

**{84} THE MAHARASHTRA DRAUGHT BEER
(RETAIL SALE) REGULATIONS 1995**

The commissioner of prohibition and Excise Maharashtra State Mumbai's Notification No. FLR 1194/18904/504/VII, Date 26th October 1995. (M. G Pt. IV-C-Extra-ord P. 50)

In exercise of the powers conferred by clause (a) of sub-section (1) of section 144 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Commissioner of Prohibition and Excise, Maharashtra State, Mumbai hereby makes the following regulation to regulate the retail sale of Draught Beer in the State of Maharashtra, namely :—

1. *Short title.* —These regulation may be called the Maharashtra Draught Beer (Retail Sale) Rcgulations. 1995.

2. *Definitions.* —In these regulations unless context requires otherwise —

(i) 'Draught Beer' means unpasteurised Beer packed in sealed casks or kegs ;

(ii) 'Licensee' means a person holding a licence, in Form 'E' for sale of mild liquor prescribed under rule 5 of the Special Permits and Licences Rules, 1952; or in Form FL-III or FL-IV prescribed under rules 45 and 48 respectively, of the Bombay Foreign Liquor Rules, 1953.

3. *Retail Sale of Draught Beer.*—A licensee may sell Draught Beer, obtained from a person holding a .licence in form FL-I prescribed under rule 5 of the Bombay Foreign Liquor Rules, 1953, to his customers provided he installs a compact Draught Beer dispensing unit connected with carbon di-oxide cylinder, cooling unit and dispenser, approved by the Superintendent of State Excise of the district in which his licence is located.

**{85} THE MAHARASHTRA FOREIGN LIQUOR (STORAGE IN BOND)
RULES, 1964**

G. N., H. D., FLR. 11062/22788-III, dated 11 th September 1964

(M. G., Pt. IV-B., P. 1321)

1. *Amended by G. N. H. D., No. FLR. 1062/22788-III, dated 19th August 1969* (M. G. Pt. IV-B. p. 1264).

2. *Amended by G. N. H. D., No. SLC. 1069/73669-III, dated 21st March 1972* (M. G. Pt. IV-B. p. 452).

3. *Amended by Corrig. H. D., No. SLC. 1069/73669-III. dated 21st March 1972* (M. G. Pt. IV-B. p. 453).

4. *Amended by G. N. H. D., No. FLR. 1073/III. A dated 27th March 1973* (M. G. Pt. IV-B. p. 623).

5. *Amended by G. N. H. D., BPA-.1088/III, PRO- 2, dated 16 th March 1988* (M. G. Pt. IV-B. p. 268).

6. *Amended by G. N. H. D., No. FLR. 0473/I-III, dated 12th July 1975* (M. G. Pt. IV-B. p. 896).

7. *Amended by G. N. H. D., No. BPA. 2079/247-III-PRO-6, dated 24th March 1979* (M. G. Pt. IV-B. p. 733).

8. *Amended by G. N. H. D., No. FLR. 1079/4813/A-79/PRO-2, dated 13th September 1979* (M. G., Pt. IV-B. p. 1672).

9. *Amended by G. N. H. D., No. FLR. 1979/11570-B/PRO-2, dated 28th September 1979* (M. G. Pt. IV-B. p. 1693).

10. Amended by G. N. H. D., No. BPA. 1081/21-(III) PRO-2, dated 6th November, 1981 (M. G. Pt. IV-B. p. 1937).

In exercise of the powers conferred by sub-section (1) and clause (b), (f), (2) and (3) of sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and of all other powers enabling it in this behalf, and in supersession of the Rules of published in Government Notification, Revenue Department, No. FLR. 1358/53169, dated the 30th April, 1959, the Government of Maharashtra hereby makes the following Rules, the same having been previously published as required by sub-section (3) of the section, 143, namely ;

Preliminary

1. *Short title*—These rules may be called the Maharashtra Foreign Liquor (Storage in Bond) Rules, 1964.

2. *Definitions*—In these Rules unless the context requires otherwise.—

(1) “Act” means the Bombay Prohibition Act, 1949 ;

(2) “bonded warehouse” means a place in respect of which a licence for the storage of foreign liquor without payment of duty is granted under these Rules;

(3) “Excise supervision” means the supervision of foreign liquor in relation to its receipt, issues, transport and storage in bond by member of the staff of the Prohibition and Excise Department appointed in that behalf by the Commissioner.

(4) “Foreign liquor” means potable foreign liquor of the following kinds, namely ;

(i) spirits,

(ii) wines, and

(iii) fermented liquors.

(5) “Form” means a form appended to these Rules ;

(6) “Licence” means a licence granted under rule 4 ;

(7) “licensee” means a person holding licence under these Rules ;

(8) “officer-in-charge” means an officer of the Prohibition and Excise Department appointed for the purpose of supervising the operations at a bonded warehouse;

(9) “to store foreign liquor in bond” with its grammatical variations means to store, deposit or keep foreign liquor in a bonded warehouse without payment of excise duty or countervailing duty or other fees payable thereon.

3. *Application for licence*.—(1) Any person desiring to store foreign liquor in bond shall make an application for a licence in that behalf to the Commissioner through the Collector. The application shall ¹[be accompanied by a challan evidencing payment of a fee of, five hundred rupees for such application and shall contain the following particulars, namely :—

(a) Name and address of the applicant (in case of a firm or company; the names and addresses of partners or Directors) ;

(b) Name and address of the place where foreign liquor is to be stored in bond together with the description and the correct plan of the building or rooms to be used as a bonded warehouse in triplicate ;

1. Ins by G. N. of 16-3-1988.

(c) The maximum quantity of each kind of foreign liquor required to be stored in bond at any one time ;

(d) Date from which the applicant desires to store in bond foreign liquor.

(e) Whether the applicant is prepared to deposit the amount of security provided in sub-rules (2) of rule 4 as guarantee for the observance of the provisions of the Act, and the rules, regulations and orders made thereunder :

(f) Whether the applicant holds a Trade and Import licence under the Bombay Foreign Liquor Rules, 1953.

(2) The applicant shall give an undertaking to the effect that he shall abide by the provisions of the Act and the rules, regulations and orders made thereunder and the conditions of the licence and shall execute a bond in "Form B. W. A." for the payment of duty.

4. Grant of licence.— (1) on receipt of the application under rule 3, the Collector shall verify the particulars given therein and satisfy himself that the building or rooms of the bonded warehouse conform to the requirements of regulation 3 of the Maharashtra Foreign Liquor (Storage and Supply) Regulations, 1964. He may make such inquiries as he deems necessary ¹[in respect of *bona fides* of the applicant, whether the applicant is a fit person to hold the licence and is likely to abide by the provisions of the Bombay Prohibition Act, 1949 and the rules and orders issued thereunder] and if he sees no objection to permitting the applicant to store in bond foreign liquor at the place specified in the application, he shall forward the application to the Commissioner with his recommendation.

(2) ²[If, on receipt of the application under sub-rule (1) the Commissioner is satisfied that the proper enquiries have been instituted by the Collector in respect of the request of the applicant and the applicant is fit person to hold the licence applied for] he may, with the previous sanction of the State Government, grant the applicant a licence in Form B. W. 1 on payment of ³[a fee (inclusive of consideration) of Rs. 50,000] and of security deposit of Rs. 10,000.

(3) No licence under sub-rule (2) shall be granted for a period beyond 31st of March next following the date of the commencement of the licence.

⁴[4-A *Procedure for grant of licence for subsequent periods* : Where any licensee desires to continue to store foreign liquor in bond after the date of expiry of his licence and makes an applicant mentioned in rule 3 ⁵[accompanied by a challan evidencing payment of the application fee of Rs. 25] at least thirty days before such date the provision of rule 4 shall *mutatis mutandis* apply to the grant of the licence with this modification that unless the state Government directs otherwise, it shall not be necessary for the commissioner to obtain the previous sanction of the State Government].

5. Procedure after grant of licence.— The Commissioner shall retain the originals of the description and plan referred to in rule 3, forward the duplicate thereof to the officer-in charge through the Collector and return the triplicate to the licensee.

6. Transactions to be under excise supervision.— All transactions pertaining to the receipt, transport, storage in bond and issues of foreign liquor shall be under excise supervision and in accordance with the provisions of the Maharashtra Foreign Liquor (Storage and Supply) Regulations, 1964.

1. Ins by G. N. of 19-8-1969.

2. Subs. *ibid*.

3. Subs. by G. N. of 16-3-1988.

4. Ins. by G. N. of 27-3-1973.

5. Ins. by G. N. of 16-3-1988.

Provided that except with the permission of the Collector the licensee shall not carry out any such transactions ¹[on Sunday] and public holidays notified under section 25 of the Negotiable Instruments Act, 1881.

7. *Appointment of staff.*— The Commissioner may appoint such staff at the bonded warehouse for excise supervision as he deems necessary and the cost of such staff shall be paid to the State Government by the licensee as provided by an order under section 58-A of the Act.

8. *Licensee to maintain accounts.*— The licensee shall maintain from day to day correct and true accounts of foreign liquor received in, issued from and held in balance at, the bonded warehouse. The accounts shall be maintained in a Register in Form B. W. R.

Form “B. W. A.”

[See rule 3 (2)]

Form of bond to be executed by the licensee of foreign liquor bonded warehouse

(Delete the letters and words not applicable)

KNOW ALL MEN BY these presents that I/we of [hereinafter called the obliger (s)] ^{am} held and firmly bound to the Governor of
are jointly and severally

Maharashtra (hereafter called “the Government”) in the sum of Rupees to be paid to the Government for which payment well and truly to be made..... bind
we jointly and severally

myself/ourselves and my/our heirs, executors and administrators by these presents.

WHEREAS the above bounded obliger(s) having applied to the Commissioner of Prohibition and Excise, Bombay for and obtained a licence for the storage in bond of foreign liquor at the licence being entered in the records of the Commissioner of Prohibition and Excise, Bombay (hereinafter called “the Commissioner”) as licence No., dated

AND WHEREAS the Commissioner has required the obliger(s) to deposit the amount of this bond, in cash the Securities as hereinafter mentioned of a total face value of rupees entered in the Commissioner’s favour, namely And whereas the obliger(s) has/have deposited with the Commissioner the cash/securities as a aforementioned.

Now the condition of this Bond is that if the obliger (s) shall observe all the provisions of the Maharashtra Foreign Liquor (Storage in Bond) Rules, 1964 (hereinafter referred to as the said rules) and in particular shall deposit all foreign liquor brought into the bonded warehouse in a store room or other place of storage approved by the Commissioner (hereinafter referred to as “licensed premises”) and shall not remove or issue from the licensed premises, before the proper duty and fee have been paid, any foreign liquor except as provided for in the said Rules.

And if the obliger (s) pays/pay into the Government treasury all dues whether by way of excise duty or countervailing duty of fees payable by the obliger (s) under the provisions of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder.

1. Subs. by G. N. of 28-9-1979.

This obligation shall be void but otherwise and on breach in the performance of any part of this condition, the same shall be in full force.

And, it is hereby agreed and declared that the Government shall, at its option be competent to appropriate the said amount of security deposit in satisfaction of any claim for loss or damage or to recover the amount of such claim a revenue demand and to otherwise enforce its rights under the above written bond in any other manner.

I/We declare that this bond is given under the provisions of the said rules for the performance of an act in which the public are interested.

Place

Date

Signature(s) of the obliger(s)

Address (1)

Occupation

Address (2)

Occupation

Witness (1)

(2)

Accepted by me this day of 20

Commissioner of Prohibition and Excise, Bombay
on behalf of the Governor of Maharashtra.

Form "B. W. 1"

[See rule (4)2]

Licence No.

Licence authorising storage in bond of foreign liquor

Licence is hereby granted under the subject to the provisions of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and the rules, regulations and orders made thereunder to of, (hereinafter referred to as "the licensee") authorising him to store in bond foreign liquor at in the district of (hereinafter called "the licensed premises") during the period commencing on and ending on (both days inclusive), subject to the following conditions, namely:

Conditions

1. The licensee shall pay into the Government Treasury a sum of ²[(50,000 as licence fee)] ¹[(inclusive of consideration)] and a sum of Rs. 10,000 as deposit.

2. This licence extends to the storage in bond of foreign liquor not exceeding *litres/ millilitres in the aggregate at any one time.

* To be filled in while granting licence.

1. Subs. by G. N. of 6-11-1987.

2. Subs. by G. N. of 16-3-1988.

3. The licensee shall pay to the State Government, in advance, at the beginning of each quarter commencing from the date of the licence, such cost of the staff appointed at the licensed premises for the purpose of excise supervision as may be fixed by the Commissioner from time to time.

4. (1) If the licensee desires to discontinue the bonded warehouse he shall give one month's previous notice in that behalf to the Commissioner.

(2) If the licensee fails to give such notice he shall be liable to pay the cost of the excise staff appointed at the bonded warehouse for excise supervision until it is withdrawn.

5. The expenses in respect of excise escort provided for the receipt or removal of foreign liquor shall be paid by the licensee to the State Government.

6. The licensee shall carry on the business at his licensed premises either personally or by an agent or servant duly authorised by him in this behalf by a written *nokarnama* signed by himself and countersigned by a Prohibition and Excise Officer not lower in rank than a Prohibition and Excise Sub-Inspector, provided that any such *nokarnama* signed by the licensee shall also be valid unless and until countersignature is refused. If for any reason, the Collector orders the withdrawal of any *nokarnama* issued by the licensee, the *nokarnama* shall be forthwith withdrawn. For every *nokarnama* issued by him, the licensee shall pay such fee as may from time to time be prescribed for this privilege by rules made under the Act.

No *nokarnama* shall be issued to any person under 21 years of age, and no such *nokarnama* if issued, shall be valid.

7. (1) The licensee shall keep in the licensed premises a true and correct account of the quantity of foreign liquor received issued and held in balance at such premises. The account shall be plainly and correctly written up-to-date daily in a bound book, paged and sealed with the Collector's seal and with it shall be kept the passes and counterfoils of the passes covering the receipts and issue of foreign liquor. The account register and passes shall, at all times, be open to inspection by the Commissioner, the Collector, the Superintendent of Prohibition and Excise, Prohibition and Excise Inspector or any other officer deputed by the Commissioner, the Collector or the Superintendent of Prohibition and Excise to inspect them.

(2) The licensee shall furnish to the Officer-in-charge on or before the 7th day of each month a statement showing the quantity of foreign liquor received at, and issued from, his licensed premises during the preceding month and also the quantity of foreign liquor held in balance at the end of the preceding month and shall furnish such other information as the Collector or the Superintendent of Prohibition and Excise or the Office-in-charge may from time to time require.

8. The licensee shall keep a Visit Book at the licensed premises for the use of the inspecting officers. This book shall be paged and sealed with the seal of the Collector.

9. Without the permission of the Commissioner, the licensee shall not sell, transfer or sub-let the privilege of storing in bond foreign liquor granted to him by this license, nor shall be in connection with the exercise of the said right enter into any agreement or arrangement which in the opinion of the Commissioner is of a nature of a sub-lease. No person will be recognised as the partner of the licensee for the purpose of this licence, unless the partnership has been declared to the Commissioner before the licence is granted and the names of the partners have been entered jointly in the licence or if the partnership is entered into after granting of the licence, unless the Commissioner agrees, on application made to him, to alter the licence and to add the name of partner in the licence.

¹[10. No foreign liquor shall be removed by the licensee from the licensed premises for consumption within the State, except with previous permission of the Collector, in writing and on payment, of excise duty and fees, and under a pass granted under the Maharashtra Foreign Liquor (Storage and Supply) Regulations, 1964].

²[Provided that, foreign liquor may be removed in bond by the licensee from his licensed premises for supply to another licensee holding a B. W. I licence in the State, under a pass granted by the Collector under the Maharashtra Foreign Liquor (Storage and Supply) Regulations, 1964.]

11. The licensee shall abide by the conditions of this licence and the provisions of the Bombay Prohibition Act, 1949, and the rules, regulations and orders made thereunder.

12. The licensee shall obey all lawful orders issued from time to time by the Commissioner, the Collector or the Superintendent of Prohibition and Excise.

13. The licensee, his heirs, legal representatives or assignees shall have no claim whatsoever to the continuance ³* of this licence after the expiry of the period for which it is granted. It shall be entirely within the discretion of the Commissioner to permit or not the assignee of the licensee, in case of sale or transfer, or the heir or legal representative of the licensee, in case of death, to have the benefit of the licence for the unexpired portion of the term for which it is granted.

14. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the Bombay Prohibition Act, 1949.

15. In case this licence is cancelled during the currency of the licence period ⁴[or no fresh licence is granted] ³* on its expiry, the licensee shall forthwith surrender the whole stock of foreign liquor held in balance at the licensed premises to the officer-in-charge for disposal.

Granted this

day of

19

Seal

Commissioner of Prohibition and Excise.

1 Subs. by G. N. of 19-8-1969.

2 Added by G. N. of 12-7-1973.

3 Deleted by G. N. of 19-8-1969.

4 Ins. by G. N. of 21-3-1972.

FORM B. W. R.

(See rule 8)

**Register of accounts of foreign liquor stored in bond, issued and held in balance at the bonded warehouse
of for month of 19**

Date	Pass Number	Received			Issued		
		Spirits Litres ML	Wines Litres ML	Fermented liquors Litres ML	Spirits Litres ML	Wines Litres ML	Fermented liquors Litres ML
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Balance of the month	..						
1.	..						
2.	..						
3.	..						
4.	..						
Upto 31st	..						
Total receive	..						
Opening balance	..						
Grand total	..						
<i>less</i> sold	..						
Closing balance	..						

Losses					Remarks
Spiritis Liters ML	Wines Litres ML	Fermented liquors Litres ML	Spiritis Litres ML	Wines Litres ML	
(9)	(10)	(11)	(12)	(13)	(14)
					(15)
					(16)

N. B. — No erasure are allowed. All corrections should be in red ink.

{86} G.O.H.D. No. BPA/1089/VI/PRO-2, DATED 17th FEBRUARY, 1989**(M. G. PT. IV - B. P. 268)**

Amended by G.O.H.D. No. BPA. 1089/VI/PRO-2, dated 29-6-1989 (Mt. Pt. IV-B. Pt. 869)

In exercise of the powers conferred by clause (a) of sub-section (1) of section 139 of the Bombay Prohibition Act, 1949 (BOM. XXV of 1949), the Government of Maharashtra, hereby with effect from the date of publication of this Order in the *Official Gazette*, prohibits the grant, renewal or regrant of licences in Form' B.W-1 granted under the Maharashtra Foreign Liquor (Storage in Bond) Rules, 1964, for authorising storage in bond of foreign liquor, throughout the State :

Provided that, nothing contained in this Order shall affect the grant, renewal or regrant of any licence of such kind to the Canteen Stores Department (India) for supplies of Indian Made Foreign Liquor to the defence services :

Provided further that, for the limited purpose of disposal of existing bonded stocks of Indian Made Foreign Liquor, the licence may be renewed beyond 1st April, 1989. ¹[for a minimum period of one quarter at a time subject to a maximum of two quarters] on recovery of proportional licence fee. No imports of Indian made Foreign Liquor Shall be allowed during the extended period of the licence.

**{87} THE MAHARASHTRA FOREIGN LIQUOR (STORAGE AND SUPPLY)
REGULATIONS, 1964**

The Commissioner of Prohibition and Excise, Bombay's Notification No. FLR. 1064/25358 (DQ-II), dated 26th September, 1964 (M. G. Pt. IV-C. p. 1176)

In exercise of the powers conferred by clauses (a) and (b) of sub-section 144 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of the Bombay Foreign Liquor (Storage in Bond) Regulations, 1959, the Commissioner of Prohibition and Excise makes the following regulation, namely :

1. *Short title.*—These regulation may be called the Maharashtra Foreign Liquor (Storage and Supply) Regulations, 1964 :
2. *Definitions.*— In these regulations, unless the context requires otherwise—
 - (1) "The Act" means the Bombay Prohibition Act, 1949.
 - (2) "bonded warehouse" means a place for which licence for the storage of foreign liquor without payment of duty is granted under these regulation;
 - (3) "foreign liquor" means potable foreign liquor of the following kinds, namely;—
 - (i) Spirits,
 - (ii) Wines, and
 - (iii) fermented liquors.
 - (4) "Licensee" means a person holding a licence in form B. W. I. under the Maharashtra Foreign liquor (Storage in Bond) Rules, 1964 :
 - (5) "Officer-in Charge" means an Officer of the Prohibition and Excise Department appointed for the purpose of supervising the operations at a bonded warehouse :
 - (6) "to store foreign liquor in bond" with its grammatical variation, means to store, deposit or keep foreign liquor in a bonded warehouse without payment of excise duty of countervailing duty or other fees payable thereon.

¹ Subs, by G. O. of 29-6-1989.

3. *Construction of bounded warehouse.*—The building or rooms of the bonded warehouse shall be strongly constructed of masonry or brickwork. The windows of the building or room shall be fitted with malleable iron bars, not less than 19 millimetres in thickness, set not more than 102 millimetres apart, and fixed in the masonry or brickwork to a depth of at least 51 millimetres at each end. On the inside of each window there shall be securely fastened to the bars a stout wire netting, the apertures in which shall not exceed 25 millimetres in diameter. There shall be only one entrance to the building or main room of the warehouse and to each store room, respectively which must open into the warehouse enclosure, and the door of each shall be secured by an Excise ticket lock :

Provided that the Commissioner may, in special cases, relax any of the requirements laid down in this regulation on such conditions and to such extent as he may specify in that behalf.

4. *Manner in which foreign liquor shall be stored in bonded warehouse.*— The foreign liquor shall not, save with the permission of the Commissioner be stored, deposited or kept in the bonded warehouse, except in full crocked bottles duly sealed or capsuled.

5. *Licensee not to store foreign liquor in excess of permitted quantity.*—The licensee shall not store in the bonded warehouse at any one time, foreign liquor in excess of the quantity permitted by the Commissioner under the licence in form B. W. 1. granted under the Maharashtra Foreign Liquor (Storage in Bond) Rules, 1964.

6. *Foreign Liquor not to be removed except under pass.*— (1) No foreign liquor stored in the bonded warehouse shall be removed therefrom to any other place except under a pass granted in this behalf and unless the duty, if any imposed under the provisions of the Act, has been paid or a bond has been executed for the payment thereof.

(2) If the licensee wants to remove any quantity of foreign liquor from the bonded warehouse, he shall make an application to the Collector through the Officer-in-charge in that behalf.

7. *Receipt or removal of foreign liquor to be under excise escort.*—The receipt of foreign liquor at the bonded warehouse or removal thereof from the bonded warehouse to any other place shall be under such excise escort as the Collector may direct.

8. *Licensee to account for the loss of foreign liquor.*— Any loss in the foreign liquor stored in bond or issued therefrom shall be reported to the Commissioner and if it is not satisfactorily accounted for by the licensee it shall be liable to the excise duty and fees at the full rates payable thereon.

**{88} THE MAHARASHTRA FOREIGN LIQUOR (SALE ON CASH,
REGISTER OF SALES, ETC.) RULES, 1969**

G. N., H. D., No. FLR 1068/5945-III, dated 3rd July, 1969 (M. G., Pt. IV-B. P. 848)

1. Amended by G. N., H. D., No. FLR. 1670-III, dated 6th January, 1970 (M. G. Pt. IV-B. p. 85).
2. Amended by G. N. H., DNo. FLR 1068/5945 - III, dated 6th June, 1970 (M. G., Pt. IV-B. p. 861).
3. Amended by G. N. H., D.No. FLR 2170/W - 105-III, dated 23rd March, 1971 (M. G., Pt. IV-B. P. 477).
4. Amended by G. N., H. D., No. FLR. 3171/34143 - III, dated 17th July, 1971 (M. G., Pt. IV-B. P. 990).
5. Amended by G. N. H. D., No. SLC. 1069/73669 - III, dated 21st March, 1972 (M. G., Pt. IV - B. p. 451).