



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. 18/05/2022

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 **18th May 2022** 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:

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

The presence of Dr. Vijay Vasant Khole, Ex-Vice Chancellor, Mumbai University, Hon'ble Member, Fees Regulating Authority, Dr. K.D. Chavan, Registrar, Maharashtra University of Health Science, Nashik, Dr. Dhanraj Mane, The Director, Higher Education, Pune & 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 at their request.

Dr. Abhay E. Wagh, The Director, Technical Education, Mumbai the ex-officio member of the Authority absent.

Item No.1: To consider the pending proposals for the fixation of fees for the academic year 2021-2022.

"Deferred".

Item No.2: To consider the deferred Review Applications received from the Institutes/Colleges running the courses mentioned below as against the fees approved by the Authority for the academic year 2021-2022.

"Discussed.

After providing the opportunity of hearing to the person/persons representing the college/institute mentioned below, it was decided to revise the fees of courses mentioned below run by Institute as under:-

Part – I

Sr. No.	Review Application No.	Name of the Institute	Course	After hearing, Fees Revised for the A.Y. 2021-2022
1.	EN-22/17	Progressive Education Society's Modern College of Engineering, Pune Code No. : EN6139	ENGG	1,04,000/-
			M.ENGG	1,04,000/-
			M.B.A.	1,11,000/-
			M.C.A	96,500/-

Part – II

Review Application No. BDS-22/02 filed by Nanded Rural Dental College and Research Centre, Nanded (BDS0025).

The following were present:

1. Dr V. V. Bhadrarao, the Principal of the Institute
2. Adv. Sanjay Kumar Sharma, the Chief Financial and Legal Advisor of the Institute
3. Mr Srinivas Kaswa, the Director.

Heard.

Mr Sharma, the Financial Advisor of the Institute submitted that the challenge raised in the Review Application confines to disallowance to the extent of 60% made by the Authority in respect of expenditure claimed towards Lab Material and consumables. He submitted that the Institute is having evidence to show that the expenditure as claimed was actually made by the Institute in the financial year 2019-2020.

Since the Institute has shown the amount of Rs. 1,16,71,106/- spend towards the purchase of Laboratory Material and Rs. 7,65,925/- & Demonstration Material, which was found to be unreasonable and excessive, the Authority has disallowed the expenses claimed to the extent of 60%. The Institute though claimed the expenditure of Rs. 1,16,71,106/- as material used in the Dental College no corresponding income recovered from patients treated was shown in the proposal.

In response to a query raised by the Members of the Authority, the Financial Advisor of the Institute has admitted that the amount of Rs. 72,72,500/- was generated as income from the OPD run by the Institute but the same has not been shown in the online proposal submitted by the Institute. He submitted that the said income has been shown in the balance sheet of the Trust as an income of the Trust. He admitted that in the online proposal the said income has not been mentioned in the column of income of Trust.

A perusal of the Balance Sheet of the Trust as well as Income and Expenditure Accounts reflects that the Institute has charged the locker rent and gymkhana fees from the students over and above the fees approved by the Fees Regulating Authority. In the financial year 2019-2020, the amount to the tune of Rs. 97,73,230/- was collected from students as locker rent and Rs. 8,05,500/- as Gymkhana fees. However, the same has not been shown in the online proposal as an income of the college/Trust.

Mr Sharma, the Financial Advisor of the Institute submitted that the amount towards locker rent and gymkhana fees was separately charged by the Institute under the belief that the same was not covered under the fees approved by the Fees Regulating Authority. As soon as it was realised that the Institute cannot charge the gymkhana fees and locker rent over and above the fees approved by the Fees Regulating Authority. The Institute has stopped charging the same from the financial year 2021-2022, as per his advice. He further submitted that the Institute is ready to refund and/or adjust the amount collected towards gymkhana fees and locker rent in the fees due and payable from the students who

are still prosecuting study in the Institute, if directed by Fees Regulating Authority. So also if directed the amount will be refunded to those students who have completed the course and left the college.

The officials present are directed to file year-wise and course-wise (Dental and Physiotherapy) statements giving details of the fees approved by the Fees Regulating Authority, the actual fees collected from the individual students including locker rent, gymkhana fees and the excess amount to be payable to individual student admitted during the academic years 2014-2015 till 2021-2022.

Adjourned for further hearing to 10/06/2022.

Review Application No. BDS-22/03 filed by Y.M.T. Dental College, Navi Mumbai (BDS0003).

For want of time Adjourn for verification of documents and taking decision to 25/05/2022.

Review Application No. MBBS-22/01 filed by Smt. Kashibai Navale Medical College, Narhe, Pune (MBBS0010).

For want of time Adjourn for verification of documents and taking decision to 25/05/2022".

Item No.3: Any other subject with the permission of the chair.

- (i) **To consider the request received from the Agnihotri college of Pharmacy (PH4161), Wardha seeking a second no upward revision of fees for the academic year 2021-2022 in respect of B. Pharm and M. Pharm courses run by the said Institute and the Ranibai Agnihotri Institute of Computer and Information Technology, Wardha (MC4156) for second no upward revision of fees in respect of MCA course run by said Institute for the academic year 2021-2022.**

"Discussed.

Dr Dharmendra Mundhada, the Principal of Pharmacy college present.

Heard.

In brief, it is submitted that in the month of January 2021 the Institutes mentioned above had sent a request through email to allow them to allow them to charge the fees for the academic year 2021-2022


on the basis of fees approved by the Authority for the academic year 2019-2020 in respect of B. Pharm, M. Pharm and MCA courses run by the Institutes mentioned above. However, the request of the Institutes in respect of said courses was not processed before the then Authority, though a similar request made in respect of other courses run by their Institutes was processed and considered by the then Authority. It is submitted that due to the pandemic of COVID-19 the Institute was not in a position to submit the online proposal for approval of fees for the academic year 2021-2022 and therefore the request was made to allow the Institute to continue to charge the fees as approved for the academic year 2019-2020.

The request of the Institute seeking a second no upward revision of fees cannot be entertained within the scope of exercise of powers of the Authority vested u/s 14 of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015. After reconstitution of Authority vide Government Notification dated 18/06/2021, the newly constituted Authority had examined the legal position while dealing with the similar request received from several institutions. On due examination of the request, the Authority has taken a categorical decision not to entertain such request. The decision to that effect taken by the Authority in its meeting held on 2nd September 2021 reads as under:

"Discussed.

It is pointed out the colleges/institutions mentioned in the list annexure 'A' have sent requests in the form of letters to allow them to charge the fees for the academic year 2021-22 on the basis of fees approved by the Authority for the academic year 2019-20. It is further pointed out that for the academic year 2019-20, the fees proposals of said colleges were approved and finalised by the Authority. For the academic year 2020-21, the said colleges have opted for no upward revision of fees. Some of the colleges mentioned in list 'A' though submitted proposals seeking upward revision of fees for the academic year 2021-22, send request for no upward revision for the academic year 2021-22.

The request made by the institutes/colleges seeking no upward revision for the second time cannot be entertained by the Authority within the scope of exercise of powers vested u/s 14(1)(b) of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admission and Fees) Act, 2015.



The colleges/institutes mentioned in list annexure 'A' have already availed the option of no upward revision for the academic year 2020-21. Hence their request for no upward revision cannot be entertained for the second time i.e. for the academic year 2021-22. In terms of section 14(1) the institutions are under obligation to submit the proposal on or before 31st October 2020. Some of the colleges/institutes mentioned in the list annexure 'A' though submitted the proposals for approval of fees for the academic year 2021-22 and same are pending for consideration before the Authority, still send letters to allow them to charge the fees for the academic year 2019-20. Infact, the colleges/institutes who have failed to submit the proposals as contemplated u/s 14(1) of the said Act, committed breach of the provisions of the Act, and liable for penal action as contemplated u/s 20 of the said Act of 2015. It is therefore decided to reject the request received from the colleges/institutes mentioned in the list annexure 'A'.

It is further decided that henceforth no such request for second or successive no upward revision to be entertained from any colleges/institutes and same shall be treated as rejected.

In order to provide opportunity to those colleges/institutes mentioned in the list Annexure 'A' who have not submitted the proposal for approval of fees for the academic year 2021-22, it is decided to allow them to submit the online fees proposals in a prescribed proforma with requisite documents, so as to reach the office of Authority on or before 30/09/2021. Failure to submit the proposals, by any such institutes/colleges the process be initiated for action u/s 20 of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015.

The list annexure 'A' shall be treated as part and parcel of the minutes of the meeting.

Let the follow up action be taken."

The above-quoted decision of the Authority has been published on the official website of the Fees Regulating Authority. The Management and the officials of the Institutes mentioned above are fully aware of the decision of the Authority. Despite that repeatedly pressed to allow their Institute to opt for a second no upward revision of fees.

The above-mentioned Institutes had applied for upward revision of fees in respect of B.Pharm, M. Pharm and MCA courses run by their Institute for the academic year 2019-2020. The proposal moved u/s 14(1)(a) of the Act 2015 was duly considered by the then Authority and approved the fees of Rs. 1,00,000/-, Rs.1,45,000/- and Rs.95,000/- respectively for said courses. For the immediate next academic year i.e. 2020-2021, the said Institutes opted for no upward revision of fees by

exercising the option available u/s 14(1)(b) of the Act 2015, to continue to apply the fees structure approved for said courses for the academic year 2019-2020 for the next academic year i.e. 2020-2021. With the option of no upward revision being availed in the academic year 2020-2021, the institute was not entitled to go for a second upward revision of fees for the academic year 2021-2022. In that view, the request of the Institutes for a second upward revision of fees is not tenable in law.


The said Institutes were statutorily required to submit the proposal for approval of fees for the academic year 2021-2022. However, the Institutes failed to discharge their statutory obligation as provided u/s 14(1)(a) of the Act 2015. By not submitting the proposal within the period prescribed u/s. 14(1)(a) of the Act 2015 for the academic year 2021-2022, the Management running the Institutes are liable to proceed u/s 20 of the Act of 2015.

In view of the above, the request of the Institutes for a second no upward revision of fees can not be entertained in law. It is therefore decided to reject the request of the Institutes seeking a second no upward revision of fees for the academic year 2021-2022.

In the facts and circumstances of the case that there was a lockdown in operation for a considerable period and said institutes were not able to get their accounts audited it was decided to afford an opportunity to said Institutes to submit the online proposal for approval of fees for the academic year 2021-2022. The link be made open for the said Institute w.e.f 19/5/2022 to submit the online proposal. The Institute is directed to submit the online proposal on and before 8/6/2022 and the hard copy of the proposal be submitted within one week thereafter. Failure to submit the proposal within the stipulated period, the matter be placed for the consideration of the Authority to initiate the proceeding u/s 20 of the Act 2015".

Date: 20th May 2022

Place: Mumbai


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