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VISHAKHA BEOHAR

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 253 of 2026

Order Reserved on 21.08.2026

Order Delivered on 27.10.2026

1 - Raipur Institute Of Medical Sciences Through Authorized Signatory, Sh. Krishna Kumar Vadhwa, S/o Shri M.R. Vadhwa, Aged About 60 Years, R/o Rims Campus, Bhansoj Road, Nh-6, Village Godhi, Raipur (C.G.) --- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Secretary, Family And Health Welfare Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh

2 - Director Medical Education Besides Avinash Times Square, Sector 19, Kayabandha, Rakhi-1, Atal Nagar- Nava Raipur, Chhattisgarh 492101

3 - Admission And Fee Regulatory Committee Constituted Under The Chhattisgarh Niji Vyavasayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Act, 2008, Through Its President, Admission And Fee Regulatory Committee, Womans Polytechnic Premises, Bairan Bazar, Raipur, District Raipur,

Chhattisgarh

4 - Commissioner Medical Education, North Block, Sector-19, I I Floor, Swasthya Bhawan, New Raipur, Atal Nagar, Chhattisgarh

--- **Respondent(s)**

WPC No. 284 of 2026

1 - Shri Balaji Institute Of Medical Science, Mowa Through Its Authorized Sinatory, Namely Nitin Patel S/o Late Sh. Paramchand Patel Aged About 41 Years R/o E- 9 Avanti Vihar, Daldal Seoni Saddu Raipur (C.G.)

2 - Shri Balaji Medical Foundation A Society Registered Under The Chhattisgarh Registrikaran Adhiniyam Through Its Member Namely Nitin Patel S/o Late Sh. Paramchand Patel Aged About 41 Years R/o E-9, Avanti Vihar, Daldal Seoni Saddu Raipur (C.G.) Shri Balaji Medical Foundation Having Its Registered Office At Shri Balaji Hospital Campus Mowa, Raipur District- Raipur (C.G.)

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through Secretary, Family And Health Welfare Department, Mahanadi Bhawan, Mantralaya Capital Complex Atal Nagar, Nawa Raipur District- Raipur (C.G.)

2 - Director, Medical Education Besides Avinash Times Square Sector- 19, Kayabandh Rakhi 1 Atal Nagar, Nava Raipur Chhattisgarh - 492101

3 - Admission And Fee Regulatory Committee Constituted Under The Chhattisgarh Niji Vyavasayik Shikshan Santha (Pravesh Ka

Viniyaman Avam Shulk Ka Nirdharan)) Act, 2008 Through Its President Admission And Fee Regulatory Committee Womans Polytechnic Premises Bairan Bazar, Raipur District- Raipur (C.G.)

4 - Commissioner Medical Education, North Block, Sector- 19, Ii Floor, Swasthya Bhawan, New Raipur, Atal Nagar (C.G.)

... Respondents

(Cause-title taken from the Case Information System)

For Petitioners in WPC No. 253/2026 :- Mr. Jitendra Singh Bhasin along with Mr. Nishant Shokeen, Ms. Shalini Kashyap, Ms. Rashmipriya & Mr. Anant Amrit Raj, Advocates

For Petitioners in WPC No.284/2026:- Mr. Manoj Paranjpe, Senior Advocate along with Mr. Ujjawal Kumar Gouraha & Mr. Kabeer Kalwani, Advocates

For State :- Mr. S.S. Choubey, Govt. Advocate

For Respondent – AFRC :- Mr. R.K. Gupta, Advocate

SB-Hon'ble Shri Justice Amitendra Kishore Prasad

CAV Order

1. Since common questions of fact and law arise for consideration in both these writ petitions, they are being heard and decided by this common order.

2. For the sake of convenience, W.P.(C) No.253/2026 is taken up as the lead case, and the facts of the said petition, as well

as the reliefs sought therein, are being referred to for the purpose of adjudication of both the petitions.

3. By way of these writ petitions, the petitioners have called in question the orders/communications issued by the respondents pursuant to the recommendations of the Admission and Fee Regulatory Committee, whereby the hostel, mess and transportation charges proposed/collected by the respective petitioner-institutions have been reduced/determined and consequential directions have been issued for refund of the alleged excess amount collected from the students.

4. The principal grievance of the petitioners is that the Admission and Fee Regulatory Committee, while determining the aforesaid charges, has exceeded the jurisdiction conferred upon it under the Chhattisgarh Niji Vyavasayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Adhiniyam, 2008. It is contended that the Committee has failed to consider the material and financial details furnished by the petitioners and has reduced the charges without recording any finding of profiteering or capitation fee and without assigning cogent reasons.

5. In W.P.(C) No.253/2026, the petitioner-Raipur Institute of Medical Sciences has challenged, inter alia, the

recommendation dated 03.04.2025 made by the Admission and Fee Regulatory Committee, the consequential order dated 18.09.2025 issued by the State authorities and the subsequent order dated 23.09.2025 passed by the Commissioner, Medical Education. The petitioner has also questioned the competence of the Committee to determine hostel, mess and transportation charges and has alleged violation of the principles of natural justice, particularly Section 9(2) of the Act of 2008. The petitioner has further contended that the charges proposed by it were based upon the actual expenditure incurred towards providing hostel, mess and transportation facilities, and that the Committee, without properly appreciating the material placed before it, has substituted its own assessment and reduced the charges substantially. It has also been contended that the Committee proceeded on incorrect assumptions regarding the number of students availing hostel and mess facilities and the expenditure incurred by the institution.

6. In WPC No. 284 of 2026, the petitioner No.1 is a private medical college run by petitioner No.2-Society. The dispute in the present petition relates to the fixation of Hostel, Mess and Transportation charges by the Admission and Fee Regulatory Committee under the Chhattisgarh Niji Vyavasayik Shikshan

Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Act, 2008. The petitioner institution had furnished the details and documents justifying the charges claimed by it, namely Rs.3,00,000/- per student per year towards Hostel and Mess and Rs.2,50,000/- towards Transportation. However, by its recommendation dated 03.04.2025, the Committee reduced the same to Rs.78,059/- and Rs.13,719/- respectively. Pursuant thereto, the State Government passed the order dated 18.09.2025 and subsequently the order dated 23.09.2025 directing determination of the charges and refund of the amounts collected by the petitioner. The petitioners contend that the charges were reduced without recording any finding of profiteering or considering the documents submitted by the institution and without affording proper opportunity of hearing under Section 9(2) of the Act, and have therefore challenged the recommendation and the consequential orders.

7. For the sake of convenience and to avoid repetition, the reliefs sought in *WPC No. 253 of 2026 (Raipur Institute Of Medical Sciences vs. State of Chhattisgarh and Others)* are taken as the common reliefs prayed for by the petitioners as the nature of grievances and the reliefs claimed therein are

substantially identical across both the petitions. In the said writ petition, the petitioners have prayed for following reliefs :-

> *“10.1 The Hon'ble Court may kindly be pleased to issue a writ in the nature of certiorari or such other appropriate writ/order/direction quashing and setting aside the impugned order dated 18.09.2025 passed by the Respondent No.1 (Annexure P/1), qua the Petitioner;*
>
> *10.2 The Hon'ble Court may kindly be pleased to issue a writ in the nature of certiorari or such other appropriate writ/order/direction quashing and setting aside the impugned resolution dated 03.04.2025 passed by the Respondent No.3-Admission and Fee Regulatory Committee (Annexure P/2), qua the Petitioner,*
>
> *10.3 The Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus or such other appropriate writ/order/direction upholding the fees charged by the Petitioner, submitted to the DME vide letters dated 14.10.2022, 25.07.2023 & 31.07.2024 pertaining to Mess/Canteen expenses, Transportation expenses, Electricity charges, Hostel Building expenses and Staff overhead for the Academic Session 2022-23, 2023-34 & 2024-25;*
>
> *10.4 The Hon'ble Court may kindly be pleased to pass any other order(s) that this Hon'ble Court may deem just and necessary in the interest of justice.*

10.5 The Hon'ble Court may kindly be pleased to issue a writ in the nature of certiorari or such other appropriate writ/order/ direction quashing and setting aside the Impugned Order dated 23.09.2025 passed by the Respondent No.4 Commissioner, Medical Education (Annexure P/23), qua the Petitioner."

8. The reliefs sought in *W.P.(C) No.284 of 2026* are also reproduced hereinbelow for convenience:-

"10.1 That, this Hon'ble Court may kindly be pleased to issue a writ/writs, order/orders, direction/directions quashing the decision of the respondent authority dated 18.09.2025 (served on 16.12.2025) (Annex.P/1) and the recommendation of the Admission and Fee Regulatory Committee dated 03.04.2025 so far as it relates to the petitioner college is concerned and the charges proposed by the petitioner college (for Session 2024-25) may kindly be upheld.

10.2 That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.

10.3. That, the Hon'ble Court may kindly be pleased to quash the order dated 23/09/2025 (Annexure P/10) issued by respondent no.1, in the interest of justice and oblige."

9. Mr. Jitendra Singh along with Mr. Nishant Shokeen, Ms. Shalini Kashyap, Ms. Rashmipriya & Mr. Anant Amrit Raj, learned counsel appearing for the petitioners, while assailing the impugned action, would submit that the Admission and Fee Regulatory Committee (AFRC) has travelled beyond the statutory jurisdiction vested in it under the Chhattisgarh Niji Vyavasayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Act, 2008 (for short, 'the Act of 2008'). It is contended that the power of the Committee is regulatory in nature and is primarily intended to prevent profiteering and collection of capitation fee. The Committee, therefore, could not have mechanically substituted its own assessment for the charges proposed by the unaided private educational institutions. Learned counsel would further submit that the petitioners had furnished relevant financial particulars, expenditure statements and supporting documents before the Committee, but the same have not been duly considered. According to learned counsel, the impugned determination is based on assumptions and incomplete data and there is no finding that the charges proposed by the petitioners contained any element of profiteering or capitation fee. It is further submitted that the impugned recommendation dated 03.04.2025 was made without affording an effective

opportunity of hearing to the petitioners, in violation of Section 9(2) of the Act of 2008, which specifically provides that the Committee shall give the institution an opportunity of being heard before fixing any fee. It is, therefore, contended that the impugned recommendation and the consequential orders stand vitiated on account of breach of the principles of natural justice.

10. Learned counsel would submit that the aforesaid issue is also covered by the judgment of this Court dated 24.08.2023 passed in W.P.(C) Nos.3415 of 2023 and 3488 of 2023, as well as the judgment dated 07.09.2023 passed in W.P.(C) No.3782 of 2023, wherein the earlier exercise of fee fixation undertaken by the AFRC and the State Government was set aside for non-compliance with Section 9(2) of the Act of 2008 and violation of the principles of natural justice. It is submitted that, despite the said directions, the respondents have again undertaken the exercise without affording an effective opportunity of hearing to the petitioners.

11. Learned counsel would further rely upon the judgment of the Hon'ble Supreme Court in ***Najiya Neermunda & Anr. v. Kunhitharuvai Memorial Charitable Trust & Ors.***, reported in ***(2021) 5 SCC 515, as also P.A. Inamdar & Ors. v. State of Maharashtra, reported in (2005) 6 SCC 537***, and ***Icon***

Education Society v. State of Madhya Pradesh, reported in ***2023 SCC OnLine SC 289***, to contend that unaided professional educational institutions have autonomy in determining the fee to be charged, subject to regulatory control to ensure that such fee does not result in profiteering or collection of capitation fee.

12. It is also submitted that the Committee proceeded on an erroneous assumption that all the students were availing hostel and mess facilities, whereas the actual hostel occupancy varied from academic year to academic year. Learned counsel would submit that, for the financial years 2022-23, 2023-24 and 2024-25, against the total strength of 664, 867 and 889 students respectively, the number of students residing in the hostel was 506, 652 and 732 respectively. Thus, according to the petitioners, the assumption of 100% hostel occupancy was factually incorrect and materially affected the determination of the charges. Learned counsel would further submit that the Committee has failed to consider the actual expenditure incurred by the institutions towards hostel, mess and transportation facilities, including salaries, utilities, maintenance, fuel, infrastructure, hygiene and other operational expenses. It is contended that the Committee proceeded on hypothetical figures, including a

student strength of 600 MBBS and 60 MD/MS students, which, according to the petitioners, was not the actual number of students availing the facilities during the relevant academic sessions.

13. Learned counsel would particularly refer to the AFRC recommendation dated 03.04.2025 and submit that, on its own showing, the Committee recorded that complete and sufficient data was not available for accurately assessing the actual cost structure and recommended submission of a detailed cost sheet by the petitioner-institution. It is argued that, despite the said recommendation, the Directorate of Medical Education proceeded to direct refund of the alleged excess amount without first undertaking the foundational exercise of determining the actual cost incurred by the institution. It is further submitted that the petitioners had, from time to time, furnished detailed information and supporting documents in justification of the charges, including a head-wise justification relating to infrastructure, staff salaries, fuel, maintenance, hygiene and capital expenditure. Learned counsel would submit that such material has not been properly considered while determining the impugned charges.

14. Learned counsel would also submit that the petitioners had placed on record their financial position, including the certificates issued by the Chartered Accountant indicating losses incurred by the institution, and therefore, the conclusion regarding the charges could not have been arrived at without considering the complete financial material produced by the petitioners. It is further submitted that the impugned recommendation was not duly signed by all the members constituting the Committee. According to learned counsel, the Committee is required to consist of five members, whereas the recommendation dated 03.04.2025 bears the signatures of only four members. It is contended that the statutory composition of the Committee could not have been disregarded while exercising the powers vested under the Act of 2008 and that the decision-making process is consequently vitiated. Learned counsel would further submit that the consequential direction for refund of the alleged excess amount collected from the students is also unsustainable, particularly when the determination of the charges itself is under challenge and no individual determination has been made as to the students who actually availed the concerned facilities. It is contended that the refund direction could not have been issued mechanically

without first determining the actual charges payable and the amount, if any, collected in excess.

15. Learned counsel would lastly submit that the impugned action also suffers from non-application of mind inasmuch as the respondents have failed to take into consideration the year-on-year escalation in operational costs, including salary, statutory compliances, maintenance, utilities, consumables and infrastructure upkeep. It is argued that such factors were relevant for determination of the actual cost of providing the facilities. On the aforesaid grounds, learned counsel for the petitioners submits that the impugned recommendation dated 03.04.2025 and the consequential orders dated 18.09.2025 and 23.09.2025 are liable to be quashed. In the alternative, it is submitted that the matter may be remitted to the competent authority for fresh consideration, after taking into account the relevant material placed by the petitioners and after affording them an effective opportunity of hearing in accordance with Section 9(2) of the Act of 2008.

16. Mr. Manoj Paranjpe, Senior Advocate along with Mr. Ujjawal Kumar Gouraha & Mr. Kabeer Kalwani, learned counsel for the petitioner in WPC No. 284 of 2026 submits that the recommendation dated 03.04.2025 and the consequential order dated 18.09.2025 passed by the Regulatory Committee

are illegal, arbitrary and contrary to the provisions of the Chhattisgarh Niji Vyavasayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Act, 2008. It is submitted that the Regulatory Committee has reduced the Transportation, Hostel and Mess charges proposed by the petitioner institution without recording any finding of profiteering, unreasonableness or commercialization and without assigning any cogent reason for disagreeing with the charges proposed by the institution. Learned counsel submits that the petitioner had furnished all relevant documents, including its accounts, income and expenditure statements, budget and other material, to justify the proposed charges, but the same were not duly considered. It is further submitted that the Committee has virtually fixed the charges itself, whereas its power is confined to regulating profiteering and ensuring that the fees and charges proposed by a private institution do not amount to profiteering. It is also submitted that Transportation, Hostel and Mess charges are required to be considered having regard to the individual circumstances, expenditure and facilities of each institution. Learned counsel further submits that the impugned decision was taken without affording proper opportunity of hearing as contemplated under Section 9(2) of the Act of 2008 and was also passed at

the fag end of the academic session. It is contended that the recommendation was not signed by one of the members of the Committee and, therefore, the decision suffers from legal infirmity. Relying upon the judgments of the Hon'ble Supreme Court, including ***P.A. Inamdar v. State of Maharashtra, (2005) 6 SCC 537***, and the judgment of this Court in W.P.(C) No.3674 of 2011, learned counsel submits that the impugned recommendation and order are liable to be set aside.

17. Reliance has been placed upon the matters of ***Automotive Tyre Manufacturers Association v. Designated Authority and Others (2011) 2 SCC 258, Chhattisgarh Dental College and Research Institute v. Shweta Kabra and Others 2025 SCC OnLine SC 1169, Babu Verghese and Others v. Bar Council of Kerala and Others (1999) 3 SCC 422, Saral Wire Craft Private Limited v. Commissioner of Customs, Central Excise and Service Tax and Others (2015) 14 SCC 523, Narayana Medical College v. State of Andhra Pradesh and Others (2023) 2 SCC 636, Rashtreeya Sikshana Samithi Trust Etc. v. Committee for Fixation of Fee Structure of Private Professional Colleges AIR 2022 SC 2434, Icon Education Society v. State of Madhya Pradesh and Others (2024) 16 SCC 509, Bindiya Khatri and Others v. State of Uttarakhand and***

Others 2025 SCC OnLine Utt 4626, Najiya Neermunda & Anr. v. Kunhitharuvai Memoraial Charitable Trust and Others (2021) 5 SCC 515, Glocal Medical College and Super Speciality Hospital and Reserch Centre v. Union of India (2017) 15 SCC 690, Kranti Associates Pvt. Ltd. v. Masood Ahmed Khan (2010) 9 SCC 496, Shanker Doon and Others v. Government of NCT of Delhi and Others 2019 SCC OnLine Del 6737. Reliance has also been placed in the judgments passed by this Court in the matters of ***Margdarshan Sansthan Shiksha Mahavidyalaya v. State of Chhattisgarh WPC No. 3674/2011, Raipur Institute of Medical Sciences v. State of Chhattisgarh & Ors. WPC No. 3415/2023*** and ***Harihar Prasad Parate v. State of Chhattisgarh & Ors. WPS No. 3341/2015***.

18. Per contra, Mr. Sabhyasachi Choubey, learned State counsel appearing for the respondents would submit that the impugned proceedings were initiated in exercise of the complaint-adjudicatory jurisdiction of the Admission and Fee Regulatory Committee (AFRC) under Section 4(9) of the Chhattisgarh Niji Vyavasayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Adhiniyam, 2008 (for short, ‘the Act of 2008’), and not as part of any general exercise of fee fixation under Section 9 of the Act. It is

submitted that the proceedings arose out of complaints alleging excessive collection and profiteering in respect of hostel, mess and transportation charges, and the Committee, after enquiry, recorded its findings and recommended refund of the excess amount in accordance with Section 4(9) of the Act. Learned State counsel would further submit that the petitioners' contention that the Committee has encroached upon the autonomy of the unaided private institutions in the matter of fee fixation is misconceived, as the impugned action is referable to the distinct jurisdiction conferred upon the Committee under Section 4(9) to enquire into complaints relating to collection of fee in excess of the fee determined and profiteering by an institution. According to learned counsel, the judgments relied upon by the petitioners regarding the limited regulatory role of the Committee in fee fixation have no application to an adjudicatory proceeding initiated upon a complaint of profiteering. It is further submitted that Section 4(9) expressly empowers the Committee, upon enquiry and finding of violation, to recommend return of the excess amount collected to the person concerned and also recommend imposition of fine. Thus, according to learned State counsel, the direction for refund is not an independent or arbitrary exercise of power

but a statutory consequence flowing from the finding recorded by the Committee.

19. Learned State counsel would submit that the plea of violation of principles of natural justice is wholly misconceived. The petitioner was afforded repeated opportunities over a considerable period to furnish the requisite information and supporting documents. The record discloses that notices were issued and hearings were held on several dates, including 15.01.2024, 07.02.2024, 07.01.2025, 03.02.2025, 19.02.2025, 24.02.2025, 25.02.2025, 27.02.2025, 03.03.2025, 10.03.2025 and 17.03.2025. Learned counsel submits that the petitioner's representatives appeared before the Committee and were repeatedly directed to furnish point-wise information and supporting documents, but failed to furnish the complete material sought by the Committee. Learned State counsel would further submit that the petitioner itself admits having received and responded to various notices issued by the Committee. Therefore, the allegation that no opportunity of hearing was afforded is contrary to the record. It is contended that the petitioner, having been afforded repeated opportunities, cannot subsequently allege violation of audi alteram partem merely because the material furnished by it did not result in

acceptance of its claim. It is submitted that the Committee had specifically called upon the petitioner to furnish relevant material concerning the hostel, mess and transportation charges, including sanctioned layout plans, details of rooms, bills and vouchers, electricity bills, staff particulars, ledger accounts, construction expenditure, loan documents, Chartered Accountant certificates, mess expenditure/contracts, transportation agreements, vehicle documents, log books, fuel and maintenance bills and particulars of drivers. Learned State counsel submits that such material was necessary for determining whether the charges claimed by the petitioner were commensurate with the actual expenditure incurred.

20. Learned counsel would submit that, despite repeated opportunities, the petitioner failed to furnish the requisite head-wise and student-wise cost justification. Consequently, the Committee proceeded on the basis of the material available on record. It is argued that a party which fails to produce the primary material necessary for determination of its own claim cannot subsequently assail the determination on the ground that the authority had proceeded on the available material. Learned State counsel would further submit that the finding of excess collection was not based

upon conjectures or surmises but upon the financial material furnished by the petitioner itself. According to the respondents, the justifiable expenditure on a ‘No Profit, No Loss’ basis was worked out at Rs.96,407/- per student per annum, whereas the petitioner had recovered Rs.5,50,000/- per student per annum towards the concerned heads, resulting in an excess collection of Rs.4,53,593/- per student per annum. It is further submitted that the petitioner’s reliance upon Chartered Accountant certificates showing overall losses of the institution does not answer the specific issue involved in the proceedings. Learned counsel submits that the controversy before the Committee concerned the actual expenditure attributable to hostel, mess, transportation and allied heads, and therefore, consolidated financial losses of the institution could not, by themselves, justify the charges collected from the students.

21. Learned State counsel would also submit that the hostel, mess and transportation facilities were required to be optional, whereas the petitioner had recovered a consolidated amount of Rs.5,50,000/- from the students without demonstrating that the charges were separately optional or that the students had the liberty to avail or decline individual facilities. It is contended that such compulsory

collection was inconsistent with the applicable regulatory framework and the conditions governing the fee structure. As regards the challenge to the competence of the Committee, learned State counsel would submit that the plea of *coram non judice* is without substance. It is pointed out that the regulations framed by the State Government under Section 13 of the Act of 2008 prescribe a minimum quorum of three members, whereas the impugned recommendation bears the signatures of four members. It is, therefore, submitted that the prescribed quorum stood duly satisfied. Learned counsel would further submit that the Act does not require the recommendation to bear the signatures of every member of the Committee or prescribe unanimity in its decision-making process. Learned State counsel would further submit that the proceedings cannot be assailed on the ground that the complaints were not confined to a particular academic session. According to the respondents, Section 4(9) of the Act prescribes no period of limitation for entertaining complaints of profiteering or excessive collection. It is also submitted that the recommendation records the petitioner's own fee structure for the subsequent academic session, and therefore, the finding regarding excess collection was not confined merely to one academic year.

22. Learned State counsel has also raised a preliminary objection regarding non-joinder of necessary parties. It is submitted that the proceedings originated from complaints made by students and the impugned orders direct refund of the excess amount to the concerned students. Since the petitioners seek to set aside the refund direction, the students in whose favour the refund has been directed are directly affected parties and ought to have been impleaded in the writ proceedings. Learned counsel would submit that the petitioners cannot seek an order adversely affecting the rights of the complainant students without impleading them as parties. It is, therefore, contended that the writ petitions are liable to be dismissed on the ground of non-joinder of necessary parties as well.

23. Learned State counsel would lastly submit that the impugned recommendation dated 03.04.2025 and the consequential orders dated 18.09.2025 and 23.09.2025 have been passed by the competent statutory authorities, after enquiry and after affording adequate opportunity to the petitioners. It is submitted that no jurisdictional error, violation of natural justice or perversity has been demonstrated warranting interference under Article 226 of the Constitution of India. On the aforesaid submissions, learned State counsel

submits that the writ petitions are devoid of merit and are liable to be dismissed. Reliance has been placed upon the judgment passed by this Court in ***Disha Education Society v. State of Chhattisgarh and Others WPC No. 2112 of 2010***.

24. Learned counsel appearing for respondent No.3–Admission and Fee Regulatory Committee (AFRC), Mr. Rajkumar Gupta, supporting the submissions advanced by learned State counsel, would submit that the impugned recommendation dated 03.04.2025 was made by the Committee in exercise of the statutory jurisdiction conferred upon it under Section 4(9) of the Act of 2008, upon complaints regarding excessive collection of hostel, mess and transportation charges and alleged profiteering by the petitioner-institution. It is submitted that the proceedings were conducted after affording repeated opportunities to the petitioner to furnish the requisite financial and supporting documents, and that the Committee considered the material available on record before arriving at its recommendation. Learned counsel would further submit that the contention of the petitioner that the AFRC had undertaken a fresh exercise of fee fixation is misconceived, as the proceedings in question arose from complaints alleging excess collection

and profiteering and were therefore distinct from the general exercise of fee fixation contemplated under Section 9 of the Act. It is submitted that Section 4(9) specifically empowers the Committee to enquire into such complaints and, upon finding excess collection, to recommend return of the excess amount to the concerned persons and such other action as may be permissible under the Act.

25. Learned counsel for the AFRC would further submit that the petitioner was granted sufficient opportunity to place before the Committee the relevant material concerning the actual expenditure incurred towards hostel, mess and transportation facilities. Despite repeated notices and hearings, the petitioner failed to furnish complete and satisfactory head-wise material necessary for determining the actual cost. The Committee, therefore, proceeded on the basis of the material available on record. It is submitted that the petitioner cannot challenge the recommendation merely because the material furnished by it was not accepted in its entirety. Learned counsel would also support the submission of learned State counsel that the plea of violation of principles of natural justice is without substance, as the record demonstrates that the petitioner was afforded repeated opportunities of hearing and to produce the relevant documents. It is submitted that

the recommendation was passed after due consideration of the material placed before the Committee and does not suffer from any jurisdictional error or procedural illegality.

26. Learned counsel would further submit that the objection regarding the constitution/quorum of the Committee is also untenable. According to learned counsel, the applicable regulations prescribe the requisite quorum, which stood duly satisfied when the impugned recommendation was made. The fact that the recommendation bears the signatures of four members, according to learned counsel, does not render the proceedings invalid. On the aforesaid submissions, learned counsel appearing for respondent No.3–AFRC would submit that the impugned recommendation was made in accordance with the statutory framework and after following the prescribed procedure and, therefore, no interference by this Court in exercise of jurisdiction under Article 226 of the Constitution of India is warranted.

27. I have heard learned counsel appearing for the petitioners as well as learned counsel appearing for the respective respondents, including learned counsel for the Admission and Fee Regulatory Committee (AFRC), and perused the material available on record.

28. I have heard learned counsel appearing for the petitioners as well as learned counsel appearing for the respective respondents, including learned counsel appearing for respondent No.3–Admission and Fee Regulatory Committee (AFRC), and have perused the material available on record.

29. The principal issue which arises for consideration in these writ petitions is whether the impugned recommendation dated 03.04.2025 and the consequential orders dated 18.09.2025 and 23.09.2025 can be sustained when the charges relating to hostel, mess and transportation facilities have been determined without a proper consideration of the expenditure actually incurred by the respective institutions and without undertaking the statutory exercise contemplated under Section 9 of the Act of 2008 in its proper perspective.

30. The petitioners have specifically contended that the charges proposed by them were founded upon the actual expenditure incurred towards providing hostel, mess and transportation facilities. They placed before the Committee various particulars relating to infrastructure, salaries, electricity, maintenance, fuel, hygiene, transportation, staff and other operational expenditure. It is also their specific case that the number of students actually availing the hostel and mess facilities varied from academic year to academic year and,

therefore, the determination could not have proceeded on the assumption of uniform or complete occupancy.

31. The material placed before this Court indicates that the petitioners had furnished material relating to the expenditure incurred towards hostel, mess and transportation facilities, including expenditure on infrastructure, salaries, electricity, maintenance, fuel, hygiene, transportation and other operational requirements. The petitioners had also placed material concerning the actual number of students availing the hostel and mess facilities during the relevant academic sessions. The determination made by the respondent-Committee, however, does not demonstrate that the aforesaid material was examined in its proper perspective before arriving at the permissible charges.

32. It is true that the regulatory authority is entitled to scrutinize the expenditure claimed by an institution and to prevent profiteering or collection of capitation fee. The regulatory power, however, does not dispense with the requirement of considering the relevant material produced by the institution. The exercise of determination has necessarily to be based upon relevant and legally permissible considerations. Equally, the authority cannot substitute an assumed expenditure

figure for the actual expenditure without recording cogent reasons for rejecting the material produced by the institution.

33. The Hon'ble Supreme Court in ***P.A. Inamdar (Supra)***, has held that every institution is free to devise its own fee structure subject to the limitation that there can be no profiteering or collection of capitation fee. The principles governing regulation of fee in private unaided professional institutions have also been reiterated in ***Modern Dental College & Research Centre & Ors. v. State of Madhya Pradesh & Ors.*****, (2016) 7 SCC 353.**

34. The contention of the respondents that several opportunities were afforded to the petitioners has also been considered. The record, as referred to by learned State counsel and learned counsel for the AFRC, indicates that notices were issued and hearings were held on several dates and the petitioners were called upon to furnish various documents. The existence of opportunity of hearing, however, is distinct from proper consideration of the material furnished pursuant to such opportunity. Compliance with the principles of natural justice requires not merely an opportunity to submit documents but also a meaningful consideration of the relevant material before an adverse determination is made.

35. In ***Automotive Tyre Manufacturers Association (Supra)***, the Hon'ble Supreme Court has reiterated that the rule of *audi alteram partem* includes reasonable opportunity to meet the case and to explain the material relied upon, particularly where the decision entails adverse civil consequences. The relevant paras are quoted hereinbelow:-

> *"**78.** In Mohinder Singh Gill [(1978) 1 SCC 405] , upon consideration of several cases, Krishna Iyer, J. in his inimitable style observed thus: (SCC p. 434, para 48)*
>
> > *"48. Once we understand the soul of the rule as fair play in action—and it is so—we must hold that it extends to both the fields. After all, administrative power in a democratic set-up is not allergic to fairness in action and discretionary executive justice cannot degenerate into unilateral injustice. Nor is there ground to be frightened of delay, inconvenience and expense, if natural justice gains access. For fairness itself is a flexible, pragmatic and relative concept, not a rigid, ritualistic or sophisticated abstraction. It is not a bull in a china shop, nor a bee in one's bonnet. Its essence is good conscience in a given situation; nothing more—but nothing less. The 'exceptions' to the rules of natural justice are a misnomer or rather are but a shorthand form of expressing the idea that in those exclusionary cases nothing unfair can be inferred by not affording an opportunity to*

present or meet a case. Textbook excerpts and ratios from rulings can be heaped, but they all converge to the same point that audi alteram partem is the justice of the law, without, of course, making law lifeless, absurd, stultifying, self-defeating or plainly contrary to the common sense of the situation."

79. *In Swadeshi Cotton Mills v. Union of India [(1981) 1 SCC 664] , R.S. Sarkaria, J., speaking for the majority in a three-Judge Bench, lucidly explained the meaning and scope of the concept of "natural justice". Referring to several decisions, His Lordship observed thus: (SCC p. 666)*

"Rules of natural justice are not embodied rules. Being means to an end and not an end in themselves, it is not possible to make an exhaustive catalogue of such rules. But there are two fundamental maxims of natural justice viz. (i) audi alteram partem, and (ii) nemo judex in re sua. The audi alteram partem rule has many facets, two of them being (a) notice of the case to be met; and (b) opportunity to explain. This rule cannot be sacrificed at the altar of administrative convenience or celerity. The general principle—as distinguished from an absolute rule of uniform application—seems to be that where a statute does not, in terms, exclude this rule of prior hearing but contemplates a post-decisional hearing amounting to a full review of the original order

on merits, then such a statute would be construed as excluding the audi alteram partem rule at the pre-decisional stage. Conversely if the statute conferring the power is silent with regard to the giving of a pre-decisional hearing to the person affected and the administrative decision taken by the authority involves civil consequences of a grave nature, and no full review or appeal on merits against that decision is provided, courts will be extremely reluctant to construe such a statute as excluding the duty of affording even a minimal hearing, shorn of all its formal trappings and dilatory features at the pre-decisional stage, unless, viewed pragmatically, it would paralyse the administrative process or frustrate the need for utmost promptitude. In short, this rule of fair play must not be jettisoned save in very exceptional circumstances where compulsive necessity so demands. The court must make every effort to salvage this cardinal rule to the maximum extent possible, with situational modifications. But, the core of it must, however, remain, namely, that the person affected must have reasonable opportunity of being heard and the hearing must be a genuine hearing and not an empty public relations exercise."

83. *The procedure prescribed in the 1995 Rules imposes a duty on the DA to afford to all the parties, who have filed objections and adduced evidence, a personal hearing before taking a final decision in the*

matter. Even written arguments are no substitute for an oral hearing. A personal hearing enables the authority concerned to watch the demeanour of the witnesses, etc. and also clear up his doubts during the course of the arguments. Moreover, it was also observed in Gullapalli [AIR 1959 SC 308] , if one person hears and other decides, then personal hearing becomes an empty formality.

84. *In the present case, admittedly, the entire material had been collected by the predecessor of the DA; he had allowed the interested parties and/or their representatives to present the relevant information before him in terms of Rule 6(6) but the final findings in the form of an order were recorded by the successor DA, who had no occasion to hear the appellants herein. In our opinion, the final order passed by the new DA offends the basic principle of natural justice. Thus, the impugned notification having been issued on the basis of the final findings of the DA, who failed to follow the principles of natural justice, cannot be sustained. It is quashed accordingly."*

36. In the present case, the grievance of the petitioners is not confined merely to denial of an opportunity to appear before the Committee. Their principal grievance is that the material relating to actual expenditure, occupancy, infrastructure, staff, utilities, maintenance, transportation and other relevant heads was not duly considered while arriving at the

permissible charges. The said grievance goes to the root of the decision-making process.

37.The Hon'ble Supreme Court in *Najiya Neermunda & Anr. (Supra)*, has emphasized the necessity of consideration of the relevant material and affording reasonable opportunity to the management in the matter of fee determination concerning private self-financing medical institutions.

> *"**19.** The other issue that requires to be considered relates to the restrictions placed by the High Court in the matter of fixation of fee by the Committee. We find force in the submission of Mr Jaideep Gupta, learned Senior Counsel appearing on behalf of the State, that no fetter can be placed on the exercise of power for fee fixation by the Committee, which shall be in accordance with the factors that are mentioned in Section 11 of the 2017 Act. The High Court committed an error in directing the Committee to take into account only audited balance sheets, and provisional profit and loss accounts in the absence of audited balance sheets, to fix the fee. Though we are in agreement with the submission made on behalf of the managements that the fee as proposed by them should be considered by the Committee, it is no more res integra that the right conferred on the institutions to fix fee for professional courses is subject to regulation. It need not be reiterated that unaided professional*

institutions have the autonomy to decide on the fee to be charged, subject to the fee not resulting in profiteering or collection of capitation fee. Regulation of fee is within the domain of the Committee which shall ensure that the fee is non-exploitative and reasonable. There is no need to repeat the judgments of this Court, especially P.A. Inamdar [P.A. Inamdar v. State of Maharashtra, (2005) 6 SCC 537 : 2 SCEC 745] , which have been copiously referred to by the High Court in the 3 rounds of litigation to indicate the principles to be followed for fixation of fee in private medical colleges.

20. *Suffice it to mention that the Committee shall reconsider the proposals of the managements for fee fixation 2017-18 onwards by taking into account the factors mentioned in Section 11 of the 2017 Act and the law laid down by this Court in Modern Dental College & Research Centre [Modern Dental College & Research Centre v. State of M.P., (2016) 7 SCC 353 : 7 SCEC 1] . The delay that is caused in finalising the fee in medical colleges is beneficial neither to the institutions nor the students. Therefore, we direct the Committee to expeditiously reconsider the proposals of the private self-financing colleges for fee fixation from 2017-18 onwards. Needless to mention that fee for earlier years also needs to be finalised in case it has not been done in respect of any college. It can direct the managements to furnish any information that is required for the*

purpose of arriving at a decision that the fee proposed by the managements is neither excessive nor exploitative in nature. A reasonable opportunity should be given to the managements of private self-financing colleges in respect of their proposals for fee fixation. The entire exercise shall be completed within a period of three months from today."

38. The statutory scheme also requires the fee determination exercise to be undertaken upon consideration of the relevant financial material and after affording the institution an effective opportunity of being heard. Therefore, the requirement under Section 9(2) of the Act of 2008 cannot be treated as a mere procedural formality. Where the authority is required to determine or regulate the fee structure of a private professional educational institution, the financial material placed by such institution constitutes a relevant component of the decision-making exercise.

39. The respondents have sought to distinguish the provisions of Section 9 from the proceedings under Section 4(9), contending that the present proceedings originated from complaints alleging excessive collection and profiteering and, therefore, constituted a complaint-adjudicatory exercise. There can be no dispute that Section 4(9) confers jurisdiction

upon the AFRC to enquire into complaints regarding excessive collection and profiteering and to take consequential action in accordance with law. However, while examining whether the amount collected is excessive, the authority must necessarily determine the legitimate and permissible cost/fee component on the basis of the statutory framework and the relevant material available before it.

40. In other words, the characterization of the proceedings as proceedings under Section 4(9) cannot authorize the Committee to disregard the statutory safeguards and principles governing determination of fee. The power to enquire into an allegation of excess collection necessarily carries with it the obligation to correctly determine the amount which could lawfully be charged. Such determination must be founded upon relevant material and cannot rest upon assumptions which have the effect of excluding legitimate expenditure incurred for providing the facilities.

41. The aforesaid principle is also consistent with the law declared by the Hon'ble Supreme Court in ***Modern Dental College & Research Centre & Ors. (Supra)*** wherein the regulatory exercise concerning fee in private professional institutions has been considered in the context of the

legitimate financial requirements of the institution and the permissible regulatory control against profiteering.

42. The respondents have relied upon the figure of Rs.96,407/- per student per annum as the permissible expenditure and have compared the same with the amount of Rs.5,50,000/- allegedly recovered per student per annum. However, before arriving at such a substantial difference, the authority was required to examine the actual expenditure under each relevant head and record reasons for accepting or rejecting the particulars furnished by the petitioners. A determination of this nature, particularly where it results in a finding of excess collection and a consequential direction for refund, must disclose a rational nexus between the material placed on record and the conclusion reached.

43. The requirement of recording reasons in such decision-making is also settled by the Hon'ble Supreme Court in ***Kranti Associates Pvt. Ltd. (Supra)***, wherein it has been held that reasons operate as a restraint against arbitrary exercise of power, demonstrate consideration of relevant grounds and facilitate judicial review. The relevant para is quoted hereinbelow:-

> *"**47.** Summarising the above discussion, this Court holds:*

(a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.

(b) A quasi-judicial authority must record reasons in support of its conclusions.

(c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

(d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

(e) Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.

(f) Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

(g) Reasons facilitate the process of judicial review by superior courts.

(h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the

lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.

(i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(j) Insistence on reason is a requirement for both judicial accountability and transparency.

(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or "rubber-stamp reasons" is not to be equated with a valid decision-making process.

(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor [(1987) 100 Harvard Law Review 731-37] .)

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija v. Spain [(1994) 19 EHRR 553] EHRR, at 562 para 29 and Anya v. University of Oxford [2001 EWCA Civ 405 (CA)] , wherein the Court referred to Article 6 of the European Convention of Human Rights which requires,

"adequate and intelligent reasons must be given for judicial decisions".

(o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "due process".

44. The issue of hostel occupancy is also material. The petitioners have furnished year-wise figures showing that the number of students actually residing in the hostel was less than the total student strength. If the authority intended to proceed on a different basis, it was incumbent upon it to record reasons for doing so and to explain why the actual occupancy figures furnished by the institutions were not accepted. The determination of expenditure cannot be divorced from the number of students actually availing the

facility, particularly where the expenditure comprises both fixed and variable components.

45. Likewise, expenditure towards salaries, electricity, maintenance, fuel, infrastructure, hygiene, transportation, staff and allied operational requirements cannot be excluded merely because the authority considers the overall amount claimed to be high. Each relevant head is required to be examined in the light of the material produced, the nature of the facility, the number of students availing the same and the applicable statutory parameters. Where an expenditure claim is rejected, reasons must be furnished so that the institution is able to understand the basis of such rejection and the Court is able to examine whether the decision-making process was lawful.

46. The aforesaid approach is consistent with the principles laid down by the Hon'ble Supreme Court in ***P.A. Inamdar*** **(supra) and** ***Modern Dental College*** **(supra),** recognising the relevance of the expenditure, infrastructure, facilities and other legitimate components in determining the fee structure of private unaided professional educational institutions.

47. The submission of the petitioners regarding the Chartered Accountant certificates and the financial position of the institutions also deserves consideration. While the overall

loss suffered by an institution may not, by itself, establish that every individual charge levied upon a student is justified, such financial material cannot be completely disregarded where it is relied upon to demonstrate the actual cost of providing the concerned facilities. The relevant question is not whether the institution has suffered an overall loss, but whether the particular expenditure claimed towards the regulated facilities was genuine, relevant and supported by material. That exercise does not appear to have been satisfactorily undertaken.

48. The submission regarding the number of members who signed the recommendation need not be examined independently for the purpose of disposal of these petitions, particularly when the impugned exercise otherwise fails to withstand judicial scrutiny on the substantive ground of non-consideration of relevant material. Even assuming that the requisite quorum was available, satisfaction of quorum by itself does not cure defects in the decision-making process arising from failure to consider relevant financial material in accordance with the statutory scheme.

49. Similarly, the question whether the complaints were confined to a particular academic session need not be conclusively determined in these proceedings. The impugned

determination itself must, in any event, disclose the factual and financial basis on which the charges for the concerned period have been examined. A general conclusion regarding excessive collection cannot substitute a proper year-wise and head-wise consideration where the expenditure and student occupancy materially vary from one academic session to another.

50. This Court is conscious of the limited scope of judicial review in matters involving expert regulatory authorities. Ordinarily, the Court would not substitute its own assessment of the appropriate fee or expenditure for that of the statutory authority. Judicial review, however, extends to examining whether the authority has acted within the statutory framework, considered relevant material, excluded irrelevant considerations and followed the prescribed procedure. Where the foundational exercise itself suffers from non-consideration of relevant material, remand for fresh consideration becomes necessary.

51. The requirement that a quasi-judicial or administrative authority must record reasons and demonstrate consideration of relevant material has been reiterated by the Hon'ble Supreme Court in ***Kranti Associates Pvt. Ltd. (Supra).***

52. In ***Saral Wire Craft (P) Ltd. v. Commr. of Customs, Central Excise & Service Tax*****, (2015) 14 SCC 523,** following observation has been made vide para 9:-

> *"**9.** It is in these circumstances that we are of the clear conclusion that a miscarriage of justice has taken place, in that the authorities/courts below have failed to notice the specific language of Section 37-C(1)(a) of the Act which requires that an order must be tendered on the person concerned or his authorised agent, in other words, on no other person, to ensure efficaciousness. We must immediately recall the decision in Taylor v. Taylor [(1875) LR 1 Ch D 426] rendered venerable by virtue of its jural acceptance and applicable for over a century. It was approved by the Privy Council in Nazir Ahmad v. King Emperor [1936 SCC OnLine PC 41 : (1935-36) 63 IA 372 : (1936) 44 LW 583] and was subsequently applied in Rao Shiv Bahadur Singh v. State of Vindhya Pradesh [AIR 1954 SC 322 : 1954 Cri LJ 910] , State of U.P. v. Singhara Singh [AIR 1964 SC 358 : (1964) 1 Cri LJ 263 (2)] , Babu Verghese v. Bar Council of Kerala [(1999) 3 SCC 422] and more recently in Hussein Ghadially v. State of Gujarat [(2014) 8 SCC 425 : (2014) 6 SCC (Cri) 26] . As observed by this Court in Babu Verghese [(1999) 3 SCC 422] : (SCC p. 432, para 31)*
>
> > *"31. It is the basic principle of law long settled that if the manner of doing a particular act is*

prescribed under any statute, the act must be done in that manner or not at all."

53. In the present case, the petitioners had placed before the AFRC material concerning the actual expenditure incurred towards hostel, mess and transportation facilities. The impugned determination, however, does not demonstrate adequate consideration of such material in the manner required by the statutory scheme. The determination consequently cannot be sustained merely on the ground that the petitioners were given several opportunities to submit documents. An opportunity of hearing has meaning only when the material submitted pursuant thereto is duly considered before arriving at an adverse conclusion.

54. This Court, therefore, finds that the impugned recommendation dated 03.04.2025 suffers from a material infirmity in the decision-making process. Since the consequential orders dated 18.09.2025 and 23.09.2025 are founded upon the said recommendation, they too cannot be permitted to operate in their present form.

55. The principles governing consideration of relevant financial material and effective opportunity in the matter of fee determination have also been recognised by the Hon'ble Supreme Court in ***Najiya Neermunda (Supra).***

56. For the aforesaid reasons, this Court is of the considered view that the matter requires reconsideration by the competent statutory authority. Such reconsideration shall not be an empty formality. The competent authority shall undertake a fresh exercise in accordance with the Act of 2008 and the applicable regulations, particularly keeping in view the requirements of Section 9, and shall consider the relevant financial material produced by the petitioners.

57. While undertaking the fresh exercise, the competent authority shall consider, inter alia, the actual student strength and hostel occupancy for the relevant academic sessions, the expenditure towards hostel, mess and transportation facilities, salaries, electricity, maintenance, fuel, infrastructure, hygiene, transportation, staff and other relevant operational expenses, together with the supporting documents produced by the petitioners. The authority shall also examine the distinction between fixed and variable expenditure wherever relevant and shall record reasons for accepting or rejecting the material placed before it.

58. It is clarified that this Court has not expressed any opinion on the quantum of fee or charges that may ultimately be found permissible. The competent authority shall undertake the exercise independently and in accordance with law. The

regulatory power to prevent profiteering and excessive collection shall remain fully available to the competent authority; however, any such conclusion must follow a lawful, reasoned and material-based determination.

59. In view of the foregoing discussion, the impugned recommendation dated 03.04.2025 passed by respondent No.3–Admission and Fee Regulatory Committee, the consequential order dated 18.09.2025 passed by respondent No.1 and the order dated 23.09.2025 passed by respondent No.4, insofar as they relate to the petitioners, are hereby **quashed and set aside**.

60. The matters are remitted to the competent authority/AFRC for fresh consideration. The petitioners shall be afforded an effective opportunity of hearing and shall be permitted to place all relevant financial and supporting material on record. The authority shall thereafter pass a fresh, reasoned and speaking order in accordance with the Act of 2008, the applicable regulations and the observations made herein.

61. In consequence of the aforesaid order, the directions for refund founded upon the impugned determination shall also stand set aside. Any question regarding excess collection, if found permissible in law after the fresh determination, shall

abide by the fresh order to be passed by the competent authority.

62. The fresh exercise shall be completed expeditiously, preferably within a period of **three months** from the date of receipt of a copy of this order, subject to the petitioners extending full cooperation and furnishing the requisite material within the time granted by the authority.

63. Both the writ petitions, accordingly, stand **allowed** in the aforesaid terms.

64. There shall be no order as to costs.

65. All pending interlocutory applications, if any, shall stand disposed of accordingly.

Sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha