

অসম ৰাজপত্ৰ
सत्यमेव जयते

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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No. 333 Dispur, Thursday, 22nd July, 2021, 31st Ashadha, 1943 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

EXCISE DEPARTMENT

NOTIFICATION

The 20th July, 2021

No. EX.176/2016/PT/84.- Whereas, all Indian Made Foreign Liquor / Beer/Country Spirit retail 'OFF' shops in the State cannot operate for the entire working hours, i.e. from 11.00 AM to 10.00 PM due to COVID induced restrictions imposed vide Government order No. ASDMA28/2021/126, dtd. 26.06.2021;

And whereas, the Hon'ble Supreme Court of India has recently observed that states may consider non-direct sale including online/home delivery of liquor to avoid over crowding and to facilitate social distancing norms in terms of COVID 19 guidelines. Similarly, Hon'ble Madras High Court has also permitted online sale of the liquor;

And whereas, various states like West Bengal, Orissa, Chattisgarh, Delhi, Karnataka, Kerala, Punjab have already introduced online sale and home delivery of liquor;

And whereas, in view of the pandemic, the circumstances exist, which render it necessary to permit online sale of liquor which shall also curb consumption of illicit liquor;

Now, therefore in exercise of the powers conferred under section 84 of the Assam Excise Act, 2000 (Assam Act XIV of 2000), the Governor of Assam is hereby pleased to make the following rules further to amend the Assam Excise Rules, 2016, hereinafter referred to as the principal Rules, namely:-

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| Short title and commencement | 1. | (1) | These rules may be called the Assam Excise (Amendment) Rules, 2021. |
| | | (2) | They shall come into force from the date of publication in the Official Gazette. |

Insertion of new
rule 323A

2. In the principal Rules, after rule 323, the following new rule 323A, shall be inserted, namely:-

“Online
Sale/Home
Delivery of
Liquor

323A. Permission for online sale/ home delivery of liquor by Indian Made Foreign Liquor /Beer/Country Spirit “OFF” shop licences shall be granted by the Commissioner of Excise, Assam , subject to fulfilment of the terms and conditions, namely:-

- (1) Only the Indian Made Foreign Liquor / Beer/Country Spirit retail ‘OFF’ licencees (hereinafter called the ‘Retailers’) having valid licences issued by Assam Excise authorities shall be eligible for making online sale of liquor through APP.
- (2) Such eligible retailers may register themselves on the App developed for this purpose furnishing following details namely:-
 - (a) Copy of valid Indian Made Foreign Liquor / Beer/Country Spirit “OFF” shop license,
 - (b) Location of the licensed premises,
 - (c) List of delivery agents, with name, address, phone number, photographs and other details,
 - (d) A delivery agent shall not be less than 21 years of age.
- (3) Subject to the provision of rule 308 of these rules, the eligible customer shall get himself registered on the online portal furnishing his proof of age and address. The online sale of liquor shall not be available for hostels of educational institutions, Government/non-Government/semi Government offices and other public and religious places.
- (4) An eligible customer can order online upto 3(three) litres (Bulk Litre) of liquor. However, the delivery agent can carry a maximum of 9 (Nine) litres of (Bulk Litre) liquor at a time. The order shall be executed against prepayment only.
- (5) Home delivery shall be done between 11.00 AM to 10.00 PM subject to compliance with the lockdown order/restriction issued by competent authorities in this regard from time to time. The delivery shall ordinarily be completed within 2 (Two) hours of receiving orders.
- (6) The retailers shall abide by Maximum Retail Price (MRP) fixed by the Assam Excise Department from

time to time failing which appropriate legal action shall be taken. No extra charge beyond notified Maximum Retail Price plus delivery charges, service charges of portal, internet payment gateway charges shall be demanded/collected from the customer.

- (7) The delivery charges shall be Rs.50/- per order for a distance of less than 1 Km and Rs.75/- per order for a distance between 1 Km and 2 Km. However, the Commissioner of Excise shall have the authority to modify the rates of delivery charges from time to time, as the circumstances warrant. In addition to delivery charges, service charges and internet payment gateway charges, as may be applicable, shall be paid by the customer.
- (8) Registered retailers may accept/reject any order within 10 (Ten) minutes, if the order is not serviceable for any reason. In case an order is rejected by one retailer, a fresh order shall be generated by the customer by choosing another registered retailer. If the Retailer fails to respond to the order within 10 minutes, the order shall be deemed to be rejected.
- (9) The sale invoice shall clearly reflect the name and address of the customer, the name and phone number of the delivery agent, the description and quantity and price of the liquor dispatched with MRP, the time and date of dispatch of the liquor, delivery charges, and the service charges and the bank charges, wherever applicable separately.
- (10) The delivery agent shall carry on his person I-Card issued by the retailer and an invoice which shall also act as a pass to facilitate movement. He shall deliver the items and handover one copy of the invoice to the customer.
- (11) During pandemic, the delivery agent shall have to follow all the social distancing norms like wearing masks, maintaining 6ft. distance and using sanitizer frequently. No person having any symptom relating to pandemic or if unwell shall be engaged for home delivery.
- (12) The orders for online home delivery of liquor can be received by the retailers through the App only.
- (13) The retailers shall maintain a register detailing therein date wise, name and address of the persons placing online orders, the volume and value, type of liquor, name of delivery agent, status of delivery etc. Once delivery for the same is successfully done, the date and time of delivery shall be updated in the register.

- (14) Each retailer can engage a maximum of 10 (ten) delivery agent who are of the age of 21 years and above, for the purpose of carrying out home delivery.
- (15) The online sale of liquor in first phase shall be limited to Guwahati Municipal Corporation area only, which may be extended to other areas of the State gradually by the Excise Department.

RAJESH PRASAD,

Principal Secretary to the Government of Assam,
Excise Department, Dispur, Guwahati-6.