

## **RULES AND REGULATIONS GOVERNING THE LICENSING OF DHABA IN CHENNAI**

**State: Tamil Nadu**

### **Details of licensing are as follows:**

The licensing of the trades in Chennai is as per the regulations set down by "THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919". Tamil Nadu shops and establishments Act 1947 and Chennai City police Act 1888 also has a key role to play in the issue and monitoring of licenses and is undertaken by the Chennai city municipal corporation. The licenses are also partly monitored by the Commissioner Of Police for Chennai city. Byelaws framed under the Act for the premises such as hotels, boarding houses, restaurant etc is also relevant in regard to the licensing of dhaba's.

CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919, section 287 says that no place within the limits of the city shall be used for any purpose mentioned in the schedule without a license or in contrary to the conditions of license granted. So dhaba also requires a license. But at present Chennai corporation is not issuing license to dhaba. According to the Section 35 of the Chennai City Police Act 1888, No enclosed place for building shall be used as an eating house without a license obtained from the commissioner. The commissioner in support of section 36 of the same Act can grant the license with the conditions prescribed by him. The violators according to section 37 is liable to a fine of Rs.50 per day.

### **License Procedure:**

As per the information provided the website, the application form along with the requisite documents needs to be submitted to the corporation to obtain a permit for dhaba.

1. Approved Plan of the Building (or) a certificate from the Zonal Executive Engineer confirming that the Buildings are at least 15 years old
2. No objection Certificate from the House Owner
3. Copy of the updated receipt of Property Tax
4. Copy of the Receipt of Profession Tax
5. No objection Certificate from the Officer of the District Fire Service
6. A Certificate from the Factory Inspector
7. No objection Certificate from the Neighborhood

Some extra documents have to be submitted however for dhaba permits(Food related items ) which are as follows:

1. Report on Drinking Water from a Recognized Institute
2. Fitness Certificate of Cook
3. But as per the RTI reply from the corporation, the following are the documents required:
4. Two pass port size photograph of the applicant
5. A Xerox copy of the National Savings Certificate purchased in favour of the applicant
6. An affidavit in Rs. 20 /- valued stamp paper stating that if any violation of condition / declaration is noticed, the license shall be summarily cancelled

As per the provisions of the CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919, the application for license shall be made not less than 45 days and not more than 90 days before the place used for the purpose mentioned within the 30 days of the publication of the notification in the Gazette. This is applicable to dhaba also.

The application is forwarded to the Executive Engineer (Town Planning) for Proper Verification and to certify the Location for Trade Purposes and For issue of License. The applicant has to pay the Profession Tax while Submitting the application. If the Application is rejected, the Profession Tax is refunded.

While granting the license, the number of persons allowed in the premise is also mentioned in the license as per the provisions of bye laws. In the case of the rejection of the application, it is mandatory as per the act for the authorities to conduct a complete investigation in regard to the application.

The licensing procedure and monitoring is the strictest in Chennai in the case of small eateries. Along with the corporation the applicant also needs a permit from the commissioner of police for running his establishment and the police is empowered to prescribe opening and closing hours for these establishments and also to inspect the manufactured food items.

#### **License Fees:**

The license fees in case of tea shops is Rs.500 and for tea shops with the provision to sell fried items is Rs. 596. License Fee can also paid by way of Demand Draft Drawn In favour Of Revenue Officer, Corporation of Chennai.

#### **Departments Involved:**

The trade licenses are being issued by the Revenue Department of the Corporation of Chennai.

#### **RENEWAL OF LICENSE:**

According to Section 365 9(A) of the Chennai city municipal corporation act 1919, the annual renewal of the license must be not less than 45 and not more than 90 days before the commencement of the new year which the renewal is sought. At present for dhaba, the annual renewal of license is during Feb.1 to 14. Unless otherwise specifically mentioned this date usually falls between February 1 and 14. The application form can be had by sending a Demand Draft for Rs.50/- drawn in favour of the Revenue Officer, Corporation Of Chennai. The license fee can also be paid by way of Demand Draft drawn in favour of the Revenue Officer, Corporation of Chennai. If the License can not be renewed within the stipulated period, such cases shall be treated as new ones.

#### **REVOCATION:**

The license can be revoked by the corporation at any time if any of the rules of the act or specified by the corporation are evaded or infringed upon by the licensee according to Section 365(4) or if the said license has been obtained by

misrepresentation or fraud. The corporation must however in such cases produce a written notice to the effect explicitly stating the causes for said revocation.

### **INSPECTION:**

The commissioner is empowered by Section 365(5) to inspect any trading establishment at any time that it is open to public or when there is work in progress if he suspects contravention of any of the rules and regulations of the corporation. He need not produce any warrant for the same and does not need to give any prior notice or warning to the owner of the establishment. He will not be liable for any inconvenience or damage caused by the inspection.

According to section 38 of the Chennai City Police Act 1888, the commissioner or any authorized police officer in writing by the commissioner can enter any licensed premises at any time when it is open for reception. It must be noted that the police officer must be above the rank of the constable. After his inspection with the reasons recorded, he can authorize any inspector to enter and inspect any place which is not licensed as per the section 34 and 35 of the Chennai City Police Act 1888. Section 311 of the Chennai city municipal corporation act also provides provisions for inspection of the premises and no claim shall lie against the authorized officer for the enforcement of the provisions of the Act.

### **Operation Timings:**

As per the Tamil Nadu shops and establishment Act 1958 no shop can be opened earlier or closed later than the time fixed by the government. Provided that the last customer waiting for being served have to serve before quarter of an hour immediately following the hour of closure. The government has the power to fix different timing for different classes of shops and establishments. As per the act, every shop shall remain closed on one day in a week and it shall be specified by the shop keeper and has to be exhibited permanently in the notice kept in a conspicuous place in the shop and this day cannot be altered more than once in three months. No person can sell any goods near to any street or public place after the closing hours fixed by the government. No person can be required to work for more than eight hours in a day and for eight hours in a week. He must not work for more than four hours unless he has had an interval for rest.

### **Procedure for regularizing the establishments without licenses:**

As per the RTI reply, the trader will be issued notices under section 287, 288 and 289 to obtain the license from the zones of Corporation of Chennai. At present Chennai Corporation is not issuing any license to dhaba As per the RTI reply.

### **Penalty:**

Action will be taken to close the trades which are running without and contrary to the conditions of license and sanitary conditions stipulated under the Chennai City Municipal Corporation Act, 1919. Section 279, 287, 288, 309, 299(1) and 304 of Chennai City Municipal Corporation Act 1919 supports this. After issuing the notices under the relevant sections, the trade will be closed and sealed with the orders of the Zonal officer as per section 379 (A) of Chennai City Municipal Corporation Act.

According to the Section 35 of the Chennai City Police Act 1888, no enclosed place for building shall be used as an eating house without a license obtained from the

commissioner. The commissioner in support of section 36 of the same Act can grant the license with the conditions prescribed by him. The violators according to section 37 are liable to a fine of Rs.50 per day.