

RULES AND REHULATIONS GOVERNING THE LICENSING OF DHABA IN VADODARA

State: Gujarat

Details of licensing are as follows:

Dhaba's are regulated as per the direction 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. Provisions of Prevention of Food Adulteration Act are also applicable to food related items.

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. Part 1V of the chapter XVII says that keeping eating-houses needs license. Commissioner can grant the license and the licensee is supposed to keep the license in the premises upon which it relates. 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 318 says that the commissioner on the satisfaction in the public interest by a written order directs that any place where food or drinks are sold or prepared, stored or exposed for sale which a case of dangerous disease exists or has recently occurred shall be closed for such period as may be specified in the order. Provided that the place may be declared to be open if medical officer of health certifies that it has been disinfected or is free from infection.

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 dhaba needs license.

As per the Bombay shops and establishment Act, 1948, it is compulsory for every establishment to register with the Shop and Establishment Department of the Municipal Corporation before starting the operations. The person have to contact Shops and Establishment Office near Navrang Complex on Prof. Manekrao Road in Raopura and send the application in the prescribed form for Shops and Establishment license. The applicant has to attach copies of latest Municipal Tax Bill, Building Permission letter and Occupation Certificate of the Corporation. For restaurant, hotels or shops of sweet meats, a Health

License should be obtained from concerned Ward Office first. (Part I, II, III of the B.P.M.C. Act.)

As per the Bombay Provincial Municipal Corporation Act 1949 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.

Licensing Procedures:

Eating houses needs the health license and shops and establishment license. Details are as follows:

Health License:

One have to obtain a health license for starting any of the business mentioned in Part I,II, III of the B.P.M.C. Act.. So eating houses / dhaba also needs a health license. The applicant has to apply in the prescribed form along with required documents. The applications have to be submitted in the health department.

On receipt of the application, a notice will be issued by the Vadodara Municipal Corporation inviting the attention of persons living nearby to file their objections within 7 days. On expiry of the stipulated time, the license committee of VMC will visit the site to examine if any additional safety measures are required to be taken. The committee will also hear the persons who may have objected to the grant of such license. After considering the objections and inspection of site, the committee will decide on the grant of license. This process takes about 45 days. The applicant will be informed of the decision of the department within 45 days of the application.

License Fees:

The fees is Rs. 25/- sq. meter and thereafter Rs. 10/- for every 10 sq. meter. Maximum fee is Rs. 150/- per fee.

License Renewal:

The licensee has to renew the license on the 1st of April every year. The process is same of a new license including the fees.

Duplicate License:

In case of the loss of the license, the licensee can apply to the health department with the same procedure. The fees is Rs.1/- where the license fee is up to Rs.50/- and is Rs.3/- if the license fee is more than Rs.50/-.

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.
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. 6. 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 charge 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 must 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:

A fee of Rs.60 in cash/DD must be paid 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 / Demand Draft 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 tht 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 Establishment Act 1948, no eating-house shall be open earlier than 5a.m and closed later than 12 at midnight for service. An employee can start his work from 4.30 a.m. But cannot work after 00.30 a.m. No sale is allowed before and after the opening and closing hours. An employee in an eating-house cannot be required or allowed to work more than nine hours in a day and 48 hours in a week.

Punishment

As per the Bombay Provincial Municipal corporation act 194 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.

In regard to the penalty for the defaulters of health license Rs.1/- for each month if the license fee is up to Rs.50/- and .Rs.3/- per month if the license fee is more than Rs.50/-