

**BEFORE THE CHAIRPERSON H.P. PRIVATE EDUCATIONAL INSTITUTIONS
REGULATORY COMMISSION AT SHIMLA**

**Case No. 4 of 2014
Filed on: 9.10.2014
Decided on: 30.03.2016**

Ms. Versha A Salve daughter of Shri Salve Appa Yashwant through her email address
(varsha_s@rediffmail.com) ... Complainant

Versus

APG University, Village Pujarli, Mehli-Shoghi Bye-Pass Road, Shimla (HP) through its
Registrar. ... Respondent

Refund of Security and Hostel fees

For the complainant: In Person Ms. Varsha Salve

For the respondent : Shri Rajan Sehgal, Registrar

PRELIMINARY ORDER

Complainant Ms. Varsha Salve filed a complaint and stated that she had taken admission in APG Shimla University for the course of MCA on 11.09.2014 and was allotted hostel. But due to non-providing of facilities as were informed, she left the University as well as hostel on the next day i.e. 12.09.2014. She requested for refund of security amount of Rs. 10,000/- and hostel amount of Rs. 20,000/- as she left the hostel on 12.09.2014 but the University authorities did not entertain her request.

On receipt of her complaint the H.P. Private Educational Institutions Regulatory Commission (hereinafter referred to as "Commission" for brevity sake) issued notice to the Registrar APG Shimla University on 27.10.2014 and directed to intimate reasons for non-refund of the amount to the complainant. The University did not care to reply the said notice. The Commission issued reminder on 8.12.2014 and sought reply to the notice by 10.12.2014. This time also the respondent University miserably failed to submit reply to the notice dated 27.10.2014. Thereafter the Commission issued notice on 19.10.2014 and directed the respondent University to submit its reply latest by 29.12.2014 and also to appear personally before the Commission on 5.1.2015. Complainant was also called for personal appearance on the said date.

On 5.1.2015 Shri Rajan Sehgal, Registrar APG Shimla University appeared in person. Ms. Varsha Salve, complainant also appeared in person.

Ms. Varsha Salve stated that on the basis of facilities shown in prospectus and information available at internet, she had come to Shimla from Mumbai and taken admission in APG University. She had deposited Rs. 31,000/- in cash towards hostel fee / security and for tuition fee she had tendered posted dated cheques. She stayed for one day in APG Hostel but no facilities like water and light were available which discouraged her and she left the APG University without attending any class. She has taken admission in Bahra University where she is doing MCA and student of 2nd year. She had to pay fee for 4th semester in Bahra

University and due to paucity of funds, she needs refund from APG University. With regard to post-dated cheques, she stated that when she did not attend any class, the payment against post-dated cheques has been frozen/ blocked. She requested for refund of Rs. 30,000/-. In support of her statement, she submitted written statement which was taken on record. Shri Rajan Sehgal Registrar did not submit any reply to the notice issued on 27.10.2014 even on the date of hearing i.e. 5.1.2015. With regard to non-reply to the notices dated 27.10.2014 and 8.12.2014, Shri Rajan Sehgal could neither give any satisfactory reply nor submitted any documentary proof. However, he stated that after examining the University record, appropriate action shall be taken.

After hearing both the parties, Shri Rajan Sehgal was directed to take necessary action in the matter and report was called for within two days.

On 16.01.2015. Office report called for. Shri Amit Katoch, Sr. Assistant stated that APG University has submitted its report which was received in the Commission on 9.1.2015. The same was taken on record. On examination of report/ documents submitted, it was observed that the University has not sent Information Brochure which was stated to be enclosed with the report. Registrar APG University was directed to submit Original Information Brochure applicable for admission of students in MCA for the session 2014-15 and the same to reach Commission by 20th January,2015. The University submitted the printed "Information Brochure" which was received on 22.01.2015.

I have gone through the entire case file meticulously. Respondent University in its reply/report stated that Ms. Varsha Salve approached University on 11.09.2014 and sought admission in MCA course. She deposited a post-dated cheque amounting to Rs. 35000/- for admission. Thereafter she deposited Rs. 31,000/- by cash and cancelled the post-dated cheque of Rs. 35000/-. It further stated that as per UGC guidelines, copy of which was enclosed with the reply, the fees will be refunded in case the vacant seat is filled by another candidate by the last date of admission. It further stated that the complainant was helped by the University by taking a post-dated cheque, which the complainant subsequently cancelled. Moreover, the seat vacated by Ms Varsha Salve could not be filled and therefore, no refund is payable. It further contended that the University accepted the cash as hostel fees keeping in view her post-dated cheque as tuition fees payment. But to the utter surprise of the University the complainant cancelled that cheque and left the University. It further contended that the University has very clearly stated its fees refund policy in the "Information Brochure" which states that refund of fees will only be entertained till 31.07.2014 provided the vacated seat is filled by another candidate. It further contended that in this case the complainant sought admission much after the last cut-off date of 31.07.2014 knowing fully well that no refund will be made as it was already a late admission case. The claim of the complainant has, therefore, been stated to be unjustified.

After going through the record submitted by both the parties and hearing submissions made by them, the following issues emerged for consideration and findings against each are recorded:

- 1. Whether Ms. Varsha Salve was admitted in the APG Shimla University within the admission schedule and whether the claim of the respondent University that Ms. Salve was admitted after the cut-off date of admission is right?**

Before proceeding further in this case it is essential to know the last date of admission. The Principal Secretary (Hr. Education) to the Government of Himachal

Pradesh vide its letter No. EDN-A-Ka(9)-2/2012-Loose dated 30.08.2014 decided as under:

“I am directed to refer to the subject cited above and to say that the matter regarding extending the last date for making admissions for the academic session 2014-15 in all UG/PG courses except UG course in Engineering and Technology, was under consideration for some time past. Now after careful consideration it has been decided that all admissions in UG/ PG courses for the academic session 2014-15 must be completed positively by 15/09/2014, unless a period beyond that is permitted by any All India Regulating Body like MCI/NCI/ etc.”

Therefore, the last date for admission in MCA course was 15.09.2014 and Ms. Salve had taken admission in MCA on 11.09.2014 which has duly been corroborated by the receipt No. 5729 dated 11.09.2014 issued by respondent University on 11.09.2014 when Security of Rs. 10,000/- and Hostel Fee of Rs. 20,000/- were charged in cash besides other charges of Rs. 1,000/-.

Therefore, Ms. Varsha Salve had taken admission in the APG Shimla University before the last date of admission (15.09.2014) and the claim of the respondent University is false that she had taken admission after the cut-off date i.e. 31.07.2014. In fact the University on the one hand has tried to admit the student within the extended period of admission whereas on the other hand it is denying refund on the pretext that the last date for refund was 31.07.2014. The dual stand of the University betrays a lack of consistency.

2. Whether the Security amount is refundable, if Ms. Varsha Salve left the University before last date of admission or midstream or after completion of course and whether the Hotel Fee and charges against others head are refundable fully or proportionately?

As per Fee Structure in the case of MCA courses approved by Government of Himachal Pradesh vide its letter No. EDN-A-Ka(5)-2/2014-Fee Structure dated 25.06.2014, One Time Caution Money for Hostel is Rs. 10,000 in the case of University and the same is refundable. It has further been stipulated that the University shall charge the fees under the four heads only and no other fees shall be charged under any other head. The four heads are as under:

1. Tuition & all other Fees (Annual in two equal Instalments	: Rs. 55,000/-
2. Institutional Development Charges (Annual)	: Rs. 10,000/-
3. Caution Money (One Time)	: Rs. 10,000/-
4. Hostel charges	: Rs. 5,000/-
Security (One time)	
Rent	Rs. 30,000(S)
	Rs. 24,000 (D)
	Rs. 18,000 (T)

The receipt issued by the respondent University on 11.09.2014 depicts charges as under:

1. Security	: Rs. 10,000/-
2. Hostel Fee	: Rs. 20,000/-
3. Others	: Rs. 1,000/-

Perusal of fee structure shows that the security amount of Rs. 10,000/- is a refundable amount not even in the case of withdrawal of student before start of courses or midstream but even after completion of course.

The respondent University has not clearly mentioned in the receipt dated 11.09.2014 that as to which head the “**Hostel Fee**” is to be charged i.e. whether one time security of Rs. 5,000/- or annual rent. Moreover the quantum of Hostel Fee is not in conformity to any quantum of charges mentioned against approved “Hostel Charges” head. Further the Government has not allowed fees to be charged as “**others**” head as mentioned by the University while receiving Rs. 1,000/-. Therefore University has clearly deviated from the approved Fee Structure issued by the Government, by charging Rs. 20,000/- against “Hostel Fee” and Rs. 1,000/- against “others” heads. The security amount (caution money) of Rs. 10,000/- is undoubtedly refundable. In this case the student resided in the hostel for a single night on 11.09.2014 and left on 12.09.2014 on the ground that there were no facilities/amenities as boasted by the University which had discouraged her to continue with her studies in the respondent University.

In view of above, I hold that Ms. Varsha Salve is entitled for the refund of Security amount of Rs. 10,000/-. Further it can be safely presumed that the hostel charges include Rs. 5,000/- as hostel security of the remaining amount of Rs. 15,000/- as the complainant only spent one night, and that too allegedly without light/electricity; the University may retain Rs. 2,000/- as for one night and process fee and return Rs. 18,000/- out of Rs. 20,000/- to the complainant.

In view of detailed discussions on the issues and findings recorded against each, I am of the firm view that the amount of Caution Money of Rs. 10,000/- and Hostel fee of Rs. 18,000/- are refundable to the complainant, therefore, I hold that the respondent-University is liable to refund the entire amount of Rs. 28,000/- to the complainant within 10 days from the date of this order.

The respondent University is, therefore, directed to refund the amount of Rs. 28,000/- (Rs. 10,000/- as Caution Money and Rs. 18,000/- as Hostel fee) to the complainant within 10 days from the date of this order, failing which penal action under Section 11 of the H.P. Private Educational Institutions (Regulatory Commission) Act as amended upto date and the rules framed thereunder shall be taken against the University.

Copy of order be supplied to the parties through registered AD post immediately and the same be hosted on website of the Commission within 3 days hereof.

Sd/-
(Sarojini G. Thakur)
Chairperson