

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

In W. P. (C) No. 7945/2012 filed by Sri S. Premji and others, the Hon'ble High Court, in the interim order dated 29th March, 2012, held that the arrangements for the conduct of sale of toddy shops, if any, made after 1st April, 2012 will be subject to the result of the aforesaid writ petition. Hence subject to the decision of the Hon'ble High Court in W. P. (C) No. 7945/2012, Government have decided to declare the Abkari Policy for the year 2014-15 vide G. O. (Ms.) No. 22/2014/TD dated 12th February, 2014. In the said Abkari Policy, Government have decided to give preference to those licensees who are running the toddy shops during the year 2013-14. Government have also decided to sell the privilege for vending toddy for three years, realizing annual rental in advance, and also decided to notify one selected shop from each range as model toddy shop/toddy parlour with modern facilities required to be notified. In order to give statutory validity to the above decisions of the Abkari Policy, 2014-15 the Kerala Abkari Shops Disposal Rules, 2002 needs to be amended, subject to the decision of the Hon'ble High Court in W. P. (C) No. 7945/2012.

The notification is intended to achieve the above object.

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Government of Kerala
2014



Regn. No. KERBIL/2012/45073
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കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണ
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA

Taxes (G) Department
NOTIFICATION

G. O. (P) No. 33/2014/TD. Dated, Thiruvananthapuram, 22nd February, 2014.

S. R. O. No. 151/2014.—In exercise of the powers conferred by sections 18A and 29 of the Abkari Act, 1 of 1077, the Government of Kerala hereby make the following rules further to amend the Kerala Abkari Shops Disposal Rules, 2002 issued under G.O. (P) No. 24/2002/TD dated 30th March, 2002 and published as S.R.O. No. 198/2002 in the Kerala Gazette Extraordinary No. 376 dated 30th March, 2002, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Abkari Shops Disposal (2nd Amendment) Rules, 2014.
- (2) They shall come into force on and from the 1st day of April, 2014.

2. *Amendment of the Rules.*—In the Kerala Abkari Shops Disposal Rules, 2002,—

(1) in rule 3, after sub-rule (9), the following sub-rule shall be inserted, namely:—

“(10) Government shall reserve the right to notify a selected toddy shop as model toddy shop/toddy parlour from each range and to notify modern facilities required for the conduct of such shop/parlour”.

(2) in rule 5,—

(i) in clause (a) of in sub-rule (1)—

(a) in the opening sentence, for the figures and symbol “2011-12”, the figures and symbol “2013-14” shall be substituted;

(b) in the second sentence, for the figures and symbol “2011-12”, the figures and symbol “2013-14” shall be substituted;

(c) in the first proviso, for the figures and symbol “2011-12”, the figures and symbol “2013-14” shall be substituted;

(ii) in sub-rule (7) for the opening sentence, the following sentence shall be substituted, namely:—

“(7) When the sale for each group/range commences, the officer conducting the sale shall announce the name of the group/range, the number and name of toddy shop to be sold, the annual rental fixed for the group/range and the rental for three years and shall invite applications for taking up the privilege from the intending purchasers.”;

(iii) in sub-rule (10) for the opening sentence, the following sentence shall be substituted, namely:—

“As soon as the privilege of any group/range is provisionally declared under sub-rule (9), the officer conducting the sale shall immediately enter in the “Sale list”, the name of the group/range sold, the name of the applicant declared by whom as the grantee of privilege of that group/range, the annual rental fixed as licence fee for that group/range and the rental for three years and any such details as he may think necessary”;

(iv) in sub-rule (12), after the last sentence, the following sentence shall be inserted, namely:—

“The grantee of privilege shall furnish an affidavit stating that, he shall remit the annual rental for the succeeding Abkari year before 10th of January of the current Abkari year and will duly furnish required eligibility certificates before the Deputy Commissioner of Excise concerned and get the privilege extended”;

(v) after sub-rule (23), the following sub-rule shall be inserted, namely:—

“(24) The privilege purchaser of a group/range, as the case may be, where a model toddy shop/toddy parlour is notified, shall ensure that the model toddy shop/toddy parlour is conducted in hygienic manner with modern facilities, as may be notified by Government from time to time.”;

(3) in rule 7, in sub-rule (26), after the opening sentence, the following sentence shall be inserted, namely:—

“The licensee of the group/range of toddy shops who have purchased the privilege for more than one year, shall remit the annual rental for succeeding Abkari year before 10th January of the current Abkari year and should get the privilege for vending toddy extended for the succeeding year by duly furnishing required eligibility certificates before the Deputy Commissioner of Excise concerned, failing which the licence shall be cancelled and toddy shops shall be resold for the remaining period”.

(4) In Form No. III ‘AGREEMENT’, under the heading ‘ഒമ്പത്’ in the first paragraph, for the words and figures “200..... - 200..... കൂതക വിരപ്പതേക്കുള്ള മുഴുവൻ റെന്റൽ തുകയായ രൂപ സർക്കാരിലേക്ക് കെട്ടിവെച്ചിട്ടുള്ള തുകയായും”, the following words and figures shall be substituted, namely:—
“20..... - 20..... വിരപ്പതേക്കുള്ള റെന്റൽ തുകയായും രൂപ സർക്കാരിലേക്ക് കെട്ടിവെച്ചിട്ടുള്ള തുകയായും വിരപ്പതേക്കുള്ള റെന്റൽ തുക രാഷ്ട്ര അടികൾക്കായി വിരപ്പതേക്കുള്ള റെന്റൽ തുകയായും”.

By order of the Governor,
A. ALITH KUMAR,
Secretary to Government.