

RULES AND REHULATIONS GOVERNING THE LICENSING OF CYCLE REPAIR WORKSHOP IN VADODARA

State: Gujarat

Details of licensing are as follows:

Cycle Repair Workshops are regulated as per the directions 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.

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. 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 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 cycle repair workshops needs license.

Procedures:

The Cycle Repair shop has to obtain a shop license only. There is no need of health license. Other procedures are as same as of dhaba's. So the procedures are as:

Shops and Establishment license:

For a shop license, the applicant has to apply in the prescribed form along with the supportive documents. The documents must be submitted to the shops and establishment department.

Documents required:

For initial registration of an establishment, following documents are required.

1. Form 'A' & form 'D'.
2. Rubber Stamp with name & address of the establishment
3. Rubber Stamp required for signature of partner/proprietor
4. Proof of business- Xerox of the first purchase bill.- Xerox copy of the sales bill.

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5. Proof of occupation of premises, if the owner of the establishment is owner of the premises then he has to produce a Photostat copy of last tax paid bill. If the premise of establishment is on rent, then the copy of the application made to the assessment department to insert the name as tenant. If the premise of establishment is purchased then the copy of sale deed is submitted.
6. If the name doesn't appear in the tax bill, an application to include it should be made to the assessment branch of VMC & its Xerox copy should be attached.
7. Those units which are engaged in sale of milk or milk products, cold drinks, eatables etc. have to produce a copy of an NOC from the health Dept. (Hostels, Lodges, Petrol Pumps, Cinema houses etc. included)

Documents required for making Changes:

1. Form – 'E'
2. Purchase & sale bills as a proof of change in business.
3. Required rubber stamps.
4. Notarized stamp agreement in case of partnership OR proof of termination of partnership, if any.
5. Receipt of the latest paid tax bill.

License Processing:

Site inspection by an officer of Vadodara Municipal Corporation will be there within seven days. A certificate of registration is usually issued within 15 days. If no information about acceptance / rejection of the application is received within 15 days, the applicant can contact the shops and establishments office.

License fees:

The fees of Rs.60 must be submitted in cash/ DD in favour of Municipal Commissioner, Municipal Corporation Vadodara, payable at Vadodara.

License Renewal:

Regardless of the date of issue, the initial registration is valid up to 31st December of the year in which registration takes place, to be renewed each year. Application for renewal should be made in 'Form – D'. Other requirements are the same as for initial registration. The registration may be renewed for the maximum period of 3 years. It is to be renewed again.

Notice of Change:

For any and every change during the registration period, please give notice in 'Form – E' with the prescribed fee of Rs.2 in cash / DD drawn in favour of Municipal Commissioner, payable at Vadodara.

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.

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 establishments Act 1948, no shops other than those dealing with vegetables, fruits, meats etc or any other goods notified by the State Government shall on any day be opened earlier than 7 am and no shops other than those clause b of Subsection (1) (trades dealing with pan bidi, cigarettes, matches and other ancillary articles) can be closed later than 8.30.p.m. Provided any customer waiting must be served during the quarter of an hour immediately following such hour.

No person shall carry on or in adjacent to a street or any public place the sale of any goods before the opening and after the closing hours fixed. Any person contravening the section shall be liable to have his good seized by an Inspector. If a person fails to produce the goods then it shall be produced without delay before a magistrate. No person shall be allowed or required to work in any shop or commercial establishment for more than nine hours in a day and more than forty- eight hours in any week.

Punishment

As per the Bombay Provincial Municipal Corporation Act 1994 any contravention of any provision of the act or rule, bye-law, standing order, notice etc will be liable to a fine of Rs.100 and a further fine which can extend to Rs.20/- for every day if no penalty is provided for the offence in any other section of the Act.