

SCHEDULE

Designation of Officer (1)	Area within which Powers may be exercised (2)	Powers which may be exercised (3)
¹ [II. <i>Prohibition and Excise Department—</i>		
(1) Superintendents of State Excise.	Do.	Power under sections 100 and 101, in cases where the estimated value of the things liable to confiscated under the said section is upto Rs. 25,000.
(2) Divisional Deputy Commissioners of State Excise.	Do.	Power under sections 100 and 101, in cases where the estimated value of the things liable to confiscated under the said section is more than Rs. 25,000 and upto Rs. 1,00,000.
(3) Commissioner of State Excise, Maharashtra State Mumbai.	All Districts in Maharashtra State	Power under sections 100 and 101, in cases where the estimated value of the things liable to confiscated under the said section is mor than Rs. 1,00,000.

CHAPTER XVI

APPEALS AND REVISIONS

{187} THE BOMBAY PROHIBITION (APPEAL) RULES, 1953

G.N.,>R.D. No. 8216/51, dated 19th June 1953 (B.G., Pt. IV-B, p.1304)

In exercise of the powers conferred by section 143, read with section 137, of the Bombay Prohibition Act, 1949 (Bom XXV of 1949), the Government of Bombay is pleased to make the following rules, namely;-

1. *Short title.*—These Rules may be called the Bombay Prohibition (Appeal) Rules, 1953.

2. *Form and contents of appeals.*— (1) Every appeal under section 137 of the Act shall be made in the form of a petition addressed to the authority to whom the appeal lies, and shall be drawn up in concise and intelligible language; and shall bear the signature or mark of the appellant or of his duly authorised agent and shall also bear the court fee stamp of the requisite amount fixed under the Court fees Act, 1870.

(2) The petition of appeal shall contain the following particular :-

(i) the name father's name, occupation and place of residence or address of the appellant;

1. Subs by G. N. of 28-5-2002.

- (ii) the name and address of the writer of the petition;
- (iii) the date of the order appealed against;
- (iv) a brief and precise statement of the facts; and
- (v) the grounds of objection to the order appealed against.

(3) The petition shall be accompanied by the order appealed against in original or an authenticated copy thereof unless the omission to produce such order or its copy, as the case may be, is explained at the time of the presentation of the petition of appeal to the satisfaction of the appellate authority.

3. *Presentation*—The petition of appeal shall either be presented to the appellate authority by the appellant or his agent or be forwarded to such authority by registered post.

4. *Rejection of appeals*.—(1) If the petition of appeal does not comply with the requirements of rules 2 and 3, it may, summarily be rejected:

Provided that no appeal shall be rejected under this sub-rule unless the appellant is given such opportunity, as the appellate authority thinks fit, so as to enable him to comply with the requirements of the said rules.

(2) An appeal may also be rejected on other grounds which shall be reduced to writing by the appellate authority;

Provided that before an order rejecting an appeal under this sub-rule is passed, the appellant shall be given a reasonable opportunity of being heard.

5. *Date of hearing*.—(1) If the appellate authority does not reject the appeal under rule 4, it shall fix a date for hearing the appellant or his agent.

(2) The appellate authority may at any stage adjourn the hearing of an appeal to any other date.

(3) If on the date fixed for hearing or any other date to which the hearing may be adjourned, the appellant does not appear before the said authority either in person or through an agent, the said authority may dismiss the appeal or may decide it *ex parte* as it thinks fit.

6. *Notice to person likely to be affected adversely*.—Before an appellate authority passes any order in appeal, likely to affect any person adversely, it shall send to such person a notice and give such person a reasonable opportunity of being heard.

7. *Supply of copy of order to appellant and officer concerned*.—A copy of the order passed in appeal shall be supplied free of cost to the appellant or the person affected thereby and another copy shall be sent to the officer whose order forms the subject matter of the appeal.

(188) G.O.,H.D. No. BPA-1180/CM.2-PRO-2, dated 11th August 1980**(M>G.Pt.IVB,p.685)**

In exercise of the powers conferred upon it by section 6 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in this behalf, the Government of Maharashtra is hereby pleased to invest the Secretary to the Government of Maharashtra, Home Department (Transport), who is in charge of Prohibition Divisions, also with all the powers, duties and functions of the State Government under sub-sections (1) and (2) of section 137 and section 138 of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder.

(189) G.O.,H.D. No. BPA-1089/PRO-2, dated 20th September 1989.**(M>G.Pt.IVB,p.685)**

In exercise of the powers conferred upon it by section 6 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in this behalf, the Government of Maharashtra is hereby pleased to invest the Secretary to the Government of Maharashtra, Home Department (Transport), who is in charge of Prohibition Divisions, also with all the powers, duties and functions of the State Government under section 54 (3), sub-sections (1) and (2) of section 137 and section 138 of the Bombay Prohibition Act, 1949 and the rules, regulations and orders made thereunder.

(190) G.N.H.D. No. TPA-1089/10/EXC-2, dated 4th September 1998.

In exercise of the powers conferred upon it by section 6 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), read with section 21 of the Bombay General Clauses Act, 1904 (Bombay I of 1904) and of all other powers enabling it in this behalf, the Government of Maharashtra is hereby discontinues the Government Notification, Home Department, No. TPA. 1089/PRO-2, dated 20-9-1989.