

ಕರ್ನಾಟಕ ವಿಧಾನ ಪರಿಷತ್ತು

ಚುಕ್ಕೆ ಗುರುತಿನ ಪ್ರಶ್ನೆ ಸಂ.	773
ಮಾನ್ಯ ಸದಸ್ಯರ ಹೆಸರು	ಶ್ರೀ ಮಂಜುನಾಥ ಭಂಡಾರಿ (ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳಿಂದ ಚುನಾಯಿತರಾದವರು)
ಉತ್ತರಿಸಬೇಕಾದವರು	ಅಭಿಪ್ರಾಯ
ಉತ್ತರಿಸಬೇಕಾದ ದಿನಾಂಕ	13.07.2023

ಕ್ರ. ಸಂ.	ಪ್ರಶ್ನೆ	ಉತ್ತರ
ಉ)	<p>ರಾಜ್ಯದಲ್ಲಿ ಬಾರ್ ಕಾರ್ಗೋ ಮದ್ದ ಮಾರಾಟ ಮಾರ್ಗಿಗಳನ್ನು ಸ್ಥಾಪಿಸಲು ಇರುವ ನಿಯಮಗಳೇನು; ಪರವಾನಗಿ ನೀಡುವ ಪ್ರಾಧಿಕಾರ ಯಾವುದು; ರಾಜ್ಯದಲ್ಲಿ ಎನ್ನು ಬಾರ್ ಕಾರ್ಗೋ ಮದ್ದ ಮಾರಾಟ ಮಾರ್ಗಿಗಳನ್ನು ಅವುಗಳಿಂದ ಸರ್ಕಾರಕ್ಕೆ ಸಂಗ್ರಹಾಗ್ರಹಿತರಿಯವ ಆದ್ಯಾಯವೆನ್ನು; (ಮದ್ದ ಮಾರಾಟ ಮಾರ್ಗಿಗಳ ಮತ್ತು ಡಲ್ಲಾವಾಯ ವಿವರ ನೀಡುವುದು)</p>	<p>1992ನೇ ಸಾಲೆನಿಂದ ಹೊಸದಾಗಿ ಸೀಲ್-2, ಸೀಲ್-9 ಸಂಖ್ಯೆನ್ನು ನೀಡಲು ನಿರ್ಬಂಧವಿರುವುದರಿಂದ ಅಭಿಪ್ರಾಯವಿಯಿಂದ ಯಾವುದೇ ಹೊಸ ಸೀಲ್-2 ಮತ್ತು ಸೀಲ್-9 ಸಂಖ್ಯೆಗಳನ್ನು ಮಂಜೂರಾತಿ ನೀಡಲಾಗುತ್ತಿಲ್ಲ.</p> <p>ರಾಜ್ಯದಲ್ಲಿ ಸೀಲ್-2, ಸೀಲ್-4, ಸೀಲ್-6, ಸೀಲ್-7, ಸೀಲ್-9, ಸೀಲ್-11ಗಳು, ಆರ್ ಏ ಬಿ ಮತ್ತು ಇತರೆ ಪರವಾನಗಿಗಳನ್ನು ಈ ಕೆಳಕಂಡ ನಿಯಮಗಳನ್ನು ಪಾಲಿಸಿ ನೀಡಲಾಗುತ್ತಿದೆ.</p> <p>1) ಸೀಲ್-2, ಸೀಲ್-4, ಸೀಲ್-6, ಸೀಲ್-7, ಸೀಲ್-8, ಸೀಲ್-9 ಸಂಖ್ಯೆಗಳು: ಕನಾಟಕ ಅಭಿಪ್ರಾಯ (ದೇಶಿ ಮತ್ತು ವಿದೇಶಿ ಮದ್ದ ಮಾರಾಟ) ನಿಯಮಗಳು 1968 ರಜಿಯಲ್ಲಿನ ನಿಯಮಗಳಲ್ಲಿ ಆಗತ್ಯಾಗಿ ಕಲ್ಪಿಸಬೇಕಾಗಿರುವ ಮೂಲಭೂತ ಸೌಲಭ್ಯಗಳು ಮತ್ತು ಕನಾಟಕ ಅಭಿಪ್ರಾಯ ಸಂಖ್ಯೆಗಳು (ಸಂಖ್ಯೆಗಳ ಸಾಮಾನ್ಯ ಘರಕ್ತುಗಳು) ನಿಯಮಗಳು 1967 ರಲ್ಲಿನ ನಿಯಮಗಳಿಗೆ ರೂಪಿಸಿರುವ ನಿರ್ಬಂಧಗಳು. ನಿಯಮಗಳ ಪ್ರತಿಯನ್ನು ಅನುಭಂಗ-1 ಮತ್ತು 2 ರಲ್ಲಿ ನೀಡಿದೆ.</p> <p>2) ಸೀಲ್-4, ಸೀಲ್-6, ಸೀಲ್-7, ಸೀಲ್-9 ಸಂಖ್ಯೆಗಳಿಗೆ ಹೊಂದಿಕೊಂಡಿರುವ ಆರ್ ಏ ಬಿ ಸಂಖ್ಯೆಗಳು: ಕನಾಟಕ ಅಭಿಪ್ರಾಯ ಕಾಯಿದೆ 1965 ಮತ್ತು ಕನಾಟಕ ಅಭಿಪ್ರಾಯ (ಒಲ್ಲರೆಯಾಗಿ ಬಯರ್ ಅನ್ನು ಮಾರಾಟ ಮಾಡುವ ಗುತ್ತಿಗೆ) ನಿಯಮ 1976 ರಜಿಯಲ್ಲಿನ ನಿಯಮಗಳು ಮತ್ತು</p>

		<p>ಕನಾಟಕ ಅಭಿವೃದ್ಧಿ ಸಂಸ್ಥೆಗಳ ಅಗತ್ಯವಾಗಿ ಕರ್ಲಿಸಬೇಕಾಗಿರುವ ಮೂಲಭೂತ ಸೌಲಭ್ಯಗಳು ಮತ್ತು ಕನಾಟಕ ಅಭಿವೃದ್ಧಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ವರ್ತನ್ಯಗಳು) ನಿಯಮಗಳು 1967 ರಲ್ಲಿನ ನಿಯಮಗಳಿಗೆ ರಹಿಸಿರುವ ನಿರ್ಬಂಧಗಳು. ನಿಯಮಗಳ ಪ್ರತಿಯನ್ನು ಅನುಬಂಧ-3 ರಲ್ಲಿ ನೀಡಿದೆ.</p> <p>3) ಮೃತ್ಯುಭೂಪರಿ ಸಂಸ್ಥೆಗಳು: ಕನಾಟಕ ಅಭಿವೃದ್ಧಿ ಕಾಯಿದೆ 1965 ಮತ್ತು ಕನಾಟಕ ಅಭಿವೃದ್ಧಿ (ಬ್ರಿರ್) (ತಿದ್ದುವರಿ) ನಿಯಮಗಳು, 2010 ರಜಿಯ ನಿಯಮಗಳು ಮತ್ತು ಅಗತ್ಯವಾಗಿ ಕರ್ಲಿಸಬೇಕಾಗಿರುವ ಮೂಲಭೂತ ಸೌಲಭ್ಯಗಳು ಹಾಗೂ ಕನಾಟಕ ಅಭಿವೃದ್ಧಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ವರ್ತನ್ಯಗಳು) ನಿಯಮಗಳು. 1967 ರಲ್ಲಿನ ನಿಯಮಗಳಿಗೆ ರಹಿಸಿರುವ ನಿರ್ಬಂಧಗಳು. ನಿಯಮಗಳ ಪ್ರತಿಯನ್ನು ಅನುಬಂಧ-4 ರಲ್ಲಿ ನೀಡಿದೆ.</p> <p>4) ವೈಸ್‌ಎಂಟೆರ್ಸ್/ವೈಸ್‌ ಡೋಟ್‌ ಸಂಸ್ಥೆಗಳು: ಕನಾಟಕ ಅಭಿವೃದ್ಧಿ ಕಾಯಿದೆ 1965 ಮತ್ತು ಕನಾಟಕ ಅಭಿವೃದ್ಧಿ (ಫ್ಲಾರೆಯಾಗಿ ವೈಸ್‌ನ್ನು ಮಾರಾಟ ಮಾಡುವ ಹಕ್ಕು). ನಿಯಮಗಳು 2008 ರಜಿಯಲ್ಲಿನ ನಿಯಮಗಳು. ಕನಾಟಕ ಅಭಿವೃದ್ಧಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ವರ್ತನ್ಯಗಳು) ನಿಯಮಗಳು, 1967 ರಲ್ಲಿನ ನಿಯಮಗಳಿಗೆ ರಹಿಸಿರುವ ನಿರ್ಬಂಧಗಳು. ನಿಯಮಗಳ ಪ್ರತಿಯನ್ನು ಅನುಬಂಧ-5 ರಲ್ಲಿ ನೀಡಿದೆ.</p> <p>5) ಕಾರಂಬಿಯು ಸ್ವಿಟ್‌ ಉತ್ಪಾದನೆಗೆ ಪ್ರಮುಖ ಕೆಳವನ್ನುವಾಗಿರುತ್ತದೆ. ಕಾರಂಬಿ ನಿಯಂತ್ರಣ ಆದೇಶ, 1961 ರಿನ್ನು ತಿದ್ದುವರಿಸಿದ ನಂತರೂ ಕಾನೂನು ಇಲಾಖೆಯ ಅಧಿಕಾರಿಯಿದಂತೆ ಎಂ-1 ಕಾರಂಬಿ ಸಂಸದನ್ನು ಸಂಸ್ಥರೆ ಕೂಪಾನೀಗೆ ಉತ್ಪಾದನೆ, ಹೊಂದುವಿಕೆ ಹಾಗೂ ಮಾರಾಟದ ಉದ್ದೇಶಕ್ಕಾಗಿ ಮತ್ತು ಎಂ-2 ಕಾರಂಬಿ ಸಂಸದನ್ನು ದಿಸ್ಟ್ರಿಲರಿಗೆ ಹೊಂದುವಿಕೆ ಮತ್ತು ಸ್ವಿಟ್‌ ಉತ್ಪಾದನೆ ಉದ್ದೇಶಕ್ಕಾಗಿ ನೀಡಲಾಗುತ್ತಿದೆ.</p> <p>ಮುಂದುವರೆದು, ಈ ಎಲ್ಲಾ ಸಂಸ್ಥೆಗಳನ್ನು ಮಂಜೂರು ಮಾಡುವಾಗ ಅರ್ಜಿದಾರರಿಗಳು ಕನಾಟಕ</p>
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	<p>ಅಬಕಾರಿ (ದೇಶೀ ಮತ್ತು ವಿದೇಶೀ ಮದ್ಯ ಮಾರಾಟ) ನಿಯಮಗಳು, 1968 ರ ನಿಯಮ 4(b) ಪ್ರತಾರ ಮತ್ತು ಕನಾಟಕ ಅಬಕಾರಿ (ಬ್ರಿವರಿ) ನಿಯಮಗಳು, 1967 ರ ನಿಯಮ 5(b) ರಸ್ಯಾಯ ಅನರ್ಕರಾಗದಿಯವ ಬಗ್ಗೆ ಸ್ವಯಂಭೋಷಿತ ಮುಖ್ಯಾತ್ಮಕಿಯನ್ನು ಪಡೆಯಲಾಗುತ್ತದೆ.</p> <p style="text-align: center;">ರಾಜ್ಯದಲ್ಲಿ ಎಂ.ಎಸ್.ಪಿ.ಎಲ್ ಸನ್ದುಗೆಣನ್ನು ಮಂಜೂರು ಮಾಡಲು ಸರ್ಕಾರ ಅನುಸರಿಸುವ ಮಾರ್ಗಸೂಚಿಗಳು ಈಚಂಡಂತವೇ:</p> <ol style="list-style-type: none"> i. ಎಂ.ಎಸ್.ಪಿ.ಎಲ್ ಮಾರ್ಗಗಳನ್ನು ಕನಾಟಕ ಅಬಕಾರಿ (ಭಾರತೀಯ ಮತ್ತು ವಿದೇಶಿ ಮದ್ಯಗಳ ಮಾರಾಟ) ನಿಯಮಗಳು, 1968 ರ ನಿಯಮ-3(11-ಾ), 8, 8(ಎ) ಹಾಗೂ ಕನಾಟಕ ಅಬಕಾರಿ (ಸನ್ದುಗೆಳ ಸಾಮಾನ್ಯ ಪರಿಶ್ರೋಧ) ನಿಯಮಗಳು, 1967ರ ನಿಯಮ-5ರ ಪ್ರತಾರ ನಿಬಂಧನೆಗಳನ್ನು ಪಾಲಿಸಿ ಮಂಜೂರು ಮಾಡಲು ಮೂವಾರ್ಥನುಮತಿ ನೀಡಲಾಗುವುದು. ii. ಸರ್ಕಾರದ ಪತ್ರ ಸಂಖ್ಯೆ:ಎಫ್.ಎಲ್ 07 ಇಂಫ್ರಾ ಡಿನಾಂಕ: 03.07.2009 ರಲ್ಲಿ ಪ್ರತಿ ತಾಲ್ಲೂಕಿಗೆ ಕನ್ನಡ 2 ರಂತೆ 352 ಸನ್ದುಗೆಣು, ಚಿಂತ್ಯಾ ಕೇಂದ್ರಸ್ಥಾನಕ್ಕೆ 2 ರಂತೆ 58 ಸನ್ದುಗೆಣು ಹಾಗೂ ಎಂಎಸ್.ಪಿ.ಎಲ್ ಸಂಸ್ಥೆ ಪ್ರಾದೇಶಿಕ ಬೇಡಿಕ ಅಧ್ಯಯನ ಆಧರಿಸಿ ಕೇರಿಕ ಸಲ್ಲಿಸುವ ಸ್ಥಳಗಳಿಗೆ 53 ಸನ್ದುಗೆಣಂತೆ ಒಟ್ಟು 463 ಸನ್ದುಗೆಣನ್ನು ತಂಬಿಕೆ ಮಾಡಲಾಗಿದೆ. iii. ಮುಂದುವರೆದು, ಸರ್ಕಾರದ ಪತ್ರ ಸಂಖ್ಯೆ: ಎಫ್.ಎಲ್ 15 ಇಂಫ್ರಾ ಡಿ:23.09.2016 ರಲ್ಲಿ ಕೇಳಂಡ ಪರಿಶ್ರೋಧ ಮೇಲೆ ಎಂ.ಎಸ್.ಪಿ.ಎಲ್ ಸಂಸ್ಥೆಗೆ ಒಟ್ಟು 900 ಸನ್ದುಗೆಣನ್ನು ಹೆಚ್ಚುವರಿಯಾಗಿ ಮಂಜೂರು ಮಾಡಲು ಅನುಮೋದನೆ ನೀಡಲಾಗಿದೆ. <ul style="list-style-type: none"> • ಎಂ.ಎಸ್.ಪಿ.ಎಲ್ ಸಂಸ್ಥೆಯೇ ತನ್ನ ವಾಣಿಜ್ಯ ಕಾರ್ಯಾ ಸಾಧ್ಯತೆಗೆ ಅನುಗುಣವಾಗಿ ಸನ್ದುಗೆಳ ಸ್ಥಳವನ್ನು ನಿಗದಿಗೊಳಿಸುವುದು. ಎಂ.ಎಸ್.ಪಿ.ಎಲ್ ಸಂಸ್ಥೆಯ ಅಧಿಕಾರಿಗಳು ಕನಾಟಕ ಅಬಕಾರಿ ಕಾರ್ಯಾಯಸ್ಥ ಮದ್ಯದಂಗಡಿಗಳನ್ನು ತೆರಿಯುವ
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		<p style="text-align: center;">ನಿರ್ದಿಷ್ಟ ಸ್ಥಳಗಳನ್ನು ಗುರುತಿಸುವುದು.</p> <ul style="list-style-type: none"> ಈ ರೀತಿ ಗುರುತಿಸುವ ಸ್ಥಳಗಳು ಸರ್ಕಾರವು ತ್ರಿಭಿಂಬಿಸುವ ವಿಧಾನಸಭಾ ಕ್ಷೇತ್ರದ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಇರಬೇಕು ಹಾಗೂ ನಿಗದಿಪಡಿಸಿರುವ ಸಂಪೂರ್ಣ ಮತ್ತಿಯಲ್ಲಿ ಇರಬೇಕು. ಒಂದು ವಿಧಾನಸಭಾ ಕ್ಷೇತ್ರ ವ್ಯಾಪ್ತಿಯಿಂದ ಮತ್ತೊಂದು ವಿಧಾನಸಭಾ ಕ್ಷೇತ್ರ ವ್ಯಾಪ್ತಿಗೆ ವರ್ಗಾವಳಿ ಆಗದಂತೆ ಮೇಡಿಕೋಲ್ಡೆಟ್‌ಕ್ಷೇತ್ರ. ಎಂ.ಎಸ್.ಪಿ.ಎಲ್ ಸಂಸ್ಥೆಯಿಂದ ಸನ್ನದು ಸ್ಥಳಗಳನ್ನು ಗುರುತಿಸಿ ಇಲಾಖೆಗೆ ಪ್ರಸ್ತಾವನೆ ಸಲ್ಲಿಸಿದ ನಂತರ ಅಂತಹ ಸನ್ನದು ಸ್ಥಳಗಳು ಕನಾರ್ಚಿಕ ಅಭಿಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಘರತ್ವಗಳು) ನಿಯಮಗಳು, 1967ರ ನಿಯಮ 5 ರನ್ನಿಯ ಆಕ್ಷೇಪಣ ರಹಿತ ಸ್ಥಳದಲ್ಲಿರುವಂತೆ ಹಾಗೂ ಇತರ ಸಂಬಂಧಿಸಿದ ನಿಯಮಗಳಿಗೆ ಪೂರ್ಕವಾಗಿರುವಂತೆ ಸಂಬಂಧಪಟ್ಟ ಅಭಿಕಾರಿ ಉಪ ಆಯುಕ್ತರು ನೋಡಿಕೊಳ್ಳುವುದು. <p>iv. ಮುಂದುವರೆದು, ಸರ್ಕಾರದ ಪತ್ರ ಸಂಖ್ಯೆ: ಎಫ್‌ಡಿ 08 ಇಂಫ್ರಾ-ವಿಲ್ಸ್ 2020 ದಿ:08.09.2020 ರಲ್ಲಿ ಕಾಗಾರೇ ಮಂಜೂಲು ಮಾಡಿರುವ ಒಟ್ಟು 900 ಸನ್ನದುಗಳ ಪೈಕಿ ಬಾಕಿ ೩೯೭ ದಿನವು 441 ಸನ್ನದುಗಳನ್ನು ಕೆಳಕಂಡ ಘರತ್ವಗಳ ಮೇಲೆ ಪ್ರಾರಂಭಿಸಲು ಸರ್ಕಾರದ ಅನುಮೋದನೆ ನೇಡಲಾಗಿದೆ.</p> <ul style="list-style-type: none"> ಎಂ.ಎಸ್.ಪಿ.ಎಲ್ ಸಂಸ್ಥೆಯೇ ತನ್ನ ವಾಣಿಜ್ಯ ಕಾರ್ಯಾಂಶದ್ವಾರಾ ಅನುಗ್ರಹಿತ ಸನ್ನದುಗಳ ಸ್ಥಳವನ್ನು ನಿಗದಿಗೊಳಿಸುವುದು. ಎಂ.ಎಸ್.ಪಿ.ಎಲ್ ಸಂಸ್ಥೆಯ ಅಧಿಕಾರಿಗಳು ಕನಾರ್ಚಿಕ ಅಭಿಕಾರಿ ಕಾಯ್ದಿಯನ್ನಿಂದ ಮಧ್ಯದಂಗಡಿಗಳನ್ನು ತರೆಯುವ ನಿರ್ದಿಷ್ಟ ಸ್ಥಳಗಳನ್ನು ಗುರುತಿಸುವುದು. ಸಿಲ್‌-11(ಎ) ಕೆಳೆಟಾದಲ್ಲಿನ ಬಾಕಿ ಇರುವ 441 ಚಿಲ್ಲರೆ ಮಧ್ಯ ಮಾರಾಟ ಸನ್ನದುಗಳ ಪೈಕಿ ಯಾವುದಾದರೂ ಸನ್ನದನ್ನು ಒಂದು ವಿಧಾನಸಭಾ ಕ್ಷೇತ್ರ ವ್ಯಾಪ್ತಿಯಿಂದ ಮತ್ತೊಂದು ವಿಧಾನಸಭಾ ಕ್ಷೇತ್ರ
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(ಭೂರ್ತೀಯ ಮತ್ತು ವಿದೇಶಿ ಮದ್ದ ಮಾರಾಟ)
ನಿಯಮಗಳು, 1968ರ ನಿಯಮ 48
ಕೋಷಕೆಯನ್ನಿಂದ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.

• ಕ್ರಾರೀತಿಯಾಗಿ ಅಧಿಕರಿಸಲ್ಪಟ್ಟ ವ್ಯಕ್ತಿಯು ಸನ್ವದಿಗಾಗಿ ಅಜ್ಞಿಯನ್ನು ಸಹ್ಯ ಪ್ರಾಧಿಕಾರಿಯಾದ ಜಿಲ್ಲೆಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಿಗೆ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.

ಕನಾರ್ಚಿಕೆ ಅಬಕಾರಿ (ದೇಶಿ ಮತ್ತು ವಿದೇಶಿ ಮದ್ದ ಮಾರಾಟ) ನಿಯಮಗಳು, 1968ರ ನಿಯಮ 5 ರನ್ನಿಂದ ಸನ್ವದು ಮಂಜೂರಾತಿ ಸಂಬಂಧ ಪ್ರೊವಾನ್ಸಿನುಮತಿಗೆ ಶಿಥಾರಸ್ಸು ಮಾಡುವ ಅಧಿಕಾರಿವನ್ನು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಹೊಂದಿದ್ದು ಸದರಿಯವರ ಶಿಥಾರಸ್ಸನ್ನು ಪರಿಗಳಿಸಿ, ಅಬಕಾರಿ ಅಯ್ಯಾತ್ತರು ಸನ್ವದು ಮಂಜೂರಾತಿಗೆ ಪ್ರೊವಾನ್ಸಿನುಮತಿ ನೀಡಿದ ನಂತರದಲ್ಲಿ ಸನ್ವದನ್ನು ಮಂಜೂರಾಯ ಮಾಡುವ ಅಧಿಕಾರಿ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಿಗೆ ದತ್ತವಾಗಿರುತ್ತದೆ.

ಉಜ್ಜ್ವಲ್ 2022-23ನೇ ಅಬಕಾರಿ ಸಾಲಿನಲ್ಲಿ ಒಟ್ಟು 12,614 ಸನ್ವದುಗಳಿವೆ. ಇವುಗಳ ಪ್ರಮೆಶ 3635 ಬಾರ್ ಅಂಡ ರೆಸ್ಟ್ರೀರಿಂಗ್ 3988 ಐಲ್‌2 ಸನ್ವದುಗಳು ಮತ್ತು 1040 ಐಲ್‌1ಗೆ ಮದ್ದದಂಗಡಿಗಳಿರುತ್ತವೆ. ಸನ್ವದುಗಳಿಂದ ವಾರ್ಕೆ ಸನ್ವದು ತುಲ್ಯ ಹೆಚ್ಚಿರಿ ಸನ್ವದು ತುಲ್ಯ ದಂಡ ಮತ್ತು ಮುಟ್ಟಿಗೇಲು ರೂಪದಲ್ಲಿ 2022-23ನೇ ಅಬಕಾರಿ ಸಾಲಿಗೆ 679.38 ಕೋಟಿ ರೂ. ಅಬಕಾರಿ ರಾಜಸ್ವ ಸಂಗ್ರಹವಾಗಿರುತ್ತದೆ. ಜಿಲ್ಲಾವಾರು ಮತ್ತು ವಿವಿಧ ಸನ್ವದುವಾರು ಸಂಗ್ರಹವಾದ ಅಬಕಾರಿ ರಾಜಸ್ವದ ವಿವರವನ್ನು ಅನುಭಂಗ-ರೆಲ್ಯು ಇರಿಸಿದೆ.

ಸನ್ವದುಗಳಲ್ಲಿ ಮಾರಾಟ ಮಾಡಲು ಖರೀದಿಸುವ ಮದ್ದದ ಮೇಲಿನ ಅಬಕಾರಿ ಸುಂಕ ಮತ್ತು ಹೆಚ್ಚಿರಿ ಅಬಕಾರಿ ಸುಂಕಗಳನ್ನು ಮದ್ದ ಉತ್ಪಾದಕ ಡಿಸ್ಟ್ರಿಬ್ಯೂಟರ್/ಫೆರ್ಮಿಲ್ ಫಾರ್ಟೆಗಳ ಹಂತದಲ್ಲೇ ಸಂಗ್ರಹಿಸಲಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ, ಸನ್ವದುಗಳಿಂದ ವಾರ್ಕೆ ಸನ್ವದು ತುಲ್ಯ ಹೆಚ್ಚಿರಿ ಸನ್ವದು

		ಮತ್ತು ದಂಡ ಮತ್ತು ಮುಚ್ಚಿಗೇಲು ರೂಪದಲ್ಲಿ ಮತ್ತು ನೇರವಾಗಿ ಅಬಕಾರಿ ರಾಜಸ್ವ ಸಂಗ್ರಹಣಾಗುತ್ತದೆ.
೫)	ರಾಜ್ಯದಲ್ಲಿ ಬಾರ್ ಹಾಗೂ ಮದ್ದ ಮಾರಾಟ ಮಂಡಿಗಳಲ್ಲಿ ಇತರ ಅಂಗಡಿಗಳಲ್ಲಿ ಅನಧಿಕೃತವಾಗಿ ಮದ್ದ ಮಾರಾಟ ಮಾಡುತ್ತಿರುವುದು ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ಬಂದಿದೆ; ಈ ಬಗ್ಗೆ ಸರ್ಕಾರವು ಕೈಗೊಂಡ ಕ್ರಮಗಳೇನು; (ಪ್ರಕರಣವಾರು ಮತ್ತು ಜೆಲ್ಲಾವಾರು ಏವರ ನೇಡುವುದು)	ರಾಜ್ಯದ ಗ್ರಾಮಾಂತರ ಭಾಗದಲ್ಲಿ ಅನಧಿಕೃತ ಸ್ಥಳಗಳಲ್ಲಿ ಅಕ್ರಮವಾಗಿ ಮದ್ದ ಮಾರಾಟ ಮಾಡುತ್ತಿರುವುದು ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ಬಂದಿದೆ. ಅಕ್ರಮ ಮದ್ದ ಮಾರಾಟವನ್ನು ತಡೆಗಟ್ಟಲು ಅಬಕಾರಿ ಇಲಾಖೆಯಿಂದ ವಲಯ ವ್ಯಾಪ್ತಿಯ ರಂಡಾಗಳಲ್ಲಿ ನಿರ್ತಂತರವಾಗಿ ಗಸ್ತಿ ನಡೆಸಲಾಗುತ್ತದೆ. ಸದರಿ ಗಸ್ತಿನ ಸಮಯದಲ್ಲಿ ಮತ್ತು ದಳಿಯ ಸ್ಥಿರತ್ವದಲ್ಲಿ ಅಕ್ರಮವಾಗಿ ಮದ್ದ ಮಾರಾಟ ಮಾಡುತ್ತಿರುವ ಸ್ಥಳಗಳ ಮೇಲೆ ದಾಳಿ ನಡೆಸಿ ಅಕ್ರಮಗಳು ಕಂಡುಬಂದಲ್ಲಿ ಅಬಕಾರಿ ಕಾಯ್ದು ಮತ್ತು ನಿಯಮಗಳನ್ನುಸಾರ ಪ್ರಕರಣಗಳನ್ನು ದಾಖಲಿಸಲಾಗುತ್ತದೆ. ರಾಷ್ಟ್ರೀಯ, ರಾಜ್ಯ ಹೆದ್ದಾರಿ ಮತ್ತು ಜೆಲ್ಲಾ ಮುಖ್ಯ ರಸ್ತೆ ಹಾಗೂ ವಲಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ನಿರ್ದರ್ಶಿಸಿರುವ ರಂಡಾಗಳಲ್ಲಿ ನಿಯಮಿತವಾಗಿ ರಸ್ತ್ರೋವಲು ನಡೆಸಿ ಸಂಕಂಯಾಸ್ವದ ವಾಹನಗಳನ್ನು ತಪಾಸಣೆಗೆ ಒಳಪಡಿಸಲಾಗುತ್ತದೆ. ಜೆಲ್ಲಾ ಮಟ್ಟದಲ್ಲಿ ಬೆಲ್ಲಾರಿಕಾರಿಗಳ ಅಧಿಕೃತಿಯಲ್ಲಿ ಸ್ಥಾಯಿ ಸಮಿಕೆ ಸಭೆಯನ್ನು ಏರ್ಪಡಿಸಿ ಇತರೆ ಇಲಾಖೆಗಳಿಂದಿಗೆ ಸಮನ್ವಯ ಸೂಧಿಸಿ ಅಕ್ರಮ ಹತ್ತಿಕಲು ಕ್ರಮವಹಿಸುವ ಕುರಿತು ಮೊರ್ಕೆಸ ಪರಿಷ್ಕಾರಿಕಾರಿಗಳು ಮತ್ತು ಜೆಲ್ಲಾ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಾರಿಗಳಿಂದಿಗೆ ಜಂಟಿ ಕಾರ್ಯಾಚಾರಕ್ಕೆ ನಡೆಸಲಾಗುತ್ತದೆ. ಕನಾರ್ಕಿಕ ಅಬಕಾರಿ ಕಾಯ್ದು 1965ರ ಕುಲಂ 50 ರಂತೆ ಕಾರ್ಯವ್ಯಾಪ್ತಿಯಲ್ಲಿ ನಡೆಯುವ ಅಬಕಾರಿ ಅಕ್ರಮಗಳ ಕುರಿತು ಮಾಹಿತಿ ನೀಡಲು ತಿಳಿವರ್ಣಕ ಪತ್ರ ಜಾರಿಗೊಳಿಸಲಾಗಿರುತ್ತದೆ. ಅಕ್ರಮ ಮದ್ದ ಮಾರಾಟಗಾರರ ವಿರುದ್ಧ ಕನಾರ್ಕಿಕ ಅಬಕಾರಿ ಕಾಯ್ದು ಅನ್ವಯ ವೊಕ್ಕಣವೆ ದಾಖಲಿಸಿ ಆಗತ್ಯ ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗುತ್ತದೆ. ರಾಜ್ಯದಲ್ಲಿ ಕಳಿದ 03 ವರ್ಷಗಳಲ್ಲಿ ನಡೆಸಿದ ದಾರಿ ದಾಖಲಿಸಿರುವ ಪ್ರಕರಣಗಳ ಏವರ ಮತ್ತು ಜೆಲ್ಲಾವಾರು

ವರ್ತನೆ ಅನುಭಂಧ-7ರಲ್ಲಿ ಇರಿಸದೆ.	
ಇ) ದಕ್ಷಿಣ ಕನ್ನಡ ಮತ್ತು ಉಡುಪಿ ಜಿಲ್ಲೆಗಳಲ್ಲಿರುವ ಡಾರ್ ಮತ್ತು ವೈನಾಂತರ್ಯಗಳನ್ನು ಆದಾಯ ಸಂಗ್ರಹ ಎನ್ನು; ಇತ್ತೀಚೆಗೆ ವೈನಾಂತರ್ಯ ಪರವಾನಗಿಯಾಗಿ ನೀಡಲಾಯಿತು; (ವರ್ತನೆ ನೀಡಲಿದ್ದು)	<p>2022-23ನೇ ಅಬಳಾರಿ ಸಾಲಿನಲ್ಲಿ ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆಯಲ್ಲಿ ಬಹು 542 ಸಂಸ್ಥೆಗಳವೆ. ಇವುಗಳ ಪ್ರಮೆ 217 ಡಾರ್ ಅಂಡ ರಸ್ಟ್ರೋರಂಟ್, 154 ಸುಲಾ-2 ಸಂಸ್ಥೆಗಳ ಮತ್ತು 31 ಸುಲಾ-11ಗೆ ಮದ್ದರಂಗಾರ್ಥಿತ್ವ. ಉಡುಪಿ ಜಿಲ್ಲೆಯಲ್ಲಿ ಬಹು 439 ಸಂಸ್ಥೆಗಳವೆ. ಇವುಗಳ ಪ್ರಮೆ 203 ಡಾರ್ ಅಂಡ ರಸ್ಟ್ರೋರಂಟ್, 89 ಸುಲಾ-2 ಸಂಸ್ಥೆಗಳ ಮತ್ತು 15 ಸುಲಾ-11ಗೆ ಮದ್ದರಂಗಾರ್ಥಿತ್ವ.</p> <p>ಈ ವರ್ತನೆ ಕುಟುಂಬ ಸಂಸ್ಥೆಗಳ ವಿವರಗಳನ್ನು ಒಳಗೊಂಡಿರುತ್ತಿರುತ್ತದೆ. ಈ ವರ್ತನೆಯ ಪ್ರಕಾರ ಸಂಸ್ಥೆಗಳ ಮತ್ತು ಉಡುಪಿ ಜಿಲ್ಲೆಯಲ್ಲಿ ಸಂಸ್ಥೆಗಳಿಂದ ವಾರ್ಷಿಕ ಸಂಸ್ಥಾ ಶಿಲ್ಪ ಹೆಚ್ಚಿನಲ್ಲಿ ಸಂಸ್ಥಾ ಶಿಲ್ಪ ದಂಡ ಮತ್ತು ಮುಟ್ಟುಗೋಲು ರಿಷದಲ್ಲಿ 2022-23ನೇ ಅಬಳಾರಿ ಸಾಲಿಗೆ ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆಯಲ್ಲಿ 28.37 ಕೋಟಿ ರೂ. ಮತ್ತು ಉಡುಪಿ ಜಿಲ್ಲೆಯಲ್ಲಿ 20.84 ಕೋಟಿ ರೂ. ಗಳನ್ನು ಅಬಳಾರಿ ರಾಜ್ಯ ಸಂಗ್ರಹವಾಗಿರುತ್ತದೆ.</p> <p>1992ನೇ ಸಾಲಿನಿಂದ ಹೊಸದಾಗಿ ಸುಲಾ-2, ಸುಲಾ-9 ಸಂಸ್ಥಾನ್ನು ನೀಡಲು ನಿರ್ಬಂಧವಿರುವುದರಿಂದ ಅಬಳಾರಿ ಕುಲಾಶೆಯಿಂದ ಹೊಸದಾಗಿ ಸುಲಾ-2 ಮತ್ತು ಸುಲಾ-9 ಸಂಸ್ಥಾಗಳ ಮಂಜೂರಾತಿ ನೀಡಲಾಗುತ್ತಿಲ್ಲ. ಆದ್ದರಿಂದ, ದಕ್ಷಿಣ ಕನ್ನಡ ಮತ್ತು ಉಡುಪಿ ಜಿಲ್ಲೆಗಳಲ್ಲಿ ಇತ್ತೀಚೆಗೆ ಯಾವುದೇ ಹೊಸ ವೈನಾಂತರ್ಯ ಪರವಾನಗಿಯನ್ನು ನೀಡಿರುವುದಿಲ್ಲ.</p> <p>ಕಳೆದ ಒಂದು ವರ್ಷದಲ್ಲಿ ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆಯಲ್ಲಿ 02 ಸುಲಾ-11ಗೆ ಸಂಸ್ಥಾನ್ನು ಮಂಜೂರು ಮಾಡಲು ಪರವಾನಗಿಯಾಗಿ ನೀಡಲಾಗಿರುತ್ತದೆ ಹಾಗೂ ಉಡುಪಿ ಜಿಲ್ಲೆಯಲ್ಲಿ ಯಾವುದೇ ಸುಲಾ-11ಗೆ ಸಂಸ್ಥಾನ್ನು ಮಂಜೂರು ಮಾಡಲು ಪರವಾನಗಿಯಾಗಿ ನೀಡಿರುವುದಿಲ್ಲ.</p> <p>ಖರ್ಚುಗಳ ಸಂಸ್ಥೆಗಳ ಮಾತ್ರಾ ಮಾತ್ರಾ ಹಾಗೂ ಜಲ್ಲಾವಾರು ಸಂಗ್ರಹವಾದ ಅಬಳಾರಿ ರಾಜ್ಯ ವರ್ತನೆ ಅನುಭಂಧ-7ರಲ್ಲಿ ಇರಿಸದೆ.</p>

ಕ್ಷ)	<p>ರಾಜ್ಯದಲ್ಲಿ ಬಾರ್ ಹಾಗೂ ವೈನ್ ಕಾರ್ಪೋರಿನ್ನು ಒಂದು ಸ್ಥಳದಿಂದ ಮತ್ತೊಂದು ಸ್ಥಳಕ್ಕೆ ಸ್ಥಳಾಂತರಿಸಲು ಇರುವ ನಿಯಮಗಳನ್ನು; ಸ್ಥಳಾಂತರಿಸುವ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿ ವಷ್ಟು; ಪ್ರಾಧಿಕಾರ ಯಾವುದು; (ವಿವರ ನೀಡುವುದು)</p>	<p>ಕನಾರ್ಫಿಕ ಅಭಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಪರಿಶುಗಳು) ನಿಯಮಗಳು, 1967ರ ನಿಯಮ-5 ರನ್ನು ಉದ್ದೇಶಿತ ಸನ್ವದಿನ 100 ಮೀಟರ್ ಅಂತರದೊಳಗೆ ಯಾವುದೇ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗಳು, ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳು, ಆಸ್ತೀಗಳು (30 ಬೆಳೆ ಗಳನ್ನು ಹೊಂದಿರುವ ಆಸ್ತೀಗಳು) ಪರಿಶ್ವ ಜಾತಿ ಅಥವಾ ಪರಿಶ್ವ ಪಂಗಡಗಳ ಕಾಲೋನಿಗಳು ಇರುವೆಂತಿಲ್ಲ. ಯಾವುದೇ ರಾಜ್ಯ ಸರ್ಕಾರದ್ದರೆ ಸರ್ಕಾರದ ಕಭೇರಿಯಾಗಲೇ ಅಥವಾ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಕಭೇರಿಯಾಗಲೇ ಅವುಗಳ ಮುಖ್ಯಸ್ಥಯ ಗ್ರಂತ "ಎ" ಅಥವಾ ಗ್ರಂತ "ಬಿ" ಅಧಿಕಾರಿಯಾಗಿದ್ದಲ್ಲಿ ಆ ಕಭೇರಿಯ ಅಸ್ತಿವ್ಯಾಳ ಸ್ಥಳವೆಂದು ಪರಿಗಣಿಸಲ್ಪಡುತ್ತದೆ. ಹಾಗೂ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ಸೀಲಾ ಅಂತರು ಸಂಖ್ಯೆ: 12164- 12166/2016 ರ ದಿನಾಂಕ: 31-03-2017 ರಲ್ಲಿ ಆದೇಶಿಸಿದಂತೆ 20,000ಕ್ಕಿಂತ ಹೆಚ್ಚನ ಜನಸಂಖ್ಯೆ ಹೊಂದಿರುವ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ 500 ಮೀಟರ್ (ಸರ್ವೋ ರಸ್ತೆಯು ಹಾದು ಹೋಗಿದ್ದಲ್ಲಿ ಸರ್ವೋ ರಸ್ತೆಯ ಅಂಚಿನಿಂದ ಅಥವಾ ರಾಜ್ಯ/ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಯ ಅಂಚಿನಿಂದ) ಅಂತರದಲ್ಲಿ ಯಾವುದೇ ಸನ್ವದನ್ನು ಮಂಜೂರು ಮಾಡುವೆಂತಿಲ್ಲ. 20,000ಕ್ಕಿಂತ ಕಡಿಮೆ ಜನಸಂಖ್ಯೆ ಹೊಂದಿರುವ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ 220 ಮೀಟರ್ (ಸರ್ವೋ ರಸ್ತೆಯು ಹಾದು ಹೋಗಿದ್ದಲ್ಲಿ ಸರ್ವೋ ರಸ್ತೆಯ ಅಂಚಿನಿಂದ ಅಥವಾ ರಾಜ್ಯ/ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಯ ಅಂಚಿನಿಂದ) ಅಂತರದಲ್ಲಿ ಯಾವುದೇ ಸನ್ವದನ್ನು ಮಂಜೂರು ಮಾಡಲು ಅವಕಾಶವಿರುವುದಿಲ್ಲ.</p> <p>ಕನಾರ್ಫಿಕ ಅಭಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಪರಿಶುಗಳು) ನಿಯಮಗಳು, 1967ರ ನಿಯಮ 23ರಲ್ಲಿನ ಉಪ ನಿಯಮ ಎ, ಬಿ, ಸಿ, ರಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ ಸನ್ವದ ಸ್ಥಳಾಂತರಗೊಳಿಸಲು ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯನ್ನು ಜೀಲ್ಮೆಯ ಅಭಕಾರಿ ಉಪ ಆಯುಕ್ತರುಗಳಿಗೆ ನೀಡಲಾಗಿರುತ್ತದೆ. ವಿವರವನ್ನು</p>
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ಉ)	ಕಳೆದ ಮೂರು ವರ್ಷಗಳಲ್ಲಿ ದಸ್ತಿಂ ಕನ್ನಡ ಮತ್ತು ಉದ್ಯುಕ್ತ ಜಿಲ್ಲೆಗಳಲ್ಲಿ ಸ್ಥಾಂತರಗೇಂದರೆಯವ ದಾರ್ಶನಿಕ ಮತ್ತು ಪ್ರೋತ್ಸಾಹ ಗಳ ವರ್ವರಗಳು ತೆಳುಗಂಡಂತಿದೆ.	<table border="1"> <thead> <tr> <th>ಕ್ರ. ಸಂ</th><th>ಜಾಲ್</th><th>ವರ್ಷ</th><th>ಸಂಪಾದ-೨</th><th>ಸಂಪಾದ-೯</th></tr> </thead> <tbody> <tr> <td>1.</td><td>ದಸ್ತಿಂ ಕನ್ನಡ</td><td>2020-21</td><td>3</td><td>7</td></tr> <tr> <td></td><td></td><td>2021-22</td><td>6</td><td>6</td></tr> <tr> <td></td><td></td><td>2022-23</td><td>5</td><td>6</td></tr> <tr> <td>2.</td><td>ಉದ್ಯುಕ್ತ</td><td>2020-21</td><td>2</td><td>8</td></tr> <tr> <td></td><td></td><td>2021-22</td><td>2</td><td>4</td></tr> <tr> <td></td><td></td><td>2022-23</td><td>2</td><td>8</td></tr> <tr> <td></td><td></td><td>ಟಟ್ಟೆ</td><td>20</td><td>39</td></tr> </tbody> </table> <p>ಸನ್ನುದ್ಯಾರ್ಥಕಾರಣವ್ಯಾಪರದ ಹಿತದ್ವಿಷಯಿಂದ ಸದರಿ ಸನ್ನುದ್ಯಾರ್ಥಕಾರಣವ್ಯಾಪರದ ಸ್ಥಾಂತರಗೇಂದರೆಯವರ್ವರಗಳನ್ನು ಸ್ಥಾಂತರಗೇಂದರೆಯವರ್ವರಗಳನ್ನು ಅನುಬಂಧ-೧೦ರಲ್ಲಿ ಇರಿಸಿದೆ.</p>	ಕ್ರ. ಸಂ	ಜಾಲ್	ವರ್ಷ	ಸಂಪಾದ-೨	ಸಂಪಾದ-೯	1.	ದಸ್ತಿಂ ಕನ್ನಡ	2020-21	3	7			2021-22	6	6			2022-23	5	6	2.	ಉದ್ಯುಕ್ತ	2020-21	2	8			2021-22	2	4			2022-23	2	8			ಟಟ್ಟೆ	20	39
ಕ್ರ. ಸಂ	ಜಾಲ್	ವರ್ಷ	ಸಂಪಾದ-೨	ಸಂಪಾದ-೯																																						
1.	ದಸ್ತಿಂ ಕನ್ನಡ	2020-21	3	7																																						
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ಅಂ 45 ಐಲಾಕ್ಷ್ಯ 2023

ಕ್ರಿಂತಿಕರಣ ಪರಿಷತ್ತ ರಿಫೆರ್ಮಿಟ್ ಕ್ರಿಂತಿಕರಣ

(ಅರ್.ಬಿ. ಕೆಶ್ವಾಮರ)

ಅಧಕಾರಿ ಸಚಿವರು

Amounts deposited [Omitted]	1336
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Amounts to be paid by licensee	1337
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Approval of brand labels of liquor outside India	1338
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Authorisation accounts by the Inspector of licences and after the renewal of licences [Omitted]	1345
Authorisation cancellation of a licence [Omitted]	1345
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**THE
KARNATAKA
EXCISE (SALE OF INDIAN AND
FOREIGN LIQUORS) RULES, 1968**

(As amended by GSR 90, dated 22-2-1969; GSR 216, dated 13-6-1969; GSR 159, dated 19-11-1970; GSR 273, dated 3-8-1972; GSR 159, dated 19-4-1974; GSR 344, dated 14-10-1976; GSR 409, dated 23-11-1976; GSR 344, dated 23-12-1976; GSR 149, dated 14-6-1978; GSR 152, dated 14-6-1978; GSR 96, dated 16-10-1978; GSR 327, dated 25-10-1978; GSR 145, dated 3-8-1979; GSR 121, dated 11-5-1981; GSR 140, dated 20-6-1982; GSR 35, dated 6-2-1982; GSR 292, dated 16-12-1982; GSR 32, dated 24-1-1984; GSR 144, dated 24-4-1984; GSR 214, dated 1-6-1986; GSR 20, dated 17-1-1987; GSR 80, dated 30-11-1984; GSR 294, dated 9-11-1987; GSR 80, dated 25-3-1987; GSR 140, dated 29-6-1987; GSR 173, dated 13-9-1989; GSR 39, dated 24-6-1989; GSR 16, dated 6-2-1990; GSR 25, dated 15-3-1991; GSR 39, dated 25-9-1991; GSR 84, dated 7-5-1992; GSR 74, dated 15-4-1993; GSR 93, dated 21-2-1992; GSR 162, dated 20-9-1993; Notification No. FD 22 PES 93(I), dated 30-4-1993; GSR 105, dated 5-7-1994; Notification No. FD 10 PES 95(I), dated 9-5-1994; GSR 105, dated 5-7-1994; Notification No. FD 325 EDC 95, dated 31-5-1995; FD 12 PES 95(I), dated 29-6-1995; FD 325 EDC 95, dated 13-2-1997; GSR 67, dated 7-6-1997; Notification No. FD 15 EDC 97(I), dated 18-10-1997; FD 7 PES 98(I), dated 18-6-1998; FD 3 PES 99(I), dated 9-6-1998; FD 9 PES 2000, dated 23-6-2000; FD 12 PES 2000, dated 18-11-2000; FD 2 PES 2000, dated 18-11-2000; FD 23 PES 99(II), dated 18-11-2000; FD 2 PES 2000, dated 22-2-2001; FD 15 PES 2001, dated 4-7-2001; FD 13 PES 2001(4), dated 13-7-2001; FD 15 PES 99(I), dated 24-6-2002; FD 18 PES 2002, dated 29-6-2002; FD 15 PES 99(I), dated 25-6-2002; FD 20 PES 2002, dated 1-4-2003; FD 2002, dated 22-4-2002; FD 9 PES 2003(5), dated 5-6-2003; FD 16 PES 2003, dated 30-6-2003; FD 14 PES 2004(5), dated 30-6-2004; FD 2 PES 2004, dated 3-2-2004; FD 36 PES 2004(5), dated 23-2-2004; FD 06 PES 2006(7), dated 19-6-2006; FD 09 PES 2007, dated 29-6-2007; FD 17 PES 2007, dated 12-7-2007; FD 01 PES 2008, dated 25-3-2008; FD 3 PES 2008, dated 22-11-2008; FD 2008(I), dated 15-1-2009; FD 17 PES 2009, dated 3-8-2009; FD 08 PES 2009(I), dated 15-1-2009; FD 08 PES 2010(IV), dated 28-2-2010; FD 14 PES 2013, dated 27-8-2013; FD 08 PES 2014(IV), dated 1-8-2014; FD 09 PES 2014(I), dated 15-1-2014; FD 05 PES 2011, dated 18-6-2015; FD 02 PES 2013, dated 15-4-2016; FD 13 PES 2014(I), dated 18-6-2015; FD 12 PES 2015, dated 28-5-2016; FD 11 PES 2016, dated 23-6-2016; FD 12 PES 2016, dated 30-6-2016; FD 17 PES 2015, dated 4-11-2016; FD 01 PES 2017, dated 8-6-2017; FD 08 PES 2016(I), dated 11-7-2017; FD 17 PES 2017(II), dated 20-1-2018; FD 16 PES 2017, dated 5-2-2018; FD 07 PES 2018, dated 20-11-2018; FD 02 (2) PES 2019, 17-12-2019; FD 08(I) PES 2020, dated 9-6-2021 and PES 2021(IV), dated 1-7-2022.)

GSR 7.—In exercise of powers conferred by Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1965), the Government of Karnataka hereby makes the following rules, the draft of the same having previously published, as required by sub-section (1) of Section 71 of the

¹ Published in the Karnataka Gazette, dated 11-1-1966 vide Notification No. HD 73 dated 4-1-1966.

1. Notification GSR No. 479 in Part IV, Section 2C(1) of the Karnataka Extraordinary, dated 26th October, 1967, namely.—
 Title, application and commencement.—(1) These rules may be called Karnataka Exciise (Sale of Indian and Foreign Liquors) Rules, 1968.
 1. They shall apply to the sale of Indian liquor [x x x x] and Foreign liquor.
 1. They shall come into force at once.

CASE LAW

ublic interest petition filed under Article 32 not entertainable as it is to enforce Directive Principles under Article 47.

re writ petition filed under Article 32 of the Constitution is that the of prohibition is not being implemented as enjoined by Article 47. The on is not entertainable. Article 47 of the Constitution, which is part of Directive Principles of State Policy enjoins that the State shall regard the level of the standard of living of its people and the improvement of health as among its primary duties and, in particular, the State shall favour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious. Article 47 as in Part IV of the Constitution which contains Directive Principles of State Policy. Article 32 enjoins that the provisions of this part not be enforceable by any Court, but the principles therein laid down nevertheless fundamental in the governance of the country and it shall be in mind that Article 32 of the Constitution gives the Supreme Court the to enforce rights which are fundamental rights. Fundamental rights are not justiciable. Directive Principles are aimed at securing certain values or attitudes in the law making and in administration of law. Directive Principles cannot in the very nature of be enforced in a Court of law. Whether a law should be made embodying the principles of Directive Principles depends on the legislative machinery through which policy preferences or priorities are determined and Supreme Court is not the forum for the conflicting claims of policies or priorities should be debated. To the State accept a particular policy, desirable and necessary as the might be is not the function of Article 32 of the Constitution. Article 32 the rest for all the bees in the bonnet of 'public spirited persons'. — *B. v. Bharat v. Union of India, (1990)3 SCC 65. [Articles 32 and 47]*
 o make the State accept a particular policy — Not the function of Article 32. he petition under Article 32 is that the policy of prohibition is not being enunciated as enjoined by Article 47 of the Constitution. Article 47 of the stitution, which is part of our Directive Principles of State policy

The bracketed words "other than arrack" omitted by GSR 273, dated 3-6-1972, w.e.f.
 4-6-1972.

enjoins that the State shall regard the raising of the level of living and standard of living of its people and the improvement of health as among its primary duties and, in particular, the State shall favour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious. Article 47 is in Part IV of the Constitution which contains Directive Principles of State Policy. Article 32 enjoins that the provisions of this part not be enforceable by any Court, but the principles therein laid down nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws. It must be borne in mind that Article 32 of the Constitution gives the Supreme Court the power to enforce rights which are fundamental rights. Fundamental rights are justiciable. Directive Principles are not justiciable. Directive principles are aimed at securing certain values or attitudes in the law making and in the administration of law. Directive Principles cannot in the very nature of things be enforced in a Court of law. Whether a law should be made embodying the principles of Directive Principles depends on the legislative will of the legislature. Article 32 is the machinery through which policy preferences or priorities are determined and this Court is not the forum where the conflicting claims of policies or priorities should be debated. To make the State accept a particular policy, desirable and necessary as the policy might be is not the function of Article 32 of the Constitution. Article 32 of the Constitution is for the bees in the bonnet of 'public spirited persons'. — *B. v. Bharat v. Union of India, (1990)3 SCC 65. [Articles 32, 37 and 47 of the Constitution]*

2. Definitions.—In these rules unless the context otherwise requires—

- (a) "Act" means, the Karnataka Excise Act, 1967;
- (b) "Foreign liquor" means liquor other than Indian liquor;
- (c) "Form" means a form appended to these rules;
- (d) "Indian liquor" means all liquor defined as "Indian liquor" in the Act; [x x x x];
- (e) "Licence" means a licence issued under these rules;
- (f) "Licensee" means, a person to whom a licence is granted;
- (g) "Year" means the year commencing on the first day of April.

3. Licences.—Licences for the sale of Indian liquor, Foreign liquor or both shall be of the following descriptions—
 1. (1) x x x x

1. The words "other than arrack" omitted by GSR 273, dated 3-6-1972, w.e.f. 4-6-1972.
 2. Substituted for the words "Indian liquor" by GSR 273, dated 3-6-1972, w.e.f. 4-6-1972.
 3. Comm. (1) and (2-A) omitted by Notification No. F2/14/FES/2004-2005, dated 1-7-2006.

(1) Retail off shop licences for vend of Indian liquor or Foreign or both shall be granted on the premises.—Under these licences granted in Form CL-4, the licensee shall sell bottles to any person in a quantity less than one litre at a time is prohibited.

(2) Licence to clubs.—The Agent, Secretary or Manager or any other authorized over the management of the business of the club shall apply for a licence in Form CL-4 from the Deputy Commissioner. The licensee under this clause may open up to four additional counters for the convenience of the members within the licensed premises with the approval of the Deputy Commissioner.

(3) Association.—For the purpose of this clause, club means and includes a club, bar or society, a trust registered under relevant Law or a society registered under section 25 of the Companies Act, 1956 or Section 8 of the Companies Act, 2013 or other association of individuals, whether incorporated or not, with the object of service motive, providing recreation, social, educational and service activities of entertainment.

(4) A licence under this clause shall be granted by the Deputy Commissioner unless the following conditions are satisfied.—

(a) The club shall have been registered under the Karnataka Societies Registration Act, 1960 or Indian Trust Act, 1882 or under Section 25 of the Companies Act, 1956 or Section 8 of the Companies Act, 2013 for a period of not less than five years and not more than 100 permanent members;

(b) Shall have its own land and building or shall have obtained it on lease for a term of eleven years or more;

(c) Shall have facility for outdoor games like Tennis, Badminton, Football etc. and indoor games like Carrom, Table Tennis etc., and a reading room or a library;

(d) Shall have adequate facilities for catering food and drinks to the members and

(e) Shall have separate toilet with running water facilities for men and women.

(5) Provided further that existing clubs to whom licences are granted under the rule for the financial year 2001-2002 shall be allowed to renew their licences under the rule existing prior to the commencement of the Karnataka Excise (Sale of Indian and Foreign Liquors) (First Amendment) Rules, 2002.

Substituted for the words "use of liquor" by Notification No. FD 01 PES 2017, dated 1-4-2017, w.e.f. 1-4-2017.

Clause (5-A) inserted by Notification No. FD 18 PES 2002, dated 29-6-2002, w.e.f. 1-7-2002.

Sub-clause (7) substituted by GSR 16, dated 6-4-1991, w.e.f. 6-4-1991.

Proviso inserted by Notification No. FD 18 PES 2002, dated 29-6-2002, w.e.f. 1-7-2002.

Substituted for the words "Thirty double rooms" by Notification No. FD 16 PES dated 5-3-2015, w.e.f. 5-3-2015.

Substituted for the words "Twenty double rooms" by Notification No. FD 16 PES dated 5-3-2015, w.e.f. 5-3-2015.

Provided also that existing clubs to whom licences have already granted but are registered under Section 25 of the Companies Act, 1956 or under Section 8 of the Companies Act, 2013 shall also be allowed to renew their licences.]

(5) Occasional Licences.—These licences in Form CL-5 are issued for [sale, serve or sale and serving of liquor] at the refreshment stall connection with race meetings, public entertainments and other such gatherings to be drunk on the premises.

(6) Special licences.—These licences shall be granted in Form CL-6 by the Deputy Commissioner of the district with the previous sanction of the Commissioner, when the circumstances are such as not to allow of the grant of licences of any of the above descriptions, on such terms and condition for such periods, as he may on each occasion determine.

(6-A) Star Hotel Licences.—Licences under this clause shall be granted by the Deputy Commissioner in Form 6-A to Star hotels for possession and sale of liquor. The licensee under this clause may serve liquor to residents in the rooms and open more than one counter for the convenience of the residents and boarders within the licensed premises with the approval of the Deputy Commissioner.

Explanation.—"Star Hotel" means the hotel recognized as such by Ministry of Tourism, Government of India.]

(7) Hotel and Boarding House Licences.—

- (a) A licence under this clause shall be applied for and obtain Form CL-7 from the Deputy Commissioner.
- (b) No liquor under this licence shall be sold to persons other than accommodated in the licensed hotel and boarding house and their guests and casual visitors who take meals in the places.]

(Provided that no licence under this clause shall be granted unless hotel and boarding house is having a minimum of [fifteen double room corporation areas and] [ten double rooms] in other areas.

Provided further that the licences granted under this clause for the financial year 2001-2002 shall be allowed to renew the licences under the rule existing prior to the commencement of the Karnataka Excise (Sale of Indian and Foreign Liquors) (First Amendment) Rules, 2002.]

1. Substituted for the words "use of liquor" by Notification No. FD 01 PES 2017, dated 1-4-2017, w.e.f. 1-4-2017.
2. Clause (5-A) inserted by Notification No. FD 18 PES 2002, dated 29-6-2002, w.e.f. 1-7-2002.
3. Sub-clause (7) substituted by GSR 16, dated 6-4-1991, w.e.f. 6-4-1991.
4. Proviso inserted by Notification No. FD 18 PES 2002, dated 29-6-2002, w.e.f. 1-7-2002.
5. Substituted for the words "Thirty double rooms" by Notification No. FD 16 PES dated 5-3-2015, w.e.f. 5-3-2015.
6. Substituted for the words "Twenty double rooms" by Notification No. FD 16 PES dated 5-3-2015, w.e.f. 5-3-2015.

ovided further more that in respect of Hotels and Boarding Houses by the Karnataka State Tourism Development Corporation to private a, firm or companies on renovate, operate, maintain and transfer lly basis, while granting or renewing the licences under this clause, the Commissioner may relax the condition regarding the minimum amount of [fifteen double rooms] in Corporation areas and [Ten double] in other areas.]

-A) Tourist Hotel Licences.—These licences may be granted to Hotels situated in places other than Cities and managed by the Development Corporation of the State Government or the Central Government for the possession and sale of Indian Liquor (other than attack) sign Liquor or both for supply to residents or for removal to their rooms in the Tourist Hotel in which tourists stay or to regular rs for consumption within a specified area in the licensed premises of tourist hotel or boarding house set apart by the management for the use and approved by the Deputy Commissioner of the District in Form -14 on such terms and conditions as may be specified in the Licence and other conditions as the Excise Commissioner may from time to time, .]

-B) Tourist Hotel Beer Bar Licences.—These licences may be granted to Hotels [x x x x x] managed by the Tourism Development Corporation of the State Government or Government or Central Government possession and sale of beer for supply to residents or for removal to private rooms in the Tourist Hotel in which tourists stay or to regular rs for consumption within a specified area in the licensed premises of tourist hotel or boarding house set apart by the management for the use and approved by the Deputy Commissioner of the District in Form on such terms and conditions, as may be specified in the Licence and other conditions as the Excise Commissioner may, from time to time, .]

-C) Licence to supply Liquor on Board of Train engaged and run by Development Corporation of State Government or Central Government.—(a) A Licence under this rule may be granted to the Tourism Development Corporation of State Government or Central Government in CL-7C by the Deputy Commissioner, Bangalore Urban District, with or sanction of the Excise Commissioner for possession and sale of liquor or foreign liquor or both for supply to the low class travelers

Sub-rule inserted by Notification No. FD 2 PES 2001, dated 3-3-2004, w.e.f. 3-3-2004, substituted for the words "low double room" by Notification No. FD 16 PES 2017, dated 3-3-2018, w.e.f. 3-3-2018.

Sub-rule (7-A) inserted by GSR 159, dated 19-6-1972, w.e.f. 28-6-1972.

Sub-rule (7-B) inserted by GSR 25, dated 6-3-1981, w.e.f. 6-3-1981.

he words "situated in places other than cities" omitted by GSR 12L, dated 11-6-1981, w.e.f. 13-6-1981.

Sub-rule (7-C) inserted by Notification No. FD 91 PES 2008, dated 25-3-2008, w.e.f. 3-3-2008.

traveling in the trains engaged and run by the Tourism Development Corporation of the State Government or Central Government for the possession and sale of Indian Liquor within the train during its stay in the Union or the Karnataka, subject to the conditions specified therein the Licence.

(b) While applying for licence under this clause, the applicant shall submit application along with the fee specified in Rule 5 and the permit to sell and No Objection Certificate granted by the competent Police Authorities to serve liquor on board of the train.

7-(7-D) Hotel and Boarding House Licences issued by the Excise Commissioner, Costs and Scheduled Tribes.—

- A Licence under this clause shall be granted by the Excise Commissioner, Costs and Scheduled Tribes.
- No liquor under this clause shall be sold in tourist areas, except to the accommodated in the tourist hotel and boarding house and to the tourists and casual visitors who take meals in such places.

Provided that no licence under this clause shall be granted unless the tourist house is having a minimum of fifteen double rooms in Corporation areas and in other areas.]

(8) Military Canteen Licences.—These licences shall be granted to military canteens for sale of Indian Liquor (other than attack) sign Liquor or both to the members of the armed forces for their use and consumption, to be in Form CL-6.

7-(8-A) Military Canteen Stores Bonded Warehouse Licence.—A Licence under this clause shall be in Form CL-8-A and shall be granted by the Excise Commissioner, to establish a military canteen stores bonded warehouse for import, export and store Indian made liquor (other than attack) sign Liquor without payment of excise duty. The licensee shall supply to the above liquor only after payment of excise duty to other dealers holding stores within the State having CL-6 licence.

7-(8-B) Border Security Force or Para Military Forces Licences.—A Licence may be granted in Form CL-8-B to Border Security Forces or Para Military Units for sale of Indian Liquor (other than attack) sign Liquor or both to the members of Border Security Force or Para Military Units for their personal consumption.]

7-(9) Refreshment Room (Bar) Licence.—

- Sub-rule 7-D) as inserted by Notification No. FD 11 PES 2008, dated 29-6-2008, w.e.f. 29-6-2008, omitted by Notification No. FD 12 PES 2017, dated 27-6-2017, w.e.f. 18-12-2019.
- Substituted for the words "Indian liquor" by GSR 177, dated 14-4-1971, w.e.f. 14-4-1971.
- Sub-rule 8-A) inserted by GSR 157, dated 24-4-1964, w.e.f. 24-4-1964.
- Sub-rule 8-B) inserted by Notification No. FD 11 PES 2017, dated 29-6-2017, w.e.f. 29-6-2017.
- Sub-rule 9) substituted by GSR 16, dated 24-4-1964, w.e.f. 24-4-1964.

1. A person holding this clause, for refreshment room (bar) for sale of liquor or beer, certified with the supply of meals or eatables shall be applied and obtained in Form CL-9 from the Deputy Commissioner.

2. A person holding such licence shall be granted by the Deputy Commissioner, subject to the condition that the refreshment room (bar) provided the necessary accommodations and facilities:-

3. Customer with sufficient accommodation either with exhaust or proper ventilation. The customers shall not pass through the room to go to the toilet. Passage to the toilet shall be separate from the kitchen.

4. Separate room Dining Hall, for serving the liquor along with meals or eatables for consumption. The space in the dining hall shall be so provided that not more than eight persons shall be accommodated in a built in floor area of 100 Sq. ft. each, with a minimum of four feet space between the tables for the movement of customers and servers. Further, the total area of the Hall/Halls for dining shall not be less than 400 Sq. ft.

5. Notified that the minimum requirement of 400 Sq. ft. area for dining shall be issued by the Deputy Commissioner of Excise in case of the licences obtained before the commencement of the Karnataka Excise (Sale of Liquor) Amendment Rules, 1993:

6. It is further that in case the licensee desired to shift the licensed premises to other premises from the premises in which the licence is issued, before the date of the commencement of the Karnataka Excise (Sale of Liquor) Amendment Rules, 1993, the above provisions shall apply.

7. Public seating arrangements:

8. Separate toilet with running water facilities for men and women. 9. Sale of liquor for removal from the premises shall be permitted under the licence. No liquor shall be sold to persons who have not partaken of meals or eatables served in the licenced premises.

10. A person holding licence under this sub-rule shall be granted in any manner.

Auctioneer's Licences. - 1. These licences shall be in Form CL-10 and shall be obtained from the Deputy Commissioner of the District.

2. Sub-rule (1) substituted by GSR 273, dated 13-6-1993, w.e.f. 1-7-1993.
3. Sub-rule (1) substituted by GSR 273, dated 13-6-1993, w.e.f. 1-7-1993.

- (b) The licensee may be give sample bottles in respect of all contents whether trade consignments or the property of persons, in order that intending purchasers may have the opportunity of testing high class wines or spirits at their own risk before the auction sale.
- (c) The licensee is authorised to sell the Indian liquor (other arrack) or foreign liquor or both in less quantities than dozens of each description in the case of sales by auction or property of private parties or estates, or of trade consignments which are alleged or otherwise unmerchantable.
- (d) The licensee is authorised to sell by auction at places specified in the licence.

4.(11) Distributor Licence.—(a) A licence under this clause shall be granted by the Excise Commissioner for the whole of the State or any thereof to deal in the products of all distilleries or [breweries or breweries] or wineries in the State or to import liquor from outside the State for the purpose of distribution or sale within the State or part thereof or export liquor outside the State. The licensee shall establish such number of depots in different parts of the State, as the Excise Commissioner may fix in this behalf.

(b) The licence under this clause shall be issued only to such concern or controlled by the State Government as it may specify.

(c) The licence shall be in Form CL-11 and shall be subject to renewal every year at the discretion of the Excise Commissioner.

(d) The Excise Commissioner may also permit the licensee to sell foreign liquor imported from outside India.]

4.(11-A) Distributor Licence to sell foreign liquor.—(1) A licence shall be granted by the Excise Commissioner for the whole of the State or any thereof to directly import foreign liquor from outside India or to import foreign liquor from other authorised agencies outside the State of Karnataka but within India for the purpose of distribution or sale within the State of Karnataka, as the case may be.

(2) The licence under this clause shall be issued only to such concern or controlled by the State Government and which possesses an import or import licence granted by the Government of India to import foreign liquor as specified by the Government.

(3) The licence shall be in Form CL-11A and shall be subject to re-newal every year at the discretion of the Excise Commissioner.]

1. Substituted for the words "Indian Liquor" by GSR 273, dated 3-6-1992, w.e.f. 4-6-1992.
2. Sub-rule (1) substituted by Notification No. FD 16 PES 2020(VI), dated 30-6-2020.
3. Substituted for the word "breweries" by Notification No. FD 6 PES 2021(VI) dated 1-7-2022, w.e.f. 27-7-2022.
4. Clause (11-A) inserted by Notification No. FD 13 PES 2001, dated 4-7-2001, w.e.f. 1-8-2001.

(1-B) Licence to sell confiscated liquor.—(1) A Licence under this clause in CL-1B shall be granted by the Deputy Commissioner, only to such areas owned or controlled by the State Government and specified by Government for possession and to sell in retail to any person of the liquor so confiscated under the Karnataka Excise Act, 1966 and Rules framed under and found fit for human consumption.]

(1-C) Retail shop licence issued to Government Companies.—(1) Notwithstanding anything contained in Rule 12, a Licence under this clause in CL-1(C) shall be granted by the Deputy Commissioner, only to such areas owned or controlled by the State Government and specified by Government, for possession and sale of liquor in retail shops with a condition that such shops shall be exclusively maintained by them and shall not be transferred and sub-leased to others. Consumption of liquor within the said premises shall not be allowed under this category of licences.]

(2) Licence for retail sale of bottled toddy.—Licence for the retail sale of toddy may be granted with the previous sanction of the Excise Commissioner in Form CL-12 by the Deputy Commissioner of the District, on payment of the Licence fee specified in Rule 8 and on such terms and conditions as may be specified in the Licence and on such other conditions as the Commissioner may, from time to time, specify.

(3) Attack depot Licence.—The Deputy Commissioner may, with the prior sanction of the Excise Commissioner, grant attack depot Licence in CL-13, to a person who has obtained a lease of the right of retail vend of liquor for storage of bottled attack of the approved sizes affixed with excise stamp obtained from the licensed warehouse or Depot, on payment of fee specified in Rule 8, subject to the terms and conditions specified in the Licence on such other conditions as the Excise Commissioner may, from time to time.]

(4) Licence for running duty-free shop at International Airport.—Licence for retail sale of foreign liquor to bona fide international Air Passengers entering the [x x x] International Airport who are required to wait at the transit lounge reserved for such passenger before resuming their journey shall be granted with the prior sanction of the Excise Commissioner in CL-16 by the Deputy Commissioner of the District on payment of fee specified in Rule 8 and on such terms and conditions as the Excise Commissioner may specify from time to time.]

Clause (1-B) inserted by Notification No. FD/05/PES/2011, dated 1-6-2014, w.e.f. 1-6-2014.

Clause (1-C) inserted by Notification No. FD/14/PES/2009, dated 30-6-2009, w.e.f. 1-7-2009.

Sub-clauses (12) and (13) inserted by GSR 273, dated 3-6-1972, w.e.f. 4-6-1972.

Sub-clause (15) inserted by Notification No. FD/05/PES/2011, dated 1-6-2014, w.e.f. 1-6-2014.

Sub-clause (16) inserted by Notification No. FD/2/PES/2001, dated 22-3-2001, w.e.f. 12-2-2001.

The word "Bona Fide" inserted by Notification No. FD/3/PES/2008, dated 22-11-2008, w.e.f. 22-11-2008.

[15] Refreshment Room (Bar) Licence at International Airport.—[Deleted under this clause, for refreshment room (bar) for sale of Foreign Liquor and Indian Liquor or both, combined with supply of meals or eatables—]

- (a) an area common for the domestic and international air passengers and bona fide users shall be granted in Form CL-17;
- (b) an area exclusively meant for international air passengers shall be granted in Form CL-18;

of an international airport, by the Deputy Commissioner of the District concerned on payment of a fee as specified in Rule 8 and on such terms and conditions as the Excise Commissioner may specify from time to time.]

CASE LAW

R. 3 — Standing Circular No. 141, Para 3(c) — CL-1 Licence holder can purchase only from CL-1 Licence holder of his district and not permissible to purchase from CL-1 Licence Holder outside the district. — Explained — Bhagyalakshmi Wines Stores and Another v State of Karnataka and Ors., 1989-3 Kar. L.J. 326.

R. 302 — As amended by Karnataka Excise (Sale of Indian and Foreign Liquors) (Amendment) Rules, 1997 — Distributor Licence — After the liberalising grant of — Provision restricting distributorship to units owned or controlled by State Government validity of which has been upheld by Apex Court, sought to be diluted and water down by making amendment permitting appointment of more than one distributor for distilled liquors or winery either for whole or part of State — Amendment made in view of effect of judgment of Apex Court is liable to be quashed.

R.P. Sethi, C.J. and A.M. Farooq, J., Held In the instant case while upholding the validity of 1989 rules, the Supreme Court rejected all the pleas of the manufacturers and distilleries of the DMFL which have been now made as basis for repealing of the 1989 rules. Upholding the validity of the impugned rules would amount to setting aside of the Apex Court judgement in the Distilleries case. What the distilleries and manufacturers of liquor could not achieve in a Court of law, they have clandestinely succeeded in doing so in virtue of the impugned rules. The impugned rules if permitted to continue in the state book would not only be contrary to the directions of the Supreme Court but would be a negation of the rule of law. The impugned rules have not been referred to any reasonable basis or justification. The impugned rules are not only unconstitutional, illegal, but also initiated at the instance of the manufacturers and distilleries of DMFL in conspiracy with some bureaucrats but also against the general public interest resulting in huge losses not only to the State Exchequer but to MSL, admittedly a public undertaking and a Government Company. — K.V. Arunachalam and Another v State of Karnataka and Others, 1998(5) Kar. L.J. 62D (DB).

Rule 302 — Constitution of India, Articles 126 and 172 — Alleged that selling spurious and adulterated liquors made against licensee — Suspects of

1. Sub-clause (15) inserted by Notification No. FD/3/PES/2004, dated 22-11-2004.

[Provided that the authority which grants or renews the licence may in the interest of revenue and for any other reason to be recorded in writing relax the provisions of clause (i) and grant or renew the licence.]

(2) A person shall not be disqualified under clause (i) of sub-rule (1) if he produces a certificate from a competent Revenue or Excise Officer to the effect that the arrears have been paid.]

(3). Grant of Licence.—On receipt of the application under Rule 4, [and subject to the provisions specified in Rule 4-A] the Deputy Commissioner or the Excise Commissioner, as the case may be, may require such other particulars as he may deem necessary and may make inquiries for verification of the particulars furnished by the applicant and also such other inquiries as he deems fit. If the Deputy Commissioner or the Excise Commissioner, as the case may be is satisfied that there is no objection to grant the licence applied for, he may grant the licence on payment of the fee prescribed under Rule 8 for such licence:

Provided that no such licence shall be granted by the Deputy Commissioner except with the previous sanction of the Excise Commissioner.]

[Provided further that while considering the applications for grant of CL-7 [x x x x x] licence, the Deputy Commissioner shall ensure that the applicant is in a position to provide good accommodation and facilities to the customers and the standard of refreshments, food and service are provided for. If the Deputy Commissioner is of the opinion that the hotel or the boarding house does not conform to the minimum standard required for running a hotel or boarding house or not suitable to grant licence, he may reject such application after giving reasons therefor.]

CASE LAW

R. 5 — Licence — Grant of.

Jagannatha Shetty, J.—A rival trader has no right to be heard before considering an application for licence. The grant of licence under the Excise Rules is not controlled by the population of the area — *Sardar Ratan Singh v. Excise Commissioner*, 1974(2) Kar. L.J. 75 Sth.N. 287.

Rule 5 — Original licence was issued — Writ seeking renewal of CL-2 licence — Due enquiry followed — Application for renewal under Rule 5-A for the year 2014-2015 filed — Deputy Commissioner called upon the petitioners to furnish copies of records of the building as well as the conversion order for diversion of the land over which the shop premises was constructed — Deputy Commissioner did not exercise of jurisdiction vested

1. Proviso inserted by Notification No. FD 15 PES 99(I), dated 23-6-2002 and shall be deemed to have come into force w.e.f. 24-6-2002.
2. Rule 5 substituted by CSR 344, dated 14-10-1976, w.e.f. 28-10-1976.
3. Inserted by GSR 16, dated 6-2-1990, w.e.f. 6-3-1990.
4. Second proviso to Rule 5 inserted by CSR 16, dated 6-2-1990, w.e.f. 6-3-1990.
5. The letters and figure "or CL-7" omitted by Notification No. FD 62 (2) PES 2010, dated 22-11-2010.

in him — Held, petitions are allowed in part and the Deputy Commissioner is directed to consider petitioners' application for renewal of CL-2 licence.

Ram Mohan Reddy, I., Held: Petitioners when issued with CL-2 licence after due enquiry and following Rule 5 of the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968, filed an application for transfer of licence from Kundapur to Udupi in the year 2009, whence Deputy Commissioner having regard to Rule 23 of the Karnataka Excise Licences (General Conditions) Rules, 1967 and Rule 5 over restriction of location of the shop permitted the shifting to Udupi. Thereafterwards, on an application under Rule 5-A of the Rules, licence was renewed for the years 2010-2011, 2011-2012, 2012-2013 and 2013-2014. The fact that the Deputy Commissioner did not exercise a jurisdiction vested in him under Rule 5-A to dispose of the petitioners' application before 30-6-2014 is a clear indicator of denial of the petitioners' right of renewal. Although learned HCCP submits that there is no denial of exercise of jurisdiction, yet again, I am afraid the very fact that he did not exercise jurisdiction vested in him before 30-6-2014 tantamounts to non-exercise of jurisdiction vested in him, calling forth interference. — *Smt. Saritha S. Hegde and Another v. The Deputy Commissioner, Udupi District, Manipal and Another*, 2014(4) Kar. L.J. 365.

(3-A). Renewal of Licence.—(1) The Excise Commissioner or the [Deputy Commissioner of Buzil], as the case may be, may on an application made to him along with the licence fee prescribed in Rule 8 renew the licence granted under these rules [except wholesale licence granted in Form CL-1 or Form CL-1 (Beer)], for the period commencing from 1st July, 2006.]

(2) Every such application shall be made at least one month before the expiry of the licence already granted:

Provided that the Excise Commissioner or the [Deputy Commissioner of Excise], as the case may be, may accept and consider any such application made after the aforesaid period of one month, if he is satisfied that the applicant had sufficient cause for not making the application within that period.

(3) The licences granted prior to the first of July, 1999 may be renewed at the discretion of the Excise Commissioner or the [Deputy Commissioner of Excise], as the case may be on payment of 50% (fifty per cent) of the fee prescribed under Rule 8 in respect of the entire period for which licence was not granted, for the purpose of maintaining continuity of the licences:

Provided that while renewing the licence under this sub-rule the [Deputy Commissioner of Excise] or the Excise Commissioner, as the case may be shall ensure that the total number of licences granted or renewed do not exceed the quota fixed in Rule 12, for grant of each kind of licence for an area.]

1. Rule 5-A inserted by Notification No. FD 12 PES 2000, dated 24-6-2001, w.e.f. 24-6-2001.
2. Substituted for the words "Deputy Commissioner" by Notification No. FD 08(I) PES 2020, dated 9-6-2021, w.e.f. 1-6-2021.
3. Inserted by Notification No. FD 06 PES 2004(7), dated 19-6-2006, w.e.f. 1-7-2006.
4. Substituted for the words "Deputy Commissioner" by Notification No. FD 08(I) PES 2020, dated 9-6-2021, w.e.f. 1-6-2021.
5. Substituted for the words "Deputy Commissioner" by Notification No. FD 08(I) PES 2020, dated 9-6-2021, w.e.f. 1-6-2021.
6. Substituted for the words "Deputy Commissioner" by Notification No. FD 08(I) PES 2020, dated 9-6-2021, w.e.f. 1-6-2021.

and suggestions from all persons likely to be affected within fifteen days from the date of its publication in the Official Gazette;

And whereas, the said Gazette was made available to the public on 11th May, 2021;

And whereas, no objections and suggestions were received in respect of the said draft by the State Government;

Now, therefore, In exercise of the powers conferred by the Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1965), the Government of Karnataka hereby makes the following rules, namely:-

1. **Title and commencement.**—(1) These Rules may be called the Karnataka Excise (Lease of the Right of Retail Vend of Wine or Fortified Wine) (Amendment) Rules, 2021.

(2) They shall come into force with effect from the first day of June, 2021.

2. **Amendment of Rule 7.**—In the Karnataka Excise (Lease of the Right of Retail Vend of Wine or Fortified Wine) Rules, 2010 [hereinafter referred to as the "said rules"], in Rule 7, in sub-rule (3), for the words "The Deputy Commissioner may grant and renew Wine license", the words "The Deputy Commissioner may grant Wine license" and the Deputy Commissioner of Excise may renew Wine tavern license", shall be substituted.

3. **Amendment of Rule 8.**—In Rule 8 of the said rules, for the words "Deputy Commissioner", in two places where they occur, the words "Deputy Commissioner of Excise", shall be substituted.

4. **Amendment of Rule 9.**—In Rule 9 of the said rules, for the words "Deputy Commissioner", the words "Deputy Commissioner of Excise" shall be substituted.

5. **Amendment of Form LFW-I.**—In Form LFW-I of the said rules, in the heading for the words "Application for grant of lease to retail sale of Wine or Fortified Wine", the words "Application for grant/renewal of lease to retail sale of Wine or Fortified Wine", shall be substituted.

6. **Amendment of Form LFW-II.**—In Form LFW-II of the said rules, for the words "Deputy Commissioner District", occurring in the first paragraph, the words and brackets "Deputy Commissioner District 'in case of grant of lease/Deputy Commissioner of Excise District 'in case of renewal of lease'" shall be substituted.

7. **Amendment of Form LFW-III.**—In Form LFW-III of the said rules—

(i) for the words "Deputy Commissioner District" appearing in the first paragraph, the words "Deputy Commissioner District (in case of grant of licence)/Deputy Commissioner of Excise District (in case of renewal of licence)" shall be substituted;

(ii) for the words "Deputy Commissioner District", occurring at the end, the words "Deputy Commissioner District (in case of grant of licence)/Deputy Commissioner of Excise District (in case of renewal of licence)" shall be substituted.

**THE
KARNATAKA
EXCISE (GENERAL CONDITIONS OF LICENCES)
RULES, 1967**

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**'THE
KARNATAKA
EXCISE (GENERAL CONDITIONS OF LICENCES)
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(As amended by GSR 171, dated 6-5-1969; GSR 384, dated 4-11-1969; GSR 432, dated 12-12-1969; GSR 107, dated 18-3-1970; GSR 359, dated 3-12-1973; GSR 50, dated 12-2-1974; GSR 223, dated 27-7-1976; GSR 141, dated 5-5-1977; GSR 215, dated 17-7-1978; GSR 250, dated 24-8-1979; GSR 142, dated 24-9-1980; GSR 282, dated 23-9-1980; GSR 143, dated 25-6-1983; GSR 99, dated 30-3-1983; GSR 16, dated 6-2-1990; GSR 26, dated 5-2-1992; GSR 4, dated 8-1-1993; GSR 127, dated 21-6-1993; GSR 24, dated 6-12-1993; Notification No. FD 22 PES 93(6), dated 9-5-1994; GSR 119, dated 19-7-1994; GSR 132, dated 12-6-1994; GSR 156, dated 22-9-1994; GSR 184, dated 28-11-1994; GSR 64, dated 23-5-1995; GSR 58, dated 17-4-1996; Notification No. FD 5 PES 2000, dated 28-4-2000; FD 9 PES 99, dated 27-11-2000; FD 28 PES 2001, dated 8-1-2002; FD 27 PES 2001, dated 19-2-2002; FD 8 PES 2002, dated 6-5-2002; FD 6 PES 2003, dated 30-6-2003; FD 10 PES 96(II), dated 6-4-2004; FD 25 PES 2003, dated 20-6-2006; FD 03 PES 2007(2), dated 25-5-2007; FD 7 PES 2008(II), dated 15-1-2009; FD 11 PES 2009, dated 9-2-2010; FD 05 PES 2013(1), dated 28-2-2013; FD 03 PES 2014(V), dated 28-2-2014; FD 08 PES 2011, dated 6-9-2014; FD 08 PES 2014, dated 21-11-2014; FD 16 PES 2015, dated 4-11-2016; FD 11 PES 2015, dated 17-12-2017; FD 17 PES 2017(1), dated 20-1-2018; FD 02 (1) PES 2019, dated 17-12-2019; FD 03 PES 2020, dated 26-4-2020 and FD 3 PES 2021, dated 1-6-2022.)

GSR 459.—In exercise of the powers conferred by Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), the Government of Karnataka hereby makes the following rules, the draft of the same having been previously published, as required by sub-section (1) of Section 71 of the said Act, in Notification GSR No. 434 in Part IV, Section 2-C(1) of the Karnataka Gazette, Extraordinary, dated 30th September, 1967, namely:—

1. Title, extent and commencement.—These Rules may be called the "Karnataka Excise (General Conditions of Licences) Rules, 1967".

(2) They shall extend to all the areas of State of Karnataka, where the Karnataka Excise Act, 1965, is in force.

(3) They shall come into force at once.

2. Application.—These rules shall apply to all licences issued under the Karnataka Excise Act, 1965 for sale of liquors and every such licence shall be deemed to include the conditions prescribed by these rules as general conditions.

1. Published in the Karnataka Gazette, Extraordinary, dated 19-10-1967, vide Notification No. HD 74 EPL 67, dated 19-10-1967.

2. Substituted for the words and brackets "Karnataka Excise Licences (General Conditions)" by Notification No. FD 16 PES 2015, dated 4-11-2016, w.e.f. 4-11-2016.

"Provided also that, nothing in sub-rule (1), shall be applicable to the censed premises located within a distance of 100 metres from any religious or educational institution or hospital or any office of the State Government or Central Government or Local Authorities, renewed or existed as on 1st July, 2016.]

[(2-A) Notwithstanding anything contained in sub-rules (1) and (2) the Deputy Commissioner of Excise may with a view to secure, convenience, morality, tranquility, decency or safety of the public or for any other reason, reject the application for licence to a liquor shop or premises after recording the reasons therefor.]

(3) For the purpose of this rule while measuring the distance specified in his rule, the distance shall be measured along the nearest path by which the pedestrian ordinarily reaches, adopting the mid-point of the entrance of the shop and the mid-point of the nearest gate of the institution, hospital or office if there is a compound wall and if there is no compound wall, the mid-point of the nearest entrance of the institution or the office.

(4) The Deputy Commissioner may, by order after giving the licence an opportunity of being heard, direct such licence to shift the location of any shop.—

- (a) With a view to assess the convenience, morality, tranquility, decency or safety of the public [or compliance] of the provisions of these rules; or
- (b) where after the issue of a licence, any religious institution or educational institution is established [or any office of the State Government or Central Government or Local Authorities or a Hospital is opened] within the limits specified in this rule; to any other suitable place, within such period, not exceeding three months as he may specify.]

[(5) The Excise Commissioner may at his discretion and for reasons to be recorded in writing except from the application of these rules in the case of distributor license referred to in clause (11) of Rule 3 of the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968.]

CASE LAW

R. 5 – Amendment of rule Notification No. FD 20 PES 92, dated 21st June 1993 – Constitutional validity of amended Rule 5 challenged – Rule placing restrictions regarding location of shops – Whether unreasonable and arbitrary, thereby offending Article 14 of the Constitution?

1. Title given inserted by Notification No. FD 11 PES 2015, dated 19-5-2017, w.e.f. 19-5-2017
2. Sub-rule (2A) inserted by GSR 126, dated 22-4-1994, w.e.f. 22-4-1994.
3. Substituted for the words "no compound wall" by GSR 126, dated 22-4-1994, w.e.f. 22-4-1994.
4. Inserted by GSR 126, dated 22-4-1994, w.e.f. 22-4-1994.
5. Sub-rule (5) substituted by Notification No. FD 16 PES 2015, dated 4-11-2016, w.e.f. 4-11-2016.

Shivaji Patil, J., Held.—Rule 5 of the Rules 1967 prior to its amendment did place restrictions regarding location of shops stating that no such site shall be selected to locate a shop within a distance of 100 metres from any religious or educational institution or residential locality inhabited predominantly by Scheduled Castes and Scheduled Tribes. The amended Rule 5 includes hospitals, any office of the State Government or of the Central Government or local authorities and State and National Highways. Distance of 100 metres remains the same except in regard to highways. As far as State Highway and National Highway are concerned, distance prescribed for location of a shop is 220 metres from the middle of the State Highway or National Highway. It appears and it stands to reason as well, that the impugned rule is intended to secure the convenience, morality, tranquility, decency or safety of the public. . . In short, the impugned rule serves the public interest and as such it is neither unreasonable nor arbitrary. — B.N. Raghuram and Others v State of Karnataka and Others, 1993(3) Kar. L.J. 235A.

R. 6 – Amendment of – Whether ultra vires Section 71 of the Act.

Shivaji Patil, J., Held.—The contention that the impugned Rule 5 being the subordinate legislation is not a law made by the legislature of the State and that too when it is not placed on the floor of the legislature, restrictions imposed by the impugned rule are bad in law, does not merit acceptance. Having regard to the language of Section 71(3) of the Act, a valid rule made under the Act has to be taken as a law made by the State Legislature. The impugned Rule 5 is aimed at and intended to achieve some social purpose and the rule is made in the interest of safety, morality and convenience of the public and that the impugned rule having been made by virtue of the powers conferred by Section 71 of the Act definitely serves the purpose of the Act. The impugned Rule 5 is not ultra vires of the Act. — B.N. Raghuram and Others v State of Karnataka and Others, 1993(3) Kar. L.J. 235B.

Rule 5 – Karnataka Excise Act, 1965, Section 21 – Location of business of vending Indian Liquor – Notice to licences to shift location of their business – Law and order question – Challenged – Contended that no opportunity given and decision taken unilaterally to issue notice to shift place of business – Held – Act always prevail over rules – Rule 5 is only in context of shifting whereas Section 21 is in context of maintaining law and order – Main intention is to close down shops immediately – Notice is more an enabling notice rather than one for purpose of shifting – Three days time to make alternative arrangement is more than sufficient when situation is examined under Section 21 of the Act – Action of authorities have to be examined on touchstone of rules and statutory provisions rather than to examine rights of the licensee – No person has a right to trade in liquor as it is a privilege of the State – Action does not warrant interference in exercise of power of judicial review of administrative action.

D.V. Shyamendra Kumar, J., Held: Petitioners have approached Court on the premise that the Deputy Commissioner of the District has surprised them by issuing the notice calling upon the petitioners to shift the location of their business to some other place within three days from the date of receipt of the

- Definitions.**—In these rules unless the context otherwise requires,—
- (1) “Educational Institution” means a Pre-Primary, Primary or Secondary School [or college or institution] owned or managed or recognised by any local authority, State or Central Government or any College affiliated to or established or managed by any University established by law.
 - (2) “Licensee” means a person to whom a licence to sell Liquor is granted.
 - (3) “Religious institution” means a temple, masjid, mosque, church, synagogue, shrine or other place of public religious worship which is as the case may be, established or managed or owned by a public trust, the Religious and Charitable Endowments Commissioner or a Society registered under the Societies Registration Act or Wakf Board Act.
 - (4) “Shop” means the licenced premises where liquor is sold.

4. Commencement of business.—Licensee shall commence his business on the 1st July or such date as may be notified by the Excise Commissioner and shall keep open on every day during such hours as may be fixed by the Excise Commissioner.

Explanation.—Any shop shall be deemed to be open when in the case of liquor shop so much of stock is always kept in the shop so as to meet the requirements for a week and in case of toddy shops to the extent of daily requirements.

14-A. Closure of shops on certain occasions.—(i) A licensee may after intimation to the Excise Inspector of the jurisdictional range, close the shop on the following occasions, namely,—

- (a) on the day of marriage in his family; or
- (b) on the day of the occurrence of a death or accident on his family; and
- (ii) A licensee may with the prior permission in writing of the Deputy Commissioner of Excise close the shop for renovation or repair of licensed premises for a period not exceeding fifteen days in an excise year.]

45. Restriction in respect of location of shops.—(1) No licence for sale of liquor shall be granted to a liquor shop or premises situated within a distance of 100 metres from any religious or educational institution or Hospital or any Office of the State Government or Central Government or Local Authorities or in a residential locality, where the inhabitants are predominantly belonging to Scheduled Castes or Scheduled Tribes or within a distance of 220 metres from the middle of the State Highways or National Highways:

Rule 3 substituted by GSR 16, dated 6-2-1990, w.e.f. 6-2-1990.

Inserted by Notification No. FD 16 PES 2013, dated 4-11-2014, w.e.f. 4-11-2016

Rule 4-A substituted by Notification No. FD 16 PES 2013, dated 4-11-2014, w.e.f. 4-11-2016

Rule 3 substituted by GSR 127, dated 21-6-1993, w.e.f. 21-6-1993.

[Provided that where a shop is situated to a village the population of which is less than two thousand five hundred, such shop shall be located outside the residential locality of the village.]

[Explanation.—](1) For the purpose of this rule “National Highway” or “State Highway” shall not include such parts of the National Highway or State Highway as are situated within the limits of a Municipal Corporation, City or Town Municipal Council, or such other authority having a population of twenty thousand or more.]

[Explanation.—](2) For the purpose of this rule, the expression “Hospital” means any Government Hospital, Primary Health Centre or Primary Health Unit and includes a Private Hospital or a Private Nursing Home which has the facility of a minimum of thirty beds for treatment of patients.

Explanation.—(3) For the purpose of this rule the expression “Office of the State Government or Central Government or Local Authority” means and includes any State or Central Government Office headed by Group ‘A’ or ‘B’ grade officers and the main Administrative Offices of Local Bodies like City Corporation, City Municipal Council, Town Municipal Council, Town Panchayat, Zilla Panchayat, Taluk Panchayat and Gram Panchayat and such other offices of the State Government, Central Government or Local Authorities as may be specified by the Government from time to time.]

(2) The Deputy Commissioner of Excise shall after making such enquiry as he deems fit approve the premises of liquor shop so selected and thereafter the description of the premises of liquor shop shall be entered in the Licence to be issued:

Provided that the Deputy Commissioner of Excise may, with the prior approval of the Excise Commissioner and for reasons to be recorded in writing, permit the location of any shop within a distance of 100 metres, but not less than 50 metres from the institutions, hospital, office or locality specified in sub-rule (1) within the City Municipality or City Corporation limits.

[Provided further that the Deputy Commissioner of Excise may grant licence to locate any liquor shop in a premises situated within a distance of 220 metres from the middle of a State Highway or a National Highway if such premises is located in a predominantly inhabited area, or outside of a town, village, or area the population of which is more than two thousand five hundred and where a licence to locate shop in such premises was granted or was existing during the period commencing from 1st July, 1992 and ending on 30th June, 1994.]

1. Proviso inserted by GSR 24, dated 6-12-1993, w.e.f. 6-12-1993.

2. Explanation to sub-rule (1) inserted by GSR 119, dated 19-7-1994, w.e.f. 19-7-1994.

3. Explanation to sub-rule (1) renumbered as Explanation (1) by GSR 136, dated 22-9-1994, w.e.f. 22-9-1994.

4. Explanations (2) and (3) inserted by GSR 136, dated 22-9-1994, w.e.f. 22-9-1994.

5. Second proviso inserted by GSR 119, dated 19-7-1994, w.e.f. 19-7-1994.

6. Read for the words and figures “30th June, 1992.” by GSR 132, dated 12-6-1994.

THE
KARNATAKA
EXCISE (LEASE OF THE RIGHT OF RETAIL
VEND OF BEER) RULES, 1976

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(As amended by GSR 150, dated 14-6-1978; GSR 296, dated 11-10-1980;
GSR 63, dated 6-4-1991; GSR 33, dated 11-2-1992; Notification No. FD 10 PES

1. Published in the Karnataka Gazette, dated 5-6-1976, vide Notification No. HD 16 PET
7500, dated 27-7-1976.

95(iv), dated 31-5-1995; FD 7 PES 98(v), dated 18-6-1998; FD 3 PES 99(i), dated 9-6-1999; FD 10 PES 2002(IV), dated 29-6-2002; FD 32 PES 2002, dated 16-1-2003; FD 36 PES 2003(3), dated 23-2-2004; Notification No. FD 9 PES 2009, dated 25-3-2010; FD 09 PES 2014, dated 15-12-2014; FD 02 (3) PES 2019, dated 17-12-2019 and FD 086(II) PES 2020, dated 9-6-2021.)

GSR 226. — Whereas a draft of the Karnataka Excise (Lease of the Right of Retail Vend of Beer) Rules, 1976 was published as required by sub-section (1) of Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1965) in Notification No. GSR 179 (HD 16 PES 76(II)), dated 30th June, 1976 in Part IV, Section 2C(j) of the Karnataka Gazette, Extraordinary, dated 30th June 1976 inviting objections and suggestions from all persons likely to be affected thereby before 15th July, 1976;

And, whereas, the Gazette was made available to the public on 30th June, 1976;

And, whereas, no objections or suggestions have been received on the said draft by the State Government;

Now, therefore, in exercise of the powers conferred by Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), the Government of Karnataka, hereby makes the following rules, namely:—

1. Title, extent and commencement. —(1) These Rules may be called the Karnataka Excise (Lease of the Right of Retail Vend of Beer) Rules, 1976.

(2) They shall extend to the whole of the State of Karnataka.

(3) They shall come into force from 1st July, 1976.

2. Definitions. —In these rules, unless the context otherwise requires,

- "Act" means the Karnataka Excise Act, 1965;
- "Beer" means any liquor prepared from malt or grain with or without the addition of sugar and hops and includes ale, black beer, porter, stout and spruce beer;
- "Form" means a form appended to these rules;
- "Licence" means a licence issued under these rules;
- "Year" means year commencing on the first day of July and ending June 30th;
- "Shop" means the shop licensed for retail vend of Beer under these rules;
- "Lessee" means a lease granted under these rules for retail vend of Beer in a shop.

3. Lease of Retail Vend of Beer. —A person desiring to obtain a lease for retail vend of Beer under these rules, may make an application to the Deputy

Commissioner in Form I. The application shall be accompanied by a Treasury Challan for having credited the lease amount prescribed in Rule 5.

4. Grant of Lease of Retail vend of Beer. —On receipt of the application under Rule 3, the Deputy Commissioner may after making such enquiry for purpose of verification of the particulars furnished by the applicant [and, having regard to the provisions of Rule 4-A, if he is satisfied] that there is no objection to lease the right of retail vend of Beer, he may, with the previous sanction of the Excise Commissioner, grant the lease.

4-A. Matters to be taken into account while granting lease. —The Deputy Commissioner, shall, while granting lease under these rules, have regard to,—

- the availability of rooms for serving Beer along with eatables for consumption;
- adequate seating arrangements;
- the provision for separate toilet with running water facilities.)

5. Lease amount. —(1) The lease amount for the Right of Retail Vend of Bulk Beer shall be rupees thirty thousand per annum and lease amount for vending Bulk Beer by holder of ¹ a licence in Form CL-4 or Form CL-6A or Form CL-7 (x x x x x) or Form CL-9 issued under the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968) shall be rupees fifteen thousand per annum, and

(2) The lease amount for the Right of Retail Vend of Bottled Beer shall be rupees four thousand five hundred per annum.]

5-A. Additional lease amount. —In respect of a lease granted under these rules, an additional lease amount equivalent to fifteen per cent as specified in Rule 5, shall be levied for the purpose of various infrastructure projects across the State, equity investment in Bangalore Mass Rapid Transit Limited and for establishing a Mukhya Mantri Gramena Rasthe Abhivruddhi Nidhi in the proportion of 57:28:15 respectively.]

6. Duration of Lease. —The lease shall be for a period of three years subject to annual renewal and also subject to good behaviour and payment of lease amount as specified in Rule 5.]

- Substituted for the words "and if he is satisfied" by GSR 63, dated 5-4-1991, w.e.f. 8-4-1991.
- Rule 4-A inserted by GSR 63, dated 8-4-1991, w.e.f. 8-4-1991.
- Rule 5 substituted by Notification No. FD 3 PES 99(i), dated 9-6-1999, w.e.f. 1-7-2000.
- Substituted for the words "Bar Licence" by Notification No. FD 32 PES 2002, dated 16-1-2003, w.e.f. 16-1-2003.
- Substituted for the words, letters and figures "a licence in Form CL-6A or Form CL-7" by Notification No. FD 9 PES 2004, dated 25-3-2010, w.e.f. 25-3-2011.
- The words, letters and figure "or Form CL-7D" omitted by Notification No. FD 02 (3) PES 2019, dated 17-12-2019, w.e.f. 18-12-2019.
- Rule 5-A substituted by Notification No. FD 36 PES 2003(3), dated 23-1-2004 and shall be deemed to have come into force w.e.f. 1-3-2004.
- Rule 6 substituted by GSR 298, dated 11-10-1980, w.e.f. 11-10-1980.

7. Licence.—On granting lease under Rule 4, of the Deputy Commissioner shall issue a licence to the licensee in Form No. II. The said licence shall be subject to the conditions specified thereon.

CASE LAW

Rule 7 — Granting of licence in Form II for retail vend of beer — On facts and circumstances — Appellant permitted to file fresh application for issue of licence in Form II — Respondent-authorities to receive and consider the same in accordance with law without being prejudiced by observation made in writ petition order.

N.K. Patil and Mrs. S. Sugatha, JJ., Held: In the light of the submission made by learned Counsel appearing for both the parties and having regard to the peculiar facts and circumstances of the case, without expressing any opinion on merits or demerits of this case, it would suffice for this Court to dispose of the appeal with appropriate direction to the parties to meet the ends of justice and to safeguard the interest of appellant as well as respondents. The appellant herein is permitted to file fresh application for issue of licence in Form 2 for retail vend of beer as contemplated under the Karnataka Excise (Lease of Retail Vend of Beer) for the excise year 2016-2017 which commences from 1st July, 2016, before the expiry of this excise year. If such an application is filed by the appellant, the respondents-authorities are directed to receive and consider the same in accordance with law, and dispose of the same after affording reasonable opportunity of hearing to the appellant as expeditiously as possible and without being prejudiced by the observation made in the order impugned dated 13-9-2012 passed by the learned Single Judge in W.P. No. 13851 of 2012. — *Ramesh Bhimogouda Patil v State of Karnataka and Others*, 2016(2) Kar. L.J. 462 (DB).

[7-A. Number of licences to be fixed.—(1) The maximum number of licences to be granted in an area shall be determined from time to time by the Excise Commissioner with the previous approval of the State Government.

(2) The number of retail vend of Beer licences to be granted in a taluk shall be determined with reference to the population of such taluk and probable demand.

(3) The number of retail vend of Beer licences to be granted in a taluk shall be as follows:—

(a) One retail vend of Beer licence for every 20,000 population in urban area or a fraction thereof exceeding 10,000 and one retail vend of beer licence for every 30,000 rural population or a fraction thereof exceeding 15,000.

(4) Notwithstanding anything in sub-rule (3) the Excise Commissioner may, with the previous approval of the State Government grant for any area

Rule 7-A inserted by GSR 63, dated 8-4-1991, w.e.f. 8-4-1991.

such number of licences not exceeding one half of the total number of licences granted for such area under sub-rule (3) on the basis of increase in consumption of Beer and demand for such licences.

Explanation.—For the purpose of this rule,—

- (i) "Population" means the population as ascertained at the preceding Census and includes the projected annual growth subsequent to the last preceding Census;
- (ii) "Urban area" means the areas included within the limits of a city declared under the Karnataka Municipal Corporations Act, 1973 or a City Municipality or a Town Municipality declared under the Karnataka Municipalities Act, 1963.]

8. Duration of Licence.—A licence shall be valid for the year or when licence is obtained on any date after the first July until the 30th June thereafter.

9. Renewal of Lease.—A lessee in whose favour the lease has been granted desiring to renew the lease on expiry of the lease, may make application in Form No. I to the [Deputy Commissioner of Excise] at least one month before the expiry of the lease already granted. The application shall be accompanied by a Treasury challan for having credited the amount prescribed in Rule 5.

10. Grant of Renewal of Lease.—On receipt of application under rule the [Deputy Commissioner of Excise] may grant the renewal of lease.

11. Renewal of Licence.—On grant of lease under Rule 10 to the lessor, the [Deputy Commissioner of Excise] shall renew the licence for the period mentioned in the lease. The renewal shall also be in Form No. II.

12. Cash Security.—The lessee before grant of a licence shall furnish a cash security of Rs. 1,000 or Government Securities or the Securities recognised by the Government for fulfilment of licenced conditions.

1. Name and address of the Applicant

2. If the applicant is a company or firm the names and addresses of

1. Substituted for the words "Deputy Commissioner" by Notification No. FD 08(iii) 2020, dated 9-6-2021, w.e.f. 1-6-2021.
2. Substituted for the words "Deputy Commissioner" by Notification No. FD 08(ii) 2020, dated 9-6-2021, w.e.f. 1-6-2021.
3. Substituted for the words "Deputy Commissioner" by Notification No. FD 08(iii) 2020, dated 9-6-2021, w.e.f. 1-6-2021.

the Directors or Partners of Company or Firm

3. The location of the premises where applicant intends to conduct the business under a lease

4. Whether [lease amount] prescribed under these rules is paid; if so the application shall be accompanied by a Treasury Challan for having credited the lease amount prescribed in Rule 5

Place:

Date:

Applicant

FORM II
(See Rule 7)

PART-A

Licence for the retail sale of Beer

1	Registration No.	
2	Name of the Licensee	
3	Name of the Agent or Vendor	
4	Locality: (a) Town (b) Street (c) Door No.	

I, the [Deputy Commissioner District (in case of grant of licence)/Deputy Commissioner of Excise District (in case of renewal of licence)] District consideration of the payment of the prescribed lease amount of [Rs. (Fill in here lease amount prescribed under Rule 5 of the rules)] do hereby

1. Substituted for the words and figures "a lease amount of Rs. 300/-" by Notification No. FD 32 PES 2002, dated 16-1-2003, w.e.f. 16-1-2003.
2. Substituted for the words "Deputy Commissioner District" by Notification No. FD 32(6)(b) PES 2020, dated 9-6-2021, w.e.f. 1-6-2021.
3. Substituted for the words, figures and brackets "Rs. 4,500/- (Rupees Four thousand Five hundred only)" by Notification No. FD 32 PES 2002, dated 16-1-2003, w.e.f. 16-1-2003.

authorise Sri. S/o residing at to sell beer at premises No. situated in subject to the conditions prescribed in Part 'B' appended below:

Schedule showing the boundaries of the Beer Shop

Street, Door No. and other particulars	Bounded on the				Remarks
	North by	East by	South by	West by	

Seal

Place

Date:

[Deputy Commissioner District (in case of grant of licence)/Deputy Commissioner of Excise District (in case of renewal of licence)]

**PART-B
CONDITIONS**

(1) The Licensee shall be bound by the provisions of the Karnataka Excise Act, 1965 and any general or special rules prescribed or which may from time to time be prescribed thereunder.

(2) The privilege under this licence is restricted to [sale of bulk or bottled Beer only.]

(3) The holder of this licence shall upon requisition by any officer not below the rank of Sub-Inspector of Excise be bound to produce before such Officer the original invoice showing the purchase of Beer for the sale of which this licence is granted for inspection and to give samples of Beer in the shop to be tested.

(4) The Licensee is bound to maintain separate correct accounts of daily transactions of each brand of Beer and submit the returns monthly to the jurisdictional Inspector of Excise within the first week of the next following month.

(5) The Licensee shall use metric measures only approved by the Weights and Measure Department.

(5-A) The licensee shall ensure that the bulk Beer supplied to the licenced premises shall be in hygienic condition and sold fresh.

(6) The Licence shall not be transferable without the previous sanction of the Excise Commissioner.

1. Substituted for the words "Deputy Commissioner District" by Notification No. FD 32(6)(b) PES 2020, dated 9-6-2021, w.e.f. 1-6-2021.
2. Substituted for the words "sale of Beer only" by CSR 24, dated 11-10-1980, w.e.f. 11-10-1980.
3. Condition (5-A) inserted by CSR 63, dated 6-4-1991, w.e.f. 6-4-1991.

- (1) The agent or the Vendor, as the case may be, shall equally with the Licence holder be responsible for breach of any of the conditions of the Licence.
- (2) The shop shall have only one door both for entry and exit.
- (3) The Licensee shall fix in a conspicuous place outside his shop a Board on which shall legibly be painted his name, number of his shop and the article he is licensed to deal in.
- (4) If a Vendor opens a cask of a particular brand of Beer and puts on tap, he should not open another cask of the same brand until the previous cask is emptied.
- (5) The Licence may be suspended or cancelled in accordance with the provisions of Section 29 of the Act and the Licensee or his employee shall be liable for prosecution of breach of any conditions of licence under the provisions of the Act or the rules and orders passed thereunder.
- (6) The licence shall continue to be in force till 30th of June.....
- (7) Beer shall be sold only for consumption in the premises.
- (8) The opening and closing hours of the shop for sale of Beer shall be from 9.30 A.M. to 9.30 P.M.

[Deputy Commissioner District (in case of grant of licence)/Deputy Commissioner of Excise District (in case of renewal of licence)]

FORM III
(See Rule 11)
Application for Renewal of Licence

1. Name and address of the applicant
2. If the applicant is a Company or Firm the names and addresses of the Directors or Partners of Company or Firm
3. The location of the premises where the applicant is conducting the business under a lease

Substituted by the words "Deputy Commissioner District" by Notification No. K.R.O. 100 dated 04-03-2021 w.e.f. 1-6-2021

4. Whether the applicant/firm is licenced to vend Beer under the Karnataka Excise (Lease of right of retail vend of Beer) Rules, 1976
5. Particulars of licence held by him/ them for retail vend of Beer

Place:

Date:

Applicant

FORM IV
Form B.P.No. 1 For sale of Beer in Brand.....
Account book of Licence holder/retail in toddy shops.

Month	Date	Opening Balance		Receipt		Quantity	
		Bulk	Bottles	From Whom	Permit No. and Date	Bulk	Bottles
1	2	3	4	5	6	7	8

Total		Issues		Closing Balance		Remarks
Bulk	Bottles	Bulk	Bottles	Bulk	Bottles	
9	10	11	12	13	14	15

Signature of the Licence Holder.

(2) Nothing in these rules shall apply to transfer of licence under Rule 1-B."

'THE'

KARNATAKA

EXCISE (BREWERY) (AMENDMENT) RULES, 2010

Whereas, the draft of the following rules further to amend the Karnataka Excise (Brewery) Rules, 1967, was published as required by sub-section (1) of Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), in Notification No. FD 10 PES 2009(I), dated 24th February, 2010, in Part IV-A of the Karnataka Gazette, Extraordinary No. 201, dated 24th February, 2010, inviting objections or suggestions from all the persons likely to be affected thereby and notice was given that the said draft will be taken into consideration, after thirty days from the date of its publication in the Official Gazette.

Whereas, the said Gazette was made available to the public on 24th February, 2010.

And whereas, objections and suggestions received have been considered by the Government.

Now, therefore, in exercise of the powers conferred by Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), the Government of Karnataka hereby makes the following rules further to amend the Karnataka Excise (Brewery) Rules, 1967, namely.—

1. Title and commencement.—(1) These rules may be called the Karnataka Excise (Brewery) (Amendment) Rules, 2010.
 (2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of Rule 2.—In the Karnataka Excise (Brewery) Rules, 1967 (hereinafter referred to as the 'said rules'), in Rule 2, after clause (o), the following shall be inserted, namely.—

"(o1) "Microbrewery" means a small brewery situated in a place on the premises of CL-4 or a place on the premises of CL-6A or CL-7 or CL-9 licences issued under the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1966 where Draught Beer is manufactured and the same is served to their customers for consumption within the premises with an installed capacity of not more than one thousand liters per day".

3. Insertion of new Rule 27-A.—After Rule 27 of the said rules, the following new rule shall be inserted, namely.—

"27-A. Grant of Licence for Microbrewery.—(1) Any person who possessing a CL-4 or CL-6A or CL-7 or CL-9 licence and desirous of obtaining a licence for a Microbrewery shall apply to the Excise Commissioner in Form 4 through the Deputy Commissioner. The Application shall be accompanied by a treasury challan for having credited the fee specified in sub-rule (2) and full description of the premises, utensils and installed capacity of the Plant per day. The detail in the application shall be checked either by the Deputy Commissioner or some other Officer duly authorised by him in this behalf, who shall certify to the fact, if he finds it correct, and forward it to the Commissioner. The Commissioner may grant Microbrewery licence in Form 5, subject to the following conditions, namely.—

In case of.—

- (a) CL-7 Licence unless the licensed premises is having a minimum of 100 double rooms in corporation areas and 50 double rooms in other areas;
- (b) CL-9 Licence unless the licensed premises is having minimum 10,000 Sq. Ft. area and spacious dining hall and parking facility; and
- (c) CL-4 Licence unless the licensed premises is having minimum 10,000 Sq. Ft. area and spacious parking facility;

in addition to conditions stipulated under the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1967.

(2) The fee for grant of Microbrewery Licence shall be rupees two lakhs per year and an additional licence fee of rupees equal to fifteen per cent of licence fee.

(3) The licensee shall arrange to check the quality of raw materials used and the liquor produced in the Microbrewery by a chemist holding a degree in Science with chemistry as one of the subject preferably organic-chemistry or bio-chemistry or specialisation in alcohol technology.

(4) The beer so produced in the microbrewery shall be released for sale only after the said Chemist certifies that such beer is fit for human consumption.

(5) The licensee shall arrange to draw the beer samples once in every month and forward the same to the laboratory for analysis. The report so obtained thereon shall be displayed on the premises of Microbrewery".

4. Insertion of new Form 4.—After Form 3 of the said rules, the following Forms shall be inserted, namely.—

FORM 4
[See Rule 27-A]

Application for grant of Microbrewery

To,

The Excise Commissioner in Karnataka, Bangalore

1. Name/s of the Applicant/s with full postal address.
2. The Amount of capital proposed to be invested.
3. The name and description of the place in which the Microbrewery is situated.
4. Whether project report is submitted.
5. Whether clearance certificate is obtained from Pollution Control Board/Environment Department.
6. Descriptions of vessels and other permanent apparatus.
7. Production capacity of the Microbrewery per day/per annum.
8. Whether Applicant has enclosed the treasury challan for having credited the prescribed licence fees in favour of the Government.

DECLARATION

1. I/We hereby declare that the particulars mentioned in the application are correct.
2. I/We am/are not convicted of any offence under the Karnataka Excise Act or Rules made thereunder or any of the cognizable or non-bailable offences under any other law.
3. I/We have gone through the Karnataka Excise (Brewery) Rules, 1967 relating to the licence applied for by me/us hereunder and am/are conversant with the provisions thereof.
4. I/We hereby undertake to abide by the conditions of the licence and provisions of the Karnataka Excise Act, 1965 and the Rules and regulations made thereunder.

Signature of the Applicant/s.

FORM 5
[See Rule 27-A]

Microbrewery Licence

I Excise Commissioner in Karnataka under the provisions of Rule 27-A of the Karnataka Excise (Brewery) Rules, 1967 hereby license you (hereinafter called the "Licensee") to manufacture and serve Beer in your premises at from to subject to the following conditions to be observed by you, the licensee.

CONDITIONS

1. The Licensee shall be bound by the provisions of the Karnataka Excise Act, 1965, Notifications, Rules and orders made or issued thereunder and the Karnataka Excise (Brewery) Rules, 1967.
2. The licensee shall observe such rules as may be prescribed by the State Government or such instructions and orders as may be issued by the Excise Commissioner from time to time in regard to the control of the manufacture, possession and serving.
3. The Licensee shall be bound by such orders as may be passed by the State Government or the Excise Commissioner concerning the process of manufacture to be adopted and the standards and quality of beer to be produced and served.
4. The Licensee shall provide a hydrometer and a thermometer of a kind to be approved by the Excise Commissioner for testing the gravity of wort in the brewery. A Hydrometer shall also be provided for testing the strength of the draught Beer.
5. The alcohol content of the beers produced supplied to the customers shall not exceed 5% V/V.
6. The pH, temperature and gravities of the brews upto maturation stage should be recorded and the same is subject to inspection as and when called for by a Competent Authority.
7. The premises to be maintained neat and clean with proper ventilation, lighting and to meet all safety and emergency standards and the beer dispensing system including glasses, serving tables, etc. to be maintained hygienically at all times.
8. Periodic fumigation by certified persons of the storage facility as well as the premises to be done on a routine basis and records maintained.
9. Under no circumstances is beer or any alcoholic drinks to be served to under aged persons.
10. The payment of the licence fees and excise duty as specified is to be paid in advance.
11. The Licensee shall strictly maintain timings of serving of beer to the customers between 10:00 AM and 11:30 PM.
12. The Licensee is prohibited from manufacturing any of the Beers, save the ones specifically instructed.
13. The Licensee shall issue beer only to the visitors of the licensed premises.
14. The account of the transactions in the Microbrewery relating to issue shall be maintained in such manner as may be required by the Excise Commissioner.

15. The Licensee shall furnish any statistics relating to manufacture and the sale of Beer that may be required when called upon to do so by any Competent Authority;
16. For any breach of the rules or the conditions of the licence, the Excise Commissioner may after giving a fortnight's notice to the licensee suspend or cancel the licence. The licensee shall not be entitled to any compensation on account of such suspension or cancellation".

**'THE
KARNATAKA**

EXCISE (BREWERY) (AMENDMENT) RULES, 2011

Whereas, the draft of the following rules further to amend the Karnataka Excise (Brewery) Rules, 1967 was published as required by sub-section (1) of Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), in Notification No. FD 62 EAA 2011(D), dated 2-11-2011, in Part IV-A of the Karnataka Gazette, Extraordinary No. 905, dated 2-11-2011, inviting objections and suggestions from all persons likely to be affected thereby within thirty days from the date of its publication in the Official Gazette.

And whereas, the said Gazette was made available to the public on 2nd November, 2011.

And whereas, no objections and suggestions have been received in respect of the said draft by the State Government.

Now, therefore, in exercise of the powers conferred by Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), the Government of Karnataka hereby makes the following rules, namely.—

1. Title and commencement.—(1) These rules may be called the Karnataka Excise (Brewery) (Amendment) Rules, 2011.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Omission of Rule 24.—In the Karnataka Excise (Brewery) Rules, 1967 (hereinafter referred to as the 'said rules'), Rule 24 shall be omitted.

3. Amendment of Form 1.—In Form 1 appended to the said rules, under the heading "Application for the Brewery Licence", Serial Number 3 and entries relating thereto shall be omitted.

Published in the Karnataka Gazette, Extraordinary No. 318, dated 30-4-2012, vide Notification No. FD 62 EAA 2011(D), dated 30-4-2012.

**"THE
KARNATAKA
EXCISE (BREWERY) (AMENDMENT) RULES, 2011**

Whereas, the draft of the following rules further to amend the Karnataka Excise (Brewery) Rules, 1967, was published as required by sub-section (1) of Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), in Notification No. FD 3 PES 2010(D), dated 28-10-2011, in Part IV-A of the Karnataka Gazette, Extraordinary No. 897, dated 28-10-2011, inviting objections and suggestions from all persons likely to be affected thereby within thirty days from the date of its publication in the Official Gazette.

And whereas, the said Gazette was made available to the public on 28th October, 2011.

And whereas, no objections and suggestions have been received in respect of the said draft by the State Government.

Now, therefore, in exercise of the powers conferred by Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), the Government of Karnataka hereby makes the following rules, namely.—

1. Title and commencement.—(1) These rules may be called the Karnataka Excise (Brewery) (Amendment) Rules, 2011.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of Rule 2.—In the Karnataka Excise (Brewery) Rules, 1967 (hereinafter referred to as the 'said rules'), in Rule 2, after clause (b), the following shall be inserted, namely.—

"(bb) "Factory Out-let" means a place which is separated, but contiguous to the Brewery Licence premises, where the licensee is permitted to showcase the process and the products manufactured in the Brewery along with facility to sell for consumption or otherwise of beer, serving food etc., to the employees and visitors to the Brewery".

3. Insertion of Rule 3-A.—After Rule 3 of the said rules, the following shall be inserted, namely.—

"3-A. Licence for factory out-let.—(1) Any holder of Brewery Licence desirous to showcase the process and to sell draught beer or bottled beer and the products manufactured in the licensed premises may apply to the Commissioner in Form 6 through the Deputy Commissioner along with a challan for having paid the licence fee of rupees two lakh per year. The application shall be accompanied with full description of area separated from manufacturing area, seating arrangement, plan, refreshment room with sufficient accommodation

L. Published in the Karnataka Gazette, Extraordinary No. 319, dated 30-4-2012, vide Notification No. FD 3 PES 2010(D), dated 30-4-2012.

and by within fifteen days from the date of its publication in the Official Gazette.

And whereas, the said Gazette was made available to the public on 16th March, 1993.

And, whereas, no objections and suggestions have been received in respect of the said draft by the State Government:

Now, therefore, in exercise of the powers conferred by Section 71 of the Karnataka Excise Act, 1963 (Karnataka Act 21 of 1966), the Government of Karnataka hereby makes the following rules, namely:-

1. Title and commencement.—(1) These rules may be called the Karnataka Excise (Lease of the Right of Retail Vend of Wine) (Amendment) Rules, 1993.

(2) They shall come into force with effect from the first day of July, 1993.

2. Amendment of Rule 5.—In Rule 5 of the Karnataka Excise (Lease of the Right of Retail Vend of Wine) Rules, 1983, for the words "four thousand", the words "two thousand" shall be substituted.

THE KARNATAKA EXCISE (LEASE OF THE RIGHT OF RETAIL VEND OF WINE OR FORTIFIED WINE) RULES, 2008

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1. Published in the Karnataka Gazette, Extraordinary No. 1078, dated 27-4-2008, vide Notification No. FD 20 PES 2008(III), dated 27-4-2008.

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**'THE
KARNATAKA
EXCISE (LEASE OF THE RIGHT OF [RETAIL
VEND OF WINE OR FORTIFIED WINE])
RULES, 2008'**

(As amended by Notification Nos. FD 20 PES 2005, dated 22-6-2009; FD 03 PES 2012(IV), dated 31-3-2012; FD 03 PES 2018, dated 21-8-2018 and FD 09(I) PES 2020, dated 9-6-2021)

Whereas, the draft of the Karnataka Excise (Lease of Right of Retail Vend of Wine) Rules, 2008 was published as required by sub-section (1) of the Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1965) at Notification No. FD 20 PES 2005(I), Bangalore, dated 1st July, 2008, in Part IV, Section 2-C(1) of the Karnataka Gazette, Extraordinary No. 673, dated 1st July, 2008, inviting objections and suggestions from all persons likely to be affected thereby within thirty days from the date of publication of the draft in the Official Gazette.

And whereas, the said Gazette was made available to the public on 18 July, 2008.

And whereas, the objections and suggestions received within the period specified above, have been considered by the Government.

Now, therefore, in exercise of the powers conferred by Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1965), the Government of Karnataka hereby makes the following rules, namely:—

1. Title and commencement.—(1) These rules may be called the Karnataka Excise (Lease of the Right of [Retail Vend of Wine or Fortified Wine]) Rules, 2008.

(2) These rules shall come into force from the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires:—

- (1) "Act" means the Karnataka Excise Act, 1965;
- (2) "Form" means a form appended to these rules;
- (3) "Fortification" means the process of manufacturing fortified wine;

-
1. Published in the Karnataka Gazette, Extraordinary No. 177, dated 27-3-2008 under Notification No. FD 20 PES 2005(III), dated 27-6-2009.
 2. Substituted for the words "Retail Vend of Wine" by Notification No. FD 03 PES 2012(IV), dated 31-3-2012 w.e.f. 14-4-2012.
 3. Substituted for the words "Retail Vend of Wine" by Notification No. FD 09(I) PES 2020(IV), dated 31-3-2020 w.e.f. 14-6-2021.

- 4. "Fortified wine" means Wine or Fruit Wine, the alcoholic strength of which has been increased by the addition of Neutral Spirit or Rectified Spirit or pure fruit Brandy and which has alcoholic strength of not more than 16% volume by volume and fruit wine content of not less than 7% volume by volume;
- 5. "Lease" means the lease of the right of the retail vend of wine granted under these rules;
- 6. "Licence" means a licence issued under these rules;
- 7. "Wine" means the fermented juice of ripe grapes or other fruits with or without the addition of sugar or jaggery, containing self-generated alcohol, including sparkling wine but does not include fortified wine;
- 8. "Year" means the year commencing on the first day of July and ending with the 30th day of June of the next calendar year;
- 9. "Wine tavern" means a place for [retail vend of wine or fortified wine] for consumption with or without eatable.
- 10. "Wine boutique" means a place for [retail vend of wine or fortified wine] in sealed bottles only;]

3. Application for grant of lease.— [(1) [An application for lease of right for retail vend of wine or fortified wine] in a wine tavern or/in a wine boutique or for both shall be made to the Deputy Commissioner of the district in Form LFW-I accompanied by a treasury challan for having credited the lease amount to the Government.

2. The Deputy Commissioner shall while granting licence under these rules have due regard to.—

- a. In case of a Wine Tavern.—
 - i. the availability of rooms for serving wine along with eatables for consumptions;
 - ii. adequate seating arrangements;
 - iii. the provision for separate toilet with running water facilities for men and women;
- b. In case of Wine Boutique.—

1. Substituted by Notification No. FD 03 PES 2012/IV, dated 31-3-2012, w.e.f. 1-4-2012.
 2. Substituted for the words "retail vend of wine" by Notification No. FD 03 PES 2012/IV, dated 31-3-2012, w.e.f. 1-4-2012.
 3. Inserted by Notification No. FD 21 PES 2009, dated 22-6-2009, w.e.f. 23-6-2009.
 4. Substituted for the words "retail vend of wine" by Notification No. FD 03 PES 2012/IV, dated 31-3-2012, w.e.f. 1-4-2012.
 5. Substituted for 1 and 2 substituted by Notification No. FD 20 PES 2008, dated 22-6-2009.
 6. Substituted for the words "An application for lease of right of retail vend of wine" by Notification No. FD 13 PES 2012/IV, dated 31-3-2012, w.e.f. 1-4-2012.

- (i) that a minimum built up floor area of 200 sq. ft. of RCC; or
- (ii) if the licence is located in any super markets, malls, multiplex etc., the total floor area of such super market etc., shall not be less than 15,000 sq. ft.]
- (3) Where the applicant for a licence is a firm, the name and other particulars of all the partners shall be mentioned in the application and if a licence is granted to the applicant, the names of all the partners shall be entered in the licence. No additional partner shall be admitted to the firm after the granting of a licence unless the Deputy Commissioner on an application made to him in writing agrees to alter the licence, and to add the name or names of the partners in the licence.

4. Grant of lease.—On receipt of the application under Rule 3, the Deputy Commissioner after such enquiry as he deems fit, and if he is satisfied may grant the lease for the retail sale of wine in Form LFW-II.

5. Lease Amount.—The amount for grant of lease shall be rupees one thousand for wine tavern and rupees five thousand for a wine boutique per annum].

6. Security.—The lessee shall before grant of licence furnish a sum of rupees one thousand by way of security either in cash or securities approved by the Government for the fulfilment of the conditions of the licence.

7. Licence.—(1) The Deputy Commissioner after the grant of lease under Rule 4 and on furnishing of security by applicant under Rule 6 shall issue a licence to the lessee in Form LFW-III.

(2) The licence granted under sub-rule (1), shall be subject to the conditions specified therein and valid for a year or where the licence obtained on any date after the first day of July until the 30th day of June of the next calendar year.

[(3) Any person who is holding a Microbrewery licence under Rule 27-A of the Karnataka Excise (Brewery) Rules, 1967, and who desires to have a Wine Tavern licence in the Microbrewery premises shall apply to the Deputy Commissioner of the district. [The Deputy Commissioner may grant Wine tavern licence and the Deputy Commissioner of Excise may renew Wine tavern licence] subject to conditions and restrictions specified in these rules.]

8. Renewal of lease.—(1) The lessee shall apply for renewal of lease in Form LFW-I to the [Deputy Commissioner of Excise] thirty days before the expiry of lease granted under Rule 4, accompanied by a treasury challan for having credited the prescribed lease amount.

(2) On receipt of the application under sub-rule (1), the [Deputy Commissioner of Excise] may renew the lease for a period of one year.

9. Renewal of licence.—On the renewal of lease under Rule 8, the [Deputy Commissioner of Excise] shall renew the lease in Form LFW-II and issue a licence to the lessee in Form LFW-III.

1. Rule 5 substituted by Notification No. FD 20 PES 2008, dated 22-6-2009, w.e.f. 23-6-2009.
2. Sub-rule (3) inserted by Notification No. FD 03 PES 2012, dated 21-6-2012, w.e.f. 21-6-2012.
3. Substituted for the words "The Deputy Commissioner may grant and renew Wine tavern licence" by Notification No. FD 03 (1) PES 2020, dated 9-6-2021, w.e.f. 1-6-2021.
4. Substituted for the words "Deputy Commissioner" by Notification No. FD 03 (1) PES 2020, dated 9-6-2021, w.e.f. 1-6-2021.
5. Substituted for the words "Deputy Commissioner" by Notification No. FD 03 (1) PES 2020, dated 9-6-2021, w.e.f. 1-6-2021.
6. Substituted for the words "Deputy Commissioner" by Notification No. FD 03 (1) PES 2020, dated 9-6-2021, w.e.f. 1-6-2021.

10. Occasional licence.—The Deputy Commissioner may issue an occasional licence in Form LFW-IV for 'Sale and consumption of Wine or Fortified Wine at Wine festivals/fairs' conducted by the Karnataka Wine Board or for consumption on such other occasion or gathering as the Deputy Commissioner may deem fit at a fee of Rs. 100/- per day.

10-A. Sale of Wine or Fortified Wine.—The distributor licensee under the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1966 may sell Wine or Fortified Wine to a person holding a licence under these rules.]

11. Repeal and savings.—Karnataka Excise (Lease of the Right of Retail Vend of Wine) Rules, 1985 are hereby repealed:

Provided that the said repeal shall not affect the previous operation of the said rules or anything duly done or suffered thereunder or affect any right, liability or obligation acquired or accrued under the said rules.

FORM LFW-I

[See Rule 3]

*Application for grant/renewal of lease to retail sale of Wine or Fortified Wine]

1. Name and address of the applicant
2. If the applicant is a company/firm the name and addresses of the Directors of Company/partners of the firm
3. The location of the premises where the applicant desires to sell the wine (or fortified wine) with boundaries:
 - (a) In the wine tavern; or
 - (b) In the wine boutique or both.]
4. Whether the prescribed fee amount has been paid?
If so, the treasury challan number and date for having credited the lease amount
5. Whether the following documents are enclosed?
 - (a) Original Treasury Challan
 - (b) Blue print of the premises/taverns in triplicate
6. Name and address of the employee if any?

Date:

Signature of the applicant.

1. Substituted for the words "Sale and consumption of Wine at Wine festivals/fairs" by Notification No. FD 03 PES 2012/IV, dated 31-3-2012, w.e.f. 1-4-2012.
2. Rule 10-A inserted by Notification No. FD 03 PES 2012/IV, dated 31-3-2012, w.e.f. 1-4-2012.
3. Substituted for the heading "Application for grant of lease to retail sale of Wine or Fortified Wine" by Notification No. FD 03 PES 2012, dated 9-4-2012, w.e.f. 1-4-2012.
4. Inserted by Notification No. FD 03 PES 2012/IV, dated 31-3-2012, w.e.f. 1-4-2012.
5. Substituted by Notification No. FD 20 PES 2009, dated 22-6-2009, w.e.f. 23-6-2009.

*[FORM LFW-II]

[See Rule 4]

Lease for the Retail Sale of Wine (or Fortified Wine)

1. Registration No.:
2. Name and address of the licensee:
3. Name of the employee:
4. Location of the premises/wine tavern:
 - (a) Door No.:
 - (b) Street:
 - (c) Location of the wine tavern/wine boutique:
 - (d) City/Town/Village:

I the Deputy Commissioner District (in case of grant of licence)/Deputy Commissioner of Excise District (in case of renewal of licence)) in consideration of the payment of the lease amount of Rs. 1,000 (Rupees Thousand only) in case of wine tavern and Rs. 5,000 (Rupees Five thousand only) in case of wine boutique do hereby authorise Sri S/o residing at to sell wine (or fortified wine) at premises No. situated in subject to the conditions specified in the licence Form LFW-III.

Schedule showing the boundaries of the premises/wine tavern/wine boutique.

Date:

Signature of the Issuing Authority with seal.

FORM LFW-III

[See Rule 7]

Licence for the Retail Vend of Wine (or Fortified Wine)

1. Register No.
2. Name of licensee
3. Name of the employee
4. Place: Premises/wine tavern/wine boutique.—
 - (a) Door No.

1. Form LFW-II substituted by Notification No. FD 2/ PES 2012, dated 22-6-2012, w.e.f. 23-6-2009.
2. Inserted by Notification No. FD 03 PES 2012/IV, dated 31-3-2012, w.e.f. 1-4-2012.
3. Substituted for the words "Deputy Commissioner District" by Notification No. FD 03 PES 2012, dated 9-4-2012, w.e.f. 1-4-2012.
4. Inserted by Notification No. FD 03 PES 2012/IV, dated 31-3-2012, w.e.f. 1-4-2012.
5. Inserted by Notification No. FD 03 PES 2012/IV, dated 31-3-2012, w.e.f. 1-4-2012.
6. Substituted by Notification No. FD 20 PES 2009, dated 22-6-2009, w.e.f. 23-6-2009.

(b) Street

(c) City/Town/Village.]

5. Boundaries of premises/wine tavern:

by North:

by East:

by West:

by South:

I the [Deputy Commissioner District (in case of grant of licence); Deputy Commissioner of Excise District (in case of renewal of licence)] do hereby issue a licence to Sri Son of Sri residing at to sell wine [or fortified wine] at premises/wine tavern bearing No. situated in subjected to the conditions specified below:

LICENCE CONDITIONS

- (1) The licence shall be bounded by the provisions of the Karnataka Excise Act, 1965 and the Karnataka Excise (Manufacture of Wine) Rules, 2008.
- (2) The licensee shall maintain separate correct accounts of daily transactions of each brand of wine [or fortified wine] and submit the returns monthly to the jurisdictional Officer in the first week of the following month.
- (3) The licensee shall use metric measures approved by the department of Legal Metrology.
- (4) If a cask of a particular brand of wine [or fortified wine] is opened, another cask of such brand shall not be opened until the wine in that cask is sold completely.
- (5) Only wine [or fortified wine] shall be sold for consumption in the tavern.
- (6) The opening and closing hours of the premises/wine tavern for sale of wine shall be from 10.00 a.m. to 11.30 p.m.
- (7) Wine shall be sold in sealed bottles in wine boutique.
- (8) The opening and closing hours of the wine boutique for sale of bottled wine shall be from 10.00 a.m to 10.30 p.m.]

¹ Substituted for the words "Deputy Commissioner District" by Notification No. FD 02 PES 2011(V), dated 4-6-2011, w.e.f. 1-6-2011.

² Inserted by Notification No. FD 03 PES 2012(IV), dated 31-3-2012, w.e.f. 1-4-2012.

³ Inserted by Notification No. FD 03 PES 2012(IV), dated 31-3-2012, w.e.f. 1-4-2012.

⁴ Inserted by Notification No. FD 03 PES 2012(IV), dated 31-3-2012, w.e.f. 1-4-2012.

⁵ Inserted by Notification No. FD 04 PES 2012, dated 22-4-2009, w.e.f. 23-4-2009.

Place: [Deputy Commissioner District (in case of grant of licence); Deputy Commissioner of Excise District (in case of renewal of licence)]

Date:

FORM LFW-IV

[See Rule 10]

Occasional Licence

1. Register No.
2. Name of licensee
3. Name of the employee
4. Place: premises/wine tavern.
- (d) Door No.
- (e) Street
- (f) Town/Village
5. Boundaries of premises/wine tavern:

by North:

by East:

by West:

by South:

I the Deputy Commissioner District do hereby issue a licence to Sri Son of Sri residing at to sell and consume wine [or fortified wine] on the occasion of subjected to the conditions specified below:

LICENCE CONDITIONS

- (1) The licence shall be bounded by the provisions of the Karnataka Excise Act, 1965 and the Karnataka Excise (Manufacture of Wine) Rules, 2008.
- (2) The privilege under this licence is restricted for sale and consumption of wine [or fortified wine] on the premises and for the occasion of and date and time

Place:

Date:

Deputy Commissioner,
District.

¹ Substituted for the words "Deputy Commissioner District" by Notification No. FD 02(II) PES 2012, dated 9-6-2012, w.e.f. 1-6-2012.

² Inserted by Notification No. FD 03 PES 2012(IV), dated 31-3-2012, w.e.f. 1-4-2012.

³ Inserted by Notification No. FD 03 PES 2012(IV), dated 31-3-2012, w.e.f. 1-4-2012.

ಅನುಬಂಧ - 8

**2022-23 ನೇ ಸಾಲಿನ ಅಭಿಕಾರಿ ಪರ್ವದಲ್ಲಿ ನವೀಕರಣಗೊಂಡ/ಮಂಜುರಾದ ಲ್ಯಾ. ಬಗಿಯ ಸನ್ಮುಗಳ ಸಂಖ್ಯೆ ಹಾಗೆ ಸನ್ಮುಗಳಿಂದ ಸಂಗ್ರಹವಾದ
ಅಭಿಕಾರಿ ರಾಜಸ್ವದ ವಿವರ (ರಾ.ಕೋಟಿಗಳಲ್ಲಿ)**

ಕ್ರ. ಸಂ	ಕೆಲ್ಲೆ	ಹಿಂದಿ-2 (ಅಭಿ ಕಾರಿಗಳಿಗೆ)	ಹಿಂದಿ-4 (ಅಭಿ ಕಾರಿಗಳಿಗೆ)	ಹಿಂದಿ- 6 ಮತ್ತು ಹಿಂದಿ- 8 ಮತ್ತು ಹಿಂದಿ-10	ಹಿಂದಿ- 7 (ಅಭಿ ಕಾರಿ ಹಿಂದಿ- 9 ಮತ್ತು ಹಿಂದಿ-11)	ಹಿಂದಿ- 14, 15 & 7A (ಅಭಿ ಕಾರಿಗಳಿಗೆ)	ಹಿಂದಿ- 8, 8A ಮತ್ತು 8B (ಅಭಿ ಕಾರಿಗಳಿಗೆ)	ಹಿಂದಿ- 9 (ಅಭಿ ಕಾರಿಗಳಿಗೆ)	ಹಿಂದಿ- 11A (ಅಭಿ ಕಾರಿಗಳಿಗೆ)	ಹಿಂದಿ- 16, 17 & 18 (ಅಭಿ ಕಾರಿಗಳಿಗೆ) ಅಭಿ ಕಾರಿಗಳಿಗೆ)	ಸ್ವಾಮಿ ಅರ್ಥ ಪ್ರಾರ್ಥನೆ ಅರ್ಥ ಪ್ರಾರ್ಥನೆ	ಸ್ವಾಮಿ ಅರ್ಥ ಪ್ರಾರ್ಥನೆ ಅರ್ಥ ಪ್ರಾರ್ಥನೆ	ಸ್ವಾಮಿ ಅರ್ಥ ಪ್ರಾರ್ಥನೆ ಅರ್ಥ ಪ್ರಾರ್ಥನೆ	ಸ್ವಾಮಿ ಅರ್ಥ ಪ್ರಾರ್ಥನೆ ಅರ್ಥ ಪ್ರಾರ್ಥನೆ	ಸ್ವಾಮಿ ಅರ್ಥ ಪ್ರಾರ್ಥನೆ ಅರ್ಥ ಪ್ರಾರ್ಥನೆ	ಸ್ವಾಮಿ ಅರ್ಥ ಪ್ರಾರ್ಥನೆ ಅರ್ಥ ಪ್ರಾರ್ಥನೆ	ದಂಡ ಸಮಿಕ್ಷೆ ಮಾನ್ಯತೆ ಗೊಳಿಯ (ಬೇ 2023ರ ಅಂತರೆ)	ಸಂಖ್ಯೆ	
1	ದಕ್ಷಿಣ ಕನ್ನಡ	153	7	1	98	0	2	216	29	1	2	24	2	1	1	537	28.05	0.32	28.37
2	ಉಡುಪಿ	89	3	0	106	0	1	202	15	0	1	18	0	0	1	436	20.54	0.29	20.84

CASE LAW

Rule 21 – Criminal Procedure Code, 1973, Section 482 – Prayer – For quashing of FIR – Offences – Under the Karnataka Excise Act, 1965 – Search conducted without recording the grounds for his belief – That such an offence committed – Held, such probable defence is available only at the time of trial, thus writ petition is dismissed.

N. Ananda, J., Held: Search conducted by an officer, without recording of the grounds for his belief that an offence under the Act was likely or being committed would vitiate entire proceedings and investigation of first information would be abuse of process of law..... It is not possible to take into consideration the probable defence that may be available to petitioner during trial. At this stage, it is not possible to hold that there was violation of the provisions of Section 54 of the Act. Such contention can be raised only after final report is filed against petitioner. — *Smt. Mahananda v State of Karnataka, 2013(1) Kar. L.J. 178.*

22. Conviction entails cancellation of all licences.— Where a licensee holds more than one licence and he is convicted for breach of conditions of any one of such licences, the other licences also may be cancelled.

[(23. Shifting of shops. — Subject to the restrictions specified in Rule 5, the Deputy Commissioner may permit a licensee to shift the location of his shop from one place to another within the limits of a Grama Panchayat or within the [Municipal Area] or City Municipal Corporation] [on payment of a fee equivalent to [fifty per cent] of the licence fee charged on the licence in respect of such shop:]

[x x x x x:]

[Provided that] subject to Rule 5, in case of CL-2 [and CL-9] licences, the Deputy Commissioner may permit a licensee to shift the location of his shop.—

- (a) within the limits of Municipal Area/Town Panchayat Area or City Municipal Corporation;
- (b) from category (a), (b), (c) and (d) areas to category (e) area of item 2 [and item 9] of sub-rule (1) of Rule 8 of the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968 within the District;

1. Rule 23 substituted by Notification No. FD 22 PES 93(I), dated 9-5-1994, w.e.f. 9-5-1994.
2. Substituted for the words "territorial division of Municipality" by GSR 119, dated 19-7-1994, w.e.f. 19-7-1994.
3. Inserted by Notification No. FD 5 PES 2000, dated 28-4-2000 and shall be deemed to have come into force w.e.f. 1-4-2000.
4. Substituted for the words "twenty-five per cent" by Notification No. FD 03 PES 2014(V), dated 28-2-2014, w.e.f. 1-7-2014.
5. First proviso omitted by Notification No. FD 08 PES 2011, dated 6-8-2014, w.e.f. 6-8-2014.
6. Second proviso inserted by Notification No. FD 7 PES 2009(I), dated 15-1-2009, w.e.f. 15-1-2009.
7. Substituted for the words "Provided further that" by Notification No. FD 17 PES 2017(I), dated 20-1-2018 and shall be deemed to have come into force w.e.f. 27-6-2017
8. Inserted by Notification No. FD 11 PES 2009, dated 9-2-2010, w.e.f. 9-2-2010.
9. Inserted by Notification No. FD 11 PES 2009, dated 9-2-2010, w.e.f. 9-2-2010.

(c) "[from one category (e) area to another category (e) area] of item 2² and item 9¹ of sub-rule (1) of Rule 8 of the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968 within the District;]

"Provided further that the following exemptions or relaxations shall be granted as a one-time measure during the period commencing from 27th day of June, 2017 and ending on 31st day of December, 2017 to those affected licences, and restricted to renewal of licences for the Excise year 2017-18, which are to be shifted in compliance with the judgment of the Hon'ble Supreme Court in Civil Appeal Nos. 12164 to 12166 of 2016 (Arising out of SLP (C) Nos. 14911 to 14913 of 2013) and Civil Appeal No. 12170 of 2016, dated 15-12-2016.—

(i) the fee prescribed for shifting of licence is reduced by 50% to the aggrieved licensees to shift the affected licence.

(ii) the maximum quota fixed as per Rule 12 of the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968, is relaxed in respect of shifting of affected CL-2 (Retail Shop) licences.

(iii) the restrictions specified in the first proviso to this rule are relaxed and the Deputy Commissioners of Excise are empowered to pass shifting orders in respect of affected licences within the jurisdiction of the concerned district.]

"Provided also that subject to Rule 5, in case of CL-11 (C) licence, the Deputy Commissioner of Excise may permit the licensee to shift the location of his shop,—

(i) from the limits of one Grama Panchayat to the limits of another Grama Panchayat within the district, in respect of 463 CL-11 (C) licences sanctioned to the Mysore Sales International Limited (MSIL) (A Government of Karnataka Undertaking) vide Government Order No. FD/07/EFL/2008, dated 3-7-2009; and

(ii) from the limits of one Grama Panchayat to the limits of another Grama Panchayat within the same Legislative Assembly constituency, in respect of additional 900 CL-11 (C) licences sanctioned to Mysore Sales International Limited (MSIL) (A Government of Karnataka Undertaking) vide Government Order No. FD/15/EFL/2015, dated 23-9-2016.

24. Licensee not entitled to compensation.—Where a licence is cancelled during the currency of the licence, the licensee shall not be entitled to any compensation of any kind.

-
1. Substituted for the words, letter and bracket "within category (e) area" by Notification No. FD 03 PBS 2020, dated 26-6-2020, w.e.f. 26-6-2020
 2. Inserted by Notification No. FD 11 PBS 2019, dated 9-3-2010, w.e.f. 9-3-2010.
 3. Second proviso inserted by Notification No. FD 17 PBS 2017(1), dated 20-1-2018 and shall be deemed to have come into force w.e.f. 27-6-2017.
 4. Third proviso inserted by Notification No. FD 03 PBS 2020, dated 26-6-2020, w.e.f. 26-6-2020

Sl. No. 57.

NOTIFICATION
No. FD 4 PES 98(I), Bangalore, dated 17-4-1998

In exercise of the powers conferred by sub-section (2) of Section 4-A of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966) read with Section 21 of the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899), the Government of Karnataka hereby rescind the Notification No. FD 233 EPS 91(ii) (Part), dated 11th March, 1992 and Notification No. FD 60 EPS 93 II, dated 19th April, 1993 issued under the said sub-section with immediate effect.

Sl. No. 58.

NOTIFICATION
No. FD 4 PES 98(II), dated 17-4-1998

In exercise of the powers conferred by sub-section (1) of Section 4 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966) read with Section 21 of the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899), the Government of Karnataka hereby rescind the Notification No. FD 60 EPS 93(II), dated 19th April, 1993 issued under the said sub-section with immediate effect.

Sl. No. 59.

NOTIFICATION
No. FD 4 PES 98(III), dated 17-4-1998

In exercise of the powers conferred by sub-section (2) of Section 7 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966) (hereinafter referred to as the said Act) the Government of Karnataka hereby direct, with immediate effect, that the Deputy Commissioner of Excise appointed under sub-section (1) of Section 4-A of the said Act shall.—

- (i) exercise the powers and perform the duties and functions assigned to the Deputy Commissioner in respect of transfer and shifting of licence under any rule made under the said Act and grant of arrack shop licence under Rule 17 of the Karnataka Excise (Lease of the Right of Retail Vend of Liquors) Rules, 1969; and
- (ii) exercise all other powers and perform all other duties and functions assigned to the Deputy Commissioner by or under the Act, except disposal of the right of retail vend of liquors under the Karnataka Excise (Lease of the Right of Retail Vend of Liquors) Rules, 1969 and grant of excise licence under any rules under the said Act (other than grant of arrack shop licence under clause (i) above), subject to the overall supervision and administrative control of the Deputy Commissioner.

23	2020-21	ವಿಶ್ವವಿದ್ಯಾಲಯ ಬಾಬು ಪರೀಕ್ಷೆ ಸಂಬಂಧಿತ ಅಭಿಪ್ರಾಯ ಕೆಳಸ್‌ಗ್ರಾಹಕ ಅಂಗ ಮಾರ್ಗವಾಗಿ ದಿನಾಂಕಾನ್ಯಾಸ ದ್ವಾರಾ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ ಉದ್ದೇಶ.	ಸ್ವಲ್ಪಿನಲ್ಲಿ, ವಾಪವಹಾರ್ಕ ಹಿತ್ಯಾದ್ಯಾಯದ ಉದ್ದೇಶ ಸಾಮರ್ಥ್ಯ ಅಭಿಪ್ರಾಯ ಗ್ರಾಹಕ ಕೆಳಸ್‌ಗ್ರಾಹಕ ಅಂಗ ಮಾರ್ಗವಾಗಿ ದಿನಾಂಕಾನ್ಯಾಸ ದ್ವಾರಾ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ ಉದ್ದೇಶ.	
24	2020-21	ಆರಾಧನೆ ಬಾಬು.	ಶ್ರೀಮತಿ ಶೈವಕುಮಾರ ರಾ. ಪಿಠ್ಯು, ಮೊ. ಎ ಗೌಡಪಂಡಿತರಾಜು, ಮೊಂಡಿನ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ.	ಸರ್ಕಾರಿ ವಿವಾಹಸಿಂಹಾಸನ, ಸ್ವಲ್ಪಿನಲ್ಲಿ, ವಾಪವಹಾರ್ಕ ಹಿತ್ಯಾದ್ಯಾಯದ ಮೂಲ ಸ್ಥಳ, ಸ್ವಲ್ಪಿನಲ್ಲಿ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ ಉದ್ದೇಶ ಸಾಮರ್ಥ್ಯ ಅಭಿಪ್ರಾಯ ಗ್ರಾಹಕ ಕೆಳಸ್‌ಗ್ರಾಹಕ ಅಂಗ ಮಾರ್ಗವಾಗಿ ದಿನಾಂಕಾನ್ಯಾಸ ದ್ವಾರಾ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ.
25	2020-21	ರಾಜ್ ಬಾಬು.	ಶ್ರೀ ಮೃತೀರ್ಣಿ ಪರಮಾರ್ಥ ಕೆಳಸ್, #2-131, ಕೆರ್ಕ ನ್ಯಾಯ ಪ್ರಸ್ಥಾನ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ.	ಸ್ವಲ್ಪಿನಲ್ಲಿ, ವಾಪವಹಾರ್ಕ ಹಿತ್ಯಾದ್ಯಾಯದ ಉದ್ದೇಶ ಸಾಮರ್ಥ್ಯ ಅಭಿಪ್ರಾಯ ಕೆಳಸ್‌ಗ್ರಾಹಕ ಅಂಗ ಮಾರ್ಗವಾಗಿ ದಿನಾಂಕಾನ್ಯಾಸ ದ್ವಾರಾ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ.
26	2020-21	ನಿಹಾ ಬಾಬು.	ಎ. ಬಾಂದ್ರಾಪ್ಪ ಕೆಳಸ್, ಬಿಂಬ. ಸಂಭಾಗ ಕೆಳಸ್, ಮತ್ತಾಪ್ಪಿನಿ, ಮಂಡಿನ, ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ ಅಭಿಪ್ರಾಯ.	ಸ್ವಲ್ಪಿನಲ್ಲಿ, ವಾಪವಹಾರ್ಕ ಹಿತ್ಯಾದ್ಯಾಯದ ಉದ್ದೇಶ ಸಾಮರ್ಥ್ಯ ಅಭಿಪ್ರಾಯ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ ಗ್ರಾಹಕ ಕೆಳಸ್‌ಗ್ರಾಹಕ ಅಂಗ ಮಾರ್ಗವಾಗಿ ದಿನಾಂಕಾನ್ಯಾಸ ದ್ವಾರಾ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ.
27	2020-21	ವ್ಯಾಪಕ ಬಾಬು.	ಶ್ರೀ ಅರ್ಚಾ. ಬಿಂಬ. ಕೆ. ಕೆತ್ತಾಪ್ಪಾ, ಇಕ್ಕನ್ನಾಯಾ ರಾಜು, ಮಂಡಾಪ್ಪ ಕುಸ್ತಾ, ಮಂಡಾಪ್ಪ ಅಭಿಪ್ರಾಯ.	ಸರ್ಕಾರಿ ವಿವಾಹಸಿಂಹಾಸನ, ಸ್ವಲ್ಪಿನಲ್ಲಿ, ವಾಪವಹಾರ್ಕ ಹಿತ್ಯಾದ್ಯಾಯದ ಮೂಲ ಸ್ಥಳ, ಸ್ವಲ್ಪಿನಲ್ಲಿ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ ಉದ್ದೇಶ ಸಂದರ್ಭದಲ್ಲಿ ಕೆಳಸ್‌ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ ಗ್ರಾಹಕ ಕೆಳಸ್‌ಗ್ರಾಹಕ ಅಂಗ ಮಾರ್ಗವಾಗಿ ದಿನಾಂಕಾನ್ಯಾಸ ದ್ವಾರಾ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ.
28	2021-22	ಕೃಷ್ಣ ಬಾಬು	ಶ್ರೀ ಕಿರ್ತಿ ಪಾತ್ರಕುಮಾರ, ಬಿಂಬ. ವೆಂಕಟ್ ಪಾತ್ರಕುಮಾರ ಕೆಳಸ್‌ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ.	ಸ್ವಲ್ಪಿನಲ್ಲಿ, ವಾಪವಹಾರ್ಕ ಹಿತ್ಯಾದ್ಯಾಯದ ಉದ್ದೇಶ ಸಾಮರ್ಥ್ಯ ಅಭಿಪ್ರಾಯ, ಕೃಷ್ಣ ಬಾಬು.
29	2021-22	ಶ್ರೀಮತಿ ಬಾಬು	ಶ್ರೀ ಪಿತ್ತೇಶ ಇಂದ್ರ, ದೀಪಾಮಾತ್ರಾದ್ಯಾಯ ಅಭಿಪ್ರಾಯ, ಶ್ರೀ ಕಿರಿ, ಮೊ. #9, ಕೆರ್ಕ ನ್ಯಾಯ, ಮಂಡಿ/ಮಂಡಿ, ಮಂಡಿನ,	ಸ್ವಲ್ಪಿನಲ್ಲಿ, ವಾಪವಹಾರ್ಕ ಹಿತ್ಯಾದ್ಯಾಯದ ಉದ್ದೇಶ ಅಭಿಪ್ರಾಯ, ಕಿರಿ, ಕಿರಿ, ಶ್ರೀ ಪಿತ್ತೇಶ ಇಂದ್ರ ಅಭಿಪ್ರಾಯ ಗ್ರಾಹಕ ಕೆಳಸ್-9221/SA, ಕೆಂಪ್-93A1A ದ್ವಾರಾ ಸ್ವಲ್ಪಿನಲ್ಲಿ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ.
30	2021-22	ಮಂಧುರು ಬಾಬು	ದಿ. ಗೋಪಿ ಬಾಬು, ಬಿಂಬ. ಪಾತ್ರಕುಮಾರ, ಮಂಧುರು	ಸ್ವಲ್ಪಿನಲ್ಲಿ, ವಾಪವಹಾರ್ಕ ಹಿತ್ಯಾದ್ಯಾಯದ ಉದ್ದೇಶ ಅಭಿಪ್ರಾಯ ಗ್ರಾಹಕ ಕೆಂಪ್-19/1/2, 5-19/1/2 ದ್ವಾರಾ ಸ್ವಲ್ಪಿನಲ್ಲಿ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ.
31	2021-22	ಕೃಷ್ಣ ಬಾಬು.	ಶ್ರೀ ಕೃಷ್ಣ ಪಾತ್ರಕುಮಾರ ಕೆಳಸ್, ಬಿಂಬ. ವೆಂಕಟ್ ಪಾತ್ರಕುಮಾರ ಇಂದ್ರಾಲಯ, 2-221 ಶ್ರೀ ಕಾಮಾದ್ಯಾಯ, ಶ್ರೀ ಕಾಮಾದ್ಯಾಯ, ಅಂಡಿನ್ಯಾಯ, ಮಂಡಿ, ಮಂಡಿ, ಕಾರ್ಯ ಅಭಿಪ್ರಾಯ, ಅಂಡಿನ್ಯಾಯ ಕೆಳಸ್.	ಸ್ವಲ್ಪಿನಲ್ಲಿ, ವಾಪವಹಾರ್ಕ ಹಿತ್ಯಾದ್ಯಾಯದ ಉದ್ದೇಶ ಅಭಿಪ್ರಾಯ ಗ್ರಾಹಕ ಕೆಳಸ್-3-258 ದ್ವಾರಾ ಸ್ವಲ್ಪಿನಲ್ಲಿ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ.
32	2022-23	ರಾಯ್ ಎಂಟ್ರೆಕ್ ಬಾಬು	ಶ್ರೀ ಅಂದು ಪರಮಾರ್ಥ ಕೆಳಸ್, ಬಿಂಬ. ಸಿ. ಸಿ. ಪರಮಾರ್ಥ ಕೆಳಸ್, ಬಿಂಬ. ಸಿ. ಸಿ. ಪರಮಾರ್ಥ ಅಭಿಪ್ರಾಯ.	ಸ್ವಲ್ಪಿನಲ್ಲಿ, ವಾಪವಹಾರ್ಕ ಹಿತ್ಯಾದ್ಯಾಯದ ಉದ್ದೇಶ ಅಭಿಪ್ರಾಯ ಗ್ರಾಹಕ ಕೆಳಸ್-1-36(2) ದ್ವಾರಾ ಸ್ವಲ್ಪಿನಲ್ಲಿ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ.
33	2022-23	ಸಹಿಯ ಬಾಬು	ಶ್ರೀ ಸಹಿಯ ಕೆಳಸ್, ಬಿಂಬ. ಸೆ. ಕೆ. ಪರಮಾರ್ಥ ಕೆಳಸ್, ಬಿಂಬ. ಕಾರ್ಜ್ ಅಭಿಪ್ರಾಯ.	ಸ್ವಲ್ಪಿನಲ್ಲಿ, ವಾಪವಹಾರ್ಕ ಹಿತ್ಯಾದ್ಯಾಯದ ಉದ್ದೇಶ ಅಭಿಪ್ರಾಯ ಗ್ರಾಹಕ ಕೆಂಪ್-348 ದ್ವಾರಾ ಸ್ವಲ್ಪಿನಲ್ಲಿ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ.
34	2022-23	ಮನೀಶ್ ಬಾಬು	ಶ್ರೀ ಸರ್ವಾರ್ಥ ಕೆಳಸ್, ಬಿಂಬಾಂತಾ ಕೆಳಸ್, 7-4-42/A, ಅಂಧ್ರಪ್ರದ್ಯಾಯ ಇಂದ್ರ, ದೀಪಾಮಾತ್ರಾದ್ಯಾಯ, ಮಂಡಿನ್ಯಾಯ. ಅಭಿಪ್ರಾಯ	ಸರ್ಕಾರಿ ವಿವಾಹಸಿಂಹಾಸನ, ಸ್ವಲ್ಪಿನಲ್ಲಿ, ವಾಪವಹಾರ್ಕ ಹಿತ್ಯಾದ್ಯಾಯದ ಮೂಲ ಸ್ಥಳ, ಸ್ವಲ್ಪಿನಲ್ಲಿ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ ಗ್ರಾಹಕ ಕೆಂಪ್-3-38/A ದ್ವಾರಾ ಸ್ವಲ್ಪಿನಲ್ಲಿ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ.
35	2022-23	ರಾಯ್ ಎಂಟ್ರೆಕ್ ಬಾಬು	ಶ್ರೀ ಕಾಮಾದ್ಯಾಯ ಪಾತ್ರಕುಮಾರ ಕೆಳಸ್, ಬಿಂಬ. ಆರ್ಕ್ ಕಾಮಾದ್ಯಾಯ ಕೆಳಸ್, ಕಾಮಾದ್ಯಾಯ, #1-11, ನಾರಿನ್ಯಾಯ ಮಂಡಿ, ನಾರಿನ್ಯಾಯ ಕೆಳಸ್ ಕುಸ್ತಾರ್ ಪಾತ್ರಕುಮಾರ ಕೆಳಸ್, ಕಾಮಾದ್ಯಾಯ ಅಭಿಪ್ರಾಯ, ಅಂಡಿನ್ಯಾಯ ಕೆಳಸ್.	ಸ್ವಲ್ಪಿನಲ್ಲಿ, ವಾಪವಹಾರ್ಕ ಹಿತ್ಯಾದ್ಯಾಯದ ಉದ್ದೇಶ ಅಭಿಪ್ರಾಯ ಗ್ರಾಹಕ ಕೆಂಪ್-533/5 ದ್ವಾರಾ ಕೆಳಸ್-1-36(2) ದ್ವಾರಾ ಸ್ವಲ್ಪಿನಲ್ಲಿ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ.
36	2022-23	ವೀರ್ ಪಾತ್ರಕುಮಾರ ಬಾಬು	ಶ್ರೀಮತಿ ಸಿ.ಎಸ್. ಕೆ. ಕೆ. ಸಿ. ಸಿ. ಕೆ. ಕೆ. ಪರಮಾರ್ಥ ಕೆಳಸ್, ಕಾರ್ಜ್ ಕಾರ್ಜ್, ಅಂಡಿನ್ಯಾಯ ಅಭಿಪ್ರಾಯ, ಅಂಡಿನ್ಯಾಯ ಕೆಳಸ್.	ಸ್ವಲ್ಪಿನಲ್ಲಿ, ವಾಪವಹಾರ್ಕ ಹಿತ್ಯಾದ್ಯಾಯದ ಉದ್ದೇಶ ಅಭಿಪ್ರಾಯ ಗ್ರಾಹಕ ಕೆಂಪ್-3/121G ದ್ವಾರಾ ಸ್ವಲ್ಪಿನಲ್ಲಿ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ.
37	2022-23	ಶ್ರೀಕಾರ್ ಬಾಬು	ಶ್ರೀ ಅಂದು ಪರಮಾರ್ಥ ಕೆಳಸ್, ಬಿಂಬ. ಏ. ವಿ. ಮಿ. ಮಂಡಿನ್ಯಾಯ ಕೆಳಸ್, ನ್ಯಾಯ, ಕೆಳಸ್, "ಶ್ರೀ ಕಾರ್ಜ್ 202, ದೀಪಾಮಾತ್ರಾದ್ಯಾಯ, ಕಾರ್ಜ್ 202, ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ ಅಭಿಪ್ರಾಯ, ಅಂಡಿನ್ಯಾಯ ಕೆಳಸ್.	ಸ್ವಲ್ಪಿನಲ್ಲಿ, ವಾಪವಹಾರ್ಕ ಹಿತ್ಯಾದ್ಯಾಯದ ಉದ್ದೇಶ ಅಭಿಪ್ರಾಯ ಗ್ರಾಹಕ ಕೆಂಪ್-III-139/28 1AP ದ್ವಾರಾ ಕೆಳಸ್-III-202/A ದ್ವಾರಾ ಸ್ವಲ್ಪಿನಲ್ಲಿ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ.
38	2022-23	ಘೃಜಾ ಬಾಬು	ಶ್ರೀ ಘೃಜಾ ಕೆಳಸ್, ಬಿಂಬ. ಏ. ಏ. ಘೃಜಾ, ಕೆಳಸ್, ನಾರಿನ್ಯಾಯ ಕೆಳಸ್, ಕಾರ್ಜ್ ಕಾರ್ಜ್, ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ ಅಭಿಪ್ರಾಯ.	ಸರ್ಕಾರಿ ವಿವಾಹಸಿಂಹಾಸನ, ಸ್ವಲ್ಪಿನಲ್ಲಿ, ವಾಪವಹಾರ್ಕ ಹಿತ್ಯಾದ್ಯಾಯದ ಮೂಲ ಸ್ಥಳ, ಸ್ವಲ್ಪಿನಲ್ಲಿ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ ಗ್ರಾಹಕ ಕೆಂಪ್-III-12 ದ್ವಾರಾ ಸ್ವಲ್ಪಿನಲ್ಲಿ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ.
39	2022-23	ಸತ್ಯ ಬಾಬು	ಶ್ರೀಮತಿ ಸದಿಕ್ ಎಸ್. ಕೆ. ಕೆ. ಕೆ. ಸದಿಕ್, ಮಿ. ಮಿ. ಸದಿಕ್, ಏಸ್. ಏಸ್. ಸದಿಕ್, ಸದಿಕ್ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ, ಅಂಡಿನ್ಯಾಯ ಕೆಳಸ್.	ಸರ್ಕಾರಿ ವಿವಾಹಸಿಂಹಾಸನ, ಸ್ವಲ್ಪಿನಲ್ಲಿ, ವಾಪವಹಾರ್ಕ ಹಿತ್ಯಾದ್ಯಾಯದ ಮೂಲ ಸ್ಥಳ, ಸ್ವಲ್ಪಿನಲ್ಲಿ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ ಗ್ರಾಹಕ ಕೆಂಪ್-1-196A ದ್ವಾರಾ ಸ್ವಲ್ಪಿನಲ್ಲಿ ನೀಡಿರುವ ಗ್ರಾಹಕ ಅಭಿಪ್ರಾಯ.