TAMIL NADU WINE (MANUFACTURE) RULES, 2006

[G.O.Ms.No.79, P&E (III), dated 09.11.2006]

S.R.O.No.A-36(a)/2006-In exercise of the powers conferred by Section 54 of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937), the Governor of Tamil Nadu makes the following rules, namely:-

1. **Short Title:** These Rules may be called "The Tamil Nadu Wine (Manufacture) Rules, 2006".

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);

(b) "bottling" means transfer of manufactured wine into bottles or casks for final removal from a wine manufactory and includes re-bottling and re-filling.

(c) "Commissioner" means the Commissioner of Prohibition and Excise.

(d) "Excise Supervisory Officer" means an officer appointed for the supervision of the wine manufactory;

(e) "Form" means the form appended to the Rules.

(f) "Fortification" means the addition of spirit or brandy to wine for preparing wine items turning sour.

(g) "fortified wine" means wine or fruit wine, the alcoholic strength of which has been increased by the addition of neutral spirit, cane juice spirit or pure grapes fruit brandy.

(h) "fruit wine" means the fermented juice of the ripe fruits other than grapes with or without the addition of sugar or jaggery containing self-generated alcohol.

(i) „Government" means the State Government.

(j) „grapes" means grapes belonging to genus Vitis: (k) "laboratory" means the Tamil Nadu Forensic Science Laboratory including its regional laboratories.

(l) "licence means the licence for privilege granted under these Rules for manufacture of Wine and the word "licenced" or the licensee shall be construed accordingly.

(m) "manufactory" means a building or a part of a building specified in the license and used for manufacture of wine and also includes the premises therein where the manufactured wine is stored.

(n) "must" means the pressed juice of raisins:

(o) "wine" means the fermented juice of grapes or other ripe fruits with or without the addition of sugar or jaggery,

containing self-generated alcohol and includes Fruit wine, Fortified wine, Sparkling wine and Champagne.

3. **Approval of scheme and issue of letter of intent:**

1) Any person desirous of getting the privilege and licence for manufacturing wine shall submit an application with a scheme to the government in

Form 1 together with a fee of Rs.500/- (Rupees five hundred Only) which shall be paid by him into the Government Treasury and the chalan in original in proof of such payment shall be enclosed to the application.

2) On receipt of such application, the Government after making such enquiries from the authorities concerned, on the details of the scheme furnished, if they are satisfied on the proposed scheme with or without any modification and communicate it to the applicant in the form of a Letter of Intent in

Form 2, indicating there in the capacity of the plant. If the applicant seeks collaboration with another Company, the order of permission of the Government is necessary for the purpose. The letter of Intent so given shall be valid, unless extended by Government for reasons to be recorded in writing, for a period of one year from the date of issue of letter, within which period, the holder of the letter of Intent may arrange for securing the land, estimates, approved plan and building licence from the local authority concerned, for the construction of building, plant and machinery and other equipments required for the construction of the manufactory in terms of the approved scheme.

3) The scheme approved by the Government under sub-rule (2) shall not confer any right or privilege for the grant of licence and the Government may withdraw such approval in public interest or for any valid reason at any time.

Provided that before such withdrawal, the applicant shall be given an opportunity of showing cause against such withdrawal.

4) The Government may reject any application for the approval of the scheme on all or any one of the following grounds namely:-

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

(b) the Government are satisfied that the location of the site and building as proposed for the manufacturing unit is not suitable and the proposed construction will be detrimental to the public interest;

(c) that the application is not made bonafide on his behalf and is made in benami for any other person.

(d) that the applicant has not secured required water supply and power.

(e) that the financial position of the applicant is not sound to establish and administer the manufactory:-

(f) that the establishment of manufactory in terms of the details contained in the scheme is not economically viable.

(g) that the applicant has not acquired the land to be used as vineyard for the purpose of procuring grapes or other fruits either as owner, lessee or by way of any contract farming or in any other capacity;

(h) that the applicant has not secured proper technical assistance for the manufacture of quality wine;

(i) that the number of approved wine manufacturing units already in existence in the local area in particular or in the State as a whole is considered to be sufficient;

(j) any other valid reason to be recorded in writing;

Provided that the applicant shall be an opportunity to represent his case before rejection of the scheme submitted by him.

4. Application for grant of privilege and licence: (1) An application for grant of privilege and licence to manufacture wine shall be made in Form – 3, to the Commissioner within one year from the date of the Letter of Intent issued by the Government or within such extended time granted under sub-rule (2) of rule 3.

(2) Every application shall be-

(a) affixed with the court-fee label to the value of Rs.2 (Rupees two only)

(b) accompanied with *[treasury receipt in proof of payment of

(c) accompanied with a treasury receipt in proof of payment

only)

an application fee of Rs.4,000/- (Rupees Four thousand

of Rs.8,00,000 (Rupees Eight lakhs only) for the grant of privilege of manufacture of wine and treasury receipt in proof of payment of a licence fee of Rs.20,000/- (Rupees Twenty thousand only)] together with full description of the vineyard land for growing or to grow grapes or other fruits with the details in respect of the following and copies of supporting documents therefor:-

(i) raw material to be used for the manufacture of wine;

(ii) extent of Vineyard with details of Survey Numbers Revenue Village, Taluk and District;

(iii) a full description of the site and the plan of the building in which manufacture is proposed in triplicate.

(iv) Whether it is owned by the applicant or obtained on lesse or in any other capacity to have right or interest over the land;

(v) Statement in triplicate specifying the name, number, size and description of all the vessels, equipments and other apparatus which are proposed to be used in the manufacture of wine;

(vi) Statement showing the quantity of wine proposed to be manufactured during the currency of licence; and

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

(vii) Particulars of the kind of wine proposed to be manufactured.

5. Grant of Privilege and issue of license:

1) On receipt of application, under Rule 4, the Commissioner may, after making such enquiry and inspection which he may cause to be made and on the basis of such report of enquiry and inspection, if he is satisfied, that the applicant is eligible for the grant of privilege and the license applied for, grant the privilege for manufacturing wine with the prior approval of Government.

Upon the grant of privilege, the Commissioner shall issue a license in

Form 4 and impose such other conditions if he deems fit in addition to the conditions contained in the licence.

2) Every license granted under this Rule irrespective of the date of grant, shall expire on 31st March of the year of grant.

6. Refusal of privilege and licence:

(1) Where the Commissioner, on the basis of the details furnished in the application or as a result of enquiry made, is satisfied that the applicant is not eligible for the grant of privilege and licence, he may reject the application for grant of privilege and licence;

Provided that before rejecting the application the Commissioner may give the applicant an opportunity to make his representation against such rejection.

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

7. Time limit for commencement of manufacture of wine:

The Licensee shall commence the manufacture of wine within one year from the date of receipt of licence;

Provided that the Commissioner may, on an application in writing, extend the time limit for the manufacture of wine for sufficient reasons, with the prior approval of the Government.

8. Renewal of licence:

1) An application for renewal of the licence granted under rule 5 shall be made in

Form 5 at least 30 days before the date of expiry of the validity thereof:

Provided that the Commissioner may entertain an 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 making the application in time.

2) Where an application for renewal of licence has been made after the last date specified in sub-rule (1) but before the expiry of the licence and admitted by the Commissioner, the licensee shall pay an additional fee of 25% (twenty five percent) of the licence fee payable under sub-rule (2) of Rule 4 and the treasury receipt in proof of payment of the said additional fee shall be enclosed to the application for renewal.

3) Every application for renewal shall be made and disposed of, as if it were an application for the grant of licence. The provisions contained in Rule 5 relating to the grant of licence shall apply mutatis – mutandis for the renewal of licence also.

4) 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 or the rules made thereunder or the terms and conditions of the licence or for any other valid reason;

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

9. Security Deposit:-

1) Every licensee shall make a deposit of a sum not exceeding Rs.2,00,000(Rupees two lakh only) as may be fixed by the Commissioner, by way of security while executing a counter part agreement under Rule 10 for the due observance of the terms and conditions of the licence.

2) Every licensee shall also execute mortgage deed in Form 6 mortgaging the lands and buildings in which the wine manufactory has been established together with the machinery and equipment therein as security, for the payment of any sum which may become due to the Government and to observe all the conditions of licence and pay to the Government the entire amount of duty and fee leviable on the quantity of wine produced. In lieu of executing the mortgage deed, the licensee shall deposit an amount in fixed deposits in any Nationalized Bank in the joint account with the Commissioner or any officer authorized by him, in writing, or in Government Securities endorsed in favour of the Commissioner or any officer

authorized by him in writing, for such value, as the Commissioner may direct.

3) The mortgage deed, receipt for fixed deposit and Government Security Receipt referred to in sub-rule (2) shall in the custody of Commissioner.

10.Execution of counterpart agreement:-

On the grant of licence, the licensee shall also execute a counterpart agreement in

Form 7 undertaking to comply with the provisions of Act, Rules and the terms and conditions of licence.

11. Manufacture of any brand of wines:-

No licensee shall manufacture any brand of wine other than that specified in licence, without the previous sanction of the Commissioner. Before according the sanction, the Commissioner shall obtain prior approval of the Government.

12. Registration of the brand name:-

Immediately after the grant of licence under Rule 5, the licensee shall apply to the Commissioner for the registration of the brand name of wine to be manufactured. A registration fee of Rs.2,00,000/- (Rupees Two Laksh only) for each brand shall be paid by the licensee. The application for registration of brand shall be sent to the Commissioner together with the treasury receipt in proof of payment of the fee to the Government Account. The registration Certificate of the brand issued under this Rule shall be valid for the period coterminous with the licence period.

13. Renewal of registration of brand name:

Registration of the brand shall be renewed every year on payment of Rs.2,00,000/- (Rupees two lakhs only) per brand as renewal fee:

An application for renewal of registration certificate of the brand proposed for manufacture in the year shall be made along with the application for renewal of licence under Rule 8 of these Rules. The application shall be affixed with a court-fee label to the value of Rs.2 (Rupees two only) and accompanied by the treasury receipt in proof of payment of renewal fee of Rs.2,00,000/- (Rupees two lakhs only) for each brand to the Government account and with details of Government approval / earlier registration or renewal. The renewal of registration of the brand shall be valid for the period coterminous with the period of renewed licence.

Provided that where an application for renewal of registration of the brand is made after the last date specified in Sub-rule (1) of Rule 8 but before the expiry of the period of licence, the Commissioner may allow such belated application on payment of an additional fee of 25% (twenty five per cent) of the brand renewal fee for each brand and the Treasury receipt proof of payment of the additional fee shall be enclosed with the application for renewal of brands.

14. Trade labels of the brand containing certain details:-

After the bottles are filed with wine, they shall immediately a corked or fitted with pilfer proof printed caps and affixed with a trade label of the manufacturer which shall contain the following particulars, namely:-

(a) Name of wine;

(b) The Name of the Manufacturer;

(c) Place of bottling with District name/ Tamil Nadu / Pin Code No;

(d) Name of collaborator‟s company if any, as permitted in the Government Order of permission;

(e) Batch Number of the product and manufacture date. (f) The alcoholic percen

(g) The slogan as follows:
„Liquor – ruins country, Family and life".
kJ eh£L¡F, Å£L¡F, cæU¡F nfL":

Provided that the labels affixed on the bottles to be exported outside the State need not contain the above slogan.

(h) 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 intended for consumption within the State of Tamil Nadu or export outside the State of Tamil Nadu and the words "For Export only" shall be printed on the front side of the label on the bottles meant for export to foreign countries.

(i) The guaranteed fluid contents of the bottle, cask shall be clearly indicated in bold letters on the label.

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

15. Approval of label by the Commissioner:-

(1) Specimen copies of labels of the wine brands containing the particulars referred to under rule 14 shall be sent to the Commissioner for approval and only the form of labels so approved by the Commissioner shall be used by the licensee. A Label Approval Fee of Rs. 5,000/-

(Rupees Five thousand only) per pack size of the brand for which approval is applied for shall be paid by the licensee and the Treasury receipt in proof of payment of the fee to the Government account shall be enclosed with the application. The approval of labels so made shall be valid for the period coterminus with the licence period .

(2) The Commissioner may refuse approval of pack size labels or brand labels on the ground that the printings or contents in the label or portion of the labels likely to affect the public morality or against the public interest or for any valid reasons to be recorded in writing .

16. Renewal of label approval:-

The approval of the label shall be renewed every year on payment of Rs. 5,000/- (Rupees Five thousand only) per pack size of the brand. An application for renewal of approval of labels shall be made along with the application for renewal of licence under rule 8 of the Rules. The application for renewal shall be affixed with the court fee label to the value of Rs. 2 (Rupees Two only) and accompanied with the treasury receipt in proof of payment of label approval renewal fee of Rs. 5000/- (Rupees five thousand only) per pack of each brand proposed for manufacture in the year and also the labels of the brand approved lastly under the sub-rule (1) of rule 15. The renewal of approval of label so made shall be valid for the period coterminus with the period of licence renewed.

Provided that where an application for renewal of approval of label under sub-rule (1) above is made after the last date specified in rule 8 but before the expiry of licence a issioner, the licensee

shall pay an additional fee of 25% (twenty five per cent) of label approved fee under sub-rule (1) per pack size of each brand and the treasury receipt in proof of payment of the said additional fee shall be enclosed to the application of renewal of approval of labels.

17. Reporting the death of a licensee:-

Where the licensee dies, the legal heir of the deceased person and in the case of a recognized institute or a registered firm or company, the succeeding chief person managing the affairs shall report the death of the holder of licence in writing within fifteen

days and also apply for changes to be effected in the licence to the Commissioner, who shall after making necessary enquiry pass approval orders effecting necessary changes, in the licence issued by changing the name of the licensee.

18. Arrangement of Manufacturing Units:-

(1) The building used for the manufactory shall 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 sky lights 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 sky lights in the ware-house and store room shall be covered with galvanized wire net or square mesh, not more than ½ centimeters apart.

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

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

(5) There shall be no thatched shed with in the manufactory 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 isolated by grills embedded in cement concrete provided for the following purposes and no such room or compartment shall be used for more than one of the said purpose:- (a) manufacturing;

(b) storage of wine in build and bottling operation;

(c) Storage of wine in sealed bottles, casks, barrels and other receptacles.

(8) There shall be separate tanks for fermentation, storage and fortification.

(9) Each tanks used for fermentation, storage or fortification shall be marked with a permanent serial number and the capacity of such tanks accurately gauged by the Department of Weights and Measures under the Standard of Weights and Measures (Enforcement) Act, 1985 (Central Act 54 of 1985).

(10) Every room or compartment in the manufactory shall be well-ventilated and shall bear on the outside a sign board denoting the purpose for which the compartment or room is used for.

(11) All gas and electric connections with the manufactory 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 shall be securely locked at the end of each day"s work.

(12) Unless, otherwise directed by the Commissioner in writing, there shall be only one entrance and one exit to the manufactory and one emergency exit and one door to each of its rooms or compartments. All the doors which are provided shall be secured with excise ticket locks. The emergency exit doors shall be kept closed with the excise ticket locks and shall be opened only on emergency occasion.

(13) Necessary air condition arrangements shall be made within the manufacturing unit as may be specified by the Commissioner from time to time.

(14) Necessary Fire Extinguishing equipment shall be kept in the manufacturing unit.

19. Building, Plant and machinery to be within the manufactory:-

The building plant and machinery used for the storage of spirit or wine shall be situated within the manufactory premises and no other business except those which are permissible under the rules shall be carried in the said premises.

20. Spirit store rooms:

(1) The licensee shall provide a separate store room for storage of spirit.

(2) Vats used for storage of spirit shall be made of material of ISI Standard and the same shall not be injurious to health.

21. Manufacturing premises to be enclosed:-

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

22. Alterations of manufacturing unit:-

(1) No additions, alteration or modification of any kind to the manufacturing unit shall be made without the prior permission of the Commissioner or such other officer authorized by the Commissioner;

Provided that the Excise Supervisory Officer may permit minor alterations to building and apparatus as may be considered necessary by him.

(2) The Commissioner may where it is considered necessary, by order, direct the licensee to carry out such modifications to the building, apparatus, pipes, bottles, plants and other equipments may be specified by

the Commissioner. The licensee shall carry out the same as specified therein within the time as so specified;

Provided that the Commissioner may, grant extension of time for making such addition or alteration for valid reasons to be recorded in writing.

23. Spirit stock issue:

(1) The quantity of spirit required for the manufactory shall be fixed by the Commissioner from time to time and it shall be drawn from the distillery approved by the Commissioner. On application in writing the licensee shall obtain the stock from the approved distillery on indents duly countersigned by the Excise Supervisory Officer .

(2) The stock of spirit when received at the manufactory, shall be verified by the Excise Supervisory Officer by volume and strength or the quantity of pure alcohol in it and taken to the storage vats for spirit. The Excise Supervisory Officer shall furnish a certificate of verification to the Distillery Officer concerned and shall keep a register in

Form 8 showing the details of stock indented, delivered by the distillery and the stock as received in the manufactory.

(3) No allowance for any loss in transit from the distillery to the manufactory unit shall ordinarily be allowed.

Provided that the Commissioner, may, if it is proved to his satisfaction that the loss, if any, could not have been prevented in spite of the exercise of proper care and precaution and that the spirit could not have been passed on for consumption, direct that the proportionate duty on such quantity of spirit may be waived.

(4) Gauging of the stocks of spirits shall be made by the Excise Supervisory Officer every day, in the presence of the licensee or his authorized representative and the result recorded in a register duly attested by both the Excise Supervisory Officer and the licensee or his representative.

(5) The licensee or his authorized representative may give a requisition in writing to the Excise Supervisory Officer for the transfer of such quantity of spirit for the production of fortified Wine, to the vessels kept for the purpose. The requisition shall contain information as to the date batch number, quantity of spirit, vat number from which to be issued and the vessel number to which it should be transferred.

(6) The Excise Supervisory Officer on receipt of such requisition may permit the transfer after gauging the stock in volume and strength.

24. Gauging of rod measures etc:-

The licensee shall provide and maintain sufficient and accurate measures, scales and weights, and other necessary and reasonable appliances 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.

25. 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 as may be considered essential for the manufacturing unit 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, whose decision shall be final and binding.

26. Vessels in manufactory:-

(1) All vessels except casks, used for storage of wine shall be of regular shape so that their contents can be ascertained by the application of the rules for gauging under the provisions of the Standard of Weights and Measures (Enforcement) Act, 1985 (Central Act 54 of 1985) and the rules made thereunder.

(2) 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 millimeters and centimeters. The vessel shall not be altered in shape position or capacity.

27. Gauging of vessels:-

(1) All vessels except casks and fermenting vessels shall be gauged by the Department of weights and Measures under the provisions of the Standard of Weights and Measures (Enforcement) Act, 1985 (Central Act 54 of 1985) and the rules made thereunder.

(2) The gauging certificate issued by the Department of Weights and Measures shall be forwarded to the Commissioner for perusal and for purpose of record.

(3) Re-gauging shall be done by the Department of Weights and Measures once in five years or even earlier if the Commissioner so directs.

(4) No vessel, which has been altered in shape, position or capacity or repaired, shall be taken into use, unless it has been gauged by the Department of Weights and Measures under the provisions of the Standard of Weights and Measures (Enforcement) Act, 1985 (Central Act 54 of 1985) and the rules made thereunder.

(5)

28. Manufacture of wine:

(1) Wine may be manufactured from fresh grapes, raisins (dried grapes) juice, or other fruits with or without addition to pure cane sugar by the process of fermentation as may be approved by the Commissioner. The alcoholic strength of wine shall be between 8 and 13% v/v for dry wine and 10.5 to 15.5% v/v for sweet wine.

(2) Wines shall be classified as „dry‟ or „sweet‟ according to whether the sugar content thereof is almost exhausted by fermentation or not. Wine which effervesce on being poured out of closed containers either as a result of secondary fermentation going on in the container itself or as a result of dissolution of carbon-di-oxide under pressure before closing the container are called sparking wines. Wines which do not effervesce are called still wines.

(3) The wine may be fortified with Neutral alcohol, Cane Juice, spirit or Grape Spirit or Fruit Brandy to increase the alcoholic strength which shall not exceed 24% v/v or 42% Proof spirit.

29. Fortification of wine:-

The wine manufactured in the licensed premises shall not be fortified except with the permission of the Excise Supervisory Officer who shall ensure that the fortification is done in accordance with the following rules and mixing with spirit shall be done as prescribed in these rules:-

(1) A licensee desiring to fortify wine shall make an application in Form 9 to the Excise Supervisory Officer three days before the commencem

(2) On receipt of the application, the Excise Supervisory Officer, may grant the permission applied for,

grant permission to fortify the wine and shall be present at the time of fortification and the entire process of fortification shall be under his supervision.

(3) Fortification shall be made after filtration of wine and before bottling.

(4) The Excise Supervisory Officer shall ensure that the tank where filtered wine is stored gauged by the competent authorities in the presence of the licensee or his representative and recorded before addition of neutral spirit, cane juice spirit or pure grape or fruit brandy.

(5) After the spirit has been added to the wine, the content of the tank shall be thoroughly stirred to ensure a complete mixture of wine with the spirit added.

(6) After adding neutral spirit, cane juice spirit or pure grape or fruit brandy, the said tank shall again be gauged and the details of gauging shall be recorded by the Excise Supervisory Officer in the presence of the licensee or his representative.

(7) Wine to which spirit is added shall be accounted for separately in Form 10 by the licensee and the Excise Supervisory Officer.

(8) Every bottle, jar or cask containing fortified wine shall have on the label affixed with the words “FORTIFIED WINE” in a conspicuous manner in addition to the particulars required under these rules.

30. Bottling:-

(1) The bottles to be used for the purpose of bottling of wine shall be of uniform size and properly cleaned and washed.

(2) Immediately after the bottles are filled up with wine, they shall be corked, capsuled and labelled and removed to the finished store room.

31. Affixture of Adhesive Excise Labels:-

(1) No sealed bottle without excise adhesive label shall be issued from the manufactory.

(2) The cost of excise adhesive labels shall be recovered from the licensee at the rate fixed by the Commissioner from time to time.

32. Sample:-

Samples of 500 ml. bottles of every batch of wine manufactured shall be taken in duplicate by the Excise Supervisory Officer in the presence of licensee or his representative. One sample bottle of the wine taken shall be sent to Forensic Science Laboratory for analysis and the release of wine shall be subject to the certificate issued by the Forensic Sciences Department. The other sample shall be in the safe custod fficer. On receipt of

the chemical analysis report stating that the sample sent is satisfactory, the duplicate sample bottle of wine shall be brought back to the manufactory unit immediately for being mixed with subsequent batch of the same variety of wine.

33. Payment of Excise Duty:

Excise duty at such rates as may be notified by the Government from time to time shall be paid by the licensee in the treasury and the challan in proof of such payment shall be produced for perusal before the stock of wine bottles is removed from the manufactory.

34. Removal of Wine from the manufactory:-

(1) All stock of wine, either in bottles or otherwise than in bottles, including casks, shall be removed from a manufactory only on payment of prescribed fee and duty under a valid indent issued in Form 11.

(2) Wine may be issued as trade samples in quantity or not more than 10 litres subject to the payment of duty and fee.

35. Export:-

(1) No wine shall be exported by the licensee to other States except under an export licence in

Form 12 issued by the Commissioner and in accordance with the conditions subject to which such export licence is issued.

(2) The holder of the licence under Rule 5 desirous of obtaining a licence for export of wine to other States shall apply to the Commissioner. Every application shall be affixed with a court-fee label to the value of Rs.2/- (Rupees two only) and accompanied by the treasury receipt in support of payment of an annual export licence fee of Rs.4,000 (Rupees four thousand only)

Form 12 and approve the specifications, brand names and labels to be used in respect of wine to be exported.

36. Procedure for export:-

Every application for export permit shall be in Form 13 and accompanied by an import licence or permit or „No Objection Certificate‟ issued by the importing State allowing the import. The treasury receipt in support of the payment of Excise Duty under Rule 33 shall also be enclosed. The Commissioner or any officer authorized by him shall issue in Form 14. The Commissioner may require the holder of the permit to produce within a reasonable time for the date of issue of the export permit any satisfactory proof of the consignment having reached its destination:

Provided that the holder of an export permit shall be required to pay the differential amount, if any, between the rates of excise duty payable for the wine issued for local consumption within the State and the rates of the excise duty payable for the wine issued for export to other States in the event of his failure to produce satisfactory proof of the consignment having reached its destination.

37. Suspension or Cancellation of licence or forfeiture of Security Deposit:-

(1) Where the licensee or his representative contravenes any of the provisions of the Act or the rules made thereunder or the conditions of the licence, the Commissioner may, without prejudice to any other proceedings which may be taken against the licensee, by an order in writing suspend or cancel the licence or forfeit the whole or part of the security deposit made under the rules:

Provided that the Commissioner shall issue a notice in writing stating the grounds on which it is proposed to take action against licensee and requiring him to show cause against such action, within 14days from the date of receipt of the notice and he shall also be given a reasonable opportunity of being heard.

(2) Notwithstanding anything contained in sub-rule (1) the Commissioner may, suspend the licence temporarily for a period not exceeding ninety days pending framing of charges for violation of irregularities noticed. In such a case, the reason for suspension shall be communicated to the licence holder within ten days from the date of suspension.

(3) Notwithstanding anything contained in sub-rule (1) the Commissioner may, cancel a licence without any notice the licensee is declared as an insolvent by a competent court.

(4) Notwithstanding anything contained in sub-rule (1) where the suspension of licence is made by the Commissioner under sub-section 4 of Section 23 of the Act, it shall not be necessary to give any notice to the licensee.

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

38. 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 from liability to be prosecuted for any specific offence committed by him, punishable under the Act.

39. Supervision:-

All the processes in the manufacture of wine and all transactions pertaining to the receipt, storage and issue of wine shall be under the direct supervision of the Excise Supervisory Officer of the manufactory unit concerned.

40. Supervisory Staff:-

(1) The strength of the establishment to be maintained for the supervision of the operation of the manufactory shall ordinarily be one Excise Supervisory Officer in the cadre of Deputy Collector, one Deputy Tahsildar and three Office Assistants. But the Commissioner may with the previous sanction of Government increase or reduce the strength of the staff if he considers it necessary.

(2) Every licensee shall remit the pay, allowances, leave salary and pension contribution for every month in advance of the supervisory staff working in the unit.

(3) Every licensee shall provide suitable residential accommodation or pay the house rent allowance payable to the said staff.

41. Attendance of Excise Supervisory Officer:-

(1) The Commissioner shall fix the working hours of the Excise Supervisory Officer and his staff posted to the manufactory unit, which shall not exceed eight hours on working days.

(2) If the licensee requires the services of the Excise Supervisory Officer and his staff beyond the working hours fixed or on holidays and Sundays, he shall make a requisition in advance in writing to the Commissioner. The Commissioner or any other officer authorized by him may permit the licensee to avail the services of the such officer and staff subject to the payment of overtime charges as fixed by the Commissioner.

42. Inspection by Excise Officials and Revenue Divisional Officer:-

(1) The licensee shall at any time permit the Commissioner, the Excise Officer or any officer authorized by the Commissioner in this behalf, to inspect and examine to manufactory, utensils and the wine and such other materials stored therein as may be considered necessary and the licence shall render to the officers aforesaid all such assistance so as to enable him for making such inspection.

(2) Notwithstanding anything contained in these rules and the exercise of similar powers by the Assistant Commissioner, the Revenue Divisional Officer is authorized in his jurisdiction to inspect the licences issued under these rules, and enter into and inspect the manufactory to check the accounts, take stocks, test the strength of any wine that may be kept in the manufactory, take samples of such wine for chemical test or analysis and exercise all such powers as may be deemed necessary to ensure that the licensee conforms to the terms and conditions of the licence granted to him.

43. Maintenance of Accounts:-

(1) Proper and correct account of all articles required for the manufacture of wine, brought into the manufactory shall be maintained in a register in

Form 15 by the licensee and verified by the Excise Supervisory Officer.

(2) The entire process of manufacture including a correct account of materials used and the time taken or allowed for every stage of manufacture shall be recorded in writing by the licensee and verified and attested by the Excise Supervisory Officer.

(3) A correct account of the kind and quantity of wine manufactured and the residues and the base shall be maintained by both the licensee and the Excise Supervisory Officer.

(4) The residue and the base shall be destroyed in the presence of the Excise Supervisory Officer.

(5) The licensee shall maintain and preserve the permits, bills, invoices, registers, the connected records and accounts relating to the transaction for a minimum period of five years after the lapse of the year to which it relates.

44. Report of breach:-

Every breach of the conditions of the licence or provisions of the Act or rules by any servant of the licensee or other person shall immediately be reported by the licensee to the Excise Supervisory Officer and the licensee shall comply with the orders of the Excise Supervisory Officer in this behalf.

45. Establishment of Chemical Laboratory:-

The licensee shall establish and maintain a well equipped chemical laboratory to the satisfaction of the Commissioner within the premises of the manufactory unit to check the quality of raw materials used and the wine produced in the manufactory which shall be managed by a qualified chemist.

46. Disposal of stock of wine in the event of licence being cancelled:-

On the expiry of a licence or if the licence is cancelled or suspended, the balance of wine or spirit in the manufactory shall be disposed of in such manner as the Commissioner may direct in this behalf.

47. Licensee to abide by Orders of Commissioners:-

The licensee shall be bound by the rules relating to the manufacture of wine which may be made from time to time and also by any general or special orders issued by the Commissioner and the licensee shall cause all persons employed by him to comply with all such rules and orders.

48. 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, and if, they are in gross violation of the provisions of Act, rules or terms and conditions of licence and if he is of the opinion that the continuance of manufactory process is not proper in public interest, he may, by order, require the licensee to stop working of the manufactory within three days from the date of communication of the notice to that effect.

49.Government not liable for loss of wine in the manufactory:-

Government shall not be held responsible for the destruction, loss or damage to any stock of wine stored in the manufactory, by fire or theft or by gauging or proving or by any other cause whatsoever.

50.Appeal:-

An appeal shall lie to the Government from an original order passed by the Commissioner in the discharge of his function as a licensing authority within one month from the date of receipt of such order.

Provided that the Government may, for sufficient reasons to be recorded in writing, entertain an appeal, within three months beyond the aforesaid period.

51. Certain provisions of the Act to apply to breach of rules:-

The provisions of Sections 13, 13-A and 14 and Chapter V of the Act shall apply mutatis mutandis to a breach of all or any of these rules.

52. Power to exempt:-

The Government may, by notification, subject to such conditions, as may be specified therein, exempt, whether prospectively or retrospectively, any person or class of persons from all or any of the provision of these Rules.

FORM – 1
See rule -3

From

To
The Secretary to Government,
Prohibition and Excise Department,
Chennai-600 009.

Sir ,

I am desirous of establishing a wine (Manufacture) Unit for the manufacture of wine. I submit herewith a scheme for the working of the wine (Manufacture) Unit as required under rule 3(1) of the Tamil Nadu Wine (Manufacture) Rules, 2006. I request the Government may be pleased to accord their approval for the scheme. I shall complete the formalities within one year from the date of approval of the scheme by the Government.

Thanking you,

Date: Yours faithfully,

Enclosure: Scheme in Form appended.

SCHEDULES

APPENDIX TO

FORM I

(Scheme notifying the proposal to construct and work a wine Manufactory unit)

1. (a) Name and address of the applicant
   (b) Name and address of the institution (
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 Company
   1. Fixed Assets--
      (i) Land Rs.
      (ii) Buildings 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) A full description of the Vineyard
   proposed to be established for the purpose of procuring grape by the applicant (with
   copies of supporting documents)
   (ii) Quantity and value of raw material of indigenous origin per year.
   (iii) Quantity and value of raw material to be imported or imported origin per year.
   (iv) Quantity of alcohol, if any required per year in the manufacture of fortification of the wine proposed for manufacture.
6. Water and power requirement--
   (i) Particulars of requirements
   (ii) Whether necessary permission has been secured

7. Process--

(a) Brief process details 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, indicate the same.

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 Manu-Facture.	Annual capacity, quantity value (In metric measures)	Estimated annual production	I.F. Unit value product
(1)	(2)	(3)	(4)

11. Employment potential--

(i) Supervisor
(ii) Skilled
(iii) Unskilled

12. (a) Any Special facilities required from the Government
(b) 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.

Station:
Date:

FORM 2

(See rule 3)

PROHIBITION AND EXCISE DEPARTMENT

LETTER OF INTENT

Government Letter Number: ***Dated:***

From

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

To
Thiru / Thiruvalargal
Sir (s),

Subject: Excise - Tamil Nadu Wine (Manufacture) Rules, 2006 - Proposal to construct and work Wine Manufactory Unit 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 wine at ..... (Place).....(District) under a licence to be granted and they have tentatively decided to accord approval to the proposal for a capacity of..... million litres, per year and without any commitment on the part of the Government to allot or supply any raw materials or recommend any foreign exchange or foreign collaboration, and you should fulfil 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 one year from this date, but it shall not however, confer any right of privilege for the grant of a licence in your favour and it is liable to be withdrawn in public interest at any time and in such an event no compensation or damage whatever shall be payable for the same.

Yours faithfully,

Secretary to Government.

Copy to:
The Commissioner of Prohibition and Excise, Chennai-600 005 The
Collector of.....District.
The Director of Industries and Commerce, Chennai-600 005 The
Industries Department, Chennai-600 009.

FORM 3

(See rule 4) To

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

Application for grant of privilege and licence under rule 4 of the Tamil Nadu Wine (Manufacture) Rules 2006.

Dated.....

Application of.....resident of..... carrying on business at ....Manufacture of Wine:

(1) The undersigned Thiru ...../for himself / acting on behalf ..... applies for grant of privilege and a licence to manufacture wine under the Tamil Nadu Wine (Manufacture)Rules,2006,.....at ..... in the district .....of .....in the State of Tamil Nadu.

(2) The applicant desires to administer the Wine Manufactory Unit with the apparatus of the following sizes and descriptions, namely :-

....

....

(3) In the event of a licence being granted, the applicant proposes to commence the manufacture of wine within .....on the .....

(4) Plans and estimates of the premises and buildings to be used as a wine manufactory and for store house and other purposes connected with the business are annexed for approval. The applicant 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 manufactory 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 Wine (Manufacture) Rules 2006, applicable to the wine manufactory, 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 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 Wine (Manufactory) Rules, 2006 of the licence.

(9) Certified that the following documents are enclosed.

1. Annexure to the application duly filled in.

2. A full description of site and plan of the building in which the wine manufactory is located.
3. A statement in triplicate specifying the number size and description of all the vessels and apparatus which are proposed to be used in the manufacture of wine.
4. A statement showing the quantity of wine proposed to be manufactured during the currency of licence, and
5. particulars of the kinds of wine proposed to be manufactured

I / we declare that the particulars furnished are correct and in case if they are found illegal or false I/we am / are liable for all legal and other actions.

(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 of such person must be given. If the application is from a institution, the full name and principal place of business of the institution and the names of each partner thereof must to be stated.

To be signed by each applicant (if more than one) or some person legally authorized to sign for him, or for the institution when the application is from an institution.

ANNEXURE TO FORM 3 (APPLICATION FOR LICENCE)

1. (a) Name and address of the applicant. (furnish the name of the person in whose name the license to be issued).
   (b) Name and address of the Institution
   (c) Whether public / private Limited or proprietary concern registration details under the relevant Acts/Authority to be furnished.
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) Buildings Rs.
   (iii) Plant or machinery Rs.

(iv) Others, if any Rs.

Total Rs.

II. Working capital Rs.

Audited financial statement for the last three years in the case of existing institution should be enclosed.

3. Location

4. Plant and machinery-

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

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

5. Raw materials required for production-

(i)Type of raw materials required and source of requirement.

(ii) A full description of the Vineyard established by the applicant. (copies of supporting documents)

(iii)Quantity of alcohol, if any required per year in the manufacture of fortification of wine proposed for manufacture

(iv)Source of procurement of alcohol 6. Water and power requirement --

(i) Particulars of requirements

(ii) Whether necessary permission has been secured from the concerned authority with details of such permission

7. Process of manufacture of wine --

(a) Brief process of manufacture of wine

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

8. Technical Assistance--

(i) Whether any foreign collaboration or know-how is envisaged and if so the letter of intent is issued.

(ii)Details of collaboration within the country

9. Forecast of time factors-

(a) Time required to erect machinery after the grant of licence.

(b) Time required to start production after the licence is granted.

10. Item of manufacture Product	Annual capacity quantity, value (In metric measures)	Estimated annual production	Unit value
(1)	(2)	(3)	(4)

11. Employment potential
    (i) Supervisor
    (ii) Skilled
    (iii) Unskilled

12. (a) Any Special facilities required from the Government.

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

13. (i) Chalan number and date in support of Payment of fees towards the application fee, privilege fee and licence fee with place of remittance.

    (ii) Whether the chalan in original is enclosed.

Date: **Signature of the Applicant**

FORM - 4

(See rule 5)

(Licence for the Manufacture of Wine)

Licence No:

Commissioner of Prohibition and Excise Proceedings No. and Date:

Licence is hereby granted to Thiru .....S/o .....…… residing at ..... in the district of .....,under section 17-c of the Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) and the Tamil Nadu Wine (Manufacture) Rules, 2006 to manufacture or store and bottle wine at the manufactory situated at..... for the period commencing from.....and ending with the 31st, March …… Subject to the terms and conditions set out here under and also other conditions as may be notified from time to time--

CONDITIONS

1) The breach of any rules terms and conditions of licence will result in the suspension or cancellation of the licence.

2) The licence shall be liable for cancellation in the event of the licensee failing to erect the plant and machinery and commence the manufacture of wine within the time limit specified under the rules, in which case the licensee shall not be entitled to any compensation for whatever damage or loss.

3) The licensee shall manufacture the wine only at the manufactory and under the supervision of the Excise Supervisory Officer of the manufactory.

4) The licensee shall use only fresh grapes or fruits which are ripe and shall not use any fermenting agent except with the special permission of the Commissioner Sugar or Jaggery may be added before, during or after fermentation as provided under the rules.

5) The strength of wine shall be between 8 and 13% v/v for dry wines, and 10.5% to 15.5.% v/v for sweet wines. The Licensee shall not dilute or adulterate the wine or store or permit to be stored any wine which he knows to be diluted or adulterated.

(Provided that wine may be fortified with neutral alcohol or cane juice or spirit or pure grape or fruit brandy to increase the alcoholic strength of wine which shall not exceed 42% of proof spirit, or 24% v/v).

6) 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 approval through the Excise Supervisory Officer with a sample of the material detailing the purpose for which it is to be used. Only on receipt of approval for use of such material, it shall be in the manufacturing process.

7) All receptacles shall be so placed and fixed, as to facilitate the contents thereof being accurately gauged and measured. Each receptacle shall be gauged by the Officer of Weights and Measures Department and shall bear a distinctive serial number and have its capacity distinctly and indelibly marked on it. A table showing the dimensions and capacities of the receptacles shall be maintained by the licensee for reference.

8) All Sugar/ Jaggery shall be stored in a room specially set apart for the purpose to be shown as a Sugar / Jaggery Store.

Sugar/Jaggery shall not be removed from the store into any other part of the manufactory except in pursuance of an entry in the book for use in the manufacture of wine.

9) Only pure filtered potable water shall be used for the manufacture of wine.

10) The licensee shall, besides providing suitable office accommodation with sanitary arrangements for the Supervisory staff within the premises of the manufactory, also supply them with such furniture and other articles as the Commissioner may consider necessary.

11) The licensee shall not permit or allow any smoking and use of naked light or fires within the premises of the manufactory.

12) The licensee shall not discontinue the manufacture of wine unless he has given to the Commissioner, three months notice in writing of his intention to do so or has deposited an amount equivalent to three months salary of the Excise Supervisory staff employed in the unit in lieu of such notice

13)(a) There shall be only one entrance one exit and one emergency exit to the Manufactory and one door to each of the components or rooms .

(b) At the end of each working day, the licensee shall close and lock the manufactory and every room or compartment therein in the presence of Excise Supervisory Officer.

14) The licensee shall keep affixed on the outside of each room of compartment of the manufactory a sign board which should be conspicuously painted in oil colour, the purpose for which the room or compartment is intended to be used and no room or compartment or receptacle intended for a specific purpose shall be used for a different purpose.

15)(a) The licensee shall maintain accounts showing a correct account of--

(i) the kind and quantity of grape and other fruits and sugar or jaggery used and also of the quantity of water added; (ii) the period allowed for fermentation;

(iii) the names and quantities of other ingredients if any added before, during or after fermentation to the "Must" or wine; (iv) the period allowed for ageing;

(v) quantity of wine manufactured;

(vi) quantity of wine issued from the manufactory with the dates of manufacture, issue, the names of the licensees to whom and the places to which the wine has been consigned; (vii) the balance in stock after each transaction ;

(viii) the quantity of residue and base and the manner of their disposal

(b) The licensee shall maintain day-to-day accounts showing therein the stock of wine, bases or "Must" in the manufactory at the end of each day.

(c) The entries in the account books should not be erased or overwritten. Should it be necessary to correct any entry, it should be rounded in red ink in such manner as to leave it distinctly visible and the correct entry should be inserted above it.

Every such correction should be initiated by the Excise Supervisory Officer.

(d) The licensee shall maintain proper accounts of transactions of spirit stored

16. The licensee or his representative shall issue authorizations duly signed by himself or his representatives and countersigned by the Excise Supervisory Officer to all his agents or servants who are allowed to enter the manufactory. No persons who does not hold an authorisation shall be allowed to enter the manufactory.

17. The licensee shall, on a requisition from the Excise Supervisory Officer allow him to take samples of the grapes other fruits used, the juice of such grapes at any stage of fermentation and the wine stored in the manufactory free of cost, whenever required for the purpose of Chemical analysis. The quantity taken for samples shall not exceed 500 M.L in the case of the wine or other liquids, or ½ kilo in case of semi-liquids. The Licensee shall pay the necessary fee for Chemical Analysis.

18. The licensee shall allow the Excise Supervisory Officer or any other officer duly authorised by the Commissioner to take stock of wine stored at the manufactory. The licensee shall be required to explain the excess or deficiency in the stock. If the explanation is not satisfactory, the licensee may be required to pay excise duty for such stock as the Commissioner may direct.

19. The licensee shall maintain such measures and weights as may be prescribed by the weight and Measures Department.

20. The licensee shall not sell wine except to licensees as fixed by Government or Commissioner

21. The licensee shall display the licence in a conspicuous place in the manufactory.

Granted this..... dated.....200

Commissioner of Prohibition and Excise
Licencing Authority

FORM 5

[See rule (8)]

Application for the renewal of the licence granted for the privilege to establish a Wine Manufactory .

To

The Commissioner of Prohibition and
Excise, Chepauk, Chennai 5

1. Name of the Manufactory
2. Address: Office:-
Phone Number
FAX/ Telex Number
Factory:
Phone Number
FAX/ Telex Number
3. Licence number and date in which licence was granted for the year (Licence to be enclosed in original)
4. Whether the renewal application under the Tamil Nadu Wine(Manufacture) Rules, 2006 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 rupees two.
(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?
(c) Whether the plans with full description of the buildings of the Wine Manufactory and the statement relating to plant, machinery, equipments and apparatus referred to in the rules 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 congnizable or non bailable offence?
7. Whether the licensee is carrying out the orders issued by the Commissioner?
8 Whether the Wine Manufactory is in arrears of any Excise Duty or 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 relating to various transaction in the manufactory and handling of wine in the accounts as per rules and also in accordance with the instructions of the Commissioner or the Excise Supervisory Officer?

I / We hereby declare---

(i) that the particulars given above the 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 congnizable or non bailable offence: and

(iii) that I/We have gone through the Tamil Nadu Wine(Manufacture) Rules, 2006, 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.

Signature of the Applicant.

Station:

Date:

FORM 6

(See rule 9(2)

Mortgage deed.

This deed of mortgage made this ..... day of .....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 bearing licence No…. dated…… issued under the Tamil Nadu Wine (Manufacture) Rules, 2006 framed under the Tamil Nadu Prohibition Act, 1937 the Commissioner of Prohibition and Excise has duly authorised the Mortgagor to manufacture wine in the district of..... from the ..... day of .....to the ..... day ..... of..... subject to the terms and conditions contained in the said licence and to be observed by the Mortgagor;

And whereas, it is one of the conditions of the said licence that the infraction of any violation of the provisions of the rules or the conditions of the licence by the Mortgagor or by any person in their employment may entail the suspension or cancellation of the Mortgagor‟s licence.

And whereas, by an agreement executed on the day of....., the Mortgagor 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 of agreement and stipulations hereinafter contained shall apply not only to the licence hereinbefore mentioned but shall also apply to any subsequent licence or licences granted to the Mortgagor immediately upon the determination of the licence hereinbefore 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 covenant with the Mortgagee that the Mortgagor shall 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 respectively shall become due or payable under the provisions of the Act, Rules and licences herein before recited or of any such new licences so to be granted as aforesaid 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 or any of them become payable by the Mortgagor to the Government of Tamil Nadu, by way of duty, fees

or other payments under all or any of the provisions of the said licences respectively or any of them or otherwise in connection therewith respectively;

AND THESE PRESENTS ALSO WITNESSETH 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 wine manufactory, 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 wine 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, wine manufactory, 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 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, wine buildings and premises hereby granted 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 the fee, duty or any amount 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 of 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 hereinbefore 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 Mortgagee shall at any time after all such payments shall have been made upon the request and at the cost of Mortgagor, reconvey and reassign the said mortgaged property hereinbefore expressed to be hereby granted, conveyed and assigned unto the Mortgagor and the Mortgagor do hereby convenant 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 wine manufactory, 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 damaged in the ordinary course of business of the Mortgagor as the holders of the said licence and in such cases shall replace the said mortgaged property worn out or damaged 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 wine 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 wine or other things now standing 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 mortgaged 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, wine 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 resell 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 and default shall have been 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, unasertained or 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 hereinbefore contained or of any impropriety or irregularity whatsoever in any such sale shall be

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 covenant with the Mortgagee that they, the Mortgagor now have power to grant, convey and assign all the said Mortgaged property hereinbefore 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 mortgaged property or any of them will at all time, at the cost, until foreclosure or sale 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.

It witness whereof Thiru .....the Mortgagor and Thiru ..... acting for and on behalf of any 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 First Schedule above referred to

The Second Schedule above referred to

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

Witnesses: (1) Name ..

Seal (in case of Company)

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:

Witnesses: (1) Name ..

Occupation ..

Address ..

(2) Name ..

Occupation ..

Address ..

.

FORM 7

(See rule10)

Counterpart 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 representatives and assigns) of the one part and the Governor of Tamil Nadu (herein after called the " Government" 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 wine by the Commissioner of Prohibition and Excise, Chennai in terms of licence No…….

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 contained in the licence No..... dated. ..... the ..... day of ..... 20..... issued to the licensee by the said Commissioner under the Tamil Nadu Wine (Manufacture) Rules, 2006;

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

Signature of Licensee.

Witnesses: (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.

Signature of the Officer

Witnesses: (1) Name ..
Occupation ..

Address ..

(2) Name ..

Occupation ..

Address ..

FORM 8

(See Rule 23)

Register of transactions of Spirit Stores of the Manufactory of

……

In hand					Received		Proof	Month and date
Quan-tity	Strength	Proof	Source of supply	Permit No. and date	Quan-tity	Strength		
(1)			(2)		(3)		(4)	

Total in hand and received (Columns 2 and 3)			Expanded		Remarks
Quantity	Strength	Proof	Tank No. which added	Batch No. to	
(5)			(6)		(7)

FORM 9

(See Rule 29)

Indent for the supply of Neutral Alcohol / Pure Grape / Fruit Brandy / Cane Juice Spirit Manufactory of.....

Indent No. ..... Date .....

To

The Excise Supervisory Officer,

.....

Sir,

Please issue ..... Litre of Neutral Alcohol, Cane Juice, Spirit, Pure Grape, Fruit Brandy from the spirit store for use in the fortification of wine in Tank No. ..... Batch No.....

Signature of the Licensee

	Quantity Issued				
Excise Supervisory and time of issue	Quantity	Strength	Proof	Signature of	Signature Date
(1)	(2)	(3)	(4)	(5)	(6)

FORM 10

(See Rule 29)

Sl. No.	Date	Capacity of the tank	Gauged contents of the tank	Quantity of wine in Ltrs.	Batch No.	Strength of wine in proof	Neutral Alcohol / Pure Grape / Cane Juice Spirit / Fruit Brandy / SL. No.	Gauged contents after adding Neutral Alcohol / Pure Grape/Cane Juice Spirit/Fruit Brandy	Strength of wine after fortification to proof	Date on which bottled	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

FORM 11

(See Rule 34)

Indent for removal of Wine

No: Date:

1. **Name and Address of the Wine Manufactory**
2. **Licence number and date**
3. **Particulars of Wine to be removed: Batch Number**
4. **Quantity in litres**
5. **Rate of duty 6. Amount of duty payable**
7. **Name of Treasury , Challan Number and date in which the duty 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)

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 12

(See Rule 35)

Export licence No..... and dated:..... licence to export wine from the State of Tamil Nadu to any other State in India.

Licence is hereby issued to Thiru/ Thiruvalargal .....to export to (Name of State) Wine (name the brand) not exceeding of bottles subject to the provisions of the Tamil Nadu Wine(Manufacture) Rules, 2006..... and the conditions of licence set out hereunder and such other rules and conditions that may be notified from time to time.

CONDITIONS

1 The process of export either in one batch or more and covered by the licence shall be supervised by the Excise Supervisory Officer.

2 The breach of any of these rules and conditions may result in the suspension or cancellation of the licence in accordance with the rules.

3 The licence is valid for the period commenced from …… and ending with 31st March.

4 The licence issued is not transferable.

5 When the export process is completed and the wine bottles reached the place of destination a completion report shall be sent by the licensee to the Commissioner through the Excise Supervisory Officer of the unit.

Commissioner of Prohibition and Excise.

FORM 13

(See Rule 36)

Application for grant of permit for export of wine

Court fee label to the value of rupee two

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

(1) Name and address of the licensee.

(2) Export licence No. and date and its period of validity.
(3) Quantity , strength and description of wine proposed to be exported. (4) Place to which it is proposed to be exported.
(5) Route of transport (state whether road, rail, road-cum-rail, air, sea, etc., and indicate the important places on the route).

(6) Period of validity of permit.

(7) Details of payment of excise duties made.

Place:
Date: Signature of the Applicant.

FORM 14

(See rule 36)

Permit for Export of wine

Export Permit No. **Dated:**

(1) Name and Address of the licensee

(2) Name and address of the person to whom wine is to be exported

(3) Place to which wine is to be exported

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

(5) Period of validity of export permit

(6) Description of wine to be exported

Kind	Strength	Quantity allowed to be exported	Details of Excise Duties paid
(1) (2)	(3)	(4)	Amount: Date of Payment: paid at:

(7) Number and nature of receptacles containing the wine

(8) Details of import licence/import permit or "No objection Certificate: including period of validity.

CONDITIONS

(1) The consignment shall be got verified by an Officer of Prohibition and Excise Department before export.

(2) The permit shall accompany the consignment and shall be used only once during is currency. The consignment shall not be broken in bulk, while in transit and shall be exported in one lot. It shall not be diverted or brought back to the State of Tamil nadu after export.

(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 pay cost of the escort if any as the Commissioner of Prohibition and Excise may decide.

Commissioner of Prohibition and Excise

To

Thiruvalargal…….

FORM 15

(See Rule 43)

Serial Number	Date on which grapes are issued for crushing	Kind of Wine	Batch number	Manufacturing Room						Total quantity under manufacture in litres Date on which wine issued for filtration		Filtration Room			
				Vat Number	Quantity of Fresh Grapes	Quantity of other materials, if any	Quantity of sugar or jaggery	Quantity of Water	Total contents in the Vat in litres			Quantity received from the manufacturing room	Quantity received after filtration	Quantity of residue or base	Date on which the residue or base destroyed
				A	B	C	D	E	F			A	B	C	D
(1)	(2)	(3)	(4)	(5)						(6)	(7)	(8)			

Bottling Room											Store Room			
Quantity received	Quantity bottled	Quantity in litres	Quantity in M.L.	Quantity in M.L.	Quantity in M.L.	Quantity in M.L.	Quantity in M.L.	Quantity in M.L.	Quantity transferred to general store room	Balance in stock in bottling room	Quantity Received	Quantity issued after clearance of duty	Challan number and date in which duty was remitted	Permit number and date
A	B	C							D		A	B	C	D
(11)											(12)			

TAMIL NADU WINE RULES, 2006

Updated_Dec-2018