

{168} THE MAHARASHTRA THROUGH TRANSPORT RULES, 1997

1. G. N., H. D., No. FLR 1360/17760-III, dated 12th January 1962
2. Amended by G. N., H. D., No. BPA. 1262/48190-III, dated 24th December 1963 (M. G., 1964 Pt. IV-B., p. 9)
3. Superceded by G. N., H. D., No. BPA 1096/22-EXC-3, dated 15th February 1997 (M. G., 1997 Pt. IV-p-149-155)

Whereas, the Government of Maharashtra, considers that the following rules should be brought into force at once and, therefore the rules should be made without previous publication under proviso to sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) (hereinafter referred to as "the said Act") ;

Now, therefore, in exercise of the powers conferred by section 29 and clause (tl) of sub-section (2) read with the proviso to sub-section (3) of section 143 of the said Act and of all other powers enabling it in that behalf and in supersession of the Maharashtra Through Transport Rules, 1962, the Government of Maharashtra hereby makes the following rules, namely :—

1. *Short title.*—These Rules may be called the Maharashtra Through Transport Rules, 1997.

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

(a) "article" means any intoxicant, hemp denatured spirituous preparations, mhowra flowers or molasses ;

(b) "Form" means the form appended to these rules ;

(c) "pass for through transport" means pass granted under these rules ;

(d) "through transport" means the transport of an article from a place outside the State to any other place outside it through the intervening territory of the State, whether by way of consignment or otherwise than by way of consignment ;

(e) "Superintendent of the district" means the Superintendent of the State Excise of a District, and includes any other officer specially empowered in that behalf by the State Government.

3. *Pass for through transport.*—No through transport of any article shall be allowed except under a pass in Form 'TTP' appended to these rules issued by the Superintendent of the District in which the article first enters :

Provided that nothing in this rule shall apply to,—

(i) any article which is booked by any Railway administration as Railway parcel or as goods or as registered baggage from any Railway Station outside the State to any other Railway Station outside it;

(ii) any article mentioned in section 24-A of the said Act ; and

(iii) any article transported by a military vehicle which is the property and in the possession of armed forces or transported by a member or a leader or the head of the party or member of the Armed Forces of the Union of India.

4. *Application for pass for the through transport.*—Any person desiring through transport of any article shall apply to the Superintendent of the District in which it first enters. The application shall be accompanied by a fee of rupees one hundred and shall contain the following particulars :—

(1) Name and address of the applicant.

(2) Kind of article transported with quantity with full description thereof.

(3) Name and address of the despatcher with particulars of excise licence held.

(4) Name and address of the receiver with particulars of excise licence held.

(5) Vehicle/Tanker/Truck No. in which it is carried.

(6) Route by which the article is proposed to be transported through the intervening territory of Maharashtra. (Here indicate the places of entry in and exit from the State of Maharashtra with at least two important towns enroute).

The application shall be supported by certified copies of the Import and Export passes or No Objection Certificates issued by the Excise authorities at Importing and Exporting Places.

5. *Grant of pass.*—(1) The Superintendent of the District to whom such application is submitted shall make such enquiries as he deems necessary and if he is satisfied that there is no objection to grant the pass applied for, he may grant a pass in Form TTP.

(2) The pass prescribed under sub-rule (1) above shall be in 4 parts and shall be dealt with as under :—

- Part I .. Shall be retained on the record of the officer granting the pass.
- Part II .. Shall be handed over to the transporter of the article or his duly authorised agent.
- Part III .. Shall be sent by post to the Excise authority of the place of destination of article conveyed.
- Part IV .. Shall be sent to the officer in charge of the check post or the Superintendent of State Excise of the District from which the article leaves the State border

6. *Inspection enroute.*—Every pass shall be produced for inspection on demand by any State Excise Officer or Police Officer during the transport of the article through the State and such officer shall endorse on it the fact of his having verified the particulars in relation to the article.

7. *Consignment not to be broken in transit.*— No consignment, carrying an article under through transport pass, shall be broken in transit.

8. *Through transport under escort.*—The Officer granting the pass for through transport may direct the article(s) to be carried under excise escort, from the boundary of the State where it first enters, to the boundary of the State from where it leaves the State. The cost of excise escort shall be borne by the transporter.

FORM TTP.

(See Rule 3)

PART -I

For record of the officer issuing the pass

No. Dated

1. Name and address of the transporter and his agent, if any.
2. Description of articles to be transported
3. Quantity and strength (if any) of the articles to be transported.
4. Number and description of each vessel, receptacle or package containing the articles.
5. Name and address of the Consignor . . .
6. Name and address of the Consignee . . .
7. Route (here indicate the places of entry in and exit from the State of Maharashtra with at least two important towns enroute).
8. Mode (s) of conveyance used for transport with Vehicle/s No.
9. Date and time at which the validity of pass expires (here state the last date and time by which the article should be out of State's boundary).

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the Maharashtra Through Transport Rules, 1997, made thereunder authorising the transport of the articles mentioned above, subject to the condition that the articles shall not be broken or unloaded in full or part thereof in the State of Maharashtra during its through transport.

SEAL :

PLACE :

Signature and designation of the
officer issuing the pass.

FORM TTP.

(See Rule 3)

PART -II

To be handed over to the transporter

No. Dated

1. Name and address of the transporter and his agent, if any.
2. Description of articles to be transported
3. Quantity and strength (if any) of the articles to be transported.
4. Number and description of each vessel, receptacle or package containing the articles.
5. Name and address of the Consignor . . .
6. Name and address of the Consignee . . .
7. Route (here indicate the places of entry in and exit from the State of Maharashtra with at least two important towns enroute).
8. Mode (s) of conveyance used for transport with Vehicle/s No.
9. Date and time at which the validity of pass expires (here state the last date and time by which the article should be out of State's boundary).

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the Maharashtra Through Transport Rules, 1997, made thereunder authorising the transport of the articles mentioned above, subject to the condition that the articles shall not be broken or unloaded in full or part thereof in the State of Maharashtra during its through transport.

SEAL :

PLACE :

Signature and designation of the
officer issuing the pass.

FORM TTP.

(See Rule 3)

PART -III

**To be forwarded to the excise authority of the place of destination
of the articles conveyed.**

No.

Dated

1. Name and address of the transporter and his agent, if any.
2. Description of articles to be transported
3. Quantity and strength (if any) of the articles to be transported.
4. Number and description of each vessel, receptacle or package containing the articles.
5. Name and address of the Consignor . . .
6. Name and address of the Consignee . . .
7. Route (here indicate the places of entry in and exit from the State of Maharashtra with at least two important towns enroute).
8. Mode (s) of conveyance used for transport with Vehicle/s No.
9. Date and time at which the validity of pass expires (here state the last date and time by which the article should be out of State's boundary).

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the Maharashtra Through Transport Rules, 1997, made thereunder authorising the transport of the articles mentioned above, subject to the condition that the articles shall not be broken or unloaded in full or part thereof in the State of Maharashtra during its through transport.

SEAL :

PLACE :

Signature and designation of the
officer issuing the pass.

FORM TTP

(See Rule 3)

PART-IV

To be sent to the officer in charge of the check post and if there is no check post to the Superintendent of State Excise of the district from which the article leaves the State border.

No.

Dated

1. Name and address of the transporter and his agent, if any.
2. Description of articles to be transported
3. Quantity and strength (if any) of the articles to be transported.
4. Number and description of each vessel, receptacle or package containing the articles.
5. Name and address of the Consignor . . .
6. Name and address of the Consignee . . .
7. Route (here indicate the places of entry in and exit from the State of Maharashtra with at least two important town enroute).
8. Mode (s) of conveyance used for transport with Vehicle/s No.
9. Date and time at which the validity of pass expires (here state the last date and time by which the article should be out of State's boundary).

This pass is granted under and subject to the provisions of the Bombay Prohibition Act, 1949, and the Maharashtra Through Transport Rules, 1997, made thereunder authorising the transport of the articles mentioned above, subject to the condition that the articles shall not be broken or unloaded in full or part thereof in the State of Maharashtra during its through transport.

SEAL :

PLACE :

Signature and designation of the
officer issuing the pass.

{169} G.N., H.D., No. BPA. 1062/11038-III dated 30th April 1962**(M.G., Pt. IV-B. p. 1536)**

In exercise of the powers conferred by clause (d) of sub-section (1) of section 139 of the Bombay Prohibition Act 1949 (Bom. XXV of 1949) and in supersession of Government Order, Revenue Department, No. 10484/45(h), dated the 16th June 1949, the Government of Maharashtra hereby exempts the excisable articles which are transported in accordance with the provisions of the Maharashtra Through Transport Rules, 1962, from the provisions of section 105 of the said Act.

{170} G.N., R.D., No. 10484/45 dated 6th May 1953**(B. G., Pt. IV-B. p. 853)**

In exercise of the powers conferred by clause (d) of sub-section (2) of the section 24 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and in supersession of Government Notification in the Revenue Department No. 10484/45 (b), dated the 16th June, 1949, the Government of Bombay is pleased to exempt advertisements in respect of the following intoxicants from the operation of clause (a) of sub-section (1) of the said section 24, namely :

1. Perfumed spirits ;
2. Flavouring essences containing alcohol except those which are used in the manufacture of potable liquors ;
3. Denatured spirit.

{171} G.O., R.D., No. 10484/45 dated 26th June 1954**(B. G., Pt. IV-B. p. 814)**

1. Amended by-G.O.R.D. No. 2066/51 dated 18th July 1955 (B. G., Pt. IV-B. p. 1453)
2. Amended by G. Corrig. No. HAL 1055 dated 27th September 1955 (B. G., Pt. IV-B. p. 1895)
3. Amended by -G.O., R.D. No. HAL 1056/82598 (a) dated 3rd August 1956 (B. G., Pt. IV-B, p. 932)
4. Amended by-G.O.H.D. No. BPA 1059/55336-III dated 30th November 1961 (M. G., Pt. IV-B, p. 1162)

In exercise of the powers conferred by clause (d) of section 139 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and in supersession of Government Order, Revenue Department No. 10484/45 dated the 1st April 1950, the Government of Bombay is pleased to exempt the intoxicants specified in column 1 of the Schedule hereto annexed from the provisions of the said Act specified against them in column 2 of the said Schedule.