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EXCISE DEPARTMENT

ORDER

The 26th February, 2021

S.R.O.No.61/2021— In exercise of the powers conferred by Section 20 of the Odisha Excise Act-2008 (hereafter called as Act) read with Rule-34 of Odisha Excise Rules-2017 (hereafter called as Rule) and in supersession of the notification of the Government of Odisha Excise Department No.2914/Ex. Dtd. 28.4.2005 and 2920/Ex. Dtd.28.04.2005 published in the extraordinary issue No.953 of the *Odisha Gazette*, Dtd. 7th June, 2005 and extraordinary issue no.954 of the *Odisha Gazette* 7th June, 2005 and all previous Orders / Notifications if any on the subject in so far as it relates to retail sale of IMFL and Country Liquor, the State Government do hereby direct that the grant of exclusive privilege for retail sale through IMFL 'OFF' and Country Liquor shops will be decided by drawal of lottery inviting applications on fixed monthly consideration money in the following manner:

- i) The date for lottery shall be fixed by Collector based on the notification issued by Government.
- ii) On receipt of this notification the Collector shall issue a notice in Form A appended hereto inviting applications for settlement of shops through lottery giving 14 days time for receipt of application and give wide publicity of the same notice in abridged form at least in two widely circulated Oriya dailies and one English Newspaper. The period of 14 days shall be counted from the date of issue of notice. The notice shall specify the date and time and manner of submission of application for lottery and the date, time and place where lottery will be held.
- iii) The application shall be submitted by each applicant in Form-B appended here to through online ([website https://stateexcise.odisha.gov.in](https://stateexcise.odisha.gov.in)) to the Collector of

the concerned district along with the non-refundable application fees which will also be deposited online.

- iv) The application together with passport size photograph, copy of PAN Card, copy of Identity proof, VAT clearance certificate (in case of old or existing licensee), Excise No Dues certificate from the concerned authority, and self declaration as per the format of Form-B will be submitted online.
- v) The applicant shall also be required to furnish refundable Earnest Money Deposit for an amount equal to three months' consideration money as notified by the Collector in the notice inviting applications through online for the purpose of lottery. The EMD of the applicant who will be successful in the lottery will be retained for adjustment towards the advance consideration money payable by the applicant for the year of grant of license and the EMD submitted by all other applicants to the lottery will be returned / released within a period of 15 days.
- vi) Collector will constitute a committee headed by a senior officer of the district along with Superintendent of Excise and other officers to scrutinize the documents submitted by the applicants. The names of applicants whose cases qualify for lottery shall be approved by the Collector and the same shall be notified shop wise online through the designated portal developed for the purpose of submission of application as well as on the notice boards of Collector and other offices as decided by Collector. The date, time and place of drawal of lottery shall be published by the Collector in the said notice one day prior to lottery for information of all eligible applicants.
- vii) On the day assigned for lottery, Collector shall draw the lottery in presence of the applicants or their authorized agents. In case there is only one application for a shop, the Collector shall declare the name of the applicant to be the provisional winner of the lottery.
- viii) For the purpose of the conducting lottery, Collector shall put the tokens containing the number allotted to each applicant into a box and then stir the same. Collector shall then draw a token from the box and declare the name of the provisional lottery winner for the particular shop based on the serial number of the token drawn.
- ix) The provisional lottery winner will be called for detailed scrutiny of his documents. The EMD as deposited shall be adjusted against three months' advance consideration money. He shall further be asked to deposit the consideration money of the month for which license is granted. He shall also be

asked to furnish Bank Guarantee equivalent to three times of the monthly consideration money, which shall remain valid for 15 months from date of issuance of license or till 30th June of the next financial year whichever is earlier. The entire process shall be completed within three days of drawal of lottery.

- x) In case the provisional winner complies with all the terms and conditions and all his documents / declarations are found to be in order after scrutiny, he will be declared as the final winner.
- xi) He shall then put his signature in the Register of Settlement and Register of Undertaking to lift the minimum guaranteed quantity as may be determined by the Government from time to time and shall be then granted licence by the Collector.
- xii) If the provisional lottery winner fails to comply with the above conditions by the stipulated date (s) or if he is found to have furnished false documents or misrepresented or have suppressed any relevant information at the time of submitting of application, he shall be declared disqualified and EMD deposited shall be forfeited without prejudice to any other criminal action that may be initiated against him. The lottery in case of that shop shall be cancelled and fresh lottery shall be held within next 7 (seven) days with due notice from amongst the remaining eligible applicants.
- xiii) If the applicant, on being successful in the lottery, declines or refuses wilfully or otherwise omits to take licence, the EMD amount tendered by him shall stand forfeited to the State Government and he shall further be liable for any loss that may accrue to the State Government because of delay in settlement of the shop. He or his family members or his associates will not be permitted to take part in the settlement of that shop or any other shop in the district for five years including the year of his default as per rules 35 and 149 of the said rules.
- xiv) The holder of license shall open the shop in the stipulated locality within 15 days of issue of license.
- xv) The State Government reserves the right to refuse grant of privilege without assigning any reason thereof and settle the privilege before expiry of five years in the manner as may be decided by the State Government from time to time.
- xvi) In case of expiry of validity period or omission of renewal or suspension or cancellation or surrender of licence, the shop shall be settled through lottery or

be allowed to be run by other Government agencies with the licence fee for the remaining period of the license as decided by the State Government.

- xvii) The decision of the Excise Commissioner relating to any dispute on account of lottery in the District shall be final and binding upon all the applicants to the lottery.
- xviii) The winner of the lottery shall abide by the provisions of the said Act and rules and the Odisha Excise Policy for the year and any other instructions or notifications and circulars issued on the subject, from time to time, by the competent authority. Any violation in this regard may entail cancellation of the license.
- xix) The license holder shall have no right to claim renewal of license.

2. This order shall come into force w.e.f. the date on which it is published in the official Gazette.

OFFICE OF COLLECTOR & DISTRICT MAGISTRATE,

Dated

FORM 'A'

SALE NOTICE INVITING APPLICATIONS FOR SETTLEMENT OF EXCLUSIVE PRIVILEGE ON INDIA MADE FOREIGN LIQUOR 'OFF' AND COUNTRY LIQUOR SHOPS THROUGH LOTTERY FOR THE YEAR-----

(See Clause ii)

1. The exclusive privilege for retail sale of India Made Foreign Liquor 'OFF'/ Country Liquor shops in the district of _____ shall be granted by settlement through lottery to be held in accordance with the order issued under section 20 of the Odisha Excise Act, 2008 (Odisha Act-10 of 2013) (hereinafter referred to as the said Act), read with rules 34 of Odisha Excise Rules 2017 (hereinafter referred to as the said rules) on _____ (date) at _____ (time) in the _____ (place) _____.
2. The Exclusive Privilege to be so granted will confer the right to open a shop in the locality named in the enclosed list with its monthly consideration money as mentioned against each in the table below, namely :-

TABLE

Kind of Exclusive Privilege	Name of the shop and locality at which the privilege is to be exercised	E.P. Area	Consideration Money/ Minimum Guaranteed Quantity (MGQ)
(1)	(2)	(3)	(4)
IMFL OFF Shop/ Country Liquor Shop	As per list enclosed	Shop premises itself	List enclosed

3. The exclusive privilege shall, without prejudice to any of the provisions of the said Act and the said rules be subject to the following conditions; namely :-
- i. The consideration money shall be payable in the manner specified in rules 34 and 150 of the said rules or excise policy as amended from time to time.
 - ii. The currency of license shall commence from the date of issue of license and failure to open the shop as stipulated herein shall entail cancellation of the license and any loss caused to the State Government shall be recovered from the licensee, except in case of delay in granting the license or where any shop is closed under section 26 of the said Act and rule 45 of the said rules.
 - iii. No compensation shall be paid to the holder of an exclusive privilege for retail sale of Foreign Liquor, India made Foreign Liquor, Beer or Country Liquor for closure of shop on days termed as 'dry days' by the State and also for closure during general election or by election/ assembly election as per direction of the Election Commission of India and in conformity with the direction of the State Election Commissioner during the election to Gram Panchayat or Panchayat Samiti or Zilla Parisad and Urban Local Bodies.
 - iv. The holder of a license shall not be entitled to any compensation or to the refund of any consideration money paid or deposits made in respect thereof, in the event of his license being cancelled or suspended before the expiry of its term under the provisions of the section 47 of the said Act.

- v. A shop once starts operating in its sanctioned locality shall not ordinarily be shifted. However, shifting of a shop to any site other than the sanctioned locality for any special reasons shall be subject to the approval of the Excise Commissioner.
- vi. The holder of the license shall abide by the provisions of the said Act and the said rules, orders, policies made there under by the State Government.
- vii. The State Government shall not be responsible for providing the place for location of shops. It will be the responsibility of the privilege holder to arrange suitable place and carry on the privilege granted to him and the place so arranged shall be free from objection from the public.
- viii. The exclusive privilege once granted shall continue for a period of five years including the year of grant unless otherwise directed by the State Government. The exclusive privilege holder shall renew his license on terms and conditions generally prescribed by the State Government from year to year till completion of five years.
- ix. No license shall be granted to a person who is below 21 years of age.
- x. No license shall be granted to any person, who has been convicted of a non-bailable offence by a criminal court or who is defaulter in terms of Rule 35 of the said rules.
- xi. No license of IMFL shop shall be granted to any person who is having a license for manufacturing/ bottling of IMFL or Beer or Wine or Country Liquor or Out Still Liquor.
- xii. No license shall be granted to an out still licensee for the retail sale of country Liquor in a shop within five kilometres of his out still unit.
- xiii. No license for IMFL 'OFF' shop shall be granted to any person holding license for retail vend of foreign liquor or IMFL or Beer for consumption 'ON' the Vendor's premises or holding license for retail vend of foreign liquor or IMFL or Beer in a Hotel to be consumed on the premises.
- xiv. No license for India made Foreign Liquor 'OFF' shop shall be granted to a person holding license for sale of country liquor and *vice versa*.
- xv. Wilful neglect to renew the license for a shop as per terms and conditions generally prescribed for all, will not allow the exclusive privilege holder or his family members or his associates to take part in the subsequent settlement of the shop or any other

shop till the completion of five years including the year of grant as per the rule 149 of the said rules.

- xvi. The lottery shall be held subject to following conditions, namely:-
- a. The person(s)/firm intending to take part in the lottery shall submit application(s) to the Collector in the format prescribed herein. The mode of submission of application in Form-B shall be online. The format of form- B in the online module has been customized as per the requirement of the portal.
 - b. The application shall be filed by intending applicants on or before Date_____
 - c. The applicant shall submit only one application for a particular shop.
 - d. If no application is received on the scheduled date, the Collector may extend the last date for filing of applications and if the last date for filing of application, or the date fixed for drawl of lottery is declared by the Government as a holiday for any special reason or for any unavoidable contingency, the Collector shall reserve the right to defer the date to some other suitable date by issuing a public notice to that effect.
 - e. The applicant shall submit application accompanied with following documents and fees mentioned herein, namely:-
 1. A non-refundable application fee ₹ 1,00,000/- (One Lakh only) per shop to be paid online as communicated by Collector.
 2. An Earnest Money Deposit (EMD) equivalent to three months' Consideration Money of the shop for which application is made is required to be deposited online. For unsuccessful bidder EMD will be refunded within 15 days and for successful bidder it will be adjusted against the future consideration money.
 3. A copy of Photo ID Proof -either Aadhar or Passport or Voter ID Card,
 4. A copy of PAN card
 5. A copy of VAT clearance certificate, if any (for existing or old licensees).
 6. A copy of Excise No due Certificate, (in case of existing or old licensees).
 7. A passport size photograph of the applicant.
 - f. The lottery will be conducted within a period of 10 days from the last day of filling of applications.

- g. If during the preliminary scrutiny or subsequently, it is found that applicant has not paid requisite application fee or has not deposited EMD or has submitted incomplete application form or incorrect documents or information, his application is liable for rejection. The EMD if deposited will be forfeited in such cases.
- h. After preliminary scrutiny the initial list of applicants whose cases qualify for lottery, shop-wise, shall be finalised by the Collector, and the same shall be published online one day prior to the day of lottery through the designated portal developed for the purpose of submission of application allotting a unique serial number or token number to each of the eligible applicant which shall correspond to the serial number of the online register, as maintained in the Portal. The list will also be published in the notice board of Collector and other offices as decided by Collector. The date, time and place of drawal of lottery shall be published by the Collector in the said notice for information of all eligible applicants.
- i. On the day as assigned for lottery, Collector shall draw the lottery in presence of the applicants or their authorised agents. It is incumbent upon all applicants participating in the lottery to be present personally or through their authorised representatives. Absence of any applicant or his representative during the lottery day shall not affect the process of drawal of lottery which shall take place as notified.
- j. In case there is only one application for a shop, the Collector shall declare the name of the applicant to be the provisional winner of the lottery if he is otherwise eligible.
- k. For the purpose of conducting lottery, Collector shall put the tokens containing the number allotted to each applicant into a box and then stir the same. Collector shall then draw a token from the box and declare the name of the provisional lottery winner for the particular shop based on the serial number of the token drawn.
- l. The provisional winner of the lottery will be called for detailed scrutiny of his document. The EMD as deposited shall be adjusted against three months' advance consideration money. He shall further be asked to deposit the consideration money for the period of the month for which license is granted. He shall also be asked to furnish Bank Guarantee equivalent to the tune of

three times of the monthly consideration money, which shall remain valid for 15 months from date of issuance of license or 30th June of the next year whichever is earlier. The entire process shall be completed within three days of drawal of lottery.

- m. The provisional winner has to furnish the following documents (in original) for scrutiny along with two self attested copies.
1. PAN Card.
 2. ID Proof – Aadhar /Passport/Election Photo ID.
 3. Age Proof (Date of Birth Certificate/ Matriculation Certificate/ PAN Card/ Passport/Driving License).
 4. Resident Proof- Voter ID/ Passport/Electricity Bill/ Municipal Tax Receipt/ ROR Copy.
 5. VAT Clearance Certificate (If Applicable).
 6. Excise no dues certificate (If Applicable).
 - 7.Partnership deed/ Company Registration Certificate (As Applicable)
- n. In case the provisional winner complies with all the terms and conditions and all his documents/ declarations are found to be in order after scrutiny, he will be declared as the final winner.
- o. He shall then put his signature in the Register of Settlement and Register of Undertaking to lift the minimum guaranteed quantity as may be determined by the Government from time to time and shall be then granted licence by the Collector.
- p. If the lottery winner fails to comply with the above conditions by the stipulated dates or is found to have furnished false documents or mis-represented or have suppressed any relevant information at the time of submitting the application the provisional winner of the lottery shall be declared disqualified and EMD deposited shall be forfeited without prejudice to any other criminal action that may be initiated against him. The lottery in case of that shop shall be cancelled and fresh lottery shall be held within next seven days after due notice from amongst the remaining eligible applicants.
- q. If the applicant on being successful in the lottery, declines or refuses or wilfully or otherwise omits to take licence, the EMD amount tendered by him

shall stand forfeited to the State Government and he shall further be liable for any loss that may accrue to the State Government because of delay in settlement of the shop. He or his family members or his associates will not be permitted to take part in the settlement of that shop or any other shop in the district for five years including the year of his default as per rules- 35 and 149 of the said rules.

- r. The holder of license shall open the shop in the stipulated locality within 15 days from issue of license.
- s. The State Government reserves the right to refuse grant of privilege without assigning any reason thereof and settle the privilege before expiry of five years in the manner as may be decided by the State Government from time to time.
- t. In case of expiry of validity period or omission of renewal or suspension or cancellation or surrender of licence, the shop shall be settled through lottery or be allowed to be run by other Government agencies with the licence fee for the remaining period of the license as decided by the State Government.
- u. The decision of the Excise Commissioner relating to any dispute on account of lottery at the District level shall be final and binding upon all the applicants to the lottery.
- v. The winner of the lottery shall abide by the provisions of the said Act and rules and the Odisha Excise Policy for the year and any other instructions or notifications and circulars issued on the subject, from time to time, by competent authority. Any violation in this regard may entail cancellation of the license.
- w. The license holder shall have no right to claim renewal of license.

Place: -

Date:

COLLECTOR

FORM 'B'**(See Clause iii)****APPLICATION FOR GRANT OF EXCLUSIVE PRIVILEGE ON INDIA MADE FOREIGN LIQUOR 'OFF' AND COUNTRY LIQUOR SHOPS THROUGH LOTTERY SYSTEM IN THE STATE OF ODISHA***(online version has been customized as per the requirement of the portal)*

Affix passport size recent photo
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<i>Please upload</i>

1. Name of the applicant: -*(Please upload a photo ID proof in form of either Aadhar or Passport or Voter ID Card)***2. Date of Birth:****3. Father's /Husband's name of the applicant: -****4. Permanent address in full: -****5. Present postal address to be used for all postal communication: -****6. Shop for which application is made: -****7. Locality of the shop applied for****8. PAN Number (Please upload copy of the PAN card)****9. VAT clearance certificate (in case of old or existing licensee): *-(please upload)*****10. Details of non-refundable Application Fee:-****11. Details of deposit of 3 (Three) months' Earnest Consideration Money.****a. Amount.****b. Name of the Bank.****c. e-Payment/ on-line with No. & Date.****12. Self declaration regarding non-conviction in any criminal court of a non-bailable offence.****13. Have you received any License from Excise Odisha in past? If yes, kindly provide details and also the Excise No-Dues certificate(s):***(Please upload Excise no dues certificate if Applicable)***14. In case of a partnership firm /company applying for the license, the details of lead partner or details of authorised representative of company to be provided.**

DECLARATION

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

I further declare that I have no criminal antecedent and no excise dues pending against me or I am not defaulter of excise dues.

I declare that I am not applying for license of IMFL retail shop having a license for manufacturing / bottling of IMFL or beer or wine or country liquor or out-still liquor.

I declare that I am not applying for license for retail sale of country liquor having a license of out-still unit within five kilometers.

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

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

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

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

Date:

Place:

Signature of the Applicant

[No.1029-Ex.- IIEEx.- 30/202/Ex.]

By Order of the Governor

SUSHIL KUMAR LOHANI

Principal Secretary to Government