

RULES AND REGULATIONS GOVERNING THE LICENSING OF DHABA IN COIAMBATORE

State: Tamil Nadu

Details of licensing procedures are as follows:

Dhaba's are regulated by the provisions of the Coimbatore City Municipal Corporation Act 1981 and Prevention of Food Adulteration Act 1954, though we can find the influence of Tamilnadu shops and Establishment Act too in the licensing. As per section 360 no place within the limits of the city shall be used for any purpose mentioned in the schedule IV without a license.

As per section 349, no person is allowed to carry out an eating house without a valid license or in contravention of the terms and conditions of a license. The commissioner can cancel or suspend a license at any time if he feels that it has contravened the conditions as per the provisions of the Act or is not in conformity with the conditions of a license.

Licensing Procedure:

As per the act every applicant has to apply for a license not less than forty five days and not more than ninety days before the place is used for the purpose. Before granting or refusing a license there will be a full and complete investigation to the premises on the suitability of the place in respect of which he license is applied for, the possibilities of the dangers, provisions of rules and regulations and other conditions.

In Coimbatore Dhaba's are regulated under the basis of Dangerous and Offensive trade License. In addition, Prevention of Food Act, license is also needed.

D & O License (Dangerous and Offensive):

All the D&O Traders should obtain licenses from the Municipal Corporation office on payment of prescribed fees before 45 days of the commencement of the trade. All the traders should renew the license every financial year. The defaulters should remit an extra payment as penalty of 25% of the license fee of the particular trade.

The applicant who applied for more than one trade in single premise has to pay the highest fee among the trade fees collected in the premises. If electric motor is available in the same premises a separate fee shall be collected. There is a printed application form available in all the 4 Zonal Offices. The cost of each application is Rs.5/-. The filled in applications has to be received at zonal offices for scrutiny. The prescribed fee should be remitted for each trade on intimation to the applicant. The applications so received will be sent to concerned clerks in zonal offices. The clerk will send the applications to the concerned Sanitary Inspectors for remarks. The Sanitary Inspectors will inspect and submit their remarks to the Assistant Commissioner through concerned Zonal sanitary Officers. The recommended trade licenses will be issued to the applicants in zonal offices.

The process is as follows.

Reception – Clerk- Sanitary Inspector - Zonal Sanitary Officer - Assistant Commissioner

Prevention of Food Adulteration License (PFA):

If a trade deals with edible articles then the PFA license has to be obtained. There is an application on payment of Rs.5/- which will be issued at all four zonal offices. The fees for P F A license is Rs.25/- The application received at zonal offices will be sent to concerned clerks in zonal offices and in turn sent to the Sanitary Inspectors for remarks. If the Sanitary Inspector recommends for issue of license the application will be sent to City Health Officer for issue of license. City Health Officer will issue the license. For Fresh license the fees will be Rs.25/- and for renewal the fees will be Rs.15/-

The process is as follows:

Reception – Clerk- Sanitary Inspector - Zonal Sanitary Officer - Assistant Commissioner

Regulatory Body:

Public Health Department of the Corporation is the department concerned and City Health Officer is the regulatory authority.

Time Prescribed:

No time is prescribed in the act for the issue of license. But at present as per the rules of corporation it is fixed as seven days for Processing of Application, 30 days for Sending Intimation to remit fees and 45 days for Issue of license.

Terms And Condition:

The terms and Conditions are as per the Coimbatore City Municipal Corporation Act 1981 and PFA Act of 1954.

Documents Needed:

1. If the shop is own place the he has to submit the last payment of tax receipt
2. If the place is rent, the agreement copy of the tenant (agreement deed) should be submitted
3. The person who is going to manage the shop must have his id proof and address proof

Fees:

As per the section 451, the licenses fees shall be paid in advance and the rates will be fixed by the council.

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 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.

License Renewal:

The license has to be renewed 45 days before the commencement of the succeeding financial year. If license is not renewed in time, it will result in the cancellation of license. Application forms for renewal will be issued at service center's on payment in ward offices. Receipt of Application /remittance of fees can be done at the service center's itself.

Time Duration:

Before 45 days it has to be renewed, if it is renewed after the due date then 25% surcharge also has to be paid along with the license amount.

Processing Time:

Once fees is remitted with in 45 days license will be issued.

Penalty:

If the trader does not have license, then he will be prosecuted as per the directions of Maduari city Municipal Corporation Act and PFA Act of 1954. As per section 360 of the Maduari city Municipal Corporation Act 1971 if the commissioner became satisfied of the case of any violations of the provisions of the act or any conditions of a license, he will suspend or revoke the license after giving the licensee an opportunity to show the cause. Licenses obtained by misrepresentation also come under this. The commissioner has also the power to vary or amend the license granted.

As per the act, the failure to keep eating houses without license or in contravention of license will result in the payment of Rs.200 as fine. Using a place which is specified in schedule IV without a license or contrary to license is liable to pay Rs.400. The penalty will be increased for the continuity of breaches as per the instructions provided in the act.