

LAST DATE OF FILLING OF APPLICATION: 22-2-11

DISTRICT EXCISE OFFICE, KENDRAPADA

No. 51 /Ex.Dt. 15-2-2011

FORM-"A"

NOTICE INVITING APPLICATIONS FOR SETTLEMENT OF INDIA MADE FOREIGN LIQUOR "OFF" SHOP AND C.S LIQUOR SHOPS THROUGH LOTTERY FOR THE REMAINING PERIOD OF THE YEAR 2010-2011.

(See Clause-II)

1. The consideration money for exercising the Exclusive Privilege for retail sale of I.M.F.L & CS Liquor in the district of Kendrapada as per the list annexed (Annexure-A) will be determined through inviting application on fixed consideration money and by draw of lottery in accordance with the order issued under Sub-section (2) of Section-29 of Bihar & Orissa Excise Act. 1915 (No.2 of 1915) hereinafter called as Act as for the time being in force and applicable on (Date) 25-2-11 (Time) 11 AM A.M/P.M (Place) Collectorate Chamber of Collectr, Kendrapada.
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 localities where the shops are sought to be opened with their monthly consideration money is annexed herewith.
3. The Exclusive Privilege shall, without prejudice to any of the provisions of the Act and Rules made there under shall be subject to the following conditions.
 - i. The consideration money shall be payable in the manner specified in the Orissa Exclusive Privilege Foreign Liquor Rules, 1970' as amended from time to time.
 - ii. The currency of the license will commence form date of grant till 31.3.2011 on which date the holder of the license is to open the shop for retail sale of Indian made foreign liquor/C.S liquor. Failure to open the shop 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 the Act.
 - iii. No Compensation shall be paid to the holder of an Exclusive Privilege for retail sale of I.M.F.L or closure of his shop on the 2nd day of October every year on account of "GANDHI JAYANTI" and also for closure during general election/ bye-election to Parliament, Loksabha/State Assembly as per direction of the Election Commission, India and in conformity with the direction State Election Commission during the election to Gram Panchayat/ Panchayat Samiti/ Zilla Parishad and Urban Local Bodies.
 - iv. The Holder of a license shall not be entitled to any compensation or to the refund of any compensation money paid or deposits made in respect thereof. In the event of this license being cancelled or suspended before the expiration of the term under the provisions of Section-42 of the aforesaid Act.
 - v. A shop once starts operating in its sanctioned locality shall not be ordinarily removed. However shifting of a shop to any site other than the sanctioned locality for any special reason shall be subject to the approval of the Excise Commissioner.
 - vi. The Holder of the license 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 the shop. It will be the responsibility of the privilege holder to arrange suitable site 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 license on terms and conditions generally prescribed for all the State Government from year to year till completion of three years. Willful omission to renew the license 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 license shall be granted to any person who was of doubtful solvency or who is known to be involved in spurious liquor or who has been facing a trial in any criminal Court under the Act who has been charged of a nonbailable offence under the provision of Indian penal Code, 1860 (Act No. 46 of 1860) or who is a defaulter in terms of rule 45 of the Orissa Excise Rules, 1965 or in terms of rule 102 (A) of Board's Excise Rules, 1965.
- x. The State Government reserves the right to refuse grant of exclusive privilege without assigning any reason there of and settle the privilege before expiry of 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 person(s) intending to take part in the lottery shall submit applications(s) to the Collector in the format prescribed herewith.
 - B. The application as in Form-"B" shall be accompanied with the upto date solvency certificate, 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 of Rs, 10,000/- (Ten thousands) towards non-refundable application fee drawn in favour of the Collector, Kendrapada besides the requisite Court fee of value as prescribed under 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 is being tried in any court of competent jurisdiction shall also be enclosed to the application.
 - E. A Bank Draft equal to ~~three~~^{one} months consideration money as notified here with in the list of shops shall be submitted 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 sale not be less or more than the consideration money declared in the notice.
 - G. The application shall be filed by the applicants on or before 22.2.11 in the Office of the Superintendent of Excise, Kendrapada and no application shall be entertained thereafter.

- H. Prior to one day before the date of drawl of lottery, the list of persons whose applications qualify for consideration in the lottery shall be notified in the District Notice Board.
- I. At least after two days of the last day fixed for filing application, the lottery will be drawn by the Collector 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 applicants to be winner of the lottery. The applicant(s) or their authorized agents may remain present at the time of drawl of lottery.
- J. After the declaration of the lottery, the applicants shall be required to put the 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 24. London proof Liter of IMFL & 35 BL of Beer per one thousand rupees of consideration money, in respect of IMFL "OFF" shops to be opened in rural area and 27.0 & 40.0 on IMFL and Beer per thousand of consideration money in urban area. This ratio for fixation of minimum guaranteed quantity may under go any change as may be decided by the Govt. from time to time.
- Similarly applicants in respect of O.S Liquor are also required to put his signature in the Register of the Settlement, Register of undertaking to lift monthly minimum guaranteed quantity as determined, is now 1.50 quintals of Mohua Flower per thousand 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 lottery will be issued with a licease for the shop or group of shops as the case may be on payment of consideration money for the period of the month in which the license is granted. The advance for three months tendered by him in shape of Bank Draft shall be adjusted for last three months of the period of grant.
- L. If the applicant after being successful in the lottery declined or refused or willfully omits to take license 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 if he is a defaulter.
- M. If no application is received, the Collector may notify another date for filing of application. So also, if the last date for filing of application or the date fixed for drawl 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.

COLLECTOR, KENDRAPADA

2-15-11

15-11-11

Memo No. 52 /EX.Dt. 15.2.2011

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

Copy forwarded to the Addl. Secretary to Govt. Excise Department, Bhubaneswar for information and necessary action.

Copy forwarded to all Superintendent of Excise in the State for wide publicity.

Copy forwarded to Superintendent of Police Kendrapada/Sub-Collectors Sadar/ /D/I & P.R.O Kendrapada/Chair Person Mohakalpada/Derabish Panchayat Samiti /Kendrapada Municipality/Chairman all NAC of Kendrapada district for information and necessary action.

Copy forwarded to Tahasildars/Block Development Officers for wide publicity.

Copy forwarded to District Information Officer, NIC, Kendrapada for publication in District Website.

Copy forwarded to Inspector and Sub-Inspectors of Excise of the district for wide publicity. They are directed to arrange suitable applicants to make the settlement of above mentioned IMFL "off" shop & C.S Liquor Shop fixed to _____ a success.

Copy forwarded to district Excise office notice board/Collectorate Kendrapada notice board for information of general public.

COLLECTOR, KENDRAPADA
15/2/2011

STATEMENT SHOWING NAME, LOCATION WITH E.P.AREA OF THE IMFL "OFF" SHOP OF THE DISTRICT OF KENDRAPADA TO BE SETTLED BY WAY OF DRAW OF LOTTERY FOR THE REMAINING PERIOD OF 2010-11.

Sl. No.	I.M.F.L "off" shop	Location	E.P Area	Reserved price in Rs. Per month
1	Kharanasi	Vill/G.P- Kharanasi	The shop premises it self	Rs. 80,000/- (Eighty thousand) only
2	Derabish Bazar	Vill/G.P-Golarhat	The shop premises it self	Rs. 35,000/- /- (Thirty five thousand) only

COLLECTOR, KENDRAPADA
15/2/2011