

TRIPURA GAZETTE



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PART--I-- Orders and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.

GOVERNMENT OF TRIPURA
FINANCE DEPARTMENT
(Excise & Taxation)

No.F. II-2(5)-EX/2017

Dated, 08/02/2017

NOTIFICATION

WHEREAS, the Hon'ble Supreme Court of India vide its Judgement dated 15-12-2016 in Civil Appeal Nos.12164-12166 of 2016(Arising out of SLP(C) Nos. 14911-14913 of 2013) directed that no shop for the sale of liquor shall be situated within a distance of 500 meters of the outer edge of the national or state highways or of a service lane along the highway;

AND WHEREAS, the first proviso to Rule 26 of the Tripura Excise Rules,1990, says that "Provided that while in case of settlement of shop(s) through tender or auction method, no site can be proposed by the tenderer or the bidder whose location exceeds a distance of one hundred meters from the existing shop(s)";

AND WHEREAS, the second proviso to Rule 26 of the Tripura Excise Rules,1990, says that "Provided further that the aforesaid conditions shall have the prospective effect";

AND WHEREAS, to comply with the directions of the Hon'ble Supreme Court of India, the above provisos to the Rule 26 of Tripura Excise Rules,1990 need to be substituted so that the settlement of existing aforementioned Foreign Liquor and Country Liquor vends are not restricted by this rule as well as the existing licences which have already been renewed shall continue until the term of the licences expires but not later than 31st March 2017;

NOW THEREFORE, in exercise of the powers conferred by sub-section(1) of Section 88 of the Tripura Excise Act,1987(Tripura Act No.12 of 1987), the Governor hereby makes the following rules, further to amend the Tripura Excise Rules, 1990, namely:-

1. Short title and commencement:-

- (i). These Rules may be called the "Tripura Excise (Eleventh Amendment) Rules, 2017";
- (ii). They shall come into force on the date of their publication in the Tripura Gazette.

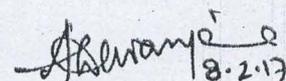
2. Amendment of Rule 26:-

In the Tripura Excise Rules, 1990, the first proviso and second proviso to Rule 26, which were inserted by the Tripura Excise (Ninth Amendment) Rules, 2015, as notified in the Tripura Gazette vide No. F.IV-5(3)-EX/2014(HC) dated 30-01-2015, are hereby substituted as follows-

“Provided that no shop for the sale of liquor shall be (i) visible from a national or state highway; (ii) directly accessible from a national or state highway and (iii) situated within a distance of 500 meters of the outer edge of the national or state highway or of a service lane along the highway.

Provided further that the existing licences which have already been renewed shall continue until the term of the licences expires but not later than 31st March 2017.”

By order of the Governor,

A handwritten signature in black ink, appearing to read 'A. Dewanjee', with the date '8.2.17' written below it.

(A. Dewanjee)
Under Secretary to the
Government of Tripura