



LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI

COMMITTEE ON PETITIONS

TENTH REPORT OF THE SIXTH ASSEMBLY

SUBJECT: IN THE MATTER OF ALLEGED DISTURBANCE
FROM HOTELS/RESTAURANTS/HOOKAH BARS IN TIMARPUR
ASSEMBLY CONSTITUENCY

PRESENTED ON 02ND DECEMBER, 2019

ADOPTED ON 3RD DECEMBER, 2019

Legislative Assembly, Old Secretariat, Delhi – 110054

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COMMITTEE ON PETITIONS
(2019-2020)

COMPOSITION OF THE COMMITTEE

1. Sh. Saurabh Bhardwaj	CHAIRMAN
2. Sh. Pankaj Pushkar	MEMBER
3. Sh. Akhilesh Pati Tripathi	MEMBER
4. Ms. Bhavna Gaur	MEMBER
5. Ms. Bandana Kumari	MEMBER
6. Ch. Fateh Singh	MEMBER
7. Sh. Girish Soni	MEMBER
8. Sh. Raju Dhingan	MEMBER
9. Sh. Shri Dutt Sharma	MEMBER

Assembly Secretariat:

1. Sh. C. Velmurugan	Secretary
2. Sh. Sadanand Sah	Deputy Secretary
3. Sh. Manjeet Singh	Deputy Secretary

PREFACE

1. I, the Chairman, Committee on Petitions, having been authorised by the Committee to present on their behalf, this Report on the petition received from Sh. Som Nath Narang countersigned and presented by Sh. Pankaj Pushkar Hon'ble MLA and referred to the Committee by the Hon'ble Speaker, Delhi Legislative Assembly. The Petition alleged disturbance of law and order by Hotels, Restaurants and Hookah bars in Hudson Lane, GTB Nagar, New Delhi in the Timarpur Assembly constituency area.
2. The Committee considered and adopted the Draft Report at their sitting held on 29.11.2019
3. The observations / recommendations of the Committee on the above matter have been included in the Report.
4. I would like to thank all the Members of the Committee for their continued guidance.
5. The Committee places on record their profound appreciation for the valuable assistance rendered by Sh. Sadanand Sah, Deputy Secretary, Sh. Manjeet Singh, Deputy Secretary, Sh. Subhash Ranjan, Section Officer, Ms. Smruthi Rammohan, Fellow Delhi Assembly Research Centre (DARC) and other staff of the Assembly Secretariat in the preparation of this report.



Date: 30.11.2019

Delhi

SAURABH BHARDWAJ
CHAIRMAN
COMMITTEE ON PETITIONS

INTRODUCTION

1. Sh. Som Nath Narang, resident of 2545 Hudson Lane, GTB Nagar, New Delhi – 110009 and representative of the Residents Welfare Association Mukherjee Nagar (Dr. Mukherjee Nagar Niwasi Manch) filed a petition dated 01.02.2019 citing disturbance and public nuisance from a large number of Hotels/Restaurants/Hookah bars operating in the area from House nos 2533 to 2557 and nos 2507 to 2532, Hudson Lane, GTB Nagar, New Delhi. The Petition was countersigned and presented to the Hon'ble Speaker, Delhi Legislative Assembly by Sh. Pankaj Pushkar, Hon'ble MLA and was referred to the Committee on Petitions on 07.02.2019.
2. It was alleged in the Petition that there are a number of hotels, restaurants and hookah bars operating on the road front in the residential area of GTB Nagar, as a result of which there is noise pollution affecting the day to day lives of the residents in the said area. The noise is generated not just due to the functioning of restaurants and bars in the area, but also due to loud music played at these Restaurants/Hotels/Hookah bars.
3. In addition, the petition alleged that the service lanes are encroached with chimneys, air conditioner dockets, gas cylinders and gas meters. Furthermore, it was stated that empty liquor bottles are also dumped in the service area, and sewage lines are clogged with restaurant waste and hookah waste, making the living conditions inhospitable for residents.
4. The petition further alleged that there have been several incidents of fire accidents at restaurants raising questions regarding the fire safety of such spaces.
5. Finally, the petition argued that the sale of liquor and the functioning of liquor shops in the area of GTB Nagar is detrimental to the future of young students, due to its proximity to Delhi University North campus.

PROCEEDINGS

1. In order to ascertain the facts and investigate the allegations levelled in the said Petition, the Committee on Petitions conducted its meetings on 13.03.2019, 02.08.2019 and on 22.10.2019 and deliberated the matter comprehensively with the Department of Revenue, GNCTD; Department of Excise, Entertainment and Luxury Tax, GNCTD; North Delhi Municipal Corporation; Delhi Jal Board and Delhi Fire Service.
2. A copy of the said Petition was forwarded to The Secretary-cum-Divisional Commissioner, Department of Revenue; The Commissioner, Department of Excise, Entertainment and Luxury Tax; The Commissioner of Police to whom the matter pertained vide letter 13.02.2019 with a request to furnish comments by 19.02.2019. The said Petition was also forwarded to The Commissioner, North Delhi Municipal Corporation (NDMC); The Chief Executive Officer, Delhi Jal Board; The Director, Delhi Fire Service Department to whom the matter pertained vide letter dated 22.02.2019 with a request to furnish comments by 28.02.2019.
3. The Committee proceedings were primarily aimed at finding answers to the issues raised in the petition. The proceedings are listed based on the responses received from the concerned departments.
4. Upon receiving the Petition, the Committee, in the first instance, sent it to the Secretary-cum-Divisional Commissioner, Department of Revenue to look into the matters raised in the petition. Mr. Virendra Singh, Sub-Divisional Magistrate (Model Town) Delhi provided a written response dated 19.02.2019 to the Legislative Assembly Secretariat. The submission stated provided the actions taken by the Department. They include:
 - a) A special drive was conducted for Pollution Challan of Restaurants and issued challans for violating the pollutions norms under the National Green Tribunal Act for generator set, chimneys etc. Copies of challans were annexed as a proof;

- b) Orders were issued under the Cigarette and Other Tobacco Product Act (COPTA) and Delhi Prohibition of Smoking and Non Smokers Health Protection Act, 1996 for serving hookah or such type of things against the violators;
- c) Unauthorised borewells for restaurants /pubs were sealed;
- d) Special Task Force conducted a *Special Encroachment Drive* to remove illegal hoardings and extensions and pedestrian walkways encroached by restaurants/bars;
- e) Challans were issued for unauthorised constructions in the area.
- f) Restaurants were sealed on the directions received from Delhi Pollution Control Committee (DPCC). Further, undertakings were taken from restaurant owners for compliance with all rules/directives in force.

While all the clarifications were substantiated with copies of challans as part of the annexures, they were mostly dated back to 2018. The written submission further argued that any action on the violating restaurants/bars should be taken by the Licensing authorities such as NDMC, Delhi Police, Delhi Fire Services, DCP Licensing, Food Safety Department, Delhi Pollution Control Committee (DPCC), Department of Excise and Health Department, whose primary duty is to monitor the restaurants and take necessary action in case of any violation of guidelines/norms. It was clarified that the role of the Revenue Department is to complete the action on the kalandras received from police authorities against the restaurants/bars or book offenders for challans in various Acts which empowers the office to take action.

During the third meeting of the Committee for the said petition held on 22.10.2019, Mr. Virendra Singh, Sub-Divisional Magistrate (Model Town) Delhi submitted a written response of the steps taken by the Revenue Department from 31.07.2019 till 22.10.2019. Mr. Singh stated that directions were issued to the Station House Officer (SHO) Mukherjee Nagar to be the officer designated to enforce strict ban on hookah and other banned substances under COPTA. The letter further

noted that joint surveys were conducted along with Police and Excise Teams. A total number of 83 offences were registered under the COPTA between 01.09.2019 and 12.10.2019. In addition, three challans were issued against defaulters for noise pollution, one for unauthorised Generator on public land. A fine of Rs. 5000/-each for these violations.

5. Upon receiving the Petition, the Committee, in the first instance, sent it to the Commissioner, Department of Excise to look into the matters raised in the petition. In response, Mr. Ravi Dhawan, Commissioner Excise furnished a status report dated 19.02.2019 which stated that as per Delhi Excise Act 2009 and Delhi Excise Rules 2010, a license (L-17/L-17F) was issued to 16 restaurants operating in the area of Hudson Lane, GTB Nagar, Delhi to serve liquor in their restaurants/bars. It further clarified that this excise license is tertiary in nature i.e. the license can be granted only to restaurants/eating houses which already have a valid Police, MCD (Health trade license) and other licenses (Eating House License). In addition, the letter pointed out that the Enforcement Branch of the Excise Department carries out regular inspections to ensure compliance of these restaurants with Excise rules. It was submitted that during the period from 01.01.2018 to 16.02.2019, 12 inspections were carried out in the area of Hudson Lane. During these inspections, several restaurants were booked for serving liquor to underage persons and actions were taken against the violators/licensees. During the Committee meeting on 13.03.2019, the Excise Commissioner elaborated on this matter stating that licenses of restaurants found violating the Excise rules were suspended and revoked after they have been penalised. A warning was also issued to the violating restaurants that in the event of a minor being served liquor, their license will be cancelled. The Excise Department further argued that the matter of serving hookah does not come under the purview of the Excise Department.
6. Upon receiving the Petition, the Committee, in the first instance, sent it to The Director, Delhi Fire Service Department to look into the matters

raised in the petition. In order to respond to the matters concerning fire safety measures, Mr. Atul Garg, Chief Fire Officer of the Delhi Fire Service submitted a written response dated 27.02.2019 to the Legislative Assembly Secretariat stated that the Delhi Fire Service has not issued any clearance to the hotels/restaurants/hookah bars operating at 2507-2532 Hudson Lane in GTB Nagar. It was also clarified that nine applications for the issuance of a Fire Safety Certificate for the restaurants in the said area were rejected for want of sanctioned building plans and date of operation of restaurants with documentary proof. It was also reported to the Committee that a letter was sent to the Commissioners of North, East and South Delhi Municipal Corporations and to the Joint Commissioner of Police on 14.03.2019 regarding clearance from fire safety point of view in restaurants/eating houses. The letter argued that following the directives of the Hon'ble Delhi High Court in WP(C) 3107/2013 dated 27.10.2016 (K.M.W.AV/s NDMC) regarding ascertaining the seating capacity of the restaurants before giving fire safety clearance. Following the directives of the judgment along with Delhi Fire Service Act and Rules 2010, the Delhi Fire Service requested the concerning license issuing authorities to forward cases where regulations are not followed to enable the Fire Service department to take the necessary action.

In a letter dated 02.08.2019 addressed to the Legislative Assembly Secretariat, Mr. Vipin Kental, Director, Delhi Fire Service informed the Committee that the DFS did not issue any Fire Safety Certificate to any restaurant operating in the Hudson Lane, GTB Nagar. It also stated that a joint inspection of restaurants/hotels/hookahbars was conducted on 16 and 17 May 2019 along with Delhi Police license, MCD Health. It also brought to the notice of the Committee that several restaurants were operating either without registration or with expired registration, or operating with increased seating capacity beyond the prescribed limit under the Municipal Trade License, or for non-compliance of rules and regulations prescribed by the Delhi Pollution Control Committee.

It was also informed to the Committee that NDMC and Delhi Police licensing branch have issued show cause notices to restaurants functioning without fire safety certificate and for those operating illegally as they are the competent authorities in this matter. It provided a list of restaurants for which show cause notices were issued.

During the subsequent Committee meeting held on 22.10.2019, Chief Fire Officer stated during the deliberations that Delhi Fire Service organised a campaign for business entities to raise awareness on the process of filing a No Objection Certificate for establishing and running their enterprise. This campaign was conducted in collaboration with the Trade Association and it was also reportedly advertised in newspapers

7. The Committee also forwarded the Petition to the North Delhi Municipal Corporation (NDMC) and requested for its comments on the matters raised in the petition. The NDMC in its written communication dated 29.03.2019 stated that restaurants/bars and hotels operating along Hudson Lane are functioning on a notified commercial road as per the Master Plan for Delhi 2021. It also stated that owners of the restaurants/hotels/bars have paid the requisite parking and registration and conversion fee charges. According to the Public Health Department of the NDMC, no license or permission has been granted to run hookah bars. In addition, NDMC argued that the matter of hookah bars comes under the jurisdiction of the Excise Department.

In the second meeting of the Committee on the said petition on 02.08.2019, the issue of temporary encroachments was raised. Officials of the NDMC clarified that encroachments are cleared from time to time.

During the third meeting of the Committee on 22.10.2019, the Municipal Health Officer of NDMC stated that as many as 86 restaurants/eating establishments are operating in the vicinity of Hudson Lane, GTB Nagar. It was also noted that the restaurants which

were found to be violating terms and conditions of the health trade license or those running without the health trade license were prosecuted/issued show cause notices. NDMC submitted that Prosecution actions were issued to 15 eating houses/ restaurants, show cause notices were issued to 13 eating houses and one restaurant was sealed. All these actions were carried out as per the DMC Act. It further submitted that copies of these notices were sent to the Deputy Commissioners, License and Excise to carry out inspections during odd hours against any illegal activities taking place in the said restaurants.

Addressing the matter of encroachments on footpaths and issues of parking that was raised again during the Committee discussions, NDMC stated that it would coordinate with Department of Revenue, Public Works Department along with the Special Task Force to take the appropriate action.

8. The Committee forwarded a copy of the Petition to Delhi Jal Board (DJB) requesting its comments on the matters raised in the petition. Initially, a written communication from Mr. Paras Ram, Director (A&P) dated 11.03.2019 stated that the complaint is not pertaining to the Delhi Jal Board since it is a matter of Law and Order and relates to other civic agencies such as NDMC. While it requested an exemption from the Committee meeting, officials Mr. Satish Kumar, Zonal Revenue Officer (ZRO) and Mr. Narendra Kumar, Joint Director Revenue from the Delhi Jal Board attended the Committee meeting held on 13.03.2019. During the meeting discussions, The Committee suggested DJB to conduct an inspection of the hotels and restaurants operating in the GTB Nagar area, within a month, to examine whether grease traps and/or Sewage Treatment Plants (STPs) are installed, whether violations of pollution norms are taking place. The Committee also suggested that if the requisite rules and regulations are not duly followed, a list of hotels flouting these norms may be sent to the Delhi Pollution Control Committee and a copy be submitted to the Committee itself within one

month. Officials of the DJB were not present during the subsequent Committee meetings.

9. As part of a general discussion with all concerned departments regarding the issues raised under this petition, the Committee in its meeting on 02.08.2019, requested a primary document with a list of all libraries, eateries, hookahbars and paying guest accommodations (PGs) operating in the area around Delhi University. It was also suggested that a document be created which delineates the existing norms, regulations that are required for these spaces to function and identifies problem/ grey areas in terms of regulation with regard to the fire safety, building norms, health license and other related aspects. The Committee requested for these documents within 15 days. However, no such documentation was received till date.

OBSERVATIONS AND CONCLUSIONS

From the scrutiny of the responses filed by the concerned Government departments, Government records and the deliberations of the Committee meetings, the following observations are brought on record:

1. At a broader level, the Committee observed the lack of effective coordination between departments in dealing with the issues of listed under this Petition.
2. The Committee also noted the casual and evasive attitude of NDMC and police officials in implementing public health, safety and hygiene regulations in terms of the functioning of Restaurants/Hotels/Hookah bars and eateries.
3. In the matter of hookah bars, NDMC officials were quick to pass the blame to the Excise Department. Under the National Green Tribunal and the Government of Delhi's 2017 directives, Municipal Authorities and Delhi Police are authorised to cancel the licenses of eateries/restaurants where hookah is served. The fact that hookah bars continue to thrive shows the lack of intent on the part of NDMC officials and Delhi Police to implement these regulations.
4. In light of the fire accidents caused due to the lack of adequate safety measures, the Committee is appalled with the functioning of the Delhi Fire Services. While the Delhi Fire Service acknowledges and submits that the said restaurants do not have any fire safety clearance, it is shocking to note that such unsafe places are still allowed to function by the MCD and Police officials.
5. The congested functioning of restaurants/bars and hotels in the area of GTB Nagar is aggravated due to encroachments and lack of parking spaces.
6. The Committee expressed its displeasure with the absence of officials from the Delhi Jal Board. Officials from DJB also failed to provide any follow up for the assurances that were made during the first Committee meeting.

RECOMMENDATIONS

1. The Committee recommends that strict action must be taken against Restaurants/Hotels/Hookahbars that violate Public Safety, Public Health, Delhi Pollution Control Committee and Fire Safety guidelines. North Delhi Municipal Corporation (NDMC) officials should cancel their permits and licenses and impose huge fines for any transgressions.
2. Excise Department should coordinate with Delhi Police and monitor underage drinking and cancel licenses in case of repetitive offences.
3. Delhi Fire Services should revisit their guidelines and ensure that all eateries/restaurants/hotels strictly adhere to all rules and regulations of fire safety norms.
4. Delhi Jal Board (DJB) should ensure that all commercial sewage are monitored for safe disposal and differentiated from residential sewage lines. Delhi Jal Board should also ensure that grease traps, STPs are fixed/installed and are monitored regularly for commercial wastes.
5. The Committee also recommends that North Delhi Municipal Corporation (NDMC) officials should coordinate with the Public Works Department and the Special Task Force to remove all encroachments and ensure that these encroachments do not recur.
6. Hookah bars should be banned in Delhi as smoking in public places is prohibited. All Delhi Municipal Corporations should conduct a survey of any hookah bars in the area and provide Action Taken Reports to the Vidhan Sabha within 30 days from the adoption of this report.
7. A detailed Action Taken Report on the recommendations of the Committee should be submitted by Chief Secretary, GNCTD to the Vidhan Sabha within 30 days from the adoption of this report.



Date: 30.11.2019

Delhi

SAURABH BHARDWAJ

CHAIRMAN

COMMITTEE ON PETITIONS