

## **RULES AND REGULATIONS GOVERNING THE LICENSING OF DHABA IN PURI**

**State: Orissa**

### **Details of city permits are as follows:**

The provisions of the Orissa Municipal Manual and Prevention of Food Adulteration Act 1954 regulate Dhaba.

As per section 290 of the Orissa Municipal Act, no place within the Municipal Area as notified by the Municipality cannot be used without license. As per the list provided in the section 290, eating-house needs a license.

As per section 295 of the Orissa Municipal Act, the municipality may provide places for the use of public markets and it can charge for its usage. No person shall without the permission of Municipality can sell or expose for sale any animal or article within any public market. The Executive officer can expel a person from the public market for the violation of regulations.

is allowed to keep in or upon any premise for any articles as may be specified in the rules framed under the Act except under and in conformity with terms and conditions of license granted by the commissioner. Individuals are directed not to use any premises for sale or for use of any articles specified in the rules other than their domestic use without or except on conditions of a license. No body can carry out any trades or operation specified in the Act or rule without a license. The act also says that the trades which are in the opinion of commissioner is dangerous or likely to create nuisance shall be prohibited in the city. A notice with the commissioner's signature sent him in person or notice affixed to the premises will be proving that the trade will be dangerous in commissioner's opinion.

As per the Act, 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.

Therefore, it is clear that a dhaba needs license.

### **Licensing Procedure:**

As per Orissa Municipal Act, owner or occupier of every place listed in section 290 shall within thirty days of the Publication of notification apply to the Executive Officer for a license. The Executive Officer may by order and under such restrictions and regulations will grant the license or refuse it. Application for fresh license has to be made not less than thirty days before the trade is opened.

As per the Orissa Municipal Act, the license shall specify the period, restrictions, conditions etc and should contain the signature of the Executive Officer. The fees fixed by the municipality may be charged from the licensee. 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.

**Regulatory Body:**

As per the act, the executive officer is the regulatory body.

**Documents Needed:**

As per the regulations, the application shall accompany the fees as provided in the schedule. If the applicant is the owner of premises and any other person allowed to use the premise for the storage of the articles, the applicant shall furnish the details of the person using the premises as required by the commissioner.

**Fees:**

There is no proper information of the fees at present. But As per the section 298 of the Orissa Municipal Act 1950, when a license granted under section 297 does not permit the levy of any fees, it shall be granted free of charge. But when such permission is given a fee not exceeding twenty per centum of the gross income of the owner from the market in the preceding year shall be charged by the municipality for such license.

**Operation Timings:**

As per the Orissa shops and establishment Act 1956, no establishment on any day can be opened earlier or closed later than the time fixed by the government. The State Government may, after making an enquiry in the prescribed manner, by general or special order, fix the time at which any establishment or class of such establishments shall be opened or closed in any local area. The act also says that every establishment shall remain closed for one day in a week. The employer shall fix that day at the beginning of the year and notify it to the inspector and specify it in a notice prominently displayed in a conspicuous place in the shop or commercial establishment. This day can not be altered more than once in three months.

**License Renewal:**

Every license will expire at the end of the year unless for special reasons provided by the Executive Officer. The application for renewal shall be made not less than thirty days before the end of the year license may be renewed within one month of its expiry. Renewal after one month of expiry shall be liable to pay 5% of the license fees for every subsequent month of the delay

**Inspection:**

As per the section 337 of the act, it shall be the duty of the Executive Officer to inspect places in respect of which a license or permission is required by or under this Act and he may enter any such place between sunrise and sunset , if it is open to the public or any industry is being carried in at the time and if he has reasons to believe that anything is being done in place without a license or permission where the same is required by or under the Act, or otherwise than in conformity with the same ,he may at any time by day or night without notice enter such place for the purpose of whether any provisions of laws, rules, bye laws etc has been contravened and no claim shall lie against any person for any damage by the Executive Officer for the enforcement of the force under the Act .

If a person is convicted of an offence in respect of the failure to obtain a license or permission required by the provisions of the Act or any rule or regulations or byelaw under the Act, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the municipality the amount of the fees chargeable for the license or permission and may in his discretion also recover summarily and pay over the amount if any as he may fix as the costs of prosecution. Such recovery shall not entitle the person convicted to a license or permission.

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 or for preparation for sale and intended for human food or for medicine.

Section 577 says that the commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensils or vessels used for preparing, manufacturing or containing the same. 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.

**Penalty:**

Penalties will be levied as per the directions of Orissa Municipal Act 1950. As per the act, using any place which needs the license (Section 290) without license will result in penalty of Rs.100/- In the case of continuance of contravention, the fine may extend.