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महाराष्ट्र शासन राजपत्र असाधारण भाग चार-ब, डिसेंबर २३, २०१७/पौष २, शके १९३९

(८) सदर अनुज्ञप्ती विधीग्राह्यतेच्या कालावधीत रद्द व निलंबित झाल्यास अनुज्ञप्तीधारक त्यांचेकडे असलेले व विक्री न झालेला विदेशी मद्यसाठी तात्काळ राज्य उत्पादन शुल्क अधिका-याकडे समर्पित करेल. असा समर्पित केलेला मद्यसाठी संबंधित अधीक्षक, राज्य उत्पादन शुल्क विक्री करून अशा विक्रीतून आलेल्या रकमेतून राज्य शासनास देय असलेली रक्कम वसूल करून आणि असा मद्यसाठी विक्री करण्यासाठी झालेल्या खर्चाची रक्कम वगळून उर्वरित रक्कम अनुज्ञप्तीधारकास परत करेल.

(९) राज्य उत्पादन शुल्क विभागाच्या दुय्यम निरीक्षकापेक्षा कमी नसलेल्या अधिका-याचे सर्व आदेश व सूचनांचे अनुज्ञप्तीधारक पालन करेल.

दिनांक ——— रोजी मंजूर केले.

मुद्रा

अधीक्षक, राज्य उत्पादन शुल्क"

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

पु. हि. वागदे,
शासनाचे सहसचिव.

HOME DEPARTMENT
Camp Office, Hyderabad House, Nagpur.
Dated the 23rd December 2017.

NOTIFICATION

MAHARASHTRA PROHIBITION ACT

No. FLR 0917/C.R.202/EXC-2. -

Whereas, the Government of Maharashtra considers it expedient further to amend the Bombay Foreign Liquor Rules, 1953, and that the amendment should be brought into force at once, and therefore the rules should be made without previous publication as provided by the proviso to sub-section (3) of section 143 of the Maharashtra Prohibition Act (XXV of 1949).

Now, therefore, in exercise of the powers conferred by clauses (b), (g) and (h1) of sub-section (2) read with the proviso to sub-section (3) of section 143 of the Maharashtra Prohibition Act and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, as follows, namely :-

1. These rules may be called the Bombay Foreign Liquor (Second Amendment) Rules, 2017.
2. For Part IV-A of the Bombay Foreign Liquor Rules, 1953 (hereinafter referred to as "the principal Rules"), the following shall be substituted as under-

"PART IV-A

Temporary License for Special Function

48A. Application for registration of premises for a temporary license for a special function.-

The Secretary of any club or any such institution or a event management company or any person duly authorized by the club or institution or company shall, if it is intended to sell foreign liquor temporarily at any special function or event, apply to the Superintendent, State Excise of the district for registration of their premises in Form F.L. A-IE.

48B. Registration of premises- (1) On receipt of an application under rule 48A, the Superintendent of State Excise of the district where such premises are located shall make enquiries for verification of the particulars given in the application and allow registration of such suitable premises for the use of temporary licenses for sale of foreign liquor for special functions or events. The area of the premises where it is intended to sale foreign liquor, in case of open grounds and places, shall fulfill the criteria mentioned as under-

(i) shall be enclosed and earmarked distinctly from the rest of the premises; and

(ii) shall not exceed 10% of the total area and in no case shall exceed 500 square meters;

The Superintendent, State Excise shall inform in writing of the decision that the premises is registered.

(2) No premises shall be registered under this rule which, if situated in areas within the jurisdiction of a *Gram Panchayat* having population not exceeding 20,000, and within a distance of two hundred and twenty meters and if situated in *Gram Panchayat* having population exceeding 20,000, and within a distance of five hundred meters from the edge of any National or State Highway, or in case of any existing service road then the distance from the edge of such service road adjacent to the National or State Highway.

Explanation- For the purposes of this rule the distance referred to shall be measured from the mid-point of the entrance of the premises along the nearest path by which a pedestrian ordinarily reaches to the edge of any National or State Highway.

48C. Application for temporary license for a special function. - For any registered premises under rule 48B any person or any institution or club or company or any person duly authorized may apply for a temporary license in their behalf for every such special function in Form F.L. A-IF. Every such application for the license shall be accompanied by a challan evidencing payment of application fee of hundred rupees and the license fees as prescribed by Commissioner of State Excise from time to time and as per the scale of the event and the type of liquor sold. The applicant before making his application has to ensure that the day of the function or event is not barred from sale of liquor as per clauses (c1) and (c2) of rule 9 of the Maharashtra Foreign Liquor (Sale on Cash, Register of Sales, etc.) Rules, 1969.

48D. Grant of license and its duration. -(1) On receipt of an application under rule 48C, the Superintendent, State Excise shall grant the license in Form F.L. IV-A within one working day.

(2) All provisions of rules 49 to 52, 56 and 58 of the rules for hotel and club licenses shall apply *mutatis mutandis* to the license granted under rule 48D."

3. After Form F.L. IV appended to the principal Rules, the following Forms shall be inserted, namely :-

"FORM F. L. A-IE

(See rule 48A)

Form of application for registration of premises to obtain a temporary license for a special function or event.

1. Name of the premises.
2. Name of the Owner/ Lessee (Legal Occupier) of the Premises.
3. Whether the applicant is a resident of India or not.
4. Address and details of the applicant.
5. Exact Location and address of the premises.
6. Whether the premises holds on the date of this application or held at any time in the past any licence for the sale of foreign liquor and if so, the period during which it was held.
7. Area of the entire premises in square meters.
8. Area of the proposed premises with exact location where the applicant desires to sale/ serve liquor in square meters.
9. If the premises is situated in *Gram Panchayat* area then,
 - (a) if the population is more than 20,000 then whether it is within the distance of 500 meters; or
 - (b) if the population less than 20,000 then whether it is within a distance of 220 meters; from the edge of the National or State Highway or the edge of the service road adjacent to such highway.
10. Whether any excise/police/municipal licence held by the applicant is or was suspended or cancelled at anytime in the past, and if so, the period of suspension and, the reasons for such suspension.

I hereby declare that the particulars given above are correct.

I hereby undertake to abide by the conditions of the licence and the provisions of the Maharashtra Prohibition Act [BOM. XXV of 1949] and the rules, regulations and orders made thereunder from time to time.

Signature of the Applicant.

Date :

To

The Superintendent, State Excise of.....

FORM F. L. A-IF

(See rule 48C)

Form of application for a temporary licence for a special function or event for the sale at registered premises of imported foreign liquor (potable) and Indian-made foreign liquor (potable) on which excise duty has been paid.

1. Name and registration number of the registered premises:
2. Function Organiser's Name and Contact details:
3. Type and object of the Function where foreign liquor is proposed to be sold. Any one option of the type of function as shown under may be selected :-

Sr. No.	TYPE	OBJECT
(a)	Charitable	Charitable
(b)	Consulate Events	1. Delegations 2. National Day Celebration
(c)	Social gathering (Non-Commercial)	1. Family Celebration 2. Get- together 3. Wedding
(d)	Commercial Event	1. Entertainment — 2. Sporting Event —

4. Date of such special function:
5. Hours of opening and closing of the function:
6. Number of guests likely to attend the special function:
7. Type of Foreign Liquor to be sold:
 - (a) Wines
 - (b) Fermented liquors
 - (c) Spirits
 - (d) Mild-liquors
8. Foreign Liquor Purchase Details:

I hereby declare that the particulars given above are correct.

I hereby undertake to abide by the conditions of the licence and the provisions of the Maharashtra Prohibition Act [BOM. XXV of 1949] and the rules, regulations and orders made thereunder from time to time.

Signature of the applicant.

Date:

To,

The Superintendent, State Excise of.....

FORM F. L. IV-A

(See rule 48C)

Temporary Licence for the sale of imported foreign liquors (potable) and Indian-made foreign liquors (potable) on which excise duty has been paid at special rates at a special function or event.

Licence is hereby granted under and subject to the provisions of the Maharashtra Prohibition Act (BOM. XXV of 1949) and the rules regulations and orders made thereunder to..... (hereinafter referred to as the "Licensee"), on payment of a fee (inclusive of consideration) of Rs. in advance, authorizing him to sell the following foreign liquors on..... at a registered premises (hereinafter referred to as the licensed premises) having ID#..... during to at a special function/event applied for, subject to the following conditions, namely :-

Foreign Liquors

- (a) Wines
- (b) Fermented liquors
- (c) Spirits
- (d) Mild-liquors

Conditions

1. The licensee shall not sell foreign liquor except in accordance with the provisions of rule 52 of the Bombay Foreign Liquor Rules, 1953.
2. The licensee shall not sell or serve foreign liquor except to valid permit holders.
3. The licensee shall not sell or serve foreign liquor except at the designated area at the registered premises.
4. No foreign liquor other than that sold by the licensee shall be allowed to be consumed in the said licensed premises.

5. The licensee shall not receive as consideration or a part thereof for the sale of any foreign liquor any wearing apparel or ornaments or any other thing except coins, currency note or cheques.

6. The stock of liquor which shall remain unsold in form of sealed bottles after the function / event shall be sold back by the licensee to the source of supply, with the previous written permission of State Excise Officer not below the rank of Sub-Inspector in whose jurisdiction the licenced premises is located, on a special Transport Pass issued by the officer.

7. The licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Maharashtra Prohibition Act.

8. In case this licence is cancelled or suspended during the currency of the licence period, the licensee shall surrender the whole stock of unsold foreign liquor forthwith to the State Excise authorities. The stock of liquor so surrendered shall be sold by the Superintendent, State Excise and the proceeds of the sale shall after deducting the expenses and any sum due to State Government be returned to the licensee.

9. The licensee shall comply with all orders and instructions issued to him by the State Excise Officers not lower in rank than a Sub-Inspector of State Excise.

Granted this _____ day of _____ 20____.

Seal.

Superintendent, State Excise _____.

By order and in the name of the Governor of Maharashtra,

P. H. WAGDE,
Joint Secretary to Government.