

RULES AND REGULATIONS GOVERNING THE LICENSING OF DHABA IN NAGPUR

State: Maharashtra

Details of licensing are as follows:

Dhaba's are regulated as per the direction of City of Nagpur Corporation Act, 1948 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948. Provisions of Prevention of Food Adulteration Act are also applicable to food related items. Bylaw for injecting and regulating tea coffee milk in hotel/ Eating houses within the limits of Nagpur Corporation in suppression of notification No.4809/1859-m-v111dated the 11th September 1953 as amended by No.1886- 6810 -v111 dated 3rd May1950 is also providing directions for the regulation of eating houses.

In Nagpur Corporation, "Dhabha" means a shop where articles of food and drink are manufactured or sold and where there is a management of eating these article in or at the shop.

Bombay Shops and Establishment Act defines eating house as any premises in which is carried on wholly or principally the business of the supply meals or refreshments to the public or a class of the public for consumption on the premises.

As per the section 348 of the City of Nagpur Corporation Act, 1948 the commissioner's permission in writing is necessary for the prescribed items specified under Act. Application for license shall be addressed to the commissioner. The license shall specify the date of the grant, purpose and the period of grant, restrictions and conditions, name of the person to whom it is granted and the fees paid.

The licensee is bound to produce the license when the commissioner/ authorized officer require it. Any license granted can be suspended or revoked at any time on the violation of the provisions of Act, rules, bye laws or conditions of license.

Except in the cases falling under the provisions of section 227 and 229, the applicant can act as if the license is granted for the year as mentioned in the application if he did not get any orders of the commissioner within six weeks from the date of the receipt of his application for a license or permission which complies with the provisions of the fore-going sub-sections .

Section 237 says that the corporation can prohibit the manufacture, sale or preparation or exposure for sale of any specified article of food or drink in any place or premises not licensed by the corporation. The corporation can regulate the hours and manners of any transport of any specified articles of food or drink within the city and can prescribe the route by which such articles shall be carried. The section also provides for the grant and withdrawal of licenses and the levying of the fees

Section 240 says that no person can sell, store for sale, hawk or expose for sale or manufacture any food drink or drug intended for human consumption which is unsound, adulterated or unfit for human consumption. Nobody can sell, expose or hawk for sale,

manufacture or store for sale any article of food which is not up to the prescribed standards of purity specified by the State Government. Sale of substitutes is also prohibited.

Section 248 says that the commissioner/ any authorized officer have the power to enter and inspect any market, shop, stall or place used for the sale of any animal, food drink etc intended for human consumption. The act also gives power to the commissioner to inspect and examine any animal or article used for preparing or manufacturing or containing the same. The commissioner can seize and remove the animal or article which has appeared as diseased, unsound, unwholesome, adulterated or unfit for human consumption. The officer can also keep the same in the safe custody as commissioner directs in order and no person shall remove it while it is so detained.

Therefore, it is clear that a dhaba needs license. Details are as follows:

Licensing Procedure:

For getting a license, one has to obtain the form for trade license from any of the range offices or citizen centre and submit it in the corporation with necessary documents. He also needs property owner's consent in plain paper. The owner has to file a copy of latest property tax paid receipt in proof of ownership Demand draft has to be paid towards the license fee payable for the trade If applicant needs power she /he need to apply for power license. Separate fees will be chargeable for that.

Documents required for issuing license: -

1. Filled application Form
2. Copy of the latest property tax paid receipt in proof of ownership
3. Occupation place design - three blue print with measurements plan
4. Separate demand draft if power is needed
5. Fire brigade- non objection certificate
6. Commercial tap connection

License Fees:-

In Nagpur fees will be charged as the fees for Prevention of Food Adulteration Act license and License fees. Fees for the Prevention of Food Adulteration Act License for every five year are Rs. 750 and no inspection fees shall be charged. Regarding the licenses fees of corporation, inspection fees of Rs.100 and fresh license fees of Rs.100 will also be charged.

Inspection:

As per the section 337 of the act, it shall be the duty of the commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat flesh, fish, fruit, vegetables etc and any other articles exposed or hawked about for sale or deposited in or brought to in any place for the purpose of sale and intended for human consumption, the proof that the article was not intended for human food with the party charged.

The commissioner can seize and carry away any article if any animal or article appears to the commissioner to be diseased or unsound or unwholesome or unfit for human consumption or is not up to the quality represented.

In Nagpur Corporation, license Inspector will make a 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 Renewal

The License issued expires on every five year. One need to apply for every five years and there after one has to renew the license. April to March is the time for renewal. For renewal of license, renewal application form can be purchased from the corporation. Procedures are the same as that of new license. The license shall remain in force for five years from the date of issue till the 31 days of March of the fifth year. The license must be renewed in the month of April and in case of starting the new business in the midst of the year thirty days earlier of the commencement of business. Those who have not renew the license after Six months of the expiry have to pay Rs.150 per month as penalty.

Renewal Fees:

License fees are same of the Fresh application. If the license is not renewed after six months of the expiry date, then Rs.150 per month will be charged as penalty.

Documents Required for Renewal:

1. Filled Renewal application Form
2. Copy of the latest property tax paid receipt in proof of ownership

Prohibition of Hawking:

As per the Section 12 of Bombay Shops and Establishments Act 1948, no person shall Hawk or sell any goods in or adjacent to a street or a public place before the opening and after the closing hours fixed under sections 10 & 11. Any person contravening the provisions shall be liable to have his goods seized by an Inspector. The goods seized shall be returned to the person from whom they were seized when he deposit Rs. 25 as security for his appearance in the Court. If a person fails to make the deposits, the goods seized shall be produced without delay before Magistrate who gives such directions as to their temporary custody as he thinks fit where no prosecution is instituted for the contravention of the provisions of sub-section (1) (which prohibits the hawking) within such period as the Magistrate may fix in this behalf, the Magistrate shall direct their return to the person from whom they were seized. Subject to the provisions of the preceding sub-section, the provisions of the Code of Criminal Procedure, 1898, (V of 1898) shall so far as they may be applicable, apply to the disposal of the goods seized under this section.

Timings:

As per the Bombay shops and Establishment Act 1948, no eating-house shall be open earlier than 5a.m and close later than 12 at midnight for service. An employee can start his work from 4.30 a.m. However, cannot work after 00.30 a.m. No sale will be encouraged before and after the opening and closing hours. An employee in an eating-house cannot be required or allowed to work more than nine hours in a day and 48 hours in a week.

Punishment:

As per the act, the fine for selling diseased or unwholesome article or animal intended for human consumption is Rs. 200 for first offence and Rs. 100 for subsequent offence. Rs. 100 per day will be charged for the continuity of offence