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2 **STATE OF CALIFORNIA**
3 **BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY**
4 **DEPARTMENT OF BUSINESS OVERSIGHT**

5 TO: Paradise Biryani Express, Inc. doing business as Paradise Biryani Pointe
6 Raj Narsing Gowlikar
7 2 Wheatsheaf Court
8 Plainsboro, New Jersey 08536

9 **DESIST AND REFRAIN ORDER**
10 **(For violations of section 31110 of the Corporations Code)**

11 The Commissioner of Business Oversight finds that:

12 1. At all relevant times, Paradise Biryani Express, Inc. doing business as Paradise Biryani
13 Pointe (hereafter Paradise Biryani Pointe) was a New Jersey corporation formed in January 2007 with
14 a principal place of business located at 2 Wheatsheaf Court, Plainsboro, New Jersey, 08536, with its
15 registered agent for service of process located at 77 Lexington Avenue, New York, New York,
16 10017.

17 2. At all relevant times, Raj Narsing Gowlikar (Gowlikar) was the president of Paradise
18 Biryani Pointe.

19 3. At all relevant times, Paradise Biryani Pointe maintained a website at
20 www.paradisebiryanipointe.com. The website represents that “Paradise Biryani Pointe” is a
21 trademarked Indian restaurant chain with over 40 restaurants nationally, including five locations in
22 California. The website states that the “best way to launch a new small business with or without prior
23 restaurant business experience is to become a Paradise Biryani Pointe brand Franchisee.”

24 4. Beginning in or about April 2013, Paradise Biryani Pointe and Gowlikar offered and/or
25 sold franchises to California residents pursuant to “Business License Agreements.” The agreement
26 grants the franchisee the right to operate a restaurant offering “a unique variation of a food
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1 preparation of a famous Indian delicacy commonly called ‘Biryani’” in an exclusive geographic
2 territory under the Paradise Biryani Pointe trademarked name and distinctive logo.

3 5. Under the “Business License Agreement,” the California franchisees agreed to pay an
4 initial franchise fee ranging from \$16,000.00 to \$40,000.00 to Paradise Biryani Pointe for a five-year
5 term, along with a monthly “royalty fee” of up to 4.5% or \$1,000.00. In addition to the right to use
6 the Paradise Biryani Pointe trademark in an exclusive territory, the agreement provides franchisees
7 with access to exotic spices, confidential recipes and training on cooking techniques, printed
8 materials and promotional items, general guidance in hiring personnel, business operating
9 procedures, and advertising. Pursuant to the agreement, franchisees must purchase proprietary exotic
10 spices from an approved affiliate called Spice King LLC, pay renewal and transfer fees, and consent
11 to various quality controls and equipment restrictions.
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14 6. The agreements offered and sold by Paradise Biryani Pointe and Gowlikar constitute
15 franchises within the meaning of Corporations Code section 31005.
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17 7. The offer and sale of Paradise Biryani Pointe franchises in California has not been
18 registered under the Franchise Investment Law and is not exempted under Chapter 1, beginning with
19 Corporations Code section 31100, of that law.

20 8. Corporations Code section 31402 provides in relevant part:

21 If, in the opinion of the commissioner, the offer of any franchise is
22 subject to registration under this law and it is being, or it has been,
23 offered for sale without the offer first being registered, the commissioner
24 may order the franchisor or offeror of that franchise to desist and refrain
25 from the further offer or sale of that franchise unless and until the offer
26 has been duly registered under this law. If, after the order has been made,
27 a request for a hearing is filed in writing within 60 days from the date of
28 service of the order by the person on to whom the order was directed, a
hearing shall be held in accordance with Chapter 5 (commencing with
Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code

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1 Based on the foregoing findings, the Commissioner of Business Oversight is of the opinion
2 that Paradise Biryani Express, Inc. doing business as Paradise Biryani Pointe and Raj Narsing
3 Gowlikar have engaged in the offer and sale of franchises in this state that are subject to registration
4 under the Franchise Investment Law without the offers first being registered, in violation of
5 Corporations Code section 31110. Pursuant to Corporations Code section 31402, Paradise Biryani
6 Express, Inc. doing business as Paradise Biryani Pointe and Raj Narsing Gowlikar are hereby ordered
7 to desist and refrain from the further offer or sale of franchises unless and until the offers have been
8 duly registered under the Franchise Investment Law or unless exempt.
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10 This Order is necessary, in the public interest, for the protection of investors and consistent
11 with the purposes, policies and provisions of the Franchise Investment Law.
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14 Dated: December 31, 2015

JAN LYNN OWEN
Commissioner of Business Oversight

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16 By _____
17 MARY ANN SMITH
18 Deputy Commissioner
19 Enforcement Division
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