

RULES AND REGULATIONS GOVERNING THE LICENSING OF DHABA IN KOLKOTA

State: West Bengal

Details of licensing are as follows:

Dhaba is governed by the Kolkata Municipal Corporation Act 1980 and Prevention Of Food Adulteration Act 1954.

As per the section 199 of Kolkata municipal corporation Act (59 of 1980), every person engaged or intending to be engaged in any profession, trade or calling in Calcutta must obtain a certificate of enlistment and must get the same renewed annually. So dhaba needs license from Municipal Corporation. Sections 421, 427, 429, 430, 435, 437, 438, 439, 443 etc further emphasize this.

To conduct the business smoothly, one has to obtain a trade license from Kolkata Municipal Corporation. The Kolkata Municipal Corporation has made the process simple by dividing various trades in two categories, Green and Red. Dhaba is under the red category.

Licensing Procedure:

Trader intending to obtain a C.E. (Certificate of Enlistment) has to apply in the prescribed application form, which may be obtained from any counter of Licence Department. An application in Properly & neatly filled prescribed Application Form (sold from Kolkata Municipal Corporation license counter for Rs.5/- each) with Signature, Date, Seal, and Name/s of Proprietor /Partner (S) /Director (S)/Karta/Manager is to be submitted U/S 199.

The application for License for Trade under Red Category will be thoroughly enquired into and upon the recommendation of the Enquiry Officer the License will be granted. Photocopy of current rent receipt / challan from rent control (for tenants) or current K.M.C (Kolkata Municipal Corporation) Property Tax Receipt /Bill (for owner of the trading premises) and Proof of business place is also to be enclosed. In case of Rent-free trading spaces, Current consent letter in original, mentioning the area along with Current C.E of the consenter if the said consenter doing any Trade along with current Rent Receipt / Receipts from Rent Control or Current K.M.C Property Tax Receipt/ Bill of the Consenter is also to be enclosed.

Documents Required:

- a. Application form duly filled up
- b. Proof of place of business
- c. If a license is sought on behalf of a company, kindly submit a copy of the Memorandum / Articles of Association, Declaration in Form No. 32, Form No. 18. If license is sought for Partnership firms, a copy of the Partnership deed needs to be submitted.

License Fees:

A fee of Rs.100 must be remitted in the license department of the concerned municipal Corporation of the area.

License Renewal:

Since 2003 -2004, the K.M.C. introduced a new procedure for renewal of Certificate of Enlistment . (Trade Licence) through Banks. In this system, demands for renewal for a year, are generated through Computer centrally for all the traders who have come under the purview of C.E (Trade Licence) pertaining to the year for which demand for renewal are generated. Then the demands are sent to the traders directly Under Certificate of Posting. For Renewal cases notice of demand would be sent to the erstwhile traders who have already taken out their Certificate of Enlistment. Renewal of Certificate of Enlistment is being done on payment of license fees as applicable through the specified branches of S.B.I., B.O.I, HDFC and ICICI (ATM Counter only). The Licence may be obtained from Bailiffs performing duties in the wards (Manually) or from the Counter of K.M.C. (Kolkota Municipal Corporation) offices

On the backside of the Demand, the names of the Banks and their designated branches and contact Numbers. /Help line Nos. are printed. The traders are required to deposit the amount mentioned in the demands to any of the branches they like. The demand, after payment, becomes the Certificate of Enlistment for the year. Under this system, the traders are not required to approach to any K.M.C (Kolkota Municipal Corporation office) for the purpose of the renewal of their Trade License only except in case of any Correction/Change of information.

Demand Notices would be sending to the license holders. Renewal will be done on payment of specified money in the bank as per Demand Notice. So, the traders will not have to file any application form or other documents or contact the KMC office. Immediate renewal of a license which has not been during 2002-2003 or previous years will be done on submission of the duly filled application form along with the documents of proof to the concerned Bailiff/Inspector of the License department. Renewal can also be done through the different cash counters of the License Department.

Renewal of Certificate of Enlistment(C E) with arrears more than one year:

It can be done manually by bailiffs & Inspectors, through different Cash Counters of License Department on payment of Sectional Charges as applicable (Under Section. 199, 238(2), 307, 333, 419, 421, 435 (I & II), 436, 440 of K.M.C. Act of 1980) and processing fees. A Late Fine of Rs.50 per month has been imposed for non-renewal of C.E. for the year 2003-2004 beyond 30.09.2003. Performa of Declaration in Stamp Paper / Affidavit is also needed. Declaration in case the Assessed No. Of Trading Premises is not found.

Penalty:

Kolkota Municipal Corporation (KMC) takes cases of false documentation very seriously. In case the corporation discovers that the false information for a Green Category trade license is given or the unauthentic supporting documents has been submitted to obtain a license, the trade license issued shall be cancelled at once and penal measures will be taken against such applicants. The kolkota Municipal Corporation (KMC) has fixed the schedule for penalties and it has the special provision for defaulting stall holders.