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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2655/2018 & C.M.Nos.10849-50/2018.
ANUPAMA COLLEGE OF ENGINEERING Petitioner
Through Mr.Aseem Mehrotra, Adv.
versus
ALL INDIA COUNCIL FOR TECHNICAL EDUCATION.
..... Respondent
Through Mr.Anil Soni, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **20.03.2018**

Vide the present petition, the petitioner is seeking quashing of the letter dated 12.03.2018 issued by the respondent, whereby the petitioner has been asked to pay the balance sum of Rs.2 lakhs for processing its application for grant of extension of approval for the academic year 2018-19.

It may be noted that the petitioner had earlier preferred a writ petition bearing W.P.(C)No.5348/2017, challenging the letter dated 30.04.2017 issued by the respondent, whereby the petitioner's request for grant of extension of approval had been rejected during the pendency of the aforesaid writ petition before this Court. The petitioner had also moved an interim application seeking liberty to move an application to the respondent for grant of extension of approval for the academic year 2018-19 and had prayed therein that the due to the pendency of the aforesaid writ petition, the petitioner's application should be treated as a case of "extension of approval" and not a case of 'break in extension of approval'.

It is an admitted case of the parties that in the cases of a "Break

in Extension of Approval”, the fee provided under the regulations is of Rs.3 lakhs per application, whereas in the cases relating to “Extension of Approval” the prescribed fee is Rs.1 lakh.

Pursuant to the interim order dated 01.02.2018, passed by this Court in the aforesaid writ petition, the petitioner had submitted an application seeking “Extension of Approval” by depositing only a sum of Rs.1 lakh as processing fees, which application was duly accepted by the respondent, during the pendency of the aforesaid writ petition. The aforesaid writ petition was, however, finally dismissed vide order dated 27.02.2018 and upon dismissal thereof, the respondent has, vide its letter dated 12.03.2018, asked the petitioner to pay the balance sum of Rs.2 lakhs.

Learned counsel for the petitioner submits that a case of ‘Break in Extension of Approval’ would be applicable only when the petitioner does not wish to apply for “Extension of Approval”. He further submits that the case whereby the petitioner is not granted “extension of approval” by an order passed by the respondent, cannot be treated as a case of “break in extension of approval” and he, therefore, urges that the fees payable by the petitioner would be Rs.1 lakh per application only.

On the other hand, Mr.Anil Soni, learned counsel for the respondent, who appears on advance notice, submits that the term “Break in Extension of Approval” has been clearly defined in the “Approval Process Handbook of the year 2018-19”. He submits that the definition clearly shows that the term “Break in Extension of Approval” includes a break of any kind in the approval of the

Institution in the previous year. He further submits that, in view of the admitted position that the petitioner did not have any approval for the last academic year 2017-18, the respondent was fully justified in treating the case of the petitioner as a case of “Break in Extension of Approval” and claim the requisite fees of Rs.3 lakhs from the petitioner.

Having heard learned counsel for the parties, I am of the considered opinion that the present petition is absolutely without merit. In my view, the petitioner after having taking the benefit of the interim order dated 01.02.2018 passed by this Court wherein it has been specifically noted that the petitioner’s application was being accepted with a sum of Rs.1 lakh only as processing fee, only due to the pendency of the writ petition, the petitioner cannot now turn around and contend that it was not liable to pay the requisite fees of Rs.3 lakhs.

In view of the aforesaid admitted position that the writ petition seeking grant of approval to the petitioner for the academic year 2017-18, stands rejected, the respondent’s are fully justified in claiming the balance sum of Rs.2 lakhs from the petitioner. I find no infirmity in the impugned letter issued by the respondent.

The writ petition alongwith pending applications stands dismissed in the above terms, with no order as to costs.

REKHA PALLI, J

MARCH 20, 2018/sr