

MUNICIPAL CORPORATION OF GREATER MUMBAI

Public Health Department.

NO.HO/13761/C of 10-10-2001.

CIRCULAR.

INDIAN HOTEL &  
RESTAURANT ASSN.  
INWARD No.: 1017  
DATE: 16/10/2001

Sub: Allowing the use of compulsory open space in front of the eating-house abutting the licensed eating-house for service purpose.  
.....

It has been decided to allow the use of compulsory open space in front of the licensed eating-house subject to compliance of the special conditions mentioned below, as well as levying of charges at the rate of Rs.168/- per sq.mtr.per annum as "Trade Service Area Operation Charges(TSAOC) and Rs.42/- per sq.mtr. as security deposit for observance of special conditions together with TRG at the rate of 9 times of the TSAOC for 1st grade, 6 times of the TSAOC for IInd Grade and 3 times of the TSAOC for III Grade. A separate receipt to be issued for this purpose will bear the words "Without prejudice" on the top & at the bottom a stamp should be put bearing the words "This receipt does not regularise the change of user and the Corporation will be at liberty to take the action for change of user and/violation of special conditions".

The charges thus recovered will be credited under the head XXXI Public Health Dept.B.Miscellaneous (1) Miscellaneous receipts.

Special Condition:

1. Front open space abutting the licensed eating-house only will be allowed to be used only as service area.
2. Side and rear open spaces, so also the open spaces in front of other shops in the building shall not be allowed to be used as "Service Area" even if, the concerned owner/Cooperative Housing Society allows the same.
3. The applicant will have to submit NOC from the concerned owner of the land or from the cooperative Housing Society for using the open space as service area. In case of Cooperative Housing Society, the copy of the resolution passed in the General

Body meeting to that effect shall be insisted upon.

4. The licensee of the eating-house shall also give undertaking to stop the use of open space without any claims whatsoever as and when directed by BMC.

5. No cooking/preparation of eatables shall be allowed in the open space. Similarly, fast food stalls/ice cream parlour/pan bidi stall etc, shall not be permitted.

6. Open space to be used, as service area shall not be covered on top with permanent arrangement as well as enclosed on sides except during monsoon period for which specific permission shall be obtained from ward office.

7. There should not be W.C. drain line or inspection chambers in front open space.

8. Due care should be taken by the licensee to avoid any complaints from the residents of the building.

9. The Trade Service Area Operation Charges shall be recovered alongwith the licence fee at the time of the renewal of licence with separate receipt.

10. An amount equivalent to 25% of the charges fixed for allowing the use of compulsory open space shall be paid to BMC as Security Deposit. This security deposit will be forfeited and action will be taken for stopping the use of open space, in case of violation of special conditions.

11. After forfeiture of Security Deposit, a fresh security deposit will have to be paid on compliance of the conditions violated to keep the permission valid, failing which the use of the space will be treated as unauthorised and will be dealt accordingly.

12. In order to avoid contamination of food articles being served in the open space due to dust, flies dropping of birds & falling of leaves from nearby trees, there should be an umbrella over the tables at proper height. The restaurant owner may also

after business hour. They may provide a combination of both, however no arrangement will be of permanent nature.

Sd/- Executive Health Officer.  
Sd/- Ch.E.(D.P.)  
Sd/- A.M.C.(City)  
Sd/- Municipal Commissioner

NO.HO/13761/C of 10 OCT 2001

Copy to M.Os H A to T Wards for immediate action. They are further informed that no written permission is to be issued in this matter. The licensees of eating houses, who desire to be allowed to use compulsory open space abutting the licensed eating house for service purpose, are to be allowed by obtaining from them "Trade Service Area Operation charges" at the rate mentioned in the circular with TRC and Declaration-cum Undertaking which format will be supplied immediately after received from Law Officer. M.Os H are further directed to take necessary action against the licensees of Eating Houses who are found using compulsory open space unauthorisedly. The information of revenue collected should be submitted to Executive Health Officer every week alongwith the details of permissions given. Any further clarification they should contact their A.H.O. and D.E.H.O.

Copy to All D.M.Cs for information.

Copy to all Asstt.Commissioners A to T Wards, D.E.H.Os and A.H.Os for information and necessary action.

Copy to Jt.E.H.O. for information.

Copy to C.A., Dy.C.A. and M.C.A. for information.

Copy to H.C.(Revenue) A to T Wards for information and necessary action.

*[Signature]*  
Executive Health Officer.