



FEES REGULATING AUTHORITY

Maharashtra Unaided Private Professional Educational Institutions
(Regulation of Admissions and Fees)

"शिक्षण-नव्वेव्यवसाय -ज्ञान यज्ञ"

Govt. Polytechnic Building, 305,
3rd Floor, 49, Kherwadi, Bandra (E),
Mumbai - 400 051.

E-mail: secfra.mu-mh@gov.in/fra.govmh@gmail.com
Web: www.sssamiti.org
Tel. : 022 - 2647 0463

Meeting Date: 29/09/2021

Minutes of Meeting

The Meeting of the Fees Regulating Authority (constituted under section 11(2)(3)(4) of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015) held on **29th September, 2021** in the Conference Hall, Room No. 305, Government Polytechnic Building, 49 Kherwadi, Ali Yawar Jung Marg, Bandra (E), Mumbai - 400 051.

Following were present:

1.	Hon'ble Justice V.L. Achliya (Retd.)	:	Chairperson
2.	Dr. Vijay Vasant Khole, Ex-Vice Chancellor, Mumbai University	:	Member
3.	Shri. Manoj Damodar Chandak, Chartered Accountant	:	Member
4.	Shri. Ratanakar (Shirish) Phadtare, Cost Accountant through video conferencing	:	Member
5.	Shri. Dharmendra Dilip Mishra, Professional Educationist	:	Member
6.	Dr. K.D. Chavan, Registrar, Maharashtra University of Health Science, Nashik.	:	Member
7.	Shri. C. D. Joshi IAS	:	Secretary

Dr. Abhay E. Wagh, The Director, Technical Education, Mumbai & Shri. Vishwajit Mane IAS, Member Secretary of Maharashtra Council of Agricultural Education of Research, Pune (MCAER) their presence is dispensed for a day

Dr. Dhanraj Mane, The Director, Higher Education, Pune absent without intimation.

Item No. 1: To confirm the minutes of the meeting dated 24/09/2021.

"Discussed.

The minutes of the meeting dated 24/09/2021 are approved and confirmed".

✓

Item No. 2: **To consider the complaints received from the students of Audyogik Shikshan Mandal's Institute of Management & Computer Studies, Thane.**

"Discussed.

In the previous meeting held on 22/09/2021, the Authority has decided as under ;-

"It was decided to direct the Director of the Institute to submit the particulars as per the direction given in the meeting held on 17/09/2021 i.e break up fees received from individual students and further provide the complete list of Trustees of the Trust running the Institution as well as the persons responsible for the day to day affairs of the Institution. It was further decided to direct the Institution to submit the attested copy of the Bank Statements showing the entries of the amount received from the students & credited in the account during the 2018-19 & 2019-20 .

The Director of the Institute personally present assured to comply with the directions.

List the subject for reporting compliance & hearing on 29/09/2021".

Pursuant to the direction given on 22/09/2021 the Director of the Institute has submitted the statement showing the breakup of fees received from Individual students as per fees approved by the Authority and the fees collected from each of the students over and above the fees approved by the Authority. The Director has furnished the list, showing the names of the Trustees of the Trust and the Members of the Executive Committee;



List of Executive Committee:

SR NO.	NAME	ADDRESS	TELEPHONE NUMBER	EMAIL ID
1.	Dr. Sandeep Pachpande	Sweet Home Bungalow, Mahavir Park Colony, Mohan Nagar, Chinchwad, Pune- 19	9422009213	chairman@asmedu.org
2	Dr. Asha Pachpande	Sweet Home Bungalow, Mahavir Park Colony, Mohan Nagar, Chinchwad, Pune- 19	9422009195	asha.pachpande@asmedu.org
3	Mr. V Y Patil	Ragdari Apartment, D Building, Aundh, Pune - 411007	8600713283	vinay548_patil@rediffmail.com
4	Mr. R R Patil	Ground Floor, Highway Towers, Chinchwad, Pune - 19	8087600012	rrpatil@asmedu.org
5	Dr. Priti Pachpande	Sweet Home Bungalow, Mahavir Park Colony, Mohan Nagar, Chinchwad, Pune- 19	9422009219	priti.pachpande@asmedu.org

List of Trustee :

SR NO.	NAME	ADDRESS	TELEPHONE NUMBER	EMAIL ID
1	Dr. Asha Pachpande	Sweet Home Bungalow, Mahavir Park Colony, Mohan Nagar, Chinchwad, Pune- 19	9422009195	asha.pachpande@asmedu.org
2	Dr. Priti Pachpande	Sweet Home Bungalow, Mahavir Park Colony, Mohan Nagar, Chinchwad, Pune- 19	9422009219	priti.pachpande@asmedu.org

As per the statement filed on record, the Institution has collected Rs. 53,000/- each from 85 students during the academic year 2018-2019 & 2019-2020, over and above the fees approved by the Fees Regulating Authority. Considering the information furnished by the Director of the College/Institution, the College/Institution has charged and collected approximately Rs. 45,00,000/- from the students over and above the fees approved by the Authority during the academic year 2018-19 & 2019-20.

One of the Complainant has sent a letter dated 28/9/2021 through email along with the screenshot of the draft send to her by the persons named in the complaint directing her to send email to Fees Regulating Authority and inform that she has settled the matter and withdrawn her complaint. The facts mentioned in the letter are not only shocking but reflect the deliberate attempt made on the part of the Institution to interfere with the process of hearing of

complaints pending before the Authority. The contents of the letter read as under;

***"The Hon'ble Chairperson, Justice V L Achiya (Retd).
Fees Regulating Authority (FRA), Mumbai 400051.
Respected Sir,***

***Subject: Complaint No. shu.ni.pra./750/2021
on the date of 30/08/2021 Grievances
Filed against ASM's IMCOST, Thane: Our
Complaint related to Excess Fees
Charged and harassment.***

***Ref :- Complaint filed on dated 7th September
with FRA against ASM's IMCOST.***

Respected Sir,

***I am Sonali Dilip Nikam the ex-students batch (2018 -
2020) of ASM's IMCOST are I filled complaint against
harassment and excess fees taken for the academic
year 2018-2020 for the course MMS.***

***I have mentioned in 7th September 2021 that I
suffered harassed in whole academic year while
taking course in college Audyogic shikshan mandal,
thane from Ms. Varsha Parab, on the same day I have
clearly mentioned my husband got harassment from
local people and from political people, I also
mentioned that I have such proofs (call recordings)
which I wanted to submit in FRA's office also going to
do FIR for my protection, from those peoples. After
hearing from 7th September my husband getting
continuous calls from Mr. Irshad and Mr Girish to
settle this case.***

***On the date of 16th September night IMCOST people
came to my place and uses abuse words with my
husband. Had done blackmailed and harassed to not
attend 18th meeting at Fees Regulating Authority by
Mr. Irshad and Mr Girish on the convey of Ms. Varsha
Parab.***

***Those people catch my husband at airport road near
samrudhi Hotel, and started using abusing words to
take complaint back from FRA. Mr irshad has come
with four peoples which was a college staff.***

***Mr Irshad and Mr. Milind told him to do a mail on
tomorrow FRA meeting which says we haven't had
any any complaints against ASM's IMCOST college. He
has sent a formal draft on whats app and told to share***



with all other students who was present in last hearing.

He has draft mail and circulate to all students, also told them to do a mail at the time of meeting.

We have witness who was present at the time of blackmailing to my husband.

Also wanted to include here ASM's group people told us that they have managed FRA's Authority people to settle the matter by money, no one will help you out of this just because they have settle the matter by money.

****I am requesting you to please let out this case by following the results in favor of the truth and action should be taken against the culprits****

***Yours Sincerely,
Sonali Nikam.***

If got any physical damage to me and my husband their will be totally responsible ASM's groups People. (Ms. Varsha Parab/ Mr. Girish/ Mr.Irshad/ Mr. Milind).

Here I am attaching with this mail the draft which has sent by Mr irshad to my husband to circulate with students to drop mail for back out from this case"

On due consideration facts of the case, the serious allegations made by the Complainants against the Management of the Institution and the development which have taken place in last few weeks, the Authority is of the view that the matter requires serious consideration and strict action as contemplated u/s. 20 of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 deserves to be taken in the matter. The material on record prima facie makes out a case of charging the fees over & above the fees approved by the Authority & contravention of the provision of the Act of 2015. The Institution has admitted in their written submission that they have charged & collected Rs. 53,000/- each from 85 students, over and above the fees approved by the Fees Regulating Authority.

In terms of the provision of the Act of 2015, no Institution can charge the fees and collect the amount over and above the fees approved by the Fees



Regulating Authority. The term 'fee' has been defined u/s 2(g) of said Act of 2015 and the same reads as under:

"Fees" means the amount fixed as fee which includes tuition fee, library fee, gymkhana fee examination fee, development fee or amount payable for any curricular or co-curricular activities, laboratory fee, information brochure fee and any other amount collected from the students, by whatsoever name called, and accepted in whichever manner, that is made payable to a Private Professional Educational Institution, for whatever purpose, by any candidate admitted to a professional course at such institution, but excludes any charges payable towards use of any optional hostel accommodation, mess charges and Students Insurance Fees"

The explanation put forth by the Institution to justify the collection of the amount over and above the fees approved cannot be accepted in the light of the definition given u/s. 2 (g) of said Act of 2015. The act of Institution prima facie make out a case of 'Profiteering' as defined u/s. 2 (s) of said Act of 2015. If the allegations are proved to be true and correct then the officials of Institution, the Trustees, and the persons dealing with the affairs of the Trust & the Institution are liable for action u/s 20 of Act of 2015. For contravention of the provision of the Act and committing the Act of profiteering invites imposition of penalty twice the amount of excess fees charged and collected from the students by the Institution & person responsible for the affairs of Trust running the Institution. So also the excess fees collected from the students liable to be returned to the individual student by the Institution.

Section 20 of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 reads as under;

20. (1) The Regulating Authority if, of the opinion that any person has contravened any of the provisions of this Act or the rules made thereunder, may direct such person to pay a penalty—

(a) for the first contravention, which shall not be less than one lakh rupees but which may extend to five lakh rupees or twice the amount taken in excess of the fee as determined under this Act, whichever is higher;

(b) for the second or subsequent contravention, which shall not be less than two

lakh rupees but which may extend to ten lakh rupees or twice the amount taken in excess of the fee as determined under this Act, whichever is higher.

(2) Whoever, provides incorrect information, fabricated and fake books of accounts, fraudulent documents, and such other evidence etc., to the authorities, whether or not the act is done for profit or gain, is said to have committed an offence and shall, on conviction be punished with imprisonment for a term which may extend to six months.

(3) The offence under sub-section (2) shall be cognizable.

(4) If during the course of enquiry under this section, it is found that the unaided institution has charged the fees in excess of those approved by the Authority; such fees shall be returned to the concerned student.


(5) On repetition of contravention or irregularity, the name of the institution shall be recommended for the withdrawal of affiliation or approval from concerned authority.

(6) Where the offence or irregularity under this Act or rules made thereunder is committed by a Management, every person designated by the management, from such management, for the purpose, who, at the time when the offence or irregularity was committed, was in charge of, and responsible to, the management for the conduct of the business of the management, as well as the management, shall be deemed to be guilty of the offence and shall be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any person liable to punishment, if he proves that the offence was committed without his knowledge or that he has taken due diligence to prevent the commission of such offence.

(7) Notwithstanding anything contained in sub-section (6), where any offence under this Act or the rules made thereunder has been committed by a management and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any office bearer, officer or servant, such office bearer, officer or servant concerned shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In view of the facts emerged from the record and the admission given by the Institution of charging Rs. 53,000/- each from 85 students i.e



approximately Rs. 45,00,000/- over and above the fees approved by the Fees Regulating Authority, the Institutions, and its Management, not only liable to refund the said amount to the students but also liable for the penalty to the extent of double the amount of excess fees charged and collected from students. So also they are liable for prosecution and other actions as provided u/s. 20 of said Act of 2015.

It is also noticed that the amount of fees recovered over and above the fees approved not accounted as an income received by the Institution, in accordance with the standard practice of maintaining the books of accounts. The person representing the Institution submit that there was a mistake in accounting the same as income in the books of accounts and crediting the same in the Bank Accounts. In that view there is reason to believe that Institution and its Official may have indulged in manipulating the books of accounts of the Institution.

Before taking any action as contemplated u/s. 20, of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015, the Authority is of the view that the opportunity of hearing be provided to the Director, the Trustees, and Executive Members of the Trust, who have avoided to appear before the Authority inspite of repeated direction given to appear in person. It is therefore decided to issue show-cause notice to them & notice of hearing to complainants/students.

Considering the nature of allegations & to decide the complaints effectively, it is decided to Authority mentioned below be invited as Special Invitees for next date of hearing, to assist the Authority.

1. The Director of the Higher & Technical Education, Mumbai.
2. The Competent Authority of AICTE, Mumbai.
3. The Officer of Charity Commissioner, Mumbai.
4. The Chief Operating Officer, MAHADBT, Mumbai.
5. The Commissioner of Police, Thane.

The copy of Complainant, dated 28/09/2021 received from Mrs. Sonali Nikam be forwarded to Commissioner of Police Thane for taking necessary action.

List the subject for hearing on 9/10/2021.

Mr. V.P.Pawar, The Director of the Audyogik Shikshan Mandal's (ASM), the authorized person of the Trust accept the notice on behalf of the Trust and Executive Members of the Committee.

After the minutes of the meeting are dictated, Dr.D.V. Kulkarni the Director of the Institute, and Mr. V.P.Pawar, the authorized person of the Trust requested the Authority not to take serious view in the matter and submit that they have received instructions from Management that they are ready to refund the amount to the students from whom they recovered excess amount. They submit that they will keep the Trustees of the Trust personally present. At the request made on the part of the Director of Institute it was decided to keep the order of issuance of show cause notice to Trustees of Trust in abeyance till 30/9/2021".

Item No. 3: To consider the proposal for approval of fees submitted by Shri. Saibaba Nursing School, Kolpewadi for the academic year 2020-21.

"Discussed.

Dr. Prakash J. Kolpe, the President of the Trust & Dr. Dhananjay Prakash Kolpe, the Secretary of the Trust are present. They submit that they have complied the direction and filed the statement showing the income and expenditure of the Institution from the year 2011-2012 and the particulars of reimbursement of fees received from the State Government from the year 2013-14 onwards.

The President of the Trust submit that he alone looks after the affairs of the Institution & no other Trustees of the Trust are responsible in committing the breach of provisions of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015. He submit that amount collected from the students as fees as well as the amount recovered as reimbursement of fees from the State Government has been spent in running the Institution and developing the infrastructure of the Institution. No amount received as fees has been utilized by himself or any Trustees of the Trust for personal gain or personal use. He further submit that the mistake committed was due to a lack of knowledge to maintain the proper books of account and submission of the proposal to Fees Regulating Authority. He submit that he accepts the entire responsibility of breach of provisions of

the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 & further submit that the Institution is ready to deposit the penalty to be determined by the Authority. He further submit that as an Act of repentance for misdeeds committed on the part of Institution and as a Chairman of Trust, he is willing to pay the substantial amount to Non-Governmental Organizations like TATA Memorial Cancer Hospital Trust, which is undertaking the task to treat the poor & needy patients suffering from Cancer.

It was decided to direct the President/Chairman of Trust to file an affidavit incorporating the oral statement made & then to decide the further course of action to be taken in the matter. The President of the trust is directed to file the affidavit on and before 8/10/2021.

List the subject for hearing on 8/10/2021.


Let the follow up action be taken".

Item No. 4: To consider the request seeking No Upward Revision for the academic year 2020-21(list annexed as annexure 'A').

"Discussed.

The Management of the Unaided Private Professional Educational Institutions mentioned in the list **Annexure 'A'** have submitted online proposals seeking no upward revision for the academic year 2020-2021 & exercise of the option to continue to apply the fee structure approved by the Authority for the previous academic year 2019-2020 for the next academic year 2020-2021.

As per section 14(1)(b) of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions & Fees) Act, 2015 in the event of non-submission of the proposal for upward revision of fee by the Management within the period prescribed u/s. 14(1)(a) of the said Act, the fee structure approved by the Authority & applicable during the previous academic year shall continue to apply to such institution for the immediate next academic year. Section 14(1) a & b of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions Fees) Act, 2015 read as under;



"14. (1) In determining the reasonableness of fee structure, the following provisions shall apply:-

- (a) the Management of the Unaided Institution shall submit the details of the proposed fee alongwith the audited accounts of the preceding financial year, the proposed budget in respect of the current financial year and the relevant record and evidence to the Fees Regulating Authority for its approval not later than 31st October of previous academic year ;**
- (b) in the event of non-submission of the proposal for upward revision of fees to the Fees Regulating Authority within the time-limit specified by the Authority, the fees structure as approved by the Authority and applicable during the previous academic year shall continue to apply".**

In view of the above, no specific order of the Authority is required to apply the fee structure approved by the Authority for the previous academic year for the immediate next academic year. Therefore the Management has to act in accordance with Law.

The list **Annexure 'A'** shall form the part & parcel of the minutes of the meeting.

Let the follow-up action be taken".

Item No. 5: To consider the request seeking No Upward Revision for the academic year 2021-22 (list annexed as annexure 'B').

"Discussed.

The Management of the Unaided Private Professional Educational Institutions mentioned in the list **Annexure 'B'** have submitted online proposals seeking no upward revision for the academic year 2021-2022 & exercise of the option to continue to apply the fee structure approved by the Authority for the previous academic year 2020-2021 for the next academic year 2021-2022.

As per section 14(1)(b) of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions & Fees) Act, 2015 in the event of non-submission of the proposal for upward revision of fee by the Management within the period prescribed u/s. 14(1)(a) of the said Act, the fee structure approved by the Authority & applicable during the previous



academic year shall continue to apply to such institution for the immediate next academic year. Section 14(1) a & b of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions Fees) Act, 2015 read as under;

"14. (1) In determining the reasonableness of fee structure, the following provisions shall apply:-

"(a) the Management of the Unaided Institution shall submit the details of the proposed fee alongwith the audited accounts of the preceding financial year, the proposed budget in respect of the current financial year and the relevant record and evidence to the Fees Regulating Authority for its approval not later than 31st October of previous academic year ;

(b) in the event of non-submission of the proposal for upward revision of fees to the Fees Regulating Authority within the time-limit specified by the Authority, the fees structure as approved by the Authority and applicable during the previous academic year shall continue to apply".

In view of the above, no specific order of the Authority is required to apply the fee structure approved by the Authority for the previous academic year for the immediate next academic year. Therefore the Management has to act in accordance with Law.

The list **Annexure 'B'** shall form the part & parcel of the minutes of the meeting.

Let the follow-up action be taken".

Item No. 6: To consider the proposals for fixation of fee for the academic year 2020-21 & 2021-22.

"Discussed.

Deferred for further consideration on 04/10/2021".

Date :29th September, 2021
Place : Mumbai


**CHAIRPERSON
FEES REGULATING AUTHORITY**

List of Institutes/Colleges seeking No Upward Revision for the Academic Year 2021-22 in respect of Engineering course

Sr. No.	Code No.	Institute Name	Course	Date & fees approved for the previous Academic Year (2020-21)		Fees to continue to apply for A.Y. 2021-22 (No Upward Revision)
				Date	Fees	
1	EN5380	ADSUL'S TECHNICAL CAMPUS AHMEDNAGAR	ENGG	20-12-2019	84000	84000
2	EN3351	Bharat College of Engineering, Kanhor, Badlapur(W)	ENGG	02-09-2020	73000	73000
3	EN2146	Adarsh Shikshan Prasarak Mandal's K. T. Patil College of Engineering and Technology, Osmanabad	ENGG	28-11-2019	45000	45000
4	EN5449	Shri Vile Parle Kelavani Mandal's Institute Of Technology, Dhule	ENGG	16-01-2020	92000	92000
5	EN3222	Haji Jamaluddin Thim Trust's Theem College of Engineering, At. Villeg Betegaon, Chilhar Road, Near Union Park, Boisar (E), Tal. Palghar, Dist. Thane,	ENGG	19-12-2019	64000	64000
6	EN3215	BHARATIYA VIDYA BHAVAN'S SARDAR PATEL INSTITUTE OF TECHNOLOGY	ENGG	23-01-2020	170000	170000
7	EN5168	T.M.E. Society's J.T.Mahajan College of Engineering, Faizpur	ENGG	28-11-2019	93000	93000
8	EN3199	Shri Vile Parle Kelvani Mandal's Dwarkadas J. Sanghvi College of Engineering, Vile Parle, Mumbai	ENGG	28-11-2019	194000	194000
9	EN3194	Vidyavardhini's College of Engineering and Technology, Vasai, Thane	ENGG	28-11-2019	112000	112000
10	EN6324	Raigad Dnyanpeeth's Shri. Chhatrapati Shivajiraje College of Engineering, S. No. 237, Dhangwadi, Tal. Bhor, Dist. Maharashtra Pune - 412206	ENGG	19-12-2019	110000	110000
11	EN4174	ST. Vincent Pallotti College of Engineering & Technology, Nagpur	ENGG	28-11-2019	120000	120000
12	EN6183	Al-Ameen Educational and Medical Foundation's, College of Engineering & Management Studies, Koregaon, Bhima	ENGG	19-12-2019	39000	39000
13	EN3218	Aidel Education Trust's St. John College of Engineering & Management, Vevoor, Palghar	ENGG	19-12-2019	94000	94000
14	EN5401	JAWAHAR EDUCATION SOCIETY'S INSTITUTE OF TECHNOLOGY, MANAGEMENT & RESEARCH, NASHIK.	ENGG	28-11-2019	70000	70000

Handwritten signature