

The Rajasthan Excise (Grant of Hotel Bar/Club Bar Licences) Rules, 1973

In exercise of the powers conferred by section 41 of the Rajasthan Excise Act, 1950 (Rajasthan Act 2 of 1950), the State Government is hereby pleased to make the following rules and orders with references to proviso to sub-section (3) of the said section that previous publication of these rules be dispensed with as the State Government considers that the said rules be brought into force at once, namely –

1. **Short title and commencement-** -These rules may be called the Rajasthan Excise (Grant of Hotel Bar/Club Bar [Licences) Rules, 1973 and shall come into force on their publication in the Official Gazette.
2. **Definitions —**
 - (a) **'Hotel'** means all Tourist Bungalows and hotels run by the Department of Tourism and Hotel Corporation of the State Government and the Government of India [including Hotels recognized by the Government of India as Heritage Hotels] and shall also include any other hotel with at least 20 bedrooms which is adjudged to be of at least Two Star Category by the Department of Tourism Government of India or any other authority authorised specially for this purpose by the Government of India.
 - (b) **"Hotel Bar/Club Bar Licence"** means a retail on licence' for the sale of foreign liquor granted to a hotel which makes sales to foreign and Indian tourists and visitors staying or residing in it for consumption in a room earmarked for serving liquor or dining hall or drawing room or such other part of the hotel as may be approved by the State Government.

Provided that heritage hotels having hotel bar licence can effect retails off sale of Heritage Liquor produced by the Rajasthan State Ganganagar Sugar Mills Ltd.
 - (c) **'Civil Club'** means as association of persons for social and recreational purposes or for the promotion of some common object on joint expenses without motive to gain profit and duly registered as society prior to 31st December 2000 or the state Government has granted relaxation from registration by a special order.
 - (cc) **'Commercial Club'** means a duly registered company, firm, any other organization or association of persons for social and recreational purposes for the promotion of some commercial object with motive to gain profit and shall have the facilities of swimming pool, Gymnasium having physical exercise items, Badminton hall /Squash Court, Billiards /Poll table, Cards room and lawn tennis court at the venue of such commercial club.

- (d) **'Club bar licence'** means a licence granted to a club for retail sale of foreign liquor by it, to its bonafide members for consumption in the club premises.
- (e) The words and expressions defined in the Rajasthan Excise Act, 1950 and Rajasthan Excise Rules, 1956 and not defined in these rules shall have the meaning as defined in the Rajasthan Excise Act, 1950 (Rajasthan Act 2 of 1950) and the Rajasthan Excise Rules, 1956 as the case may be.

3. Eligibility and procedure for grant of hotel licence — (1) Any person who owns and runs a hotel as defined in these rules and who does not possess any of the disqualifications mentioned in sub-rule (8) below shall be eligible to apply for a Hotel Bar/club Bar Licence.

“Provided that the Government may, if it so pleases, set up a committee to make recommendations on an application for grant of Hotel bar license/Club bar license to any establishment even if does not fulfill the criteria laid down in Rule 2 and other criteria with regard to eligibility of a hotel for hotel bar licence, specified by the State Government. Excise Commissioner may grant or renew licence on recommendations of such committee.”

S.No.	Name of Officer	Designation
1	Additional Commissioner Excise, Zone	Chairman
2	Representative of District Collector which is not below the post of Sub Division Officer	Member
3	Dy. Asstt. Director or District Tourism Officer of Tourism Department posted in concerned Head-Quarter	Member
4	concerned District Excise Officer	Member Secretary

- (1.A) The President or the Secretary of the club who has been duly elected and who does not suffer from any of the disqualifications mentioned in sub-rule (8) shall be eligible to apply in Form A for a club bar licence, while applying for the said licence, a No Objection Certificate obtained from the District Magistrate of the place, where the club is situated, shall be produced.
- (2) Any person, eligible for a licence and desiring to obtain a Hotel bar Licence or a club bar licence shall apply for sanction to the Excise Commissioner through the District Excise Officer concerned in Form A which can be obtained from his office on payment of a fee of Rs. 10/-.
- (3) Every application for a Hotel Bar/club Bar Licence shall be properly signed and shall be accompanied by the following amount of initial fee which shall be in addition to the usual annual fee payable under rule 69 (1) of the Rajasthan Excise Rules, 1956.

Where application is for a Hotel Bar/club Licence the initial fee shall be as under :

S.No.	Category	Initial fee for licence for year or part thereof (Rs. in lacs)	
1	Luxury Hotel / Train :		
	i	Five Star Hotel	15.00
	ii	Four Star Hotel	10.00
	iii	Three Star Hotel	8.00
	iv	Luxuary Train	8.00
2	Heritage Hotel :		
	i	Category A	8.00
	ii	Category B	5.00
	iii	Category C	3.00
(Note : The category of a heritage hotel shall be decided by a committee constituted by the State Government in this behalf, whose decision shall be final)			

3	Other Hotel :			
	i	Hotels situated in and within 5 KM. of the municipal limits of :		
		a	Jaipur and Jodhpur	7.50
		b	Other Divisional Head Quarters, Mt. Abu and Jaisalmer	6.50
		c	Other District Headquarters	5.50
		d	Other Municipalities and Bhiwadi (Distt. Alwar)	4.00
	ii	Situated in other places not recovered by Clause i	3.00	
4	Civil Club Bar			
	i	Jaipur and Jodhpur	2.00	
	ii	In Other Places	1.50	
5	Commercial Club Bar			
	iii	Jaipur and Jodhpur	6.00	
	iv	In other places	4.00	

Provided that every application for a Hotel Bar licence where a duly constituted Committee is required to visit the site for recommending grant of Licence, shall be accompanied by the non-refundable process fee equivalent to an amount of 10% of prevailing initial fee or Rs. 10,000 which ever is higher.

Explanation :

- (i) The aforesaid initial fee and process fee shall be deposited in the State Treasury and a copy of the challan supplied by the Treasury to the applicant, shall be enclosed by him with his application. Cheques shall not be accepted.

- (ii) The application shall be signed –
 - (a) by the individual if it is made in an individual capacity;
 - (b) by each partner if the applicant is an unregistered firm. The name with parentage and correct address of each partner shall be mentioned in the application;
 - (c) by the Managing Director **or** Manager if the applicant is a company, the registered name and address of the company shall be clearly mentioned in the application along with the names of the directors, managers, managing Agents,
 - (d) by duly elected President or Secretary, if the application is for or on behalf of a club. The application shall mention the registration number and address of the club along with the name and address of its President and Secretary.
- (4) The District Excise Officer concerned shall initial the application noting the date of receipt and cause each application to be entered in a register in Form B. The particulars of each application entered in the register shall be attested by the District Excise Officer. The Register shall be paged and each page shall bear the stamp of the office of the District Excise Officer concerned.
- (5) Each application shall then be scrutinized by the District Excise Officer with regard to the suitability of the applicant for holding the licence or which application has been made. Thereafter the District Excise Officer shall forward the application to the Excise Commissioner with his recommendation. He shall also record a note whether or not the applicant is suffering from any of the disabilities to hold a licence mentioned in sub-rule (8) below.
- (6) The Excise Commissioner shall also cause all applications received by him through the District Excise Officer, concerned to be entered in a register prepared on the model of Form 'B' He shall then consider each application in the light of the recommendations of the District Excise Officer concerned taking into account any other relevant factor which may come to his notice, and pass necessary orders in writing either sanctioning or rejecting the application for licence. Where an application for licence is rejected, the Excise Commissioner, shall record reasons in writing. He may, if considers necessary, hear the applicant before rejecting his application.
- (7) Deleted.
- (8) An application for licence shall be liable to be rejected for the following reasons;
 - (a) if it has not been signed by the competent person or is incomplete.

- (b) If the applicant has been convicted for any offence under the Rajasthan Excise Act, 1950 the Opium Act, 1878 or the Rules framed thereunder or if he has been punished for any serious breach of any licence issued under the said laws,
- (c) If the applicant is found to have been convicted for any, non bailable offence by a criminal court; provided that the application of such a convicted person may be considered by the Excise Commissioner if the same is accompanied by a recent certificate of good character from the Superintendent of Police or Probation Officer appointed under the Rajasthan Probation of Offenders Act, 1958.
- (d) If there are arrears of excise dues outstanding against him.
- (e) If the applicant is below the age of 18 years.

(9) - Deleted.

(10) As soon as the applicant receives the sanction of licence to him he shall within 15 days, deposit into the Treasury the minimum fee prescribed under rule 69(1) of the Rajasthan Excise Rules, 1956.

(11) The District Excise Officer concerned, after satisfying himself that the minimum fee has been deposited into the Treasury shall inspect the location of the premises where the foreign liquor shall be stored and the counters where it shall be sold and submit his report to the Excise Commissioner who will issue the licence accordingly, under his signature and the seal of his office in Form 'C' or in Form 'D' as the case may be.

3-A. Notwithstanding anything contained in these rules, club bar licence may also be granted by the licensing authority to the clubs operated by unregistered association of persons from the pre-independence period, if they submit verification in this regard given by the District Collector and subject to recommendation as to suitability by the committee constituted under these rules for grant of Hotel Bar licenses.

4. Cancellation of sanction for Default of the Applicant— (1) Where a person in whose favour a licence has been sanctioned does not deposit the fee prescribed under rule 69(1) of the, Rajasthan Excise Rules, 1956 within 15 days of the receipt of the sanction, the Excise Commissioner may cancel the sanction issued in his favour for grant of licence and forfeit the amount of initial fee deposited by him.

(2) Where a person in whose favour a licence has been sanctioned does not start sale of foreign liquor [in the premises of the hotel or club] within 15 days of the date of receipt of licence, the Excise Commissioner may cancel the licence and forfeit the amount of initial fee and also the fee deposited under rule 69(10) of the Rajasthan Excise Rules, 1956.

(3) Where it is brought to the notice of the Excise Commissioner that:

(a) the applicant suffers from any of the disqualifications mentioned in sub-rule (8) of rule 3 above;

(b) the sanction for grant of licence has been obtained by the applicant by fraud and questionable method, the Excise Commissioner shall after giving a reasonable opportunity of being heard to the applicant, cancel the sanction issued for grant of licence and forfeit the fees paid by him.

5. **Exemption** —The provisions relating to initial fee in these rules shall not be applicable in respect of persons holding licence for sale of foreign liquor on the premises of the hotel on the date of coming into force of these rules.

5-A. Any person holding a licence under these rules may import into Rajasthan, foreign liquor from outside India under an import licence from the Chief Controller, Imports and Exports, Government of India, with the prior permission of the Excise Commissioner and after depositing necessary vend fee mentioned in sub-rule (1) of rule 69 of the Rajasthan Excise Rules, 1956.

"provided that permission by the Excise Commissioner shall be subject to such restriction on the purchase of liquor by the bar licensees as may be specified by the State Government from time to time."

5-B Licence may be granted on special permission by Excise Commissioner to procure, store and sell draught beer on such fees, terms and conditions as may be determined from time to time.

6. **Refund of initial fee for licence not sanctioned**— In case an application for licence is not sanctioned and is rejected for no fault on the part of the applicant, the applicant shall be entitled to refund of initial fee paid by him; provided that the application for refund is made within six months of the date of the order of rejection.

7. **Power of the Excise Commissioner to reject application**— Notwithstanding anything contained in these rules, the Excise Commissioner shall be competent to reject any application for licence without assigning any reason whatsoever.

7-A **Fees for the renewal of licences** - (1) A licence granted under the principal rule shall expire on the 31st day of March every year.

(2) A person possessing a licence under these rules and seeking renewal of the same shall apply in accordance with Rule 72-A of the Rajasthan Excise Rules, 1956 and such application shall be accompanied by a treasury receipt showing the payment of (i) renewal fee equivalent to the initial fee prescribed in Rule 3(3), and (ii) the usual licence fee payable under Rule 69(1) of the Rajasthan Excise Rules, 1956.

8. **Rules to have overriding effect**— In case there is any conflict between the provisions of these rules and the Rajasthan Excise Rules, 1956, the former shall prevail.
- 8-A. **Any licence issued for retail**— On sale of Foreign and Indian made Foreign Liquor to any hotel under the Rajasthan Excise Act, 1950 or the rules made thereunder or under any corresponding law before the commencement of these rules, and in force on such commencement shall be deemed to have been issued under these rules.

Form of application for Grant of Hotel Bar/Club Bar 3/XXk'J Licences

Form— Name or names, age and the address or addresses of the person or persons applying (if the applicant is a firm, the name and address of every partner of the firm and if a company, the registered name and address thereof, the names of the Directors, Managers and Managing Agents, and if there is a Managing Director, the name of such Director should be mentioned)

To

**The Excise Commissioner,
Rajasthan, Udaipur,**

Through The District Excise Officer,

Sir,

1. I/Weson of residing at District request that I/we may be granted hotel Bar/club Bar/3[XXX] for the retail sale of foreign liquor for consumption on the premises as defined in Rule 2(a) of the Rajasthan Excise [Grant of Hotel Bar/Club Bar Licence] Rule, 1973 for the year ending 31st March
2. I/We have deposited a sum of Rs as initial fee for the above licence in Treasury vide challan Nodated enclosed herewith.
3. I/We agree to abide by the provision of the Rajasthan Excise Act, 1950 and Rules framed thereunder.
4. I/We declare that I/We do not suffer from any of the disqualifications prescribed by the rules which may render me/us ineligible to hold the licence applied for.
5. I/We declare that to the best of my/our knowledge and belief the information furnished herein is true and complete.

Place :

Date :

Signature(s) of the applicant (s)