

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5708 OF 2017

Gramudyogik Shikshan Mandal's
Marathwada Institute of Technology,
Aurangabad, A Trust/Society registered
under the Societies Registration Act
1960, Having its address for communication
at Beed Bye Pass Road, Satara Parisar,
Aurangabad, through its Managing
Principal Mr. Dr. Nilesh Ganpatrao Patil,
Age : 44 Years, Occu. : Service,
having his address for communication at
Marathwada Institute of Technology,
Beed Bye Pass Road, Satara Parisar,
Aurangabad .. Petitioner

Versus

1. State of Maharashtra,
Through The Chief Secretary,
Government of Maharashtra,
Mantralaya, Mumbai.
2. Fees Regulating Authority,
Through its Chairperson
Having its Address for
Communication at Govt.
Polytechnique Building,
Kherwadi, Bandra (East),
Mumbai - 400 051. .. Respondents

Shri Mandar M. Dabholkar, Advocate for the Petitioner.
Shri M. B. Bharaswadkar, A.G.P. for the Respondent No. 1.
Shri U. S. Malte, Advocate for the Respondent No. 2.

**CORAM : ANOOP V. MOHTA AND
SUNIL K. KOTWAL, JJ.
DATE : 28TH JUNE, 2017.**

ORAL JUDGMENT (*Per Anoop V. Mohta, J.*) :-

. Rule. Rule made returnable forthwith. Heard finally by consent of learned counsel for parties.

2. Petitioner/institution has challenged the order passed by the Regulatory Authority of Maharashtra, Mumbai constituted under the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 (for short, "Act") as the authority has no power to condone the delay in filing review application dated 19.04.2017. We have noted the scope and purpose of the Act including the requirement of authority to fix the per student fee for the concerned year. The contents of review application, therefore, are required to be considered by the authority as early as possible, to avoid further delay in the matter. The petitioner has filed review application, as not satisfied with the fee structure so decided by the authorities for this year, in comparison with the fee so fixed for earlier year.

3. The provisions with regard to condonation of delay is absent. Therefore, in the facts and circumstances, and in the interest of justice, we are inclined to condone the delay, if any, in

filing the review. The regulatory authority, therefore, is requested to decide the review application in accordance with law, as early as possible, preferably within two (02) weeks as the admission process is already set in motion.

4. The parties to appear before the authority on 03.07.2017. The authority to deal with the same in accordance with law. Rule is made absolute in above terms. No costs.

5. Parties to act on authenticated copy of this order.

Sd/-
[SUNIL K. KOTWAL, J.]

Sd/-
[ANOOP V. MOHTA, J.]

bsb/June 17