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EXTRAORDINARY

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**EXCISE DEPARTMENT
ORDER**

The 6th February, 2015

S.R.O. No. 43/2015— 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) and in supersession of the Order of the Government of Odisha in Excise Department No. 4528-Ex., dated the 1st August, 2014 published in the Extra Ordinary issue of *Odisha Gazette* No.1271, dated the 11th August, 2014 and except as respect to thing done and action taken or omitted to be done before such supersession, 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:—

(1) The dates for e-auction shall be fixed and notified by the Excise Commissioner with the prior approval of the State Government.

(2) The process of settlement shall be conducted by a departmental Excise Auction Committee (hereinafter referred to as EAC), Chaired by the Excise Commissioner comprising three to six other members appointed by the Chair from time to time. The EAC may be guided, from time to time, by a core team as may be engaged by the State Government, comprising officials such as those from the Excise Department, State Procurement Cell (SPC), MSTC Limited (company registered under the Companies Act, 1956), National Informatics Centre (NIC), or any other such registered organization. The EAC may also be assisted throughout the settlement process by Information Technology (IT) support staff comprising of computer-trained officers as may be provided by the State Government from time to time. The EAC Members shall have Departmental access to e-

auction website (mstcecommerce.com), validated by authorized Digital Signature Certificates. MSTC Ltd., with the support of EAC and IT staff, shall create auction Ids in e-auction system for each shop or group of shops sufficiently before issue of Sale Notice in Form 'B' and carry out the scrutiny of required original documents after online registration of bidders, monitor live progress of e-auction, generate list of provisional highest bidders post e-auction, and officially forward this report to EAC, who in turn shall forward this to respective Collector of the District for grant of licences.

(3) On publication of the notification as mentioned in Paragraph (1) along with the list of shops or group of shops received from EAC, the Collector of the concerned District shall issue Public Notice in Form 'A' inviting objections from the persons residing within the locality, unless such objection invitation and disposal has been completed by the Collector for the concerned year. After disposal of the objection petitions, the Collector of the concerned District shall issue Sale Notice in Form 'B' inviting online applications from bidders for settlement of a shop or a group of shops at least ten 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 shops along with auction Ids in print and electronic media and shall also communicate the list to the State Government for prominent display on official website of the Department-<http://odisha.gov.in/excise/>.

(4) The settlement of retail shops of IMFL 'OFF' and C.S. shall be done individually and separately. Shops shall not be ordinarily settled in lots, except with the sanction of the Excise Commissioner based on recommendations of the respective Collectors and any surrender or cancellation of licences (of the lot) after settlement shall entail surrender or cancellation of the whole lot at the discretion of the Competent Authority.

(5) The e-auction shall be conducted individually and separately under one unique e-auction Id for each shop or group of shops to be processed by the EAC. Bidders shall be required to obtain Digital Signature Certificates (DSCs) through Certification Agencies appointed by the office of the Controller of Certification Agencies (CCA) under the provisions of IT Act, 2000 to participate in e-auction.

(6) To qualify for participation in e-auction, the bidders shall be required to apply online by submitting the 'buyer registration' form and then undergo scrutiny of required original documents with MSTC Ltd/ EAC on payment of registration fee as specified in the Sale Notice, before the end date for bidder registration as specified in Sale Notice. These documents may be as specified in the Sale Notice, as may be determined by the State

Government, from time to time, and may, among other things, include the following, namely:—

- (a) Proof of online payment to MSTC Ltd's E-payment gateway to be made towards non-refundable application fee for each shop, as specified in the Sale Notice, as may be determined by the State Government, from time to time;
- (b) Proof of online payment to MSTC Ltd's E-payment gateway to be made towards Earnest Money Deposit (E.M.D.) of each shop which shall not be less than three times the concerned shop's monthly reserve price or as may be determined by the State Government from time to time. Such amount of E.M.D. shall not be accepted in cash or in the form of Cheque or Bank Draft; The EMD remitted by the successful bidder will be retained for adjustment towards the advance consideration money payable by the applicant for the year of grant of license and the EMD remitted by all the other applicants (i.e. unsuccessful bidders) shall be returned or released within fifteen working days after completion of e-auction;
- (c) Original up-to-date Solvency Certificate in respect of immovable property situated inside the State of Odisha, the amount of which shall not be less than six times of the reserve price (s) of the shop or shops the bidder intends to bid for; No bidding shall be allowed to any person who is having a doubtful solvency. Besides, no license shall be granted to a person having doubtful solvency. This shall be scrutinized by MSTC Ltd. under supervision of EAC during pre-bid qualification scrutiny as well as by the Collector of the district at the District Level at the time of physical verification of the Original Documents;
- (d) An affidavit in Form 'C' duly executed before an Executive Magistrate affirming that the bidder has not been convicted in any criminal case nor is involved in any excise case nor being tried in any Court of competent jurisdiction, along with other details as contained in Form 'C'. This shall be scrutinized by MSTC Ltd/ EAC during pre-bid qualification scrutiny as well as by the Collector of the district at the District Level at the time of physical verification of the Original Documents. Any person who has been facing a trial in any Criminal Court under the Act, or who has been charged of a non-bailable offence under the provisions of the Indian Penal Code, 1860 or

has criminal antecedents shall not be allowed to bid nor any license shall be granted to such person;

- (e) Original VAT registration certificate or acknowledgement of VAT registration application (only for new applicants with no existing VAT registration);
- (f) Original Income Tax Return for the year preceding the publication of Sale Notice;
- (g) Up-to-date original Excise no-dues certificate (in case of existing liquor shop licensees) from the concerned authority;
- (h) Original PAN Card;
- (i) *Bona fide* letter from banker of bidder as per Form 'D'; and
- (j) Two recent colour passport-size photos of bidder

(7) The registered bidder shall also be required to sign the 'Terms and Conditions' Online through his registered, DSC-validated profile, acknowledging the following terms and conditions of e-auction, namely:—

- (a) Bidder or his associate is familiar with and understands the e-auction process on website and has the technical knowledge and human resources to participate in e-auction process;
- (b) Bidder must have access to hardware and internet connectivity for participating in e-auction process;
- (c) Bidder shall honour each bid digitally signed and submitted by the bidder in e-auction;
- (d) The onus of online application and submission of genuine, stipulated documents during registration with MSTC Ltd. shall lie on the bidder;
- (e) In case of any grievances arising in course of the e-auction process, the Bidder shall abide by the decision of the Excise Commissioner.

(8) Each bidder shall submit single online application. Thereafter, MSTC Ltd. shall collect non-refundable one-time MSTC registration fee for each bidder as specified in Form 'B' Sale Notice and then scrutinize the original documents as per Para. (6) mentioned above. The Login ID and password of those who qualify shall then be activated in the system by MSTC Ltd. with online approval of EAC. Thereafter, the e-payment gateway can be accessed by bidders for online remittance of non-refundable application fee for each shop and EMD per shop. The activated bidders will be able to participate in bidding only after online remittance of non-refundable application fee per shop and EMD per shop before the end date stipulated in Sale Notice. MSTC Ltd. will

communicate to the disqualified bidders through email giving reason(s) of disqualification, at the end of pre-qualification process.

(9) The qualified Bidders may log on to e-auction website using registered DSCs before start time of e-auction of the shops, as specified in the Sale Notice and as per 'terms and conditions' signed Online by the Bidders.

(10) The e-auction process shall be governed by the 'e-auction principles' as determined by the State Government in Excise Department, from time to time, and which shall be published in Sale Notice and shall be made available on e-auction website and also departmental website. The 'e-auction principles' may, among other details, envisage the following, namely:—

- (a) After logging in and before bidding in live e-auction, the qualified Bidders shall be required to digitally sign the 'terms and conditions', without which the bidder shall not be allowed to participate in e-auction;
- (b) The e-auction end time and start time for each shop or shops with auto-time extensions shall be displayed Online with details of each such shop or shops;
- (c) The e-auction shall be Online, incremental or forward auction, with bids submitted in terms of monthly consideration money and above the fixed reserve price of each shop;
- (d) The highest bid for a particular shop or shops shall be displayed in real-time to all Bidders;
- (e) System-generated masking of identity of each Bidder of all shops shall be in effect, with each Bidder being able to see his own bid, and the real-time highest bid amount for the concerned shop;
- (f) The minimum and maximum permissible increments per bid shall be determined by the EAC and shall be in effect during live e-auction;
- (g) No reduction in bid shall be permitted once it has been signed and submitted by a bidder using his DSC and accepted by the system. New bids that are same as current highest bid shall not be allowed in order to prevent tie of bids;
- (h) The bid amount of provisional highest bidder of a particular shop or shops shall be displayed to all the bidders after end of e-auction slot for that particular shop or shops subject to validation by EAC; and
- (i) In case of district-wide or area-wide communication network failure due to natural calamities etc., the e-auction for such shops with auctions Ids

affected during such network failure may be conducted afresh at a later date by the EAC.

(11) If no bid is received in e-auction for any shop or group of shops, the Excise Commissioner may notify another date for settlement of shops through e-auction or may allow these shops to be run by State Government agencies or Co-operative organizations with the licence fee as decided by the State Government.

(12) After successful completion of e-auction for all shops, the list of shop-wise provisional highest Bidders with their respective H1 bid amounts for all such shops shall be submitted officially by MSTC Ltd. to EAC for approval. Upon approval, the list of approved provisional highest bids shall be intimated to respective District Collectors by EAC. Simultaneously, the H1 provisional status shall be intimated to respective bidders over e-mail by MSTC Ltd..

(13) Verification of Original documents, including online remittance towards non-refundable application fee of each shop and EMD payment towards each shop, shall be made in respect of the provisional highest Bidders for each shop as recommended by EAC before the license is actually granted by the Collector. Such verification shall be done by the Superintendent of Excise assisted by at least one Deputy Superintendent of Excise or Inspector, wherever such posts are available as nominated by the Collector before the licence is actually granted by the Collector. For the purpose of this verification, all provisional highest Bidders for the shop or shops shall be required to submit the documents in original as mentioned in Paragraph (6) to respective Collector before the end date specified in the Sale Notice.

(14) Failure to furnish the documents referred to in Paragraph (13) before the stipulated deadline or furnishing false documents shall be sufficient ground for cancellation of the status of the provisional highest Bidder and the Bidder is liable for criminal proceedings under relevant provisions of the Indian Penal Code, 1860 for furnishing false documents. Settlement of licence shall be done at the highest evaluated responsive bid for the concerned shop, as validated by the concerned Collector and EAC. The unsettled shop, if any, shall be settled afresh through e-auction or be allowed to be run by State Government agencies and Co-operative Organizations with the licence fee as decided by the State Government. If the provisional highest Bidder does not respond for physical verification at Collector level within the stipulated period or defaults on propriety of documents submitted during physical scrutiny, the EMD tendered by the bidder shall stand forfeited and the bidder shall be debarred from participating in future auctions with approval of EAC.

(15) Post physical scrutiny of the original documents, upon realization of advance consideration money and security deposit as may be determined by the Government, from time to time, the highest evaluated responsive Bidder shall be confirmed with the settlement of the shop. The deposited EMD shall be adjusted during the last quarter of financial year. He 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 State Government from time to time and shall be then granted licence by the Collector. The shop shall be established on an unobjectionable site and non-Govt. land as directed by Govt. from time to time. Before establishment of shop on such site, the licensee shall furnish the original document to prove that he is the owner of such site or has taken on rent the site, to the respective Collector for approval.

(16) The licensee shall open the shop after issuance of licence in the stipulated locality from start of currency of licence.

(17) The privilege once granted shall be valid for a period of one financial year and unless and otherwise directed by the State Government, may continue for a maximum period of three financial years including the year of grant, subject to annual renewal of the licence for the second and third financial year succeeding the year of e-auction on the terms and conditions to be prescribed by the State Government from financial year to financial year. In the event of any exigencies, if a shop is settled in the middle of the financial year through e-auction, the privilege may continue for remaining period of the original three financial year's validity, subject to annual renewal as per the terms and conditions.

(18) The left over stock of the outgoing licensee shall be transferred by the Collector of the concerned District to the succeeding licensee, who may take it towards his MGQ on payment of invoice price (cost price and excise duty) to the outgoing licensee so that the succeeding licensee would be in a position to lift the stock as per MGQ for the licence period provided that the left over stock of IMFL or Beer should have the period of validity of its use.

(19) The State Government reserves the right to refuse grant of privilege without assigning any reason therefor and settle the privilege before expiry of three financial years in the manner as may be decided by the State Government from time to time.

(20) In case of expiry of validity period or failure in renewal or suspension or cancellation or surrender of licence, the shop shall be settled through e-auction or be allowed to be run by the State Government agencies and Co-operative Organizations with the licence fee as decided by the Government. In case of failure in renewal or suspension or

cancellation of licence, such licensees shall be debarred from participating in future auctions with approval of EAC.

(21) If any of the requirements as mentioned under the order is found to be factually incorrect at any point of time the bid of the said person or license, as the case may be, is likely to be rejected or cancelled by the Competent Authorities without payment of any damage/ compensation whatsoever.

(22) The decision of the Excise Commissioner on any grievance arising in course of the e-auction process in the State shall be final.

This order shall come into force with effect from the date on which it is published in the official Gazette.

[No. 533/Ex.]

By Order of the Governor

S. P. THAKUR

Principal Secretary to Government

District Excise Office.....

Form 'A'

PUBLIC NOTICE

Whereas, the State Government intend to grant Exclusive Privilege of.....(Name of the intoxicant) by way of e-auction at.....(Name of the locality) within the local area mentioned below against each for the period of the grant.....(i.e. from.....to.....), objections, if any, by any person residing within the said local area, are invited by(date). The objections, if any, shall be addressed to the undersigned and shall reach him on or before the aforesaid date. Any objection received after the said date will not be taken into consideration.

Collector.....

(District)

List of the shop/ shops	Kind of exclusive privilege	Locality at which the privilege is to be granted	Local area where the privilege is to be exercised
(1)	(2)	(3)	(4)

District Excise Office.....

Form 'B'

SALE NOTICE

NOTICE INVITING ONLINE APPLICATIONS FOR SETTLEMENT OF IMFL 'OFF' AND C. S. SHOPS THROUGH E-AUCTION FOR THE YEAR.....

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 forDistrict] 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 (hereinafter called as Act) as for the time being in force and applicable as per *Annexure-1*'.
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- 1*'.
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 and Odisha Excise Exclusive Privilege Rules, 1970.
 - (ii) The currency of the licence shall commence on the date of grant of licence for shops settled in the financial year from the date the licensee shall open the shop for retail sale of IMFL / C. S. or for a period as extended by the Government 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/ C.S. for closure of the 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 Commission during the Election to Gram 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/ her 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 un-objectionable 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 the privilege holder only in the locality to which the shop is sanctioned. The place so arranged shall be free from objection from the public and shall not be on Government land as specified by the Govt. from time to time.
- (viii) The privilege once granted shall be valid for a period of one year, and unless and otherwise directed by the State Government, it may continue for a maximum period of three years including the year of grant. If a shop is settled in the middle of the financial year through e-auction, the privilege may continue for the remaining period of the original year and subject to maximum period of three years including the year of grant, unless and otherwise directed by the Government. Wilful failure 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 under rule 102- A of Board's Excise Rules, 1965 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. At the end of the license'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 bidding shall be allowed to any person who is having a doubtful solvency. Besides no license shall be granted to a person having doubtful solvency. This shall be scrutinized by MSTC Ltd. under supervision of EAC during pre-bid qualification scrutiny as well as by the Collector of the district at the District Level at the time of physical verification of the original documents. Any person who has been facing a trial in any Criminal Court under the Act or who has been charged of a non-bailable offence under the provisions of the Indian Penal Code, 1860 or has criminal antecedents shall not be allowed to bid nor any licence shall be granted to such person. The applicant shall file an affidavit duly executed before an Executive Magistrate affirming that the bidder has not been convicted in any criminal case nor is involved in any excise case nor being

tried in any Court of competent jurisdiction. This shall be scrutinized by MSTC Ltd. under supervision of EAC during pre-bid qualification scrutiny as well as by the Collector of the district at the District Level at the time of physical verification of the original documents.

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 in *Annexure-‘I’*. 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 Certification agencies appointed by the office of the Controller of Certification Agencies (CCA) under the provisions of IT Act, 2000, to participate in e-auction.
- (ii) To qualify for participation in e-auction, the bidders shall be required to apply online by submitting the ‘buyer registration’ form and then undergo scrutiny of required original documents with MSTC Ltd/ EAC on payment of registration fee as specified in Sale Notice before the end date of bidder registration as notified in Sale Notice in *Annexure –‘I’*.
 - (a) Proof of online payment to MSTC Ltd's E-payment gateway to be made towards non-refundable application fee for each shop as notified in Sale Notice (*Annexure- ‘I’*).
 - (b) Proof of online payment to MSTC Ltd's e-payment gateway to be made towards Earnest Money Deposit (EMD) of each shop for the amount notified in Sale Notice *Annexure-‘I’*. No cheque/ Bank Draft/ cash payment shall be accepted as EMD.
 - (c) Up-to-date Solvency Certificate in respect of immovable property situated in the State of Odisha obtained from Revenue Authority of the State, not less than six times of the monthly reserve price of shop or shops as notified in Sale Notice (*Annexure-‘I’*) for which the bidder intends to bid.
 - (d) VAT registration Certificate or acknowledgement of VAT registration application (only for new applicants with no existing VAT registration).
 - (e) Original Income Tax Return for the year preceding the publication of Sale Notice.
 - (f) Up-to-date original Excise No dues Certificate (in case of existing liquor shop licensee) from the concerned authority.
 - (g) An affidavit in original as in Form ‘C’ as prescribed from time to time duly shown and executed before an Executive Magistrate/ Notary.
 - (h) PAN Card.
 - (i) *Bona fide* letter from banker of bidder as per Form ‘D’.
 - (j) Two recent colour passport-size photos of bidder.

- (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 or his associate is familiar with and understands the e-auction process on Website and has the technical and/ or human resources to participate in e-auction process;
 - (b) Bidder must have access to hardware and internet connectivity for participating in e-Auction process;
 - (c) Bidder shall honour each bid digitally signed and submitted by the bidder in e-auction;
 - (d) The onus of online application and submission of genuine stipulated documents during registration with MSTC Ltd. shall lie on the bidder;
 - (e) In case of any grievances arising in course of the e-auction process, the bidder shall abide by the decisions of the Excise Commissioner.
- (iv) Each bidder shall submit single online application. Thereafter, MSTC Ltd. shall collect non-refundable one-time MSTC registration fee for each bidder as specified in Form 'B' Sale Notice and then scrutinize the original documents as per Para: 4 (ii) mentioned above. The Login ID and password of those who qualify shall then be activated in the system by MSTC Ltd. with online approval of EAC. Thereafter, the e-payment gateway can be accessed by bidders for online remittance of non-refundable application fee for each shop and EMD per shop. The activated bidders will be able to participate in bidding only after online remittance of non-refundable application fee for each shop and EMD per shop before the end date stipulated in the Sale Notice. MSTC Ltd. will communicate to the disqualified bidders through e-mail giving reason(s) of disqualification, during pre-qualification process.
- (v) Qualified bidders may log on to e-auction Website using registered DSC's before start time of e-auction of the shops, as notified in the Sale Notice and as per terms and conditions form signed Online by the bidders.
- (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 made available on e-auction Website and also Departmental Website, namely:
- (a) After logging in and before bidding in live e-auction, the qualified bidders shall be required to digitally sign the 'terms & conditions' Form Online, without which the bidder shall not be allowed to participate in e-auction.
 - (b) E-auction start time and end time for each shop or shops with auto-time extensions, if any, shall be displayed online with details of each shop or shops.

- (c) The e-auction shall be Online, incremental/ forward auction, with bids submitted in terms of monthly consideration money and above the fixed reserve price of each shop/ group of shops.
 - (d) Highest bid for a particular shop or shops shall be displayed in real time to all bidders.
 - (e) System-generated masking of identity of each bidder of all shops shall be in effect, with each bidder being able to see only his own bid, and the real time highest bid amounts for the concerned shop/ shops.
 - (f) The minimum and/ or maximum permissible increments per bid shall be displayed in online details of each shop or shops.
 - (g) No reduction in bid shall be permitted once it has been digitally signed and submitted by a bidder using his DSC 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) The highest bid amount of a particular shop shall be displayed to all the bidders after end of e-auction for all the shops/ auction lds subject to validation by EAC.
 - (i) In case of district-wide or area-wide communication network failure due to natural calamities etc., the e-auction for such shops affected during that network failure may be settled afresh at a later date by the EAC.
- (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 shops, the list of shop-wise provisional highest bidders with their respective H1 bid amount for all shops shall be submitted officially by MSTC Ltd. to EAC for approval. Upon approval, the list of approved provisional highest bids shall be intimated to respective District Collectors by EAC.
- (ix) Verification of original documents, including online remittance towards non-refundable application fee of each shop and EMD payment towards each shop, shall be made in respect of the provisional highest bidders for each shop, as recommended by EAC before the license is actually granted by the Collector. Such verification shall be done by the Superintendent of Excise assisted by at least one Deputy Superintendent of Excise or Inspector wherever such posts are available, as nominated by the Collector before the license is actually granted by the Collector. For the purpose of original verification, all provisional highest bidders for respective shop/ shops shall be required to submit the following to respective District Collectors on the date (s) of physical verification:—
- (a) Original documents as well as self-attested copies of documents under subparagraphs A, B, C, D, E, F, G, H, I and J of Paragraph 4 (ii).

Failure to furnish the documents referred to at Paragraph 4 (ii) before the stipulated deadline or furnishing false documents shall be sufficient ground for cancellation of the status of the provisional highest Bidder and the Bidder is liable for criminal proceedings under relevant provisions of the Indian Penal Code, 1860 for furnishing false documents. If the provisional highest Bidder does not respond for physical verification at Collector level within stipulated time period or defaults on propriety of documents submitted during physical scrutiny, the EMD tendered by the bidder shall stand forfeited and the bidder shall be debarred from participating in future auctions with approval of EAC.

- (b) After physical scrutiny of original documents, upon realization of advance consideration money and security deposit, the highest evaluated responsive bidder shall be confirmed with the settlement of the shop. The deposited EMD shall be adjusted during the last quarter of financial year. He shall then put his signature in the Register of settlement and Register of Undertaking to lift the monthly Minimum Guaranteed Quantity (MGQ) of the shop as may be determined by the Government and shall be granted license by the Collector. The shop shall be established on an unobjectionable site and non-Govt. land as directed by Govt. from time to time. Before establishment of shop on such site, the licensee shall furnish the original document to prove that he is the owner of such site or has taken on rent the site, to the respective Collector for approval. In case of EMD of other unsuccessful bidders, the same will be returned/ released within fifteen working days after completion of e-auction. For the subsequent year (s), after physical scrutiny of original documents, and upon realization of advance consideration money, as may be determined by the Government from time to time, the license will be renewed if the licensee fulfils all terms and conditions under provisions of law.
- (c) If the final e-auction winner declines or refuses or wilfully omits to take licence on some plea or other or fails to open shop on grant of license, the EMD amount remitted by the winner, advance consideration money and security deposit shall be forfeited to State Government and he shall be further liable for any loss that may accrue to Government on account of delay in settlement of the shop or group of shops. Further, he or his family member or his associates shall not be permitted to take part in settlement of that shop/ group of shops or any shop for five years including the year of his default as per rule 102-A of Board's Excise Rules, 1965.

District Collector

Place :

Date :

District Excise Office..... Annexure-'I'

Important Dates & Data for e-auction

- (1) e-auction Website : www.mstcecommerce.com
- (2) Verification of pre-qualification documents :
- a) Start date time
- b) End date time
- (3) E-Auction date and time:
- a) As indicated in table below
- (4) Date of publishing provisional list of highest bidders :—.....
- (5) Physical scrutiny of original documents of provisional highest bidders
at District Collector Level
- a) Start date time
- b) End date time
- (6) Non-refundable application fee (for each shop) to be remitted online through MSTC's
e-payment gateway:
- (7) Non-refundable one-time registration fee per bidder in favour of MSTC Ltd.:
.....

Sl. No.	Shop type (IMFL 'OFF'/ C.S.)	Shop location	Urban/ Rural	Monthly Reserve Price	Monthly MGQ based on MRP*		e- auction time duration (excluding time extensions)				Remarks
					LPL (IMFL/ C.S.)	BL (Beer)	Start date	Start time	End date	End time	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

NB: * MGQ calculated as per prevalent Annual Excise Policy

District Excise Office.....

Form 'C'

Affidavit

I, S/o age
 occupation..... Resident of
 (village/ name of the street in case of town)
 (Tahasil) District

do hereby solemnly affirm and state as follows:

A. I have submitted application in my name with PAN number
 with the following solvency details:—

Sl. No.	Details of Solvency certificate submitted			Remarks
	Solvency certificate No. & Date	Issuing Authority	Solvency amount on each certificate	
(1)	(2)	(3)	(4)	(5)

B. I hereby declare that —

- (1) I am solvent to the extent of Rs.....
- (2) I have neither been convicted in any criminal case nor facing trial in any Criminal Court. I have no criminal antecedents and I am not involved in any excise case under the Act.
- (3) I am not a defaulter under rule 45 of the Odisha Excise Rules, 1965 and that I am also not defaulter under rule 102–A of the Board’s Excise Rules, 1965.
- (4) No Government dues are outstanding against me.
- (5) This affidavit is required to be produced before the Excise Authority in connection with e-auction for grant of exclusive privilege.
- (6) The Excise No Dues Certificate required to be submitted along with the application is applicable/ not applicable to me.
- (7) I have never been declared as defaulter under the aforesaid Act/ Rules. I am also not in arrears of Government Revenue for any period.
- (8) I shall be liable for penal action besides cancellation of licence granted to me, if any, in case any of the facts sworn in here are found to be false.
- (9) The facts stated above are true to the best of my knowledge and belief.

DEPONENT

Solemnly affirmed thisday of20
 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).

Executive Magistrate/ Notary

Form 'D'

BANK AUTHORIZATION LETTER

To whom so ever it may concern

THIS IS TO CERTIFY THAT M/s. _____ HAVING
A/C NO. _____ IN OUR BANK AND THE AUTHORIZED PERSON
SIGNATURE IS ATTESTED BELOW:

SPECIMEN SIGNATURE:

- 1.
- 2.
- 3.

BRANCH MANAGER SIGN, SEAL AND ADDRESS