

THE MADHYA PRADESH COUNTRY SPIRIT RULES, 1995

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FORM

THE MADHYA PRADESH COUNTRY SPIRIT RULES, 1995

AMENDING NOTIFICATIONS

1. Notfn. No. (6)B-1-6-96-CTD/V, dated 29th February, 1996, Published in M.P. Rajpatra (Asadharan), dated 29-2-1996 at p. 144 (10);
2. Notfn. No. (19)B-1-32-96-CTD-V, dated 20-6-1996, Published in M.P. Rajpatra Ext., dated 22-6-1996 at p. 520;
3. Notfn. No. (52)B-1-76-96-CTD-V, dated 17-12-1996, Published in M.P. Rajpatra Ext., dated 17-12-1996 at p. 1102;
4. Notfn. No. (6)B-1-53-97-CT-V, dated 31-3-1997, Published in M.P. Rajpatra Ext., dated 1-4-1997 at p. 402 (4);
5. Notfn. No. (30)B-1-53-97-CTD-V, dated 9-10-1997, Published in M.P. Rajpatra Ext., dated 9-10-1997 at p. 1096;
6. Notfn. No. (17)B-1-41-99-CTD-V, dated 31-3-1999, Published in M.P. Rajpatra Ext., dated 31-3-1999 at p. 406 (1);
7. Notfn. No. (38)B-1-10-99-CTD-V, dated 14-5-1999, Published in M.P. Rajpatra Ext., dated 14-5-1999 at p. 740 (2);
8. Notfn. No. (6) & (7)B-1-10-2000-CTD-V, dated 21-1-2000, Published in M.P. Rajpatra Ext., dated 21-1-2000 at p. 76.
9. Notfn. No. (26)B-1-24-2000-CTD-V, dated 30-3-2000, Published in M.P. Rajpatra Ext., dated 30-3-2000 at p. 498 (2) w.e.f. 1-4-2000; and
10. Notfn. No. (37)B-2-45-99-CTD-V, dated 1-7-2000, Published in M.P. Rajpatra (Extra.), dated 1-7-2000.

In exercise of the power conferred by sub-section (1) and clauses (d) and (h) of sub-section (2) of Section 62 of the Madhya Pradesh Excise Act, 1915 (No. II of 1915), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said Act, namely—

1. Short title, Scope and Commencement.—(1) These rules may be called **The Madhya Pradesh Country Spirit Rules, 1995.**

(2) They shall come into force with effect from 1st April, 1995.

(3) They shall apply to the manufacture, bottling supply, Transport, Import, Export and sale of country spirit of Madhya Pradesh.

2 Definitions.— In these rules unless the context otherwise requires.—

- (a) “*Manufacturing Warehouse*” means a bonded liquor Warehouse wherein rectified spirit for the manufacture of country liquor is received, stored, blended/reduced, bottled at issue strength, sealed and issued to retail licencies or storage warehouse;
- (b) “*Storage warehouse*” means a bonded liquor warehouse wherein bottled country liquor is received from a “manufacturing warehouse” for storage and issuance to retail licencies;
- (c) “*Warehouse*” means “manufacturing warehouse” or “storage warehouse”;
- (d) “*On licence*” means a licence under which the liquor can be consumed on the licensed premises;
- (e) “*Off licence*” means a licence under which the liquor cannot be consumed on the licensed premises;
- (f) “*Warehouse Officer*” means an Excise Officer not below the rank of Sub-Inspector in-charge of a warehouse;
- (g) The words and expressions used but not defined in this rule shall carry the meaning assigned to them in the Madhya Pradesh Distillery Rules, 1995.

3. Grant of Licence.— (1) (a) A licence in from C.S. 1 for manufacture, bottling and wholesale supply of country spirit may be granted by the Excise Commissioner after approval of the State Government. It shall commence on such date as may be specified therein and be in force for such period as the State Government may decide and shall be for such area or areas as may be determined by the Excise Commissioner from time to time.

(b) Licence in Form C.S. 1 shall be granted by the Excise Commissioner as aforesaid on payment of fee in advance at the rate of one lakh rupees for a period of one year’s licence or such proportional amount of fees for the period of licence to be granted.

The licensee shall be required to deposit additional amount of Rs. 5 lacs as security in cash or in any other form as may be directed by the Excise Commissioner for the due observance of conditions of licence, provisions of the Act and the rules made thereunder and orders issued by State Government or Excise Commissioner. The Excise Commissioner may ask for additional sum as security amount not exceeding Rs. 10 lacs as and when he deems it necessary in circumstances of repeated breaches of conditions of increase in area of supply and the licensee shall comply with such order within 15 days of its communication to him.

(2) No licence shall be granted unless the applicant furnishes required security as specified in clause (b) of sub-rule (1) for the fulfilment of all the conditions of licence.

(3) This licence confers exclusive right to manufacture Country Spirit by essencing, colouring, flavouring, reducing, blending etc. at the “manufacturing warehouses” and to supply it in sealed bottles, to retail licensees through warehouses.

(4) The cost price of country liquor to be paid to the supplier will be decided through the tender procedure or in any other manner as determined by the State Government. The spiced (Masala) liquor shall be manufactured in the manner provided in the Schedule appended to the licence as approved by the Excise Commissioner from time to time and the licensee shall be paid according to the rate determined by the State Government.

(5) The licensee shall not hypothecate, sell, mortgage, transfer or sub-lease his licence in C.S. 1 or enter into partnership for the working of the said licence, without the previous permission in writing of the Excise Commissioner which shall be endorsed on the licence.

3-A. Manufacture of Country Spirit for export.— (1) A licence in Form C.S. 1-A, may be granted to a holder of D-1 licence by the Excise Commissioner for manufacture and bottling of Country Spirit exclusively for export on payment of an annual licence fee to be fixed by the State Government from time to time.

(2) The Country Spirit shall be manufactured and bottled in a separate bottling hall within the distillery premises as mentioned in the Schedule appended to C.S.-1-A licence.

(3) The licensee shall deposit the amount of prescribed duty leviable on the total quantity of bottled Country Spirit being exported or furnish a Bank Guarantee for an equal amount from any local branch of a Nationalised Bank. After the receipt of the verification report from the officer-in-charge of the importing unit, the next consignment of bottled country spirit involving the same or lesser amount of duty may be exported on the strength of the same cash-deposit of Bank Guarantee. If the verification report is not received in a month from the date of despatch of the consignment, the leviable duty shall be recovered from the cash deposit made or Bank Guarantee furnished.

4. Manufacture and Bottling.— (1) The Country Spirit shall be of good quality and of such specification as maybe determined by Excise Commissioner. It shall be subject to Chemical Analysis, and if found substandard or unfit for human consumption, it shall be redistilled or rejected and destroyed as the case maybe, under the orders of the Excise

Commissioner or on officer authorised by him in this behalf. The Warehouse Officer may stop, pending the orders of the Excise Commissioner, issue of country spirit which he considers defective and may on every such occasion take samples of such country spirit at the cost of the licensee for sending them for purposes of chemical analysis, without delay.

(2) (a) The warehouse building which can accommodate atleast one month's requirements of liquor shops attached to each warehouse shall be arranged by the licensee himself under the directions from the Excise Commissioner. If warehouse building belongs to the State Government, the licensee shall be bound to pay necessary rent of the building or buildings occupied by him on the appropriate terms and conditions determined by the Public Works Department of the State and shall also, execute a Lease Deed in the form prescribed in Appendix 54 of the Public Works Deptt. Manual, Volume II, within a period of one month of intimation of the grant of this licence. The lease shall be terminated on the expiry of the period of his licence. The licensee shall not be entitled to get any rent from the Government for Hemp Drugs, Opium etc. stored in any warehouse by the Government. Equipment connected with the supply, storage, gauging, handing and issue of country spirit, including vats, casks, tanks, pumps, pipes, locks, corks, gauging rods, measures, vessels, etc. shall be of the patterns and designs approved by the Excise Commissioner.

(b) Arrears of rent, if any, shall be recoverable from the cost price bills of liquor payable to the licensee every month.

(3) The Excise Commissioner may close any warehouse or require the licensee to open and start any warehouse or warehouses. The Excise Commissioner may also transfer any warehouse in the supply area and add it to the supply area of any other licensee. Similarly, other warehouses in the State may be added to the schedule and the licensee shall have to supply country spirit to the additional warehouse at the rates mentioned in the Schedule. The licensee shall not be entitled to claim any increase in the cost of spirit on account of the above changes, nor shall the licensee be entitled to any relaxation in any of the conditions of the licence granted to him.

(4) (a) The licensee shall maintain at each "manufacturing warehouse" a minimum stock of bottled liquor and rectified spirit equivalent to average issues of five and seven days respectively of the preceding month. In addition, he shall maintain at each "storage warehouse" a minimum stock of bottled liquor equivalent to average issue of five days of the preceding month: Provided that in special circumstances, the Excise Commissioner may reduce the above requirement of maintenance of minimum stock of rectified spirit and/or

sealed bottles in respect of any “manufacturing warehouse” or “storage warehouse”.

(b) The C.S. 1 licensee shall maintain at each Manufacturing warehouse such minimum stock of empty-bottles as may be fixed by the District Excise Officer of the concerned district.

(5) All vessels in the 4[manufacturing warehouse whether used as spirit vats or water vats, shall be so placed as to admit of the contents being accurately gauged or measured. These vessels shall be gauged in such manner as the Excise Commissioner may from time to time direct and no vessel shall be used as spirit vat or water vat until it has been gauged and the gauging has been checked and approved by the District Excise Officer.

(6) Blending or reduction of plain spirit may be permitted in the store vats, provided the blending or reduction is done in the presence of the Warehouse Officer and under his supervision. Water used for reduction must be pure and the licensee must comply with the directions of the Warehouse Officer regarding the essences, food colours, water or any other material used for the purpose.

(7) Operations connected with the filling of bottles with liquor for issue shall be conducted in bond under the supervision of the manufacturing warehouse Officer in separate room called the Bottling room for liquor, set apart for the purpose within the manufacturing warehouse premises. Bottled spirit shall be stored in separate room called the ‘Store for bottled liquor’ set apart for the purpose within the manufacturing warehouse premises near the bottling room. The bottling room and the bottled spirit store-room shall be secured in such manner as the Excise Commissioner may approve. In the bottling room, bottling vats may be erected and spirit stored therein.

(8) Liquor shall be bottled at the strength specified by the Excise Commissioner from time to time. Bottling shall be done during the ordinary working hours of the manufacturing warehouse. If the licensee has reduced the strength of spirit by blending or otherwise, he shall not bottle/pack the spirit until 48 hours after operations are completed but in case of emergency the manufacturing warehouse Officer may permit relaxation of above rule but gauge and proof shall in no case be taken until after the lapse of two hours.

(9) The bottles to be brought in use for supply of country spirit shall be of standard pattern and specifications as prescribed by the Excise Commissioner from time to time.

(10) On receipt of the consignments of empty bottles at the manufacturing warehouse, they shall be opened in the presence of the

manufacturing warehouse Officer, who shall examine the bottles. At the time of examination of the bottles, the manufacturing warehouse officer may reject any bottle which is not in sound condition or of the description given in sub-rule (9).

(11) The bottles which are so rejected shall be removed from the 9[manufacturing warehouse] immediately by the licensee.

(12) Cleaning, filling, Corking, Sealing, Labeling, Stocking and issuing of bottles shall be done to the satisfaction of the Excise Commissioner by the licensee under the supervision and direction of the Officer-in-charge of the manufacturing warehouse in the following manner and in such other manner as the Excise Commissioner may direct from time to time—

- (a) Each Bottle shall be thoroughly cleaned and effectively capped or corked. The licensee shall make his own arrangements for water required for washing and cleaning purpose.
- (b) Labels to be pasted on bottles shall be of quality and design as specified by the Excise Commissioner. The licensee shall have to get the labels approved by the Excise Commissioner prior to their use in Warehouses.
- (c) The labels mentioned in clause (b) above, shall also show in bold print in Hindi the price of the empty bottles refundable to the purchaser, on their return to the retail vendor.
- (d) The name of the “manufacturing warehouse”, “storage warehouse’ if any and district of the destination shall be printed on the label which shall also carry the date of bottling rubber-sealed on it clearly.
- (e) The licensee may be required to seal the bottle in the manner prescribed by the Excise Commissioner from time to time. In addition, to sealed glass bottles the Excise Commissioner may introduce the system of packing of country liquor in Poly Pouches in such quantity, as may be directed by him and the licensee shall be bound to comply with the said system.

(13) If the sealing, labeling etc. are not of the detailed specifications as mentioned above or as directed, the Excise Commissioner may direct that sealing charges at such reduced rates may be paid as may be prescribed by him and his decision thereon shall be final.

5. Supply.— (1) (a) On demand by the retail vendor and upon proof of payment into treasury of the issue price recoverable for it, the

licensee shall supply to the retail vendors potable spirit of good quality in such quantity and at such of the prescribed strength as may be required.

(b) Any retail vendor may raise an objection regarding the quality of spirit before taking delivery. All such objections shall be submitted to the Warehouse Officer whose decision thereon shall be final and binding on the parties.

(2) The issue price to be recovered from the retail vendors for the country spirit supplied to them from any of the Warehouse of the licensee shall be such as the State Government may from time to time determine at it shall be lawful for the State Government to alter the rates so determined at any time and from time to time, during the currency of this licence, and no retail licensee shall be entitled to any concession, compensation, or remission on account of such alteration ordered by the State Government.

(3) (a) Subject to the sanction of the Excise Commissioner the C.S. 1 licensee shall be entitled to recover from the retail vendors sealing charges at the time of issue of country spirit from the Warehouse.

(b) The licensee shall be entitled to recover from the retail vendors an amount per bottle on account of its deposit as may be determined by the Excise Commissioner from time to time.

(c) The licensee shall take back empty bottles in sound conditions returned by the retail vendors and return the deposit amount in full mentioned in clause (b) above.

(d) In the event of there being any dispute between the licensee and the retail vendors regarding the condition of the empty bottles, the same shall be referred to the Warehouse Officer and his decision thereon shall be final and binding on the licensee and the retail vendors.

(4) (a) In the event of the licensee's failure to supply spirit/sealed bottles as required under these rules, or to maintain the minimum stock of spirit and/or sealed bottles at the manufacturing/storage warehouses as prescribed or when the stock of spirit/scaled bottles at any warehouse in the area falls so low that in the opinion of the Assistant Commissioner/District Excise Officer authorised by the Excise Commissioner may purchase rectified spirit and/or country liquor in sealed bottles at the prevalent open market rate.

(b) In the event of such failure continuing, the Excise Commissioner may also detach warehouse or warehouses from the area of the licensee and order attachment of the same to any other area. The licensee shall not be entitled to any remission, compensation or any other claim against such an order.

(c) In the event of the failure of supply of country spirit by the licensee to the retail vendors in accordance with their demands, the licensee shall be required to pay such losses and damages to the retail vendors and Government as may be determined by the Excise Commissioner. The decision of the Excise Commissioner shall be final and binding on the licensee.

(d) On demand by the Excise Commissioner or any District Excise Officer authorised by the Excise Commissioner, the D-1 or C.S. 1 licensee shall forthwith dispatch such quantity of spirit as may be required from him to any other warehouse in the State.

6. Transport.— (1) No spirit shall be received into any manufacturing warehouse unless accompanied by a pass from the Officer incharge of the Distillery or the manufacturing warehouse whence they have been transferred or by a special pass authorizing their receipt into the manufacturing warehouse or, if the spirit be imported by a pass from such officer or person as the Excise Commissioner may from time to time prescribe.

(2) All spirit received into manufacturing warehouse shall be gauged and proved as soon as possible after arrival and the supply contractor shall thereupon become responsible for it as per rules.

(3) The transport of Country Spirit from a warehouse to a retail Country Spirit shop under licence C.S. 2-A shall be done on the basis of an authority issued by the concerning warehouse officer, whereas transport of Country Spirit from a retail shop under licence C.S. 2-A to a 2[shop holding licence of C.S. 2B. FL. 1A or F.L. 1AAA attached to it, shall be carried out under a pass in Form C.S. 4 issued by the Circle Sub-Inspector, Transport pass authorising transport of spirit under sub-rule (1) shall be in Form C.S. 5.

7. Import.— No country spirit shall be imported into this State without authorisation from the Excise Commissioner. The Excise Commissioner may prescribe the conditions and the form of the pass under which such country spirit may be imported.

8. Export.— (1) On receipt of an application, the Excise Commissioner may after such enquiry as he may consider necessary and on being satisfied, allow the export of country spirit from this State.

(2) The application for export shall be accompanied with a permit or 'No Objection Certificate' from the Excise Authorities of State of Import.

(3) The export permit, which shall be in Form C.S. 6, shall be issued by the Officer-in-charge of the distillery.

(4) Above mentioned export pass shall be issued upon proof of payment of permit fee @30 paise per proof litre.

9. Sale.— Country spirit may be sold in retail exclusively in sealed bottles, under a licence issued by the Collector in Form C.S. 2, or C.S. 2-A or C.S. 2-B or C.S. 3 or F.L. 1A or F.L. IAAA.

Provided that the licence in Form C.S. 2-B shall be granted by the Collector for a year on pre-payment of licence fee as prescribed by the State Government from time to time.

10. Permissible Wastages.— The limits for various kinds of permissible wastage and the margin of deviation of strength shall be as provided in Rule 6 of Madhya Pradesh Distillery Rules, 1995.

11. The licensee shall be bound by General or Special Orders which may be issued by the Excise Commissioner from time to time.

12. Penalties. (1) Without prejudice to the provision of the conditions of the C.S. 1 licence and save where provision is expressly made for any other penalty in these rules, the Excise Commissioner may impose upon C.S. 1 licensee a penalty not exceeding Rs. 50,000/- for any breach or contravention of any of these rules or the provisions of Madhya Pradesh Excise Act, 1915 or rules made thereunder or orders of the Excise Commissioner and may further impose in the case of continued contravention an additional penalty not exceeding Rs. 1,000.00 for every day during which the breach or contravention is continued.

(2) In the event of failure to maintain the minimum stock of rectified spirit and bottled stock of liquor in the warehouse as prescribed in Rule 4 (4) (a) of these rules the Collector may impose a penalty not exceeding Rs. 2/- per proof litre on the C.S. 1 licensee for the quantity found short of the minimum prescribed stock. This penalty shall be payable by the licensee irrespective of the fact whether any loss has actually been caused to the Government or not.

(3) Deleted

(4) In the event of failure to despatch the spirit requisitioned under Rule 5(4) (d), the D-1 or C.S. I licensee shall be liable to such penalty not exceeding Rs. 2/- per proof litre imposed by the Excise Commissioner on the quantity of spirit thus short supplied.

(5) The Excise Commissioner may suspend or cancel the licence under Section 31 of the Act and may also black list the licensee upon a breach or contravention of any of these rules or of the provisions of Act or of the rules made thereunder. The licensee shall be liable for any loss

caused to Government as a result of such suspension or cancellation of the licence.

13. Disposal of the Balances and the Warehouse Plant.— (1) On the expiry of the C.S. I licence, the outgoing licensee shall sell and the incoming licensee shall purchase all the sanctioned warehouse plants including its vats, corking, capsuling, machines etc. at a price fixed by the valuation committee appointed by the Excise Commissioner for the purpose. The incoming licensee shall also purchase the liquor, empty bottles, the sealing materials etc. in stock on the day of expiry of the licence at the rates applicable to the outgoing licensee. The payment shall be made to the outgoing licensee within a month of such date. This procedure will also apply when any C.S. I licence is cancelled during the currency of the licence or any warehouse is delisted in detached from the area of such licensee.

(2) C.S. I licence granted under these rules, shall be subject to further condition that if during the currency of the licence the policy of total or partial prohibition is introduced in the whole of any part of the area and as a result of which the total quantity of liquor expected to be supplied is reduced, the licence shall stand terminated or get automatically modified to that extent, from the date of introduction of the said policy. The licensee shall not be entitled to any compensation whatsoever for any loss sustained by him on that account.

(3) If during the currency of the licence or at its expiry the policy of total or partial prohibition is introduced in the whole or any part of the area, and consequently any warehouse or warehouses are to be closed, it shall be the responsibility of the licensee to dispose, of the sanctioned warehouse plant, the stock of liquor, sealing materials etc. that are in stock on that day. If the C.S. I licensee is unable to dispose of such stock within a month of such date, the Excise Commissioner shall make orders about their disposal including their destruction, which shall be binding on the licensee.

14. Repeal.— All rules corresponding to these rules in force immediately before their commencement are hereby repealed in respect of matters covered by these rules. Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these Rules.

FORM C.S.-1

**Licence for Wholesale supply of country spirit in sealed
bottles under the contract supply system
in..... supply area.**

The licence is granted to Shri M/s..... under Sections 13, 14, 15 and 28 of the Madhya Pradesh Excise Act, 1915 and in pursuance of the State Government's sanction conveyed in Commercial Taxes Department's Letter No..... dated..... for the period from..... To..... in respect of area attached to the supply area as mentioned in the schedule appended to this licence.

CONDITIONS

1. This licence is granted under and shall be subject to the provisions of the Madhya Pradesh Excise Act, 1915 and the Rules made thereunder and shall also be subject to such subsidiary orders and instructions, as the Excise Commissioner, Madhya Pradesh, may, from time to time issue in this behalf.
- 1-A. During the period of licence the licensee shall observe all the conditions of the tender notice.
2. The licensee will use only such essences and food colours for the preparation of any kind of country liquor as are approved by the Excise Commissioner.
3. On breach of any of the conditions of this licence or the provisions of the Madhya Pradesh Excise Act or of the rules made thereunder, this licence may be cancelled by the Excise Commissioner.

FORM C.S. 1-A

Licence for the manufacture and bottling of Country Spirit for export

[See Rule 3-A]

Under sub-rule (1) of Rule 3-A of the Madhya Pradesh Country Spirit Rules, 1995 and in consideration of a fee of Rs..... this licence is granted to..... holding a licence in Form D. 1 for distillery to manufacture and bottle country spirit exclusively for export at the premises at..... as described in the Schedule below, from..... to..... subject to following conditions—

CONDITIONS

1. Only bottled/packageg Country Spirit reduced to potable strength as per the requirement of the importing state shall be exported.
2. Export of bottled/packageg Country Spirit shall be limited to the quantity mentioned in the No-Objection Certificate/import permit issued from the importing State.
3. Each consignment of bottled/packageg Country Spirit shall be carried to the destination within the time given and by route prescribed in Form C.S. 6. No part of the consignment shall be diverted for any other purpose to any other place within or outside Madhya Pradesh.
4. The licensee shall follow the instructions/guidelines issued by the Excise Commissioner regarding manufacture and bottling of Country Spirit.
5. On breach of any condition of this licence, provisions of the Madhya Pradesh Excise Act, 1915 and rules made thereunder or guidelines/instructions issued by the Excise Commissioner, this licence may be cancelled by the licensing authority.

Excise Commissioner

Madhya Pradesh

SCHEDULE

Description of the premises/bottling hall	Boundaries of site			
	North	East	South	West
(1)	(2)	(3)	(4)	(5)

FORM C.S.2

[See Rule 9]

On Licence for the Retail Sale of Country Spirit in Sealed Bottles under the supply system

Under Rule 9..... of the Country Spirit Rules, 1995 and in consideration of a fee of Rs..... a licence is hereby granted to ShriSon/Wife of..... Resident of..... to sell Country Spirit by retail in the shop at located as described in the Schedule 1 below, from..... to..... subject to following conditions—

CONDITIONS

1. The licensee shall take supplies of country spirit from..... warehouse. He shall not stock and sell country spirit other than the spirit obtained from the allotted warehouse after remitting the prescribed price.
2. The licensee shall get supply of country spirit of the description given in columns (1) and (2) of the table below at the rates specified in the corresponding entries in column No. (3) of the said table—

TABLE

Description (1)	Strength (2)	Issue Rate (3)
1. Spiced Liquor	25 U.P.	
2. Plain spirit	50 U.P.	

3. The minimum quantity for taking issues from the warehouse for sale is fixed as follows--

Minimum quantity in proof litres

Yearly _____ Monthly

Spiced Spirit

Plain Spirit

On failure of the licensee to lift in any month of the year the monthly minimum quantity specified above, the Collector may litre for every litre of spirit so falling short:

Provided that any amount realised by way of such penalty shall be refunded if the annual minimum quantity specified above is lifted in full by the end of the year.

4. (a) The supply to the licensee of the country spirit shall be subject to pre-payment of its price at the rate mentioned in Column No. (3) of the table given in Condition No. 2 above. Such payment will be made under the allotted budgetary head in a Government Treasury or any authorised bank.
- (b) Under the cover of this licence the licensee shall not possess at any place other than the licensed premises. country spirit beyond the limit of individual possession, without a permit or pass, prescribed under the rules or sell any spirit at any such place.
- (c) If country spirit issued to the licensed shop is found to have been misused, the Collector shall be competent to fix a quota for such shop. No remission or any compensation shall be allowed to the licensee consequent upon such an order.
5. The licensee shall purchase from consumers empty bottles in sound condition, specially prepared for the Excise Department, at such rates, as may be fixed from time to time by the State Government and return them to the bottling contractor at the Warehouse for recycling. He shall pay, in

addition to the issue price of country spirit, such sealing charges as may be fixed from time to time by the State Government. He shall not charge from the consumer, on account of sealing charges, including the cost of the bottle, more than the rate by him to the bottling contractor. He shall affix in front of his shop a sign-board, painted in Hindi showing the name of the shop, the selling rates, the sealing charges (glass-bottles) and the rates at which the empty glass-bottles of 750, 375, 180 mls. shall be repurchased.

6. The licensee shall keep a correct account of the daily transaction of empty bottles in the following form:

Date	Opening Balance of empty bottles (millilitres)			Number of empty bottles received from consumers		
	750	375	180	750	375	180
(1)				(2)		

Total of Empty bottles(columns 1+2) (millilitres)			Number of empty bottles returned to the bottling contractor			Closing balance of empty bottles column (3) minus column (4)			Remarks
750	375	180	750	375	180	750	375	180	
(3)			(4)			(5)			(6)

The licensee shall return to the bottling contractor, on the day he goes to the warehouse for obtaining a supply of country spirit, all empty bottles in stock with him on the preceding day, obtain the receipt therefore and file the receipt with the account book.

7. The licensee shall not alter or tamper with the seals, labels, caps on the bottles.

8. The licensee shall sell spirit only in sealed bottles or poly-pouches as issued from the warehouse.
9. Drinking of country spirit at the premises is permitted to the purchaser to whom the country spirit has been sold by the licensee, but drunkenness leading to disorderly and unruly behaviour by the consumer is prohibited.
10. The licensee shall not bottle any spirit.
11. No guarantee is given by the State Government of the supply of country spirit in sealed glass bottles.
12. (a) The licensee shall be required to purchase Country Spirit in sealed glass bottles and poly-pouches in the prescribed proportion fixed by the Excise Commissioner of your total demand at a time.

(b) Not less than six litres of spirit will be issued to the licensee at a time. If a larger quantity is required it will be issued in multiple of six litres.
13. The licensee shall keep the shop closed on such days as are specified in Schedule-II
14. The licensee shall keep at his shop pass book, inspection book, licence, receipted challans showing the payment of licence fees etc. and produce them before the inspecting officer.
15. The licensee shall be bound by the conditions of this licence. General Licence condition (except condition XIII), special pass rules, and by any special conditions intimated to him before the grant of this licence.
16. On breach of any of the conditions of this licence or of any of the provisions of the M.P. Excise Act, 1915 or the rules made thereunder, this licence may be cancelled by the Collector.

Dated..... 20

.....

Collector

.....District

SCHEDULE-I

Description of site	Boundaries of site			
(1)	North (2)	East (3)	South (4)	West (5)

SCHEDULE-II

List of Dry-Days

FORM C.S. 2-A

[See Rule 9]

**On Licence for the Retail Sale of Country Spirit in Sealed
Bottles with permission to seal foreign liquor under the
Auction amount Adjustment system.**

Under Rule 9 of the Country Spirit Rules, 1995 a licence is hereby granted to Shri..... Son/Wife of..... resident of to sell country spirit and foreign liquor by retail in the shop at..... as indicated in the Schedule-I below, from..... To..... auctioned in a group of shops known as..... in consideration of Auction Amount of Rs..... subject to following conditions—

CONDITIONS

1. The licensee shall take supplies of Country Spirit from warehouse. He shall not stock and sell country spirit other than the spirit obtained from the allotted warehouse after remitting the prescribed price.
- 1-A. The licensee shall procure his supplies of foreign liquor from F.L. 1A shop of the same group designated for the purpose by the licensing authority and shall not stock/sell foreign liquor procured from any other source.
2. The licensee shall get supply of country spirit of the description given in columns (1) and (2) of the table below at the rates specified in the corresponding entries in column No. 3 of the said table—

TABLE

S. No.	Description	Strength	Issue rate
(1)	(2)	(3)	(4)
1.	Spiced Liquor	25 U.P.	
2.	Plain Spirit	50 U.P.	

3. (a) The supply to the licensee of the country spirit shall be subject to pre-payment of its price at the rate mentioned in column No. (4) of the table given under Condition No. 2 above. Such payment will be made under the allotted budgetary head in a Government Treasury or any authorised bank.
- (b) Under the cover of this licence the licensee shall not possess at any place other than the licensed premises, country spirit and foreign liquor beyond the limit of individual possession, without a permit of pass, prescribed under the rules or sell any spirit at any such place.
- (c) If country spirit issued or foreign liquor transported from a designated F.L. 1A shop to the licensed shop is found to have been misused, the Collector shall be competent to fix a quota for such shop. No remission or any compensation shall be allowed to the licensee consequent upon such an order.

4. The payment of Auction Amount shall be in accordance with Rule H-A of the General Licence Conditions. In case of default in the payment of the monthly instalment of auction amount the Collector may in addition to taking action as provided in G.L.C. II-A (4), cancel the licence for such default, any loss of revenue consequent upon such cancellation shall be recoverable as arrears of land revenue.
5. The Licensee shall purchase from consumers empty bottles in sound condition, specially prepared for the Excise Department, at such rates, as may be fixed from time to time by the State Government and return them to the bottling contractor at the Warehouse for recycling. He shall pay, in addition to the issue price of country spirit, such sealing charges as may be fixed from time to time by the State Government. He shall not charge from the consumer, on account of sealing charges, including the cost of the bottle, more than the rate paid by him to the bottling contractor. He shall affix in front of his shop a sign-board painted in Hindi showing the name of the shop, the selling rates, the sealing charges (for glass-bottles) and the rates at which the empty glass-bottles of 750, 375, 180 mls. shall be repurchased.
6. The licensee shall keep a correct account of daily transactions of empty bottles in the following form:

Date	Opening Balance of empty bottle (Mili Litres)			Number of empty bottles received from consumers.		
	750	375	180	750	375	180
	(1)			(2)		

Total of empty bottles Column 1+2 (Mili Litres)			Number of empty bottles returned to the bottling contractor			Closing Balance of empty bottles column (3) minus column (4)			Remarks
750	375	180	750	375	180	750	375	180	
(3)			(4)			(5)			(6)

The licensee shall return to the bottling contractor, on the day he goes to the warehouse for obtaining a supply of country spirit all empty bottles in stock with him on the preceding day, obtain the receipt for the empty bottles returned and file the receipt with the account book.

7. The licensee shall not alter or tamper with the seals, labels, caps on the bottles.
8. The Licensee shall sell country spirit and foreign liquor only in sealed bottles or poly-pouches as issued from the warehouse.
9. Drinking of country spirit and foreign liquor in the premises is permitted to the purchaser to whom the country spirit has been sold by the licensee, but drunkenness leading to disorderly and unruly behaviour by the consumer is prohibited.
10. The licensee shall not bottle any spirit.
11. No guarantee is given by the State Government of the supply of country spirit and foreign liquor in sealed glass bottles.
12. (a) The licensee shall be required to purchase country spirit in sealed glass bottles in the prescribed proportion fixed by the Excise Commissioner of the licensee's total demand at a time.

(b) Not less than six litres of spirit will be issued to the licensee at a time. If a larger quantity is required it will be issued in multiples of six Litres.
13. The Licensee shall keep the shop closed on such days as are specified in Schedule-II.
14. The licensee shall keep at his shop pass book, inspection book, licence, receipted challans showing the payment of Auction amount etc. and produce them before the inspection officer.
15. The licensee shall be bound by the conditions of this licence. General Licence Conditions (except condition XIII) special pass rules, and by any special conditions intimated to him before the grant of this licence.
16. Omitted.
17. On breach of any of the conditions of this licence or of any of the provisions of the M.P. Excise Act, 1915 or the rules made thereunder, this licence may be cancelled by the Collector.

Dated..... 20.....
.....

Collector

.....

District

SCHEDULE-I

Description of site	Boundaries of shop			
	North	East	South	West
(1)	(2)	(3)	(4)	(5)

SCHEDULE-II

List of days on which the shops to be closed

FORM C.S. 2-B

[See Rule 9]

Off Licence for retail sale of Country Spirit in sealed bottles with permission to sell foreign liquor not to be consumed on the premises, at a sub-shop

Under Rule 9 of the Country Spirit Rules, 1995 and in consideration of a licence fee of Rs..... that has been paid in advance, a licence is hereby granted to..... who already holds a licence in Form C.S. 2-A, to sell Country Spirit and foreign liquor by retail in the sub-shop at..... as specified in Schedule 1 below, from..... to..... subject to the following conditions.

CONDITIONS

1. The sub-shop covered by this licence shall be adjunct to the shop under licence C.S. 2-A at.....to which it shall remain attached for procuring supply.
2. The licensee shall obtain supply of Country Spirit from the C.S. 2-A retail shop at.....only. He shall not procure Country Spirit for sale from any other source.
- 2-A. The licensee shall procure his supplies of foreign liquor from the same F.L. 1A shop, from which the C.S. 2A shop to which this sub-shop is attached draws its supplies of foreign liquor. He shall not stock/sell foreign liquor obtained from any other source.
3. The licensee shall not transport Country Spirit from the C.S. 2-A retail shop mentioned above to his licensed premises without a pass in Form C.S. 4 issued by the sub-inspector in-charge of the circle.
4. If Country Spirit and foreign liquor transported to the sub-shop is found to have been misused, the Collector shall be competent to fix a quota for such sub-shop.
5. The licensee shall purchase from consumers empty bottles specially prepared for the Excise Department, that are in good condition, at the rate fixed by the Government and return them to the principal C.S. 2-A shop named in condition numbers 1 and 2 above. He shall not charge from the consumer on account of the cost of the bottle and sealing charges more than the rate fixed by the Government. He shall affix in front of his shop, a sign board in Hindi, showing the name of the shop, the selling rates, the sealing charges for glass bottles and the rates at

which the empty glass bottles of 750, 375, 180 millilitres shall be repurchased.

6. The licensee shall return all the empty bottles in stock with him on the preceding date to the authorised agent of the concerned C.S. 2-A shop mentioned in condition Nos. 1 and 2 whenever he goes for taking supply, obtains a receipt therefor and paste it against column No. 6 of the register maintained for purpose as prescribed under Condition 7.
7. The licensee shall keep a correct account of daily transactions of empty bottles in the register in the following form—

Date	Opening balance of empty bottles (Millilitres)		Number of empty bottles received from consumers (Millilitres)		Total of empty bottles Col. 1+2 (Millilitres)		No. of empty bottles returned to the agent of the principal Shop (Millilitres)		Closing balance of empty bottles Col. 3(-) 4 (Millilitres)		Remarks
	750	375	750	375	750	375	750	375	750	375	
	180		180		180		180		180		
	(1)		(2)		(3)		(4)		(5)		(6)

8. The licensee shall not alter or tamper with the seals, labels, caps on the bottles.
9. The licensee shall sell country spirit and foreign liquor in sealed bottles only.
10. The licensee, under no circumstances, shall permit consumption of liquor on the premises or provide any facility therefor.
11. The licensee shall not bottle any country spirit and foreign liquor.
12. The licensee shall not obtain less than 6 litres of spirit at a time from the C.S. 2A retail shop to which this licence has been granted as an adjunct. If a larger quantity is required, it will be obtained in multiples of 6 litres.

13. The licensee shall keep the shop closed on such days as are specified in Schedule II appended to this licence.
14. The licensee shall keep at the sub-shop the pass-book, inspection book, account register, licence etc. and produce them before the inspecting officer.
15. If the licence is suspended or cancelled for any reason whatsoever, the licence fee already paid shall not be refunded in part or full.
16. In case, the licence granted to the principal C.S. 2-A shop is suspended or cancelled or its closure is ordered, the sub-shop under this licence may be attached to some other contiguous shop of the group by the Collector.
17. The licensee shall be bound by the conditions of this licence, General Licence Conditions except Condition Nos. II, IIA, VI, XXVII, XXX and any special condition/conditions intimated to him before the grant and during the currency of the licence.
18. On breach of any of the conditions of this licence or any of this provisions of the M.P. Excise Act, 1915 or the Rules made thereunder, this licence may be suspended or cancelled by the Collector.

Collector

Date.....

District.....

SCHEDULE-I

Description of Site (1)	Boundaries of shop			
	North (2)	East (3)	South (4)	West (5)

SCHEDULE-II

List of days on which the shops to be closed.

FORM C.S. 3

[See Rule 9]

Licence for the Retail Sale of Country Spirit in sealed bottles and Poly-Pouches under the supply system on commission basis

Under Rule 9 of the country spirit rules (Transport, Import, Export and Sale of Country Spirit), a licence is hereby granted to Shri..... Son/Wife of..... Resident of..... to sell country spirit by retail in the shop at located as described in the Schedule I below, from..... to..... subject to following conditions—

CONDITIONS

1. The licensee shall take supplies of country spirit from Warehouse. He shall not stock and sell country spirit other than the spirit obtained from the allotted warehouse after remitting the prescribed price.
2. The licensee shall get supplies of country spirit of the descriptions given in columns (1) and (2) of the table below at the rates specified in the corresponding entries in column No. (5) of the. said table—

TABLE

Description	Strength	Issue rates fixed by Excise Commissioner per P.L.	Admissible Commission per P.L.	Rate at which spirit will be supplied to the agent (3-4) or (3+4)
(1)	(2)	(3)	(4)	(5)
1. Spiced Liquor		25 U.P.		
2. Plain spirit		50 U.P.		

3. (a) The minimum quantity of spirit to be lifted for sale, from the warehouse, is fixed as follows—

Fixed Minimum Quantity in Proof Litres

Year Monthly

Spiced Spirit

Plain Spirit

If the licensee fails to lift in any month the fixed monthly minimum quantity as specified in column (2) of the above table, the Collector may impose a penalty at a rate not exceeding Rs..... per proof litre for every proof litre of spirit thus short lifted and recover the imposed penalty from the security deposit by him.

(b) The penalty thus imposed under condition No. 3 (a) above and deducted from security deposit shall be indemnified by the licensee by the 15th of the month following the month of default.

(c) If the licensee fails to indemnify the amount adjusted from the security deposit before the contracted date, the licence granted to him, shall be liable to cancellation and if part of such imposed penalty remains unrealised even after full adjustment of the security deposit, the same shall be recovered from him as an arrear of land revenue.

(d) If at the close of the term, it is found that, the licensee, during his entire tenure, has lifted for sale the full minimum

quantity fixed for the period, the penalty already imposed and adjusted to recovered, shall be refunded to him. However, if a licence is cancelled before the expiration of the licensed period, only such period during which his licence remained in operation shall be taken into consideration for this purpose.

(e) Breach of Condition No. 3 (a) or 3 (b) shall be sufficient ground for cancellation of this licence.

4. (a) The supply of the country spirit shall be, subject to prepayment of its price at the rate mentioned in Column No. (5) of the table given in Condition No. 2 above. Such payment will be made under the allotted budgetary head in Government Treasury or an authorised bank.

(b) Under the cover of this licence the licensee shall not possess at any place other than the licensed premises, country spirit beyond the limit of individual possession, without a permit or pass, prescribed under the rules or sell any spirit at any such place.

(c) If country spirit issued to the licensed shop is found to have been misused, the Collector shall be competent to fix a quota for such shop. No remission or any compensation shall be allowed to the licensee, consequent upon such an order.

5. The licensee shall purchase from consumers empty bottles in sound conditions, specially prepared for the Excise Department at such rates, as may be fixed from time to time by the State Government and return them to the bottling contractor at the warehouse for recycling. He shall pay, in addition to the issue price of country spirit, such sealing charges as may be fixed from time to time by the State Government. He shall not charge from the consumer, on account of sealing charges, including the cost of the bottles, more than the rate paid by him to the bottling contractor. He shall affix in front of his shop a signboard, painted in Hindi showing the name of the shop, the selling rates, the sealing charges (glass-bottles) and the rates at which the empty glass bottles or 750, 500, 250 mls. shall be repurchased.
6. The licensee shall not alter or tamper with the seals, label, caps on the bottles.
7. The licensee shall sell spirit only in scaled bottles as issued from the Warehouse.
8. Drinking of country spirit in the premises is permitted to the purchaser to whom the country spirit has been sold by the

licensee hut drunkenness leading to disorderly and unruly behaviour by the consumer is prohibited.

9. (a) The licensee shall not bottle any spirit.
(b) The licensee shall keep a correct and up-to-date account of all transactions of empty bottles.
10. No guarantee is given by the State Government of the supply of country spirit in sealed glass bottles and Poly-pouches.
11. The licensee shall be required to purchase country spirit in sealed glass bottles in the prescribed proportion fixed by the Excise Commissioner of his total demand at a time.
12. The licensee shall keep the shop closed on such days as ar specified in Schedule II.
13. The licensee shall keep at his shop pass book, inspection book, licence etc. and produce them before the inspecting officer, if and when required.
14. The licensee shall be bound by the Conditions of this licence, General Licence Conditions (except condition II and XIII), special pass rules, and by any special conditions intimated to him before the grant of this licence.
15. On breach of any of the conditions of this licence or of any of the provisions of the M.P. Excise Act, 1915 or the rules made thereunder, this licence may be cancelled by the Collector.

Dated..... 200.....
Collector.....

District.....

SCHEDULE-I

Description of site	Boundaries of site			
	North	East	South	West
(1)	(2)	(3)	(4)	(5)

SCHEDULE-II

List of Dry-Days

COUNTERPART AGREEMENT

This deed is made this..... day of..... 200..... between the Governor of Madhya Pradesh acting through the Excise Commissioner of Madhya Pradesh hereinafter called the Governor, which expression shall unless inconsistent with the subject or context, include his successors in office of the one part and Shri..... (hereinafter called the licensee, which expression shall unless inconsistent with the subject or context, include his permitted assigns) of the other part.

Whereas the licensee has been granted on..... day of..... 200..... by the Excise Commissioner, a licence for the manufacture of country spirit a warehouse and issues therefrom to retail contractors in..... supply area.

Now, therefore, this deed witnessed that—

1. The licensee shall abide by and carry out all his obligations under the terms and conditions of the said licence.

2. The licensee shall always maintain a cash deposit in the amount given in the tender notice with the Excise Commissioner for the due fulfilment of the conditions of this licence.

3. Any penalties incurred by the licensee under the provisions of the licence or under the Rules made under the Madhya Pradesh Excise Act, 1915 shall be recoverable by the Governor from the security deposit or from any amount due to the licensee on account of the price of the spirit supplied or any other account as arrears of land revenue but without prejudice to any other right or remedy of the State Government.

4. The licensee shall pay and discharge during the terms of this licence all assessments, rates, taxes, charges of every description now or hereafter assessed, imposed or charged on the owner or occupier in respect of warehouse buildings specified in the schedule if the same is supplied by the State Government.

In witnesses the parties hereto have signed this deed on the day and year respectively mentioned against their signatures.

Witnesses:

1.....

Excise Commissioner
Madhya Pradesh

2.....

on behalf of the
Governor of Madhya Pradesh
Date:

Witnesses:

1.....

Licensee
Full name &
address.....

2.....

.....

.....

Date:

FORM C.S. 4

[See Rule 6 (3)]

Book No.

Permit No.

Date

(IN TRIPLICATE)

Part I: To be retained in the office of issue.

Part II: For the C.S. 2-A Shop for record.

Part III : To be handed over to the agent of sub-shop which will cover the consignment during transport to and shall be retained at the sub-shop for record.

Shri..... holder of this pass is permitted to transport following quantity of country liquor from C.S. 2-A shop..... to sub-shop..... This pass is valid upto.....

Details of Liquor

Bottles

Bulk Litres

750ml, 375ml, 180ml

Masala

Plain

The consignment shall not be broken in transit and shall be routed to destination via.....

Sub-Inspector Excise

Circle.....

District.....

FORM C.S. 5

[See Rule 6 (3)]

Permit for the transport of Spirit to a warehouse

No.....

Date.....

Part I: To be retained in the office of issue.

Part II: For the destined warehouse.

Part III : To cover the consignment during transport.

M/s..... holder of licence in Form C.S. 1 is permitted to transport undermentioned quantity of spirit from..... to..... Warehouse of..... district.

Mode of transport (tanker or drum)	If in drums their numbers	Contents in Bulk Liters	Temperature	Hydrometer indication	Strength	Proof litre
(1)	(2)	(3)	(4)	(5)	(6)	(7)

CONDITIONS

1. The consignment shall not be broken in transit.
2. It shall be routed through..... to the destination.
3. The consignment has been despatched at..... on..... and must reach the destination on or before.....

Officer in charge

.....Distillery/Warehouse

FORM C.S. 6

[See Rule 8 (3)]

(In quadruplicate)

Part I (To be retained in the office of issue)

Part II (To be handed over to the exporting licensee. This part shall cover the consignment during movement).

Part III (To be sent under registered post to the officer-in-charge of the importing unit.)

Part IV (To be sent under registered post to the officer authorising the import who will forward it to the officer-in-charge of the importing unit, who shall after recording his verification note on it, transmit it to the officer issuing it).

No.....

Date.....

Permit for the export of country spirit/bottled country spirit

.....holder of licence in Form C.S.-1-A/D-1, is hereby permitted to export country spirit/bottled country spirit as per the details given below from his licensed distillery at..... to.....in..... This permit shall be valid upto.....only. The consignment shall be carried to the destination via

(Particulars of country spirit being exported)

No.	Description of Country spirit or bottled country spirit	No. of packages or containers	Contents in bulk litres.	Strength	Contents in Proof Litres
(1)	(2)	(3)	(4)	(5)	(6)

Vehicle No..... with the above consignment has started off from the licensed premises at..... A.M./P.M.on.

Date.....

Officer-in-charge

D-1 licence

Madhya Pradesh