THE TAMIL NADU BREWERY RULES, 1983.

In exercise of the powers conferred by section 54 of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X 1937), the Governor of Tamil Nadu hereby makes the following Rules, namely;-

1. Short title.- These rules may be called the Tamil Nadu Brewery Rules, 1983.

2. Definitions.- In these rules, unless the context otherwise requires-

(a) **"Act"** means the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937);

fermented vessel related to specific brew of brand).

(aa) Inserted by G.O.Ms. No. 250, P&E (III), dated 23.11.2001

(aa) **"batch"** means the quantity of work taken into a single

(b) **"beer"** means any liquor including draught beer prepared from malt or grain with or without the addition of sugar or flavoured with hops and includes ale, porter and stout;

(c) **"bottling"** means transfer of manufactured beer into bottles, *[cans], casks or kegs for final removal from a brewery and

(*)Inserted by G.O.Ms. No. 21, Home, P&E (III), dated 21.07.2015

includes rebottling and refilling;

(d) **"brewery"** means a building or place where beer is manufactured and includes every place therein where beer is stored or where from it is issued;

(e) **"cooler"** means any vessel into which worts are passed to be cooled and includes a refrigerator;

(f) **"copper"** means any vessel in which either worts or water is boiled or heated in the course of brewing;

which is filled in kegs or container for sale".

(ff)Inserted by G.O.Ms. No. 125, Home, P&E (III), dated 06.05.1997

(ff) **"draught beer"** means beer which is unpasteurized and

(g) "Excise Supervisory Officer" means an officer appointed for the supervision of the brewery.

(h) "fermenting vessel" means any vessel in which wort is fermented by the action of yeast;

(i) "Form" means a form appended to these rules**:**

(j) "Government" means the State Government**:**

(k) "gravity of beer" means the density of beer as ascertained by the saccharometer;

(l) "hop back" means any vessel into which wort is run after boiling in order to remove the spent hops;

(m) "Laboratory" means the Tamil Nadu Forensic Science Laboratory including its regional laboratories:

(n) " Licence" means the licence for privilege granted under section 17-C of the Act for the manufacture of beer and the word "licensed" or "licensee" shall be construed accordingly; **(o)** "**malting**" means the process of treating raw barley or other grains by which the grains are allowed to germinate to a desired limit beyond which the germination is arrested and the grains suitably dried and cured and " malt" the grains so prepared;

(p) "mashtun" means any vessel in which malt or grain is exhausted in the course of brewing;

(q) "**mashing**" means the process by which wort is made in the **mashtun**;

(r) "racking" or "**settling back**" means the process by which wort is passed from a fermenting vessel into casks and racked either at once or after a time;

(s) "Sugar" means any saccharine substance, except or syrup and includes any materials capable of being used in brewing except malt or corn;

(t) "underback" means any vessel into which wort runs either from the **mashtun** or from the hop back;

(u) "wort" means the liquor obtained by the exhaustion of malt or grain or by the solution of saccharine matter in the process of brewing.

3. Issue of Letter of Intent.- (1) (a) Any person desirous of getting the privilege of manufacturing beer and a licence for brewery shall submit his scheme to Government in Form B-I. A fee of Rs.500 (Rupees five hundred only) shall be paid by him into a Government Treasury and the challan in original in support of such payment shall be enclosed to the application.

(b) Where the Government are satisfied about the proposed scheme of the applicant, they may approve the scheme and communicate it to the applicant in the form of Letter of Intent in Form B-2 indicating therein the capacity of the plant. The Letter of Intent so given shall be valid unless specially extended, for a period of six months from the date of the communication of the letter, within which period, **the** holder of the Letter of Intent, may arrange for securing the land, estimates and plans for the building, plant and machinery and other equipments required for the working and construction of the brewery in terms of the scheme as stated in the application or as modified by the Government, as the case may be.

(c) The sanction accorded by the Government under clause (b) shall not confer any right or privilege for the grant of a licence and the Government may withdraw such sanction in public interest at any time, on the expiration of not less than thirty days notice in writing of their intention to do so.

(d) When the sanction is withdrawn under clause (c), the holder thereof shall not be entitled to any compensation for damage or loss except to the refund of the fee paid.

(2) The Government may reject the request of the applicant for sanction of the scheme on all or any one or more of the following grounds, namely:-

(a) that the applicant is not suitable for the grant of privilege;

(b) that the application is not made bonafide on his behalf and is made in benami of any other person;

(c) that the location of the proposed brewery is not suitable. (d) that the applicant has not secured the necessary water supply and power;

(e) that the financial position of the applicant is not sound; (f) that the proposed building is not suitable for that purpose;

(g) that the arrangements proposed for the disposal of the effluents is not satisfactory;

(h) that the establishment of brewery is of uneconomical size; (i) that the applicant has not secured proper technical assistance; and

(j) that the number of the breweries already in existence in this State is considered sufficient, having regard to the desirability of avoiding uneconomic competition.

(3) The Government may, for any other reason, reject an application for sanction of the scheme after giving an opportunity to the applicant of being heard.

4. Application for grant of privilege and licence.- (1) Any person desirous of getting the privilege of manufacturing beer and a licence for a brewery shall make an application in Form No. B-3 to the Commissioner of Excise and Prohibition within six months from the date of the **L**etter of **Intent** given by Government or within such extended time granted under rule 3.

(2) Every application shall be fixed with the **c**ourt-fee label to the value of rupees two and accompanied by *[**t**reasury receipts in proof of payment of an application fee of rupees four thousand, a fee of rupees eight lakhs for the grant of privilege of manufacturing beer and an additional fee of rupees one lakh for grant of privilege of manufacturing draught beer and a licence fee **of** rupees twenty thousand**]** together with--

(i) a full description of the site and the plan of the building in which the brewery is proposed, in triplicate;

(ii)

*Substituted by G.O.Ms.No.1, Home, P&E (III) Dept, dated 04.01.2017

a statement in triplicate showing the name and number of plant and machinery and other equipments required for the working of the brewery;

(iii) a statement in triplicate showing the details of the apparatus used for filtration, bottling, sealing or other process connected with the manufacture of beer.

5. Grant of privilege and issue of licence.-(1) The Commissioner may, after making such further enquiries as he deems necessary, and if he is satisfied that the applicant is eligible for the grant of privilege and licence applied for, grant the privilege of manufacturing of beer and approve with or without modification **of** the plan of the building and the statements. Upon the grant of the privilege, the Commissioner shall issue a licence in Form No. B-4.

(2) Every licence issued by the Commissioner under sub-section (2) of section 17-c of the Act shall be in the name of the applicant and shall be valid for the period ending with the 31st March succeeding or for such shorter period as the Commissioner may decide. The licence shall not be transferable;

Provided that in the case of the application from a recognized institution or a registered Firm of a Company, the licence shall be issued in favour of the accredited office-bearer or agent or other functionary who has been duly authorized by power-of-attorney, **a**rticles of **a**ssociation or similar rules relating to the management of the institution, **f**irm or **c**ompany **:**

Provided further that where the licensee dies, the person succeeding to the possession of the brewery, may use the licence as if it had been granted to himself**:**

Provided also that no licence shall be used after the date of expiry of its validity without renewal.

(3) Where the Commissioner refuses to grant the privilege, the fee for the grant of privilege and licence fee paid shall be refunded to the applicant**;**

(4) If the licence is granted, the licensee shall as soon as the licence is received**,** furnish a duplicate copy of the plans, statements and descriptions so approved to the Excise Supervisory Officer.

6. Renewal of licence.-(1) An application for renewal of the licence granted under rule 5 shall be made in Form B-9 **atleast** thirty days before the date of expiry of the validity thereof :

Provided that the Commissioner may entertain the application for renewal of the licence after the last date specified above**,** but before the expiry of the licence if he is satisfied that the licensee had sufficient cause for not **filing** the application in time.

(2) Every application for renewal shall be made and disposed **off** as if it were an application for the grant of licence.

(3) The Commissioner may refuse to renew the licence if he is satisfied that the licensee has violated or failed to comply with any of the provisions of the Act, the rules made thereunder or with the terms and conditions of the licence;

Provided that the Commissioner shall not pass any order refusing the renewal the licence unless the licensee has been given a reasonable opportunity of being heard.

7.Payment of additional fee for belated application.- Where an application for renewal of licence has been made after the last date specified in Rule 6(1) but before the expiry of the licence and admitted by the Commissioner under the proviso to **r**ule 6(1), the licensee shall pay an additional fee of twenty-five percent of the licence fee payable under sub-rule (2) of **r**ule 4 and the **t**reasury receipt in proof of the payment of the said additional fee shall be enclosed to the application for renewal.

8. **Security deposit**.- (1) Every licensee shall make a deposit the Commissioner by way of security for the due observance of the

* Substituted by G.,O.Ms.No.28, H, P&E (III) Dept, dated 01.04.2008

of a sum not exceeding *[six] lakhs of rupees as may be fixed by terms and conditions of licence.

(2) Every licensee shall execute a mortgage deed mortgaging the land and building in which the brewery has been established and the apparatus therein as security for the payment of all sums which may become due to the State Government and to observe all the conditions of licence and to

pay to the Government the entire amount of duty and fee leviable on the quantity of beer produced.

In lieu *of* executing the mortgage deed, the licensee shall deposit in cash or fixed deposits in Nationalized Bank in the joint account with the Commissioner or any **officer** authori**s**ed by the Commissioner or in Government securities endorsed in favour of the Commissioner or any officer authorized by the Commissioner for such value as the Commissioner may direct.

(3) The deed referred to in sub-rule (2) shall remain in force until cancelled by the Commissioner and shall be in Form B-8.

9. Building used for brewery to conform to specifications.- (1) The building used for the brewery be constructed with brick or stone and the roof of the building shall be of reinforced cement concrete or Madras Terrace or shall be of non-inflammable material.

(2) All windows, ventilators and skylights in the building other than those in the ware-house and store room shall be fitted with rods spaced not more than 10 centimeters apart, centre to centre. All the windows, ventilators and skylights in the ware-house store room shall be covered with galvanized wire **net** or square mesh, not more than ½centimeter apart.

(3) All the doors which are to be fitted with Excise **ticket** locks shall be free **fromtampering** of **the** hinges from outside.

(4) All the doors fitted to the buildings shall open outwards.

(5) There shall be no thatched building within the brewery or ware-house compound.

(6) All the openings in the external walls intended for the efflux of waste water shall be covered with grills affixed to the wall.

(7) There shall be separate rooms or compartments for fermentation process**,** storage of finished beer in vats, *for bottling, sealing and for storage of beer. The door of each room or compartment for storage of finished beer in vats, **for bottling, sealing and for storage of beer shall be provided with excise ticket lock. The door of each room or compartment for fermentation process and the compartment in which maturation and filtration **processes** are done need not be secured with excise ticket lock. The compartments shall have their grills embedded in cement. No such room or compartment shall be used for more than one of any such purpose.

* amended byG.,O.Ms.No.11, H, P&E (III) Dept, dated 14.02.2018

** amended by G.,O.Ms.No.11, H, P&E (III) Dept, dated 14.02.2018

(8) All gas and electric **connection** within the brewery shall be fixed in such a manner as to ensure that the supply of gas or electricity can be cut off and all the regulator or switch **securely** locked at the end of each **day's** work.

(9) Unless otherwise directed by the Commissioner in writing, there shall be only one entrance to the brewery and one emergency exit and one door to each of its rooms or **compartment**. All the doors which are provided with **e**xcise ticket locks as prescribed under sub-rule **(7)** shall be secured with excise ticket locks during the absence of the Excise Supervisory Officer.

10. Alteration, etc. of brewery.- (1) No addition, alteration or modification of the brewery shall be made without the written permission of the Commissioner or such other officer authorised by the Commissioner.

Provided that the Excise Supervisory Officer may permit such minor alternations to building and apparatus as may be approved by the Commissioner in this behalf.

(2) The Commissioner may, by order, direct the licensee to carry out such modifications to the building, apparatus, pipes, bottles, plants and other items as are specified in the order within such time not exceeding three months as may be specified by the Commissioner and the licensee shall carry out the same within the time so specified.

* Proviso inserted by G.O.Ms.No.66, Home, P&E (III) Dept, dated 04.03.1991

modifications].

11. All plant and machinery and storage to be within the brewery.- All buildings, plant and machinery used for the manufacture or storage of beer shall be situated within the brewery

premises and no other business except that of manufacture, storage and issue of beer shall be carried on in the brewery premises.

12. Brewery premises to be enclosed.- The brewery premises shall be enclosed by a compound wall with sufficient protection to prevent undue access from outside into the brewery premises. There shall not be more than one entrance and one exit.

13. Gauging rods, measures, etc.- The licensee shall provide and maintain sufficient and accurate measures, scales and weights and other necessary and reasonable appliances such as gauging rods, standards **sacchrometer** and thermometer to enable the Excise Supervisory Officer and other officers to take account of or check by weight**,** gauge, or measure all materials and liquids used or produced in brewing and provide sufficient lights**,** ladders and other conveniences to enable the Excise staff to perform their duties.

14. Provision of weights, scales, etc.- The Excise Supervisory Officer may, by order, require the licensee to provide with such weights, measures, scales and other appliances and where the licensee disputes such requisition, the licensee may, within fifteen days from the date of receipt of the order, file an appeal to the Commissioner or other officer authorised in this behalf whose decision thereon shall be final.

15. Provision of testing instruments.- The Commissioner shall provide the Excise Supervisory Officer with proper gauging rods and standard sacchrometer and thermometer, and if the licensee questions as to their correctness or the results obtained by the **O**fficer, he shall make a written protest with the Assistant Commissioner or the officer authorized by the Commissioner in **this** behalf immediately.

16. Name of each room or vessel to be distinctly marked.-The licensee shall cause to be legibly painted with oil colour and keep so painted, on some conspicuous part of every **mashtun**, underback, copper heating tank, cooler, fermenting vessel and

setting back and other rooms, intended to be used by him in his business and on **the** outside of the door of every room and place wherein any part of his business **is** to be carried on the name of the vessel, room or place both in Tamil and English according to the purpose for which it is intended. If more than one room or vessel is used for the same purpose they shall be distinguished by progressive number. The capacity as ascertained by gauging of each vessel shall also be similarly marked on it. All vessels to be used shall be registered by the Excise Supervisory Officer and no unregistered vessel shall be kept in the brewery.

17. Vessels in brewery.-*[All vessels except casks used for vessels and settling back shall be of regular shape so that their contents can be ascertained by the application of the **r**ules for

* Subsituted by G.O.Ms.No. 322, P&E (III) Dept, dated 09.09.2004. SRO A-37 (a-2) / 2004.

storage including **mashtuns**, underbacks, coolers, fermenting gauging under the provisions of the Standards of Weights and Measures (Enforcement) Act, 1985 (Central Act 54 of 1985) and the **r**ules made thereunder and no such vessel shall be used in brewery unless it has been gauged by the Department of Weights and Measures**].** All fermenting and settling vessels should be fitted with fixed dipping places so that their contents may at any time be ascertained by means of dipping rod divided into milli-metres and centi-metres. The vessels shall not be altered in shape, position or capacity without atleast two days notice in writing to the Excise Supervisory Officer.

*[**18. Gauging of vessel**.- (1) All **mashtuns** and fermenting vessels shall be gauged by the Department of Weights and Measures under the provisions of the Standards of Weights and Measures (Enforcement) Act, 1985 (Central Act 54 of 1985) and the **r**ules made thereunder.

(2) The gauging certificates issued by the Department of Weights and Measures shall be got attested by the Joint Commissioner of Prohibition and Excise, Chennai or any other

* Subsituted by G.O.Ms.No. 322, P&E (III) Dept, dated 09.09.2004. SRO A-37 (a-2) / 2004.

officer authorized by the Commissioner.

(3) Regauging shall be done once in **five** years or even earlier, if the Commissioner of any officer authorized by him so directs.

19. Re-gauging of vessels in certain cases.- No vessel which has been altered in shape, pos ain

be taken into use unless it has been **re-gauged** by the Department of weights and Measures, under sub-rule (1) of Rule 18**].**

** [20******]

** Omitted by G.O.Ms.No. 322, P&E (III) Dept, dated 09.09.2004.

20.A. Fixation of production capacity.- The licensee shall not manufacture beer in excess of such quantity fixed by the Government from time to time.

21. Inspection by Excise Staff.- The licensee shall, at any time, permit the Commissioner, the Excise Officer or any officer not below the rank of an Excise Officer authorized by the Commissioner in this behalf, to inspect and examine the brewery utensils and the beer manufactured and stored therein, and the licensee shall render to the officers aforesaid, all such assistance as may be necessary in making such inspection and examination.

22. Supervision.- (1) All transactions pertaining to the receipt, transfer, storage, brewing or bottling at the brewery **or** issue of bottled beer therefrom shall be under the supervision of the Excise Supervisory Officer.

(2) The strength of the establishment to be maintained for supervision of the operations at the brewery shall ordinarily be one Excise Officer, One Excise Inspector and three Excise Guards, but the Commissioner may, with the previous sanction of the Government increase or reduce the strength of the staff, if he considers it necessary.

(3) Every licensee shall pay the cost of the establishment including the allowances, leave salary and pension contribution for every month in advance.

(4) Every licensee shall provide suitable residential accommodation to the satisfaction of the Commissioner, to the said staff, at rents not exceeding 10 percent of the basic pay of the said staff.

23. Samples.- (1) The licensee shall, when required by the Excise Supervisory Officer **or by an officer** authorised by the Commissioner in this behalf, permit to take without payment of Duty or fee and free or cost samples of the materials used or worts in any stage of fermentation of beer manufactured in the brewery, for chemical test or analysis.

(2) Beer may be issued as trade sample in quantity of not more than ten litres without permit from the Commissioner but subject to payment of the Duty and fee.

24. Maintenance of brewing book.- (1) the licensee shall**,-** (a) **k**eep a book called Brewing book in Form B-5 supplied by the Excise Officer at the beginning of each quarter in the brewery and make it available at all times, for inspection by Excise Officers authorized to inspect the brewery and for making extracts therefrom.

(b) make entry in the **Brewery** book in accordance with such instructions may be given by the Commissioner or Excise Supervisory Officer from time to time; and

(c) **s**end notice in writing to the Excise Supervisory Officer of his intention to brew, forty-eight hours before such brewing takes place, if so required by the Commissioner.

(2) When the brewing book is left at the brewery, the licensee shall see that it is not in any way defaced or mutilated or lost.

25. Accounting of produce by Excise Supervisory Officer.- The licensee shall allow the Excise Supervisory Officer to take account of the produce and worts or grains mixed during the process of brewing whenever such accounting becomes necessary.

26. Levy of Excise Duty and *[**Export fee]**.- (1) The excise duty shall be leviable **at** such rate as the Government may notify under section 18-B(1) of the Act,

*Subsituted by G.O.Ms.No. 112, P&E (III) Dept, dated 03.06.2003

*[(2) An export fee of rupees two per bulk litre shall be paid on all stock**s** of beer issued from the brewery for export to other States, Union Territories or other Countries.]

* Subsituted by G.O.Ms.No. 31, Home, P&E (III) Dept, dated 20.10.2017

27. Collection of Excise Duty.-(1) The excise duty on beer, at the specified rate shall be paid by the licensee on the stock of beer issued from the brewery, provided that no stock of beer shall be removed from the brewery, except on pre-payment of duty **under this ruleand** under a valid indent issued in Form B-6:

Provided that where the Excise Duty * [****] on the stock of beer to be removed from the brewery could not be remitted into the Bank by the Treasury by the licensee due to Public or Bank

* The expression “and vend fee” omitted by G.O.Ms.No. 112, P&E (III) Dept, dated 03.06.2003

Holidays or due to strike by the **e**mployees of the Bank **or** Treasury, the Commissioner may permit, in writing, the licensee to move such quantity of beer from the **brewery** without pre-payment of **e**xcise **d**uty [***] and to remit such **excise duty** [***] on the day as may be specified by him.

***[27-A- Power to fix the price of the beer**.- The Government may, from time to time, fix the minimum and maximum

* Inserted by G.O.Ms.No.315, H, P&E (III), dated 03.03.1989

price for sale of beer by manufacture to the wholesaler, by the wholesaler to the retailer and by the retailer to the consumer and no sale shall be made otherwise than in accordance with the above prices].

28. Refund when and how made.- If the licensee doubts or disputes the correctness in accounting made by the Excise Supervisory Officer and consequential amount of excise duty demanded from him, he may refer the matter for decision of the Commissioner, after depositing all sums due under rule 27. In the event of the original amount being found incorrect, any excess levied from the licensee shall be re funded to him and if the amount claimed from him is found to be less than that actually due, he shall

be called upon to remit the difference at once into Government account.

29. Bottling.- **(**1) The licence to establish a brewery shall carry with it the right to bottle, **in** the premises of the brewery, the beer made therein.

(2) No beer shall be bottled by the licensee except in the presence of the Excise Supervisory Officer or some other officer deputed by such Excise Supervisory Officer or the purpose.

(3) After the bottles are filled with beer, they shall immediately be corked and sealed or fitted with pilfer proof printed caps and affixed with a label which shall contain the following particulars, namely:-

(i) The name of the manufacture,

(ii) **b**rand of the beer,

(iii) The place of manufacture.

(iv) Batch number of the product and date of bottling.

(v) The alcoholic percentage,

(vi) **T**he slogan as follows:-

"Liquor - ruins country, family and life"

"kJ eh£L¡F, Å£L¡F , cæU¡F nfL**"**

(vii) The words „For sale in Tamil Nadu only" or „Not for sale in Tamil Nadu" as the case may be, shall be printed on the front side of the label**;** depending on whether the stocks are intended for consumption within the State of Tamil Nadu or for export outside the State of Tamil Nadu and the words „For Export only" shall be printed on the front side of the labels on the beer bottles meant for export to foreign countries; and

(viii) Such other matters as may be specified by the Commissioner.

* [Provided that the labels affixed in the bottles to be exported outside the State need not contain the slogans referred to in clause

*Inserted by G.O.Ms.No.540, Home, P&E, dated 10.05.1990

(vi)]

(3A). **Before the cans are filled with beer, they shall be printed with a label which shall contain the following particulars,

** Inserted by G.O.Ms.No.11, Home, P&E (III), dated 14.02.2018

namely:-

(i) The name of the manufacture,
(ii) Brand of the beer,
(iii) The place of manufacture,
(iv) Batch number of the product and date of bottling,
(v) The alcoholic percentage,
(vi) The slogan as follows:-

"Drinking liquor will ruin the family. Drinking liquor is injurious to health".

"kJ eh£L¡F, Å£L¡F, cæU¡F nfL**".**

(vii) Place of sale:

Theexpression „**For** sale in Tamil Nadu only" or „Not for sale in Tamil Nadu" as the case may be, shall be printed on the front side of the **cans** depending on whether the stocks are intended for consumption within the State of Tamil Nadu or for export outside the State of Tamil Nadu and the expression "For Export only" shall be printed on the front side of the cans meant for export to foreign countries; and

(viii) Such other matters as may be specified by the Commissioner.

Provided that the labels affixed in the bottles, cans, casks or kegs to be exported may contain slogans as per the requirement of the importing State or Union Territory or Country which may differ from clause (vi) above.";

or keg shall be clearly indicated in bold letters on the label or

*** Substituted by G.O.Ms.No.11, Home, P&E (III), dated 14.02.2018

(4)*** The guaranteed fluid contents of each bottle, can, cask printed on the cans.";

(5) No label shall be used unless it is approved by the Commissioner.

(6) The bottles to be used for the purpose of bottling beer shall be of uniform size and properly cleansed and washed.

(7)* Immediately after the bottles, cans, casks or kegs are

filled up with beer, they shall be corked, sealed, capsuled and labelled and removed to the finished store room.";

Provided that in the case of draught beer, immediately after the casks or kegs are filled up with draught beer, they shall be corked, capsuled and labelled and removed by Five Star Hotels, who are holding FL3 licence issued under the Tamil Nadu Liquor

(Licence and Permit) Rules, 1981, on an indent for taking delivery of draught beer issued by the Tamil Nadu State Marketing Corporation Limited.

(8) The capsule shall bear the name of manufacturer and the brand.

* **[29.A- Allowance for wastage of beer**.-(1) An allowance of not morethan eight and a half per cent shall be allowed for wastage in the production of beer from the stage of fermenting the

* Inserted by G.O.Ms.No.250, P&E, dated 23.11.2001

wort upto bottling. Wastage shall be calculated on the quantity and not on any loss of strength that may occur. Any deficiency in excess of eight and half per cent shall be charged with Excise Duty, at the rates applicable to the beer.

(2) The measurement of wastage shall be **made** immediately after the batch of beer bottled and particular fermentor vessel is emptied completely.**]**

30. Licensee to inform Excise Officer of certain matters.-Every licensee shall report to the Excise Supervisory Officer all instances of breach of any provision of the Act or rules committed by any person empowered by him in the transport, storage and sale of beer.

31. Disposal of the stock of beer, etc., in the event of the licence being cancelled:- On the expiry of a licence or if the licence is cancelled or suspended, the balance of beer in the brewery shall be disposed of in such manner as the Commissioner may direct. The cost of excise establishment at the brewery till the disposal of the beer shall be recovered from the licensee.

32. Removal of beer from the brewery:- *"All stocks of beer or draught beer either in bottles or otherwise than in bottles shall be removed from a brewery"

* Substituted by G.O.Ms.No.11, Home, P&E (III), dated 14.02.2018

(i) on payment of prescribed fee and duty if sold to the licensees in the State authorised by the Commissioner or other officer empowered in this behalf;

* Substituted by G.O.Ms.No.11, Home, P&E (III), dated 14.02.2018

(ii) either after pre-payment of duty and fee or under bond for export to other States or other countries when specially permitted by the Commissioner;

(iii) as samples to the Excise Officers or as trade samples under rule 23.

*[**32-A. Export of beer**.-(1) No beer shall be exported to other States, Union Territories or other countries except under an export licence in Form B-10 issued by the Commissioner under these Rules and in accordance with the conditions subject to which such export licence is issued.

* Substituted by G.O.Ms.No.31, Home, P&E (III) Dept, dated 26.10.2017

(2) The holder of the licence under rule 5 desirous of obtaining a licence for export of beer to other States, Union Territories or other Countries shall apply to the Commissioner. Every application shall be affixed with a court-fee label to the value of rupees two and accompanied by the treasury receipt in support of payment of an annual export licence fee of rupees one lakh for export of beer to other States / Union Territories only, rupees two lakhs for export of beer to other Countries only and rupees three lakhs for export of beer to both other States/Union Territories and other Countries. The Commissioner may, issue a licence in Form B-10 and may approve the specifications, brand names and labels to be used in respect of beer to be exported to other States, Union Territories or other Countries.]

**32-B Procedure for export.- (1) The holder of licence in

or other Countries, shall apply for an export permit to the

** Substituted by G.O.Ms.No.31, Home, P&E (III) Dept, dated 26.10.2017

Form B-10 desiring to export beer to other States, Union Territories

Commissioner in Form B-11 which shall be affixed with a court-fee label to the value of rupees two and accompanied by the treasury receipt in support of payment of export permit fee of rupees ten. Every such application shall be accompanied by an import licence or the import permit or a „No Objection Certificate" issued by the State, Union Territory or Country allowing the import. The treasury receipt in support of the payment of export fee under rule 26 and a bank guarantee from a Nationalized Bank situated in this State at the rate of nine rupees per bulk litre for Lager Beer and at eleven rupees per bulk litre for Strong Beer as a performance guarantee shall also be enclosed along with the application in Form B-11.

(2) Every application in Form B-11 shall contain the following particulars, namely:-

(i) Name and address of the licensee.

(ii) Export licence No. and date and its period of validity.

(iii) Quantity, brand name and specifications of beer proposed to be exported.

(iv) Name and address of the importer including copy of the licence held by him.

(v) Number and nature of receptacles or packages containing beer.

(vi) Route of transport (state whether road, rail, road-cum- rail, air, sea, etc., and indicate the important places on the route).

(vii) Period of validity of permit requested.

(viii) Details of payment of export fee.]

*[**32-C Issue of export permit**.- (1) On receipt of an application under rule 32–B, the Commissioner, may after making such enquiry, as he deems fit, issue the export permit, in

* Substituted by G.O.Ms.No.31, Home, P&E (III) Dept, dated 26.10.2017

Form B-12 to other States, Union Territories or other Countries, as the case may be, subject to the following conditions, namely:-

(i) The consignment shall be verified by the Excise Supervisory Officer of the manufacturing unit before export.

(ii) The permit shall accompany the consignment and shall be used only once during its currency. The consignment so permitted shall be exported in a single lot.

(iii) The permit shall be surrendered to the Commissioner, if it is not made use of within the period of validity.

(iv) The licensee shall be bound to pay the cost of the escort, for the consignment, if any.

(v) The consignment shall be exported only through the route **specified** in the export permit.

(vi) The licensee shall pay commission at the rate of one percent on the invoice value of the consignment to the Tamil Nadu State Marketing Corporation:

Provided that if the Tamil Nadu State Marketing Corporation‟s basic price is higher

(vii) The licensee shall export to other States, Union Territories or other countries, only after fulfilling the supply requirement of beer within the State of Tamil Nadu, as stipulated by the Tamil Nadu State Marketing Corporation.

(viii) The licensee is solely responsible for the consignment exported to reach its destination, within the validity period of the export permit:

Provided that in the event of extension of period being sought for by the licensee, the Commissioner may grant, at his discretion, upon reasons to be recorded in writing, a further period not exceeding the period mentioned in the export permit.

(2) *The export permit shall be issued in seven copies by the Commissioner in Form B-12. The first copy of the permit shall be issued to the export licensee, the second copy shall be kept in the office of the Commissioner, the third copy shall be sent to the Excise Authority of the State, Union Territory or other Country to which the beer has to be exported, the fourth copy shall be sent to the concerned Excise Supervisory Officer of the Brewery, the fifth copy shall be sent to the Tamil Nadu State Marketing Corporation Limited, the sixth copy shall be sent to the importer and the seventh copy sh

*Substituted by G.O.Ms.No.31, Home, P&E (III) Dept, dated 26.10.2017

Enforcement Officer of the State, Union Territory or other Country to which the beer has to be exported.] ****[32-D. Delivery of Consignment**.-The Licensee shall, within sixty days from the date of expiry of validity of the export permit, furnish as proof of the consignment having reached its

** Substituted by G.O.Ms.No.31, Home, P&E (III) Dept, dated 26.10.2017

destination to the Commissioner,-

(a) in the case of export to other State or Union Territory, an Excise Verification Certificate obtained from the officer in-charge of the Excise Department of the State or Union Territory to which the consignment was exported.

(b) in the case of export to other countries, a copy of the Bill of lading or Airway Bill along with the Bill of Entry or similar documents submitted at the Seaport or Airport of the importing country.

On submission of proof of delivery of the consignment, the bank guarantee shall be returned to the licensee. In the event of failure to produce proof of delivery of consignment, the bank guarantee furnished by the licensee shall be invoked and the encashed amount be adjusted to the Government revenue. New permit shall not be issued until proof of delivery of the previous consignments which are due, are furnished.]

33. Suspension of cancellation of licence:- (1) The Commissioner may without prejudice to any other proceedings which may be taken against the licences by an order in writing suspend of cancel the licence or forfeit the whole or part of the deposit made under **the** rules, if the licensee or any person in his employment contravenes any of the provisions of the Act or the rules made thereunder or the conditions of the licence;

Provided that before proceeding under this rule the Commissioner shall give the licensee a notice in writing stating the grounds on which it is proposed to take action against him and requiring him to show cause against it within such time not ordinarily exceeding fourteen days as may specified in the notice.

(2) The licensee shall not be entitled to claim any compensation on account of suspension or cancellation or non-renewal of the licence.

(3) Notwithstanding anything contained in sub-rule (1) above in so far as it relates to suspension of licence, when a prime facie case has been made out, the Commissioner may, at any time, and for reasons to be recorded in writing suspend the licence and in such case it shall not be necessary to give an opportunity to the licensee to state his objections.

(4) Notwithstanding anything contained in the sub-rule (1) the Commissioner may cancel a licence without any notice if the licensee is adjudged as an insolvent by a competent Court.

34. Forfeiture of Security deposit or cancellation of licence not a bar to prosecution.-Forfeiture of security deposit or cancellation of the licence shall not relieve the licensee liability to be prosecuted for any specific offence committed by him against the Act.

35. Inspection by Revenue Divisional Officer:- Notwithstanding anything contained in these Rules and the exercise of similar powers by the Assistant Commissioner, the Revenue Divisional Officers are authorised, in their jurisdiction, to inspect the licences issued under these rules, and enter into and inspect the brewery to check the accounts, take stocks, test the strength of any liquor that may be kept in the brewery, take samples of such liquor for chemical test or analysis, and exercise all such powers as may be deemed to ensure that the licensee **confirms** to the terms and conditions for the licence granted to him.

36. **Licensee to abide by order of Commissioner, etc**.-The licensee shall be bound by all additional general Rules relating to the manufacture of beer which may hereafter be made and by all special orders issued by the Commissioner, from time to time and he shall cause all persons employed by him to obey all such Rules and Orders.

37. Commissioner may direct stoppage of work.- Where the Commissioner is not satisfied with the maintenance of the building, plant, or any other appliances or vessels he may require the licensee to stop working of the brewery within three days from the date of communication of the notice to that effect.

38. Government not liable for loss, etc.of beer in brewery.- Government shall not be held responsible for the destruction of, loss of or damage to any stock of beer stored in the brewery, by fire or theft or by gauging or proving or by any other cause whatsoever.

39. Execution of counterpart agreement.- The licensee shall execute a counterpart agreement in Form B-7.

40. Certain provisions of the Act to apply to breach of rules.-The provisions of sections 13 and 14 and Chapter V of the **Act** shall apply *mutatis mutandis* to a breach all or any of these **r**ules.

41. Power to exempt.-The Government may, by notification, subject to such conditions, **if** any, as the Government may specify in such notification, exempt, whether prospectively or retrospectively, any person or class of person from the operation of these **r**ules.

****

FORM B-1.

[See rule 3(1)(a)].

From

To

The Commissioner and Secretary to Government,
Prohibition and Excise Department,
Chennai – 600 009.

Sir,

I am desirous of establishing a brewery at ..... District for the manufacture of beer. I submit herewith a scheme for the working of the brewery as required in rule 3(1)(a) of the Tamil Nadu Brewery Rules, 1983. I request the Government may be pleased to accord their approval for the scheme. I shall complete the formalities within 6 months from the date of approval of the scheme by the Government.

Thanking you,

Yours faithfully,

Dated:

Enclosure: Scheme in Form appended.

APPENDIX TO FORM B-1.

(Scheme notifying the proposal to construct and work a Brewery.)

I. (a) Name and address of the applicant :
(b) Name and address of the undertaking :
(c) Whether public/private Limited or proprietary concern :

2. Capital Structure-

(a) In case of Limited Company:-
(i) Authorised :
(ii) Issued :
(iii) Paid up :
(iv) Borrowing, if any :

(b) In case of other :
(i) Capital :
(ii) Borrowing, if any :

(c) Details of Investment :

I. Fixed Assets :
(i) Land Rs.
(ii) Building Rs.
(iii) Plant or machinery Rs.
(iv) Others, if any Rs.

Total Rs.

II. Working capital Rs.

3. Location :

4. Plant and machinery-

(i) Value of plant and machinery to be imported or **of imported** origin.

(ii) Value of plant and machinery of indigenous origin.

5. Raw materials required for production-

(i) Quality and value of raw material to be imported or of imported origin per year.

(ii) Quality and value of raw material of indigenous origin per year.

(iii) Quantity and value of the molasses and alcohol, if any, required per year in the manufacture of fortification of the liquor proposed for manufacture.

(iv) Whether it is proposed to manufacture or procure the alcohol/molasses from private sources without the aid of the Government.

6. Water and power requirement-

(i) Particulars of requirements

(ii) Whether necessary permission has been secured.

7. Process-

(a) Brief process of manufacture

(b) Standard and quality of products proposed to be manufactured.

8. Technical assistance-

Whether any foreign collaboration or know how is envisaged and if so, the foreign exchange involved.

9. Forecast of time factors-

(a) Time required to secure land, building and other accommodation after the letter of intent is issued.

(b) Time required to erect machinery and start production after licence is granted.

10. Item of manufacture | Annual capacity, quantity, value | Estimated annual product. | I.F. Unit value

		(in metric measures)	production
(1)	(2)	(3)	(4)

11. Employment potential-
    (i) Supervisor
    (ii) Skilled
    (iii) Unskilled
12. (a)Any special facilities required from the Government.

    (c) Special features, if any, of the scheme.

13. (i) **Challan** number and date in support of payment of the fee of Rs. 500; and

    (ii)Whether the **challan** in original is enclosed.

Signature of the applicant with date.

FORM B-2.

[See rules 3 (1) (a) and 23]

PROHIBITION AND EXCISE DEPARTMENT.

LETTER OF INTENT

Government Letter Number: Dated:

From

The Secretary to Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Chennai – 600 009.

To

Thiru/ Thiruvalargal

Sir(s),

Subject : Excise – Tamil Nadu Brewery Rules, 1983 –
Proposal to construct and work breweries in private sector – Approval for the Scheme – Notified.

Reference: Your Letter.....

The Government have perused the scheme submitted with your letter cited for the manufacture of beer at .....(Place).....(District) under a licence to be granted and they have tentatively decided to accord sanction to the proposal for a capacity of ..... million litres per year but without any commitment on the part of the Government to allot or supply any raw materials or recommend any foreign exchange or foreign collaboration, should you fulfill the formalities prescribed under the rules now in force or as may be prescribed from time to time hereafter.

2. This letter of intent is valid for a period of six months from its date but it shall not however, confer any right or privilege for the grant of a licence in your favour and it is liable to be withdrawn in public interest at any time on the expiration of not less than thirty days, notice in writing of the Government‟s intention to withdraw and in such an event no compensation or damage whatever shall be payable for the same.

Yours faithfully,

Commissioner and Secretary
to Government.

Copy to:
The Commissioner of Prohibition and Excise, Chennai-600 005. The Collector of .....District.

The Director of Industries and Commerce, Madras- 600 005. The Industries Department, Chennai-600 009.

FORM B-3.

[See **r**ule 4(1)].

To

The Commissioner of Prohibition and Excise,
Ezhilagam, Madras – 600 005.

Application for licence under rule 4(1) of the Tamil N**adu Brewery Rules, 1983.**

Dated.....

Application of.....*/resident of ..... carrying on business at .....

(1) The undersigned Thiru ...../ for himself / acting on behalf …….**a**pplies for a licence to construct and work, and possess a brewery under the Tamil Nadu Brewery Rules, 1983, at ..... in the **d**istrict of ..... in the State of Tamil Nadu,

(2) The applicant desires to work brewery and apparatus of the following sizes and descriptions, namely:-

…….. ……..

…….. ……..

…….. ……..

(3) In the event of a licence being granted, the applicant proposes to construct a brewery within ..... and commence working at the brewery on the .....

(4) Plans and estimates of the premises and buildings to be used as a brewery and for store house and other purposes connected with the business of brewing are annexed for approval. The **a**pplicant undertakes to erect buildings and to make all necessary structural or other alterations and additions to the premises and buildings which the Commissioner may, from time to time, direct and in all respects to conform to the Commissioner‟s directions as to the maintenance of the premises and buildings in a proper state in regard both to the repair and conditions of the buildings and premises and their sanitation and suitability to the purposes of a brewery under the rules in that behalf for the time being in force.

(5) The applicant undertakes to comply in all respects with (a) the provisions of the Tamil Nadu Prohibition Act, 1937; (b) the provisions of the Tamil Nadu Brewery Rules, 1983 applicable to the brewery or its working; and (c) the conditions which may be entered in the licence applied for.

(6) A certificate from the municipality or other local authority to the effect that there are no objections on sanitary ground to the carrying on of the business of brewing in the locality, to the premises and buildings proposed is attached.

(7) Any further plans, estimates or information required will promptly be supplied.

(8) The applicants is / are ready and willing to deposit the sum of Rs..... as Security for the due performance by him / them of each and all of the **requirements** of the Tamil Nadu Brewery Rules of the licence.

(Signed) †.....

_____ * Here enter the full name and address of the applicant. If more than one person is concerned in obtaining a licence, the full name and address of each such person must be given. If the application is from a firm, the full name and principal place of business of the firm and the names of each partner thereof must be stated. If the application is from company, the registered name and office of the company and the name of the officer thereof making the application must be stated.

† To be signed by each applicant (if more than one) or some person legally authorised to sign for him, or for the **f**irm or **c**ompany when the application is from a **f**irm or **c**ompany.

FORM B-4.

[See rule 5(1)]

Licence number and date:

Licence to work a brewery.....

Licence to work a brewery at.....is hereby granted to ……grantee of the privilege under Section 17-C of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) son of .....residing at……in the district of ..... on payment of Rs…….....(Rupees……. …….....) licence fee per annum, subject to the Tamil Nadu Brewery Rules, 1983 and the conditions set out hereunder and such other Rules and conditions that may be notified from time to time.

CONDITIONS

1.The breach of any of these **r**ules and conditions will result in the suspension or cancellation of the licence and consequently there will be no refund of any fee paid or deposit made in respect thereof.

2. The licence shall be liable for cancellation in the event of the licensee failing to construct and work the plant and machinery and manufacture the beer within the period of the licence in which case the licensee shall not be entitled to any compensation for whatever damage or loss.

3. Beer shall be brewed from good materials and its quality shall be such as to satisfy the Commissioner. Wort shall not be brewed of a higher gravity than 1073o. Nothing shall be added to the beer after it has been rocked and removed to a beer-store, except **finings** or other materials approved by the Commissioner, in such proportions as may be fixed by him. Beer in the store must not be diluted; any beer found in the store which has been either diluted or in any way adulterated shall be liable to confiscation. The confiscation of the beer shall not exonerate the licensee from any penal action under the Act.

4. No materials other than malt, grain sugar, glucose, or hops shall be used in brewing and nothing other than finings may be added to beer in store, without the previous sanction of the

Commissioner. The use of the following materials only is permitted:-

I. In brewing:-

(1) Burton Crystals
(2) Caramel
(3) Corpulose
(4) Multose
(5) Porterine
(6) Ibrite
(7) Hop substitute (Quassia, Gentian Calumla and Chiretta)
(8) Optanin
(9) Zumsite

(10) American flour
(11) Gypsum
(12) Septose
(13) Klearwort
(14) Pure Cell Acid (Sulphuric)
(15) Cheratta
(16) Malt flour
(17) Standard Salt
(18) Unfermentable **syrup**
(19) Disatagi**c** malt syrup
(20) Sulphosite.

II. In beer-store:-

(1) Bisulphite of lime
(2) Kalium Metasulphite
(3) Phylax
(4) Beer Neutraliser
(5) Hop oil
(6) Unfermentable syrup.

The use of following preparations has been forbidden: (1) Forth heading
(2) Pale heading power
(3) Minoka Juice.

5. No ingredients noxious to health shall be used. If the licensee intends to use any materials not previously approved for use, he shall apply to the Commissioner for necessary sanction through the Excise Supervisory Officer with a sample of the material detailing the purpose for which it is to be used. The Excise Supervisory Officer shall submit such application through the Assistant Commissioner to the Commissioner.

6. As the storage of either malt or unmalted corn is not controlled, the room in which malt is ground if it has internal communication with any room or place of the bonded premises of the brewery, shall be included into the bound premises of the brewery as shown in the approved plan.

7. All sugar shall be stored in a room specially set apart for the purpose to be shown as a sugarstore. Sugar shall not be removed form the store into any other part of brewery except in pursuance of an entry in the book for use in brewing.

8.(a) Hop or hop substitutes shall be stored in a room specially indicated in the bonded premises of the brewery for such purposes.

(b) Other approved brewing materials must be stored either in hop store or in a room specially set apart and called “Brewing specialty Room”.

9. Potassium Meta-Sulphite, Bisulphite of lime, Finings and Kalium Meta-Sulphite and Burton crystals may be stored at the discretion of the licensee.

10. When the licensee intends to use a sugar solution for priming beer prior to issue he shall provide a separate cask or vat, which shall be used for the purpose of dissolving sugar only and shall be distinctly marked „Priming vessel”.

When a sugar solution is to be used for priming beer prior to issue the licensee shall intimate to the Excise Supervisory Officer, the above fact in writing atleast 6 hours before making the solution, declaring the quantity of sugar to be used in making the solution and hour at which he proposes to make the solution.

The quantity of sugar to be used in making the solution and the hour of dissolving the sugar shall be entered in proper column in the Brewing Book atleast six hours before making the solution. The gravity of the solution shall not exceed 1073^{o}. When the solution is complete, the licensee shall enter its dip and gravity in the Brewing book and shall not remove any portion of it unless the Excise Supervisory Officer or any other Officer authorised in this behalf had checked the entry. The quantity declared by the licensee or founded by the officer, whichever is greater, shall be taken into account for charging **d**uty.

Priming solution may be concentrated by boiling to density not more than 1150^{o} after the charge has been taken by the Excise Supervisory Officer, provided the licensee **gives** notice to concentrate the solution in the Brewing Book. Such an entry shall be made in red ink. The Excise Supervisory Officer shall immediately make a survey, record it in red ink and note in the remarks column of the brewing book, the survey in which the charge for duty has been taken.

Before removal of solution, the licensee shall note in the remarks column of Brewing Book. The quantity to be removed, the hour of removal and the number of casks to which the solution is to be added. No greater quantity than four litres shall be added to each hogs head of beer and proportionately for smaller casks. The Excise Supervisory Officer shall check the addition as often as possible.

11. The licensee shall obtain prior permission from Commissioner for the use of hops and hop substitutes and the proportion in which they are to be used.

12. The licensee shall not use Palmyrah sugar in the manufacture of or as an addition to finished beer.

13. Casks may be used for making and storing solutions of Caramel, Corpulose, Maltose or Porterins. Every such cask shall be given a number and entered in the survey book as a collecting vessel with the note of the name of the material for which it is intended to be used.

14. At least six hours before making solution of such materials as **caramel**, the licensee shall enter in the Brewing Book the date and hour of making the solution and the material to be used and on conclusion of the operation shall enter at once the quantity and gravity of the solution. The gravity shall not exceed 1073^{o}. The Excise Supervisory Officer shall verify the quantity and gravity and specify the quantity for Duty as if it were beer. The licensee shall note in the remarks column of the Brewing Book each removal from the cask, specifying the quantity removed and the vessel to which it has been added. The Officer shall show the condition of the cask upon each complete survey.

15. Yeast may be added at any stage or collection of wort in the fermenting vessel, but if it is added so early before the complete collection of wort that fermentation has commenced, the licensee

must declare the original gravity of the wort before fermentation commenced.

16. The licensee shall enter in the Brewing Book the quantity and gravity of the expressed wort and the name and the number of the vessel to which it is to be added. When expressed wort is added to Beer in store, it shall be added to beer irrespective of the nature of the brewing from which expressed but wort filtered without pressure may be added to beer of the same denomination as itself.

17. Vessels used for yeast **culture** shall be duly entered and brought under survey. They may be placed in any suitable room in the brewery. They shall be gauged to the nearest litre per centimetre of depth so that the quantity may be verified or cross checked if necessary by Excise Officer. Vessels said to contain yeast shall be examined so as to satisfy that uncharged wort is not being fermented. After the first charge is taken in any yeast culture vessel the surface shall not be broken unless fraud is suspected. The entry in brewing book in such surveys shall be the word "growing".

18. Small unfixed casks may be used as fermenting vessels to take any unexpected of wort produced in brewing the quantity of which is too small to permit efficient fermentation in a fixed fermenting vessels. The licensee shall inform the officer in writing of the said fact and shall declare the quantity of the wort contained in the casks originally. Permission for the use of such casks may be withdrawn wherever it is found that they are employed as a matter of course and continuously.

19. Only pure filtered water shall be used for the manufacture of beer.

The licence is valid from to 31st March 20..... and it is not transferable.

Commissioner of
Prohibition and Excise.

FORM B-5

[**see rule** 24 (1)].

Brewing Book

No. Brewery.

Quarter ending 20.....

Examined folios. :

Officers Name. :

Rank :

Date :

Checked Officer	2. Excise Supervisory Date and hour of entry	Date and hour of

Mashing malt	Dissolving or corn sugar	
(1)	2 (a)	2 (b)

3. Quantity issued

Malt	Unmalted	Sugar	Glucose	Hops		
						Substi-tute
				Fresh	Partly spent	
3(a) Kg	3(b) Kg	3(c) Kg	3(d) Kg	3(e) Kg	3(f) Kg	3(g) Kg

4. Date and hour when the worts are drained	5.Worts collected from the grains				
	Date and hour when collected	Vessels Number	Name	Dip	Garvity
(4)	5(a)	5(b)	5(c)	5(d)	5(e)

6. Date and hour of entry	7. Mixing wort			
	Date and hour of	Date of brewing	Vessels from which taken	
			Number	Name
	7(a)	7(b)	7(c)	7(d)

8.Worts mixed	ials	10. Remarks

Number Name Dip Gravity Brewers Officers
8(a) 8(b) 8(c) 8(d)
9(a) 9(b) (10)

FROM B-6.

* **[**See rule 27(2)**]**

Indent for removal of Beer

*Substituted by G.O.Ms.No.87, H,P&E (III), dated 04.08.1990

No. Date:

1. Name and address of the brewery ..
2. Licence number and date ..
3. Particulars of beer to be removed ..
   Batch number.
4. Quantity in litres ..
5. Rate of **d**uty ..
6. Amount of Duty payable ..
7. Name of Treasury, Challan Number ..
   and date in which the **d**uty has been remitted (Challan shall be enclosed in original).
8. Consignee"s address and Licence ..
   number.
9. Remarks, if any ..

Signature of Licensee or his
Authorised Agent.

Checked and found to be correct. The Duties has been paid for the consignment Indent passed and cheque is used.

Excise Supervisory Officer,
(Officer in charge
……....Brewery)

Copy to the Assistant Commissioner of Excise,.....

(The indent shall be in triplicate. Original shall be retained by the licensee. Duplicate shall accompany the consignment and the Triplicate forwarded to the Assistant Commissioner of Excise concerned).

FORM B-7.

(See Rule 39)

Counter Agreement

An agreement made this .....day of .....between Thiru/Thirumathi/Selvi ..... Son/wife/daughter of…… residing at .....(herein after called the "licensee" which expression shall unless repugnant to the subject or context include his/her heirs, legal representations and assigns) of the one part and the Governor of Tamil Nadu (herein after called the "Governor" which expression shall, unless repugnant to the subject or context, include his successors-in-office and assigns) of the other part,

WHEREAS the licensee has been granted the privilege to manufacture beer by the Commissioner of Prohibition and Excise, Chennai.

NOW IT IS HEREBY AGREED by and between the licensee and the Government that the licensee shall well and truly observe and perform the conditions and stipulations continued in the licence No.....dated the.....day of .....20..... issued to licensee by the said Commissioner under the Tamil Nadu Brewery Rules, 1983.

IN WITNESS WHEREOF ..... licence and Thiru ..... acting for and on behalf of the Governor of Tamil Nadu have set their hands on the day, month and year first above written.

Signature of Licensee.

Witness: (1) Name :

Occupation :

Address :

(2) Name :

Occupation :

Address :

Signed by Thiru ..... acting for and on behalf of and by the order and direction of the Governor of Tamil Nadu.

Witness: (1) Name :
Occupation :
Address :

(2) Name :
Occupation :
Address :

FORM B-8.

[See Rule 8(2)]

Mortgage deed.

This deed of mortgage made this .....day of.....20 between .....(hereinafter called the **"Mortgagor"** which expression shall unless repugnant to the subject or context include his/her heirs, legal representatives, administrators, executors and assigns) of the **one part** and the Governor of Tamil Nadu (hereinafter called the "Mortgagee" which expression shall unless repugnant to the subject or context include his successors–in–office and assigns) of the other part;

WHEREAS by a licence in writing under the hand of Commissioner for Prohibition and Excise and bearing date the ..... 20... the said Commissioner of Prohibition and Excise being duly authorised under the Tamil Nadu Brewery Rules, 1983 framed under the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) appointed the Mortgagor to manufacture beer in the district of from the ……day of .....20 to the .....day of .....20.... subject to the conditions in the said licence contained and to be observed by the Mortgagor.

AND WHEREAS it was one of the conditions of the said licence that the infraction of any of the conditions of the licence by the Mortgagor or by any person in their employment might entail the suspension or cancellation of the Mortgagors licence.

AND WHEREAS by a counterpart agreement executed on the ..... day .....of .....20... the Mortgagors agreed to observe and perform all the conditions and stipulations contained in the licence.

AND WHEREAS it has been agreed by and between the parties hereto that the several provisions agreements and stipulations hereinafter contained shall apply not only to the licence herein before mentioned but shall apply also to any subsequent licence or licences granted to the Mortgagor immediately upon the determination of the licence hereinafter mentioned in renewal thereof respectively and of any further

licences to be granted to the Mortgagor for the same purposes respectively and that these presents shall stand as security for the due performance by the Mortgagor of the conditions of all or any such licences and of the several engagements entered into and to be entered into by the Mortgagor in respect thereof respectively and for the payment by the Mortgagors of all sums which may become due to the Government by way of duty fees, or other payments under the provisions of all or any such licences.

NOW THESE PRESENTS WITNESSETH that in pursuance of the said agreement in that behalf and in consideration of the grant of the licence the Mortgagor do hereby convenant with the

Mortgage that the Mortgagor shall pay to the Mortgage or to the Collector for the time being of the district of .....or other Officer of the Government of Tamil Nadu duly authorised in this behalf at the time or respective times when the same shall respectively shall become due or payable under the provisions of the hereinbefore recited licences or of any such new licences so to be granted as aforesaid all and every the sum and sums of money which shall or may from time to time or at any time during the continuance of the said licences respectively or any of them become payable by the Mortgagor to the Government of Tamil Nadu by way of Duty, fees, and other payments under all or any of the provisions of the said licence respectively or any of them or otherwise in connection therewith respectively AND THESE PRESENTS ALSO WITNESSTH that in further pursuance of the said agreement and in consideration of the grant of licence, the Mortgagor do hereby grant, convey and assign unto the Mortgagee ALL and singular the pieces or parcels of land, brewery, buildings and premises particularly described in the First Schedule hereunder written and also all and singular, the **fixed** and movable machinery implements and utensils, stock of beer and other things now or at any time hereafter during the continuance of this security fixed to or placed upon or used in or about the said lands, brewery, buildings and premises or any of them or any part thereof respectively all of which particularly described in the Second Schedule hereunder written together with all buildings, godowns, trees, commons, hedges, ditches, fences, ways, waters, water courses, liberties, privileges, **easements**, advantages and appurtenance whatsoever to the said several pieces or parcels of land, buildings and premises or any of them in anywise appertaining or heretofore occupied or enjoyed therewith and AND ALL **the** estate, right title interest, property claim and demand whatsoever of the Mortgagor and TO HAVE AND TO HOLD the said pieces or parcels of land, brewery buildings and premises hereby conveyed and assigned or expressed so to be hereinafter called the “mortgaged property” unto the Mortgagee for ever, subject to the proviso for redemption hereinafter contained PROVIDED ALWAYS and it is hereby agreed and declared that if the Mortgagor shall duly pay to the Mortgagee or to the Collector for the time being of the district of ..... or other Officer of the Government of Tamil Nadu duly authorised in this behalf at the time or respective times when the same shall respectively become due or payable under the provisions of the hereinbefore recited licence or of such new licences so to be granted as herebefore mentioned or any of them all and every sum and sums of money which shall or may from time to time or at any time during the continuance of the said licences respectively become payable by the Mortgagor to the Government of Tamil Nadu by way of Duty, fees, and other payments under all or any of the provisions of the said licences or any or either of them or otherwise in connection therewith respectively then the Mortgage shall at any time after all such pay ade upon the

request and at the cost of the Mortgagor re-convey and re-assign the said mortgaged property herein before expressed to be hereby granted conveyed and assigned unto the Mortgagor and the Mortgagor do hereby covenant and agree with the Mortgagee that Mortgagor shall not so long as any money shall remain on the security of these presents pull down or remove the said brewery buildings fixed or removable machinery, implements, apparatus or any of them or any part thereof without the permission in writing of the Commissioner of Prohibition and Excise for the time being unless in cases where such pulling down or removal shall be rendered necessary by any of the said mortgaged property being worn out or injured of the said beer except in the ordinary course of business of the Mortgagor as the holders of the said licences and in such cases shall replace the said mortgaged property worn out or injured or removed by others of atleast equal value AND IT is hereby agreed and declared that any buildings, engines, machinery, implements apparatus or utensils and any beer or other things which shall be erected or placed or used upon the said mortgaged property hereby granted, conveyed and assigned or any of them or any part thereof respectively during the continuance of the present security either in substitution for or in replacement of or in addition to any buildings, engines

machinery implements, apparatus, utensils or beer or other things now standing of being thereon shall be included in the present security and be subject to the provisions and agreements herein contained AND it is hereby agreed and declared that it shall be lawful for the Mortgagee at any time or times hereafter without any further consent on the part of the Mortgagor to sell the said mortgage property herein before expressed to be hereby granted, conveyed and assigned or for the time being subject to the present security or any part or parts thereof either together or in parcels (and as to the fixed and movable machinery implements, apparatus utensils beer and other premises of a like nature comprised in the present security either together with the buildings or lands to or upon which the same shall be fixed or stand or be or separately and detached therefrom) and either by public auction or private contract with power upon and such sale to make any stipulations as to title or evidence of title or the removal of any property which may be sold separately or detached from the buildings and land or otherwise which the Mortgagee shall deem proper and also with power to buy in or rescind or vary any contract for sale and to resale without being responsible for any loss occasioned thereby and for the purpose aforesaid or any of them to execute and do all such assurances and things as the mortgagee shall think fit. PROVIDED ALWAYS AND it is hereby agreed and declared that the Mortgagee shall not execute the power of sale herein before contained unless and until the mortgagee shall have previously given notice in writing to the mortgagors requiring him to pay off the moneys for the time being owing on the security of these presents **or** left a notice in writing to that effect upon some part of the said mortgaged property hereinbefore expressed to be hereby granted conveyed and assigned een made in

payment of such moneys or some part thereof for three calender months from the time of giving or leaving such notice and every such notice as aforesaid shall be sufficient **though not** addressed to any person or persons by name or designation and notwithstanding that the person or any of the persons affected thereby may be **unborn** unascertained under disability. PROVIDED also and it is hereby agreed and declared that upon any sale purporting to be made in pursuance of the aforesaid power in that behalf the purchaser or purchasers shall not be bound to see or inquire whether any of the cases mentioned in the provision lastly hereinbefore contained has happened or whether any such default has been made in payment of any money intended to be hereby secured or whether any money remains on the security of these presents or as to the necessity or expediency of the stipulations subject to which such sale shall have been made or otherwise as to the propriety or regularity of such sale and notwithstanding any **impropriety** or irregularity whatsoever in any such sale the same shall as far as regards the safety and protection of the purchaser or purchasers be deemed to be within the aforesaid power in that behalf and be valid and effectual accordingly and the remedy of the Mortgagor in respect of any breach of the clause lastly herein **before** contained or of any **impropriety** or irregularity whatsoever in any such sale shall be in damages only AND it is hereby also agreed and declared that upon any such sale as aforesaid the receipt of the Collector for the time being of the district in which the mortgaged **property** sold shall be situated or of **any officer of the Government of Tamil Nadu duly authorised** in this behalf for the purchase money of the mortgaged property sold shall **effectually** discharge the purchaser or purchasers **therefrom** and from being concerned to see to the application or being answerable for any loss or misapplication thereof AND it is hereby further agreed and declared that the Mortgagee shall by and out of the moneys which shall arise from any such sale as aforesaid in the first place reimburse himself or pay or discharge all the costs and expenses incurred in or about such sale or otherwise in respect of the mortgaged property and in the next place apply such moneys in or towards satisfaction of the moneys for the time being owing on the security of these presents and then pay the surplus (if any) of the said money which shall arise from such sale unto the Mortgagor AND it is hereby agreed and declared that the aforesaid power of sale may be exercised by any person or persons who for the time being shall be entitled to receive and give a discharge for the moneys owing on the security of these presents. PROVIDED also and it is hereby agreed and declared that the Mortgagee shall not be answerable or accountable for any involuntary losses which may happen or about the exercise or execution of the aforesaid power or the trusts thereof or of any of them AND the Mortgagor do hereby **convenent** with the Mortgagee that they the Mortgagor now have power to grant, convey and assign all the said Mortgaged property herein before expressed to be hereby granted **conveyed** and assigned unto the Mortgagee AND FURTHER that they the Mortgagor and every person having or claiming any estate, right, title or interest in or to the said of them will

at all time at the cost until foreclosure or sale of the Mortgagor and afterwards of the

person or persons requiring the same to execute and do every such assurance and thing for the further or more perfectly assuring all or any of the said mortgaged property unto the mortgagee as by him shall be reasonably required.

In witness whereof Thiru……the Mortgagor and Thiru……..acting for and on behalf of and by the order and direction of the Governor of Tamil Nadu “have” hereunto set their respective hands the day, month and the year first above written.

The Second Schedule above referred to.:

Signed by Thiru.....(Mortgagor) in the presence of

Seal (in case Company) Witness- (1) Name …

Occupation …

Address ….

(2) Name …

Occupation …

Address …

Signed by Thiru..... acting for and on behalf of any by the order and direction of the Governor of Tamil Nadu in the presence of Witness-

(1) Name

Occupation

Address

(2) Name

Occupation

Address

FORM B-9

[See Rule 6(1)].

Application for the renewal of the licence granted for the privilege to establish brewery and manufacture of beer.

To

The Commissioner of Prohibition and Excise,
Chepauk, Chennai-600 005.

1. Name of the Brewery ….
2. Address: Office-

Phone Number:
Telex Number:

Factory-

Phone Number:
Telex Number:

3. Licence number and date in which licence was granted for the year (Licences to be enclosed in original).
4. Whether the renewal application under the Tamil Nadu Brewery Rules, 1983 has been made in time, namely, thirty days before the date of expiry of the validity of the licence?
5. (a) Whether the application has been affixed with Court-fee label to the value of two rupees?

   (b) Whether Treasury receipts are enclosed in proof of payment of application fee, fee for the grant of privilege, licence fee and additional fee for belated application, if need be?

   (d) Whether the plans with full description of the buildings of the brewery and the statement relating to plant, machinery, equipments and apparatus referred to in Rule 4 have been enclosed? If there are any alterations or additions to the building Plant, machinery or apparatus used therein Subsequent to the grant or renewal of Licence a certificate from the Excise Supervisory Officer as to the correctness of the alterations or additions shall also be furnished.
6. Whether the licensee has been convicted of any offence under the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) or the rules made thereunder or

of any other cognizable or non-bailable offence?

7. Whether the licensee is carrying out the orders issued by the Commissioner?

8. Whether the brewery is in arrears of any Excise Duty or vend fee due to Government? If so, the full details and the reasons for having not remitted the dues, have to be furnished?

9. Whether the licensee is making entries in the Brewing Book in accordance with the instructions of the Commissioner or Excise Supervisory Officer?

I / We hereby declare

(i) that the particulars given above are correct;

(ii) that I/We have not been convicted of any offence under the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937), or the Rules made thereunder or of any other cognizable or non-bailable offence; and

(iii) that I/We have gone through the Tamil Nadu Brewery Rules, 1983, relating to the licence for which renewal has been applied for by me/us herein and am/are conversant with the provisions therein.

I/We hereby undertake to abide by the conditions of the licence and provisions of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) and the Rules made thereunder.

FORM B-10

(See **r**ule 32-A).

Substituted by G.O.Ms.No.31, H, P&E (III) Dept, dated 26.10.2017

Export licence No. and dated:

Licence to export beer from the State of Tamil Nadu to any other State / Union Territories in India / other Countries.

Licence is hereby granted to Thiruvalargal……. under Section 17-B (b) of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937), for export beer to other States and Union Territories/other Countries (score out whichever is not applicable), subject to the provisions of the Tamil Nadu Brewery Rules, 1983 and the conditions set out hereunder and such other rules and conditions that may be notified from time to time.

CONDITIONS

(1) The breach of the provisions of any of the above said Act / Rules or conditions will result in the suspension or cancellation of the licence and consequently there will be no refund of any fee paid.

(2) The licence is valid on and from ……. to 31st March 20.....

(3) The licence is not transferable.

Commissioner of Prohibition and Excise.

Substituted by G.O.Ms.No.31, H, P&E (III) Dept, dated 26.10.2017

[See **r**ule 32-B]

Here affix court fee label to the value of rupees

FORM B-11

Application for grant of permit for export of beer to other States and Union Territories / other Countries.

To

The Commissioner of Prohibition and
Excise,
Chepauk, Madras-600 005.

1. Name and address of the licensee:

2. Export licence No. and date
and
its period of validity:

3. Quantity, brand name and
specifications
of beer proposed to be exported:

4. Name of the importer and address including the copy of
licence held by him:

5. Number of cases, Batch No. and Nature of receptacles or
packages containing beer:

6. Route of transport (state
whether
road, rail, road-cum-rail, air,
Sea
etc and indicate the
important place
on the route:

7. Period of validity of permit:

8. Details of payment of
export fee
And Bank Gurantee
made

I declare that the particulars given above are true to the best of my knowledge and belief. If at any stage it is found that the particulars are wrong or I have resorted to fraud, I may be prosecuted.

I have gone through the Tamil Nadu Prohibition Act, 1937 and the Rules made thereunder and shall obey the same.

I agree to pay any duty or fee that is due on the consignment if it is found that it has not been remitted or short remitted.

I shall obey the rules and regulations, in force within the local area through which the consignment passes and also the State / Union Territory / Country to which the consignment is exported..

Place:

Date : pplicant.

FORM B-12

(See rule 32-C)

Substituted by G.O.Ms.No.31, H, P&E (III) Dept, dated 26.10.2017

[in Seven Parts]

Permit for Export of Beer to other States and Union Territories / other Countries

Export Permit No. Dated:

1. Name and address of the licensee:

2. Name and address of the person to whom beer is to be exported:

3. Place to which beer is to be exported:

4. Route (State whether road, rail, air, road-cum-rail on sea etc.)

5. Period of validity of export permit:

6. Description of beer to be exported:

Brand Name	Specifications	Quantity allowed to be exported	Details of Export and Bank Guarantee
	(1)	(2)	(3) (4)
		(Export Fee) Amount: Date of Payment: Paid at:	

7. Number of cases, Batch No. and nature of receptacles containing the beer:

8. Details of import licence / import permit or „No Objection Certificate" including period of validity.

CONDITIONS

(1) The consignment shall be got verified by the Excise Supervisory Officer of the Manufacturing Unit before export.

(2) The permit shall accompany the consignment and shall be used only once during its currency. The consignment so permitted shall be exported in one lot only.

(3) The permit shall be surrendered to the Commissioner of Prohibition and Excise, if it is not made use of within the period of validity of the permit.

(4) The licensee shall be bound to pay such cost of the escort, if any.

(5) The consignment shall be exported only through the route specified in the Export Permit.

(6) The Excise Verification Certificate (EVC) / Bill of Lading or Airway Bill along with Bill of Entry or similar documents submitted at the Sea Port or Air Port of the importing Country shall be submitted to the Licensing Authority within sixty days from the date of validity of Export Permit.

(7) The Licensee shall be prosecuted, if he is found to misuse this permit.

Given under the seal of the office of the Commissioner ___ day of _____ 20____.

Commissioner of Prohibition and Excise

To.

Thiruvalargal …….

TAMIL NADU BREWERY RULES 1983.

[Updated on Dec - 2018]