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EXCISE DEPARTMENT

ORDER

The 28th February 2013

No. 1401—I-Ex-07/2012-Ex.—In exercise of the powers conferred by sub-section (2) of Section 29 of the Bihar and Odisha Excise Act, 1915 (Bihar and Odisha Act 2 of 1915) hereinafter referred to as the Act and in supersession of all previous orders/notifications, if any, on the subject, the State Government do hereby direct that any sum payable under sub-section (1) of the said section in consideration of the grant of privilege for retail sale of India Made Foreign Liquor (IMFL) OFF and Country Spirit (C.S.) within the premises of the vendor shall, unless and otherwise directed by the State Government in any particular case or cases for any reason, be determined by the process of auction on a forward basis conducted Online (henceforth referred to as e-auction) in accordance with the following procedure, namely:—

- (i) The dates for e-auction shall be fixed and notified by the Excise Commissioner with the prior approval of the State Government.
- (ii) The process of settlement shall be conducted by a departmental Excise Auction Committee (EAC), chaired by the Excise Commissioner and comprising 3 to 6 members appointed by him from time to time. The EAC may be guided from time to time by a core team as may be engaged by the Government, comprising officials such as those from the Excise Department, State Procurement Cell (SPC), National Informatics Centre (NIC), Project OMEGA (Odisha Modernizing Economy Governance and Administration). The EAC may also be assisted throughout the settlement process by IT support staff comprising of computer trained officers as may be provided by the Government from time to time. The EAC members shall have Departmental access to e-auction website, validated by authorized Digital Signature Certificates. The EAC, with the technical support

of IT support staff, shall be responsible for creating auction ids in e-auction system for each shop/ group of shops sufficiently before public issue of sale notice as at Form A appended hereto, carrying out online pre-qualification scrutiny of bidders, online monitoring of live progress of e-auction, generating 'Award of auction' report post e-auction and officially forwarding this report to respective District Collectors for grant of licences.

- (iii) On receipt of the notification mentioned in paragraph (i) along with the list of auction ids for corresponding shops from EAC, the concerned District Collectors shall issue sale notice in Form A appended hereto, inviting online applications from bidders for settlement of a shop or a group of shops at least fifteen days before the commencement of e-auction and shall give wide publicity to the same in such manner as he may consider necessary. EAC shall widely publicize the list of auction ids for corresponding shops in print and electronic media as also communicate the list to the Government for prominent display on official website of the department - <http://orissa.gov.in/excise/>.
- (iv) The settlement of retail shops of IMFL 'OFF' & C.S. shall be done individually and separately. Shops shall ordinarily not be settled in lots, except with the sanction of the Excise Commissioner based on recommendations of the respective District Collectors and any such surrender or cancellation of licences (of the lot) shall entail surrender or cancellation of the whole lot at the discretion of the authority.
- (v) The e-auction shall be conducted individually and separately under one unique e-auction id for each shop/group of shops to be processed by the EAC. A bidder can apply for one or more shops/ groups of shops in any district of the state. Bidders shall be required to obtain Digital Signature Certificates (DSCs) through certified agencies, followed by self-registration on e-auction website with valid DSC. Bidders may also obtain multiple DSCs with self-registration of multiple

online bidder profiles for participation in e-auction of multiple shops in the event of these auctions being conducted simultaneously.

- (vi) To qualify for participation in e-auction, the bidders shall be required to upload against each auction id/shop he is interested in, the following scanned, legible documents on their registered, DSC-validated profile on e-auction website before the end date for submission of documents online as notified in sale notice:
- (a) Original challan deposit(s) under stipulated head of State Treasury, towards payment of non-refundable application fee for each shop, as notified in sale notice, as may be determined by the state government from time to time ;
  - (b) Original Demand Draft(s) as payment instrument for Earnest Money Deposit (EMD) towards each shop, equal to not less than three times the concerned shop's monthly reserve price or as maybe determined by the state government from time to time, drawn in favour of the concerned District Collector from a Scheduled Bank ;
  - (c) Original up-to-date solvency certificate in respect of immovable property situated in the state of Odisha obtained from Revenue Authority of the State, equal to not less than three times the combined annual reserve price(s) of the shop(s) the bidder intends to bid for ;
  - (d) Original up-to-date Sales Tax clearance or non-assessment Certificate ;
  - (e) Original up-to-date Income Tax clearance or non-assessment Certificate ;
  - (f) Original Excise no-dues certificate from the concerned Superintendent of Excise under whose jurisdiction he is/was carrying on the business ;
  - (g) An Affidavit in original, as in Form B appended hereto, duly sworn in and executed before an Executive Magistrate/ Notary ;
  - (h) Original PAN card ;
  - (i) Original Voter ID or Adhaar Card.

- (vii) The registered bidder shall also be required to sign the 'Terms and Conditions' form online through his registered, DSC-validated profile, acknowledging the following terms and conditions of e-auction:
- (a) Bidder has undergone self-training on e-auction and that he is not ignorant about the new online system ;
  - (b) Bidder has the responsibility of ensuring internet connection and other infrastructure, computer systems & software, power backup for participating in e-auction ;
  - (c) Bidder shall honor each bid digitally signed and submitted by him in e-auction ;
  - (d) The onus of online uploading of genuine, stipulated documents shall lie on the bidder, failing which the bidder shall be disqualified from participating in e-auction ;
  - (e) The bidder shall abide by the decisions of the Excise Commissioner in case of any disputes arising in this regard.
- (viii) After the last date of online submission of pre-qualification documents by registered bidders, the EAC members with assistance of IT support staff, shall conduct online scrutiny of pre-qualification documents [verification of content of all scanned documents stipulated in paragraph (vi)] of bidders through their Department authorized DSCs. In case, the online documents, on scrutiny, are found to be defective and/or inadequate, the bidder's profile shall be summarily rejected online along with the justification/ reason which can be viewed online by the concerned bidder and he shall not be permitted by the system to participate in e-auction process. Bidders who clear the online scrutiny shall be approved in the system by the EAC members with assistance of IT support staff. System-generated e-mails and SMSs on e-auction pre-qualification status shall be sent to all registered bidder before start date of e-auction, which shall also be updated automatically in the bidders' online profile.

- (ix) Qualified bidders shall log on to e-auction website using registered DSCs before start time of e-auction of the shops, as notified in sale notice and as per 'terms and conditions' form signed online by the bidders.
  
- (x) The e-auction process shall be governed by the 'e-auction principles' as determined by the Government in Excise Department from time to time and which shall be published in sale notice and made available on e-auction website and official departmental website. The 'e-auction principles' may, among other details, envisage the following:
  - (a) Only qualified/approved bidders who have digitally signed the 'terms and conditions' form shall be allowed to participate in e-auction.
  - (b) E-auction end time and start time for each auction id, with permissible number and duration of time extensions shall be displayed online with details of each auction id.
  - (c) The e-auction shall be online, incremental/ forward auction, with bids submitted in terms of monthly consideration money and only above the fixed reserve price of each shop.
  - (d) Highest bid for a particular shop/auction id shall be displayed in real-time to all bidders of that particular shop/ auction id only.
  - (e) System-generated, random masking of identity of each bidder of a particular shop/auction id shall be in effect, with each bidder being able to see only his own masked id, the real-time highest bid amount for the concerned shop and the masked id of the corresponding highest bidder.
  - (f) The minimum and maximum permissible increments per bid shall be displayed in online details of each auction id.
  - (g) No reduction in bid shall be permitted once it has been digitally signed and submitted by a bidder and accepted by the system. Also, new bids that are same as current highest bid shall be disallowed, thereby preventing tie of bids.

- (h) Winner of a particular shop/auction id shall be displayed to all the bidders immediately after end of e-auction slot for that particular shop/auction id.
- (i) In case of district-wide or area-wide communication network failure, only if duly certified by officers from respective network service providers not below the rank of Junior Telecom Officer of that area/ district, the e-auction for all shops/ auctions ids affected during that network failure may be settled afresh at a later date by the Excise Commissioner.
- (xi) If no bid is received in e-auction for any shop/ group of shops, the Excise Commissioner may notify another date for settlement of shops through e-auction or otherwise directed by the State Government from time to time.
- (xii) After successful completion of e-auction for all auction ids/ shops, the 'provisional award of auction' for all shops shall be generated by EAC using system-generated report. Provisional winner's (H1) list with winning bids along with H2 (second highest) and H3 (third highest) bidders with their respective bids for all shops/auction ids shall be submitted officially by EAC to respective District Collectors as well as uploaded on the e-auction website and official excise department website.
- (xiii) Verification of original documents, including challan deposit towards non-refundable application fee of each shop and realization of EMD payment instrument towards each shop, shall be made in respect of the H1/ H2/ H3 bidders for each shop before the license is actually granted by the Collector. Such verification shall be done by the Superintendent of Excise assisted by at least one Inspector (and Deputy Superintendent of Excise wherever such posts are available), as nominated by the Collector before the license is actually granted by the Collector. For the purpose of this verification, all provisional winner's (H1), along with H2 and H3 bidders for respective shop(s), shall be

required to submit the following documents to respective District Collectors before the end date notified in sale notice:

- (a) Original documents under sub-paragraphs (a), (b), (c), (g) of paragraph (vi), and copies of documents under sub-paragraphs (d), (e), (f), (h), (i) of paragraph (vi), with same original up-to-date solvency certificate whose scanned copy was submitted online for pre-qualification before e-auction ;
- (b) Original lease deed/ RoR of land/ shop where bidder intends to set up shop(s) in designated, objection-free locality.

Failure to furnish the above documents before stipulated deadline or furnishing false documents shall be sufficient ground for cancellation of provisional status of H1/H2/H3 bidders and false/forged documents shall make the bidder liable for criminal proceedings under relevant provisions of IPC. In such case where H1 bidder fails physical scrutiny or defaults on original documents submission deadline, H2 bidder who has cleared the physical scrutiny shall be given the opportunity to match bid of H1 bidder and obtain that particular licence. If H2 bidder fails to match bid of H1 bidder, the settlement of the shop may be done through negotiation with H2 bidder by the concerned Collector at a price not lower than H2 bidder's system-recorded final bid, which shall be approved by the Excise Commissioner on recommendations of the Collector. If negotiation with H2 bidder fails or if H2 bidder fails to clear physical scrutiny, H3 bidder shall be given the opportunity to match bid of H1 bidder, subject to H3 bidder clearing the physical scrutiny. If H3 bidder fails to match bid of H1 bidder, the settlement of the shop may be done through negotiation with H3 bidder by the Collector preferably at a price not lower than H2 bidder's system-recorded final bid but if H3 bidder fails to agree, then at a price not lower than H3 bidder's system-recorded final bid, which shall be approved by the Excise Commissioner on recommendations of the Collector. If the shop still remains un-allotted, it shall be settled afresh by the Excise Commissioner and the Collector, at the cost and risk of H1 provisional winner. All H1 bidders who

default in submission of original documents within stipulated deadline or on propriety of documents submitted during physical scrutiny, shall be blacklisted along with their relatives and family members, from participation in settlement process of excise shops in the state for the next five years, including the year of default. If H1/ H2/ H3 bidders default on propriety of documents submitted during physical scrutiny, the EMD tendered by them shall stand forfeited.

- (xiv) Post physical scrutiny of original documents, upon realization of advance consideration money as may be determined by the Government from time to time and after adjustment against deposited EMD, provisional e-auction winners shall be confirmed as final e-auction winners. The final e-auction winner shall then put his signature in the Register of Settlement and Register of Undertaking to lift the monthly minimum guaranteed quantity as may be determined by the Government from time to time and shall be then granted licence by the Collector.
- (xv) The licensee shall open the shop(s) after issuance of licence at a non-objectionable site in the stipulated locality within stipulated time (as specified from time to time) from start of currency of licence. Failure to do so shall entail cancellation of licence and recovery of any loss caused to Government, except in case of delay in granting the licence or wherein any shop is closed under section 28 of the Act.
- (xvi) The privilege once granted shall be valid for a period of one year, and unless and otherwise directed by the State Government, may continue for a maximum period of three years including the year of grant, subject to annual renewal of the licence on terms and conditions generally prescribed by the State Government from year to year. Wilful omission to renew the licence for a shop or group of shops in terms and conditions generally prescribed for all shall lead to the privilege holder or his family members or his associates being disallowed from taking part in subsequent settlement process of the shop or any other shops till



completion of five years including the year of grant or as may be determined by the government from time to time. For shops settled in the middle of excise year, the privilege may continue for remaining period of the original three year's validity, subject to annual renewal as per general terms and conditions. At the end of the licence's original three year's validity or on suspension or surrender of licence, the privilege shall be settled through e-auction or otherwise as directed by the State Government.

- (xvii) The State Government reserves the right to refuse grant of privilege without assigning any reason thereof and settle the privilege before expiry of three years in the manner as may be decided by the State Government from time to time.
- (xviii) No licence shall be granted to any person of doubtful solvency or known to be involved in spurious liquor trade, or has been facing a trial in any Criminal Court under the Act or has been charged of a non-bailable offence under the provisions of Indian Penal Code, 1860 (Act No. XLV of 1860) or is a defaulter in terms of rule 45 of the Odisha Excise Rules, 1965 or in terms of rule 102 (A) of Board's Excise Rules, 1965.
- (xix) In case of expiry of validity period or omission of renewal or suspension/ cancellation or surrender of licence, the shop shall be settled through e-auction or otherwise as directed by the State Government from time to time.
- (xx) The decision of the Excise Commissioner relating to any dispute on account of e-auction in the state shall be final, which shall be binding on all applicants to the e-auction process.
- (xxi) For the purpose of renewal of privilege-
  - (a) The Privilege Holder shall submit application form prescribed from time to time, in the month of January ( or before month of March, in case of grant of

licence after the month of January) for operating the privilege for the ensuing currency year with following supporting documents:

- (1) Original challan deposit(s) under stipulated head of State Treasury, towards payment of non-refundable application fee for each shop, as may be determined by the state government from time to time ;
  - (2) Original up-to-date solvency certificate In respect of Immovable property situated in the state of Odisha obtained from Revenue Authority of the state, equal to not less than three times the combined annual consideration money of the shop(s) the licensee intends to renew ;
  - (3) Copy of up-to-date Sales Tax clearance or non-assessment Certificate;
  - (4) Copy of up-to-date Income Tax clearance or non-assessment Certificate ;
  - (5) Copy of Excise no-dues certificate from the concerned Superintendent of Excise under whose jurisdiction he is/was carrying on the business ;
  - (6) An Affidavit in original, as in Form B, duly sworn in and executed before an Executive Magistrate/ Notary ;
  - (7) Copy of PAN card ;
  - (8) Copy of Voter ID or Adhaar Card ;
  - (9) The lease deed/ RoR of land/ shop where the Privilege Holder has set up shop(s) in designated, objection-free locality.
- (b) The Privilege Holder shall pay monthly consideration money at an increased rate over previous year's monthly consideration money as may be decided by the Government from time to time.
- (c) Along with application form, the Privilege Holder shall deposit consideration money in advance for three months, along with one month's advance consideration money towards security deposit, in form of Demand Draft drawn in favour of the concerned Collector from a Scheduled Bank. The deposit shall be refunded in case the privilege is not renewed.

- (d) Verification of renewal application with original documents shall be done by the Superintendent of Excise assisted by at least one Inspector (and Deputy Superintendent of Excise wherever such posts are available), as nominated by the Collector. After successful scrutiny of the original documents, the privilege shall be renewed for the subsequent financial year by the Collector, subject to approval of the Government.
- (e) When a Privilege Holder shall not apply for renewal of privilege already granted to him for a shop or a group of shop on terms and conditions generally prescribed for all, the privilege already granted shall be discontinued and the shop or group of shop shall be settled afresh through e-auction or otherwise as directed by the State Government.
- (f) The conditions laid down in paragraphs (xv), (xvi), (xvii), (xviii), (xix) shall, mutatis mutandis, apply to the grant of privilege under this paragraph.

**FORM A****NOTICE INVITING ONLINE APPLICATIONS FOR SETTLEMENT OF I.M.F.L. 'OFF'  
and C.S. SHOPS THROUGH E-AUCTION FOR THE YEAR.....**

[ See paragraph (iii) ]

1. The consideration money for exercising the privilege for retail sale of India Made Foreign Liquor (IMFL) 'OFF' and Country Spirit (C.S.) in the state of Odisha for \_\_\_\_\_ District(s) shall be determined through "auction on a forward basis conducted online", (hereinafter referred to as 'e-auction') in accordance with the order issued under sub-section(2) of section 29 of the Bihar and Odisha Excise Act, 1915 (Bihar and Odisha Act II of 1915) (hereinafter called as Act) as for the time being in force and applicable, on \_\_\_\_\_ (date), at \_\_\_\_\_ (time) \_\_\_\_\_ (place).
2. The privilege to be so granted shall confer the right to open a shop in the locality named in the list. The complete list of the localities where the shops are sought to be opened with their monthly reserve price, is annexed herewith in Annexure B.
3. The privilege, without prejudice to any of the provisions of the Act and the rules made thereunder, shall be subject to the following conditions:-
  - (i) The consideration money shall be payable in the manner specified in the Odisha Excise (Exclusive Privilege) Foreign Liquor Rules, 1989.
  - (ii) The currency of the licence shall commence on 1<sup>st</sup> day of April, 20\_\_ (or on the date of grant of licence for shops settled in middle of excise year, as the case may be), from which date the holder of the licence shall open the shop for retail sale of IMFL 'OFF' and/ or C.S., or within a period as extended by the Excise Commissioner from time to time. Failure to open the shop as stipulated herein shall entail cancellation of licence and recovery of any loss caused to Government, except in case of delay in granting the licence or wherein any shop is closed under section 26 of the Act.

- (iii) No compensation shall be paid to the holder of a privilege for retail sale of IMFL or C.S. for closure of his shop on 2nd day of October every year on account of Gandhi Jayanti and also for closure during General Election/by-election to Parliament (Lok Sabha) / State Assembly as per direction of the Election Commission of India and in conformity with the direction of the State Election Commissioner during the election to Grama Panchayat / Panchayat Samiti / Zilla Parishad and Urban Local Bodies and for such other days as the concerned Collector may decide.
- (iv) The holder of a licence shall not be entitled to any compensation or to the refund of any consideration money paid or deposited in respect thereof, in the event of his licence being cancelled or suspended before the expiration of its term under the provisions of section 42 of the said Act.
- (v) Once a shop starts operating in its sanctioned locality, it shall not be ordinarily shifted. However, shifting of a shop to any unobjectionable site within the same sanctioned locality or other than the sanctioned locality for any special reasons shall be subject to the approval of the Excise Commissioner.
- (vi) The holder of the licence shall abide by the provisions of the Act and the Rules and Orders made thereunder.
- (vii) The State Government will not be responsible for providing the place for location of shops. It will be the responsibility of the privilege holder to arrange suitable place and carry on the privilege granted to him only in the locality to which the shop is sanctioned. The place so arranged shall be free from objection from the Public.
- (viii) The privilege once granted shall be valid for a period of one year, and unless and otherwise directed by the State Government, may continue for a maximum period of three years including the year of grant, subject to annual renewal of the licence on terms and conditions generally prescribed for all by the State Government from year to year. Wilful omission to renew the licence for a shop or group of shops in terms and conditions generally prescribed for all shall lead to the privilege holder or his family members or his associates being disallowed

from taking part in subsequent settlement process of the shop or any other shops till completion of five years including the year of grant or as may be determined by the government from time to time. For shops settled in the middle of excise year, the privilege may continue for remaining period of the original three year's validity, subject to annual renewal as per general terms and conditions. At the end of the licence's original three year's validity or on suspension or surrender of licence, the privilege shall be settled through e-auction or otherwise as directed by the State Government.

- (ix) The State Government reserves the right to refuse grant of privilege without assigning any reason thereof and settle the privilege before expiry of three years in the manner as may be decided by the State Government from time to time.
- (x) No licence shall be granted to any person of doubtful solvency or known to be involved in spurious liquor trade, or has been facing a trial in any Criminal Court under the Act or has been charged of a non-bailable offence under the provisions of Indian Penal Code, 1860 (Act No. XLV of 1860) or is a defaulter in terms of rule 45 of the Odisha Excise Rules, 1965 or in terms of rule 102 (A) of Board's Excise Rules, 1965.

4. The e-auction shall be held subject to the following conditions:-

- (i) The e-auction shall be conducted individually and separately under one unique e-auction id for each shop/group of shops as notified in Sale Notice Annexure B. A bidder can apply for one or more shops/ groups of shops of any district and of the state. Bidders shall be required to obtain Digital Signature Certificates (DSCs) through certified agencies, followed by self-registration on e-auction website with valid DSC. Bidders may also obtain multiple DSCs with self-registration of multiple online bidder profiles for participation in e-auction of multiple shops in the event of these auctions being conducted simultaneously.

- (ii) To qualify for participation in e-auction, the bidders shall be required to upload against each auction id/shop he is interested in, the following scanned, legible documents on their registered, DSC-validated profile on e-auction website before the end date for submission of documents online as notified in Sale Notice Annexure A:
- (A) Original challan deposit(s) under the head of State Treasury for the amount notified in Sale Notice Annexure A, towards payment of non-refundable application fee for each shop ;
  - (B) Original Demand Draft(s) as payment instrument for Earnest Money Deposit (EMD) towards each shop, for the amount notified in Sale Notice Annexure A, drawn in favour of the concerned District Collector from a Scheduled Bank ;
  - (C) Original up-to-date solvency certificate in respect of immovable property situated in the state of Odisha obtained from Revenue Authority of the State, equal to not less than three times the combined annual reserve price(s) of shop(s) (as notified in Sale Notice Annexure B) for which the bidder intends to bid ;
  - (D) Original up-to-date Sales Tax clearance or non-assessment Certificate ;
  - (E) Original up-to-date Income Tax clearance or non-assessment Certificate ;
  - (F) Original Excise no-dues certificate from the concerned Superintendent of Excise under whose jurisdiction he is/was carrying on business ;
  - (G) An Affidavit in original, as in Form B, duly sworn in and executed before an Executive Magistrate/ Notary ;
  - (H) Original PAN card ;
  - (I) Original Voter ID or Adhaar Card.
- (iii) The registered bidder shall also be required to sign the 'Terms and Conditions' form online through his registered, DSC-validated profile, acknowledging the following terms and conditions of e-auction:

- (A) Bidder has undergone self-training on e-auction website and that he is not ignorant about the new online system ;
  - (B) Bidder has the responsibility of ensuring internet connection and other infrastructure, computer systems & software, power backup for participating in e-auction ;
  - (C) Bidder shall honor each bid digitally signed and submitted by him in e-auction ;
  - (D) The onus of online uploading of genuine, stipulated documents shall lie on the bidder, failing which the bidder shall be disqualified from participating in e-auction ;
  - (E) The bidder shall abide by the decisions of the Excise Commissioner in case of any disputes arising in this regard.
- (iv) After the last date of online submission of pre-qualification documents by registered bidders and before start of e-auction, the registered bidders shall get system-generated e-mails and SMSs on e-auction pre-qualification status, which shall also be updated automatically in the bidders' online profile.
- (v) Qualified bidders shall log on to e-auction website using registered DSCs before start time of e-auction of the shops, as notified in Sale Notice Annexure B and on e-auction website.
- (vi) The e-auction process shall be governed by the 'e-auction principles' specified below, as determined by the Government in Excise Department from time to time and which shall be available on e-auction website and official departmental website:
- (A) Only qualified/approved bidders who have digitally signed the 'Terms and Conditions' form can participate in e-auction.



- (B) E-auction end time and start time for each auction id shall be as notified in Sale Notice Annexure B with maximum \_\_\_\_\_ number of time extensions of duration \_\_\_\_\_ each.
  - (C) The e-auction shall be online, incremental/ forward auction, with bids submitted in terms of monthly consideration money and only above the fixed reserve price of each shop.
  - (D) Highest bid for a particular shop/auction shall be displayed in real-time to all bidders of that particular shop/ auction id only.
  - (E) System-generated, random masking of identity of each bidder of a particular shop/auction id shall be in effect, with each bidder being able to see only his own masked id, the real-time highest bid amount for the concerned shop and the masked id of the corresponding highest bidder.
  - (F) The minimum and maximum permissible increments per bid shall be as displayed in online details of each auction id.
  - (G) No reduction in bid shall be permitted once it has been digitally signed and submitted by a bidder and accepted by the system. Also, the system shall disallow new bids that are same as the current highest bid, thereby preventing tie of bids.
  - (H) Winner of a particular shop/auction id shall be displayed to all the bidders immediately after end of e-auction slot for that particular shop/auction id.
  - (I) In case of district-wide or area-wide communication network failure, only if duly certified by officers from respective network service providers not below the rank of Junior Telecom Officer of that area/ district, the e-auction for all shops/ auctions ids affected during that network failure may be settled afresh at a later date at the discretion of the Excise Commissioner.
- (vii) If no bid is received in e-auction for any shop/ group of shops, the Excise Commissioner may notify another date for settlement of shops through e-auction or otherwise as directed by the State Government from time to time.

(viii) After successful completion of e-auction for all auction ids/ shops and publication of the 'provisional award of auction' on the e-auction website, all provisional winner's (H1), before being granted the licence by respective District Collectors and start of operation of shop/group of shops, along with H2 and H3 bidders for respective shop(s), shall be required to submit the following documents to respective District Collectors before the end date notified in Sale Notice Annexure A:

- (A) Original documents under sub-paragraphs (A), (B), (C), (G) of paragraph 4.(ii), and copies of documents under sub-paragraphs (D), (E), (F), (H), (I) of paragraph 4.(ii), with same original up-to-date solvency certificate whose scanned copy was submitted online for pre-qualification before e-auction ;
- (B) Original lease deed/ RoR of land/ shop where bidder intends to set up shop(s) in designated, objection-free locality

Failure to furnish the above documents before stipulated deadline or furnishing false documents shall be sufficient ground for cancellation of provisional status of H1/H2/H3 bidders and false/forged documents shall make the bidder liable for criminal proceedings under relevant provisions of IPC. In such case where H1 bidder fails physical scrutiny or defaults on original documents submission deadline, H2 bidder who has cleared the physical scrutiny shall be given the opportunity to match bid of H1 bidder and obtain that particular licence. If H2 bidder fails to match bid of H1 bidder, the settlement of the shop may be done through negotiation with H2 bidder by the concerned Collector at a price not lower than H2 bidder's system-recorded final bid, which shall be approved by the Excise Commissioner on recommendations of the Collector. If negotiation with H2 bidder fails or if H2 bidder fails to clear physical scrutiny, H3 bidder shall be given the opportunity to match bid of H1 bidder, subject to H3 bidder clearing the physical scrutiny. If H3 bidder fails to match bid of H1 bidder, the settlement of the shop may be

done through negotiation with H3 bidder by the Collector preferably at a price not lower than H2 bidder's system-recorded final bid but if H3 bidder fails to agree, then at a price not lower than H3 bidder's system-recorded final bid, which shall be approved by the Excise Commissioner on recommendations of the Collector. If the shop still remains un-allotted, it shall be settled afresh by the Excise Commissioner and the Collector, at the cost and risk of H1 provisional winner. All H1 bidders who default in submission of original documents within stipulated deadline or on propriety of documents submitted during physical scrutiny, shall be blacklisted along with their relatives and family members, from participation in settlement process of excise shops in the state for the next five years, including the year of default. If H1/ H2/ H3 bidders default on propriety of documents submitted during physical scrutiny, the EMD tendered by them shall stand forfeited.

- (ix) Post physical scrutiny of original documents, upon realization of advance consideration money for \_\_\_\_\_ months along with one month's advance consideration money towards security deposit (in form of Demand Draft drawn in favour of the concerned Collector from a Scheduled Bank) and after adjustment against deposited EMD, provisional e-auction winners shall be confirmed as final e-auction winners. The final e-auction winner shall then put his signature in the Register of Settlement and Register of Undertaking to lift the monthly minimum guaranteed quantity as decided by the Government from time to time and shall be then granted licence by the Collector.
- (x) If the final e-auction winner declines or refuses or willfully omits to take licence on some plea or other or fails to open shop within stipulated time from grant of licence, the amount tendered by him towards advance consideration money shall be forfeited to the State Government and he shall be further liable for any loss that may accrue to the Government on account of delay in settlement of the shop or group of shops. Further, he or his family members or his

associates shall not be permitted to take part in the settlement of that shop/group of shops or any shop for five years including the year of his default.

- (xi) The decision of the Excise Commissioner relating to any dispute on account of e-auction in the state shall be final, which shall be binding on all applicants to the e-auction process.
  
- (xii) Any further information in the matter may be obtained on application at the Office of the Collector / District Excise Office.

Place

Date

District Collector



## Form B (AFFIDAVIT)

1. I \_\_\_\_\_ S/O \_\_\_\_\_  
 age \_\_\_\_\_ Occupation \_\_\_\_\_ Resident \_\_\_\_\_ of  
 \_\_\_\_\_ (village/name of the street in  
 case of town) of \_\_\_\_\_ (Tahasil) District  
 \_\_\_\_\_ do hereby solemnly and sincerely affirm and state as follows:
2. I intend to submit application(s) for \_\_\_\_\_ number of IMFL/ C.S. OFF shop with  
 shop Id(s) \_\_\_\_\_ in the District(s)  
 of \_\_\_\_\_ for the licence period  
 20\_\_ to 20\_\_ , requiring combined solvency amount of \_\_\_\_\_
3. I hereby declare that:
- i. I am the deponent of this affidavit.
  - ii. I am the absolute owner/joint owner having share to an extent indicated below of the immovable properties mentioned below and I am in sole/joint possession and enjoyment of these properties in my right and there are no encumbrances or liabilities on these properties.

Description of the Immovable property	Extent of property	Location	Sole or joint. If joint, the extent of share	Value of share of the property by me in Column No.2 and 4.
1	2	3	4	5
1. Land a. Agricultural lands b. Non-agricultural lands				
2. Buildings a. Residential houses etc. b. Commercial houses or c. Other categories				
3. Industries or other properties if any held.				
				Total value:

- iii. I shall undertake not to alienate or otherwise encumber the properties listed above in paragraph (ii) until I pay the dues, if any accrued during the period.
- iv. I have not been convicted in any criminal case of a non-bailable offence.
- v. I have neither been convicted nor facing a trial under section 52, 52-A, 49 & 47 (d)/ (e)/ (g) of the Bihar and Odisha Excise Act.1915 in any court of competent jurisdiction.

- vi. I am not a defaulter in terms of rule 45 of the Odisha Excise Rules, 1965. I am also not a defaulter in terms of rule 102-A of the Board's Excise Rules, 1965 during preceding three years.
- vii. No Government dues either relating to Excise or any other Department of Govt. are outstanding against me.
- viii. This affidavit is required to be produced before the Excise Authorities in connection with e-auction sale of Excise shops.
- ix. I am not holding any shop/Establishment under the Bihar and Odisha Excise Act and the rules made there under anywhere in the State of Odisha either in my name or in the name of any of my family members.

(OR)

I am currently holding \_\_\_\_\_ number of shop(s)/ establishment(s) under the Bihar and Odisha Excise Act and the rules made there under, with shop id(s) \_\_\_\_\_ in the District(s) of \_\_\_\_\_ either in my name or in the name of any of my family members.

(OR)

I was holding \_\_\_\_\_ number of shop(s)/ establishment(s) under the Bihar and Odisha Excise Act and the rules made there under, with shop id(s) \_\_\_\_\_ in the District(s) of \_\_\_\_\_ either in my name or in the name of any of my family members.

- x. The Excise No-Dues Certificate required to be submitted along with the application is applicable/ not applicable to me.
- xi. I have never been declared as a defaulter under the aforesaid Act/rules. I am also not in arrears of Government revenue for any period.
- xli. I am not related directly to any of the state excise officials.
- xiii. I shall be liable for penal action besides cancellation of licence, if any, granted to me in case at a later stage any of the facts sworn in here are found to be false
- xiv. The facts stated above are true to the best of my knowledge and belief.

## DEPONENT

Solemnly and sincerely affirmed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ the contents of this affidavit having been read over audibly and explained to the deponent who having understood the same put his signature / thumb impression in my presence at \_\_\_\_\_ time on \_\_\_\_\_ (date)

Attester (Notary).

By order of the Governor,

S. P. THAKUR

Principal Secretary to the Government