

Reviving Maharashtra's F&B Industry

Following the Protocols – Cost is Confidence?

INTRODUCTION

The Directorate of Tourism, Government of Maharashtra, on September 30, 2020, released protocols required to be followed by restaurants, cafes, canteens, eating joints, dining halls, food & beverage (“F&B”) outlets located within or outside hotels/ resorts (collectively, “Restaurants”), wanting to open their doors to the general public (“Protocols”). The government has allowed opening of Restaurants from October 5, 2020, with 2 conditions: (i) the capacity in Restaurants should not exceed 50%; and (ii) Restaurants should strictly comply with Protocols. These Protocols consolidate the guidelines issued by the (i) Ministry of Tourism, Government of India; (ii) Food Safety and Standards Authority of India (“FSSAI”); and (iii) Directorate of Tourism, Government of Maharashtra.

In this article, we will not discuss run-of-the-mill checks that are required to be put in place including regular temperature checks, self-declarations, placing sanitizers at every place and avoiding individuals with symptoms of cough, cold, etc., instead primarily focussing on all the changes that Restaurants will have to undertake which may require capital infusion with possibly low returns. We must keep in mind that this, in all probability, is going to be the new normal.

THE NEW NORMAL

The Protocols place the following restrictions and obligations which must be strictly followed by Restaurants:

- Re-arranging/ modifying the layout of the Restaurants to maintain minimum 1 metre distance between 2 tables.
- Provide only bottled water to guests as well as minimize inclusion of food items containing raw or cold cuts.
- Use of disposable menus (or contactless menus) and disposable paper napkins instead of cloth napkins.
- Regular cleaning and sanitization of washrooms must be undertaken. In addition, green and red lights or signage should be put outside washrooms to indicate to customers whether the washroom is occupied or not.
- In case a Restaurant uses Heating, Ventilation and Air Conditioning (“HVAC”) system, continuous disinfection process of the HVAC system must be done. The idea is to keep enhanced airflow, so in case the Restaurant has windows, the same can stay open. In addition, the CCTV systems should be functional at all times.
- Every staff who serves a guest must wear a pair of fresh gloves for every



new guest he/ she serves. In addition to this, such a person is also required to wear face shields.

- Crockery, cutlery, service ware, etc. must be washed with hot water and food grade/ approved disinfectants and all service equipment must be stored in sanitized cupboards. Further, different types of warmers must be used to keep the food and crockery on warm temperature.
- Regular training programs should be conducted for all staff including bellboys, cleaners, helpers, etc. to reinforce appropriate social distancing, cleaning and hygiene norms.
- Kitchens of such Restaurants to be divided into 3 zones (range critical, non-range critical and pre-preparation area).
- Restaurants should also paste notices for its staff in visible areas promoting hand hygiene and physical distancing norms.
- Payments *via* digital modes must be encouraged as much as possible. In case of cash transactions, adequate precautions should be taken while handling the cash.
- Consent of individuals must be taken before sharing their details with any administrative/ health authority, and such sharing should only be for contact tracing related activity.

Protocols also suggest that Restaurants, if feasible, should (i) put up physical barriers (made of plexiglass) at point of common/frequent contact; (ii) provide

for separate entry and exit points to the venue; and (iii) use electronic paperwork, e-signatures, email confirmations, photos for delivery of goods as proof of delivery.

CONCLUSION

Although from a consumer's perspective, the Protocols may inspire confidence to venture out, but for Restaurant owners, the Protocols bring additional cost of compliance to an already suffering sector which saw almost no revenue generation during the lockdown. It is pertinent to note however, that customer confidence in visiting Restaurants is directly proportional to the Restaurant owner bearing costs associated with following the Protocols.

It remains to be seen however, whether restaurant owners will be willing to take the plunge. For many restauranteurs, following the Protocol means additional cost that completely changes their business model. In a city like Mumbai where real estate is the primary cost, it is difficult for the industry to make any profit. Implementing some of these Protocols would never even being able to recover cost, it is still unclear whether all of the cost can be passed on to the customer, or even whether people will return to eat out in throngs. Re-iterating that this is going to be the new "*normal*" we believe restaurant owners will need to re-think the concept of a "restaurant" to meet not just Protocol requirements, but make customers feel safe enough to venture out. It will be interesting to see how Restaurants carry out these Protocols in their own ways and what measures are put in place to attract customers to their kitchen, instead of another.

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