

RULES AND REGULATIONS GOVERNING LICENSING OF DHABA IN VISHAKAPATTANAM

State: Andhra Pradesh

Details of licensing are as follows:

Dhaba's in Vishakapattnam are regulated as per the directions of Hyderabad Municipal Corporation Act 1955 and Hyderabad Municipal Corporation Bye-laws for the regulation of Eating Houses or hotels 1973. Prevention of food Adulteration act is also applicable.

As per the Hyderabad Municipal corporation Byelaw for the regulation of eating houses or hotel 1973, hotel can any place where food is sold or prepared for sale for profit and includes tea-shop, coffee-house, cafe, restaurant and eating house. As per the schedule dhaba (eating house) needs a license.

As per the section 521 of Hyderabad Municipal corporation Act 1955, no person shall be allowed to keep in or upon any processes to keep in or upon any article specified in part I of schedule "P" without a license and not in conformity with the conditions of a license granted by the commissioner. The section also prohibits the keeping of articles in part I of Schedule 'P' (schedule annexed to Hyderabad Municipal corporation Act which details about the Licensing) . The sale or for any purpose other than domestic use any article specified in part III of Schedule 'P' is also prohibited .No one can carry any trades or operation connected with trades specified in part IV of the Schedule 'P' and any trade or operation which in the opinion of the commissioner is dangerous to life, health or property or likely to create nuisance. It is worthy here to notice that schedule 'P' is the schedule annexed to the Hyderabad Municipal Corporation Act 1955 which details the trades and storage or keeping of articles which needs license.

The commissioner can grant any license as per the subsection (1) of 521 and can impose restrictions and conditions. He has the power also to withhold any license.

As per section 528, no person shall without a license from the commissioner can sell or expose for sale any animal or article in any municipal market. The commissioner with the previous sanction of the corporation by public notice from time to time can prohibit within a distance of hundred yards of any municipal market the sale or exposure for sale of all or any of commodities ordinary sold in the municipal market. The notice can at any time be cancelled or modified by the commissioner. Any person contravening the section may be summarily removed by the commissioner / by any municipal officer. Section 545 also says that any animal or article not of a perishable nature and any utensils or vessel seized under the section 543 have to taken before a magistrate and he will provide for the further actions.

Section 546 says that the food which is not of a perishable nature and any utensils or vessel seized because of its usage in the manner unfit for human consumption, the owner thereof or the person in whose possessions it was found not being merely bailee

or carrier thereof shall if any such case the provisions of section 273 of Indian penal code do not apply, be punished with fine which may extend to Rs.500

As per the section 525, the commissioner in the public interest so to do, by written order direct that any place where articles of food and drink are sold or prepared, stored or exposed for sale being a lodging house or place in which a case of an infectious disease exists or has recently occurred shall be closed for such period specified in the order. Provided that the lodging house or the place may be declared to be open if the medical officer of health certifies that it has been disinfected or is free from infection.

The Hyderabad Municipal Corporation Bye-laws for the regulation of Eating Houses or hotels 1973 also insist that a dhaba needs a license from the commissioner. So eating houses need a license and is supposed to follow the above conditions. The procedures are as follows:

Licensing Procedure:

As per the Hyderabad Municipal Corporation Bye-laws for the regulation of Eating Houses or hotels 1973, every person intending to open or maintain a hotel shall make an application to the commissioner in the prescribed form which can be purchased from e-seva centre. The application must be submitted 30 days before the premises is declared to be open to the public. The hotels shall be classified into different categories according to the monthly rental value of the building in which such hotels are housed.

Document Required:

The filled application form along with the required documents and the trade license fees have to be submitted in the e-Seva centre. Self assessment form can be Form collected from e-Seva center. The documents required are:

1. Copy of the title deed/lease deed of the premises/Place for which the license is requested
2. Blue print plan of the site and building premises in triplicate
3. No-Objection certificate from the owner of the premises & neighbours
4. Physical Fitness certificate from Registered Medical practitioner of Modern Medicine
5. Three passport size photographs of the applicant

As per the Hyderabad Municipal Corporation Bye-laws for the regulation of Eating Houses or hotels 1973, an application for license shall be accompanied by:-

1. A plan in duplicate showing the dimensions and the purpose for which each room in the premises is proposed to be used;
2. A Challan in token of the payment of the prescribed license fees

Regulating body:

The Assistant Directors, Veterinary officers & lying squad of the veterinary section are the authorities in power.

Refusal of license Application:

The Commissioner may either sanction or refuse a licensee to the applicant. As per the Hyderabad Municipal Corporation Bye-laws for the regulation of Eating Houses or hotels 1973 , he shall refuse to grant a license if, in his opinion, the premises is unsuitable for the purpose specified in the application; or the applicant is not suitable to be in charge thereof. In the case of refusal the Commissioner shall state the reasons therefore.

License Processing

The applications will be sent to the license section of greater Hyderabad Municipal Corporation, which in turn forwards the same to office greater Hyderabad Municipal Corporation office for verification supervisor will verify the application & send a report to Chief Medical Officer. The traders will be issued a Trade index number (T.I.N.), if he complies with all requirements.

License Fees:

As per the section 622 of the Hyderabad Municipal Corporation Act, 1955, fees as fixed by the commissioner with the sanction of the corporation may be charged as the license fees. As per the Hyderabad Municipal Corporation Bye-laws for the regulation of Eating Houses or hotels 1973 , the license fee may be charged at such rate as shall be fixed from time to time in accordance with the provisions of subsection (3) of Section 622 of the Hyderabad Municipal Corporations Act, 1955 (Hyderabad Act II of 1956.)

As per the schedule of the rate of license fees, the license fees for keeping of eating houses or hotels where the monthly rent is up to Rs.50 is Rs.300.

As per section 622 (7) the acceptance by or behalf of the commissioner of the fee for a license or permission shall not by itself entitle the person paying the fees to the license or permission.

License Renewal:

Hyderabad Municipal Corporation Bye-laws for the regulation of Eating Houses or hotels 1973 states that an application for renewal of the license shall be made to the Commissioner, in the form prescribed before the end of the first month of the financial year. The traders can approach e seva centre for the renewal and have to deposit the annual trade fees and the Trade index number (T.I.N) After the due date of renewal of the license, the sanitary supervisors of every circle go to the shops for the spot collection of annual license fees, which is usually 25-30 % extra of the fees. The defaulters are served three notices after which the specific action is taken against them. The authorities will cease the shop. Generally it is after the 15 days of the notice.

Revocation:

As per section 622, the license granted may at any time be suspended or revoked by the commissioner, if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted or if the said person is convicted of an infringement of any of the provisions of the Acts or byelaws.

Discontinuance:

The commissioner will require a trade to be discontinued at any time if he is satisfied that any premise has been used for carrying for a trade specified in any schedule under the Act without a license or that the trade is being carried in contravention of the terms of license or is continued to be used after license has been suspended or revoked if the person carrying the trade is not following the requisitions contained in the written notice issued by the commissioner within the specified period in notice. Any officer authorized by the commissioner can enter the premise and can require the trade to be discontinued. No claim shall lie against any person for any damage/inconvenience necessarily caused by the exercise of powers and three this section or for the use of any force necessary for the purpose of effecting an entrance under this section.

Inspection:

As per section 622 (5) and 521(5), the licensee is supposed to keep the license in or upon the premises to which it relates and should produce at all reasonable times at the request of the commissioner, when the license is in force.

As per sections 23, the commissioner may at any time, by day or night, without notice can enter into or upon any premises used for the purposes mentioned in section 521 and upon any premises in which a furnace is employed for the purpose of any trade or manufacture in order to satisfy himself as to whether any provisions of the Act or Byelaw, or conditions of license is being contravened and as to whether any nuisance is created upon such premise. No claims shall lie against any person for compensation for any damage caused.

Conditions:

Hyderabad Municipal Corporation Bye-laws for the regulation of Eating Houses or hotels 1973 insists that a dhaba must follow certain terms and conditions. Some important conditions among them are:

1. The building shall be situated on a road not less than (20) feet in the case of 'C' class hotels or eating houses
2. A sign-board of the Hotel in English and at least in one regional language shall be hung in front of the building

3. The Licensee shall put up a notice-board in English, Telugu or Urdu in a conspicuous part of the dining hall stating whether the articles of food for sale are made of beef, mutton, ghee or oil
4. A printed copy of the bye-laws shall be affixed at a conspicuous place in the Hotel premises.
5. The Licensee shall make adequate provisions within the Hotel premises for parking of cycles, Motor card and other vehicles of he persons visiting the Hotel
6. The flooring of the licensed premises shall be paved or otherwise made impervious and drained to the satisfaction of the Commissioner and if shall be kept always in good repair.
7. The licensee shall provide suitable means of drainage in such premises and cause the same to be maintained in good condition
8. The Licensee shall provide suitable means of ventilation and lighting for each room of the building and shall cause to be maintained in good order
9. The licensee shall provide in the kitchen or in such rooms used for preparation of articles of food and drink suitable outlets for smoke so as not to allow exhausted smoke to spread into the drawing. Dining or bedrooms of the Hotel or neighboring house
10. The license shall provide doors and windows or any other opening in the room used for preparation of articles of food and frink with shutters fitted with wire-guage so as to make them proof against dust and flies
11. All the vessels or utensils used for cooking food or for storing, should be got tinned periodically every six months or as often as may be required by the Medical Officer of Health or Additional Medical Officer of Health Porcelain, Glass and other Varieties utensils and furniture shall be kept clean and tidy
12. The licensee shall provide good supply of wholesome water and cause it to be thoroughly wasted and cleaned as often as may be necessary in order to prevent any accumulation of fifth and refuses
13. The licensee shall provide sufficient number of wash basins with soaps and towels for use of the visitors
14. All articles of food and drink kept for human consumption shall be stored inside glass cases so as to protect them completely from dust, flied or other vermin
15. No person suffering from leprosy or any loathsome, infectious or contagious disease shall be allowed to enter or occupy the premises or any portions thereof
16. The licensee shall cause every employee to be medically examined and a certificate of fitness obtained for carrying on the business in such premises
17. The Certificate shall be produced whenever required to do so by any inspecting officer of the Corporation
18. No stray dog or animal shall be kept or allowed to be kept within the licensed premises
19. No person shall spit in the premises except in such receptacles or places as are provided for the purpose
20. Waste disposals and filth must be kept in properly covered receptacles
21. Every premise shall be open to inspection by the commissioner or any officer authorized by him in this behalf during working hours of the Hotel
22. The licensee shall carry out the directions given by the inspecting officer of the Corporation from time to time within a reasonable time

Penalty:

The Commissioner may, in case of any violation of the byelaws order in writing to wind up the business of the Hotel or prohibit the consumption or sale of raw materials or prepared articles. The owner or occupier of such Hotel shall not be authorized to continue or start again his business without obtaining a fresh written permission from the Commissioner. The breach of any of the bye-laws shall be punishable with fine which may extend to Rs.1000 and in case of continuing the breach; the fine can extend to Rs.10.00 for every day for the continuity of breach after the conviction for first breach. The fine can extend to Rs.10.00 for every day during which the breach continues after the receipt of written notice from the commissioner or any other officer duly authorized officer by him to discontinue the breach.

In addition, after the due date of renewal of the license, the sanitary supervisors of every circle go to the shops for the spot collection of annual license fees, which is usually 25-30 % extra of the fees. The defaulters are served three notices after which the specific action is taken against them. The authorities will cease the shop. Generally it is after the 15 days of the notice.

Section 546 of the Municipal Corporation Act 1955 says that the food which is not of a perishable nature and any utensils or vessel seized because of its usage in the manner unfit for human consumption, the owner thereof or the person in whose possessions it was found not being merely bailee or carrier thereof shall if any such case the provisions of section 273 of Indian penal code do not apply, be punished with fine which may extend to Rs.500