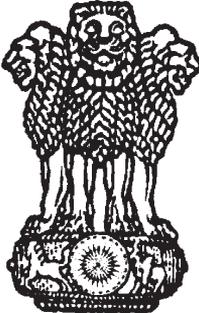


The
Kolkata Gazette



सत्यमेव जयते

Extraordinary
Published by Authority

PHALGUNA 4]

TUESDAY, FEBRUARY 23, 2010

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Department of Excise

No. 127-EX/O/1A-3/10

Kolkata, the 11th February, 2010.

NOTIFICATION

In exercise of the powers conferred under Section 30,31,36,37,37 A,85 and 86 of the Bengal Excise Act, 1909 (Ben. Act V of 1909), the Governor is pleased hereby to make with immediate effect the following amendments in the West Bengal Excise (Selection of New Sites and Grant of Licence for Retail Sale of Liquor and Certain Other Intoxicants) Rules, 2003:—

Amendments

In the said rules.—

(1) In the second proviso to sub-rule (1) of Rule 9,—

Replace [clauses(f) to (m) of rule 4], by [clauses (f), (g), (1), (m) of Rule 4]

(2) Add a new proviso after the second proviso to sub-rule (1) of Rule 9,—

Provided further that, all applications submitted for the grant of licenses of the categories specified in clauses (h), (i), (j) and (k), of rule 4, shall initially be treated as applications for the grant of license(s) temporarily for a period not exceeding six months and the Collector may process the proposals, only if the proposed site is completed, accordingly to the blue-print plan.

The collector shall also go through the following steps, for disposal of the proposal for grant of such licence:—

- A. He shall ensure whether the following information and documents have been furnished by the applicant, along with the application:—
 - a) A copy of treasury challan, showing deposit of non-refundable application money as fixed under the prevailing rules.
 - b) An estimated monthly sale of Foreign Liquor from the proposed licensed premises.
- B. After obtaining the application, with the information and documents mentioned above, the Collector shall cause enquiry of the same by a responsible officer, to ascertain:—
 - (i) The demand of the local area.
 - (ii) Whether the area is free from objections as contemplated in Rule 8 of the West Bengal Excise (Selection of New Sites and Grant of Licence for Retail Sale of Liquor and Certain Other Intoxicants) Rules, 2003, published vide Notification No. 800-Ex dated 29.07.2003, as amended.
 - (iii) Whether the applicant(s) is/are eligible to hold the licence according to Rules 11 and 12 of the Rules published under Notification No. 800-Ex. dated 29.07.2003 as amended.
- C. The following steps shall thereafter be followed by the Collector:—
 - (a) He shall consider, public grievance, if any, that may be submitted to him in this regard.
 - (b) In case of receipt of such public grievance, he shall cause enquiry of the same. If on such enquiry, the representation(s) are found to be genuine, he shall not consider the prayer for grant of such licence at the proposed site.
 - (c) To form an opinion, he may conduct any other enquiries as he feels necessary.
- D. After being satisfied that the proposed site is free from any restriction/objection and the proposed licensee(s) is/are eligible to hold an excise licence, the Collector shall grant a licence temporarily for a period not exceeding six months to the said applicant(s).
- E. During the period of running such licence, the holder(s) shall be required to pay fees, as may be fixed from time to time.
- F. Grant of a regular licence may be considered :
 - a) after the holder of such temporary licence has run the same for a period not exceeding six months,
 - b) after the Collector is satisfied that the revealed demand justifies the location for the grant of a regular licence and
 - c) subject to the Collector's satisfaction that the application merits recommendation. The Collector may in such cases recommend the proposal for grant of a regular licence and send the same to the Excise Commissioner, who may send it to the Government with his opinion if any. If the Government approves the grant of the regular licence, the same shall be conveyed by the Excise Commissioner, to

the Collector. After receiving the approval of the government, the Collector shall grant the regular licence, after realization of fees applicable to new licence(s) of the same category of the same local area.

Explanation: For the purpose of this rule, the word 'revealed demand' shall mean the average monthly sale of foreign liquor, during the previous six months, when the licence was allowed to run on a temporary basis.

- G. If the Collector recommends and sends the proposal to the Excise Commissioner for the grant of a regular licence for the remaining period of the settlement year or the next period of settlement, he shall issue further temporary licences for periods not exceeding six months in favour of the holder. Such fresh licences, granted on a temporary basis not exceeding six months, shall be continued to be granted till receipt of an order of approval or rejection from the Government, duly conveyed by the Excise Commissioner. Fee, as mentioned at 'E' above, shall be realized by the Collector for such further grant of licence on a temporary basis not exceeding six months.

By order of the Governor,

LAIMA CHOZAH,
Secretary to the Government of West Bengal.