

**ಕರ್ನಾಟಕ ವಿಧಾನ ಪರಿಷತ್ತು**

ಚುಕ್ಕೆ ಗುರುತಿಲ್ಲದ ಪ್ರಶ್ನೆ ಸಂ.	2592
ಮಾನ್ಯ ಸದಸ್ಯರ ಹೆಸರು	ಶ್ರೀ ಬಿ.ಜಿ.ಪಾಟೀಲ್ (ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಕ್ಷೇತ್ರ)
ಉತ್ತರಿಸಬೇಕಾದವರು	ಅಬಕಾರಿ ಸಚಿವರು
ಉತ್ತರಿಸಬೇಕಾದ ದಿನಾಂಕ	24.03.2022

ಕ್ರ. ಸಂ.	ಪ್ರಶ್ನೆ	ಉತ್ತರ
ಅ)	ಕಲಬುರಗಿ ಮತ್ತು ಯಾದಗಿರಿ ಜಿಲ್ಲೆಗಳಲ್ಲಿ ಅಬಕಾರಿ ಇಲಾಖೆಯು ಮದ್ಯ ಮಾರಾಟಕ್ಕೆ ಯಾವ ಯಾವ ರೀತಿಯ ಪರವಾನಗಿಗಳನ್ನು ನೀಡುತ್ತಿದೆ: (ಎವರ ನೀಡುವುದು)	ಅಬಕಾರಿ ಇಲಾಖೆಯು ಕಲಬುರಗಿ ಮತ್ತು ಯಾದಗಿರಿ ಜಿಲ್ಲೆಗಳಲ್ಲಿ ಮದ್ಯ ಮಾರಾಟಕ್ಕೆ ಸಿಎಲ್-4, ಸಿಎಲ್-6ಎ, ಸಿಎಲ್-7, ಸಿಎಲ್-8, ಸಿಎಲ್-7ಎ, ಸಿಎಲ್-11ಸಿ, ಫಾರ್ಮ್ ಸಿಎಲ್-16, ಫಾರ್ಮ್ ಸಿಎಲ್-17 ಮತ್ತು ಫಾರ್ಮ್ ಸಿಎಲ್-18 ಸನ್ನದುಗಳನ್ನು ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಭಾರತೀಯ ಮತ್ತು ವಿದೇಶಿ ಮದ್ಯಗಳ ಮಾರಾಟ) ನಿಯಮಗಳು, 1968ರ ನಿಯಮ 3 ಮತ್ತು 5ರಡಿ ಹೊಸದಾಗಿ ಮಂಜೂರು ಮಾಡುತ್ತಿದೆ.
ಆ)	ಪರವಾನಗಿಗಳನ್ನು ನೀಡುವಾಗ ಅನುಸರಿಸುತ್ತಿರುವ ಮಾನದಂಡಗಳೇನು: (ಎವರ ನೀಡುವುದು)	ಸಿಎಲ್-4, ಸಿಎಲ್-6ಎ, ಸಿಎಲ್-7, ಸಿಎಲ್-8, ಸಿಎಲ್-7ಎ, ಸಿಎಲ್-11ಸಿ, ಫಾರ್ಮ್ ಸಿಎಲ್-16, ಫಾರ್ಮ್ ಸಿಎಲ್-17 ಮತ್ತು ಫಾರ್ಮ್ ಸಿಎಲ್-18 ಸನ್ನದುಗಳನ್ನು ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಭಾರತೀಯ ಮತ್ತು ವಿದೇಶಿ ಮದ್ಯಗಳ ಮಾರಾಟ) ನಿಯಮಗಳು, 1968 ರ ನಿಯಮ-3(11-ಸಿ), 8, 8(ಎ) ರಲ್ಲಿ ನಿಗದಿಪಡಿಸಿರುವ ಸನ್ನದು ಶುಲ್ಕ ಮತ್ತು ಹೆಚ್ಚುವರಿ ಸನ್ನದು ಶುಲ್ಕ ಹಾಗೂ ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಷರತ್ತುಗಳು) ನಿಯಮಗಳು, 1967ರ ನಿಯಮ-5 ರನ್ವಯ ಉದ್ದೇಶಿತ ಸನ್ನದಿನ 100 ಮೀಟರ್ ಅಂತರದೊಳಗೆ ಯಾವುದೇ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗಳು, ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳು, ಆಸ್ಪತ್ರೆಗಳು (30 ಬೆಡ್‌ಗಳನ್ನು ಹೊಂದಿರುವ ಆಸ್ಪತ್ರೆಗಳು) ಪರಿಶಿಷ್ಟ ಜಾತಿ ಅಥವಾ ಪರಿಶಿಷ್ಟ ಪಂಗಡಗಳ ಕಾರ್ಯೋನಿಗಳು ಇರುವಂತಿಲ್ಲ. ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳು, ಹಾಗೂ ಪತ್ರಾಂಕಿತ ಅಧಿಕಾರಿಗಳ ಕೇಂದ್ರ/ರಾಜ್ಯ

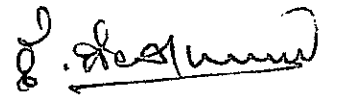
ಸರ್ಕಾರಿ ಕಛೇರಿಗಳು ಇರುವಂತಿಲ್ಲ. ಹಾಗೂ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ಸಿವಿಲ್ ಅಪೀಲು ಸಂಖ್ಯೆ:12164-12166/2016ರ ದಿನಾಂಕ:31-03-2017ರಲ್ಲಿ ಆದೇಶಿಸಿದಂತೆ 20,000ಕ್ಕಿಂತ ಹೆಚ್ಚಿನ ಜನಸಂಖ್ಯೆ ಹೊಂದಿರುವ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ 500 ಮೀಟರ್ (ಸರ್ವಿಸ್ ರಸ್ತೆಯು ಹಾದು ಹೋಗಿದ್ದಲ್ಲಿ ಸರ್ವಿಸ್ ರಸ್ತೆಯ ಅಂಚಿನಿಂದ ಅಥವಾ ರಾಜ್ಯ/ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಯ ಅಂಚಿನಿಂದ) ಯಾವುದೇ ಸನ್ನದನ್ನು ಮಂಜೂರು ಮಾಡುವಂತಿಲ್ಲ. 20,000ಕ್ಕಿಂತ ಕಡಿಮೆ ಜನಸಂಖ್ಯೆ ಹೊಂದಿರುವ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ 220 ಮೀಟರ್ (ಸರ್ವಿಸ್ ರಸ್ತೆಯು ಹಾದು ಹೋಗಿದ್ದಲ್ಲಿ ಸರ್ವಿಸ್ ರಸ್ತೆಯ ಅಂಚಿನಿಂದ ಅಥವಾ ರಾಜ್ಯ/ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಯ ಅಂಚಿನಿಂದ) ಯಾವುದೇ ಸನ್ನದನ್ನು ಮಂಜೂರು ಮಾಡುವಂತಿಲ್ಲ.

ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ಎಸ್.ಎಲ್.ಪಿ (ಸಿವಿಲ್) ಸಂಖ್ಯೆ:10243/2017ರಲ್ಲಿನ ದಿನಾಂಕ: 11.07.2017ರ ಆದೇಶದಲ್ಲಿ ನೀಡಿದ ಸ್ಪಷ್ಟೀಕರಣದಂತೆ, ಮಹಾನಗರ ಪಾಲಿಕೆ, ನಗರ ಪಾಲಿಕೆ, ನಗರಸಭೆ, ಪುರಸಭೆ ಮತ್ತು ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಗಳಲ್ಲಿ ಹಾದು ಹೋಗುವ ರಾಜ್ಯ ಮತ್ತು ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಗಳ ಇಕ್ಕೆಲಗಳಲ್ಲಿರುವ ಸನ್ನದುಗಳನ್ನು ನಿಯಮಾನುಸಾರ ನವೀಕರಿಸಲು ಅವಕಾಶ ಕಲ್ಪಿಸಲಾಗಿರುತ್ತದೆ.

ಸರ್ಕಾರದ ಪತ್ರ ಸಂಖ್ಯೆ:ಆಇ 36 ಇಡಬ್ಲ್ಯೂಪಿ 2018, ದಿನಾಂಕ:06.08.2020ರಲ್ಲಿ 2011ರ ಜನಗಣತಿಯನ್ವಯ 5000 ಅಥವಾ ಅದಕ್ಕಿಂತ ಹೆಚ್ಚು ಜನಸಂಖ್ಯೆಯುಳ್ಳ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ / ಸ್ಥಳೀಯ ಪ್ರದೇಶಗಳ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಹಾದು ಹೋಗುವ ರಾಷ್ಟ್ರೀಯ ಮತ್ತು ರಾಜ್ಯ ಹೆದ್ದಾರಿಗಳ ಇಕ್ಕೆಲಗಳಲ್ಲಿ ಹೊಸದಾಗಿ ಸಿಎಲ್-6ಎ ಮತ್ತು ಸಿಎಲ್-7 ಸನ್ನದುಗಳಿಗೆ ಮಾತ್ರ ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಷರತ್ತುಗಳು) ನಿಯಮಗಳು, 1967ರ ನಿಯಮ (5)ರಡಿಯಲ್ಲಿ ರಾಜ್ಯ ಮತ್ತು ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ವಿಧಿಸಿರುವ ನಿಬಂಧನೆಗಳನ್ನು ಹೊರತುಪಡಿಸಿ, ಇತರೆ ಷರತ್ತುಗಳನ್ನು ಪಾಲಿಸುವ

		<p>ಷರತ್ತಿಗೊಳಪಟ್ಟು ನಿಯಮಾನುಸಾರ ಪ್ರಾರಂಭಿಸಲು ವಿನಾಯಿತಿಯನ್ನು ನೀಡಲಾಗಿದೆ.</p> <p>ಮುಂದುವರೆದು, ಸರ್ಕಾರದ ಪತ್ರ ಸಂಖ್ಯೆ:ಆಇ 33 ಇಎಫ್‌ಎಲ್ 2021, ದಿನಾಂಕ:19.01.2022ರಲ್ಲಿ ಸರ್ಕಾರದ ರಾಜಸ್ವ ಹಿತದೃಷ್ಟಿಯಿಂದ ಮತ್ತು ಪ್ರವಾಸೋದ್ಯಮದ ಅಭಿವೃದ್ಧಿಗಾಗಿ ಹೊಸದಾಗಿ ಮಂಜೂರು ಮಾಡುವ ಸಿಎಲ್-7(ಎ) ಸನ್ನದುಗಳಿಗೂ ವಿಸ್ತರಿಸಿ ಅನುಮತಿಯನ್ನು ನೀಡಲಾಗಿದೆ.</p>																					
ಇ)	<p>ಕಲಬುರಗಿ ಮತ್ತು ಯಾದಗಿರಿ ಜಿಲ್ಲೆಗಳಲ್ಲಿ ಜಾಲ್ತಿಯಲ್ಲಿರುವ ಪರವಾನಗಿಗಳ ಸಂಖ್ಯೆ ಎಷ್ಟು? (ವಿವರ ನೀಡುವುದು)</p>	<p>ಕಲಬುರಗಿ ಜಿಲ್ಲೆಯಲ್ಲಿ ಒಟ್ಟು 314 ಮತ್ತು ಯಾದಗಿರಿ ಜಿಲ್ಲೆಯಲ್ಲಿ ಒಟ್ಟು 114 ಪರವಾನಗಿಗಳು ಜಾಲ್ತಿಯಲ್ಲಿದ್ದು, ವಿವರ ಕೆಳಕಂಡಂತಿದೆ.</p> <table border="1"> <thead> <tr> <th>ಜಿಲ್ಲೆ</th> <th>ಸಿಎಲ್-2</th> <th>ಸಿಎಲ್-4</th> <th>ಸಿಎಲ್-7</th> <th>ಸಿಎಲ್-9</th> <th>ಸಿಎಲ್-11</th> <th>ಒಟ್ಟು</th> </tr> </thead> <tbody> <tr> <td>ಕಲಬುರಗಿ</td> <td>131</td> <td>11</td> <td>74</td> <td>52</td> <td>46</td> <td>314</td> </tr> <tr> <td>ಯಾದಗಿರಿ</td> <td>49</td> <td>-</td> <td>25</td> <td>19</td> <td>21</td> <td>114</td> </tr> </tbody> </table>	ಜಿಲ್ಲೆ	ಸಿಎಲ್-2	ಸಿಎಲ್-4	ಸಿಎಲ್-7	ಸಿಎಲ್-9	ಸಿಎಲ್-11	ಒಟ್ಟು	ಕಲಬುರಗಿ	131	11	74	52	46	314	ಯಾದಗಿರಿ	49	-	25	19	21	114
ಜಿಲ್ಲೆ	ಸಿಎಲ್-2	ಸಿಎಲ್-4	ಸಿಎಲ್-7	ಸಿಎಲ್-9	ಸಿಎಲ್-11	ಒಟ್ಟು																	
ಕಲಬುರಗಿ	131	11	74	52	46	314																	
ಯಾದಗಿರಿ	49	-	25	19	21	114																	
ಈ)	<p>ಸದರಿ ಪರವಾನಗಿಗಳಿಗೆ ಸರ್ಕಾರ ನಿಗದಿಪಡಿಸಿದ ವಾರ್ಷಿಕ ಶುಲ್ಕ ಎಷ್ಟು? (ವಿವರ ನೀಡುವುದು)</p>	<p>ಸದರಿ ಪರವಾನಗಿಗಳಿಗೆ ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ದೇಶಿ ಮತ್ತು ವಿದೇಶಿ ಮದ್ಯ ಮಾರಾಟ) ನಿಯಮಗಳು 1968ರ ನಿಯಮ 8ರಲ್ಲಿ ಸನ್ನದು ಶುಲ್ಕವನ್ನು ಮತ್ತು ನಿಯಮ 8ಎ ರಲ್ಲಿ ಹೆಚ್ಚುವರಿ ಸನ್ನದು ಶುಲ್ಕವನ್ನು ನಿಗದಿಪಡಿಸಲಾಗಿದ್ದು, ನಿಯಮಗಳ ಪ್ರತಿಯನ್ನು ಅನುಬಂಧದಲ್ಲಿ ಇರಿಸಿದೆ.</p>																					

ಆಇ 58 ಇಎಲ್‌ಕ್ಯೂ 2022



(ಕೆ. ಗೋಪಾಲಯ್ಯ)  
ಅಬಕಾರಿ ಸಚಿವರು

**R. 6 - Karnataka Excise Licences (General Conditions) Rules, 1967 - Sale of Indian made Foreign Liquors - Licenced Premises - Powers of Deputy Commissioner to direct shifting from one place to another place having regard to the public interest - Held, Power to direct shifting of premises is inherent in the Licencing Authority and it is part of the original power which is vested in Deputy Commissioner to approve a shop at the time of granting the licence - Explained. - C.L. Kalappa v Deputy Commissioner (Excise), 1990(1) Kar. L.J. 226 : ILR 1990 Kar. 1689**

**7. Duration of Licence.** - All licences other than "Special Licences" and "occasional licences" [granted or renewed] shall be valid for the year or where a licence is granted [or renewed] on any date after the 1st July until the 30th June thereafter:

[XXXXX]

**CASE LAW**

**Rules 7 and 8 Retail vend of liquor - Duration of licence issued in Form CL-2 for - Duration is only for excise year for which it is issued - Fresh licence is required to be obtained by paying prescribed fee for subsequent year, and fresh licence so obtained is not expired licence renewed - Where licensee had discontinued business after expiry of licence obtained by him for particular year and has applied for licence after gap of some years, licence fees for years during which he had not obtained licence, cannot be recovered from him for issuing licence for subsequent year he has applied for.**

There is no question of renewal of licence and, therefore, when an application for licence is considered for a particular year the Department cannot recover licence fee for the earlier years, in view of it, respondents will have to consider the petitioner's application for grant of licence for the year 1998-2000 without demanding any amount as licence fee for the previous years when petitioner did not seek licence. - *Narayana v State of Karnataka and Others* 2000(5) Kar. L.J. 30.

**8. Fees to be paid.** - (i) The fees to be paid for the several kinds of licences shall be as follows, namely:

[XXXXX]

[A, XXXXX]

(12. Retail Shop Licence referred to in clause (2) of Rule 3 in the case of:-

(a) City Municipal Corporations having population more than 20 lakhs. Rs. 6,00,000/- per year

1. Issued by Notification No. 52/1/1953-54, dated 21-6-2006, w.e.f. 24-6-2006.
2. Issued by Notification No. 50/1/1953-54, dated 14-8-2006, w.e.f. 24-6-2006.
3. Proviso inserted by Notification No. 11/8/1953-54, dated 28-6-2006, w.e.f. 1-7-2006.
4. Item 1 & 12 substituted by CES 1/1, dated 28-6-1990, w.e.f. 1-7-1990.
5. Changes 11 and 11(A) omitted by Notification No. 11/8/1953-54, dated 28-6-2006, w.e.f. 1-7-2006.
6. Item 1 substituted by Notification No. 50/1/1953-54, dated 28-6-2006, w.e.f. 24-6-2006.

**ANNEXURE**

(b) Other City Municipal Corporations areas	Rs. 5,00,000/- per year
(c) City Municipal Council Areas	Rs. 4,50,000/- per year
(d) Town Municipal Council Areas or Town Panchayat areas	Rs. 4,00,000/- per year
(e) Other areas	Rs. 4,00,000/- per year.]
3. Licence to Chemists and Druggists	Rs. 100 per year
4. Licence to clubs referred to in clause (4) of Rule 3, in the case of:-	
(a) City Municipal Corporations areas having population more than 20 lakhs	Rs. 6,50,000 per year
(b) Other City Municipal Corporation areas	Rs. 5,00,000 per year
(c) City Municipal Council areas	Rs. 4,50,000 per year
(d) Town Municipal Council or Town Panchayat areas	Rs. 2,00,000 per year
(e) Other areas	Rs. 2,00,000 per year]
5. Occasional licence referred to in clause (5) of Rule 3	Rs. 10,000/- per day.]
6. Special licence referred to in clause (6) of Rule 3	Rs. 10,000 per day.]
7. A Star Hotel Licence referred to in clause (6-A) of Rule 3	Rs. 10,00,000 per year]
8. Hotels and Boarding Houses Licence referred to in clause (7) of Rule 3, in the case of:-	
(a) City Municipal Corporation areas having population more than 20 lakhs	Rs. 8,50,000 per year
(b) Other City Municipal Corporations areas	Rs. 7,50,000 per year
(c) City Municipal Council areas	Rs. 5,50,000 per year

1. Item 4 substituted by Notification No. 50/1/1953-54, dated 28-6-2006, w.e.f. 24-6-2006.
2. Item 5 substituted by Notification No. 11/8/1953-54, dated 28-6-2006, w.e.f. 1-7-2006.
3. Item 6 of Rule 3 substituted by Notification No. 50/1/1953-54, dated 28-6-2006, w.e.f. 24-6-2006.
4. Item 7 is substituted by Notification No. 50/1/1953-54, dated 28-6-2006, w.e.f. 24-6-2006.
5. Item 8 substituted by Notification No. 50/1/1953-54, dated 28-6-2006, w.e.f. 24-6-2006.

(d) Town Municipal Council or Town Panchayat areas	Rs. 5,00,000 per year
(e) Other areas	Rs. 4,00,000 per year]
<sup>1</sup> [7-A. Tourist Hotel licences referred to in Clause 7-A of Rule 3	Rs. 30,000/- per year]
<sup>2</sup> [7-B. Tourist Hotels Beer Bar Licence referred to in clause (7-B) in Rule 3	Rs. 1,000/- per year]
<sup>3</sup> [7-C. Licence to supply liquor on Board of Train engaged and run by the Tourism Development Corporation of the State Government or Central Government under clause (7-C) of Rule 3	Rs. 10,00,000/- per year]
<sup>4</sup> [(7-D) Hotel and Boarding House Licenses owned by the person belonging to Scheduled Castes and Scheduled Tribes specified in clause (7-D) of Rule 3, in the case of. —	
(a) City Municipal Corporation areas having population more than 20 lakhs	Rs. 8,50,000 per year
(b) Other City Municipal Corporation areas	Rs. 7,50,000 per year
(c) City Municipal Council areas	Rs. 5,50,000 per year
(d) Town Municipal Council/Town Panchayat areas	Rs. 5,00,000 per year
(e) Other areas	Rs. 4,00,000 per year]
<sup>5</sup> [8. Military Canteen Licence referred to in clause (8) of Rule 3	Rs. 250/- per year]
<sup>6</sup> [8-A. Military Canteen Stores Bonded Warehouse licence	Rs. 1,25,000]
<sup>7</sup> [8-B. Border Security Force/Para Military Unit Licence	Rs. 100 per year]
<sup>8</sup> [9. Refreshment Room (Bar) Licence referred to in clause (9) of Rule 3 in the case of. —	

1. Item 7-A substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. 1-7-2016.
2. Item 7-B substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. 1-7-2016.
3. Item 7-C substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. 1-7-2016.
4. Item 7-D substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. 1-7-2016.
5. Item 8 substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. 1-7-2016.
6. Item 8-A substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. 1-7-2016.
7. Item 8-B of Rule 8 inserted by Notification No. FD 12 PES 93(iv), dated 29-6-1996, w.e.f. 29-6-1996.
8. Item 9 substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. 1-7-2016.

(a) City Municipal Corporation areas having population more than 20 lakhs	Rs. 7,50,000/- per year
(b) Other City Municipal Corporations areas	Rs. 6,00,000/- per year
(c) City Municipal Council areas	Rs. 5,00,000/- per year
(d) Town Municipal Council Areas/ Town Panchayat Areas	Rs. 4,00,000/- per year
(e) Other areas	Rs. 4,00,000/- per year]
10. Auctioner's Licence	Rs. 20/- per year
11. Licence for retail sale of bottled toddy	Rs. 250 /- per year
<sup>9</sup> [12. x x x x x	x x x x x]
<sup>10</sup> [13. x x x x x.]	
<sup>11</sup> [14. (a) Licence for running duty-free shop at International Airport; and	Rs. 10,000/- per year.
(b) Distributor licence to sell foreign liquor	Rs. 50,00,000/- per year.]
<sup>12</sup> [15. Retail shop licence issued to Government Companies	Rs. 4,00,000 per year]
<sup>13</sup> [16. Refreshment Room (Bar) Licence at International Airport	Rs. 12,50,000 per year ]
<sup>14</sup> (2) x x x x x.]	
<sup>15</sup> (3) x x x x x.]	
<sup>16</sup> [(4) The Excise Commissioner may demand payment of a sum in the nature of privilege fee specified in Section 24 of the Act subject to such guidelines and procedure as the State Government may issue in this regard from time to time.]	

1. Item 12 omitted by Notification No. FD 03 PES 2015, dated 28-5-2016, w.e.f. 28-5-2016.
2. Item 13 and Note of Rule 8 omitted by Notification No. FD 16 PES 2003(i), dated 30-6-2003, w.e.f. 30-6-2003.
3. Item 14 substituted by Notification No. FD 03 PES 2015, dated 28-5-2016, w.e.f. 28-5-2016.
4. Item 15 substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. 1-7-2016.
5. Item 16 substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. 1-7-2016.
6. Sub-rule (2) omitted by Notification No. FD 06 PES 2011, dated 1-8-2014, w.e.f. 1-8-2014.
7. Sub-rule (3) omitted by Notification No. FD 06 PES 2006(7), dated 19-6-2006, w.e.f. 1-7-2006.
8. Sub-rule (4) inserted by Notification No. FD 16 PES 2003(i), dated 30-6-2003, w.e.f. 30-6-2003.

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“(5) Privilege fee for Distributor Licence shall mean and include the rate or amount determined by way of notification by the State Government from time to time, at any time in a year. The Privilege fee fixed by the State Government shall be payable by the Distributor Licensee to the State Government during the period of licence for the year with effect from 1st day of July to 30th June thereafter.]

#### CASE LAW

**Rule 8 – Indian Contract Act, 1872, Section 29 – Licence fee – Enhancement and recovery of – Licensee paying existing fee and agreeing to pay fee as would be enhanced in accordance with proposal of Government – Proposed enhancement held in abeyance pending disposal of litigation between licensee and Government – Agreement to pay enhanced fee, not void for uncertainty as parties knew terms of proposed enhancement – Absence of statutory provision to collect enhanced fee, not relevant where payment of fees is governed by terms of contract – Enhanced fee fixed under rules in accordance with policy of Government and after inviting and considering objections thereto from public and affected parties cannot be held unconscionable.**

A careful perusal of these agreements will make it clear that not only the liability to pay the existing licence fee is discharged, but it is also made clear that licence fee for the relevant year is going to be enhanced and in that event he is ready to pay the difference of licence fee immediately on hearing from the department. A contract which is intended to be binding on a party is certainly enforceable even though certain terms may not have been precisely set forth in the agreement, if the nature of the said terms can be ascertained from the surrounding circumstances. It cannot be said that the parties concerned could not give a meaning to the expressions used in these agreements to state that what the enhancement could be and with reference to what period or the rate of enhancement and what the difference could be. When these aspects were clearly in the mind of the parties at the time of entering into agreements, the petitioners would not be justified in contending that the contract between the parties is void for uncertainty. The argument that there is no power to demand or collect short levied licence fee in the absence of a specific provision under the statute may not be of much significance in this case because of the agreements entered into between parties and the nature of licence fee being consideration for contract. Thus we are in the realm of contract and not power being exercised by any authority over the citizens under a statute such as in case of collection of compulsory exactions like tax or fee. In such latter cases necessarily there ought to be a specific provision for collection of short levy. When the parties have agreed to pay the licence fee, as may be enhanced, the contention that the respondents have no power to enforce such a clause in the absence of a specific provision in the statute is not tenable at all. It is clear that this is a case where the

1. Sub-rule (5) inserted by Notification No. FD 08 PPS 2013, dated 27-8-2013, w.e.f. 27-8-2013

*Ranganath Misra, C.J., M.H. Kania and Kuldip Singh, JJ. Held.* The High Court rightly did not accept the challenge to Section 23(d) of the Karnataka Excise Act, 1965. What is authorised under Section 23(d) is imposition of a fee of licence in respect of manufacture or sale of any excisable article. The fee has obviously gone beyond the enabling provision in the section, requiring a licence fee to be paid for the premises where the licensed shop is located. Such a fee would not have the support of Section 23(d). It is necessary for the Legislature to make a statutory provision for a licence fee of the type contemplated under the Rules but without authority of the statute a Rule of the type impugned should not have been made. We find no merit in the appeal and it is, therefore, dismissed. — *State of Karnataka and Others v. Narayana Swamy*, AIR 1992 SC 151 (FB).

**Rule 8(1).**— Requiring a licence fee to be paid for the premises where a licensed shop is located, is beyond the enabling provision in section 23(d) of the Act.

What is authorised under Section 23(d) of the Mysore Excise Act, 1965 is imposition of a fee of licence in respect of manufacture or sale of any excisable articles. Rule 8(1) has obviously gone beyond the enabling provision in the section by requiring a licence fee to be paid for the premises where the licensed shop is located. Such a fee would not have the support of Section 23(d). It may be possible for the Legislature to make a statutory provision for a licence fee of the type contemplated under the rules but without authority of the statute a rule of the type impugned should not have been made. *State of Karnataka and Others v V.S. Narayana Swamy*, AIR 1992 SC 151 : 1991 AIR SCW 2850.

[8-A. Additional licence fee. — In respect of a licence granted under these rules, an additional licence fee equivalent to fifteen per cent of the licence fee levied in respect of each kind of licence under Rule 8, 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 Manthri Grameena Rasthe Abhivruddhi Nidhi in the proportion of 57:28:15 respectively.]

**CASE LAW**

**R. 8-A — Additional licence fee at 15% of licence fee charged under Rule 8 — Only in respect of licences issued in Bangalore City — Proceeds of collections under Rule 8-A for utilisation towards Bangalore Mass Rapid Transit System — Validity of levy.**

*S. Rajendra Babu, J., Held.* — The whole object of Rules 8 and 8-A is to raise the revenue for the State. If that object is sought to be achieved by raising revenue in terms of Section 24 of the Act, which is only a consideration for granting privilege, whether it is collected in terms of Rule 8 or 8-A would not

1. Rule 8-A substituted by Notification No. FD 36 PES 2003(5), dated 23-2-2004 and shall be deemed to have come into force w.e.f. 1-2-2004.