

\$~38

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6252/2017 & C.M. No.25946/2017
OM SAI PRIVATE ITI Petitioner

Through Mr. Sanjay Sharawat, Adv.

versus

DIRECTORATE GENERAL OF TRAINING & ANR

..... Respondents

Through Mr. C.M. Goyal, Adv for R-1.

Mr. Sagar Shivam for Mr.Vikas
Chopra, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **24.07.2017**

The petitioner is aggrieved by the action/inaction on the part of respondent No. 2. His submission is that an inspection had been conducted by respondent No. 2 on 27.06.2017; 22 Non-Conformities (NCs) were raised qua the petitioner. The petitioner was in a position to clear 20 NCs but qua other two NCs i.e. the letter from the Competent Authority which had to be signed/stamped by the BDO/Tehsildar/Engineering, (he had applied for the said document on 30.06.2017; 01.07.2017 was a Saturday and 02.07.2017 being a Sunday), the said document was received by him only on 04.07.2017, document had been received by the petitioner but his portal already stood closed on 02.07.2017 and as such the said document could not be accepted. His contention qua the second NC is that the declaration regarding his name being in full without any abbreviation was in fact correct and for this purpose he has drawn attention of this Court to Annexure P-2.

On advance notice, learned counsel for the respondents have

put in appearance. Learned counsel for respondent No.2 points out that the main objection of respondent No.2 is regarding the letter which the petitioner had to obtain from the Competent Authority (BDO/Tehsildar) which the petitioner had applied only on 30.06.2017; submission is that even before the date of inspection of the petitioner's site, the petitioner was aware that such a document had to be furnished by the petitioner and the petitioner should have been vigilant to have got this document procured well in advance which he did not do so. That apart, the submission of learned counsel for respondent No.2 is that all documents qua all the 22 NCs had been uploaded by the petitioner on the website of respondent No.2 which were then examined according to their value. The document from the Competent Authority had also been obtained; that document was incomplete/incorrect and that is why the case of the petitioner stood rejected and his portal stood closed on 02.07.2017.

Contention of the petitioner that in a similar case in W.P.(C) No.6035/2017 Maharaj Agarsain Private Ltd. Vs. Directorate General of Training and Anr, this Court had also allowed such a grievance of a similarly placed petitioner vide order dated 18.07.2017 is an incorrect submission of the petitioner. This Court notes that in the facts of that case i.e. Maharaj Agarsain Private Ltd. (Supra), this Court had noted the documents relating to the Building Completion Certificate (BCC) which had to be obtained from the Tehsildar/BDO/Competent Authority had not been uploaded as the same had not been procured. In the instant case, the facts are distinct. In the instant case, all documents qua the 22 NCs including the BCC

related documents had been uploaded by the petitioner (although the document relating to BCC was incorrect) which was the reason why respondent No. 2 had rejected the case of the petitioner. This Court notes that those facts being distinct, this Court is not inclined to apply the ratio of the order dated 18.07.2017 to the present case.

This Court again notes that the petitioner had in fact uploaded all his documents qua all the 22 NCs. The documents from the Competent Authority/Tehsildar being an incorrect document, respondent No. 2 was well within its authority to reject the case of the petitioner on 10.07.2017 and the portal of the petitioner thus rightly stood closed on 02.07.2017.

This Court also notes the additional submission made by respondent No. 2 which is to the effect that respondent No. 2 is already burdened as on date with more than 2600 applications which have to be disposed of by 30.07.2017 and if such like applications are permitted, it would become a humongous task for respondent No. 2 which he may not be able to comply with inspite of all best intentions.

Noting these submissions, this Court is of the view that the order passed by respondent No. 2 does not call for any interference.

Petition is without any merit. Dismissed.

INDERMEET KAUR, J

JULY 24, 2017

A