

ITEM NO. 14 (L-29)

1. **Name of the Subject:**
 Extension of time limit for applying for renewal of licenses or change of trade of license or transfer/partnership or subletting of licence etc.
2. **Name of the Department:**
 Estate-I Department
3. **Brief History:**
 The Council in its meeting held on 27.6.2016 vide Resolution No. 31(L-08) had approved the recommendations of the Sub-Committee which has laid down the policy on licenses of NDMC shops, kiosks, Pan Tharas and issues related thereto. The policy was further clarified vide resolution No. 13 (L-20) dated 05.09.2016. A detailed policy circular dated 16.8.2016 was issued and the copy of the same is placed at **Annexure-I (See pages 185-197)**. The policy has in detail dealt with various aspects with regard to renewal of licenses, change of trade, transfer of licence on legal heir basis, transfer of licence on partnership basis, clubbing of units, subletting, damages on cancellation and revocation of cancellation of licence, interest rate on delayed or non-payment, sealing and de-sealing of premises, mutual exchange etc.

Under Point No. 15 of the Policy Circular dated 16.08.2016, it is stated at condition No. 15 (v) as under:-

" The events shall be dealt in chronological order. For example:

- (a) *A licence given on 01.01.2001 for 10 years is due to expire on 31.12.2010;*
- (b) *The licence holder has (I) changed trade on 01.01.2005, (II) entered into partnership on 01.01.2006, (III) applied for renewal on time but no renewal granted, or applied for renewal after the prescribed time but before the expiry of 60 days from the date of issuance of minutes of this decision of the Council, (IV) entered into further partnership on 01.02.2011 after expiry of licence period, (V) further changed trade of the premises under consideration on 01.03.2013; where all these actions have been done without taking approval in writing from the NDMC.*
- (c) *Then these events shall be dealt in chronological order viz. (I), (II), (III), (IV) and then (V) w.e.f. from the date of occurrence of such events for the purpose of levying charges, penalty, fees or any other action to be taken accordingly.*
- (d) *It is to be clarified herein that any case for trade change, partnership etc. will be entertained when there is a valid licence on the date of such event.*

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Renewal for such period shall be done first, followed by action on such application for trade change, partnership etc. during that period.

- (e) *No application shall be considered under this regularization for the past events after 60 days from 16th August, 2016.*
- (f) *No application under this policy decision shall be considered in cases where the NDMC has already terminated/cancelled the license deed.*
- (g) *This policy may be used for resolving court matters."*

The department has so far renewed the following cases and the marketwise details are as under:

Sl. No.	Name of Market	Date of Notice for renewal	Date of mass renewal	No. of cases renewed
1	Janpath Market	18.8.2016	26.8.2016	21
2	Palika Bazar	18.8.2016 & 30.8.2016	01.9.2016	55
3	Kidwai Nagar & Nauroji Nagar	05.10.2016	14.10.2016	32
4	Basrurkar Market Netaji Nagar Mkt Laxmibai Nagar Nauroji Nagar	27.10.2016	11.11.2016	45
5	Palika Bazar Laxmibai Nagar	28.11.2016	09.12.2016	42
Total				195

These cases were renewed as per the request pending on the files and as per the requests received from various Market Associations. The 60 days period for applying for renewal and other cases has expired on 16.10.2016. So far Estate-I Department has renewed 195 nos. of cases as mentioned above and many people due to their age factor, family conditions etc. might not be in a position to apply. Besides this, Estate-I Department is not in a position to renew the cases which were pending for more than 10 years and in some cases are pending for more than 20 years also. It is a dynamic process and at present mass renewal programme which is facilitating the speedy renewals, cannot cater the pending cases at one go for various reasons which includes shortage of staff, examination of files etc. Given the limitations, Estate-I Department has done a tremendous job transparently and completing 195 nos. of renewals as mentioned above for which work done by Dy. Director(Estate-I) Sh. Tanvir Ahmad be appreciated.

In view of the reasons mentioned above, the Council may consider the proposal for extending the time lime for applying for renewal of licences by various licensees till 31.03.2017.

4. Recommendations:


Keeping in view the hardships of the licensees, constraints of the department and voluminous records involved in each case, pending cases of more than one 10 to 20 years and non-renewal of cases for the last so many years, it is advisable that time limit for applying for renewal of licenses be extended till 31.03.2017.

Or

Estate Department shall issue a notice of 15 days to the occupant to complete the process for renewal failing which, the process for eviction shall be initiated. The concerned Dealing Assistant is personally liable for issuing such notice within 30 days to all premises under his charge.

COUNCIL'S DECISION

Keeping in view the hardships of the licensees, constraints of the concerned department and voluminous records involved in each case, pending cases of more than 10 to 20 years and non-renewal of cases for the last so many years, the Council resolved that time limit for applying for renewal of licenses be extended for another six months from today, i.e. till 16th July, 2017.


Secretary
New Delhi Municipal Council
Valika Kendra, New Delhi