

### **APPLY FOR LICENSES OF DISTILLERIES:**

Application for licence: Any person desiring to obtain a licence to establish and work a distillery, in any place in Assam, shall apply in writing to the Commissioner of Excise stating the following particulars:

1. The name or names with address or addresses of the person or persons applying; if a firm; the name of every partner of the firm, and if a company, the registered name and address thereof;
2. The purpose for which the distillery is proposed to be opened, specifying in detail the nature of the business which the applicant desires to carry on therein;
3. The name of the place in which, the site on which and the buildings in which the distillery is to be constructed or worked;
4. The number and full description of the stills, vats and other permanent apparatus which the applicant wishes to work or set up, and the size and capacity of such stills, etc.;
5. The date from which, in the event of a licence being granted to him, the applicant proposes to commence working the distillery; and
6. A correct plan of the buildings which he intends to use or to construct for his distillery, and a plan showing the position of stills, vats and other permanent apparatus therein and list of store-rooms, warehouses, etc., connected therewith.
7. Application fee at the rate prescribed in rule 113 of these Rules. 500. Consideration of application:
  - a. On receipt of the application and after consulting the Collector of the district in which the distillery is proposed to be opened regarding the suitability of the site, and buildings, if there be any already, and on any other points, and on receipt of the Collector's opinion, and after such further enquiry as he  
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may deem necessary, the Excise Commissioner shall decide whether the licence for the opening of the distillery should be granted or not. In deciding whether a licence for the working of a private distillery is to be granted or not, the Excise Commissioner will take into full consideration the purpose for which it is proposed to open the distillery and the demand or necessity for such a distillery.
  - b. Purposes for which distilleries may be opened. Distilleries may be opened for:
    - Supply of country spirit ;
    - Supply of foreign liquor ;
    - Supply of spirit for the manufacture of chemicals, medicated articles, etc., or for other industrial purposes;
    - for any or all of the above purposes combined.
  - c. If the Government sanctions opening of a Distillery in any area, the Excise Commissioner shall take necessary steps to establish the distillery under section 15 of the Assam Excise Act, 2000 and inform the applicant and the Collector of the district in which the distillery is to be opened. He shall also inform the applicant the amount of security to be furnished by him/her for the due performance of the conditions on which a license may be granted to him. The amount of security deposit may be fixed at fifty percent of the Distillery licence fee or more according to the volume of business.

- d. Construction of distillery – Plans: The applicant shall then be called upon to make arrangements for the construction of the distillery. Upon completion of the building and after the still and other appliances and apparatus have been set up, he must file two fresh copies of the plans before the Collector who shall cause them to be verified in any manner he thinks proper, and then submit one copy of the Excise Commissioner for examination and for comparison with the plans first submitted, and for any further verification he may think necessary. After final approval by the Excise Commissioner, a licence will be granted by him to the applicant in the prescribed form in Excise Manual Volume III. The applicant shall be bound to conform to the orders of the Excise Commissioner regarding any addition or alteration to the buildings, stills, vats or other permanent apparatus or plant which he considers necessary whether before or after the final plans are submitted, for the proper security of the revenue or to render illicit practices impracticable.

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- e. Additions or alterations to buildings, stills, etc. require previous sanctions of Excise Commissioner. No addition or alteration to the buildings, stills or other permanent apparatus as shown in the plans finally submitted by the applicant shall be made without the previous sanction of the Excise Commissioner obtained through the Officer-in-charge and the Collector. If the Excise Commissioner so directs, such additions or alterations may be permitted by the Collector subject to the Excise Commissioner's approval. When any such additions or alterations are made, fresh plans must be submitted to the Excise Commissioner through the Collector with a certificate from the officer-in-charge that they are correct. If the Excise Commissioner so directs the Officer-in-charge of the distillery may, with the permission of the Collector, allow minor alterations to be made to such buildings or stills and other permanent apparatus subject to subsequent approval of the Excise Commissioner.
- f. Excise Commissioner may at any time verify description and plans. It will be open to the Excise Commissioner to verify at any time of the descriptions and plans above mentioned and on proof or error, to require fresh ones to be submitted for sanction. Such verification may be made by any officer deputed for the purpose, and such officer shall be allowed full access to the premises. Sanction to the plans may be withheld until any point in respect of which they differ from plans already sectioned has been rectified to the satisfaction of the Excise Commissioner.

The distiller shall be bound to carry out such rectification within a reasonable time to be fixed by the Excise Commissioner.

**501. Payment of licence fee and security deposit and execution of bond:**

Before the licence to work the distillery is granted by the Excise Commissioner, the distiller shall be required to pay in advance licence fees and the security for the due observance

of the conditions of the licence under Rule 500 (c) and shall, execute a bond in the prescribed form pledging the premises, stills and all apparatus and utensils employed in the manufacture of spirit, for the due discharge of all payments which may become due to the

State Government by way of duty, fees, rents, fines, penalties or otherwise under the provisions of his licence or to which the distillery may be liable by law or rules or under any engagement or bond into which he may have entered.

In lieu of executing such a bond the distiller may deposit such amount as the State

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Government may direct. The applicant shall require to pay a license fee as prescribed in rule 19(III) of these Rules.

#### **502. Period for which a licence may be granted or renewed:**

The licence for a distillery may be granted for any number of years not exceeding 10, as the State Government may decide in each case, subject to annual renewal on satisfactory performance. If the work of the licensee is proved satisfactory throughout the period the licence may be extended beyond 10 years at the discretion of the State Government for a further period not exceeding same number of years on such terms and conditions as may than be decided upon.

#### **503. Establishments and their cost:**

The State Government or Commissioner of Excise shall appoint such officer and establishment respectively as they think fit to the charge of a distillery. The distiller shall pay to the State Government at the end of each calendar month such establishment charges as may be determined from time to time by the Excise Commissioner. The cost of establishment shall include pay as well as leave salaries and pension contribution etc.

#### **504. Quarters for establishment and office-furniture:**

The distiller shall provide suitable rent-free quarters, to the satisfaction of the Excise Commissioner, for the officer-in charge and other establishment, in close proximity to the distillery, and shall keep the same and appurtenances thereto in proper repair. He shall also supply such office with such furniture as may be required for the use of the officers within the distillery.

#### **505. Distiller to give notice of commencement and closure of working:**

Every proprietor or manager of a licensed distillery must give at least fifteen days' notice in writing to the Collector of the date on which he proposes to commence working the distillery, and at least one month's notice before he ceases to work it.

#### **506. Power to withdraw establishment:**

In case a distiller ceases distilling or issuing spirits for a period exceeding one month, the State Government or Excise Commissioner may withdraw the establishment stationed at the distillery and may prohibit all further distillation and issue of spirits until the distiller has given him fifteen days' notice in writing of the date on which he proposes to recommence distilling or issuing spirits, as the case may be.