

## **HARYANA EXCISE POLICY FOR THE YEAR 2019-20.**

The Excise Policies since 2015-16 have successfully achieved and strengthened the long term objectives of breaking the cartels, broad-basing the trade by facilitating the entry of new players of even modest means, simplifying/unifying the structure of wholesale supply of liquor by giving wholesale licenses to retail licensees, establishing a transparent system of allotment of retail outlets, complete check on manufacturing/sale of spurious liquor, thwarting all attempts of evasion of excise levies, plugging the leakage/pilferage, optimization of revenue, creating ambience for legitimate and responsible drinking and providing good quality liquor at reasonable price to those who drink.

Maximization of Government Revenue to generate resources that can be utilized to finance developmental projects is always accorded a high priority on the agenda by the policy planners. However, when it comes to framing a policy such as Excise Policy, social considerations and ramifications also assume paramount significance. An ideal Excise Policy, therefore, not only has to strike a delicate balance between the twin objectives of preventing dominance of liquor mafia or social degeneration on the one hand and securing an optimum revenue for the Government on the other, but also has to address the concerns of all the four key stakeholders i.e. the Government, the Manufacturers, the Licensees and most important of all the Consumer.

The Excise and Taxation Department has to give due weightage to the health and well being of the citizens of the State. At the same time, the department has also to ensure that revenue interests of the government are not compromised. Therefore, a fine balance has to be struck between the diverse interests of all the stakeholders. It is also to be simultaneously ensured that the Excise Policy has to be attractive enough for wholehearted participation of the private sector players like the manufacturers and wholesalers and retailers.

The Excise Policy for the year 2019-20 aims at weeding out the deviations, providing greater stability in the trade, catering to the emerging requirement in a fast changing scenario and clientele and enhancing government revenue. Rationalization of excise duty structure and to encourage consumption of low alcoholic content liquor as compared to hard liquor and providing incentives to the local manufactures and consideration of the concerns of all the key stakeholders are some of the notable features of the new Excise Policy. The detailed features of the Excise Policy for the year 2019-20 are as under:-

### **1. RETAIL OUTLETS OF COUNTRY LIQUOR (L-14A) AND IMFL (L-2)**

#### **1.1 TOTAL NUMBER OF VENDS:**

The maximum number of retail outlets for CL/ IMFL will be the same as fixed last year i.e. 2500 for the year 2019-20.

#### **1.2 LOCATION OF VENDS AND SUB-VENDS:**

### **1.2.1 ESTABLISHMENT OF VENDS AND SUB-VENDS:**

The earlier policy with regard to establishment of vends and sub-vends shall be retained.

No person to whom a license for retail liquor outlet is granted can establish the same on such premises as is situated at a distance of less than 150 meters from the main gate of a recognized school/ College/ main bus stand and a place of worship. However, Excise Commissioner can relax such distance for the location of retail liquor outlet from 150 meters to 75 meters on the recommendations of the Deputy Excise and Taxation Commissioner (Excise). Further, in urban areas, the retail liquor outlets may preferably be located in the market places. However, this provision will not apply in such cases where a new recognized school/ College/ main bus stand or a place of worship comes up within a distance of 150 meters during the currency of the year subsequent to the establishment of vend in the year 2019-20.

### **1.2.2 RESTRICTION OF LOCATION ON SCHEDULED ROADS ETC:**

No license for sale of liquor shall be granted to a shop that is:

- (i) Visible from a National or State Highway;
- (ii) Directly accessible from a National or State Highway and
- (iii) Situated within a distance of 500 meters of the outer edge of the National or State Highway or of a service lane along the highway.

Provided that above restrictions shall not apply to the liquor vends located within the limits of municipal areas.

Provided further that in case of areas comprised in local bodies with a population of 20000 people or less, the distance of 500 meters shall stand reduced to 220 meters.

Provided further that like in earlier years, it shall be the responsibility of the successful bidder to ensure due compliance of the various provisions of Food Safety and Standard Authority of India, Municipal Bye-laws, National Highway Authority of India Act, 2002, Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 or any other law applicable, wherever required.

Note: It shall be the responsibility of the DETC (Excise) of the district concerned to ensure the strict compliance of the above-stipulated restrictions.

### **1.2.3 PROVISION FOR OFFERING PLACES FOR LIQUOR VENDS:**

The Department shall offer/facilitate setting up of liquor vends having high revenue potential in HSVP, HSIIDC area and land of Haryana Tourism Corporation/Urban Local Bodies.

However, the rent thereof, as decided by the concerned Department/Corporation, shall be paid by the licensees directly to such Department/Corporation. The DETC (Excise) shall monitor and ensure its compliance on a quarterly basis.

However, in case of Haryana Tourism Complexes, only L-2 vends will be allowed. No Anumat Kaksh will be allowed with the L-2 vends in the tourist complexes.

#### **1.2.4 NO VEND WHERE KANYA GURUKUL IS FUNCTIONING:**

No liquor vend or sub-vend shall be located in the villages where ‘KANYA GURUKUL’ are functioning.

### **1.3 COMMAND AREA OF A ZONE:**

**1.3.1** The vends in urban and rural areas, for the purpose of allotment, shall be grouped into Zones. The command area of a Zone shall be the geographical area specified for the Zone in the excise arrangement.

The command area for a Zone may include both rural and urban areas. DETC (Excise) will be the competent authority to determine such command area as part of the excise arrangement.

The licensee shall have the freedom to locate his vend(s) at any place within the command area of the Zone, subject to approval of the DETC (Excise).

The licensee is required to make his own arrangement for opening of the vend(s) and sub-vend(s), except as provided under clause 1.2.3, with prior approval of site plan by the DETC (Excise) of the district. The DETC (Excise) shall upload the Geographic Information System (GIS) coordinates of all L-2, L-14A vends, sub-vends and anumat-kaksh located in his district.

#### **1.3.2 MANNER OF GRANT OF SUB-VENDS:**

For urban areas, up to two sub-vends per zone may be allowed by DETC (Excise). Beyond that, on the specific request from licensees and to avoid bootlegging, smuggling and possibility of illicit distillation or sale of spurious liquor into his command area, further up to two sub-vends may be allowed by the Deputy Excise and Taxation Commissioner (Excise) within the command area of the Zone for urban areas only. For sub-vends in rural areas, the provisions as prescribed in paragraph 1.3.5 shall apply.

The fee per Sub-Vend shall be as follows:-

Urban Areas		Rural Area
Up to 2 Sub-Vends	For further 2 Sub-Vends	
Rs.20 lakh	Rs.30 lakh	Rs.2 lakh

**1.3.3** The DETC (Excise) is required to decide an application for establishment of sub vend within 10 days from the date of receipt of application and if no decision is taken by him in the stipulated period, the applicant licensee can make an appeal to the Collector, who shall take a decision within seven days of receipt of the said appeal.

**1.3.4** The licensee can shift a sub-vend with prior approval of the Deputy Excise & Taxation Commissioner (Excise) within his command area in case the existing sub-vend has to be closed down due to court orders, local resistance or any other reason beyond the control of the licensee. However, the license fee deposited for sub-vend shall not be refundable or adjustable towards any other liability of the licensee if the sub-vend has to be closed down due to court order, local resistance or any other reason.

### 1.3.5 PERMISSIBLE SUB-VENDS:

- a) Sub-vend may be permitted for each Gram Panchayat with a population more than 1000 (as per 2011 census).
- b) Sub-vends for a Gram Panchayat having population less than 1000 (as per 2011 census), may be allowed with the consent of the Gram Panchayat, by the DETC (Excise).
- c) Two sub-vends may be allowed in a Gram Panchayat, if the population of such Gram Panchayat is more than 5000 (as per 2011 census).

### 1.3.6 Location of Sub-Vends:

There has to be a minimum distance of 2.5 KMs between the sub-vend and vend/ sub-vend of any other licensee in case of rural areas only. The sub-vend shall also be subject to all other provisions of law. The sub-vend is required to be preferably located in the 'phirni' of the village. All the provisions with regard to location of vends shall apply to the sub-vends also. Preference shall be given to the vend over the sub-vend. In other cases, preference shall be given to the sub-vend set up earlier in time.

## 1.4 ANUMAT KAKSH:

**1.4.1** The authorized drinking place will be known as "Anumat Kaksh". In order to prevent rowdy and drunken behaviour in public, one Anumat Kaksh with each retail vend, may be allowed by the Deputy Excise & Taxation Commissioner (Excise) strictly as per the provisions of the Excise Policy and relevant Excise Rules / Intoxicants License & Sales Orders 1956, for each retail outlet of liquor (L-14A/L-2) in urban areas and sub-urban areas falling within 5 KMs from the outer limit of respective Municipal Corporation/ Council/ Committees and borders with other States. In addition, Anumat Kaksh shall also be granted in places where HSIIDC has developed industrial Model Township and theme/specialized parks like IMT Manesar, IMT Bawal, IMT Rohtak, IT Park Manesar, IT Park Panchkula, etc.

**1.4.2** The DETC (Excise) shall decide an application for establishment of Anumat Kaksh within 10 days from the date of receipt of application and if he takes no decision in the stipulated period, the applicant licensee can make an appeal to the Collector, who shall decide on the appeal within a period of 10 days of receipt of the said Appeal.

**1.4.3** The fee structures for Anumat Kaksh in urban zone and sub-urban zone are as follows:-

Fee for Anumat Kaksh in Urban Zones			
Sr. No.	License fee (percentage license fee of the zone)	Permissible No. of Anumat Kaksh in a zone	Nature of license fee
1	0.8%	2	Mandatory
2	1.4%	3	Optional
3	1.6%	6	Optional

Fee for Anumat Kaksh in Sub-Urban Zones			
Sr. No.	License fee (percentage license fee of the zone)	Permissible No. of Anumat Kaksh in a zone	Nature of license fee
1	0.4%	1	Mandatory
2	0.8%	2	Optional
3	1.2%	3	Optional

**1.4.4** The licensee is required to have proper structure and furniture and to maintain cleanliness and hygienic environment.

Anumat Kaksh shall not be operated in an open space without boundary. The space has to be confined and enclosed and shall not be a thorough fare or a crossing being used by general public. The space shall not be ordinarily visible to the passersby and the access to such a space should be through a well defined entry. The overall objective is to prevent drinking in public in full view of the passersby. Anumat Kaksh can only be operated from adjoining place to the vend. The area of Anumat Kaksh shall be approved by DETC (Excise) at the time of approval of the Anumat Kaksh and licensee shall not encroach beyond the area approved. Liquor shall not be sold or served in any manner in the Anumat Kaksh.

#### **1.5 SALE OF LIQUOR AT VENDS:**

The licensee shall have the flexibility to determine the type of liquor(s) i.e. Country Liquor only or IMFL only or IMFL and Country Liquor, to be sold at each vend within his Zone, and inform the DETC (Excise) of the district within seven days of allotment, alongwith submission of site plans to the Department.

The licensee shall be required to get the site plan of each vend and sub-vend approved by DETC (Excise) of the district before bringing the vend/ sub-vend in operation.

Note: For the purpose of this Section only, IMFL will include IMFS, IFL (BIO), Beer, Wine, Cider and RTB.

#### **1.6 AVANT-GARDE OUTLETS:**

The licensee may convert one or more of his composite vends/sub-vends to Avant-Garde Outlet(s) in posh market or shopping mall of the urban area, where he intends to sell IMFL only. For this purpose, some of the retail outlets in the posh markets or shopping malls of the urban areas shall be identified to be allotted as Avant-Garde Outlets. Further, any retail licensee in urban areas having license fee of his zone equal to or above Rs.15 crore, shall have the option to convert his vend into Avant-Garde Outlet after allotment of vends, by making an application to the Department. Such application shall be examined and considered for approval by a committee comprising of the DETC (Ex), DETC (ST) and two senior most ETOs of the district.

The Department, keeping in view the clientele and potential of the area, shall identify the Avant-Garde Outlets. These Avant-Garde Outlets

shall have to be air conditioned and should have good quality flooring i.e. wooden/ vitrified tiles/ granite etc. The vends should be well decorated with shelves so that various brands are displayed in shelves with systematic layout plan. The licensee shall display the brand wise rates. The licensee shall issue machine-generated invoices (POS).

The customers shall have the facility to walk in the shops and select his/ her choice of brand from the shelves. The Avant-Garde Outlets shall be located in shopping malls or SCO/ SCF or well-constructed prefabricated structure of equal quality only in posh market areas. The Avant-Garde Outlets shall have separate section for IFL (BIO). The Avant-Garde Outlets shall be entitled to lift an additional quota up to 10% of his basic quota without any additional excise duty i.e. at the rate of excise duty as applicable to basic quota.

### **1.7 ISSUE OF INVOICE:**

It shall be mandatory for all the retail licensees to issue an invoice on sale.

In case of violation of this provision, a penalty of Rs.500 per incident shall be imposed on the licensee, after enquiry by the DETC (Excise) concerned.

## **2. MANNER OF DISPOSAL OF RETAIL OUTLETS OF LIQUOR:**

### **2.1 THE PERIOD OF ALLOTMENT:**

The retail licences (L-2 and L-14A) will be allotted for a period of one financial year i.e. 2019-20.

### **2.2 UNIT OF ALLOTMENT (ZONE):**

The allotment of retail outlets of country liquor and IMFL shall be done in units of Zones. A Zone may comprise of a maximum number of six (06) retail vends. The licensee shall have the flexibility to decide the type of vend i.e. CL only or IMFL only or both CL and IMFL, as well as the location of these vends within the command area of Zone, subject to the overall limit of six (06) retail vends, and the licensee may also decide the proportionate quota for each individual vend for CL/IMFL as the case may be.

### **2.3 MODE OF ALLOTMENT:**

The allotment of Zone of vends shall be made by inviting e-tenders through a Departmental portal in a completely secure and transparent manner. The detailed procedure for e-tendering shall be finalized by the ETC which shall be displayed by uploading the same on the website of the Department [www.haryanatax.gov.in](http://www.haryanatax.gov.in)

### **2.4 RESERVE PRICE:**

The reserve price for the Zone of vends shall be fixed in advance. The DETCs (Excise) shall make a fresh assessment of reserve price for Zone of vends of their respective districts and get it approved from the ETC(FC).

## **2.5. ALLOTMENT COMMITTEE:**

The process of allotment shall be conducted by a committee headed by the Deputy Commissioner with Deputy Excise and Taxation Commissioner (Excise), Deputy Excise and Taxation Commissioner (ST) of the respective district as its members, in the presence of the participants who wish to be present on the date of evaluation of e-bids to be published by the Department in the newspapers. The allotment shall be done by way of inviting e-bids.

## **2.6. RESERVATION OF ZONES OF LIQUOR VENDS:**

Ten per cent (10%) of the Zones of vendis of country liquor and IMFL shall be reserved for Scheduled Castes of Haryana and five percent (5%) for Backward Classes ('A' Category) of Haryana. These reserved Zones of vendis shall be allotted by inviting e-bids from the respective categories. However, if no bids are received after the first offer, that particular Zone of vendis shall be de-reserved.

## **2.7 DISPLAY OF EXCISE ARRANGEMENTS:**

The excise arrangements shall contain the Name of the Zone, Zone Code, Command area of the Zone, Number of vendis in the Zone, Quota of IMFL, Quota of CL, Type of Zone i.e. Urban only or Rural only or Urban and Rural mixed, Reserve Price of the Zone, whether the Zone belongs to reserved category etc.

The District wise excise arrangements shall be prominently displayed in the offices of the Deputy Commissioner, DETC (Excise) and DETC (ST) of the concerned District, JETC (Range) concerned as well as on the website of the Department [www.haryanatax.gov.in](http://www.haryanatax.gov.in).

The objections from public/stakeholders shall be invited by the concerned DETC (Excise) on the draft excise arrangement prepared in the manner described above. This shall be done by prominently displaying these excise arrangements in the offices of the Deputy Commissioner, DETC (Excise) and DETC (ST) of the concerned District, JETC (Range) concerned as well as on the website of the Department [www.haryanatax.gov.in](http://www.haryanatax.gov.in). Two clear days shall be given by the concerned DETC for inviting such objections. He shall carefully examine and decide the objections, within two days thereafter. The decision of concerned DETC (Excise) in this regard shall be final. The final excise arrangements shall be prepared accordingly.

## **2.8 INVITATION OF BIDS:**

The detailed procedure regarding invitation of e-bids will be finalized by the ETC(FC) which shall be displayed on the website of the Department [www.haryanatax.gov.in](http://www.haryanatax.gov.in). At the time of applying for registration for participation in the bid, submission of Aadhar Number of the applicant(s) shall be mandatory.

## **2.9 SECURITY DEPOSIT (5% OF BID AMOUNT) ON THE DAY OF ALLOTMENT:**

The successful bidder shall have to deposit 5% of the bid amount on the day of allotment as the first part of security. In case he/ she fails to deposit the 5% of the bid amount on the said date, his bid shall be cancelled and earnest money deposited by him shall be forfeited. Such bidder shall be blacklisted for five years. Further, the allotment of such Zone of vends shall be made afresh by e-bids as in the case of un-allotted Zone of vends. A bidder shall be treated as an allottee of a Zone when he deposits 5% of the bid amount on the date of opening of bid itself or immediately thereafter.

## **2.10 LIST OF SUCCESSFUL ALLOTTEES:**

The list of successful allottees shall be displayed at a conspicuous place in the office of the Deputy Excise and Taxation Commissioner (Excise) of the respective district. The list shall also be displayed on official website of the Department i.e. [www.haryanatax.gov.in](http://www.haryanatax.gov.in)

## **2.11 SUBMISSION OF DOCUMENTS BY THE SUCCESSFUL ALLOTTEES:**

Every successful allottee, before the start of operation of vends in his Zone, shall file an affidavit and a solvency certificate. Affidavit is required to be on a non-judicial stamp paper of the value of Rs.3/- in the prescribed format. The affidavit is required to the effect that he has not been convicted of any non-bailable offence by any criminal court or of any offence punishable under the Punjab Excise Act or the Opium Act, the East Punjab Opium Smoking Act, 1948, the East Punjab Molasses (Control) Act, 1948, the Indian Power Alcohol Act, 1948 as applicable to Haryana or the Narcotic Drugs and Psychotropic Substances Act, 1985. The affidavit shall also be required to the effect that he is not a defaulter and has paid all past dues of excise revenue in Haryana. The failure to furnish the affidavit or solvency certificate prescribed herein or furnishing false affidavit shall be a sufficient ground for cancellation of license; which shall be re-allotted at his cost and risk.

Further, every successful allottee shall submit certain documents namely proof of identity having his/ her photograph like voter ID card, passport, ration card, driving license, Aadhar card (UID) etc., and surety in the form of M-75. All the documents have to be duly attested by a Notary Public or Gazetted Officer and duly stamped with his name and designation. The documents shall be submitted before the start of his/ her business. The successful allottee shall provide a photocopy of his PAN Card issued by the Income Tax Department alongwith other documents.

## **2.12 VERIFICATION OF DOCUMENTS:**

The verification of particulars of the successful allottees shall be made before the license is actually granted. The verification of documents furnished by the successful allottee shall be made by the Excise Inspector of the respective circle and shall be signed by the Excise and Taxation Officer (Excise)/Assistant Excise and Taxation Officer(Excise), before the license is actually granted.

## **2.13 GRANT OF LICENSES:**

**2.13.1** Before the license is granted, the DETC (Excise) shall ensure that



all the essential documents are submitted. The licenses shall be granted by the Deputy Excise and Taxation Commissioner (Excise) of the district on behalf of the Collector after the approval of the ETC (FC), Haryana.

**2.13.2** All licenses, whether for wholesale or for retail sale, shall be granted subject to the provisions of the Punjab Excise Act, 1914 and the Rules/ Regulations/ Instructions/ Policies framed there under from time to time as applicable to the State of Haryana.

**Note:** All allotments of licenses are subject to the approval of the Excise & Taxation Commissioner (Financial Commissioner). The ETC (FC) may reject, without assigning any reason, any allotment in public interest as the case may be, within 10 days of the date of allotment. In case no decision of Excise and Taxation Commissioner (FC) is conveyed within the stipulated period of ten days, the allotment shall be deemed to have been approved by the ETC (FC).

## **2.14 GENERAL CONDITIONS:**

### **2.14.1 DRY DAYS:**

The provisions of the Punjab Shops and Commercial Establishment Act, 1958 in the areas wherein it is in force shall remain inoperative so far as they relate to hours of sale of liquor in the case of licensed premises. The dry days in such licensed premises shall be observed as hereunder:-

- |  |               |
|--|---------------|
| i) Republic Day (26 <sup>th</sup> January)               | up to 5:00 pm |
| ii) Independence Day (15 <sup>th</sup> August)           | up to 5:00 pm |
| iii) Mahatma Gandhi's Birthday (2 <sup>nd</sup> October) | Full Day      |

The liquor shops shall also be required to remain closed during any Parliament elections or State Assembly elections as per the directions of the Election Commission of India and for elections to Panchayati Raj Institutions/ Urban Local Bodies in Haryana as per directions of the State Election Commission, Haryana. The licensee shall not be entitled to any compensation of any kind or relief in license fee or quota on account of such closure.

If any breach of dry day is detected, in addition to the penal proceedings, the licensed vend shall be automatically sealed for seven days commencing from the next day of the dry day by DETC (Excise) under intimation to the Excise and Taxation Commissioner and Excise Collector. No compensation of any kind or relief in license fee on such account shall be given.

### **2.14.2. WEEKLY REST FOR EMPLOYEES:**

The employees working at the retail liquor outlets shall be entitled to a weekly rest and their daily working hours are limited to 8 hours per day.

### **2.14.3. BAR ON EXHIBITION OF PHOTOGRAPHS:**

The Pictures and Photographs of Mahatma Gandhi, Acharya

Vinoba Bhave and other National leaders- as notified by the Excise and Taxation Commissioner, Haryana from time to time- cannot be exhibited on any premises licensed under the Punjab Excise Act, 1914 in the state of Haryana.

**2.14.4. BAR ON ADVERTISEMENT:**

The licensees can at no time advertise the sale of liquor by announcing it on loud-speakers or by any other means.

All signages and advertisements of the availability of liquor shall be prohibited.

**2.14.4.1** The retail licensees shall maintain cleanliness and hygiene in and around the shop. Adequate number of dustbins shall be put up inside and outside the vend and Anumat Kaksh. Proper lighting shall be ensured at the night time. Moreover, a signboard shall also be put up containing the following details:

Do not drink and Drive

- Name of the Licensee.....
- Contact number of Licensee .....
- License number .....
- Valid for financial year.....
- Contact number of Excise Inspector.....
- DETC (Ex) office contact number .....
- Time of opening and closing of vend.....

In addition, the licensee shall display the sale price of various brands.

**2.14.5. COMPENSATION:**

No compensation of any kind or relief in license fee on account of natural calamity such as fire, floods, drought, earthquake etc. or on account of riots or as a result of preventive closure ordered by the District Magistrate or as a result of any remission by a court order beyond the specific relief given, shall be admissible to the licensee.

**Explanation:** For the purpose of this sub-clause, the executive instructions of the Financial Commissioner embodied in paragraph 3.19(e) of the Punjab Excise Manual Volume-III, relating to concession to license holders, shall not be applicable.

**2.14.6.** The closure of any liquor outlet in any area on account of any reason, whatsoever, shall not entitle the licensee to any rebate/reduction/refund of the license fee.

**2.14.7 SURETY BONDS:**

Every successful allottee shall furnish two sets of surety bonds in form M-75 before the commencement of business.

**2.14.8. PROHIBITION OF LOCATION AT CERTAIN PREMISES:**

The retail vends of L-2 (except at Haryana Tourism complexes) and L-14A licenses shall not be run on premises used as hotels or restaurants or at places providing eatables.

**2.14.9** All levies as prescribed under Excise Policy 2019-20, Punjab Excise Act, 1914 and the Rules/ Regulations framed there under from time to time as applicable to the State of Haryana shall be attracted.

**2.14.10** The Country Liquor of the 50 degree proof shall be made from Extra Neutral Alcohol (ENA) to be sold in sealed bottles for consumption off the premises. The distilleries are required to use pilfer-proof seals on bottles of country liquor and further comply with the standardization norms fixed in this regard from time to time.

During the year 2019-20, apart from country liquor of 50 degree proof, a new country liquor of 65 degree proof shall be made available so that the consumers can get cheap and good quality of liquor at reasonable rates. The country liquor of 65 degree proof shall be called by the name of 'Metro Liquor'.

**2.14.11** The bottles to be used for bottling of country spirit of 50 degree proof, 65 degree proof and Indian Made Foreign Spirit of 75 degree proof shall be made of pucca glass or PET bottles manufactured on fully automatic machines. The bottles shall be required to be moulded as provided under the rules. However, nips of Indian Made Foreign Spirit of 75 degree proof shall also be allowed in Tetra Pak.

**2.14.12** All the labels to be affixed on bottles of country spirit and IMFS shall be required to bear the inscription "FOR SALE IN HARYANA ONLY" and the statutory warnings "CONSUMPTION OF ALCOHOL IS INJURIOUS TO HEALTH" & "BE SAFE-DON'T DRINK AND DRIVE".

The above statutory warnings shall be inscribed more prominently on all the labels. For alcoholic beverages having pack size up to 200 ml, the font size of statutory warning shall not be less than 1.5 mm. For alcoholic beverages having pack size above 200 ml, the font size of statutory warning shall not be less than 3 mm.

Further, all the labels to be affixed on the bottles of country spirit of 65 degree proof shall be required to bear conspicuously the inscription "Strong Liquor".

**2.15 APPLICATION/ PARTICIPATION FEE:**

A bidder shall have to deposit a participation fee @ of Rs.1,00,000/- for each Zone.

The participation fee is non-refundable and non-adjustable. The participation fee shall be deposited through cash or demand draft in the office of DETC (Excise) of the district of his registration. In case of cash, a duly signed receipt shall be issued by the office of DETC (Excise)

**2.16 EARNEST MONEY:**

Each bidder has to furnish the Earnest Money along with his bids. The Earnest Money shall be payable in the form of bank draft only. The demand draft shall be payable in favour of Excise and Taxation

Commissioner, Haryana, Panchkula. The amount of earnest money shall be as under: -

<b>Sr. No.</b>	<b>Reserve Price of Zone</b>	<b>Earnest Money</b>
(i)	Less than Rs.5 Cr	Rs.20 Lakh
(ii)	Rs.5 Cr & above but less than Rs.10 Cr	Rs.40 Lakh
(iii)	Rs.10 Cr & above but less than Rs.25Cr	Rs.60 Lakh
(iv)	Rs.25 Cr & above	Rs.80 Lakh

The earnest money shall be refunded in the case of unsuccessful bidders, unless it is forfeited. However, no interest shall be payable on the earnest money so refunded. In case of successful allottee, it shall be adjusted towards the security amount to be deposited by the allottee.

### **2.17 PROCESS OF ALLOTMENT OF UN-ALLOTTED ZONES OF VENDS:**

Those Zones of vends which remain unallotted at the start of the financial year, shall be allotted by inviting e-bids again following the same procedure even after the commencement of the financial year. Efforts shall be made to allot such Zones of vends at the earliest possible.

The process of inviting tenders shall be continued by successively reducing the reserve price in the following manner:-

- i) In the slab of 5% of the original reserve price in case reserve price of the Zone is less than Rs.5.00 Cr.
- ii) In the slab of 3% of the original reserve price in case reserve price of the Zone is more than Rs.5.00 Cr.

till these are allotted or up to 25<sup>th</sup> April, or the next working day in case 25<sup>th</sup> April happens to be a holiday, whichever is earlier

In case where the Zone of vends remains un-allotted by 31<sup>st</sup> March 2019, the Deputy Excise and Taxation Commissioner (Ex), with the approval of Collector (Ex), may allow the existing licensee, of such Zone of vends during the previous year 2018-19, at his option, to continue operating the same till the time it is allotted. The quota and license fee payable by such licensee for such period shall be computed for the days of his operation beyond 31<sup>st</sup> March, 2019 proportionately on the basis of incidence and quota of such vend for the year 2018-19. This license fee shall be payable on daily basis in advance. The unsold stock of such vend as on 31<sup>st</sup> March, 2019 shall be allowed to be carried forward on payment of difference of excise duty, if any, on such stock. However, no stock transfer fee shall be levied on such carried forward stock.

In case any Zone of vends still remains un-allotted up to 25<sup>th</sup> April or the next working day in case 25<sup>th</sup> April happens to be a holiday, the Group/vend shall be disposed of by the Excise and Taxation Commissioner by taking appropriate measures as he may deem fit in the interest of revenue, in consultation with the Collector (Excise) and the DETC (Excise) concerned. The decision of Excise and Taxation Commissioner in this regard shall be final.

### **2.18 PROCESS OF RE-ALLOTMENT OF ZONE OF VENDS:**

Consequent upon the cancellation of a license, the process of re-

allotment shall be initiated by inviting e-bids through advertisement immediately. The reserve price for re-allotment shall be computed proportionately for the remaining period for which the Zone of vends is to be re-allotted using the original license fee. In case no bid is received, the reserve price shall be further reduced by 10% of the above mentioned original reserve price or Rs.50 Lakh, whichever is lower and, the process of inviting e-bids may be repeated till the Zone of vends is re-allotted. The re-allotment shall be done at the risk and cost of original allottee. The original licensee/ allottee shall be liable to make up any deficiency incurred by the State as a consequence thereof. However, in case a bid higher than the original bid is received, no benefit shall be given to the original allottee.

No re-allotment shall be made after the month of February, 2020.

**Note:** In the case of re-allotment of the Zone of vends, there shall be no reduction in the original quota or balanced quota of that Zone of vends, as the case may be.

### **3. PROVISIONS REGARDING QUOTA AND ITS DISTRIBUTION [C.L. AND IMFL]:**

#### **3.1 MAXIMUM BASIC QUOTA OF C.L AND IMFL:**

The maximum basic quota for country liquor shall be 1050 Lakh PL and for IMFL it shall be 650 Lakh PL.

#### **3.2 DISTRIBUTION OF COUNTRY LIQUOR QUOTA:**

40% of the basic quota of country liquor shall be fixed which shall be distributed equally among all the distilleries operating from Haryana. Remaining 60% of basic quota, irrespective of the fact as to whether liquor is grain based or molasses based, will be open quota and shall be supplied to the licensees as per their choice of distillery and brand.

The distilleries shall mark "Grain Based" on the label of country liquor manufactured from rectified spirit produced from grain. The distilleries shall maintain separate accounts and storage tanks for molasses based and grain based spirit and country liquor. Such accounting system shall be approved by the Department. The books and entries thereof shall be certified by the officer in charge of the distillery. The label of grain based country liquor bottles shall bear the legend "Grain Based" on the top left corner of the label mentioned diagonally in black colour against white background.

Each distillery shall make a request for district-wise distribution of its share of quota to Excise and Taxation Commissioner, Haryana who may distribute the quota of each distillery for each District out of fixed allocation made to the Distillery from the fixed quota on the basis of request of Distillery, report of DETC (Excise) and recommendation of the Collector. His order of distribution shall be final.

In case any distillery fails to supply its quarterly fixed basic quota of CL, the shortfall may be transferred to the open quota, with the approval of the Excise & Taxation Commissioner, alongwith penal proceeding against the distillery as per law.

**3.2.1** While issuing permit & pass for the country liquor, the DETC (Excise) concerned shall mention whether it is for fixed quota or for open quota. Further, the permit for the open quota shall be issued only after the

quarterly fixed quota has been lifted by the licensee.

### **3.3 LIFTING OF QUOTA:**

#### **3.3.1 BASIC QUOTA:**

The licensee shall lift the basic quota allotted to his Zone of vends as per prescribed quarterly schedule failing which penal provisions shall be invoked. A licensee shall lift the entire basic quota allocated to his/her Zone of vends during the financial year 2019-20 in accordance with the following schedule of lifting:-

Quarter	Month-wise	
April	9%	} 25%
May	8%	
June	8%	
July	7%	} 20%
August	7%	
September	6%	
October	10%	} 30%
November	10%	
December	10%	
January	9%	} 25%
February	8%	
March	8%	

The licensee shall have the freedom to convert maximum 10% of his CL quota to IMFL quota on a quarterly basis.

#### **3.3.2. PENALTY ON SHORT LIFTING OF BASIC QUOTA:**

The non-compliance of the provision regarding lifting of quarterly quota shall attract a penalty at the rate of Rs.55/- and Rs.100/- per PL for Country Liquor and IMFL respectively (on a quarterly basis) for the deficient quantity.

Note: Licensee should preferably lift quota month-wise, but he shall not be penalized if he fails to meet month-wise quota lifting provision provided he adheres to the quarterly stipulation of quota lifting.

#### **3.3.3. RESTRICTIONS TO LIFT QUOTA BEFORE PAYMENT OF SECURITY:**

The licensees shall not be allowed to lift any quota before the deposit of initial security amount of 10%. Further, even after the deposit of initial security amount equal to 10% of the bid amount, the licensee shall be allowed to lift only up to 5% of his annual basic quota till the time he deposits the entire security amount equal to 21% of the total license fee of the Zone of vends.

#### **3.3.4. PROPORTIONATE QUOTA OF ZONE OF VENDS ALLOTTED DURING CURRENCY OF YEAR:**

The Zone of vends allotted during the currency of the financial year shall comply with the provision of quota lifting schedule and their schedule shall be worked out by dividing the quota allotted to the Zone of vends in the remaining full quarters of the financial year and the fraction of the quarter of allotment proportionately from the quota allotted. The penal provision for deficient lifting shall be the same as given in para 3.3.2 above.

### **3.4 ADDITIONAL QUOTA FOR RETAIL OUTLETS OF LIQUOR ON PAYMENT OF ADDITIONAL EXCISE DUTY:**

**3.4.1** The licensees of retail outlets of L-14A and L-2 shall be entitled to lift additional quota up to 50% of basic quota on payment of additional excise duty @ Rs.23 per PL for country liquor and @ Rs.51 per PL in case of IMFL.

**3.4.2** The additional quota of C.L. shall be supplied to the licensees as per their choice of distillery and brand.

**3.4.3** After having lifted his mandatory basic quota of a particular quarter, any quota lifted in addition would attract payment of additional Excise Duty. Further, the maximum additional quota that can be allowed to be lifted at any point of time shall be in proportion to the basic quota lifted and that too only when due license fee up to date has been paid in full.

### **3.4.4 FACILITY OF QUOTA TRANSFER**

The licensee desiring to transfer his basic quota, which he is not able to dispose of, to another licensee of the same type, may be allowed such transfer of quota on a quarterly basis, within an excise district. The transferor licensee shall make a request along with the consent of the transferee licensee to the DETC of his district. The terms of sales and purchase shall be decided by both the transferor and transferee licensees mutually. On approval of the request of the transferor licensee, the quota agreed upon to be transferred by him shall be deducted from his quota and shall be deemed to have been lifted and it will be added as a transfer quota in the account of the transferee licensee. This quota will be over and above the original quota of the transferee licensee and his obligations regarding lifting of his original quota shall not be affected. A quota transfer fee of Rs.7 per PL for country liquor and Rs.13 per PL in case of IMFL shall be payable by the transferor licensee at the time of making such request.

Provided that the total quota transferred under this provision during the entire year, shall not exceed 20% of the basic quota of the transferor licensee. Similarly the transferee licensee shall not be entitled to receive such transferred quota, during the entire year, in excess of 20% of his basic quota.

## **4. SUPPLY OF CL FROM WHOLESALE LICENSED OUTLETS OF CL (L-13 LICENSE):**

**4.1** The maximum number of L-13 licenses, to be granted in each district, shall be decided by the ETC. The L-13 licenses shall be granted on the basis of revenue contribution amongst the applicant licensees, as determined

on the last date for receiving such applications for grant of L-13, as decided by the ETC. A licensee shall be allowed only one L-13 license in a district.

**4.2** The annual license fee for L-13 shall be as under:-

- i) Rs.35 lakh in case the annual quota of country liquor in an excise district is less than 50 lakh PL.
- ii) Rs.50 lakh in case the annual quota of country liquor in an excise district is equal to or more than 50 lakh PL.

A refundable security/ Bank Guarantee of Rs.10 Lakh for each L-13 shall be deposited by the licensee.

Further, all L-13 licensees shall meet the requirement of liquor of the retail licensees both in terms of brand and quantity.

**4.3** The licenses for the wholesale outlets of L-13 shall be granted/ approved by the Collector with the prior consent of ETC (FC).

**4.4** The licenses for wholesale outlets of country liquor (L-13) shall be granted as per Rules and provisions of the Punjab Excise Act, 1914 and the Rules framed thereunder as per the following conditions:-

- (a) The L-13 licensee shall establish his vend within the command area of his Zone of vends. In case no suitable storage point is available in the command area, this condition may be relaxed with the prior permission of the Collector (Excise).
- (b) The wholesale outlets of country liquor (L-13) shall obtain permits/ passes issued by the respective Deputy Excise & Taxation Commissioners (Excise) of the districts for receiving their supplies from the distilleries in the State.
- (c) The stock of country liquor at the stage of L-13 shall be duty paid.
- (d) The wholesale outlets of country liquor (L-13) shall maintain a minimum stock equal to one month's quota of the District divided by the number of L-13 in the District at all time.
- (e) The supplies to the retail outlets of country liquor (L-14A) shall be made from the wholesale outlets of country liquor (L-13) located in the district on permits/passes issued by the respective Deputy Excise & Taxation Commissioners (Excise).
- (f) The applicant shall furnish proof of ownership, lease, rental deed of the premises at which the wholesale outlet of CL (L-13) is proposed to be opened.
- (g) The applicant shall furnish NOC from the Fire Officer of the respective district.

**4.5** For the sake of convenience of L-13 licensees the method of calculation of the rate at which they shall supply country liquor to the L-14A



licensees is given below. The calculations have been done for one case of PET Quart bottle and similar calculations can be obtained from DETC (Excise) office for other sizes/types of bottles.

The rate of supply of Country Liquor of 50 degree proof to L-14A Licensees (Ex. L-13 Godown):-

	Price per case of PET Quart Bottle
I. Basic Price E.D.P. (Ex-Distillery Issue Price)	Rs.291
II. Excise Duty @ Rs. 49/- per P.L.	Rs.220.50 (To be Paid by the L-13 Licensee to the State)
III. Transportation, Handling Charges Including freight/ security and other insurance charges etc. (including GST wherever applicable or any other Government levy including TCS to be paid by the distillery/ L-13 licensee to the Income Tax Department.	Rs. 16.30 (To be paid by the L-13 licensee to the distilleries for F.O.R. supply to their L-13 godown)
IV. Total (I +II+III )	Rs. 527.80
V. VAT @ 13% plus 5% surcharge (i.e. 13.65%)	Rs.72.04 (to be paid by distillery to the State)
VI. Total (IV+V)	Rs.600
VIII. L-13 Commission	Rs.10.00

The rate of supply of Country Liquor of 65 degree proof to L-14A Licensees (Ex. L-13 Godown):-

	Price per case of PET Quart Bottle
I. Basic Price E.D.P. (Ex-Distillery Issue Price)	Rs.341
II. Excise Duty @ Rs. 54/- per P.L.	Rs.315.90 (To be Paid by the L-13 Licensee to the State)
III. Transportation, Handling Charges Including freight/ security and other insurance charges etc. (including GST wherever applicable or any other Government levy including TCS to be paid by the distillery/ L-13 licensee to the Income Tax Department.	Rs. 16.30 (To be paid by the L-13 licensee to the distilleries for F.O.R. supply to their L-13 godown)
IV. Total (I +II+III )	Rs. 673.20
V. VAT @ 13% plus 5% surcharge (i.e.	Rs.91.89 (to be paid by

13.65%)	distillery to the State)
VI. Total (IV+V)	Rs.765.09
VIII. L-13 Commission	Rs. 10.00

**4.6** The DETC (Excise) of the district concerned shall visit the premises of all L-13 at the time of grant of L-13 license and subsequently at least once a month to ensure that:

- a) the premises of L-13 licensees of the district are not located in neighbourhood of each other and definitely not in the same building/nearby building to each other;
- b) no cartelization of any sort takes place;
- c) brands of all distilleries are available with the L-13 licensees granted to retail outlet licensees of country liquor (L-14A);
- d) all L-14A licensees are getting liquor of their brand and choice and are not being compelled to buy the brands of any particular distillery by the L-13 licensees.

If the DETC (Excise) finds violation of any of the stipulations listed at (a), (b), (c), or (d) above, he shall recommend initiation of the proceedings for the cancellation of the license of the L-13 licensee. Further, in case of any sort of cartelization of L-13 licensees which compels retail licensees to buy brands of a particular distillery in lieu of the brand of their choice, the DETC (Excise) shall recommend initiation of proceedings for cancellation of license of that particular distillery also.

**4.7** In case any L-13 licensee is found to be indulging in the illegal or clandestine sale of liquor in order to avoid additional excise duty, the amount becoming due on account of penalty etc. towards such L-13 licensee shall also be recoverable from the security deposits of the retail outlets (L-14A) of the said licensee.

**4.8** The Excise and Taxation Commissioner may, at any time during the year 2019-20, invite applications for grant of unallotted L-13 licenses in the district if he is satisfied that availability of Country Liquor is scarce, either in brand or quantity or both. The applications for grant of L-13 shall follow the same process as mentioned in paragraph 4.1.

## **5. SUPPLY OF IMFL FROM WHOLESALE LICENSED OUTLETS OF IMFL (L-1 LICENSE):**

**5.1** The maximum number of L-1 licenses, to be granted in each district, shall be decided by the ETC. The L-1 licenses shall be granted on the basis of revenue contribution amongst the applicant licensees, as determined on the last date for receiving such applications for grant of L-1, as decided by the ETC. A licensee shall be allowed only one L-1 license in a district.

The annual license fee for L-1 shall be as under:-

- i) Rs.1.30 Cr. in case the annual quota of IMFL in an excise district is less than or equal to 25 lakh PL.
- ii) Rs.1.50 Cr. in case the annual quota of IMFL in an excise district is more than 25 lakh PL and less than or equal to 50 lakh PL.
- iii) Rs.2.00 Cr. in case the annual quota of IMFL in an excise district is more than 50 lakh PL.

A refundable security/Bank Guarantee of Rs.30 Lakh for each L-1 shall be deposited by the licensee.

**5.2** The licenses shall be granted for wholesale outlets of IMFL (L-1) under the Haryana Liquor License Rules, 1970, on the following conditions:-

- a) The L-1 licensee shall establish his vend within the command area of his retail Zone of vends. In case no suitable storage point is available in the command area, this condition may be relaxed with the prior permission of the Collector (Excise).
- b) The applicant should not be a defaulter of any dues under the Punjab Excise Act, 1914, Haryana General Sales Tax Act, 1973, CST Act, 1956, Haryana Value Added Tax Act, 2003, Haryana Local Area Development Tax Act, 2000/ The Haryana Tax on Entry of Goods into Local Areas Act, 2008.
- c) The applicant shall furnish authorization certificates from at least three distilleries and breweries for selling their products in wholesale.
- d) The applicant shall furnish proof of ownership, lease, rental of the premises at which the wholesale outlet of IMFL (L-1) is proposed to be opened.
- e) The applicant shall furnish NOC from the Fire Officer of the respective district.
- f) The applicant shall deposit the prescribed annual license fee by means of bank draft in favour of the Deputy Excise and Taxation Commissioner (Excise) of the respective district and shall furnish the requisite proof along with the application.
- g) The stock of IMFL at the stage of L-1 shall be duty paid.

**5.3** The wholesale outlets of IMFL (L-1) shall obtain permits/ passes issued by the respective Deputy Excise & Taxation Commissioners (Excise) of the district for receiving supplies against payment of permit fee.

**5.4** The wholesale outlets of IMFL (L-1) shall receive their supplies of liquor from the L-1B, L-1B1, L-1AB, L-1AB1, L-1BF, L-1-B1-A & L-1W licenses and other licenses as provided under other provisions of the law.

**5.5** The wholesale outlets of IMFL (L-1) shall make their sales to the retail outlets of IMFL (L-2) of the District on the strength of permits / passes issued by the respective Deputy Excise & Taxation Commissioners (Excise) of the district.

**5.6** In case any L-1 licensee is found to be indulging in the illegal or clandestine sale of liquor in order to avoid additional excise duty, the amount becoming due on account of penalty etc. towards such L-1 licensee shall also be recoverable from the security deposits of the retail outlets (L-2) of the said licensee.

**5.7** The Excise and Taxation Commissioner may, at any time during the year 2019-20, invite applications for grant of unallotted L-1 licenses in the district if he is satisfied that availability of IMFL is scarce, either in brand or quantity or both. The applications for grant of L-1 shall follow the same process as mentioned in paragraph 5.1.

## **6. SECURITY AND INSTALMENTS:**

### **6.1 SECURITY:**

Every successful allottee of retail Zone of vends shall deposit a security amount equal to 21% of the annual license fee of the Zone of vends, out of which, 5% of the license fee shall be deposited on the day of evaluation of e-bids; 5% of the license fee within seven days of the allotment or on or before 31<sup>st</sup> March, whichever is earlier; and the remaining security equal to 11% of the license fee shall be deposited by 7<sup>th</sup> of April, 2019.

**6.2** In case of bids that exceed the reserve price by more than 25%, the bidder shall be required to have balance of minimum amount equal to 15% of his bid amount deposited as Earnest Money Deposit (EMD) with the DETC (Excise) of the district concerned. In case of successful bid, 15% of his bid money shall be deducted by the system and shall be deposited as 15% security.

**6.3** The security amount payable by the companies shall be the same as for other allottees as explained in Para 6.1 above.

### **6.4 INSTALMENT OF LICENSE FEE:**

All the successful bidders shall deposit 21% of their bid money as security. 82% of his bid money shall be payable by him in ten equal monthly installments equal to 8.2% of the bid money; each payable by 20<sup>th</sup> of each month starting from the month of commencement of operation of vends in their Zones, and every subsequent month. The payment shall continue till full amount of 82% is paid by the licensee by way of monthly installments. A part of his security, equal to 18% of his bid money, shall be adjusted towards his license fee after the payment of installments amounting to 82% of his bid money. The adjustment shall be made over a period of two months in two equal installments; each equal to 9% of his bid money.

The balance security equal to 3% of his bid money shall be refunded after adjusting any amount found outstanding or unpaid towards him by the 15<sup>th</sup> April, 2020. This amount shall be refunded by the Deputy Excise and Taxation Commissioner (Excise) of the District.

If an allottee / licensee fails to make the full payment of security in the prescribed time, his license shall be cancelled automatically and security deposited, if any, forfeited. In case of failure to adhere to the prescribed time for payment of any of the ten installments, interest on late payment shall be charged from the first day of the month of default till the date of payment @ 18% per annum.

**6.5** In the event of failure to pay the instalment or instalments along with the interest, as the case may be, by the due date, the Zone of vends shall cease to be in operation on the first day of the following month and shall ordinarily be sealed by the Deputy Excise and Taxation Commissioner (Excise) in-charge of the district or any other official authorized by him and his license may be cancelled.

**6.6 SECURITY AND INSTALLMENTS IN CASE OF ALLOTMENT/ RE-ALLOTMENT DURING CURRENCY OF THE YEAR:**

In case of Zones which are allotted/ re-allotted during the currency of the financial year, the security equal to 10% of bid money shall be deposited on the day of allotment and remaining security equal to 11% of bid money shall be deposited within 10 days of the date of allotment. The Zone of vends shall come into operation from the day following the date of allotment/ re-allotment. The license fee for the month in which the allotment/re-allotment is made shall be payable by the end of the month, in proportion to the remaining days of that month. The remaining amount out of the 82% of the license fee shall be payable up to January, in equal monthly instalments. Thereafter, his security shall be adjusted as in case of other allotments as described above in para 6.4. In case of his failure to deposit the license fee as per the schedule, the provisions of para 6.5 shall be invoked and the interest for late payment shall be charged @18% per annum.

In case the allotment or re-allotment takes place after December, 2019, the entire 82% of his bid money shall be recovered up to the last date of month in which it is allotted/ re-allotted. The instalment for the month of allotment/ re-allotment shall be computed treating it as a full month.

The date of payment for the month of allotment/ re-allotment shall be 20<sup>th</sup> if allotment takes place before 20<sup>th</sup> or the last day of the month if allotment takes place on or after 20<sup>th</sup>.

**6.7** No interest shall be payable on the security amount.

**7. MINIMUM RETAIL SALE PRICE FOR THE YEAR 2019-20:**

**7.1** The minimum retail sale price shall be as under:-

Sr.No.	Liquor	Size of Bottles		
		Quart	Pint	Nip
1.1	Country Liquor (50 degree proof)	145	80	50
1.2	Metro Liquor (65 degree proof)	170	90	55
2.1	IFL/IMFL (Bottled in origin or in India)			
2.1A	Super Premium	3000	-	-

	18 years & above age or spirits of comparable quality & standards (e.g. Black Dog 18 years & above, etc.)			
2.1B	Premium-I	1800	1000	550
	scotches / Spirits of 12 Yrs. & above but less than 18 yrs. age or spirits of comparable quality & standards (Black Dog 12 Yrs, Teacher Highland etc.)			
2.1C	Premium-II	1500	800	450
	Scotches / Spirits of 8 Yrs. & above but less than 12 Yrs. Age or spirits of comparable quality & standards (Black Dog 8 Yrs., Teachers, Black & White, Old Smuggler, Passport, Haig etc.)			
2.2	Super Deluxe:	850	500	250
	(Antiquity Blue, McDowell's Single Malt etc.)			
2.3	Deluxe-I:	700	400	200
	(Antiquity Rare whisky etc.)			
2.4	Deluxe-II:	600	325	175
	(Signature Whisky, Smirnoff Vodka, Bacardi Rum, Peter Scot, Blenders Pride etc.)			
2.5	Deluxe-III:	450	250	135
	(Royal challenge, DYC Royal Stag, McDowell's No.1 Premium, Red Knight etc.)			
2.6	Regular-I:	350	180	100
	(McD No. I, AC Black, Whyte Hall, Imperial Blue, Magic Moment etc.)			
2.7	Regular-II:	300	160	90
	(New Approved ACP, New Approved AC Old Reserve, Mughal Monarch, 8 PM, Green Label, London Duet, Royal Arm, White Mischief, Vodka, Romanov Vodka, Raffles, Blue Diamond Duet, WMP Gin, Old Smuggler, Rum, B R Gin, BP Gold)			
2.8	Regular-III:	260	140	80
	(AC Sek C, AC Extra, Dry Gin, Director's Special, Officer's Choice, Bagpiper, Old Monk Rum, White House, Royal Crest, Diplomat, Gold Riband, John Silver Rum, White Lace Gin, B.D.Gin,			

	Silver Grand, Silver Peg, Bermuda, Blue Moon Gin etc.)			
2.9	Economy: (Aristocrat, Bonnie Special, Hayward, Golden Border, Benson, etc.)	225	120	65
2.10	Cheap: (Goldy, Studd, Champion, Rum & Gin etc.)	200	100	60
2.11	In addition to above the minimum retail sale price of following packs of IMFS (Prestige Brands & above) is fixed as under:-			
	Size	Price		
	4.5 Litres	Rs. 2200/-		
	2 Litres	Rs. 1000/-		
	1000 ml.	Rs. 550/-		
	700 ml.	Rs. 375/-		
	500 ml.	Rs. 300/-		
	275 ml. (RTB)	Rs. 70/-		
	90 ml.	Rs. 60/-		
3	BEER:-			
3.1	Mild Beer containing Alcoholic content up to 5.5%	Rs. 75/- per bottle of 650 ml. Rs.65/- per bottle of 330 ml		
3.2	Strong Beer containing Alcoholic content above 5.5%	Rs. 85/- per bottle of 650 ml. Rs. 75/- per bottle of 330 ml		
3.3	Canned Beer			
	a. Mild	Rs.85 per 500 ml can		
	b. Strong	Rs.95 per 500 ml can		

**7.2** No maximum sale price is fixed for any of the above for the year 2019-20.

**7.3** Categorization as approved by the department at the time of registration of brand labels will be applicable. For the purpose of categorization the DETC (Excise) concerned shall indicate the category in which a particular label of the brand shall be approved at the time of sending his/ her recommendation for the approval of the label of the brand.

**7.4 PENALTY FOR NON MAINTENANCE OF MINIMUM RATES:**

The retail sale license shall be automatically suspended on detection of breach of conditions of minimum retail sale rates for the day of

detection and two days following it. The vend shall be sealed by DETC (Excise) for this period with prior intimation to Excise & Taxation Commissioner and Excise Collector. The sealing of the vend shall be in addition to any other penal proceedings under the Law that may be initiated.

**8. LEVIES:**

**8.1 EXCISE DUTY AND PERMIT FEE FOR THE YEAR 2019-20:**

The rates of Excise Duty and Permit Fee shall be as under:-

Sr. No.	Item	Rate of Excise Duty (in Rs.)	Rate of Permit Fee (in Rs.)
1	Country Liquor (50 degree proof)	49 per PL	5 per PL
2	Metro Liquor (65 degree proof)	54 per PL	5 per PL
3	IMFS		
	3.1 Brands with EDP up to Rs.1000 per case	70 per PL	10 per PL
	3.2 Brands with EDP from Rs.1001 up to Rs.1500 per case	110 per PL	10 per PL
	3.3 Brands with EDP from Rs.1501 up to Rs.2500 per case	120 per PL	10 per PL
	3.4 Brands with EDP from Rs.2501 up to Rs.3500 per case	130 per PL	10 per PL
	3.5 Brands with EDP from Rs.3501 up to Rs.5000 per case	140 per PL	10 per PL
	3.6 Brands with EDP from Rs.5001 up to Rs.7000 per case	180 per PL	10 per PL
	3.7 Brands with EDP above Rs.7000 per case	230 per PL	10 per PL
4	BEER		
	i) Beer containing alcoholic content up to 5.5%	50 per BL	10 per BL
	ii) Beer containing alcoholic content more than 5.5%	55 per BL	10 per BL
	iii) Canned Beer:		
	a. Mild	60 per BL	10 per BL
	b. Strong	65 per BL	10 per BL
5	Ethanol for use in automobile fuel	Nil	Nil
6	Draught Beer	55 Per BL	10 per BL



7	Cider	10 Per Bottle size of 350 ml	5 per BL
8	Wine	20 Per BL	5 per BL
9	Ready to Drink Beverages (RTB)	40 Per BL	10 Per BL
10	Potable RS and ENA for CL and IMFL	20 Per PL	Nil
11	Denatured spirit/ Ethanol Except for use in automobile fuel	Nil	Nil
12	RS and ENA for industrial use	Nil	Nil

Excise duty shall be paid by L-13, L-1B, L-1AB, L-1B-1, L-1W, L-1AB1 & L1-B1-A for respective types of liquor. Permit Fee on IMFS and Beer shall be paid by L-1 licensees for all types of permits obtained for liquor. The Permit Fee on Country Liquor shall be paid by L-14A licensees.

EDP shall be submitted by the company at the time of approval of the label which shall be approved by the ETC (FC) keeping in view the rates of these brands in the previous year, rates in the neighboring states and other cost components.

## 8.2 IMPORT DUTY FOR THE YEAR 2019-20:

The import duty shall be levied as under:-

Sr. No	Item	Import Duty
1	CL	Rs.6 per PL
2	Beer	Rs.11 per BL
3	RTB	Rs.11 per BL
4	Draught Beer	Rs.6 per BL
5	Potable RS and ENA for CL and IMFL	Rs.2 per BL
6	RS and ENA for industrial use	Nil
7	Absolute Alcohol	Rs.7 per BL
8	Denatured Spirit except as at Sr. No 9	Rs.4 per BL
9	Denatured Ethanol/Denatured spirit for Automobile fuel	Nil
10	IMFS, Rum	Rs.22 per PL
11.	Wine, Cider	Rs. 6 per BL

## 8.3 EXPORT DUTY FOR THE YEAR 2019-20:

The rates of export duty shall be as under:-

S.No	Item	Export Duty
1	CL	Rs. 0.75 per PL
2	Beer	Rs. 5.00 per BL
3	Potable RS / ENA	Rs. 1.50 per BL
4	IMFS/IMFL	Rs. 4.00 Per PL
5	RTB	Rs. 2.00 per BL
6	Draught Beer	Rs. 2.00 per BL
7	Absolute Alcohol	Rs. 1.50 per BL
8	Denatured Spirit	Rs. 1.00 per BL
9	Ethanol/ Denatured spirit for Automobile fuel	Nil

#### 8.4 FRANCHISE FEE AND BRAND REGISTRATION FEE:

A brand registration fee of Rs. Seven lakh for bottling of each brand on franchise basis in the State of Haryana shall be charged. In addition, franchise fee shall also be charged as given below:-

IMFS	Rs. 22 per P.L.
Beer	Rs. 16 per B.L.

Franchise fee wherever applicable, shall be levied on liquor for exports as well as on liquor for local consumption.

#### 8.5 LEVIES ON SUPPLIES TO DEFENCE PERSONNEL:

The rates of Excise Duty and Assessment Fee leviable in case of supplies to defence personnel shall be as under:-

Sr No.	Item	Excise Duty In Rs.	Assessment fee in Rs.
1	IMFS	375 per PL	Nil
2	Rum	66 per PL	Nil
3	BEER	72 per BL	Nil
4	Draught Beer	72 per BL	Nil
5	Cider	9.5 per BL	Nil
6	Wine	16 per BL	Nil
7	Ready to Drink Beverages (RTB)	20 per BL	Nil
8.	IFL (BIO)	Nil	325 per BL

Rate of Import Duty and Export Duty on liquor imported or exported by L-9 licensees shall be as under:

Item	Import	Export
IMFL/Rum	Rs.10/- per PL	Rs. 5/- per PL
Wine/Cider	Rs.10/- per BL	Rs. 5/- per BL
Beer	Rs. 5/- per BL	Rs.1/- per bottle of 650 ml

## 8.6 BRAND-LABEL FEE:

Any distillery/brewery/winery or bottling plant which wants its products to be sold in the State of Haryana shall get its Brand-Labels approved from the Excise & Taxation Commissioner before marketing its brands in the State of Haryana. The Distilleries and Bottling Plants situated in the State of Haryana shall get their labels approved on the same terms and conditions. Additional label fee shall be payable for each additional label in case liquor is obtained from more than one source. The fee structure shall be as under:-

(i) Whisky/Scotch	Rs.1,00,000 per brand.
(ii) Beer	Rs.80,000 per brand.
(iii) Rum	Rs.60,000 per brand
(iv) Gin/ Vodka	Rs.45,000 per brand
(v) Wine/Brandy Cider/Champagne	Rs.30,000 per brand.
(vi) Vodka/Brandy/Cider/Wine and Champagne for supply to CSD	Rs.15,000 per brand.
(vii) Country Liquor	Rs.1,00,000 per brand
(viii) Ready to Drink Beverages (RTB)	Rs.90,000 per brand
(ix) Brand label fee for exports out of State (for all types of brands)	Rs.75,000 per brand

It is further provided that in case of any change/ alteration in labels for any reason(s), the label registration fee in full shall be charged again. In case any alteration/amendment in the labels is made during the currency of the financial year, the same rate of label fee shall be charged. While submitting application for registration of labels, the applicant shall submit the ex-factory rates of the said product alongwith its prevalent ex-factory rates in neighbouring States and thereafter the brand shall be registered. In case of any unreasonable difference in rates prevalent in neighboring States, the department shall be at liberty to not register or deregister the brand in Haryana. Further, in case of a brand registered in Haryana and any change in its ex-factory price, the approval of the department shall be obtained by the concerned licensee.

## 8.7 BOTTLING FEE:

The bottling fee on IMFS during 2019-20 shall be levied as under:-

a)	For D2 licensees bottling their own brands:	@Rs.15 per PL.
b)	For Bottling plants bottling their own brands:	@Rs.20 per PL.
c)	For bottling of brands not covered in a) and b) above and where no franchise fee is levied:	@Rs.22 per PL.
d)	For bottling of Beer by the brewers	@ Rs.8 per BL

Bottling fee is leviable on liquor for export as well as on liquor for local consumption if no franchise fee is levied.

## **8.8 STOCK TRANSFER FEE:**

Any quantity of liquor in physical possession of the outgoing licensee at the termination of the contract for the year 2018-2019 and transferred to an incoming licensee for the year 2019-2020 in accordance with the provisions of the Haryana Liquor License Rules, 1970 shall not be counted towards lifting of annual quota for the year 2019-2020.

A stock transfer fee shall be levied at the rate of Rs.7 per PL for country liquor, Rs.13 per PL for all brands of IMFL and Rs.11 per BL for Beer. Further, inter-district transfer of left over stock of the licensee of the previous year to a current licensee may be allowed only in case of wholesalers, after approval of the Collector (Excise). The stock transfer fee in such cases shall be Rs. 9 per PL for country liquor, Rs.15 per PL for all brands of IMFL and Rs.12 per BL for beer.

It is further provided that stock surrendered due to determination of wholesale license during the currency of the year may also be allowed to be transferred to another licensee of the same district or to another licensee of some other district by the Collector (Excise). The stock transfer fee in such cases shall be Rs.9 per PL for country liquor, Rs.15 per PL for all brands of IMFL and Rs.12 per BL for beer.

Note: Where the rates of excise duty in the Excise Policy for the year 2019-20 have been increased in case of any type of liquor over the rates of excise duty for the years 2018-19, the differential excise duty on the unsold stock as on 01.04.2019 shall be payable, in addition to the stock transfer fee, if any.

## **8.9 RECOVERY OF COST OF SUPERVISORY EXCISE STAFF:**

The salary cost of supervisory staff as required by Law/ Rule/ Policy to be posted in any manufacturing licensee's premises/ facility shall be recovered from the said manufacturer on quarterly basis.

Further, the cost of any infrastructure required to be set up for the purpose of monitoring and regulation of the distilleries, bottling plants and breweries, shall be borne by such licensees.

## **9. FIXED FEE LICENSES:**

### **9.1 L-1B LICENSES:**

**9.1.1** A distiller of repute willing to market its brands in the State of Haryana shall obtain a license in the form of L-1B except as provided under the provision of L-1AB license. The brands of distillers having dubious reputation and known/suspected for indulging in malpractices shall not be permitted. For this purpose, a Committee of Officers shall be constituted to examine the request of new entrants wanting to market their products in Haryana. This Committee shall look into the facilities at the distillery and reputation and quality of their produce and the opinion of the licensees and public about the produce of these distilleries. Fresh L-1B license may be

granted on the recommendations of this Committee.

**9.1.2** L-1B shall make its supplies to L-1s of the State. L-1B licensee shall meet the requirement of liquor both in terms of brand and quantity through L-1 licensees. Failure on this account shall make him liable for cancellation of his L-1B license.

**9.1.3** The license fee of L-1B is fixed as under:-

- |     |   |             |
|-----|---|-------------|
| i)  | L-1B of Distillery situated in the State      | Rs.50 lakh  |
| ii) | L-1B of Distillery situated outside the State | Rs.1.00 Cr. |

In addition, the excise duty leviable on IMFS shall also be paid by L-1B licensees while obtaining permits.

**9.1.4** Excise and Taxation Commissioner may determine the reasonability of rates to be charged by L-1B licensees by way of fixing sale price of their products or profit margin/value addition keeping in view all relevant factors including the rates for such products in other states. Each brand to be marketed in the State of Haryana shall be registered under the provisions of the policy.

## **9.2 L-1B-1 LICENSE FOR WHOLESALE OF BEER/ WINE:**

**9.2.1** A brewer/wine manufacturer (except local manufacturer of wine from State of Haryana) shall obtain a license in the form of L-1B1 to market its products in the state of Haryana. L-1B1 for brewers shall be granted and renewed at an annual fee of Rs.1.00 Cr. and L-1B1 for wine manufacturers shall be granted and renewed at an annual fee of Rs.50 Lakh. Further, excise duty levied on beer/ wine shall also be paid by L-1B1 licensees while obtaining permits.

**9.2.2** The Excise and Taxation Commissioner may determine the reasonability of rates to be charged by L-1B-1 licensee by way of fixing sale price of his products or profit margin/value addition keeping in view, all relevant factors including the rates for such products in other states.

**9.2.3** The brewers shall be allowed to sell draught beer in kegs of different sizes through their L-1B1 depots directly to bar licensees in the State without routing it through L-1/L2.

**9.2.4** For the local manufacturer of wine, a license in the form of L-1W shall have to be obtained. A local manufacturer of wine taking license in form of L-1W shall not be required to take the license in the form of L-1B1.

## **9.3 WHOLESALE LICENSE FOR READY TO DRINK BEVERAGES (RTB) L1-B1-A:**

Wholesale license for Ready to Drink Beverages (RTB) L1-B1-A shall be granted and renewed at a fixed fee of Rs.1.00 Cr. per annum.

## **9.4 L-1AB LICENSE FOR NON DISTILLERS BRANDS:**

To allow other brands of repute with low sale volumes or reputed brands owned by non distillers, a license for whole sale of IMFS has been prescribed in the form of L-1AB to be granted by Excise and Taxation Commissioner under the provisions of excise law. The license shall be granted on payment of license fee of Rs.55 Lakh per annum. The license shall be granted to those persons who have exclusive sale rights of any brand for sale in the state of Haryana. The licensees shall also pay excise duties and other levies as applicable to L-1B licensee in the State. The licensee shall get the brands registered as mentioned in para 8.6.

Excise and Taxation Commissioner may determine the reasonability of rates of liquor as in case of L-1B licensees.

## **9.5 L-1BF LICENSE FOR IFL:**

**9.5.1.1** A total number of four L1-BF licenses are fixed for the year 2019-20. All these licenses will be entitled to make supplies throughout the State. The applicant should be, a proprietor firm or a partnership firm, or, a company registered under the Companies Act, 1956. The license fee of L1-BF may be fixed at Rs.16 Crore each.

**9.5.1.2** An applicant may be allowed to make only one application so as to avoid the probability of monopolisation. A person would not be allowed to submit more than one applications made either in the name of same business entity or in the name of such business entity in which he is related in any of the following ways, namely:-

- i) He is a partner in the business entity, or
- ii) He is director in the business entity, or
- iii) He is employer or employee in the business entity, or
- iv) He directly or indirectly owns or controls or holds twenty-five percent or more share, or
- v) He is a family member of any of persons involved in the business entity

In such cases, only the first application shall be considered eligible for grant of license.

### **9.5.1.3 THE MANNER OF GRANT OF L-1BF LICENSE:**

The license may be granted by inviting applications online on the portal of the Department. The application shall be accompanied with documents establishing the identity of the applicant. Identity proves of all the persons, like proprietor, all the partners, directors and the authorized person, if any one so authorized, should be uploaded online along with the application. The applicant shall deposit application fee of Rs.1,00,000/- and an earnest money of Rs.1.6 Crore online the details of which shall be furnished in his application. Complete secrecy of the process of submission of applications shall be maintained till the time period for submission of applications is over. After the expiry of date of submission of applications, the applications shall be

examined to check for the completeness. All the applications which are found in order shall be considered eligible for draw of lots. The list of applications shall be uploaded on the website of the Department at least two days before the draw of lots. The draw of lot shall be conducted in the presence of those who choose to be present in the head office of the Department at Panchkula on the prescribed date and time.

The draw of lots shall be conducted in case the number of applications is more than four. In case eligible applications are four, the license shall be granted to all the applicants. In case the number of eligible applications is less than four, the Department shall make a proposal to add on an amount to the license fee of each applicant. The amount shall be derived by dividing the license fee of left out licenses equally among the applicants. Similarly, minimum quota shall also be added. The licenses to applicants in such case shall be granted subject to their acceptance of the proposal of the Department. In case the applicants don't accept the proposal of the Department, the ETC is authorized to grant the license in such manner as he may deem fit in the best interest of the revenue. It is further provided that the process shall be scrapped, if there is single application.

After allotment, the successful applicants shall have to submit all other documents, as are required under the Punjab Excise Act, 1914 and the Rules framed thereunder, in the office of DETC (Excise) where his business premises would be located within seven days of the allotment. He can locate his business premises anywhere in the State of Haryana.

The license shall be granted subject to the provisions of Punjab Excise Act, 1914, Rules framed thereunder, Excise Policy 2019-20 and all other instructions and orders issued by the Department.

## **9.5.2 THE FEE STRUCTURE OF L-1BF LICENSE:**

### **9.5.2.1 Security and License Fee:**

The licensee fee of each L-1BF license is fixed at Rs.16 Crore. The successful applicant shall have to deposit security amount equal to 21% of the license fee i.e. Rs.3.36 Crore, or higher as the case may be, within three days of the allotment. This amount of Earnest Money shall be adjusted towards the security in case of successful applicants and the earnest money shall be refunded in case of unsuccessful applicants. The application fee shall be non-refundable and non-adjustable.

The Earnest Money shall be forfeited in the following cases:-

- i) In case the applicant furnishes any false or forged document in his application, or
- ii) He is found guilty of indulging in any malpractice, or
- iii) If any successful applicant fails to deposit installment of security amount within three days of the allotment, or

- iv) If any successful applicant fails to furnish documents as he is required to submit in the office within seven days of the allotment, or
- v) For any other reasons as the Excise Commissioner may think fit.

The applicant shall be held as a licensee once he has deposited the entire security amount of Rs.3.36 Cr., or higher as the case may be.

The license fee shall be payable in ten monthly installments as per the provisions applicable to retail licensees of IMFL and CL. The security amount of Rs.3.36 Cr., or higher as the case may be, shall be adjusted towards the balance amount of license fee in the end of the financial year. Interest shall be leviable for the period of delay in depositing the license fee in accordance with the provisions of retail licensees of IMFL and CL. The balance amount from security, if found in excess after recovering full amount of license fee, interest, penalty or any other amount due to licensee, shall be refunded.

#### **9.5.2.2 Rate of Assessment Fee:**

A new levy in the form of Assessment fee is being proposed. It will be levied at the time of issuance of permits for procurement of supplies. It will be levied as per the rates given below:

Whisky	Rs 250 per PL
Beer	Rs 100 per BL
Wine	Rs 250 per BL

#### **9.5.2.3 Rates of Permit Fee:**

It is proposed that Permit Fee shall be levied at the rates given below:-

Whisky	Rs.75 per PL
Wine	Rs.75 per BL
Beer	Rs.30 per BL

#### **9.5.2.4 VAT on IFL (BIO):**

VAT on IFL (BIO) is fixed at the rate of 10% with surcharge @5%.

#### **9.5.3 QUOTA OF L-1BF LICENSE:**

For the purpose of IFL (BIO), the categories of whisky, scotch, Rum, vodka, Gin, Brandy etc. shall be referred hereinafter as whisky unless specifically so mentioned otherwise. Similarly, the categories of Wine, cider, Liqueur etc will be referred to hereinafter as wine unless specifically so mentioned otherwise.

A 'minimum quota' of whisky, Beer and wine segment of IFL (BIO) shall be prescribed to secure revenue arising from levies such as permit fee, assessment fee and VAT. It will help curb unaccounted supplies. The 'minimum quota' may be fixed as follows:



Whisky, Scotch, Rum, vodka, Gin, Brandy etc.	25000 cases
Beer	25000 cases
Wine, cider, Liqueur etc	12000 cases

The 'minimum quota' of each segment shall be as per the table given above for each licensee or such quota as may be arrived at by adding on the leftover quota of the unsold licenses as prescribed in the policy.

Each licensee shall have to lift the minimum amount of quota in the financial year. A failure to lift the minimum quota shall attract a penalty of Rs.5000 per case in case of whisky & wine and, Rs.2500 per case in case of Beer. It would apply for quota lifting of branches as well.

Quota shall be monitored on quarterly basis. Penalty shall be leviable for deficient quantity of quota lifted at the end of all the quarters calculated on cumulative basis. However, in case of shortage of quota penalised in a quarter, the same quota shall not be penalized again in any subsequent quarter(s). Each quarter shall have 25% of the annual quota of each segment. The quota of wine shall be allowed to be transferred on request to the segment of whisky to be computed by cases without any additional fees.

#### 9.5.3.1 Additional Licensed Business Premises for L-1BF license:

All the L-1BF licensees shall be entitled for opening an additional licensed business premises, called branch, at any one or any combination thereof, of the following places:-

Name of Place (1)	Additional License fee (2)	Catchment Area (3)	Minimum Quota (4)		
			Whisky	Beer	Wine
Faridabad	50 lakh	Faridabad and Palwal	6000 cases	6000 cases	2000 cases
Karnal	25 Lakh	Karnal, Kurukshetra & Kaithal	3000 cases	3000 cases	1000 cases
Panipat	25 Lakh	Panipat & Sonapat	3000 cases	3000 cases	1000 cases
Panchkula	25 Lakh	Panchkula, Yamuna Nagar & Ambala	5000 cases	5000 cases	1000 cases
Rewari	25 Lakh	Rewari & Mahendergarh	3000 cases	3000 cases	1000 cases
Rohtak	25 Lakh	Rohtak, Jind, Bhiwani & Jhajjar	3000 cases	3000 cases	1000 cases
Hisar	25 Lakh	Hisar, Fatehabad & Sirsa	3000 cases	3000 cases	1000 cases

These licenses for additional business premises/branch shall be granted on payment of additional license fee as mentioned in the column 2 of the table

above. The additional license fee shall be payable in lump sum at the time of making application for opening the said branch.

The supply of liquor from a branch can only be made within the catchment area of that branch, as mentioned thereagainst in the table given above. No quota can be transferred from any branch to the main premises of the licensee or from one branch to another.

The licensee, however, can make supplies throughout the State from his main premises.

#### **9.5.3.2 Extra Quota and Additional Quota:**

The licensee shall also be entitled to 'Extra Quota' which will be 15% of 'minimum quota' without any additional license fee. It will be available after exhausting his 'minimum quota'. In case of any further requirement of quota, after exhausting the minimum quota and extra quota, the licensee shall be entitled to further additional quota in the slab of 10% of annual quota on payment of special fee of Rs.1.5 Crore. Subsequent additional quota in the slabs of 10% of annual quota can also be obtained after exhausting the previous slab of additional quota on payment of Rs.1.5 Crore each.

15% Extra quota shall be allowed for branches as well. It will be allowed after exhausting the 'minimum quota' for the branches. No additional quota shall be provided in respect of minimum quota for branches. However, additional quota shall be allowed only for the branch at Panchkula on payment of Rs.2.5 Lakh for 10% of 'minimum quota' of Panchkula branch.

#### **9.5.4 GENERAL CONDITIONS:**

In case the license is found to be non-operative by not engaging in procurement and supply, the license shall be cancelled. The license shall also be cancelled if it has exhausted its quota and further quota has not been enhanced as per the provisions stated above.

Liquor shall be supplied by L-1BF licensees by issuing e-invoicing with effect from such date as may be decided by Excise and Taxation Commissioner. An e-inventory of each licensee shall be maintained on the portal. The licensee shall have to enter the details of pass of each consignment received. The details shall be verified online by the Excise Inspector. The pass for supply from L-1 BF shall be online and auto issued.

A penalty of Rs.1000 per bottle, irrespective of size of bottles involved, shall be imposed on every unaccounted bottle of whisky and wine found at the L-1 BF premises, branches or at any other premises like L-1, L-2, L-4 & L-5, L-12C, L-12G etc. The penalty shall be imposed on the licensee in whose premises it is found. This will be in addition to other penal provisions for the breach of excise rules. All the bottles found in excess shall also be

confiscated. In case of Beer, the penalty shall be Rs 500 per bottle irrespective of size of bottle.

A penalty of Rs.1500 per Bottle shall be imposed on the stock of Whisky and Wine of IFL (BIO) found short at any licensed premises. It will be Rs.1000 for Beer. This will be in addition to other penal provisions for the breach of excise rules.

The quota of IFL (BIO) shall not be counted towards the quota of IMFL of retail outlet (L-2) licensees.

### **9.5.5 Brand Registration**

The labels of each brand of IFL (BIO) to be supplied in the state shall be registered with the Department. The brands shall be registered online on the portal of the Department. The licensee shall upload the scanned copy of the label along with the application and other documents. The licensee shall be responsible for its authenticity and authorization, if required. The labels will be liable to cancellation for any violation of any applicable law or breach of any provisions of excise law.

No fee shall be charged for registration of brands. The official website of the Department shall host a list of registered brands. Separate registration of brands by all the licensees shall not be required. In case a brand has already been registered by a licensee, other licensees shall not be required to get it registered.

### **9.5.6 Re-allotment on Cancellation**

In case of cancellation of a license, it will be re-allotted for the remaining period in the same manner i.e. by inviting application. The license shall be granted at the risk and cost of the original licensee. The applications shall be invited on the balance amount of fee and quota. In case it is not allotted, the fee shall be reduced in the slabs of Rs 50 Lakh. Any loss accruing to the state on account of license fee or non-lifting of quota shall be recovered from the original licensee as the arrears of excise revenue. The loss on account of non-lifting of quota shall be computed as per the provisions of penalty for short lifting of quota.

In case of re-allotment, the provisions of lifting of 'minimum quota' and the penal provisions in respect thereof shall also be applicable to in-coming licensee. The 'minimum quota' of in-coming licensee shall be determined from balance quota leftover by the original licensee or such other quota as may be fixed by the ETC. The quarter-wise obligation of lifting of 'minimum quota' shall be computed by dividing his 'minimum quota' in the remaining quarters of the financial year and fraction of the quarter of re-allotment proportionately.

### **9.5.7 Other Conditions Specific to L-1BF**

L-1BF shall not be located at a place which is less than 10 Km from any Custom Bonded Warehouse.

An e-transit permit shall be required to be accompanied with all the consignments of IFL (BIO) in such manner and from such date as may be prescribed by the Excise and Taxation Commissioner. E-permit shall be required for all consignments being carried through the territory of the state. E-permit shall be issued from the portal of the Department. It will be applicable for all consignments carrying IFL (BIO) above the individual possession limit.

EALs shall also be required to be affixed on each bottle of IFL (BIO) to be supplied in the state. The EALs shall be issued by the Department in such manner as may be decided by the Excise and Taxation Commissioner. EALs shall be affixed at the commencement of the movement of consignment of IFL (BIO) to L1-BF or its branches.

The L1-BF licensee shall keep sufficient stock of all such brands as are registered and demanded by the buying licensees.

No exorbitant rates shall be charged by L1-BF licensee. No cartelisation of L1-BF licensees shall be allowed. In case of any complaint/feedback of exorbitant rates being charged, an enquiry shall be conducted in such manner as the Excise and Taxation Commissioner may decide. If the complaint is found tenable, an appropriate order shall be passed by the Collector fixing the rate of the brands keeping in view landing price, levies involved, expenses made and profit margins. Breach proceeding shall also be initiated against the licensee.

Non-operative licensees shall be cancelled. Licenses which are not procuring liquor on permit, or, are not supplying liquor on permit and pass for a reasonable time, or, licensees whose quota is exhausted, or nearly exhausted, and no further quota is sought, shall be considered as non-operative.

The licensees whose license is cancelled shall be liable to pay penalty on balance quota. The Balance quota will be the quota that remained un-lifted from his annual minimum quota. It will be treated as short lifting of quota for the purpose of imposing penalty. However, in case the license is re-allotted, the amount of penalty shall be abated to the extent of quota lifted by incoming licensee.

The outgoing licensee of 2018-19 can transfer quota of unsold stock of IFL (BIO) as on 31-3-2019 to any of incoming licensees for the year 2019-20. The stock shall be transferred on payment of differential amount arising from increase in permit fee and levy of assessment fee. In addition, a transfer fee shall also be levied @ Rs.120 per PL for whisky, scotch, Rum, Vodka, Gin and Brandy etc., Rs.120 per BL for wine and @ Rs.50 per BL for Beer. In case of dispute of rates to be charged by outgoing licensees, the

decisions of the Department shall be final. The Department shall arrive at the price by considering landing price, levies involved, expenses made and profit margins.

**9.6 L-10B LICENSE FOR PROMOTION OF WINE AND IFL (BIO):**

In order to facilitate supply of IFL (BIO), Wine and Indian Canned Beer, a license in form L-10B has been prescribed for retail sale to be given to the departmental stores located in shopping malls having minimum carpet area of 500 sq feet. The license shall be granted on an annual license fee of Rs.25 Lakh. The L-10B licensee shall be allowed to conduct sales of IFL (BIO) as well. The licensees shall procure their supplies of IFL (BIO), Wine and Indian Canned Beer from any retail vend within the Zone in which it is located.

The retail licensee in whose zone a shopping mall is located shall be allowed one L-10B license for sale of wine and IFL (BIO) inside the mall if they so desire and apply for the same. Such L-10B outlet shall be allowed with minimum carpet area of 500 sq. feet. The license fee for L-10B outlet allowed to L-2 shall be Rs.10 Lakh.

**9.7 D-2, B-1, BWH-2, L-12, L-17, L-11, L-15 AND S-1 LICENSES:**

**9.7.1** The licenses as described under column 2 of the table beneath shall be granted or renewed on the payment of license fee per annum as specified there under column 4.

Sr. No.	Name of License	Abbreviation	Fee per annum
1	2	3	4
1	Distillery License	D-2	Rs.1.10 Crore + Rs. 1.30 Lakh per Kilo Litre of installed capacity
2	Brewery License	B-1	Rs.1.00 Cr. + Rs.30 Lakh per Lakh HLP A of installed capacity
3	Bonded Ware House	BWH-2	Rs.30 Lakh
4	Bottling License of IMFS	L-11	Rs.70 Lakh
5	Bottling License of CL	L-15	Rs.60 Lakh
6	Bottling License of IMFS & CL	L-11 & L-15	Rs.1.10 Cr.
7	Medicated wine outlet	L-12	Rs.1,000/-
8	Denatured Spirit outlet	L-17	Rs.25,000/-
9	Winery License	S-1	Rs. 10,000/-

**9.7.1(A)** The use of the infrastructure of a distillery/bottling plant for another party/ person, whether by lease/ rent or any other arrangement (in case of both existing and new arrangement) shall be allowed subject to payment of capacity utilization fee, payable by the lessee etc. @ Rs.50 Lakh per annum for bottling of IMFL.

**Note:** Setting up of new bottling plants may be allowed subject to approval of the Government.

### **9.7.2 FEE FOR LETTER OF INTENT (LOI):**

A person who desires to set up a Distillery, Brewery, Winery or a Bottling plant in the State of Haryana shall obtain a Letter of Intent (LOI) before he starts putting up his plant. The LOI shall be issued with certain terms and conditions with a specified period of validity. It shall be issued with the permission of the Government. A fee per annum for grant and renewal of LOI has been introduced for the first time which shall be as under:-

Fee for LOI to be issued for the first time and for one year:

- a) Distillery Rs.70 Lakh
- b) Brewery Rs.50 Lakh
- c) Winery Rs.30 Lakh
- d) Bottling Plant Rs.40 Lakh
- e) Fee for revalidation of LOI for the first extension of one year shall be at the rate equal to the fee for grant of LOI and for each subsequent extension of one year the revalidation fee will be 125% of the previous year's fee.

The fee for revalidation of LOI where previously no fee for LOI or its revalidation was charged shall be as given above from (a) to (d) and subsequent revalidation would be as per (e) above.

### **9.8 L-4/L-5/L-12C/ L-12G BAR LICENSES:**

**9.8.1** L-4/L-5 licenses shall be granted to the following:-

- i) Tourist Complexes run by Haryana Tourism Corporation situated anywhere in the State,
- ii) Hotels and Restaurants of repute situated in the district head quarter cities, except as provided hereunder, having infrastructure and level of facilities required to meet the parameters and conditions prescribed by the District Level Committee constituted for this purpose.

The committee shall comprise of three members i.e. the representative of Deputy Commissioner, Deputy Excise and Taxation Commissioner (Excise) and Excise and Taxation Officer (Excise)/ Assistant Excise and Taxation Officer (Excise) of the respective districts shall be constituted which will be headed by Dy. Excise and Taxation Commissioner (Excise). This committee shall assess the eligibility of an applicant for the grant of a Bar License (L-4/ L-5) for the first time. The aforesaid committee shall make recommendation to the Excise & Taxation Commissioner for grant

of L-4/L-5 license. The application for grant of NOCs shall require to be decided by the department concerned (except Fire Department) within a period of one month of the receipt of application, failing which it will be deemed to have been granted.

L-4/L-5 license shall also be granted to three star and above categories of star hotels located anywhere in the State. In addition to it, L-4/L-5 shall also be granted in places where HSIIDC has developed Industrial Model Townships (IMT) and Theme/ Specialized Parks like IMT Manesar, IMT Bawal, IMT Rohtak, IT Park Manesar, IT Park Panchkula etc. L-4/L-5 may also be granted in emerging licensed residential townships.

L-4/L-5 license may also be granted provisionally to a Hotel located anywhere in the State subject to the condition that the applicant shall procure star classification of 4 star & above from the Ministry of Tourism, Government of India within the financial year of grant, failing which the provisional license shall not be renewed subsequently. The licensee shall apply for the star rating within one month of obtaining the L-4/L-5 license.

#### **9.8.1.1 L-12C License**

A bar license in the form of L-12C shall be granted to the Clubs of repute situated in the district headquarter cities, except as provided hereunder, having infrastructure and level of facilities required to meet the parameters and conditions prescribed by the District Level Committee constituted for this purpose. The club having L-12 C license shall be entitled to all the facilities granted to L-4/L-5 having grading of 3 star. The fee of this license shall be Rs.20 Lakh.

Further, a new license in the form of L-12C for residential condominium (a gated residential community having multiple units) may be allowed at district headquarter cities. The main bar shall be equivalent to the L-4/L-5 license while any additional mini club within the condominium may also get license @ 20% of the license fee of its main bar for each such additional mini club. This will be subject to the condition that only the residents of the condominium or their guests shall be allowed to utilize this facility.

Provided further that in the case of L-12C license granted to Sirhind Club, Ambala, the army officials may be able to utilize their quota through CSD canteen while the civilian members shall not be entitled for the liquor supplied through CSD canteen. This is being allowed for this prestigious army sponsored club only.

#### **9.8.1.2 L-12G License**

Golf Clubs shall have to obtain a license in the form of L-12G to operate bars. L-12G license may be granted anywhere in the State to the Golf Clubs having 9 holes or more. The L-12G license shall not be permitted as an additional point attached to any hotel or any other type of bar license.

**9.8.2** L-4/L-5/L-12C/L-12G licenses operative during 2018-19 and fulfilling the criteria laid down under the new excise policy for the year 2019-20 will be eligible for renewal for the year 2019-20 without referring their cases to the district level approval committee. The renewal of L-4/L-5/L-12C/L-12G licenses, otherwise eligible, shall be done by the DETC (Excise) of the district, on behalf of the Collector.

**9.8.3** The license fee for grant or renewal of L-4/L-5/L-12C/L-12G licenses shall be charged as under:

(a) L-4/ L-5 granted to Hotels of 5 star grading and above – Rs.45 Lakh.

Such licensee shall be allowed one main bar and three additional points, alongwith room service (L-3), without any further fee. They shall be allowed to operate the main bar round the clock. By virtue of having L-3 license, these hotels are allowed to keep liquor in the refrigerators kept in the hotel rooms along with other food articles and beverages.

(b) L-4/ L-5 granted to Hotels having grading of 4 star – Rs.38 Lakh.

Such licensee shall be allowed one main bar and two additional points, along with room service (L-3), without any further fee. They shall be allowed to operate the main bar round the clock. By virtue of having L-3 license, these hotels are allowed to keep liquor in the refrigerators kept in the hotel rooms along with other food articles and beverages.

(b1) L-4/ L-5 granted to Hotels having grading of 3 star – Rs.20 Lakh.

Such licensee shall be allowed one main bar, along with one additional point and room service (L-3), without any further fee. By virtue of having L-3 license, these hotels are allowed to keep liquor in the refrigerators kept in the hotel rooms along with other food articles and beverages.

The L-4/L-5 licensees of the category (a), (b) and (b1) mentioned above shall also be allowed to serve liquor in functions, parties, events and meetings, held in up to three (03) of their identified and approved halls including banquet halls and ground floor lawns, sourced from the main bar, on payment of a one-time fee equal to 50% of his annual license fee.

(c) All other L-4/ L-5 and L-12C licenses in the State:

(c.1)	Revenue District Gurugram	Rs. 18 Lakh
(c.2)	District Faridabad	Rs. 15 Lakh
(c.3)	All other Districts in the State except Gurugram and Faridabad	Rs. 12 Lakh
(d)	For Bars operated by Haryana Tourism Corporation.	A composite fee of Rs.2.25 Crore.
(e)	Bars operated by HUDA in their Gymkhana and Golf Clubs	A composite fee of Rs.1.50 Crore.
(f)	Fee for L-12G exclusively for Golf Clubs	
	i) 9 holes	Rs.30 Lakh with 2 points
	ii) 18 holes	Rs. 50 Lakh with 3 points

Golf Clubs shall have to obtain a license in the form of L-12G to operate bars. They shall not be permitted as an additional point attached to any hotel or any other type of bar license.



- (g) Notwithstanding anything mentioned above, a license for L-4/L-5 may also be granted to a rural L-2 licensee in his own name for opening a bar cum restaurant in a banquet hall within his command area, on payment of an annual license fees as provided in clause 9.8.3 for one year only. The procedure regarding grant of such license shall remain the same as provided in clause 9.8.1.
- (h) Provided further that a bar license in the form of L-4/L-5 license, operative in the previous year i.e. 2018-19, shall be eligible for renewal only if they have procured minimum of two cases of IMFL/IFL/Wine and two cases of Beer on an average monthly basis from nearest L-2 vend. Further, they also have minimum average turnover of Rs.3 Lakh per month arising from sale proceeds of non alcoholic items in the restaurants. The corresponding figures in case of Panchkula, Gurugram and Faridabad shall be four cases of IMFL/IFL/Wine, four cases of Beer and a minimum average turnover of Rs.5 lakh per month arising from sale proceeds from non-alcoholic items in the restaurants. The average turnover shall be computed for the period of operation of the bar in the previous year and as reflected in the VAT & SGST/ CGST returns.

**Note 1:** Any additional point above the points already allowed, shall be allowed on payment of a fee equal to 20% of the annual license fee per point in all the above categories.  
 Provided that a maximum number of three additional points per license shall be allowed.  
 Further provided that any additional point in category (d) and (e) above shall be allowed on payment of a fee equal to Rs.1 Lakh for each such point.

- Note 2:** Provisions for additional point in Open area/ Terrace/Balcony:
- i) The open space should not be such as is open to passersby which means that it should be surrounded by four walls with a provision for regulated entry/exit. The open space should not have a direct access/opening to the main road.
  - ii) If the open space happens to be a rooftop/terrace/balcony, it should be so surrounded by a wall/strong immovable fencing of a minimum height of 06 feet, so that a person, whether under the influence of liquor or otherwise, may not fall down accidentally or by mischief.
  - iii) The act of drinking in the open space, by the persons sitting therein, should not be visible to the passersby so as to create nuisance or inconvenience or a bad feeling. In addition, if the open space is visible from other nearby high places, whether within the same building or in the surroundings, additional measures will be taken to prevent visibility from such high places. The licensee shall ensure that the persons using the open space do not indulge in any activity such as throwing articles outside which may be a cause of disturbance to the outsider/passersby.

- iv) No person less than the age of 25 years shall be served liquor in such open space.
- v) The open space shall not be allowed at such places that are located in residential area.
- vi) No open space shall be allowed in the vicinity of a waterpool of more than 02 feet depth if it happens to be within the same surrounded premises.
- vii) Only one such additional point in open area/ terrace shall be allowed, subject to the overall limit as provided in Note 1 above.
- viii) The provision for open space shall not be in contravention of any laws/Rules applicable in the State.
- ix) While recommending case for granting additional point in an open space the map of the open space shall be personally certified by the DETC (Excise) of the district concerned.

**Note3:** No liquor shall be served in any open areas including poolside etc, except where it is specifically allowed as mentioned in the above paragraph.

#### **9.8.4 SECURITY AND LICENSE FEES OF BARS:**

A security of Rs. 5 Lakh shall be taken from the L-4/L-5/L-12G/L-12C licensees in addition to the license fee as mentioned above. For Haryana Tourism Corporation and HUDA a composite security of Rs.6 Lakh each shall be taken in addition to the composite license fee, as mentioned above in para 9.8.3.

**9.8.5** The annual license fee for a bar (L-4/L-5/ L-12C/L-12G) license shall be paid in four equal quarterly instalments, payable in the beginning of first week of each quarter, failing which the license shall be liable to be cancelled and security forfeited.

**9.8.6** Any new license obtained in Form L-4/L-5/L-12C/L-12G during the year 2019-20 shall not be required to pay license fee for the quarter(s) already elapsed, but it shall be required to pay license fee in full for the quarter in which the license is granted and for the succeeding quarters till the quarter ending 31<sup>st</sup> March, 2020. In case the licensee surrenders the license with the approval of the DETC (Excise) concerned, before the last quarter, the instalment(s) of the license fee for the remaining quarter(s) shall not be payable.

**9.8.7** Except as provided otherwise, L-3 License with a fixed fee of Rs.1,00,000 per annum shall be allowed to H.T.C complexes intending to serve liquor in the rooms. However, no liquor shall be served in any open areas including poolside etc. HTC complexes shall be allowed to take supply of liquor from their own L-1.

#### **9.8.8 HOURS OF SALE IN BARS AND PUBS:**

L-4/L-5/L-10E/L-12C/L-12G, license bars can remain open up to

12:00 hours (midnight). The timings of bars can be extended by one hour on payment of additional annual fee of Rs.10 Lakh per annum.

#### **9.8.9 PROCUREMENT OF STOCK:**

Bar licensees, L-4/L-5/L-12C/L-12G, shall be allowed to get their supplies from any retail outlet of IMFL (L-2) within the Zone where such L-4/L-5/L-12C/L-12G license(s) is/are located. However, if the L-2 licensee of his Zone tries to exploit or is not able to supply as per demand, then these licensees can procure liquor from an L-2 of a different Zone, with the approval of the DETC (Excise). The collector may fix rates whenever necessary. In case costly brands above Rs.500 per bottle or wines are not made available to L-4/L-5/L-12C/ L-12G by L-2 licensee of the district then the bar licensee can make a written request to the DETC(Ex.) concerned. The DETC(Ex.) after obtaining a non availability certificate from the L-2 concerned, shall be required to make requisite arrangement for supply of such brands from any other L-2 of that district or from any other L-2 of the State in case it is not available in the district.

L-2 vend can charge up to 10% profit on his sale to L-4/L-5 after taking into account his purchase price and incidence of license fee or the retail sale rates being charged by the L-2, whichever is less. In case, L-2 charges exorbitant rates from bars (L-4/L-5/L-12C/L-12G, L-10E), collector may determine the reasonability of rates and pass an appropriate order keeping in view the EDP rates of the brands, all Government levies and incidence of the retail outlet and his profit margin. The charging of exorbitant rate by L-2, more than the rates prescribed above, shall constitute a breach case against the licensee. The Collector may compound such breaches by imposing a penalty of not less than Rs.50,000/- for the first breach and double the amount of previous breach for subsequent breaches.

**9.8.10** L-12C licenses which are effectively and substantially managed by the Government or through their instrumentalities may get their supplies of liquor from the wholesale outlet of IMFL (L-1) of Haryana Tourism Corporation Ltd.

**9.8.11** The bars are allowed to serve imported foreign liquor (Whisky/ Wine/Beer/Cider etc.) covered within the meaning of imported foreign liquor along with other brands of liquor allowed for sale (in pegs).

**9.8.12** The bar licensees are also allowed to take their supplies of IFL (BIO) from L-1BF in the State subject to the payment of prescribed permit fee.

**9.8.13** All IMFL (brands with MRP equal to or above that of Premium Brands) and IFL (BIO) including whisky / scotch /rum / brandy/ vodka etc. but excluding Wine/Beer/RTB/Cider/Liqueur shall be sold only in pegs through all L-4/L-5/L-12C/L-12G bar licensees in the State.

**9.8.14** Sale of liquor including Imported foreign liquor made through L-4/L-5/L-10E/L-12C/L-12G outlets (bars & clubs) shall attract VAT @ 18% + Surcharge @5% on VAT.

**9.9 ICE BAR:**

A L-4/5 licensee is allowed to open Ice Bar subject to such terms and conditions as may be prescribed by the Department. Ice Bar is allowed on the strength of license in the form of L-4A, which shall be granted on annual fee of Rs.1 Lakh.

**9.10 L-10C LICENSE FOR MICROBREWERY:**

In order to promote healthy drinking habit of liquor with low alcoholic content, a license in form L-10C is granted for retail sale of beer to be manufactured by a Microbrewery. The license shall be granted on payment of annual license fee of Rs.20 lakh. However, L-10C license shall be granted to holders of L-4/5 license on payment of Annual License Fee of Rs.12 Lakh. The excise duty shall be charged on the basis of its annual installed capacity of fermenting tanks, computed @ Rs.30 per BL annually and paid in equal quarterly instalments in advance. A security of Rs.3 Lakh shall be paid by the L-10C licensee in addition to the license fee.

**9.11 LICENSE IN THE FORM OF L-10E (PUB LICENSE):**

To promote consumption of low alcoholic content drinks, pubs are allowed to be opened in the city of Gurugram, Faridabad and Panchkula on payment of fixed annual license fee of Rs.10 Lakh. Further, the L-10E license may also be granted in IMT Manesar. A security of Rs.3 Lakh shall be paid by the L-10E licensee in addition to the license fee. The license shall be allowed to restaurants of repute only. A pub license shall be entitled for facilities like additional points, open space, terrace, balcony etc. similar to L-4/L-5 license.

**9.12 TEMPORARY LICENSE IN FORM L-12A:**

A license in form L-12A shall be granted by DETC (Excise) of the respective district. L-12A shall be granted for serving liquor during a day beyond the possession limit. However, liquor cannot be sold on the strength of this license.

For individual obtaining the license to serve liquor at private place beyond possession limit for a day Rs.500

The commercial places like banquet halls, farm houses, community centres, dharamshalas holding functions, get-togethers shall have to be registered with the Deputy Excise and Taxation Commissioner (Ex) of the District on payment of a registration fee of Rs.50,000/- per annum.

The fee structure in such cases shall be as under:-

- (a) For persons serving liquor at commercial venues registered with the Excise Department: Rs.5000/- per day per function.
- (b) For persons serving liquor at commercial venues not registered with Excise Department: Rs.10, 000/- per day per function

The application for grant of L-12A license at all the commercial venues shall mention the details of caterer i.e. Name and style, GSTIN, the approximate number of guests and the quantity of liquor.

The supplies of liquor shall be made from any of the vends from the nearest zone to the venue. The supplies can be procured from any other L-2 vend of the District in case the requisite brands are not available at vends mentioned above with the approval of DETC (Ex).

Further, L-2 vend can charge up to 10% profit on his sale to L-12A holder after taking into account his purchase price and incidence of license fee or the retail sale rates being charged by the L-2, whichever is less. In case, L-2 charges exorbitant rates, collector may determine the reasonability of rates and pass an appropriate order keeping in view the EDP rates of the brands, all Government levies and incidence of the retail outlet and his profit margin. The charging of exorbitant rate by L-2, more than the rates prescribed above, shall constitute a breach case against the L-2 licensee. The Collector may compound such breaches by imposing a penalty not less than Rs.1,00,000/- for the first breach and double the amount of previous breach for subsequent breaches.

The applicant may apply for the license online and the license shall be granted online. No provisional license in form L-12A shall be granted to clubs, hotels and restaurants.

### **9.13 L-50 LICENSE:**

**(Permit for the purchase, Transport, and Possession of Foreign Liquor exceeding the limit for retail sale and private possession)**

The license in form L-50 shall be granted by the DETC (Excise) of the respective district to a bonafide consumer of IMFL for the purchase, possession and transportation on payment of a license fee at the rate of Rs.1500 per year, or for a life time, on payment of a license fee of Rs.10,000. L-50 licensee is authorized to keep a stock of liquor given below:-

IMFL	IFL- 12 bottles of 750 ml IMFS- 24 bottles of 750 ml.
Beer	Beer-24 bottles of 650 ml Rum-12 bottles of 750 ml Wine-24 bottles of 750 ml Vodka/Gin/CIDER- 12 bottles of 750 ml.

### **9.14 LICENSE IN THE FORM OF L-1AB1:**

A license in form L-1AB1 is granted to those persons who are non-brewer and hold exclusive rights for the sale of brands of beer and wine in the State of Haryana. The license fee shall be Rs.50 Lakh per annum. The licensee is required to pay excise duty and other levies as applicable to L-1B1 licensees in the State. The licensee shall get the brands registered as mentioned in para 8.6.

**10. EX-DISTILLERY PRICE OF COUNTRY LIQUOR:  
(Amount in Rs.)**

Ex-Distillery Price of the Country Liquor of 50 degree proof:

Sr. No.	Item	Quarts (In case)	Pints (In case)	Nips (In case)
1.	New Glass Bottles	318.00	339.00	377.00
2.	Old Glass Bottles	299.00	319.00	357.00
3.	PET	291.00	312.00	350.00

Ex-Distillery Price of the Country Liquor of 65 degree proof:-

Sr. No.	Item	Quarts (In case)	Pints (In case)	Nips (In case)
1.	New Glass Bottles	368.00	389.00	427.00
2.	Old Glass Bottles	349.00	369.00	407.00
3.	PET	341.00	362.00	400.00

**11. INCENTIVES FOR LOCAL MANUFACTURING OF WINE:**

**11.1 Winery License:** A Winery License in form S-I shall be granted/renewed on the payment of license fee of Rs. 10,000/- per annum.

**11.2 L-1W License:** A local wine manufacturer from the State of Haryana shall be required to obtain a license in form L-1W to market its products in the State of Haryana. The L-1W license is granted and renewed at an annual fee of Rs. 1 Lakh by the Excise Commissioner. The L-1W licensee shall make its supplies to the L-1s of the State. Further, excise duty levied on wine shall be paid by L-1W licensees while obtaining permits.

**11.3 Sale of wine at Winery (License S-1A):**

To promote consumption of wine in comparison to hard liquor, a separate license in form S-1A for retail sale of wine shall be granted to the local wineries of the State for selling their own indigenously manufactured products in the adjoining premises of the winery. The stock of wine under this license shall be duty paid stock. An annual license fee of Rs. 5000/- shall be charged for this license.

**11.4 Wine tasting at Winery (License S-1B):**

A separate license in form S-1B for “Wine Tavern”, meaning a place for consumption of own indigenously manufactured wine, with or without eatables, on the premises of S-1A licensee, shall be granted to the license holder of S-1A license, at an annual license fee of Rs. 1000.

**12. MISCELLANEOUS PROVISIONS**

## **12.1 INTRODUCTION OF HOLOGRAM ON COUNTRY LIQUOR AND IMFL BOTTLES:**

In order to safeguard against spurious and adulterated liquor, the manufacturers of country liquor and IMFL shall affix such hologram or QR Code based 'track & trace' system as approved by the Department of Excise and Taxation in the manner prescribed.

## **12.2 GLASS BOTTLES:**

To ensure use of glass bottles for country liquor as an institutional measure, the distilleries shall provide at least 20% of the total quota to the licensee in glass bottles. This 20% shall be equally spread over all the distilleries, which are allotted quota equally and all of them comply with the provision.

## **12.3 INSTALLATION OF CCTV CAMERAS IN THE DISTILLERIES, BREWERIES AND BOTTLING PLANTS:**

In order to monitor the manufacturing and bottling operations and dispatches of liquor, an integrated CCTV mechanism shall be installed in the Distilleries, Breweries and Bottling Plants in the State. A control room shall be set up at the Head Office for receiving live feed from the Distilleries. The proposed mechanism shall also be capable of generating online MIS so as to facilitate prompt and efficient decision making.

The position of the cameras shall be identified and checked by DETC (Ex) on fortnightly basis. The distillery/ brewery / bottling plant shall make available the CCTV footage, in an electronic format every month, to the office of the Collector. The permits and passes shall be issued online by the Department.

## **12.4 HOURS OF OPERATION FOR DISPATCHES IN THE DISTILLERIES, BREWERIES AND BOTTLING PLANTS:**

The hours of operation for dispatches from distilleries, breweries and bottling plants shall be limited from 09:00 hours to 17:00 hours.

## **12.5 STRENGTH OF COUNTRY LIQUOR AND IMFL:**

Country Liquor of the strength of 50 degree proof & 65 degree proof shall be allowed in the State of Haryana. Further, IMFL of 75 degree proof shall be allowed in the state of Haryana. However, IMFS below 75 degree proof may be allowed with the permission of Excise & Taxation Commissioner, Haryana.

## **12.6 Value Added Tax (VAT):**

**12.6.1** VAT shall be levied on all types of liquor on the incidence of first sale in the State i.e. at the hands of distilleries in the case of country liquor; L-1B & L-1AB in the case of IMFS; L-1-B1, L-1W & L-1-AB-1 in the case of beer & wine; L-1AB-A for RTB; and first sale of IFL (BIO).

**12.6.2** Notwithstanding anything contained in the foregoing Para, VAT shall also be levied on all types of liquor sold by Bar licensees (L-4/L-5/L-12C/L-12G), L-10C, Pub licensee L-10E and L-4A.

**12.6.3.** The rate of VAT shall be as under:-

VAT shall be charged at the incidence of sale in the State when sold for the first time in the state at the hands of distilleries in the case of country liquor, L-1B & L-1AB in the case of IMFS; L-1-B1, L-1W & L-1-AB-1 in the case of beer & wine; L-1AB-A for RTB at the following rates:

- |       |                    |                        |
|-------|--------------------|------------------------|
| (i)   | Country Liquor     | 13% + Surcharge @ 5%   |
| (ii)  | Beer, RTB and Wine | 13.5% + Surcharge @ 5% |
| (iii) | IMFL               | 14% + Surcharge @ 5%   |

No Input Tax Credit (ITC) shall be admissible for the above mentioned categories to subsequent sellers.

(iv) VAT shall be charged @ 10% along with surcharge @ 5% when IFL (BIO) is sold for the first time in the state of Haryana except bar licensees. No Input Tax Credit shall be admissible to any buyer subsequent to L-1BF.

(v) VAT shall be charged @18% along with surcharge @5% on all types of liquor when sold by Bar and Pub licensees- L-4/L-5, L-12C, L-12G, L-10E, L-4A and L-10C on beer from microbrewery.

## **12.7 HOURS OF SALE:**

The sale hours at retail outlets of liquor shall be observed as under:-

### In Rural Areas

Sale Hours are 9.00 A.M. to 11.00 P.M. (Night) from April to October and from 9.00 A.M. to 10.00 P.M. from November to March.

### In Urban Areas

From 9.00 A.M. to 12.00 A.M. (Night) throughout the year.

## **12.8 EXCISE ARRANGEMENTS:**

Excise and Taxation Commissioner is authorized to take all necessary steps for smooth conduct of allotment and opening of licensed outlets keeping in view the recommendations of District Officers.

## **12.9 CLOSURE OF LIQUOR VENDS IN THE TOWN OF KURUKSHETRA, THANESAR AND PEHOWA:**

No liquor vend shall be allowed in Kurukshetra in areas of Thanesar (except Pipli alongside GT Road) Pehowa. The area of M.C. Thanesar will remain as defined vide notification dated 19th September, 2002 subject to the areas excluded vide notification dated 23rd April, 2003.



**12.10 EXTENDING BOUNDARIES OF MUNICIPAL CORPORATION/ MUNICIPAL COMMITTEES/ COUNCILS:**

For the purpose of determination of command area of the rural country liquor/ IMFL vends, the municipal limits will be deemed to be as they were as on 31.03.2015. Accordingly, the liquor vends situated outside such un-extended old M.C. limits before 31.03.2015 shall be treated as rural liquor vends and will be entitled to have a command area for opening sub-vends.

**12.11 COMPENSATION:**

No compensation of any kind or relief in license fee on account of natural calamity such as fire, floods, drought, earthquake etc. or on account of riots or as a result of preventive closure ordered by the District Magistrate or as a result of any remission by a court order beyond the specific relief given, shall be admissible to the licensee.

**12.12 SAMPLE BY HEALTH DEPARTMENT:**

Sampling of liquor by Health Department shall be done jointly with officers of the Excise and Taxation Department not below the designated level and sampling process shall be videographed.

**12.13 TRANSIT SLIPS:**

To keep control over the vehicles carrying liquor for other States/Union Territory through the State of Haryana, transit slips shall be carried in such cases so that liquor meant for other States is not unloaded in the State of Haryana.

**12.14 POSSESSION/ TRANSPORTATION LIMIT FOR CL & IMFL:**

The possession limit for an individual is as indicated in the following table:

Name of liquor	Possession limit
Country liquor	6 bottles of 750 ml - For different sizes, total quantity not exceeding 6 X 750 ml= 4500 ml.
IMFL	IFL- 6 bottles of 750 ml IMFL- 12 bottles of 750 ml.
Beer	Beer-12 bottles of 650 ml Rum-6 bottles of 750 ml Wine-12 bottles of 750 ml Vodka/Gin/CIDER- 6 bottles of 750 ml.

For defence personnel, the possession limit shall be as decided by the Army authorities.

**12.15 PROVISION OF SPACE FOR RUNNING OF VENDS IN URBAN AREAS:**

The Government and its agencies shall strive to provide spaces to the licensees for running of vendis in urban areas wherever required and available at reasonable rates for operating liquor vendis in pre-fabricated structures.

**12.16 SIZE OF BOTTLES:**

In addition to regular sizes of excise bottles as prevalent in the State, sizes of 4.5 litres, 2 litres, 1 litre, 700 ml., 500 ml., 275 ml. falling in Ready to Drink Beverages (RTB), 90 ml. in IMFS/ IFL for premium brands and above and 60 ml. pack in scotches which are bottled in India shall be allowed. For the nips of IMFL only, the packaging in Tetra Pak shall also be allowed. The Excise & Taxation Commissioner is authorized to allow all sizes of bottles in respect of IFL (BIO).

**12.17 POLICE AUTHORITY TO INSPECT THE VEND:**

No police officer below the rank of Deputy Superintendent of Police shall check any licensed excise premises like L-1, L-2, L-13, L-14A, L-4/L-5, L-52, D-2, B-1, L-11, L-15, L-10C, L-10E, L-12C, L-12G, L-10B, L-1BF, L-1B, L-1B1, L-1B1A, L-1AB, L-1AB1, etc. While carrying out such checking, he /she shall be accompanied by an Excise Officer not below the rank of Excise Inspector.

**12.18 GRANT OF ADDITIONAL GODOWNS:**

Additional godown shall be granted in exceptional cases on extra fee of Rs.Five Lakh, within one hundred meters of an existing vend. Additional godown have to comply with all the regulations and stipulations of opening retail outlets with regard to location. Additional godown shall also be allowed to L-1, L-13, L-1B, L-1B1, L-1AB, L-1AB1 & L-1BF licensees for storage of IMFS/Beer/Country Liquor on the same set of conditions.

**12.19 ENFORCEMENT WING OF THE DEPARTMENT:**

An enforcement wing has been created in the department at the Head Office as well as in the district excise offices. The police officials shall be taken on deputation with the department.

The enforcement wing shall be responsible for checking and curbing illegal sale, transportation, possession and manufacturing of all types of liquor and intoxicants in the State of Haryana, as per the provisions of the Punjab Excise Act, 1914 and Rules framed thereunder as well as NDPS Act, 1985 and its Rules.

**12.20 EASE OF DOING BUSINESS:**

With an objective to improve delivery of various department regulatory functions and services in an effective and transparent manner, the Excise Wing of the Department has been successfully able to ensure 100% compliance of Business Reform Action Plan (BRAP) of Ease of Doing Business. An online application system for all the retail licenses has been developed having features like online submission of application without the need to submit physical copy of the application, eliminate physical touch point

or document submission, allowing option of online payment of application fee, allowing applicant track status of online application and a facility to download the final certificate online.

The process of approval of brand labels has also been liberalized. All the existing brand labels, already approved by the Department, will be approved for the year 2019-20 within a period of 3 days provided there is no change in the appearance and EDP of the said brand labels. Further, the brand labels alongwith their EDPs will now be available on the departmental portal.

As an environment friendly initiative, it has been decided that the confiscated/expired liquor will be disposed of by way of diverting such liquor to effluent treatment plant. The empty bottles will further be recycled, if required.

In order to provide hassle free services to the stakeholders, more powers have been delegated to the DETCs (Excise) in the districts. The department is planning to introduce POS machines in the liquor vends situated in urban areas. The invoice for liquor has also been made mandatory.

Further, in case of grant of L-4/L-5 license, the NOC in the district shall be required to be decided by the department concerned within a period of one month of the receipt of application, failing which it will be deemed to be granted.

#### **12.21 POWER TO REMOVE DIFFICULTIES:**

If any difficulty arises in giving effect to the provisions of the Excise Policy, the Government, with the approval of the Chief Minister, may, by order, make such provisions, including any adaptation or modification of any provision of this Policy, as appear to the Government to be necessary or expedient for the purpose of removing such difficulty.

**sd/-**  
**(Dr. Amit Kumar Agrawal)**  
**Excise & Taxation Commissioner,**  
**Haryana.**