



FEES REGULATING AUTHORITY

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

"शिक्षण-नव्वेव्यवसाय -ज्ञान यज्ञ"

Govt. Polytechnic Building, 305,
3rd Floor, 49, Kherwadi, Bandra (E),
Mumbai - 400 051.

E-mail: fra.govmh@gmail.com
Web: mahafra.org
Mob. No. : 8828786264

Minutes of Meeting of Authority

Dt. 08/04/2022

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 08th April, 2022 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 V.L. Achliya (Retd.)	:	Chairperson
2.	Shri. Manoj Damodar Chandak, Chartered Accountant	:	Member
3.	Shri. Ratnakar (Shirish) Phadtare, Cost Accountant	:	Member
4.	Shri. Dharmendra Dilip Mishra, Professional Educationist	:	Member
5.	Shri. L. S. Mali, IAS	:	Secretary

Dr. Vijay Vasant Khole, Ex-Vice Chancellor, Mumbai University, Hon'ble Member, Fees Regulating Authority, his presence is dispensed with.

Dr. K.D. Chavan, Registrar, Maharashtra University of Health Science, Nashik, & Shri. Vishwajit Mane IAS, Member Secretary of Maharashtra Council of Agricultural Education of Research, Pune (MCAER) the ex-officio members of the Authority their presence is dispensed with for a day.

Dr. Abhay E. Wagh, The Director, Technical Education, Mumbai & Dr. Dhanraj Mane, The Director, Higher Education, Pune the ex-officio members of the Authority are absent.

Part-II

Item No.1: To consider the complaint against Pune Vidyarthi Griha (PVG), Pune.

"Discussed.

The Complainant claims to be an ex-employee of Pune Vidyarthi Griha (PVG), Pune a registered Public Trust running various Institutes. According to the complainant, he has filed the complaints against the said Trust to various authorities including the Charity Commissioner, State of Maharashtra and Deputy Charity Commissioner, Pune alleging the

maladministration, mismanagement and misappropriation of funds of the Trust by the Trustees.

It is alleged that there is mismanagement in running the affairs of the said Trust. The Trustees are misusing the funds of the Trust. They are drawing huge salaries out of funds of the Trust. They have passed the resolution to sanction pension to themselves. The Trustees of the Trust are drawing the salary. The Trust is paying lifetime pension to its Trustees. The salary of some of the Trustees is much more than the salary of the senior teaching faculties and non-teaching staff. The trustees of the said trust are indulged in illegal activities. They are taking arbitrary and illegal decisions detrimental to the interest of the Trust. In one of the matters, the Hon'ble High court has passed an order to assess the financial condition of said Trust. The Trustees are collecting crores of rupees as donations in admitting students from the Management Quota. Instead of utilizing said amount for the development of the Trust, the trustees are misappropriating the same. So also the fees collected from the students admitted to Engineering College were diverted to other institutions. They are not paying the salary to the teaching and non-teaching staff as per the recommendations and directives of AICTE and DTE. The head accountant of the PVG Engineering College, Pune had made the complaint against the Trustees of the Trust that they have misappropriated the fees collected from the students. The Joint Director of Technical Education has appointed a Committee to scrutinize the financial transactions of PVG Engineering College, Pune. During the course of the enquiry, evidence has been produced to substantiate the allegations. It is also alleged that the institutions run by the said trust are charging the fees over and above the fees approved by the Fees Regulating Authority.

Although the complainant has made serious allegations against the Management running the Trust but same is to be enquired by the Charity Commissioner. The Complainant has mentioned in the complaint that he has lodged a complaint with the Charity Commissioner Mumbai and Deputy Charity Commissioner, Pune against the Management of the Trust. Considering the serious allegations the Charity Commissioner must be conducting an enquiry against the Management running the Trust.

Section 13 (2)(iii) of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 (hereinafter referred to as "the said Act 2015") provides jurisdiction to Fees

Regulating Authority to enquire the grievances of the Stakeholders. The scope of complaints of the Stakeholders to be enquired by the Fees Regulating Authority restricts to enquire into allegations regarding the act of 'Profiteering' committed on the part of Unaided Private Professional Educational Institutions.

The Fees Regulating Authority holds jurisdiction to entertain the Complaints received from the 'Stakeholders'. The word 'Stakeholders' has been defined u/s. 2(w) of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 (hereinafter referred to as "the said Act 2015") which reads as under;

'Stake-holders' means the management, the students studying in the respective institution and their parents';

The Complainant is not the Stakeholder within the meaning of section 2(w) of said Act of 2015 as he is neither the student nor the parent of the student studying in the Institution run by said Trust. The Complainant claims to be an ex-employee of the Trust. The grievance agitated in the complaint is against the Trustees of the Trust. The allegations made against the Trustees are about maladministration, mismanagement in running the affairs of the Trust as well as misuse of the funds of the Trust for the personal gain and benefits of the Trustees. Since the complainant is an ex-employee and donor of the Trust and not the Stakeholder within the meaning of section 2(w) of the said Act of 2015 the complaint filed by the complainant cannot be entertained and enquired by the Fees Regulating Authority in exercise of its Authority vested u/s. 13(2)(iii) of the said Act of 2015.

The enquiry into allegations of mismanagement, maladministration, in running the affairs of the Trust and the wastage of the Trust property, misapplication, and misappropriation of the funds of the Trust squarely falls within the domain of the Charity Commissioner. It was, therefore, decided not to entertain the complaint. Accordingly, the complaint is disposed of as not maintainable.

Since the complainant has made serious allegations against the Management running the Trust which include misutilisation, misapplication and misappropriation of fees collected from the students it was decided to preserve the copy of the complaint and the allegations made therein be



considered while dealing with the proposal for fixation of fees of the Institutions run by said Trust.

The Complaint is disposed of in the above terms".


Item No.2: To consider the various complaints received against Alamuri Ratnamala Institute of Engineering and Technology, Thane run by Koti Vidya Charitable Trust.

"Discussed.

The various Complaints received from the Social Worker, Office-bearers of a Political Party/Organization, Trade Union, Association, and Former Employees of the Institution/Trust are placed for the consideration of the Authority.

A perusal of Complaints reflects that none of the Complainants is a Stakeholder as defined u/s. 2(w) of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 (hereinafter referred to as "the said Act 2015"). Similarly, the grievance agitated in the complaints pertains to dispute amongst the employees/ex-employees and the Institution run by the Trust mentioned above. The Complainants are sending the Complaints making the same grievances to various authorities including the Fees Regulating Authority. It is apparent from the facts mentioned that the cognizance of the Complaints made by the Complainants has been taken by the Directorate of Technical Education, State of Maharashtra and appointed a Committee to look into the grievances made in the Complaints. It also appears that the Committee appointed by the Directorate of Technical Education, State of Maharashtra has recorded the statements of some of the Complainants during the course of enquiry.

The jurisdiction of the Fees Regulating Authority confines to deal with the grievances of Stakeholders the students or their parents in relation to the act of charging the capitation fees or act of profiteering on the part of the Management running the Institute. None of the Complainants who have forwarded the Complaints to the Fees Regulating Authority is a stakeholder as defined u/s. 2(w) of the said Act, 2015. So also the grievance agitated in the Complaints does not pertain to the act of charging a capitation fee or indulging in the act of profiteering as defined u/s. 2(s) of the said Act of 2015. In that view, the Complaints made by the Complainants are not maintainable before the Fees Regulating Authority.



Since the Complainants are not the 'Stakeholders' within the meaning of section 2(w) of the Act of 2015 and the grievance agitated in the Complaints does not fall within the jurisdiction of the Fees Regulating Authority it was decided not to entertain the Complaints made by the Complainants. Accordingly, the Complaints are disposed of as not maintainable.

It is noticed that some of the Complainants are repeatedly sending the complaints reiterating the same grievances to various Authorities including the Fees Regulating Authority although such Complaints are not maintainable before the Fees Regulating Authority. The Officials are required to spend considerable time in processing such Complaints. It was therefore decided that if any Complaint identical in nature received from a person other than Stakeholders in respect of grievance other than charging the capitation fee and/or profiteering then same be filed without processing the same before the Authority".

Item No.3: In the matter of St. Wilfreds College of Law, Panvel regarding non-compliance report.

"Discussed.

It is brought to the notice of the Authority that the inspection of the Institute was conducted on 10/05/2019 by the then Hon'ble Chairperson and the Member of Fees Regulating Authority. Based on deficiencies noticed the Institution/College was called upon by letter dated 19/07/2019 to produce the following documents;

Item No.1: Attendance registers of teaching and non teaching staffs were not shown.

Item No.2: Record of visiting faculties, Attendance register and proof of salary paid through bank.

Item No.3: Salary paid for teaching and non teaching staff statement counter signed by bank authority were also not shown.

Since the institution has failed to respond to the letter dated 19/07/2019, the reminder letter was sent to the Institute on 27/9/2019. However, the Management running the Institution neither complied with the direction given nor offered any explanation.

In view of the above, it was decided to direct the Principal of the College and the President as well as the Secretary of the Trust to personally appear before the Authority on 15/06/2022 and explain as to why an



appropriate action as provided under Law be not taken against the Institute and the Management running the Institute.

Follow up action be taken accordingly".

Item No.4: To consider the letter dated 29/09/2021 received from the College of Agriculture, Udgir, Latur.

"Discussed.

On due consideration of the letter of request received from the Principal and the report received from the Director of (Education) the Maharashtra Council of Agriculture Education & Research, Pune it was decided to call the Principal of the College for a hearing with relevant record.

List on 20/4/2021.

Follow-up action be taken accordingly".

Item No.5: To consider the letter dated 11/1/2022 of Khandesh College of Engineering Technology Jalgaon (EN5396), for the academic year 2021-2022.

"Discussed.

On due consideration of the letter dated 11/1/2022 the Authority is of the view to call the Principal of the College for a hearing.

List on 20/4/2021.

Follow-up action be taken accordingly".

Item No.6: To consider the letter dated 20/01/2022 of Swaraj Institute of Management, Satara (MB6813), for the academic year 2021-2022.

"Discussed.

The request of the Institution for a second no upward revision of fees for the academic year 2021-2022 cannot be entitled, within the scope of sec 14 (1) (b) of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 (hereinafter referred to as "the said Act 2015"). The Institute has already opted for no upward revision of fees in the academic year 2020-2021.

Issue notice to the Principal & the Management running the Institution to appear and explain as to why proceeding u/s. 14 (1) (b) be not initiated against them for non-submission of the proposal for approval of fees for the academic year 2021-2022 & penalty as provided u/s.20 of the said Act 2015 be not imposed against the Principal of the College and the Management of Trust running the Institute/College.

Follow up action be taken accordingly".

Item No.7: To consider the complaint against Shree L.R. Tiwari College of Law Mira Road.

"Discussed.

On due consideration of the complaint lodged by the student the Stake-holder and the explanation put forth by the Institute/College in response to the allegations made in the complaint, the Authority is of the view that a prima facie case has been made out to initiate proceeding u/s.14 of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015. The Institute has charged the fees over and above the fees approved by the Fees Regulating Authority.

Notice be issued to the Principal & the Office bearers of Trust to appear before the Authority on 20/04/2022.

Follow-up action be taken accordingly".

Item No.8: To consider the act of collecting hefty amounts from the students in the name of Caution money, Association etc. by the Unaided Professional Medical Educational Colleges/Institutions.

"Discussed.

Deferred."

Item No.9: To consider the letter dated 27/01/2022 of Jai Mahakali Shikshan Sanstha, Wardha, for the academic year 2021-2022.

"Discussed.

Deferred."

Date : 13th April, 2022

Place : Mumbai



JUSTICE VIJAY L. ACHLIYA (RETD.)
CHAIRPERSON
FEES REGULATING AUTHORITY
STATE OF MAHARASHTRA