

**OFFICE OF THE EXCISE COMMISSIONER**  
**JAMMU AND KASHMIR**  
EXCISE AND TAXATION COMPLEX,  
RAIL HEAD, JAMMU  
\*\*\*

**Subject:** Extension of validity of licenses (except JKEL-2) beyond 31-12-2021.

**Reference:** 1. S.O. 326 dated 21<sup>st</sup> September, 2021 issued by the Finance Department, J&K.  
2. Finance Department's concurrence issued vide letter No. FD-ET/05/2021-09/FD dated 29-12-2021.

O R D E R No.: 263 - EC OF 2021

D A T E D: 30 - 12 - 2021

Whereas, the Hon'ble High Court of Jammu & Kashmir vide judgment dated 28-12-2020 in OWP No. 486/2017 (O&M), LPAOW No. 11/2017 (O&M), LPAOW No. 20/2017 (O&M), LPAOW No. 21/2017 (O&M), LPAOW No. 22/2017 (O&M), LPAOW No. 23/2017 (O&M) & LPAOW No. 44/2017 (O&M) at Para 90(iv) ordered as under:

*"The Liquor Vends already operating shall be allowed to continue till 31.03.2021 and thereafter the licenses for liquor vends shall be allotted in terms of the Excise Policy to be notified by the Government for the year 2021-22. The government shall be at liberty to take appropriate steps in view of striking down of the provisions of the Excise Policies, which envisage grant and automatic renewal of licenses for a period of five years"*

Whereas, the Hon'ble High Court at Para 90 (vii) further ordered as under:

*"For the purpose of renewal of licenses for trade in liquor, if permissible in law, all the conditions applicable for grant of a new license shall also be applicable."*

Whereas, the Finance Department issued Excise Policy for the year 2021-22 vide S.O. 114 dated 31-03-2021, clause 9 of the current Excise Policy 2021-22 reads as under:

*"9. Renewal of licenses: For the purpose of renewal of Licenses for trade in Liquor except JKEL-2 licenses, if permissible in Law, the conditions applicable for grant of a new license shall also be applicable in accordance with the normative practices."*

Whereas, the Finance Department issued S.O. 326 dated 21<sup>st</sup> September, 2021, which is reproduced hereunder:



*“Provided that the Excise Commissioner may in exceptional circumstances extend any license except JKEL-2 pending renewal granted under these rules till 31<sup>st</sup> of December 2021 or for any further period with prior concurrence of Government.”*

Whereas, in terms of S.O. 326 dated 21<sup>st</sup> September, 2021 and concurrence given by the Finance Department vide letter No. FD-ESTB/81/2021-09/FD dated 22-09-2021, and in the interest of Government revenue, the licenses granted under J&K Liquor License & Sale Rules, 1984 (except JKEL-2) were extended upto 31-12-2021, subject to condition that there is nothing outstanding against the licensee and deposition of license fee and the Deputy Excise Commissioner, (Executive) concerned and the Excise & Taxation Officers concerned were asked to get all the prescribed formalities completed by the licensees for formal renewal of the licenses; and

Whereas, the Hon'ble High Court in OWP No. 486/2017 titled Balbir Singh and ors V/s State and ors has passed order dated 09-12-2021 the operative part of which is reproduced as under:

*“5. Be that as it may, having once again gone through the judgment and order dated 28.12.2020 passed by this Court in **Balbir Singh's** case (supra) as also the record of the cases, we make it clear that the observations and directions contained in the aforesaid judgment are confined only to the excise licenses in Form JKEL-2 and not to any other type of licenses. This is clear from the background in which the aforesaid judgment was delivered as is discernible from the facts narrated therein.”*

Whereas, in view of the above order passed by the Hon'ble High Court dated 09-12-2021, the Finance Department vide this office letter No. EC/Exc/Misc/F-031/V/7228 dated 14-12-2021 was requested for necessary amendment in clause 9 of the current Excise Policy 2021-22 (S.O. 114 dated 31-03-2021) by substituting the clause 9 by the following:

| Existing clause   | Amendment  |
|---|--|
| <b>9. Renewal of licenses:</b> For the purpose of renewal of Licenses for trade in Liquor except JKEL-2 licenses, if permissible in Law, the conditions applicable for grant of a new license shall also be applicable in accordance with the normative practices | <b>9. Renewal of licenses:</b> For the purpose of renewal of Licenses for trade in Liquor except JKEL-2 licenses, the licenses shall be renewed in accordance with rule 14, 15 of the J&K Liquor License & Sale Rules, 1984 read with Rule 27 of the J&K Liquor License & Sale Rules, 1984 and Rule 8 of J&K Distillery Rules 1946/ Rule 8 of J&K Brewery Rules 2003 |

Whereas, the extended period of licenses granted under J&K Liquor License & Sale Rules, 1984 (except JKEL-2) is going to end shortly i.e. on 31-12-2021 and response from the Finance Department regarding proposed amendment in the above clause of the Excise Policy 2021-22 is awaited; and



Whereas, in view of the apprehension that abrupt closure of these license may lead to illegal trade/ illicit distillation of liquor in Jammu & Kashmir and also adversely affect the Government Revenue, the Finance Department vide this office letter No. EC/Exc/Misc/F-031/V/7409 dated 29-12-2021 was requested to issue concurrence so that the licenses granted under J&K Liquor License & Sale Rules, 1984 (except JKEL-2) are extended upto 31-03-2022 in terms of S.O. 326 dated 21<sup>st</sup> September, 2021; and

Whereas, the Finance Department vide letter No. FD-ET/05/2021-09/FD dated 29-12-2021 has conveyed concurrence to the proposal for extension of licenses except JKEL-2 upto 31-03-2022 in terms of S.O. 326 dated 21<sup>st</sup> September, 2021.

Now, therefore, in terms of S.O. 326 dated 21<sup>st</sup> September, 2021 and receipt of necessary concurrence from the Finance Department, and in the interest of Government revenue, the licenses granted under J&K Liquor License & Sale Rules, 1984 (except JKEL-2) which are operational in terms of Order No. 189-EC of 2021 dated 22-09-2021 issued by this office are hereby extended upto 31-03-2022 subject to the condition that there is nothing outstanding against the licensees.

The Deputy Excise Commissioner (Executive) concerned and the Excise & Taxation Officers concerned shall get all the formalities completed by the licensees for formal renewal of licenses.

  
30/12/2021  
(Kishore Singh Chib), JKAS,  
Excise Commissioner  
Jammu & Kashmir  
30/12/2021

No.: EC/Exc/Misc/F-031/V/ 7448-57

Dated: 30-12-2021

Copy to the:

1. Financial Commissioner (Additional Chief Secretary), Finance Department, Civil Secretariat, Jammu.
2. Divisional Commissioner, Jammu/ Kashmir.
3. Inspector General of Police, Jammu.
4. District Magistrate all Districts of J&K.
5. Deputy Excise Commissioner (Accounts), Jammu.
6. Principal Training Institute, Nagrota, Jammu.
7. Deputy Excise Commissioner (Executive), Jammu/Kashmir.
8. Deputy Excise Commissioner (Distilleries), Jammu.
9. Excise and Taxation Officer, City Excise Range, (North/South), Jammu, Excise Range Udhampur-Reasi, Doda-Kishtwar-Ramban, Kathua, Samba, Rajouri-Poonch, Srinagar-Budgam-Ganderbal, Distilleries, Eradication Wing Jammu, Accounts Kashmir, Anantnag-Pulwama-Kulgam-Shopian, Baramulla-Kupwara-Bandipora.
10. Programmer, I/c website [www.jkexcise.nic.in](http://www.jkexcise.nic.in)
11. Order file/concerned file.