

DISTRICT EXCISE OFFICE: SAMBALPUR.

No. 239 / Ex. Dt. 14.02.2020

**FORM – A**

NOTICE INVITING APPLICATIONS FOR SETTLEMENT OF IMFL 'OFF' SHOP THROUGH LOTTERY FOR THE REMAINING PERIOD OF THE YEAR 2019 – 20.

[See clause (ii)]

1. The Consideration money for exercising the exclusive privilege for retail sale of India made foreign liquor (OFF) in the district of **Sambalpur** will be determined through "Inviting applications on fixed monthly consideration money and by draw of Lottery" in accordance with the order issued under section 35 of the Odisha Excise Act. 2008 (herein after called as Act) read with rule-34(5) of the Odisha Excise rules, 2017, as for the time being in force and applicable, on 25/02/2020 (date) at 4.30 AM/PM (time) in the **Conference Hall of Collectorate, Sambalpur** (place).
2. The exclusive privilege to be so granted will confer the right to open a shop in the locality named in the list. The list of the locality where the shop is to be opened with its monthly consideration money is as noted below:

Kind of Exclusive privilege..	Name of the shop with locality at which the privilege is to be exercised.	Local area.	Monthly Consideration money of the shop as per Excise policy 2019-20.	Monthly MGQ fixed	
				IMFL in LPL	Beer in BL
1	2	3	4	5	6
IMFL 'OFF' Shop.	Jujumura	The shop premises it self	Rs.40,000/-	2000	3000

3. The exclusive privilege shall, without prejudice to any of the provisions of the Act and the rules made there under shall be subject to the following conditions.
  - (i) The consideration money shall be payable in the manner specified in Rule 34 of Odisha Excise Rules 2017, as amended from time to time.
  - (ii) The currency of the license will commence on **(from the date of grant to till 31<sup>st</sup> March 2020)** on which date the holder of the licence is to open the shop for retail sale of India Made Foreign Liquor. Failure to open the shop as stipulated herein will entail cancellation of license and recovery of any loss caused to Government, except in case of delay in granting the license or where any shop is closed under Section 26 of Odisha Excise Act. 2008.

- (iii) No compensation shall be paid to the holder of an exclusive privilege for retail sale of India Made Foreign Liquor for closure of his shop on 2<sup>nd</sup> day of October every year on account of Gandhi Jayanti and also for closure during general election / bye election to Parliament (Lok-Sabha) / State Assembly as per direction of the Election Commission of India and in conformity with the direction of the State Election Commissioner during the election to Gram Panchayat / Panchayat Samiti /Zilla Parishad and Urban Local bodies.
- (iv) The holder of a licence shall not be entitled to any compensation or to the refund of any consideration money paid or deposits made in respect thereof, in the event of his licence being cancelled or suspended before the expiration of its term under the provisions of Section 47 of the Odisha Excise Act 2008..
- (v) A shop once starts operating in its sanctioned locality shall not ordinarily be removed. However shifting of a shop to any site other than the sanctioned locality for any special reasons shall be subject to the approval of the Excise Commissioner.
- (vi) The holder of the licence shall abide by the provisions of the Act and of the Rules and orders made there under.
- (vii) The state Government will not be responsible for providing the place for location of shops. It will be the responsibility of the privilege holder to arrange suitable place and carry on the privilege granted to him. The place so arranged shall be free from objection from the Public.
- (viii) The exclusive privilege once granted shall continue for a period of three years including the year of grant, unless and otherwise directed by the Government. The exclusive privilege holder shall renew his licence on terms and conditions generally prescribed for all by the state Government from year to year till completion of three years. Willful omission to renew the licence for a shop or group of shops in terms and conditions generally prescribed for all will not allow the exclusive privilege holder or his family members or his associates to take part in subsequent Settlement of the shop or any other shops till completion of three years including the year of grant.
- (ix) No licence shall be granted to any person who is of doubtful solvency or who is known to be involved in spurious liquor trade, or who has been facing a trail in any criminal court under the Act or who has been charged

of a non-bailable offence under the provisions of Indian Penal Code, 1860 (Act No. XLV of 1860) or who is a defaulter in terms of Rule 35 of the Odisha Excise Rules, 2017 or in terms of Rule 149 of Odisha Excise Rules 2017.

- (x) The state Government reserves the right to refuse grant of exclusive privilege without assigning any reason thereof and settle the privilege before expiry of three years in the manner as may be directed by the state Government from time to time.
- (xi) The lottery shall be held subject to the following conditions:-
  - (a) The persons (s) intending to take part in the lottery shall submit Application(s) to the Collector, Sambalpur in the format prescribed herewith.
  - (b) The Application as in Form 'B' shall be accompanied with the up-to-date solvency certificate worth of minimum Rs. 5,00,000/-, up-to-date sales tax, income tax clearance or non-assessment certificate, as the case may be, copy of Permanent Account Number Card, Excise No dues Certificate, and a Bank Draft/Treasury challan showing deposit of an amount of **Rs. 1,00,000/-(as per Excise policy 2019-20)** towards non-refundable application fee, besides the requisite court fee of the value as prescribed under the Indian Stamp Act, 1899.
  - (c) The applicant shall also enclose a copy of voter's identity card or in the absence of the same a copy of recent passport size photograph.
  - (d) An affidavit duly executed by the applicant before an Executive Magistrate to the effect that the applicant has not been convicted in any criminal case or being tried in any court of competent jurisdiction shall also be enclosed to the application.
  - (e) A Bank Draft equal to 1 (one) month Consideration Money as notified herewith in the list of shop shall be submitted separately by the applicant along with other documents, as aforesaid. The Bank Draft of the winner of lottery shall be adjusted towards the advance for the shop payable by the applicant and in all other cases, the same will be returned / released after the lottery is over.
  - (f) The amount offered shall be in terms of monthly consideration money and shall not be less or more than the monthly consideration money declared in the notice.

- (g) The Application shall be filed by intending applicants on or before 20/02/2020 at 5.30 P.M in the office of the **Superintendent of Excise, Sambalpur** and no application shall be entertained thereafter.
- (h) Prior to one day before the date of drawal of lottery, the list of persons whose applications qualify for consideration in the lottery shall be notified in the **District Excise Office, Sambalpur** notice board.
- (i) At least after two days of the last day fixed for filling of applications, the lottery will be drawn by the **Collector, Sambalpur**, who shall declare the name (s) of the winner (s) of lottery. If there is but only one application for any shop or group of shops, the Collector shall declare the name of such applicant to be the winner of the lottery. The applicant (s) or their authorized agents may remain present at the time of drawal of lottery.
- (j) After the declaration of lottery, the applicant shall be required to put his signature in the Register of Settlement, Register of undertaking to lift the monthly minimum guaranteed quantity as determined for the shop on the basis of the monthly consideration money which is now for all areas 7 London proof litre of India Made Foreign Liquor and 10 bulk litre of Beer per one hundred rupees of consideration money. This ratio for fixation of minimum guaranteed quantity may undergo any change as may be decided by the Government from time to time.
- (k) The winner of the lottery will be issued with a licence for the shop, or group of shop as the case may be on payment of consideration money for the period of the month in which the licence is granted. The advance for three month Consideration Money tendered by him in shape of Bank Draft shall be adjusted for the last three months of the period of grant.
- (l) If the applicant after being successful in the lottery declines or refuses or willfully omits to take licence on some plea or other, the amount tendered by him through Bank Draft shall be forfeited to the state Government and he shall be further liable for any loss that may accrue to the Government on account of delay in Settlement of the shop or group of shops. He or his family members or his associates will not be permitted to take part in the Settlement of that shop / group of shops or any shop for three years including the year of his default.

- (m) If no application is received, the Collector may notify another date for filling of Applications. So also, if the last date for filling of Application or the date fixed for drawal of lottery is declared as a holiday for any special reason or for any unavoidable contingency, the Collector shall reserve the right to defer the date to some other suitable date by issuing notice to the effect. Such lottery will be held subject to terms and conditions, as notified herewith.
- (n) The decision of the Excise Commissioner relating to any dispute on account of lottery in the district level shall be final which shall be binding on all the applicants to the lottery.

N.B. That monthly minimum guaranteed quantity of I.M.F.L. "Off" shops shall be as follows:-

- I. In all areas- 5 L.P.L. of I.M.F.L. and 7.5 BL of Beer per Rs.100/- of Consideration money.
- II. Scrutiny of applications will held on \_\_\_\_\_
- III. As the aforesaid I.M.F.L. "Off" shop is to be settled in the month of February 2020 the proportionate consideration money will be collected from the date of settlement from the lottery winner.
- IV. No new liquor shops will be allowed in the Govt. land and within 500 meters from N.H./S.H. as per the Excise Policy, 2019-20.

Place : - Sambalpur

Date : - /02/2020.

  
Collector, Sambalpur.

DISTRICT EXCISE OFFICE: SAMBALPUR.

Memo No. 240 / Ex. Dt. 14.02.2020

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

Copy forwarded to the Addl. Secretary to Government Excise Department, Odisha, Bhubaneswar for information & necessary action.

Copy forwarded to the all Deputy Commissioners of Excise of State for information and necessary action.

Copy forwarded to all Collectors / Superintendents of Excise in the State for information & necessary action.

Copy to all O.I.Cs of Excise of all Excise stations / Inspectors of Excise of this district for information and wide publication.

Copy forwarded to all Sub-Collectors of this district for information & wide publicity.

Copy forwarded to D.I. & P.R.O., Sambalpur for information and wide publication.

Copy forwarded to B.D.O. of Jujumura Block (Through the Sub-Inspector of Excise, Dhama) for wide publication.

Copy to District Excise Office / Collectorate, Sambalpur Notice Board for wide publication.

Copy to District Informatics Officer, NIC, Sambalpur for uploading in the Dist. Website for wide publication.

  
Collector, Sambalpur.