

**BEFORE SHRI SUNIL DUTT SHARMA, HON'BLE MEMBER H.P. PRIVATE
EDUCATIONAL INSTITUTIONS REGULATORY COMMISSION SHIMLA-171009.**

Suo Moto Case No. 5 of 2016
Date of Institution: 16.08.2016
Date of Decision: 19.05.2017

In the matter of:

Swagat Education Centre, Gandhi Chowk, Distt.-Hamirpur (HP)- through Ms. Parveen Sharma, Centre Head.

ORDERS

Initially H.P. Private Educational Institutions Regulatory Commission (HP PERC) Shimla issued directions vide letter No. HP PERC/55/Gen. Complaints/2012-973-996 dated 19.05.2016 to Superintendent of Police of all districts seeking information regarding existence of Fashion Designing Institutes operating in Himachal Pradesh. In response to that letter the Superintendent of Police Hamirpur vide his letter No. SB/HMR/16-5484 dated 30.05.2016 submitted, inter alia Swagat Education Centre, Gandhi Chowk, Hamirpur owned by Ms. Parveen Sharma is being operated near Gandhi Chowk, Hamirpur where they have mentioned that the institute is running One Year Foundational Programme in Fashion Design/Interior Design, Two Year Advance Programme in Fashion Design/Interior Design, Three Years Specialisation Programme in Fashion Design/Interior Design, Two Years PG Specialisation Programme in Fashion. Pursuant to the information received, HP PERC issued a letter dated 16.06.2016 to Swagat Education Centre, Gandhi Chowk, Distt.-Hamirpur (HP) through its owner Ms. Parveen Sharma seeking basic information regarding running of fashion designing courses in her institution. Ms. Parveen Sharma submitted her response vide letter dated 30.06.2016 stating therein that there is only one institution being run by her in the name and style of Swagat Education Centre at Gandhi Chowk, Distt.-Hamirpur (HP) established in the year 2001. The institution has not taken any NOC from the State/Central government. The academic calendar is followed as per the company rules / guidelines received from head office (M/s NIFD institute of Fashion Design Limited, SCO 32-35, Madhya Marg, Sector 8-C, Chandigarh). The institution is being run on a rented accommodation in a three storied building having an area of 15000 sq.ft. situated on the land of Smt. Kalawanti Sharma located in the main market in Hamirpur town. The detail of the trainers has also been enclosed with the letter dated 30.06.2016.

On dated 20.07.2016 a correspondence through email from SHO Hamirpur was also received along with enclosed documents of INIFD. Subsequently, after the inspection of the documents of INIFD a notice dated 09.08.2016 was issued to the Managing Director Swagat Education Centre, Gandhi Chowk, Distt.-Hamirpur (HP) seeking his presence for 16.08.2016 along with record of students admitted since inception i.e. 2001 and the details of fee / amount collected from each students along with supporting documents.

On 16.08.2016 Sh. Satpal Singh, Sh. Munish Dogra and Sh. Sanjeev Kumar form the Swagat Education Centre, Gandhi Chowk, Distt.-Hamirpur (HP) appeared in person and submitted their response to notice dated 09.08.2016 which was taken on record. Vide the response submitted by the institution it was transpired that the training programme related to Fashion Design courses as stated is having duration of Basic Course for one year, Advance Course is also for one year and total duration of Advance Course is for two years. Students fee designed and taking admission for the complete bundle of three years, complete course and examinations are conducted by INIFD Chandigarh.

All certificates related to one year Basic Course/Advance Course/Specialisation Course of Fashion Design are being designed /circulated and issued to the students by INIFD Chandigarh.

However, no documents pertaining to the permission/NOC from the State Govt./Central Govt/Regulatory Bodies to run the Fashion Design courses were submitted by the institution. Hence, the next date of hearing was fixed for 15.11.2016 notice dated 07.11.2016 was also issued in this regard to the institution.

On 15.11.2016 none appeared on behalf of the institution. However, a response dated 26.11.2016 was received through post on dated 05.12.2016 submitted by Ms. Parveen Sharma, Centre Head, Swagat Education Centre, Hamirpur submitting therein that we are registered with service tax department under the category of commercial coaching and training centre and paying service taxes due on the fee charged for a particular training programme of the Franchisor company. They have further submitted that they are not a private education institution within section 2 (c) of H.P. Private Educational Institutions (Regulatory Commission) Act, 2010. They further submitted that they are neither indulged in any courseware structure nor do they issue any degree or diploma of certificate by its own. However, the institution still failed to produce any documents pertaining to the permission/NOC from the State Govt./Central Govt/Regulatory Bodies to run the Fashion

Design courses. Therefore, one final opportunity was afforded to the institution in the interest of justice.

On dated 09.05.2017 an affidavit was filed by Ms. Parveen Sharma, D/o Late Sh. Satya Dev Sharma, proprietor Swagat Education Centre Hamirpur stating therein that the Franchisee agreement which was executed on 26.12.2011 at Chandigarh between there institute and INIFD Campus SCO-32-35, Madhya Marg, Sector 8-C Chandigarh (copy of which has already been submitted to the Commission) has expired by efflux of time on 31.03.2017. Thereafter, neither it has been renewed nor do we intend to renew the same.

The proprietor through clause 5, 6 & 7 of the affidavit has declared on oath as under:

õ 5. That the M/s Swagat Education Centre shall not run any diploma/degree course /charge fee of its own or designed by franchisor or through any franchise mode with any other concern.õ

õ6. That the M/s Swagat Education Centre shall not run any course under distance education programme of any university within or outside the State of Himachal Pradesh unless specifically approved by the competent authority.õ

õ7. That I shall abide the instructions/directions/orders issued by the H.P. Private Educational Institutions Regulatory Commission, Shimla, as and when issued.õ

After going thoroughly through the case file, it is evident that the courses being run by Swagat Education Centre, Hamirpur are not approved from the competent authorities. The fee for the courses offered and certificates issued by the Swagat Education Centre, Hamirpur were being charged/designed at the instance of INIFD Campus SCO-32-35, Madhya Marg, Sector 8-C Chandigarh which is neither a competent authority nor recognised to do so by any State or Central Regulatory authority.

Therefore, after the detail discussion made herein above, I am of the considered view that the Swagat Education Centre, Hamirpur is hereby ordered not to run any certificate/diploma/degree courses with the INIFD franchisee agreement or any other franchisee or its own without the prior approval of competent authorities of the State / Central/Regulatory Bodies.

Copy of the order to be supplied to Swagat Education Centre, Hamirpur, if specifically requested.

Superintendent of Police, Hamipur, District Hamirpur (HP) be apprised of the decision taken in the matter.

Orders be hosted on the website of the HP PERC.

Case file be consigned to record room. In default of submission of compliance the case file be submitted for further orders.

Announced.

Sd/-
(Sunil Dutt Sharma)
Member