

FORM-'A'

NOTICE INVITING APPLICATIONS FOR SETTLEMENT OF IMFL "OFF" SHOPS THROUGH LOTTERY
FOR THE REMAINING PERIOD OF THE YEAR 2018-19

[See clause (ii)]

1. The Consideration money for exercising the exclusive privilege for retail sale of India Made Foreign Liquor (OFF) in the district of Rayagada will be determined through "inviting applications on fixed Consideration Money and by draw of lottery" in accordance with the order issued under Section 45 of Odisha Excise Act, 2008 as for the time being in force and applicable on 23.08.2018 at 11.00AM in the conference hall of Collectorate, Rayagada (Place).
2. The exclusive privilege to be so granted will confer the right to open a shop in the locality named in the list. The list of the localities where the shops are sought to be opened with their monthly Consideration Money is annexed herewith.
3. The exclusive privilege shall, without prejudice to any of the provisions of the Act and the rules made there under shall be subject to the following conditions:-
 - (i) The Consideration Money shall payable in the manner specified in the Odisha Excise Rule-2017 as amended from time to time.
 - (ii) The currency of the license will commence **on the day of grant of license** on which date the holder of the license is to open the shop for retail sale of India Made Foreign liquor failure to open the shop as stipulated herein will entail cancellation of license and recovery of any loss caused to Government, except in case of delay in granting the license or where any shop is closed under Section 26 of the Act.
 - (iii) No compensation shall be paid to the holder of an exclusive privilege for retail sale of India Made Foreign liquor for closure of his shop on 2nd day of October every year on account of "Gandhi Jayanti" and also for closure during General Election/bye Election to Parliament (Lok Sabha)/ State Assembly as per direction of the Election Commission of India and in conformity with the direction of the State Election Commission during the election to Gram Panchyat/ Panchyat Samiti/ Zilla Parishad and Urban Local bodies.
 - (iv) The holder of 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 expiration of its term under the provision of Sec-47 of the aforesaid Act.
 - (v) A shop once start operating in its sanctioned locality shall no ordinarily be removed. 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 Act and of the rules and order made there under.
 - (vii) The State Govt. will 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. The place so arranged shall be free from objections from the public.
 - (viii) The exclusive privilege once granted shall continue for a period of three years including the year of grant, unless and otherwise directed by the Government. The exclusive privilege holder shall renew his license on terms and conditions generally prescribed for all by the State Government for year to year till completion of three years. Willful omission to renew the license for a shop or group of shops in terms and conditions generally prescribed for all will not allow the exclusive privilege holder or his family members or his associates to take part in subsequent settlement of the shop or any other shops till completion of three years including the year of grant.

(ix) No license shall be granted to any person who is of doubtful solvency or who is known to be involved in spurious liquor trade, or who has been facing a trail in any criminal Court under the Act or who has been charged of a non-bail able offence under the provisions of Indian Penal Code, 1860 (Act no.XLV of 1860) or who is a defaulter in terms of *Rule-35 of the Odisha Excise Rules-2017*.

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

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

(a) The person(s) intending to take part in the lottery shall submit application(s) to the Collector in the format prescribed herewith.

(b) The application as in Form-B shall be accompanied with the up to date Solvency Certificate, upto date Sales-Tax, Income-Tax Clearance or Non-Assessment Certificate, as the case may be copy of Permanent Account No (PAN) card, Excise No dues Certificate and a Bank draft of **Rs.1,00,000/- (Rupees One lakh)** only towards non-refundable application fee drawn in favor of the Collector concerned besides the requisite court fee of the value as prescribed under the Indian Stamp Act-1899.

(c) The applicant shall also enclose a copy of voter's identity card or in the absence of the same a copy of recent passport size photograph.

(d) An affidavit duly executed by the applicant before an Executive Magistrate to the effect that the applicant has not been convicted in any Criminal case or being tried in any Court or competent jurisdiction shall also be enclosed to the application.

(e) A Bank draft equal to three months consideration money as notified herewith in the list of shops shall be submitted by the applicant along with other documents as aforesaid. The Bank draft of the winner of lottery shall be adjusted towards the advance for the shop payable by the applicant and in all other cases, the same will be returned/released after the lottery is over.

(f) The amount offered shall be in terms of monthly consideration money and shall not be less or more than the monthly consideration money declared in the notice.

(g) The application shall be filled by the intending applicants on or before on 10-08-2018 (date) by 5:00 P.M. (time) in the office of the District Excise Office, Rayagada and no application shall be entertained thereafter.

(h) Prior to one day before the date of drawl of lottery, the list of persons whose applications qualify for consideration in the lottery shall be notified in the District Excise Office Notice Board.

(i) At least after two days of the last day fixed for filing of applications, the lottery will be drawn by the Collector, who shall declare the name (s) of the winner(s) of lottery, if there is but only one application for any shop or group of shops, the Collector shall declare the name of such applicant to be the winner of the lottery. The applicant(s) or their authorized agents may remain present at the time of the drawl of lottery.

(j) After the declaration of lottery, the applicant shall be required to put his signature in the Register of Settlement, Register of Undertaking to lift the monthly Minimum Guaranteed Quantity (M.G.Q.) as determined for the shop on the basis of the monthly Consideration money which is now 7.0 lpl of IMFL and 10.0 BL of Beer per hundred of Consideration Money. The ratio for fixation of M.G.Q. may undergo any change, as may be decided by the Govt. from time to time.

(k) The winner of the lottery will be issued with a license for the shop or group of shops, as the case may be, on payment of Consideration money for the period of the month in which the license is granted. The advance for three months tendered by him in shape of Bank Draft shall be adjusted for the last three months of the period of grant.

(l) If the applicant after being successful in the lottery declines or refuses or willfully omits to take license on some plea or other, the amount tendered by him through Bank Draft shall be forfeited to the State Government and he shall be further liable for any loss that may accrue to the Government on account of delay in settlement of the shop or group of shops. He or his family members or his associates will not be permitted to take part in the settlement of that shop/group of shops or any shop for three years including the year of his default.

(m) If no application is received, the Collector may notify another date for filing of applications. So also, if the last date for filing application or the date fixed for drawl of lottery is declared as a holiday for any special reason or for any unavoidable contingency, the Collector shall reserve the right to defer the date to some other suitable date by issuing notice to the effect. Such lottery will be held subject to terms and conditions as notified herewith.

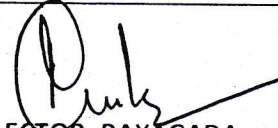
(n) The decision of the Excise Commissioner relating to any dispute on account of lottery in the District level shall be final which shall be binding on all the applicants to the lottery.

LIST OF IMFL "OFF" SHOPS TO BE SETTLED BY WAY OF LOTTERY SYSTEM IN THE DISTRICT OF RAYAGADA FOR THE REMAINING PERIOD OF THE YEAR 2018-2019.

Sl. No.	Name of the shop	Proposed location	Upset Price/ Reserve Price
1.	IMFL "OFF" Shop No-IX, Rayagada	Ward No-18 Rayagada Municipality	Rs.60,000/-

Place: Rayagada

Date:


COLLECTOR: RAYAGADA

DISTRICT EXCISE OFFICE: RAYAGADA

Memo No 643 /Ex.,

Dated 01/08/2018

Copy to all Charge and Range officers of this district for information and necessary action. They are directed to circulate the notice widely in respect of their Charge and Range areas. They may also affix the same in the conspicuous places of that locality where the shop(s) are to be settled for easy and well aware of the general public. They are directed to take effective steps to arrange good number of applicants for successful settlement of the above shops.

Copy forwarded to the District Informatics Officer (NIC), Rayagada for publication in the district Portal.

Copy forwarded to DIPRO, Rayagada for information and wide publicity.

Copy forwarded to all Collectors/ Superintendents of Excise of the state for information and necessary action.

Copy forwarded to all Deputy Excise Commissioners of the state for information and necessary action.

Copy forwarded to Sub-Collector, Rayagada/ Gunupur for information and necessary action.

Copy to the Notice Board, Collectorate, Rayagada/ District Excise Office, Rayagada for information of the general public.


COLLECTOR: RAYAGADA

FORM-B
APPLICATION FOR GRANT OF LICENCE OF INDIA MADE FOREIGN
LIQUOR "OFF" SHOP/SHOPS THROUGH LOTTERY SYSTEM

[See Clause (iv)]

1. Name of the applicant with father's name : 1
2. Permanent Address in full :
3. Present Postal Address :
4. Shop/Group of shops for which application is made :
5. Locality of the shop
(of each shop in case of group of shops is sought to be opened) :
6. Solvency Amount (Solvency Certificate No & Date, issuing Authority)
(Original Certificate be enclosed) :
7. Sales-Tax Clearance/Non-assessment Certificate.
No & Date, issuing Authority)
(Attested copy to be enclosed) :
8. Income-Tax Clearance Certificate or PAN card No
(Attested copy to be enclosed) :
9. Excise No dues Certificate
(Original Certificate be enclosed) :
10. Monthly Consideration of the shop(s) :
11. Affidavit executed before the Executive Magistrate. (in Original) :
12. Original Bank Draft/ Treasury challan showing deposit of Rs.75,900/- towards Application fee :
13. Bank Draft/Banker's Cheque in Original showing deposit of three months C.Money:
(a) Amount :
(b) Name of the Bank :
(c) Bank Draft/Banker's Cheque No & Date:

14. Declaration:-

- (i) Certified that, the information furnished above are true to the best of my knowledge and belief.
- (ii) Certified that, I shall abide by all the conditions of license, Excise Act and Rule, notification, orders issued and which may issue in future, if the license is granted in my favor.