

IT REFERS TO PUBLIC NOTICE OF 2010-2011.

TERMS AND CONDITIONS FOR THE GRANT OF LICENCE IN FORM L-56 (RETAIL VEND OF INDIAN MADE FOREIGN LIQUOR/BEER IN PRIVATE/PUBLIC SECTOR IN SHOPPING MALLS) FOR THE LICENSING PERIOD 2010-11 AND ONWARDS.

Applications for grant of L-56 licence have been invited by a public notice dated 28.05.2010. Only those applications which are complete in all respects and are received in the Office of the Commissioner of Excise, Government of National Capital Territory of Delhi (hereinafter called "the Commissioner") shall be considered for the grant of the licence. Incomplete applications shall be liable to be rejected without notice.

Licences in Form L-56 for the retail sale of various brands of Indian Made Foreign Liquor/Beer as approved or registered by the competent authority in the National Capital Territory of Delhi shall be granted for the licensing period 2010-11 and onwards (hereinafter called the "the licensing period") in accordance with the following terms and conditions: -

1. ELIGIBILITY TO HOLD LICENCE

1.1 Licence shall be granted to the following: -

- (a) Companies registered under the Companies Act, 1956;
- (b) Partnership firms registered under the Partnership Act, 1932;
- (c) Co-operative Societies registered under the relevant Co-operative Societies Act;
- (d) Sole proprietors.
- (e) Delhi Transport and Tourism Development Corporation, Delhi State Civil Supplies Corporation, Delhi State Industrial Development Corporation and Delhi Consumer Corporation Wholesale Store

EXCEPTION

- i) No person or his family member interested in any distillery, brewery, winery or bottling plant holding L-1 and L-9 licence for the wholesale Indian Made Foreign Liquor and Country Liquor respectively shall be eligible for this licence. For the purpose of this, a person interested in any distillery, brewery, winery or bottling plant includes every person interested in the business of

- such distillery or brewery or winery or bottling plant as a member of co operative society, director, partner, agent or employee.
- ii) Only one licence shall be granted to a company, partnership firm and a co-operative society. They shall not be eligible to apply and hold more than one licence in any case. For sole proprietors, one licence shall be granted for the family and no other family member shall be eligible to hold any other L- 56 licence. However, this condition shall not apply to Public Sector.
 - iii) Holder of L-56 Licence shall not be eligible for any other wholesale or retail licence. However, this condition shall not apply to Public Sector.

- 1.2 The applicant for L-56 licence should be in actual physical possession of a shop (hereinafter referred as “the proposed shop”) measuring 1000 sq. ft. and above carpet area in a shopping mall situated in Metropolitan City Centre or district centre, approved by the local bodies including DDA/MCD/NDMC, etc.

A Shopping Mall is defined here as a centrally air conditioned place where a number of shops are located in a building or a set of buildings with interconnecting walkways, on same or different floors with common passage area for the buyers/visitors including the atrium or foyer, having its own parking.

- 1.3 The proposed shop should be a pucca building.
- 1.4 The applicant, in case of sole-proprietorship and one of the partners in case of a partnership firm must be a resident of Delhi. In case of companies/firms, their offices must be registered in Delhi with any Government agency (Sales Tax/Income Tax, etc.) for more than five years. In case of cooperative societies, it must be registered with the Registrar, Cooperative Societies, Delhi for more than five years.
- 1.5 No L-56 vend for consumption “off” the premises shall be located within 75 meters from the following-
- (a) major educational institutions
 - (b) religious places
 - (c) hospitals with fifty beds and above.

Explanation. - I For the purpose of clause (a) above, major educational institutions would mean middle and higher secondary schools, colleges and other institutions of higher

learning recognized by the Government of National Capital Territory of Delhi or Government of India.

Explanation. - II For the purpose of clause (b) above, a religious place would imply a religious place having a pucca structure with a covered area of more than 400 square feet.

2. PROCEDURE TO APPLY

- 2.1 Applications in the prescribed form (Annexure - I) along with other relevant documents for licence shall be made to the Collector of Excise, Delhi (hereinafter referred as “the Collector”).
- 2.2 Applicant will submit the following along with the application: -
 - (a) Proof of lawful possession of the proposed shop i.e. ownership/lease/rental documents etc.
 - (b) An affidavit in the form given in Annexure -II declaring that –
 - (i) he is in actual physical possession of the shop for which he has made an application for grant of L-56 licence.
 - (ii) there is nothing adverse against the applicant as per the provisions of rule 7 of Delhi Intoxicants Licence and Sale Rules, 1976.
 - (c) A lay out plan of the area in which the shop is located, clearly showing the proposed shop.
 - (d) An earnest money of Rs 6 lacs by way of a Demand Draft in favour of the Collector of Excise, Delhi.
 - (e) A solvency certificate of Rs. 50 lacs issued by Sub- divisional Magistrate/a Scheduled Commercial Bank.
 - (f) Income tax clearance certificate.
 - (g) Domicile certificate/Proof of registered office being in Delhi.
- 2.3 Information as required in the application form shall be furnished with complete details, truly and faithfully, so as to enable the processing of the application for grant of L-56 licences. The applicant shall not be entitled to any relief or

compensation on account of delay in the finalization of his case for the grant of licence.

- 2.4 Order of priority will be the date of receipt of applications, complete in all respect. The applicant whose applications are not complete in all respect will be given 15 days time to remove the discrepancies, failing which the incomplete applications shall be rejected.

3. GRANT OF LICENCE

- 3.1 The Government of National Capital Territory of Delhi has decided to grant L-56 licence for retail trade of Indian made foreign liquor/beer in Delhi in shopping malls on first come first serve basis, complete in all respect.
- 3.2 All the applications for the grant of L-56 licence shall be subject to the acceptance by the competent authority who may accept or reject any application without assigning any reason. The licensing authority shall be under no obligation to grant any licence for which application has been made.
- 3.3 If on scrutiny, any application is found incomplete, vague, confusing or not as per the terms and conditions, the same shall be summarily rejected and the decision of the Commissioner Excise shall be final.
- 3.4 In case of rejected applications, the earnest money will be refunded to the applicant by registered post within a period of thirty days from the date of rejection.

4. COMPLETION OF FORMALITIES/FEE STRUCTURE

- 4.1 Successful applicants shall be granted L-56 licences for their respective proposed shops subject to the completion of the following formalities within fifteen days from the date of approval of the licence:
- (a) payment of licence fee of Rs. 6,00,000.00 (Rupees Six lacs) only by way of a Demand Draft in favour of the Collector of Excise, Delhi.
 - (b) a security deposit of Rs. 10,00,000.00 (Rupees Ten lacs) only by way of a Demand Draft in favour of the Collector of Excise, Delhi. However, the earnest money of Rs. 6 lacs will be adjusted in the security deposit. The amount of

security deposit shall be refunded to the licence holder on termination of his L-56 licence without any interest within a period of thirty days from the date of the termination of the licence.

- (c) after the grant of licence, if the applicant is not able to complete the formalities within a period of fifteen days from the date of the issue of offer letter or is not found in the actual physical possession of the proposed shop, the earnest money of Rs. 6 lacs shall be forfeited.

- (d) the successful applicant shall submit a plan of interior design of the proposed shop ensuring the following points:

- (i) The shop floor area has been designed to ensure the display of the various liquor brands along with necessary price indicators;

- (ii) The interiors of the shop have been so designed that the shop has proper painting, lighting, flooring and hygiene.

- 4.2 The licensed premises shall be duly insured against fire and natural hazards. The licensee shall keep the premises thoroughly clean and dry and shall comply with the orders issued by the Collector for removal of defects in the building.

5. TRANSPORT PERMITS/RIGHT TO SELL LIQUOR

- 5.1 On completion of the above referred formalities, the applicant shall be granted licence in Form L-56 which will entitle him to make retail sale from the proposed shop, of those brands of Indian Made Foreign Liquor/Beer which have been approved/registered by the collector in the National Capital Territory of Delhi.

- 5.2 The holder of L-56 licence shall be bound to procure liquor from holders of L-1 licence at the rate approved by the Department. Transport permits to procure liquor from holders of L-1 licences shall be issued to the holders of L-56 licences subject to payment of special duty, assessment fee, vend fee and other levies as prescribed.

6. TIMINGS/RETAIL PRICE.

- 6.1 Government of National Capital Territory of Delhi has approved the policy of flexi-timings for retail trade of liquor in Delhi. L-56

liquor vend will be allowed to remain open for 9 hours from 10.00 am to 10.00 pm.

- 6.2 Holders of L-56 licence will be bound to sell liquor only at a price fixed by the Excise Commissioner for each brand and mentioned on labels. Any undercharging or overcharging shall be considered as violation of the terms and conditions and the licence shall be liable to be cancelled.

7. DRY DAYS

“Dry days” as declared by the Government shall be observed as “dry days”. L-56 retail vend shall remain closed on all the “dry days”. The holders of L-56 licences shall not be entitled to any compensation or relief due to any increase in the number of “dry days” beyond the normal number or due to change in the working hours of the retail vends during the course of the licensing period.

8. STOCK/BOOKS OF ACCOUNTS

- 8.1 The holders of L-56 licence must store such number of brands of IMFL/Beer as may be approved by the Collector.
- 8.2 The holders of L-56 licence shall maintain the books of accounts and sales statements in the proforma prescribed by the Department. He shall maintain true accounts for day to day in ink entering all figures in international numerals and other particulars in English or Hindi.

9. PAYMENTS

- 9.1 The licensee shall make all the payments to the Government in connection with the operation of his licence by Bank Draft drawn in the name of the Collector of Excise, Delhi or as per the procedure which may be prescribed by the Department from time to time.
- 9.2 The licensee shall pay interest @ 18 % per annum from the date on which any payment recoverable from him under section 60 of the Punjab Excise Act, 1914 as extended to the National Capital Territory of Delhi (hereinafter referred to as the “the Act”) becomes due to the Government until the date on which such payment is actually made or such amount is actually recovered, whatsoever may be the reason for the lapse of time before payment is made or recovery is affected.

- 9.3 The licensee shall not be entitled to any interest or any other relief or compensation on account of any delay in the payment of any amount to him by the Government.

10. BAR-CODE SYSTEM

- 10.1 The holders of L-56 licence shall ensure that the operation of L-56 vend is totally computerized and shall have facilities for bar-code scanners to be specified by the Government from time to time. Billing shall be computerized only through automatic process of decoding bar-code.
- 10.2 The holders of L-56 licence shall be bound to issue receipt/bill for each transaction of sale of liquor. The bill/receipt shall inter-alia include -
- (a) name of the holder of the L-56 licence and address of the shop.
 - (b) name and address of the customer;
 - (c) date of sale;
 - (d) names, quantity and batch no. of the brands sold.

11. RENEWAL

- 11.1 The Government of National Capital Territory of Delhi has declared that, normally, the Excise Year would be from 1st April to 31th March;
- 11.2 L-56 licence may be renewed at the sole discretion of the Licensing Authority subject to payment of such licence fee and compliance of such other conditions as may be prescribed from time to time.

12. PROHIBITION

- 12.1 In pursuance of the Directive Principles of the State Policy relating to Prohibition contained in Article 47 of the Constitution, Government of the National Capital Territory of Delhi may issue orders and directions from time to time and such orders and directions shall be binding on the licensee and no compensation shall be payable on that account.
- 12.2 The licensee shall abide by the following prohibition measures, namely: -

(1) The licensee shall display a notice board prominently in front of the licensed premises declaring that "Drinking of liquor is injurious to health."

(2) All persons employed by the licensee in the licensed premises shall be required to possess identity cards issued under the signatures of the authorized signatory and the employees shall be required to produce the Identity card on demand by the Excise Officer or any officer not below the rank of Sub-Inspector.

(3) The licensee shall neither keep, distribute nor sell any advertising material which is likely or intended to promote the sale or consumption of liquor. Eco-friendly carry-bags, however, can be used subject to such advertising as not exhorting people to take to drinking.

(4) No licensee shall advertise liquor or any product having similar nomenclature of liquor product, unless such advertisement conforms to the programme code and advertisement code as laid down in the Cable Television Network (Regulation) Act, 1995 and The Cable Television Net Work Rules, 1996.

13. OTHER CONDITIONS OF LICENCE

13.1 Licence in Form L-56 for the licensing period shall be inter alia subject to the general conditions in rule 33 and special conditions in rule 34 of the Delhi Liquor Licence Rules, 1976 (hereinafter referred to as "the Rules"). The holders of L-56 licence shall abide by the provisions of the Act and the rules framed and orders issued thereunder and any other law/rules in force in the National Capital Territory of Delhi relating to liquor.

13.2 Refrigeration facilities for storage of beer shall be mandatory for holders of L-56 licence.

13.3 Other conditions and guidelines as applicable to L-2 retail liquor vends shall be adhered to in the case of L-56 vends also and they shall also follow additional conditions as prescribed by the Government from time to time.

13.4 The licensee shall furnish to the Collector, a declaration in writing by the 8th of every month certifying that he has cleared all outstanding excise revenue and other dues recoverable from him. The Collector or any Excise officer may refuse to issue any

passee or permit to licensee in the absence of such declaration or for any sufficient reasons, to be recorded, if he has reasons to believe that the licensee has not, on demand, paid any dues recoverable under section 60 of the Act or dues payable on account of undue pecuniary benefits obtained by the licensees due to furnishing of wrong information or/and suppressing the material information furnished to the Department at the time of initially applying for the licence. The licensee shall not be entitled to any compensation or relief on account of such refusal.

- 14.** The licensee shall be bound to furnish any information in connection with L-56 licence truly and faithfully within a reasonable time as may be prescribed by the Excise Commissioner, the Collector, the District Excise Officer or the Excise Officer. Refusal to furnish the information, furnishing of false information or non-compliance of the orders shall be regarded as breach of the terms and conditions of the licence. Breach of terms and conditions may also result in non-issue of import/transport permits and suspension/cancellation of licence.
- 15.** The Collector reserves the right to cancel or suspend any L-56 licence at will as per provision of section 36 (g) of the Act.

(R M PILLAI)
EXCISE COMMISSIONER

ANNEXURE – I**APPLICATION FORM FOR L-56 VEND**

1.	NAME AND DESIGNATION OF THE APPLICANT (COMPANY/PARTNERSHIP FIRM/SOCIETY/SOLE PROPRIETOR)	:
2.	ADDRESS OF THE APPLICANT	:
3.	ADDRESS OF THE PROPOSED L56 VEND	:
4.	NAME AND ADDRESS OF THE LAND OWNER	:
5.	DETAILS OF LEASE/RENT AGREEMENT REGARDING THE PROPOSED PREMISES (WITH DOCUMENTARY PROOF)	:
6.	MEASUREMENT OF FLOOR AREA OF THE PROPOSED PREMISES IN FEET	:
	LENGTH BREADTH HEIGHT TOTAL AREA IN SQ. FEET	: : : :
7.	WHETHER THE PROPOSED PREMISES IS IN A COMMERCIAL COMPLEX RECOGNIZED BY DDA/MCD/NDMC/DELHI CANTONMENT BOARD	:
8.	WHETHER THE LAND LORD OF THE PREMISES IS IN LEGAL AND PHYSICAL POSSESSION OF THE PREMISES (WITH DOCUMENTARY PROOF)	:
9.	WHETHER THE PREMISES CONFORMS TO THE CONDITIONS MENTIONED FOR GRANT OF L-56 LICENCE	:
10	WHETHER THE PREMISES IS IN CONFORMITY WITH THE RULES AND REGULATIONS OF LOCAL BODIES (WITH DOCUMENTARY PROOF IN THE FORM OF AFFIDAVIT)	:
11.	WHETER THE PREMISES MEET THE REQUIREMENTS OF RULE 33(1)(a) OF DELHI	:

	<i>LIQUOR LICENCE RULES, 1976.</i>	
12	<i>WHETHER THE PROPOSED PREMISES A PUCCA BUILDING</i>	:
13.	<i>WHETHER THE PROPOSED PREMISES IS IN USE AT PRESENT AND IF SO THE NATURE OF THE BUSINESS CARRIED ON</i>	:
14	WHETHER ANY SUIT IS PENDING IN ANY COURT OF LAW REGARDING THE OWNERSHIP AND POSSESSION OF THE PREMISES (DECLARATION IN AFFIDAVIT)	:
15	<i>WHETHER PREMISES ARE FITTED WITH ELECTRICITY AND WATER CONNECTION (DECLARATION IN AFFIDAVIT)</i>	:
16	IF THE PREMISES IS JOINTLY OWNED WHETHER N.O.C. IS OBTAINED FROM ALL OTHER MEMBERS / PARTNERS (ATTESTED PHOTOCOPY OF THE NOC)	:
17.	<i>WHETHER PROPER SITE MAP OF THE SHOP HAS BEEN ENCLOSED</i>	:
19	<i>ANY OTHER INFORMATION REGARDING SUITABILITY OF THE PREMISES</i>	:

DECLARATION: - CERTIFIED THAT THE PARTICULARS STATED ABOVE ARE CORRECT TO MY KNOWLEDGE AND BELIEF AND NO MATERIAL FACTS HAVE BEEN CONCEALED.

(SIGNATURE OF THE APPLICANT)

(CHECK LIST FOR DOCUMENTS TO BE SUBMITTED ALONGWITH THE APPLCIATION FORM IS AT ANNEXURE –IV. APPLICANTS ARE REQUESTED TO CAREFULLY FILL THE CHECK LIST BEFORE SUBMITTING THE APPLICATION)

AFFIDAVIT

I, _____ s/o / d/o / w/o
Sh. _____ aged _____ R/o
_____, do hereby solemnly affirm and declare
as under : -

1. That I have applied for licence in form L-56 at _____.
2. That the above said premises belong to me and the same is in conformity with the rules and regulations of the local bodies i.e. DDA, MCD, NDMC, etc.
3. That the above said premises is free from all kinds of encumbrances.
4. That the above said premises is fitted with the temporary/permanent electric connection bearing No. _____.
5. That the above said premises is fitted with temporary/permanent water connection bearing No. _____.
6. That I have never been convicted by a criminal court for any non-bailable offence or of any offence punishable under any law relating to any tax leviable during a period of five years preceding the date of application.
7. That I have not been convicted of any offence punishable under the Punjab Excise Act, 1914 as in force in the National Capital Territory of Delhi; the Narcotic Drugs and Psychotropic Substance Act, 1985, the Medical and Toilet preparation (Excise Duties) Act 1935 during a period of five years preceding the date of application.
8. That I have not any interest in the business of the holder of any licence, under the Punjab Excise Act, 1914 as in force in the National Capital Territory of Delhi; the Narcotic Drugs and Psychotropic Substance Act, 1985, the Medical and Toilet preparation (Excise Duties) Act 1935 and the rules framed thereunder during the period of five years preceding the date of application.
9. That I have not been declared insolvent by any court of law.
10. That I am in actual possession of the shop for which the application has been made for grant of L-56 licence. I agree that if the Government decides to grant me L-56 licence after following the procedure and I am found not in actual physical possession of the shop, the licence may not be granted and security deposited may be forfeited.
11. That no other application has been filed by my Company /Partnership firm /Co-operative Society or by my family members for the grant of L-56 licence.

DEPONENT

VERIFICATION :

Verified at Delhi on this _____ day of _____, 20____ that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

DEPONENT

ANNEXURE-IV

CHECK LIST FOR RECEIPT OF APPLICATION FOR L-56 LICENCE

Application for L-56 licence (RETAIL VEND OF INDIAN MADE FOREIGN LIQUOR/BEER IN PRIVATE/PUBLIC SECTOR IN SHOPPING MALLS) containing pages with details of documents annexed as under is being submitted:

SL.NO	DETAILS OF DOCUMENTS	WHETHER SUBMITTED OR NOT	PAGE NUMBER
1	Bank Draft of Rs. 6 lacs as earnest money. (Please mention the name of bank draft number and date in the last column and the name of the applicant on the back side of the draft)	If yes,number and date of draft.....	
2	Solvency certificate in original of Rs.50.00 lacs issued by the SDM/a scheduled commercial bank.		
3	NOC, if applicant is a lessee or a tenant (unless already specified in rent deed/lease deed)		
4	NOC from co-owners, if premises is jointly owned.		
5	Affidavit as per Annexure II, attached to the Application Form regarding eligibility as per excise rules.		
6	Affidavit as per Annexure III attached to the Application Form regarding eligibility as per terms and conditions.		
7	Income Tax Clearance Certificate/PAN Number with latest Income Tax returns and latest assessment order of the applicant.		
8	Lay out plan of the area in which the proposed shop is located clearly showing the proposed shop.		
9	Domicile Certificate of Delhi in original issued by SDM/Proof of registered office for five years/Proof of registration for five years if applicant is a Co-operative society		
10	Original TR of Rs.5000/-.		
11	Proof of shop being in approved commercial complex/ area recognized as such by local bodies i.e. DDA/MCD/NDMC.		
12	Lease / Rent Agreement regarding the proposed premises.		
13	Copy of certificate of registration under Companies Act / Partnership Firm Act / Co-operative Society Act etc.		

(SIGNATURE OF THE APPLICANT)

ANNEXURE-III

AFFIDAVIT

I,s/o,d/o, w/o aged.....resident
of.....do hereby solemnly affirm and declare as under:

1. That I have applied for L-56 shop at
2. That the said premises does not fall within 75 mtrs of any major educational institution or religious places or hospitals with 50 beds and above as defined in rule 33(1A) of Delhi Liquor Licence Rules, 1976.
3. That I or my company/society/firm does not have any interest in any distillery/bottling plant /brewery holding L-1/L-9 licence for the whole sale vend of liquor in the National Capital Territory of Delhi.
4. That I or my company/society/firm or any of my family members or any of the family members of the persons interested in my company/society/firm does not hold any other retail vend of liquor in the National Capital Territory of Delhi.

DEPONENT

VERIFICATION

Verified at Delhi on thisday of20 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

DEPONENT

