

## **RULES AND REGULATIONS GOVERNING THE LICENSING OF VEGETABLE SELLERS IN KOLKOTA**

**State: West Bengal**

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

Vegetable Sellers are governed by Kolkata Municipal Corporation Act 1980 and Prevention Of Food Adulteration Act 1954.

As per the section 199 of Kolkata Municipal Corporation Act (59 of 1980), every person engaged or intending to be engaged in any profession, trade or calling in Kolkata must obtain a certificate of enlistment and must get the same renewed annually. So Vegetable sellers need license from Municipal Corporation. Sections 427, 429, 430, 435, 437, 438, 439 etc further emphasize this.

The Nature of Trades under Red Channel should be displayed in front of the Inspection Counter and "Any other Nature of Trade not involving in the "red Category" will be treated as under Green Channel". So the Vegetable sellers come under the list of the trades in green category prescribed by Corporation.

### **Licensing Procedure:**

The intending Licensee will procure Application Form from the specified counter. The Application Form duly filled in, along with K.M.C. (Kolkata Municipal Corporation) Property Tax Receipt and other supporting documents are needed. It should be deposited in the Inspection Counter only.

The In-charge of the Inspection Counter (ALO/Inspector/HA) will then check and verify the documents submitted along with the Application Form immediately. If those are found to be in order, the Counter In-charge will send the Form(s) immediately to the Head of the Department (L.O./Concerned D.L.O. /A.L.O.) seeking permission for assessment/ approval. Head of the Department will then, if he/she finds that the application(s) are in order in all respect, accord permission for assessment.

On having necessary clearance from the Head Of the Department, the In-charge of the Inspection Counter will then assess the fees & charges as applicable immediately and prepare a Passing/Demand Slip under his signature. He will then send the Application Form(s) along with all enclosures to the Cash Counter immediately. The Passing/Demand Slip will be handed over to the intending Licensee immediately for depositing the requisite amount mentioned therein for the purpose of issuing Trade Licence / Certificate of Enlistment on the same day.

At the time of issuing licence under the green channel, No pre-investigation is done. Here the Investigation is conducted at a later stage. In case of any mistake/false statement found in the Application form or in the documents of proof, the License will be cancelled or penal action will be taken against the offender. The applicant is required to submit a declaration in plain paper as per the Proforma along with the APPLICATION FORM.

### **Licensing Process:**

If it is found that the information furnished are correct, those can immediately be recorded in the Computer for generation of future demands. But, on the other hand, if the information is found to be false, the data would not be made available for future demand generation; in lieu "**Licence Cancelled**" would get affected. The concerned In-charge of the cash- Counter will send all the Application Forms along with all of their enclosures with a Register and the Summary Sheet of that particular day marking the Green Channel cases to the concerned Head of Department for initiating verification at the site by the concerned outdoor inspecting personnel at a subsequent stage. The concerned Assignee Officer will positively submit a report to the Head Of the Department as regards to Physical Verification in respect of the Licences issued under Green Channel within Two Months from the date of issuing of the Licence(s).

If the report conforms to the information furnished by the Licensee at the time of application, The Head Of the Department will pass a Remark as "In Order". The data then immediately will be sent to the System Manager for preserving them to generate future demands.

If the information furnished does not tally with the (physical) Information Report, the Head of the Department will issue a Letter of Intimation to the concerned Licensee to show cause within 15 days as to why the Licence already issued would not be treated as cancelled. If the Licensee appears and can justify information already furnished, the Head Of the Department, after being satisfied, will allow the Licensee to continue with the Licence and will inform System Manager accordingly to do the needful. If the Licensee does not appear within the stipulated time or can not justify earlier information, the Head of the Department will call for the Licence and will cancel the Certificate of Enlistment along with the forfeiture of the amount already paid. System Manager will also be accordingly informed for updating the database.

If the intending Licensee, after obtaining Passing/Demand Slip from the Inspection Counter does not turn up for payment of the same, In-charge of the Cash Counter will retain the Application along with all its enclosures for next seven working days. After the expiry of the stipulated time, all such cases will be deposited to the Head Of the Department in a separate file.

#### **Documents Required:**

1. Application form duly filled up
2. Proof of place of business
3. If a license is sought on behalf of a company, kindly submit a copy of the Memorandum / Articles of Association, Declaration in Form No. 32, Form No. 18. If license is sought for Partnership firms, a copy of the Partnership deed needs to be submitted.

#### **License Fees:**

Fees of Rs.50 must be remitted in the license department of the concerned municipal Corporation of the area. Under this scheme of Green Channel, the applicant is required to pay the fees/charges in cash/ by Bank Draft/Pay Order. Payment by Cheque/Cash above Rs.2000/- is not allowed & payment above Rs.2,000/-should be made by Bank Draft/Pay Order only.

#### **License Renewal:**

Since 2003 -2004, the K.M.C. introduced a new procedure for renewal of Certificate of Enlistment. (Trade Licence) through Banks. In this system, demands for renewal for a year, are generated through Computer centrally for all the traders who have come under the purview of C.E (Trade Licence) pertaining to the year for which demand for renewal are generated. Then the demands are sent to the traders directly Under Certificate of Posting. For Renewal cases notice of demand would be sent to the erstwhile traders who have already taken out their Certificate of Enlistment. Renewal of Certificate of Enlistment is being done on payment of license fees as applicable through the specified branches of S.B.I., B.O.I, HDFC and ICICI (ATM Counter only). The Licence may be obtained from Bailiffs performing duties in the wards (Manually) or from the Counter of K.M.C. ( Kolkota Municipal Corporation ) offices

On the backside of the Demand, the names of the Banks and their designated branches and contact Numbers. /Help line Nos. are printed. The traders are required to deposit the amount mentioned in the demands to any of the branches they like. The demand, after payment, becomes the Certificate of Enlistment for the year. Under this system, the traders are not required to approach to any K.M.C (Kolkota Municipal Corporation office) for the purpose of the renewal of their Trade License only except in case of any Correction/Change of information.

Demand Notices would be sending to the license holders. Renewal will be done on payment of specified money in the bank as per Demand Notice. So, the traders will not have to file any application form or other documents or contact the KMC office. Immediate renewal of a license which has not been during 2002-2003 or previous years will be done on submission of the duly filled application form along with the documents of proof to the concerned Bailiff/Inspector of the License department. Renewal can also be done through the different cash counters of the License Department.

#### **Renewal of Certificate of Enlistment(C E) with arrears more than one year:**

It can be done manually by bailiffs & Inspectors, through different Cash Counters of License Department on payment of Sectional Charges as applicable (Under Section. 199, 238(2), 307, 333, 419, 421, 435 (I & II), 436, 440 of K.M.C. Act of 1980 ) and processing fees. A Late Fine of Rs.50 per month has been imposed for non-renewal of C.E. for the year 2003-2004 beyond 30.09.2003. Performa of Declaration in Stamp Paper / Affidavit is also needed. Declaration in case the Assessed No. Of Trading Premises is not found.

#### **Penalty:**

Kolkota Municipal Corporation (KMC) takes cases of false documentation very seriously. In case the corporation discovers that the false information for a Green Category trade license is given or the unauthentic supporting documents has been submitted to obtain a license, the trade license issued shall be cancelled at once and penal measures will be taken against such applicants.

The kolkota Municipal Corporation (KMC) has fixed the schedule for penalties and it has the special provision for defaulting stall holders.