

RULES AND REGULATIONS GOVERNING THE LICENSING OF DHABA IN CHANDIGRAH

State / union territory: Chandigarh

Details of licensing are as follows:

Dhaba is regulated by the Municipal Corporation of Chandigarh as per the provisions provided in the section 343 of the Punjab Municipal Corporation law (Extension to Chandigarh) Act, 1994. In addition Prevention of food adulteration act is applicable for food related items.

One has to get a license from the Municipal Corporation of Chandigarh for running a dhabha as per the U/S 343 of Punjab Municipal Corporation Act 1976. As per the section 343, no person shall use or permit to be used any premises for any of the following purposes without or otherwise than in conformity with the terms of a license granted by the Commissioner. The list of the purposes listed in the Act includes:

1. any of the purposes specified in Part I of the second Schedule;
2. any purpose which is, in the opinion of the Commissioner (dangerous to life, health or property or likely to create a nuisance;
3. keeping horses, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the produce thereof; or
4. storing any of the articles specified in Part II of the second Schedule except for domestic use of any of those articles :

Provided that the Corporation may declare that premises in which the aggregate quantity of articles stored for sale does not exceed such quantity as may be prescribed by bye-laws in respect of any such articles shall be exempted from the operation of clause (d).

The act also says that the corporation can fix a scale of fees to be paid in respect of premises licensed under sub-section (1) and that fee shall not exceed such amount, as may be fixed by the Government from time to time.

As per section 346, No person shall, without or otherwise than in conformity with the terms of a license granted by the Commissioner can hawk or expose for sale in any place any article. This can be for human consumption or not.

As per section 347, No person shall, without or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf, keep any eating house, lodging house, hotel, boarding house, tea shop, coffee house, cafe, restaurant, refreshment room or any place where the public are admitted for repose or for the consumption of any food or drink or any place where food is sold or prepared for sale. The Commissioner may at any time cancel or suspend any license granted if he is of opinion that the premises covered thereby are not kept in conformity with the conditions of such license or with the provisions of any bye-law made in this behalf, whether the licensee is prosecuted under this Act or not.

As per section 349, If the Commissioner is of opinion that any eating house, lodging house, hotel, boarding house ,tea shop, coffee house, cafe, restaurant, refreshment room or other

place where the public are admitted for repose or for consumption of any food or drink or where food is sold or prepared for sale or any theatre, circus, cinema, house, dancing hall or similar other place of public resort, recreation or amusement is kept open without a license or otherwise, than in conformity with the terms of a license granted in respect thereof, he may stop the use of any such premises for any such purpose for a specified period by such means as he may consider necessary. So the eating houses need a license.

Licensing Procedure:

As per the Punjab Municipal corporation Law (Extension to Chandigarh) ordinance, 1911 and the further amendment in 1994, the rules and regulations of Chandigarh is as per the Punjab Municipal Corporation Act 1976. So Chandigarh is following the same procedures for licensing as some where else in Punjab.

The person has to apply in the prescribed form costing around Rs.10/- and the person will have to get the NO-Objection certificate from neighbors as well as Municipal Town Planners and other departments in regard to Fire Brigade, House tax and Water Supply and Sewerage.

No Objection certificates:

No Objection Certificate from M.T.P (Municipal Town Planning):

For a commercial establishment, a building plan is required to be sanctioned from Municipal Corporation and before occupation and to start commercial business, a completion certificate as per under section 272(2) of Punjab Municipal Corporation Act 1976 is required.

Before issuing the N.O.C (NO-Objection certificate) the site inspection will be conducted by the area building inspector. The status of building, sanction of the building plan, fees paid etc. will be checked by the area building inspector at the time of inspection. The No Objection Certificates pertaining to the electric connections to the commercial establishments is issued by the Assistant Town Planner within one week, though there is no time schedule. There is no fixed validity period for the NOC'S and the state Electric city Board checks the NOC issued by corporation before issuing electric connection. There is no prescribed Performa for N.O.C after issuing the NOC, no physical verification is done.

Before issuing the NO-Objection certificate the following documents must be submitted:

1. Sale deed in support of the ownership
2. Sanctioned building plan/receipt of composition fee paid in respect of the building for which NOC is required, if it newly constructed
3. Before issuing N.O.C. Rs.1000/-as the prescribed fee is realized

No Objection certificate from Fire Brigade:

The No Objection certificate from Fire Brigade is issued as per the provisions of ISI-2190(Indian Standard Industries rules). A Building Plan must be submitted in advance and no need to pay any fees for this NO-Objection Certificate. The Premises will be verified physically as per the Guidelines of ISI and National Building Code. The Requirement of premise is as per the ISI and National Building Code Provisions. 7-10 days are required to

issue NO-Objection certificate. The Validity of NO-Objection certificate is one year. After issuing the N.O.C, the premise will be checked by the department once in a year.

No –Objection certificate from Neighbours:

It is collected from the neighbours in the shape of their signatures with complete address in prescribed Performa

No Objection Certificate from House tax:

Nothing due Certificate to certify that the applicant have no house tax standing unpaid on the property is required. This copy will be sent to the applicant too. After that process, the department will check the records and N.O.C will be given accordingly.

No Objection certificate from Water Supply and Sewage Department:

All the consumers who have the approved connection of water and sewage can get the No Objection Certificate by simply applying on a paper in application and attached copy of water and sewage bill at any time. No charges are taken from the applicant by the department for issuing it. Before issuing the certificate, the account is checked by the assistant engineer/field staff at the zonal office. On the basis of documents, No –Objection Certificate is issued.

Documents Required:

1. Filled form
2. No Objection Certificate from neighbors, Municipal Town Planners, Fire Brigade, House Tax and Water Supply and Sewage Department.

Verification:

The License Inspector will make the physical verification and also checks the premises prior to the issue of license. The officers will visit to the site and they will enquire from the neighbours for any hindrance /nuisance and also to get the verification and signatures along with complete address of the neighbours.

License Fees:

A fee of Rs.50, Prevention of Food Adulteration Act fee Rs.12/- and Conservancy fee Rs.100/-

Fees Remittance:

The fees remittance can be done in the license department itself.

Issue of License:

The License will be issued after the submission of documents and after completing the formalities from the license inspector, reports from Municipal town planners and fire brigade

License Duration:

One year

License Renewal:

The person has to submit the filled form and has to produce the previous license receipt. The fees are equal to new license. But in the month of March, it will be 10% less, and from April to June, it will be 25% and July to September 50% and from October 100% penalty will be charged. The applicant does not have to submit again the No-Objection Certificate. Persons who get licenses renewed before 30th March shall be allowed rebate of 10% in license fee.

Other Formalities:

1. The license is to be checked by the staff of licensing department
2. Blank copy of license can not be provided. It will be provided only after adopting the Rules and Regulations of the Municipal Corporation
3. After the issue of license, there is no need to visit the physical verification or checking the premises after the issue of license
4. No further checking will be there after the issue of license

Penalty:

Licenses must be obtained before or on 30th April of every year. In case of failure penalty shall be recovered as under:-

Period	Month	Fine a amount
Up to	30 th June	25%
Up to	30 th September	50%
From	1 st October onwards.	100 %