

RULES AND REGULATIONS GOVERNING THE LICENSING OF DHABA IN NASHIK

State: Maharashtra

Details of licensing are as follows:

Dhaba's are regulated as per the direction of Bombay Provincial Municipal Corporation Act 1949 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.

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 376 of the Bombay Provincial Municipal Corporation Act 1949, No person shall carry out any trade without a license if it is in the opinion of commissioner is dangerous and can create nuisance. Part 1V of the chapter XVII says that keeping eating-houses needs license. Commissioner can grant the license and the licensee is supposed to keep the license in the premises upon which it relates. Section 376 gives power to the commissioner to stop the use of any premises if it is a nuisance or dangerous to life health etc in his opinion.

Section 318 says that the commissioner on the satisfaction in the public interest by a written order directs that any place where food or drinks are sold or prepared, stored or exposed for sale which a case of dangerous disease exists or has recently occurred shall be closed for such period as may be specified in the order. Provided that the place may be declared to be open if medical officer of health certifies that it has been disinfected or is free from infection.

Section 337 says commissioner have to make provisions for constant and vigilant inspection of animals, vegetables, fruit and any other article exposed or hawked for sale. 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 the animal or article, which has appeared as unfit for human consumption.

Section 377 says that no person can sell or expose for sale any animal or article without a license from the commissioner. The commissioner can summarily remove any person contravening the section. Section 384 clearly says that no person can use any public place or any public street for hawking or sale any article without a license and the conditions specified in it. Therefore, it is clear that a dhaba needs license.

In Nashik, Nashik City Corporation regulates dhaba's. For running a Dhaba, the owner has to take license. Details are as follows:

Licensing Procedure:

The applicant has to obtain the form 'A' for trade license from any of the range offices or citizen centre and must give the details of Form 'A' with necessary documents. The property owner's consent in plain paper is also needed. The owner has to file a copy of latest property tax paid receipt in proof of ownership. Demand draft towards the license fee payable for the trade is needed. If applicant needs power she /he need to apply for power license and separate fees shall also be charged for that.

As per the Bombay Provincial Municipal Corporation Act 1949 the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner. The licensee is bound to produce the license when the commissioner requires it. After submitting the application with the supportive documents, the concerned officer will verify the shop premises and if satisfied, the department will give permit for doing business.

Documents required for issuing license: -

1. Filled of application Form (Form 'A')
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
7. No objection certificate from the partner if applicable.
8. No objection certificate from chairman of Society

License Fees: -

Inspection fees of Rs.100 and fresh license fees of Rs.750 will 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 Nashik 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 neighbors 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. For renewal of license, renewal application form can be purchased from the corporation. Procedures are the same as that of new license. Six months after the expiry, Rs.150 per month will be charged as penalty.

Renewal Fees:

An inspection fee of Rs.100 and fresh license fees of Rs.750 will be charged. If 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.

Suspension_and Revocation:

As per the act, any license may at any time can be suspended or revoked by the commissioner if the commissioner is satisfied that the license is secured by the holder through misrepresentation or fraud or if any restriction or condition is infringed or evaded by the person to whom the license has been granted. When any license is suspended or revoked or the period for which the license granted is expired the licensee will be deemed to be without a license until the canceling of the suspension or revoking order or the renewal as the case may be. If the licensee is applying for renewal on the specified date then the applicant shall be entitled to act as if it is renewed.

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 8.00.30 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:

The License is not renewed in time, and then the License will be expired. As per the act any contravention of any provision of the act, rule, byelaw, standing order, notice etc will liable to a fine of Rs.100 and a further fine that can extend to Rs.20 for every day if no penalty is provided for the offence in any other section of the Act.