

**DISTRICT EXCISE OFFICE:GANJAM:CHATRAPUR**  
**No. 1520 /Ex. Dated, 01.06.2019.**

**SALE NOTICE**

**NOTICE INVITING APPLICATIONS FOR SETTLEMENT OF I.M.F.L. 'OFF' SHOP  
THROUGH LOTTERY FOR THE YEAR 2019-2020.**

1. The consideration money for exercising the exclusive privilege for retail sale of India Made Foreign Liquor (OFF) in the District Ganjam for the period from the date of grant till 31.07.2019 or as otherwise may be directed by the State Government will be determined through " inviting applications on fixed consideration money and by draw of lottery " in accordance with the order issued under Section 35 of Odisha Excise Act, 2008 ( herein after called the Act) as for the time being in force and applicable on **13 .06.2019, at 12.30 Pm in Conference Hall of Collectorate, Ganjam.**
2. The Exclusive Privilege to be so granted will confer the right to open a Shop in the locality named in the list. The list of localities where the Shops are sought to be opened with their monthly consideration money is annexed herewith.
3. The Exclusive Privilege shall, without prejudice to any of the provisions of the Act and the Rules made there under shall be subject to the following conditions:-
  - (i). The consideration money shall be payable in the manner specified in the Annual Excise Policy 2019-20.
  - (ii). The currency of the license will commence on the date of grant on which date the Holder of the license is to open the Shop for retail sale of Foreign Liquor. Failure to open the Shops stipulated herein will entitled for cancellation of license and recovery of any loss caused to the Government , except in case of delay in granting the license or where any shop is closed under section 26 of the ACT,
  - (iii). No compensation shall be paid to holder of an Exclusive Privilege for retail sale of India Made Foreign Liquor for closure of his Shop on 2<sup>nd</sup> Day of October every year on account of **Gandhi Jayanti** and also for closure during General Election / bye election to Parliament ( Lok Sabha ) State Assembly as per direction of the Election commission of India and in conformity with direction of the State Election Commissioner during the Election to Gram Panchayat / Panchayat Samaiti/ Zilla Parishad and Urban Local Bodies.
  - (iv). The holder of a license shall not be entitled to any compensation or to the refund of any consideration money paid or deposit made in respect thereof, in the event of his license being cancelled or suspended before the expiration of it's term under the provisions of sections 47 of the aforesaid Act.
  - (v). A Shop once starts operating in its sanctioned locality shall not ordinarily be removed. However, shifting of a shop to any site other than the sanctioned locality for any special reasons shall be subject to approval of the Excise Commissioner.
  - (vi). The holder of the licence shall abide by the provisions of the Act and of the Rules and orders made there under.

(vii) The State Government will not be responsible for providing the place for location of Shops. It will be the responsible of the privilege holder to arrange suitable place and carry on the privilege granted to him. The place so arranged shall be free from objection from the public.

(viii) **The Lottery winners/Licensees shall not claim, as a matter of right, to run the same and they shall also be subject to the process of e-auction or any other mode of the settlement which shall be made universally applicable to all and those who come under the fold of e-auction/such settlement.** Willful omission to renew the licence for a shop or group shops in terms and conditions generally prescribed for all will not allow the Exclusive Privilege Holder or his family members or his associates to take part in subsequent settlement of the shop or any other shop till completion of three years, including the year of grant.

(ix) No licence shall be granted to any person who is of doubtful solvency or who is known to be involved in spurious liquor trade or who has been facing & trial in any Criminal Court under the Act or who has been charged of a non-bailable Offence under the provisions of the Indian Penal Code, 1860 (Act XLV of 1860) or who is a defaulter in terms of Rule 35 of the Odisha Excise Rules, 2017 or in terms of Rule 149 of the Odisha Excise Rules, 2017.

(x) The State Government reserve the right to refuse grant of exclusive privilege without assigning any reasons thereof and settle the privilege before expiry of three years in the manner as may be directed by the State Government from time to time.

(xi) The lottery shall be held subject to the following conditions:

- (a) The person(s) intending to take part in the lottery shall submit application(s) to the Collector in the format prescribed herewith.
- (b) The application as in Form 'B' shall be accompanied with the up-to-date Solvency Certificate with Solvency equivalent to six times of monthly reserve price, up-to-date Sales Tax, Income Tax Clearance or non-assessment Certificate, as the case may be, copy of Permanent Account Number Card, Excise No Dues Certificate and Bank Draft of **Rs.1,00,000/- (Rupees seventy five thousand and nine hundred) only** towards Non-refundable Application fee drawn in favour of the Collector concerned besides the requisite Court fee of the value as prescribed under the Indian Stamp Act, 1899.
- (c) The applicant shall also enclose a copy of Voter's Identity Card or in the absence of the same a copy of recent Passport size photograph.
- (d) An affidavit duly executed by the applicant before an Executive Magistrate to the effect that the applicant has not been convicted in any criminal case / being trial in any Court of competent jurisdiction shall also be enclosed to the application.
- (e) A Bank Draft equal to three months Consideration Money as notified herewith in the list of shops shall be submitted by the applicant along with other document, as aforesaid. The Bank Draft of the winner of Lottery shall be adjusted towards the advance for the shop payable by the applicant and in all other cases, the same will be returned / released after lottery is over.

- (f) The amount offered shall be in terms of monthly consideration money and shall not be less or more than the monthly consideration money declared in the notice.
- (g) The application shall be filed by intending applicants on or before **10.06.2019 at 5.00PM** in the Office of the Superintendent of Excise, Ganjam and no application shall be entertained thereafter. The scrutiny of applications received within the date line shall be made by the **Concerned Inspectors of Excise coming within the jurisdiction of Shops along with Dy. Supdt. of Excise.**
- (h) Prior to one day before the date of drawal of lottery, the list of persons whose applications qualify for consideration in the lottery shall be notified in the District Office Notice Board.
- (i) At least after two days of the last fixed for filing of applications, the lottery will drawn by the Collector, who shall declare the name(s) of the winner(s) of lottery. If there is but only one application for any shop or group of shops, the Collector, shall declare the name of such applicants to be the winner of the lottery. The applicant(s) or their authorized agents may remain present at the time of drawal of lottery.
- (j) After the declaration of lottery, the applicant shall be required to put his signature in the Register of Settlement, Register of undertaking to lift the monthly Minimum Guaranteed Quantity as determined for the shop on the basis of the monthly consideration money which now **5** London Proof Liter of India Made Foreign Liquor and **7.5** Bulk liter of Beer per one hundred rupees of Consideration Money. This ratio for fixation of Minimum Guaranteed Quantity may undergo any change as may be decided by Government from time to time.
- (k) The winner of the lottery will be issued with a license for the shop or group of shops as the case may be, on payment of consideration money for the period of the month in which the license is granted. The advance for three months tendered by him in shape of Bank Draft shall be adjusted for the last three months of the period of grant.
- (l) If the applicant after being successful in the lottery declines or refuses or will fully omits to take license on some plea or other the amount tendered by him through Bank Draft shall be forfeited to the State Government and he shall be further liable for any loss that may accrue to the Government on account of delay in settlement of the shop or group of shops. He or his family members or his associates will not be permitted to take part in the settlement of that shop / group of shops or any shop for three years including the year of his default.
- (m) If no application is received, the Collector may notify another date for filing of applications. So also, if the last date for filing of application or the date fixed for drawal of lottery is declared as a holiday for any special reason or for any unavoidable contingency, the Collector shall reserve the right to defer the date to some other suitable date by issuing notice to the effect. Such lottery will be subject to terms and conditions, as notified herewith.

- (n) The decision of the Excise Commissioner relating to any dispute on account of lottery in the District level shall be final, which shall be binding on all the applicants to the lottery.
- (o) No liquor Shop shall be opened on the Government lands and so also along the National High Way in accordance of order dated, 18.9.2013 of Hon'ble high Court of Odisha passed in WP (C) No.19674/ 2013.
- (p) No liquor Shop shall be located within 220 meter of NH/SH in the rural area having less than population of 20000.

COLLECTOR, GANJAM.

**LIST OF IMFL 'OFF' SHOPS TO BE SETTLED BY WAY OF DRAWAL OF LOTTERY FOR THE REMAINING PERIOD OF 2019-2020.**

Locality of the shop	Monthly Consideration money/Upset price fixed for 2019-2020.	M.G.Q. Fixed	
		IMFL in LPL	BEER in BL
Bhutasarasingh	Rs. 40,000 /-	2000.00	3000.00
KN Pur	Rs.40,000/-	2000.00	3000.00

COLLECTOR, GANJAM

**DISTRICT EXCISE OFFICE : GANJAM : CHATRAPUR.**

Memo No. 1521 /Ex.

Dated, 01.06.2019

Copy forwarded to all the Inspector of Excise and Sub-Inspector of Excise in the district including Striking Force Unit for information and wide Publicity of the Notice in their respective areas.

Copy forwarded to all Collectors / all Deputy Commissioner of Excise in the State for information and necessary action.

Copy to Superintendents of Police, Ganjam, Chatrapur / Berhampur for information and necessary action.

Copy to all Superintendent of Excise in the State for information and wide publicity of the Notice in their respective Districts.

Copy to Sarpancha concerned / Mayor, Municipal Corporation, Berhampur / Chairpersons, all N.A.Cs, all Panchayat Samiti of the district for information and wide publicity of the Notice.

Copy to DIPRO, Chatrapur/ NIC, Chatrapur, Ganjam for wide publicity of the Notice.

Copy submitted Excise Commissioner, Odisha, Cuttack / Addl. Secretary to Government, Excise Department, Bhubaneswar for information and necessary action.

Copy to Notice Boards of Collectorate, Ganjam / Sub-Collector, Chatrapur / Tahasil Office, Chatrapur / D.R.D.A., Chatrapur / Block Office, Chatrapur and District Excise Office, Ganjam, Chatrapur.

COLLECTOR, GANJAM

**FORM 'B'**

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

[See Clause (iv)]



1. Name of the applicant with father's name.
2. Permanent address in full.
3. Present postal address.
4. Shop/Group of shops for which application is made.
5. Locality of the shop (or each shop in case group of shop is sought to be opened).
6. Solvency Amount (Solvency certificate No. Date, Issuing Authority. The original Certificate be enclosed).
7. Sales Tax Clearance (GST) Non-assessment Certificate (No. date, issuing authority) (Attested copy to be enclosed).
8. Income Tax Clearance Certificate or PAN Card/ Adhaar Card duly attested to be enclosed)
9. Excise no dues Certificate (to be enclosed in Original)
10. Monthly Consideration Money of the shop (s)
11. Affidavit executed before the Executive Magistrate (in Original)
12. Original Bank draft shoeing deposit of Rs. 1,00,000 /- towards application fee.
13. Bank draft/Banker Cheque in Original showing deposit of three moths consideration money.
  - (a) Amount
  - (b) Name of the Bank
  - (c) Bank draft/Banker's Cheque No. & Date
14. Declaration:

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

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

**Signature of the applicant.**