

(179) **THE MAHARASHTRA POTABLE LIQUOR**
(Periodicity and Fees for Grant, Renewal or Continuance of a Licences) Rules, 1996
G.N.H.D. No. BPA- 1096/ 1543/ EXC-2 dated 30th December 1996
(M.G. Part IV-B. E.O. No. 296)

Amended by G.N.H.D. No. BPA.2001/19/EXC-11, dated 28th March 2002.

Amended by G.N.H.D. No. BPA.2003/CR-1/EXC-2, dated 29th January 2003 (M.G. Pt. IV-B; p. 171)

Amended by G.N.H.D. No. BPA.2005/CR-26/EXC-2, dated 29th January 2007 (M.G. Pt. IV-B; p. 160)

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 as provided by the 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 Sections 49, 53 and 143 of the said Act and all other powers enabling it in that behalf, the Government of Maharashtra is hereby pleased to make the following rules, namely:—

1. Short title. - These rules may be called the Maharashtra Potable Liquor (Periodicity and Fees for Grant, Renewal or Continuance of Licences) Rules, 1996.
2. Definitions. - In these rules unless the context otherwise requires,—
 - (i) "Fee" means respective fees payable for grant or renewal or continuance of a licence in 1996-97 as in force immediately preceding the date of coming into force of these rules and fee for any subsequent year means ¹[the previous year's fee ²or less than previous year's fee or the fee increased upto 10 per cent or more] on previous years' fee to be rounded off to the nearest rupees hundred as notified by the Commissioner before the ²[commencement of a licensing year, provided that, no such fee which is less than previous year's fee or more than 10 per cent of the previous year's fee shall be notified by the Commissioner without direction of the State Government in that behalf.]
 - (ii) "Licence" means any type of licence granted under any of the following rules framed under the said Act, namely: -
 - (a) The Maharashtra Distillation of spirit and Manufacture of Potable Liquor Rules, 1966.
 - (b) The Maharashtra Manufacture of Beer and Wine Rules, 1966.
 - (c) The Maharashtra Country Liquor Rules, 1973.
 - (d) Licence in form 'E' granted under the Special Permits and Licences Rules, 1952.
 - (e) Bombay Foreign Liquor Rules, 1953.
 - (f) Certificate of registration in form 'K' Granted under the Maharashtra foreign Liquor (Import and export) Rules 1963.
3. Periodicity of Licences— Subject to the fulfillment of other requirements a Licences shall be granted, renewed or continued by the Licensing Authority, either for a period of one year or five years as per the request of the applicant Licensee in that behalf.

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Provided that no Licence, under rules mentioned in rule 2 (ii) (f) of this rules, shall be granted period of more than year

Explanation. —For the purposes of these Rules,

- (a) An Year means the Financial Year ending March 31st; and
- (b) A period of five years would mean the end of fourth year immediately following the year in which the Licence is granted or renewed or continued.

4. Fee for grant, renewal or continuance: —

(a) Fee for grant, renewal or continuance of a licence for one year shall be as notified by the Commissioner at least sixty days in advance of the financial year; and

(b) Fee for grant or renewal of a licence for five years shall be equal to four and a half times the fees chargeable for the grant or renewal or continuance, as the case may be, of that licence, for one year.

[4(A) Notwithstanding anything contained in rule 4 or any other provisions of these rules, the Commissioner may notify that, the rates of licence fees notified under clause (b) read with clause (a) of rule 4 shall also be applicable to licences issued, renewed or continued, for a period of five years under clause (b) of rule 4 prior to the coming into force of the revised rates of fees for the financial year 2002-2003, for the remainder of the period of such licence on *pro-rata* basis:

Provided that, the yearly enhancement in the rates of licensees fees notified by the Commissioner hereafter for the financial year 2003-2004 onwards shall not be charged and recovered from the licensees holding the licences for period of five years, prior to the coming into force of the revised licence fees for the year 2002-2003.]

5. Refund of fees. — (a) In case of the cancellation of a licence under Section 56 of the said Act, fee proportionate for the unexpired portion of the licence is refundable.

(b) In case of the surrender of a licence or cancellation under Section 54 of the said Act, the fee paid for the years subsequent to the year of cancellation or surrender is refundable proportionately.

6. Repeal. — These rules shall supersede all the provisions relating to periodicity of licences and the amount of fees chargeable for grant, renewal or continuance thereof made in the relevant rules mentioned in sub-rule (ii) of rule 2 above, and the remaining provisions of those rules shall continue to be in force.

1. Inserted by G.N. of 28-03-2002.