



MUNICIPAL CORPORATION SHIMLA

No. MCS/AC/13-970

Dated:- 28/3/13

Issued
28/3/13

NOTIFICATION

In exercise of the powers conferred under clause (c) of Section 395 (i) (6) read with Section 324 of the Himachal Pradesh Municipal Corporation Act, 1994 (Act No. 12 of 1994). I, Amarjeet Singh, Commissioner Municipal Corporation Shimla, hereby notify the following Bye-laws :-

1. **Short title, extent and commencement** :- (i) These Bye-Laws may be called Municipal Corporation, (Grant of License for Use of Premises and Storage of Articles in a Premises) Bye-laws 2013.
(ii) They shall come into force from the date of their publication in the Official Gazette
(iii) They shall apply to all shops/premises falling within the Municipal Corporation limits which may not be used without license for the purpose specified in part I and II of the first Schedule attached with the Himachal Pradesh Municipal Corporation Act, 1994.
2. **Definitions**:- in these Bye-Laws, unless the context otherwise requires :-
 - (a) "Act" means the Himachal Pradesh Municipal Corporation Act, 1994, (Act No 12 of 1994).
 - (b) "Authorized Officer" means Joint/Assistant Commissioner or any other Officer duly authorized by the Commissioner.
 - (c) "Inspector" means an Inspector or any other official of the Corporation duly authorized by the Commissioner.
 - (d) "Licence" means a written permission granted by the Commissioner or any other official / officer duly authorized by the Commissioner in favour of the person, owner & occupier for sale/storage of articles specified in part I and II of the first Schedule attached with the Himachal Pradesh Municipal Corporation Act, 1994.
 - (e) "Licensing Officer" means Joint/Assistant Commissioner or any other officer duly authorized by the Commissioner to grant/ renew licence under the provisions of these bye-laws.

- (f) **“Premises”** means any shop/store/place where the articles specified in Part I and II of first Schedule attached with the Himachal Pradesh Municipal Corporation Act, 1994, are kept for sale and are stored in the godown/ premises except for the purpose as defined under Clause (d) of sub section (1) of Section 324 of Himachal Pradesh Municipal Corporation Act,1994.
- (g) **“Shopkeeper”** means any person running and managing the affairs of the shop/premises/place including its owner/occupier.
- (h) The words and expression not defined under these Bye-laws shall have the same meaning or sense as are defined in Himachal Pradesh Municipal Corporation Act,1994.
3. **Period of Licence :-** (1) The licence shall be issued for five years w.e.f. 1st of April to 31st of March and the licence shall automatically come to an end on 31st day of March after completion of every five years.
4. **Renewal of Licence :-** (1) The licence shall be renewed after every five years on the prescribed Proforma duly filled in by the applicant which is appended to these Bye-laws as Annexure- A.
- (ii) The applicant shall have to surrender the existing licence before the licensing officer at the time of renewal of Licence. The application /Proforma without existing licence shall be summarily rejected by the licensing officer
- (iii) Renewal of licence on the death of original licensee shall be made in the name of the legal heirs or as may be decided by the Commissioner keeping in view the circumstances of the case.
- (iv) The applicant shall have to submit the NOC and other permission from the concerned department of Central/State Government as may be required at the time of issue/renewal of Licence
5. **Transfer of Licence :-** (i) The licence issued under these Bye-laws, shall not be transferred in the name of any person except with the written permission of the Commissioner.

6.

Licence Fee :- (i) The licence fee for grant of licence shall be decided by the Corporation from time to time and shall be charged as per the Schedule appended herewith as Annexure-"B." However, the said Schedule shall also be revised after every five years by the Corporation.

7.

Conditions for grant of licence :- (i) The Licence shall not be valid for any other purpose, except for the items prescribed under part-I and II of the first Schedule attached with the Himachal Pradesh Municipal Corporation Act, 1994.

- (ii) The permission shall, unless specified otherwise in the license, be valid in the entire M.C. limits, subject to such conditions as may be imposed by the Commissioner.
- (iii) The owner/occupier of the premises shall have to produce the licence before the Inspector or the licensing officer at any point of time as may be ordered by them..
- (iv) The Commissioner shall have a right to impose or alter any of conditions in the license as may be deemed fit by the Commissioner under the provisions of Section 324 of the Himachal Pradesh Municipal Corporation Act, 1994.
- (v) The licensee shall apply for renewal of licence at least two months prior to the date of expiry of licence period to the Licensing Officer.
- (vi) The licensee shall maintain proper record of the articles kept for sale or storage in the premises as may be required by the Licensing Officer. Further the licensee shall comply with all the directions and instructions issued to him by the Commissioner or the Licensing Officer from time to time.
- (vii) The licensee will ensure timely payment of Corporation dues.

8.

Late fees :- (i) In case the person fails to obtain licence within the stipulated period he shall have to deposit the late fees for that period @ 50% of the amount of licence fee for the first month @ 75% for the second month @ 100% upto one year, @ 125% upto two years and thereafter 150% for the remaining period.

9.

Denial of licence :- (1) The licence shall not be granted;

- (a) to a person suffering from any loathsome infections or contagious diseases;
- (b) to a person convicted for unlawful sale or storage of any articles mentioned in part-I & II of the first Schedule attached with the Himachal Pradesh Municipal Corporation Act, 1994
- (c) to a person who has been found to have habitually committed the breach of these Bye-laws or the terms of the license.
- (d) To a person not below the age of 18 years.

(2)

- (a) Subject to Bye-laws 9, (1) licence to any person, who applies in writing to the Commissioner or Licensing Officer in this behalf and tenders the prescribed fee shall be granted by that officer, unless for reasons to be recorded in writing by him, he considers the applicant not a fit person for grant of such a licence.
- (b) The licensee shall be liable to pay transfer charges @ 200/- per license at the time of effecting transfer of licence in addition to the licence fee.
- (c) The licensee shall abide by the terms and conditions of the licence and the licence shall be displayed at the convenient place/reception of the premises.
- (d) The Inspector or inspecting staff concerned shall have a right to inspect the premises at any time and the licensee shall provide necessary assistance to the inspecting staff at the time of inspection of licensed premises.
- (e) The licensee shall not make any encroachment /over hanging projection on public streets and Municipal drains in any manner.

10.

Offences and penalties :- (1) In addition to the penalty as provided under Himachal Pradesh Municipal Corporation Act, 1994 any person in possession of the premises found violating any of the provisions of these Bye-laws consecutively on two occasions shall in the first instance be liable for suspension of licence for a period of one week;

- (ii) In case of repeated violation the concerned person, owner or occupier, as the case may be shall be liable for cancellation/withdrawal of licence which can only be restored or receiving written undertaking accompanied by surety from the person violating these Bye-laws subject to the satisfaction of the Commissioner.

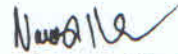


Commissioner,
Municipal Corporation
Shimla.

No. MCS/Comm/2012-2013- 970
Copy to:-

Date 28/3/13

1. The Chief Secretary, to the Govt. of H.P. Shimla.
2. The Additional Chief Secretary (UD) to the Govt. of H.P. for kind information please.
3. The Divisional Commissioner, H.P. Shimla.
4. The Deputy Commissioner, Shimla with five spare copies for information and necessary action and to display the same in Notice Board for information of the General Public..
5. The Director, Urban Development H.P. Palika Bhawan, Talland Shimla-2 for information please.
6. The Controller, Printing and Stationary, Himachal Pradesh, Govt. Press, Shimla-5. He is requested to publish the above Bye-Laws in the Rajpatra H.P. (extraordinary) and send a copy of gazette notification to this Corporation for record.
7. All H.O.D's, M.C. Shimla.
8. Guard File.
9. Notice Board.



Assistant Commissioner,
Municipal Corporation
Shimla.

Annexure-B

क्रम संख्या	क्षेत्रफल (केवल दुकानों स्टालों के स्टोर सहित)	लाईसैस फीस
1.	0 से 125 वर्गफुट तक के क्षेत्रफल की दुकान	200.00
2.	126 वर्गफुट से ऊपर के क्षेत्रफल की दुकान	300.00
3.	अन्य जैसे होटल,लांजिंग हाउस कैटरिंग,बार के लिए प्रति व्यवसाय एवं रेस्टोरैन्ट गैस्ट हाउस गैस कम्पनी, कोल कम्पनी, डिपार्टमेंटल स्टोर, प्राईवेट स्कूल अन्य प्रशिक्षण केन्द्र,बैंक, स्कैटिंग रिक (आईस/रोलर) सिनेमा,थियेटर आउट डोर शुटिंग,आउट डोर फोटो-ग्रफी मोटर वर्क शॉप,पैट्रोल पम्प टैन्ट हाउस,ट्रेवल एजेन्सी, लेबोरेटरी, क्लीनिक सर्कस व अन्य	500.00
