

LAST DATE OF FILING OF APPLICATION: DT 3-12-2011 AT 5 ~~AM~~/P.M.

DISTRICT EXCISE OFFICE, BHADRAK.

No. 768 / Ex. Dt. 26.11.2011

FORM 'A'

NOTICE INVITING APPLICATIONS FOR SETTLEMENT OF INDIA MADE FOREIGN LIQUOR "OFF" SHOP AND C.S. LIQUOR SHOPS THROUGH LOTTERY FOR THE REMAINING PERIOD OF THE YEAR 2011-12.

(See Clause (ii))

1. The consideration money for exercising the exclusive privilege for retail sale of **India Made Foreign Liquor (OFF)** in the District of Bhadrak will be determined through "inviting applications filed consideration money and by draw of lottery" in accordance with the order issued under sub-section (2) of Section 29 of the Bihar and Orissa Excise Act, 1915 as for the time being in force and applicable, on 07-12-2011 (date), at 3.30 PM (time) at Collectorate (place). Res. No. 1151/2011

2. The Exclusive privilege to be so granted will confer the right to open a shop in the locality named in the list. The list of localities where the shops are sought to be opened with their monthly consideration money is annexed herewith.

3. The exclusive privilege shall, without prejudice to any of the provisions of the Bihar and Orissa Excise Act, 1915 and the Rules made there under shall be subject to the following conditions:-

- (i) The consideration money shall be payable in the manner specified in the Orissa Excise (Exclusive privilege) Foreign Liquor Rules, 1989 as amended from time to time.
- (ii) The currency of the licence will commence on from date of grant till 31.3.2012 on which date, the holders of the licences is to open the shop for retail sale of Indian Made Foreign Liquor. Failure to open the shop on stipulated herein will entail cancellation of the licence and recovery of any loss caused to Govt. except in case of delay in granting the licence or where any shop is closed under Section 26 of the Bihar and Orissa Excise Act, 1915.
- (iii) No compensation shall be paid to the holder of an exclusive privilege for retail sale of Indian Made Foreign Liquor or country liquor for closure of his shop on 2nd day of October every year on account of "Gandhi Jayanti" and also for closure during general election/bye-election. The holder of the licence shall be liable to pay the amount of the Election Commission during the election to their Panchayat.

Panchayat Samiti/ Zilla Parishad and Urban Local Bodies.”

- (iv) The holder of a licence shall not be entitled to any compensation or to the refund of any consideration money paid or deposit made in respect thereof in the event of his licence being cancelled or suspended before the expiration of its term under the provisions of Section 42 of the aforesaid Act.
- (v) A shop once starts operating in its sanctioned locality shall not ordinarily be removed. However shifting of a shop to any site other than the sanctioned locality for any special reason shall be subjected to the approval of the Excise Commissioner.
- (vi) The Holder of the license shall abide by the provisions of the Act and of the rules and orders made there under.
- (vii) The State Government will not be responsible for providing the place for location of the shops. It will be responsibility of privilege holder to arrange suitable place and carry on the privilege granted to him. The place so arranged shall be free from objection from the public.
- (viii) The Exclusive privilege, once granted shall continue for a period of three years including the year of grant, unless and otherwise directed by the Government. The Exclusive privilege holder shall renew his license on terms and conditions generally prescribed for all by the State Government from year to year till completion of three years. Willful omission to renew the license for a shop or group of shops in terms and conditions generally prescribed for all will not allow the Exclusive privilege holder or his family members or his associates to take part in subsequent settlement of the shop or any other shops till completion of three years including the year of grant.
- (ix) No license shall be granted to any person who is of doubtful solvency or who is known to be involved in spurious liquor trade, or who has been facing a trial in any criminal Court under the Act or who has been charged of a non-bailable offence under the provisions of Indian Penal Code, 1860 (Act No. XLV of 1860) or who is a defaulter in terms of Rule 45 of the Odisha Excise Rules, 1965 or in terms of Rule 102 (A) of Board's Excise Rules, 1965.
- (x) The State Government reserve the right to refuse grant of exclusive privilege without assigning any reason thereof and settle the privilege before expiry of 3 years in the manner as may be directed by the State Government.

(xi) The lottery shall be held subject to the following conditions:

- (a) The person (s) intending to take part in the lottery shall submit application(s) to the Collector in the format prescribed herewith.
- (b) The application as in Form 'B' shall be accompanied with the up-to -date solvency Certificate, up-to-date sales tax, income tax clearance or non-assessment Certificate as the case may be, copy of permanent Account Number Card, Excise No. dues certificate and a Bank draft of Rs. 25,000/- towards non-refundable application fee for new IMFL "OFF" shops, Rs. 20,000/- towards application fee for new C. S. shops drawn in favour of the Collector concerned besides the requisite Court fee of the value as prescribed under the Indian Stamp Act, 1899.
- (c) The applicant shall also enclose a copy of Voter's Identity Card or in the absence of the same a copy of recent pass port size photograph.
- (d) An affidavit duly executed by the applicant before an Exclusive Magistrate to the effect that the applicant has not been convicted in any criminal case/ being tried in any Court of Competent jurisdiction shall also be enclosed to the application.
- (e) A bank Draft equal to three months consideration money as notified herewith in the list of shops shall be submitted by the applicant alongwith other documents, as aforesaid. The Bank Draft of the winner of lottery shall be adjusted towards the advance for the shop payable by the applicant and in all other cases, the same will be returned/ released after the lottery is over.
- (f) The amount offered shall be in terms of monthly consideration money and shall not less or more than the monthly consideration money declared in the notice.
- (g) The application shall be filled by intending applicants on or before, in the Office of... the and no application shall be entertained thereafter.
- (h) Prior to one day before the date of drawl of lottery, the list of persons whose applications qualify for consideration in the lottery shall be notified in the District Office Notice Board.
- (i) At least after two days of the last day fixed for filling of applications, the lottery will be drawn by the Collector who shall declare the name(s) of the winner (s) of lottery. If there is but only one application for any shop or group of shops, the Collector shall declare the name of such applicant to be the winner of the lottery. The applicant (s) or their authorized agents may remain present at the

- (j) After the declaration of lottery, the applicant shall be required to put his signature in the Register of Settlement, Register of undertaking to lift the monthly minimum guaranteed quantity as determined for the shop on the basis of the monthly consideration money which is now 22 London proof litre of India made foreign liquor and 33 bulk litre of beer per one thousand rupees of consideration money. This ratio for fixation of minimum guaranteed quantity may undergo any change as may be decided by the Government from time to time.
- (k) The winner of the lottery will be issued with a license for the shop or group of shops as the case may be, on payment of consideration money for the period of the month in which the licence is granted. The advance for three months tendered by him in shape of Bank Draft shall be adjusted for the last three months of the period of grant.
- (l) If the applicant after being successful in the lottery declines or refuses or willfully omits to take license on some plea or other the amount tendered by him through Bank Draft shall be forfeited to the State Government and he shall be further liable for any loss that may accrue to the Government on account of delay in settlement of the shop or group of shops. He or his family members or his associates will not be permitted to take part in the settlement of that shop/group of shops or any shop for three years including the year of his default.
- (m) If no application is received, the Collector may notify another date for filing of applications. So also, if the last date for filing of application or the date fixed for drawl of lottery is declared as a holiday for any special reason or for any unavoidable contingency, the Collector shall reserve the right to defer the date to some other suitable date by issuing notice to the effect. Such lottery will be held subject to terms and conditions, as notified herewith.
- (n) The decision of the Excise Commissioner relating to any dispute on account of lottery in the District level shall be final, which shall be binding on all the applications to the lottery.

Place:

Date:

COLLECTOR

Memo No. 769 / Ex. Dt. 26-11-2011

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

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

Copy forwarded to all Superintendent of Excise in the State for wide publicity.

Copy forwarded to Superintendent of Police Bhadrak/ Sub- Collector Sadar/ D.I. & P.R.O. Bhadrak/, Zilla Parisad, Bhadrak/ Chairman of the concerned Block/Secretary of concerned Gram Panchayats for information and necessary action.

Copy forwarded to the Tahasildar/ Block Development Officer of Bhadrak district for wide publicity.

Copy to D.I.C. NIC Bhadrak for publication in district Website.

Copy to all Sub- Inspectors of Excise & inspector of Excise of the district for wide publicity. They are directed to arrange suitable applicants to made the settlement for settlement of I.M.F.L. "OFF" shop/ C.S. shop fixed to dt. 31.12.2011 with a success.

Copy forwarded to district Excise Office Notice Board/ Collectorate/ Bhadrak notice Board for information of general public.

26-11-11
COLLECTOR, BHADRAK.

STATEMENT SHOWING NAME, LOCATION WITH E.P. AREA OF THE IMFL 'OFF/ C.S. SHOP OF THE DISTRICT OF BHADRAK TO BE SETTLED BY WAY OF DRAW OF LOTTERY FOR THE REMAINING PERIOD OF 2011-12 FIXED TO.....

Sl. No.	I.M.F.L. "OFF" SHOP	Location	E.P. Area	Reserved Price in Rs.
1	Ganijanga Bazar	Vill.- Hasinpur G.P.- Ganijang P.S.- Bhadrak (Rural) Dist.- Bhadrak	The shop premises it self	45,000/-
	C.S. SHOP			
1	Betada Bazar	Vill.- Chandanpur G.P.- Barandua P.S.- Basudevpur	The shop premises it self	Rs.25,000/-
2	Rajghar Pokhari	Vill.- Rajghar Pokhari G.P.- Rajghar Pokhari P.S.- Naikanidihi	The shop premises it self	Rs. 20,000/-

COLLECTOR, BHADRAK.