

GOVERNMENT OF PUDUCHERRY
DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT

No. 6030/DCE/S1/2017-18

Puducherry, dated 23.07.2018

NOTIFICATION

The draft of the following rules further to amend the Puducherry Excise Rules, 1970, which the Lieutenant-Governor, Puducherry, has proposed to make in exercise of the powers conferred under section 70 of the Puducherry Excise Act, 1970 (No.12 of 1970), is hereby published as required under sub-section (1) of the said section for information of all persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on the expiry of thirty days from the date of publication of this notification in the Official Gazette. Any objections or suggestions which may be received from any person by the Government of Puducherry in respect of the said draft rules within the period specified above will be considered by the Government. The objections or suggestions shall be addressed to the Secretary to Government (Excise), Chief Secretariat, Goubert Avenue, Puducherry.

DRAFT RULES

1. Short title and commencement.— (1) These rules may be called the Puducherry Excise (Fourth Amendment) Rules, 2018.

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

2. Amendment of rule 246.- (i) In the Puducherry Excise Rules, 1970 (hereinafter referred to as the said rules) in rule 246, in clause (b), between the words "black beer" and "porter", the words "craft beer, draught beer" shall be inserted;

(ii) In the said rules, in rule 246, after clause (h), the following shall be inserted, namely:-

"(hh) "Microbrewery" means a small brewery situated in a place where Draught Beer or Craft 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 247A.- In the said rules, after rule 247, the following new rule 247A shall be inserted, namely:-

"247A. Grant of license for Microbrewery.- (1) Any person who is 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 authorized by him in this behalf who shall

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certify to the fact if he finds it correct and forward it to the Excise Commissioner. The Excise Commissioner may grant Microbrewery licence in Form 5.

(2) The fee for grant of Microbrewery licence shall be rupees two lakhs per year.

(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 specialization 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.

(6) The applicable Excise Duty and Additional Excise Duty would be collected on fifty percent of the annual installed capacity of the microbrewery in advance to be paid along with the licence fee.

(7) The Microbrewery licensee if he so desires, may also, on payment of applicable licence fee, obtain FL.2 Tourism Category licence to serve other varieties of IMFL / alcoholic drinks in the licensed premises”

4. Insertion of new Forms 4 and 5. - In the said rules, after Form 3, the following Forms (4) and (5) shall be inserted, namely:-

“Form 4”

(see rule 247 A)

Application for grant of Microbrewery Licence

To,

The Excise Commissioner, Puducherry

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:
6. Descriptions of vessels and other permanent apparatus:
7. Production capacity of the Microbrewery per day/per annum:

- Whether Applicant has enclosed the treasury challan for having credited the prescribed licence fees in favour of the Government:

Declaration

- I/We hereby declare that the particulars mentioned in the application are correct.
- I/We am/are not convicted of any offence under the Puducherry Excise Act or Rules made there-under or any of the cognizable or non-bailable offences under any other law.
- I/We have gone through the Puducherry Excise Rules, 1970 relating to the licence applied for by me/us hereunder and am/are conversant with the provisions thereof.
- I/We hereby undertake to abide by the conditions of the licence and provisions of the Puducherry Excise Rules, 1970 and the Rules and regulations made thereunder.

Signature of the Applicant/s.

Form 5

(see rule 247A)

Microbrewery Licence

IExcise Commissioner, Puducherry under the provisions of rule 247 A of the Puducherry Excise Rules, 1970 hereby licence 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

- The licensee shall be bound by the provisions of the Puducherry Excise Act, 1970, Notifications, rules and orders made or issued thereunder and the Puducherry Excise Rules, 1970.
- The Licensee shall observe such rules as may be prescribed by the 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.
- The Licensee shall be bound by such orders as may be passed by the 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.
- The Licensee shall provide a saccharometer 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.
- The alcohol content of the beer produced supplied to the customers shall not exceed 8% v/v.
- The pH, temperature and gravities of the brews up to 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 beer or any alcoholic drinks to be served to persons below the age of 18 years.
10. The payment of the licence fees, excise duty and additional excise duty as specified in the rule is to be paid in advance. No refund of fee or duty will be allowed, if the licensee is not able to operate the licence.
11. The licensee shall strictly maintain timings of serving of beer to the customer between 10.00 AM and 11.00 PM (or) such timings and on such restriction as may be prescribed by the Excise Commissioner from time to time.
12. The licensee is prohibited from manufacturing any of the Beers save the ones specially instructed.
13. The licensee shall issue beer to the visitors of the licensed premises.
14. The licensee shall also sell in kegs / receptacles to other FL.2 licences and FL.2 licences under Tourism category not exceeding 50% of the licenced capacity on any given day.
15. 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.
16. 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.
17. 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.

(By order of the Lieutenant-Governor)

-Sd-

(J. DAYALANE)

UNDER SECRETARY TO GOVERNMENT (REVENUE)