

FORM BRL

[See rule 3(2)]

Licence for the manufacture of beer/wine

Licence is hereby granted, under and subject to the provisions of Bombay Prohibition Act, 1949 (Bom. XXV of 1949) (hereinafter referred to as "the said Act"), the Maharashtra Manufacture of Beer and Wine Rules, 1966 and other rules, regulations and orders made under the said Act, to

..... (hereinafter referred to as "the licensee") 1 (on payment of a licence fee (inclusive of consideration 2 [of forty thousand rupees (Rs. 40,000)] authorising him to manufacture beer/on payment of a licence fee (inclusive of consideration) 2 [of four thousand rupees (Rs. 4,000)] authorising him to manufacture wine and to sell the same at his brewery/manufactory] situated at (hereinafter referred to as the "brewery/manufactory") during the period from the day of 19 to the 31st day of March 19 , on the following conditions, namely :—

1. The licensee shall not manufacture and sell beer/wine except at the brewery/ manufactory and under the supervision of the Brewery Officer/Manufactory Officer.
2. The licensee shall provide suitable office accommodation, with sanitary arrangements, for the use of the excise staff within the premises of the brewery/manufactory.
3. The licensee shall to the satisfaction of the Commissioner provide suitable quarters for the residential accommodation of the Prohibition and Excise staff employed under condition 1 in the close vicinity of the brewery/manufactory. If the licensee is not able to provide residential accommodation to the members of such staff, the Commissioner shall be entitled to take on hire or otherwise secure suitable accommodation for the said staff. The rent to be charged to a member of the staff shall be the economic rent or 10 per cent of the basic pay of the member concerned, whichever is less. If the economic rent of the quarters is more than 10 per cent, of the basic pay of the member, the licensee shall pay the excess over 10 per cent, provided that in no case the licensee will be liable to pay more than the difference between 10 per cent and 35 per cent, of the basic pay of the member. If the economic rent is more than 35 per cent, of the basic pay of the member, then the member shall pay 10 per cent, and the licensee shall pay 25 per cent and the member shall pay the excess over 25 per cent, if the licensee is not willing to pay it.
4. The licensee shall use the same materials and ingredients and shall adopt the same process of manufacturing beer/wine as are approved by the State Government.
5. The licensee shall not dilute or adulterate beer/wine or store or permit to be stored any beer/wine which he knows to be diluted or adulterated.
6. The licensee shall permit two samples to be taken by the Brewery Officer, or as the case may be, the Manufactory Officer, for analysis from each batch of beer/wine the alcoholic strength of which has been

declared by him after analysis in his laboratory. On receipt of the two samples, the Brewery Officer or, as the case may be, the Manufactory Officer shall proceed to take steps as hereinafter provide—

(a) One set of samples shall be sent at once to the Chemical Analyser, and a note to that effect shall be made in the register in Form BR-III. The report of the Chemical Analyser, when received, shall be shown to the licensee.

(b) The duplicate sample of beer/wine which is intended exclusively for replacement of the original sample or repetition of its analysis, when necessary, shall be kept under excise, ticket or revenue lock, and shall on receipt of the Chemical Analyser's report that it is satisfactory, be brought back to the manufacturing room immediately for being mixed with subsequent batch of the same type of beer/wine.

(c) All such samples sent shall be sealed by the Brewery Officer or, as the case may be, the Manufactory Officer and the licensee.

(d) The duplicate sample shall not be brought back to the manufacturing room in any case where the alcoholic strength of beer/wine from which the sample was taken is declared by the Chemical Analyser to be beyond the margin of 0.50 of the strength declared by the licensee.

(e) When the Chemical Analyser reports that the strength of beer/wine varies beyond the margin of 0.50 of the strength declared by the licensee, the beer/wine shall be dealt with according to the orders of the Commissioner. All samples required for analysis under the Maharashtra Manufacture of Beer and Wine Rules, 1966 or under

this licence shall be supplied free of cost by the licensee and all expenses in connection with the packing and despatch of samples to places of analysis shall be borne by the licensee.

7. The licensee shall ensure that no smoking and no use of naked lights or fires are allowed within the premises of the brewery/manufactory.

8. The licensee shall display the licensee in a conspicuous place in the brewery/ manufactory.

9. In addition to the registers and account books prescribed under the Maharashtra Manufacture of Beer and Wine Rules, 1966, the licensee shall also keep such registers and account books as the Commissioner may direct from time to time.

10. No entry in any of the books kept by the licensee under this licence shall be erased or overwritten, should it be necessary to correct any entry, a line should be drawn through the incorrect entry in such a manner as to leave it distinctly visible and the amended entry should be inserted above it. Every correction shall be initialled and dated by the person making it at the time it is made.

11. The names of all person to be employed either as brewers, managers of servants shall be submitted for approval to the Brewery/manufactory officer by the licensee. No persons other than those approved

by the Brewery/Manufactory Officer shall be permitted to work as brewers or managers or to make entries in the account books.

12. The licensee shall not carry on the business of manufacture and sale of beer/ wine except either personally or by an agent or servant duly authorised by him in this behalf by a written nokarnama signed by himself and countersigned by the Brewery/ Manufactory Officer, provided that any such nokarnama signed by the licensee shall be valid until countersignature is refused.

If for any reason the Commissioner shall order the withdrawal of any nokarnama issued by the licensee the nokarnama issued shall be forthwith withdrawn. For every nokarnama issued by him, the licensee shall pay such fee as may from time to time be prescribed for this privilege. No nokarnama shall be issued to any person who is a minor and no such nokarnama if issued shall be valid. The licensee shall be responsible for breach of the rules or any of the conditions of this licence committed by any of his servants.

13. Except with the written permission of the ~~State Government~~ **authority granting the licence**, the licensee shall not sell, transfer or ~~sub-let~~ **lease, sub-lease, tie-up or any other similar agreement** the right of manufacture conferred upon him by this licence nor shall he in connection with the exercise of the said right enter into any agreement or arrangement which is in the nature of a ~~sub-lease~~ **lease, sub-lease, tie-up or any other similar agreement** the decision of the ~~State Government~~ **authority granting the licence** on such question shall be final and binding on the licensee.

14. No person shall be recognised as a partner of the licensee for the purpose of this licence, unless partnership has been declared to the State Government before the licence is granted and the names of the partners have been entered jointly in the licence, or if the partnership is entered into after the granting of the licence, unless the State Government agrees, on application made to it, to alter the licence and to add the name or names of the partner or partners in the licence.

1 [14A. In cases where a licence is granted in favour of a Private or Public Limited Company, it shall be binding on such a company to communicate in detail to the licensing authority any changes in the Directors of the Company such as their names and addresses within fifteen days from the date of such a change.]

15. The licensee shall not sell beer/wine manufactured by him to any person other than a holder of a trade and import licence : Provided that, the licensee may also sell beer/wine for export to any place outside the State of Maharashtra under a valid export pass.

1 [“Provided further that, the BRL Licensee manufacturing beer upto two lakhs litres per year from microbrewery, who has the licence in Form ‘E’ under the Special Permits and Licences Rules, 1952 or in Form FL III Licence granted under sub-rule (1-B) of rule 45 of the Bombay Foreign Liquor Rules, 1952, may sell under unbottled and unpackaged.”.]

16. The licensee shall ensure that the process of brewing/fermentation adopted by him or the treatment of brewing/fermentation effluent shall not produce foul smell or cause nuisance to the

neighbourhood. He shall also not permit the treated effluent to pass into rivers or nullahs if that would result in the destruction of fish or such other useful creatures in water.

17. The licensee, his successors or assignees shall have no claim whatsoever to the continuance or renewal of this licence, after the expiry of the period for which it is granted. It shall be entirely within the discretion of the State Government whether or not to permit the assignee of the licensee in case of sale or transfer or his successors in case of death to have the benefit of the licence for the unexpired portion of the term for which it is granted.

18. This licence may be suspended or cancelled in accordance with the provisions of section 54 or 56 of the said Act.

Granted this day of 19 .

Seal Place : Mumbai.

Secretary of Government.