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

Reserved on: 04.11.2015

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Pronounced on: 29.01.2016

+ LPA 784/2015 & C.M.No.25824/2015

UNION OF INDIA

..... Appellant

Through: Mr. Nawal Kishore Jha, Advocate

Versus

BALAJI PRIVATE ITI

.... Respondent

Through: Nemo.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE JAYANT NATH**

**JAYANT NATH, J.**

1. The present appeal is filed seeking to impugn the order dated 08.10.2015, passed by the learned Single Judge in W.P.(C) No.9190/2015.

2. The writ petition was filed by respondent No.1 seeking relief of a writ of mandamus directing the appellant to decide the application of respondent No.1 for grant of accreditation/affiliation for setting up a new Private Industrial Training Institute (*hereinafter referred to as the 'ITI'*) to enable respondent No.1 to start the current academic session, i.e., August, 2015.

3. Brief facts of the case which led to the filing of the writ petition were that respondent No.1 was desirous of setting up a new ITI with Electrician Trade with intake of 6 units. The trust sponsoring respondent No.1 was the owner of the land measuring about 4 acres. An electricity

connection with sanctioned load of 25 KW was already installed in the said premises in the name of the trust. Out of the said land, respondent No.1 earmarked and demarcated land measuring 1500 sq. mtrs. for setting up of the ITI. The petitioner created necessary infrastructure as prescribed by the appellant/respondent No.2.

4. An online application was submitted on 31.05.2014 for accreditation/affiliation. As per requirement prescribed, respondent No.1 states that respondent No.2 accepted the application as complete and the application of respondent No.1 proceeded for the next stage. Respondent No.1 deposited a sum of Rs.22,472.00 for the site visit. The site visit was conducted on 18.07.2014. The said visit shows one of objections raised was regarding electricity which reads “No meter found for institute. Needs to get separate meter.” Respondent No.1 states that they informed respondent No.2 that the trust would devote the entire load for ITI and for rest of the portion of the land/building, it would take a separate connection. Accordingly, the appellant considered the case of respondent No.1 in its meeting dated 08.09.2014. Instead of granting affiliation, it raised the objection with regard to the electricity connection. Respondent No.1 submitted an affidavit stating that the entire load of 25 KW would be used for ITI only. Despite this affidavit, no affiliation was granted. The case of respondent No.1 was not taken up for consideration for the academic session 2014-2015. Same appeared to be the situation for the academic session 2015-2016. Hence, the present writ petition was filed.

5. Vide impugned order dated 08.10.2015, the learned Single Judge allowed the writ petition. The court concluded that as per proforma to be filled by an applicant, the electricity connection should either be in the

name of the institute, or the management or, the owner of the premises and hence, the objection with regard to the electricity connection being in the name of the trust was not sustainable. Hence a direction was issued to respondent No.1 to file an affidavit that the entire load of 25 KW which is available to the trust, will be utilised only, for the purposes of the institute and there will be no diversion of the load for any purpose. On this affidavit being filed, the appellant was directed to process respondent No.1's case for affiliation for the academic session 2015-2016.

6. The present appeal came up for hearing on 04.11.2015. On that date, the learned counsel for the appellant submitted that this court has already heard the issue and reserved the judgment in LPA Nos.704-713/2015 and that the matter could be tagged with the said appeals. In view of the said submission of the learned counsel for the appellant, judgment was reserved in the present case.

7. We have, on 25.01.2016 pronounced judgment in LPA Nos.704-713/2015 and dismissed the appeals. These cases pertained to units based in Rajasthan, like respondent No.1 in the present case and sought affiliation for Electrician Trade. The State of Rajasthan had initially taken a decision that institutions from State of Rajasthan who had applied or on before 20.01.2015 for affiliation would be granted maximum of two units in the Electrician Trade. This decision was reversed on 31.08.2015. Despite this step of State of Rajasthan, the affiliations were needlessly delayed.

8. The writ petitions filed in those cases were allowed by the learned Single Judge based on the submissions made by the learned counsel for the appellant that affiliation would be granted to the ITI units and that the

date of admission would be extended till 20.10.2015. As the judgments were passed in the said writ petitions by the learned Single Judge based on the statement/concession of the learned counsel for the appellant, we had dismissed the appeals as stated above challenging the impugned order of the learned Single Judge.

9. As the appellant has confined his submissions to the contentions raised by the appellant in LPA Nos.704-713/2015, we see no merit in the present appeal. The same is dismissed. All the pending applications are also dismissed.

**(JAYANT NATH)  
JUDGE**

**(CHIEF JUSTICE)**

**JANUARY 29, 2016**

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