



HEALTH DEPARTMENT

GENERAL CONDITIONS FOR HEALTH LICENSE

- 1.The license fee is non-refundable .
- 2.The license 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.The 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 will mean the number of rooms, godowns , sheds , structures ,open spaces etc., if any mentioned in the license.
- 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 license from time to time either prior to or after the grant of the license in a conspicuous part of the licensed premises and shall produce the same for inspection purposes whenever demanded by a duly authorized officer 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 of the date of expiry of license whichever is earlier of any intended change in the particulars mentioned in the license .
- 8.The licensee shall at all times adopt and cause to be maintained 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 duly authorized has recommended or recomunicated or will communicate to him in writing from time to time either prior to or during the currency of the license in connection with his 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 anytime to any duly authorized officer of the Corporation immediately whenever required .
- 12.No other licensable trade or operation or 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 Corporation Officer .
- 13.The licensee will be liable for prosecution and/or the license will 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 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 licenses 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 license and the license fee paid may be liable to be revised even after the issue of the license in case if the same are modified by the Corporation and the licensee shall then be liable to make good the difference of the fees paid by him on receipt of and in accordance with an intimation in that respect failing which the license 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 license 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 license conditions and the same will be forfeited to the Municipal Treasury at the discretion of the Municipal Commissioner or the Superintendent of licenses Ward-Officer or any other competent authority of the Corporation in case any license 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 licensee will be liable for suspension or revocation for such infringements of the license.

19.All exits of the licensed premises shall be kept clear of obstruction at all times .

20.The licensee shall not do or permit to be done in the said license premises any act which may calculate to cause fire or otherwise endanger public safety .

21.The licensee shall provide and maintain a suitable sanitary dustbin 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 license.

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 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 unauthorized use 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. The licensee shall not keep or allow to keep or sell or provide any tobacco or tobacco related products in any form whether of cigarette, cigar, bidis or otherwise with the aid of a pipe, wrapper or any other instrument in the licensed premises.

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.

A) The smoking area shall mean separately ventilated smoking room that:

- i) is physically separated and surrounded by full height walls all four sides;
- ii) has an entrance with an automatically closing doors normally kept in close position;
- iii) has an air flow system that
 - a. is exhausted directly to the outside and not mixed back into the supply air for the other parts of the building.
 - 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 manner that does not re-circulate or transfer it from a smoking area or space to non-smoking areas.
- iv) has negative air pressure in comparison with remainder the building.

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.

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.

D) The total area of the smoking room shall not be more than 30% of the total licensed service area of the eating house.

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.