

Municipal Corporation of Greater Mumbai
Public Health Department
No. HO/ 44380 /C dt.1.3.2016

CIRCULAR

Sub.: Revised licence granting procedure along with General Conditions and Special Conditions of licence u/s 394 Mumbai Municipal Corporation Act.

The Government of Maharashtra is committed to introduce Ease of Business in the hospitality sector by providing delivery of transparent, efficient and timely public services. MCGM has examined the present licence granting procedure and General Conditions and Special Conditions of licence u/s 394 Mumbai Municipal Corporation Act. Some of the existing licence conditions are prescribed many years ago taking into consideration the then existing situation, are not consistent with the present day conditions.

Accordingly with effect from 1st March 2016 new policy for licence granting procedure and the revised General and Special Conditions of licence u/s 394 of MMC Act are formulated as under.

As the part of licence granting procedure, the applicant is required to submit documents in favor of ownership/ tenancy/ legal occupation / commercial user of the trade premises. The applicant shall also be required to comply with conditions of Health Department and Mumbai Fire Brigade.

A) Revised licence granting procedure is :-

1. The Eating House licence shall be issued only in respect to Health & Hygiene point of view as stipulated u/s 394 of MMC Act. The said licence does not in any manner certify the legality of the structure or various building permission requirements.

The licence issuing authority shall ensure to affix the rubber stamp on licence mentioning above facts.

The NOC for fire safety point of view shall be obtained separately by the applicant from CFO as per the prevailing procedure of granting licence.

2. Licence granting procedure in 3 stages :

The simplified application for grant of licence is also available on **www.portal.mcgm.gov.in** under Citizen services. Accordingly applicant can get application downloaded which will be submitted in CFC along with the required documents. On receipt of application in a prescribed format of MCGM for obtaining the trade licence for Eating House and Lodging House the concerned MOH shall examine the proposal and submit the same with the self explanatory remarks to

the Zonal Dy.E.H.O., who shall after entering his remarks forward it to Asstt. Commissioner of the ward who will dispose off the proposal.

In case of disapproval of proposal, the reasons shall be recorded in writing and the same shall be communicated to an applicant within a month from receipt of the application.

B) Revised General Conditions of licence are as follows :

No	Revised General Conditions
1.	The licence fee is non-refundable.
2.	The licence, when its fees are received by cheque, will be valid only on realization of the cheque; till then, or, if the cheque is dishonored on any account, the party concerned will be deemed to be without a license and will be dealt with as such.
3.	This license does not absolve the licensee from the obligations arising out of any other provisions of the Mumbai Municipal Corporation Act or other legislation in vogue, and the license is liable for suspension, revocation or cancellation if so required in that connection.
4.	The licensee shall not exceed or violate or in any way infringe the limits of the particulars mentioned above for which the license is granted.
5.	The licensed premises, for the purposes of this license shall mean the number of rooms, godowns, sheds, structures, open spaces, etc. if any mentioned herein.
6.	The licensee shall keep this license and along with it letters of requirements or conditions if any communicated to him for compliance in connection with this licence from time to time either prior to or after the grant of the license in a file at licensed premises and shall produce the same for inspection purposes whenever demanded by a duly authorized office or officers of the Corporation.
7.	The licensee shall inform the Executive Health Officer as the case may be in writing at least a month in advance of the date of intended change or of the date of expiry of licence whichever is earlier of any intended change in the particulars mentioned in the licence.
8.	The licensee shall at all times adopt and cause to be mentioned in working order all fire fighting equipments and take all fire precautionary measures and shall also comply with and observe all such requirements or requisitions as any officer duty authorized has recommended or communicated or will communicate to him in writing from time to time either prior to or during the currency of the licence in connection with this license.
9.	The licensee has to give an undertaking that he or the authorized person or his representative shall be available at the trade premises whenever call by the MCGM authorities.
10.	The licensee shall not use or allow or permit to be used any portion of the licensed premises for the purpose of dwelling or cooking and no fire, or naked flame shall be lighted or allowed to be lighted therein other than what is authorized.
11.	The licensed premises shall be made available for inspection by the licensee or his agent at any time to any duly authorized officer of the Corporation immediately whenever required.

12.	No other licensable trade or operation on commodity than licensed herein shall be carried on or allowed to be carried on or allowed to be kept without a separate license from the Municipal Commissioner therefore.
13.	The licensee shall be liable for prosecution and / or the license shall be liable to suspension or revocation if the licensed premises or the licensed commodity are / is kept or used or the licensed trade or any operation connected with it is so carried on as to be or likely to be, in the opinion of the Municipal commissioner or any duly authorized officer of the Corporation, a source of nuisance or danger to life health or property.
14.	The licensee shall not keep or allow to be kept any article in connection with or any way related to the licensed commodity, trade process or operation or carry on or allow to be carried on any operation or process connected with or any way related to the licensed commodity, trade or operation or processes outside the licensed premises or on public road or street.
15.	The licensee shall pay the prescribed fee for the renewal of the license for the next year as will be chargeable in accordance with the schedule fixed by the Corporation and current on the day of issue of the renewal of the licence and the licence fee paid may be liable to be revised even after the issue of the licence in case if the same are modified by the Corporation and the licensee shall then be liable to pay the difference of the fees, on receipt of and in accordance with an intimation in that respect, failing which the licence will be treated as null and void.
16.	The licensee shall get his licence renewed on payment of necessary prescribed fees for the same maximum up to 5 years. In case of trade activity found conducted without valid licence, the licensee is liable for legal action.
17.	The suspension or revocation of this licence for any reason shall not prejudice or affect any claim or demand whatsoever of any competent authority of the Corporation hereunder or otherwise nor shall the licensee be entitled in the event of the suspension or revocation of this license to any refund of any payment whatsoever made by him hereunder.
18.	The licensee shall have to pay security deposit as may be prescribed from time to time for faithful observance of the licence conditions and the same will be forfeited to the Municipal Treasury at the discretion of any competent authority of the Corporation in case any licence condition is infringed any time by the licensee or his agent or the servant. The licensee shall also be liable for prosecution and / or the license will be liable for suspension or revocation for such infringements of the conditions of the license.
19.	All exits of the licensed premises shall be kept clear of obstructions at all times.
20.	The licensee shall not do or permit to be done in the said licensed premises any act which may calculate to cause fire or otherwise endanger public safety.
21.	The licensee shall provide and maintain a suitable sanitary dust bin or bins with a close fitting lid for each and shall arrange to deposit therein waste and sweeping from the licensed premises, the licensee shall arrange to remove and deposit this trade refuse viz. the contents of the sanitary bin or bins at least once a day at the nearby common garbage collection spot or by house to house collection method provided by the Municipal Corporation on payment of fixed charges. No dust bin will be kept on road or public place failing which will render the cancellation of licence.

22.	The licensee shall at all times, during the continuance of this licence, be responsible for due fulfillment and faithful observance of all the prevailing conditions prescribed herein or communicated to him or subsequently added or communicated to him in writing by the authority or communicated to him prior to the grant of the licence for observance and in case of any infringement, neglect or failure on the part of the licensee or his agent, or any other person on the premises to observe any of the conditions referred to above, the licensee will be liable for prosecution and or suspension or revocation of the licence in addition to forfeiture of the security deposit referred to above.
23.	No part of the licensed premises shall be used for storing or keeping any unserviceable articles.
24.	No person suffering from any infectious or contagious disease shall be engaged on the licensed premises in any capacity.
25.	The licence is not transferable as regards the person to whom it is granted without the written permission of the competent officer.
26.	In the case of remarks received from the Building Dept./ Estate Dept./ Market Dept. or any other land owning authority regarding unauthorization of the premises and if the same is demolished, the licence shall be cancelled.
27.	The licence is issued without prejudice to the right of Municipal Corporation of Greater Mumbai to initiate any appropriate action against the premises/structure depending upon the status of the same. This Licence does not entitle the authorization of subject premises/structure.
28.	<p>The licensee shall not keep or allow to keep or sell or provide any tobacco or tobacco related products in any form whether in the form of cigarette, cigar, bidis or otherwise with the aid of a pipe, wrapper or any other instrument in the licensed premises.</p> <p>The Commissioner may permit smoking area as per Section 4 of Cigarette and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce Production Supply and Distribution) Act, 2003 (COTPA) in an eating house having seating capacity of thirty persons or more.</p> <p>A) The smoking area shall mean separately ventilated smoking room that :</p> <ol style="list-style-type: none"> <li data-bbox="399 1518 1487 1585">i. Is physically separated and surrounded by full height walls on all four sides; <li data-bbox="399 1597 1487 1664">ii. has an entrance with an automatically closing doors normally kept in close position; <li data-bbox="399 1675 1487 1955">iii. has an air flow system that <ol style="list-style-type: none"> <li data-bbox="438 1720 1487 1787">a. is exhausted directly to the outside and not mixed back into the supply air for the other parts of the building; <li data-bbox="438 1798 1487 1955">b. is fitted with a non-recirculation exhaust ventilation system or an air cleaning system, or by a combination of the two, to ensure that the air discharges only in a manner that does not re-circulate or transfer it from a smoking area or space to non-smoking areas. <li data-bbox="347 1966 1487 2000">iv. has negative air pressure in comparison with the remainder of the building.

	<p>B) The Smoking area shall not be established at the Entrance or Exit of the eating house and shall be distinctively marked as "Smoking Area" in English & in Marathi as per the COTPA.</p> <p>C) The smoking area shall not be less than 100 sq. ft. with each side of the room shall not be less than 8 ft. and height of the room shall not be less than 9 ft. The smoking area shall be included in the licensed area of the eating house.</p> <p>D) The total area of the smoking room shall not be more than 30% of the total licensed service area of the eating house.</p>
29.	No person below the age of 18 years shall be permitted in the smoking area.
30.	The owner, proprietor, manager, supervisor in charge of the eating house shall notify and caused to be displayed prominently the name of the person(s) to whom a complaint may be made by a person(s) who observes any person violating the provisions of COTPA.
31.	In the case of change in a place of eating house or activity, a fresh licence shall be issued subject to compliance with all the requirements for the trade then existing.

B) Revised Special Conditions of the licence for the trade of Eating House are as follows:

No	Revised Special Conditions for the trade of Eating House
1	The eating house where eatable are prepared and served shall consist of 2 rooms one of which shall be used as dining room, another as kitchen/store. The rooms to be used as dining room and as a kitchen shall not be less than 150 sq. ft each in floor area. The height of all these rooms shall be 2.745 meters (9 feet) or as approved by Building Proposal Department.
2	He shall provide a sink or a washing place with a proper drainage arrangement and with a metered water tap therein from the Municipal main and properly drain washed basin with a water tap therein from Municipal main. The sink or a washing place shall be regularly cleaned and washed with disinfectant.
3	The rooms shall be well lighted and well ventilated naturally or with the aid of artificial means; the cook-room and the dining room especially shall have through ventilation.
4	The walls of the rooms of the eating house shall be impervious.
5	Drinking Water shall be stored in a suitable container provided with a tight fitting lead with lock and key arrangement and with a tap and the vessel shall be always kept closed. Steps shall be taken to see that water served to the customers for drinking purposes is not contaminated in the process of storing and handling. In addition provision of Water Purifying Machine, in working condition shall be made so that purified water shall be available to the customers for drinking purposes.
6	The premises should be maintained dust free and there should not be flies/insects or rodent nuisance and all hygienic conditions maintained.
7	No new cook or cook-mates shall be employed without a valid health certificate of fitness from one of the Municipal Institutions or from Private Registered medical practitioner who will issue health fitness certificate after getting investigation of routine blood, stool, urine and sputum test from reputed laboratories.
8	No cook or cook's mate already in service shall be continued in service unless such a

	health certificate in respect of him is produced within 2 months from the date of the direction given by the Public Health Department for his medical examination as prescribed.
9	The fitness certificate shall be valid for one year from the date of its issue.
10	The room used for cooking shall be adequately separated from the room used for eating. All cooking operations to be carried out by using permitted fuel by CFO.
11	The licensee shall not put up nor shall be allowed to put up any 'pan shop' or other structure at the entrance of the eating house in such a manner as to encroach the space or to obstruct the light and ventilation of the place.
12	The entire premises of the eating house and all appliances used therein shall at all times, be kept in a scrupulously clean and sanitary condition and any practice which may lead to the food being contaminated shall not be permitted in the storage, handling, preparation or serving of food. No broken, cracked or chipped articles of crockery or other utensils shall be used therein either for preparation of food stuffs or to serve them.
13	The licensee shall not keep or supply or offer to supply liquor or intoxicating drug, either separately or in other food or beverage for consumption on or off the premises or permit liquor or intoxicating drugs to be consumed on the premises or in any way permit drunkenness or other disorderly behavior thereon in contravention of the provisions of the "Mumbai Abkari Act, 1978 or the City of Mumbai Police Act, 1902 or any other law for the time being in force." The liquor shall be allowed to serve in the eating house on payment of additional prescribed fees as per schedule M part IV appended to section 394 of MMC Act.
14	A metered tap water supply should be made available from Mumbai Municipal Corporation.
15	The licensee may provide and maintain a toilet room for the use of the customers in a suitable place and the same shall be regularly cleaned and washed with disinfectant.
16	Waiters or other servants employed in eating house shall always wear clean apparel while engaged in work in the eating house.
17	The licensee shall take measures to have the premises of the Eating House treated with insecticides to get rid of any insect pest, as often as necessary.
18	The licensee shall not keep, sell or expose for sale any article of food which is unfit for human consumption.
19	A licensee who conducts a refreshment stall on a Railway Platform, A cinema house, etc., where ready-made food is stored and served to customers, outside the stall in their standing position, generally during short intervals between trains or shows, shall not be subjected to compliance with any of the conditions mentioned herein. He will, however, be allowed to carry on the trade provided he strictly observes sanitary conditions and makes proper arrangements for storage of water and disposal of waste water, etc
20	Licensee shall not used plastic carrier bag of less than 50 micron in thickness for counter sell of eatable.

Sd/- 9.02.16

sd/- 16.02.16

sd/- 26.02.16

Exe. Health Officer

Addl. Mun. Comm. (WS)

Municipal Commissioner