

MUNICIPAL CORPORATION OF GREATER MUMBAI

PUBLIC HEALTH DEPARTMENT

NO. HO/25201/C dt.10.11.2017

CIRCULAR

Sub: - Policy guidelines for grant of permission to the Open to Air Terrace/part terrace/common terrace (except Refuge floor) as a service area for serving food in a commercial mall building / Residential Hotel having existing eating house and lodging services available.

Ref:- MGC/F/3886 dt. 02.11.2017

INTRODUCTION

Mumbai is one of the most popular business and tourist hub of the country, which attracts National and International Tourists for business and tourist purpose. It is also preferred destination for international travellers as a tourist of embarkment for going to various places in the country. The main attraction in City of Mumbai is the ocean front in addition to other places of interest. There is a growing demand to have eating places in line with many other countries in the world such as restaurants on the roof tops and on the ocean front. However, as area adjoining the sea shores such as promenades and chaupaties are public properties, such premises are not permissible for eating place. However, the roof top restaurants may be considered on certain terms and conditions so as to provide quality service to the tourist and to the locals. Such facilities if permitted would not only provide facility to customer but would also generate employment for the youth and enhance Mumbai attractiveness.

Granting of permission to the Open to Air Terrace/part terrace/common terrace (except Refuge floor) may be considered only to those buildings which are commercial mall building / Residential Hotel having existing eating house and lodging services available.

Where part/ pocket terraces are approved as refuge area, this policy will not be applicable.

- The regular proposal/ application to grant permission for serving food to the Open to Air Terrace/part terrace/common terrace (except Refuge floor) as a serving area in approved buildings having O.C.C. shall be submitted to the office of the M.O.H. of the concern ward.
- On receipt of application the procedure will be followed for granting permission on the lines of procedure of granting license for eating house.
- The use of part terrace/Pocket Terrace/Common Terrace (except Refuge floor) as a service area can be considered only in commercial mall building / Residential Hotel having existing eating house and lodging services available which will not cause nuisance to the occupants.

- Proper safety and security measures shall be ensured by the licensee to avoid any mishap/accident of whatsoever nature and the licensee shall be solely responsible.
- There should not be any residential building up to 10 mtr. from the edge of the terrace where the license is issued.
- If the existing height of parapet wall is less than 1.5 mt, same may be allowed to be increased by way of grills/ openable glass cladding up to total height of 1.5 mt only.
- The Licensee shall ensure that the ready to eat food will be served to the customers maintaining the food hygienic and shall take such measures to avoid contamination of food articles due to dust, flies, dropping of birds and falling of leaves from nearby trees.
- Undertaking to abide the special conditions related to use of terrace area for serving food shall be obtained before issue of permission.
- N.O.C. from Chief Fire Officer shall be insisted and the compliance of fire safety conditions is ascertained before issuing permission.
- M.C.G.M. reserves the right to revoke the permission at any point of time without prior notice if there is breach of any of the above conditions. The applicant shall submit the Registered Undertaking to stop the use of terrace as a serving area without any claims/compensation of whatsoever nature in case of any violation of the license conditions.

—Sd—
(V.R.More)
Dy.Ch.Eng.(D.P.)-I

—Sd—
(S.P.Darade)
Ch.Eng.(D.P.)

—Sd—
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EHO

—Sd—
(S.M.Dhamane)
D.M.C.(P.H.D)

—Sd—
(I.A.Kundan)
A.M.C.(W.S.)

—Sd—
(Ajoy Mehta)
Municipal Commissioner

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Copy to: MOsH and Asst. Commissioners A to T Wards for information and necessary action.

Copy to: AHOs, DEHOs, Jt.EHO for information and necessary action.

Copy to: Chief Eng.(D.P) for information please.

Copy to DMC(P.H), DMC to MC and DMCs (Z-I to Z-VII) submitted for information please.

Copy to AMC (WS), AMC (City), AMC(ES), AMC (P) submitted for information please.

Copy to Hon'ble Municipal Commissioner - Sir, Submitted please.

Bleer

Executive Health Officer

- The charges for such use of terrace for serving food would be similar as per the policy of "allowing the use of compulsory open space in front of eating house" vide circular No. HO/13761/C dt.10.10.2001, i.e. the 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 with Trade Refuse Charges (TRC) at the rate of double the TASOC for the first year and 10% increase every year subsequently. A separate receipt to be issued for this purpose which will bear the words "without prejudice" on the top and at the bottom a stamp should be put bearing the words "This receipt does not regularise the user and the Corporation will be at liberty to take the action for violation of special conditions"
- The owner shall not claim the terrace area as habitable commercial area approved by M.C.G.M. while submitting the redevelopment proposal in future. An undertaking to this effect shall be submitted with the application.
- No cooking/preparation of eatables shall be allowed on the terrace with the help of LPG or open flame. Only induction/ microwave and electric oven shall be permitted.
- The terrace to be used as a service area shall not be covered with any temporary/permanent structure/materials. No Monsoon shed/umbrella/ Tarpaulin cover shall be permitted. No erection of any fixtures / frames will be allowed for covering and terraces shall be kept open to sky all the time.
- Due care should be taken to avoid any complaints from the neighbourhood of the building regarding any nuisance. The permission shall be liable for suspension or revocation in case of nuisance being created.
- The timings for serving the food area shall be as per provisions in Police Act & as per the provisions of Shop & Establishment Act.
- The lighting / illumination and ambient noise quality on terrace shall be conforming to the relevant provisions of Environmental Protection Act, 1986.
- While processing the application for use of terrace as food serving area, the aspects of legal matters such as Court orders for any status quo/ injunction if any shall be invariably got confirmed from the concerned.
- Building included in the list of heritage buildings of Grade I, II, III or precinct and if the proposal involves providing light fittings on terrace, N.O.C. from M.H.C.C. shall be a prerequisite. The applicant shall submit the heritage N.O.C. along with the application for use of terrace as food serving area.
- In case of Municipal property/ lease hold plot, NOC from Assistant commissioner (Estate) shall be a prerequisite. In case of private property NOC from land lord / owner is a prerequisite.
- The applicant shall submit Indemnity Bond thereby indemnifying M.C.G.M. and their officers from any risk, damages, safety, loss of life and property, litigations etc.
- Access to Overhead Tank for PCO staff for tank inspection from malaria prevention point of view shall not be obstructed at any time.