



FEES REGULATING AUTHORITY

Maharashtra Unaided Private Professional Educational Institutions
(Regulation of Admissions and Fees)

"शिक्षण-नव्वेव्यवसाय -ज्ञान यज्ञ"

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Minutes of Meeting of Authority

Dt. 19/01/2023

The Meeting of the Fees Regulating Authority (constituted under section 11(2)(3)(4) of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 held on **19th January 2023** in the Conference Hall, Room No. 305, Government Polytechnic Building, 49 Kherwadi, Ali Yawar Jung Marg, Bandra (E), Mumbai - 400 051.

The following were present/absent:

1.	Hon'ble Justice V. L. Achliya (Retd.), Chairperson of Fees Regulating Authority	:	Present.
2.	Dr. Vijay Vasant Khole, Ex-Vice Chancellor, Mumbai University, Member of Fees Regulating Authority	:	Present.
3.	Shri. Manoj Damodar Chandak, Chartered Accountant, Member of Fees Regulating Authority	:	Present.
4.	Shri. Ratnakar (Shirish) Phadtare, Cost Accountant, Member of Fees Regulating Authority	:	Present.
5.	Shri. Dharmendra Dilip Mishra, Professional Educationist, Member of Fees Regulating Authority	:	Present.
6.	Registrar, Maharashtra University of Health Science, Nashik, Ex-Officio Member of Fees Regulating Authority	:	Presence is dispensed for a day.
7.	Director, Directorate of Technical Education, Mumbai, Ex-Officio Member of Fees Regulating Authority	:	Absent.
8.	Director, Directorate of Higher Education, Pune, Ex-Officio Member of Fees Regulating Authority	:	Absent.
9.	Member Secretary of Maharashtra Council of Agricultural Education of Research, Pune, Ex-Officio Member of Fees Regulating Authority	:	Presence is dispensed for a day.
10.	Shri. L. S. Mali, I.A.S., Secretary of Fees Regulating Authority	:	Present.

Item No.1: To consider the Review Applications received from the Colleges/Institutes running the courses mentioned below as against the fees approved by the Authority for the academic year 2022-2023.

"Discussed.

After providing the opportunity of hearing to the person/persons representing the colleges/institutes mentioned below, it was decided to revise their fees as under:-

Sr. No.	Review Application No.	Name of the Institute	Course	After hearing, Fees Revised for the A.Y. 2022-2023
1	08/2022	Shri Tuljabhavani College of Engineering, Tuljapur, Osmanabad Code No. : EN2131	ENGG.	62,000/-
2	127/2022	Adarsha Shikshan Prasarak Mandal's K.T. Patil College Of Pharmacy, Osmanabad Code No. : PH2151	PHARM D	84,000/-
3	32/2022	B S Bandekar College Of Fine Art (APPLIED ART) Code No. : AA0003	Applied Arts	19,000/-
4	107/2022	College Of Agriculture, Sangulwadi Code No. : BSCA11167	B.Sc.Agri	58,000/-
5	02/2022	Bharatratna Indira Gandhi College of Engineering, Solapur Code No. : EN6219	B.ENGG.	47,000/-



**Review Application No. 68/2022 filed by Dr. Smita Ghogare
Physiotherapy Institute (PT06367).**


The following were present;

1. Dr. Manoj Ghogare, the Secretary of Trust.
2. Mr. N.R. Kabra, the Chartered Accountant of the Institute.

Heard.

In brief, it is contended though the Authority has approved the fees as per the demand made by the Institute there was a mistake in mentioning the figure of the demand. It is submitted that the fees as worked out by the software came to be mentioned as fees demanded by the Institute. It is submitted that the Authority has finalised the fees for the academic year 2022-2023 and confirmed the Adhoc fees for the academic year 2020-2021 and 2021-2022. It is submitted that though the Institute was granted permission to admit the students from the academic year 2020-2021 but permission was granted at very late stage. The Institute could admit only 9 students in the month that too in March 2021. Due to this reason, there was negligible expenditure during the Financial Year 2020-2021 which was considered as a basis in deciding the proposal for the academic year 2022-2023 and confirming the Adhoc fees for the academic year 2020-2021 and 2021-2022. It is submitted that the fees as decided by the Authority to be charged for the entire course duration provided in section 14(6) of the Act of 2015. It is further submitted that from the academic year 2021-2022, the Institute has really incurred the expenditure required to be made for running said course. In this background, it is requested to review the decision by considering the Audited Financial Statements for Financial Year 2021-2022.

It is pointed out to the officials of the Institute that in terms of section 14(1)(a) of the Act of 2015, the Authority has decided the proposal based upon the Audited Financial Statements and particularly the income and expenditure of the preceding financial year and therefore there was no mistake apparent on the face of the record to review the decision taken by the Authority. It is further pointed out that in the circumstances pleaded by the Institute/College may adopt all the remedy provided under section 14(6) of the Act of 2015 to seek permission to revise the fees of the second and subsequent year.



On satisfaction that there was no mistake on the part of Authority in deciding the proposal, the Secretary of Trust requested to allow the Institute to withdraw the Review Application with liberty to adopt appropriate remedy as provided under the law which including application u/s 14(6) of the Act of 2015. The application filed for withdrawal of the Review Application taken on record.

Allowed to withdraw with liberty as prayed for.

Review Application No. 127/2022 filed by Adarsha Shikshan Prasarak Mandal's K. T. Patil College Of Pharmacy, Osmanabad (PH2151).

The following were present;

1. Mr. Santosh Kulkarni, the Director of the Institute.
2. Dr. Amol Joshi, the Principal of the Institute.
3. Mr. Bapusaheb Mohite, the Accountant of the Institute.
4. Mr. Rahul Sagar, the Chartered Accountant/ representative of the Institute.

Heard.

The Insitute has filed the composite Review Application to review the fees approved by the Authority for the academic year 2022-2023 in respect of B.Pharm and Pharm D courses run by the Institute.

In brief, it is contended that the fees has been approved on the basis of Audited Financial Statements for the Financial Year 2020-2021. During said period the expenditure of the Institute was comparatively reduced due to the impact of the pandemic of COVID-19. In the next acadenuc year, the Institute has purchased the instruments worth Rs. 50,00,000/-. The Institute is having huge amount to be received from the Social Welfare Department and Directorate of Technical Education, Government of Maharashtra towards scholarship. Considering the financial crisis the Institute is facing, fees of the B.Pharm course and Pharm D courses be approved as Rs. 98,000/- and Rs. 90,000/- respectively.

The Authority is guided by the statutory provisions in deciding the fees of the Institute. The fees is to be decided on the basis of factors mentioned in section 15 of the Act of 2015. Section 14(1)(a) of the Act of 2015 prescribe the procedure to be adopted by the Authority in determining the reasonableness of the fee structure of the individual. The Income and Expenditure of the preceding financial year form the basis in determining

the fees of next year. There is no mistake apparent on the face of the record committed on the part of Authority in deciding the fees of the B.Pharm course run by the Institute. The amount claimed to be incurred in purchasing the items for the library in the year 2021-2022 apparently the expenditure of capital in nature for which the Institute can claim depreciation while submitting proposal for next academic year i.e. 2023-2024. The fees has been decided on the basis of the proposal submitted by the Institute along with supporting evidence including Audited Financial Statements for the Financial Year 2020-2021. In that view no case made out to review the decision of the Authority in finalising the fees of the B.Pharm course run by the Institute for the academic year 2022-2023. Accordingly, the Review Application is rejected in toto to the extent of the B.Pharm course.

The Review Application is partly allowed to the extent of the PharmD course after considering the affiliation fees paid to the Affiliating Authority and University which was wrongly claimed by the Institute under the head of expenditure made for the B.Pharm course. After allowing the said expenditure as made for the PharmD course, the fees is revised as Rs. 84,000 per student.

The Review Application is disposed of in the above terms.

Review Application No. 111/2022 filed by V. P. College Of Pharmacy, Sindhudurg (PH3490).

The following were present;

1. Mr. Sunil S, the Principal of the Institute.
2. Mr. Pankaj P, the Administrative Officer of the Institute.

Heard.

It is brief, it is contended, the Institute has demanded the approval of fees of Rs. 70,000 per student for the academic year 2022-2023. In respect of the B.Pharm course run by the Institute. But the Authority has approved the fees of Rs. 51,000/-. It is contended that the fees as approved is adequate to meet the expenditure to run said course. It is further submitted that expenses which were disallowed by the Authority be allowed and the fees be approved as Rs. 70,000/- per student for the academic year 2022-2023.

The Authority is of the view that the Review Application filed by the Institute is devoid of merit. There is no mistake apparent on the face of the

record to review the decision taken by the Authority finalising the fees of the Institute. In fact certain expenses like transport charges, building repairs and other expenses claimed by the Institute but disallowed by the software were allowed by the Authority while finalising the fees.

The fees of the Institute was reduced due to the fault on the part of the Institute to pay the salary in cash to the staff members. As per the norms, though it is provided that the Fees Regulating Authority, can disallow to the payment of salary made in cash to the extent of 50% of such amount paid in cash still the Authority has adopted the liberal approach and made the deduction to the extent of 25% only. The Institute was given the clear understanding that the repetition of such acts in future would result in 50% deduction of salary if paid in cash. The Institute could not any cause to justify the payment of salary in cash to the staff. Then the Institute has failed to make out any case to review the decision taken by the Authority. The Review Application is devoid of merit and liable to be rejected. Accordingly, the Review Application is rejected.

Review Application No. 118/2022 filed by Shri Angarsiddha Shikshan Prasarak Mandal's Aspm College Of Pharmacy, Vaibhavwadi, Sindhudurg (PH3493).

The following were present;

1. Mr. Sudhakar Y, the Member of the Trust.
2. Mr. Mahesh Patil, the Head of the Department of the Institute.
3. Mr. Jyotiram, the Office Superintendent of the Institute.

Heard.

In brief, it is the contention of the Institute that as against the demand of the fees of Rs. 80,716/- made by the Institute for the academic year 2022-2023, the Authority has approved the fees as Rs. 61,000/- per student. For the academic year 2020-2021, the Authority has approved the fees of Rs. 70,000/- per student and the same fees was charged by the Institute for the next academic year 2021-2022. It is contended that the Authority has reduced the salary expenditure by 25% which has resulted in a considerable reduction in fees of the Institute in comparison to fees approved for the previous academic year.

The Authority is of the view that the Review Application filed by the Institute is devoid of merit. There is no mistake apparent on the face of the record in deciding the fees of the Institute as Rs. 61,000/-. As per the

norms provided by the Authority, the Institute was required to pay the salary to its staff by way of Bank Transfer. However, the Institute has shown to have made payments of more than 64 lakhs to its staff in cash. For non-compliance of the norms, the payment of salary made by the Institute in cash liable for deduction to the extent of 50%. However, the Authority has taken a liberal view in the matter. Instead of disallowing the salary paid in cash to the extent of 50%, the Authority has disallowed the same to the extent of 25% only. The Institute has failed to justify the payment of 64 lakhs in cash to its staff. The Institute was already put to notice that the repetition of such acts in future, may result in a deduction to the extent of 50%.

In view of the above, there is no merit in the Review Application filed by the Institute. Accordingly, the Review Application is rejected.

Review Application No. 150/2022 filed by Iqra Unani Medical College, Jalgaon(UN0004).

Heard.

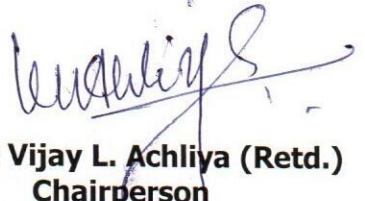
Mr. Shaikh Afzal Murad, the Accountant of the Institute appeared and submitted that while deciding the fees, the Authority has disallowed the expenses incurred towards building maintenance, general maintenance, office expense and miscellaneous expenses.

It is pointed out to the representative of the Institute, that the expenses which are claimed by the Institute as disallowed by the Authority, in fact already considered and allowed by the Authority while finalising the fees of the Institute. The note to that effect has been recorded in the overall comment box which was probably not noticed by the Institute before filling the review application.

In view of the above, the Review Application is disposed of as rejected".

Date: 19th January 2023

Place: Mumbai


Justice Vijay L. Achliya (Retd.)
Chairperson
Fees Regulating Authority
State of Maharashtra