

# BANARAS HINDU UNIVERSITY SHOPS REGULATION OF LICENCE AND EVICTION RULES

APPROVED VIDE E.C.R. No.533 Item-45 dated August 13-14 & October 12-15, 1997

## 1. Short Title and Commencement:

- (i). These rules may be called as the Banaras Hindu University Shops Regulation of Licence and Eviction Rules.
- (ii). They shall come into force from the date of the **approval** of the Executive Council, i.e. October 15, 1997.

## 2. Definitions:

- (iii) 'BUSINESS' means any lawful profession trade or calling.
- (iv) "PREMISES" includes the specific portion of the allotted building and does not include vacant land, other land the apartment to the building.
- (v) "LICENSE" in relation to a shop, means a person or persons to whom a valid allotment is made.
- (vi) "SHOP" means any premises where any lawful business is carried on or where services are rendered to customers and also includes any Gumtees, Thelas or Hawkers. Any furniture supplied by the University for use in such premises, any fittings and fixtures affixed to such premises for the more beneficial enjoyment thereof will form part of the shop.
- (vii) "UNIVERSITY" means Banaras Hindu University.

## 3. Composition and Functions of License Committee:

(iii) The License Committee shall consist of:

1. Chairman (to be nominated by the Vice-Chancellor)
  - 2&3. 2 Members from amongst the faculty of B.H.U. (to be nominated by the Vice-Chancellor).
  4. The Registrar
  5. The Finance Officer
  6. The Chief Proctor
  7. The Health Officer, Notified Area Committee
- The Estate Officer will be the Secretary of the Committee.

The Term of the License Committee shall be of 1 year.

- (iv) The Chairman of the License Committee will be reporting directly to the Vice-Chancellor.

- (v) The License Committee shall deal with all such matters as provided under these rules and regulations and such other functions as may be conferred by the Vice-Chancellor/Executive Council from time to time.

#### 4. Allotment:

- (i). The Estates Office shall notify the list of shops vacant or likely to fall vacant for wide circulation.
- (ii). Applications on the prescribed proforma shall be invited from the eligible applicants upto a specific date.
- (iii) Application forms shall be available from the Estates Office on prepayment of fee prescribed by the University from time to time.
- (iv) The shop shall not be allotted to a person or persons:-
  - (iii) Who has been convicted by a Court of Law.
  - (iv) Who has already a shop in his name or his family members' name allotted by the University.
  - (v) Who has been blacklisted by the University.
  - (vi) Against whom any action was taken or is pending in the University.
  - (vii) Who is a student or an employee of the University.
  - (viii) Who is an undischarged insolvent.
  - (ix) Who may jeopardise any interest of the University.
- (v) The license shall submit the following:
  - (i) His/her latest passport size photograph duly attested (3 copies, one with the license, one with the Chief Proctor and the other with Estates Office)
  - (ii) Licensee's name, father's name, date of birth and full address.
- (vi) The statement of the applications received shall be placed before the License Committee and after having finalized the same by the License Committee, the concerned applications shall be sent to the Chief Proctor for the scrutiny.
- (vii) The cases scrutinised by the Chief Proctor shall be placed before the License Committee for final allotment.
- (viii) The Licensing of the shop shall not be completed unless the prescribed agreement has been executed and signed by both the parties. The allotment of a shop made in the name of licensee shall not be transferred in the name of any other person(s).

- (ix) At the first instance the period of license granted for a shop shall be of 11 months. However, the License Committee shall have the power to renew the license for another period of 11 months subject to satisfactory services rendered by the licensee and the report received from the Chief Proctor thereon. Further renewal of the license in 11 months sequence shall be done under the approval of the License Committee provided that there is no adverse report about the licensee.
- (x) The University shall admit a person as licensee only when he deposits with the University the prescribed amount of security which may be revised by the University from time to time. The refund of the security money to the licensee shall not be made till the license fee and other dues has been paid. Such deposits (security money) shall stand forfeited in favour of the University in case the shop is not vacated within the stipulated time.
- (xi) The License Committee reserves the right to increase the license fee and when felt necessary.

**5. Offer for Allotment & Failure to Occupy the Allotted Shop/Non-Occupation:**

- (i) The offer for allotment shall be issued by the Executive Officer to the Licensee who shall accept the same within a period of SEVEN DAYS from the date of receipt of notice and he shall sign an agreement within a period of FIFTEEN DAYS from the date of acceptance of letter. The licensee will have to take the possession of the shop within 30 DAYS of signing of the aforesaid agreement.

In case the licensee fails to take the charge of the shop within the stipulated time the allotment made in his favour shall stand automatically cancelled.

- (ii) The Licensee shall deposit a security money as defined hereinafter in Clause 7 along with agreement which shall be refundable after adjusting the dues (rent, damages etc.) at the time of termination of the agreement and vacating/evicting the possession of the shop.
- (iii) An inventory of all the fittings, furniture, if any, and other materials shall be prepared in duplicate of which one copy shall be given to the licensee and the other will be kept in the Estates Office for record. The articles entered in the inventory shall be checked at the time of handing over the possession of the shop by the licensee to the University.
- (iv) A Licensee wishing to vacate the shop shall give at least 15 DAYS notice to the Executive Officer for handing over the charge of the shop. However, before handing over the charge to the Executive Officer, the licensee shall arrange to get meter reading checked through the Electric and Water Supply Department and shall intimate the same to the Executive Officer.

- (v) Licensee shall obtain "NO DUES" from the Estates Office in token of having cleared all the dues of the University.
- (vi) Allotment shall be effective from the date on which it is accepted by the Licensee and shall continue in force until:
  - (a) the expiry of the period of license, OR
  - (b) the license is cancelled by the University, OR
  - (c) the shop is surrendered by the LICENSEE, OR
  - (d) the Licensee otherwise ceases to occupy the concerned shop.

**6. License Fee :**

- (i) The license fee shall be charged from the Licensee from the date of signing the agreement.
- (ii) The licensee will be charged the license fee as per prescribed rates which may be revised by the University from time to time.
- (iii) (a) The licensee shall deposit the license fee in the Estates Office by 10<sup>th</sup> OF EVERY MONTH POSITIVELY.
- (b) In case the licensee of shop is in arrear of license fee for more than 3 months, he/she shall be served with a notice. If he continues to be in arrear for a period of 6 months his/her license shall stand cancelled, and the shop be got vacated.
- (c) The licensee whose term has come to an end or who has been served with a notice of eviction and still continue to occupy the shop shall pay for the first three months 5 TIMES of the normal license fee and thereafter 10 TIMES license fee for a period of 6 months or up to the date of eviction which ever be earlier.

**7. Security & its Forfeiture:**

The University shall admit a person as licensee only when the deposits with the University the prescribed amount of security which may be renewed by the University from time to time. The refund of the security money due to the licensee shall not be made till the license fee and other dues have been paid. Such deposits (security money) shall stand forfeited in favour of the University in case the shop is not vacated within the stipulated time.

**8. Ground for Eviction of the Licensee:**

The University may evict a licensee from shop on one or more of the following grounds, namely:

- (a) that the termination of his license by efflux of time;
- (b) that the licensee is in arrear of license fee for six months or more;
- (c) that the licensee has willfully caused or permitted to be caused any substantial damage to the shop.

- (d) That the licensee has made or permitted to be made any construction or structural alteration in the shop without the prior permission of the University;
- (e) that the licensee use the shop for a purpose other than the purpose for which he was admitted to the license of the shop or otherwise has done any act which is inconsistent with such use or has used or allowed to be used for illegal or immoral purposes;
- (f) that the licensee has allowed any unauthorized person to use the whole or any part of the allotted premises;
- (g) that the licensee has not followed the timings for the opening and closing of the shop as prescribed by the University;
- (h) that the licensee has sold the goods above the market rate or of substandard quality or has not obtained a license from the Notified Area Committee, BHU to sell the eatable items, if applicable;
- (i) that the licensee has sublet the shop;
- (j) any other cogent reason decided upon by the University;

The Vice-Chancellor may cancel the license of any licensee at any time without assigning any reason whatsoever.

#### 9. **Right to Search:**

The members of the License Committee, the Estate officer, the Health Officer, the Chief Proctor or the Proctor or any other person authorized by the University may at any time visit and search the whole or any part of the accommodation under licensee. The University shall take in possession any objectionable goods or articles found and take any appropriate action against any undesirable person found therein and also against the said shopkeeper.

#### 10. **General**

- (i) The licensee shall ensure that the vacant possession of the shop is handed over only on a working day and during the office hours.
- (ii) The university shall have the right to change at any time the shop allotted to a licensee. The licensee shall be bound to vacate the allotted shop within the specified period and move to the alternate arrangement so made.
- (iii) The licensee shall be personally liable for the payment of license fee thereof and for any damage beyond normal wear and tear caused therein or to the furniture, fixture of fittings or services provided

therein by the University during the period the shop was under his occupation.

- (iv) The University shall not be liable for any damage or loss to the property of the licensee due to any reason whatsoever.
- (v) No alteration shall be undertaken by the licensee in the existing structure of the shop.
- (vi) The categorization of shops, the location of shops, shifting of shops, cancellation of license and enhancement of license fee and security deposits, etc. shall be decided by the License Committee under the approval of the Vice-Chancellor.
- (vii) The licensee shall be bound by and shall abide by the rules and regulation of the University in respect of license and eviction of shops framed from time to time and shall also comply with the decision of the University which shall be final.
- (viii) All disputes shall be subject to the jurisdiction of the Varanasi Court only.
- (ix) Notwithstanding anything contained in these rules, the Vice-Chancellor shall have the power to take any action with respect to any matter relating to license and eviction of shops in BHU campus

#### 11. **Power to make Rules**

The Executive Council may amend, modify and or repeal the existing rules or a part thereof. The Vice-Chancellor shall have the power to suspend operation of any rule or clause thereof.

#### 12. **Interpretation**

In respect of all matter regarding difficulties in interpretation and application of these rules/regulations as well as in dispute arising between the licensee and the University and in cases not covered under these regulation, the decision of the Vices-Chancellor shall be final and binding.

*Minutes of the item are confirmed and necessary action be taken accordingly.*

#### **COPY forwarded to :-**

- 1) The Dy. Registrar (GAD), BHU, for information and necessary action with a request to send the compliance report to the Section Officer (E.C. Cell) for record.
- 2) The Executive Officer, Estates, for necessary action.
- 3) The Dy. Registrar & Secy. to Vice-Chancellor, BHU