

OFFICE OF THE EXCISE COMMISSIONER,

EXCISE AND TAXATION COMPLEX,
RAILHEAD COMPLEX, JAMMU.

Subject:- S.O. 433 of 2021 dated 23rd of December, 2021-Relaxation thereof.

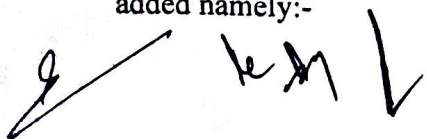
Order No. 264 EC of 2021

Dated 30-12-2021

1. Whereas the Hon'ble High Court of J&K 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 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"

2. Whereas, as per Excise Policy 2021-22 issued vide notification No. SO 114 dated 31 March 2021 by Finance Department, various locations for grant of Type-C (JKEL-2) were put on e-auction in UT of Jammu and Kashmir;
3. Whereas 195 licenses were granted for different location in the UT of J&K out of 228;
4. Whereas, the last date of submission of the documents in bid document was 15 days from the day of result of e-auction and time to time it was extended by the Government and final cutoff date was fixed as 07-07-2021, which was notified in the newspapers and was uploaded on official website of Excise Department (www.jkexcise.nic.in);
5. Whereas, 33 H1 bidders failed to submit either the bid fee or requisite documents mentioned in Excise Policy 2021-22 (Bid documents/conditions);
6. Whereas out of 33 locations, the EMDs/duties/fee etc of 24 locations stand forfeited by this department as per clause XI of the Bid document and other cases are under examination;
7. Whereas, this Commissionerate have received various requests from H1 bidders regarding their inability to submit the documents in time, owing to various reasons viz Covid-19 pandemic, novel process of e-auction, public protests leading to difficulty in getting premise clearance and prevailing situation in Kashmir Division;
8. Whereas this office has already forfeited the EMDs/duties/fees etc of 24 locations as per Bid conditions and hence was not in a position to consider the request of these H1 bidders;
9. Whereas the Finance Department has issued S.O 433 of 2021 vide dated 23rd of December, 2021 wherein it was stated that Excise policy 2021-22 notified vide notification S.O 114 dated 31-03-2021, after clause 28, the following clause shall be added namely:-

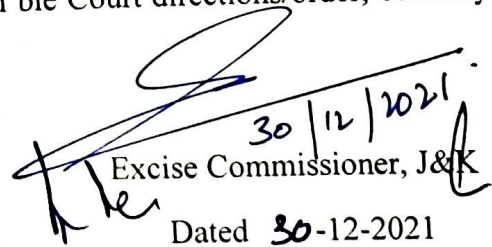


"28(a): Power to relax:- The Excise Commissioner may relax the requirement of the timeline for submission of formalities required for grant of license (JKEL-2) in exceptional circumstances considering the undue hardship caused to the successful bidders and the reasons thereof shall be recorded in writing. However, the Excise Commissioner shall ensure that there is no court direction or order to the contrary before granting such relaxation.

10. Whereas this office has forwarded the above mentioned S.O to the office of Deputy Excise Commissioner, Executive, Jammu/Kashmir vide letter No. EC/Exc/JKEL-2/7356-57 dated 24-12-2021 read with letter No. EC/Exc/e-auction/2021-22/7403 dated 28-12-2021 with the request to examine the cases of H1 bidders in the light of S.O 433 of 2021 and furnish the report accordingly to this office;
11. Whereas the Deputy Excise Commissioner, Executive, Jammu/Kashmir have furnished their reports to this office vide letter Nos. DECEJ/JKEL-2/Exc/7760 dated 28-12-2021 and DEC/K//Adm/2021-21/1785 dated 28-12-2021 read with letter No. DEC/K/e-auction/2021-22/1814-15 dated 29-12-2021;
12. Whereas, it will be appropriate to provide equal opportunity to all the H1 bidders who have failed to fulfill the formalities by or before 07-07-2021, owing to various reasons and circumstances, but have fulfilled the clause X sub-clause (i) & (iii), regarding payment of bid value and submission of hard copies of the documents uploaded by them in the bidding process respectively;

Now therefore, in view of above and as per S.O 433 of 2021 dated 23-12-2021 and in the interest of Government revenue, the Deputy Excise Commissioner, Executive, Jammu/Kashmir are hereby directed to intimate the H1 bidders falling in the category as mentioned in point 12, to submit the requisite documents (as per Excise Policy 2021-22 / bid conditions) which were supposed to be submitted by or before 07-07-2021, to their respective Excise & Taxation Range Offices upto 07-01-2022 by 04:00 PM. This is one time relaxation and no document shall be entertained after 07-01-2022 after 04:00 PM.

This relaxation is however, subject to Hon'ble Court directions/order, contrary to it, if any.


Excise Commissioner, J&K
Dated 30-12-2021

No. EC/Exc/e-auction-II/2021-22/ 7463-67

Copy to the:

1. Financial Commissioner (Additional Chief Secretary), Finance Department, J&K, Civil Secretariat, Jammu
2. Deputy Excise Commissioner, Executive Jammu/Kashmir.
3. Excise & Taxation Officers concerned.
4. Programmer / I/C website.
5. All concerned for information.
6. Concerned file