WP(C) 7777/2009

Delhi Abhibhavak Mahasangh & Ors.

Vs.

Govt. of NCT of Delhi & Ors.

Report of Delhi High Court Committee for Review of School Fee for March 2017

Index

Place: Delhi

Date: 22-05-2017

Secretary

Delhi High Court Committee for Review of School Fee

Secretary
Delhi High Court Committee For Review of School Fee
(Formerly Known as Justice Anil Dev Singh Committee For Review of School Fee)
C-Block, Vikas Bhawan-2, Upper Bela Road, Civil Lines, Delhi-110054

Delhi High Court Committee for Review of School Fee
(Formerly Justice Anil Dev Singh Committee for Review of School Fee)
CAUSE LIST FOR MARCH 2017

Cause List for Wednesday 8th March 2017
Regular Matters

S. No.	Cat. No.	School Name & Address
1	B-574	Manav Bharti India International School, Panchsheel Park
2	B-576	Hamdard Public School, Sangam Vihar
3	B-581	St. Paul's Diocesan School, Jangpura
4	B-596	Vikas Bharti Public School, Sector-24, Rohini
5	B-602	VSPK International School, Sector-13, Rohini
6	B-616	St. Martin's Diocesan School, Delhi Cantt.

Cause List for Thursday 9th March 2017
Regular Matters

S. No.	Cat. No.	School Name & Address
1	B-622	Hillwoods Academy, Preet Vihar
2	B-623	Col. Satsangi's Kiran Merorial School, Chhatarpur
3	B-628	Upras Vidyalaya, Vasant Vihar
4	B-630	Jain Bharti Model School, Sector-16, Rohini
5	B-638	Sneh International School, New Rajdhani Enclave
6	B-639	Nutan Vidya Mandir, Dilshad Garden

Cause List for Friday 10th March 2017
Regular Matters

S. No.	Cat. No.	School Name & Address
1	B-640	The Srijan School, North Model Town
2	B-653	Apeejay School, Sheikh Sarai-I
3	B-655	St. Anthony's Sr. Sec. School, Hauz Khas
4	B-658	The Frank Anthony Public School, Lajpat Nagar
5	B-660	Tagore International School, East of Kailash
6	B-665	Kalka Public School, Alaknanda

Cause List for Tuesday 14th March 2017
Regular Matters

S. No.	Cat. No.	School Name & Address
1	B-667	New Green Fields School, Saket
2	B-664	New Green Fields School, Alaknanda
3	B-669	Blue Bells International School, East of Kailash
4	B-672	Don Bosco School, Alaknanda
5	B-677	Ganga International School, Hiran Kudna
6	B-679	Saraswati Model School, Sector-10, Dwarka

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Cause List for Wednesday 15th March 2017

Regular Matters

S. No.	Cat. No.	School Name & Address
1	B-683	The Baptist Convent School, Patparganj
2	B-684	Lovely Public Sr. Sec. School, Priya Darshini Vihar
3	B-686	Arunodaya Public School, Karkardooma Inst. Area
4	B-108	The Indian School, Josup Broz Tito Marg
5	B-119	Salwan Public School, Rajinder Nagar
6	B-53	Remal Public Sr. Sec. School, Sector-3, Rohini

Cause List for Monday 20th March 2017

Regular Matters

S. No.	Cat. No.	School Name & Address
1	B-57	St. Giri Sr. Sec. School, Sector-3, Rohini
2	B-60	The Heritage School, Sector-23, Rohini
3	B-500	Sahodaya Sr. Sec. School, Safdarjung Dev. Area
4	B-300	Adharshila Vidya Peeth, CD Block, Pitampura
5	B-95	Modern Convent School, Sector 4, Dwarka
6	B-438	Springdales School, Dhaula Kuan

Cause List for Wednesday 22nd March 2017

Regular Matters

S. No.	Cat. No.	School Name & Address
1	B-347	Ever Green Public School, Vasundhara Enclave
2	B-185	Chinmaya Vidyalaya, Vasant Vihar
3	B-488	Queen Mary's School, Sect.25, Rohini
4	B-414	Jindal Public School, Dashrath Puri, Dwarka
5	B-402	Gitarattan Jindal Public School, Sect.7, Rohini
6	B-348	Ahlcon International School, Mayur Vihar Phase-I

Cause List for Thursday 23rd March 2017

Regular Matters

S. No.	Cat. No.	School Name & Address
1	B-656	St. Thomas Girls S. S. School, Mandir Marg
2	B-608	Cambridge Primary School, Darya Ganj
3	B-690	Cambridge Primary School, New Rohtak Road
4	B-356	Notre Dame School, BTPS Staff Colony, Badarpur
5	B-560	Mamta Modern School, Vikas Puri
6	B-424	Pragati Public School, Sect.13, Dwarka

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Secretary

Delhi High Court Committee * For Review of School Fee *

8/3/2017

Manav Bharti India International School, Panchsheel Park, New Delhi

000003

Present: Sh. Sanjeev Kapoor, CA, Mr. Prashant, Administrator, Ms. Shruti Pandey, E. Manager, Mr. H.P. Mishra, Accountant, Mr. Vijay Maurya, Accountant of the school.

The Committee has perused the circular issued by the school to the parents regarding fee hike pursuant to order dated 11/02/2009 issued by the Director of Education. As per the circular, the school hiked the tuition fee by Rs. 300 per month for classes I to XII and by Rs. 400 for Nursery and Prep. W.e.f. 01/09/2008. Besides, the school also recovered the consequential increase in development fees from 01/09/2008 to 31/03/2009 @ 15% of the tuition fee. Originally also the school was charging development fee @ 15% of tuition fee approximately. The school also recovered lump sum arrear fee for the period 01/01/2006 to 31/08/2008 @ Rs. 3000 from students of class I to XII and @ Rs. 3500 from the student of for Nursery and Prep. The school has furnished the required information in response to notice dated 25/05/2015 issued by the Committee.

It is claimed that the recommendations of VI Pay Commission were fully implemented and the arrears of the same was paid either by direct bank transfer or a/c payee cheques. Copies of bank statements in support of this claim has been furnished by the school. As regards accrued liabilities for gratuity and leave encashment, the school has vaguely stated that these are not applicable. However, during the course of hearing, the representatives appearing for the school state that these are applicable but are not provided in the books of accounts of the school. They undertake to file actuarial valuation reports of these liabilities as on 31/03/2010.

The school has not furnished the statement of account for the Trust/Society running the school as appearing in the books for the period 01/04/2006 to 31/03/2011. The representatives also undertake to furnish these statements.

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With regard to development fee, the school in its reply to the questionnaire issued by the Committee has stated that the same is treated as a revenue receipt and no earmarked development fund or depreciation reserve fund are maintained. Perusal of the details of utilization of development fee by the Committee also shows that the same has been utilized for meeting revenue expenses. Matter to come up for further hearing on 07/04/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

Delhi High Court Committee ★ For Review of School Fee ★

8/03/2017

B-576

Hamdard Public School, Sangam Vihar, Delhi

Present: Sh. Zubair A Khan, Principal, Sh. Talib Ali, CAO, Sh. Tufail Ahmed, O.S., Sh. Iilzzat AG, Accountant, Sh. Saroj Kumar Jha, Accountant of the school.

The Committee has perused the circular issued by the school to the parents regarding hike in fee pursuant to order dated 11/02/2009 issued by the Director of Education. As per the circular, the tuition fee has been increased by Rs. 200 per month w.e.f. 01/04/2009. The school has not recovered any arrear for the period 01/09/2008 to 31/03/2009. However the arrears for the period 01/01/2006 to 31/08/2008 have been recovered in accordance with rates prescribed by the order dated 11/02/2009. The authorized representatives of the school submit that till 2008-09, the school was not charging any development fee. However, the school started charging the same @ 15% of tuition fee w.e.f. 01/04/2009. Authorised representatives appearing for the school submit that the same was treated as a revenue receipt in the books till 31/03/2015. In 2015-16, the school started treating it as a capital receipt.

During the course of hearing, the submission was made on behalf of the school that the school runs on no profit no loss basis and during several years in the past i.e. prior to 2009-10, the school did not hike any fee at all i.e. not even 10% permitted by the Director of Education. In particular no hike was made during the immediately preceding year i.e. 2008-09 and the school continued to charge the same fee which was charging in the year 2007-08. However, the fee records for 2007-08 and 2008-09 are not immediately available with the authorized representatives appearing for the school and they seek some time to produce the same for verification by the Committee. The school will produce the fee records for 200708 and 2008-09 on 16/03/2017 before the audit officer of the Committee who will verify the same and report to the Committee.

Dr. R.K. SHARMA
MEMBER

J.S. KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Delhi High Court Committee ★ For Review of School Fee ★

B-581

8/3/2017

St. Paul's Diocesan School, Jangpura,New Delhi

Present: Sh. Sanjay, Accountant, Dr. P.N. Biswas, Dean of the faculty of the school.

The information furnished by the school in response to notice dated 25/05/2015 issued by the Committee has not been signed by any competent authority of the school and in fact the same has been filled up in the notice issued by the Committee itself. The representatives appearing for the school seeks some time to furnish the information in a proper manner. The same may be filed within 10 days. Matter will come up for hearing on 07/04/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
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Delhi High Court Committee For Review of School Fee

8/3/2017

B-596

Vikas Bharti Public School, Sector-24, Rohini, Delhi

Present: Sh. Naresh Pahwa, CA, Ms. Rachna, Sh. Diwij Kohli, and Sh. Shivam, Account Assistants on behalf of the school.

The Committee has perused the circular dated 13/03/2009 issued by the school to the parents regarding hike in fee pursuant to order dated 11/02/2009 issued by the Director of Education. As per the circular, the school hiked the tuition fee by Rs. 400 per month for classes pre school to X and by Rs. 500 per month for classes XI & XII w.e.f. 01/09/2008. Besides, the school recovered lump sum arrear fee for the period 01/01/2006 to 31/08/2008 @ Rs. 3,500 for classes pre school to X and Rs. 4,500 for classes XI & XII. It ~~has~~ if submitted by the representatives of the school that although the school has charged development fee in the year 2008-09, it did not hike any development fee w.e.f. 01/09/2008. The school has furnished the required information in response to the notice dated 26/05/2015 issued by the Committee. As for the statement of account of Society in the books of the school, it is submitted that the Society has no other activity apart from running the school and the income & expenditure and assets liabilities of the school are merged in the balance sheet of the Society and as such the funds position of the school may be ascertained from the balance sheet of the Society instead of the school. With regard to accrued liabilities of gratuity and leave encashment, it is submitted that school makes no provision for these liabilities in its books. However, the authorized representatives appearing the school submit that they will get an actuarial valuation done for the accrued liabilities as on 31/03/2010 and submit the same to the Committee for arriving at the reserves required to be kept for meeting these liabilities in future. With regard to development fee, it is submitted the same was treated as a revenue receipt upto the year 2012-13 and thereafter, it is being treated as a capital receipt.

The school will furnish the ~~actual~~ actuarial valuation report within 15 days and thereafter the calculation sheet may be drawn for consideration of the Committee. The matter will come up for further hearing on 07/04/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S. KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

Delhi High Court Committee For Review of School Fee

B-602

8/3/2017

VSPK International School, Sector-13,Rohini, Delhi.

Present: Sh. S.K. Gupta, Chairman, Sh. Narender Jindal, Accountant, Sh. Pankaj Gupta, Director, Sh. Anand Jain, CA of the school.

At the outset, the Committee has observed that the school has consistently incurring losses over a number of period. Further the school has raised heavy loans for creation of fixed assets. The principal amount and interest are paid out of funds of the school. Further on a closure scrutiny, the committee has observed that the school offers number of activities for which staff are employed but it is submitted by the representative of the school no separate fee was charged for such activity. The number of teachers are less than the number of other staff. The school apparently employs more teachers than the required number in respect of students enrolled with it. It is observed by the Committee that the school is not filing the receipt and payment account as part of its annual returns as prescribed under Rule 180 of the Delhi School Education Rule, 1973. The school is directed to file the same for the year 2006-07 to 2010-11 within three days.

The audit officer is directed to prepare the statement given category wise number of teachers and other staff employed vis a vis the number of students enrolled for those classes. The matter will come up for further hearing on 07/04/2017.

Photocopy (1) kept on record 20.3.17

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

The desired statement is prepared and placed opposite in file for kind perusal please

Sh.

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Delhi High Court Committee ★ For Review of School Fee ★

000008

8/3/2017

B-616

St. Martin's Diocesan School, Delhi Cantt. -110010

Present: Sh Mukesh Kumar, authorized representative of the school.

The Committee has received an application on behalf of the school to seek adjournment on the ground that the Manager and Advocate are not able to attend the Court. As requested the matter is adjourned to 07/04/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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09/03/2017

B-622

Hill woods Academy, Preet Vihar, Delhi

Present: Ms. Richa Bhatia, Office Executive and Ms. Vinita Sharma, Office Executive of the school.

Ms. Richa Bhatia, Office Executive and Ms. Vinita Sharma, Office Executive of the school appeared without any authority letter from the school. The fee and salary statement filed by the school in response to the notice dated 26.5.2015 appears to be ex-facie wrong as the regular tuition fee recovered by the school in 2009-10 as compared to 2008-09 is more than five times. The representatives appearing for the school are unable to clarify the position. One last opportunity is given to the school to file complete and correct information as required vide notice dated 26.5.2015. The same may be done within one week. Matter to come up for further hearing on 10th April 2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Delhi High Court Committee ★ For Review of School Fee ★

09/03/2017

B-623

Col. Satsangi's Kiran Memorial School, Chhatarpur, Delhi

Present: Sh. Surendra Prasad, Asstt. Manager, Sh. Ram Lal Pandit, Sr. Accountant and Sh. Sunil Kohli, Accounts Supervisor of the school.

Due to paucity of time, the matter is adjourned to 10/04/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Delhi High Court Committee ★ For Review of School Fee ★

09/03/2017

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B-628

Bada Pritam Guru Harkishan Int. Public School formerly known as Upras Vidyalaya, Vasant Vihar, Delhi

Present : Prof. R.K. Rai, Manager, Sh. P.K. Shrivastava, Principal and Sh. Santosh Kr.Giri, Accounts Clerk of the school.

In response to the notice dated 26.5.2015 issued by the Committee, the school vide its written submissions dated 10.6.2015 stated that the financial records of the school were not handed over to the new management which were took over on 13.10.2011 and as such it has no knowledge of any circular having been issued to the parents regarding fee hike on implementation of the 6th pay commission. However, vide another communication dated 9.11.2015 signed by Sh. P.K. Shrivastava, the Principal of the school categorically stated that it had not issued any such circular to the parents nor collected any additional fee for this purpose. Sh. P.K. Shrivastava who is present today again reiterated this position and further stated that the school had not paid any arrears of salary arising on account of implementation of the 6th pay commission but it prospectively implemented the 6th pay commission recommendations w.e.f. 01.4.2010. Earlier vide reply dated 9.12.2013 filed by the school to the letter dated 6.12.2013 issued by the Committee requiring it to give specific reply to the questions contained in the questionnaire, the school had stated that it had recovered a sum of Rs. 19,46,300 as arrears fee from the students, and the school had increased the fee in terms of the order dated 11.2.2009 issued by the Directorate of Education. In the same letter the school had also stated that the recommendations of the 6th pay commission were implemented w.e.f. Feb. 2009 and even enclosed the details of salary for the months of January 2009 and Feb, 2009 to show the increase in salary on implementation of the recommendations of the 6th pay commission. The school stated in this letter that it had paid a sum of Rs. 59,85,633 in June 2009 towards arrears of salary for the period Jan. 2006 to August 2008, Rs. 23,94,253 in May 2010, Rs. 3,59,180 the date when this last payment of Rs.3,59,180 was made, was not mentioned . The audited income and expenditure accounts of the school, which have been filed under Rule 180 of Delhi School Education Act and Rules, also show the recovery of arrear fee and payment of arrear salary, although the amounts are at variance what is stated. This letter was also signed by Sh. P.K. Shrivastava. On reconsideration of the position during the course of hearing Sh. Shrivastava has stated that he is not aware of the payment of arrear salary or recovery of arrear fee as matter were handled directly by the Managing Committee of the school. He further stated that on account of disputes with the successor management, a writ petition was filed in the Hon'ble High Court of Delhi, which appointed a Local Commissioner for handling the financials affairs of the school in 2006 and this arrangement continued upto 2010. Consequently the arrear

Delhi High Court Committee * For Review of School Fee *

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Secretary

09/03/2017

fee and arrear salary , if any have been paid or recovered, when the financial appraisal of the school were under the charge of the Local Commissioner. However the present management committee has not record of payments of salary or recovery of fee during that period.

The school is directed to file copies of the bank statements of all its account starting from 01.4.2008 to 31.3.2010. This may be done within one month. Matter to come up for further hearing on 17.4.2017. The school is also required to file the judgment of the Hon'ble High Court and the reports of all inspections carried out by the Directorate of Education.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
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Delhi High Court Committee For Review of School Fee

09/03/2017

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B-630

Jain Bharti Model School, Sector-16, Rohini,New Delhi

Present: Sh. S.K. Jain, Manager, Ms. Priyanka Kaushal, Clerk & Sh. Kamaljeet, Office Attendant of the school.

The school has furnished detail of mode of payment of salary and arrears of salary. It is apparent from the details of fund that while the regular salary of the staff was being paid by bank transfer the arrears of salary are shown have been paid in cash. The authorized representative of the school has not brought the books of accounts despite specifically mentioned in the notice of the Committee. The school is directed to produce its books of accounts for the years 2008-09 to 2010-11 for perusal by the Committee. Matter will come up for further hearing on 17.04.2017

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

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Delhi High Court Committee For Review of School Fee

09/03/2017

000014

B-638

Sneh International School, New Rajdhani Enclave, Delhi

Present: Sh. Manu Luthra, CA/AR & Ms. Navita Chopra, Accountant of the school.

The authorized representative Sh. Manu Luthra appearing for the school has stated that the school did not issue any circular regarding fee hike for implementation of the recommendations of the 6th Pay Commission as no fee arrears were recovered from the students. The increased fee was mentioned in the fee bills issued to the students for the month of April 2009 onwards. As per the written submission dated 16.6.2015 filed by the school the school increased tuition fee by Rs. 400 p.m. for the students of all the classes w.e.f 01.4.2009 . As per the fee schedule filed by the school under Rule 173 of the Delhi School Education Act 1973 the tuition charges was Rs,1815 for classes nursery to 5th and Rs. 1850 per month for classes 6 to 10th . In the year 2009-10 the same increased to Rs. 2215 and Rs.2250 per month respectively. In the year 2009-10 the school introduce class 11 for the first time with the fee of Rs. 2500 per month.

As per another statement filed under cover of its letter dated 16.11.2016 the school has given the student strength for 2008-09 as 563 which increased to 730 in 2009-10. The total tuition fee recovered for the year 2009-10 was Rs. 1,70,43,185 as compare to Rs. 1,08,94,924 in 2008-09 ,showing an increase of about 56%. The same appears to be in the fee effected for that year and the increase in students strength. However, the annual salary paid by the school rose from Rs. 58,53,435 in 2008-09 to Rs. 01,33,06,587 in 2009-10 i.e. an increase of about 127%. The same does not appeared to be justified as the increase in salaries on account of implementation of the 6th pay commission is 40 to 50%. Even if the increase in staff strength in the year 2009-10 is factored in, the same appears to be on the higher side. The school is directed to file a comparative statement in respect of each employee showing the salary drawn prior to implementation of the 6th pay commission and subsequently implementation of the 6th pay commission giving the increase in absolute terms as well as percentage. The school has not brought its books of accounts for the year 2009-10 when the sixth pay commission is purportedly implemented. The authorized representative appearing for the school seeks some time to produce the same. Accordingly the matter will come up for further hearing on 10.4.2017.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
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Delhi High Court Committee for Review of School Fee

09/03/2017

B-639

Nutan Vidya Mandir, Dilshad Garden, Delhi

Present: Sh. P.K. Singhal, Accountant & Sh. Raj Kumar Accountant & Sh. Jitendera Singh Sirdi, Advocate of the school.

The Committee has perused the circular dated 08/02/2009 issued by the school to the parents regarding fee hike pursuant to order dated 11/02/2009 issued by the Director of Education. As per the circular, the school hiked the tuition fee for classes pre nursery to X @ Rs. 300 per month w.e.f. 01/09/2008 and accordingly recovered arrears @ Rs. 2100 per student for the period 01/09/2008 to 31/03/2009 for classes pre nursery to X besides lump sum arrear of Rs. 3000 per student. For classes X & XII, the hike was @ Rs. 400 per month and the arrear recovered @ Rs. 2800 besides lump sum arrears of Rs. 35,00 per student.

In reply to the questionnaire issued by the Committee, the school vide its letter dated 25/10/2013 stated that it had recovered a total of Rs. 16,59,443 as arrears of fee but since the liability of payment of arrear salary was approximately Rs. 1.00 crore the same was not paid. The arrear fee recovered was adjusted to the extent of Rs. 1,67,100 in the year 2010-11 and Rs. 3,800 in 2011-12. The balance amount Rs. 14,88,543 has till not refunded or adjusted. It is further stated that the school implemented the recommendations of VI Pay Commission w.e.f. 01/04/2009. It is submitted that the salary of staff is being paid by bank transfer except to class IV staff who was paid in cash. With regard to developement fee, the school stated that no development fee was charged till 2009-10 but the development fee was introduced in 2010-11 when a sum of Rs. 60,93,419 was recovered. It is also submitted that the development fee to the extent of Rs. 54,52,343 was utilized for purchase of equipments and furniture. However, it is conceded that no depreciation reserve fund was maintained for the unutilized development fund.

Calculation sheet to be prepared. Matter to come up for further hearing 10/04/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Delhi High Court Committee ★ For Review of School Fee ★

10/03/2017

000016

B-640

The Srijan School, North Model Town, Delhi.

Present: Sh. Devashish, Admn. Officer and Ms. Shweta Bansal, Accountant of the school.

Sh. Devashish present on behalf of the school has filed a letter dated 10/03/2017 vide which it is submitted that the preliminary calculation sheet may be provided to the school and the hearing may be adjourned to next month. The preliminary calculation sheet can be prepared after the information furnished by the school in response to the communications made by the Committee and the record is verified with reference to books of accounts which the school has not produced. The schools is directed to produce the records as per notice dated 27/12/2016 sent by the Committee. Matter will come up for hearing on 11/04/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
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Delhi High Court Committee For Review of School Fee

Apeejay School, Sheikh Sarai-I, New Delhi

Present : Sh. A.P. Sharma, Principal, Sh. S.K. Murgai, financial Adviser, Sh. Bharat Bhushan, General Manager, Sh. Rajiv Jain, Sr. Accountant, Sh. Sunil Bhatt, Accountant of the school.

The Committee has perused the circular dated 05/03/2009 issued by the school to the parents regarding fee hike in pursuance of order dated 11/02/2009 issued by the Director of Education. The circular is silent about quantum of fee hike for arrear which the parents were supposed to pay. However, the authorized representatives of the school state that supplementary fee bills were issued to the students as and when the requirement of arrears were due. Authorized representative of school. As per chart showing the total amount of arrears recovered from the students and as per the same the position is as follows.

Class	Monthly increase	Arrears for the period 01/09/2008 to 31/03/2009
Nursery to III	500	3,500
IV to XII	400	2,800

Besides the development fee was also raised which is as follows:

Class	Arrear for development fee from 1/09/2008 to 31/03/2009
Nurser	1077
KG	1330
I	1308
II	1282
III	1251
IV1	1103
V	1058
VI to VIII	1050
IX	1033
X	989
XI & XII	1002

Besides the school also recovered lump sum fee arrears for the period 01/01/2006 to 31/08/2008 at the rates prescribed by order dated 11/02/2009.

It is apparent from the above tables that the hike in development fee is much more than 15% of hike in tuition fee. In fact earlier the development fee was charged @ 10%. The hike in development fee is almost to 35 to 40% of hike in tuition fee. This is on account of the fact that the school hiked development fee @ 15% while earlier it was charging 10% of tuition fee.

The school has filed written submissions dated 10/03/2017 vide which it is contended as follows:

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Delhi High Court Committee ★ For Review of School Fee ★

10/03/2017

(a) The contingency reserve is ought to be about equivalent to 4 months of total expenditure of the school instead of restricting it to 4 months salary.

(b) The calculation of gratuity and leave encashment that were filed earlier were erroneous as there was a formula error in the excel sheet and the correct calculations are as per Annexures 'D' and 'G' of the written submissions.

(c) The upper limit of gratuity ought to be considered as Rs. 10.00 lacs instead of Rs. 3.50 lacs.

(d) With regard to development fee, it is submitted that it is treated as a capital receipt in the books and the amount of unutilized development fund and depreciation reserve fund are kept in separate FDRs in banks, the details of which is annexed as annexure H with the written submission, while the details of other FDRs are given in Annexure I.

(e) The school has also furnished a detail of the development fund and depreciation reserve fund for the years 2006-07 to 2010-11, their utilization and the amount of FDRs held against the unutilized amount as Annexure J.

(f) The authorized representative appearing for the school submit that the remaining information as furnished vide submissions dated 05/06/2015 are correct and the same can be taken for making the necessary calculations.

The committee has examined the ledger accounts of FDRs purportedly held against development fund and depreciation reserve fund with general FDRs. It is submitted that while there is no bifurcation of the earmarked FDRs in the balance sheet of the school, the bifurcations is made in the books of accounts. However, the Committee has also observed that there are certain entries of renewal of FDRs in the general FDR account which apparently the school did not have earlier. Further in its reply to the questionnaire dated 17/12/2013 issued by the Committee, to a specific query with regard to FDR held in development fund and depreciation fund, the school has given a list of full FDRs amounting to Rs. 9,11,56,668 as on 31/03/2010 without showing any bifurcation.

The authorized representatives seeks some time to clarify this issue and explain the accounting entry with regard to these FDRs. Matter will come up for this limited purpose on 11/04/2017.

Dr. R.K. SHARMA
MEMBER

J.S. KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

Delhi High Court Committee ★ For Review of School Fee ★

10/03/2017

B-655

St. Anthony's Sr. Sec. School, Hauz Khas, New Delhi.

Present: Sh. Chandan Kumar Pati, Accountant, Sh. J.A. Martins, CA and Sr. Susan, Office In charge.

The Committee has perused the circulars dated 25/02/2009 issued to the parents regarding hike in fee and recovery of arrears pursuant to order dated 11/02/009 issued by the Director of Education. As per the circular, the hike in fee for classes I to X and XII (commerce and Humanities stream) was Rs. 300 per month and Rs. 400 per month for XI and XII (Science stream) w.e.f. 01/09/2008. Further lump sum arrear fee was recovered @ Rs. 3,000/3,500 per student for the period 01/01/2006 to 31/08/2008. There is no mention of any hike in development fee. It is submitted by the authorized representatives appearing for the school that till 2008-09, development fee was charged only from the new students. The fee schedule of the year 2008-09 also does not contain any mention of development fee. However, a chart has been filed today giving break-up of the arrear fee recovered which shows a recovery of Rs. 36,120 as arrears of development fee calculated @ 15% of the increased tuition fee for seven months. It is submitted by the authorized representatives that only a few students have paid the arrears of development fee.

The school has also furnished the details of accrued liability of gratuity and leave encashment as on 31/03/2010 along with the written submissions filed today. The school relies upon its written submissions dated 24/06/2015 vide which it had contended that being a minority institution its constitution rights need to be protected and then relied upon the judgment of the Hon'ble Supreme Court in the case of TMA pai Foundation & ors. vs State of Karnataka & ors. and Pramati Educational Trust & ors vs Union of India. With regard to development fee, the school in its reply dated 13/12/2013 to the questionnaire issued by the Committee had contended that development fee has been treated a capital receipt from 2009-10 onwards, a separate reserve is maintained in the books and unutilized development fund is kept in separate FDRs.

Received 31/03/17 Chandan

Calculation sheet to be prepared. Matter to come up for further hearing on 11/04/2017.

Dr. R.K. SHARMA **MEMBER**

J.S.KOCHAR **MEMBER**

JUSTICE ANIL KUMAR (Retd.) **CHAIRPERSON**

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Secretary

Delhi High Court Committee ★ For Review of School Fee ★

10/03/2017

000020

B-658

The Frank Anthony Public School, Lajpat Nagar, Delhi.

Present: Sh. Ashok Kumar, Accountant and Ms. Simran Singh, Chartered Accountant of the school.

The Committee has perused circulars issued to the parents regarding fee hike in pursuance of order dated 11/02/2009 issued by Director of Education. As per the circulars the school hiked the tuition fee @ Rs. 300 per month for classes pre nursery to IV and Rs. 400 per month for classes V to XII w.e.f. 01/09/2008. The school also increased the development fee by Rs. 45/60 w.e.f. 01/09/2008 @ 15% of the increase in tuition fee. In addition, the school charged the differential amount of development fee between 10% of existing tuition fee which it was charging earlier to 15% of existing tuition fee for the period 01/09/2008 to 31/03/2009. However, in the chart of components of fee and salary filed along with letter dated 07/07/2015, the increase in development fee on existing tuition fee is not shown separately. During the course of hearing, the authorized representative appearing for the school has brought to our notice that in the Income & Expenditure Account, the same has been shown separately and its amount is Rs. 26,77,800.

The school has furnished complete details which were required to be filed vide notice dated 26/05/2015. However with regard to the accrued liabilities of gratuity and leave encashment, the school has just given a note giving the figure without furnishing calculations or actuarial valuation. The authorized representative appearing for the school seeks some time to furnish the same.

With regard to development fee, the school in its reply dated 06/09/2013 to the questionnaire issued by the Committee stated that upto 2010-11, development fee was recognized as revenue income and shown in the Income & Expenditure Account. However, from 2011-12, the same has been treated as a capital receipt. It is also stated that the depreciation reserve fund on assets acquired out of development fund was also maintained from the year 2011-12 only. The authorized representative, during the course of hearing also confirms this position. The details of accrued liability of gratuity and leave encashment/actuarial valuation of the same may be filed within three weeks. After that calculation sheet to be prepared. Matter will come up for further hearing on 12/04/2017.

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Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

Delhi High Court Committee ★ For Review of School Fee ★

10/03/2017

B-660

Tagore International School, East of Kailash, New Delhi.

Present: Sh. Rajiv Aggarwal, Accounts Incharge of the school.

The school seeks an adjournment. As requested, matter will come up on for hearing on 12/04/2017.

Dr. R.K. SHARMA	J.S. KOCHAR	JUSTICE ANIL KUMAR (Retd.)
MEMBER	MEMBER	CHAIRPERSON

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Delhi High Court Committee ★ For Review of School Fee ★

10/03/2017

000022

B-665

Kalka Public School, Alaknanda, New Delhi.

Present: Sh. Vinod Kumar, LDC of the school.

An application has been filed on behalf of the school seeking adjournment for three weeks. As requested, matter will come up for hearing on 11/04/2017.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

Court Committee for Review of School Fee

14/03/2017

B-667

New Green Fields School, Saket New Delhi.

Present: Sh. Ashwani Parbhakar, Manager, Sh. Naveen Chawla, Chartered Accountant of the school.

The Committee has examined the circular dated 25/02/2009 issued by the school to the parents of the students regarding fee hike in pursuance of order dated 11/02/2009 issued by the Director of Education. As per the circular, the school hiked the tuition fee by Rs. 200 per month w.e.f. 01/09/2008 and accordingly recovered arrears of Rs. 1400 for the period 01/09/2008 to 31/03/2009. Besides, the school also recovered lump sum arrear fee of Rs. 2,500 per student for covering the salary arrears for the period 01/01/2006 to 31/08/2008. The circular does not mention about any increase in development fee. During the course of hearing, the authorized representatives appearing for the school have clarified that the school does not charge any development fee.

The Committee has examined the audited financials of the school and funds that there is development fund reflecting in the balance sheet. The authorized representatives clarified that the school fund has been the nomenclature of the development fund and it is not accumulated by any development fee charged by the school.

The Committee has examined the fee and salary statement filed by the school in pursuance of notice dated 26/05/20156 issued by the Committee. It observes that the school recovered a total sum of Rs. 1,15,09,650 as arrear fee for the period 01/01/2006 to 31/03/2009. The incremental tuition fee in 2009-10 as a result of hike in tuition fee as per order dated 11/02/2009 amounted to Rs. 76,00,590 in the year 2009-10. Thus the total additional fee collected by the school in pursuance of order dated 11/02/2009 of the Director of Education amounted to Rs. 1,91,10,240.

The total salary arrears paid by the school in terms of recommendations of VI Pay Commission were Rs. 1,55,63,670 as per statement filed by the school. Further the incremental salary in the year 2009-10 that resulted on account of increase in salary as per the recommendations of VI Pay Commission amounted to Rs. 1,03,64,418. Thus the total financial impact of the implementation of the recommendations of VI Pay Commission was Rs. 2,59,28,080. The Committee has examined the balance sheet of the school as on 31/03/2008 which was balance sheet available prior to fee hike. The Committee observes that the school had a total sum of Rs.10,72,05,378 as its current assets which mainly comprised of balance in saving bank accounts, fixed deposit account and interest accrued on fixed deposit. As against this, current liabilities payable by the school were Rs. 11,67,300 towards student security deposit, Rs. 950 as fee received in advance, Rs. 17,31,257 as salary payable and Rs. 4,65,691 as expenses payable, total amounting to Rs. 33,65,198. Thus the net current assets i.e. the funds avialble with the school as on 31/03/2008 were Rs. 10,38,40,180.

Delhi High Court Committee ★ For Review of School Fee ★

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14/03/2017

The requirement of reserves to be kept by the school is calculated as follows:

Amount equivalent to four months' salary for the year 2009-10	Rs. 1,12,67,960
Reserve for accrued liability of gratuity as on 31/03/2010 as per the statement filed by the school	Rs. 1,74,31,893
Reserve for accrued liability of leave encashment as on 31/03/2011 as per the statement filed by the school	Rs. 52,20,854
Total	Rs. 3,39,19,707

Thus the funds which the school could utilized for implementing the recommendations of VI Pay Commission were Rs. 6,99,20,473.

As mentioned supra, the total financial impact of the implementation of recommendations of VI Pay Commission on the school was Rs. 2,59,28,280.

It is apparent from the above discussion that the school had sufficient funds of its own for implementing the recommendations of VI Pay Commission and did not need to hike any fee or recover any arrear fee. The authorized representative appearing for the school submits that in a meeting of the Managing Committee held on 6th Sept. 2007, it was resolved that a proper basket ball ground should be prepared and the vacant land available in school should be cleaned and filled up so that the buses could be parked within the school complex and the school have earmarked funds for these purposes. On a query by the Committee, he submits that a sum of Rs. 23,11,300 was spent on the basket ball court and Rs. 72,52,524 was spent on the land and other development in the school in the year 2009-10 and 2010-11. Further he submits that a sum of Rs. 6,31,48,435 was spent for purchase of land at Neb Sarai in 2009-10 and 2010-11 and therefore the fee hike was justified.

The sum and substance of the submissions are that the hike in school fee was necessary to meet these capital expenditure incurred by the school. the Hon'ble Supreme Court in the case of Modern School vs. Union of India (2004) 5 SCC 583 had held that the capital expenditure cannot form part of fee structure. Further the order dated 11/02/2009 was issued for allowing the schools to hike fee specifically for the purpose of implementation of the recommendations of VI Pay Commission. It categorically stated that a fee hike is not mandatory and that all the schools must first of all explore the possibilities for utilizing the existing reserves to meet the short fall in payment of salaries and arrears and after that only if any school feels it necessary to hike the tuition fee, it will do so in accordance with the slabs prescribed in the order. The hike in tuition fee in pursuance of this order would not have been utilized for purchase of land or for any other purposes.

The authorized representative appearing for the school submits that he wants to make some further submission and the school may be

Delhi High Court Committee ★ For Review of School Fee ★

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14/03/2017

allowed an opportunity for this purpose. The school may file its written submission with in one week.

As requested the case is adjourned to 12/04/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

Delhi High Court Committee * For Review of School Fee *

14/03/2017

B-664

New Green Fields School, Alaknanda, New Delhi

Present: Sh. Ashwani Parbhakar, Manager, Sh. Naveen Chawla, Chartered Accountant of the school.

The authorized representatives appearing for the school submit that the position in respect of this branch of the school is also more or less the same as in the case of Saket branch, and therefore, both the cases may be heard together. As requested the case is adjourned to 12/04/2017 at 11.00 a.m. The school may file its written submission in advance.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

High Court Committee for Review of School Fee

14/03/2017

B- 669

Blue Bells School International,East of Kailash, New Delhi-110048

Present: Sh. Gopal, Peon of the school.

A request letter has been received from the school for grant of adjournment on the ground that the account officer of the school is on leave. As requested, the matter is adjourned to 12/04/2017

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

Delhi High Court Committee ★ For Review of School Fee ★

B-672

Don Bosco School, Alaknanda, New Delhi

Present: Sh. Binoy P. Jose, Accountant and Sh. J.A. Martins, Chartered Accountant of the school.

The Committee observes that the school has not yet filed the information regarding fee and salary as per the format given by notice dated 26/05/2015. The authorized representatives appeared for the school seek some time for doing so. The same may be filed before the next of hearing. The matter is adjourned to 17/04/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Delhi High Court Committee ★ For Review of School Fee ★

14/03/2017

000029

B-677

Ganga International School, Hiran Kudna, New Delhi

Present: Sh. Sushil Gupta, Chairman, Sh. Pradeep Kumar, CA, Sh. Rajesh Kumar Narang, Accounts Officer of the school.

Sh. Sushil Gupta Chairman of the school has appeared and submits that initially there was an understanding with the teachers that no arrears of salary upto 31/03/2009 would be paid and consequently the school did not recover any Arrear fee from the parents. He submits that an MOU of this effect was signed. Subsequently some teachers went to the High Court and the matter was settled with them through mediation. After that some more teachers went to the High Court and matter is still pending in appeal. For payment of arrears, the school started recovering Rs. 5,100 from the passed out students.

The school is directed to file copies of all the judgments in both the cases along with details of arrear fee recovered and arrear salary paid to the staff along with evidence of such payments. Matter to come up for further hearing on 17/04/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Delhi High Court Committee For Review of School Fee

15/03/2017 000030

B-683

The Baptist Convent School, Patparganj, New Delhi.

Present: Ms. Mahima Malik, Manager and Ms. Mansi, Asstt. Accountant of the school.

1. The Committee has examined the reply dated 06/07/2015 submitted by the school to the notice dated 26/05/2015 issued by the Committee. Instead of circular that might have been issued to the parents with regard to fee hike for different classes in pursuance of order dated 11/02/2009 issued by the Director of Education, the school has merely furnished an office order vide which the fee hike for different slabs of fee prescribed in the order dated 11/02/2009 has been mentioned. No mention is made of the fee hike for a particular class or the recovery of arrear fee. The authorized representatives appearing for the school submit that the school did not recover any arrear fee and therefore did not pay arrear salary to the staff. Perusal of the fee schedules filed by the school as part of annual returns for the years 2008-09 and 2009-10, it appears that the fee was increased by Rs. 200 per month for classes I to VIII. Further it appears that upto 2008-09, the school was not charging any development fee but in the year 2009-10, the same was introduced and a sum of Rs. 140 per month was charged from students of classes I to V and Rs. 150 per month for classes VI to VIII. Class IX appears to have been introduced for the first time in 2009-10 and the tuition fee and development fee of the student of this class was Rs. 1080 and Rs. 180 per month respectively. Some other fee like multi media fee and miscellaneous fee charged upto 2008-09 were discontinued in 2009-10 so far as it appears from the fee structures.

2. Prima facie, the fee hiked by the school for the purpose of implementation of VI Pay Commission appears to be excessive as on account of the fee hike in 2009-10, the aggregate tuition fee increased from Rs. 56,38,844 in 2008-09 to Rs. 92,38,930 in 2009-10 resulting in an increase of Rs. 36,00,086. On the other hand, the increase in salary on account of purported implementation of recommendation of VI Commission increased from Rs. 62,79,165 in 2008-09 to Rs. 87,41,840 i.e. an increase of Rs. 24,62,675. The authorized representative Submitted that the fee hike covered not just increased in salary expenses but also other over head expenses of the school. It is noteworthy that the annual charges charged by the school were also increased from Rs. 650 per annum to Rs. 1000 per annum in 2009-10 i.e. an increase of 54%. Annual charges are charged basically to cover the overhead expenses of the school. Perusal of the audited Income & Expenditure Account of the school for the years 2008-09 and 2009-10, surprisingly show that the other overheads of the school came down from Rs. 25,59,760 in 2008-09 to Rs. 4,60,277 in 2009 -10 despite an increase of about 53% in the fee charged from the students towards annual charges.

Photo Copy received Mansi

Delhi High Court Committee For Review of School Fee

3. The school has today filed a statement showing mode of payment of salary every month in 2008-09 and 2009-10 and as per the same, the school paid salary to teachers through account payee cheques and to other staff through bearer cheques or in cash. Perusal of the bank

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15/03/2017

statements of the school with the salary account maintained in the ledger shows that there is some gap in the dates of issuance of cheques and the date of their encashment from the bank. More importantly, almost all the cheques of salary get encashed on the same date. This is highly unlikely if the cheques are issued account payee because the teachers would be having accounts in different bank and would be deposited cheques on different dates. The authorized representatives of the school maintains that the cheques were indeed account payee and bearer.

4. The school is directed to furnish a certificate from the bank giving details of mode of payment of salary cheques to the staff every month in 2009-10. The same may be furnished within 10 days. The school may also make its submissions in rebuttal of the observations made by the Committee as aforesaid. Matter to come up for further hearing on 18/04/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Delhi High Court Committee ★ for School Fee

15/03/2017

000032

B-684

Lovely Public Sr. Sec. School, Priya Darshini Vihar, New Delhi.

Present: Ms. S.D. Malik, Chairperson, Ms. Monica, representative of CA of the school.

The Committee has perused reply dated 08/07/2015 filed by the school in response to notice dated 26/05/2015. The school has not filed a copy of the circular that might have been issued to the parents regarding recovery of arrear fee and hike in regular tuition fee. The authorized representative appearing for the school undertake to file the same before the next date of hearing. As per the statement of salary filed by the school, the school appears to have charged arrear fee for the period 01/01/2006 to 31/03/2009 and also claimed to have paid the arrear salary to the staff. It is submitted that the payment of arrears was restricted to the amount of arrear fee collected. It appears from the perusal of the copies of the bank statement filed by the school that not all payment of arrear salary were made through account payee cheques or bank transfer. The school is directed to file a certificate from the bank giving details of mode of payment of each individual cheque of the payment of arrear salary. The same may be filed within 3 weeks. Matter will come up for further hearing on 18/04/2017 at 11.00 a.m.

Received thru 28/3/2017

Dr. R.K. SHARMA	J.S.KOCHAR	JUSTICE ANIL KUMAR (Retd.)
MEMBER	MEMBER	CHAIRPERSON

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Secretary

Delhi High Court Committee For Review of School Fee

15/03/2017

000033

B-686

Arunodaya Public School, Karkardooma Inst. Area, Delhi.

Present: Ms. Sangeeta Nagar, Principal, Sh. Bhagrar Rawat, Accountant, Ms. Rupita Tandon, Vice Principal of the school.

The reply dated 08/06/2015 filed by the school in response to notice dated 26/05/2015 issued by the Committee is not in consonance with what was required to be filed. The authorized representative appearing for the school seeks some time to file an accurate reply in terms of notice dated 26/05/2015.

As requested, the school is given another opportunity to file proper reply to the notice. The same may be filed within three weeks. Matter will come up for hearing on 18/04/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Delhi High Court Committee ★ For Review of School Fee ★

15/03/2017

000034

B- 108

The Indian School, Josup Broz Tito Marg, New Delhi

Present: Mr. K.S. Vaid, Manager, Mr. Brijesh Kumar, Asstt. Sh. Vishal Bajaj, Consultant of the school.

The Committee has perused circular dated 13/02/2009 issued by the school to the parents of the students regarding fee hike in pursuance of order dated 11/02/2009 issued by the Director of Education. As per the circular, the school hiked tuition fee by Rs. 400 per month w.e.f. 01/09/2008 and also development fee @ Rs. 60 per month w.e.f. the same date . Besides, the school recovered arrear fee of Rs. 3,500 for the period 01/01/2006 to 31/08/2008, as provided in the aforesaid order. The aforesaid increase was for all the classes. The Committee has observed from the fee schedule for the year 2008-09 that originally development fee was being charged @ Rs. 2136 per annum as against tuition fee of Rs. 21360 per annum(1780x12). Thus development fee was being charged @ 10% w.e.f. 10/4/2008. However, the school recovered arrears of development fee for the period 01/09/2008 to 31/03/2009 @ 15% of the increase in tuition fee i.e. @ Rs. 60 per month on an incremental tuition fee of Rs. 400 per month. The Committee has perused the fee and salary statement for the year 2008-09 and 2009-10 and observes that the school has provided for arrears of salary amounting to Rs. 59,80,453 for the period 01/01/2006 to 31/08/2008 and Rs. 57,63,084 for the period 01/09/2008 to 31/03/2009 in the year 2008-09 itself. The authorized representative appearing for the school submit that in addition, a sum of Rs. 60,33,646 was provided in the year 2007-08 itself on estimated basis in view of the announcement of the acceptance of the recommendations of VI Pay Commission in March 2008. This was done by way of prudential accounting as the school was anticipated this liability. However, the fee and salary statement filed by the school does not mention any thing about this provision. The authorized representative undertakes to file a detailed calculations of provisions made for the arrears of VI Pay Commission in the books vis a vis the payment made in the year 2009-10 and 2010-11 and subsequently. The same may be done within two weeks. Likewise, a statement of accrual of arrear fee vis a vis its receipt in different years may also be filed. It is submitted by the school that all the payments of arrear salary were made through direct bank transfer. The regular salary is also paid by the school through direct bank transfer. The authorized representatives submitted that the school does not have any accrued liability of gratuity as it had taken a group gratuity policy from LIC of India and every year its contribution in respect of accrued liability of gratuity are deposited with it. The school will also file a calculation in respect of its accrued liability of leave encashment as on 31/03/2010, which as stated, has already been provided in the balance sheet. Matter will come up for further hearing on 18/04/2017 at 11.00 a.m.

Photo copy
Read
Dharmendra
Accountant
14/3/17

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Delhi High Court Committee ★ For Review of School Fee ★

15/03/2017

B-119

Salwan Public School, Rajinder Nagar, New Delhi.

Present: Maj. Gen. Sanjeev Shukla (Retd.), Director, Sh. J.N. Chopra, Director Finance, Sh. S.N. Dixit, Director Accounts, Sh. Sunil Chandra, Accountant, Ms. Narinder Kaur, Accountant of the school.

The school has submitted a revised reply dated 28/02/2017 in supersession of its earlier reply dated 02/07/2015 as it claims that the information furnished earlier was erroneous in as much as the information pertained to only the morning school whereas the school runs evening shift also. The information now furnished is the consolidated information in respect of both morning as well as the evening shift.

The authorized representatives appearing for the school submit that the school implemented the recommendations of VI Pay Commission of its own w.e.f. 01/09/2008, without waiting for the order of the Director of Education and for this purpose, a sum of Rs. 5,500 was collected from the students w.e.f. 01/09/2008 on a provisional basis. However, on receipt of order dated 11/02/2009, the school calculated the arrear fee for the period 01/09/2008 to 31/03/2009 in accordance with the order. As per the order the school hiked tuition fee by Rs. 400 per month and development fee by Rs. 60 per month w.e.f. 01/09/2008. Besides, lump sum arrears for the period 01/01/2006 to 31/08/2008 was also recovered . Thus a total recovery of Rs. 6,720 for the period 01/01/2006 to 31/03/2009 was made out of which the fee collected amounting to Rs. 5,500 on provision basis was adjusted.

R-1 : Photo copy, Rajinder Singh 21/3/2017

In the revised fee and salary statement filed, the school has calculated the arrear fee and salary for the period 01/09/2008 to 31/03/2009 only for presentation purposes as the school had already started paying increased salary w.e.f 01/09/2008.

The authorized representative submits that even prior to fee hike , the school was charging development fee @ 15% and therefore arrear of recovery of development fee @ 15% was justified. With regard to development fee the authorized representatives of the school submit that the school maintains a separate income & expenditure account for development fund and earmarked bank accounts and FDRs for the same. However, a development fund account is not created and the excess of development fee over the expenses met out of that are credited to the capital fund account. However they submit that development fee is never utilized for meeting any revenue the same is utilized for eligible fixed assets. The maintenance of an earmarked development fund account instead of merging it with capital fund account could only be an accounting issue as the school is complying withall the other pre conditions for charging development fee as mandated by the Hon'ble Supreme Court vs. Union of India (2004) 5 SCC 583.

Delhi High Court Committee For Review of School Fee

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The school is required to furnish a statement showing accretion to capital account on account of access of receipt of development fee over the capital expenditure made out of it for eligible fixed assets vis a

15/03/2017

vis the balances held in the earmarked saving bank and FDR accounts of development fund for the year 2006-07 to 2010-11. The same ought to be certified by the CA of the school and may be filed with 15 days. After the receipt of the aforesaid statement, calculation sheet be drawn. Matter to come up for further hearing on 24/04/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

Delhi High Court Committee ★ For Review of School Fee ★

15/03/2017

000037

B-53

Remal Public Sr. Sec. School, Sec-3, Rohini, Delhi.

Present: Sh. Rohit Bajaj, Manager, Sh. Puneet Batra, Advocate of the school

The school has filed submissions dated 14/03/2017 vide which some of the submissions made earlier vide reply dated 08/06/2015 notice dated 26/05/2015 have been revised. The ~~provision~~ revision is stated to be on account of an inadvertent error in the figures of salary furnished earlier. The Committee has perused the circular dated 18/02/2009 issued by the school to the parents regarding fee hike in pursuance of order dated 11/02/2009 issued by the Director of Education as per the circular, the school hiked tuition fee w.e.f. 01/09/2008 @ Rs. 200 per month for classes I to VIII and Rs. 300 per month for classes IX to XII. Besides, the school also recovered a sum of Rs. 2,500/Rs. 3,000 as lump sum arrear to cover the arrears salary for the period 01/01/2006 to 31/08/2008 as provided in the aforesaid order. The authorized representative submits that while the school had a liability of Rs. 63,21,391 for payment of arrears of salary, the school paid only Rs. 16,66,878 on account of the fact that the recovery of arrear fee was significantly less than what the school was entitled to recover and whatever arrear fee recovered and the payment of arrear salary to the staff is more than the recovery of arrear fee. He also submit that initially the staff has refused to take the arrear salary cheques of part payment, subsequently they accepted the same on the intervention of the Regional Director of Education. The school has filed a student wise detail of the collection of arrear fee and also an employee wise detail of payment of arrear salary. It is submitted that all the arrear salary was paid through account payee cheques and in support the school has furnished copies of bank statements. The school has also furnished an actuarial valuation report in respect of its accrued liability of gratuity as on 31/03/2008 and 31/03/2010 as well as the actuarial valuation report of in respect of leave encashment. As per the report, the total accrued liability of the school on account of gratuity was Rs. 70,84,429 and that for leave encashment, it was Rs. 18,00,239 as on 31/03/2010.

With regard to development fee the school in its reply furnished on 08/06/2015 details of the development charges recovered by the school as per which it recovered a sum of Rs. 7,95,470 in 2009-10 and Rs. 12,83,990 in 2010-11. The same was credited to the income & expenditure account and the school claimed to have incurred only revenue expenses out of the development fee. The school seeks to file a revised reply to the questionnaire today vide which it is again conceded that development fee is treated as revenue receipt. However, it is claimed that it was spent for capital expenditure. It was partly for capital expenditure and party for revenue expenditure. With regard to maintenance of separate development fund and depreciation fund it is

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Delhi High Court Committee ★ For Regulation of School Fee ★

conceded that no such earmarked fund has been maintained. Calculation sheet to be prepared. Matter to come up for further hearing on 24/04/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

Delhi High Court Committee * For Review of School Fee *

20/03/2017

B- 57

St. Giri Sr. Sec. School, Sector-3, Rohini, Delhi.

Present: Sh. Arun Diwedi, Accountant and Sh. Rahul Sharma, PT of the school.

The school had submitted reply to notice dated 26/05/2015 vide letter dated 1/07/2015, stating that although the school implemented the recommendations of VI Pay Commission w.e.f. 01/04/2009 and also raised the tuition fee in terms of order dated 11/02/2009 issued by the Director of Education, it did not pay arrear salary for the period 01/01/2006 to 31/03/2009 nor it collected the arrear fee as provided in the aforesaid order. It is further stated that the school treated development fee as a revenue receipt in the years 2007-08 to 2010-11. However it claims the same was fully utilized for purchase of permitted fixed assets that i.e furniture, fixture and equipments. With regard to maintenance earmarked depreciation reserve funds, the school has conceded that the same was not maintained. The authorized representatives also conceded that upto 31/03/2011, the school did not maintain an earmarked development fund also.

The school has not yet filed the information regarding mode of payment of salaries in the year 2008-09 and 2009-10. The authorized representatives submit that the school has not received the format, although the same was put out on the website of the Directorate of Education. The Committee observes that the balance sheets filed by the school are not signed by the Manager of the school. The school will file a complete set of auditing balance sheets from 2006-07 to 2010-11 within three days. A format required by the school to furnish information regarding mode of salary every month in 2008-09 and 2009-10 has been handed over to authorized representative. The school will also furnish the same duly filled up within three days. Matter will come up for further hearing on 24/04/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

Delhi High Court Committee ★ For Review of School Fee ★

20/03/2017

B- 60

The Heritage School, Sector-23, Rohini, Delhi.

Present: Sh. Parveen Jain, CA, Sh. Vikas Gupta, CA, Sh. Ajay Gupta, CA, Sh. Nawal Kishore, Asstt. Accountant, Sh. Susheel Dubey, Asstt. Accountant, Sh. Parmod Patwa, Accountant of the school.

It appears that one Sh. Jai Bhagwan Aggarwal had filed some complaint against the school regarding unjustified fee hike effected by the school. The complaint does not appear in the record of the Committee. It appears that the complaint was addressed to the Directorate of Education on which some inquiry was called. The report of the inquiry made by the Directorate of Education is also not on record. However, the authorized representatives appearing for the school confirmed that there was a complaint by this gentleman and the Directorate of Education has conducted an inquiry and submitted its findings also.

The authorized representatives have been required to file copies of the complaint as well as its reply given by the school and the inquiry report. The same may be done within 10 days. Matter will come for hearing on 01/05/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

Delhi High Court Committee for Review of School Fee

20/03/2017

000041

B-500

Sahodaya Sr. Sec. School, Safdarjung Development Area, New Delhi.

Present. Mr. Joselyna Martin, CA, Ms. Anjali Chadha, Accountant and Ms. K. Anny Office In charge of the school.

The school has filed written submission dated 20/03/2017 and the authorized representative appearing for the school has been heard at length. He submits that although the school had taken a development fee as a revenue receipt but the same was utilized only for the permitted purposes i.e. purchase of furniture, fixture and equipments. He further submits that the school was not charging any depreciation in its accounts, and hence there was no requirement of any earmarked depreciation reserve fund. He submits that in a subsequent year, the school created a capital reserve fund out of the school fund which was equivalent to the written down value of fixed assets which were permitted to acquire out of development fee. Further whatever was left out of development fee charged over the past years was transferred to an earmarked development fund and was clearly invested in demarcated FDRs. Further the school created a depreciation reserve fund equivalent to depreciation charged for the past 4-5 years but the same was shown as part of the school fund. The school is required to furnished the audited balance sheets for the years in which these rectifications were carried out.

It is further submitted that the Committee has considered the some of the fees recovered in 2010-11 as refundable but the liability for gratuity and leave encashment has been considered upto 2009-10. The Committee has considered only the building fund recovered in 2009-10 and one time fee in 2010-11 as the same did not form part of the fee schedules filed by the school under section 17(3) of the Delhi School Education Act, 1973. Otherwise, all the calculations have been made with regard to the funds available with the school as on 31/03/2008 which was latest year prior to the fee hike as per order dated 11/02/2009 and has taken effect of the incremental fee and incremental salary for the year 2009-10 as the order dated 11/02/2009 mandated that no further fee hike would be made by the school in 2009-10 apart from the hike that was permitted w.e.f. 01/09/2008. Accordingly this argument of the authorized representative is rejected.

The authorized representatives submit that the school has provided a reserve equivalent to 10% of savings as arrived at with reference to Rule 177 and the same are sacrosanct and the school has maintained the same and as such should not have been taken as part of fund available with the school for the purpose of implementation of recommendation of VI Pay Commission.

The order dated 11/02/2009 issued by the Director of Education in exercise of the powers conferred under sub section 3 of Section 17, sub section 3 of Section 24 of the Delhi school Education Act, 1973 read with sub section 4 & 5 of the section 18 of the Delhi School Education Rules, 1973 and with Rules 50, 51, 177 and 180 of Delhi

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School Education Rules, 1973 all other enabling powers, clearly mandated that a fee hike is not mandatory for recognized unaided school in the NCT of Delhi and further that all schools must first of all explore the possibility of utilizing the existing reserves to meet any shortfall in payment of salaries and allowances, as a consequence of increase in the salaries and allowances of the employees. The aforesaid order dated 11/02/2009 has been upheld by the Hon'ble Delhi High Court in WP (C)7777 of 2009 and as such has become binding on all the Unaided Pvt Schools in Delhi.

In view of the above discussion , the argument advanced by the authorized representative to the effect that existing reserves could not have been utilized for payment of increased salaries consequent to the recommendations of VI Pay Commission, does not holds any ground. His further submission that the hike in fee was approved by Parent Teacher Association at its meeting held on 05/04/2009 and as such the hike in fee was justified and in accordance with the order dated 11/02/2009. The Hon'ble Delhi High Court in the aforesaid judgment has held that the clause regarding approval of Parent Teacher Association is contrary to the law laid down by the Hon'ble Supreme Court and the Parent Teacher Association has no role to play in the fixation of fees by the school.

It has lastly been submitted that Sahodya Sr. Sec School is a minority institution and therefore its right to administer the school is covered under article 30 of the constitution and has relied upon the judgment of the Hon'ble Supreme Court in the case of TMA Pai Foundation & vs. State of Karnataka.

In the judgment in WPC 7777 of 2009, the Hon'ble Delhi High Court has considered this judgment of the Hon'ble Supreme Court and has concluded that the order dated 11/02/2009 issued by the Director of Education is applicable to minority institution also.

The school may file its balance sheets for the years in which the purported rectification entries regarding development fund and depreciation reserve fund were carried out within 10 days.

Recommendations reserved.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Delhi High Court Committee ★ For Review of School Fee ★

20/03/2017

000043

B- 300

Adharshila Vidya Peeth, CD Block, Pitampura, Delhi.

Present: Sh. Byomakesh Mishra, Principal, Sh. Vijay Kumar Sharma, Accountant, Ms. Pooja Aggarwal, Consultant, Sh. Rahul Aggarwal, Consultant, Ms. Ruchika Khattar, Treasurer, Sh. Ramesh Garg, Office Assistant of the school.

The school had filed written submission dated 09/12/2016 disputing the calculation sheet prepared by the Committee. The calculation sheet is disputed in respect of following reasons:

(a) Funds in the payment of interest and repayment loans from 2006-07 to 2009-10 and for purchase of fixed assets amounting to Rs. 2,15,64,675. In this regard, it is submitted that repayment of loans and interest are the liability of the school and can only be paid from the funds available with the school. Further fixed assets were purchased for upgradation of school from time to time as per CBSE/DOE requirement and welfare of the students.

(b) Incremental tuition fee for 2009-10 amounting to Rs. 1,32,38,780 taken by the Committee. In this regard, it is submitted that there were 322 new students admitted in various classes on account of the fact that the school added class XII for the first time in 2009-10. Hence the fee recovered from the new students which amounts to Rs. 91,60,800 ought not be considered as the incremental tuition fee in the year 2009-10. The school will file a detail of students continuing from 2008-09 into 2009-10 and new admissions in 2009-10 giving break up of fee charged from them in both the years.

(c) Development fee for the year 2009-10 and 2010-11 amounting Rs. 1,09,85,543 as taken by the Committee in its calculation ought to have been taken as Rs. 8,07,419 which is left over toward amount of development fee for these two years after investment in fixed asset.

(d) It is submitted that these adjustment are made to the calculation made by the Committee, the net result would be a deficit of Rs. 1,11,24,164 instead of a surplus of Rs. 2,97,79,435 as provisionally determined by the Committee.

Received 23/3/17

The Committee observes that the school has mainly utilized development fee for the purpose of additions to building, as is apparent from the statement of utilization filed by the school for different years. The authorized representatives appearing for the school submit that in fact there were no additions to the building but only some fixtures were added to the building which have been shown as part of the building in the balance sheet. He submits that he will file details of all such additions made by the school to its building account. So far as argument of school regarding exclusion of fee recovered from new students in the year 2009-10 is concerned, the school would also have increased it staff which was necessitated by addition of class XII the first time in 2009-10. The school will file a comparative statement of the

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Delhi High Committee ★ For Review of School Fee ★

B-300

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20/03/2017

staff deployed in 2008-09 and 2009-10 with the detail of annual salaries paid to them. The same may be classified according to the category of teachers i.e. PGTs, PRTs and pre primary teachers.

The school has today filed a statement given calculations of accrued liability of gratuity as on 31/03/2010 which is projected at Rs. 5,41,580. The school may also file the calculation sheet with regard to its accrued liability on account of leave encashment as on 31/03/2010. These may be done within two weeks.

Matter will come up for further hearing on 25/04/2017.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Delhi High Court Committee for Review of School Fee

B- 95

Modern Convent School, Sector—4, Dwarka, Delhi.

Present: Sh. Manu RG Luthra, CA and Ms. Sheetal Mann, Principal of the school.

The school had furnished written submission dated 14/12/2016 in the office of the Committee in compliance with order dated 14/12/2016 passed by the Committee. The authorized representatives appearing for the school have been heard.

Recommendations reserved.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Delhi High Court Committee ★ For Review of School Fee ★

20/03/2017

B-438

Springdales School Dhaula Kuan, New Delhi-110021

Present: Mrs. Tejinder Kaur, Accountant and Mr. Somdatt Sharma, Accountant of the school.

An application was filed on behalf of the school seeking adjournment on the ground that Chartered Accountant is not available today. As requested matter will come up for hearing on 24/04/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
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Delhi High Court Committee ★ For Review of School Fee ★

22/03/2017

B-347

Ever Green Public School, Vasundhara Enclave, Delhi

An application has been filed on behalf of the school by Sh. Rahul Jain, C.A. seeking adjournment due to some personal reasons. As requested matter will come up for further hearing on 25.4.2017 at 11.00 A.M.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Delhi High Court Committee ★ For Review of School Fee ★

22/03/2017

000048

B-185

Chinmaya Vidalaya, Vasant Vihar, Delhi

Present: Dr. Abhijit Bose, Principal, Sh.Krishnan Raju, Administrator, Ms. Sarojini Gaur, Accounts Incharge & Sh. Mubarak Hussain, Accountant of the school.

The authorized representative submits that since the Committee has considered repayment of loans and interest paid on loans taken for purchase of buses, the Committee ought also to have considered that the school had a transport fund to the tune of Rs. 62,23,157 as on 31.3.2008 and therefore the repayment of loan interest to that extent ought to be considered as having come from the transport fund.

It is further submitted that the development fee is actually treated as a capital receipt in the books but was wrongly stated that it has been treated as a revenue receipt. In its written submission dated 3rd June 2015 and as such ought not to have been considered as a irregular fee charge and included the amount to be refunded as to.

The Committee notices that the utilization of development fee as mentioned in the submission dated 3.6.2015 was for the purpose of building maintenance, property tax and not for purchase of upgradation furniture and fixtures. During the course of hearing the authorized representative concedes that this is correct. However, he states that if the available transport fund as on 31.3.2008 is considered by the Committee, the result would still be a deficit amounting to about Rs. 32 lakhs, as the surplus calculated by the Committee including the development fee is Rs.30,38,265. The Committee accept this submission of authorized representatives and is of the view that the school is not required to refund any amount. Detailed order will be passed separately.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

Delhi High Court Committee for Review of School Fee

22/03/2017

000049

B-488

Queen Mary's School, Sector-25, Rohini, Delhi

An application has been filed on behalf of the school seeking adjournment on the ground that the accounts in charge recently got married and is on leave till first week of April. The Committee observes that the school has been seeking adjournment on one ground or other advertently and has not complied with the directions given by the committee on 22.12.2016. In the interest of the justice one last opportunity is given to the school to comply with the directions given on 22.12.2016 and to appear for hearing alongwith full records on 25.4.2017. at 11.00 A.M.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

Delhi High Court Committee ★ For Review of School Fee ★

22/03/2017

B- 414

Jindal Public School, Dashrath Puri, Dwarka, Delhi

Present: Sh. Uttam Singh, Principal, Sh. Manav Prem, CA and Sh. Banne Singh, UDC of the school.

The Committee observes that the school had not filed its fee schedules for the years 2008-09 and 2009-10 as part of its written submissions under the Rule 180 of Delhi School Education Rules 1973. Although for other years it has been filed. The Committee has also come across copies of letters dated 2.2.2006, 31.3.2007, 15.2.2008, 27.2.009, 22.2.2010 purportedly sent by the school to the Education Officer Zone 2,1 in which it is stated that fee structure of the school for the respective years is enclosed. However, the copies of enclosures are not available on record. The committee also observes that although the school purportedly increased the fee pursuant to order dated 11.2.2009 in accordance with the recovery of arrears, it finds that during 2008-09 the total computer fee recovered is Rs. 27,73,100 as compare to Rs. 14,57,705 in 2007-08, the fee under the head financial management fee recovered in 2008-09 was Rs. 1,47,325 which was not in 2007-08. The Principal of the school who is present today states that this was on account of new course having been introduced by school in that year. However, the Committee finds that in 2009-10 the fee under this head was nil. He states that in this year the course was discontinued. In the year 2009-10 the tuition fee rose from Rs. ~~1,085,77,281~~ to Rs. ~~2,060,93,379~~ i.e. by about 40%. As per the circular regarding fee hike issued to the parents the increase in fee in 2009-10 was about 20% for classes 1 to 8 and 25% for the other classes. The authorized representative submits that this was on account of number of students in 2009-10 as compared to 2008-09.

Rs. 1,85,77,28
Rs. 2,60,93,379

In view of these apparent inconsistency, the school is required to produce its complete fee, salary and accounting records for the years 2008-09 , 2009-10 and 2010-11 before the audit officer of the committee on 10.04.2017 for verification .

The school will also file copies of its fee schedules for the years 2008-09 and 2009-10 which was submitted under rule 180 of Delhi School Education Rules to the department.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

Delhi High Court Committee ★ Fee ★ School ★ For Review of

22/03/2017

B-402

Gitarattan Jindal Public School. Sec.7, Rohini, Delhi

Present: Sh. R.N. Jindal, Chairman, Ms. Niti Tandon, Accountant & Ms. Seema Gupta, Account Asstt. of the school.

The information filed by the school regarding fee and salary details for the years 2008-09 2009-10 and 10-11 is ex-facie in correct as the total fee and total salary as mentioned therein do not equal to the various components of fee and salary mentioned in the format. The school has accounted for arrear fee and arrear salary in different years. The school should mention the accounting treatment of arrear fee and arrear salary in different years by way of notes in the format. The information may be filed a fresh for the junior and senior wing separately. The same may be done within 15 days. Matter will come up for further hearing on 25.4.2017. The Chairman of the schools states that the format to be filed this time will be duly certified by the auditor of the school.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

Delhi High Court Committee ★ School Fee ★ For Review of Schools

23/03/2017

000052

B-656

St. Thomas Girls S.S. School, Mandir Marg, New Delhi

An application has been filed on behalf of the school requesting for adjournment on account of unavailability of financial Consultant of the school. As requested, matter will come up for hearing on 01/05/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Delhi High Court Committee * School Fee * For Review of

23/03/2017

B-608

Cambridge Primary School, Darya Ganj, Delhi

Present: Sh. Ravi Arora, Office Asstt. of the school.

The Committee has perused the circular dated 04/03/2009 issued to the parents regarding fee hike pursuant to order dated 11/02/2009 issued by the Director of Education. As per the circular, the school hiked tuition fee @ Rs. 300 per month w.e.f. 01/09/2008 and accordingly recovered arrears @ Rs. 2,100 per student for the period 01/09/2008 to 31/03/2009. Besides, the school also recovered a sum of rs. 3,000 per student as lump sum arrears for the period 01/01/2006 to 31/-08/2008. The circular does not mention any thing about the arrears of development fee. The authorized representative has clarified that the school was not charging development fee on a regular basis but only Rs. 1000 at the time of admission. In reply to the questionnaire regarding development fee, school has given details of the development fee collected from 2006-07 to 2010-11. In the years 2009-10 and 2010-11, the school recovered a total sum of Rs. 86,000 in 2009-10 as development fee and in 2010-11, it recovered Rs. 55,000. Although in reply to the questionnaire, the school has stated that development fee collected for the students used to be transferred to school development fund and thereafter utilized for various school expenses. The audit financials of the school do not reflect any utilization of development fund. During the course of hearing, the authorized representative admitted that the school was accumulative development fund for the purpose of new building as it was operated from Darya Ganj but that could not happen and the school ultimately had to closed down.

The Committee has also perused written submissions dated 09/02/2017 filed by the school along with which an annexure of fee received and salary paid is given as annexure –I. With regard to payment of arrears of salary the school claims that in 2008-09, it created a reserve of Rs. 6,20,000 which represented the arrear fee received upto 31/03/2009. However, in the column of arrear fee the school has given figure 6,05,100. There is an apparent contradiction in the statement filed by the school. The school is required to file a corrected statement within 7 days.

With regard to accrued liability of gratuity and leave encashment, the school has merely mentioned the figure given in the balance sheet without giving any basis therefor. The authorized representative undertakes to file the employee wise detail within one week. The arrears of salary are stated to have been paid through direct bank transfer and the school has filed copies of the bank statement in support of its claim. After receipt of the revised statement of fee and salary and details of

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Delhi High Court Committee ★ For Review of School Fee ★

23/03/2017

accrued liability of gratuity and leave encashment, calculation sheet to be prepared. Matter to come up further hearing on 02/05/2017.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Delhi High Court Committee ★ For Review of School Fee ★

B-690

Cambridge Primary School, New Rohtak Road, Delhi.

Present: Ms. Purnima Mehta, Ex Headmistress of the school.

Matter will be taken up for hearing on 02/05/2017 along with Darya Ganj Branch. The authorized representative of the school is advised to have fresh look on details filed, if there is any deficiency found in the statement/document, the same may be filed along with Darya Ganj branch.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

Delhi High Court Committee For Review of School Fee

23/03/2017

B- 356

Notre Dame School, BTPS Staff Colony, Badarpur, Delhi.

Present: Sh. Sunil Thomas, Accounts Officer, Sh. J.A. Martins, Chartered Accountant of the school.

The school has filed written submission dated 23/03/2017 in rebuttal of calculation sheet prepared by the Committee. The same have been perused and the authorized representative of the school have been heard. Recommendations reserved.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

Delhi High Court Committee * For Review of School Fee *

23/03/2017

000057

B-560

Mamta Modern School, Vikas Puri, Delhi

Present : Sh. Manoj Sharma, Manager, Sh. R.S. Sharma, Vice-Chairman, Sh. Ajay Lal, Accountant and Sh. Rajesh Sharma, Accountant of the school.

The school had furnished its ledger accounts of its parents society i.e. Mamta Modern Education Society as directed by the Committee vide order dated 21/12/2016. As per the statement, the school has been having transactions with its parents society and as on 31/03/2016 the accumulated amount that has been transferred over the years is Rs. 20,15,084.50. The authorized representative stated that it was a one time transfer to the society sometime in the year 1998 and the school has not received the same in installments. The representatives have been heard. Recommendations reserved.

Dr. R.K. SHARMA
MEMBER

J.S. KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Secretary

Delhi High Court Committee * For Review of School Fee *

23/03/2017

B-424

Pragati Public School, Sector-13, Dwarka, Delhi

Present: Sh. Anil Jain, Sh. Rajiv Malik, CA authorized representative and Sh. Inder Pal Singh, accountant of the school.

The school has today produced its books of accounts. However, the payment of arrears of salary has not been cross referenced with the bank statements. The authorized representative seek some time to do so.

Further, there is a mismatch between the reply dated 08/08/2013 to the questionnaire issued by the Committee and the position that emerges on examination of Books of accounts. While in its reply dated 08/08/2013, the school had maintained that it had not increased any fee nor recovered any arrear fee pursuant to order dated 11/02/2009 issued by the Director of Education. Perusal of its accounts shows that the school not only increased the fee but also recovered arrears of fee from the students. The school is required to clarify the position. The school will also file a detailed statement showing salary paid to the staff employee wise, for different months of 2008-09 and 2009-10 and will mention against each, the mode and date of payment. Matter to come up for further hearing on 01/05/2017 at 11.00 a.m.

Dr. R.K. SHARMA
MEMBER

J.S.KOCHAR
MEMBER

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

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Delhi High Court Committee ★ For Review of School Fee ★

BEFORE DELHI HIGH COURT COMMITTEE FOR REVIEW OF SCHOOL FEE AT NEW DELHI

(Formerly Justice Anil Dev Singh Committee for review of School Fee)

In the matter of:

CAMBRIDGE PRIMARY SCHOOL (B-0608),

Darya Ganj,

New Delhi 110005

And in the matter of

Application/representation dated

3rd August, 2016 to review the order

Dated 26th November, 2015 passed by the

Committee in respect of the School.

Present: Shri Ravi Arora Office Assistant with Mrs. Purnima Mehta Teacher of the School.

ORDER

1. The Committee passed the order/recommendation dated 26th November, 2015 in respect of Cambridge Primary School, Darya Ganj, New Delhi, hereinafter, referred to as 'The School' directing the school to refund the entire amount of arrears of fee amounting to Rs.12,64,000/-and the incremental fee for the year 2009 – 2010 amounting to Rs.9,93,170/-, recovered in pursuance of order dated 11 February 2009 issued by the Directorate of Education along with interest @ 9% per annum from the date of collection to the date of refund.

2.. The Committee had issued a questionnaire dated 27th February, 2012 followed by a reminder dated 27th March, 2012. No response was received to

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Delhi High Court Committee ★ For Review of School Fee ★

these communications. The Committee, therefore, requisitioned the annual returns filed by the school under Rule 180 of Delhi School Education Rules, 1973 from the office of the concerned Deputy Director of Education. The Committee had given a notice dated 16th July, 2012 directing the school to produce copies of fee receipts and salary payment registers. The school was again directed to furnish its reply to the questionnaire issued by the Committee. An office Asst of the school had appeared on 27th July, 2012 and had produced the required records before the audit officer of the Committee. The school had increased the fee of the students as per order dated 11th February, 2009 issued by the Director of education with effect from 1st September, 2008 and had also recovered the lump-sum arrears. The records produced by the school were verified by Shri A. K. Bhalla, audit officer of the Committee. The calculations were made by the chartered accountants attached with the Committee. The chartered accountants of the Committee however, had not taken into account the requirement of the school to keep funds in reserve to meet its accrued liabilities of gratuity and leave encashment besides the requirement of the school for a reasonable result for any future contingency.

3.. The necessary adjustments were required to be made to the figure of funds available which could have been used for implementing the recommendation of VIth pay commission. The Committee called for the relevant information from the school in a structured format, besides requiring the school to furnish details of its accrued liabilities of leave encashment and gratuity. Therefore a notice dated 26th May, 2015 was issued. The notice sent by speed post was returned unserved with the remark "left without address". The reminders were sent to the school by email, however, no-one responded from the school. A communication dated 15th July, 2015 was issued to the concerned Deputy Director, however, it did not evoke any response from the school. Later on a Deputy Director responded alleging that the school had been

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Delhi High Court Committee ★ For Review of School Fee ★

closed and teachers and students have also been transferred to the other schools run by the same management.

4.. Take into account the documents which were before the Committee, a calculation sheet was prepared. The funds available with the school were considered with its liabilities and it was inferred that the school had funds to meet the liabilities for the implementation of the VI pay Commission. In the circumstances it was inferred that the recovery of arrears as well as hike in fee was totally and wholly unjustified.

5.. The school has filed the application seeking review of order dated 26th November, 2015 contending inter-alia that the order/recommendations have been passed by the Committee without considering certain vital and material facts as the same could not be brought to the notice of the Committee due to the closure of the school. The school has also pointed out certain discrepancies in the calculation of the impact of sixth pay commission. It is contended that due to closure of the school the notice was not received in the school. The plea of the school/applicant is also that no communication was even received by the school from the Directorate of Education in this regard nor the school could represent itself before the committee properly on account of no notice being served on the school and no reasonable opportunity being given to the school/applicant

6.. The school has contended that the salary liability of the school kept on increasing year by year after implementation of the VI pay commission due to revisions in scale and the time to time increase in DA which are statutory requirements. The school also filed the balance sheets for the year ending 31 March 2011 to 31 March 2014. According to school liability for the leave encashment was not taken into account and on closure of this school, it had to transfer funds on account of gratuity and leave encashment to the respective school where the teachers have been sent. The school

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Delhi High Court Committee ★ For Review of School Fee ★

also produced detail of such payments. Considering these figures, according to the school it was in deficit after taking into account these figure which were also reflected from the balance sheet dated 31st March, 2014.

7.. In the application seeking reconsideration of the recommendation of the Committee, according to school the hike in fee was strictly in accordance with the order of Director of Education. In the circumstances it is prayed that the recommendation/order of the Committee be reconsidered as the school was not served with the notice and no proper hearing was given to the school and consequent thereto the school did not get a reasonable opportunity to produce its records and pleas and contentions. According to the school/applicant its case is of procedural review which is permissible in the facts and circumstances of the case and as contemplated under law.

8.. It cannot be disputed that the procedural review belongs to a different category of review compared to review on merits of the case. In such a review, the Court or quasi-judicial authority having jurisdiction to adjudicate proceeds to do so, but in doing so commits a procedural illegality or irregularity which goes to the root of the matter and invalidates the proceeding itself, and consequently the order passed therein. Cases where a decision is rendered by the Court or quasi-judicial authority without notice to the opposite party or under a mistaken impression that the notice had been served upon the opposite party, or where a matter is taken up for hearing and decision on a date other than the date fixed for its hearing, are some illustrative cases in which the power of procedural review may be invoked. In such a case the party seeking review or recall of the order does not have to substantiate the ground that the order passed suffers from an error apparent on the face of the record or any other ground which may justify a review. The party has to establish that the procedure followed by the Court or the quasi-judicial authority suffered from such illegality or irregularity that it vitiates the proceeding and invalidate

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the order made therein, inasmuch the opposite party concerned was not heard for no fault of his, or that the matter was heard and decided on a date other than the one fixed for hearing of the matter which he could not attend for no fault of his. In such cases, therefore, the matter has to be re-heard in accordance with law without going into the merit of the order passed. The order passed is liable to be recalled and reviewed not because it is found to be erroneous, but because it was passed in a proceeding which was itself vitiated by an error of procedure or mistake which went to the root of the matter and invalidated the entire proceeding.

9.. It is pertinent to note that the Committee while passing the impugned order/recommendation dated 26th November, 2015 has categorically held that since the school was reported to have close down, therefore, the students who are studying in the schools must have been absorbed in other schools of the same group and therefore, they can be located without much difficulty. Taking notice of the fact that the school has been closed down, the Committee in its order dated 26th November, 2015 has noted that a questionnaire was sent to the school which remained unserved. A reminder was also sent to the school and despite the questionnaire and a reminder, the school did not respond to the communications sent by the Committee. Though the school was finally closed on 31st March, 2014, the contention and plea of the school/applicant that it had not received the questionnaire and the reminder, cannot be completely disregarded. The Committee also proceeded on the basis of the returns filed by the school with the Director of Education which were got forwarded to the Committee from the Director of Education. The contention of the school is, however, that it did not receive any communication from the Committee nor any notice or intimation even from the Director of Education. The school/applicant has pointed out certain errors in the calculations relied on by the Committee. The applicant has pointed out errors in the estimated liabilities of gratuity as taken by the Committee and leave encashment, as a number of teachers had been transferred to the schools of the group before the

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Delhi High Court Committee for Review of School Fee

closure of the school/applicant. The errors and discrepancies in various things which have been pointed out cannot be ignored in the facts and circumstances and which are the outcome of the fact that the school could not produce the relevant record which was sought by the Committee, as it is apparent that the school had not been served with the questionnaire sent by the Committee and the reminder to the school/applicant.

10.. The plea of the school/applicant is not that though it continued to function at its address but it did not receive the questionnaire and the reminders sent by the Committee. Had that been the case, the school/applicant then had to rebut the presumption which arises under section 27 of the General Clauses Act. There are no other circumstances on the basis of which it can be inferred that the questionnaire and the reminder was received by the school and for some ulterior reasons the school did not respond and did not produce the relevant material which was demanded by the Committee. Rather the Committee passed directions in its recommendations conscious of the fact that the school has been closed down. If that is the case then it is inevitable to infer that the school did not receive the questionnaire sent by the Committee and even the reminder and thereafter the revised questionnaire after the returns of the school filed by it with the Department of Education were received by the Committee. There is nothing on the record which will show that the school might have received the intimation about the pendency of the proceedings before the Committee from the Director of Education.

11. In the circumstances it is inevitable to infer that the school was not served the appropriate notice and the reminder seeking relevant information from the school and consequently it is to be accepted that the order/recommendation has been passed by the Committee without hearing the school and without giving a reasonable opportunity of being heard to the applicants/school. In the circumstances the order/recommendation of the Committee dated 26th November, 2015 suffers from procedural illegality and

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Delhi High Court Committee ★ For Review of School Fee ★

irregularity which goes to the root of the matter. Consequently the recommendation/order of the Committee is liable for reconsideration in view of the record now produced by the applicant/school. The school in the circumstances has also become entitled to produce any other relevant information in accordance with the questionnaire on the basis of which information had been sought from the school.

12. In the circumstances the order dated 26th November, 2015 passed by the committee is recalled for fresh consideration in view of the information now produced by the school/applicant and which the school may produce pursuant to the questionnaire, a copy of which be served on the school/applicant. The relevant information as sought in the questionnaire be submitted by the school within two weeks from today. A copy of the standard questionnaire be also given to the school today by the registry of the Committee. With these directions the application of review on account of procedural lapses is allowed and the order/recommendation of the committee dated 26th November, 2015 is set aside and the matter in respect of applicant/school shall be reconsidered.

JUSTICE ANIL KUMAR (Retd.)
CHAIRPERSON

J.S.KOCHAR
MEMBER

R.K. SHARMA
MEMBER

Date: 08/03/2017

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High Court Committee For Review of School Fee

BEFORE DELHI HIGH COURT COMMITTEE FOR REVIEW OF SCHOOL FEE, NEW DELHI

(Formerly Justice Anil Dev Singh Committee for review of school Fee)

In the matter of:

Saraswati Model School, Sector-10, Dwarka, Delhi. B-679

Present : Sh. Sanjay Jain, Member of School Managing Committee and Sh. Mubarak Hussain, Accountant of the school.

Recommendations of the Committee

In order to elicit the relevant information from the schools to arrive at proper conclusions with regard to the necessity of fee hike effected by the schools, the Committee issued a questionnaire dated 27/02/2012 to all the unaided recognised schools in Delhi (including the present school). As no reply was received from the school, a reminder was sent on 27/03/2012, which again remained unresponded.

The Committee perused the record of the school sent to it by the Dy. Director of Education, Distt. South West-B. It contained copy of a certificate given by the Principal of the school to the Dy. Director which reads as follows:

This is to certify that no fee was increased including arrears by the school after the implementation of VI Pay Commission report and no circular was issued to the students/parents demanding the increased fee.

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Delhi High Court Committee ★ For Review of School Fee ★

The Committee issued a revised questionnaire vide email dated 11/09/2013 to the school requiring it to furnish the reply by 20/09/2013. Again the school did not respond to the email sent by the Committee. A reminder was again sent vide email dated 30/09/2013. This time the school responded and submitted its reply vide its letter dated 30/10/2013, stating as follows:

(a) The School had implemented the recommendations of VI Pay Commission and the increased salary of the staff were being paid w.e.f. 01/04/2009. However, the school did not pay the arrears of salary for the period 01/01/2006 to 31/03/2009.

(b) The school had increased the fee in terms of order dated 11/02/2009 issued by the Director of Education w.e.f. 01/04/2009. It raised tuition fee by Rs. 200 per month w.e.f. 01/04/2009. However, the arrear fee for the period 01/01/2006 to 31/03/2009 as permitted vide the aforesaid order was not charged.

(c) The school did not recover any development fee for the year 2006-07 to 2010-11.

In support of its claim of having implemented the recommendations of VI Pay Commission, the school furnished copies of its salary sheets for the month of March 2009 as well as April 2009.

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Delhi High Court Committee ★ For Review of School Fee ★

Be it noted that the school was resiling from its position of not having increased any fee for implementation of VI Pay Commission. The reply to the questionnaire submitted to the Committee was at variance with the certificate given by the Principal of the school to the Dy. Director of Education.

The Committee issued a notice dated 26/05/2015, requiring the school to furnish the aggregate figures of arrear tuition fee, regular tuition fee, arrears of development fee, regular development fee, arrear salaries and regular salaries for the years 2008-09, 2009-10 and 2010-11, in a structured format, duly reconciled with the audited Income & Expenditure Accounts. The school was also required to file a statement of account of the Society, as appearing in its books, details of accrued liabilities of gratuity and leave encashment, a copy of the circular issued to the parents regarding the fee hike. The school was also issued a questionnaire regarding development fee.

In response to the notice dated 26/05/2015 issued by the Committee, the school vide its letter dated 03/06/2015 furnished the required information and documents. Surprisingly, the school now enclosed copy of a circular dated 30/03/2009 that was purportedly issued to the parents regarding hike in tuition fee in pursuance of order dated 11/02/2009 issued by the Director of Education. This after having given a certificate to the Dy. Director of Education that the school had not issued any circular regarding fee hike for implementation of the recommendations of VI Pay Commission.

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Delhi High Court Committee ★ For Review of School Fee ★

In order to provide an opportunity of being heard to the school, the Committee issued a notice dated 30/12/2016 for hearing on 30/01/2017. However, the meeting of the Committee scheduled for 30/01/2017 could not be held as in the mean time the term of the Committee had expired. After receipt of the order dated 17/02/2017 passed by the Hon'ble Delhi High Court extending the term of the Committee, the Committee issued a fresh notice dated 28/02/2017 for providing an opportunity of being heard to the school today.

The documents furnished by the school from time to time were examined by the Committee and the authorized representatives appearing for the school have been heard. The Committee has examined copy of the circular dated 30/03/2009, purportedly issued to the parents regarding fee hike in pursuance of order of dated 11/02/2009 issued by the Director of Education. As per the circular, the school increased tuition fee by Rs. 200 per month in 2009-10 for all the classes. The amount by which the fee was increased is not mentioned in the circular. Further no mention is made regarding recovery of any arrear fee from the students.

As stated supra, the school had given a certificate dated 30/01/2012 signed by its Principal which stated that no fee was increased including arrears by the school after implementation of VI Pay Commission report and no circular was issued to the student/parents demanding the increased fee. The authorized representatives appearing for the school are unable to clarify the

two conflicting stands taken by the school. They submit that the tuition fee was indeed increased by Rs. 200 per month w.e.f. 01/04/2009.

Further in response to a communication dated 20/10/2015 sent by the committee, the school filed a statement giving the mode of payment of salaries to the staff in the years 2008-09, 2009-10, the school submitted that it was paying salary to all the teachers/staff by individual account payee cheques in both the years. The Committee examined the bank statements produced by the school and finds that all the cheques of salary are being encashed together from the bank on the same date and this phenomena appears month after month. Had the salary been paid by account payee cheques to entire staff which numbers 16 to 18 in the year 2009-10, it would be a too big coincidence that all the cheques are being put through clearing on the same date. More likely is the position that the cheques would be bearer in nature and some representative from the school would be getting them encashed together on the same date. When asked to explain this position, the authorized representatives of the school concede that the salary cheques issued to staff were indeed bearer cheques and not crossed payee cheques.

The Committee has also examined the balance sheet of the school as on 31/03/2009 and 31/03/2010 and observes that the school had taken loans for the purchase of buses and school lands, which were serviced out the fee receipt of the students.

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Delhi High Court Committee * For Review of School Fee *

Further the total liquid funds available with the school also increased by Rs. 6,51,779 as on 31/03/2010 as compared to 31/03/2009. The total additional fee collected by the school by way of fee hike in the year 2009-10 was 8,06,400. This only shows that the fee hike was utilized by the school to build up its own reserves. Moreover, the Committee is of the view that in view of the vacillating position taken by the school with regard to fee hike, issuance of circular to the parents and the mode of payment of salary to the staff, the school is not coming clean and has not implemented the recommendations of VI Pay Commission for which it increased the fee by Rs. 200 per month w.e.f. 01/04/2009.

In view of the foregoing discussion, the committee is of the view that the fee hiked by the school by Rs. 200 per month w.e.f. 01/04/2009 purportedly for the purpose of meeting its additional liabilities on account of implementation of the recommendation of VI Pay Commission was not justified and the same ought to be refunded along with interest @ 9% per annum from the date of collection to the date of refund.

As the fee increased in 2009-10 would also be part of the fee for the subsequent years. The fee for the subsequent year to the extent it relates to the fee hike in 2009-10 also ought to be refunded along with interest @ 9% per annum.

As the school did not recover any arrear fee and does not recover any development fee even till date, no recommendation is required to be made in

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Delhi High Court Committee ★ For Review of School Fee ★

respect of these. For the record, it may be stated that school was recognized on w.e.f. 10/04/2008 and as such there was no accrued liability for gratuity up 31/03/2010.

Recommended accordingly.

Justice Anil Kumar (R)
(Chairperson)

CA J.S. Kochar
(Member)

Dr. R.K.Sharma
(Member)

Date: 14/03/2017

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Delhi High Court Committee * For Review of School Fee *

BEFORE DELHI HIGH COURT COMMITTEE FOR REVIEW OF SCHOOL FEE, NEW DELHI

(Formerly Justice Anil Dev Singh Committee for review of school Fee)

In the matter of:

Chinmaya Vidyalaya, Vasant Vihar, New Delhi. (B-185)

Present : Dr. Abint Bose, Principal, Sh. Krishnan Raju Nair, School Administrator & Ms. Sarojini Gaur, Accounts In charge of the school.

Recommendations of the Committee

In order to elicit the relevant information from the schools to arrive at proper conclusions with regard to the necessity of fee hike effected by the schools, the Committee issued a questionnaire dated 27/02/2012 to all the unaided recognised schools in Delhi (including the present school). In response the school submitted its reply vide letter dated 15/03/2012 stating that

(a) It had implemented the recommendations of VI Pay Commission w.e.f. 01/01/2006 (sic). However, the arrears of salary were not paid as the same were not collected from the students. It enclosed details of basic pay of the staff as on 31/12/2005 and 01/01/2006 so as to bring out the additional amount of salary which the school was obliged to bear consequent to the implementation of the recommendations of VI Pay Commission.

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Delhi High Court Committee For Review of School Fee

(b) It had paid arrears to the staff amounting to Rs. 43,66,382 for the period 01/09/2008 to 31/03/2009.

(c) Further it had paid arrears from 01/04/2008 to 20/08/2008 amounting to Rs. 15,65,300.

(d) With regard to hike in regular fee, however, the school denied having increased any fee in terms of order dated 11/02/2009 issued by the Director of Education but admitted having collected arrear fee amounting to Rs. 41,67,647.

The Committee received a complaint dated 18/04/2013 from one Sh. Y.K. Singh stating that the school was increasing fee every year unnecessarily which is burdened on the parent and in support of his claim, he enclosed copies of fee structure for the year 2002-03 to 2013-14.

The mandate of the Committee is very limited in as much as it has to examine the justifiability of fee hiked by the school in pursuance of order dated 11/02/2009 issued by the Director of Education. As per the fee schedules sent by the complainant, the fee hiked in 2009-10 over the fee charged in 2008-09 was in consonance with the hike in fee allowed by the Director of Education vide the aforesaid order, although the school has stated in reply to the questionnaire issued by the Committee that no fee was hiked in pursuance of aforesaid order dated 11/02/2009. Since the Committee would in any case be examining the issue of hike in fee pursuant to the aforesaid order, no special cognizance of the complaint was taken.

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Delhi High Court Committee ★ For Review of School Fee ★

The Committee issued a notice dated 13/05/2015 requiring the school to furnish the figures relevant for making calculations to examine the justifiability of fee hike effected by the school in pursuance of the aforesaid order dated 11/02/2009. The Committee also called for the information regarding the mode of payment of salaries paid by the school in 2008-09 and 2009-10. The school stated that the entire amount was paid through direct bank transfer.

In order to give an opportunity of being heard to the school, the Committee issued a notice dated 27/06/2016 requiring the school to appear before it on 07/07/2016, rescheduled to 08/07/2016 which again was postponed to 22/07/2016. On this date, the authorized representatives of the school appeared and submitted that the school has implemented the recommendations of the 6th Pay commission. However it did not pay the arrears salary for the period 1.1.2006 to 31st March 2008. For this period the arrears of fee were also not recovered. The school however, recovered one time arrear for the period 1st April 2008 to 31st March 2009 at different rates for different classes. The calculation of the arrear fee recovered by the school, as given in the circular dated 29th April 2009 issued to the parents, conforms to the arrear fee recovery as provided in the order dated 11.2.2009 issued by the Directorate of Education for the period Sept. 2008 to March 2009 . However, instead of recovering the lump sum fee for the period 1.1.2006 to 31 August 2008, the school recovered arrear fee for the period April 2008 to August 2008 which was provisionally calculated to cover the payment of arrear salary for that period.

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Delhi High Court Committee For Review of School Fee

The school furnished the information that was sought by the Committee vide its notice dated 13.05.2015, which was perused by the Committee. From the fee and salary statement furnished by the school , the Committee observed that the school treats the development fee charged by it as a revenue receipt. This is also confirmed by the school in its reply to the questionnaire issued by the Committee. The details of utilization of development fee, as furnished by the school shows that the same were utilized for building maintenance, property tax and ground rent , all of which are revenue expense. The school furnished the actuarial valuation of its accrued liability of gratuity as on 31st March 11 instead of 31st March 2010 which was required by the Committee. The school did not furnish the details of its accrued liability of leave encashment as on 31st March 2010. The representatives of the school sought some time to furnish the same.

The school was given liberty to furnish the actuarial valuation report of its accrued liability of gratuity as on 31st March 2010 and employ wise details of its accrued liability for leave encashment within two weeks.

The school furnished the required documents on 09/08/2016. The Committee observed that the school had taken loans for purchase of buses, the repayments of which were being made out of the fee charged from the students. That is to say that the capital expenditure was being incurred out of the fee charged from the students. In the case of Modern School vs. Union of India (2004) 5 SCC 583, the Hon'ble Supreme Court has held that the capital

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Delhi High Court Committee ★ For Review of School Fee ★

expenditure cannot part of the fee structure of the school. The Committee therefore included repayment of loans and interest during the years 2007-08 to 2009-10 as part of the funds available with the school for the purpose of meeting relevant calculations. The Committee also was, prima facie, of the view that the development fee charged by the school in the year 2009-10 and 2010-11 was unjustified as the school was not fulfilling the pre conditions laid down by Duggal Committee which were subsequently affirmed by the Hon'ble Supreme Court in the case of Modern School (supra).

Accordingly the following calculation sheet was prepared as per which the school was apparently required to make a refund of **Rs. 30,38,265** after considering all the above factors and also the funds available with the school at the time when the fee was hiked and the reserves required to be kept by the school for future contingencies and accrued liabilities of leave encashment and gratuity, the additional expenditure incurred by the school on account of implementation of recommendations of VI Pay Commission and additional resources generated by the school by way of recovery of arrear fee and the hike in regular fee for the year 2009-10:

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Delhi High Court Committee For Review of School Fee

	Statement showing Fund available as on 31.03.2008 and the effect of hike in fee as per order dated 11.02.2009 and effect of increase in salary on implementation of 6th Pay Commission Report		
	Particulars	**Amount (Rs.)**	**Amount (Rs.)**
	Funds diverted towards payment of interest and repayment of Loans from 2006-07 to 2009-10 (As per annexure 1)		**7,083,166**
	Current Assets + Investments		
	Imprest A/C - Sudha Rajmohan	10,000	
	Cash at Bank	(492,998)	
	Fixed Deposits	11,756,803	
	Staff & Other Advances	113,440	
	Advances to Creditors	163,100	
	TDS recoverable	140,902	
	CLK CC A/C	3,370,263	15,061,510
Less	*Current Liabilities*		
	Students Advance Fees	3,597,639	
	IFL Account	306,840	
	Students Security & Other Deposits	1,455,617	
	Sundry Advance	77,000	5,437,096
	Net Current Assets + Funds diverted		**16,707,580**
Less	**Reserves required to be maintained:**		
	for future contingencies (equivalent to 4 months salary)	7,672,753	
	for accrued liability towards Leave Encashment as on 31.03.2010	1,949,707	
	for accrued liability towards Gratuity as on 31.03.2010	9,021,074	18,643,534
	Funds available for implementation of 6th Pay Commission before Fee hike		**(1,935,954)**
Less	**Additional Liabilities after implementation of VIth Pay Commission:**		
	Arrear of Salary as per 6th CPC for 1.4.2008 to 31.3.2009	5,943,157	
	Incremental Salary for 2009-10 (as per calculation given below)	8,736,115	14,679,272
	Excess / (Short) Fund Before Fee Hike		**(16,615,226)**
Add	**Total Recovery for implementation of 6th Pay Commission:**		
	Arrear of tuition fee	3,690,042	
	Arrear of Development fee	477,605	
	Incremental tuition fee for 2009-10 (as per calculation given below)	5,288,464	9,456,111
	Excess / (Short) Fund After Fee Hike		**(7,159,115)**

Development fee refundable being treated as revenue receipt :

For the year 2009-10	4,420,922	
For the year 2010-11	5,776,458	
Total	10,197,380	
Less: Shortfall in Tuition Fee	(7,159,115)	
Net amount refundable	**3,038,265**	

Working Notes:

Normal/ regular salary	14,282,143	23,018,258
Incremental salary in 2009-10	**8,736,115**	
	2008-09	**2009-10**
Normal/ Regular Tuition fee	26,688,912	31,977,376
Incremental tuition fee in 2009-10	**5,288,464**	

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Delhi High Court Committee For Review of School Fee

A copy of the calculation sheet was given to the school to have its say in the matter. In response the school filed its own calculation sheet vide letter dated 21/10/2016, as per which the school was actually short of funds to the extent of Rs. 1,83,53,501. The school filed another calculation sheet vide letter dated 02/12/2016 as per which the school revised its figure of shortfall to Rs. 99,98,905.

A fresh opportunity was given to the school in view of the conflicting claim made by it and in the hearing dated 20/03/2017, the authorized representatives appearing for the school submitted as follows:

(i) Since the Committee has considered repayment of loans and interest paid on loans taken for purchase of buses as part of funds available with the school, the Committee ought also to have considered that the school had a transport fund to the tune of Rs. 62,23,157 as on 31.3.2008 and therefore the repayment of loan interest to that extent ought to be considered as having come from the transport fund.

(ii) The development fee is actually treated as a capital receipt in the books but was wrongly stated that it has been treated as a revenue receipt. In its written submission dated 3rd June 2015 and as such ought not to have been considered as a irregular fee charged and included the amount to be refunded as to.

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Delhi High Court Committee ★ For Review of School Fee ★

The Committee notices that the utilization of development fee as mentioned in the submission dated 3.6.2015 was for the purpose of building maintenance, property tax and not for purchase of upgradation furniture and fixtures. During the course of hearing the authorized representative conceded that this indeed is correct. However, he states that if the available transport fund as on 31.3.2008 is considered by the Committee, the result would still be a deficit amounting to about Rs. 32 lakhs, as the surplus calculated by the Committee including the development fee is Rs.30,38,265.

The Committee accepts this submission of authorized representative and is of the view that the school is not required to refund any amount.

Recommended accordingly.

Justice Anil Kumar (R)
(Chairperson)

CA J.S. Kochar
(Member)

Dr. R.K.Sharma
(Member)

Date: 22/03/2017

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Delhi High Court Committee ★ For Review of School Fee ★

BEFORE DELHI HIGH COURT COMMITTEE FOR REVIEW OF SCHOOL FEE, NEW DELHI

(Formerly Justice Anil Dev Singh Committee for review of school Fee)

In the matter of:

Ahlcon International School, Mayur Vihar, Phase-I, Delhi (B-348)

Recommendations of the Committee

Present: Sh. Vishal Sehgal, C.A. & Ms. Anita Negi Accounts Asstt. of the school.

In order to elicit the relevant information from the schools to arrive at proper conclusions with regard to the necessity of fee hike effected by the schools, the Committee issued a questionnaire dated 27/02/2012 to all the unaided recognised schools in Delhi (including the present school). The school filed its reply vide letter dated 12/03/2012 as per which, it stated as follows:

(a) The school had implemented the recommendations of VI Pay Commission w.e.f. 1st Jan. 2006, the actual salary was increased w.e.f. April 2009.

(b) The total arrears that were payable by the school on account of the implementation of recommendations of VI Pay Commission were Rs. 1,97,54,390, a part of which was paid in lump sum while the remaining part were paid in monthly instalment along with regular salary.

(c) The school had increased the fee w.e.f. 01/09/2008 in pursuance of order dated 11/02/2009 issued by the Director of

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Education. The hike upto class X was to the tune of Rs. 300 per month while the hike for class XII was to the tune of Rs. 400 per month.

(d) The school collected lump sum arrear fee @ Rs. 3,000 per student upto class X and Rs. 3,500 for students of classes XI & XII.

Subsequently, the school under cover of its letter dated 21/05/2013 submitted some more documents as they were found lacking for the purpose of making relevant calculations.

In the first instance, the relevant calculations were made by the CAs attached with this Committee. The Committee on checking the same found that the calculations made were not proper as certain figures taken therein were not found to be agreeing with the audited financials of the school.

The Committee issued a notice dated 14/05/2015 to the school to furnish the information in aggregates with regard to the arrear fee for different periods, arrear salary for different years, regular fee and regular salary, duly reconciled with the audited financials of the school. The school furnished the same under cover of its letter dated 25/05/2015.

In order to afford an opportunity of being heard, the Committee issued a notice dated 30/06/2016 to appear on 20/07/2016 and to produce its books of accounts, salary records, fee records etc. As the

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previous replies furnished by the school in response to the two questionnaires issued by the Committee were not found to be satisfactory, the Committee issued a fresh questionnaire, incorporating therein the relevant questions regarding receipt and utilisation of development fee, its treatment in account and maintenance of earmarked development fund depreciation reserve fund.

The school furnished a statement of its fee and salary and arrear fee and salary for the years 2008-09, 2009-10 and 2010-11, besides, furnishing the statement of fee and salary for different years in the format given by the Committee, the school gave other information.

In reply to the questionnaire, the school conceded that though it was treating development fee as a capital receipt and utilising the same for the purpose of purchase of furniture, fixture and equipments, it was not maintaining any earmarked development fund and depreciation reserve fund accounts.

On the date of hearing i.e. 20/07/2016, the authorized representatives of the school appeared and produced the required records before the Committee. They were partly heard by the Committee and records produced by them were also partly examined by the Committee.

While checking the statement of fee and salary given by the school, it was observed that the same was ex-facie incorrect as no recovery of

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arrear fee in 2009-10 & 2010-11 was shown while the Income and Expenditure account of the school of those years showed the arrear fee had been recovered in those years. Likewise no payment of arrears salary was shown in 2009-10 & 2010-11 which is contrary to what is mentioned in Income and Expenditure accounts and the school's own reply to the questionnaire where in it was stated that arrears have been paid monthly along with the regular salaries. The authorized representatives of the school sought some time to file revised statement, which was granted to them. The school filed the revised statement of fee and salary under cover of its letter dated 03/08/2016.

On 21/09/2016, the authorized representatives of the school appeared again and were again partly heard by the Committee. The Committee perused the circular dated 01/4/2009 issued by the school to the parents of the students regarding fee hike. As per the circular, the school hiked the tuition fee w.e.f. 05/09/2008 @ Rs. 300 per month for students of classes Nursery to X and @ Rs. 400 per month for students of classes IX and XII. Accordingly the arrears for seven months period were recovered. Besides, the school also recovered lump sum fee arrears @ Rs. 3000/3500 per student for the period 01/01/2006 to 31/08/2008. It was submitted by the authorized representative appearing for the school though the school was charging development fee but no arrears of the same for the period 01/09/2008 to 31/03/2009 were recovered.

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With regard to implementation of the recommendations of VI Pay Commission, she submitted that the school implemented the recommendations of VI Pay Commission and started paying the increased salary w.e.f. 01 April 2009 and the payment of arrears for the period 01/01/2006 to 31/03/2009 was staggered and the final payment came to be made in 2013-14. The total amount of arrears that were paid were Rs. 1,27,13,699 for the period 01/01/2006 to 31/08/2008 and Rs. 73,61,253 for the period 01/09/2008 to 31/03/2009.

The Committee also perused the statement of account of Shanti Devi Progressive Education Society (the parent society of the school) for the period 01/04/2006 to 31/03/2011. The same reflected frequent transactions between the school and society. The opening balance of the society in the books of the school was Rs. 7,97,92,646 as on 01/04/2006 which went down to Rs. 6,12,25,553 as on 31/03/2011 as a result of multifarious transactions of receipts and payments, indicating that funds to the tune of Rs. 1,85,67,093 were transferred to the society during this period.

The Committee also examined the details of the accrued liabilities of gratuity of the school as on 31/03/2010. The liability amounted to Rs. 51,82,967. However, the school did not file any details of its accrued liability of leave encashment. The authorized representative sought some more time to file the same, which was granted by the

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Committee. The school furnished these details under cover of its letter dated 30/09/2016. The liability on this account amounted to Rs. 34,85,481 as per the details furnished by the school.

A Calculation sheet was thereafter prepared by the Committee to examine whether the school needed to hike any fee for implementing the recommendations of VI Pay Commission and if yes to what extent. The Committee observed from the audited balance sheet of the school that the school was utilising part of the fee recovered from the students for the purpose of repayment of loans taken by it for fixed assets and also for buying fixed assets out of the fee charged from the students. After taking into account the funds transferred to and from the society, the Committee calculated that from 2006-07 to 2009-10, the school had applied fee to the tune of Rs. 4,52,67,838 for repayment of loans and interest and for purchase of fixed assets. As per decision of the Hon'ble Supreme Court in the case of Modern School vs. Union of India (2004) 5 SCC 583, as well as in the Action Committee Unaided Pvt. School & Ors. vs. Directorate of Education & Ors. 2009 (11) SCALE 77, which this Committee had been mandated to follow, the aforesaid amount of Rs. 4,52,67,838 was considered as deemed to have been available with the school for implementation of the recommendations of VI Pay Commission. Further, since the school was admittedly not maintaining any earmarked development fund and depreciation reserve fund, which are a sine qua non for charging development fee, the Committee

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considered the development fee charged in the year 2009-10 and 2010-11 as having been irreregularly charged and added the same to the amount that the Committee considered as surplus after taking into account the funds available with the school as on 31/03/2008, the funds required by the school to be kept in reserves, the additional liabilities of the school on account of implementation of recommendations of VI Pay Commission and the additional revenue generated by the school by way of fee hike w.e.f. 01/09/2008 and recovery of fee arrears for the period 01/01/2006 to 31/08/2008, the Committee prepared the following calculation sheet :

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Statement showing Fund available as on 31.03.2008 and the effect of hike in fee as per order dated 11.02.2009 and effect of increase in salary on implementation of 6th Pay Commission Report

	Particulars	Amount (Rs.)	Amount (Rs.)
	Current Assets + Investments		
	Cash in Hand	15,964	
	Bank Balances	2,733,275	
	FDRs	205,000	
	Rent Deposit	36,000	
	Sundry Debtors	333,488	
	Loans and Advances	139,117	3,462,844
Less	*Current Liabilities*		
	Student Security	1,089,500	
	Current Liabilities	608,153	
	Contractors Security	340,056	2,037,709
	Net Current Assets + Investments (Funds available)		**1,425,135**
	Funds applied in payment of interest and repayment of Loans and for purchase of Fixed Assets and Funds diverted to the Parent Society from 2006-07 to 2009-10(details as per Annexure)		45,267,838
	Funds deemed to be available		**46,692,973**
Less	**Reserves required to be maintained:**		
	for future contingencies (equivalent to 4 months salary)	15,788,648	
	for accrued liability towards Leave Encashment as on 31.03.2010	3,485,481	
	for accrued liability towards Gratuity as on 31.03.2010	5,182,967	24,457,096
			22,235,877
Less	**Additional Liabilities after implementation of 6th Pay Commission:**		
	Arrear of Salary as per 6th CPC	20,029,952	
	Incremental Salary for 2009-10 (as per calculation given below)	20,061,920	40,091,872
	Excess / (Short) Fund Before Fee Hike		**(17,855,995)**
Add	**Total Recovery for implementation of 6th Pay Commission**		
	Arrear of tuition fee 01.01.06 to 31.8.08	5,687,020	
	Arrear of tuition fee for 01.09.08 to 31.3.09	4,078,935	
	Incremental tuition fee for 2009-10 (as per calculation given below)	10,295,617	20,061,572
	Excess / (Short) Fund After Fee Hike		**2,205,577**

Development fee refundable as preconditions for charging the same are not satisfied:

	Rs.
For the year 2009-10	6,437,364
For the year 2010-11	7,766,873
Total	14,204,237
Less: Shortfall in Tuition Fee	2,205,577
Net amount refundable	**16,409,814**

Working Notes:

	2008-09	2009-10
Normal/ Regular Salary	27,304,024	47,365,944
Incremental salary in 2009-10	**20,061,920**	

	2008-09	2009-10
Normal/ Regular Tuition fee	32,155,119	42,450,736
Incremental tuition fee in 2009-10	**10,295,617**	

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A copy of the above calculation sheet was given to the authorized representative with direction to file the rebuttal, if any within two weeks and the matter was directed to come up for further hearing on 22/12/2016. On this date, an application was filed seeking more time to furnish its rebuttal to the calculation sheet. Accordingly time was granted for this purpose. The school filed its written submissions on 04/03/2017 .

The matter came up for final hearing today. Sh. Vishal Sehgal, C.A. & Ms. Anita Negi Accounts Asstt. of the school appeared and were heard.

The calculation sheet prepared by the Committee is disputed on two accounts. Firstly, it is submitted that the funds applied in payments of interest and repayment of loans and for purchase of fixed assets and funds diverted to the parents society from 2006 to 2009-10 amounting to Rs.4,52,67,838 ought not to have been included in the calculations as the repayment of loans to the banks and to the parents society for repayment of loans taken were applied for creation of fixed assets of the school like building , buses etc. It is further submitted that these are necessary for running the school and if they are not purchased, the school would not be in the position to run.

Secondly, it is submitted that the school was fulfilling all the pre conditions for charging the development fees and the same amounting

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to Rs,64,37,364 in 2009-10 and Rs.77,66,873 in 20010-11 ought not to be considered as amounts refundable to the students.

The Committee has considered the aforesaid submissions made by the learned authorized representatives.

So far as the first contention is concerned, this committee has held in the cases of various schools that the students are not supposed to provide funds for creation of fixed assets like building, buses etc. The Hon'ble Supreme Court in case of **Modern School vs. Union of India (2004) 5 SCC 583** has held that capital expenditure cannot form part of the fee structure of the schools i.e. the fee recovered from the students cannot be applied for incurring any capital expenditure. In a very recent case i.e. **W.P.(C) 5784/2016 St. Marks Sr. Sec. Public School & Anr vs. Director of Education and Ors.,** (Judgment pronounced on March 20,2017) the Hon'ble Delhi High Court, after discussing in detail the judgment of the Hon'ble Supreme Court in the case of Modern School (supra) has held as follows:

> *"16. There is no dispute that the Schools have installed the air conditioning system. The air conditioning systems have been financed through a loan from a financial institution. The electricity charges are being claimed, under the head tuition fee. There is also no dispute that the respondent no. 1 is authorized to regulate the fee and other charges. The tuition fee in terms of order dated February 11,2009 and also order dated Decembr 15, 1999 shall be so determined so as to cover the standard cost of establishment including provisions of DA, bonus etc. and all terminal benefits as also the expenditure of revenue nature concerning the curricular*

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activities as distinct from co-curricular activities. The installation of air conditioning system cannot be termed to be connected with curricular activity and co curricular activity. **That apart the capital expenditure has to come through savings from the tuition.** It is not the case of the petitioners that is on account of savings that they have funded the air conditioning system. If that is so, the expenses incurred for electricity charges for running the air conditioning system cannot be by way of increase in tuition fee. It is immaterial if defraying of electrical bills is in the nature of revenue expense but still, cannot be qualified to be met by way of increase in tuition fee, at least in the facts of this case.

17. That apart, the submission of Mr. Sibal that the stand of the respondent no. 1 that electricity and maintenance charges are overheads, must be charged as annual charges is incorrect and misplaced by relying on the recommendations of the Duggal Committee is concerned, the Duggal committee held tuition fee to comprise expenditure of revenue nature for improvement of curricular facilities like library, laboratories, science fee etc. The recommendation does not include air conditioning system, nor as stated above, it qualifies as curricular activity or co-curricular activity. It has been rightly held in the impugned order that the charges for electricity bill can be claimed under the head annual charges as the same cannot be included in tuition fees and overheads, nor it is expenses on play ground, sports equipments, cultural activities etc. and also on co-curricular activities.

18. The plea of Mr. Sibal alternatively that instead of tuition fee, the petitioners could have claimed, the charges under the head annual charges, and as such the action cannot be called as illegal, is concerned, the same does not appeal to this Court, more so when there is a finding in the impugned order that the schools have already increased annual charges in the session 2015-2016. The school could not have further claimed the electricity charges under the head annual charges. The submission of Mr. Narayan that the increase in tuition fee has a cascading effect on, development fee, Annual charges, and the tuition fee of the next academic session is appealing. **I find no illegality in direction no. 2."**

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In the instant case also, the buses and building have been purchased or constructed, not out of savings but out of loans raised from banks or financial institutions. As observed by the Hon'ble Delhi High Court, relying upon the judgment of Hon'ble Supreme Court in the case of Modern School, capital expenditure has to come out of savings and not out of tuition fee.

Accordingly the ratio of the above decision of the Hon'ble Delhi High Court squarely applies to the facts of the case. Creation of fixed assets through the medium of loans and their repayment out of tuition fee amounts to funding of capital expenditure out of tuition fee which, as per the aforesaid decision of the Hon'ble Delhi High Court as well as the decision of the Hon'ble Supreme Court in the case of Modern School (supra) is not permissible.

So far as transfer of funds to the parent society is concerned, there is no shadow of doubt that the same is not permissible as per the decisions of Hon'ble Supreme Court in the case of Modern School (supra) and Action Committee (supra).

Had these funds not been transferred to the parent society or utilised for creation of fixed assets through the medium of loans or otherwise, they would have been available to the school for meeting its additional liabilities that arose on account of implementation of the recommendations of VI Pay Commission. The Committee has taken such

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utilisation of funds for the years 2006-07 to 2009-10 only as the financials of the school for only these years are available with the Committee. Accordingly the contention of the authorized representative of the school is rejected.

On the second issue, the committee has examined the audited financials of the school as well as reply to the questionnaire furnished by the school with regard to development fee. The development fee collected in that year was Rs. 23,95,000. However, no amount of that is utilized for purchase of furniture or fixtures. As per the pre conditions laid down by the Duggal Committee for charging development fee, which was subsequently affirmed by the Hon'ble Supreme Court in case of Modern School (supra). The entire amount of Rs. 23,95000 was to be kept in a designated development fund in the bank. The authorized representatives of the school concede that no designated development fund account is being maintained by the school. Similar is the case in the subsequent years in 2007-08. Out of the total collection is 36,52,000, only a sum of Rs.7,74,919 was utilized for eligible purposes. In 2008-09 out of Rs. 19,45,099 collected only a sum of Rs. 2,71,780 was utilized . In 2009-10 out of Rs.64,37,362, only a sum of Rs. 22,03,594 was utilized . However, this amount included utilization for the purpose of building to the tune of Rs. 2,57,594 and for payment of salary to the tune 18,62,000. The development fee could not have been used for these purposes. In 2010-11 out of a total collection of Rs.77,66,873,

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the school utilized Rs. 50,87,301 and this amount too includes Rs. 17,98,091 as an expenses towards building and revenue expenses on printing stationary, fee refund, education seminar etc. Admittedly the school has not maintained any designated depreciation reserve fund or the development fund in which the unutilized development fund over the years is to be deposited. In the case of Modern School(supra), the Hon'ble Supreme Court held as follows:

> *25. In our view, on account of increased cost due to inflation, the management is entitled to create Development Fund Account. For creating such development fund, the management is required to collect development fees. In the present case, pursuant to the recommendation of Duggal Committee, development fees could be levied at the rate not exceeding 10% to 15% of total annual tuition fee. Direction no.7 further states that development fees not exceeding 10% to 15% of total annual tuition fee shall be charged for supplementing the resources for purchase, upgradation and replacement of furniture, fixtures and equipments. It further states that development fees shall be treated as Capital Receipt and shall be collected only if the school maintains a depreciation reserve fund. In our view, direction no.7 is appropriate. If one goes through the report of Duggal Committee, one finds absence of non-creation of specified earmarked fund. On going through the report of Duggal Committee, one finds further that depreciation has been charged without creating a corresponding fund. Therefore, direction no.7 seeks to introduce a proper accounting practice to be followed by non-business organizations/not-for-profit organization. With this correct practice being introduced, development fees for supplementing the resources for purchase, upgradation and replacements of furniture and fixtures and equipments is justified. Taking into account the cost of inflation between 15th December, 1999 and 31st December, 2003 we are of the view that the management of recognized unaided schools should be permitted to charge development fee not exceeding 15% of the total annual tuition fee.*

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The Hon'ble Delhi High Court in the aforesaid decision of **St. Marks Sr. Sec. Public School,** following the aforesaid decision of the Hon'ble Supreme Court has held in paragraph 20 & 21 as follows:

> *"20 From the perusal of the above directions, it is clear that schools are permitted to levy development fee only if they maintain Depreciation Reserve Fund equivalent to the depreciation charges in the revenue accounts and the collection under this head along with income generated from investments made out of this fund are kept in a separately maintained Development Fund Account.*
>
> *21 That apart in Para 27 of the judgement in Modern School vs. Union of India (Supra), the Supreme Court had approved the direction No. 7 as appropriate. The Supreme court has in Para 27 gave directions over and above the directions given by the Director of Education in its order dated December 15, 1999. If that be so, the plea of the petitioners that no other account except Recognised Unaided School Fund under various accounting heads/funds need to be maintained is rejected. The underlying object of direction No.s 7 and 14 is to promote transparency in the matter of Accounts. I agree with the submission of Mr. Narayan, that no prejudice is caused to the School if such an Account is maintained.*
>
> *22. In view of the above, the plea of Mr. Sibal that the Depreciation Reserve Fund has been maintained by the petitioners School as evident from the audited balance sheet from the year 2014-15 onwards, is not appealing and rejected. His submission, the fund has been increased to Rs. 1,58,74,628 and Rs. 1,21,92,707 in compliance with the order of the Director of Education also does not appeal to this Court. I do not see any merit in the writ petition. The same is dismissed. No costs."*

In view of this the Committee is of the view that the school was not fulfilling even the basic requirement of maintaining a depreciation

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reserve fund. As such the submission made by the authorized representative is rejected.

Since the calculation sheet is not disputed on any other ground, the committee is of the view that the amount as originally determined to be refundable amount to Rs.1,64,9,814 ought to be refunded to the students alongwith interest @ 9% from the date of collection to the date of refund.

Recommended accordingly.

Justice Anil Kumar (R)
(Chairperson)

CA J.S. Kochar
(Member)

Dr. R.K.Sharma
(Member)

Date: 22/03/2017

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