

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

**State: New Delhi**

**Details of licensing procedures are as follows:**

Dhaba's are regulated by the Delhi Municipal Corporation Act 1957 and Prevention of Food Adulteration Act 1954 whereas the timings are fixed by Delhi shops and Establishments Act Trade license is required to run dhaba and is governed by the Municipal Corporation of Delhi.

As per section 417, No person shall use or permit to be used any premises for any of the purposes listed in schedule without a license or otherwise than in conformity with the terms of a license granted by the Commissioner .

Section 420 says that No person shall, without or otherwise than in conformity with the terms of a license granted by the Commissioner can hawk or expose for sale in any place any article whatsoever whether it be for human consumption or not.

As per section 421, No person shall, without or otherwise than in conformity with the terms of a license granted by the commissioner can keep any eating house, lodging house, hotel, boarding house, tea shop, coffee house, cafe, restaurant, refreshment room or any place where the public are admitted for repose or for the consumption of any food or drink or any place where food is sold or prepared for sale.

Delhi Municipal Corporation Act 1957 also envisages that all the articles of food carried by the vendor shall be kept in a glass cases and must be protected from the dust and flies. Only edible food articles shall be carried for sale, which are manufactured in licensed premises. The vendor shall have to disclose the name of the place where food is prepared. He must be free from diseases and must obtain a fatness certificate. The licensee must carry the license at all the times and supposed to produce, if it is asked fro inspection. The vendor shall be immunized against cholera or other enteric group fever at the time of issue / renewal of license. No articles unfit for human consumption can be sold. The failure in the provisions may result in legal which can even a revocation of license.

The eleventh schedule of the Delhi Municipal Corporation a ct 1957 specifies a list of items for which the premises may not be used without a license. As per the schedule, an eating house needs a license.

The licensing and Enforcement Department of MCD issues a general Trade license under the section 417 of the DMC Act. Apart from the General Trade license, MCD'S health department also issues license for the shops dealing in eatables or other commodities. The MCD issues license after the trade has started.

As per the information provided by the Municipal Corporation of Delhi, the license needed for eating house is the health trade license. The procedure is as follows:

### **Licensing Procedure:**

An application for a trade license can be made either at a Citizen's service Bureaus (CSB) or through the internet. The application can be submitted in any of the 12 MCD zonal offices also. In the case of the submission through internet, the applicant can submit the necessary documents at any of the CSB's after marking the document with the unique acknowledgement number allotted to his application on the internet.

For getting a new Health Trade License from the nearest CSB. You need to Submit an application form at the CSB which is available at the at the CSB for Rs.25/-. You can also download a form available on our web site and use it for this purpose.

After submitting the application with the necessary documents, the operator will feed in your details to the computer. You will have to pay processing fees, subsequently a G8 receipt shall be given to you. This G8 receipt will contain the unique "Registration number" which you must remember and quote for further processing. Subsequent to this a License Inspector will visit your site for inspection. Once the inspection and approval is complete you will receive an E-mail or letter notifying you about the same.

You should now approach the CSB again and quote the "Registration number "given to you in step 3. The operator will search for your details in the database using this number. If your details are present, the operator will print the Health Trade License for you and cut a G8 receipt. Pay the license fees and processing charges to the operator. Then the Health Trade license will be signed by the MCD officials.

### **Documents required:**

1. Copy of sanction plan/ completion certificate / structure safety certificate from registered architect.
2. Site Plan
3. Key Plan
4. Water connection and sewer connection
5. Indemnity Bond for Rs.100/-
6. Affidavit for Rs.10/-
7. NOC from fire services in 50 seats restaurants rent receipt / rent agreement
8. Copy of partnership deed if any
9. Medical Fitness and Vaccination Certificate against Typhoid of food handlers in eating establishments ( health trade FAQ- <http://www.mcdonline.gov.in/> )

### **Departments Involved:**

As per the RTI reply, The departments involved are public heath, Veterinary services and ADC(HQ)

**License Fees:**

For eating houses with or without seats up to 20 seats, Rs.500/- per application will be collected as the registration charge and Rs.240 will be charged as the license fees. For eating houses up to 50 seats, registration fees is Rs.2500 and license fees is Rs.500 and for those above 50 seats, the registration fee is Rs.5000/- and the license fees is Rs.500/- In regard to the fees for license processing, Rs.250 will be collected as the Processing at the time of acceptance of application form for issue of New License.

**License Processing:**

As per the RTI reply, it is stated that the time prescribed in law for procuring each license is 30 days at the Zonal level and at head quarters level, the stipulated time is for the grant of license is 45 days.

**Cancellation:**

The commissioner may at any time cancel or suspend any license granted if he is of the opinion that the premises covered thereby are not kept in conformity with the conditions of such license or with the provisions of any bye-law made in this behalf whether the license is prosecuted under this Act or not.

**Timings:**

As per the Delhi Shops and establishments Act 1954, no shops or commercial establishments on any day be opened earlier than such hour or closed later than such hour as fixed by the Government by general or special order Provided that any customer waiting to be at the closing hour fixed may be served during the period of fifteen minutes immediately following such hour must be served during the quarter of an hour immediately following such hour. The government shall hold an enquiry in the prescribed manner and can fix different timings for different classes and different areas.

**License Renewal:**

As per the act, every such license shall expire at the end of the *year* for which it is granted or at such earlier date as the commissioner may, for special reasons, specify in the license. Usually the licenses must be renewed in every year. Licenses renewed are valid up to 31st march. The renewals are happening in the month of April. The fees are same as that of new license. If a license is renewed between 1<sup>st</sup> march & 30<sup>th</sup> April, there are no late fees. If the license is renewed after 30<sup>th</sup> April, the late fee charge will be charged as 5% of the fees per month. If it is renewed after 1 year, then the late fee charge of actual license fee for each year or part there of shall be paid

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charged as 5% of the fees per month. If it is renewed after 1 year, then the late fee charge of actual license fee for each year or part there of shall be paid.

**Documents Required For The Renewal Of License:**

1. Original License copy
2. Any other documents, if asked for

**Amendment and issue of Duplicate License:**

All type of amendment applications are processed similar to the issue of new licenses except the issue of duplicate license. This will be processed from any of the Citizens Service Bureau. For a change in the constitution, a full fee which is similar to the new license except the processing charge will be collected.

A duplicate license will be issued on payment of Rs.100/- towards processing charges and on submission of the required documents when the original was lost, mutilated, destroyed etc. A fresh license with a new license number will be issued and the all license will be cancelled. For the duplicate license 'DUPLICATE' will be written on the top of the license.

Rs.250/- will be charged as the fees for the Amendment and Renewal of license. In addition there will be a service charge of Rs.5/-

Rs.100 will be charged as the fees for the issue of duplicate license. In addition there will be a service charge of Rs.5/-

**Documents Required for a duplicate license:**

1. First Information Report (FIR)
2. Indemnity Bond in prescribed format.

**Collection of Trade License:**

The trade license will be issued by hand to the citizen at the CSB or couriered to the address requested by the citizen.

**Penalty:**

As per the RTI reply, prosecution action will be taken against the defaulters as per the Delhi Municipal Corporation Act under section 421, 422 and 423 which even includes the sealing of the premises