

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

Case No. 38 Of 2016
Instituted on: 08.08.2016.
Decided on: 17.12.2016.

1. Shri Ankit Dutta son of Shri Prem Chand Dutta, Village Kalgaon, P.O. Pujarli No.2, Tehsil Rohru, District Shimla (HP)-171205.
2. Shri Vinod Kumar son of Shri Tinchu Ram, Village Koti P.O. Jagothi, Tehsil Rohru, District Shimla (HP)-171207
3. Shri Manoj Kumar son of Shri Mangat Ram, Vilalge Averi, P.O. Nogli, Tehsil Nirmand, District Kullu (HP)-172022
4. Shri Om Prakash Pundir email address: parkashom235@gmail.com
5. Shri Roop Singh email address roop.snr@gmail.com

... Complainants

Versus

Institute of Business Management, Swami Building, Opposite Meena Bazar, Sanjauli, Shimla-171006 through its Managing Director Shri Kapil Jain son of Shri N.V. Jain resident of Swami Building, Opposite Meena Bazar, Sanjauli Shimla-171006.

... Respondent

Non-award of degrees under Distance Education Programme by "IBM College" Sanjauli Shimla-171006.

Present: Shri Kapil Jain, Managing Director, Institute of Business Management College.

ORDER

1. Complainants 1 to 3 vide their joint complaint received in the HP PERC on 8.8.2016 stated that they were doing BBA under Distance Education Programme from respondent Institute which is a branch of Lovely Professional University Jalandhar. They further stated that they have paid examination fee of Rs. 9700/- to respondent institute but Shri Kapil Jain is not forwarding their fee to Lovely Professional University, as a result of which their examination is not been conducted timely and consequently the results are also late. They had taken their examination in February, 2016 but result has not yet been declared. When they contacted Lovely Professional University, the University authorities stated that the examination fee had not been deposited by respondent institute. In this way the degree course of 3 years is being extended to 4 to 5 years. They further stated that when they took admission, the respondent Institute had committed to distribute free lap top and provide industrial training, but now when they asked Shri Kapil Jain he is not giving any response in this regard. In this way respondent institute is exploiting students of the institute and they have prayed for justice. Complainant No.4 stated that he had done MBA (2009-11) from respondent institute which is affiliated to MD University Rohtak. At the time of his admission Shri Kapil Jain had told him that the institute will provide MBA dual specialization, PGDBM, MS office certificate, laptop and Singapore Tour. The total admission fee was disclosed as Rs. 2,70,000/-. Shri Kapil Jain had also promised 100% placement after completion of MBA. The fee of Rs. 2,30,000/- has been paid to respondent institute. He has not received any MBA degree as on the

date of filing complaint. He has requested that his MBA degree be got awarded and excess fee charged from the said Institute be got refunded. Complainant No.5 stated that he has done MBA in the year 2009-11 but degree has not been awarded to him. He has requested for award of degrees and refund of admission fee.

2. The HP PERC vide its letter dated 10.08.2016 directed the respondent institute to submit basic information with regard to functioning of the Institute within a week's time. Shri Kapil Jain appeared in person and submitted a letter dated 9.9.2016 in response to communication of HP PERC dated 10.08.2016 wherein he has mentioned that the respondent institute is providing tuitions/coaching to 9th, 10th, 11th and 12th students in subjects of Science, Commerce, Computers, Banking, SSC, HAS, PMT, CAT, CLAT (LAW) etc. and other Govt. Examinations. The duration of these coaching programs vary from 30 day to 1 year. Shri Kapil Jain again appeared on 29.9.2016 and stated that the respondent Institute was earlier being run by him at Chhota Shimla which has now been shifted to Swami Building, Opposite Meena Baar, Sanjauli. He further stated that he was running BBA (3 years degree course) and MBA (2 years degree course) under Distance Education Programme of Maharishi Dayanand University Haryana (a State University) from the year 2009 with last passed out batch 2013. In the year 2012 he had got affiliation from Lovely Professional University Jalandhar for running BBA, MBA, BCA and MCA under distance education programme with the last batch over in the month of October, 2016. He further stated that no new admission has been made in the Institute. Shri Kapil Jain was directed to submit affidavit in support of his statement. However, he failed to submit the same till the pronouncement of the order. In between some of the complainants were heard who stated that they had also filed complaint with the Police and after intervention of the Police their examination results have been declared, however, they requested that necessary action for closure of the Institute be taken by HPPEREC.

3. In the meantime on 10.11.2016 a reference has been received from Director of Higher Education Himachal Pradesh whereby complaint of complainant No.1. In this complaint besides the contentions raised in para-1 above he has stated that the respondent had charged uniform fee of Rs. 4800 in the month of March, 2014 but the uniform was provided in the year 2015 that too substandard. Different fee is charged from different students and there is no uniform fee structure. The complainant has also enclosed a pamphlet issued by respondent institute wherein the status of Institute has been indicated as "ibm College" Swami Complex, Opp. Meena bazar, Sanjauli, Shimla and admission notice has been issued in Hotel Management (with 100% Job Guarantee) MBA. MCA. M.Sc(IT). PGDCA. BBA. BCA. B.com Computer education. In the communication received from the Director of Higher Education Himachal Pradesh on 10.11.2016, it has been clearly stated that as per list of affiliated colleges in HP supplied by the HPU, there is no college of such name i.e. IBM College, Swami Complex, Opposite Meena Bazar, Sanjauli.

4. However, in order to afford final opportunity, respondent institute was directed by the HP PERC vide its letter dated 16.11.2016 to submit any additional documents in its defence before 21.11.2016. The respondent institute failed to submit any document, however appeared in person before me on 8.12.2016 and made statement which is quoted below:

- “1. That I could not respond to the communication dated 16.11.2016 sent by HPPERC to me due to some unavoidable domestic circumstances. In order to make submissions, I appeared today personally.
2. That examination of all the students undergoing BBA, BCA, MBA and MCA courses under Distance Education Programme for all the batches have been got conducted. Degrees and detailed marks cards have been received by the Institute. Intimation has been given to all the students to collect degrees and detailed marks card, in response to which about 35% students have collected their degrees/DMCs. This process is continuing and as on date there is no complaint from any student with regard of award of degrees.
3. That I shall comply with the orders passed / to be passed by the HP PERC in the case of Institute of Business Management Sanjauli.”

5. The Directorate of Higher Education has already stated that there is no College in the name of “IBM” at Swami Complex, Opp. Meena bazar, Sanjauli, Shimla. Further it has been admitted by Shri Kapil Jain that he is running distance education programme of Maharishi Dayanand University Haryana (a State University) from the year 2009 with last passed out batch 2013. As per UGC communication DO No.F.9-8/2008 (CPP-I/PU) dated 12.08.2015 addressed to Vice Chancellors of All the State Universities under 12B&2(F) and Private Universities; it has clearly been mentioned as under:

“1. No off-campus/study centre/outreach centre is established by your esteemed University outside the territorial jurisdiction of the state.

2. If you are a private university, even within the state, the off-campus/study centre/outreach centre should be established with the prior approval of the UGC as mandated in the UGC (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003.”

6. Sub para (1) under para 5 of the order is applicable to State Universities and para-2 is applicable to Private Universities. As per statement made by Shri Kapil Jain, Maharishi Dayanand University Haryana is a State University. This University has been directed by UGC vide its DO communication dated 12.08.2015 not to run/establish any off-campus/study centre/outreach centre outside the territorial jurisdiction of the State in which the University is located.

7. Therefore, it is concluded that IBM is neither a College (in terms of the communication dated 20.10.2016 received from Director of Higher Education Himachal Pradesh) nor it could have been run as a Study centre/ off-campus/outreach centre of Maharishi Dayanand University Haryana (in terms of the UGC communication dated 12.8.2015). As per record submitted by complainant No.1, he has paid the fee in the following manner against Distance Education Programme which has clearly been indicated on the fee receipt:

Sr. No.	Receipt No. And date	Head of charges	Amount	remarks
1.	1123 (undated)	Registration + Tuition Fee of BBA Ist	Rs. 28,000.00	Total fee Rs. 33,150 (which includes University fee of Rs. 9700) and balance of Rs. 5150 to be deposited.
2.	1761 dated 8.7.2013	BBA 1 st balance fee	Rs. 5,150.00	-
3.	1957 dated 1.1.2014	BBA 2 nd Sem.	Rs. 21,850.00	University fee: Rs. 9700 Tuition fee: Rs. 21850
4.	216 dated 30.04.2015	BBA 4 th sem. Tuition fee	Rs. 12,150.00	
5.	578 dated 30.04.2015	BBA 4 th Sem.	Rs. 9,700.00	University and exam fee
6.	216 dated 30.4.2015	BBA 4 th Sem.	Rs. 12,150.00	Tuition fee.
7.	019 dated 28.10.2015	BBA 5 th Sem.	Rs. 9,700/-	University and exam fee.
8.	189 dated 28.10.2016	BBA 5 th Sem.	Rs. 12,000.00	Tuition fee. However 6 th semester University fee of Rs. 9700 has been adjusted out of Rs. 12,000/-
	Total:		Rs. 1,10,700.00	

8. It can be concluded from the table given above that out of total fee Rs. 1,10,700.00 collected by the respondent institute a sum of Rs. 48,500/- has been collected as University/Examination fee and balance Rs. 62,200/- has been collected as tuition fee in the case of BBA. In the case of MBA complainant No.4 has stated that a fee of Rs. 2,30,000 has been collected by the respondent institute. If it is presumed that Rs. 9700/- was examination/ University fee for one semester then for completion of 4 semester the total University/Examination fee works out to Rs. 38,000/- and the respondent has collected Rs. 1,92,000/- as tuition fee from the complainant for doing MBA under Distance Education Programme.

9. I have gone through the fee structure approved by H.P. Government for undergoing BBA and MBA courses in Private Universities (under regular mode) for the session 2013-14 which is as under:

BBA: Rs. 40,000 per annum x 3 years: Rs. 1,20,000
MBA: Rs. 1,05,000 per annum x 2 years: Rs. 2,10,000

If the fee schedule approved by government for private Universities imparting BBA and MBA education (for the session 2013-14 to which the complainants belongs) is compared with the fee taken by respondent institute, the following position emerges:

Course	Government approved (regular classes)	Fee charged by IBM (under Distance Education Programme)
BBA	Rs. 1,20,000/-	Rs. 1,10,700.00
MBA	Rs. 2,10,000/-	Rs. 2,30,000.00

10. In view of above it can fairly be concluded that the respondent has been successful in extorting handsome amount from the students undergone/undergoing Distance Education Programme at par to a regular student of a College. Moreover, the publicity of the Institute has been given as "IBM College" to attract students for regular admission whereas it is running Distance Education Programme. Respondent has defeated the purpose of education by entering into commercialization of education in the state of Himachal Pradesh by issuing misleading advertising under the heading of "IBM College" and nowhere mentioning "Distance Education Programme" attracting general public /students for making admission on regular basis thereby presented an imaginary and illusory picture for making a successful career to the innocent students admitted in IBM College. This is serious matter and the same is required to be brought to the notice of District Administration.

11. The respondent Institute is neither a College nor a lawful Study Centre of Maharishi Dayanand University Rohtak to run its Distance Education Programme as all the State Universities have been debarred by UGC vide its DO No.F.9-8/2008 (CPP-I/PU) dated 12.08.2015. The respondent has made statement that examination of all the students undergoing BBA, BCA, MBA and MCA courses under Distance Education Programme for all the batches have been got conducted. Degrees and detailed marks Cards have been received by the IBM College. Intimation has been given to all the students to collect degrees and detailed marks card. However, if there is any other claim, the complainants are at liberty to file criminal complaint against the respondent. In view of this the following orders are passed:

1. Shri Kapil Jain son of Shri N.V. Jain resident of Swami Building, Opposite Meena Bazar, Sanjauli Shimla-171006 is hereby directed to close down the "Institute of Business Management College" being run by him at Swami Building, Opposite Meena Bazar, Sanjauli Shimla-171006 immediately and a compliance report be submitted to HP PERC within 10 days.

Copy of the orders be supplied to the parties.

Copy of the order be supplied to Superintendent of Police Shimla for taking further necessary action.

Orders be hosted on website of the HPPEREC.

File after completion of consigned to record room.

Announced.

-SD/-

(Sunil Dutt Sharma)
Member