

Guidelines for "ON" Hotel & Restaurant

Government of Orissa
Excise Department

No. IX-75/2002 6032 /Ex.,

Dated, Bhubaneswar, the 5/10/02

From:

Shri J.P. Dash, IAS
Commissioner-cum-Secretary to Government

To

The Excise Commissioner, Orissa, Cuttack

Sub:

Guidelines for processing applications
for "ON" Hotel, Restaurants etc.

Sir,

Instructions have been issued earlier in the matter of grant of exclusive privilege for "ON" shops. There is no uniformity in following a settled procedure before forwarding the proposals to the Excise Commissioner/Government. The proposals received from different districts through the Excise Commissioner have a number of deficiencies. Instances have also come to the notice where the field functionaries of Excise Department have suppressed some vital information while submitting the inquiry reports. Such suppression of facts and submission of incomplete and incorrect information create an embarrassing situation for the Department as well as the Government. In order to obviate all such situations it has now become necessary to issue a consolidated set of instructions/guidelines in the matter. These instructions shall henceforth be followed while processing the applications.

(a) Submission of applications.

All applications for "ON" shops shall be submitted in the form enclosed (Annexure-A). Applications only from those having hotels/restaurants shall be entertained. The following documents shall accompany the application form.

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(i) Evidence regarding ownership of the land and building. In case the shop is proposed to function in a rented building, the details of the land and building alongwith an undertaking to furnish a registered agreement with the land/house owner to hire the building shall be submitted. The written willingness of the land/house owner to execute a registered agreement in the event of grant of licence by the Government shall be enclosed. Copies of record of rights, Municipal/NAC holding no. and copy of the approved building plan shall be enclosed.

(ii) Attested copy of Solvency Certificate indicating the solvency of the applicant to the extent of Rupees Three Lakhs.

(iii) Food Licence granted by the competent authority.

(iv) Sales Tax Clearance Certificate.

(v) Sales Tax Registration Certificate.

(vi) Income Tax Clearance Certificate.

(b) Inquiry into the applications:

As soon as the applications are received, the Superintendent of Excise shall scrutinize all such applications and in case the applications are complete in all respects, he will obtain the order of the Collector to entrust the inquiry to a responsible officer not below the rank of an Inspector of Excise for a preliminary inquiry. All incomplete applications will be summarily rejected and the grounds of rejection shall be intimated to the applicant.

The Inspector of Excise shall conduct a preliminary inquiry keeping in view rule 34, 38 and 45 of the Orissa Excise Rules, 1965 and submit the report in the format annexed to this letter as annexure-B. Such report shall be submitted within a period of one month from the date of receipt of the reference from the Superintendent of Excise.

If after the field inquiry it reveals that there is no violation of the statutory rules, the Superintendent of Excise shall invariably visit the spot and then submit the file to the Collector to invite objection in Form-A

prescribed under rule 3 of the Orissa Excise (Exclusive Privilege) Foreign Liquor Rules, 1989.

Under the proviso to rule 3A of the Orissa Excise Rules, 1965, Government have the power to relax the application of the rule in certain cases and in those cases even if the proposed site violates clause (d), (e) and (f) of sub-rule (1) of rule 3A, objections will be invited by issuing notice in Form-A. In other cases of violation where the Government do not have the power to relax the application of clauses (a), (b), (c) and (g) of sub-rule (1) of rule 3A, and such conditions are reported to be prevailing in the field, no notice shall be issued in Form-A inviting objection and the applications shall be filed. The notice inviting objection shall be given wide publicity in the locality in which the shop will function.

Objections received within the prescribed period shall be inquired into by an Officer not below the rank of an Inspector of Excise and after a spot inquiry into the objections, the officer concerned will submit the report in the form (Annexure-C) to the Superintendent of Excise who shall place the matter before the Collector for obtaining his recommendations.

In absence of an Inspector of Excise the inquiry may be entrusted to the senior-most Sub-Inspector of Excise of the District.

(c) Recommendations to the Excise Commissioner.

While going through the reports the Collectors shall record their specific opinion as to whether it would be expedient to issue a licence in case of violation of Clause (d), (e) and (f) of Sub-rule (1) of Rule-3A by relaxing the provisions under any special circumstances. Special circumstances if any, may also be reported to Government for a decision. The Collectors shall forward the applications, other documents and the inquiry report of the Inspector of Excise to the Excise Commissioner under intimation to the Government within two months from the date of receipt of the application.

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(d) Recommendations by the Excise Commissioner.

The Excise Commissioner will go through the proposals and transmit the same to the Government with his recommendations, ~~within two months from the date of receipt of the same~~ from the Collector. While transmitting such proposals, the proposed MG of the shop shall be intimated to Government.

The above instructions shall be followed meticulously. All applications pending for inquiry/recommendation to Excise Commissioner/Government shall now be processed in accordance with the above instructions. Cases already decided need not be reopened. All previous instructions issued earlier by the Government in this regard are superseded.

Yours faithfully,

6033 Commissioner-cum-Secretary to Government
Memo No. 6033 /Ex., dt. 5/11/42

Copy forwarded to all Collectors for information and necessary action.

6034 Commissioner-cum-Secretary to Government
Memo No. 6034 /Ex., dt. 5/11/42

Copy forwarded to all the Superintendents of Excise for information and necessary action.

Commissioner-cum-Secretary to Government

Nayak/41002

**APPLICATION FORM FOR GRANT OF LICENSE FOR RETAIL VENDOR OF
LICENSABLE FOR CONSUMPTION IN VENDORS' PREMISES.**

1. Name of the applicant :
2. Father's Name :
3. Permanent Address :
4. Address for Correspondence :
5. Occupation :
6. Income :
7. Exact location where the shop will function:
 - a) Khata No. :
 - b) Plet No. :
 - c) Area :
 - d) Village :
 - e) Police Station
(copy of ROR to be submitted)
8. Municipal Holding No. :
9. Approved plan of the building:
by the Municipality/WAC/
Development Authority etc.
(Copy of approved plan to be
enclosed).
10. Whether solvent to the extent
of Rs. 3.00 (Three lakhs)
(Copy of solvency certificate
to be enclosed).
11. Whether the restaurant is
functioning, if so name of
the restaurant.

12. Whether STCC and Sales Tax registration No. obtained. If yes, copy of STCC to be furnished alongwith copy of Registration Certificate.
13. Whether TCC obtained (copy of TCC to be submitted)
14. Whether Food licence obtained: (Copy of Food Licence to be enclosed).
15. If the land and building do not belong to the applicant, whether the land/building owner is willing to give the house on hire/lease through a Regd. agreement. If so, consent of the land/house owner to be submitted.
16. Whether convicted by any criminal Court
17. Whether holding any other licence to deal in excisable goods. If so, give details.
18. Whether there is any arrears Government dues on account of holding a licence earlier.
19. Whether found guilty within the preceding five years of any serious breach of conditions of his licence held earlier.
20. Quantity of sale of IMPL and Beer that can be guaranteed from the shop in a month.

I, Shri/Smt. _____ S/o. _____
do hereby declare that the information furnished in the Serial No. 1 to 20 of the application form are true. In case any information is found to be false, I am liable to any action that the authorities may consider appropriate.

Date: _____

Place: _____

Signature of the Applicant.

Annexure - 'B'

ENQUIRY REPORT OF THE INSPECTOR OF EXCISE ON THE APPLICATION OF SHRI S/O TO RUN AN 'ON' SHOP AT FOR GRANT OF LICENCE

1. Date of receipt of the application and other documents from the Superintendent of Excise
2. Date of field visit
3. Whether the proposed "ON" shop is
 - a) located in a market place
 - b) located at the entrance to market place
 - c) located in close proximity to a bathing ghat
 - d) located within at least ⁵⁰⁰ ~~300~~ metres from a highway (exact distance from the highway to be indicated - Highway for the purpose includes a State Highway)
 - e) located within at least 300 metres from a place of worship, recognised educational institution, established habitation especially of persons belonging to S.C./Labour Colony, mills and factories, petrol pumps, railway stations/yard/Bus stands/agricultural farms or other places of public resort (exact distance of any such restricted institutions, place of worship etc. to be indicated).
 - f) located within at least one kilometre from industrial, irrigation and other development project areas. (exact distance from the shop item-wise to be indicated)
 - g) located in the congested portion of a village
4. Whether the objections have been made by genuine persons/institutions etc.
5. Result of verification of original documents enclosed with the application form.

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- 6. Whether there is demand and justifi- :
cation for an 'ON' shop
- 7. Distance of any other shop (both 'Off' ;
C.S. and O.S.) from the proposed shop
- 8. No. of 'ON' shops existing in the area :
i.e. within the NAC/Municipality/
Sub-Divisional Headquarters
- 9. Feasibility of the shop (Probable sale :
of IMFL/Beer to be indicated)
- 10. ~~Whether the location is suitable for~~
an "ON" shop (Restaurant/Hotel)

Certified that I have personally visited the site,
inquired into the objections and verified the original
documents. After visiting the site, this report has been
prepared.

Name and Signature of the
Inquiring Officer (Inspector of Excise)

I have also made a spot visit on _____ and
certify that the inquiry report is partially/fullly correct
(in case of discrepancy in the inquiry of the Inspector of
Excise, - if any, to be submitted separately).

Date:

Name and Signature of the
Superintendent of Excise

Annexure - 'C'

INQUIRY REPORT ON THE OBJECTIONS RECEIVED AFTER ISSUE OF NOTICE IN FORM - 'A'

1. Name of the officer conducting the Inquiry and his designation :
2. Date of Inquiry :
3. No. of objections received and (1) the gist of the objections
(2)
(3)
4. Whether persons/Institutions making the objection have been contacted. If so, their statements to be obtained and submitted. :
5. Whether the objections appear to be genuine or motivated. :

REMARKS

Date

Signature of the Inquiring Officer

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