The Andhra Pradesh (Regulation of Wholesale Trade and Distribution and Retail, Trade in Indian Liquor, Foreign Liquor, Wine and Beer) Act, 1993

Act 15 of 1993

Keyword(s):
IMFL, Foreign Liquor, Beer, Indian Liquor

Amendements appended: 24 of 2005, 5 of 2012, 2 of 2016, 23 of 2019, 31 of 2021, 9 of 2022

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THE ANDHRA PRADESH (REGULATION OF WHOLESALE TRADE AND DISTRIBUTION AND RETAIL TRADE IN INDIAN LIQUOR, FOREIGN LIQUOR WINE AND BEER) ACT, 1993.

ACT No. 15 OF 1993.*

[*4th Sept.* 1993.]

An Act to provide for the taking over of the Wholesale Trade and Distribution in Indian Liquor, Foreign Liquor, Wine and Beer and to Regulate the Retail Trade thereof as a prelude to totally prohibit the consumption of intoxicating liquors.

Whereas the Government have taken notice of the evils of consumption of intoxicating liquors and have been thinking of prohibiting the consumption of intoxicating liquors in pursuance of Article 47 of the Constitution of India ;

And whereas the Government have accordingly imposed ban on the sale of arrack in retail in Nellore District for the Excise year 1992-1993 ;

And whereas the Government have decided not to lease out the aright to sell arrack in retail in any part of the State with effect from the ppointed date with a view to totally ban the Consumption of arrack;

And whereas the Government have been thinking of taking over the wholesale trade and distribution in Indian Liquor, Foreign Liquor Wine and Beer from the private sector in order to have an effective control over the wholesale supply and distribution in Indian liquor Foreign liquor, Wine and Beer to facilitate the eventual prohibition of consumption of intoxicating liquors of any kind ;

*Received the assent of the President on 4th Sep. 1993. For Statement of Objects and Reasons Please See the *Andhra Pradesh Gazette*, Part-IV-A, Extraordinary dated the 5th Aug. 1993 at Page Nos. 10 and 11.

And whereas the Government have also been thinking of terminating all the existing licences to sell Indian liquor, Foreign liquor, Wine and Beer in retail and lease the right to sell Indian liquor by way of auction in order to facilitate easy imposition of total prohibition;

And whereas the Government have carefully considered the whole matter and have taken a policy decision that in public interest the exclusive privilege of supplying in wholesale the Indian liquor, Foreign liquor, Wine and Beer in the whole of the State of Andhra Pradesh shall be vested in the Andhra Pradesh Beverages Corporation Limited, a Corporation wholly owned and controlled by the Government, and that the right to sell the same in retail shall be auctioned by the State in place of the present practice of granting licences;

And whereas the licences already granted in respect of privilage of supplying in wholesale and retail Indian liquor, Foreign liquor, Wine and Beer under the existing rules will expire on the 30th September, 1997;

And whereas the Government have decided to terminate all existing licences for wholesale trade and distribution of Indian liquor, Foreign liquor, Wine and Beer and also the licences for selling the same in retail with effect from the appointed date in order to achieve the aforesaid mentioned object in public interest as a prelude to totally prohibiting the consumption thereof in course of time;

Be it enacted by the Legislative Assembly of the State of Andhra pradesh in the Forty-fourth Year of the Republic of India as follows:-

1. *Short title, extent and commencement.*-(1) This Act may be called the Andhra Pradesh (Regulation of Wholesale Trade and Distribution and Retail Trade in Indian Liquor, Foreign Liquor, Wine and Beer) Act, 1993.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the Government may, by notification, appoint and they may appoint different dates fordifferent areas and for different provisions.

2. *Definitions.*–In this Act unless the context otherwise requires.-

(1) 'appointed date' means the date appointed under sub-section (3) of Section 1;

(2) 'Commissioner' means the Officer appointed under Section 3 of the Andhra Pradesh Excise Act, 1968. (Act XVII of 1968)

(3) the words and expressions used but not defined in this Act shall have the meaning assigned to them in the Andhra Pradesh Excise Act, 1968 (Act XVII of 1968), and the rules made thereunder.

3. *Termination of licences to sell Indian liquor etc., in wholesale.*— (1) Notwithstanding anything contained in the Andhra Pradesh Excise Act, 1968 and the rules made thereunder, the Indian Contract Act, 1872 or any judgment, decree or order of any Court, Tribunal or other authority or the terms and conditions of any agreement entered into with the licensing authority under the Andhra Pradesh Excise Act, 1968 (*Act XVII of* 1968). and a licence prior to the appointed date or any other law for the time being in force, every import permit, export permit, transport permit and licence granted to sell Indian liquor, Foreign liquor, Wine and Beer in wholesale and remaining inforce on the appointed date shall stand terminated with effect on and from the appointed date and threreupon the licensing authority shall be free from all obligations arising out of such permit and licence and accordingly no suit or other proceeding shall be entertained or continued in any Court against the licensing authority or any person or authority whatsoever for the enforcement of any terms and conditions of such permit or licence so terminated or for any damages or compensation on the ground that any loss is sustained by the termination thereof before its expiry.

(2) Within a period of one month from the date of commencement of this Act the Government shall, takeover the entire stock o Indian liquor, Foreign liquor, Wine and Beer which on the date of such commencement is in the possession of any holder of a permit or licence which stood terminated under sub-section (1) on such terms and conditons as may be prescribed.

EXPLANATION:— For the purpose of this sub-section, the expression "stock of Indian liquor, Foreign liquor, Wine and Beer which on the date of such commencement, is in the possession of any holder of a permit or licence which stood terminated under sub-section (1)" sha

include stock in movement on the date of commencement of this Act consequent on the orders placed by such holder with the appliers in pursuance of permits granted by the competent authority under the Andhra Pradesh Excise Act, 1968 and the rules made (*Act XVII of* 1968) threunder.

4, *Taking over of wholesale trade in Indan liquor*:— (1) Notwithstanding anything contained in the Andhra Pradesh Excise Act, 1968 the right to carry on whole sale trade and distribution of Indian liquor, Foreign liquor, Wine and Beer shall on and from the appointed date solely vest in the Government and subject to such rules as may be made in this behalf the Andhra Pradesh Beverages Corporation Limited, a Corporation wholly owned and controlled by the Government shall have the exclusive privilege of importing, exporting and carrying on the wholesale trade and distribution of Indian liquor, Foreign liquor, Wine and Beer on behalf of the Government, for the whole of the State of Andhra Pradesh and no other person shall be entitled to any privilege of importing, exporting and supplying the same in wholesale or distributing the same for the whole or any part of the State.

Explanation:— For the removal of doubts it is hereby declared that the Andhra Pradesh Beverages Corporation Limited shall, while carrying the wholesale trade and distribution of Indian liquor, Foreign liquor, Wine and Beer under this section shall be deemed to be an authority acting on behalf of the Government for purpose of section 68A of the Andhra Pradesh Excise Act, 1968 (Act XVII of 1968)

(2) The Andhra Pradesh Beverages Corporation Limited shall open its branches in the State in such place and subject to such conditions as the Commission may specify.

(3) Until the date on which the Andhra Pradesh Beverages Corporation Limited commences supplying, by whole sale, Indian liquor, Foreign liquor, Wine and Beer retail dealers or till the date of the expiry of a period of two months commencing on and from the appointed date whichever is earlier, the Government shall as an interim measure, effect supply, by whole sale, of Indian liquor, Foreign liquor, Wine and Beer to Bars, Clubs and Military Canteens and the retail dealers directly through the officers of the Government.

5. *Termination of licences to sell Indian liquor in retail.*—Notwithstanding anything contained in the Andhra Pradesh Act XVII of 1968 and the rules made thereunder, the Indian Contract Act, 1872 (Central Act IX of 1872) or any judgement, decree or order of any court, Tribunal or other authority or the terms and conditions of any agreement entered into with the licensing authority under the Andhra Pradesh Excise Act, 1968 (Act XVII of 1968) and the licencee prior to the appointed date or any other law for the time being in force, every licence granted to sell Indian liquor, Foreign liquor, Wine and Beer in retail and remaining in force on the appointed date shall stand terminated with effect on and from the appointed date and thereupon the licensing authority shall be free from all obligations arising out of such licence and accordingly no suit or other proceeding shall be entertained or continued in any court against the licensing authority or any person or authority whatsoever for the enforcement of any terms and conditions of such licence so terminated or for any damages or compensation on the ground that any loss is sustained by the termination thereof before its expiry :

Provided that the licensing authority shall refund any licence fee paid as earnest money or otheewise which is found to be in excess of the amount due to the Government in proportion to the duration of the licence enjoyed by the licence before its termination under this section.

6. *Regulation of retail trade in liquor.*—On and from the appointed date, the retail trade in Indian liquor, Foreign liquor, Wine and Beer shall be regulated by rules made by the Government in that behalf and notwithstanding anything contained in section 5, it shall be competent for the Government to provide in such rules any transitional arrangements for carrying on retail trade until retail trade as regulated under such rules come into being and also with regard to the stocks of Indian liquor, Foreign liquor, Wine and Beer remaining on the appointed date with the retail dealers.

7. *Prohibition of private trade in Indian liquor etc.*—(1) No person shall import, export or otherwise carry on wholesale trade in Indian liquor, Foreign liquor, Wine and Beer or carry on retail trade in Indian liquor, Foreign liquor, Wine and Beer in contravention of the provisions of this Act.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment which shall not be less than two

years but which may extend upto five years or with fine which shall not be less than ten thousand rupees but which may extend upto twenty five thousand rupees or with both.

8. *Offences by Companies.*—(1) If the person committing an offence under this Act is a company, the company as well as every person incharge of and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due deligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation :—For the purposes of this section,—

(a) Company means any body corporate, and includes a firm or other association of individuals ; and

(b) 'Director' in relation to a firm, means a partner in the firm,

9. *Abatement of applications.*—Notwithstanding anything contained in the Andhra Pradesh Excise Act, 1968 (Act XVII of 1968) or the rules made thereunder or in any judgement, decree or order of any court, tribunal or other authority every application made for the grant of renewal of any permit or licence of the nature referred to in sections 3 and 5 and pending before the Commissioner or before the State Government or any other authority on the appointed date and every action taken, or enquiry made, in respect of such application, shall abate and all fees paid in connection therewith (including the application fee and licence fee, if any) already paid shall be refunded.

10. *Act not to apply bars and clubs.*—Nothing contained in this Act shall apply to Military Canteens, Stores departments dealing in liquor in wholesale or retail and to licenced bars and clubs supplying Indian liquor, Foreign liquor, Wine and Beer to their customers.

11. *Overriding effect.*—The provisions of this Act shall have effect notwithstanding anything contained in the Andhra Pradesh Excise Act 1968 (Act XVII of 1968).

12. *Power to make rules.*—(1) The Government may, by notification make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall immediately after it is made, be laid before the Legislative Assembly of the State if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following, the Legislature Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

13. *Repeal of Ordinance 5 of* 1993.—The Andhra Pradesh (Regulation of Wholesale Trade and Distribution and Retail Trade in Indian Liquor, Foreign Liquor, Wine and Beer) ordinance, 1993 is hereby repealed.

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THE ANDHRA PRADESH GAZETTE

PART IV-B EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 45] HYDERABAD, WEDNESDAY, OCTOBER 26, 2005.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 24th October, 2005 and the said assent is hereby first published on the 26th October, 2005 in the Andhra Pradesh Gazette for general information:-

ACT NO. 24 OF 2005.

AN ACT TO AMEND THE ANDHRA PRADESH (REGULATION OF WHOLESALE TRADE AND DISTRIBUTION AND RETAIL TRADE IN INDIAN LIQUOR, FOREIGN LIQUOR, WINE AND BEER) ACT, 1993.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-sixth Year of the Republic of India as follows:-

Registered No. HSE/49.

[Price : Rs. 2.00 Paise]

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THE ANDHRA PRADESH GAZETTE

PART IV-B EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 2] HYDERABAD, MONDAY, JANUARY 11, 2016.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS ETC.

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 8th January, 2016 and the said assent is hereby first published on the 11th January, 2016 in the Andhra Pradesh Gazette for general information:-

ACT NO. 2 OF 2016.

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH (REGULATION OF TRADE IN INDIAN MADE FOREIGN LIQUOR, FOREIGN LIQUOR) ACT, 1993.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty-sixth year of the Republic of India, as follows:-

1. (1) This Act may be called the Andhra Pradesh (Regulation of Trade in Indian Made Foreign Liquor, Foreign Liquor) (Amendment) Act, 2016. **Short title and commencement.**

(2) It shall come into force at once.

2. In the Andhra Pradesh (Regulation of Trade in Indian Made Foreign Liquor, Foreign Liquor) Act, 1993 (hereinafter referred to as the Principal Act), in section 4,- **Amendment of section 4. Act No.15 of 1993.**

(1) in sub-section (1),-

(i) for the words, "the Andhra Pradesh Beverages Corporation Limited, a Corporation wholly owned and controlled by the Government", the expression "the Andhra Pradesh Beverages Corporation Limited, the Andhra Pradesh State Beverages Corporation Limited incorporated under the Companies Act, 2013 or any other Corporation wholly owned, controlled and authorized by the Government in this behalf", shall be substituted;

Act 18 of 2013.

(ii) for the words, "exclusive privilege", the word "privilege" shall be substituted;

(iii) in the Explanation thereunder, for the words, "the Andhra Pradesh Beverages Corporation Limited" the expression "the Andhra Pradesh Beverages Corporation Limited, the Andhra Pradesh State Beverages Corporation Limited incorporated under the Companies Act, 2013 or any other Corporation wholly owned, controlled and authorized by the Government in this behalf", shall be substituted.

(2) In sub-section (2), for the words, "the Andhra Pradesh Beverages Corporation Limited" the expression "the Andhra Pradesh Beverages Corporation Limited, the Andhra Pradesh State Beverages Corporation Limited incorporated under the Companies Act, 2013 or any other Corporation wholly owned, controlled and authorized by the Government in this behalf", shall be substituted.

Amendment of section 4A.

3. In section 4-A of the principal Act, for the words, "the Andhra Pradesh Beverages Corporation Limited" the expression "the Andhra Pradesh Beverages Corporation Limited, the Andhra Pradesh State Beverages Corporation Limited incorporated under the Companies Act, 2013 or any other Corporation wholly owned, controlled and authorized by the Government in this behalf", shall be substituted.

Amendment of section 4B.

4. In section 4-B of the principal Act, for the words, "the Andhra Pradesh Beverages Corporation Limited" the expression "the Andhra Pradesh Beverages Corporation Limited, the Andhra Pradesh State Beverages Corporation Limited incorporated under the Companies Act, 2013 or any other Corporation wholly owned, controlled and authorized by the Government in this behalf", shall be substituted.

C.S.S.V. DURGA PRASAD,
Secretary to Government,
Law Department.

Registered No. HSE/49.

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THE ANDHRA PRADESH GAZETTE

PART IV-B EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 23] AMARAVATI, SATURDAY, 17th AUGUST, 2019.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.,

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 14th August, 2019 and the said assent is hereby first published on the 17th August, 2019 in the Andhra Pradesh Gazette for general information :

ACT No. 23 of 2019

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH (REGULATION OF TRADE IN INDIAN MADE FOREIGN LIQUOR, FOREIGN LIQUOR) ACT, 1993.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventieth year of the Republic of India, as follows:-

1. (1) This Act may be called the Andhra Pradesh (Regulation of Trade in Indian Made Foreign Liquor, Foreign Liquor) (Amendment) Act, 2019. Short title and Commencement.

(2) It shall come into force on such date as the Government may, by notification, appoint.

2. In the Andhra Pradesh (Regulation of Trade in Indian Made Foreigh Liquor, Foreign Liquor) Act, 1993, for section 6, the following shall be substituted, namely,- Substitution of section 6.

(Act No. 15 of 1993)

"Regulation of selling by Shop, by Bar and by In-House licenses

6. (1) Notwithstanding anything contained in the Andhra Pradesh Excise Act, 1968, and the rules made thereunder, on and from the appointed date, and subject to such Rules as may be made in this behalf, the Andhra Pradesh State Beverages Corporation Limited incorporated under the Companies Act, 2013 or any other Corporation wholly owned, controlled and authorized by the Government in this behalf shall have the exclusive privilege of selling by Shop for the whole of the State of Andhra Pradesh and no other person shall be entitled to any privilege of selling by Shop for the whole or part of the State.

(2) The privileges of selling by Bar and selling by In-House shall be regulated by the rules made by the Government in that behalf.

(3) Notwithstanding anything contained in section 5, it shall be competent for the Government to provide in such rules any transitional arrangements for carrying on the trade by Shop, as regulated under such rules comes into being and also with regard to the stocks of Indian Made Foreign Liquor and Foreign Liquor remaining on the appointed date with Shop.".

SALADI VENKATESWARA RAO,
Secretary to Government (FAC),
Legal and Legislative Affairs & Justice,
Law Department.

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Short title, extent and commencement.

1. (1) This Act may be called the Andhra Pradesh (Regulation of Whole Sale Trade and Distribution and Retail Trade in Indian Liquor, Foreign Liquor, Wine and Beer) (Amendment) Act, 2005.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall be deemed to have come into force with effect on and from 20th May, 2005.

Amendment of the long title. (Act 15 of 1993)

2. In the Andhra Pradesh (Regulation of Whole Sale Trade and Distribution and Retail Trade in Indian Liquor, Foreign Liquor, Wine and Beer) Act, 1993 (hereinafter referred to as the principal Act), in the long title, for the words "(Regulation of Wholesale Trade and Distribution and Retail Trade in Indian Liquor, Foreign Liquor, Wine and Beer)", the words "(Regulation of Trade in Indian Liquor, Foreign Liquor)", shall be substituted.

Amendment of section 1.

3. In section 1 of the principal Act, in sub-section (1), for the words "(Regulation of Wholesale Trade and Distribution and Retail Trade in Indian Liquor, Foreign Liquor, Wine and Beer)", the words "(Regulation of Trade in Indian Liquor, Foreign Liquor)", shall be substituted.

Substitution of section 6.

4. For section 6 of the principal Act, the following shall be substituted, namely,-

"Regulation of Sale in Shop, Bar and by in-house Licence.

6. On and from the appointed date, the sale by Shop, Bar or in-house in Indian Liquor and Foreign Liquor shall be regulated by rules made by the Gover nment in that behalf and not withstanding anything contained in section 5, it shall be competent for the Government to provide in such rules any transitional arrangements for carrying on the trade by Shop, Bar or in-house until such trade as regulated under such rules comes into being and also with regard to the stocks of Indian Liquor and Foreign Liquor remaining on the appointed date with Shop, Bar, or In-house.".

Substitution of section 10.

5. For section 10 of the principal Act, the following shall be substituted, namely,-

"Act not to apply to canteen stores department.

10. Nothing contained in this Act shall apply to Military Canteen Stores Department dealing in Indian Liquor and Foreign Liquor.".

Repeal of Ordinance No. 6 of 2005.

6. The Andhra Pradesh (Regulation of Whole Sale Trade and Distribution and Retail Trade in Indian Liquor, Foreign Liquor, Wine and Beer) (Amendment) Ordinance, 2005 is hereby repealed.

T. MADAN MOHAN REDDY,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

Registered No. HSE/49 [Price : Rs. 0-30 Paise.

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THE ANDHRA PRADESH GAZETTE

PART IV-B EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 5] HYDERABAD, MONDAY, APRIL 16, 2012.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS ETC.

The following Act of the Andhra Pradesh Legislature, received the assent of the Governor on the 16th April, 2012 and the said assent is hereby first published on the 16th April, 2012 in the Andhra Pradesh Gazette for general information:-

ACT No. 5 OF 2012.

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH EXCISE ACT, 1968 AND THE ANDHRA PRADESH (REGULATION OF TRADE IN INDIAN MADE FOREIGN LIQUOR, FOREIGN LIQUOR) ACT, 1993.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty-third Year of the Republic of India as follows:

Short Title and Com-mence-ment.

1. (1) This Act may be called the Andhra Pradesh Excise and the Andhra Pradesh (Regulation of Trade in Indian made Foreign Liquor, Foreign Liquor) Acts (Amendment) Act, 2012.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) (i) clause 2 shall be deemed to have come into force with effect on and from the 21st July, 1993.

(ii) clause 3 shall come into force on such date as the State Government may, by notification, appoint;

Insertion of new Sections 4A, 4B and 4C. Act 15 of 1993.

2. After section 4 of the Andhra Pradesh (Regulation of Trade in Indian made Foreign Liquor, Foreign Liquor) Act, 1993, the following sections shall be inserted, namely:-

"Levy of Trade margin, Privilege fee etc.

4- A. The Government shall from time to time, specify the Trade margin, Privilege Fee or any other levy, by whatever name called, to be collected by the Andhra Pradesh Beverages Corporation Limited from the holders of licences.

Remittance to the Government.

4.- B. The Amount realized under section 4A, being the income of the Government, shall be remitted by the Andhra Pradesh Beverages Corporation Limited to the Government in the manner specified by the Government.

Privilege fee etc., under sections 23(1),23-A and 23-B of the A.P Excise Act to be the income of the Government.

4-C. Notwithstanding anything contained in this Act, the Andhra Pradesh Excise Act, 1968 and the rules made there under or any order issued by the Government or the Commissioner of Prohibition and Excise, all amounts paid by the Corporation from 21-07-1993 to the Commissioner of Prohibition and Excise or the Government as privilege Fee

or Special Privilege Fee or any other fee or cess, by whatever name called, in consideration of the privilege conferred on the Corporation, as per the provisions of sections 23(1), 23-A and 23-B of the Andhra Pradesh Excise Act, 1968 shall be deemed to be and always deemed to have been the income of the Government and due payment for the relevant years in terms of section 4B".

3. In the Andhra Pradesh Excise Act, 1968, section 23-A and section 23-B shall be omitted. Act 17 of 1968.

A. SHANKAR NARAYANA,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

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THE ANDHRA PRADESH GAZETTE

PART IV-B EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 31] AMARAVATI, WEDNESDAY, 29th DECEMBER, 2021.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.,

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 23rd December, 2021 and the said assent is hereby first published on the 29th December, 2021 in the Andhra Pradesh Gazette for general information :

ACT No. 31 of 2021.

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH (REGULATION OF TRADE IN INDIAN MADE FOREIGN LIQUOR, FOREIGN LIQUOR) ACT, 1993.

Be it enacted by the Legislature of the State of Andhra Pradesh in the seventy second year of the Republic of India as follows,-

1. (1) This Act may be called the Andhra Pradesh (Regulation of Trade in Indian Made Foreign Liquor, Foreign Liquor) (Amendment) Act, 2021. Short title and Commencement.

(2) It shall be deemed to have come into force with effect on and from the 3rd September, 2021.

2. In the Andhra Pradesh (Regulation of Trade in Indian Made Foreign Liquor, Foreign Liquor) Act, 1993, at the beginning and before section 1, the following Chapter shall be added, namely,- Insertion of Chapter-I. Act No. 15 of 1993.

"CHAPTER-I"

3. In section 6 of the Act, after sub-section (1), the following proviso shall be added, namely,- Amendment of section 6.

"Provided that it shall be competent for the Corporation to inter alia, also undertake implementation of welfare programmes to benefit the members of scheduled castes, scheduled tribes and backward classes, as a part of its main objects, as enabled in Chapter-II of the Act, as hereinafter provide.".

Insertion of new Chapter- II.

4. After section 6 of the Act, the following Chapter shall be inserted, namely,-

"Chapter- II

6A : In this chapter, unless the context otherwise requires :-

(a) Andhra Pradesh State Beverages Corporation Limited (herein after referred to as "Corporation"), means the Company established under the Companies Act, 2013 bearing CIN No. U15400AP2015SGC097161 to perform and undertake such activities enabled as per its Memorandum of Association (MOA) and Articles of Association, as amended from time to time;

(b) "Backward classes" in relation to the State of Andhra Pradesh shall have the same meaning and inclusive of all classes in the list of Socially and Educationally Backward classes under Articles 15 (4) and 16 (4) of the Constitution of India;

(c) "Government" means the Government of Andhra Pradesh;

(d) "Scheduled Castes" in relation to the State of Andhra Pradesh shall have the same meaning as indicated in the list notified under Article 341 of the Constitution of India;

(e) "Scheduled Tribes" in relation to the State of Andhra Pradesh shall have the same meaning as indicated in the list notified under Article 342 of the Constitution of India ;

(f) "State" means the state of Andhra Pradesh.

6B. Statutory status of the Corporation: The main objectives of the Corporation, shall inter alia include the following, in addition to the existing objectives:

(1) To utilize its income exclusively to promote the interests of the members of scheduled castes, scheduled tribes and backward classes in the State of Andhra Pradesh by implementation of various welfare schemes entrusted to the Corporation under this Act.

(2) In furtherance of the above, to include in its objectives, the activity of the servicing of the debt, if any incurred by the Corporation, from out of its exclusive operations, for the purposes of carrying out its principal objectives, i.e., the monopoly in liquor and the other main object being to implement the welfare programmes, as hereinafter provided for.

Central Act No.8 of 2013

Provided that the Corporation shall secure amendments to its Memorandum of Association and Articles of Association, in accordance with the above and shall continue to abide by the provisions of the Companies Act, 2013.

6C. The Government shall from time to time, entrust to the Corporation, the implementation of welfare programmes initiated for the purpose of promoting the

interests of the members of Scheduled Castes, Scheduled Tribes and Backward Classes, in addition to the schemes entrusted under section 6D.

6D. With effect from the date as would be notified by the Government, the Corporation shall be responsible for implementing the welfare programmes named, YSR Cheyutha, YSR Aasara, Jagananna Ammavodi, to the extent of their application to the Schedules Castes, Scheduled Tribes and Backward Classes in the State of Andhra Pradesh exclusively from out of the commercial activities of the Corporation:

For the purposes of this section:

(a) YSR Cheyutha shall have the same meaning ascribed to it in G.O. Rt. No. 488, PR & RD (RD-I) Department, dated 21st August, 2020 modified from time to time.

(b) YSR Asara shall have the same meaning ascribed to it in G.O. Rt. No. 654, PR & RD (RD-I) Department, dated 21st August, 2020 modified from time to time.

(c) Jagananna Ammavodi shall have the same meaning ascribed to it in G.O. Ms. No. 79, School Education (Prog-II) Department, dated 4th November, 2019 modified from time to time.

6E. (1) The Corporation shall maintain books of account and other books in relation to the business and transactions in such form, and in such manner, as prescribed under the Companies Act, 2013.

(2) The accounts of the Corporation shall be audited by an Auditor appointed by the Government, in consultation with the Comptroller and Auditor General of India.

(3) Within six (6) months from the end of the financial year, the Corporation shall send a copy of the accounts audited together with a copy of the report of the Auditor thereon to the Government.

(4) The Government shall cause the accounts of the Corporation together with the audit report thereon forwarded to it under sub-section (3) to be laid before the State Legislature, as far as possible before expiry of the next succeeding year to which the accounts and the report are related.

6F. (1) Notwithstanding anything contained in section 6E, the Government may order that there will be concurrent audit of accounts of the Corporation by such person as it thinks fit. The Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Corporation relating to any particular transaction or class or series of transactions of a particular period.

(2)When an order is made under sub section (1), the Corporation shall present or cause to be presented for audit all such accounts and shall furnish to the person, for such information as the said person may require for the purpose of audit.".

Insertion of Chapter-III.

5. After section 6F of the Act as so inserted and before section 7, the following Chapter shall be inserted, namely, -

"Chapter- III"

Repeal and Savings. Ordinance No. 15 of 2021.

6. (1) The Andhra Pradesh (Regulation of Trade in Indian Made Foreign Liquor, Foreign Liquor) (Amendment) Ordinance, 2021 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

VADDADI SUNITHA,
Secretary to Government (FAC),
Legal and Legislative Affairs & Justice,
Law Department.

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THE ANDHRA PRADESH GAZETTE

PART IV-B EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 9] AMARAVATI, TUESDAY, 26th APRIL, 2022.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.,

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 8th April, 2022 and the said assent is hereby first published on the 26th April, 2022 in the Andhra Pradesh Gazette for general information :

ACT No. 9 of 2022.

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH (REGULATION OF TRADE IN INDIAN MADE FOREIGN LIQUOR, FOREIGN LIQUOR) ACT, 1993.

Be it enacted by the legislature of the State of Andhra Pradesh in the seventy-third Year of the Republic of India as follows:-

Short title and Commencement.

1. (1) This Act may be called the Andhra Pradesh (Regulation of Trade in Indian Made Foreign Liquor, Foreign Liquor) (Amendment) Act, 2022.

(2) It shall be deemed to have come into force with effect on and from the 9th November, 2021,

Insertion of new sub-section (2-A). Act 15 of 1993.

2. In the Andhra Pradesh (Regulation of Trade in Indian Made Foreign Liquor, Foreign Liquor) Act, 1993, (hereinafter referred to as Principal Act), in section 2, after sub-section (2), the following shall be inserted, namely,-

"(2-A) "Levy" means, Levy shall include Privilege Fee, and any other Levy by whatever name called, but shall not include Margin (Trade Margin, Special Margin or by whatever name called).".

Amendment of Section 4-A.

3. In the Principal Act, in section 4-A,

(i) the existing section 4-A shall be renumbered as section 4-A(1), and the words "trade margin" shall be omitted.

(ii) after re-numbered as 4-A(1), the following sub-section shall be added, namely,-

" (2) It shall be competent for the Government to prescribe the rates of trade margin or special margin which shall be collected by the Corporation during the course of its business of sale of liquor to retail consumers and other licensees. The amounts so collected shall be the income of the Corporation.".

Amendment of Section 4-B.

4. In the Principal Act, in section 4-B, for the expression "4-A", the expression "4-A(1)" shall be substituted.

Repeal and savings. Ordinance No.3 of 2022.

(1) The Andhra Pradesh (Regulation of Trade in Indian Made Foreign Liquor, Foreign Liquor) (Amendment) Ordinance, 2022, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

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