

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
O/O THE COMMISSIONER OF EXCISE, ENTT. & LUXURY TAX
L- BLOCK , VIKAS BHAWAN, NEW DELHI

F.No.L-6/EX./IMFL/2022-23/VOL-II/ 1997-2000

Date : 03/08/22

To,

1. The Managing Director (DTTDC) 19-A, DDA SCO Complex, Defence Colony, New Delhi- 110024	2. The Chairman-cum-Managing Director (DSCSC) Aapurti Bhawan, 7-9, Aaram Bagh, Paharganj, New Delhi.
3. The Managing Director (DSI IDC) Room No. G-08 & 11, Plot No. 74 A, DSI IDC Office Building, Ring Road, Lajpat Nagar-III, New Delhi-110024	4. The Executive Director (DCCWS) Karampura Road, Moti Nagar, New Delhi-110015

Sub: Opening of Government Corporation liquor vends (L-6 vends) - reg.

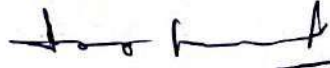
Sir/Madam,

The Government has decided to revert to the Excise Duty based Policy regime w.e.f. 01/09/2022. The Government and its agencies (viz. DSI IDC, DSCSC, DTTDC, DCCWS), were sizeable players in the retail segment as well as public at large in the previous regime.

2. In this regard, please find enclosed herewith the Terms & Conditions for opening of L-6 vends alongwith the prescribed proforma for applying for opening of new L-6 vends.
3. You are requested to apply for grant of license in accordance with aforesaid Terms & Conditions on priority alongwith documents as mentioned in the proforma.
4. This issues with the prior approval of Commissioner (Excise).

Yours faithfully,

Encl: As above


Assistant Commissioner (IMFL)

TERMS AND CONDITIONS FOR THE GRANT OF LICENCE IN FORM L-6 RETAIL VEND OF INDIAN LIQUOR/FOREIGN LIQUOR IN PUBLIC SECTOR (SELECTED UNDERTAKING OF THE DELHI GOVERNMENT NAMELY DTTDC, DSIIDC, DSCSC AND DCCWS)

L-6 License for retail vend of Indian Liquor/Foreign Liquor are granted only to the selected undertakings of the Delhi Government namely DTTDC, DSIIDC, DSCSC and DCCWS. Any proposal in respect of premises for opening of a vend would come from these Corporations. As such, an individual who wants to give his premises on rent for opening of vend has to approach the corporations, which after looking into suitability of the premises apply to the Office of the Commissioner of Excise for grant of L-6 license in respect of the premises.

1. ELIGIBILITY TO HOLD LICENCE

As per Rule 32(1) of the Delhi Excise Rules, 2010, (hereinafter referred to as rules), L-6 Licence shall be granted to the retail vend in public sector to the Companies registered under the Companies Act, 1956 as amended from time to time.

2. The vend premises should be in a pucca building with minimum floor area of 300 Sq. Ft. located in Local Shopping Centre (LSC)/Commercial premises.

2.1 The proposed vend premises shall be inspected by the site inspection committee/team deputed by the Licensing Authority, comprising of Excise Officers which shall ascertain the suitability of the proposed premises for grant of licence as per the provisions under the Delhi Excise Rules, 2010.

2.2 As per rule 51(1) of the Delhi Excise Rules, 2010, no retail vend of Indian Liquor, Foreign Liquor or Country Liquor shall be located within one hundred meters from the following namely :-

- (a) Major educational institutions;
- (b) Religious places;
- (c) Hospital with fifty beds and above:

Provided that the condition mentioned in clause (C) above shall not apply for retail vend of liquor for consumption "on" the premises"

Provided further that the condition of hundred meters shall apply for the licences granted after the commencement of these rules.

Provided also that if any major educational institution, religious place or hospital with fifty beds or above comes in to existence subsequent to the establishment of the retail vend of Indian Liquor, Foreign Liquor or Country Liquor, the aforesaid distance restrictions shall not apply.

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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.

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.

Explanation III- The measurement of distance shall be the shortest traversable distance, from the mid point of the actual main entrance/door of the premises proposed for licence to mid point of the actual main door/entrance of the building of the places mentioned in clauses (a) (b) and (c) above.

3. If the proposed premises meets the above requirement and found suitable and the grant of L-6 licence is approved, the concerned Corporation will require to deposit the prescribed licence fee before issue of licence.
4. Licence in Form L-6 for the licensing period shall be, *inter alia*, subject to the general conditions in Rules, 37, 50, 51 and 66 of the Delhi Excise Rules, 2010. The holders of L-6 licence shall abide by the provisions of the Delhi Excise Act, 2009, (hereinafter referred to as Act), the rules and orders issued thereunder, and any other law/rules in force in the National Capital Territory of Delhi relating to liquor.

4.1 The applicant for L-6 licence should be in actual physical possession of a premises (hereinafter referred as "the proposed vend) measuring carpet area of 300 Sq. Feet and above, situated at LSC/Commercial premises duly approved by the local bodies including DDA/MCD/NDMC, etc.

5. PROCEDURE TO APPLY

5.1 Applications in the prescribed form (Annexure-I) along with other relevant documents, for L-6 licence shall be made to the Deputy Commissioner (Excise), (hereinafter referred as "the Deputy Commissioner).

5.2 Applicant will submit the following documents along with the application :-

- (a) Proof of lawful possession of the proposed premises i.e. ownership/lease/rental documents etc.
- (b) An affidavit declaring that :-
 - (i) He is in actual physical possession of the premises for which he has made an application for grant of L-6 licence.
 - (ii) There is nothing adverse against the applicant as per the provisions of rule 23 of the Delhi Excise Rules, 2010.

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5.3 A lay out plan of the area in which the shop is located , clearly showing the proposed premises/vend.

6. Information , as required in the application form, shall be furnished with complete details and enclosures, truly and faithfully, so as to enable smooth processing of the application. The applicant shall not be entitled to any relief or compensation on account of delay in the finalization of his case for grant of the licence.

6.1 The applicant , whose application is not complete in all respect, will be given 15 days time to remove the deficiencies failing which the application shall be rejected summarily without any further notice.

7. GRANT OF LICENCE

7.1 All the applications for the grant of L-6 licence shall be subject to the acceptance by the licensing 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.

7.2 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 licensing authority shall be final.

8. COMPLETION OF FORMALITIES

8.1 Successful applicants shall be granted L-6 licences, for their respective proposed vends, subject to the completion of the following requirements within fifteen days from the date of approval of the licence :-

- (a) Payment of licence fee as prescribed under the Delhi Excise Rules, 2010, by way of demand draft or by online mode of payment, in favour of the Deputy Commissioner, Delhi.
- (b) 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.

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- iii. All the corporations shall take necessary steps to ensure 100% scanning and shall take all necessary steps for layout improvement and put signages in a prescribed font/format, wherever required.
- iv. There shall be specific colour coding for the specific corporation vends i.e. green colour for DITDC, blue for DCCWS, grey for DNTDC and yellow for , so that they are easily identified visually.
- v. The vend incharge and other employees will wear uniform with name plates according to the colour code mentioned above.
- vi. They shall display the helpline number of the concerned Corporation headquarters and the Excise Control Room (011-23370262) and shall maintain hygiene in an around the vend.
- vii. They will ensure that no open wiring and fittings are visible to the customers.

9. 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 Deputy Commissioner for removal of defects in the building.

10. TRANSPORT PERMITS/RIGHT TO SELL LIQUOR

- 10.1.1 On completion of the above-referred requirement, the applicant shall be granted licence in Form L-6, which will entitle him to make retail sale, from the proposed vend, of those brands of Indian Liquor/Foreign Liquor which have been approved/registered by the Deputy Commissioner in the National Capital Territory of Delhi.
- 10.1.2 The holder of L-6 licence shall be bound to procure liquor from holders of L-1/L-1F licence, at the rate approved by the Department. Transport Permits to procure liquor from holders of L-1/L-1F licences shall be issued to the holders of L-6 licensee subject to payment of excise duty and other levies applicable under the Act and the Rules.

11. TIMING AND RETAIL PRICE

- 11.1 Government of National Capital Territory of Delhi has approved the policy of flexi-timings for retail trade of liquor in Delhi. L-6 liquor vends will be allowed to remain open from 10.00 am to 10 p.m.
- 11.2 Holders of L-6 licence shall be bound to sell liquor only at a price fixed by the Excise Commissioner for each brand, and mentioned on labels. Any

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undercharging or overcharging shall be considered as violation of the terms and conditions and the licence shall be liable to be cancelled.

12. DRY DAYS

"Dry Days" as declared by the Government under Rules 52 of the Delhi Excise rules, 2010, shall be observed as "dry days". L-6 retail vends shall remain closed on all the "dry days". The holders of L-6 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.

13. STOCK AND BOOKS OF ACCOUNTS

13.1 The holders of L-6 licence shall store only such number of brands of Indian Liquor/Foreign Liquor as may be approved by Deputy Commissioner.

13.2 The holders of L-6 licence shall maintain the books of accounts and sales statements in the prescribed proforma. He shall maintain true account for day to day, in ink, entering all figures in international numbers and other particulars in English or Hindi.

14. PAYMENTS

14.1 The licensee shall make all the payments to the Government in connection with the operation of his licence by way of bank draft or online mode approved by RBI, in the name of the Deputy Commissioner, Government of National Capital Territory of Delhi.

14.2 The licensee shall pay simple interest @ 12% per annum from the date next following the day on which any payment recoverable from him under section 29 of 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.

14.3 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.

15. BARCODE SYSTEM

15.1 For implementation of the Excise Supply Chain information Management System (ESCIMS), the standard operating procedures for barcode implementation shall be made available to all the licensees of the Department of Excise, Entertainment and Luxury Taxes of NCT of Delhi, who shall be required to procure, install and make

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necessary provisions for IT and non IT infrastructure at his licensed premises as may be required for successful implementation of the Excise Supply Chain information Management System.

15.2 The holders of L-6 licence shall be bound to issue receipt/bill for each transaction of sale of liquor. The bill/receipt shall inter alia include:-

- (i) name of the holder of the L-6 licence and address of the shop,
- (ii) name and address of the customer,
- (iii) date of sale,
- (iv) names, quantity and batch no. of the brands sold.

16. RENEWAL

16.1 Normally, the Excise Year would be from 1st April to 31st March (see rule 21).

16.2 L-6 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.

17. PROHIBITION

17.1 In pursuance of the Directive Principles of the State Policy relating to Prohibition contained in Article 47 of the Constitution of India, 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.

17.2 The licensee shall abide by the following prohibition measures, namely:-

- (i) The licensee shall display a notice board prominently in front of the licensed premises declaring that "Drinking of liquor is injurious to health".
 - (ii) 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.
 - (iii) The licensee shall neither keep, distribute nor sell any advertisement 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.
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(iv) 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 (as amended from time to time) and The Cable Television Net Work Rules, 1996 (as amended from time to time.)

18. OTHER CONDITIONS OF LICENCE

- 18.1 Other conditions and guidelines, as applicable to retail liquor vends, shall be adhered to in the case of L-6 vends also and they shall also follow additional conditions as prescribed by the Government from time to time.
- 18.2 The licensee shall furnish to the Deputy Commissioner, 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 Deputy Commissioner or any Excise officer may refuse to issue any pass 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 29 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.
- 18.3 No outsourcing, whatsoever will be allowed in any form to the licensee.
- 18.4 In order to provide a wider choice to a customer for picking a brand of liquor, the department has initiated the idea self-services liquor vends. The self-served vends shall have such design and arrangements so that a customer does not require any aid and is not interfered while choosing a brand of his/her choice. The incentive for self-served vends may also include increasing the profit margin of such vends.
19. The licensee shall be bound to furnish any information in connection with L-6 licence truly and faithfully within a reasonable time as may be prescribed by the Excise Commissioner, the Deputy Commissioner, the Assistant Commissioner 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-issuance of import/transport permits and suspension/cancellation of licence.

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20. These terms & conditions, unless repugnant to be express provisions of the Delhi Excise Act, 2009, and the Rules made thereunder, shall be in addition to the said Act and the Rules, which are deemed to be incorporated in these terms & conditions as if they are expressly set out herein. Applicants are advised to access, read and understand the same before applying.
21. The Deputy Commissioner reserves the right to cancel or suspend any L-6 licence at will as per provision section 17 of the Act.
22. The Government reserves the right for a mid-term 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-6 licensees.

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COMMISSIONER (EXCISE)