

**BEFORE SHRI SUNIL DUTT SHARMA, HON'BLE MEMBER H.P. PRIVATE
EDUCATIONAL INSTITUTIONS REGULATORY COMMISSION SHIMLA-
171002.**

Case No. 1 of 2016
Instituted on: 14.12.2012
Decided on: 25.05.2016

Shri Naresh Kumar Sharma, Assistant Research officer, Planning Department,
Himachal Pradesh, Yojana Bhawan, H.P. Secretariat Shimla-171002.

... Complainant

Versus

Indian Institute of Education, Hari Devi, Ghanahatti, Shimla-171011.

... Respondent

REFUND OF FEE

Present: Shri Naresh Kumar Sharma, complainant in person.

Shri Shiv Kumar Dogra, General Secretary of Mata Bhakti Devi
Welfare Society, on behalf of respondent Institute

ORDER

1. Shri Naresh Kumar Sharma, complainant filed a complaint that he had deposited a sum of Rs. 18017/- vide receipt No.914 on 12.6.2009 as charges towards admission fees for getting admission for his son Sh. Bhanu Pratap Sharma in BBA course in the respondent Institute. His son had left the respondent Institute on the very first day of the session as he got admission in the Master of Tourism Administration (MTA) a five years course in HPU Shimla. He requested Manager Mata Bhakti Devi Welfare Society and Principal of Indian Institute of Education at Haridevi on 29th August, 2009 to refund an amount of Rs. 18017/-. He further stated that the institute has not refunded any amount, as such complaint was filed with the H.P. Private Educational Institutions Regulatory Commission (HP PERC) seeking directions against the respondent Institute for getting the amount refunded to him.

2. On receipt of the application/complaint, the HP PERC vide its letter dated 03.8.2015 forwarded application to the respondent Institute and directed to process the same. In response respondent Institute vide its letter No. IIE/2015-443 dated 17.8.2015 admitted that Mr. Bhanu Pratap Sharma had

deposited Rs. 18017/- on 12.6.2009 and further stated that there was no provision in the rules of UGC/HPU/College for refund of deposited fee after the last date of admission. It has further been stated that there are clear cut instructions in the College Prospectus/handbook of the respondent Institute that "fee once deposited will not be refunded". In support of its response, the respondent Institute placed on record copies of College/University Conduct Rules as also HPU/UGC letter No.F.1-3/2007 (CCP-11) dated 30.4.2007. It is further stated that the student left the institute after start of academic session and applied for the refund of fees on 29.8.2009, as mentioned in the letter. The last date for admission in the said course was 30th June, 2009 as fixed by the University, whereas the application for refund was never received by the Institute. It has further been averred that father of the student wrote after about 2 months from the last date of admission and as a result the seat vacated by his son remained vacant throughout the session and as such question of refund does not arise even as per the Public Notice of AICTE, through the same is not applicable to the respondent institute. It has refuted that any application for refund of fee was ever made by the complainant, hence no refund can be made to the complainant in these circumstances.

Since the respondent Institute denied refund to the complainant, as such the matter was fixed for hearing by HP PERC on 10.05.2016 on which date Shri S.K.Dogra, representing Indian Institute of Education Ghanahatti appeared in person as General Secretary of Society i.e. Mata Bhakti Devi Welfare Society which is running the Institute. Shri Naresh Kumar Sharma, complainant also appeared in person. Shri Naresh Sharma stated that his ward had taken admission in BBA Course in Indian Institute of Education (IIE) on 12.6.2009 for the session starting from July, 2009. He further stated that he had deposited a sum of Rs. 20,000/- with the institute for the purpose admission on 12.6.2009 against which the Institute issued a receipt of Rs. 18,000/- only. His ward attended class for one day and thereafter left the Institute, due to his admission somewhere else. He requested that the amount of Rs. 18,000/- be got refunded to him.

Shri S.K. Dogra stated that he is General Secretary of Mata Bhakti Devi Welfare Society which is running (IIE). He further stated that BBA session starts from 1st July every year. He admitted that ward of the complainant attended the class only once on 8th July, 2009 and thereafter never returned back. He stated that the Institute has not received any application for refund of the amount. He stated that the Institute is running /functioning since the year 2002. He also stated that all the funds received by way of fee, security etc. are credited into the account of the Society and the salary to the faculties and staff is also disbursed from such account. He, however, stated

that it is wish of the students either to deposit the fee in College Account or in Society's Account.

After hearing both the parties, complainant was directed to produce postal receipt through which application for refund was sent to the IIE and also to produce the Prospectus purchased by him for admission of his ward. Shri S.K. Dogra was directed to produce original attendance register of BBA for the year 2009 alongwith photo copies thereof and also the University calendar regarding session and the case was fixed for 25.05.2016.

On 25.05.2016 Shri S.K. Dogra and Shri Naresh Kumar Sharma, appeared in person. Shri Dogra produced original Attendance Register. Examination of the same revealed that there were 24 students in BBA Ist year against the sanctioned strength of 30 students. After leaving the Institute by the ward of the complaint, there remained 23 students on the rolls of the Institute in BBA Ist year. Shri Bhanu Pratap has been shown to be present on 20.07.2009 only. Photo copy of relevant extract of the Attendance Register was supplied to HP PERC. Original Attendance Register after examination was returned to Shri Dogra. He also submitted copy of University Calendar which was taken on record. He stated that the complainant is not entitled to any refund on leaving the Institute after start of the session. Shri Naresh Sharma could not produce any postal receipt through which he was claiming to have sent the application for refund of Rs. 18,000/-.

I have gone through the record submitted by both the parties. Relevant contents of the Public Notice issued by UGC on 23rd April, 2007 are as under:

“3. The Ministry of Human Resource Development and University Grants Commission have considered the issue and decided that the Institutions and Universities, in the public interest, shall maintain a waiting list of students/ candidates. In the event of a student/ candidate withdrawing before the starting of the course, the waitlisted candidates should be given admission against the vacant seat. The entire fee collected from the student, after a deduction of the processing fee of not more than Rs. 1000/- (One thousand only) shall be refunded and returned by the Institution/ University to the student/ candidate withdrawing from the programme. Should a student leave after joining the course and if the seat consequently falling vacant has been filled by another candidate by the last date of admission, the institution must return the fee collected with proportionate deductions of monthly fee and proportionate hostel rent, where applicable.”

In the instant case, as is evident from the record submitted by the respondent Institute; against sanctioned strength of 30 students for the academic session 2009-10 in BBA Ist year, only 24 students were admitted out of which ward of complainant left in between and remaining 23 students were on the roll of the Institute. The seat left by the ward of complainant remained vacant throughout the academic year.

Before proceeding further in the matter, both the parties were afforded opportunity to settle the matter amicably on 25.05.2016. The parties after holding discussions in the matter, outside the Court, mutually agreed to settle the dispute amicably on the following terms:

“AMICABLE SETTLEMENT

1. That the complainant has agreed that he is ready and willing to settle his claim of Rs. 18,000/- at Rs. 8,000/- and balance amount of Rs. 10,000/- is foregone by him, as he could not produce any document with regard to refund application made to the Institute. Refund of Rs. 8,000/- is full and final to his satisfaction and willing to withdraw his case/complaint.
2. That the Institute is ready and willing to pay Rs. 8,000/- in cash today against the claim of Rs. 18,000/- made by Shri Naresh Kumar Sharma, as full and final settlement.
3. That the complainant shall not sue the Indian Institute of Education Ghanahatti in any other court of competent jurisdiction with regard to refund of balance amount of Rs. 10,000/-. In case he does so, the amount of Rs. 8,000/- shall be refundable to the Institute alongwith interest.
4. That in view of the aforesaid terms of settlement, the complainant has received a sum of Rs. 8,000/- (Rupees Eight Thousand) in cash from Shri S.K. Dogra in the open Court of the Commission.

5. That the amicable settlement may be made part of the orders to be passed by the Hon'ble Commission and complaint filed by Shri Naresh Kumar Sharma be treated as withdrawn.

Sd/-
(S.K. Dogra)
Representative of IIE, Ghanahatti
25.05.2016.

Sd/-
(Naresh Kumar Sharma)
father of Shri Bhanu Pratap (Student)
25.05.2016"

The complainant is satisfied with the refund of Rs. 8,000/- against total claim of Rs. 18,000/- which amount has been received by him on 25.05.2016 itself. In view of the matter having been settled amicably between the parties and the complainant having requested for withdrawal of the complaint, the complaint, as such is dismissed as withdrawn.

Copy of the order be supplied to the parties, if specifically requested.
Order be uploaded on website of the HP PERC
After completion, the file be consigned to record room.

Announced

Sd/-
(Sunil Dutt Sharma)
Member