

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, MALKANGIRI

Notice No. 1225 / 2022 Dated 06-10-2022

FORM 'A'

SALE NOTICE INVITING APPLICATIONS FOR SETTLEMENT OF EXCLUSIVE PRIVILEGE ON UNSETTLED OUT-STILL LIQUOR SHOPS THROUGH LOTTERY FOR THE REMAINING PERIOD OF THE YEAR, 2022-23.

(See Claus ii)

1. The Exclusive privilege for retail sale of Out-Still Liquor Shops (unsettled) in the district of **Malkangiri** shall be granted by settlement through lottery to be held in accordance with the order issued U/S-20 of the Odisha Excise Act, 2008 (Odisha Act-10 of 2013) (herein after referred to as the said Act), read with rules 34 of Odisha Excise Rules, 2017 (herein after referred to as the said rules) on Date 28.10.2022 at 11. AM (time) in the **DRDA 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 enclosed list with its monthly consideration money as mentioned against each in the table below, namely :-

TABLE

Kind of Exclusive Privilege	Name of the shop and locality at which the privilege is to be exercised		E.P. Area	Consideration money / Minimum Guaranteed Quantity (MGQ) 2022-23	
(1)	(2)		(3)	(4)	
	Name of the existing O.S. shop	Locality of shop		Monthly C. money	Minimum Guaranteed Quantity (MF MGQ Qt.) 2022-23
Out-Still Liquor shops	O.S. main shop Malkangiri	Malkangiri Municipality (Goreiguda) ward No-14	Malkangiri Municipality Korukonda G.P. Kalimela G.P. Badali G.P.	7,08,595	535.80

3. The exclusive privilege shall, without prejudice to any of the provisions of the said Act and said rules be subject to the following conditions; namely :-

- The consideration money shall be payable in the manner specified in Rules 34 and 150 of the said rules or Excise policy as amended from time to time.
- The currency of license shall commence from the date of issue of license and failure to open the shop as stipulated herein shall entail cancellation of the license and any loss caused to the State Government shall be recovered from the licensee, except in case of delay in granting the license or where any shop is closed under section 26 of the said Act and Rule 45 of the said rules.

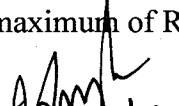
- iii. No compensation shall be paid to the holder of an exclusive privilege for retail sale of Out-Still Liquor for closure of shop on days termed as '**Dry Days**' by the State and also for closure during General Election or by Election / Assembly Election as per direction of the Election Commission of India and in conformity with the direction of the State Election Commissioner during the election to Gram Panchayat or Panchayat Samiti or Zilla Parisad and Urban Local Bodies.
- iv. The holder of a license 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 license being cancelled or suspended before the expiry of its term under the provisions of the Section 47 of the said Act.
- v. A Shop once starts operating in its sanctioned locality shall not ordinarily be shifted. 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 license shall abide by the provisions of the said Act and the said rules, orders, policies made there under by the State Government.
- vii. The State Government shall 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 and the place so arranged shall be free from objection from the public.
- viii. The exclusive privilege once granted shall continue for a period of five Years including the year of grant unless otherwise directed by the State Government. The exclusive privilege holder shall renew his license on terms and conditions generally prescribed by the State Government from year to year till completion of five years.
- ix. No license shall be granted to a person who is below 21 years of age.
- x. No license shall be granted to any person, who has been convicted of a non-bailable offence by a criminal court or who is defaulter in terms of Rule 35 of the said rules.
- xi. No license of Out-Still Liquor shop shall be granted to any person who is having a license for manufacturing / bottling of IMFL or Beer or wine or Country Liquor or IMFL Shops.
- xii. No license shall be granted to an Out Still licensee for the retail sale of country liquor in a shop within 5 (Five) K.M. of his out still unit.
- xiii. No license for Out-Still Liquor shop shall be granted to any person holding license for retail vend of foreign liquor or IMFL or Beer for consumption 'ON' the Vendor's premises or holding license for retail vend of foreign liquor or IMFL or Beer in a Hotel to be consumed on the premises.
- xiv. No license for Out-Still Liquor shop shall be granted to a person holding license for sale of country liquor and vice versa.
- xv. Wilful neglect to renew the license for a shop as per 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 the subsequent settlement of the shop or any other shop till the completion of 5 (Five) years including the year of grant as per the Rule 149 of the said rules.
- xvi. The lottery shall be held subject to following conditions, namely:-
 - a. The person(s) / firm intending to take part in the lottery shall submit application(s) to the Collector in the format prescribed herein. The mode of submission of application in Form-B shall be online. The format of Form-B in the online module has been customized as per the requirement of the portal.
 - b. The application shall be filed by intending applicants on or before Date 20.10.2022 Time 5.00 P.M.
 - c. The applicant shall submit only one application for a particular shop.
 - d. If no application is received on the scheduled date, the Collector may extend the last date for filing of applications and if the last date for filing of application, or the date fixed for drawl of lottery is declared by the Government 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 a public notice to

- e. The applicant shall submit application accompanied with following documents and fees mentioned herein, namely:-
 1. A Non-Refundable application fee **1,30,000/-** (One lakh thirty thousand only) per shop to be paid online as communicated by Collector.
 2. An Earnest Money Deposit (E.M.D.) equivalent to three months' Consideration Money of the shop for which application is made is required to be deposited online. For unsuccessful bidder EMD will be refunded within 15 days and for successful bidder it will be adjusted against the future consideration money.
 3. A copy of photo ID Proof –either Aadhar or Passport or Voter ID Card,
 4. A copy of PAN card
 5. A copy of VAT clearance certificate, if any (for existing or old licenses).
 6. A copy of Excise No due Certificate, (in case of existing or old licensees).
 7. A passport size photograph of the applicant.
- f. The lottery will be conducted within a period of 10 days from the last day of filling of applications.
- g. If during the preliminary scrutiny or subsequently, it is found that applicant has not paid requisite application fee or has not deposited EMD or has submitted incomplete application form or incorrect documents or information, his application is liable for rejection. The EMD if deposited will be forfeited in such cases.
- h. After preliminary scrutiny the initial list of applicants whose cases qualify for lottery, shop-wise, shall be finalised by the Collector, and the same shall be published online one day prior to the day of lottery through the designated portal developed for the purposed of submission of application allotting a unique serial number or token Number to each of the eligible applicant which shall correspond to the serial number of the online register, as maintained in the portal. The list will also be published in the notice board of Collector and other offices as decided by Collector. The date, time and place of drawal of lottery shall be published by the Collector in the said notice for information of all eligible applicants.
- i. On the day as assigned for lottery, Collector shall draw the lottery in presence of the applicants or their authorised agents. It is incumbent upon all applicants participating in the lottery to be present personally or through their authorised representatives. Absence of any applicant or his representative during the lottery day shall not affect the process of drawal of lottery which shall take place as notified.
- j. In case there is only one application for a shop, the Collector shall declare the name of the applicant to be the provisional winner of the lottery if he is otherwise eligible.
- k. For the purpose of conducting lottery, Collector shall put the tokens containing the number allotted to each applicant in to a box and then stir the same. Collector shall then draw a token from the box and declare the name of the provisional lottery winner for the particular shop based on the serial number of the token drawn.
- l. The provisional winner of the lottery will be called for detailed scrutiny of his document. The EMD as deposited shall be adjusted against three month' advance consideration money. He shall further be asked to deposit the consideration money for the period of the month for which license is granted. He shall also be asked to furnish Bank Guarantee equivalent to the tune of three times of the monthly consideration money subject to maximum of Rs.10,00,000/-**(also refer to the point No.x)**, which shall remain valid for 15 months from date of issuance of license or 30th November of the next year whichever is earlier. The entire process shall be completed within 03 (three) days of drawal of lottery.
- m. The provisional winner has to furnish the following documents (in original) for scrutiny along with two self attested copies.

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1. PAN Card.
 2. ID Proof- Aadhaar / Passport / Election Photo ID.
 3. Age Proof (Date of Birth Certificate / Matriculation Certificate / PAN Card / Passport / Driving License).
 4. Resident Proof- Voter ID / Passport / Electricity Bill / Municipal Tax Receipt / ROR Copy.
 5. VAT Clearance Certificate (If Applicable).
 6. Excise no dues Certificate (If Applicable).
 7. Partnership deed /Company registration Certificate (As Applicable).
- n. In case the provisional winner complies with all the terms and conditions and all his documents / declarations are found to be in order after scrutiny, he will be declared as the final winner.
- o. He shall then put his signature in the Register of Settlement and Register of Undertaking to lift the minimum guaranteed quantity as may be determined by the Government from time to time and shall be then granted licence by the Collector.
- p. If the lottery winner fails to comply with the above conditions by the stipulated dates or is found to have furnished false documents or misrepresented or have suppressed any relevant information at the time of submitting the application the provisional winner of the lottery shall be declared disqualified and EMD deposited shall be forfeited without prejudice to any other criminal action that may be initiated against him. The lottery in case of that shop shall be cancelled and fresh lottery shall be held within next seven days after due notice from amongst the remaining eligible applicants.
- q. If the applicant on being successful in the lottery declines or refuses or wilfully or otherwise omits to take license, the EMD amount tendered by him shall stand forfeited to the State Government and he shall further be liable for any loss that may accrue to the State Government because of delay in settlement of the shop. He or his family members or his associates will not be permitted to take part in the settlement of the shop or any other shop in the district for 05 (five) years including the year of his default as per Rules-35 and 149 of the said rules.
- r. The holder of license shall open the shop in the stipulated locality within 15 days from issue of license.
- s. The State Government reserves the right to refuse grant of privilege without assigning any reason thereof and settle the privilege before expiry of 05 (five) years in the manner as may be decided by the State Government from time to time.
- t. In case of expiry of validity period or omission of renewal or suspension or cancellation or surrender of licence, the shop shall be settled through lottery or be allowed to be run by other Government agencies with the licence fee for the remaining period of the license as decided by the State Government.
- u. The decision of the Excise Commissioner relating to any dispute on account of lottery at the District level shall be final and binding upon all the applications to the lottery.
- v. The winner of the lottery shall abide by the provisions of the said Act and Rules and the Odisha Excise Policy for the year and any other instructions or notifications and circulars issued on the subject, from time to time, by competent authority. Any violation in this regard may entail cancellation of the license.
- w. The license holder shall have no right to claim renewal of license.
- x. In view of the letter No.1955/Ex, Dtaed.13.04.2021, & Excise policy 2022-23 in case of O.S. Shops, the O.S. licensees are required to furnish Bank Guarantee to the tune of three months consideration Money of the shop subject to maximum of Rs.10 Lakhs per shop.

Place:-Malkangiri

Date:


11/10/22

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Memo No. 1225 / Ex.,

Dated 06-10-2022

Copy to all Inspectors of Excise and O.I.C. of Excise Stations of Malkangiri district for information and wide publicity. They shall ensure serve of Notice to Chairman of concerned Panchayat Samiti/ Municipality & NAC 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 Officers / Chairmans of Malkangiri Municipality & Balimela N.A.C. for information & wide publicity.

Copy to the Chairman / B.D.O. of all 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.

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

Copy to the Excise Deputy Commissioner, (Southern Division), 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.


COLLECTOR MALKANGIRI

FORM 'B'

(See Clause iii)

APPLICATION FOR GRANT OF EXCLUSIVE PRIVILEGE ON OUT-STILL LIQUOR SHOPS THROUGH LOTTERY SYSTEM IN THE STATE OF ODISHA

(Online version has been customized as per the requirement of the portal)

- | |
|--|
| Affix
passport size
recent photo

<i>Please upload</i> |
|--|
1. Name or the applicant: -
(Please upload a photo ID proof in form of their Aadhar or passport or Voter ID card)
 2. Date of Birth:
 3. Father's /Husband's name of the applicant:-
 4. Permanent address in full:-
 5. Present postal address to be used for all postal communication:-
 6. Shop of which application is made:-
 7. Locality of the shop applied for
 8. PAN Number (Please upload copy of the PAN Card)
 9. VAT clearance Certificate (in case of old or existing licensee):
(Please upload)
 10. Details of non-refundable Application Fee:-
 11. Details of deposit of 3 (Three) month's Earnest Consideration Money.
 - a. Amount.
 - b. Name of the Bank.
 - c. E-Payment / online with No. & Date.
 1. Self declaration regarding non-conviction in any criminal court of a non-bail able offence.
 2. Have you received any License from Excise Odisha in past? If yes, kindly provide details and also the Excise No-Dues certificate(s):
(Please upload Excise no dues Certificate if Applicable)
 3. In case of a partnership firm / company applying for the license, the details of lead partner or details of authorised representative of company to be provided.

DECLARATION

I do here declare that, the information furnished by me are true to best of my knowledge and belief.

I furnish declare that, I have no criminal antecedent and no excise dues pending against me or I am nor defaulter of excise dues.

I declared that, I am not applying for license of Out-Still Liquor shop having a license for manufacturing / bottling of IMFL or Beer or wine or Country liquor or IMFL Shop.

I declare that, I am not applying for license for retail sale of country liquor having a license of Out-Still unit within 05 (five) K.M.

I declare that, I am not applying for license of IMFL 'OFF' shop having an IMFL /Beer / Hotel 'ON' shop license in my name.

I further declare that, if I become lottery winner in both type of shops i.e. IMFL 'OFF' and country liquor shops, I shall forgo one shop.

I am aware that, in case any information furnished by me is found untrue, at any stage the application submitted by me or the lottery if won by me or license if granted to me is liable to be cancelled by license sanctioning authority and the EMD will be forfeited.

I agree to abide by all the provisions of Act, Rules, Policies and other terms and conditions of settlement process laid down by Excise Department, Odisha Government.

Date:-

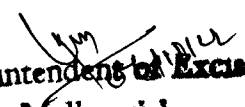
Place:-

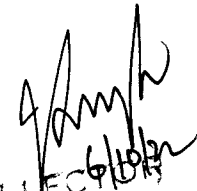
Signature of the Applicant



Government of Odisha
Recommended List of Shop for Lottery

Sl No.	New / Existing Sanction Name	Locality at which the privilege is to be exercised	Particulars
1	O.S. main shop Malkangiri	Malkangiri Municipality (Goreiguda) Word No. 14 E.P.Area- Malkangiri Municipality, Korukonda G.P., Kalimela G.P. & Badali G.P.	District : MALKANGIRI Shop Type : Existing Sanction Licensee Category : Out Still Licence, Branch Out still licence Location Category : Municipality MGQ of Beer in BL : 0.00 MGQ of IMFL/CL in LPL : 0.00 MGQ in Quintal : 535.80 Licensee C. Money : 708595.00


Superintendent of Excise
Malkangiri


COLLECTOR
MALKANGIRI