

\$~39

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6883/2017**
MAHARAJ AGRASAIN PRIVATE ITI

..... Petitioner

Through Mr. Sanjay Sharawat, Adv.

versus

DIRECTORATE GENERAL OF TRAINING & ANR.

..... Respondents

Through Mr. C.M. Goyal and Ms. Meghna
Rohatgi, Advs for R-1.
Mr. Sagar Shivam for Mr. Vikas
Chopra, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

%

10.08.2017

The petitioner is aggrieved by an order dated 26.07.2017 issued by respondent No.2 wherein the application of the petitioner seeking accreditation had been rejected.

Record shows that the Institute of the petitioner had been inspected by respondent No. 2 on 28.06.2017. 19 Non-Conformities (NCs) were raised. The petitioner had to close these NCs within a period of 3 days i.e. up to 04.07.2017. Contention is that out of these three days, 01.07.2017 & 02.07.2017 was Saturday and Sunday respectively; certain documents had to be obtained from the BDO/Tehsildar/SDM which could not have been obtained on the said two days both of them being Government holidays. The petitioner had approached the Authority on 03.07.2017; the relevant certificate

was made available to him in the late afternoon of 04.07.2017. When he tried to upload the document, he was shocked to learn that his portal already stood closed. He had been constrained to file W.P. (C) No.6035/2017 which was allowed on 18.07.2017 vide which the petitioner was allowed to close the NCs. The portal of respondent No. 2 was accordingly opened for the petitioner to upload his response to the aforementioned NCs.

On 26.07.2017, respondent No. 2 rejected his application on the following grounds:-

“1. Lease deed is not proper. The area of the ITI is still not mentioned on the deed.

2. Address proof does not state the entire address.

3. No electricity bill provided while the meter sealing is of 2016. The affidavit provided is not acceptable.

4. No internet bill provided.

5. Letter from competent authority is without the reference number.”

Qua the first objection, learned counsel for respondent No. 2 submits that he is not pressing it.

Qua the second objection, the address proof which had been uploaded by the petitioner was his water receipt bill (Annexure P-3). This document has detailed the address of the petitioner Institute. This document is issued by a Government body. The postal address has been mentioned therein. Even on a specific query put to learned counsel for respondent No. 2 on this score, he does not deny that if any document is posted at this address, the same would not reach that

place. It is also an admitted fact that the water receipt bill had been uploaded by the petitioner evidencing the address proof. This objection thus has no merit.

Qua the third objection that the electricity bill was not provided (when the meter was sealed is 2016) and the affidavit qua this position is not acceptable, learned counsel for the petitioner points out that the latest electricity bill had not been provided to him by the Department; he had given an affidavit to the effect that the Department till the relevant date had not provided the electricity bill to him; he has placed on record an electricity bill dated 25.07.2017 to substantiate and explain this argument. A perusal of this document shows that the billing is for a period of 30 days and current demand and energy charges have been quantified in one column i.e. for the June-July, 2017; under the miscellaneous charges, a 15 months fixed charge has been levied upon the petitioner which is in the sum of Rs.50,251.28. Learned counsel for the petitioner points out that since April, 2016 up to 25.07.2016 (which would culminate into 15 months), the Institute was closed and not being functional only a fixed miscellaneous charges qua the electricity was levied upon the petitioner; this was because the Institute was not-functioning. This had been explained by the petitioner in the affidavit which he had filed detailing his submission that the electricity bill for the current month had not been given for the aforementioned reason. This explanation is also prima-facie evident from the aforementioned document (page 35 of the paper book) and thus answers this objection. In these circumstances, there was no reason for respondent No. 2 not to have

accepted this affidavit of the petitioner when the bill of 25.07.2017 clearly shows that it was a consolidated bill not only for the 30 days for the current month but also for the preceding 15 months and that was the reason why the petitioner could not produce the electricity bill for the relevant time.

The next objection is qua the internet bill. The document at page 37 dated 26.07.2017 shows that a router had been purchased; this was prior to the date of inspection which was on 28.06.2017. It is also not the case of respondent No. 2 that there was no internet connection; his case is that the internet bill was not provided. The document at page 37 which had admittedly been uploaded by the petitioner and was available at the site of respondent No. 2 clearly shows that the internet bill was available. Respondent No. 2 is in fact not really pressing this objection.

The last objection has been vehemently argued by respondent No. 2. His submission is that the letter from the Competent Authority (page 38-39 of the paper book) does not have a reference number. Learned counsel for the petitioner has drawn attention to the aforementioned document. His submission is that although admittedly this “praman patra” (dated 04.07.2017) does not have a (patrank/R. Number) yet the veracity of the document itself has not been disputed by respondent No. 2. It is not the case of respondent No. 2 that this certificate had not been issued by the BDO at Rampur, Maniharan, Saharanpur. This document states that the petitioner Institute does not fall near highway or in Nagar Palika/Nagar Nigam, Development plan or any master plan; this certificate certified that the Institute has

been built and is perfect for running an ITI. The objection qua this NC only states that the letter from the Competent Authority is without the reference number. The argument of the learned counsel for the petitioner has force; this objection is not qua the genuineness or the authenticity of the document. If there was a procedural irregularity on the part of the Government body and the reference number has not been mentioned in the document, the genuineness of which is otherwise not in question, this Court is of the view that this procedural irregularity on the part of the Government body should not prejudice the case of the petitioner.

All the aforementioned objections have been taken care. It is a clear case where the case of the petitioner should have been considered positive by respondent No. 2.

Respondent No. 2 is accordingly directed to process the application of the petitioner and forward the same to respondent No. 1 for necessary compliance. This be done within a period of 10 days from today.

Petition disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

AUGUST 10, 2017

A