

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
OFFICE OF THE COMMISSIONER OF EXCISE, ENT., & LUXURY TAX  
L-BLOCK, VIKAS BHAWAN, I.P. ESTATE, NEW DELHI  
(HOTELS/CLUBS/RESTAURANTS BRANCH)

F. No. PA DC (E)/2018-19/ 916-921

Dated: 14/6/19

**ORDER**

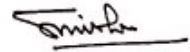
Rule 51(10)(h) of the Delhi Excise Rules, 2010, provides for requirement of NOC from the Fire Department for retail licence for consumption on the premises. However, since the Fire Department is presently granting NOC only to restaurants/eateries having 50 or more seats, the Excise Department is mandatorily seeking fire NOC for 50 seat covers and above. For seating capacity below 50 seat covers, an affidavit regarding compliance of Fire Safety measures is being sought.

Following the incident of fire at Hotel Arpit Palace, Karol Bagh, the issue of fire NOC for restaurants and eateries having less than 50 seat covers has been reviewed. Delhi Fire Service vide its letter No.F.6/DFS/MS/2019/1955 dated 09.04.2019 has clarified that "the restaurant cases having 90 sq. mtr. or more area are covered under Rule 27 of DFS Rules and required to be forwarded to this department alongwith sanctioned plans having details of area, height, means of escape, fire safety arrangements, date of start of occupancy, etc. through local authority i.e. MCD, NDMC, DDA, etc."

Considering the aforesaid rule position stated by the Delhi Fire Service, the restaurants having gross floor area of 90 sq. mtrs. or more are required to submit NOC from the Fire Department for grant of Excise Licence. It needs to be mentioned here that the Excise Licence is a tertiary licence which is issued on the basis of Eating House Licence issued by the Delhi Police and Health Trade Licence issued by the concerned Municipal Corporations.

Accordingly, all the existing licensees having gross floor area of 90 sqmtrs. or more (irrespective of their seating capacity) are directed to submit a copy of Fire Safety Certificate, issued by Delhi Fire Services **LATEST BY 30.09.2019**, positively, failing which action as deemed fit under the Delhi Excise Act, 2009 and Rules shall be taken, including suspension/cancellation of the licence.

This issues with prior approval of the Competent Authority.



(Sandeep Mishra)  
Dy. Commissioner(Excise)/  
Licensing Authority

To,

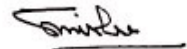
All the licensees of Hotels/Clubs/Restaurants

F. No. PA DC (E)/2018-19/ 916-921

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Copy to:

1. Secretary to Hon'ble Dy. Chief Minister, Govt. of NCT of Delhi, Delhi Secretariat.
2. Staff Officer to Chief Secretary, Govt. of NCT of Delhi, Delhi Secretariat.
3. PS to Addl. Chief Secretary (Finance), Govt. of NCT of Delhi, Delhi Secretariat.
4. The Commissioner, South Delhi Municipal Corporation, Dr. S.P.M. Civic Center, Minto Road, New Delhi-110002
5. The Commissioner, North Delhi Municipal Corporation, Dr. S.P.M. Civic Center, Minto Road, New Delhi-110002
6. The Commissioner, East Delhi Municipal Corporation, 419, Udyog Sadan, Paharganj Industrial Area, New Delhi-110096
7. The Secretary New Delhi Municipal Council, Palika Kendra, Parliament Street, New Delhi-110001
8. Director Delhi Fire Service, Connaught Place, New Delhi-110001
9. Jt. Commissioner of Police (Licensing) First Floor of Police Station, Defence Colony, Near Moolchand Hospital, New Delhi-110049
10. Asstt. Director General (H&R) & Member Secretary (HRACC), C-1, Hutments, Dalhousie Road, New Delhi-110001
11. PS to Commissioner (Excise), Deptt. of Excise, Entt. & Luxury Taxes.
12. Asstt. Commissioner (ESCIMS): with the request to direct the concerned officials to flash the orders on, ESCIMS login of all the licensees, as noted above and also inform them through pop ups.
13. System Analyst Deptt. of Excise, Entt. & Luxury Taxes: with the request to upload the circular on official website of the Excise Department.
14. Notice Board Deptt. of Excise, Entt. & Luxury Taxes.



(Sandeep Mishra)  
Dy. Commissioner(Excise)/  
Licensing Authority