STANDING ORDER NO. Lic. & Leg./36/2022

GRANT/RENEWAL OF REGISTRATION CERTIFICATE FOR OPERATION OF EATING HOUSES IN NCT OF DELHI

SCOPE AND DERIVATION OF POWERS

1. The Delhi Police Act, 1978, was enacted and came into force on 01.07.1978. Section 28 of the Act empowers the Commissioner of Police, Delhi to make regulations for preservation of order in public places. Consequently, the "Delhi Eating Houses Registration Regulations 1980" was notified vide No. 1555/Special Cell dated 28.06.1980. Rule 3 of the said Regulations provide that no person shall run or maintain an Eating House in the NCT of Delhi except as provided in the regulations, unless he holds certificate of registration in respect of such Eating House.

2. An Eating House cannot be run in the absence of a trade licence from civic agencies, i.e. MCD/NDMC/DCB/Airport Authority of India, etc. As per the provisions under section 421 of the Delhi Municipal Corporation Act, 1957, no person shall keep any Eating House, without having obtained a municipal health trade licence from MCD. Similar is the case of NDMC /DCB, etc.

3. An "Eating House" means any place to which the public are admitted and whereby any kind of food or drink is supplied for the consumption on premise by any person owning or having any interest in or managing such place and includes (i) a refreshment room, boarding house or (ii) a shop where any kind of food or drink is supplied to the public for consumption in or near such shop, but does not include a place of public entertainments defined in Delhi Police Act.

4. The following norms have been prescribed in these regulations to qualify a person for obtaining a registration certificate.

(i) The applicant who is owning/keeping/maintaining/managing the Eating House must be a suitable person.

(ii) The place where Eating House is to be opened / in existence is fit for this purpose.

(iii) Applicants should be in possession of a valid trade license from civic bodies, i.e. Municipal Corporations of Delhi / New Delhi Municipal Council /Delhi Cantonment Board etc. or applicant shall submit/upload Health Trade License issued by these Civic bodies on Unified Portal for Licensing of Eating/Lodging & Boarding Establishments in Delhi within 60 days from grant/renewal of Registration Certificate issued by the Licensing Authority under the Delhi Eating House Registration Regulations, 1980". Licensing Unit, Delhi Police will grant/renew License after obtaining required clearances from Delhi Fire Service, DPCC and other agencies without waiting for the Health Trade License from the MCsD and other Civic bodies. However, the applicant or the Civic bodies will upload/e-mail the Health Trade License issued on the Unified Portal within 60 days of issuance of Registration Certificate. (As per amendment 3974-4004/Jt. CP Lic/EH dated 09.09.2021 approved by Commissioner of Police Delhi.)

(iv) The establishment shall be registered under the Delhi Shops & Establishment Act.

5. COMPETENT AUTHORITY

I. As per the order of delegation of Power issued vide No. 301-450/Record/PHQ dated 28.01.2020. The Joint Commissioner of Police, Licensing, Delhi is the Registering Authority for the registration of Eating Houses. The Competent authority could delegate the powers to Addl. CP/Joint CP.

II. ORGANISATION IN LICENSING BRANCH

The Eating House section shall be headed by an Assistant Commissioner of Police, assisted by Inspector (Eating House).The File Processing Officer (FPO) (SI/ASI/HC/Ct) shall report to the Inspr. Eating Houses Section. FPOs to be assigned entities keeping in view the workload in various districts/units. Each FPO will maintain the data in digital format through computer generated report from online portal. Each FPO shall maintain *dak* register and file movement register.

III. PUBLIC DEALING AND FEEDBACK FORMS

On October, 01 2019, a single window online system for licensing of Eating Houses/Lodging Houses in Delhi was launched. This unique initiative is a joint effort of various agencies involved in the process of licensing in the NCT of Delhi for facilitating ease of doing business without effecting any change in existing legal / regulatory position and mandate given by the respective Acts to all concerned agencies.

Applicants can apply for statutory clearances/licenses required from Delhi Police, Municipal Bodies, Delhi Fire Services and DPCC by filling a single application form at https://delehlhlic.mha.gov.in.

The Unified Portal aims at simplifying and rationalizing the regulatory processes, infusion of transparency and avoids procedural delays in getting statutory clearances from various authorities and real time receipt of application by all agencies simultaneously. This has been operational to improve upon the system inadequacies and for better transparency.

The grant /renewal of the Registration Certificates of Eating House are online on the Unified Portal **https://delehlhlic.mha.gov.in.**

Feedback form is also available on **https://delhipolicelicensing.gov.in/feedback/dplu/feedback**

IV. PROCESS

(A) Applications for the grant /renewal of the Registration Certificates of Eating House are applied online on the Unified Portal https://delehlhlic.mha.gov.in. and documents as per list given at the portal https://delhipolicelicensing.gov.in/checklists/eating-house_checkList.pdf may be uploaded online with affidavits available at the following links https://delhipolicelicensing.gov.in/checklists/Affidavit-COTPA-Eating.pdf and https://delhipolicelicensing.gov.in/checklists/affidavit-Eating-fresh-renewal.pdf

Note: No physical documents are required for grant/Renewals of Registration Certificates in order to render flawless service to the public with minimal human interface and transparency in the process. Unified Portal for Eating House has brought human interface to zero with the launch of online portal for submission of applications, deposit of fees and receipt of licenses.

(B) SCRUTINY OF APPLICATION FORMS AND OBTAINING THE REPORTS

Applications for grant /Renewal of Registration Certificate shall be done online on Delhi Police Portal. FPO will process the application as per timeline at **Annexure-1** (As approved by Commissioner of Police Delhi vide letter No.437-447/P.Sec./Jt.CP/Lic. Dated Delhi, the 09/09/2021)

(C) CLEARANCE BY LOCAL POLICE

Applications for grant /Renewal of Registration Certificate shall be filled online on MHA Portal. The FPO shall seek Area Suitability Report (ASR) and Antecedents Verification Report (AVR) from District Police immediately online under intimation to the applicant. **The district DCP will send the ASR/AVR within 15 days for grant and 7 days for renewal of Registration Certificate.**

After receiving the requisite reports, the Licensing Authority shall have the discretion to direct inspection (As per regulation-5)on a prescribed Inspection Proforma, of the premises either before or after the grant of the Registration Certificate and may authorize any subordinate Police Officer, not below the rank of a Head Constable, to undertake such inspection. Each FPO shall put up the cases of pending reports with other stake-holders on monthly basis.

The premises/entities which have applied for grant of License/ renewal of License and whose applications are still under consideration and not rejected/ disposed off/ finalized by the Licensing Authority should not be prosecuted as per earlier directions conveyed vide orders Nos. 41-60/P.Sec./CP dated 04/01/2008 and 64-83/Addl. CP/LIC. (EH)/P.Sec. dated 25/03/2011 respectively **Annexure-2.**

(D) GRANT OF REGISTRATION CERTIFICATE

On receipt of the online application, a Certificate of Registration in accordance with the Delhi Eating House Registration Regulations, 1980 shall be granted for three financial years (as per Regulation-6 of Delhi Eating House Registration (Amendment) Regulations 2007) subject to validity of the Trade License issued by the civic authorities. An online application as at https://delehlhlic.mha.gov.in for such grant accompanied by required documents is required to be uploaded online and the Certificate shall be granted by such authority as per timeline at **Annexure-1**, unless, it is refused. The documents as mentioned at **Annexure-3** are required to be uploaded online at portal at the time of grant of Registration Certificate.

The Registering Authority may refuse (as per Regulation-12) to grant Registration Certificate if in his/her opinion such place is likely to cause obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, where the Eating House is located or the person is of a notoriously bad character and is likely to use the Eating House for illegal/anti-social activities.

(E) RENEWAL OF REGISTRATION CERTIFICATE

Application for renewal of Registration Certificate shall be made online as per the format at https://delehlhlic.mha.gov.in. The Registration Certificate is deemed to be valid until it is renewed or the renewal has been refused. The ACP, Inspector/ I/C Section shall ensure that the applications are processed as per time line. Every file is to be routed through ACP E&H for renewal.

In order to facilitate speedy renewal of existing Registration Certificates, where all the documentation as per portal is in order will be decided by the Competent Authority.

(F) PROCEDURE FOR RENEWAL OF REGISTRATION CERTIFICATE

A Certificate of Registration granted in accordance with the Regulation-8 of Delhi Eating House Registration Regulations, 1980 shall be renewed for three financial years (as per Regulation-6 of Delhi Eating House Registration (Amendment) Regulations 2007) subject to validity of the trade

license issued by the civic authorities. An online application as at https://delehlhlic.mha.gov.in for such renewal accompanied by required documents is required to be uploaded online within fifteen days before the date of expiry of the period of validity of the Certificate of Registration and the Certificate shall be renewed by such authority as per timeline, unless, it is refused.

The Registering Authority may renew (Regulation-8) the certificate of registration, if application is received within thirty days of its expiry on payment of double the normal registration fee. If the certificate holder fails to apply for renewal of the Certificate of Registration within thirty days of its expiry, the registering authority will have the right to refuse renewal. The documents as mentioned at **Annexure-4** are required to be uploaded online at portal at the time of renewal.

The Registering Authority may refuse (as per Regulation-12) to renew Registration Certificate if in his/her opinion such place is likely to cause obstruction, inconvenience, annoyance risk danger or damage to the residents or passengers in the vicinity. where the Eating House is located or the person is of a notoriously bad character and is likely to use the Eating House for illegal/ anti-social activities and violates the terms and conditions of the Registration Certificate, after having afforded a reasonable opportunity to the aggrieved person before the renewal is refused.

(G) PERIODIC INSPECTION

Since the period of validity of Registration Certificate has been increased, there might be possibilities of change in the terms and conditions and circumstances of the Eating House and RC Holder, the Licensing Unit will conduct periodic inspection (Atleast once in three years) with or without help of the Local Police to ensure that there is no major structural deviations/changes in the premises compared to when the original Registration Certificate was issued. Such inspection will be carried out on the directions of Licensing Authority (As per regulation-5) on a prescribed Inspection Proforma.

(H) FEE DETAILS OF EATING HOUSES

Subject to formal approval by GNCTD, a proposal in this regard has already been sent is at **Annexure-5**.

(I) MONITORING OF PENDENCY

A weekly report will be generated through Online Portal. File Processing Officer (FPO) will submit the same to In-charge Inspector, who will compile the data and send to Senior Officers. The process will be repeated on each Friday.

V. TRANSFER OF REGISTRATION CERTIFICATE/CHANGE OF ADDRESS OF R.C. HOLDER OR CHANGE OF NAME OF THE EATING HOUSE IN REGISTRATION CERTIFICATE

(i) The Registration Certificate may be transferred in case of death of Registration Certificate holder or other circumstances after the production of amended trade licence issued by the civic body along with other required documents, after due Antecedent Verification, etc. as deemed fit by the Registering Authority. In case of change of address of Registration Certificate Holder, the same is amended subject to Antecedent Verification of the applicant. The change in name of the Eating House may be endorsed in the Registration Certificate on the request of the Holder.

However, the General Terms & Conditions of Registration Certificate to operate an Eating House envisage that "This license is non-transferrable and non-assignable except as provided in the "Delhi Eating Houses Registration Regulations, 1980". If the licensee to whom the license is granted, transfers or assigns his business to any other person or enters into an agreement with another person, involving him/her giving up the conduct or control over the business, the license granted to him/her shall stand terminated on and from the date of such transaction."

(ii) As per Regulation-14 of the Delhi Eating Houses Registrations Regulation, 1980, the Licensing Authority may also frame additional Terms & Conditions as per Operational and administrative requirements as and when required to be in tune with the fresh guidelines or directions issued by different regulatory bodies for compliance by the RC holder during fresh or renewal of the Registration Certificate.

VI. CANCELLATION OF REGISTRATION CERTIFICATE

The Certificate of Registration is liable for cancellation by the Registering Authority at anytime if he is of the view that the Eating House is likely to cause obstruction, inconvenience,

annoyance, risk & danger to the property of the local residents or the person owning /keeping/managing the Eating House is likely to use the Eating House for illegal/anti social activities, after the holder of the Certificate of Registration has been afforded a reasonable opportunity of showing cause against such cancellation.

VII. POWER TO ISSUE DIRECTIONS

Every Registration Certificate Holder shall comply with the directions that may be issued from time to time by the Registering Authority for preservation of order in public place.

VIII. SHOW CAUSE NOTICES

No Show Cause Notice for cancellation of Registration Certificate shall be issued without approval of the Registering Authority. Such notice issued under the signature of ACP/DCP shall be served directly to the person concerned, and a copy shall be marked to the local DCP. A period of 15 days to show cause including personal hearing may be afforded from the date of receipt and the notice shall be decided expeditiously and in any case within a period of 60 days.

(A) CESSATION/ SUSPENSION OF LICENSE

Cessation/Suspension order shall be issued immediately after expiry of Fire Safety Certificate issued to Eating Houses by Delhi Fire Service.

(B) REVOCATION OF CESSATION/SUSPENSION ORDER

Revocation of Cessation/Suspension order shall be issued immediately after receiving of renewed/valid Fire Safety Certificate issued to Eating Houses by Delhi Fire Service.

The said Notice/Orders may be issued after approval of Licensing Authority by ACP/DCP Licensing and shall be served through E-mail by Inspr./Eating House to the person concerned and a copy be marked to concerned Distt./Unit DCP, Delhi Police.

IX. APPEAL

A person aggrieved by the orders of the Registering Authority may file an appeal before the Commissioner of Police, Delhi, within a period of 30 days from the date of

communication of the order of refusal for grant/renewal of Registration Certificate is communicated to him.

X. SUPERSESSION CLAUSE

This Standing Order supersedes the previous Standing Order No. 379/2009 issued vide No. 14007-14107 /Record Branch/PHQ dated 22.7.2009.

XI. DISCLAIMER

It is made clear that this Standing Order is exclusively for internal smooth functioning of Police Department.

Rakesh Asthana

(RAKESH ASTHANA)
COMMISSIONER OF POLICE:
DELHI. 08.06.22

No. 47001-47150 /Record Branch/PHQ dated Delhi, the 8/6/22

Copy forwarded to:-

1. All Special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi including Jt. Director, Delhi Police Academy, Delhi/New Delhi.
3. All Additional Commissioners of Police, Delhi.
4. OSD to C.P., Delhi.
5. All Deputy Commissioners of Police, Districts/Units including PHQ, C.P. Sectt., FRRO and Deputy Director/Delhi Police Academy, Delhi/New Delhi.
6. DCP/HQ(IV)/PHQ with the direction to upload the Standing Order on Intra-DP.
7. LA to CP and FA to C.P., Delhi.
8. All ACsP/Insprs./PHQ.
9. PS/Reader to C.P., Delhi.
10. HAR/PHQ.
11. Librarian/PHQ.

Annexure-1

Timeline for Grant/Renewal of Eating House Registration Certificate

Sl. No.	Activity	Timeline
1.	The FPO shall seek ASR & CVR from District/Traffic police through portal.	Immediately
2.	Furnishing of Area Suitability Report and Character & Antecedents verification Report by District/ Traffic Police.	15 days for grant of new license and 7 days for renewal
3.	Initial scrutiny of application by the File Processing Officer (FPO). Applications complete in all respects should be accepted and processed further otherwise deficiency should be raised to the applicant.	3 working days
4.	Rectification of deficiencies by the applicants.	15 days
5.	Scrutiny of rectified documents by the FPO and communication of further deficiencies, if any. Applications complete in all respects should be accepted and processed further otherwise second deficiency should be raised to the applicant.	3 working days
6.	Rectification of deficiencies raised on the second occasion by the applicant.	7 days
7.	Scrutiny of rectified documents by the FPO. Applications complete in all respects should be accepted and processed further. In case, the application is not complete despite communication of deficiencies on two occasions the same should be processed for rejection.	3 working days
8.	Uploading the Registration Certificate by Licensing Unit on the Unified Portal of Ministry of Home Affairs.	60 days from the date of receipt of application

Annexure-2

OFFICE OF THE COMMISSIONER OF POLICE: DELHI

ORDER

Concerted action u/s 28/112 DP Act needs to be taken by the local police against those Eating Houses whose owners/keepers have not applied for grant of Registration Certificates under the provisions of the Delhi Eating House Registration Regulations - 1980 before the Registering Authority, Delhi Police within 30 days of the commencement of the Eating House. Eating Houses whose application for grant / renewal of the Registration Certificates has been rejected are required to be challaned. Similarly, Eating Houses which have not applied for its renewal need to be prosecuted. Running such Eating Houses without valid Registration Certificates is a continuing offence and therefore, they should be challaned on a fortnightly basis and a request should invariably be made to the Ld Trial Court for ordering their closure.

However, it is desirable that no action should be taken against those Eating Houses who have applied for grant / renewal of Registration Certificates and whose applications are pending consideration with the Licensing Unit. Such Eating Houses should be treated as applicants as is the case with Guest Houses and should not be challaned.

District Addl CsP / DCsP need to ensure strict compliance of these Instructions and send a monthly report regarding the prosecution of the illegal Eating Houses to the Addl CP Licensing for updating the Licensing Unit database.

-SD-
[B. K. GUPTA]
COMMISSIONER OF POLICE, DELHI

SPECIAL CP (ADMN)
JOINTCsP/RANGES/OPs/CRIME & HQ
ADDL CsP/DCsP/DISTRICTS/IGIA/CRIME/LICENSING

No. 64-83/ADDL.CP/LIC(H), Dated New Delhi the 25.03.2011

OFFICE OF THE COMMISSIONER OF POLICE: DELHI

Concerted action needs to be taken to prosecute guest houses which are operating without having applied to the Licensing Branch for a license or which continue to operate despite their applications have been rejected. Running such illegal guest houses is a continuing offence. All such guest houses should be challaned at least once a week and request made to the concerned Magistrate for closure orders.

Action may not, however, be taken, for the present, against licenced guest houses which have not got their licenses renewed and guest houses which have applied for licenses and their applications are pending consideration.

District DCsP need to ensure strict compliance of these instructions and send a fortnightly report regarding the prosecution of the illegal guest houses to the DCP/Licensing/Crime Branch for projection in the fortnightly law & order meeting.

-sd-
(Yudhbir Singh Dadwal)
Commissioner of Police: Delhi.

Spl. CP/Admn.
Joint CsP/Ranges/Crime & HQ
DCsP/Districts/Crime/IGIA/Licencing

No. 41-60 /P.Sec/CP dated Delhi the 04.01.2008.

Annexure-3

1. Affidavit for Delhi Police on stamp paper of Rs. 10/- duly attested.
2. Original Registration Certificate.
3. Valid Trade License, if issued by the civic authority concerned.
4. NOC from CFO/DFS in case of area exceeds 90 Sq.mtrs or more.
5. Electricity bill of the eating house premises of the last 3 months.
6. A photocopy of Excise license in case of Bar.
7. Undertaking regarding music with reference to proposed/existing facilities like, music & live performance, dance floor etc.
8. Lic No. of performance license like music, live performance, Disco, D J, etc, if any.
9. Affidavit for COTPA Act on stamp paper of Rs. 10/- duly attested by Notary.
10. ID Proof and Proof of address of applicant.
11. Proof of ownership of premises with covered area of entity.
12. Sanctioned Plan or equivalent, Prescribed Structural Safety Certificate & Electrical Safety Certificate.
13. Details /Poof of Company/LLP/Proprietorship etc. In applicable formats i.e. Certificate of Incorporation, DIR-12 form etc., Board Resolution/NOC of Partner in favour of applicant.
14. Registration Certificate under Shops & Establishment Act issued by Labour Department.
15. FSSAI Certificate.
16. Proof of installation of CCTV with AMC .
17. Police Clearance Certificate of all employees.
18. DPCC CTE/CTO.

Annexure-4

1. Affidavit on stamp paper of Rs. 10/- duly attested.
2. Original Registration Certificate.
3. Valid Trade License,if issued by the civic authority concerned.
4. NOC from CFO/DFS in case of seating capacity of 50 or more.
5. Electricity bill of the eating house premises of the last 3 months.
6. Authority letter in case R.C. holder does not appear in person.
7. A photocopy of Excise license in case of Bar.
8. Undertaking regarding music with reference to proposed/existing facilities like, music & live performance, dance floor, bars, etc.
9. License No. of performance license like music, live performance, Disco, D J, etc.

Annexure-5

Proposed Fees for Grant/Renewal of Eating House Registration Certificate

Services	Category of Eating House	Annual Fee (In Rs.)
New Registration	Take Away	500/-
	Eating House up to 20 seats	1000/-
	Eating House above 20 up to 50 seats	1500/-
	Eating House above 50 seats	2000/-
Annual Renewal	Take Away	500/-
	Eating House up to 20 seats	500/-
	Eating House above 20 up to 50 seats	1000/-
	Eating House above 50 seats	1500/-
Late Renewal fee	For all category	500/-
Change of ownership/Authorized Signatory	For all category	500/-

LICENSING UNIT: DELHI POLICE

INSPECTION REPORT OF EATING HOUSE

1.	Reason for Inspection	
2.	Name of Eating House with details of the company running the Eating House	
3.	Address of the Eating House with details of floor	
4. a)	Status of Property, whether self owned or rented (with document)	
b)	Documents in support of ownership/Lease/ Rent Agreement	
5.	Details of the landlord of the premises, EH is operational in rented premises	
6.	Name of the Owner with Mobile Number & Email ID	
7.	Details of the company, if it is owned by a company and copy of resolution in favour of the Licensee	
8.	Registration Number, if any	
9.	Status on Record Registration Certificate issued and renewed upto • Applied for registration but R/C not issued Never applied for R/C so far	
10	• Validity of MCD Heath Trade License with number of seats •Floor is mentioned in MCD HTL •Number of seats mentioned in MCD HTL • Validity of Excise license	
11.	Existing operational floor of Eating House Existing seats Floor wise	

12.	Fire Safety Certificate validity, if required • No of Floors • FSC for Residential/Commercial • Approx. area of the Eating House Number of Entry and Exit gate in EH	
13.	DPCC Compliance, CTO/CTE/Fee receipt	
14.	Whether the premises sealed ever by MCD/DDA/DPCC/NGT/Monitoring Committee/Any other agency, if yes detail	
15.	Any action taken under Delhi Excise Act Any other enforcement agency	
16. a)	Any Suspension/Cessation Orders or SCN issued by Licensing Authority, if yes details thereof	
b)	Whether the entity was prosecuted for any violation	
c)	Whether the entity has changed its name after prosecution	
17.	Any public nuisance/inconvenience caused to public at large	
18.	School, Hospital & any vital institute with in the vicinity to EH	
19.	No. of CCTV Cameras & Recording for 30 days	
20.	COTPA whether any earmarked space for Smoking or Not	
21.	Whether DJ System or terrace was found using	
22.	Parking Facility	
23.	Any other observation	

Name of Witness

(Signature of Witness)

Name of License/Manager

(Signature of Licensee/Manager)

Name of Inspecting Officer
(Signature)

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Rank & Name_____

Belt & PIS No. _____

Section_____