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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ LPA 510/2017

SHUBHAM PRADHAN & ORS ..... Appellants

Through: Mr. B.P. Singh & Mr. Ankur Yadav, Advocates.

versus

UNION OF INDIA & ORS ..... Respondents

Through: Mr. Vikas Mahajan, CGSC and Mr.S.S. Rai, Advocate for respondent No.1/ UOI.
Ms. Anita Sahani, Advocate for respondent No.2/ GGSIPU.
Mr. R.K. Arora & Ms. Minakshi Kalra, Advocates for respondent No.3.

**CORAM:**
**HON'BLE MR. JUSTICE VIPIN SANGHI**
**HON'BLE MS. JUSTICE REKHA PALLI**

**O R D E R**

% **31.07.2017**

**C.M. No.26870/2017**

1. Exemption allowed, subject to all just exceptions.

2. The application stands disposed of.

**C.M. No. 26869/2017**

3. Issue notice. Learned counsel for the respondents No.1, 2 & 3 accept notice. They do not oppose this application since the delay is not much.

4. Accordingly, the application is allowed.

**LPA 510/2017 and C.M. No. 26868/2017**

5. The present Letters Patent Appeal is directed against the order dated 16.05.2017 passed by the learned Single Judge in W.P. (C) No. 8536/2015.

6. By the impugned order, the learned Single Judge dismissed the writ petition preferred by the appellants to seek quashing of the notification dated 23.07.2015, whereby the respondent University notified the fee for B.Tech. (Power Engineering) course conducted by the respondent College for the academic session 2015-16 to be Rs.90,000/- excluding Rs.10,000/- as University share. The appellants were aggrieved by the said enhancement in fee. They had appeared in the entrance examination held, inter alia, for the B.Tech. (Power Engineering) course on 17.05.2015 for the session 2015-16. On 24.05.2015, the result of the said examination was declared and the appellants were declared successful. The process of counselling was held on several dates, whereafter documents verification was conducted between 21.07.2015 to 24.07.2015. On 23.07.205, i.e. prior to grant of admission, the circular for fee revision was uploaded by the respondents. Even thereafter, spot counselling was conducted between 26.07.2015 and 30.07.2015, and the last date to report was 30.07.2015. Pertinently, the appellants were amongst those who had been admitted through the last round of counselling. On 03.08.2015, the academic session started, and on 11.08.2015, the respondents required the appellants to deposit additional fee of Rs.65,000/-, apart from the amount of Rs.40,000/-, which already stood deposited. The appellants were aggrieved by the demand for additional fee.

7. The respondents pointed out that the appellants and all other

candidates were put to notice that the fee was under revision. This was notified in the prospectus itself. They also disclosed that the respondent College had been pursuing with the University for increase in fee from the year 2010, and ultimately, fee revision was intimated on 09.07.2015. The fee revision was approved by the Governing Council of the respondent No.3 institute on 10.07.2015, which was notified on 23.07.2015 on the website, i.e. prior to commencement of the academic session on 03.08.2015. Keeping in view the aforesaid, the learned Single Judge dismissed the writ petition.

8. The submission of learned counsel for the respondent is that the report of the National Fee Committee constituted by AICTE under the Chairmanship of Justice Shri Srikrishna, Former Judge, Supreme Court of India, which lays down the guidelines for charging tuition and other fees for professional courses dated 07.04.2015, inter alia, provides that fee should be determined at least six months before the start of the academic year and that in case fees cannot be determined before start of academic year, an interim fee structure with 10% increase over previous year should be approved. He submits that, in the present case, the enhanced fee was not determined six months prior to the academic year. He further submits that the increase of fee should not be 10% over the fee for the previous year.

9. We do not find any merit in this submission. Firstly, the report referred to only contains the guidelines and there is no statutory force in respect of the said guidelines. Secondly, in the present case, the enhancement in fee, which was pending since the year 2010, was approved by the University only in 2015, and soon thereafter, it was approved by the

Governing Council of the institution and notified well before the appellants took admission. The appellants were, therefore, well aware of the fee that they would have to pay for the course. The guidelines relied upon by the appellants only states that in case the fee cannot be determined before start of the academic year "*an interim fee structure with 10% increase over previous year should be approved*". However, in the present case, the respondents have not increased the fee as an interim measure and, therefore, there is no question of applying only 10% increase over previous year. Even if the fee increase were to be increased by 10%, the same would only be an interim fee structure and subject to further revision upon finalisation of the fee structure, as approved.

10. In view of the aforesaid, we find no merit in this appeal and dismiss the same.

**VIPIN SANGHI, J**

**REKHA PALLI, J**

**JULY 31, 2017**
***B.S. Rohella***