

**Before Dr. S.P. Katyal, Member, H. P. Private Educational  
Institutions Regulatory Commission, Shimla -171009.**

**Case No: 09/2017**

**Date of Institution: 25.10.2017**

**Date of Decision:12.12.2018**

**In the matter of:**

*AbhinavBhandari.*

*.....Complainant.*

**Vs.**

*Bells Institute of Management & Technology, Knowledge City Mehli,  
Shimla, Himachal Pradesh.*

*.....Respondent.*

**ORDERS**

A complaint was received from Sh.Rakesh Bhandari F/oAbhinav Bhandari on 26.07.2017 stating that his son was a student of Bells Institute of Management & Technology, Mehli Shimla since 08.07.2016. He stated that he had deposited fee as required in time along with hostel fee. He had to migrate to other college in between the course of his study. He stated that he was forcefully charged Rs. 5000/- on the pretext of hostel fee, a facility which he never availed. He requested for the refund of this unjustified charge of Rs. 5000/- plus penalty on account of harassment and costs, security deposits of college library and hostel. Refund tuitions fee if excess charged as per norms fixed by Ministry of education Himachal Pradesh. A notice was issued to college.

**Issues:-**

- (i) Whether Mr. Abhinav Bhandari was a student of Bells Institute in December 2016 and Jan 2017.
- (ii) Whether Mr Abhinav Bhandari was resident in Hostel of Bells Institute or not during his period of study in the Institute.
- (iii) Whether Mr. Abhinav Bhandari stayed in the hostel after December 2016 or not.
- (iv) Whether Mr. Abhinav Bhandari was charged fee by Bells Institute as per the fee structure mentioned in the Prospectus or not.

**Points for consideration:-**

- (i) Whether Belles Institute charged fee for the time period for which hostel was not occupied by Mr. Abhinav Bhandari.
- (ii) Whether tuition fee was charged by bells Institute in excess to that fixed by Ministry of Education Himachal Pradesh.
- (iii) Whether refundable security deposits for college library and hostel have been refunded to Mr. Abhinav Bhandari by the Institute

Case was called on 25.10.2017 statement of Mr. H.L. Ghrera, Registrar, Bells Institute of Management and Technology was recorded and complainant was exempted appearance due to his request on unavailable health issues. Registrar admitted that Mr. Abhinav Bhandari was a student in academic Session 2016-19. He submitted a document marked as (A-I) in which hostel fee for the session 2016-19 was bifurcated in the form of instalments by Ms. Sonika Sood on 20.08.2016. The Document shows that in case of Mr. Abhinav Bhandari it was Rs. 50,000/- to be paid in four instalments. For the 1<sup>st</sup> Semestertwo instalments each of amount Rs. 15.000/- had to be paid on 20<sup>th</sup> September 2016 and 20<sup>th</sup> October 2016 respectively. For the Second semester two instalments each of amount Rs. 10,000/- had to be paid on 20<sup>th</sup> November 2016 and 20<sup>th</sup> December 2016 respectively. For Second year two instalments

amounting to Rs. 15,000/- each had to be paid on 20<sup>th</sup> March 2017 and 20<sup>th</sup> June 2017. Similarly for 3<sup>rd</sup> year two instalments of Rs. 15,000/- each had to be paid on 20<sup>th</sup> March 2018 and 20<sup>th</sup> June 2018 whereas two remaining instalments each of Rs. 10,000/- had to be paid on 20<sup>th</sup> September 2018 and 20<sup>th</sup> June 2018 whereas two remaining instalments each of Rs. 10,000/- had to be paid 20<sup>th</sup> September 2018 and 20<sup>th</sup> Dec 2018 respectively. The prospectus of the College (marked A-II) does not mention any fee structure or schedule. Documents marked as (A-III) Notification No. EDN(TE)A(4) 8/2013 dated 4<sup>th</sup> December 2015 by Govt of Himachal Pradesh, Department of Technical Education fixed the fee and funds including the hostel rent and mess charges in case of private unaided Engineering Colleges as: Rs. 2000/- refundable college Security, Rs. 2000 refundable library security and Rs. 56000/- as tuition fee per annum payable in two instalments at the beginning of each semester. In respect of Hostel Charges the said notification fixed Rs. 24000/- as Mess Charges payable in two instalments, Hostel rent including electricity and water charges as Rs. 25000/- for Hostel magazine newspaper, indoor games as Rs. 500/- for maintenance charges of mess utensils and furniture as Rs. 700/- Refundable Hostel security Rs. 1000/-. Registrar also stated that Mr. Abhinav Bhandari during the second Semester left the hostel but no intimation regarding the same was provided to the institution hence the hostel remained occupied by him. He also stated that he did not pay hostel fee for the next year.

On 14.11.2017 the statement of Mr. Rakesh Bhandari father of Mr. Abhinav Bhandari, plaintiff in the case was recorded. He stated that his ward Mr. Abhinav Bhandari paid hostel fee in two equal instalments of Rs. 15000/- each on 12.09.2016 vide receipt No. 4342 marked as A-IV and on 10.10.2016 vide receipt No. 4409 marked as A-V further stated that his son stayed in hostel only in first semester and never availed the facility of the hostel in 2<sup>nd</sup> semester. He also submitted a document dated 17.12.2016 marked as (A) in which he has intimated Principal Bells Institute that his son Abhinav Bhandari has arranged his own accommodation and will not be staying in the hostel from 2<sup>nd</sup> Semester.

He also stated that his son Abhinav Bhandari stayed in a paying guest house named Vrinda PG. He stated that the College issued migration certificate to his son on 18.04.2017 marked as (B). He stated that on 10.06.2017 his son was asked to pay a fine of Rs. 800/- which he paid but when he went to collect his roll number on 14.06.2017 he was asked to pay Rs. 5000/- as remaining dues of the hostel fee of 2<sup>nd</sup> semester which he paid vide receipt No.BIMT/A/5086 marked as B-1 dated 14.06.2017. Statement of Ms. Sonika Sood was recorded. She admitted that Mr. Abhinav Bhandari took admission in BHM in July 2016. She stated that Mr. Abhinav Bhandari paid only two instalments of amount Rs. 15000 each as the institute allowed him to pay the fee in instalment as per proforma marked as A-I on his request and exempted rest amount of Rs 20,000/- on his request that he did not avail the facility of the hostel for whole semester. She stated that Institute charged Rs. 5000/- at the time of issuance of his roll number as rent of the hostel for the month of January 2017 since he kept room locked with his luggage. She further admitted on 05.12.2017 that she requested the Registrar of the Institute to issue his migration certificate before his examination of 2<sup>nd</sup> semester. She admitted that Institute allowed migration to Sh. Abhinav Bhandari marked as (B) but request was cancelled by HPU as per documents marked as 'C' dated 20.04.2017. Statement of Sh. Ashish Sharma warden Boy's Hostel was recorded. He submitted a document marked as A-VI dated 13.12.2016 depicting the schedule of examinations and classes. He further stated that Mr. Abhinav Bhandari came in the middle of 2<sup>nd</sup> semester for leaving the hostel and Institute charged him Rs. 5000/- for occupying the hostel till then, i.e. till middle of 2<sup>nd</sup> semester. Statement of Dr. Jyoti Dhar Sharma Principal Bells Institute was recorded on 03.01.2018. He admitted that Mr. Abhinav Bhandari studied in their Institute but he (Principal) was not aware in which course. He said that Hostel fee for one year is Rs. 50000/- but he was not aware as to how much was paid by Mr. Abhinav Bhandari. He stated that there is a Grievance Redressal Committee in the College and Ms. Sonika

Sood is a member of the Committee and never received a complaint from Mr. Abhinav Bhandari.

On 23.01.2018 none appeared. An application from Registrar was received requesting postponement hearing due to winter vacations till 23.02.2018. On 15.03.2018 none appeared and the fresh notices were issued for 25.04.2018.

On 02.05.2018 Ms. Sonika Sood appeared and made the same submission however complainant was absent. On 06.06.2018 none appeared. On 04.07.2018 Ms. Sonika Sood appeared and the last opportunity was given to complainant for appearance.

On 24.07.2018 complainant and respondents both requested for next date of hearing which was accepted.

On 28.08.2018 Mr. Abhinav Bhandari appeared and made submissions which were already made by his father. He stated that he never locked any room and if room was locked his belongings are to be released. On 16.10.2018 Mr. Ankit Sood Assistant Professor (CE) BIMT appeared and submitted an authorization letter on behalf of Ms. Monika Sood but exemption was not allowed. On 30.10.2018 none appeared. On 15.11.2018 an e-mail followed by a letter was received stating that Ms. Sonika Sood has resigned from the College it was taken on record. Further Principal of management Technology appeared and submitted through an affidavit that all facts, documents and statements submitted by College authorities in case No. 9 of 2017 is true and nothing has been concealed.

## **Findings**

According to narrative of the complaint Mr. Abhinav Bhandari was a student of BHM in Bells Institute of Management & Technology for the session

2016-2019. The fact has been verified by the Documents submitted in the form of receipts for the fee paid to Bells Institute of Management & Technology by Mr. Abhinav Bhandari. In reply, the Principal of Bells Institute of Management of Technology, statements of the authorities of the Institute admitted that Mr. Abhinav Bhandari was a student of BHM in Bells Institute of Management of Technology for the academic session 2016-2019 corroborating the assertion made in the complaint therefore it is established that Mr. Abhinav Bhandari was a bonafide student of Bells Institute in BHM for the academic session 2016-2019 and thus was a student in Dec 2016 and Jan 2017 thus issue (i) is settled.

Mr. Abhinav Bhandari deposited course fee of Rs.30,000/- vide receipt No. BIMT/A/3767 on 08.07.2016 for BHM 1<sup>st</sup> Semester (Marked as A-VII) and Rs. 30,000/- vide receipt No. BIMT/A/4923 on 10.04.2017 (Marked as A-VIII) and Rs. 30000/- vide Bank Transfer IDBI on 26.12.2016 (marked as A-IV). Thus he paid a total of Rs. 90000/- for 2016-2017, 1<sup>st</sup> and 2<sup>nd</sup> semesters. As per the notification No.EDN(TE)A94)8/2013 dated 04.12.2015 of Deptt. of Technical Education, Govt. of Himachal Pradesh the admission and Fee Committee recommended in case of Bells Institute of Management & Technology (Marked as A-III, page No. 30) Rs.56000/- as tuition fee per annum payable in two instalments at the beginning of each semester and Rs. 1200.00 as registration and admission fee, Rs. 2000 as College security (refundable), Rs. 6500.00 as development fund (Annual) Rs. 2500 as computer/ internet charges (Annual) i.e. a total of Rs. 70,200/- for one year. Thus Mr. Abhinav Bhandari was charged Rs. 19800 more by Bells Institute of Management & Technology than that fixed by Admission and fee Committee in accordance of Himachal Pradesh Private Technical and Vocational Educational Institutions (Regulatory Commission (Regulation of Admission and Fixation of Fee) Act, 2008. The College Prospectus (marked as A-II) does not mention anything about the fee structure which is a gross violation of the guidelines to education Institutes and in a way is a miscommunication to and concealment of the information from students.

The reply of Principal Bells Institute dated 16.08.2017 admits that Mr. Abhinav Bhandari, a student of BHM took admission in Hostel in August 2016 and the same is corroborated in the statements of Sh. H.L. Ghrrera, Registrar of Bells Institute, Mr. Rakesh Bhandari F/o Mr. Abhinav Bhandari and the Hostel fee instalment proforma marked as A-I and the hostel fee receipt No. BIMT/A/4409 dated 10.10.2016 marked A-V and fee receipt No. BIMT/A/4372 dated 12.09.2016 marked as A-IV and receipt No. BIMT/A/5086 dated 14.06.2017 marked as B-1. Therefore, it is a settled issue that Mr. Abhinav Bhandari was residing in the hostel during his study period in Bells Institute in the academic session 2016-2019.

As per the notification No.EDN(TE) A(4) 8/2013 dated 4<sup>th</sup> Dec 2015 Deptt. of Technical Education Govt. of Himachal Pradesh marked as A-III admission and fee committee Act No. 16 of 2018) has fixed the hostel fee in terms of Mess charges as Rs. 24000 payable in two instalments, hostel rent including electricity and water charges Rs. 25000/-, Hostel Magazine, News Paper indoor games charges as Rs. 500/- Maintenance Charges of mess, utensils and Furniture etc. as Rs. 700/-, Hostel Security one time refundable as Rs. 1000/- and mess security refundable Rs. 1000/- thus a total of Rs. 52200/- per annum. Therefore it is apparently not clear as to how the instalments were fixed by Bells Institute as per the proforma marked as A-I and signed by Ms. Sonika Sood and under which authority. Mr. Abhinav Bhandari was supposed to pay Rs. 15000/- by 20.09.2016 which he paid as per the receipt No. BIMT/A/4372 dated 12.09.2016 marked A-IV and Rs. 15000 by 20.10.2016 which he paid as per receipt No. BIMT/A/4409 dated 10.10.2016 as per the Hostel fee proforma signed by Ms. Sonika Sood marked as A-I. On 17.12.2016 a letter was sent to the Principal of Bells Institute by Sh. Rakesh Bhandari F/o Mr. Abhinav Bhandari informing the college that Mr. Abhinav Bhandari will not be availing the hostel facility from 2<sup>nd</sup> semester. This also been stated by him in his statement recorded on 14.11.2017. He further stated that his son stayed in Vrinda PG in the second Sem. and produced receipts in the form of Bank transfer in the name

of Mr. Shubham Sharma, the said owner of Vrinda PG marked as C-I, however he could not produce the related documents of ownership of Vrinda PG. Mr. H.L. Ghrrera in his statement recorded on 25.10.2017 admitted that during the second semester Mr. Abhinav Bhandari left the hostel but stated that without intimation and it is only assumption that he occupied the hostel. He further stated that we amicably resolved it, but it is not clear as to who are 'we' and why Rs. 5000/- was charged for the month of Jan 2017. Ms. Sonika Sood in her statement recorded on 14.11.2017 stated that on the request of Mr. Abhinav Bhandari hostel fee of Rs. 50,000/- for one year was allowed to be paid in instalments. But no evidence for his request was provided. She stated that he paid only two instalments and institute exempted rest amount of Rs. 20000/- on his request but no evidence for the same also. She is assuming that if he occupied the room of hostel with his luggage and locked the room, it means that he was availing the hostel facility. She stated that he was charged Rs. 5000/- at the time of issuance of his roll number as the rent of the hostel for the month of January 2017. Mr. Aashish Sharma warden Boy's hostel in his statement recorded on 05.12.2017 stated that Mr. Abhinav Bhandari left host in 2<sup>nd</sup> semester and was charged as 5000/- as rent till then he till middle of 2<sup>nd</sup> semester. Principal Dr. Jyoti Dhar Sharma in his statement recorded on 03.01.2018 stated that he do not know Mr. Abhinav Bhandari and not aware of the fact that in which course he was studying, nor how much he had to pay. He stated that there is a grievance redressal Committee in the Institute of which Ms. Sonika Sood is one of the member and Mr. Abhinav Bhandari never approached this Committees. This fact could not be verified as Ms. Sonka Sood did not appear and information was received that she had resigned from the Institute. The statements of all the authorities of the Institute are not unanimous and could not establish that Mr. Abhinav Bhandari was staying in the hostel in 2<sup>nd</sup> Sem. Surprisingly College Principal, warden and DSW do not know what is happening in there Institute. They not know whether a students is in the hostel or not, when and in whose presence the room was vacated by the student. They



never issued any letter to Mr. Abhinav Bhandari regarding hostel dues and vacation of room nor they responded to the Intimation of Mr. Rakesh Bhandari marked as (A). Therefore it is established that Institute charged Rs. 5000/- vide receipt No.BIMT/A/5086 dated 14.06.2018 illegally and that too at the time of issuance of Roll number to the student causing mental harassment at the time of examination.

The statements of college authorities, which are contradictory in nature and not harmonious, could not establish that Mr. Abhinav Bhandari Stayed in the Hostel after December 2016 nor they could produce any document or witness which could prove it., whereas plaintiff produced a document in the form of an intimation to College Principal that Mr. Abhinav Bhandari has arranged his own accommodation and will not stayed in the Hostel from 2<sup>nd</sup> Semester and the same was not refuted by College authorities. Merely assumptions of College authorities could not be the base for supporting their assertion. Therefore it is established that Mr. Abhinav Bhandari did not stay in the Hostel after December 2016, thus issue No. (iii) is settled.

The statement of college authorities and the receipts produced by plaintiff proves that Mr. Abhinav Bhandari was charged more tuition fee than that fixed by fee Committee of Government of Himachal Pradesh. Therefore it is proved that Mr. Abhinav Bhandari was not charged fee as per the fee structure and thus Bells Institute violated the act, so issue No. (iv) is settled.

The statements of college authorities do not indicate whether the Security deposits have been refunded to Mr. Abhinav Bhandari or not.

### **Judgement**

Bells Institute of Management and Technology Mehli is directed to pay an amount of Rs. 19800/- charged over and above the fee structure, Rs. 2000/- as refund of College security and Rs. 2000/- as refund of library security if not done earlier along with an interest prevailing on the fixed deposits on the date of

institution of the suit to calculated till the payment is made to Mr.Abhinav Bhandari.

Bells Institute of Management and Technology is directed to pay Rs. 5000/- charged illegally as hostel fee, Rs. 1000/- as refund of Hostel Security and Rs. 1000/-as refund of Mess security if not done earlier with an interestprevailing on the fixed deposits on the date of institution of the suit to Mr. Abhinav Bhandari along with the cost of the suite.

Bells Institute of Management and Technology is also directed to pay a fine of Rs. 59,400/-(three times the amount of excess fee charged) on account of violation of fee structure fixed by the Govt. of Himachal Pradesh and Concealment of the information by not providing the fee structure in the Prospectus of the Institute and be deposited with HP-PERC within 30 days from the date of announcement of the decision. Institute is directed to print all the fee structures of HP Govt. for the Courses being run in the Institute in future.

Orders be uploaded on website of the Commission.

Copy of orders be sent to (i) The Chairman, Bells Institute of Management & Technology, Mehli Shimla-171013 for compliance.

(ii) Sh. Rakesh Bhandari f/o Mr. Abhinav Bhandari, 41-E, Sarabha Nagar, Ludhiana for information.

File after completion be consigned to record room.

Dated: 12.12.2018

Sd/-  
(Dr. S.P. Katyal)  
Member