

Chapter VI

LICENSES , PERMITS AND PASSES

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31. **Form and conditions of licenses, etc.-** Every license, permit or pass granted under this Act shall be granted -

(a) on payment of such fees (if any):

(b) subject to such restrictions and on such conditions;

(c) shall be in such form and contain such particulars, as the [Excise Commissioner]⁷ may direct either generally or in any particular instance in this behalf ; and

(d) shall be granted for such period as the [State Government]³ may, in like manner, direct.

32. **Saving of licenses in force at the commencement of the Act** - Every license which was granted under any section of the Excise Act, 1896, and is in force at the commencement of this Act, shall be deemed to have been granted under the corresponding section of this Act and shall (unless previously cancelled, suspended, withdrawn or surrendered under this chapter) remain in force for the period for which it was granted.

33. **Power of authority granting license to require execution of counter-part agreement, etc.** - Any authority granting a license under this Act may require the grantee to execute a counterpart agreement in conformity with the tenor of his license and to give such security for the performance of such agreement or to make such deposit in lieu of security as such authority may think fit.

34. **Power to cancel or suspend licenses, etc.** - (1) Subject to such restrictions as the [State Government]¹ may prescribe, the authority granting any license, permit or pass under this Act may cancel or suspend it -

(a) if any duty or fee payable by the holder thereof be not duly paid; or

(b) in the event of any breach by the holder of such license, permit or pass or by his servants, or by any one acting on his behalf with his express or implied permission of any of the terms or conditions of such license, permit or pass: or

(c) if the holder thereof is convicted of any offence punishable under this Act or any other law for the time being in force relating to revenue, or of any cognizable and non-bailable offence, or of any offence punishable [under the Dangerous Drugs Act, 1930, or]² under the Merchandise Marks Act, 1889, or of any offence punishable under sections 482 to 489 (both inclusive of the Indian Penal Code); or

(d) where a license, permit or pass has been granted on the application of the grantee of an exclusive privilege under this Act, on the requisition in writing of such grantee; or

(e) if the conditions of the license or permit provide for such cancellation or suspension at will.

(2) When a license, permit or pass held by any person is cancelled under clause (a), (b) or (c) or sub-section (1), the authority aforesaid may cancel any other license, permit or pass granted to such person by, or by the authority of the [State Government]¹ under this Act or under any other law for the time being in force relating to excise revenue or under the Opium Act, 1878.

(3) *No compensation or refund claimable for cancellation or suspension of license etc. under this section-* The holder shall not be entitled to any compensation for the cancellation or suspension of his license, permit or pass under this section nor to a refund of any fee paid or deposit made in respect thereof.

35. Further power to cancel licenses - (1) Whenever the authority granting a license under this Act considers that such license should be cancelled for any cause other than those specified in section 34 it shall remit a sum equal to the amount of the fees payable in respect thereof for fifteen days and may cancel the license either.

(a) on the expiration of fifteen days notice in writing of its intention to do so, or

(b) forthwith, without notice.

(2) *Compensation in the case of cancellation* - If any license be cancelled under clause (b) of sub-section (1) in addition to the sum remitted as aforesaid there shall be paid to the licensee such further sum by way of compensation as the Excise Commissioner may direct.

(3) *Refund of fee or deposit* - When a license is cancelled under this section any fee paid in advance or deposit made by the licensee in respect thereof shall be refunded to him, less the amount (if any) due to the [State Government]¹.

36. Surrender of license to sell by retail- Any holder of a license to sell by retail under this Act may surrender his license on the expiration of one month's notice in writing given by him to the Collector of his intention to surrender the same and on payment of the fee payable for the license for the whole period for which it would have been current but for such surrender;

Provided that, if the Excise Commissioner is satisfied that there is sufficient reason for surrendering such a license, he may remit to the holder of the sum so payable on surrender, or any portion thereof.

Explanation- The words "holder of a license" as used in this section, include a person whose tender or bid for a license has been accepted, although he may not actually have received the license.

²**[36-A. Bar to right of renewal and compensation** - No person to whom a license has been granted under this Act shall have any claim to the renewal of such license or any claim for compensation on the determination or non-renewal thereof].

37. Technical irregularities in license, etc.- (1) No license granted under this Act shall be deemed to be invalid by reason merely of any technical defect, irregularity or omission in the license or in any proceeding taken prior to the grant thereof.

(2) The decision of the Excise Commissioner as to what is a technical defect, irregularity or omission shall be final.