

EXC/5791/XA1/2022 (2)

Office of the Excise Commissioner,
Excise Head Quarters,
Thiruvananthapuram.

Date- 7/9/2023

From,

The Excise Commissioner,
Thiruvananthapuram.

To

The Joint Excise Commissioner
All Zones
The Deputy Commissioner of Excise
All Divisions

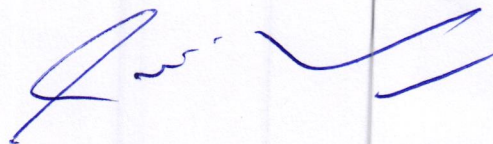
Sir,

Sub:- Excise – Abkari – Guidelines to be followed in the sale of Toddy shops for 2023-24,2024-25,2025-26 issued - Reg.

Ref:- G.O (P) No. 115/2023/TAXES dated 4/9/2023(S.R.O No.942/2023 dated 5/9/2023)

Kind attention is invited to the subject and reference cited. The Guidelines to be followed in the online sale of toddy shops for 2023-24, 2024-25, 2025-26, is attached herewith

Yours faithfully



For Excise Commissioner

GUIDELINES TO BE FOLLOWED IN THE SALE OF TODDY SHOPS
FOR 2023-24, 2024-25, 2025-26

1. Publicity regarding sale:

Wide publicity shall be given regarding the sale of the Toddy shops in leading Dailies and other Medias. Shop Number, Group number, name of Shop, name of Range, Annual Rental amount, date of sale and qualification/eligibility and other requirements for participation in sale, shall be published. Information regarding sale shall be put on the notice boards of the offices of all Zonal Joint Excise Commissioners and all Deputy Excise Commissioners of the Divisions and website of the Excise Department. The application for the sale is hosted at URL *etoddy.keralaexcise.gov.in*

2. Registration and submission of application

The sale of Toddy shop is conducted through online platform. Any individual who is qualified under these Rules and who intends to vend toddy in any shops notified in sub rule (1) of Rule 4 shall register in the online platform, which is created for the purpose, by creating a user name and password. A registration fee of Rupees 1000/- shall be remitted online by the applicant at the time of registration. The registration fee not be refunded under any circumstances. If the applicant is eligible to get preference as per rules, it shall be declared at the time of registration. The last date of registration for participating in the sale of toddy shops shall be 13th September 2023. The sale procedure shall be deemed to be commenced from the date of notification.

The shops shall be sold in groups except in Anthikad, Cherpu, Kolazhi and Thrissur ranges in the Thrissur Taluk and Kodungallur Range where the shops shall be sold in Range or Taluk wise. The amount of annual rental fixed for each

shop for the financial years 2023-2024, 2024-2025 and 2025-2026 are published as per S.R.O No.942/2023 dated 5/9/2023 (G.O (P) No. 115/2023/TAXES dated 4/9/2023) The proportionate rental after the extended period shall be remitted for the financial year 2023-2024. The Joint Excise Commissioner of concerned zone shall be the officer conducting the sale of Toddy shops through online platform, as per the proviso of Rule 3 of Kerala Abkari Shops Disposal Rules, 2002. It shall be lawful for the Joint Excise Commissioner to conduct second round of sale of shops which are not sold on first round of sale through online platform by reducing the annual rental fixed for that shop to 50% of the rental notified in Appendix attached to this notification. In such cases the officers conducting the sale shall adjourn the sale to an earliest date to be decided and informed by him through the website of the Department. No individual or group of individuals shall be allowed to participate in the online sale whether the sale is conducted for full rental or 50% of Rental, if he/they are not registered in the online platform as specified in sub Rule (1) rule 5 O.

3. Procedures of Selection of Preferential applicants:

1. Individual/Joint applicants for the privilege shall be permitted.
2. No person shall be allowed to apply for or purchase the privilege as an agent.
3. No grantee of privilege shall be allowed to transfer his/ their privilege or licence to any other person (s) except as provided in sub Rule 16 A of Rule 5 of the Kerala Abkari Shops Disposal Rules 2002.
4. The sale shall be subject to the final judgment in WP(C) No. 7945/12 pending before the Hon'ble High court of Kerala.
5. While giving privilege;
 - a) Preference shall be given on the first round of sale to those licensees who had conducted Toddy Shops during the year 2022-2023 and the extended period,

provided no Abkari case has been registered against him other than under Sec. 56 of the Kerala Abkari Act. The licensees who have conducted the shop during the years from 2020-21 to 2022-23 and the extended period, whose licenses cancelled due to registration of Abkari cases and subsequently exonerated by the Court shall also be given preference.

No person shall be allowed to participate in the sale procedure, if an Abkari case has been charge sheeted against him with an offence relating to illicit liquor before a Court of Law.

b) While issuing the Preference Certificate by the Circle Inspectors concerned, it should be ascertained that the Licensee claiming preference has remitted the Abkari dues and Welfare Fund dues in his name itself

c) In the cases of shops closed due to detection of cases and which were subsequently sold in sale and are functioning, such new licensees shall also have the eligibility of for preference.

d) The preference of the licensee shall be confined solely to the Group/Range/ Taluk in which the shop(s) of his group/range is included, as the case may be. He shall not get preference in any other group of shops.

e) In the case of death of the original purchaser and if the shop has been subsequently transferred to the legal heir of the deceased licensee, preference will be given to such licensee.

f) Preference to an applicant in the sale of toddy shops shall be limited to one group/range of toddy shops in the whole of the State. Such preference shall be confined to the group/range or shops in which his shop falls.

g) If an applicant who has preference, submits an application jointly along with person(s) who is not eligible to get preference, that application shall not be given preference.

i) No preference will be given to any person on the second day of sale.

6. No person shall be eligible for the privilege of any Group/Range if he/she

(i) is charged with an offence relating to illicit liquor or prosecution proceedings in such case are pending against him before a court of law.

(ii) is convicted under any Abkari offence or any other Criminal offence and sentenced to imprisonment for more than three years after 1 April, 1992.

(iii) is a defaulter of Abkari arrears unless he produces a certificate to the effect that no dues are outstanding against him or that he has remitted 50% of the arrears pending against him as on the date of sale notification before the date of sale of shops from the Circle Inspector of Excise as the case may be.

(iv) is a public servant in the service of Government.

(v) is below 18 years of age as on the date of sale.

7. He/She is liable to pay contributions to the Toddy Workers Welfare Fund or the Kerala Abkari Welfare Fund as the case may be unless he produces from the Welfare Fund inspector concerned a certificate to the effect that he has remitted the arrears of contributions payable up to the 31 day of December 2022 before the date of sale of shops.

8. If it is found at any stage that any purchaser of privilege had suppressed facts in his application as to his/her eligibility including preference or produced fake documents and obtained the privilege declared or confirmed in his name or obtained any licence granted in his/her name the licence issued to him/her, if any, shall be cancelled and the whole of the amount paid by him/her towards the annual rental of the shop, shall be forfeited to Government and the shops shall be resold or otherwise disposed of.

9. Every licensee shall pay Rs. 10/- each towards the welfare fund for every half year in the case of every coconut tree and Rs. 20/- each for every year in the case of each Palmirah tree tapped for his/her shop to be utilized for the payment of compensation.

4. Procedure of Sale:

(1). The applicant shall upload the following documents at the time of registration.
namely:

(i) Identity cards such as Aadhar card or Voter's ID or Passport of the applicant or any other such document prescribed from time to time.

(ii) Scanned Specimen signature of the applicant.

(iii) Certificate to the effect that the applicant has no liability towards the Kerala Abkari Welfare Fund and the Toddy Workers Welfare Fund as on 31st December of the preceding years, obtained from the Welfare Fund Inspector concerned.

(iv) Certificate to the effect that the applicant has remitted, before the date of sale of shops, 50% of arrears pending, if any, as on the date of sale notification, obtained from the Authority of the Welfare Fund Board.

(v) A declaration in stamp paper of the value prescribed by law disclosing the source of fund, which is being utilized by him for the purchase of the toddy shops.

(vi) A copy of the Ration Card issued by the State Civil Supplies Department which the name of the applicant is enlisted.

(vii) Income Certificate of the applicant issued by the Revenue Authority not below the rank of Village Officer.

(viii) Certificate to the effect that the applicant is not convicted under any Abkari offence or any other Criminal Offence and sentenced to imprisonment for more than three years after 1st April, 1992, obtained from the District Police Chief/Commissioner of Police concerned.

(ix) Preference certificate obtained as per clause (a) of sub-rule (1) of rule 5 of these rules

(2) No applicant is eligible for the privilege of any group/range if he is charged with an offence relating to illicit liquor or prosecution proceedings are pending against such applicant before a court of law.

(3) The Deputy Commissioner of Excise of the concerned Division where the applicant resides shall verify the correctness of the documents uploaded and eligibility of the applicant. If the Deputy Excise Commissioner finds that the applicant satisfies the eligibility criteria as per the Abkari Act and Rules made thereunder, he shall accept the registration. If the Deputy Excise Commissioner

finds any defects, three working days grace period from the date of closure of registration shall be given to the applicants for the rectification of defects, if any, noted in their application. After the period fixed for rectifying the defects, the Deputy Commissioner of Excise shall once again verify the correctness of the documents uploaded and eligibility of the applicant. If the applicant satisfies the eligibility criteria as per the Rules, the registration shall be accepted. If the applicant is not fully eligible as per the Rules, the Deputy Commissioner of Excise shall reject the registration stating the reason thereof. The registrations/resubmission made after the last date fixed for submitting/re-submitting shall not be considered for the reasons whatsoever concerned.

(4) After the completion of registration process, the officer conducting the sale shall publish the last date of submission of option and the date of sale range wise in the official website of Excise Department. The applicant shall give their options for their groups/Range/ Taluk, which they intend to purchase. Any applicant who has successfully registered in the online platform may create group of applicant with mutual consent. Such applicant shall not withdraw their consent once the sale procedures have started. Every single applicant in the group thus formed shall have equal right to carry out all further proceedings in the sale. The applicant (that is individual or group of individuals) shall make online payment of the rental fixed for the corresponding group/Range and also the additional annual rental for shops as prescribed from time to time. If the applicant intends to purchase more than one group he shall submit separate options. No applicant shall be allowed to purchase the privilege as an agent for another. The above procedures shall be completed within two working days from the date of expiry of the grace period as mentioned in the sub-rule (5) of Rule 5O.

(5) Where there is only one eligible applicant selected under clause (a) of sub-rule (6) of Rule 5, the officer conducting the sale may provisionally declare him as the grantee of privilege. Where there are more than one eligible applicant selected under clause (a) of sub-rule (8) of rule 5 and among them if only one applicant is eligible for getting preference under sub-rule (1) of rule 5, the officer conducting the sale may provisionally declare the applicant as the grantee of privilege. If there is more than one applicant as eligible for getting preference under sub-rule (1) of rule 5, the name of all such eligible preferential applicants shall be put to online lot and the name of successful applicant drawn by the online lot shall be provisionally

declared by the officer conducting the sale as the grantee of privilege. If none of the applicants are eligible for getting preference under sub-rule (1) of rule 5, the name of all eligible applicants selected under clause (a) of sub-rule (8) of rule 5 shall be put to online lot by the officer conducting the sale and the name of successful applicant drawn by the online lot shall be provisionally declared by the officer conducting the sale as the grantee of privilege. No person shall be allowed to purchase more than two groups of toddy shops in the State:

Provided that preference to an applicant in the sale of Toddy shops shall be limited to one group/range of Toddy Shops in the whole of the State. Such preference shall be confined to the group/range of shops in which his shop falls.

(7) As soon as the privilege of any group/range is provisionally declared under sub-rule (6), the applicant declared to be the grantee of privilege shall sign the online sale eligibility document generated and shall also upload the details of the payment made by way of bank draft in favour of the Deputy Commissioner of Excise of the Division concerned or solvency by way of deposits in Treasury Savings Account, pledged in the name of Deputy Commissioner of Excise of the Division concerned equivalent to the wages and other benefits to the workers of the group/range payable for one month, which shall be fixed by the Toddy Workers Welfare Fund Board. Further, the grantee shall also upload the details of advance remittance made towards Welfare Fund contribution of workers for three months and Accident Relief Fund. The process shall be completed by the applicant within two working days. The online sale eligibility document shall then be digitally certified by the Deputy Commissioner of Excise and the officer conducting the sale before forwarding to the Commissioner of Excise for confirmation.

(8) No applicant declared to be the grantee of privilege by the officer conducting the sale shall withdraw from the offer. If he withdraws from the offer or fails to sign the online sale agreement, the whole amount paid by the applicant shall be forfeited to the Government and the group/Range will be resold. In the case of any dispute at the time of sale, the decision of the officer conducting the sale shall be final. It shall be lawful for him to declare the sale of any group/Range as cancelled on genuine grounds and conduct resale of the group/Range.

(9) If the officer conducting the sale is satisfied that any shop put to sale in the first round, cannot fetch a purchaser for the annual rental fixed for that shop, it shall be lawful for them to conduct second round of sale through online platform by reducing the annual rental fixed for that shop to 50%. In such cases the officer conducting the sale shall adjourn the sale to an earliest date to be decided and informed by him through the website of the Department. The shops which remain unsold after the second round of sale shall be entrusted to the Workers Committee as prescribed in sub-Rule (3) of Rule 4 of these Rules by the Deputy Commissioner of Excise concerned.

(10) No sale made by the officer conducting the sale shall be deemed final unless it is confirmed by the Commissioner of Excise who shall accept the sale or reject any sale for valid reasons. Every confirmation or rejection of sale with reason of rejection shall be communicated to the purchaser through online portal created for the purpose as soon as possible.

(11) The purchaser, on whose name the sale is confirmed, shall digitally execute an agreement in Form III with Deputy Commissioner of Excise concerned in stamp paper of the value prescribed by Government from time to time for each group/Range before licensing.

For Excise Commissioner