

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

IT REFERS TO PUBLIC NOTICE OF 2009-2010.

TERMS AND CONDITIONS FOR THE GRANT OF LICENSES IN FORM L-1F FOR THE YEAR 2009-2010 (01.04.2009 TO 31.03.2010) FOR THE WHOLESALE SUPPLY OF IMPORTED FOREIGN LIQUOR (IFL) TO THE HOLDERS OF L-2F, L-3F, L-4F, L-5F, L-19F, L-52F AND OTHER LIQUOR LICENSE IN THE NATIONAL CAPITAL TERRITORY OF DELHI.

Licenses in Form L-1F for the wholesale vend of Imported Foreign Liquor for the supply to the holders of L-2F, L-3F, L-4F, L-5F, L-19F, L-52F and other such liquor licenses as granted by the statutory authority in the National Capital Territory of Delhi will be granted for the year 2009-2010 (01-04-2009 to 31-03-2010) (hereinafter called the "the licensing year") in accordance with the terms and conditions described below: -

1. LICENSE FEE

- 1.1 Application for grant of L-1F licenses shall have to be submitted in the prescribed form (Annexure-I) along with the other required annexures, to the Collector of Excise, Government of National Capital Territory of Delhi, L-Block, Vikas Bhawan, IP Estate, New Delhi-110002 on any working day.
- 1.2 L-1F Licence will be issued on regular basis on payment of basic licence fee of Rs.5,00,000/- (Rupees Five Lakhs only) for the licensing year 2009-2010. The licence Fee will be charged fully irrespective of issue of date of licenses.

The number of spirit brands i.e. whisky, vodka, rum, gin, brandy etc. shall be allowed in the L-1F license with the condition that the licensee would be required to pay license fee as under:

Upto 10 (ten) spirit brands	Rs.5,00,000/- (Rupees Five Lac)
For every additional spirit brand	Additional Rs. 20,000/- (Rupees Twenty Thousand only)

The above brand restriction does not apply to any other category and as such the policy will remain unchanged for these categories (Beer, Wine, Mild liquor and RTD).

2. REGISTRATION OF BRANDS AND ELIGIBILITY OF BRANDS FOR SALE IN THE NATIONAL CAPITAL TERRITORY OF DELHI.

- 2.1 All the brands for sale in the National Capital Territory of Delhi shall be registered with the Excise Department of the Govt. of National Capital Territory of Delhi (hereinafter called "the Excise Department").
- 2.2 The registration of brands shall be open through out the licensing year 2009-10 on payment of the following fee:
 - (a) Rs. 10,000/- (Rupees ten thousand) only per brand of Imported spirit.
 - (b) Rs. 5,000/- (Rupees three thousand) only per brand of Beer/ Wine/ Champagne/ RTD and other mild liquors.
- 2.3 The registration and approval of the brands shall be subject to the brands fulfilling all conditions of the Punjab Excise Act, 1914 as extended to the National Capital Territory of Delhi and the rules made there under.
- 2.4 There shall be no restriction on the number of brands to be allowed on one licence. However, no exclusive right for marketing any particular brand shall be allowed to any particular licensee.
- 2.5 The applicant will have to produce the authorization letter from either IFL brand owning company or from the authorized importer in India for the purpose of registration of any IFL brand. The authorization letter shall be containing following information:
 - (i) Period of validity.
 - (ii) Name of brands.
 - (iii) Area/state permitted.
 - (iv) Name and address of authorized company.

3. ELIGIBILITY TO HOLD LICENCE

- 3.1 The licence in Form L-1F shall be granted to a Company incorporated under the Companies Act, 1956 or a firm registered under the Partnership Act, 1932 or a Society registered under the relevant Co-operative Societies Act or sole proprietor
- 3.2 The licensee may appoint an attorney/authorized representative for the National Capital Territory of Delhi. The licensee shall be liable for all omission and commission of attorney/authorized representative in execution of terms & conditions of L-1F licence.

4. INFORMATION REGARDING OTHER RELATED LICENSE.

The Excise Department and the Government shall be under no obligation to grant any particular number of L-2F, L-3F, L-4F, L-5F, L-19F, L-19AF, L-52F and other such liquor licenses. The holder of L-1F licenses shall not be entitled to any compensation or relief on the ground that a particular number of L-2F, L-3F, L-4F, L-5F, L-19F, L-19AF, L-52F and other such liquor licenses were not granted.

5. SALE HOURS AND DRY DAYS.

All days of religious importance and such other days as considered appropriate will be declared as "dry days" in addition to dry days normally declared. The holders of L-1F licenses shall not be entitled to any compensation or relief due to any increase in the number of dry days beyond the likely number mentioned hereinabove or due to change in the working hour of the bonded ware-house or of retail vends during the course of the licensing year

6. PROCEDURE TO APPLY

6.1 Application in the prescribed form (Annexure I) together with its appendices 'B' and 'C' for the grant of license shall be made to the Collector. In case, the applicant is a company incorporated under Companies Act, the application shall be signed by the Managing Director or duly authorized Director of the company by the board of directors of the company concerned. In case of individual partnership concern or a society registered under the Co-operative Societies Act, the application shall be signed by the Proprietor, duly authorized working partner, chairman or secretary of the society, as the case may be.

6.2 Information as required for this purpose in the application form shall be furnished with complete details truly and faithfully, so as to enable the smooth processing of application for grant of L-1F licenses. The applicants shall not be entitled to any relief or compensation on account of delay in the finalization of their case for the grant of license.

6.3 The license in Form L-1F will be granted on fixed fee.

6.4 No applicant shall be granted a license in Form L-1F which is not eligible to hold a license and does not fulfill all the requirements of the Delhi Liquor License Rules, 1976.

7. OTHER CONDITIONS OF LICENSE

7.1 License in Form L-1F for the licensing period shall be interalia subject to the general conditions as contained in rules 33, 34 and 35 of the Delhi Liquor License Rules, 1976. The licensee shall abide by the provisions of the Punjab Excise Act, 1914 as extended to the National Capital Territory of Delhi, the rules framed thereunder and orders/instructions

issued thereunder from time to time and any law in force in the National Capital Territory of Delhi relating to liquor.

- 7.2 These terms and conditions, unless repugnant to the express provisions of the Punjab Excise Act, 1914 as extended to the National Capital Territory of Delhi and the rules made thereunder, shall be in addition to the said Act and the Rules.
- 7.3 The licensee will be bound for Value Added Tax (VAT) as already implemented in NCT of Delhi w.e.f. 01.04.2005
- 7.4 It will be mandatory to mention retail price on all the bottles of all sizes of all bands of IFL being supplied in the National Capital Territory of Delhi.
- 7.5 It will be mandatory to mark as "For Diplomatic Supply only" or "For Duty Free Shop only" in the labels of IFL for the supplies meant for diplomatic supply and duty free shop as the case may be.
- 7.6 It will be mandatory to affix holograms on each and every bottles of IFL except miniature being supplied in the National Capital Territory of Delhi. The holograms will be supplied by the department on such cost as decided by the competent authority from time to time. Further, the holograms should be affixed only in the presence of an Excise Inspector deputed by the Department.
- 7.7 The licensee shall not sell any liquor not conforming to the specifications prescribed by the Commissioner or if has not prescribed any specifications, to the specification laid down by the Indian Standard Institute now known as Bureau of Indian Standard or any international specification. The consignment of liquor should be free from sedimentation or foreign particle.
- 7.8 The grant of L-1F (wholesale) licence shall be subject to the acceptance of the terms and conditions as a whole.

8. GRANT OF LICENCE

- 8.1 All the applications for the grant of fresh L-1F licence shall be subject to the acceptance by the specified competent authority, who, may accept or reject any application without assigning any reason. The licensing authority or the Government shall be under no obligation to grant any license for which application has been made.
- 8.2 An applicant whose application is accepted, immediately on being informed, shall complete the following formalities: -
 - (a) He shall pay the entire license fee before the grant of L-1F license.
 - (b) The brand registration fee shall be deposited as soon as the brand is approved.

9. LABELS

The licensee shall be bound to abide by the instructions of the department to affix an additional label containing such information as required and directed by the excise department.

10. SECURITY

The licensee shall be bound to deposit security, as decided by the competent authority, as and when asked by the Department.

11. PREMISES

The licence in Form L-1F shall be granted only to the applicants who are holding a Custom Approved Bonded Warehouse Licence or having space allocated in the Customs Approved Bonded Warehouse or any other BWH licence subject to submission of NOC from Custom Department.

12. PAYMENTS

- 12.1 The licensee shall make all the payments to the Government in connection with the operation of his licence in cash or by bank draft drawn in the name of the Collector of Excise, Government of National Capital Territory of Delhi.
- 12.2 The licensee shall pay interest @18% p.a. from the date on which any payment recoverable from him under section 60 of the said Act becomes due to the Government until the date 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.
- 12.3 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.

13. PROHIBITION

- 13.1 In pursuance of the Directive Principles of the State Policy relating to prohibition, contained in Article 47 of the Constitution of India, the Lt. Governor 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.
- 13.2 The licensee shall abide by the following prohibition measures namely:
 - (1) The licensee shall not display any neon or glow signs in and around the licensed premises to attract the customers.

- (2) The licensee shall display a notice board prominently in front of the licensed premises declaring that "Drinking of Liquor is injurious to health".
 - (3) The licensee shall not keep nor distribute, sell or publish/have displayed any advertising material of its liquor products or products having similar nomenclature which are directly or indirectly likely or intended to promote the sale or consumption of liquor by way of advertising in newspapers, hoardings, banners etc. Eco-friendly carry bags with advertisements/messages can, however, be supplied to the patrons subject to such advertisement/messages not exhorting people to take to drinking.
 - (4) No licensee shall advertise its liquor products or any product having similar nomenclature of liquor product unless such advertisement conforms to the program code and advertisement code as laid down in the Cable Television Network (Regulation) Act, 1995 and Cable Television Network Rules, 1994.
14. The licensee shall be bound to furnish any information in connection with L-1F licence truly and faithfully within a reasonable time as may be prescribed by the Commissioner or the Collector or the District Excise Officer or the Excise Officer. Refusal to furnish the information, furnishing of false information or non-compliance of the orders will be regarded as the breach of the terms and conditions of the license. Breach of terms and conditions may also result in non-issue of import/transport permits and suspension/cancellation of license.
15. The Commissioner/Collector reserves the right to cancel or suspend any L-1F license at will as per provisions of Sec. 36 (g) of the Punjab Excise Act, 1914 as extended to the National Capital Territory of Delhi.
16. The Government reserves the right for a review of manner of levying duties / fees and amount of duties / fee etc. to be paid / payable in case any amendment is made to the Act, Rule or Law related to liquor & bonded warehouse in Delhi during the period of licence. Accordingly the changes if any shall be binding to all the L-1F licensees.

sd/-
(R.M. PILLAI)
Commissioner (Excise)