

TRUE EXTRACT FROM THE SPECIAL BOARD MEETING OF THE CANTONMENT BOARD HELD AT THE OFFICE OF THE CANTONMENT BOARD, SECUNDERABAD ON FRIDAY THE 21<sup>ST</sup> JUNE 2013 AT 1530 HOURS.

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The following were present

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|---------------------------|---|--------------------------------------------|
| 1. Brig Sunil B Bodhe     | - | President Cantonment Board,                |
| 2. Shri A.V. Dharma Reddy | - | Chief Executive Officer & Member Secretary |
| 3. Smt Banuka Naramada    | - | Vice President Cantonment Board,           |
| 4. Brig. Ajay Banarjee    | - | SEMO & Health Officer                      |
| 5. Maj. Rakesh Kumar Ray  | - | GE (South)                                 |
| 6. Col Santosh Kumar      | - | Nominated Member                           |
| 7. Col Ranjeet Singh      | - | Nominated Member                           |
| 8. Col A K Chaturvedi     | - | Nominated Member                           |
| 9. Shri S. Keshava Reddy  | - | Elected Member                             |
| 10. Shri P VenkatRao      | - | Elected Member                             |
| 11. Shri P Shyam Kumar    | - | Elected Member                             |
| 12. Shri V Jai Prakash    | - | Elected Member                             |

The following were not present

- |                          |   |                                                     |
|--------------------------|---|-----------------------------------------------------|
| 13. Shri Md. Raheemuddin | - | District Revenue Officer, Rep of District Collector |
| 14. Smt J Vidyavathi     | - | Elected Member                                      |
| 15. Shri J Pratap        | - | Elected Member                                      |
| 16. Smt. M. Anuradha     | - | Elected Member                                      |

Shri Sarvey Satyanarayana, Hon'ble Minister of State for Roads, Transport & High Ways, Government of India and Dr. P. Shanker Rao, Hon'ble MLA not attended the meeting.

( 1 ) To consider the following applications for trade licenses for running Restaurant & Bars under section 277 / 279 of Cantonment Act 2006 within in the Secunderabad Cantonment area in view of the Hon'ble High Court of Andhra Pradesh Orders in 5 Cases where in the Hon'ble High Court directed to consider Trade licenses for Bar and Restaurants by 22-06-2013..

The list of applications received for requesting for issue of Trade License for running Bar and Restaurants are as under.

Sl.No	Name of the Trader	Location of the Trade	Nature of the Trade	Description	Report of Technical Staff stating Sanitary Conditions of the Bar & Restaurants
1	M Narsi Reddy  (Hon'ble High Court Order dated 04-06-2013)	H No 2-30-44, Wahabnagar, Staff Road, Secunderabad	Nice Spice Restaurant & Bar	Licence Fee paid for the year 2012-2013. Bar & Restaurant was operational during the year 2012-2013	Satisfactory
2	J Srinivas Chakravarthy  (Hon'ble High Court Order dated 04/05-06-2013)	Sy.No 59/7, Rajeev Rahadari Road, Karkhana, Sec.bad	M/s. Valtech Ventures [Xtreme Sports Bar } Restaurant and Bar	Licence Fee paid for the year 2012-2013. Bar & Restaurant was operational during the year 2012-2013	Satisfactory
3	K Umapathi Rao  (Hon'ble High Court Order dated 04-06-2013)	Plot No 10 & 11, Main Road, Tarbund, Secunderabad	Bar One Restaurant & Bar	Licence Fee paid for the year 2012-2013. Bar & Restaurant	Not Satisfactory. Notice is being issued with

				was operational during the year 2012-2013	a direction to rectify the defects.
4	M Shashikanth Reddy.  (Hon'ble High Court Order dated 04-06-2013)	Sy.No 176 of 2 & 3, 1st Floor, Tarbund, Secunderabad	Sathya Restaurant & Bar	Licence Fee paid for the year 2012-2013. Bar & Restaurant was operational during the year 2012-2013	Satisfactory
5	T Narasimha Goud  (Hon'ble High Court Order dated 05-06-2013)	Sy.No 115, KJR Complex, Brig. Sayeed Road, Secunderabad	Moon Rock Restaurant & Bar	Licence Fee paid for the year 2012-2013. Bar & Restaurant was operational during the year 2012-2013	Not Satisfactory. Notice is being issued with a direction to rectify the defects.
6	L Naveen Raj (Not gone to Court)	Plot NO 1, Chandragiri Colony, Trimulgherry, Secunderabad	Vishal Restaurant & Bar	Licence Fee paid for the year 2012-2013. Bar & Restaurant was operational during the year 2012-2013	Not Satisfactory. Notice is being issued with a direction to rectify the defects.
7	K Mallikarjun (Not gone to Court)	Sy.No 59/1, [New Sy.No 59/8, Kakaguda Village, Secundeabad	Food & Beverages [Bar] Recreation Centre [Game on]	License issued vide CEO Order dated 04-05-2012. Bar & Restaurant was operational during the year 2012-2013	Satisfactory

8	D B Manohar (Not gone to Court)	House No 94-1-77, Airport Road, Begumpet, Secunderabad	Shri Shakti Hotels & Restaurants	Licence Fee paid for the year 2012-2013. Bar & Restaurant was operational during the year 2012-2013	Satisfactory
9	Ch. Ramchander Rao (Not gone to Court)	Plot No 29, P & T Colony Opp Vikarampuri Secunderabad	Palate Tips Restaurant & Bar	Licence Fee paid for the year 2012-2013. Bar & Restaurant was operational during the year 2012-2013	Not Satisfactory. Notice is being issued with a direction to rectify the defects.

Office Note : The Cantonment Board, Secunderabad has received applications requesting for grant of licenses for running Restaurant & Bars under Section 277 / 279 of Cantonments Act 2006 at the various places in Secunderabad Cantonment for the period 2012-2013.

All the applications received by the Cantonment Board, Secunderabad were scrutinized by the Staff of Health and Engineering Branch. In the meantime this office also received one representation dated 02<sup>nd</sup> July 2012 from Smt Banuka Naramada, Vice President, Secunderabad Cantonment and other Elected Members to take necessary action and also to consider all the applications and grant the Trade Licence .

After scrutiny and inspection of the sites where trade is already going, this office has issued notices to all the applicants as their applications cannot be considered on the following reasons.

1. The said buildings are the residential buildings surrounded by residential houses and colonies, hence the building cannot be used for commercial purpose.
2. The proposed bar and restaurant is near to the school
3. There are no own parking place or paid parking where the trade is going to be run.

4. All the sites were inspected by the technical staff of the Secunderabad Cantonment Board where in it has been noticed in all cases the sanitary and hygienic conditions in the stores room are unhygienic, walls are not neat and clean, there is no adequate lighting facilities, as per standard conditions the food articles were not stored, there is provision for perishable food articles.
5. In all the sites in the Kitchen room there is no proper ventilation, no washing area for utensils, refuses are scattered in the kitchen, utensils are in greasy condition and not protected from dust, crockery conditions are not good, no sink washing system, food handlers are not wearing the uniform, number of food handlers and sweepers are insufficient, no sufficient toilets as per standard procedure etc.,

Based on the notices issued by the Cantonment Board, all applicants approached the Hon'ble High Court and the Hon'ble High Court granted the interim order stating that the Cantonment Board has to take up the license matter and pass appropriate orders within a maximum period of 10 days. The court also given orders on the points issued in the notice by the Cantonment Board, Secunderabad which is reproduced below.

*"... In view of this developmental activity taken by the petitioner, I am satisfied tha the most important conditions prevailing with the Cantonment Board mentioned at paragraph 4 \* 5 of the orders dated 05-07-2012 are no longer available.*

*With regard to the remaining the three conditions, it is appropriate to notice that, one of the objection relates to location of the premises in a residential locality. So long as establishment of Bar & Restaurant in a residential locality and in residential premises in not forbidden, the Cantonment Board may not reject the request of the petitioner to grant license on the ground. With regard to the next objection that the proposed Bat & Restaurant is nearer to a school in the locality, it will be appropriate to leave the aspect of the matter to be taken into consideration and account by the Licensing authority under the Andhra Pradesh Excise Act. So far as third objection with regard to parking place is concerned, I have perused the license granted by the Commissioner of Police, Hyderabad City, for establishment of place for public entertainment [Category II] subject to condition No 7 stipulated by the Commissioner of Hyderabad City which reads as under*

*".... The license has to submit undertaking to this effect, the place earmarked for the parking should be utilized for the parking purpose only. The licensee should ensure that the vehicles of the customers are not parked on the road causing obstructions to the free flow of traffic"....."*

Based on the directions issued by the Hon'ble High Court, the technical Staff of Secunderabad Cantonment Board has re-inspected all the sites where in it is

noticed that out of 10 Bar & Restaurants the Sanitary Condition in 5 Bar & Restaurants are Satisfactory and in 4 Bar & Restaurants are not satisfactory.

**RESOLUTION:** Considered and resolved that the Trade Licences mentioned at Sl. No 1, 2, 4, 7 & 8 are approved for the year 2013 -2014. As regards to consideration of Trade License mentioned at Sl No 3, 5, 6 & 9 notices may be issued to the applicants to rectify the defects and after fulfilling the conditions / rectification of defects a circular agenda may be floated for consideration by giving all details including since how many years the Bar & Restaurant is functioning and its location with regards to roads. The Trade Licence Fee be charged on par with adjoining Greater Hyderabad Municipal Corporation as per Sec 277 (4) of Cantonments Act 2006.

Further resolved that the trade license are approved subject to the following conditions.

- a) The trade license is issued reserving the right of the Cantonment Board to proceed against the building in which the trade operations, business or occupation is undertaken by the applicant / licensee, is an unauthorized construction or detected to be an unauthorized construction, constructed in violation of the plan sanctioned by the Board or constructed without prior permission of the Board or is constructed by encroaching government land.
- b) The license given to the applicant shall not be deemed or treated as a document of regularization of the unauthorized construction or recognizing the possession of the licensee (license holder) in the premises or building treated as unauthorized construction by the Board. The Board shall have the absolute right to dispossess the licensee if appropriate proceedings under Cantonments Act 2006 is initiated against the unauthorized construction and steps are taken to demolish the unauthorized structures or building or buildings or part thereof.
- c) The licensee or license holder is informed that no claim for damages, etc., can be claimed by the licensee on the strength of this license if the building in occupation of the licensee is demolished exercising the power under Cantonments Act, 2006 by the Board or the Chief Executive Officer.
- d) The Board reserves the right to cancel the license without notice if dispossession of the licensee from the premises against which proceedings for demolition is initiated by the Board, is resisted. Board also reserved its right to cancel the license before initiating any proceedings under of Cantonments Act 2006

- e) The said license can be cancelled if any complaints are received from the general public in public interest without giving any prior notice or if any trade, occupation or business undertaken by the license holder is found to be prejudicial to the interest of Cantonment Board or immoral or against public interest.
- f) The licensee shall not be entitled for any separate or prior notice under provisions of Cantonments Act 2006. Service of notice on the person or persons, whose name is recorded as the owner of the building or land in question shall be sufficient service of notice even to the licensee for proceedings against the unauthorized construction.

Sd/-  
(A.V. Dharma Reddy, IDES)  
Chief Executive Officer &  
Member Secretary  
Secunderabad Cantonment Board.

Sd/-  
(Brig. Sunil B Bodhe )  
President, Cantonment Board,  
Secunderabad

// TRUE EXTRACT //

OFFICE SUPERINTENDENT  
OFFICE OF THE CANTONMENT BOARD  
SECUNDERABAD