

Notification

Home Department,
Mantralaya, Mumbai 400 032
Dated 7th July 2010

The Bombay
Prohibition
Act 1949

No. MIS 0610/CR-138/Exc-3 Whereas the Government of Maharashtra considers that the following rules further to amend the Bombay Prohibition (Privilege Fees) Rules, 1954, 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):

Now, therefore, in exercise of the powers conferred by clause (u) of sub-section (2) read with proviso to sub-section (3) of section 143 of the Bombay Prohibition Act 1949 and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, further to amend the Bombay Prohibition (Privilege Fees) Rules, 1954, as follows, namely:-

1. These rules may be called the Bombay Prohibition (Privileges Fees) (amendment) Rules, 2010.
2. For rule 4 of the Bombay Prohibition (Privileges Fees) Rules, 1954, the following rule shall be substituted, namely:-

" 4. Fees for transfer of a licence from one site to another.- (a) the fee for privileges for having the transfer of the licence, in the Form 'CL-1' under the Maharashtra country liquor Rules 1973, 'PLL' or 'I', under the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor rules, 1966, from one site to another, shall

be equivalent (100%) to the fee chargeable for grant or renewal or continuance of such licence in accordance with manufacturing capacity.

(b) the fee for privileges for having the transfer of the licence, in Form 'CL-III' under the Maharashtra Country Liquor Rules, 1973, 'FL-II' or 'FL-III', under the Bombay Foreign Liquor Rules, 1953, from one site to another shall be.-

(i) in the area of Municipal Corporation of Mumbai, New Mumbai, Thane, Bhiwandi, Mira Bhaynder, Virar-Vasai, Kalyan-Dombivali and Pune Three times of the fee chargeable for grant or renewal or continuance of such licence, whichever is higher

(ii) in the area of other Municipal corporations, (excluding those mentioned in clause (i) above), and all Municipal Councils. Two times of fee chargeable for grant or renewal or continuance of such licence, whichever is higher

(iii) in all other areas (excluding those mentioned in clause (i) and (ii)). Equivalent (100%) of fee chargeable for grant or renewal or continuance of such licence, whichever is higher

(c) the fee for the privileges of having the transfer of licences other than licences mentioned in clauses (a), and (b) from one site to another shall be.-

(i) in the area of all Municipal Corporation fifty per cent of the fee chargeable for grant or renewal or continuance of such licence, whichever is higher

(ii) in all other areas (excluding those mentioned in clause (i)). twenty percent of the fee chargeable for grant or renewal or continuance of such licence, whichever is higher

(d) No fee shall be charged for transfer of licence from one place to another in the following circumstances:--

(i) licence whose premises are affected by the implementation of Development Scheme such as road widening and alike; or

(ii) licence whose premises are closed down or required to be closed down as per the provisions of the Bombay Prohibition (Closure of licence on Resolution by Gram Sabha or representation by Voters in the Ward of Municipal Council/Corporation) Order, 2008 ; or

(iii) licence whose premises are closed down or required to be closed down as per order of any Court or Competent Authority.

3. For rule 5 of the Principal Rules, the following rule shall be substituted, namely:-

5. Fees for the transfer of licence from one name to another:- (a) the fee payable by any licensee for the privilege of having the transfer of his licence in Form 'CL-1' under the Maharashtra Country Liquor Rules 1973, PLL or I under the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor rules, 1966, from one name to another shall be five times of the fee chargeable for grant or renewal or continuance of such licence, whichever is higher

(b) the fee payable by any licensee for the privilege of having the transfer of his licence in Form 'CL-III' under Maharashtra country liquor Rules 1973, 'FL-II' or 'FL-III', under the Bombay Foreign Liquor Rules, 1953, shall be as follows:-

(i) in the area of Municipal Corporation of Mumbai, New Mumbai, Thane, Bhiwandi, Mira Bhaynder, Virar-Vasai, Kalyan-Dombivali and Pune Eight times of the fee chargeable for grant or renewal or continuance of such licence, whichever is higher

(ii) in the area of other Municipal Five times of fee chargeable for grant or

corporations (excluding those mentioned in clause (i) above). and all Municipal Councils. renewal or continuance of such licence, whichever is higher

(iii) in all other area (excluding those mentioned in clause (i) and (ii)) Four times of fee chargeable for grant or renewal or continuance of such licence, whichever is higher

(c) the fee payable by any licensee for the privilege of having the transfer of any licence other than those mentioned in clauses (a) and (b) shall be same as the fee chargeable for the grant or renewal or continuance of the licence, whichever is higher

4. For rule 6 of the Principal Rules, the following rule shall be substituted, namely:-

6. Fees for the admission into or withdrawal from a business of partner or partners :- (a) the fee payable by licensee for addition of partner or partners for the licence in Form 'CL I', under the Maharashtra Country Liquor Rules 1973, 'PLL' or 'I', under the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966, shall be four and half times of the fee chargeable for the grant or renewal or continuance of the licence, whichever is higher

(b) The fee payable for the withdrawal of partner or partners for the licence in Form CL-I under the Maharashtra Country Liquor Rules 1973, PLL or I under the Maharashtra Distillation of Spirit and Manufacture of Potable Liquor Rules, 1966, shall be fifty per cent. of the fees chargeable for the grant or renewal or continuance of the licence, whichever is higher

(c) The fees payable by licensee for addition of partner or partners for the licence in Form 'CL-III' under the Maharashtra country liquor Rules 1973, 'FL-II' or 'FL-III', under the Bombay Foreign Liquor Rules, 1953, shall be as follows:-

i) in the area of Municipal Corporations of Mumbai, New Mumbai, Thane, Bhiwandi, Mira Bhaynder, Virar-Vasai, Kalyan-Dombivali and Pune continuation of such licence, whichever is higher

(ii) in the area of other Municipal corporations, (excluding those mentioned in clause (i) above) and all Municipal Councils. Four and half times of fee chargeable for grant or renewal or continuance of such licence, whichever is higher

(iii) in all other areas, (excluding those mentioned in clause (i) and (ii)). Three and half times of fee chargeable for grant or renewal or continuance of such licence, whichever is higher

(d) and fee payable by the licensee for the withdrawal of partner or partners for the licence in Form 'CL-III' under the Maharashtra country liquor Rules 1973, 'FL-II' or 'FL-III', under the Bombay Foreign Liquor Rules, 1953, shall be fifty per cent. of the fees chargeable for the grant or renewal or continuance of the licence, whichever is higher.

(c) the fees payable by any other licensee for the privilege of allowing the admission of the partner or the withdrawal of the partner from the business under his licence other than those mentioned in clause (a) to (d) shall, in respect of each partner admitted in or withdrawn from such business be fifty per cent. of the fee chargeable for the grant or renewal or continuance of the licence, whichever is higher;

Provided that, in case of admission of a partner or partners from family members (husband or wife or Children) of the licensee, the fees chargeable shall be ten per cent of fee chargeable for grant or renewal or continuance of the licence concerned, whichever is higher, on every occasion of admission of a partner or partners;

Provided further that, no fees shall be chargeable after death of licensee or partner in case of transfer of licence in the name of his legal heir (from husband to wife and vice-versa, from father or mother to son, or vice-versa);

Provided also that in case of evasion of privilege fee by transferring the licence illegally by way of preparing Nokarnama, the fee shall be chargeable at the rate of privilege fee with fourteen per cent. interest thereon from the date of issue of such nokarnama.

By order and in the name of the

Governor of Maharashtra,



Joint Secretary to Government.