

**Before H. P. Private Educational Institutions Regulatory Commission,  
Shimla -171009.**

Case No: 19/2018  
Date of Institution: 04.12.2018  
Date of Decision: 07.09.2021

**In the matter of:**

Kritika Rajta

.....Petitioner

*Versus*

Shimla Valley Nursing College

.....Respondent

**ORDERS**

A complaint regarding refund of fee was received on dated 19.11.2018 from the petitioner against the respondent where it was alleged by the complainant that sum of Rs. 50,000/- as admission fee was paid in advance in favour of the respondent vide receipt No. 266 dated 15.10.2018. However, according to letter dated 25.10.2018, the petitioner was selected in Sister Nivedita Govt. College of Nursing, IGMC Shimla and was further directed to report for provisional admission to the Principal of above college on dated 29.10.2018 after completing all the pre-admissions requirements. The petitioner got admission in above mentioned college on dated 30.10.2018 vide admission slip dated 30.10.2018.

The matter was taken up for the hearings and several notices were issued to the respondent for appearing before the Commission alongwith the relevant records. On dated 17.08.2021, the notice was again issued to the respondent for appearing before the Commission alongwith relevant record pertaining to the case on dated 02.09.2021 at 11:00 AM. Ms. Deepika, Assistant Professor of the college appeared before the Commission without any authority letter from the Respondent College. Despite giving several opportunities, neither the Respondent College filed any reply nor submitted any document related to the matter, therefore, the orders was reserved. During the hearing dated 02.09.2021, Petitioner appeared personally and submitted verbally that she did not attend any classes in the respondent College and she got admission in the Sister Nivedita Govt. College of Nursing, IGMC Shimla before the last date of admission i.e. 31.10.2018 and further produced the copy of prospectus of respondent college where **para 14 sub-para (vi) says "Regarding**

**Refunding of fee in the event of shifting of students from one Institution of another Institution, it will be refunded/adjusted in all Govt. and private Institution provided such shifting takes place within Stipulated last date of admission.”** The petitioner further submitted that she visited Respondent College several times requesting for refund of fee but the respondent college did not respond and she was left with no other remedy to approach the Commission for the adjudication of the matter. Further, vide letter dated 17.02.2020 received from the Respondent College whereby it was mentioned that the Petitioner is not entitled for refund of fees as per provision contained in UGC letter dated 06.12.2016.

**After hearings and scrutiny of all the relevant documents submitted, the Commission observes that:**

- The Petitioner deposited a sum of Rs. 50,000/- as admission fee in favour of the respondent vide receipt 266 dated 15.10.2018
- As per admission slip dated 30.10.2018 duly verified by the Principal of Sister Nivedita Govt. College of Nursing, IGMC Shimla reveals that the admission of Petitioner was also confirmed at Sister Nivedita Govt. College of Nursing, IGMC Shimla done on 30.10.2018.
- As per UGC letter dated 06.12.2016 quoted by the Respondent College stipulates that the percentage of refund of aggregate fees shall be 100%, if the notice of withdrawal of admission is served to HEI 15 days before the formally-notified last date of admission.

**In view of the above observation, the Commission hereby pass the following orders:**

- As per the terms & conditions mentioned in para 14 sub-para (vi) of the Prospectus 2018-19 issued by the HP University, Shimla which is duly applicable for the Respondent College and as per the UGC Notification dated 06.12.2016, the Petitioner is entitled for the refund of paid admission fee .
- That the Respondent College shall refund / release the above mentioned amount to the Petitioner alongwith 12% interest per annum from the due date till the realisation of the amount immediately.

The above mentioned orders shall comply within 15 days from the date of issue of these orders. Matter stand adjudicated, representations / applications, pending if any, in this matter also stand disposed off.

Orders be uploaded on website of the Commission.

File after completion be consigned to record room.

Announced.

Major General Atul Kaushik  
**Chairman**

Prof. Shashi Kant Sharma  
**Member**

HP-PER