contrary is received within three weeks or by 31st March whichever is earlier, the Collector may assume that the Financial Commissioner has accepted his proposals.

(23) If a sale is set aside by the Financial Commissioner on revision or the same is not confirmed, the Financial Commissioner may himself or otherwise specifically and direct the Collector to resell the license by auction, or by private contract or negotiation or by tender; in the resale is by tender, these rules shall apply as far as may be.

(24) (i) The highest bidders at the auction shall deposit by way of security an amount equivalent to 13-1/2% of the highest bid as under:-

(a) 5% of the bid money or the amount directed to be deposited by the Presiding Officer as cash down at the time of bidding whichever is higher, at the fall of hammer;

(b) 7% of the bid money into Government Treasury within 10 days of the auctions or 31st March, 2002, whichever is earlier; and

(c) the remaining amount equivalent to 1.5% of the bid money before the commencement of the license (s) in the shape of a Revenue Deposit or unconditional Bank Guarantee or F.D.R. as may be directed by the Assistant Excise & Taxation Commissioner/Excise & Taxation Officer, Incharge of the District concerned:

Provided that in case a Bank guarantee is given as 1.5% deposit of security the same should be valid from 1st April of the year in which the operation of license commences and should remain valid upto 30th of June of the succeeding year:

Provided further that in lieu of cash, successful bidder may also submit a bank draft:

Provided further that in case the immediate cash deposit actually made at the fall of hammer is higher than 12% or more of the bid money, the highest bidder will not be required to make a separate deposit equivalent to 12% under clauses (a) and (b) of sub rule (i) above.

- (ii) If the highest bid or bids, in respect of any vend or vends, received by the Presiding Officer at the auction/tender are rejected or not confirmed by the Financial Commissioner (Excise), the deposits of security made by the concerned bidder under sub-clause (a) and (b) of sub-condition (i) above, shall be refunded to such bidder without any interest thereon. Deposit of security shall confer no right on the highest bidder at auctions for the grant of a license.
- (iii) **If any person who is the highest bidder at the auction/tenders, either indulges in pooling by deliberately withdrawing from tender (or otherwise-except as specifically provided) or fails to make deposit of the amount of security or on approval of his bid by the Financial Commissioner refuses to accept the license, the license may be resold by any arrangement given in rule 35 and any deficiency in license fee and all expenses on such resale or attempted resale shall be recoverable from the said person as an arrear of land revenue.**

- (iv) If the highest bid or bids in respect of any vend or vends received by the Presiding Officer at the auction/tender are approved and confirmed by the Financial Commissioner, the deposit of security made by the concerned bidder under sub-clause (a) and (b), of sub-rule (i) above, shall be counted towards the license fee approved in respect of the concerned vend or vends, and adjusted as such and the remaining amount of license fee shall be paid by the licensee in the manner specified in sub-rule (v) below.
- (v) The remaining amount of license fee as per sub-clause (iv) above i.e. the amount remaining after deducting the sum deposited as security under sub-clause (a) and (b) of sub-rule (i) from the total license fee of the vend or the vends shall be paid by the licensee in ten equal instalments. The licensee shall pay first such instalment by the 25th of the month in which he is to begin his business under his license and then the remaining instalments by 25th of every subsequent month till the entire license fee has been realized. If the payment is not made by the 25th of the month, interest as per sub-clause (vii) will have to be paid for this default in payment.
- (vi) Out of 1.5% security, a sum, as may be required, shall be adjusted against any amount of arrears due to the Government at the close of the financial year and such amount of the aforesaid security as may not be required for adjustment against any arrears shall be released to the licensee under proper order.
- (vii) In the event of his failure to pay an instalment or part thereof by the due date;
- (a) The licensee shall pay interest at the rate of 15% per annum for a delay of up to one month from the date of default on the amount, which remains unpaid. If the default in payment of license fee exceeds one month, such licensee shall pay interest @ 20% per annum on the unpaid amount from the date of expiry of one month's period from the due date; and
- (b) Without prejudice to clause (a) of sub-rule (vii), the Assistant Excise & Taxation Commissioner/Excise & Taxation Officer, Incharge of the district may permit the licensee to deposit the amount of the instalment or part thereof upto 24th of the next month, except for the last instalment which shall be deposited by 10th of February. However, interest as per clause (a) above shall be necessarily charged for any default in payment beyond the due date.
- (c) No interest on interest and penalty will be levied during the course of year for which the license is issued.
- Provided that interest @ 20% will be charged on interest and penalty which remains unpaid after a lapse of 3 months from the close of financial year for which license is issued.

Explanations:- For the purpose of this sub-rule, the date of payment shall be included in the period for which interest is to be charged.

(viii) If the licensee fails to deposit the instalment or instalments plus interest, as the case may be, upto the 24th of the next month, or the last instalment by 10th February, the Assistant Excise & Taxation Commissioner/Excise and Taxation Officer, Incharge of the district, or any other officer authorized or directed by him would ordinarily seal the vend on 25th day of the following month or 11th February as the case may be. This shall be in addition to the penalty provisions that may be brought into operation against the licensee under the Punjab Excise Act, 1914, and the rules framed there under.

(ix) In the event of the cancellation of the license for the wholesale or retail vend of foreign liquor to public and retail vend of country liquor, the Collector (Excise) may resell it by resorting to any of the methods detailed in rule 35 above.

(x) The Excise and Taxation Commissioner, Himachal Pradesh may order shifting or closure or change the name of any liquor vend during the year.

(25) The licensed vendors shall not make any sale of liquor to juveniles, motor vehicle drivers on duty or on wheels.

(26). No remission of license fee realizable from the licensees shall be allowed, except in accordance with the provisions of law, and no representation from licensed vendors for grant of relief on account of sale falling short of their expectations shall be entertained.

37. Every licence under these rules is granted subject to the conditions set forth in this rule.

Exceptions:-- The following licences are only subject to the conditions (1) and (2) of these conditions, except in so far as is expressed in the special conditions prescribed for each :-

L.12-D -- to manufacture and possess sacramental wine, L.20-C to manufacture and possess country fermented liquor for home consumption , L.20-CC to manufacture country liquor by distillation from fruits and grains for home consumption and L.20-D to manufacture and possess country fermented liquor for use on special occasions.

GENERAL

(1) The licensee shall be bound to observe all rules under the Punjab Excise Act as applied to Himachal Pradesh as applicable to his licence and the general and special conditions of his licence.

CONDITIONS DEALING WITH THE LICENSED PREMISES

(2) The licence shall not carry on any business connected with his licence, or store any liquor to be sold or otherwise dealt with under his licence, except in the premises specified in his licence, herein after called the licenced premises.

The Collector may, however, with the previous sanction of the Financial Commissioner, grant in an exceptional case a permit under section 24 (3) of the Punjab Excise Act as applied to Himachal Pradesh to store a quantity of liquor exceeding the limit of the retail sale, at a place other than the licenced premises. This permission shall be granted on payment of an extra fee of Rs. 100/- per annum and only in cases where it is impossible and impracticable to stock liquor in the main licenced premises. Before the grant of such permission the Collector shall satisfy himself that the proposed place is adequately guarded and that there is no means of access to it by the public.

(3) When a licensee has more licences than one, sale or other business under each licence shall be on separate premises and liquor to be sold on each licence shall be stored separately and the accounts of each licence shall be kept distinct.

Exceptions. --- (a) Sales under the licence in form L.5 to L.8 may be carried on, on the licensed premises of a hotel, restaurant, railway refreshment room or dining car, as the case may be, and common stocks may also be kept, but separate accounts of sales under each licence and of the common stock of liquor shall be maintained.

(c) In any other case, the special permission of the Collector may be given and endorsed on the licence to sales being carried on the same premises but unless the Financial Commissioner sanctions otherwise stocks and accounts must be separate.

(d) (4) Licenced premises shall be premises owned or leased by the licensee. It will be obligatory on the part of the licensees to get the licensed premises approved from the Collector before starting the shop :

¹[Provided that when the licensee submits his application, for approval of the premises and the name of the salesman, to the office of the Assistant Excise and Taxation Commissioner / Excise and Taxation Officer, Incharge

of the district on or before 1st April and obtains an acknowledgement from the office of the Assistant Excise and Taxation Commissioner / Excise and Taxation Officer, Incharge of the district in token of having submitted the aforesaid application, on or before 1st April, the submission of such application shall be deemed to be a provisional approval of the premises and the name of the salesman mentioned therein.]

(5) Where premises have been specially provided by the Government for any shop, the licensee shall be bound to carry on his business in those premises and to pay to Government in addition to his licence fee, such rent for the premises as may be fixed by the Collector.

(6) *In the case of Dining Car Licences, the licensed premises are every dining car authorized by the Railway Administration and any other premises licensed for the purpose of storage only.*

(7) *The licensee shall keep his licensed premises thoroughly clean and shall comply with any order issued by the Collector for the removal of defects in them.*

(8) *The licensee shall not exhibit at the licensed premises picture and photographs of Mahatma Gandhi, Pandit Jawar Lal Nehru or of any person who is or who was President or the Prime Minister of India.*

1. ***Added by notification No. 7-77/92-EXN-6217-254 dated 26-3-1993 published in R.H.P. (Extra Ordinary) dated 31.3.93***

2. (9) (a) ***The licensee shall not display decorative lights at the licensed premises***

(b) ¹ [XXXXXX]

(c) The licensee shall display anti-drinking slogans or posters prominently as and when required by the Excise and Taxation Department.

(10) The licensee shall maintain on the main out door of the licensed premises a sign board ²[XX XX XX] exhibiting in conspicuous painted letters :-

(a) his name, class of licence held by him in Hindi or English or both; and

- (b) the words ³ [“ Consumption of liquor is injurious to health”] in English or in Hindi “`kjkc ihuk LokLF; ds fy, gkfudkj d gS or both

CONDITIONS DEALING WITH THE LICENSED SALE HOURS AND DRY DAYS

(11) The provisions of the Himachal Pradesh Shops and Commercial Establishments Act, 1969, will remain in-operative in the case of premises licensed under the Punjab Excise Act, as applied to Himachal Pradesh.

⁴[(a) The licensee in forms L.1, L.1-A, ⁵[L.1-B, L.1-C], L.2, L.2-A, L.10, L.10-A, L.10-B, L.13, L.13-A, L.14, L.14-A and L.20-B in rural and urban areas will

 1.Deleted by Notification No.7-51/98-EXN-7390-440 dated 30-3-99 published in R.H.P. (Extra-ordinary)dated 30.3.99.

2 Omitted by notification No. 7-77/92-EXN-6217-254 dated 26-3-1993 published in R.H.P.(Extra Ordinary) dated 31-3-1993..

3.Substituted by Notification No.7-51/98-EXN-7390-440 dated 30.3.99 published in R.H.P.(Extra –ordinary)dated 30.3.99.

4. Substituted by notification No. 7-58/93-EXN-5787 dated 31-3-94 published in R.H.P. (Extra Ordinary) dated 31-3-1994.

5. Inserted by Notification No.7-51/98-EXN-7390-440 dated 30.3.99, published in R.H.P.(Extra-Ordinary)dated 30.3.99.

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observe following sale hours during the working days :-

Period	Licensed hours
From 1st April to 31st March	10.00 A.M. to 10.30 P.M.

Note.-For all intents and purposes in these terms and conditions a rural area shall be taken to mean an area not included within the limits of Municipal Corporation, Committee, Cantonment Board, Small Town Committee and Notified Area Committee.]and

- (b) Hotel Restaurant, Bar places of entertainment and club licensees (form L.3, L.4, L.5, L.3-A, L.4-A, L.5-A, L.12-B and L.12-C) :-

Between 1st April and 15th October : from 12.00 noon to 2.30 p.m. and
from 7.00 P.M.to 11.00 P.M

Between 16th October and 31st march: from 12.00 Noon to 2.30 P.M. and
from 6.00 P.M. to 10.00 P.M.

(c) Canteen licenses in form L.9: as ordered by Military or other concerned Authorities from time to time.

(d) Other licenses : As ordered by the authorities granting the license and endorsed on the license.

¹[(e) However, the licensed premises of all wholesale and retail vends of liquor shall remain closed on the following days :-

1. Independence Day (15th August).
2. Mahatma Gandhi's Birthday (2nd October).
3. Republic Day (26th January).
4. Martyrdom Day (30th January).
- ²[5 Dry days declared by the Excise and Taxation Commissioner.- in compliance with the directions and orders issued by the Election Commission of India from time to time.]
6. A polling day within 5 kms. belt in the State neighboring Himachal Pradesh.

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1. Substituted by Notification No. 7-45/91-EXN-31779-891 dated 31-3-1992 published in R.H.P. (Extra Ordinary) dated 31-3-1992
 2. Substituted by Notification No. 7-38/94-Exn-5522-65 dated 29-3-1995 published in R.H.P/. (Extra Ordinary) dated 31-3-1995.
 3. Added by notification No. 7-77/92-Exn-18472 dated 29-9-1993 published in R.H.P. (Extra Ordinary) dated 7- 10-1993.

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³[7. Any other day specially appointed, by order, by the Excise and Taxation Commissioner.]

CONDITIONS RELATING TO CONDUCT OF BUSINESS

(12) The licensee shall not give to any customer any free dole of liquor nor shall he give any customer any perquisite on the price of liquor sold.

(13) The licensee shall not receive any wearing apparel or other effects in barter for any intoxicants, the sale of which is covered by his license.

(14) Any transaction of the nature of a gift or loan between the licensee and an Excise Officer is prohibited.

(15) The licensee shall not permit any professional entertainment or dancing, or the playing or musical instruments or singing to be carried on in his premises.

Exception. -- This condition shall not apply to a Hotel or restaurant licensed under forms L.3, L.3-A and L.4, L.4-A except in so far as it is imposed by the Collector by general or special order.

(16) Every licensee shall maintain the register for the class of business carried on by him and on the expiry of his license shall make them over to the Excise Officer-in-Charge of the district or some other Excise Officer empowered by the latter in this behalf under a valid receipt. The licensee shall submit all prescribed returns punctually and maintain true accounts of transaction from day to day in ink. he shall enter all figures in English numerals and other particulars in English or Hindi characters, unless the Collector concerned, by special order noted on the license, permits the use of other numerals or characters.

(17) The licensee shall maintain an inspection note-book with the page numbered consecutively duly authenticated by the Excise Inspector and hand it over on demand to any Excise Officer of the First Class of the Excise Department on a receipt being given therefor. any punishment or warning incurred by the licensee without forfeiture or cancellation of his license, shall be recorded in this book.

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(18) The licensee shall at any time produce for inspection on demand by any Excise Officer of the First Class of Excise Department, his license, accounts, registers and inspection note-book and shall allow the inspection of his registers, stocks and premises by the said officer.

(19) The licensee shall not permit the resort to his licensed premises of persons, whom there is reason to believe to be habitual criminals; he shall prevent gambling and disorderly conduct therein, and he shall give information to the nearest Magistrate or Police Officer of the resort to his licensed premises of any person suspected of having committed an offence, or of habitually committing offenses, for which under the Criminal Procedure Code, warrants would ordinarily issue, and of every irregularity committed therein, tending to disturb the public peace; and he shall at all times for police purposes permit free access to the police, to all parts of his licensed premises.

CONDITIONS RELATING TO THE SALE AND STORAGE OF LIQUOR

- (20) The licensee shall not sell or store in his licensed premises for sale or other purposes: -
(a) any class of liquor other than that permitted by his license; and
(b) liquor of any character or brand forbidden by the Financial Commissioner.

(21) The licensee shall not sell or keep on his licensed premises, any chloral hydrate, butylchloralhydrate or para aldehyde, any caramel, or colouring matter or any essence or material used for flavouring beverages, or any rectified spirit, unless he holds a license under form L.12, or L.17 nor shall he mix any of the above substances with any liquor sold or stored by him.

Note. -- This does not prevent the selling or keeping of the above substances by a chemist or druggist holding a license.

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(22) The licensee shall not compound, blend, colour, flavour or rectify any liquor sold or stored by him.

(23) The licensee shall not reduce any liquor to be sold by him or stored in his premises unless he holds a license in form L.16.

(24) The licensee shall not alter or tamper with the labels and capsules on bottles containing liquor purchased by him for sale.

(25) The licensee shall not adulterate or deteriorate any liquor to be sold by him, or sell the same knowing it to have been adulterated or deteriorated, or store or permit to be stored in his licensed premises any liquor in an adulterated or deteriorated state.

(26) No sale of liquor for consumption on the licensed premises shall be made by any measure other than standard stamped measure as approved by the Collector.

Note. -- A peg will be construed to mean 60 millilitres while half a peg 30 millilitres.

(27) The licensee shall not allow any person to conduct sales in his behalf unless the name of such person has been previously submitted to the Collector for approval and endorsed on his license.

Exceptions.-- This condition does not apply to the licensee of a Hotel, Restaurant, Bar, Railway Refreshment Room or Dining Car or Chemist or Druggist holding a license in form L.12.

(28) Subject to the provisions of these rules every license shall, in respect of any article which he is licensed to sell, meet the demand of every customer entitled to be served, who tenders payment for what is required by him and the licensee shall maintain a sufficient stock of all articles which he is licensed to sell to meet the probable demand. This rule does not compel a licensee to meet the demand of a customer even if accompanied by a tender of payment if the customer owes payment for articles previously sold under the license on credit, in a case where a sale on credit is permissible

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(29) The licensed vendors shall at no time advertise sale of liquor by its exhibition to public or by announcing it on loudspeakers, by display of hoardings or advertisements or leaflets or in any other manner. The display of liquor bottles or their containers in the show windows is also prohibited.

(30) All liquor licensees shall issue cash memos in respect of sales of various types of liquor made by them.

(31) [Except when otherwise permitted by the Financial Commissioner, such licensees to sell Foreign Liquor in bottles of capacity of 1000 millilitres and 500 millilitres, the licensees for the sale of bottled Indian Made Foreign Liquor and Country Spirit shall sell liquor in bottles of the following sizes only :-

- (a) reputed bottles of the capacity of 750 millilitres
- (a-1) xxx
- (b) reputed pint bottles of the capacity of 375 millilitres.
- (c) reputed nip bottles or the capacity of 180 millilitres.

In the case of Indian Made Beer, Cider and Sweet Wines the capacity of bottles shall be 650 millilitres and 300 millilitres ;

Provided that the licensee may store and sell Imported foreign Liquor, other than Indian Made Foreign Liquor in bottles of less capacity, if they bear in conspicuous letters and figures and guaranteed quantity of its contents:

³[Provided further that the licensees may store and sell Indian Made Foreign Liquor in glass xxx bottles of 1000 millilitres, 750 millilitres 4[500 millilitres miniatures upto 60 millilitres] sizes also :

Provided further that the licensees may store and sell country liquor in polythene packs/pouches of the following sizes also :-

- (a) 750 Milliliters;
- (b) 500 Milliliters;
- (c) xxx
- 4[(d) 200 Milliliters] and
- (e) 100 Milliliters.]

xxx

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1. Substituted by Notification No. 7-77/92-EXN-7271 dated 19-4-93 published in R.H.P. (Extra Ordinary) dated 4-5-1993.
 2. Inserted by Notification No. 7-6/93-EXN-20619 dated 16-11-1993 published in R.H.P. (Extra Ordinary) dated 27-11-1993.
 3. Substituted by Notification No. 7-58/93-5783 dated 31-3-1994 published in R.H.P. (Extra Ordinary) dated 31-3-1994.
 - 4 Added substituted vide notification No.7-43/99-EXN-6374-6409 dated 29th March, 2000 published in R.H.P. (Extra Ordinary) dated 30.3.2000
 - 5..Inserted by Notification No.7-51/98-EXN-7390-440 dated 30th March,1999, published in R.H.P. (Extra-ordinary)dated 30th March,1999.

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(ii) Unless otherwise specified, all the licencees under these rules shall sell bottled liquor of the following strength :-

- (a) Indian made foreign spirit 25 degree up.
- (b) Indian made beer Not exceeding ¹[8.25 per cent] alcohol.
- (c) Indian made sweets and Not exceeding 30 percent proof.
wines
- (d) Cider etc.
- ²[(e) Country spirit 50 degree proof.]
Ordinary spiced.
- (f) Country fermented liquor Not prescribed.

Provided that the foreign liquor licencees shall not sell imported foreign liquor of a strength less than 25 degree under proof in the case of brandy, whisky or rum or of spirit intended to pass as brandy, whisky or rum or of a strength less than 35 degree, under proof, in the case of gin or of spirit intended to pass as gin.

(iii) The licencees shall not sell Indian made foreign liquor/ spirit and country spirit at the rates below the minimum prices fixed by the Financial Commissioner from time to time.

³[(iv) Each labels of bottle, container or polythene pouches of Indian Made Foreign Liquor, Beer, Cider, Wine or Country Liquor sold by the licensee shall carry the words “'kjkc ihuk LokLF; ds fy, gkfudkj d gS” “Consumption of liquor is injurious to health” duly printed therein.

(v) From such date as may be notified, it will be obligatory to sell only such brands of liquor which are approved and registered during 1997-98 or thereafter by the Financial Commissioner.]

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1. Substituted by Notification No. 7-34/87-EXN-10437-10467 dated 30-4-88. published in R.H.P. (Extra Ordinary) dated 14-5-1988.
 2. Substituted by Notification No. 7-77/92-EXN-6217-254 dated 26-3-1993 published in R.H.P.(9Extra Ordinary) dated 31-3-1993.
 3. Inserted by Notification No. 7-47/96-exn-5675-728 dated 31-3-1997 published in R.H.P. (Extra Ordinary) dated 31-3-1997.

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CONDITIONS RELATING TO THE DETERMINATION OF LICENSES

(32) If any person, who has held a license under these rules, shall have in his possession in the expiry or determination from any other cause of his license, any intoxicants which he is unable to dispose of, he shall at once surrender the same to the Collector. The Collector shall make such intoxicants over, in any quantity not exceeding that which the transfer is likely to sell within two months, to the incoming licencee or otherwise to any licencee within the district who is licensed to sell intoxicants of the kind surrendered; provided that if any such intoxicants be declared unfit for use, after chemical analysis, the Collector shall cause the same to be destroyed.

(33) A licencee to whom any intoxicant is made over in the preceding clause shall be bound to pay such price for the same as may be determined by the Collector , keeping in view the actual amount spent thereon or prevailing market price.

(34)The Collector shall tender the price so paid to the outgoing licensee by whom the intoxicant was surrendered after deducting therefrom any amount of fee, duty or penalty, if any recoverable from the licensee in respect of his license, and such licensee shall not be entitled to any price, payment or compensation what-so-ever in respect of any intoxicants so made other than the sum so tendered to him by the Collector.

¹[Provided further that in the case of increase in the rate of excise duty, the difference attributable to increase of the excise duty shall be recovered in the nature of fee from the incoming licensee in respect of the stocks of Indian Made Foreign Liquor , cider, wine or country liquor, as the case may be, tendered by the outgoing licensee.]

(35) When a sole licensee dies and the Collector does not continue the license to the representative of the licensee or other persons for the remainder of the period on the same conditions, the following rules shall apply :-

- 1. Substituted by Notification No. 7-47/96-EXN-5675-728 dated 31-3-1997 published in R.H.P. (Extra Ordinary) dated 31-3--1997.

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- (a) Licenses disposed of by auction :--
- (I) If a successful bidder dies before he has paid more than Rs. 100/- under rule 36 (10) his estate shall have no claim to the refund of that deposit, but it shall not be liable for any other payment.
- (ii) If a licensee dies after paying initial deposit of Rs. 100/- and his installment of 13-1/2% of the total bid, or a part thereof and any other installment that may have become due his estate shall forfeit the sum paid, including any installment due and paid before the date of his death , but his estate shall not be liable for any other payment. If on the date of his death, the last date allowed for the payment of any installment had expired and the installment had not been paid,his estate shall be liable for the payment of such installment or installments, whether the payment, out of these had been suspended by the competent authority or not.

- (iii) If before his death, the licensee had paid any installment, the last date for the payment of which was more than one calendar month after the date of his death, his estate shall be entitled to a refund of any such installment.
 - (iv) In the event of a loss on resale, the estate of the deceased shall only be liable to the extent laid down above.
 - (v) In the event of a gain on resale, the estate of the deceased shall not be entitled to any refund save as laid down above.
- (b) Licenses disposal of otherwise than by auction :--
- (i) If the fee is payable in a single payment, the estate of the deceased shall not be entitled to any refund of the fee paid and if payment has not been made, the estate shall be liable for the payment of the fee.
 - (ii) If the fee is payable in installments, the estate shall be entitled to a refund of any sums remaining out of the installments paid after

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deducting one-twelfth of the total fee assessed for the year, for each month of the year, during which the licensee was alive, e.g.; if a licensee had to pay Rs. 1,200/- for the whole year pays Rs. 600/- in April, and dies on June 15th, his estate will be entitled to a refund of Rs. 300/-.

- (iii) If the licensee dies before he has paid any installment, his installment, his estate shall only be liable to the extent laid down above.
- (36) If a license becomes liable to cancellation under the Excise Act or the rules or orders made there under the competent authority may either (i) cancel the license and make such arrangements as he may think fit for carrying on the business for which the license was granted, and any fee paid or deposit made in respect thereof shall be forfeited to Government, but if any loss has to be made good, the deposit shall be taken into account for calculating the amount of that loss, or (ii) cancel the license and resell it and recover in the manner laid down in section 60 of

the Punjab Excise Act, 1914, any deficiency in price and all expenses of such resale, or (iii) permit the licensee to retain the license on payment of such further fee as he may deem fit to accept..

(37) If a licensee commits breach of his license, permit or pass the Collector may forfeit the security deposited by the licensee without prejudice to any other action that the Collector may take under section 36 and 39 of the Act.

(38) On the revocation cancellation or determination of any license, the licensee or his representative shall cease to carry on his business under it, and shall return his license to the Collector.

CONDITIONS RELATING TO COMPENSATION

(39) No compensation shall be due for any closure made under section 54 of the Excise Act, as applied to Himachal Pradesh.

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(40) No compensation shall be due to any license on account of the opening of a new shop or the issue of any licensee, during the currency of his license.

(41) No compensation shall be due on account of any change during the currency of a license in the rate at which customs or excise duty is charged on liquor or in any other matter connected with the excise administration and dealt with under powers conferred by the Excise Act.

H -- SPECIAL CONDITIONS

38. The licence shown in this rule are granted subject to the special conditions noted under each in addition to the conditions laid down in rule 37.

- ¹ [(1) A license in form L.1 for the wholesale vend of foreign Liquor to the trade only :-
- (a) The licensee shall sell foreign liquor, only to the persons holding a license in form L.1, L.2, L.3, L.3-A, L.4, L.4-A, L.5, L.5-A, L.6, L.7, L.8, L.9, L.10, L.10-A, L.10-B, L.12, L.12-A, L.12-B or L.12-C 2[L-14 or L-14A in rural areas] and he shall sell bottled liquor only in sealed and capsuled bottles;
 - (b) The licensee shall obtain supplies only from the licensee having license in form L.1, L.1-B or L.1-C.
 - (c) The licensee shall not sell any brand of liquor (excluding the imported foreign liquor) unless such brand has been registered with the Financial Commissioner and has been allotted a registration number.

1.Substituted by Notification No.7-51/98-EXN-7390-440 dated 30-3-1999 published in R.H.P.(Extra-ordinary) dated 30-3-1999.

2. Inserted by notification No.7-43/99-EXN-6374-6409 dated 29th March, 2000 published in R.H.P.(Extra Ordinary) dated 30.3.2000

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(d) No passes for sale of un-registered brands of the liquor specified in clause (c) of this sub-rule shall be issued and no passes for the sales of brands registered but not renewed before the 15th day of April shall be issued;]

(1-A) A license in form L.1-A for storage of foreign liquor in bond combined with wholesale and retail vend of foreign liquor to the trade only :-

- (a) This license shall carry security of Rs. 15,000 in cash or in the form of fixed deposit duly pledged to the Financial Commissioner.

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- (b) This license shall be governed by the Distillery Rules, as applied from time to time so far as the matters not covered in the Liquor License Rules are concerned.
- (c) The licensee shall sell foreign liquor, wholesale or retail bottled or otherwise, only to persons holding a license in form L.1, 2, 3, 4, 6, 7, 8, 9, 10, 12, 12-A, 12-B or 12-C or to a licensee in any State, and he shall not sell unbottled liquor to any retail vendor, who is not licensed to sell for consumption on his premises and he shall sell bottled liquor in sealed and capsuled bottles.
- (d) (i) All issues of foreign liquor from the premises of the licensed vendors in Himachal Pradesh shall be made after depositing duty on them in the Government Treasury/ Sub-Treasury, by the licensee himself.

(ii) In the case of any license in form L.1-A combined with the license in form L.11, all issues of foreign liquor to the licensed vendors outside Himachal Pradesh shall be made only against pre-duty paid import/transport permits of the importing State.

- (e) The licensee shall abide by the provisions of the Punjab Excise Act (1 of 1914) and the rules framed thereunder, with all amendments already made or to be made in future from time to time. He shall also abide by all the directions of the Financial Commissioner, Himachal Pradesh, issued to him in connection with functioning of his license in the same manner.

¹[(1-AA) A license in form L.1-AA for wholesale vend of imported foreign liquor to the trade only :-

- (a) The licensee shall obtain his supplies from approved outlets of India Tourism Development Corporation or other authorised sources approved by the Financial Commissioner from time to time.

1. Inserted by Notification No. 7-47/96-EXN-5675-728 dated 31-3-97 published in R.H.P. (Extra Ordinary) dated 31-3-1997.

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- (b) The condition (a), ¹[xxxxx] for license in form L.1 shall apply mutatis mutandis.]

²[(L-1-B) A license in form L.1-B for the wholesale of foreign liquor to L-1 vends only :-

- (a) The licensee shall function as a stockiest in respect of the brands of liquor manufactured by his distillery, brewery, winery or bonded warehouse.
- (b) The licensee shall sell foreign liquor by wholesale to the persons holding L.1 licenses if any, one he shall sell foreign liquor only in sealed and capsuled bottles or sealed containers, as the case may be ;
- (c) The licensee shall not sell any brand of liquor (including foreign brands of liquor) unless such brands has been registered with the Financial Commissioner, on payment of Rs. 7500/- per brand in case of all liquor excluding wine and cider and in case of wine and cider on payment of Rs. 100/- and has been allotted a registered number for such brand; and
- (d) No pass for sale of unregistered brands of liquor shall be issued.]

²[(1-C) A license in form L.1-C for wholesale vend of foreign liquor to L.1 vends only, by the manufacturers within the State only :-

- (a) The license shall be granted to the licensee holding a license in form L.1-A.
- (b) Condition (a), (c) and (d) for license in form L.1 shall apply mutatis mutandis;

(2) A license in form L.2 for retail vend of foreign liquor to the public only and wholesale vend to licenses in form L.3, L.3-A, L.4, L.4-A, L.5, L.5-A and L.12-A, L.12-B and L.12-C :-

- (a) The license shall not sell liquor for consumption 'on' the premises.
- (b) He shall sell bottled liquor only duly sealed and capsuled.

1. Omitted by Notification No. 7-4/95-EXN-26734-778 dated 22-12-97 published in R.H.P. (Extra Ordinary) dated 7-1-1998.
2. Substituted by Notification No. 7-51/98-EXN-7390-440 dated 30-3-1999, published in R.H.P. (Extra ordinary) on 30-3-1999

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(c) The licensee shall obtain his supplies of liquor from any ¹[L.1, L.1-AA] and S.1 vend in Himachal Pradesh out of duty paid stocks :

²[Provided that the supplies of Indian made cider manufactured in Himachal Pradesh shall be taken from the S-1A vends directly.]

³[(2-A) Supplementary license in form L.2-A for retail vend of foreign liquor to the public for consumption on the premises (attached with L.2 vend):-

- (a) The license shall be granted only to L.2 licensees which are approved by the Financial Commissioner (Excise) at the commencement of each year ;
- (b) The licensee shall run the vend on the premises in or adjoining the premises of L.2 vend to which the L.2-A vend (Ahata) is attached. Where the premises are not so provided, an L.2-A vend shall not be approved by the Collector (Excise) ;
- (c) The licensee shall provide proper and reasonable facilities of furniture to the customers, to the satisfaction of the Collector (Excise);

- (d) The licensee shall also provide proper cover to the customers drinking on the premises of the L.2-A vend, so that they are not visible to public from outside the vend;
- (e) The sale for consumption on the premises shall be by duly stamped peg measures of 60 Mls. and 30 Mls. in the case of Foreign Liquor and in case of Beer by quart bottle of 650 Mls.;
- (f) The foreign liquor to be sold for consumption shall be of the prescribed strength in each case, and its supplies shall be obtained from the concerned main L.2 vend only ;
- (g) The license shall not be run on the premises used as hotels and/ or restaurants or at places providing eatables; and
- (h) The licensee shall in addition to keeping drinking vessels for use of customers shall also keep for their use a supply of pure drinking water.]

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- 1. Substituted by Notification No. 7-47/96-EXN-5675-728 dated 31-3-1997, published in R.H.P. (Extra Ordinary) dated 31-3-1997.
 - 2. Added by Notification No., 7-38/94-EXN-5522-65 dated 29-3-1995 published in R.H.P. (Extra Ordinary) dated 31-3-1995.
 - 3. Added by Notification No. 7-76/89-EXN-3336-65 dated 26-3-1990 published in R.H.P. (Extra Ordinary) dated 31-3-1990..

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- (g) The license shall not be run on the premises used as hotels and/ or restaurants or at places providing eatables; and
 - (i) The licensee shall in addition to keeping drinking vessels for use of customers shall also keep for their use a supply of pure drinking water.]
- (3) A license in form L.3 and L.3-A for retail vend of foreign and ¹[beer including draught beer], ²[cider and wine] respectively in a Hotel or Dak Bangalow ;--
 - (a) The licensee shall sell foreign liquor retail for consumption “on” the premises only to residents in his hotel or dak-bangalow and in case of a dak-bangalow only to the other persons taking their meals there.
 - (b) The licensee shall not set up or maintain on his licensed premises any bar without taking out a separate bar license.
 - (c) The licensee in form L.3-A shall not keep any quantity of “hard liquor” in any case at the vend premises nor shall he allow consumption of hard liquor on the premises by anyone.
 - (d) The license in form L.3-A shall not be run on premises used as hotels and / or restaurants or at places providing eatables.

(e) The licensee shall obtain his supplies of liquor from any L.2 vend in Himachal Pradesh out of duty pre-paid stocks. However, Collector may allow the supplies from L.1 vend also subject to payment of assessed fee prescribed under the rules.

³ [Provided that the licensee may obtain the supply of draught beer directly from the brewery]

(f) The strength of liquor stored or sold shall be the same as prescribed.

(4) A license in form L.4 for the retail vend of foreign liquor in a restaurant :--

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1. Substituted by Notification No. 7-58/93-EXN-5787 dated 31-3-1994 published in R.H.P.(Extra Ordinary) dated 31-3-1994.
 2. Inserted by Notification No. 7-38/94-EXN-5522-65 dated 29-3-95 published in R.H.P. (Extra Ordinary) dated 31-3-95.
 3. Added by notification No.7-43/99-EXN-6374-6409 dated 29th March, 2000 published in R.H.P.(Extra Ordinary) dated 30.3.2000

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(a) The licensee shall sell foreign liquor retail for consumption “on” the premises only to the persons taking meals in the licensed premises.

(b) The conditions (b), (c) and (f) for license in form L.3 will apply mutatis mutandis.

(5) a license in form L.4-A for the retail vend of ¹[beer including draught beer], ²[cider and wine] only in a restaurant for “on” consumption :-

(a) The licensee shall sell ¹[beer including draught beer], ²[cider and wine] in retail for consumption on the premises only to persons taking meals in the licensed premises.

(b) The licensee shall not set up or maintain on his licensed premises any bar without taking out a separate bar licence.

(c) The licensee shall not keep any quantity of “hard liquor” in any case at the vend premises.

(6) Supplementary license in form L.5 to the licensee of a restaurant to keep a bar for the retail vend of foreign liquor :-

(a) The licensee shall only sell foreign liquor retail for consumption “on” the premises by beg measure at a bar or on other parts of the premises specially prescribed in the license. In the case of ¹[beer including

draught beer], ²[cider and wine]the sale will be by glass or opened bottles, such bottles must on no account be removed by customers from the premises.

(b) The conditions regarding supply and strength of liquor shall be the same as prescribed for L.3 licensee.

(7) A license in form L.5-A for the retails vend of ¹[beer including draught beer], ²[cider and wine] in a bar :--

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1. Substituted by Notification No. 7-58/93-EXN-5787 dated 31-3-1994 published in R.H.P.(Extra Ordinary) dated 31-3-1994.
 2. Inserted by Notification No. 7-38/94-EXN-5522-65 dated 29-3-95 published in R.H.P. (Extra Ordinary) dated 31-3-95.

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- (a) The licensee shall sell ¹[beer including draught beer], ²[cider and wine] in retail for consumption on the premises by glass or by opened bottles at a bar or another part of the premises specially prescribed in the license. Such bottles must on no account be removed by customers from the premises.
- (b) The license shall not keep and/or serve any quantity of “hard liquor” in any case at the vend premises.
- (8) A license in form L.6 for the retail vend of foreign liquor in a railway refreshment room for “on” consumption :--
 - (a) The licensee shall only sell foreign liquor retail for consumption on the premises to bonafied passengers and other persons served with eatables there, premises meaning within the limits of the railway station.
 - (b) The licensee shall not sell liquor to persons employed on railway service, except under rules issued by the railway administration.
 - (c) The conditions regarding strength of liquor shall be the same as prescribed for L.3 licensees.
- (9) A license in form L.7 for the retail vend of foreign liquor in a railway dining car :--

- (a) The licensee is authorised to sell foreign liquor retail for consumption on a dining car attached to a railway train running in Himachal Pradesh. He shall sell only :--
- (i) to passengers by that train ;
 - (ii) under rules issued by the railway administration to persons employed in railway service.

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1. Substituted by Notification No. 7-58/93-EXN-5787 dated 31-3-1994 published in R.H.P.(Extra Ordinary) dated 31-3-1994.
2. Inserted by Notification No. 7-38/94-EXN-5522-65 dated 29-3-95 published in R.H.P. (Extra Ordinary) dated 31-3-95.

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- (b) The supply of liquor may be obtained by the licensees from any L.1 licensee in Himachal Pradesh or from any other source with the special permission of the Collector.
- (10) A supplementary license in form L.8 to the licensee of a hotel, restaurant, railway dining car, or railway refreshment room to sell foreign liquor retail for consumption "off" the premises. The licensee shall be bound by all the conditions of his substantive license.
- (11) A license in form L.9 for the retail vend of foreign liquor in military or Indo-Tibetan Border Police canteens whether run regimentally or on club lines in licensed premises approved by the competent military or Indo-Tibetan Border Police authority: --
- (a) The licensee shall not sell liquor, except such liquor as he may be permitted under contract to sell.
 - (b) Not with standing anything in rule 37 (2), the licensee may establish separate places of vend without taking out separate licenses in cases where a portion of unit is detached for training and other purposes or is left behind.
 - (c) The licensee shall not sell liquor of any description to persons other than those attached to the regiment for which this license is granted or duly authorised by the competent military, Indo-Tibetan Border Police authority to use such canteen.

(d) Not with standing anything in these rules the license may store and sell spirit diluted with mineral water with the permission of the competent military, or Indo-Tibetan Border Police authority.

¹[(e) The conditions (c) and (d) for license in form L.1-B shall apply , mutatis mutandis. [* * * * *]].

1. Added by Notification No. 7-47/96-EXN-5675-728 dated 31-3-1997 published in R.H.P. (Extra ordinary) dated 31-3-1997.and further substituted /deleted by Notification No.7-51/98-EXN-7398-440-dated 30th March,1999 published in R.H.P.(Extra ordinary)dated 30.3.1999.

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¹[(11-A) (a) The license shall be granted only to L.9 licensee ;

(b) The licensee shall obtain the supply of foreign liquor required to be sold to ex-servicemen from the main license in form L.9 and after the requisite assessed fee has been paid on such liquor by the L.9 licensee ;

(c) The licensee shall sell foreign liquor only to the ex-servicemen attached to the canteen and holding valid ration cards ;

²[(d) The licensee shall sell the quota of foreign liquor to ex-servicemen in the district through mobile out lets only at the approved places and on not more than three days in a month. ³[xx xx xx] duly approved by the Collector and specified in the license]

(e) The sale of foreign liquor to ex-servicemen at the places and on the days specified in the license shall be made only under the supervision of an Excise Officer 1st class of the area concerned;

(f) The licensee shall maintain separate accounts of sale of foreign liquor to ex-servicemen resident at the approved Headquarters of the canteen and the sale of liquor through mobile out-lets;

(g) The licensee shall maintain accounts in form L.23 and submit returns in form M-66.

(12) A license in form L.10 for the retail vend ⁴[beer including draught beer]⁵[cider and wine] for either “on and off” or “off” consumption:-

(a) The licensee shall keep at all times a sufficient stock of bottled and un

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1. Added by Notification No. 7-6/87-EXN-1397-45 dated 20-1-1988 published in R.H.P. (Extra Ordinary) dated 4-2-1988.
 2. Substituted by the Notification No. 7-6/87-EXN-P- dated 21-11-90, published in the R.H.P. (Extra Ordinary) dated 4-12-1990.
 3. Deleted by notification No. 7-38/90-EXN-5036 dated 30-3-91 published in R.H.P. (Extra Ordinary) dated 7-5-1991.
 4. Substituted by Notification No. 7-58/93-EXN-5787 dated 31-3-94 published in R.H.P. (Extra Ordinary) dated 31-3-1994.
 5. Inserted by Notification No. 7-38/94-EXN-5522-65 dated 29-3-1995 published in R.H.P (Extra Ordinary) dated 31-3-1995.

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bottled ¹[beer including draught beer] ²[cider and wine] available for his customers.

- (b) The price of unbottled ¹[beer including draught beer] ²[cider and wine] sold under his license shall not exceed specific price per glass, if so ordered by the Excise Commissioner.

Note :- Unless orders are received by November , 30, the Collector may presume that no price will be fixed.

- (c) The licensee shall prominently display in front of his shop a signboard showing clearly in English or Hindi the maximum price per glass fixed under condition (b) above.
- (d) The licensee shall only sell ¹[beer including draught beer] ²[cider and wine] on credit to persons authorised by the Collector.
- (e) This license shall not be run on premises used as hotels and/or restaurants or at places providing eatables.
- (13) A license in form L.10-A for retail vend of beer for consumption “on and off” the premises in the premises of L.14 vend of country liquor;
- (a) The license shall be given only to the L.14 licensees.
- (b) The premises will be the same on which L.14 vend is located.
- (c) The licensee shall maintain separate accounts of sale of beer and country spirit.
- (d) Other conditions of L.10 license will apply mutatis-mutandis.

- (14) A license in form L.10-B for retail vend of beer for consumption “off” the premises of L.14-A vend of country liquor :-
- (a) The license shall be given only to L.14-A licencees and will have the same premises as approved for L.14-A.

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1. Substituted by Notification No. 7-58/93-EXN-5787 dated 31-3-94 published in R.H.P. (Extra Ordinary) dated 31-3-1994.
2. Inserted by Notification No. 7-38/94-EXN-5522-65 dated 29-3-1995 published in R.H.P (Extra Ordinary) dated 31-3-1995.

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- (b) No beer shall be sold for consumption “on” the premises.
- (c) Other conditions of license in form L.10 will apply mutatis-mutandis.
- (15) A license in form L.11 for bottling of foreign liquor: -
- (a) The licencee is authorised to bottle foreign liquor only whether manufactured in India or imported.
- (b) Only foreign liquor shall be kept on the premises.
- (c) The licencee shall not bottle any foreign liquor of a strength other than 25 degree UP, for sale in Himachal Pradesh.
- (d) All foreign liquor bottled for export to other States shall bear the prescription on the lable affixed on its bottles with the words conspicuously underlined “Not for sale in Himachal Pradesh”.
- (e) The bottling shall be carried out only at the premises named in the license.
- (f) The licencee shall enter in a stock book in form L.24 the quantity, description and strength of any spirit received on his licensed premises and shall at the end of the each month, prepare and submit to the Excise Inspector, a monthly true abstract of his bottling operations in form M.69. This stock book shall be accessible to the Officer Incharge or any other Inspecting Officer at all reasonable hours and shall be kept unless allowed to be destroyed.

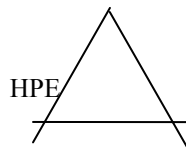
- (g) Specifications of bottles :-
- (i) Indian made foreign spirit shall be bottled in bottles of the following sizes :-
- (a) bottle of the capacity of 750 millilitres;
- (b) bottle of the capacity of 375 millilitres;
- (c) bottle of the capacity of 180 millilitres;
- (ii) The bottles mentioned above shall be of standard pattern and shall bear the following specifications moulded on the glass :-

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- (a) The words "H.P.Excise" and the figures and words "750 millilitres" "375 millilitres" or 180 millilitres", as the case may be or shall have a monogram molded or sand blasted on them consisting of the letters 'HPE' and the figures and letter '750 millilitres', '375 millilitres' and '180 millilitres' in a triangle, e.g ;



- (b) The name or mark of the manufacturer of the bottles.
- (iii) No licensee shall be permitted to use for bottling Indian made foreign spirit any bottles bearing the name or trade of any other bottler.
- (h) (i) Not with standing anything contained in clause (g) the Excise Commissioner may, in case of emergency only, permit for the bottling of Indian made foreign liquor, the use of sand-blasted non-excise plain bottles without the name and mark of the manufacturer of the bottles provided the prescription of sub-clause (ii) (a) of clause (g) are shown distinctly on the labels affixed to it.
- (ii) The period for which permission under the preceding clause is given shall not exceed 3 months at one time.
- (i) (i) All bottles containing Indian made foreign spirit shall unless otherwise allowed by the Excise Commissioner be securely sealed with pilfer proof seals in such a way as to make it impossible to remove the seal without its being cut and/or broken.

(ii) The seals to be used on various kinds of liquor shall be of standard sizes and bear on top thereof, the words "H.P. Excise" together with the name of the bottler, the district in which he has a license, printed in cut-out letterings, provided that any other additional

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printing may be ordered to be done, if so desired by the licensee at the sides only.

(iii) Before bringing any kind of pilfer-proof seal into use, the licensee shall submit samples thereof to the Financial Commissioner for approval. The licensee shall comply with such instructions as the Financial Commissioner may from time to time issue regarding any seal. The licensee shall, however, have his choice in respect of the colour of seals for different varieties of liquor, but their design shall invariably correspond with the pattern approved by the Financial Commissioner.

(j) Bottling of Indian made foreign spirit :-

The licensee shall give timely information to the Excise Officer Incharge, of the days and hours during which bottling is to be done.

Bottling will be allowed only during working hours from 10 a.m. to 5 p.m.

If the licensee has reduced the strength of spirit by dilution, he shall not bottle the spirit until 12 hours after reduction, unless arrangements approved by the Excise Commissioner have been made to cool the spirit and to prevent shrinkage after bottling.

(k) Labels to be used in the bottles of Indian made foreign spirit ;

(i) The licensee may affix to his bottles any label or labels but he shall not show on any label affixed to the bottles filled by him any announcement that the spirit has been distilled at any particular distillery, nor shall any such announcement be made on the capsules or on the paper wrapper of the bottle.

(ii) The name of the licensed bottler and the place of bottling must appear in full in English on all the labels.

(iii) Before bringing any labels into use the licensee shall submit exact copies of them, in triplicate, to the Excise Officer Incharge of the premises who shall forward two copies to the Collector for transmission to the Excise

Commissioner for his approval. The licensee shall comply with such instructions as the Excise Commissioner may issue regarding any label and shall deposit in the excise commissioner's office an exact copy of each label that has been approved.

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(iv) No label shall be accepted if the design is of an objectionable nature or conveys the impression that the label is intended to be imitation of labels used on imported spirit.

(v) Labels on the bottles shall be so affixed as to be easily distinguishable. No label shall be pasted over the words letters, figures or monogram molded or sand-blasted thereon.

(vi) The labels used on the bottles filled with Indian made foreign spirit shall bear the name of month and year of bottling, either in printed form or rubber stamp.

(vii) All these conditions will apply to cartons or wrappers of bottled liquor.

¹[(l) [* * *].

(m) [* * *].

(16) A license in form L.12 permitting the sale of medicated wines,-

(a) The licensee shall not sell under this license any wine except the wines which are classified as medicated wines and assessed under item 22 (5) (b) of the Indian Customs Tariff provided they do not contain more than 42 percent of proof spirit.

(b) The licensee shall not sell any article covered by his license except for medicinal purposes.

1. Added by Notification No. 7-47/96-EXN-5675-728 dated 31-3-1997 published in R.H.P. (Extra Ordinary) dated 31-3-1997. and omitted by Notification No.7-51/98 EXN-7390-440 dated 30th March,1999 published in R.H.P.(Extra-ordinary)dated 30.3.1999.

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- (c) The licensee shall not sell to any one person at any one time any article covered by this license in greater quantity than 9 litres or 12 bottles of the capacity of 750 millilitres each, provided that seals in larger quantities may be made to persons holding a chemist's license and to Government or charitable dispensaries.
- (d) Except upon the order of a qualified medical practitioner, the licensee shall not knowingly sell or supply any article covered by his license for consumption by a minor or person of unsound mind.

Note :- No license shall be required for the sale of any medicated wine containing less than 26 percent of the proof spirit.

(17) Temporary and permanent licenses in forms L.12-A and L.12-B for retail vend of liquor at a bar :-

- (a) the licensee is authorized to sell foreign liquor retail for consumption at a bar or other parts of, the premises specifically prescribed in the license. Sales of liquor shall be made in glasses or by opened bottles only. Such bottles must on no account be removed by customers from the premises. In theaters, cinemas and such places of entertainment liquor shall be sold only to spectators who have purchased tickets or to bonafide servants or employees of the licensee or of his lessee. No liquor shall be sold to students or minors.
- (b) No person shall be permitted to reside in the bar.

(18) Licenses in form L.12.C for retail vend of foreign liquor at a club :-

- (a) The licensee shall be authorised to sell foreign liquor by retail for consumption at a club to its members only, but he shall not sell liquor to students of all ages and other persons below 25 years of age even if they

are members the club. Sale of liquor shall be made in glasses or by open bottles only. Such bottles will, on no account, be removed by the members from the premises.

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- (b) The licensee shall provide for service of drinks in bar room only; beer, however, may be permitted to be served anywhere within the precincts of the club.
- (19) A license in form L.12-D for manufacture and possession of sacramental wine for use on special occasions:
 -
 - (a) The licensee is authorised to manufacture sacramental wine for use on special occasions connected with Catholic Worship for the Sacrifice of the Mass. He shall not have in his possession, for use on such an occasion more than 9 liters of sacramental wine.
 - (b) Such sacramental wine shall be prepared from pure, dried grapes by a process of fermentation only. No alcohol or any other ingredient shall be added in its preparation, nor shall the process of distillation be allowed in the manufacture thereof.
 - (c) Sacramental Wine prepared under the license shall be used on the special occasions connected with Catholic Worship for the Sacrifice of the Mass.
- (20) A license in form L.13 for the wholesale vend of country spirit
 - ¹[(a) (i) Except in the case of a distillery/bonded warehouse/bottling plant, the licensee shall function as stockiest for the retail vendors of the vend sphere in which he holds a license subject to the directions issued by the Excise Commissioner from time to time regulating the supplies of country liquor from the source so authorized by the Excise Commissioner.

(ii) In the case of a distillery/bonded warehouse/bottling plant, the licensee shall function as a stockiest for the wholesale or retail vendors within Himachal Pradesh subject to the directions issued by the Excise Commissioner from time to time; the licensee may store country liquor

1. Substituted by Notification No. 7-77/92-EXN-9528 dated 25--5-1993 published in R.H.P. (Extra Ordinary) dated 1-6-1993.

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bottled by the distillery/bonded warehouse/bottling plant, it self, and, if so directed by the Excise Commissioner, may also obtain supplies of country liquor from such other sources as may be authorised by the Excise Commissioner, and store such country liquor, provided that the licensee shall maintain two separate and distinct rooms for the storage of the two types of country liquor.]

¹[Provided that a distillery/bonded warehouse/bottling plant functioning outside the State of Himachal Pradesh, either itself or through agents duly authorised in this behalf, may also be granted a license in form L.13 and it shall thereafter function as a stockist for the wholesale or retail vendors of country liquor in Himachal Pradesh subject to --

- (a) payment of Rs. 15,000 as part payment of license fee, at the time of making application for grant or renewal of the license for a financial year;
 - (b) payment of Rs. ²[0.70]per unit of 750 millilitres sold, as remaining license fee, within 7 days of the expiry of each month of the financial year;
 - (c) payment of interest at the rates specified in clause (vi) of sub-rule 26 of rule 36 on all delayed payments of license fee; ³[xx xx xx]
 - (d) The directions issued by the Excise & Taxation Commissioner from time to time] ³[xx xx xx]
- (iii) The licensee shall sell country liquor to the wholesale/retail vendors at the price fixed by the Excise and Taxation Commissioner, Himachal Pradesh.
- (iv) The licensee shall sell country spirit for sale only at a strength of 50
-

1. Substituted by Notification No. 7-38/94-EXN-5522-65 dated 29-3-1995 published in R.H.P. (Extra Ordinary) dated 31-3-1995.
2. Substituted by Notification no. 7-51/97-EXN-5615-5660 dated 30-3-1998 published in R.H.P. (Extra Ordinary) dated 31-3-1998.
3. Omitted by Notification No. 7-47/96-EXN-5675-728 dated 31-3-1997 published in R.H.P. (Extra Ordinary) dated 31-3-1997.

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degree proof, as per directions of the Excise Commissioner]

- (b) The licensee shall sell country liquor to the retailers at a price as fixed by the Excise Commissioner from time to time.
- ¹[(c) The licensee shall obtain his spirit for sale only at a strength of 50 degree proof.]
- (d) The licensee shall keep an adequate stock of all brands of country liquor in quarts pints and nips of standard sizes viz. 750mls., 375mls, 180mls., to meet at least one month's demand of retail sale licenses of country liquor of his vend's sphere.
- (e) The licensee shall not alter or compound spirit, and that he shall not introduce into his licensed premises or use or sell any rectified spirit.
- (f) The licensee shall not sell or expose for sale country spirit in bottles bearing such figures, words or marks as are reasonably calculated to lead any one to believe that such spirit is other than country spirit.
- (g) The licensee shall sell country liquor of the kinds authorised by the Excise Commissioner to a person holding a license in form L.13, L.14 or L.14-A or L.14-B.
- (h) ¹[Before] making any sale under his license the licensee shall apply to the Collector or other Officer empowered that behalf to prepare a pass in the prescribed form to cover the transport of the spirit to its place of destination and shall not despatch any spirit till a pass covering such transport has been duly issued.
- (i) In case of dispute regarding attachment/detachment of particular L.14 vend with/from L.13 vend for the supply of country liquor, the decision of the Collector (Excise) of the Zone concerned shall be final.

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- (j) The licensee shall issue in respect of each transactions of sale a cash memorandum in the following form and shall preserve a carbon copy of such cash memorandum till the close of the financial year in which it is issued :-

“CASH MEMORANDUM

Serial No Dated..... name and address of the licensee with the name of vend.

L.13 license No.

No. of license,

Name and address of the licensee to whom the liquor is sold.

Quantity (Quarts, Pints, Nips.) Sale

Particulars of liquor.

Price.

Signature of the Licensee/Approved Agent.”

- (k) Other conditions mentioned in rule 22 of these rules shall apply in addition to the above conditions.

¹[(20-A) A license in form L.13-A for the storage and transfer of Country Liquor by an L.14 or L.14-A licensee to his own vends ²[in the Tehsil or Circle or entire District:--]

- (a) The licensee shall store country liquor for transfer of such liquor to the L.14 or L.14-A vends held by him within a district, subject to the directions issued by the Excise Commissioner from time to time. The licensee may obtain supplies of country liquor from the sources so authorised by the Excise Commissioner from time to time.

- (b) The licensee shall obtain his spirit for the storage and transfer to his own

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1. Inserted by Notification No. 7-38/90-EXN-5036 dated 30-3-1991, published in R.H.P (Extra Ordinary) dated 7-5- 1991.
 2. Inserted by Notification No. 7-45/91-EXN-31779-811 dated 31-3-1992 published in R.H.P. (Extra Ordinary) dated 31-3-1992

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- retail vends for sale only at a strength of 50 degree proof except that 10 percent of the annual quota of country liquor will be permitted as special spiced country liquor of 60 degree proof subject to demand.
- (c) The licensee shall keep an adequate stock of all brands of country liquor in quarts, pints and nips of standard sizes viz. 750 mls., 375mls., and 180mls., to meet at least one month's requirement of his own retail vends.
 - (d) The licensee shall not alter or compound spirit, and that he shall not introduce into his licensed premises or use or keep any rectified spirit.
 - (e) The licensee shall not store country spirit in bottles bearing such figures, words or marks as are reasonably calculated to lead any one to believe that such spirit is other than country spirit.
 - (f) The licensee shall store country liquor of the kinds authorised by the Excise Commissioner for transfer to his own L.14 or L.14-A vends for sale.
 - (g) ¹[Before] making any transfer under his license the licensee shall apply to the Collector or other Officer empowered in that behalf to prepare a pass in the prescribed form to cover the transport of the spirit to its place of destination and shall not transfer/despatch any spirit till a pass covering such transport has been duly issued.]
 - (21) License in form L.14 for the retail vend of country spirit for "on" and "off" consumptions:-
 - (a) The licensee shall, unless otherwise permitted by the Excise Commissioner or Collector obtain the requirement of country spirit from a person licensed to sell country spirit by wholesale in the District concerned to which his vend is attached.

1. Substituted by Notification No. 7-77/92-EXN-9528 dated 25-5-1993 published in R.H.P. (Extra Ordinary) dated 1-6-1993.

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- ¹[(b) The licensee shall sell country Liquor in sealed bottles of standard size viz. 750Mls., 375Mls., 180Mls., duly labeled and capsuled and Polythene pouches of the capacity of 200 Mls. as issued from wholesale vend for sale for consumption “off” the premises. In case of consumption “on” the premises, the sale will be by duly stamped peg measures of 60 Mls. and 30 mls. each.]
- ²[(aa) The licensee holding a license in form L-14 in rural areas is permitted to sell I.M.F.S. on the same terms and conditions as applicable to the holder of licence in form L-2.]
- (c) The country spirit to be sold on this vend shall be of the same strength as prescribed for L.13 licensees in Rule 37(31) (ii) (e).
- (d) The limit of retail sale and private possession of country liquor shall be two bottles of the capacity of 750Mls.
- (e) The licensee shall keep the liquor shop properly stocked with all brands and sizes of bottles at all time to meet the demands of the public at least for one month even if the licensee is required to lift monthly proportionate quota after paying license fee installments of the corresponding month. The licensee will be entitled to sell annual quota of country spirit allocated for the vend by the Collector. Supplementary quota of country liquor may be sanctioned by the Excise Commissioner in his discretion with or without additional license fee.
- (f) A licensee holding a license in form L.14 may transfer any part of the quota of country liquor of his vend to any other vend for retail sale of country liquor during the currency of the period of his license, with prior permission of the ³ [* * *] ²[A.E.T.C/ E.T.O., I/C of the district if such transfer is within the same group of vends auctioned as a unit and the Collector (Excise) of the concerned Zone if the transfer is within the vends of different group of vends auctioned as a unit within the District.]

Explanation :- This rule allowing transfer of quota is not to be construed as conferring a right on licensee but only a concession or a facility and the refusal of the Collector to allow transfer will not in any way affect the liability of the licensee either to pay the entire license fee due from him or any other liability under the Punjab Excise Act, 1914 and the rules made thereunder.

1. Substituted by Notification No. 7-77/92-EXN-6217-254 dated 26-3-1993 published in R.H.P. (Extra Ordinary) dated 31-3-1993.
2. Added by notification No.7-43/99-EXN-6374-6409 dated 29th March,2000 published in R.H.P.(Extra Ordinary) dated 30.3.2000.
3. Deleted /Submitted by Notification No.7-51/98-EXN-7390-440 dated 30-3-1999, published in R.H.P.(Extra-ordinary)dated 30-3-1999.

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- (g) xxx
- (h) The licensee shall not sell or expose for sale country spirit in bottles of such shape or colour or bearing such figures, words or marks as are reasonably calculated to lead persons to believe that such spirit is other than country spirit.
- (i) The licensee shall not sell more than two reputed quart bottles of spirit to any person at one time provided that he may sell to any person at one time any quantity of country spirit covered by a permit issued by an authorised officer provided that any sale made by a licensee under such a general or special permit shall be specially registered by him.
- (j) The licensee shall sell country spirit at such rates as may be fixed from time to time by the Excise Commissioner, Himachal Pradesh.
- (k) No country spirit shall be sold for consumption off the premises in a cantonment except under a pass, unless this condition is dispensed with by the Military authorities.
- (l) The license shall not be run on premises used as hotels and/or restaurants or at places providing eatables.
- (m) The licensee shall in addition to keeping drinking vessels for the use of customers, keep for their use a supply of pure drinking water.
- (22) License in form L.14-A for the retail vend of country spirit for consumption off the premises and license in form L.14-B for retail vend of country spirit on special occasion :-
- (a) The licensee shall sell spiced and special spiced country spirit only in sealed bottles for consumption off the premises.
- (b) All other conditions prescribed for license in Form L.14, except condition (m) above, will apply mutatis-mutandis.

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- (23) A licence in form L.15 for the bottling of country spirit -Except the following, special conditions relating to the bottling of Indian made foreign spirit under L.11 and bottling of country spirit as in the Distillery Rules, shall apply mutatis mutandis to the bottling of country spirit under licence L.15 :-

The licence is authorised to bottle country spirit only which includes spiced and special spiced country spirit only at the strength of 50 degree and 60 degree proof, respectively.

- (24) A licensee in form L.16 to reduce country spirit :-

- (a) The licensee is authorised to reduce by the addition of water spirit of an original strength not exceeding 60 degrees over proof to the strength prescribed for retail sale.
- (b) The reduction must be done in a special empty receptacle. Water used for reduction must be pure and the licensee must comply with the directions of the Collector regarding the water supply.
- (c) Timely intimation must be given to the Excise Officer when reduction is to be done.

- (25) A licence in form L.17 for the vend of denatured spirit :-

- (a) The licensee shall not without the special sanction of the Financial Commissioner, have in his possession at any one time denatured spirit in a quantity in excess of 1000/2000 litres as specified in his licence.
- (b) The licensee may sell in retail sale not more than one quart bottle for domestic use and six quart bottles of 650 mls. for industrial purpose at one time.
- (c) The licensee before selling any denatured spirits by retail shall use all reasonable diligence to ascertain the quantity already in purchaser's possession and shall not at one time sell to him more than one quart bottle of 650 mls. i.e. the quantity permitted for retail sale, for such smaller quantity, as, together with what is, believed to be in good faith to be in the buyer's possessions, will amount to the maximum quantity of retail sale.

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- (d) The licensee shall not sell denatured spirit of a strength less than 50 degrees over proof.
 - (e) The licensee shall in accordance as he may be permitted by the Financial Commissioner, obtain supplies from one or more of the sources and subject to the condition, if any, imposed by him, procure his supplies of denatured spirit either from a bonded warehouse set up or approved by the Government, or by direct importation from overseas or, by purchase from other vendors licensed to sell denatured spirit, or by removal from licensed distilleries after obtaining the permit and pass required under the rules applicable to such removals.
 - (f) The licensee shall not mix denatured spirits with other spirits.
 - (g) The licensee shall conspicuously exhibit a sign board at his place of vend bearing his name and the words “ licensed vendor of denatured spirit.
 - (h) The licensee, shall sell denatured spirit wholesale and retailsale, at such rates as may from time to time be fixed by the Financial Commissioner. Such rates will be conspicuously exhibited at the vend.
 - (I) all bottles, jars, drums, or casks containing denatured spirit, shall bear a label, printed in red and containing skull and cross bones, with a warning ‘not to be taken internally’ in Hindi and English. The word ‘wine’ must in no circumstances appear on such labels. Before bringing any labels into use, the licensee shall submit exact copies thereof in triplicate, to the Excise and Taxation Officer, who shall forward them to the Collector for his approval. The Collector shall return two copies to the Excise and Taxation Officer. The licensee shall comply with such instructions as the Financial Commissioner/Collector may issue regarding any label.
 - (j) The licensee shall keep separate accounts of sales by wholesale or by retail in form L.31 and shall at the end of each month prepare and submit to the Excise Inspector a monthly true abstract of receipts and sales in form M.71.
- (26) A licence in form L.19 for the vend of rectified spirit for medicinal, industrial and scientific purposes --

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- (a) Rectified spirit sold under this license shall be of a strength not less than 60 degree over-proof and neither water nor any substance whatsoever, shall be added to it by the licensee. The licensee shall, in accordance as he may be permitted by the Financial Commissioner, obtain supplies from one or more of the sources and subject to the conditions, if any, imposed by him, obtain supplies of rectified spirit from a bonded warehouse, set up or approved by Government or from any licensed distillery in Himachal Pradesh, Punjab, U.P. or Haryana so authorised by the Financial Commissioner.
 - (b) The licensee shall not have in his possession at any one time a quantity exceeding 45 litres, or such larger quantity as the Financial Commissioner may specially authorise.
 - (c) The licensee shall sell rectified spirit for medicinal, industrial and scientific purposes only.
 - (d) The licensee shall not sell in any one transaction more than the quantity which the purchaser is permitted to possess.
 - (e) The licensee shall label every receptacle containing rectified spirit conspicuously showing the nature and place of manufacture of its contents.
 - (f) The licensee shall maintain separate accounts of sales by wholesale and retail in form L.31 and shall at the end of each month prepare and submit to Excise Inspector a monthly true abstract of receipts and sales in form M.71.
- (27) A licence in form L.20-A for the vend of tari :- The licensee shall observe all such conditions as the Financial Commissioner may determine when a license for the vend of tari is granted. The licensee shall, however, make his own arrangements with the owners of palm trees for the supply of tari.
- (28) A license for the retail vend of country fermented liquor in form L.20-B:--
- (a) A licensee is authorised to manufacture country fermented liquor for sale on the licensed premises. He shall not sell country fermented liquor prepared elsewhere.
 - (b) Such country fermented liquor shall be prepared from grains only, no gur or molasses made from sugarcane shall be used in its preparation.
 - (c) The licensee is authorised to sell country fermented liquor for a consumption on or off the premises.
 - (d) The licensee shall keep the stock of country fermented liquor in a room set a part for the purpose.

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(29) A license in form L.20-C for manufacture and possession of country fermented liquor for home consumption: --

- (a) The country-fermented liquor prepared under L.20-C shall be for domestic use only and shall not be transferred or sold elsewhere.
- (b) The licensee shall not have in his possession at any one time for use by him for home consumption more than 24 quarts of 750 mls. each of country fermented liquor.
- (c) Such country-fermented liquor shall be prepared from grains only. No gur or molasses made from sugarcane shall be used in its preparation.
- (d) The license shall be issued by the Collector or any Excise Officer of First Class authorised by the Collector.

(30) A licence in form L.20-CC for manufacture of country liquor for distillation form fruits and grains for home consumption: -

These licenses will be granted by the Collector or any Excise Officer of First Class authorized by him in Kinnaur and Lahaul Spiti Districts and Dodra Kwar areas of Shimla district. on payment of Rs. 25/- and free of license fee in Pangi Tehsil of Chamba district, per year, subject to the conditions that no such distillation shall be permitted from “Gur or Molasses”

(31) A license in form L.20-D for the manufacture and possession of country fermented liquor for use on special occasions :-

- (a) The licensee is authorised to manufacture country fermented liquor for use on special occasions such as a marriage, festival or a cast gathering. He shall not have in his possession for use on such a special occasion more than 24 quarts each of 750Mls. of country fermented liquor.

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- (b) Such country-fermented liquor shall be prepared from gains only. No gur or molasses made from sugarcane be used in its preparation.
- (c) Country fermented liquor prepared under this license shall be for domestic use only, and shall not be transferred or sold elsewhere.

I -- Registers of accounts and returns.

39. Except in case where it has been otherwise or provided, all the licensees shall maintain accounts of receipts and sales in the forms mentioned below and shall at the end of each month prepare and submit to the Excise Inspector a monthly true abstract (i.e. return) of receipts and sales by the ¹[5th] of the following month under the forms prescribed hereunder: -

- (a) The licensee holding licenses in form L.1, L.1-A, ²[L-1-AA, L-1-B, L-1-C] and L-2³[L.2-A] shall maintain accounts in Form L.22 and submit returns in for M.66.
- (b) The licensee holding license in form L.3, L.3-A, L.4, L.4-A, L.5, L.5-A, L.6, L.7, L.8, L.9, L.10, L.10-A, L.10-B, L.12-A, L.12-B and L.12-C shall maintain accounts in form L.23 and submit returns in form M.66.
- (c) A licensee holding license in form L.11 shall maintain accounts in form L.24 and submit returns in form M.69.
- (d) a licensee holding license in form L.12 shall maintain accounts in form L.29 and submit return in form M.72.
- (e) A licensee holding license in form ⁴[L13 and L.13-A] shall maintain accounts in form L.25 and submit return in form M.67.
- (f) The licensee holding licenses in form L.14, L.14-A and L.14-B] shall maintain accounts in form L.26 and submit return in form M.68.
- (g) A licensee holding license in form L.15 shall maintain accounts in form L.28 and submit return in form M.69.
- (h) A licensee holding license in form L.19 shall maintain accounts in form L.30 and submit return in form M.70.

1. Substituted by Notification No. 7-47/96-EXN-5675-728 dated 31-3-1997 published in R.H.P. (Extra Ordinary) dated 31-3-1997.

2. Inserted by Notification No.7-51/98-EXN-7390-440 dated 30th march,1999,published in R.H.P.(Extra-ordinary) dated 30.3.99.

3. Inserted by Notification No. 7-76/89-Exn-3396-3425 dated 26-3-1990 published in R.H.P (Extra Ordinary) dated 31-3-1990.

4. Substituted by Notification No. 7-38/90-EXN-5036 dated 30-3-1991 published in R.H.P.(Extra Ordinary) dated 7-5-1991.

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- (i) The licensee holding license in form L.17 and L.19 shall maintain accounts in form L.31 and submit return in form M.71.
- (j) A licensee holding license in form L.20-B shall maintain accounts in form L.27 and submit return through an ordinary statement.
- (k) No forms of accounts and returns are, however, prescribed in respect of licensee holding licences in form L.12-D, L.20-A, L.20-C and L.20-CC and L.20-D

J -- Repeals and Saving.

40.(1) The Punjab Liquor License Rules, 1932 as in force in the areas comprised in Himachal Pradesh immediately before 1st November, 1966, as amended from time to time and the Punjab Liquor License Rules, 1956, as in force in the territories transferred to Himachal Pradesh under Section 5 of the Punjab Re-organization Act, 1966, and further as amended from time to time, are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken including any orders, notifications issued under the repealed rules shall to the extent of being consistent with the provisions of these rules, be deemed to have been done or taken under the provisions of these rules.

¹[SCHEDULE 'A']
(SEE SUB-RULE (A) OF RULE 27)

<u>Sl. No.</u> <u>1</u>	<u>Particulars of license</u> <u>2</u>	<u>Rates of fixed fee</u> <u>3</u>
² [1.	For license in form :- L.1 Wholesale vend of foreign liquor to the trade only.	Rs. 2,25,000 per annum.

1. Schedule 'A' substituted by Notification No. 7-56/95 Exn-9218-62 dated 23-3-1996 published in R.H.P. (Extra Ordinary) dated 30-3-1996.
2. Items 1,2,3,4,5,&6 Substituted by Notification No. 7-51/98 EXN-7390-440 dated 30th march,1999 published in R.H.P.(Extra-ordinary)dated 30.3.99.

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¹ [2.(a)	L.1-A for the storage of Foreign liquor in bond combined with wholesale and retail vend of Foreign liquor to the trade only and a license in form L.11 to bottle foreign liquor.]	Rs. 60, 000 per annum.
² [(b)	L.1-AA wholesale vend of imported liquor to trade only.]	Rs. 10,000
³ [(c)	(i)L.1-B wholesale vend of foreign liquor manufactured outside the State, to L.1 vend only.	i) Rs. 1/- per PL on IMFS & 30 paise per BL on Beer, wine & cider subject to minimum of Rs. 25,000/-] (ii) 30 paise per bulk litre. subject to minimum of Rs. 15,000/-]
(d)	(ii) L-1-B (exclusively for Beer and/or wine and cider)	Rs. 2,25,000 per annum.
3.	L-1-C wholesale vend of foreign liquor to L-1 vend only by the manufacturers within the State.	Rs. 5000/- per annum (payable in lump-sum).
3[4. (1)	L.2-A for retail vend of foreign liquor to the public only for consumption on the premises (Supplementary to a license in form L.2).	
(A)	L.3, L.4 and L.5 (combined) for the vend of foreign liquor in a hotel or dak-bangalow, restaurant and a bar attached to restaurant :-	
(i)	Areas:- Shimla District : Shimla town including Kasumpti, New Shimla,Khalini, Vikasnagar, Chharabra, Kufri to Shilon Bag on Kufri Chail Road and all areas along the National Highway upto Sankat Mochan Mandir.	For hotels where total number of rooms is <u>10 to 25 26to 50 50 and above</u> Rs.0.40Lakh. 0.50Lakh 0.70 lakh

1. Substituted by Notification No. 7-47/96 EXN-5675-728 dated 31-3-1997 published in R.H.P. (Extra Ordinary) dated 31-3-97.
 2. Substituted by notification No.7-51/98-EXN-7390-440 dated 30th March,2000 .published in R.H.P.(Extra ordinary) dated 30.3.99
 3. substituted by notification No. 7-43/99-EXN-6374-6409 dated 29th March,2000 published in R.H.P.(Extra Ordinary) dated 30.3.2000.

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		For hotels where total number of rooms is
(ii)	Kullu District : Areas from Katrain to Kothi	10 to 25 26 to 50 50 & above Rs.0.40 Rs.0.50 Rs.0.70. Lakh Lakh lakh
(B)	all District Head quarters town in Himachal Pradesh (excluding Shimla, Kinnaur and Lahaul Spiti District Head quarters), Dalhausie town (Chamba District), Mcleodganj and Palampur (Kangra District), Chail and Kasauli (Solan District) and all areas along the National Highway from Sankat Mochan Mandir (Shimla District.) to Parwanoo (Solan Distt.)	Rs.0.25 Rs.0.30 Rs.0.45 Lakh Lakh Lakh
(C)	All areas in Himachal Pradesh other than those specified in part (A) and (B) above.	
4(2)	L.4 and L.5 (combined) for vend of foreign liquor in a restaurant and a bar attached to restaurant in;	Rs. 0.15 Rs. 0.40 Rs. 0.20 lakh. lakh. lakh;
(i)	areas mentioned in part (A) of item 4;	Rs.0.70 Lakh
(ii)	areas mentioned in part (B) of item 4.	Rs. 0.40 Lakh.
(iii)	areas mentioned in part (C) of item 4.	Rs 0.20 Lakh
4(3)	Additional license fee for each additional premises under rule 18-A.	Rs. 0.20 lakh]
¹ [5. (i)	L.3-A, L.4-A and L.5-A (combined) or L.4-A	
(ii)	and L.5-A (combined) in --	
(iii)	areas mentioned in part (A) of item 4;	Rs. 0.175 lakh
	areas mentioned in part (B) of item 4.	Rs. 0.15 lakh
	areas mentioned in part (C) of item 4.	Rs. 0.125 lakh

1. Substituted by Notification No. 7-51/97 EXN-5615-5660 dated 30-3-98 published in R.H.P. (Extra ordinary) on 31-3-98.

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6.	(a)	¹ [L.9 Retail vend of foreign liquor in a Military Canteen including unit-run Military Canteens or those run regimentally on club lines.] ² [L.9-A.retail vend of foreign liquor exclusively for sale of liquor to ex-service man(Supplementary to licence in from L.9 in a Military Canteen including unit-run Military Canteen or these run regularly on club lands.	Rs. 0.01Lakh annum.] (b) Rs. 1,500 for L.9 per annum Rs. 0.01.5 lakh
7.		L.10-A for retail vend of beer in the premises of L.14 vend. L.10-B for retail vend of beer for consumption off the premises of L.14-A vend	Rs. 50/- per annum. Rs. 50/- per annum.
8.		L.12 for the sale of medicated wine.	
9.		L.12-A for the retail vend of foreign liquor at a place of entertainment of recreation :-	Rs. 50/- per annum.
10.		Minimum fees :	As determined by Financial Commissioner in each case. Rs. 10/- per license or for licenses more than a day, Rs. 5/- per diem, whichever is greater.
11.		Maximum fees :	Rs. 100/- per diem Rs. 300/- per mensum.
		L.12-B	Rs. 150/- per annum.

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1. Substituted by notification No.7-51/91-EXN-5615-60 dated 30th March,1998 published in R.H.P. (Extra Ordinary) dated 31.3.98.
 2. Inserted by notification No.5-56/95-EXN-9218-62 dated 23rd March, 1996 published in R.H.P.(Extra Ordinary) dated 30.3.96.

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[Rule –

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16.	L.20-CC for manufacture of country liquor by distillation from fruits and grains for home consumption.	Rs. 25/- per annum.
17.	L.20-D for manufacture and possession of Country Fermented Liquor for use on special occasions.	Rs. 5/- per annum.

¹[xxxxx]

²[Explanation. -- The rates of fixed fee in respect of L.1, L.1-AA, L.1-B and L.13 (granted to a distillery/bonded warehouse/bottling plant or storage and sale of country liquor) shown in column 3 of this Schedule are the minimum rates of license fee. In case of increase in the rates of excise duty (countervailing duty or excise duty) the licensee shall pay further license fee above these minimum rates to be calculated, on the quantity of liquor remaining unsold on 31st March each year, at the rate equal to the difference attributable to such increase. The rates of fixed fee shall be determined accordingly.]

1. item no. 18 omitted by Notification No. 7-51/97 EXN-5615-5660 dated 30-3-98 published in R.H.P. (Extra Ordinary) on 31-3-98.

2. Explanation added by notification *ibid*.

Chapter]

[Rule --

THE HIMACHAL PRADESH LIQUOR LICENSE RULES, 1986

¹[SCHEDULE 'B']

(See Rule 30)

ASSESSED FEES PER BULK LITRE

¹ [Sl. No.]	Kind of License		Spirit		Wine		Cider		Beer	
	IMFS	Imported		Indian made	Imported	Indian made	Imported			
1	2	3	4	5	6	7	8	9		
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1.	L.3, L.4, L.5, L.3-A, L.4-A and L.5-A.	² [75	105	10.35	2.10	1.05	12	18		
2.	L.6, L.7 and L.8.	² [75	105	10.35	2.10	1.05	12	18		
3.	L.12-A, L.12 -B and L.12-C.	² [45	60	10.35	2.10	1.05	9	12		
4.	L.9 and L.9-A	² [25	25	2.00	0.40	0.10	3	5		

Note :-- The rates of assessed fee on beer in specified in column no.8 and 9 except for L.9 and L.9-A are applicable to all bottle of 650 mls.

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- Schedule 'B' substituted by notification no. 7-56/95 EXN 9218-62 dated 23-3-96 published in R.H.P. (Extra Ordinary) on 30-3-96.
 - Figures of assessed fee substituted by notification no. 7-51/97 EXN 5615-5660 dated 30-3-98 published in R.H.P. (Extra Ordinary) on 31-3-1998.

