



The Uttar Pradesh Excise Rules (Amendment) Act, 1989

Act 20 of 1989

Keyword(s):

Excise Commissioner, Fixed Deposit, Bank, Guarantee, Appropriate Authority, Power to Amend or Rescind

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No. 1915 (2) /XVII-V-1-1 (KA) 86-1989

Dated Lucknow, October 6, 1989.

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Abkari Niyamavali (Sanshodhan) Adhiniyam, 1989 (Uttar Pradesh Adhiniyam Sankhya 20 of 1989) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 5, 1989.

THE UTTAR PRADESH EXCISE RULES (AMENDMENT) ACT, 1989

(U. P. ACT NO. 20 OF 1989)

(As passed by the U. P. Legislature)

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further to amend the U.P. Excise Rules published with the Board of Revenue, U. P. notification no. 423/V-294-B, dated September 26, 1910.

IT IS HEREBY enacted in the Fortieth Year of the Republic of India as follows :—

1. This Act may be called the Uttar Pradesh Excise Rules (Amendment) Act, 1989. Short title

2. In the U. P. Excise Rules, published with the Board of Revenue, U.P. notification no. 423/V-294-B, dated September 26, 1910 in the rules under the heading "Fees" as substituted by the Uttar Pradesh Excise (First Amendment) Rules, 1984, in Rule 6, after sub-rule (15), the following sub-rule shall be inserted and shall be deemed to have been inserted on February 23, 1989, namely :— Amendment of rule 6 of the rules under the heading "Fees" of the U.P. Excise Rules

"(16) Notwithstanding anything contained in this rule, where the Excise auction for the financial year 1989-90 purported to have been made under these rules (under the heading "Fees"),—

(a) has been finally accepted by the Excise Commissioner before August 5, 1989, and a person in whose favour the auction was made has paid an amount equivalent to the security required under this rule, whether in cash or by Bank draft or in the form of fixed deposit receipt from any Scheduled Bank duly pledged to the Collector or in the form of Bank guarantee, on or before June 30, 1989 such payment shall be deemed to be valid security for due performance of the contract paid within the time specified in this rule, as if such manner and time for payment of security were prescribed in sub-rules (8) and (9) at all material times ;

(b) has not been so accepted by the Excise Commissioner the provisions of clause (b) of sub-rule (8) of rule 7 shall not apply to the person in whose favour the auction was made, on the ground that he had committed any default relating to such auction."

3. The Rules modified by this Act shall continue in force until amended or rescinded by the appropriate authority in exercise of its power under the relevant section of the U.P. Excise Act, 1910 read with section 21 of the Uttar Pradesh General Clauses Act, 1904. Power to amend or rescind

4. (1) The Uttar Pradesh Excise Rules (Amendment) Ordinance, 1989, is hereby repealed. Repeal and saving

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Rules, referred to in section 2, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the said Rules, as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,
NARAYAN DAS,
Sachiv.