

Court No. - 40

Case :- WRIT - C No. - 31469 of 2023

Petitioner :- Shri Ram

Respondent :- The State Of U.P. And 3 Others

Counsel for Petitioner :- Pawankumar Dubey

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1.Heard learned counsel for the petitioner and learned Additional Chief Standing Counsel for the State-respondents.

2. The present writ petition is preferred with an inordinate delay of more than a decade and for a direction to the respondent No.4 to pay balance fee Rs.1,73,000/- along with interest paid to the Bank Rs.1,55,000/-, i.e. total Rs.3,28,000/- to the petitioner.

3. The petitioner's son enrolled in a B-Pharma course at respondent No.4 - Institution for the 2008-2009 session and paid a total fee of Rs.1,98,000/- through bank draft. The institution was affiliated with Uttar Pradesh Technical University and had a facility for reimbursing fees for backward class students, but the petitioner only received Rs. 25,000/- in the first year of the course. As no more reimbursement was received, the petitioner filed a case against the institution before District Consumer Disputes Paritosh Court, Mathura. The petitioner took a loan of Rs. 4 lacs from the bank for his son's education, and due to the institution's illegal act, he has suffered a loss of Rs.7,09,340/- as interest which has been paid to the bank by the petitioner. The petitioner demands the return of a total of Rs. 3,28,000/- from the institution.

3. We have asked learned Additional Chief Standing Counsel to seek instructions in the matter by order dated 17.10.2023. Sri Fuzail Ahmad Ansari, learned Additional Chief Standing Counsel has placed detailed instructions and raised an objection that such a belated claim cannot be set up with concealment of fact whereas the petitioner's son has taken admission in Session 2008-09 and surprisingly he passed his course in Session 2020. He has also placed reliance on the marksheet along with the instructions. This fact has nowhere been stated by the petitioner in the writ petition. He submits that the writ petition is liable to be dismissed with exemplary cost on the ground of concealment of fact. An objection is also raised that the petitioner has set up his claim before consumer court, which is barred by limitation. He submits that on this ground alone this writ petition is devoid of merit and is liable to be dismissed.

4. Confronted with this situation, Sri Pawal Kumar Dubey, learned counsel for the petitioner prays that the present writ petition may be dismissed as not pressed.

5. Prayer of learned counsel for the petitioner for dismissing the writ petition as not pressed, is accepted. Accordingly, the writ petition is **dismissed as not pressed**.

Order Date :- 20.11.2023

NLY