

24 JAN 2014

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GOVERNMENT OF KERALA

Abstract

Taxes Department - Excise - Sale of privilege of unsold toddy shops in the year 2012-2013- Sanctioned - Orders issued.

TAXES (C) DEPARTMENT

G. O. (Ms) No. 10/2014/TD

Dated, Thiruvananthapuram, 21-01-2014.

- Read:-
1. G.O.(Ms)No.41/2013/TD dated 15-03-2013.
 2. G.O.(Ms)No.54/2013/TD dated 27-03-2013.
 3. G.O.(Ms)No.133/2013/TD dated 24-06-2013.
 4. G.O.(Ms)No.161/2013/TD dated 24-09-2013.
 5. Letter No. XA1-2000/2013 dated 21-10-2013 from the Excise Commissioner, Thiruvananthapuram.
 6. Letters No. XA1-2000/2013, dated 29-11-2013 & 05-12-2013 from the Excise Commissioner, Thiruvananthapuram.

ORDER

As per the G.Os read as 1st and 2nd paper above, Government have accorded sanction to extend the licence period of the existing toddy shops for three months from 01/04/2013, on payment of proportionate annual rental of 2012-2013, tree tax, KTWWF contribution, shops licenced for 50% on proportionate of such rental, the toddy shops entrusted to workers committee for Rs.500/- on the existing conditions, to avoid the loss of livelihood of the workers on closure of the toddy shops and to plug revenue loss to Government, as the Abkari Policy for the year 2013-2014 could not be declared in view of the judgment of the Hon'ble High Court in W.A.No.470/2012 and connected cases. On expiry of the extended licence period on 30/06/2013, the licence period has further been extended from 01/07/2013 to 31/09/2013, vide- the G.O. read as 3rd paper above. Considering the delay in announcing the Abkari Policy, Government -vide, the G.O. read as 4th paper above, granted further extension of the licence period for six more months from 01/10/2013. The Excise Commissioner as per his letter read as 5th paper above, has reported that during the year 2012-2013, 4183 Toddy Shops were sold for full notified rental, 105 Toddy Shops for 50% of the rental notified and 361 Toddy Shops were entrusted to the workers committee on a nominal rental of Rs.500/-. 546 shops remained unsold during 2012-2013 for want of bonafide takers, and the licence period of 3855 Toddy Shops has been extended till 31/03/2014, as provided in the G.O. (Ms)No.161/2013/TD dated 24/09/2013. In the absence of bonafide takers for the 1339 Toddy Shops in the State, the shops remain unsold during 2013-2014, and the workers are left unemployed which created a precarious situation in the toddy sector. Hence the Excise Commissioner requested Government to accord necessary sanction to dispose the privilege of unextended Toddy Shops, by public sale for the notified rental for the year 2012-2013, subject to the outcome in W.P.(C) No.7945/2012(P), filed by Sri. S. Premji and others, after invoking the provisions of rule 3(1)

of the Kerala Abkari Shops Disposal Rules, 2002. The Excise Commissioner further reported that all the licences of unsold functional toddy shops were extended in the year 2012-2013 and hence no steps were taken to put the remaining toddy shops for sale.

2. The Hon'ble High Court in the interim order dated 29/03/2012, in W.P(C)No.7945/2012(P) filed by Sri.S.Premji and others, held that the arrangements for conduct of toddy shops, if any made after 01/04/2012 will be subject to the result of the Writ Petition. Rule 3(1) of the Kerala Abkari Shops Disposal Rules, 2002 provides that "it shall be lawful for the Government to extend by notification in the official Gazette the period of privilege sold under sub-rule (1) for any further period, subject to such condition the Government may impose. Further, where any shop remain unsold even after extending the period of privilege in accordance with the 1st proviso, the Government, may put such shops for public sale again".

3. During 2012-2013, 993 shops were not functional and remained closed for pretty long period. Government have granted permission for extension of licence period of toddy shops functional during 2012-2013. In view of the circumstances reported by the Excise Commissioner, the proposal for extension of privilege of the 993 unsold toddy shops in the State, seems highly inevitable to protect the livelihood of workers in the toddy sector and to plug revenue loss to Government by way of rental and other licence fee.

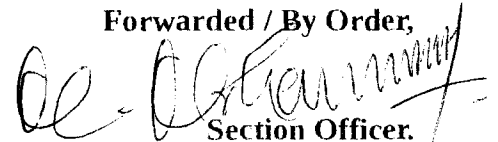
4. Government, after having examined the matter in detail, are pleased to accord sanction to dispose the privilege of 993 (546 toddy shops in 2012-2013 and 447 toddy shops in 2013-2014), unsold Toddy Shops (not functional), by public sale for the notified rental for the year 2012-2013, after invoking the provisions of rule 3(1) of the Kerala Abkari Shops Disposal Rules, 2002, subject to the outcome in W.P(C)No.7945/2012(P), filed by Sri.S.Premji and others before the High Court.

By order of the Governor,
A. Ajithkumar,
Secretary to Government.

To

- ✓ 1. The Excise Commissioner, Thiruvananthapuram.
2. The Principal Accountant General (Audit/A&E), Kerala, Thiruvananthapuram
3. The Advocate General, Ernakulam (with C/L)
4. The Secretary, Kerala Legislative Assembly, Thiruvananthapuram.
5. The Finance Department (vide Note No.110559/Exp.B2/13/Fin.dated 07-01-2014.)
6. The GA(SC) Department vide item No.4775 added 15-01-2014.
7. The Director, Information & Public relations Department
8. Stock File / Office Copy.

Forwarded / By Order,


Section Officer.