

OFFICE OF COLLECTOR & DISTRICT MAGISTRATE, CUTTACK

(EXCISE SECTION)

No. 3395 / Ex. Dated. 24.05.2022

FORM - 'A'

**SALE NOTICE INVITING APPLICATIONS FOR SETTLEMENT OF
EXCLUSIVE PRIVILEGE ON BHANG SHOPS THROUGH LOTTERY FOR THE
YEAR, 2022-23**

(See Clause - ii)

1. The exclusive privilege for retail sale of **Bhang Shops** in the district of **CUTTACK** shall be granted by settlement through lottery to be held in accordance with the order issued under section 20 of the Odisha Excise Act, 2008 (Odisha Act-10 of 2013) (herein after referred to as the said Act), read with rules 34 of Odisha Excise Rules 2017 (herein after referred to as the said rules) on **Dtd. 09.06.2022 (date) at 11.00 AM (time) in the Sadhabana Sabha Gruha, Collectorate Building, Cuttack (Place).**
2. The Exclusive Privilege to be so granted will confer the right to open a shop in the locality named in the enclosed list with its monthly consideration money as mentioned against each in the table below, namely:-

TABLE

Kind of Exclusive Privilege	Name of the shop and locality at which the privilege is to be exercised	E.P. Area	Monthly Consideration Money
(1)	(2)	(3)	(4)
Bhang Shop	As per list enclosed	Shop premises itself	As per list enclosed

3. The exclusive privilege shall, without prejudice to any of the provisions of the said Act and the said rules be subject to the following conditions; namely :-
 - i. The consideration money shall be payable in the manner specified in rules 34 and 150 of the said rules or excise policy as amended from time to time.
 - ii. The currency of license shall commence from the date of issue of license and failure to open the shop as stipulated herein shall entail cancellation of the license and any loss caused to the State Government shall be recovered from the licensee, except in case of delay in granting the license or where any shop is closed under section 26 of the said Act and rule 45 of the said rules.
 - iii. No compensation shall be paid to the holder of an exclusive privilege for retail sale of Bhang for closure of shop on days termed as 'dry days' by the State and also for closure during general election or by election / assembly election as per direction of the Election Commission of India and in conformity with the direction of the State Election Commissioner during the election to Gram Panchayat or Panchayat Samiti or Zilla Parisad and Urban Local Bodies.

- b. The application shall be filed by intending applicants on or before **Date 07.06.2022 by 5.00 PM.**
- c. The applicant shall submit only one application for a particular shop.
- d. If no application is received on the scheduled date, the Collector may extend the last date for filing of applications and if the last date for filing of application, or the date fixed for drawl of lottery is declared by the Government as a holiday for any special reason or for any unavoidable contingency, the Collector shall reserve the right to defer the date to some other suitable date by issuing a public notice to that effect.
- e. The applicant shall submit application accompanied with following documents and fees mentioned herein, namely :-
1. A non-refundable **Application Fee Rs. 2,000/- (Two thousand only)** per shop to be paid in shape of **Demand Draft in favour of Superintendent of Excise,Cuttack.**
 2. **An Earnest Money Deposit (EMD) equivalent to three months' Consideration Money** of the shop for which application is made is required to be deposited in **shape of Demand Draft in favour of Superintendent of Excise,Cuttack.** For unsuccessful bidder EMD will be refunded within 15 days and for successful bidder it will be adjusted against the future consideration money.
 3. A copy of Photo ID Proof – either Aadhar or Passport or Voter ID Card.
 4. A copy of PAN Card.
 5. A copy of VAT clearance certificate, if any (for existing or old licensees).
 6. A copy of Excise No due Certificate (in case of existing or old licensees).
 7. A passport size photograph of the applicant.
- f. The lottery will be conducted within a period of 10 days from the last day of filling of applications.
- g. If during the preliminary scrutiny or subsequently, it is found that applicant has not paid requisite application fee or has not deposited EMD or has submitted incomplete application form or incorrect documents or information, his application is liable for rejection. The EMD if deposited will be forfeited in such cases.
- h. After preliminary scrutiny the initial list of applicants whose cases qualify for lottery, shop-wise, shall be finalized by the Collector, and the same shall be published in the **Notice Board of Collector/Superintendent of Excise, Cuttack** one day prior to the day of lottery allotting a unique serial number or token number to each of the eligible applicant which shall correspond to the serial number of the **Application register, as maintained in the District Excise Office,Cuttack.** The list will also be published in the notice board of Collector and other offices as decided by Collector. The date, time and place of drawal of lottery shall be published by the Collector in the said notice for information of all eligible applicants.
- i. On the day as assigned for lottery, Collector shall draw the lottery in presence of the applicants or their authorized agents. It is incumbent upon all applicants

participating in the lottery to be present personally or through their authorized representatives. Absence of any applicant or his representative during the lottery day shall not affect the process of drawal of lottery which shall take place as notified.

- j. In case there is only one application for a shop, the Collector shall declare the name of the applicant to be the provisional winner of the lottery if he is otherwise eligible.
- k. For the purpose of conducting lottery, Collector shall put the tokens containing the number allotted to each applicant into a box and then stir the same. Collector shall then draw a token from the box and declare the name of the provisional lottery winner for the particular shop based on the serial number of the token drawn.
- l. The provisional winner of the lottery will be called for detailed scrutiny of his document. The EMD as deposited shall be adjusted against three months' advance consideration money. He shall further be asked to deposit the consideration money for the period of the month for which license is granted. He shall also be asked to furnish **Bank Guarantee equivalent to the tune of three times of the monthly consideration money**, which shall remain valid for 15 months from date of issuance of license or 30th June of the next year whichever is earlier. The entire process shall be completed within three days of drawal of lottery.
- m. The provisional winner has to furnish the following documents (in original) for scrutiny alongwith two self-attested copies :-
 - 1. PAN Card.
 - 2. ID Proof-Aadhar / Passport / Election Photo ID.
 - 3. Age Proof (Date of Birth Certificate / Matriculation Certificate / PAN Card / Passport / Driving License).
 - 4. Resident Proof - Voter ID / Passport / Electricity Bill / Municipal Tax Receipt / ROR Copy.
 - 5. VAT Clearance Certificate (If Applicable).
 - 6. Excise No Dues Certificate (If Applicable).
 - 7. Partnership deed / Company Registration Certificate (As Applicable).
- n. In case the provisional winner complies with all the terms and conditions and all his documents / declarations are found to be in order after scrutiny, he will be declared as the final winner.
- o. He shall then put his signature in the Register of Settlement as may be determined by the Government from time to time and shall be then granted license by the Collector.
- p. If the lottery winner fails to comply with the above conditions by the stipulated dates or is found to have furnished false documents or mis-represented or have suppressed any relevant information at the time of submitting the application the provisional winner of the lottery shall be declared disqualified and EMD deposited shall be forfeited without prejudice to any other criminal action that may be

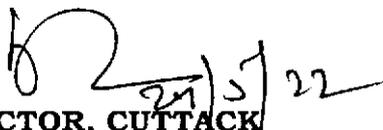
initiated against him. The lottery in case of that shop shall be cancelled and fresh lottery shall be held within next seven days after due notice from amongst the remaining eligible applicants.

- q. If the applicant on being successful in the lottery, declines or refused or willfully or otherwise omits to take licence, the EMD amount tendered by him shall stand forfeited to the State Government and he shall further be liable for any loss that may accrue to the State Government because of delay in settlement of the shop. He or his family members or his associates will not be permitted to take part in the settlement of that shop or any other shop in the district for five years including the year of his default as per rules -35 and 149 of the said rules.
- r. The holder of license shall open the shop in the stipulated locality within 15 days from issue of license.
- s. The State Government reserves the right to refuse grant of privilege without assigning any reason thereof and settle the privilege before expiry of five years in the manner as may be decided by the State Government from time to time.
- t. In case of expiry of validity period of omission of renewal or suspension or cancellation or surrender of licence, the shop shall be settled through lottery or be allowed to be run by other Government agencies with the licence fee for the remaining period of the license as decided by the State Government.
- u. The decision of the Excise Commissioner relating to any dispute on account of lottery at the District level shall be final and binding upon all the applicants to the lottery.
- v. The winner of the lottery shall abide by the provisions of the said Act and rules and the Odisha Excise Policy for the year and any other instructions or notifications and circulars issued on the subject, from time to time, by competent authority. Any violation in this regard may entail cancellation of the license.
- w. The license holder shall have no right to claim renewal of license.

NB-The Procedure for settlement of Bhang Shops is done through lottery mode by way of inviting applications through offline as per Excise Department clarification letter No.1965/Ex. dtd.02.05.2022 and following the guidelines communicated vide Excise Department Order No.1029/Ex. dtd.26.02.2021.

Place :-CUTTACK

Date :-24- 05-2022

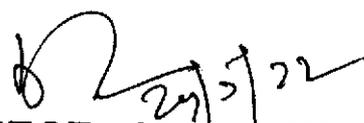

COLLECTOR, CUTTACK
24/5/22

DISTRICT EXCISE OFFICE : CUTTACK

Memo No. 3396 / Ex. Dtd. 24-05-2022.

Copy to all OICs of Excise Stations / Inspectors of Excise of Ranges / IICs/Sub-Inspectors of Excise, District Mobile Units of Cuttack district for information and wide publicity. All OICs are directed to handover the copy of this notice in the Office of the concerned Chairman of Municipality / Councilors of Municipalities / N.A.Cs / District Rural Development Agency, Cuttack / District Panchayat Office, Cuttack / B.D.Os / Tahasildars / Sarapanch of Gram Panchayat / Panchayat Samittees of the District and other offices, where the shops are proposed to be opened (as the case may be) for information & wide publicity. All Excise Officers are directed to arrange sufficient number of suitable applicants to take part in the settlement of Excise shops through Lottery. Besides, they are directed to affix the sale notice in their own Office Notice Board.

Copy to Notice Board of Collectorate, Cuttack / District Excise Office, Cuttack for information of General Public and wide publicity.


COLLECTOR, CUTTACK

Memo No. 3397 / Ex. Dtd. 24.05.2022

Copy forwarded to the Excise Commissioner, Odisha, Cuttack / Additional Secretary to Government, Excise Department, Odisha, Bhubaneswar / Joint Excise Commissioner, Odisha, Cuttack / all Deputy Commissioners of Excise in the State for information and necessary action.

Copy forwarded to all Collectors/ Superintendents of Excise in the State for information and wide publicity.

Copy to all Additional District Magistrates/Sub-Collectors of Cuttack district (for information and wide publicity).

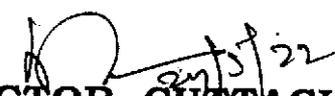
Copy forwarded to the DCP, Cuttack/ Superintendent of Police, Cuttack / Project Director, DRDA, Cuttack for information.

Copy to all B.D.Os / Tahasildars of this district for information and wide publicity.

Copy to the District Informatics Officer, NIC, Cuttack for information with a request to publish this Notice in the District Website.

Copy forwarded to the Director, Information and Public Relations Department, Odisha, Bhubaneswar for information and wide publicity.

Copy to D.I.P.R.O, Cuttack for information and wide publicity.


COLLECTOR, CUTTACK
24/5

FORM 'B'
(See Clause - iii)

**APPLICATION FOR GRANT OF EXCLUSIVE PRIVILEGE ON BHANG
SHOPS THROUGH LOTTERY SYSTEM IN THE STATE OF ODISHA**

Affix
passport size
recent photo

1.	Name of the applicant	:-	
<i>(Please attach a photo, ID proof in form of either Aadhar or Passport or Voter ID Card)</i>			
2.	Date of Birth	:-	
3.	Father's / Husband's name of the applicant	:-	
4.	Permanent address in full	:-	
5.	Present postal address to be used for all postal communication.	:-	
6.	Shop for which application is made	:-	
7.	Locality of the shop applied for	:-	
8.	PAN Number (Please upload copy of the PAN card)	:-	
9.	VAT clearance certificate (in case of old or existing licensee)	:-	
<i>(please attach)</i>			
10.	Details of non-refundable Application Fee	:-	
11.	Details of deposit of 3 (Three) months' Earnest Consideration Money.		
	a. Amount.	:-	
	b. Name of the Bank.	:-	
	c. DD No. & Date.	:-	
12.	Self declaration regarding non-conviction in any criminal court of a non-bailable offence.	:-	
13.	Have you received any License from Excise Odisha in past? If yes, kindly provide details and also the Excise No-Dues certificate(s).	:-	
<i>(Please attach Excise no dues certificate if Applicable)</i>			
14.	In case of a partnership firm / company applying for the license, the details of lead partner or details of authorized representative of company to be provided.		

DECLARATION

I do hereby declare that the information furnished by me are true to the best of my knowledge and belief.

I further declare that I have no criminal antecedent and no excise dues pending against me or I am not defaulter of excise dues.

I am aware that in case any information furnished by me is found untrue, at any stage the application submitted by me or the lottery if won by me or license if granted to me is liable to be cancelled by license sanctioning authority and the EMD will be forfeited.

I agree to abide by all the provisions of Act, Rules, Policies and other term and conditions of settlement process laid down by Excise Department, Odisha Government.

Date :-

Place :-

Signature of the Applicant

T A B L E

LIST OF BHANG SHOPS OF CUTTACK DISTRICT TO BE SETTLED THROUGH LOTTERY FOR THE YEAR 2022-23

Kind of Exclusive Privilege	Name of the shop and locality at which the privilege is to be exercised	E.P. Area	Monthly Consideration Money
(1)	(2)	(3)	(4)
Malgodown	Malgodown area, Ward No. 34, P.S-Malgodown, Dist- Cuttack	Shop premises itself	Rs.3,347/-
Machhuabazar	Machhua Bazar area in Ward No.30 of CMC, P.S- Mangalabag, Dist- Cuttack	Shop premises itself	Rs.3,758 /-


SUPERINTENDENT OF EXCISE,
CUTTACK
02/24/5


COLLECTOR, CUTTACK