

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI**  
**OFFICE OF THE COMMISSIONER OF EXCISE, ENT. & LUXURY TAX**  
**L&N BLOCK, VIKAS BHAWAN, I.P. ESTATE, NEW DELHI – 110 002**

**E-Tender for procurement of Country Liquor in NCT of Delhi (2019-20)**

**Tender ID. 2019\_EXC\_170718\_1**

E –Tenders (online tenders) are invited for procurement of country liquor in National Capital Territory of Delhi. The Notice Inviting Tender (NIT) has been uploaded and available alongwith the terms and conditions and tender form. It can be seen/ downloaded at/from the website: <http://govtprocurement.delhi.gov.in> . The last date of uploading the tender document is **26/ 03/2019 upto 11.00 A.M.**

All the tenderers are requested to have digital certification and to get themselves registered with Delhi Govt.e-procurement portal. The application service provider can be contacted at “**Help Desk**” for registration, training (if required) on any working day between 9.30 AM to 6.00 PM at

**Help Desk**

6<sup>th</sup> floor, C Wing ,  
Vikas Bhawan-II,  
(Near Metcafe House)  
Civil Lines, Delhi  
Phone No. 23813523

  
(RAVI BHAWAN)  
EXCISE COMMISSIONER



GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
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**TENDER NOTICE FOR THE SUPPLY OF COUNTRY LIQUOR (2019-20)**

1. The Department of Excise is going in for e-tendering for procurement of Country Liquor in the NCT of Delhi. Tenders in the prescribed form, are invited from working distilleries or bottling plants duly licensed by the Central or a State Government for the grant of three or more licenses in Form L-3 under Rule 48 of the Delhi Excise Rules, 2010 for the wholesale supply of country liquor of 50 degree under proof (U.P) for retail vends (L-8) in bottles of 750 ml., 375 ml. and 180 ml. in the **ratio of 4:4:2 during the period from 1<sup>st</sup> April 2019 to 31<sup>st</sup> March, 2020.** The holder of an L-3 license shall also be required to obtain a license in form L-33 for the bonded warehouse.
2. The tenders, duly completed in all respects and accompanied by the following documents, should be scanned and uploaded in the website upto **11:00 AM on 26/03/2019.**
  - a. Demand draft or pay order issued by Nationalized Bank for Rs.30,00,000/- (Rupees thirty lakhs only) drawn in favour of the Excise Commissioner, Delhi as earnest money, alongwith receipt of physically depositing the same as per point No.3 below.
  - b. 'No Dues Certificate' in favour of the tenderer issued by the Dy. Commissioner (Excise), Delhi after the date of this notice.
  - c. An affidavit declaring that the information given in the tender form is true and correct and that no fact has been concealed there from.
  - d. True attested copy of valid distillery license or bottling plant licence issued by the Competent Authority.
  - e. Document showing permitted installed capacity for the manufacture of country liquor. The installed capacity should be minimum two times the quantity of country liquor proposed in the tender documents by the tenderer.
  - f. Statement indicating the actual production and supply of country liquor during the last 5 years, duly authenticated by the concerned Excise Commissioner of the State in which the distillery/bottling plant is situated.



- g. "No Dues and Credibility" certificate regarding past performance of production and supply from the Excise Commissioner of the State in which the distillery/bottling unit is situated.
  - h. Consent of the Excise Commissioner of the State where distillery/ bottling plant is situated for supply of country liquor from that State to the National Capital Territory of Delhi in which the capacity of the distillery / bottling plant should be clearly mentioned.
  - i. A statement indicating the maximum quantity of country liquor that can be supplied to Delhi by the tenderer from each of its units.
  - j. No dues Certificate from the Trade & Tax Department of NCT of Delhi.
  - k. An affidavit declaring no violation of Clause 7 of the terms & conditions for the year 2019-20 for the supply of Country liquor.
  - l. Copy of PAN Card
3. Demand draft/pay order issued by a nationalized bank as earnest money of Rs.30,00,000/- (Rupees Thirty lakhs only) is to be physically deposited with the Accounts Officer in the Office of Commissioner (Excise), Delhi. Other documents are to be scanned and uploaded alongwith the tender form.
4. The tender will be opened **at 12.00 noon on 26/03/2019** in the Room of Excise Commissioner, I-Block, Vikas Bhawan, I.P. Estate, New Delhi-110 002 in the presence of the tenderers or their authorized representatives who wish to be present.
5. Conditional offers, offers without bank draft or earnest money, other documents etc. and offers, which are not in the prescribed tender form/documents, will not be entertained and will be summarily rejected. Tenders received after the stipulated date and time will not be entertained and shall be rejected.
6. Commissioner of Excise reserves the right to accept or reject any or the tenders without assigning any reason thereof.

  
(RAVI DHAWAN)  
EXCISE COMMISSIONER



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**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI**  
**OFFICE OF THE COMMISSIONER OF EXCISE, ENT. & LUXURY TAX,**  
**L & N BLOCK, VIKAS BHAWAN, I.P. ESTATE, NEW DELHI - 110 002**

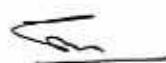
**TERMS AND CONDITIONS FOR THE TENDERERS FOR THE GRANT OF L-3**  
**LICENCE (COUNTRY LIQUOR WHOLESALE LICENCE) TO DISTILLERIES /**  
**BOTTLING PLANTS FOR THE LICENSING PERIOD 2019-2020**

- 1.(a) It has been decided to grant L-3 Licence (Country Liquor Wholesale Licence) for the wholesale supply of country liquor in the National Capital Territory of Delhi (NCT of Delhi) during 2019-2020 i.e. from 01.04.2019 to 31.03.2020 (hereinafter referred to as the 'Licensing Period') by inviting tenders from Distilleries / Bottling Plants under Rule 48 of Delhi Excise Rules, 2010. The holders of L-3 Licence will also be required to obtain L-33 licence for Bonded Warehouse.
- (b) The licensing period may be extended by the Government of NCT of Delhi (hereinafter referred to as the 'Government') in its sole discretion for a period not exceeding three months beyond 31.03.2020. The licensee(s) shall pay pro-rata license fee in respect of such extended period, if any.
2. Licenses in Form L-3 and L-33 for the said period shall be subject to the provisions of the Delhi Excise Act, 2009 (hereinafter referred to as the "said Act") and the rules framed and orders issued thereunder. These Terms and Conditions, unless repugnant to the express provisions of the said Act and Rules made and orders issued thereunder, shall be in addition to the said Act and Rules made and orders issued thereunder and any other law in force in the NCT of Delhi relating to liquor. Applicants are advised to acquaint themselves with the provisions of the said Act, Rules made and orders issued thereunder, before submitting their tenders since they are deemed to be incorporated in this tender as if they were expressly set out herein.
3. The total quantity of country liquor to be supplied by the holders of L-3 Licensees is expected to be **300 lakh bulk liters** subject to variation upto plus or minus 25% of 50 degree under proof (UP) ordinary spiced caramel coloured country liquor during the



licensing period. The licensees will be required to sell country liquor to the L-8 vends owned by Delhi Tourism and Transportation Development Corporation (DTTDC), Delhi State Industrial & Infrastructure Development Corporation (DSIIDC), Delhi State Civil Supply Corporation (DSCSC) and Delhi Consumers Co-operative Wholesale Store Ltd (DCCWS), or any other organization which may be holder of L-8 licenses (retail vends of Country liquor). The present number of retail vends of Country liquor (L-8 licensees) in NCT of Delhi is 90, which can vary during the licensing period. The Government is under no obligation to grant and does not warrant any particular number of retail vends. The holders of L-3 licences shall not be entitled to any compensation or relief on the ground that a particular number of retail vends were not established or operated.

4. SALE HOURS & DRY DAYS:- No liquor shall be sold on the days notified as 'Dry Days' as per the provisions of Rule 52 of the Delhi Excise Rules, 2010. The working hours of the Bonded Warehouse and the working hours of the retail vends of country liquor will be such as may be specified by the Excise Commissioner, Delhi from time to time. The holders of L-3 licence will not be entitled to any compensation or any other relief due to any increase in the number of 'Dry Days' or due to any change in the working hours of the Bonded Warehouses and/ or retail vends during the course of the Licensing Period. The business premises of a licensee shall be kept closed on all dry days: PROVIDED that the Assistant Commissioner may, by order in writing permit a licensee to deposit liquor in his premises, or to open the premises for any work other than sale, on a dry day on prescribed fee.
5. ELIGIBILITY TO HOLD LICENCE:- A licence in form L-3 and L-33 shall only be granted to DISTILLERY or BOTTLING PLANT, duly licensed by the Central or a State Government.
- 6.(a) Tenders from only those persons shall be considered who are eligible for holding licence under Section 13 of the Delhi Excise Act, 2009. Applicants are advised to refer to Section 13 of the said act and acquaint themselves with its provisions in this regard.



- (b) Tenders will not be accepted from persons who are restricted under Rule 23 of the Delhi Excise Rules, 2010 which are deemed to be incorporated herein.

7. No person, his partners, affiliate companies, agents, employees or dependent members of his family shall be eligible, jointly or severally to hold alongwith L-3/ L-33 Licence, licences of the following categories.

L-4, L-5, L-7, L-7FG, L-7FE, L-8, L-10, L-22, L-25, L-26, L-34, L-35, and another L-3 licence.

However, a Government Undertaking holding licence in form L-3/L-33 may also hold licence in form L-6 and L-8.

8. GRANT OF LICENCE:- L-3/L-33 licences for the wholesale supply of 50 degree under proof Country Liquor to NCT of Delhi shall be granted by inviting tenders in the enclosed form (**Annexure-I**) for the ratio 4:4:2 in respect of size of bottles of 750 ml, 375 ml and 180 ml respectively.

- 9.(a) The Government reserves the right to accept or reject any or all tenders, including the lowest one without incurring any liability whatsoever. No licensee or tenderer shall be entitled to any compensation or relief on the ground of any delay or non-grant of licence for any reason whatsoever.
- (b) After a tenderer is declared successful, if he refuses to accept supply order, or, if after accepting supply order, he fails to make supplies for any reason whatsoever the earnest money deposited by him shall be liable to be forfeited.






10.(a) The Government may appoint a Committee to negotiate with the tenderers rates and quantities to be supplied with the purpose of obtaining country liquor at the lowest possible rates. The Committee may do so, subject to verification of the capacity of the tenderer to supply the country liquor, based on production capacity and past performance i.e. fulfillment of supply orders placed by the Excise Department during the previous licensing period(s). The Committee shall be required to short list the tenderers for negotiations, in the ascending order of rates quoted; upto a point where 100% of the quantity of country liquor required is met (to be computed on the basis of quantity quoted in the tender by the tenderers). Only such short-listed tenderers shall be called for negotiations before the Committee. Negotiations with such short-listed tenderers would be both on the rates and quantities which they can supply. Based on the final rates quoted by each, after such negotiations in ascending order (and quantities finally offered by the tenderer after negotiation), the Committee shall recommend placing of orders on such tenderers upto the point where 100% requirement of the country liquor is met. To ensure that the supply of country liquor in Delhi is not dependent on any one supplier, it shall be ensured that no tenderer gets orders for more than 33% of the total supplies. However, the tenderers, who have offered to supply less than 10% of total quantity, will not be entertained. Notwithstanding the above, if at any point of time, the negotiation committee feels that in the interest of getting the desired quantity of country liquor at the best prices, it requires to negotiate with one or more of the other tenderers as well, it may do so for reasons to be recorded in writing.

(b) In case, any of the tenderers, whose tender is accepted for a specific proportion of the total supply required, is not in a position to supply the entire portion of supplies allotted to him for any reason whatsoever, then the Government in the interest of maintenance of supplies, may vary the proportion of allotment made to the other supplier(s) with the consent of such other supplier(s) to the extent of 20% of the total requirement on the same rates as already approved.

11. The Government may require a tenderer whose tender is accepted for supply of any portion of the total required supply of country liquor to execute a written agreement at his own cost with the Government for the Licensing Period and shall also take all requisite action to complete all formalities required for the grant of a licence within seven days calculated from the day on which he is asked to do so, and if he does not do so, all deposits made by him shall stand forfeited to the Government and he shall not be entitled to any compensation and the licence may be re-tendered or granted in any other manner.



12. The fee payable in respect of L-3 and L-33 licences shall be as under:

- (a) L-3 (for wholesale of country liquor): Rs.5,00,000/- (Rupees Five lakhs only) for the entire Licensing Period.
- (b) L-33(for Bonded Warehouse of country liquor):- Rs.75,000/- (Rupees Seventy Five Thousand only) for the entire Licensing Period.
- (c) Each L-3 / L-33 licensee shall submit security deposit as **"Performance Security", which will be 7% of the amount of contract awarded to the L-3 license.**

**Illustration:**

**If an L-3 licensee has been awarded 10% of the quota i.e 10% of 300 lakhs bulk litres then his performance security amount will be as follows:**

- (i) **Licensee granted quota of 10% for the year : Approx. 03.33 lakh cases**
- (ii) **Approved Rate per case after finalization of Tender proceedings: 'X'**
- (iii) **Performance Security = 'X' \* 03.33 lakh \* 7%**

- (d) This aforesaid performance security shall be deposited with the Government in the shape of Fixed Deposit Receipt from a Nationalized Bank at Delhi/ New Delhi. Further, alongwith performance security, a personal bond alongwith surety of the same amount will also be submitted. The format of personal bond is annexed herewith at **Annexure II**.

13. The payment on account of supplies released from Bonded Warehouse which have been received safe and sound at the retail vends will be made by DTTDC, DSIIDC, DSCSC, DCCWS and/or other holder(s) of L-8 licence, if any, at the wholesale rate plus local transportation charges as approved by the Government.

14. The licensee shall import potable country liquor manufactured in its distillery/ bottling plant into the National Capital Territory of Delhi on payment of duty or on execution of a Bond on a non-judicial stamp paper of Rs.100/- in respect of allocation for each month. The bond submitted should clearly indemnify the Government against any loss of duty in excess of what is permitted in Rule 100 of Delhi Excise Rules, 2010 with reference to monthly allocation. The format of the bond is annexed herewith at **Annexure III**. The licensee shall supply country liquor for retail vends. The licensee shall, however, store it in the Bonded Warehouse till the instructions of its delivery to different vends is given by the Deputy Commissioner (Excise) from time to time.





15. The holders of L-3 licences shall supply ordinary spiced caramel coloured country liquor of the strength 50 degree under proof meeting all the requirements of Rule 7 of the Delhi Excise Rules 2010. Further, the country liquor so supplied should be ENA based, and

- a. The Country liquor supplied by the licensee must be fit for human consumption and strictly adhere to the specifications referred to in this tender document.
- b. the country liquor must be duly certified by the competent laboratory of the state in whose territory the distillery / bottling plant of the licensee is located failing which no further import permits shall be issued by the Government; and
- c. The country liquor imported by the licensee into NCT of Delhi shall be subjected to tests and analysis to be conducted by the Government and no supply to retail L-8 vends shall be made if the test reports indicate that the liquor is not potable or fit for human consumption.

16. (a) The supply of country liquor shall be procured in bottles only.

The size of bottles for the supply of country liquor shall be 750ml, 375ml and 180 ml as per details given below:

750 ml – 40% of the total supply in bottles (by volume);

375 ml – 40% of the total supply in bottles (by volume);

180 ml – 20% of the total supply in bottles (by volume);

In other words, the ratio of bottles of 750ml, 375ml and 180ml shall be 4:4:2.

- (b) **Quotation of price in Bottles** – The tenderers are required to quote the lowest rate for the supply of 12 country liquor bottles of 750ml each (9 bulk litre) and a separate rate, if any, for the supply of 24 country liquor bottles of 375ml each (9 bulk litre) and separate rate, if any, for the supply of 50 country liquor bottles of 180ml each (9 bulk litre). The tendered rate shall be all inclusive and shall inter-alia include all component of cost of production, bottling, labeling, freight, export pass fee and duties, taxes, etc but should not include 'local transportation charges' as per Rule 66(4)(b) of the Delhi Excise Rules, 2010.
- (c) Local transportation charges will be allowed @ Rs.2.50 per case to the L-3 licenses. The same shall be charged by L-3 licensees from the L-8 Licensees in addition to the wholesale price
- (d) The tenders for the purpose of comparison, will be arranged in ascending order on the basis of 'Weighted Average Price' as calculated below:



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4 * (TENDERED PRICE FOR 9BL OF COUNTRY LIQUOR IN BOTTLES OF 750ml)	+	4 * (TENDERED PRICE FOR 9BL OF COUNTRY LIQUOR IN BOTTLES OF 375ml.)	+	2 * (TENDERED PRICE FOR 9 BL OF COUNTRY LIQUOR IN BOTTLES OF 180ml.)
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### Illustration

Suppose the tendered price for the supply of country liquor in bottles of 750 ml, 375ml and 180ml per case of 9BL is 'x', 'y', and 'z' respectively.

Then, Weighted average price of country liquor =  $(4x+4y+2z)/10$

- 17(I) The bottles that will be used for supply of country liquor shall be transparent, uncoloured and of pucca glass manufactured on fully automatic machine, bearing no marking whatsoever, and shall be as per Rule 69(1) & 69(2) of the Delhi Excise Rules 2010. The bottles shall be glass bottles of standard uniform size i.e same height for each quantity i.e. 750ml, 375ml & 180ml.

The height of the bottle shall be      Quarts: 27 cm with a variation of  $\pm 0.25$  cm

Pints: 19 cm with a variation of  $\pm 0.25$  cm

Nips: 15 cm with a variation of  $\pm 0.25$  cm

- (II) No Country liquor in bottles other than those conforming to specifications described in Clause 17(I) above shall be accepted under any circumstances, except with the prior written permission of Excise Commissioner and deduction from the Licensee's bills of such amount as the Excise Commissioner may specify, shall be made and the decision of Excise Commissioner in regard to such deduction shall be final and binding on the licensee.
- (III) The decision of Excise Commissioner as to whether or not any bottles conform to the above mentioned specifications shall be final and binding on the licensee.

### (IV) LABELS

The label on each bottle of country liquor shall be as per the provisions of the Rule 69(3) of the Delhi Excise Rules, 2010, and shall also bear the Name of Printer and number of labels printed.



**(V) 1D & 2D Serialized Bar Code**

The licensee shall be required to affix 1D & 2D Serialized Bar Code on Cases and Bottles respectively which will be procured by the licensees at their own cost.

Further 15 paise per barcode downloaded from the Excise Central Data Centre (for all i.e. Quarts, Pints, Nips and Cases) excluding Service Tax/ GST will be recovered from the licensees by the Department for payment to implementing Agency i.e. TCS. Thus for a case consisting of quarts, pints and nips the cost of bar codes will work out as Rs. 1.95, Rs. 3.75 and Rs. 7.65 per case respectively.

Further, the cost of bar code generation/affixation and other related costs including service tax/GST shall be borne by the Licensee.

**(VI) ADEQUATE ARRANGEMENTS TO RUN EXCISE SUPPLY CHAIN INFORMATION MANAGEMENT SYSTEM (ESCIMS) BASED ON 2D**

The licensees are required to make the arrangement of the following in Bonded Warehouse to run Excise Supply Chain Information Management System (ESCIMS).

- (i) Latest Specs Desktop with Win 7 Operating System, Anti Virus (with latest patches).
- (ii) UPS for adequate capacity to support equipment in case of power shutdown.
- (iii) High speed Broadband Internet Access with Wi-fi enablement in the operating area
- (iv) Laser/Inkjet printer
- (v) Bar Code Printer
- (vi) Adequate Number of Hand Held Terminals (HHTs) as per specifications\*

Sl.No	Activity	Parameters	HHTs required
1	IP Receiving for a window of 4 hours (2.00pm to 6.00 pm)	<= 500 cases per hour	1
		>500 and <= 1000	2
		>1000 and <= 1500	3
		>1500 and <= 2000	4
		>2000 and <= 2500	5



		>2500 and <= 3000	6
		>3000 and <= 3500	7
		>3500 and <= 4000	8
2	TP Dispatch for a window of 2 hours (11:00m to 1:00 pm)	<= 250 Case	1
		>250 and <= 500	2
		>500 and <= 750	3
		>750 and <= 1000	4
		>1000 and <= 1250	5
		>1250 and <= 1500	6
		>1500 and <= 1750	7
		>1750 and <= 2000	8
		>2000 and <= 2250	9
		>2250 and <= 2500	10
		>2500 and <= 2750	11
		>2750 and <= 3000	12
		>3000 and <= 3250	13
		>3250 and <= 3500	14
		>3500 and <= 3750	15



		>3750 and <= 4000	16
		>4000 and <= 4250	17
		>4250 and <= 4500	18
		>4500 and <= 4750	19
		>4750 and <= 5000	20

- (vii) Consumables as per specs, paper, labels, ink, etc as per specification\*
- (viii) Adequate Number of Trained Manpower to manage simultaneous operations
- (ix) Desktop for Excise Inspector at BWH with Broadband Internet Access.

\*:- Specification and details of models in case of HHTs and paper, labels, ink etc may be obtained from the Department.

#### (VII) CARTONS

The country liquor of prescribed specifications shall be duly bottled, corked and sealed and shall be transported after being duly packed in New Cartons of 5 ply card board to the bonded warehouse of the licensee. In no case old, used or damaged cartons of different brands will be used for the purpose of packing. Each carton packed as one case shall contain exactly 12 bottles of 750ml or 24 bottles of 375ml or 50 bottles of 180ml.

- (VIII) Country Liquor shall not be accepted under any circumstance in cartons other than those specified in clause 17(VII) except in cases where prior written approval of the Excise Commissioner has been obtained for other type of cartons. However, permission will be granted by the Excise Commissioner subject to payment of such amount as the Excise Commissioner may deem fit. Decision of the Excise Commissioner in this regard, shall be final and binding on the licensee.

Any violation of the clauses mentioned in point 17 above will attract a penalty, to be decided by the Dy.Commissioner (Excise) in order to act as a deterrent.



18. The licensed premises for establishment of Bonded Warehouse for storage of country liquor shall fulfill all the requirements as laid down in Rule 86 of the Delhi Excise Rules, 2010. In addition to the requirements specified there, it should have two openings, proper electrical fittings and adequate fire safety equipments/ arrangements as prescribed by the Delhi Fire Service. The licensed premises shall also be insured against fire and other natural hazards.
19. In pursuance of the Directive Principles of State Policy relating to Prohibition contained in Article 47 of the Constitution of India, the Government 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 this account. The licensee shall in the meantime, abide by the following Prohibition measures:
- (i) The licensee shall not display any neon or glow sign in and around the licensed premises to attract the customers.
  - (ii) The licensee shall display a notice board prominently in front of the licensed premises declaring that **'DRINKING OF LIQUOR IS INJURIOUS TO HEALTH'**.
  - (iii) All persons employed by the licensee in the licensed premises shall be required to possess photo identity cards issued under the signature of the Dy. Commissioner (Excise) and the employees shall be required to produce the identity cards on demand by the Excise Officer not below the rank of Sub-inspector.
  - (iv) The licensee shall strictly abide by the provisions of Rule 26 to 31 of Delhi Excise Rules, 2010 and shall not keep, publish, display and distribute or sell any advertisement material, which directly or indirectly promotes the sale or consumption of liquor.
20. (a) The Deputy Commissioner (Excise) will sanction monthly allocation of country liquor and on the basis of this sanction, G.M. (Excise) will issue monthly allocation letter in accordance with the supply ratio determined in terms of Clause 10 specifying the date(s) by which particular quantity shall be supplied and the licensee shall supply the quantity



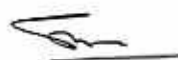


so ordered every month. The allocation letters for a particular month shall normally be issued by 20<sup>th</sup> day of the preceding month by G.M. (Excise). However, in order to meet any unforeseen demand, an additional order upto fifteen days requirement may be placed with the approval of Excise Commissioner at any time. The licensee shall arrange the supplies as per the Import Permits issued, which will generally be in such a way that atleast 25% of the monthly requirement reaches the Bonded Warehouse by the 7<sup>th</sup> day of the month, 50% by the 15<sup>th</sup> day of the month, 75% by the 22<sup>nd</sup> day of the month and the entire requirement reaches the Bonded Warehouse before the normal closing hours of the Bonded Warehouse on the last day of the month.

(b) No import permit (IP) for import of country liquor into Delhi shall be valid after the date of its expiry, provided that the Deputy Commissioner (Excise) may extend the period of validity thereof, on payment of fee as hereinafter provided, if extension is applied owing to delay in transit of a consignment or for any other sufficient reason. Further, the revalidation fee as aforesaid shall be in addition to the penalty payable under clause (c) for default in weekly supply.

S. No.	Period of Delay	Revalidation Fee Payable
1.	Delay of one day in transit of a consignment (consignment reaching after the normal closing hours of the BWH on the last date of validity of IPs shall be treated as one day delay)	Rs.4/- per case
2.	Delay of two days	Rs.6/- per case
3.	Delay beyond two days	Rs.10/- per case
4.	Revalidation of unexecuted permits	Rs.15/- per case


(c) If the licensee fails to make supply of the quantity of country liquor required to be supplied by the stipulated date as specified in Clause (a) above, he shall be liable to pay a



penalty for the defaulted quantity @ Rs.15/- per case of country liquor. In case of failure to pay penalty as aforesaid, the same shall be recovered out of the security deposit of the licensee or from the payment due to him from the L-8 licensees. However, if the supply has been defaulted due to reasons beyond the control of the licensee then the Deputy Commissioner (Excise) will be at liberty to waive off the revalidation fee and the penalty to be imposed. The decision of the Deputy Commissioner (Excise) as to whether the reasons for default were beyond the control of the licensee will be final and binding on the licensee.

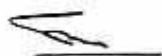
21. Each licensee shall always keep such minimum buffer stock of country liquor at a time at the Bonded Warehouse as may be prescribed by the Excise Commissioner. The licensee shall build up buffer stock to the extent of 50% of the first month's supply order of the country liquor within one month of the grant of the licence. Failure to maintain the buffer stock shall make the licensee liable to pay a penalty upto Rs.0.50 per case per day for the days the licensee had failed to maintain the buffer stock. However, if the licensee does not maintain the buffer stock because of certain extra orders placed by the Government for supplies to retail vends, he shall not be liable to pay any penalty because of non maintenance of the buffer stock. If the licensee fails to maintain the buffer stock then the supplies to retail vends shall also be reduced in the same proportion by which he has failed to maintain the buffer stock.
22. If the quantity ordered by the Deputy Commissioner (Excise) on monthly basis, whether in whole or in part, is not supplied by the licensee by the last date by which the supplies should have been made, the Deputy Commissioner (Excise) may procure such quantities of country liquor of a comparable quality from the readily available alternative source at the risk and expense of the licensee without giving any further opportunity to the licensee. Penal action against the licensee will be initiated for Excise black listing if there is a default during three consecutive months by the licensee to supply country liquor against the total monthly allocation.



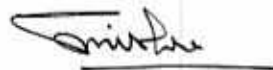
23. The truck(s) utilized by the licensee for transport of the country liquor from his distillery to the Bonded Warehouse shall not be utilized for delivery of country liquor from Bonded Warehouse to the retail vends. In other words, the fleet of vehicles utilized for movement of country liquor from the distillery to bonded warehouse shall be entirely different from the fleet of vehicles used for movement of country liquor from bonded warehouse to retail vends.
24. If the licensee or his employee(s), agent(s), servant(s), etc. infringe(s) or cause(s) or permit(s) any person to infringe any of the conditions of the licence, the competent authority may revoke and determine the licence. The licence is also liable to be revoked and determined, if the licensee furnishes or discovered to have furnished any wrong information or makes any misrepresentation of facts at any stage.
25. Without prejudice to the action for the suspension/cancellation of licence and/or any other action prescribed under the Delhi Excise Act, 2009 or rules framed and orders issued thereunder for the violation of the provisions of the said Act and rules framed and orders issued thereunder, failure to maintain the prescribed minimum stocks of country liquor or to supply the quantity demanded, as per schedule of delivery above mentioned, without good and sufficient cause, shall also render the licensee liable to pay damages in respect of any loss suffered by the Government provided that damages representing the difference in the retail price and the wholesale price (the price at which the licensee was required to make supply as per grant of his licence) due to non-supply of country liquor in the last month of the licensing period shall be recovered from the defaulting licensee because no reasonable time may be available with the Government for making any purchase at the risk and expenses of the defaulting licensee. The decision of the Dy. Commissioner (Excise) as to whether the cause of default / failure was good or sufficient shall be final and binding on the licensee.
26. The licensee shall have to pay the breakage duty in regard of breakage in a month by 7<sup>th</sup> of the succeeding month. The default in payment of breakage duty will attract interest as per clause 27. Any default will attract additional penalty, as decided by the Dy. Commissioner (Excise), which can be maximum upto 5 times of default in the breakage duty.
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- 27.(i) The licensee shall pay simple interest at the rate of 12% per annum on the amount due from the date next following the day on which such payment become due from him under Section 30 of the said Act until the date on which such payment is actually made or such amount is actually recovered whatever may be the reason for the delay in the payment or recovery.
- (ii) 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 due to him by the Department/Corporation or the Government.
- 28 If at the end of the licensing year, the licensee has country liquor stock in his bonded warehouse, which are allowed to be sold through retail vends in the new licensing year i.e. 2019-2020, the payment in respect of these stocks shall be made at the wholesale rate of 2018-2019 or 2019-2020, whichever is lower. However, the local transportation charges mentioned in Clause 16(c) will remain the same.
29. Notwithstanding anything contained/provided herein above, the Government keeping in view the public interest and revenues may give directions or pass orders in connection with any matter pertaining to the terms and conditions, and the directions so given or orders so passed in this regard shall be final and binding on the tenderer(s)/licensee(s)
30. In the event of any failure on part of the licensee to observe any of the terms and conditions, the security deposits made by the licensee in respect of the L-3 Licence shall stand forfeited, to the extent as may be decided by the Excise Commissioner.
- 31.(i) All disputes and differences arising out of or in any way touching or concerning this indenture (except those decisions whereof is otherwise provided for herein before or in the Delhi Excise Act, 2009 or rules framed or orders issued thereunder) shall be referred to the sole arbitration of any person nominated by the Government. There will be no objection to any such appointment that the arbitrator is a Government servant. The award of the arbitrator so appointed shall be final and binding on the parties.
- (ii) No proceedings shall initiate in court of law before the conclusion of such arbitration proceedings.



32. The Government reserves the right for mid-term review and accordingly change the percentage of quota fixed for the licensee(s) as well as change the ratio of quarts, pints and nips on the basis of inputs from the stake-holders, which includes Department of Excise, L-3 licensees and Corporations (L-8 licensees) or any other organization holding L-8 licenses, if any. The decision of the Commissioner of Excise in the matter will be final and binding on all the stake-holders.
33. The grant of L-3/L-33 licence shall be subject to provisions of the Delhi Excise Act 2009, rules framed and notification/orders issued there under and acceptance of these terms and conditions as a whole. The provisions of the Delhi Excise Act, 2009, the Delhi Excise Rules, 2010 and all notifications, instructions and orders issued thereunder shall be deemed to form integral and inseparable part of the tender document as if they were expressively set out in the tender documents itself. Tenderers are advised to access department website in order to acquaint themselves with the act and rules.



**(Sandeep Mishra)**  
**DY. COMMISSIONER (EXCISE)**