

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).14862/2007

(From the judgement and order dated 20/06/2007 in WP No.4814/2007 of The HIGH COURT OF M.P. AT JABALPUR)

MODERN DENTAL COLLEGE & RESEARCH CENTER

Petitioner(s)

VERSUS

SHOBIT SONKAR & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 28/09/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s) Mr. Sushil Kumar Jain,Adv.
Mr. Ajay Ashudani,Adv.
Mr. Puneet Jain,Adv.
Ms. Christi Jain,Adv.
Mr. Piyush Jain,Adv.
Mr. H.D. Thanvi,Adv.

For Respondent(s) Mr. U.A. Rana,Adv.
Mr. Arvind Kumar,Adv.
for M/s. Gagrat & Co.,Advs.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

Heard learned counsel for the appellant.

The appeal is allowed in-part.

[Alka Dudeja]
Court Master

[Om Prakash]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4583 OF 2007
(Arising out of S.L.P. (C) No.14862 of 2007)

Modern Dental College & Research Center

...Petitioner(s)

Versus

Shobit Sonkar & Ors.

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the appellant.

In spite of service of notice, nobody has entered appearance on behalf of the State of Madhya Pradesh to contest the prayer made in this appeal.

By the impugned order, High Court, while disposing of the writ petition, has directed that till the Committee constituted under the new Ordinance fixes the fees, the private unaided dental and medical institutions will not collect fees for the Academic Year 2007-2008. Statement has been made at the Bar that proposal for enhancing the fee shall be submitted before the Committee constituted for fixing the fee. If it is so done, the Committee shall decide the matter within a period of two months from the date the

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proposal is submitted before it on behalf of the appellant and Respondent Nos.6 to 17. It is directed that till the matter is not decided by the Committee, the appellant and Respondent Nos.6 to 17 shall be entitled to charge fee at the rate they were charging fee for Session 2006-2007.

Accordingly, the appeal is allowed in-part and the impugned order is modified to the aforesaid extent. It may be clarified that in case any change is made in the fee structure, i.e., in case it is reduced, the institutions would be liable to refund the excess fee charged by them and in case it is enhanced, the students would be liable to pay difference between the existing and the enhanced fee, if at all enhanced. It is clarified that the Committee shall decide the matter without being prejudiced by any observation in this order.

..J.

[B.N. AGRAWAL]

..J.

[P.P. NAOLEKAR]

New Delhi,
September 28, 2007.