

BEFORE DR K K KATOCH, HON'BLE CHAIRMAN, H.P. PRIVATE EDUCATIONAL
INSTITUTIONS REGULATORY COMMISSION, SHIMLA-171009.

Case No. : 18 of 2018
Date of Institution:03.12.2018
Date of Order: 05.04.2019

In the matter of:

Ms. Deepshikha & others

... Review Petitioners

Versus

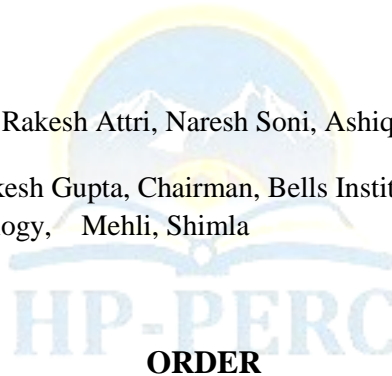
Bells Institute of Management & Technology, Mehli, Shimla.

... Respondent

Present:

For Review Petitioners: Rakesh Attri, Naresh Soni, Ashiq Chaudhary- applicant students

For Respondent: Mr Rakesh Gupta, Chairman, Bells Institute of Management and
Technology, Mehli, Shimla



ORDER

The present Review has arisen out of Order in HP-PERC Case No. 16 of 2018 in the case titled, " Ms. Deepshikha & Others versus Bells Institute of Management & Technology, Mehli, Shimla (Now henceforth called Bells Institute or the Institute) dated 30.11.2018, wherein the Review Petitioners have stated that the Chairman of the Bells Institute of Management and Technology has misled the Commission on account of following issues:

1. That the District Magistrate Shimla has nullified orders passed under SARFAESI Act against the said Bells Institute
2. The Chairman of the Bells Institute wants to start the new venture at the premises with some investors as the College / Institute is not that profitable. This is the main reason due to which he is compelling the students to migrate elsewhere.
3. Petitioners further stated that letter no. STV(TE)H.F-(5)-45/Bells/EC/Shimla/2009-93151 dated 01.11.2018 Director Technical Education, Sundernagar, the Chairman of

the Institute was asked to ensure migration of all the students before the complete closure of the Institute, was merely issued based on the information submitted by the Chairman of the Institute that only 13 to 20 students are studying, when the factual position was entirely different.

4. That the Chairman of the Bells Institute had also hid the fact that three Courses BBA, BCA and BHM were also running in the Institute with affiliation from HPU and who vide letter no. 1-581/2010-HPU(Acad)Vol-I/2655 dated 16.11.2018 (Annexure-F) had clearly mentioned that if the students of the previous batches are still undergoing their studies, then the college shall have to continue till completion of their courses.
5. That the financial condition of the Institute is not so bad as presented by the Chairman of the said Institute.
6. That by the order of the Commission dated 30.11.208, not only permanent resident of Shimla will face problem but other students studying in the Bells Institute will also face problem, which are as under:
 - a. Those students, who are staying with their relatives and are not permanent residents of Shimla, will suffer as they are not paying any rent/hostel fee and many other expenses which otherwise they have to bear.
 - b. There are different scholarship / concession which are unique to Institute and are given to attract students for e.g. One who has done Bachelor's in the College and if they do Master's from the same College they get 50% concession and there are many scholarship like this.
 - c. Courses like MBA (IT) are nowhere in H.P. and M.Tech(CSE) is in Mandi only.
 - d. Students who are from other states have adapted themselves here after long time and their parents have settled them in the beginning with lot of efforts, now its problem for such students to adjust somewhere else.
 - e. Final year students have to shift from here and adapt themselves in new place just for s semester which is a very less time to settle and thus will be harassed .
 - f. Those who have been admitted 2 months ago only with appreciable amount of fees are now feeling cheated when they are said to get migrated.
 - g. Migration charges are also taken by affiliating bodies which is again a financial burden.

- h. Also what if an Institute to which they shall be migrated get shut down the same way as this institute is shutting down.

An Order on 03.12.2018 was passed allowing an Interim Stay on Order dated 30.11.2018 in Case No. 16/2018 till the disposal of the present Review Petition.

In view of the difficulties being faced by the students after filing the Review Petition and taking cognizance of the hearings, an order dated 27.12.2018 to continue stay on order dated 30.11.2018 till disposal of this Review Petition was allowed alongwith direction to the Institute to allow the students to fill-up of SC/ST Scholarship forms being the responsibility of the Institute and registration of the BCA/BBA students for the even semester. Orders under SRFAESI Act after One time Settlement had become automatically nullified, as mentioned in the proceedings endorsement no. 1618-20 of a meeting held on 16.11.2018 with the District Magistrate with the Students and Staff of Bells Institute. The Punjab National Bank, Lift Road, Shimla was asked to submit the detailed factual status on loan. On 16.01.2019, the Bank submitted the details in due course of time pursuing with the matter of loan recovery, one time settlement-its arriving at and Institute's subsequent becoming defaulter again and stated that Bank has no other option except to proceed immediately for taking of physical possession of the mortgaged properties in the account. Since the Bank has entered into a tripartite agreement with the third party for sale of all assets of the Shimla Education & Research Society, the Bank as per Bank's version as mentioned above has to proceed immediately for taking physical possession of the mortgaged assets. However, keeping in view the future of students, Bank agreed not to take any step for taking its physical possession till the current semester is over.

Consequent upon showing his inability by the Chairman of the Institute to run the Institute beyond 31.12.2018 and subsequent unwillingness / denial by the students to get migrated to other Institutions, Director of Higher Education, HP was directed to appoint an Administrator forthwith till the pendency of the review petition with the Commission or otherwise progressive closure of the Institute, to continue the functioning / studies at Bells Institute to facilitate the progressive closure of the Institute in terms of HPU letter no. 1-581/2010-HPU(Acad)Vol-I/2655 dated 16.11.2018 and Additional Chief Secretary (Technical Education) letter no. EDN(TE)B(15)-1/2016 dated 06.12.2018. The Director of higher Education was

further directed to monitor the functioning of the Institute on regular basis till the process of progressive closure is finally completed.

In pursuance of the ibid orders, vide Office Order No. EDN-H(8)A(1)Pvt. Inst./2018-Case No. 18/2018)-even dated 03.01.2019, Dr. Rakesh Bhardwaj, Joint Director of Higher Education, HP (C-II) was appointed as Administrator of the said Bells Institute of Management and Technology, Mehli, Shimla to monitor the functioning of the said Institute on regular basis, till the process of “Progressive Closure” is finally completed.

In pursuance of Commission’s letter no. HP-PERC/Case No. 18 of 2018/-8639 dated 18.01.2019, vide letter no. EDN-H(8)A(1)Pvt. Inst./2018-Case No. 18/2018)-even dated 01.02.2019 Dr. Rakesh Bhardwaj, Jt. Director higher Education (C) submitted his report. Financial Status of the Institute was submitted vide letter no. EDN-H(8)A(1)Pvt. Inst./2018-Case No. 18/2018)-even dated 13.02.2019.

After hearing all parties i.e. the Administrator of the Institute, Chairman of the Institute, Bank concerned and the review petitioners, it is concluded that it is not possible to run the Institute with the fee collectable after the even semester of the current Academic Year 2018-19. Most of the apprehensions as indicated in the Review Petition on closure of the Institute have been taken care of in the Order dated 30.11.2018.

Hence after careful consideration, the order passed earlier in Case No. 16 of 2018 dated 30.11.2018 still holds good in letter and spirit in the interest of the review petitioners. Keeping in view the interest of all parties for implementation of the order, the said order dated 30.11.2018 is hereby reproduced with minor modifications as under:

- 1. The Directorate of Higher Education through Administrator of Bells Institute will ensure to complete the ongoing current even semester (January-June, 2019) of Academic Year 2018-19 and that the examinations of the current semester are completed smoothly so that the career of the enrolled students of the Institute does not suffer.*
- 2. After completing the examination process, the Administrator appointed through the Chairman of the Institute will also ensure to suitably migrate and adjust all the*

enrolled students of the Institute to other institutions of their (students) suitability so as to ensure complete closure of the Institute. The affiliating bodies i.e. Himachal Pradesh Technical University, Hamirpur; Himachal Pradesh Takniki Shiksha Board, Dharamshala, and Himachal Pradesh University, Shimla, may also facilitate migration of the students to other Institutes, so that the students are able to complete their courses smoothly from the Universities / Colleges / Institutions to which they will be migrated.

- 3. The Chairman of the Bells Institute is directed to take care of the financial burden of local students of the Shimla, having their permanent residence in Shimla and after their migration to other Institutes and meet the difference in fee / other charges of all the students which will become the additional liability in comparison to the expenditure which would have been incurred at Bells Institute, if it would have continued to function as such.*
- 4. The Bells Institute will ensure necessary arrangements required for transfer of academic records and all other related information of the students in dossiers, be transmitted promptly to receiving institutions. Agreements made with other institutions to receive transferring students and to accept their records should be in writing, a copy of which be submitted to the Commission. All academic, financial aid and other records should be prepared for permanent filing, including microfilming or electronic archiving. The Director of Higher Education will make arrangements for safe custody of the record for future use and reference.*
- 5. Where financial aid is concerned, particularly scholarships, arrangements should be made with the appropriate agencies to transfer the grants / information to the receiving institutions of the migrated students.*
- 6. In case of migrated students, the security deposits be transferred to the concerned new Institute to which the students have been migrated or otherwise be released to the concerned student.*
- 7. A public notice be published in leading Newspapers with a copy to the Government, Commission and other affiliating bodies, indicating where the records of the Bells Institute are being stored and how the accessibility to those records will be, so that past as well as current students may have an easy access to the record required by them in future.*

8. *On completion of studies of the last batch of students from different Institutes to which they have been migrated / shifted the management will get completed all the formalities related to the issuance of PDCs / Degrees / release of securities etc., for which a Liaison Officer in a contact office of the institute shall remain functional at Shimla till such time when the Institute depose before the Commission that every student enrolled till date by the Institute (The Bells Institute) has passed out from the Institute where they were migrated and there is no need of continuance of the said office. The said Liaison Officer shall work closely with the Directorate of Higher Education to ensure the arrangements are appropriate for the circumstances.*
9. *The Management of the Bells Institute will ensure clearance of all pending dues of the faculty and other staff within three months from the date of relieving.*
10. *In every possible case, the institution should arrange for continuation of those faculty and staff who will be necessary for the completion of the institution's work up to the closing date.*
11. *The Government may confiscate Endowment Fund of the Institution, if required, before the closure of the Institute.*
12. *List of the students appearing in various examinations, attendance of the staff and students be submitted on the last day of current semester of the Academic Year 2018-19 to the Commission by the Administrator of the Institute.*
13. *Faculty and Staff to be relieved by the Administrator on the last date of Semester / last day of the Examination, whichever is later. All the expenses, salaries to the staff and faculty up to 31.12.2018 and security refund to the students to be cleared by the Management / Chairman of the Institute and thereafter by the Administrator.*
14. *Management of the Institute is further directed to follow the necessary procedure for the closure of the Institution and obtain permission (s) wheresoever is / are required.*
15. *Since, the closing of an educational institution is never a happy event, but well-planned and conscientious efforts would have made it possible to synchronize the passing out of the last batch of students admitted with the closure of the Institute. But, the management of the Bells Institute of Management & Technology made a*

grave mistake by admitting fresh students in spite of knowing its financial condition and other complications, unnecessary put the career of the students at stake and miserably failed to plan synchronization of the closing the Institute with the passing out of the last batch of students. Hence for such derelictions and violations, in accordance with the penalty provisions of Himachal Pradesh Private Educational Institutions (Regulatory Commission) Rules, 2011 Section 6(h) concerned Institute is hereby fined Rs. 5 Lakh (Rupees Five Lakh Only) to be deposited with the Commission within 45 days of this order.

By the issuance of this order, all the pending applications / Interim Orders / Orders issued during the pendency of this Review Petition related to the case stand disposed-off.

Compliance of the orders be submitted by the Chairman of the concerned Institute and Directorate of Higher Education to the Commission by **September 30, 2019**.

Copy of the orders be supplied to the parties free of cost.

Orders be uploaded on website of the Commission.

Copy of orders be sent to (i) The Addl. Chief Secretary (Technical Education), Govt of Himachal Pradesh, Shimla; (ii) The Principal Secretary (Education), Govt of Himachal Pradesh, Shimla; (iii) The Secretary, AICTE, New Delhi, Nelson Mandela Marg, Vasant Kunj, New Delhi; (iv) The Regional Officer, AICTE, NWRO, 5th Floor, Plot No.1, Sector-36, Chandigarh; (v) The Director Higher Education, Lalpani, Shimla (H.P.); (vi) The Director Technical Education, Sundernagar, District: Mandi (H.P.); (vii) The Administrator, Bells Institute of Management and Technology, Directorate of Higher Education, Lalpani, Shimla (H.P.); (viii) The Registrar, HPU, Shimla; (ix) The Registrar, HPTU, Hamirpur; (x) The Secretary, H.P. Takniki Shiksha Board, Dharamshala, Distt.-Kangra ; (xi) The District Magistrate, Shimla; (xii) The Branch Manager, Punjab National Bank, Lift Road Branch, The Mall, Shimla (H.P.) for information and necessary, for information and necessary action.

File after completion be consigned to record room.

Announced

Sd/-

Date : APRIL 05, 2019

(Dr. K.K. Katoch)
Chairman