

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

Case No: 02 of 2016
Date of Institution: 16.02.2016
Date of Decision: 15.07.2016

Shri Rajesh Kumar Sharma son of Shri Onkar Chand Sharma, resident of Village Kot, P.O. and Tehsil Nadaun, District Hamirpur (HP).

... Complainant

Versus

1. The Director, Bharat Institute of Hotel Management, Opposite Electricity Board, Dharamshala, District Kangra (HP).
2. The Director, Campus: BIHM Institute, opposite Central Bank, Hospital road, Nadaun, District Hamirpur (HP).

... Respondents

Present: Shri Vikas Verma, Director (Secretary Computer Literacy Mission Society) Bharat Institute of Hotel Management in person

ORDER

1. Complainant in his complaint dated 16.02.2016 stated that respondents are running Institute in the name of Bharat Institute of Hotel Management and attracting students by giving wide publicity in Newspaper. While doing so the respondents have not mentioned any relevant information with regard to affiliation of this Institute with any University or Board, as such they are playing with the future of innocent people. The complainant requested that necessary action in the matter be taken and if the respondents are running the institution without any affiliation, the same be closed.
2. Taking cognizance of the complaint, H.P. Private Educational Institutions Regulatory Commission (HP PERC) vide its notice dated 24.02.2016 directed respondents to furnish following documents by 01.03.2016:
 - (a) Copies of affiliation of Institute with the Universities.
 - (b) Approval of State Government for establishment of Institute/ College.
 - (c) Approval of Courses offered through website/advertisement.
 - (d) Approval of Regulatory bodies for offering professional courses.
3. The respondents vide its letter dated nil received in the office of HP PERC on 4.3.2016 stated that Bharat Institute of Hotel Management (BIHM) is a division of Computer Literacy Mission Society (CLMS) registered under Societies Registration Act (XXI of 1860) on 9th of May, 2002 with Registrar of Firms and Societies Chandigarh UT vide Registration No. 3369. They further stated that the institute is not affiliated to any University and BIHM is running only one year diploma and six months certificate courses. All these are Job oriented courses where BIHM is giving them jobs in the leading hotels in India. Respondents admitted that they have not mentioned in their advertisements that they are affiliated to any government bodies and claimed that students joined them because of

their placements where BIHM offers jobs to each and every candidate after successful completion of the course and BIHM also offers the LIFETIME PLACEMENT GUARANTEE. They further stated that these courses are being run under Society CLMS which is an ISO 9001-2008 Certified Institute. Respondents did not furnish documents which were directed by the HP PERC.

4. Respondents having failed to furnish any documentary proof to run BIHM, HP PERC directed respondents to appear before it on 12.04.2016 alongwith all documents and evidences.

5. On 12.04.2016 Shri Vikas Verma, Director (Secretary CLMS), Shri Munish Gupta Manager Admission Centre Nadaun (Treasurer of CLMS) and Shri Satish Kumar Dhawan Marketing Manager (member CLMS) of Bharat Institute of Hotel Management appeared in person. Shri Vikas Verma stated that Computer Literacy Mission Society (CLMS) is a Society formed under Societies Registration Act at Chandigarh and Bharat Institute of Hotel Manager (BIHM) is operating at Dharamshala under this Society, where they have 5 Class rooms, Kitchen, Dummy Restaurant, Computer Lab with 16 Computers, 2-3 office rooms in a rented premises and attached PGs for students in Dharamshala. He further stated that BIHM is offering three courses i.e. 6 months' Certificate Course in House Keeping, Hotel Management Course of one year and Diploma course in cooking of one year. He also stated that they are offering permanent job placements. He further stated that there was no fresh admission as on date. He further stated that Shri Munish Gupta is managing affairs of Admission Centre at Nadaun where training for Bank and army recruitment examination only is being imparted and no educational classes of the Institute are being run at Nadaun. He further stated that such institutes are being run by other people in almost all the districts in the State. He also submitted copy of Registration Certificate of the Society and bye laws. The representatives of the BIHM disclosed their addresses and telephones as under:
 - (a) Shri Vikas Verma, r/o Village Barol, P.O. Dari, Tehsil Dharamshala, District Kangra (HP) (Mob. No. 9418010906).
 - (b) Shri Munish Gupta, r/o Anand Niwas, Viveka nand Vihar, Village Birta, P.O. Ghurkari, Tehsil and District Kangra (HP) (Mobile No. 9418035825).
 - (c) Shri Satish Kumar Dhawan, r/o Astha Kunj, Near Ali Manzil, Sanjauli, Shimla-171006 (Mobile No. 9418856313).

6. Document submitted by the representatives of BIHM was taken on record. Shri Vikas Verma was directed to submit following documents:
 - (a) Copy of bye-laws wherein members of the governing body have appended their signatures on their being appointed/ elected as office bearers of the Society.
 - (b) Proceedings of CLMS since inception.
 - (c) Copy of NOC taken from the authorities where the Institute is being run i.e. Dharamshala, as the Society is registered under the Societies Registration Act at Chandigarh.
 - (d) Documentary proof for giving lifetime placements guarantee as they have mentioned in their reply.
 - (e) Students' data who have been enrolled, passed out vis a vis fee structure and details of their placements (with the heading i.e. Sr. No., name and address of the student, date of admission, date of pass out, nature of degree/diploma

- awarded, date of placement and name of the institute where they have been placed).
- (f) Copies/sample of certificates issued in respect of all the three courses being run by the Institute.
 - (g) Prospectus of the Institute.
 - (h) Copy of rent/lease deed of the premises where the institute is being run.
 - (i) Copy of approved map of the building.
 - (j) Details of faculty with their qualification and salary.
7. The above information/documents were directed to be submitted by the Institute on or before the next date of hearing which was fixed for 28.4.2016 on which date Shri Vikas Verma submitted some of the documents personally. Documents submitted were examined and it was observed that documents mentioned against (b), (c), (d), and I in my order dated 12.4.2016 were not submitted and case was fixed for submission of remaining documents and personal hearing for 8.6.2016 on which date none appeared. Next date in the case was fixed for 29.6.2016 for the above purpose on which date Shri Vikas Verma appeared in person. Shri Vikas Verma stated that 22 students have been admitted for the session 2016-17 and fee to the tune of Rs. 2,82,000/- has been collected from them. After hearing, it appeared prima facie that admission in the respondent Institute is illegal as the respondent institute has no sanctity in the eyes of law. Therefore, Shri Vikas Verma was directed to refund the entire fee collected from 22 students and to produce original receipt book alongwith photo copies of the receipts in the case of 22 students. He was further directed to submit affidavit in support of his statement and the next date was fixed for 5.7.2016 on which date Shri Vikas Verma appeared in person who submitted affidavit dated 02.07.2016, list of 22 students admitted for the session 2016-17. He also produced original receipt book alongwith photo copies of the receipts issued in favour of 22 students. He further produced original admission forms of 22 students alongwith photo copies thereof. Shri Vikas Verma stated that as per directions given, he had refunded admission fee in respect of 21 students and in the case of remaining one student, the same shall be refunded immediately. In support of his statement he submitted photo copies of cheques issued in favour of 21 students.
8. Documents submitted by Shri Vikas Verma were taken on record. After verification, the original receipt book and original admission forms were returned to Shri Vikas Verma. He was directed to submit proof of refund of admission fee in respect of remaining one student and such information should reach HPPEREC within 10 days and Orders in the matter were reserved. Shri Vikas Verma submitted photo copy of cheque which was issued to remaining student as refund of entire fee which was taken on record.
9. I have gone through the entire case file and examined the documents submitted by respondents. The respondents have utterly failed to submit any documents with regard to affiliation of BIHM with any University/Board and in fact admitted that BIHM is not affiliated with any University/Board and the courses are being run without any approval from competent authorities. Such practice on the part of respondents is highly improbable and deserves to be deprecated, as large number of gullible students are being cheated by such institutions in the State of Himachal Pradesh. However, the respondents have refunded entire fee of Rs. 2,82,000/- in respect of 22 students who were admitted for the session 2016-17. In the affidavit duly sworn in by Shri Vikas Verma he stated that no admissions have been made in any course/training in campus office at Nadaun. After consideration of the entire case/documents submitted, the following issues emerged and my findings against each are rendered thereunder:

(a) Whether the respondents are running BIHM legally in the State of Himachal Pradesh?

Finding: The respondents have failed to produce any documentary evidence which could establish that they are running BIHM in accordance with law. In fact respondents themselves have admitted that there is neither any affiliation nor any approval from the Government or Regulatory Bodies for running BIHM either at Dharamshala or at Nadaun. Therefore, it is concluded that respondents are indulged in illegal activities and they are required to be restrained to run such courses in the State of Himachal Pradesh forthwith.

(b) Whether the fee collected by respondents is refundable to students?

Finding: Since the respondents are not running BIHM after completing codal formalities, as such the money collected by them from students is required to be refunded to the students, which in fact has been refunded by respondents in the case 22 students who were admitted for the session 2016-17.

Conclusion:

It is concluded that the educational institutions which are running in the State of Himachal Pradesh without any permission from the competent authorities and without any affiliation with concerned Board/HPU/HPTU etc. are illegal and thus deserve to be closed forthwith. Hence respondents are directed to close their institutions i.e. Bharat Institute of Hotel Management at **Dharamshala** and **Nadaun** forthwith and compliance be reported to HPPERC within a week's time. Since the respondents, pursuant to the directions issued to them have refunded entire fee of Rs. 2,82,000/- in respect of 22 students who were admitted for the session 2016-17, hence no order to this effect.

Certified copies of the orders be supplied to the parties, if requested.

Orders be hosted on official Website of the HPPERC.

Case file be consigned to record room, after receiving compliance in the matter. In default, the case file be submitted for necessary orders.

Announced

Sd/-
(Sunil Dutt Sharma)
Member