

Bengal Excise Act, 1909

Section 44 - Surrender of license 5151. Words ins. by W.B. Act 34 of 1965

section 42, it may, subject to such restrictions (if any) as the State Government may prescribe by rule under section 85, withdraw the license, permit or pass either (a) on the expiration of fifteen days' notice in writing of its intention to do so, or (b) forthwith, without notice, after recording its reasons in writing for doing so. (2) When a license, permit or pass is withdrawn under sub-section (1), there shall be paid to the holder of the license, permit or pass, as the case may be, the amount (if any) deposited as security or in advance as fees in respect of the unexpired period of the license, permit or pass together with compensation amounting to fifteen days' average fees payable in respect of the license, permit or pass calculated in the manner specified in sub-section (3): Provided that where a license, permit or pass is withdrawn without notice the amount of such compensation shall be twice the amount of such average fees. (3) The amount of fifteen days' average fees referred to in sub-section (2) shall be calculated in the following manner, that is to say, (i) where the fees in respect of the license, permit or pass have been fixed by auction, the amount of fifteen days' average fees shall bear to the total amount of fees so fixed the same proportion as the period of fifteen days bears to the total period of the license, permit or pass ; and (ii) in other cases the amount of fifteen days' average fees shall be the average for fifteen days of the fees actually paid in respect of the license, permit or pass during a period of three months or during the actual period whichever is less, immediately preceding the withdrawal of the license, permit or pass. 1) Any holder of a license granted under this Act to sell an 5252. Words subs. for the words "Police. Excise and Salt, Customs and Land- revenue Departments, and every officer employed by a body of Port Commissioners," by W.B. Act 34 of 1965. [intoxicant] may, unless his license is liable to cancellation or suspension under