

राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार

आबकारी, मनोरंजन एवं विलासिता कर

एल ब्लॉक, विकास भवन, आई. पी. एस्टेट, नई दिल्ली-110002

तारांकित प्रश्न संख्या : 35

दिनांक : 23.08.2019

प्रश्न कर्ता का नाम : सुश्री राखी बिरला

क्या माननीय उप मुख्यमंत्री यह बताने की कृपा करेंगे कि :

क्रम संख्या	प्रश्न	उत्तर
क)	क्या यह सत्य है कि सरकारी नियमों के अनुसार शराब की दुकान का लाइसेंस मंदिर, मस्जिद, गुरुद्वारा या सरकारी स्कूल के 100 मीटर के दायरे में नहीं दिया जा सकता;	जी हाँ, दूरी का माप दिल्ली आबकारी नियम, 2010 के नियम 51(1) में उल्लिखित प्रावधानों के नियम अनुसार किया जाता है संगलन सूची "क" में उपलब्ध है।
ख)	यदि हाँ, तो क्या यह भी सत्य है कि रोहिणी, सेक्टर-4, पॉकेट ए-2 में एक शराब की दुकान एक सरकारी स्कूल, मंदिर, मस्जिद, गुरुद्वारा के पास ही चल रही है;	सितम्बर, 2016 में रोहिणी, सेक्टर-4, पॉकेट ए-2 में स्थित सरकारी शराब की दुकान के निरीक्षण के दौरान यह पाया गया कि शराब की दुकान से सेंट गिरी स्कूल की दूरी 175.6 मीटर है तथा गुरुद्वारे से यह शराब की दुकान 117.4 मीटर की दूरी पर स्थित है। अतः दिल्ली आबकारी अधिनियम, 2009 व इसके अंतर्गत बनाये गये नियमों में उल्लेखित पात्रता शर्तों के पूर्ण होने पर ही यह दुकान खोली गई है। निरीक्षण रिपोर्ट की प्रति संगलन "ख" में उपलब्ध है।
ग)	यदि हाँ, तो क्षेत्र के विधायक के अनेक बार अनुरोध करने पर भी इस दुकान को बंद न किए जाने के कारण, और	उपरोक्तानुसार प्रश्न 'ग' व 'घ' नहीं उठता।
घ)	शराब की यह दुकान कब तक बंद कर दी जायेगी?	

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(c) the vend to which the licence relates be carried on by a vendor who may be paid commission on sales.

(17) When a licence has been cancelled, the Deputy Commissioner may resell it by public auction or by inviting fresh tenders or by private contract and any deficiency in fee and all expenses incurred on such resale or attempted resale shall be recoverable by the defaulting licensee in the manner laid down in section 29. The Deputy Commissioner shall communicate the result of such re-sale in a statement in duplicate to the Excise Commissioner. If the amount realized from the original licensee including the initial deposit of one fourth of the annual fee and the amount bid by the incoming licensee together are less than the amount ~~previously tendered by the original licensee together with the expenses incurred~~ if any, in connection with resale, the deficiency shall be recovered from the original licensee. If these amounts together are more than the amount previously tendered, no refund shall be made to the original licensee.

49. Refund of licence fee when delay is not attributable to licensee.—(1) If the licence fee for any licence is of an annual character and the licence is granted after the commencement of the financial year, the Government may, if it is satisfied that the delay was not attributable to the licensee, remit the fee payable by a sum not exceeding the proportional amount for the quarter before the licence was granted.

(2) When a licence is cancelled for a cause other than a breach of conditions of licence, the licensee may be excused payment of the fee due to remainder of the term of the licence and if the fee has been paid in advance, proportionate fee for the un-expired period of licence shall be refunded.

50. General Conditions applicable to all licences.—Every licence under these rules shall be granted subject to the condition that the licensee shall comply with the provisions of the Act, the rules framed thereunder, terms and conditions of his licence and the orders issued by the Excise Commissioner from time-to-time and for such observance give security in such form, manner and amount as may be specified. In addition, if the authority granting the licence so requires, shall give a personal bond with or without surety in such amount as may be required to the satisfaction of such authority.

51. Conditions dealing with licensed premises.—(1) No retail vend of Indian Liquor, Foreign Liquor or Country Liquor shall be located within one hundred meters from the following, namely:—

- (a) major educational institutions;
- (b) religious places;
- (c) hospitals with fifty beds and above.

Provided that the condition mentioned in clause (c) above shall not apply for retail vend of liquor for consumption "on" the premises:

Provided further that the condition of hundred meters shall apply for the licences granted after the commencement of these rules:

Provided also that if any major educational institution, religious place or hospital with fifty beds or above comes in to existence subsequent to the establishment of the retail vend of Indian Liquor, Foreign Liquor or Country Liquor, the aforesaid distance restrictions shall not apply.

Explanation I—For the purpose of clause (a) above major educational institutions would mean middle and higher secondary schools, colleges and other institutions of higher learning recognized by the Government.

Explanation II—For the purpose of clause (b) above, a religious place would imply a religious place having a pucca structure with a covered area of more than 400 square feet.

Explanation III—The measurement of distance shall be the shortest traversable distance, from the mid point of the actual main entrance/door of the premises proposed for licence to mid point of the actual main door/entrance of the building of the places mentioned in clauses (a) (b) and (c) above.

(2) The licensee shall not carry on any business connected with his licence, or store any liquor to be sold or otherwise deal with under his licence, except in the premises specified in his licence, hereinafter called the 'licensed premises'. The Excise Commissioner, may however, grant in an exceptional case, permission to store liquor at a place other than the licensed premises. This permission shall be granted on payment of an extra fee as prescribed and only in cases where it is impracticable to store the required stock in the licensed premises. Before the grant of permission, the Excise Commissioner shall satisfy himself that the proposed place is adequately guarded and that there is no means of access to it by the public.

(3) The licensed premises shall be established and maintained by the licensee at his own cost.

(4) No licensed premises for sale and storage of liquor shall be used for any other business, except with the permission of the Excise Commissioner. Persons or institutions holding more than one licence must have separate premises for their business. Separate accounts shall be maintained for sale conducted under such licences.

Provided that this sub-rule, except the provision relating to maintenance of separate accounts for sale conducted under the liquor licence, shall not apply to departmental store holding licence in Form L-12.

(5) If a licensee holds a licence in Form L-16, L-16F in conjunction with a licence in Form L-15, L-15F, he shall not, in pursuance of the licence in Form L-15, L-15F, sell any liquor after the hours fixed as the closing hours for the licence in Form L-16, L-16F in any part of the licensed premises to which persons not residents in the hotel are admitted or in any room or bar adjoining or opening into any room to which persons not residents in the hotel are admitted.

(6) Licensed premises shall be the premises owned or leased by the licensee, provided that where local conditions render it necessary, sites for liquor shops may be leased or bought for Government under the special orders of the Government in each case.

(7) Where the premises have been specially provided by the Government for any shop, the licensee shall be bound to carry on his business in those premises, and to pay to the Government, in addition to his licence fee, such rent for the premises as may be fixed by the Excise Commissioner.

(8) In the case of dining car licence in the Form of L-20 and L-20F the licensed premises are every dining car authorised by the railway administration and any other premises licensed shall be for the purpose of storage only.

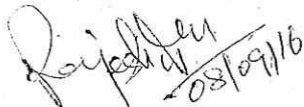
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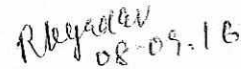
REPORT

In compliance of order of Superintendent (IMFL) vide order no. F.L-2(39)2001-02/IMFL/Ex/898 dated 06.09.2016 the undersigned inspecting team visited on 07.09.2016 at 02.10PM to 04.15PM regarding the area around the I-6 liquor vend situated at CSC-1, Sector-4, DDA Market, Rohini, Delhi-85 to ascertain the facts raised by Shri J. K. Jettley, President of Resident's Welfare Association Pocket-A/2 Sector-4, Rohini, New Delhi. At the time of inspection Shri G.S. Kumawat, Manager of DSCSC was present and helped in carried out the inspection. The following observations have been noticed at the inspection:-

1. The inspecting team along with Manager of DSCSC had measured the distance between the Vend and St. Giri School was noticed as 175.6 meters.
2. The inspecting team with manager of DSCSC had measured the distance between the Vend and Gurudwara Gate was noticed as 117.4 meters.
3. The inspecting team with manager of DSCSC had measured the distance between the Vend and MCD Quarters was noticed as 24 meters.
4. The inspecting team with manager of DSCSC had measured distance between the Vend and Pocket A-1, Sector-4 was noticed as 28 meters.
5. The inspecting team with manager of DSCSC had measured distance between the Vend and Pocket A-2, Sector-4 was noticed as 38 meters.
6. Others types of issues as mentioned in complaint, are not related to Excise Deptt.


08/09/16

(RAJESH VIJ)
EXCISE INSPECTOR


08-09-16

(RAJ KUMAR YADAV)
EXCISE INSPECTOR.


08/09/16

(G.S. KUMAWAT)
MANAGER OF DSCSC.