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DEPARTMENT OF EXCISE PANAJI
Inward No <u>14775</u>
Date: <u>30/3/16</u>

No. 1/9/2016 - Fin (R&C)(c)/1996
Government of Goa,
Finance (Revenue & Control) Deptt.,
Secretariat, Porvorim - Goa.

Date: 27/03/2017.

Read: Order No. No. 1/9/2016 - Fin (R&C)(b) dated 07/02/2017.

ORDER

WHEREAS, the Hon'ble Supreme Court of India vide its Judgment dated 15/12/2016 in Civil Appeal Nos. 12164-12166 of 2016 [Arising out of SLP (C) No.14911-14913 of 2013] has issued certain directions under Article 142 of the Constitution of India, mainly to prohibit sale of liquor along the national and state highways w.e.f. 01st April, 2017;

AND WHEREAS, in order to implement the directives of the Hon'ble Supreme Court, a Plan of Action was prepared and issued vide Order dated 07/02/2017.

AND WHEREAS, vide reports received from Taluka Level Committees approximately 3210 number of licences were identified of all categories, viz. (1) licence for retail sale of liquor for consumption on the premises, (2) licence for retail sale of liquor in packed/sealed bottles, and (3) licence for wholesale of liquor; being covered by the said orders of the Hon'ble Supreme Court with respect to renewal of licences with effect from 01st April, 2017;

AND WHEREAS, several representations were received from various Liquor Traders, Goa Chamber of Commerce & Industry, Hoteliers, Bar & Restaurant owners and other affected persons; stating that the orders of the Hon'ble Supreme Court do not apply to their respective trade and conduct of business i.e. to the licences issued for retail sale of liquor for consumption on premises, retail sale in packed-/ sealed bottles and for wholesale of liquor;

AND WHEREAS, these representations were referred to the Ld. Advocate General for Goa, by the Government for his legal opinion and advice;

AND WHEREAS, in the meanwhile, the Ld. Attorney General of India, in his opinion dated 24/02/2017 to the Government of Kerala, has opined that, "*the judgment and directions contained therein applies to liquor shops wherein liquor is sold as retail items. The judgment does not bring within its sweep restaurants and hotels who serve liquor within their premises. The idea is to ensure that there are no liquor vends / shops*

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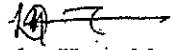
within close proximity of these roads as per the directions of the Court so that easy source of purchasing and consuming liquor is prohibited". The said opinion was officially obtained on 07/03/2017;

AND WHEREAS, detailed legal consultations were taken up by the State Government in the matter;

NOW, THEREFORE, the Government of Goa has directed to modify the coverage of the Plan of Action dated 07/02/2017 as prepared by the Committee headed by the Chief Secretary and approved by the Government, as follows: —

1. In regards to advertisement / signages indicating availability of liquor, the same need to be removed within 500 meters from the edge of the highways or service lanes, as the case may be. Further, in rest of the area of State, the Goa Excise Duty Act, 1964 prohibits alcohol advertisement and the same be enforced;
2. In regards to wholesale license, as they are not permitted to sell to a consumer and only stock material for purpose of sale to another licensee, they do not fall within the purview of the decision, provided they do not display any advertisement / signage;
3. In regards to bars & restaurants and taverns, in view of the legal advice tendered, the same are not covered by the judgment and therefore their licenses be renewed. However, the renewal is subject to any further directives of the Apex Court; and
4. All shops / vends, i.e. retail sale of liquor in packed / sealed bottles, however being explicitly covered under Supreme Court decision, within distance of 500 meters radius; cannot be permitted and therefore license shall not be renewed.

By Order and in the name of the
Governor of Goa


(Daulat Hawaldar)
Finance Secretary

To

1. Director General of Police, Panaji – Goa.
2. Commissioner of Excise, Panaji – Goa.
3. Principal Chief Engineer, Public Works Department, Panaji – Goa.
4. Director, Directorate of Settlement and Land Records, Panaji – Goa.
5. District Collector, North Goa District, Panaji – Goa.
6. District Collector, South Goa District, Margao – Goa.
7. Superintendent of Police, North Goa District, Porvorim – Goa.
8. Superintendent of Police, South Goa District, Margao – Goa.
9. Director of Municipal Administration, Panaji – Goa.
10. Director of Panchayats, Panaji – Goa.

Copy to,

1. Chief Secretary, Secretariat, Porvorim – Goa.
2. O.S.D. to Hon'ble Chief Minister, Ministers Block, Secretariat, Porvorim – Goa.