



FEES REGULATING AUTHORITY

Maharashtra Unaided Private Professional Educational Institutions
(Regulations of Admission and Fees)

"शिक्षण-नव्वेवसाय -ज्ञान यज्ञ"

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Meeting Date: 9/10/2019

Minutes of the 159th Meeting of the Fees Regulating Authority (constituted under section 11(2)(3)(4) of the Maharashtra Unaided Private Professional Educational Institutions (Regulation Admissions and Fees) Act, 2015) held on **Wednesday, the 9th October, 2019 at 11:00 a.m.** in the Conference Hall, Room No. 305, Government Polytechnic Building, 49 Kherwadi, Ali Yawar Jung Marg, Bandra (E), Mumbai - 400 051.

Following were present:

1.	Hon'ble Justice M.N. Gilani, (Retd.)	:	Chairperson
2.	Dr. R.S. Mali	:	Member
3.	Shri Ravindra Dahad	:	Member
4.	Shri. Mangesh P. Kinare	:	Member

Item No. 1: To confirm the minutes of the 158th Meeting of the Fees Regulating Authority.

The Minutes of the 158th Meeting dated 4th September, 2019 of the Fees Regulating Authority are confirmed and approved.

Item No. 2 : To consider and decide on letter dated 7/8/2019 received from the Principal, Lokmanya Medical College of Physiotherapy, Navi Mumbai regarding reviewing the adhoc fee for the A.Y. 2017-18 and 2018-19 (Ref: Item No. 5 in the meeting dated 4/9/2019).

This is in the matter of review of fees for A.Y. 201718 and 2018-19.

Heard Dr. Shweta S. D. Phadke, Professor and Principal.

Lokmanya Medical College of Physiotherapy started conducting B. Physiotherapy course since the A.Y. 2017-18. Their fees proposal for A.Y. 2019-20 was considered in the meeting dated 24/1/2019. Adhoc fee for A.Y. 2017-18 Rs. 65,000/- and A.Y. 2018-19 Rs. 80,000/- was confirmed. Fees for A.Y. 2019-20 at Rs. 80,000/- was

approved. Aggrieved by this, the management sought review. In the review application following was categorically mentioned "review application for the year 2019-20". In the meeting dated 27/3/2019 management was heard. Fee structure for A.Y. 2019-20 was revisited and revised to Rs. 1,12,000/-.

It is a case of management that on the basis of fees fixed for A.Y. 2019-20, the fees for previous academic year, it being adhoc, ought to have been fixed. It is pertinent to note that such request has been made after lapse of more than 4 months from the date of decision of review application. Obviously, this appears to be acquiescence on their part. Contention of the college that during hearing of review application, fee structure for A.Y. 2019-20 was only discussed has no substance. In fact it was omission on their part to raise the said issue. Even in the review application, prayer is restricted to fee structure for A.Y. 2019-20. Ignoring procedural short comings and condoning act of omission, we propose to decide the matter on its merit.

Considering that request is to revise fees retrospectively in relation to students in the batches A.Y. 2017-18 and 2018-19, their representatives were put the notice. 5 students of each batch appeared. According to them any increase in the fees will not be acceptable to them.

We have considered pros and cons of the matter. The norm that the confirmation of adhoc fee shall depend upon the final fees is not hard and fast rule. This is preceded by the word 'normally'. Further, in case of new college there is a problem of denominator factor although substantial expenditure is required to be made to start the institute. For 4 years course, full strength is achieved after 4 years which is the real denominator factor.

For A.Y. 2017-18 this Authority had declared Rs. 65,000/- fees as adhoc fee. Considering overall expenditure required to be incurred to run the course it was found less and hence it was increased to Rs. 80,000/- for A.Y. 2018-19. Having regard to fees which is worked out for A.Y. 2019-20 we find that some increase in the fee structure for A.Y. 2017-18 will be justified. Therefore, we propose fees of Rs. 72,000/- for the batch of student A.Y. 2017-18, however it shall be payable only for reaming academic years i.e. for 2019-20 and 2020-21. So far as fees for A.Y. 2018-19 is concerned, it appears reasonable. Same view is taken in case of Dr. G. D. Pol Foundation's YMT College of Physiotherapy, Navi Mumbai. In all respects both colleges are on par.

While considering increase in the fees retrospectively it is to be borne in mind that the students while seeking admission have before them particular fee structure. They have legitimate expectation that the same fee structure would apply till they complete entire course. Thus any retrospective increase in the fees will harm the interests of students who have already secured the admission and prosecuting studies. Powers of this Authority to enhance fees retrospectively are circumscribed. Exception to this can be on case to case basis particularly when proposed increase is marginal.

Thus the fee for the batch of A.Y. 2017-18 shall be Rs. 72,000/- however the increase shall be prospective i.e. from the A.Y. 2019-20. So far as fees for the batch of A.Y. 2018-19 is concerned, there shall be no change.

Item No. 3 : To consider and decide on email letter dated 24/7/2019 received from the Principal D.P. Nursing School and Research Institute, Seloo, Wardha regarding approval of fees for the A.Y. 2019-20.

In the A.Y. 2017-18 fees for RANM course was approved by Fees Regulating Authority. For A.Y. 2018-19 they opted by the same fee. College did not submit fees proposal for A.Y. 2019-20. Vide communication dated 30/7/2019 the college was asked to submit hard copy of the fees proposal same is received by this office on 1/8/2019.

In the meeting this has been examined. It is noticed that income and expenditure and balance sheet is not properly prepared. It lacks many details. On calculation, fees comes to Rs. 70,000/- for A.Y. 2019-20.

Item No. 4 : To consider and decide on letter dated 10/8/2019 received from the Principal, Pawan Bahhudesiya Shikshah Samajit Vikas Sanstha's Chetna Nursing Institute Wardha retention of same fees for the A.Y. 2019-20 (Ref: Item No. 5 in the meeting dated 4/12/2018).

Read Communication dated 10/8/2019 received from this college.

Fees for A.Y. 2017-18 was decided. College retained the same fees for A.Y. 2018-19. Now the college wants to continue the same fee structure. Prima facie this cannot be allowed. During inspection of this college large numbers of deficiencies were noticed. The college to submit hard copies of the proposal, since online portal for A.Y. 2019-20 is already closed.

Office to inform the concerned accordingly.

Item No. 5 : To consider and decide the impact on fee structure pursuance to the directions issued by Government of Maharashtra vide order dated 13th September, 2019 published in the gazette.

Discussed.

Item No.6: In the matter of approval of fee structures for A.Y. 2019-20 relating to RANM course conducted by Kiran School of Nursing (RANM), Dhule.

College submitted fee proposal for A.Y. 2017-18. This Authority approved fee structure at Rs. 40,000/-. In the next A.Y. 2018-19 No Upward Revision was sought. The college retained the same fee. No fee proposal for A.Y. 2019-20 has been submitted. The college wants to apply same fee structure.

Considering quantum of fees which is bare minimum, request is allowed. Fees for RANM course for A.Y 2019-20 shall be Rs. 40,000/-.

The college shall submit balance-sheet, income and expenditure, audit report and actual strength of student for financial year / academic year 2017-18. College also to provide information relating to fees collected from backward category students, whether reimbursement claimed from the Government and on receipt of the grant whether fees refunded to the respective student. This information should be for A.Y. 2016-17, 2017-18 and 2018-19.

Item No.7: In the matter of approval of fee structures for A.Y. 2019-20 relating to RANM course conducted by Sau R.G. Mali Nursing School, Dhule.

College submitted fee proposal for A.Y. 2017-18. This Authority approved fee structure at Rs. 40,000/-. In the next A.Y. 2018-19 No Upward Revision was sought. The college retained the same fee. No fee proposal for A.Y. 2019-20 has been submitted. The college wants to apply same fee structure.

Considering quantum of fees which is bare minimum, request is allowed. Fees for RANM course for A.Y 2019-20 shall be Rs. 40,000/-.

The college shall submit balance-sheet, income and expenditure, audit report and actual strength of student for financial year / academic year 2017-18 College also to provide information relating to fees collected from backward category students, whether reimbursement claimed from the Government and on receipt of the grant whether fees refunded to the respective student. This information should be for A.Y. 2016-17, 2017-18 and 2018-19.

Item No.8: In the matter of approval of fee structures for A.Y. 2019-20 relating to RANM course conducted by Rajani Smruti Nursing School, Dondaicha, Dhule.

College submitted fee proposal for A.Y. 2017-18. This Authority approved fee structure at Rs. 60,000/-. In the next A.Y. 2018-19 No Upward Revision was sought. The college retained the same fee. No fee proposal for A.Y. 2019-20 has been submitted. The college wants to apply same fee structure.

Since the college deliberately did not submit fees proposal and did not divulge necessary documents, the fees for RANM course for A.Y. 2019-20 shall be Rs. 55,000/-.


Further the college shall submit balance-sheet, income and expenditure, audit report and actual strength of student for financial year / academic year 2017-18. College also to provide information relating to fees collected from backward category students, whether reimbursement claimed from the Government and on receipt of the grant whether fees refunded to the respective student. This information should be for A.Y. 2016-17, 2017-18 and 2018-19.

Item No.9: In the matter of approval of fee structures for A.Y. 2019-20 relating to RANM course conducted by Sattabai Landge Nursing College, Nanded

College submitted fee proposal for A.Y. 2017-18. This Authority approved fee structure at Rs. 43,000/-. In the next A.Y. 2018-19 No Upward Revision was sought. The college retained the same fee. No fee proposal for A.Y. 2019-20 has been submitted. The college wants to apply same fee structure.

Since the college deliberately did not submit fees proposal and did not divulge necessary documents, the fees for RANM course for A.Y. 2019-20 shall be Rs. 41,000/-.

Further the college shall submit balance-sheet, income and expenditure, audit report and actual strength of student for A.Y. 2017-18. College also to provide information relating to fees collected from backward category students, whether reimbursement claimed from the Government and on receipt of the grant whether fees refunded to the respective student. This information should be for A.Y. 2016-17, 2017-18 and 2018-19.



Item No.10: In the matter of approval of fee structures for S.Y.B.Pharm students for A.Y. 2019-20 conducted by Saraswati Institute of Pharmacy (D.Pharm & B.Pharm), Nanded.

This relates to letter dated 16/9/2019 received from the college. The college started in the A.Y. 2018-19 and adopted adhoc fee structure. As per section 14(6) the fee structure remains the same till completion of course by such student in the concerned college.

Therefore, the students admitted in the batch of A.Y. 2018-19 shall continue to pay Rs. 70,000/-, unless modified, till they complete entire course. As regards students admitted in A.Y. 2019-20, they will be governed by adhoc fee structure declared by this Authority for said academic year. In case of new college, adhoc fees declared by this Authority for the respective academic years are applicable to respective batches, subject to modification.

The college will have to submit fee proposal for A.Y. 2020-21. In that the adhoc fee structure of previous academic years will be considered and shall apply to respective batches.

Concerned to take note.

Item No.11: In the matter of approval of fee structures for Physiotherapy course for A.Y. 2020-21 conducted by Miraj Medical Centere's College of Physiotherapy Wanless Hospital, Miraj.

In the A.Y. 2018-19 this Authority approved fee structure and allowed college to collect Rs. 80,000/- per student. No Upward Revision was sought in the next academic year i.e. 2019-20. Now the college wants to retain same fee structure for A.Y. 2020-21.

The fee structure is determined considering various factors and is "cost based". It is not known whether the expenditure of the college remains the same in the next academic year. Further bare minimum requirement of teaching and non-teaching faculty, availability of infrastructure are decisive factors while approving the fee structure. It is therefore, desired that the college cannot be allowed to continue with the same fee structure without submitting proposal. By submitting fee proposal, they may not ask for upward revision. However, requirement of submitting fee proposal is required to be fulfilled. Continuing with same fee structure without submitting fees proposal and without submitting the same to the scrutiny by this Authority, cannot be allowed.

Therefore, it is desired that college shall submit fees proposal for A.Y. 2020-21 within time prescribed. Office to communicate to the concerned accordingly.

In future, this Authority will not undertake exercise to determine fees, in absence of fees proposal. Any institute / college choosing not to submit the fees proposal for relevant academic year as required under the Act, shall be doing so at its risk. All concerned to note.

Item No.12: In the matter of approval of fee structure for A.Y. 2019-20 relating to B. Architecture course conducted by Vidyavardhan's IDEA Institute of Design Environment and Architecture, Nashik.

The college started in A.Y. 2017-18 to conduct B. Architecture course with intake capacity of 40. It was increased to 80 since A.Y. 2018-19. The college collected Rs. 80,000/- from the students in the batch of 2017-18. This is the adhoc fees declared by this Authority. In the A.Y. 2018-19 the college collected Rs. 95,000/-. Same is the adhoc fee declared by this Authority.

The college was required to submit fees proposal for A.Y. 2019-20 on or before 31/10/2018. The college tried to fill online proposal but did not confirm it. Therefore, there being no submission of the proposal, it was not considered by the Authority. However hard copies have been submitted.

Mr. Vivek s. Patankar, Faculty Professor, Mr. Akshay Laddha, C.A. and Mrs. Hema Joshi, Administrator staff appeared before the Authority and explained the difficulties faced by them. The hard copies submitted have been verified and checked, by this Authority.

Adhoc fee for B. Architecture course for A.Y. 2019-20 declared by this Authority is Rs. 1,05,000/-. It is explained that same amount of fees is collected from the student in batch of A.Y. 2019-20. The college wants to adhere to the same fee structure. This is much lower than what comes out after examining statement of income and expenditure and other relevant documents.

In view of the above fee structure for A.Y. 2019-20 shall be Rs. 1,05,000/-. The college is advised to submit fees proposal for A.Y. 2020-2021, without fail. In case of any difficulty they are free to contact the office of Fees Regulating Authority for guidance.

Item No.13: In the matter of approval of fee structure for 2019-20 from first year to 3rd year relating to B. Pharmacy college conducted by Gurukrupa Institute of Pharmacy, Majalgaon, Dist- Beed

Read communication dated 23/9/2019. In view of withdrawal of communication matter stands disposed of.

Item No.14: In the matter of fees for admitted students in management quota for F.Y. 2019-20 conducted by Chhatrapati Shahu Maharaj Shikshan Sanstha College of Agriculture, Aurnagabad.

Read communication dated 30/8/2019 received from Chhatrapati Shahu Maharaj Shikshan Sanstha College of Agriculture. This is regarding fees to be collected from the students admitted under management quota. The college desires that they be allowed to collect Rs. 1,05,000/- for A.Y. 2019-20.

Since the Act does not provide for different fee structure on the basis of categories of the students, view of the Government will have to be obtained. In case of Health Science Courses, procedure of considering view of various agencies was followed. Therefore, office to seek views of the Government, in the Department of Agriculture.

Item No.15: In the matter of approval of fee structure for A.Y. 2018-19 and A.Y. 2019-20 relating to RANM course conducted by Kinkar School of Nursing, Seloo, Wardha.

Read Communication dated 10/8/2019 received from this college.

Let the college collect adhoc fee of Rs. 40,000/- from the students in batches for A.Y. 2018-19 and 2019-20.

Meanwhile college to supply following information :

- i) Strength of Student
- ii) Income and Expenditure accounts
- iii) Balance sheet
- iv) Auditors report of relevant financial years
- v) Permission letter of the Authority.

Item No.16: In the matter of request for approval of fee structure for A.Y. 2019-20 relating to RANM course conducted by Sant Dnyaneshwar Institute of Nursing Education, Pune.

The Institute did not submit online fee proposal for reason mentioned in the communication.

Hard copy submitted verified. Fees comes to Rs. 40,000/- for A.Y. 2019-20.

Item No.17: In the matter of request to approve fee structure for A.Y. 2018-19 and 2019-20 relating to RANM course conducted by Smt. Padmini Institute of Nursing and Paramedical Science, Sangli

Read communication dated 18/9/2019 received from Smt. Padmini Institute of Nursing and Paramedical Science, Sangli.

Fees for A.Y. 2017-18 was approved at Rs. 64,000/-. The institute did not submit fee proposal for A.Y. 2018-19 & 2019-20.

Hard copies of proposal now examined, following comes out:

Cash payment to all staff confirmed from Ms. Swati More, Principal of the institute on phone in Authority Meeting dated 9th October, 2019.

1	Total expenses	30,13,375/-	
2	Less salary disallowed	14,25,000/-	disallowed 50%
3	Total expenses (1-2)	15,88,375/-	
4	Usage charge	2,00,000/-	
5	Total expenses (2+3)	17,88,375/-	
6	Increase 10%	1,78,838/-	
7	Total of (5+6)	19,67,212/-	
8	F. Y. 2018-19 and A.Y. 2020-21 Tuition fee =	49,180/-	
9	A.Y. 2019-20	44,265/-	
10	Development fee (10% of 9)	4,427/-	
11	A.Y. 2019-20 Total fee	48,692/-	
12	10% less A.Y. 2018-19	43,823/-	

Rounded to Rs. 45,000/- for A.Y. 2018-19 and Rs. 50,000/- for A.Y. 2019-20 .

Item No.18: To consider and decide on letter dated 1/8/2019 and 11/9/2019 received from the Secretary, Khatoon Minority Women's Social Welfare and Educational Society, Malegaon, Nashik requesting to approve Adhoc fees for the first year of B.U.M.S. course for A.Y. 2019-20 similar to Adhoc fee for A.Y. 2019-20 for BAMS course.(Ref : Item No. 4 in meeting dated 4/9/2019)

Heard Mr. Rizwan Shaikh and Mr. Rehan Shaikh.

This college started in the A.Y. 2019-20 to conduct BUMS course with intake capacity of 60. This Authority in its meeting dated 18/4/2019 declare adhoc fee structures for various colleges to be adopted by the colleges newly opened or for new course, as the

case may be. For BUMS course – adhoc fees - A.Y. 2018-19 was Rs. 85,000/- . It has been increased to Rs. 1,00,000/- for A.Y. 2019-20. The request of the college is to allow them to collect adhoc fees of Rs. 1,50,000/- at par with BAMS course.

It is pertinent to note that fee structure for BUMS and BAMS have been always different. In the process of approving fee structure finally it is noticed that fees for BUMS course is always less than what is approved for BAMS course.

The Authority considered the budgeted expenditure submitted by the College. This appears to be hugely inflated. Fees Regulating Authority also reviewed actual expenditure of other Unani Colleges and their fees. Fees for A.Y. 2019-20 for some Unani Colleges are as under:

Sr. No.	Name of the College	Fees for AY 2019-20
1	Ahmed Garib Unani Medical College & Hospital, Nandurbar	Rs. 1,00,000/-
2.	IQRA Unani Medical College, Jalgaon	Rs. 92,000/-
3.	Yunus Fazlani Unani Medical College & Al- Fazlani Unani Hospital, Aurangabad.	Rs. 1,04,000/-

All above colleges are conducting BUMS course since last many years. Their fees proposals have been examined in terms of prescribed norms. Besides salary / non salary expenditure, usual expenses on account of usages charges, rise on account of equalization factor, rise towards future development, expenses under heads advertisement, maintenance etc. have been allowed. Despite this whatever fees finally approved is around Rs. 1,00,000/- or less than that. Location wise also applicant-college and above three colleges are on par.

Considering all above facts, the Authority does not find it necessary to revise the adhoc fees of BUMS Course so far as it relates to the applicant-college.

Item No.19: In the matter of representation received from the Association of Managements of Unaided Private Medical and Dental Colleges of Maharashtra.

The representatives of the Association were invited to make submission. Accordingly 1. Dr. Suchitra Nagare 2. Mr. N.R. Kabra 3. Mr. Raju Sharma and others appeared before the Authority on 4th September, 2019 and raised various issues.

Again on 9th September, 2019 they were heard by the Chairperson, FRA.

Following are the issues raised by them :

1. Stipend: Stipend paid is expenditure of the college and not of the Hospital. Hence is required to be allowed as expenses of medical college.
2. NRI & Management Students Excess Fee: This is not additional or the other income. Hence cannot be deducted from the expenses incurred by the college.
3. Interest is the major cost for Medical College and Hospital. It requires to keep the college and hospital well maintained and well equipped with latest Instruments & machineries.
4. Hospital deficit: Hospital deficit has to be allowed in full.
5. Expenses towards additional staff, building cost to be considered.
6. 15% rise on notional basis is required to be given.

Findings of this Authority are as under:

1. Whether it is called stipend or salary, their services are essentially and predominantly used for hospital. Hence it can be rightly treated as hospital expenditure. It being hospital deficit is allowed as an allowable expenditure subject to some reasonable limits. The FRA relaxes these limits also in just and genuine cases. Hence colleges should not have any grievance on stipend matter. Most importantly, collecting as fees and giving the same amount as stipend is illogical. It is against the basic intention behind the scheme of stipends.
2. NRI and Management Quota fees: Although FRA allows this excess fees to be collected, it essentially reduces college expenditure. Allowing colleges to collect excess fees without deducting it from expenditure side would amount to tremendous profiteering by colleges. While allowing colleges to collect 4 or 5 times fees, FRA had categorically stated that such excess shall be adjusted. Hence, if we allow 4-5 times fees collection, we will also reduce such excess collection from your expenditure side. Both provisions will have to go hand-in-hand.
3. Interest on Development of college: FRA is allowing 10% Development fees every year. This is supposed to be used for such procurement of new equipments etc. If colleges give FRA the account of Development Fees so far (since inception) collected and extra equipments procured, this demand may be

considered. Moreover, depreciation is allowed on all extra equipments procured out of development fees.

4. The burden of needless charity done by colleges while running the hospital cannot be put on the shoulders of the students. Irrespective of the age of the hospital, hospital deficit has been allowed and it is 25,000/- per student. Earlier no hospital deficit was allowed in respect of Hospital which is 8 years old.
5. Excess staff: We are allowing certain percentage of excess staff as per the circular of MUHS.
6. Usage Charges have been increased substantially last year. We may again consider revision in usage charges at appropriate stage.
7. Comparison with Government College and private colleges are out of place.
8. Blanket rise of 15% without considering the actual expenditure will defeat the very purpose of check on profiteering. Unless there is due justification, fees cannot be even determined, let alone increased.
9. Recently, formula of equalization factor, has been introduced. Thereby there is substantial (on notional basis) rise in the fee structure per student.

Fundamental rights of colleges to run their administration, includes fixation of fee. However, such right in turn has to be balanced with the rights of the students, so that they are not subjected to exploitation in the form of profiteering. Put it differently, rights of the students in having access to higher education without being subjected to exploitation is required to be upheld. Always it has been an endeavor of this Authority to be fair and judicious to the stake-holders.

Accordingly, representation stands disposed of.



Date : 9th October, 2019
Place : Mumbai

CHAIRPERSON
FEES REGULATING AUTHORITY