

NOTIFICATION

Home Department,
Mantralaya, Mumbai 400 032.

Dated the 28TH August 2008.

Bombay
Prohibition Act,
1949.

No.MIS 1107 /CR-40 / II / EXC-3 - Whereas the Government of Maharashtra considers that the following rules further to amend the Maharashtra Potable Liquor (Fixation of Maximum Retail Price) Rules, 1996, should be brought into force at once, and therefore, the rules should be made without previous publication as provided by the proviso to sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bom.XXV of 1949);

Now, therefore, in exercise of the powers conferred by sub-clause (ii) of clause (h1) of sub-section (2) of section 143 read with section 53 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Potable Liquor (Fixation of Maximum Retail Price) Rules, 1996, as follows, namely:-

1. These rules may be called the Maharashtra Potable Liquor(Fixation of Maximum Retail Price)(3rd Amendment) Rules, 2008.

2. In rule 2 of the Maharashtra Potable Liquor (Fixation of Maximum Retail Price) Rules, 1996 (hereinafter referred to as "the principal Rules), in clause (d),

(i) for the word and letter "Explanation I", the word "Explanation", shall be substituted;

(ii) "Explanation II", shall be deleted

3. In rule 3 of the principal Rules, after sub-rule (2), the following sub-rule shall be added, namely:-

"(3) The Trade and Import licensee in Form FL-1, who is authorised by the Commissioner for removal of imported liquor from the custom frontier or custom bond under the Bombay Foreign Liquor Rules, 1953, shall, by statement in quadruplicate, declare his manufacturing cost and maximum retail price of every pack of Foreign Liquor to the Superintendent of State Excise of the District in

which his FL-I Licence is located. The Superintendent shall authenticate all the four copies and return one copy to FL-I licensee and retain remaining copies for his record for the Commission rate and for the officer concerned in charge of Trade and Import licence."

4. In rule 5 of the principal Rules, for sub-rule (A), the following sub-rules shall be substituted, namely:-

"(A) In case of sale to licensee under the Act other than Canteen Stores Department (India),-

(i) 4 times of the manufacturing cost plus Sales Tax at the prevalent rate in case of Country Liquor;

(ii)(a) 4 times of the manufacturing cost, if manufacturing cost per bulk litre of Foreign Liquor (Spirits), including 'imported liquor bottled in India', does not exceed Rs.92 (Rupees Ninety Two only) plus Sales Tax at the prevalent rate.

(b) 4 times the manufacturing cost increased by 4 times the manufacturing cost in excess of Rs.92 (Rupees Ninety Two only) per bulk litre, if manufacturing cost per bulk litre of Foreign Liquor (Spirits), including 'imported liquor bottled in India', exceeds Rs.92 (Rupees Ninety Two only) plus Sales Tax at the prevalent rate.

Examples-

1. If manufacturing cost of 750 ml IMFL bottle is declared as Rs.100 the Maximum Retail Price shall not exceed Rs. $[100 \times 4 + (100-69) \times 4] + 20\% \text{ Sales Tax}$, i.e. Rs.524 + 104.80=628.80.

2. If manufacturing cost of 180 ml IMFL bottle is declared as Rs.20 the Maximum Retail Price shall not exceed Rs. $[20 \times 4 + (20-16.56) \times 4] + 20\% \text{ Sales Tax}$, i.e. Rs.93.76 + 18.75=112.51

(iii)(a) 3.25 times the manufacturing cost plus Sales Tax at the prevalent rate, in case of fermented liquor and mild liquor except Beer.

(b) 3 times the manufacturing cost plus Sales Tax at the prevalent rate, in case of Beer having alcoholic strength not exceeding 8.75 per cent of proof spirit;

(c) 3.5 times the manufacturing cost plus Sales Tax at the prevalent rate, in case of Beer having alcoholic strength exceeding 8.75 per cent of proof spirit;

(iv) (a) 4 times the manufacturing cost if manufacturing cost per bulk litre of wine does not exceed Rs.40 (Rupees Forty only) per bulk litre, plus Sales Tax at the prevalent rate.

(b) 4 times the manufacturing cost increased by an amount equal to the manufacturing cost in excess of Rs.40 (Rupees Forty only) per bulk litre, if the manufacturing cost per bulk litre of wine exceeds Rs.40 (Rupees Forty only) per bulk litre, plus Sales Tax at the prevalent rate,.

Examples-

1. If manufacturing cost of a 750 ml wine bottle is declared as Rs.50 the Maximum Retail Price shall not exceed $\text{Rs.}[50 \times 4 + (50-30) \times 1] + 20\% \text{ Sales Tax, i.e. Rs.}220+44=264$.

2. If manufacturing cost of a 375 ml wine bottle is declared as Rs.25 the Maximum Retail Price shall not exceed $\text{Rs.}[25 \times 4 + (25-15) \times 1] + 20\% \text{ Sale Tax, i.e. Rs.}110+22=132$.

(AI) Maximum Retail Price of Foreign Liquor shall not exceed.

(i) (a) 4 times of the manufacturing cost plus Sales Tax at the prevalent rate plus custom duty, if manufacturing cost per bulk litre of Foreign Liquor (Spirits), does not exceed Rs.92 (Rupees Ninety Two only).

(b) 4 times the manufacturing cost increased by 4 times the manufacturing cost in excess of Rs.92 (Rupees Ninety Two only) per bulk litre, if manufacturing cost per bulk litre of Foreign Liquor (Spirits), exceed Rs.92 (Rupees Ninety Two only), plus Sales Tax at the prevalent rate plus custom duty

(ii) (a) 3.25 times the manufacturing cost plus Sales Tax at the prevalent rate plus custom duty, in case of fermented liquor and mild liquor, except Beer;

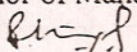
(b) 3 times the manufacturing cost plus Sales Tax at the prevalent rate plus custom duty, in case of Beer having alcoholic strength not exceeding 8.75 per cent of proof spirit;

(c) 3.5 times the manufacturing cost plus Sales Tax at the prevalent rate plus custom duty, in case of Beer having alcoholic strength exceeding 8.75 per cent of proof spirit;

(iii) (a) 4 times the manufacturing cost plus Sales Tax at the prevalent rate plus custom duty, if manufacturing cost per bulk litre of wine does not exceed Rs.40 (Rupees Forty only) per bulk litre;

(b) 4 times the manufacturing cost increased by an amount equal to the manufacturing cost in excess of Rs.40 (Rupees Forty only) per bulk litre, if the manufacturing cost per bulk litre of wine exceeds Rs.40 (Rupees Forty only) per bulk litre, plus Sales Tax at the prevalent rate plus custom duty. "

By order and in the name of the
Governor of Maharashtra,


P. T. GOUD

Joint Secretary to Government.