

**SOUTH DELHI MUNICIPAL CORPORATION  
PUBLIC HEALTH DEPARTMENT**

No. PA/MHO/SDMC/2020/ 87

Date: 16/10/2020

**Circular**

**Sub: Policy for use of Open Space / Terrace abutting the licensed Eating House for service purpose .**

Corporation vide resolution number 102 dated 24/09/2020 has approved policy for use of Open Space / Terrace abutting the licensed Eating Houses for servicing purpose. Henceforth servicing of food is allowed in open space / terrace to Eating Houses with following terms and conditions:-

1. Open space/ terrace open to air abutting, the licensed eating Houses only will be allowed to be used as service area.
2. The applicant will have to submit NOC from the concerned owner of the land for using the open space / terrace as service area. Open spaces / terrace in front of other shops in the building shall not be allowed to be used as "Service Area" even if, land lord has given NOC.
3. Open space/ terrace open to air should be clearly mentioned in ownership documents/ Allotment/ lease/rent agreement.
4. The open space / terrace should not be such as is open to passerby which means that it should be surrounded by a footwall with a provision for regulated entry/exit. The open space should not have a direct access / opening to the main road.
5. Open space / terrace to be used, as service area shall not be covered on top with permanent arrangement as well as enclosed on sides. No inflammable materials will be used for side enclosure / umbrellas.
6. The act of drinking in the open space / terrace by the persons sitting therein should not be visible to the passerby as to create a bad feeling in addition, if the open space is visible from other nearby high places whether within the same building or in the surroundings, the additional measures will be taken to obstruct the visibility from such high places. The licensee shall ensure that the persons using the open space / terrace do not indulge in any activity such as throwing articles outside which may be a cause of disturbance to the outsiders / passerby.
7. There should not be W.C. drain line or inspection chambers in front open space.
8. Open space/ terrace open to air should be clearly marked in Sanction plan/ site plan (Pre 1962 buildings are exempted), duly verified by the registered Architect.
9. The permission will be given for serving food in Open to Air Terrace / part terrace (except Refuge floor) on submission of buildings Structural Safety Certificate by Registered Structural Engineer with clear mention of using terrace for serving food (Dining).
10. 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. However, in open space (other than terrace) to avoid contamination / dust / flies / dropping of birds and falling leaves non-inflammable temporary umbrellas with proper height can be used.
11. Due care should be taken to avoid any complaints from the neighborhood of the building regarding any nuisance. Service area should not be visible to adjoining residential areas, the permission shall be liable for suspension or revocation in case of nuisance being created.
12. The lighting/ illumination and ambient noise quality on terrace shall be conforming to the relevant provisions of Environmental Protection Act, 1986 and other relevant Acts. No music beyond permissible limit and no live performance will be allowed.

13. The applicant shall submit Indemnity Bond thereby indemnifying SDMC and their officers from any risk, damages, safety, loss of life and property, Litigations etc. 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.
14. Access to Overhead Tank for tank inspection shall not be obstructed at any time.
15. If the existing height of parapet wall is less than 1.5 mtr., same may be allowed to be increased by way of grills / openable glass cladding up to total height of 1.5 mtr.
16. Open space / terrace of the same Plot for which eating house license has been granted will only be allowed. Amalgamation of another plot for this purpose will not be allowed.
17. N.O.C. from Delhi Fire Service shall be mandatory for using terrace / part terrace for serving food (Dining area).
18. This is permissible in Metropolitan City Centers, District Centers, Community Centers, Local Shopping Centers and Convenience Shopping Centers and the Definition and Activity permitted in the use premises for restaurant as per table 5.5 of MPD-2021.
19. The restaurant activity is allowed in the allotted / permitted area for restaurants and in pre-1962 buildings.
20. Open space / terrace service will be allowed to only licensed eating Houses with fire NOC from Delhi Fire Service.
21. No cooking / preparation of eatables shall be allowed in the open space / terrace / part terrace. Similarly, fast food stalls / ice cream parlor / paan bidi stall etc., shall not be permitted.
22. Fee for service area will be charged along with the license fee at the time of the grant/ of license fee, Rs. 100/- per square feet will be charged for open space / terrace area. For restaurants operating in star hotels ( 4 star & above) rate will be Rs. 200/- per square feet. Validity of license will be for one year & will be renewed every year with license of eating house.
23. This license does not regularize the user and the Corporation will be at liberty to take the action for violation of special conditions.
24. The provision for open space / terrace shall not violate and be subject to the other laws / Rules applicable in the State. The licensee of the eating-house shall also give undertaking to stop the use of open space / terrace without any claims whatsoever as and when directed by SDMC without any claims / compensation of whatsoever nature in case of any violation of the license conditions. On violation of terms and conditions permission for service area will be withdrawn and further action will be taken as per DMC Act. SDMC 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.

This policy for use of Open Space / Terrace abutting the licensed Eating House for service purpose will be implemented with immediate effect.

  
Municipal Health Officer,  
South Delhi Municipal Corporation

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