

RULES AND REGULATIONS GOVERNING THE LICENSING OF VEGETABLE SELLERS IN PONDICHERRY

State/ union territory: Pondicherry

Details of licensing are as follows:

The issue of license is regulated by the Pondicherry Municipality as per the provisions of Pondicherry Municipalities Act, 1973 and the Rules framed under the PONDICHERRY MUNICIPALITIES GRANT OF (LICENCES AND PERMISSIONS) Rules, 1976.

Licensing Procedure

According to section 355, no person can use any premise in municipal limit for any purpose mentioned in schedule III without the license from the commissioner and except in accordance with the conditions specified. The council may declare it through notification provided that no such notification shall take effect until sixty days from the date of application.

The owner or occupier within thirty days of publication of such notification shall apply to the commissioner for the license in the prescribed application form. The application must be made not less than thirty days and not more than ninety days before they are opened. On receipt of application, the commissioner will grant the license specifying the conditions. Before granting license, there will be a complete investigation in respect of the application.

As per section 344, commissioner has the power to refuse to grant or renew a license without contravening any provisions provided in the Act. This comes significant in the case of default in the payment of fees and taxes. Provided the commissioner may grant or renew license for period not exceeding two months on his satisfaction that the payment will be done within the period. According to section 371, the license for public markets cannot exceed six hundred rupees

Regulatory Body:

The Municipality is the issuing authority. The commissioner pond cherry municipality is the chief authority and revenue department is involved in the process.

Documents Required:

No specific documents are required. Applicants are required to submit those attachments, if anything is asked in particular at the time of the submission of application.

Processing:

No specific time limit has been stipulated for the issue of license and goes according to the provisions contained in the Act. But as per the Act and rules, The Commune panchayat council as soon as may be after the receipt of the application and within sixty days from the date of receipt grants the permission applied, subjecting to conditions prescribed. The commissioner may refuse permission if he is of the opinion that the establishment is likely to cause any nuisance or any other valid reasons to be recorded in writing.

FEES:

The licensing fees for whole sale vegetable sellers are Rs.750 per year and Rs.100 per year for retail traders. As per section 344, commissioner has the power to refuse to grant or renew a license without contravening any provisions provided in the act in the case of default in the payment of fees and taxes. Provided that the commissioner may grant or renew license for period not exceeding two months on his satisfaction that the payment will be done within the period. According to section 371, the license for public markets cannot exceed six hundred rupees.

Fees Remittance:

The fees mentioned must be remitted in the office of the commissioner, Pondicherry Municipality.

Duration

According to "THE PONDICHERRY COMMUNE PANCHAYATS (GRANT OF LICENSES AND PERMISSIONS) RULES, 1976", every license granted shall expire at the end of the year unless for special reasons with the commissioner's consideration to expire at an earlier date as may be specified.

License Renewal:

Every trade license is to be renewed before 28th February/ 29th February of every year as the case may be. Failing will result in 25% of penalty. As per the act, application for the renewal shall be made not less than thirty and not more than ninety days before the end of the every year.

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Directions for License:

As per section 457 of Pondicherry Municipalities Act 1973 and section 4 and 5 of Pondicherry Commune Panchayats (Forms and Contents of Licenses and Permissions) Rules , 1976 , every license issued under the Act shall specify the period and also the conditions, limitations and restrictions for which the license is granted and shall be signed by the commissioner. The commissioner or any other authority shall in that behalf or every order granting license/ permission shall be published on the notice board of the commune panchayat council. Any license or permission under the Act or any rule made there under may at any time , be modified suspended or cancelled by the commissioner in the breach of any provisions of act or rule or contravening any conditions. Provided the grantee must get an opportunity to being heard. He must get an opportunity for appeal but that appeal must be considered only if it is received in the office within the ten days after the date of receipt by the grantee of the order appealed against. The grounds for rejection/ suspension / modification/ cancellation shall be stated. The grantee is obliged to produce the license at all reasonable times when it is asked by the commissioner or any authorized person while the license is in force.

Inspection:

The commissioner or any person authorized has the power to inspect the licensed premise and no claim shall lie against any person for any inconvenience or damage for the exercise of powers under the Act

Suspension of License:

The commissioner have the power to revoke or suspend license, if it is obtained fraudulently, used for any other purpose than the license obtained contravention of any conditions in license, and also if the commissioner believes that the premise can no longer be used for the purpose mentioned. Provided the reason has to be recorded.

Timings:

Pondicherry Shops and Establishments Act says that no shop shall on any day be opened earlier or closed than the hours fixed by the government by order and every shop shall be remained entirely closed in one day in a week. As per the provisions for other establishment than shops as provided in Shops and Establishments Act, no person employed in any establishment shall be required or allowed to work for more than eight hours in any day and forty- eight hours in a week.

Penalty:

Section 355 of Pondicherry Municipalities Act, 1973 contemplates the fine of Rs.200/- and a daily fine of Rs. 60 /- for using a place for any purpose specified without license or in contrary to license. Failing to renew license in time will result in 25% of penalty. As per the act, application for the renewal shall be made not less than thirty and not more than ninety days before the end of the every year.