

**BEFORE THE APPELLATE AUTHORITY CONSTITUTED UNDER THE
MADHYA PRADESH NIJI VYAVSAYIK SHIKSHAN SANSTHA (PRAVESH KA
VINIYAMAN AVAM SHULK KA NIRDHARAN) ADHINIYAM, 2007, (AS
AMENDED)**

Presided over by Justice Prakash Chandra Gupta.

Appeal No. 100/2025

**Ram Krishna Medical College Hospital Research Centre,
Bhopal
Muser575485**

..... Appellant

V E R S U S

**The Admission and Fee Regulatory Committee,
Bhopal**

..... Respondent

ORDER

(Date: 19th December, 2025)

1. This appeal preferred by the appellant under section 10 of Madhya Pradesh Niji Vyavsayik Shikshan Sansthan (Pravesh Ka Viniyaman Evam Shulk Ka Nirdharan) Adhiniyam 2007, (hereinafter referred as Act, 2007) against the impugned order dated 25.07.2025 passed by the Admission and Fees Regulatory Committee (hereinafter referred as AFRC) whereby the fee for the appellant institute was fixed at Rs. 9,54,000/- per student per year for M.B.B.S. course being run by it, for academic session 2025-26.
2. It is submitted on behalf of the appellant that he claimed fee for the course at Rs. 23,00,000/- per student per year and it had uploaded required audited balance sheet on the portal of respondent at the relevant time. It is also submitted that without considering the documents of the appellant and without providing opportunity of hearing, the impugned order has been passed. It is also submitted that the AFRC has regulated same fee as regulated in academic session 2024-25 for the academic session 2025-26. It is submitted that growth and development,

accreditation, depreciation, hospital loss, interest and inflation has not been taken into consideration while regulating the fee. Therefore, the impugned order is liable to be set aside.

3. On the other hand, respondent has supported the impugned order, but is failed to clarify that why the documents filed by the appellant has not been considered.
4. I have heard both the parties. Perused the record.
5. The Hon'ble Apex Court in case of **Icon Education Society V/s State of Madhya Pradesh and Ors., Civil Appeal No. 1760/2023, order dated 17.03.2023 (Para-16)** observed as under: -

"16. Therefore, as matters stand, the Act of 2007 has been interpreted to mean that the AFRC, constituted thereunder, exercises only the power of 'regulation' in respect of the fees proposed by the institution, conditioned by the parameters in Section 9(1) of the Act of 2007. In effect, the liberty given to unaided institutions to propose the fees that they wish to charge, keeping in mind the factors set out in Section 9(1) of the Act of 2007, stands protected and it is only by way of regulating the fees so proposed that the AFRC would exercise the power of reviewing the proposed fees, after giving due opportunity of hearing to the educational institution concerned. The contrary stand taken by the AFRC, as is evident from its communications to the appellant society, therefore cannot be countenanced. It is not open to the AFRC to seek to unilaterally fix the fees to be charged by the appellant society for the professional courses offered through its educational institutions. At the same time, it is not open to the appellant society to claim complete immunity in undertaking this exercise and seek exemption from any interference by the AFRC. The appellant society must necessarily submit the fees proposed by it in respect of the professional courses offered through its institutions to the AFRC for the purpose of review and regulation, as per the provisions of Section 9 of the Act of 2007 and the principles laid down by this Court in the decisions referred to hereinabove. Making this position clear, the appeal is disposed of accordingly."

6. In this case, impugned order has been passed in a 'proforma', no details/reasoning have been given in the order. It also appears that the impugned order is completely silent on all the material elements and is not a speaking order. It is also apparent that provisions of Section 9 of the Act of 2007 were overlooked while regulating fee. As submitted, opportunity of hearing was also not granted to the appellant. Therefore, the impugned order is liable to be set aside.
7. Accordingly, the impugned order passed by the AFRC is quashed. The matter is remanded back to AFRC for considering all the documents submitted by the appellant and after giving hearing opportunity, pass a fresh speaking order within fifteen days.

Accordingly, the appeal stands disposed of.

(Justice Prakash Chandra Gupta)
Appellate Authority