

RULES AND REGULATIONS GOVERNING THE LICENSING OF DHABA IN MADURAI

State: Tamil Nadu

Details of licensing are as follows:

Dhaba's are regulated by the provisions of the Madurai city Municipal Corporation Act 1971 and Prevention of Food Adulteration Act 1954, though we can find the influence of Tamil Nadu shops and Establishment Act too in the licensing.

As per the RTI reply, dhaba's are the places for using as eating establishments like Hotels and Tiffin Centres

As per section 349 of the Madurai city Municipal Corporation Act 1971, no person is allowed to carry out an eating house without a valid license from the commissioner and 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.

Dhaba's in Madurai city are regulated under the basis of Dangerous and Offensive trade License. In addition, Prevention of Food Act, license is also needed. The owner (or) occupier of a trading place for which a license is required shall apply to the Commissioner not less than 45 days and not more than 90 days before the trade is started. A license will be issued for the relevant financial year, only which has to received every year.

Licensing Procedure:

At first the applicant has to collect a D & O applications which costs Rs.25/- from the zonal office. After filling up the form, the person has to contact the concerned ward Sanitary Inspector for details of License fees for that particular trade and get his signature. After the Payment of the license fees at the zonal office treasury, he has to submit the application to the Zonal Asst. Commissioner. The license will be issued after inspecting the place of trade, regarding suitability of the trade. In addition to the above D and O trade license, Dhaba has to be registered under the Prevention of Food Adulteration Act license. Details are:

All types of trades dealing with any Human edible products require to be licensed under the PFA Act. The license fee is Rs.10/- The licensing procedure is similar to D & O trade. The licensing goes hand in hand with D and O license issual. The license fees vary with the size of the trading place which is to be ascertained from the concerned ward Sanitary Inspector.

As per section 360 of the Madurai city Municipal Corporation Act 1971, every application for license must be made not less than fort five and not more than ninety days before the place is used for such purpose which the license is required. Before granting the license an inspection will be carried out by the respective authorities.

As per the act, every license granted shall specify the period, the restrictions, the limitations and the conditions subject to which it is granted. The commissioner signature must be there in the license. Fees should be paid in advance. The licensee is bound to produce the license at all reasonable times when it is requested by the concerned authority

REGULATORY BODY:

Healthy Department of the Corporation, commissioner and the Corporation Health officer is the regulatory body. Commissioner has to signed in the application form then it can be proceeded by the corporation

TERMS AND CONDITION:

The terms and Conditions are as per the Maduari city Municipal Corporation Act 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:

Rs.400 -1500/- will be collected depending on the size of the food court.

REJECTION:

1. If the document produced is no correct
2. Any information is not correct
3. If the place does not have proper ventilation
4. If waste is not properly disposed

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 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 fort eight hours in a week. He must not work for more than four hours unless he has had an interval for rest.

License Renewal:

For yearly renewal, one has to apply during the month of February of every forth coming financial year. Delayed renewal will attract a penalty of 25% license fees. Before 45 days from 1st April of every year delayed cases may be prosecuted or permitted to apply with 25 % of surcharge with actual charge.

As per the section 360 of the Maduari city Municipal Corporation Act 1971, renewal applications must be made not less than forty five days and not more than ninety days before the commencement of the year for which the renewal is sought.

Application has to be filed along the previous license. The license has to be renewed once in a year; period of validity is 1st April to 31st March.

In the case of the license which was suspended or revoked or if the expiry of an application for renewal is already crossed then the licensee must produce the order for canceling the suspension or revocation while renewing the license.

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

Cases Of Violataion

1. If the document produced is no correct.
2. Any information is not correct
3. if the place does not have proper ventilation
4. If waste is not properly disposed

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 Act1971 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.