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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 367/2017 & C.M. No. 18258/2017
NEW LAL BAHADUR SHASTRI PRIVATE ITI Appellant

Through: Mr. Sanjay Sharawat, Advocate.

versus

DIRECTORATE GENERAL OF TRAINING & ANR.... Respondents
Through: Ms. Meera Bhatia, Advocate for DGT.
Mr. Sagar Shivam, Advocate for Mr.
Vikas Chopra, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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15.05.2017

The petitioner had preferred W.P.(C) No. 2223/2017 to seek a direction that the respondent/Directorate General of Training should constitute Inspection Committee for verification/inspection of the infrastructure of the petitioner's institute at the new location as per the NCVT norms and to submit the recommendations of the Inspection Committee. The writ petition, along with the other petitions, was taken up by the learned Single Judge on 24.03.2017. The respondents produced the letter dated 23.03.2017 containing the direction to the Director concerned in the Directorate of Employment and Training to constitute an Inspection Committee for verification/inspection of infrastructure *inter alia* in respect of the petitioner's institution at the shifted premises/location. Consequent, the respondents stated that the

final decision will be taken by the said respondents. The petitioner was satisfied with the said assurance and representation given by the respondents and withdrew the writ petition and the petition was disposed of.

According to the petitioner, the communication dated 23.03.2017, contains an additional condition that the institution be verified for the building completion certificate as envisaged in Directorate letter dated 17.06.2016 and its Corrigendum dated 12.07.2016. The said condition, according to the petitioner, was a new condition which did not exist when the petitioner's institution was initially affiliated. The appellant then moved an application before the learned Single Judge to seek deletion of the said condition. However, the appellant's application was dismissed by the learned Single Judge on 12.04.2017. Thereafter, the appellant move the aforesaid C.M. No. 16867/2017 to seek extension of time for satisfaction of the said requirement contained in para 2 of the communication dated 23.03.2017. The appellant in para 8 of the said application *inter alia* stated as follows:-

“8. It is submitted that the Petitioner is now willing to comply with the said condition but it will take about 4-5 months in procuring the requisite certificate from the office of the Collector and therefore a prayer is being made to extend the time for conducting inspection by about 4-5 months.”

By the impugned order, the learned Single Judge has dismissed the said application. The perusal of the application i.e. C.M. No. 16867/2017 shows that apart from stating that the appellant would take

four to five months to procure the requisite building completion certificate from the office of the Collector, the appellant did not place before the Court any material to show as to what effective steps the appellant had taken in the meantime to comply with the said condition in the communication dated 23.03.2017. Thus, in our view, learned Single Judge was justified in dismissing the application.

Learned counsel for the appellant states that he shall move a fresh application before the learned Single Judge seeking the same relief by placing before the Court the documents to show effective steps taken by the appellant to obtain the building completion certificate such as the building plans; the copy of the application submitted for grant of the building completion certificate, and; the deposit of fee in that respect.

In view of the aforesaid, while upholding the impugned order, we grant liberty to the appellant to make a fresh application to seek extension of time by disclosing the effective steps taken by the appellant for obtainment of the building completion certificate. If such an application is made, learned Single Judge may consider the said application on its merit.

VIPIN SANGHI, J

DEEPA SHARMA, J

MAY 15, 2017/ss