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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9190/2015**

BALAJI PRIVATE ITI

..... Petitioner

Through: Mr. Sanjay Sharawat, Advocate

versus

**DIRECTORATE GENERAL OF EMPLOYMENT
& TRAINING & ANR**

..... Respondents

Through: Mr. Ajay Digpaul, CGSC with Ms.
Medha Arya and Ms. Rishika katyal, Advocates for
R-1 with Mr. P.S.Verma, Asstt. Director of
Training, Mr. Sushil Kumar, Dy. Director, DGT and
Mr. A.K. Tyagi, Asstt. Director.
Mr. Vikas Chopra, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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08.10.2015

1. Mr. Digpaul has brought an affidavit dated 08.10.2015 to court which is sworn by Mr. P.S. Verma, Assistant Director of Training, Ministry of Skill Development and Entrepreneurship, Government of India.

1.1 A perusal of the affidavit would show that the principal objection to grant of affiliation to the petitioner-institute i.e. Balaji Private ITI, is that, the electricity connection is in the name of Shri Maharana Pratap Health Care Foundation; which is a trust. This aspect has been noted by me in the previous orders as well.

1.2 It is in this connection that I had asked Mr. Digpaul, the learned

counsel for respondent no.1, to obtain necessary instructions and have an affidavit filed. In paragraph 10 of the affidavit, the deponent, Mr. P.S. Verma, has stated as follows :-

“..10. That in the past the affiliation has been granted to the institutes where the electricity connection as either in the name of the Trust / Society or the Institute, provided proper meter has been installed at the premises with no option of sharing for any other purpose...”

1.3. To be noted, the assertions made in paragraph 10 by the deponent makes it clear that it is not as if affiliations have not been granted in the past where electricity connections are there in the name of the trust or a society. The only caveat which is attached, is that, a proper meter installed, with no option of sharing.

1.4 I would take it, that the last part would mean that the load available should not be used for any other purpose.

2. Mr. Sharawat has taken me through the proforma form that an institute is required to file for the purposes of grant of affiliation. This proforma is required to be filled up by the concerned institute for the purposes of facilitating the preliminary inspection of its facilities. Therefore, the proforma requires the concerned institute to declare information with regard to the various aspects, including aspects concerning infrastructure. The portion of the proforma form which relates to infrastructure apart from seeking details with regard to the land and building also requires disclosure of information with regard to “power and supply”. The information which is required vis-a-vis power supply and which is asked for under heading-Vb reads as follows :-

“(V). Infrastructure

x x x

(b). Power Supply

(Note : Electrical Connection should be in the name of the ITI / Management / Owner of premises)

x x x x x

x x x x x

x x x x x

(Note : The energy supplied by DG set is to be measured by installing Digital / Electronic meter at suitable location. This energy meter is to be which is to be sealed by the State Directorate Officers during preliminary inspection to avoid any tempering)

Enclosures :

(i). For existing institutes : Electricity bill indicating connected load is required to be produced (details of existing trades, units should also form part of the inspection report to assess the required electrical load).

(ii). For new institutes; meter sealing report indicating sanctioned load or if meter sealing report does not have sanctioned load, copy of the sanctioned load, proof of payment of dues for the same along with meter sealing report should be produced / submitted.

(iii). Where the institute is in the rented / leased building, the electric connection should be in the name of the owner of the institute / management and the mutual agreement between landlord and the institute / Management / Society as, the case may be, should be produced alongwith the current bill.

(iv). Declaration by the owner of the institute that the sanctioned load is for ITI only / shared with any other institute...”

(emphasis is mine)

2.1 The aforesaid would show clearly that the electricity connection may be either in the name of the institute or the management or the owner of the premises.

2.2 There is, therefore, no doubt in my mind that even in the

ordinary course, the objection with regard to the electricity connection being in the name of the trust, was not sustainable. As a matter of fact, Mr. Sharawat has brought to court, information downloaded from the website of Ministry of Labour and Employment, Directorate General of Employment and Training, which adverts various instances, where the electric connection is shown as being in the name of the society and not in the name of the concerned institute.

2.2 The examples to which reference has been made in the downloaded information are :- Vivekananda Private Industrial Training Institute; in this case the electric connection is in the name of Ramakrishna Vivekananda Mission; Shri Ram Private Industrial Training Institute; in this case the electric connection is in the name of Kayam Singh Lok Seva Sanstan; and Shri Ganesh Private Industrial Training Institute; in this case the electric connection is, in the name of Upma Shukla, Shri Ganesh Udhyogik Prakshishn Sanst.

2.3 These instances only fortify what is stated before me by Mr. Sharawat.

2.4 I may only indicate that in paragraph 13 of the affidavit filed by Mr. P.S. Verma, an apprehension has been expressed based on the electricity bills submitted by the trust, that power is being consumed for some other purposes.

3. Having regard to the fact that an affidavit has already been submitted by the trust that the entire power load of 25 KW would be used for the purposes of the petitioner-institute, according to me, this should not have been an impediment.

3.1 As to what was happening previously was, in a sense, taken care

of by the affidavit. Nonetheless, since the matter is reached the court, Mr. Sharawat, to put the matter beyond doubt and further controversy, has submitted has he will have an affidavit filed in the form of a undertaking with the court which will contain, inter alia, the following averments :-

- (i). That the entire load of 25 KW, which is available to the trust, will be utilized only, for the purposes of the petitioner-institute.
- (ii). There will be no diversion of the load for any other purpose.
- (iii). In case other institutes are to be set up under the umbrella of the trust, prior permission of the respondents will be taken for load sharing, if necessary and feasible.

3.1 Mr. Sushil Kumar, Dy. Director, DGT, Mr. P.S.Verma, Asstt. Director of Training, and Mr. A.K. Tyagi, Asstt. Director are present in court. I have asked them if, they, want any other safeguard to put in the affidavit, they, as also Mr. Digpaul has conveyed to me that these safeguards would suffice.

4. Accordingly, the matter is disposed of, with a direction to the petitioner-institute to file an affidavit in the aforesaid lines, in court, in the course of the day. A copy of the affidavit will be furnished to Mr. Digpaul. The respondents will thereafter process the petitioner-institute's case for affiliation for the academic year 2015-2016.

4.1 No further orders are called for, in the captioned petition. The captioned petition is accordingly, disposed of.

5. Dasti.

RAJIV SHAKDHER, J

OCTOBER 08, 2015

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