

DISTRICT EXCISE OFFICE ; MALKANGIRI.

Notice No. 933 /Ex FORM - A

Dated. 18-7-19

NOTICE INVITING APPLICATION FOR SETTLEMENT OF I.M.F.L. OFF SHOPS THROUGH LOTTERY FOR 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 Malkangiri will be determined through "inviting applications on fixed 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) as for the time being in force and applicable on. **30.07.2019 (date) at 11.00 A.M. (time) at Collectorate Conference Hall, Malkangiri (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 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 the rules made there under shall be subject to the following conditions.
  - (i) The consideration money shall payable in the manner specified in the Rule -34 of Odisha Excise Rules,2017, as amended from time to time.
  - (ii) The currency of the licence will commence on the **date of issue of licence to till 31.7.2019 or further period as per Govt. order** 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 licence and recovery of any loss caused to Government, except in case of delay in granting the licence 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 2nd 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.

(P.T.O.)

- (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 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 Govt. 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 Govt. 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 trial in any criminal Court under the Act or who has been charged of a non-bailable offence under the provisions of the 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 reserve 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 in the format prescribed herewith.

(P.T.O.)

- (b) The application as in Form 'B' shall be accompanied with the up-to-date solvency Certificate, 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 of **Rs.1,00,000/-** towards non-refundable application fee drawn in favour of the Collector/Superintendent of Excise concerned 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 pass port 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 **one month consideration money** as notified herewith 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 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 **26.07.2019 by 5.00 P.M. in the Office of the Superintendent of Excise, Malkangiri** 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 Excise Office 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, 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 authorised agents may remain present at the time of drawl 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 5 London proof litre of India made foreign liquor and 7.5 bulk litre of Beer in all area per one hundred rupees of consideration money.** This ratio for fixation of minimum guaranteed Excise Revenue may undergo any change as may be decided by the Government from time to time.

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- (k) The winner of the lottery will be issued with a licence 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 licence is granted. The advance for **one month tendered** by him in shape of Bank Draft shall be adjusted for the last one 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 Govt. and he shall be further liable for any loss that may accrue to the Govt. 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 filing of applications. 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.

Place-Malkangiri

Date.

*CATL*  
*17/7/19*  
COLLECTOR, MALKANGIRI  
*✓*

DISTRICT EXCISE OFFICE: MALKANGIRI.

Memo No. *934* /Ex.

Dated. *18-7-19*

Copy to all Inspector and Sub-Inspectors of Excise of the district for information and wide publicity. They shall ensure serve of Notice to Chairman of concerned Panchayat Samiti for wide publicity.

Copy to all Superintendent of Excise of the state for information and wide publicity.

Copy to the Sub-Collector Malkangiri for information and wide publicity.

Copy to the Superintendent of Police, Malkangiri for information.

Copy to the Executive officer/ Chairman Malkangiri Municipality & Balimela N.A.C. for information & wide publicity.

Copy to the Chairman/ B.D.O. Chitrakonda Panchayat Samiti for information and wide publicity.

Copy to all the Collector of the state for information and necessary action.

Copy to the Excise Commissioner, Odisha, Cuttack for information.

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Copy to the Joint Secretary to Govt. Excise Department, Odisha ,  
Bhubaneswar for information.

Copy to the Excise Deputy Commissioner (S.D.) Berhampur for information.

Copy to the D.I.P.R.O, Malkangiri for information and wide publicity.

Copy to the D.I.O., NIC, Malkangiri for information and wide publicity in  
website.

Copy to Notice Board of Collectorate, Malkangiri/District Excise Office,  
Malkangiri for information of General public.

C.H.P.  
13/7/19  
COLLECTOR, MALKANGIRI .

**The list of the I.M.F.L. 'Off' shops to be settled through lottery for the remaining  
period of 2019-20 up to 31.7.2019 of Malkangiri district as per Excise policy  
2019-20.**

Sl No.	Name of the IMFL 'Off' shop	Locality of shop	E.P.area of the shops	Monthly Reserve price/ monthly C.money fixed for the shop( Rs.)	Monthly M.G.E.R.. IMFL( Lpl)	Monthly M.G.E.R.. Beer ( Bl)
1	Chittrakonda	Chittrakonda vill.G.P. Chittrakonda	The shop premises it -self.	40,000	2000.0	3000.00

C.H.P.  
13/7/19  
COLLECTOR, MALKANGIRI

FORM 'B'

APPLICATION FOR GRANT OF LICENCE OF INDIA MADE FOREIGN LIQUOR  
'OFF' SHOP / SHOPS THROUGH LOTTERY SYSTEM

(See Clause (iv))

Place for  
affixing  
Photograph

01 .Name of the applicant with  
father's name.

02. Permanent address in full.

03. Present postal address

04. Shop/Group of shops for which  
application is made

05. Locality of the shop

(or each shop in case group of shop is sought to be opened).

06. Solvency Amount (Solvency certificate No., date  
Issuing Authority) ( Original Certificate be enclosed).

07. Sales Tax Clearance/Non-assessment Certificate No., date,  
Issuing Authority) (Attested copy to be enclosed).

08. Income Tax clearance certificate or PAN Card No.  
(duly attested to be enclosed).

09. Excise no dues Certificate (to be enclosed in Original)

10. Monthly Consideration Money of the shop(s)

11. Affidavit executed before the Executive Magistrate (In Original).

12. Original Bank draft showing deposit of **Rs1,00,000/-**  
to-wards application fee( non refundable)

13. Bank draft/Bankers Cheque in Original showing  
deposit of **one month consideration money.**

a)Amount

b)Name of the Bank

c)Bank draft/Bankers Cheque No. & Date

14. Declaration:-

Certified that the information furnished above are true to the best of my  
knowledge and belief.

2. Certified that I shall abide by all the conditions of licence, Excise Act and  
Rule, Notification, Orders issued and which may Issue in future, if the licence is granted  
in my favour.

Signature of the applicant.