

**OFFICE OF THE EXCISE COMMISSIONER, J&K GOVERNMENT,
EXCISE AND TAXATION COMPLEX, RAIL HEAD, JAMMU.**

Subject: Temporary sale of liquor off the premises at Sub-Vends through the licensees already holding licences in form JKEL-2 for the nearest existing vend.

Reference: 1. Deputy Excise Commissioner (Executive) Jammu's letter No. Sub-Vend/DECEJ/Exc/15406 dated 29-03-2011.
2. Deputy Excise Commissioner, Leh-Ladakh's letter No. 286-87/DEC/Leh dated 24-03-2011.

EXCISE ORDER No.: 581 OF 2011

D A T E D: 31 - 03 - 2011

Whereas, vide Excise Order 668-STS of 2005 dated 30-12-2005 read with Excise Order No. 284 of 2007 dated 14-07-2007, based on the recommendations made by the Committee of officers and in order to arrest bootlegging, illicit distillation in un-served and under-served areas and also in the interest of Government revenue, sale of liquor was permitted at following sub-vends in terms of proviso to Rule 28 of the J&K Liquor Licence and Sales Rules, 1984 through the nearest existing licensees holding valid licence in form JKEL-2 as indicated against each:-

S. No.	Excise Range	Sub-Vends	Name of the licensed vend to which the sub-vend is attached	Licence No.	Excise Sub-Range
1.	Doda-Udhampur	Nashri	Jiya Lal Gupta Wine Shop, Batote	99/JKEL-2	Doda
2.	Doda-Udhampur	Motor Shed Chenani	Kasturi Wine Shop, Domail, Udhampur	157/JKEL-2	Udhampur
3.	Jammu City-North	Akalpur	Rekha Wine Shop, Patta Bohri	229/JKEL-2	West
4.	Jammu-Kathua	Nandpur	Ajay Wine Shop, Ramgarh	250/JKEL-2	Vijaypur
5.	Jammu-Kathua	Chhallan	Parmanand Wine Shop, Dayalachak	203/JKEL-2	Hiranagar
6.	Jammu-Kathua	Gujru Nagrota	Sanjeev Khajuria Wine Shop, Phinter	227/JKEL-2	Kathua
7.	Jammu-Kathua	Barnoti	Rakesh Singh Sumbria Wine Shop, Kathua	237/JKEL-2	Kathua
8.	Jammu-Kathua	Lakhanpur	Kohli Wine Shop, Kathua	118/JKEL-2	Kathua
9.	Rajouri-Poonch	Mendhar	Adarsh Wine Shop, Poonch	94/JKEL-2	Poonch
10.	Rajouri-Poonch	Nowshera	Johny Wine Shop, Sunderbani	136/JKEL-2	Rajouri
11.	Rajouri-Poonch	Palma	M/s. Falail Singh Wine Shop, Rajouri	236/JKEL-2	Rajouri
12.	Rajouri-Poonch	Taryath	Joginder Nath Varinder Kumar Wine Shop, Jawahar Nagar, Rajouri.	20/JKEL-2	Rajouri
13.	Jammu City-South	Alla	Harbir Singh Wine Shop, Arnia	208/JKEL-2	Bishnah

Whereas, vide Excise Order No. 254 of 2007 dated 27-06-2007, an additional sub-vend was allowed at Choglamsar, Leh, through nearest main vend operating in the name and style of M/s. Wine House Sakara, Leh; and

Whereas, the above arrangement was extended from time to time till the issuance of Excise Order No. 375 of 2007 dated 15-09-2007, when the arrangement was extended till further orders; and

Whereas, as per rule 26 of the J&K Liquor Licence and Sales Rules, 1984 a liquor licence can be granted for a period of one year i.e. w.e.f. 1st of April to 31st of March of the next year and as per Rule 27 of the J&K Liquor licence and sales Rules, 1984 all licences determine on 31st of March next following the grant unless approved for renewal by the Competent Authority; and

Whereas, by virtue of above rule the life of the sub-vends could at the most be deemed to have been extended only upto 31st of March; and

Whereas, vide Excise Order No. 01 of 2009 dated 01-04-2009, approval was granted to sale of liquor through above said vend for 1st quarter of 2009-10 and subsequently extended upto 31-03-2010; and

Whereas, vide Excise Order No. 635 of 2010 dated 31-03-2010, approval was granted to sale of liquor through above said vend for 1st quarter of 2010-11 and subsequently extended upto 31-03-2011; and

Whereas, sub-vend allotted at location i.e. Nashri in favour of M/s. Jiya Lal Gupta Wine Shop, Batote has been closed in terms of Excise Order No. 475 of 2011 dated 12-01-2011 due to issuance of temporary licence at location Nashri in terms of Excise Order No. 465 of 2011 dated 07-01-2011 in favour of Shri Davinder Mohan Sharma S/o. Sh. Bal Krishan Sharma R/o. W. No. 8, Brahman Mohalla, Tehsil and District Kishtwar in view of the directions of Hon'ble High Court dated 28-12-2010 in OWP No. 1179/2010 titled Davinder Mohan Sharma V/s State of J&K and Others; and

Whereas, the cancellation of vends allotted on the basis of defective computerized draw-of-lots held on 09-08-2005 has been challenged before the Hon'ble High Court in a bunch of writ petitions lead case titled Sandhya Devi & others V/s. State and others and same is sub-judice; and

Whereas, the Hon'ble High Court through a common judgment dated 26-02-2010, has disposed of another bunch of writ petitions filed by overaged educated un-employed youth and Ex-Serviceman and dismissed all these writ petitions except OWP No. 639/2005 titled Dogra Nath V/s. State and others; and

Whereas, the judgment passed by the Hon'ble Court on 26-02-2010 was referred to the Government, in the Finance Department vide letter No. EC/Exc/9050 dated 25-03-2010, for instructions; and

Whereas, in pursuance of the instructions of the Law Department conveyed under letter No. LD[Lit]2005/180-Fin dated 08-04-2010 a Letter's Patent Appeal (LPAOW 24/2010) stands filed before the Registry of Hon'ble High Court of J&K at Jammu through Ld. Advocate General against the common judgment dated 26-02-2010, passed by the Ld. Single Judge to the extent it allowed writ petition No. 639/2005 titled Lt. Col Dogra Nath V/s. State and others; and

Whereas, the LPA filed against the judgment dated 26-02-2010, before the Hon'ble Court is Sub-judice and may take some more time for its disposal; and

Whereas, operation/continuation of Sub-Vends is necessary to meet the requirement of liquor in under and unserved areas and also to prevent bootlegging/illicit distillation in these areas; and

Whereas, Deputy Excise Commissioner (Executive) Jammu vide his letter No. Sub-Vend/DECEJ/Exc/15406 dated 29-03-2011 and the Deputy Excise

Commissioner, Leh-Ladakh vide her letter No. 286-87/DEC/Lch dated 24-03-2011, has requested for issuance of order for continuation of these Sub-vends except sub-vend at location Nashri in the interest of the Government Revenue and in order to arrest bootlegging/illicit distillation in un-served/under served areas.

Now, therefore, in view of the recommendations of the Deputy Excise Commissioner, Leh-Ladakh and the Deputy Excise Commissioner (Executive) Jammu, and in terms of Rule 28 of the J&K Liquor Licence and Sales Rules, 1984 approval is granted to the sale of liquor through sub-vend at Choglamsar, Leh and above said sub-vends in Jammu Division except location Nashri for the 1st quarter of the year 2011-12 or till the decision of LPA(OW) 24/2010 titled State of J&K V/s. Lt. Col. Dogra Nath & others, whichever is earlier, through existing licenced vends holding valid licence in form JKEL-2 at locations indicated herein above subject to following terms and conditions:-

- (i). That the licensees shall deposit the sub-vend fee for the 1st quarter of 2011-12, as prescribed under SRO 105 dated 29-03-2011, within one week from the date of issue of this order.
- (ii). That arrangement shall remain in operation for a period of three months upto 30th June, 2011 or till the receipt of the instructions from the Government, whichever is earlier.
- (iii). That the sale of IMFL from the sub-vend shall be clubbed with the sale of existing IMFL vend for computation of additional licence fee.
- (iv). That the premises of the Sub-vend shall be reflected in form JKEL-2 as the part of the main vend and all transactions through the said sub-vend shall for all intents and purposes be treated as transactions through the main vend.
- (v). That this temporary arrangement shall not confer any right/claim on the licensee (main vend) for continuing the sale of liquor through the sub-vend for whatsoever reason beyond the licensed period.
- (vi). That each existing licensee indicated above have to execute a fresh counter part agreement indemnifying therein that he will abide by the terms and conditions of the original licence and also those mentioned in this order for operating the sub-vend for sale of liquor.
- (vii). That the stock of IMFL for retail sale of sub-vend attached to existing licensed vend shall be lifted directly from the trade JKEL-1 and under no circumstances whatsoever the stocks from main vend shall be transferred to the sub-vend.
- (viii). That after closure of the sub-vend, the balance stock, if any, shall be transferred to the main vend after preparation of detailed inventory of stock under the supervision of concerned ETO.

Sd/-
(G. A. Peer) IAS,
Excise Commissioner,
J&K Govt., Jammu.

No.: EC/Exc/Sub-vend/ 8440-90

Date: 31-03-2011.

Sub vend.

Copy to the:-

1. Commissioner/Secretary to Govt., Finance Department, J&K Civil Secretariat, Srinagar.
2. Deputy Excise Commissioner (Executive) Jammu/ Leh-Ladakh for information and necessary action. They are requested to furnish the attested copies of receipt of Sub-vend fee remitted by each licensee.
3. Deputy Excise Commissioner (Executive) Kashmir for information and necessary action.
4. Deputy Excise Commissioner (Accounts/Distilleries) Jammu.
5. Excise and Taxation Officer, City Excise Range (North/South) Jammu, Doda-Udhampur, Jammu-Kathua, Rajouri-Poonch, Srinagar, Distilleries, Eradication for information and necessary action
6. Technical Personal Assistant to the Excise Commissioner/Excise Section.
7. All wholesalers namely JKEL-1
8. All retailers (JKEL-2) holding sub-vend
9. Office Order file (w.2.s.c).

[Handwritten Signature]
 Technical Personal Assistant
 to Excise Commissioner,
 J&K Govt, Jammu.

31/03/03
31/03