



AHAR Connect



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Supreme Court upholds Mumbai High Court's decision to ban on dance bars

Justice delayed is better than justice denied, this proverb goes well for many who are thrilled with the recent Supreme Court order that upheld the right of bar dancers to pursue their profession subject to the dancing bars taking license from the state authorities.

Forever News Bureau reports

In what could be huge relief to scores of women bar dancers across the state who had been rendered jobless due to ban on dance bars by the Maharashtra government, the Supreme Court on July 16 upheld the Bombay High Court verdict quashing the state government's seven year old order ban. Interestingly, the bench comprising of Chief Justice Altamas Kabir and Justice S S Nijjar also vacated its stay order on implementation of

the high court judgment.

In 2005, Maharashtra government had brought in an amendment in the Bombay Police Act which led to the controversial ban. It was later challenged in the high court by an association representing restaurants and bars after which the high court in 2006 had quashed the government's decision. Various organisations representing dance bars, restaurants and bar girls had argued that the preamble of the Bombay Police (Amendment) Act, 2005, which had been



struck down by the high court as unconstitutional, holds that dance performances for public amusement were permissible. Following this development, the state government had moved

to the apex court against the high court's order to which the Supreme Court while admitting the government's plea had stayed the high court's verdict.

Workshop on FSSAI

Workshop on FSSAI held at Bansuri Restaurant, Mulund (E) on 4th August at 12.00 Noon. Mr. Mulay, Asst. Commissioner, FDA held a workshop on FSSAI rules and its implementation. He informed the members about the common breaches found in the Restaurants visited by him and the ways to rectify the same. He also warned that the department will be very strict in following the rules in the days to come and asked the

members to take the improvement notices very seriously and act upon them as soon as one receives it. He also answered the queries raised by the members on various issues pertaining to FSSAI. The workshop was held at the initiative of Shri Sunil Patil, VP, Zone VI and about 150 members were present. AHAR thanks Shri Ratnakar Shetty, Hotel Bansuri, Mulund (E) for providing the Banquet Hall and Lunch for the members.



Shri. Satish Shetty - Jt. Secretary, Shri. Shashikant Shetty - Hon. Gen. Secretary, Shri. Shivram Shetty - Advisor, Shri. Mulay - Asst. Commissioner, FDA, Shri Arvind Shetty, President - AHAR, Shri Sunil Patil - VP, Zone VI, during the workshop on FSSAI.

5th Managing Committee Meeting

The Minutes of the 5th Meeting of the Managing Committee held on Thursday 26TH April 2013 at Hotel Krishna Palace, 96 / 98, Sleanor Road, Nana Chowk, Mumbai 400007 at 7.30 p.m



Forever News Bureau reports

The Indian Hotel & Restaurant Association (AHAR) recently concluded a high level discussion with its members marking the fifth meeting of the

managing committee in Mumbai. The meeting which was presided over by Shri Arvind Shetty, president of the association focused on some of

the key issues affecting the industry at large.

Some of the issues that were raised and brainstormed during this event were on the impact of Service Tax and the proposed Bandh on April 29, 2013. Giving information on the Bandh, Shri Arvind Shetty informed that AHAR along with representatives of Tamil Nadu, Gujarat Hotel associations, FHRA, HRA (WI) met Shri Arun Jaitley, Smt. Sushma Swaraj and Shri Yeshwant Sinha on 14, 15 and 16 of March 2013 in New Delhi and has represented and discussed about the Service Tax issue with them as Finance Minister (FM) and Prime Minister (PM) were busy with forthcoming



budget. The opposition leaders had assured their support, however in the subsequent meeting, the

FM categorically ruled out the removal of Service Tax.

He further stressed that following this on April 4, 2013 a meeting was convened by AHAR in Mumbai with all the other associations of Maharashtra which was attended by more than 19 associations and their 80 office bearers. All were unanimous in their decision to support any action initiated by AHAR in this regard including the Bandh.

He further informed that on April 15, 2013 following a meeting convened by HRA [WI] with participation of Gujarat, Tamil Nadu and AHAR at Hotel Transit in Mumbai. It was unanimously decided to call for a Nationwide Bandh against the newly implemented Service Tax. He also said that all the Associations of Maharashtra has supported a total Bandh against this draconian enactment and that poster, fliers and banners were already dispatched to all VPs for canvassing and mobilizing full support for this 24 hour Bandh.

Later, Shri Arvind Shetty gave a synopsis on the meeting that was recently held with Shri Ganesh Naik, minister for State Excise and the Commissioner of State Excise, on April 18, 2013 along with Shri Suresh Shetty, president of the Navi Mumbai Hotel Owners Association. During the meeting the representatives raised the issues relating to the cases of demarcation, police interference, removal of 5 per cent liquor turn over Tax, high FL-III license transfer fees, removal of permit system etc. Based on the event, the minister directed the Commissioner of State Excise to discuss with the AHAR delegates and forward him his recommendations for consideration.

On the same day the delegates met the commissioner of state excise, who agreed to convene a meeting every quarter by the superintendent of excise with the hotelier's of their jurisdiction for discussing their grievances and sort them out. During the meeting Shri Shailendra Shetty vice president (VP) zone I; Shri Gangadhar Shetty VP Zone II; Shri Suresh Shetty VP Zone III; Shri Vijaykumar Shetty VP, Zone V; Shri Sunil Patil, VP, Zone VI; Shri Vilas Jhaveri, VP, Zone VII; Shri Shivaji Shetty, VP, Zone VIII; Shri Sudhakar T Shetty, VP, Zone IX and Shri Anil Salian, VP, zone X gave detailed presentation on the Bandh.

During the meeting Shri Arvind Shetty introduced the host Shri Gangadhar Shetty, VP, Zone-II to the public who later thanked the office bear-



ers, and all the members for their support and assured that his team will address all the grievances referred to him.

Following the introduction the president proceeded with the meeting as per the circulated agenda that included the confirmation of the 4th monthly meeting that was held on April 4, 2013 which was presented by Shri Shashikant Shetty, Honorary General Secretary. The house unanimously approved the minutes which was proposed by Shri Vijaykumar Shetty, seconded by Shri Narayan Shetty.

Following this, Shri Nitin R Shetty, Honorary Treasurer of the association presented the accounts of AHAR and Orchestra Bar for the month of March 2013 which was again unanimously approved by all for the accounts proposed by Shri K V Shetty and seconded by Shri Naresh Shetty.

In the presentation given by the subcommittee chairman, Shri KV Shetty informed that they met DCP-Zone-IX along with the respective VP and other members wherein the DCP categorically said that he will not compromise in the laid down norms. He also assured that any harassment by his department personals may be reported to him and he will initiate the action. Further, he requested the delegates to provide the copy of various notifications, GR etc. submitted to him to all Police Stations and ACPs for their information and awareness.

Later the representatives met senior inspector

to broach the subject of harassment incurred on the Mumbai Fancy Hotel and briefed the harassment case to them. They also met DCP-HQ-1 and requested him to inform all Police stations regarding the earlier notification that a permit room to be allowed to operate till 1.30 am and requested all ACPs to endorse the same on submission.

It is understood that the senior inspector G North, confirmed that any matter referred to them regarding character or other matter will be cleared within 21 days. A case of harassment / extortion in Kurla area was also reported to additional CP, who gave instruction to SI Kurla (West) to submit the report within eight days. He also advised the hoteliers to forward their complaint of harassment to crime branch. He further informed that in Mumbai all 365 days of the year the ban order under section 144 will be applicable and hence he advised that during the Bandh not more than four people should assemble in one spot.

Shri Bharat Thakur from the Orchestra Bar said that they are fighting a legal battle against the State government in Supreme Court against the Dance Bar ban since last seven years. When it has come for final submission the State Government through senior counselor advocate Shri Harish Salvi tried to buy time. He said, that their counselor advocate Shri Mukul Rohtagi objected while the Chief Justice allowed them with time for submission by May 9th. He hoped that the

Chief Justice will give the verdict by mid July 2013. He later thanked AHAR for their unstinted support since last seven years and assured the committee support in membership drive.

During the meeting Shri Pradeep Jain gave a presentation on the TRU cell of Sales Tax which advises the Government which tax to be levied and the aims for the same. He further pointed out that however at present there is no correlation between the aim and implementation of the enactment. "We had submitted our memorandum to FM regarding the sales tax on 100 per cent and service tax on 40 per cent making it a total of 140 per cent," he added. He assured that the Sweet Meat Association will support the Bandh against Service Tax on 29th April 2013 and suggested all hoteliers to have corner meetings to garner larger support. He also suggested filing a Writ Petition against charging of 140 per cent tax on the turnover.

Advisor Shri Narayana M Alva said that he is happy that there is an increase in the membership fees, which was overdue, and was approved. The voluntary contribution by hoteliers to the association to tie up its financial position is a very good and positive beginning and urged all the hoteliers to voluntarily contribute and also declared his own contribution of Rs 5000/-. Shri Datta Kadam stressed that the unity shown by the members, other Associations of Maharashtra and Sweet Meat Association in Bandh is a good beginning and that they must unite and fight against this draconian enactment which will affect the industry at large.

Later the members paid their condolence to Dr N V Adyanthaya and prayed for his eternal peace.

The event saw stall participation from Menson, First Energy, Damodardas Thakarshi & Co and Unify Design.

The Honorary General Secretary Shri Shashikant Shetty, later concluded the meeting by thanking the president Shri Arvind Shetty for conducting the meeting, thanked Shri Saurabh Krishna Shetty and management staff of Krishna Palace for providing space and arrangements, Forever News for covering AHAR events, stall holders for support, USL for liquor support and all Advisors, Members for participation.

6th Managing Committee Meeting

The Minutes of the 6th Meeting held of Indian Hotel & Restaurant Association (AHAR) held on Monday 24th June 2013, at Hotel Krishna Palace, 96/98, Slater Road, Nana Chowk, Mumbai 400007 at 7.30 p.m



Forever News Bureau reports

The Managing Committee of the Indian Hotel & Restaurant Association (AHAR) recently met in Mumbai for its 6th meeting which was

presided over by the president Shri Arvind Shetty and hosted by Shri Suresh Shetty, Vice President (VP) Zone-III. Shri Suresh Shetty thanked members of his Zone for reposing the faith in him by electing him as VP of the Zone. He said he and his team will address all the grievances referred to him.

Shri Shashikant Shetty, Honorary General Secretary presented the minutes of the 5th monthly meeting held on April 26, 2013, was unani-

mously approved. It was proposed by Shri Ravindra Shetty and seconded by Shri Suresh Shetty. Following that the meeting saw the approval of accounts of AHAR and Orchestra Bar for the month of April and May 2013 which was presented by Shri Nitin R Shetty, Honorary Treasurer. It was proposed by Shri K V Shetty and seconded by Shri Balkrishna Shetty.

Later, the members deliberated and approved the minutes of the special general body meeting (SGBM) that was held on April 26, 2013. The Honorary General Secretary presented the minutes of the SGBM proposed by Shri Prabhakar Shetty and seconded by Shri Bharat Thakur.

During the meeting the president briefed the members on a fresh affidavit that is being filed on behalf of all Air Conditioned Restaurants who have been included in the latest budget for levy-

ing Service Tax. He informed that they have filed a writ petition in the Mumbai High Court against certain provisions of the FSSAI Act. Since the Centre was not prepared with a counter affidavit, the proceedings have been posted for a later date. Subsequently, they have filed the same and our lawyers are examining it for further replies.

He further elaborated that lots of complaints were received about harassment of the association members during inspection by Food Service Officers. In this regard they have already met Shri Suresh Deshmukh, Joint Commissioner, FDA and have appraised him about the same and have also brought to his notice that FSOs were threatening the members with suspension of licenses if their demands are not met. He stressed that they have questioned the arbitrary powers of the FSOs to which he clarified that

they have started the process of withdrawing the additional power given to Assistant Commissioners.

He later pointed out that the association was highly disappointed with the recent directive from MERC allowing a steep price increase in Cross Subsidy Surcharges to be collected from the customers who had migrated to Tata Power from Reliance Energy. The president requested all the members to voluntarily contribute to the association to meet the heavy legal expenses ahead to appeal against the unfair and unjustified order in front of the tribunal that has granted an interim stay against the MERC order till further hearing.

During the meeting the President also highlighted the other important issues like the representation against proliferation of food hawking which he pointed out had been ignored and unheeded till now. He informed that on the basis they have decided to file a WP in Mumbai HC through Hawkers Action Sub Committee Chairman Shri K K Mahale. He requested all VPs and members to provide Shri Mahale with information of illegal food hawkers immediately.

He further informed that their delegation recently met Dr Bhamne, EHO to acknowledge and thank him for addressing their grievances of medical checkups and harassment by MOH-K / East. Subsequently he has restrained his staff from serving notices for medical checkups of hotel staff and also initiated transfer orders against MOH and his assistant from K / East ward. The Association also brought to his notice about the harassment by MOH-H / west ward to which he immediately assigned a senior official to set up an inquiry and report back to him.

He advised the Members to please report any case of harassment by the newly appointed Flying Squad [Excise] Officers to the Association. The senior inspector agreed to hear such cases and take necessary action.

President urged the VPs and the members for a vigorous membership drive. He announced that the FAM has called for a Bandh on 15th and 16th of July 2013 against LBT and sought the Association's support on the same.

The Honorary General Secretary Shri Shashikant Shetty briefed the house that AHAR has filed an appeal against the CSS order of MERC. He said that AHAR would be meeting other parties who had applied for stay, i.e. RAI, Airtel, Tata etc. for the joint action. He later thanked owner of Hotel Manali for their spontaneous sponsorship of Rs. 30,000/- towards the additional fees for filing appeal and further said that even Shri Pradeep Jain of Sweet Meat Association has assured their contribution for this case.

Shri Shashikanth Shetty informed that the Statistics Department of Govt. of Maharashtra is making random survey for collection of statistics, which should be given by filling the required form. It is just collecting of data and thus he advised the hoteliers to demand the ID. He further said a list of hoteliers from whose establishment the data will be collected is provided



to the Association's office which the members can verify. The members were also requested to keep the water tank cleaned very often and keep record of it for inspection of the food of-ficers.

Later detailed presentation was given by Shri Suresh Shetty, Vice President (VP) of the Zone III on lifting of parcel cycles by MCGM officials which was later discussed with the higher authorities following which the matters resolved. Shri Prithviraj Shetty, VP zone IV gave a detailed presentation on the raids that are being conducted on use non TP Scotch Whisky. He further suggested to all the members to avoid using artificial colors in food preparations. In his presentation, Shri Vijaykumar Shetty, VP of the Zone V stressed that the self proclaimed NCP leader Shri Manohar P Jariyal was harassing all the hoteliers of Chembur, Mulund, Bhandup, and Andheri against whom a team of 55 hoteliers united and met various officials and the Deputy Chief Minister, who immediately initiated action and the activist will be arrested soon as he reassured that the unity of hoteliers always yields results.

Further, Shri Sunil Patil VP from the Zone VI gave a presentation on the extortion attempt by an activist Shri Pravin Ramdas which was dealt properly. Following the pressure from the Association, the DCP, Zone-VII called the activist and got a bond signed that he will not harass. Later they also met ACP Shri Kaizer regarding non renewal of PPEL / RC and got the same issue resolved. Later, Shri Shivaji Shetty VP Zone VII warned that a flying Squad is on the move for checking the scotch and cautioned the members to be careful. Shri Sudhakar T Shetty, VP of zone IX conveyed his thanks to the hoteliers of zone-VII, IX and X for coming together uniting and fighting against the harassment of Flying Squad Excise and getting the desired results.

Shri Anil Salian VP of Zone X informed about their meeting with the ACP Shri Sunil Deshmukh and their discussions about the complaints of Hotel Surbhi, All Seasons and the illegal liquor joints. The ACP assured that the matter will be resolved to which the Association is strongly following up with higher authorities.

Later a detailed presentation was given by the sub committees' Chairmen, Shri K V Shetty - Police he gave a detailed minutes on the meeting they had with the DCP-Zone-VII and gave information on the action taken regarding complaints of harassment by a NCP Activist. It is a good thing that more than 55 members united in Zone-V and fought against the extortionist and got the desired result. ACP- Dahisar Zone said that regarding the illegal liquor complaints the referred names and place is not found and he said the complaint should be specific and urged them to forward the complaints either by post or by mail.

Shri Bharat Thakur, Chairman of the Orchestra Bar gave information on the recent verdict of Supreme Court regarding the Dance Bar and said that it will be out once the Supreme Court opens after summer vacation. He said that they have a very fair chance of having the verdict in their favour and thanked AHAR for its continuous support in its fight against this injustice and also requested the president to send a letter to CP warning about the informers, who usually loot the cash during the raids.

Shri Niranjana Shetty, Chairman, MCGM Committee gave details on the meeting with Dr A Bhamne as a very positive turn of events and stressed that he will in his capacity as corporator attend such grievances and get the results. Shri Balakrishna Shetty, Chairman of the Legal Committee stressed that they will have to move a PIL regarding illegal and unjustified TDLR charges on BEST customers and should raise their protest against MERC, BEST against them for passing the order without listening to the grievances of the consumers. Shri Suresh Shetty, Chairman - promotion advised that the member should support the vendors who are coming through stalls in various Managing Committee meetings. Shri K K Mahale, Chairman - Hawkers Action Committee, stressed that all VPs are requested to send a list of at least 200 illegal food hawkers of their Zone with name, address etc to the AHAR office. This will be used as an annexure in the WP to be filed in Mumbai High Court.

Advisor Shri Narayana M Alva said that the

committee formed under the Chairmanship of Shri Amitabh Ranjan, Principal Secretary, Home Dept. needs to be followed up. He stressed that an harassment by MOH-M / West was attended by many hoteliers and sorted out and said that AHAR should not depend entirely on the income earned through promotional activities but through the membership collected and advised the membership drive to be revitalized.

Shri Datta Kadam, advisor informed about the performance of the present Mg Committee as a very good initiative and further urged the members to voluntarily contribute to the corpus of the Association, which is spending huge amount in safe guarding the interest of the members. Advisor, Shri Sudhakar Y Shetty stressed about the involvement of advisors in any important matters before bringing it to the managing committee as desirable and said that they had a opportunity of meeting CM and forming of a committee to study our grievances regarding the excise and police matters. He stressed that they should gear up the follow-up so that desired results may be obtained. He requested for a scheduled meeting with Shri Satej Patil, MOS, home regarding the FDA matters. He informed that the Sweet Mart Owners did not support our Bandh call of April 29, 2013 in some parts of Mumbai.

Advisor Shri S M Shetty said that they have to fight the important matters like Electricity, FDA and Service Tax. When large number of complaints been forwarded to the concerned authorities, it will have greater impact. Service Tax has come to stay; he later briefed about the recent service tax amendments and requested the president to follow up the same with higher authorities. Shri A B Shetty, advisor stressed that we should move for caveat in case of the stay given by appellate authorities against order of MERC in CSS Matters.

AHAR advisor - Legal Advocate Shri D K Shetty apologised for not attending previous meetings and congratulated the President for excellent progress in the associations matters. Advisor - Police Shri P C Jain requested all to forward the FIR copies of the Orchestra Bar to confirm whether the Panchs are same and take up the matter with the CP.

The companies who had participated in the stalls for his meeting were Evernova Enterprises Pvt. Ltd., Indian Home Variations & Distributions LLP., Damodardas Thakarshi & Co., First Energy and Time Technoplast Ltd.

Vote of thanks

The Hon. Gen. Secretary, Shri Shashikant Shetty concluded the meeting by thanking the President, Shri Arvind Shetty for conducting the meeting in a dignified way, Management and staff of Krishna Palace for providing space and arrangements, Forever News for covering AHAR News, stall holders for support, USL, Budweiser, Tuborg for liquor support and all advisors, members for participation.

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