

**OFFICE OF THE EXCISE COMMISSIONER, J&K GOVERNMENT,  
ZUM ZUM BUILDING, RAMBAGH, SRINAGAR.**

Sub: PROCESSING OF CASES OF BAR WITH HOTELS/ RESTAURANTS.

**EXCISE ORDER NO. 414 OF 2005**

**D A T E D : 11 / 10 / 2005**

Whereas, number of applications are pouring in this office for want of bar with restaurant or bar with hotel licenses;

Whereas, it has also been observed that various individuals apply for grant of bar licenses on a simple piece of paper and in most cases the applicants do not own either a hotel or a restaurant;

Whereas, a number of such applications have been forwarded to the subordinate offices for furnishing reports;

Whereas, the existing Excise Policy issued by the Government vide order No. 99-F of 2003 dated 07-04-2003 stipulates as under:-

**"THE ISSUE OF BAR LICENSES SHALL APART FROM THE REQUIREMENTS CONTAINED IN THE LAW AND RULES BE RESTRICTED TO :**

- (i) Hotels with not less than ten rooms located at tourist places.
- (ii) Hotels with not less than twenty five rooms in areas other than the tourist places.
- (iii) Bar with restaurants with high standards of hygiene and sanitation located at tourist places.

Whereas, vide this office circular issued under No. JKEL-3/Exc/1669-78 dated 25-02-2004, it has been asserted that only in cases where a hotel or a restaurant actually exists and is in running condition, the case for grant of license should be processed further and the position being otherwise the application should be disposed off by summarily rejecting it.

Whereas, a number of applications have been sent to subordinate offices for furnishing preliminary report in accordance with above said circular;

Whereas, it is necessary to fix some criteria/ norms for the restaurants and hotels to be considered for grant of bar licence as even Dhaba-walas and persons having insufficient space for hotel are also applying for the

same, which not only affects the working of the Department but also leaves a room for subjectivity for the reporting officers in processing such cases.

Whereas, in view of said circumstances a committee headed by the Deputy Excise Commissioner (Executive) Jammu was constituted vide Excise Order No. 108 of 2005 dated 03-06-2005 for furnishing recommendations after examining the matter in respect of bar with hotels separately. The committee was asked to recommend norms of infrastructure for bar with hotels in respect of tourist places and non-tourist places separately and in doing so the cities and Muffassil areas being treated separately;

Whereas, the committee constituted for the purpose furnished its recommendations vide Deputy Excise Commissioner (Executive) Jammu's letter No. 2310/Exc dated 12-07-2005 in respect of few aspects and have not made any suggestions on some other aspects.

Whereas, the Deputy Excise Commissioner (Executive) Jammu vide his letter No. Exc/4348 dated 03-10-2005 has further suggested that till a final decision is taken on the recommendation of the committee a formal criteria for grant of bar with restaurant, as envisaged in the Government order No. 129/TSM of 1995 dated 14-08-1995 issued by the Tourism Department, Civil Secretariat, may be adopted;

Whereas, the Deputy Excise Commissioner (Executive) Jammu in his said above letter has also suggested that a non-refundable fee of at-least one thousand rupees be charged from persons desirous of applying for bar with restaurant license as processing fee;

Now therefore, keeping in view the recommendations of the committee, the suggestions made by the Deputy Excise Commissioner, (Executive) Jammu and considering other relevant factors the following norms are hereby fixed for grant of bar with restaurant and bar with hotels licenses;

LICENSE IN FORM JKEL-3 (BAR WITH HOTEL).

*In cities of Jammu and Srinagar within Municipal Limits.*

- (1) Hotel means a boarding and lodging unit having ten rooms with fully furnished beds in double or single rooms each attached with sanitary fitted toilets and bath rooms, with adequate reception and parking area.
- (2) The bar counter shall be in restaurant/ dining hall and having accommodation of minimum of 40 customers properly seated. There shall be a separate kitchen and toilet facilities with modern equipment and in good hygienic condition.

- (3) The bar premises in places of hot climate like Jammu should be fully Air conditioned whereas in places of cold climate like Srinagar it must have reasonable heating arrangement during winters.
- (4) The hotel shall be registered by the Tourism Department.

In Muffassil Areas.

- (1) Hotel means a boarding and lodging unit having ten rooms in tourist spot and twenty five rooms in non-tourist spot with fully furnished beds in double or single rooms each attached with sanitary fitted hygienic toilets and bath rooms, with adequate reception and parking area.
- (2) The bar counter shall be in restaurant/ dining hall having accommodation of minimum of 30 customers properly seated. There shall be separate kitchen and toilet facilities with modern equipment and in good hygienic condition.
- (3) The hotel shall be registered by the Tourism Department;

LICENSE IN FORM JKEL-4 (BAR WITH RESTAURANT).

In Cities of Jammu and Srinagar (Within Municipal Limits):

- (1) Restaurant means an eating place provided with good quality of chairs, tables, crockery, cutlery and linen to accommodate a minimum of 40 customers properly seated at a given time where 'A-LA-CARTE' meals are served. The restaurant must have a separate hygienically maintained kitchen with modern equipment as well as separate toilet.
- (2) The restaurant in Jammu City should be fully air-conditioned whereas in case of Srinagar City it must have reasonable heating arrangement during winters.

In Muffassil Areas.

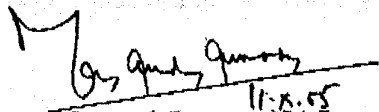
- (1) In Muffassil Areas the bar with restaurant licenses in form JKEL-4 shall be granted as per policy guidelines at tourist spot only.
- (2) In these areas the restaurant means an eating place provided with chairs, tables, crockery, cutlery and linen to accommodate a minimum of 30 customers properly seated at a given time where 'A-

LA-CARTE' meals are served. The restaurant must have a separate hygienically maintained kitchen and toilet.

Besides, the Deputy Excise Commissioner (Executive) Jammu/ Kashmir shall take following action in respect of bar with restaurant and bar with hotel licenses in form JKEL-4 and JKEL-3 respectively:

- (I) Obtain treasury receipt amounting to Rs.1000/- remitted into Government treasury under head 0039-State Excise as non-refundable processing fee before sending applications to Excise and Taxation Officer concerned for preliminary report. Similar amount shall be received in respect of the cases which are already in process and have been marked to the concerned Excise and Taxation Officer.
- (II) Ask the applicant to fill up the form appended as Annexure 'A' or 'B' to this order, as the case may be, before sending application to the Excise and Taxation Officer concerned for preliminary report. This form along-with the processing fee shall be got filled in respect of all the cases which are in the pipeline.

The preliminary report in light of above norms/ criteria shall be submitted by the concerned Excise and Taxation Officer to the Deputy Excise Commissioner concerned within fifteen days of the application, being sent to him. In case of non receipt of the report from the Excise and Taxation Officer within the stipulated time it will be presumed by the Deputy Excise Commissioner concerned that the case is not fit for further process as it does not fulfill the prescribed criteria. He shall accordingly send a report to the Excise Commissioner to facilitate formal disposal of the case.

  
(Masaud Samoon) IAS  
Excise Commissioner  
11.8.05

No:-Exc/ 5214-22/Exc  
DT:- 11-10-2005.

Copy for information and necessary action to the:-

- 1-2. Deputy Excise Commissioner (Executive) Jammu/ Kashmir.
- 3-9. Excise & Taxation Officer, City Range North/South, Jammu-Kathua/ Rajouri-Poonch/ Doda-Udhampur/Srinagar/ Leh.
- 10/ Order file (w.2.s.c.).

**FORM OF BOI-DATA OF APPLICANT FOR GRANT OF LICENSE IN FORM JKEL-4 I.E. BAI  
WITH RESTAURANT**

1	Name of the applicant	_____
2	Father's/ husband name	_____
3	Full residential address	_____ _____
4	Date of birth	_____
5	Proposed location	_____
6	Name of restaurant	_____
7	Whether the restaurant is functional	_____
8	Whether the restaurant is on lease or on rental basis or owned by the applicant	_____
9	number of customers that can be accomodated in the restaurant at one time.	_____
10	Whether the restaurant has a separate kitchen.	_____
11	whether the restaurant has a hygenic toilet.	_____
12	Whether the restaurant if in Jammu city is fully air-conditioned.	_____
13	Whether the restaurant in the places of cold climate like Srinagar has reasonable heating arrangement	_____
14	Qualification of the applicant	_____
15	Whether the applicant is fit to conduct the business of liquor	_____
16	Number of liquor licenses if any possessed by the applicant and the kind of license.	_____
17	Whether the applicant is a permanent resident of J&K State	_____
18	Whether the applicant has ever been convicted under the J&K Excise Act or any other Criminal Law of the country.	_____
19	Whether the applicant is a defaulter of arrears of Sales Tax/ Excise	_____
20	Amount of processing fee of application	Rs. 1,000/-
21	T.R. No. and Date	_____
22	Name of the treasury	_____

I hereby declare that the above said statements are true to the best of my knowledge and belief and nothing has been concealed therein. I undertake that in the event of any of the above information being found to be false my application is liable to be rejected summarily.

Signature of the applicant