



**BEFORE THE
COMPETITION COMMISSION OF PAKISTAN**

**IN THE MATTER OF
SHOW CAUSE NOTICE NO. 63/2009 ISSUED TO**

BAHRIA UNIVERSITY

(FILE NO. 5/SEC. 3/ CCP/2008)

Dates of hearing: December 03, 2009 (Thursday)

Present: Mr. Khalid A. Mirza
Chairman

Ms. Rahat Kaunain Hassan
Member (Legal)

On behalf of
Bahria University: Rear Admiral (Retd.) Shahid Latif, HI (M),
Pro Rector

Captain Raja Javed Afzal TI (M)
Director NCMPR

Mr. Shafqat Ullah
Finance & Audit Manager

ORDER

1. This Order will dispose of the proceedings pursuant to a Show Cause Notice No. 63/2009 dated November 02, 2009 (hereinafter referred to as ‘SCN’) issued to Bahria University (hereinafter referred to as the ‘University’) for not complying with the directions given by the Learned Single Member of the Competition Commission of Pakistan (the ‘Commission’) vide his Order dated July 24, 2008 (the “Order”).

FACTUAL BACKGROUND

2. The University was established under the ‘Bahria University Ordinance, 2000’ and is an undertaking as defined under clause (p) of sub-section (1) of Section 2 of the Ordinance.
3. The Commission took *suo motto* notice of the news item published in Daily ‘The News’ dated 16-02-2008, according to which the University had made it mandatory for all incoming students to buy laptops imported by the University. This practice of tying the purchase of laptops with the provision of educational services appeared, *prima facie*, to violate Section 3 of the Ordinance. The Single Member of the Commission disposed of the matter *vide* the Order dated July 24, 2008, discussing and analyzing therein the matter in detail.
4. In the Order, the Learned Single Member of the Commission took a lenient view and did not impose any penalty, owing to the fact that ‘*the University pleaded ignorance of the Ordinance and violation of any of its provisions (which of course is no excuse) and also submitted that as soon as it received the notice of the Commission, it stopped the mandatory sale of laptops to the incoming student, and further agreeing to give rebate to its students*’. Pursuant to the Order the following directions to the Bahria University were given by the learned Single Member:

Para 29 “As to the students who purchased laptops on installments and were forced to accept loan on 12.65% interest rate, I find the loan conditions unfair to the students. While educational loans are not easily available in Pakistan, a survey of the regional markets suggests that an educational loan for up to Rs. 100,000/- are available to students at 0 to 5~8 percent. I am therefore inclined to give students a rebate, under section 31 of the Ordinance, of approximately 5% out of the 12.65% interest rate charged by the University. Thus, the University shall pay back to the students, who purchased laptops on installments, an amount totaling Rupees ten million (Rs. 10,000,000/-) pro-rated on the bases of the interest amount paid so far, and to be paid in future by each student.”

Para 30: “The University had agreed in the hearing to pay back Rupees ten million back to the students who purchased the laptops on installments. The University shall make a repayment scheme and submit a compliance report to the Commission within one month from the date of this Order.”

Para 32: “The University shall desist from making the purchase of laptops compulsory to the students in the future and shall pay to students rebate as mentioned in paragraph 29 above. The University shall also submit a compliance report in terms of paragraph 30 above.”

5. It is pertinent to mention here that no appeal was preferred by the University hence, the Order attained finality upon expiry of limitation of thirty (30) days for filing an appeal against the Order, under the provisions of Section 41 of the Ordinance.
6. During September – October 2008 various letters were exchanged between the Commission and the Undertaking regarding submission of Compliance Report as required under Para 30 of the Order and full implementation of the Order. The Undertaking repeatedly gave assurances of implementation of the Order in “*toto*” through its letters bearing nos. *PRBU/04/2008/163*, *PRBU/10/2008/180* and *PRBU/10/2008/182* dated 26/08/08, 06/10/08 and 14/10/2008, respectively.

7. The Commission, owing to certain complaints received from the students of of MBA (Summer 2008) National Centre of Maritime Policy Research (hereinafter referred to as the **NCMPR**), Karachi and the unsatisfactory response of the University decided to initiate enquiry to verify as to whether the Order of the Commission has been complied with or not. Therefore, Ms. Farzin Khan, Deputy Director (OFT) was appointed the Enquiry Officer and in addition to appointment of the Enquiry Officer, and the services of Mr. Arsalan S. Vardag, Chartered Accountant, was also acquired for assistance of the Enquiry Officer in verification of accounts to ensure compliance with the Order, vide its resolution dated June 22, 2009 and directed the Enquiry Officer to compile and submit a comprehensive report to the Commission regarding compliance of the Order.
8. The Enquiry Officer after analyzing all the material available on the record completed the Enquiry Report dated September 01, 2009 (hereinafter referred to as the '**Enquiry Report**'). The Enquiry Report concluded as follows:

The Enquiry Report concludes partial compliance of the Order dated July 24, 2008 of the Commission. The compliance required from the University vide Order dated July 24, 2008 can be categorized in two parts; (i) discontinuation of forced/compulsory sale of laptops to incoming students, and (ii) payment of rebate to students who purchased laptops from the University on installments as specified in the Order.

8.1 Discontinuation of forced/compulsory sale of laptops: *As detailed in the Part 6 of the Enquiry report, compliance failure is observed in Summer 2008 wherein eleven (11) students of Maritime MBA of NCMPR were sold laptops in June/July. Although the Order was issued on 24-07-08, the University filed its declaration of discontinuation of mandatory sale of laptops to the students and implementation of revised policy from next semester to the Commission on April 11, 2008.*

In view of the above, it appears that the University has given a false statement to the Commission that "as soon as it received the notice of the Commission, it stopped the mandatory sale of laptops to the incoming student", vide its letter dated April 11, 2008 and in the hearing before the Commission on June 16, 2008. It is pertinent to mention here that at the relevant time the next

semester was summer semester and during that semester the University made mandatory sale of laptops to the students of Maritime MBA of NCMPR. It appears that the University has made a false statement before the Commission to get a lenient treatment from the Commission and has also contravened the declaration given by the University vide letter dated April 11, 2008.

8.2 Payment of rebate to the students: *The students who purchased laptops on installments as specified by the Order of the Commission; compliance lapses have been observed and recorded at various levels. The major compliances lapses are:*

- *non-payment of rebate for interest already paid by the students;*
- *disproportionate payment of rebate to students; and*
- *total projected rebate payment not equaling to Rs. 10/- million.*

In view of the above, it appears that the University has not complied with the directions given by the Commission in its Order dated July 24, 2008; as to payment of rebate to the students. Further more; they have also made false statements to the Commission that the rebate has been paid to the students as per the directions contained in the Order of the Commission.

9. The Commission took into account the recommendations in the Enquiry Report, and initiate proceedings under Section 38 of the Ordinance by issuing SCN to the University for giving false statement and for non-complying with the directions given in the Order. The University was required to file the written reply to the SCN within twenty one (21) days of receipt of the SCN. An opportunity of Hearing was also provided to them on December 03, 2009. The SCN in its relevant parts is reproduced herein below:

10. WHEREAS, *it appears that the Undertaking has not complied with the directions given in the order and has also made false statements to the Commission, which is in violation of clause (b) & (d) of sub-section (1) of Section 38 of the Ordinance;*

10. In response to the SCN, the University vide its letter bearing no. PRBU/11/2009/401 date November 12, 2009 requested for extension in time to

file the written reply and adjournment of hearing. The request was made owing to the fact that the Director of NCMPR, who was fully conversant with the facts of the case was abroad on temporary duty and was to return in the last week of November, 2009. The Commission acceding to the request of the University extended the time to file the written reply till last week of November 2009, however, the date of hearing remained unchanged.

11. The University filed the written reply to the SCN vide its letter bearing no. PRBU/11/2009/453 dated November 26, 2009. Salient points of the written reply are as follows:

(a) That the University complied with the Order contained in Para 29 and a report regarding the procedure adopted by the University to pay back the amount to the concerned students was submitted to the worthy Commission and no objection was raised by the Commission.

(b) That the University made a re-payment scheme and submitted a compliance report to the Commission as desired by it.

(c) That the University stopped the compulsory sale of laptops to the students as directed and the compliance report as desired was submitted.

(d) That the University stands by its assurance given through various letters that the Order has been complied in "toto".

(e) That no mandatory sale of laptops was made to any student of Maritime MBA (NCMPR) during June/July 2009. The Order dated 24-07-2008 of the worthy Commission was received by the University on 04-08-2008 and immediate action was initiated for compliance with the Order. The University has neither violated the Order of the Commission nor can it dare to violate the same or make false submissions.

(f) The University holds the worthy Commission in highest esteem and has utmost respect and regard for all its executives and judicial officers, and can never refuse or show any laxity in compliance with the directions given in Order.

12. Hearing in the matter was held on December 03, 2009 at the Office of the Commission. Rear Admiral (Retd.) Shahid Latif, HI (M), (Pro Rector), Captain Raja Javed Afzal TI (M), (Director NCMPR) and Mr. Shafqat Ullah (Finance & Audit Manager) appeared before the Commission on behalf of the University and argued the matter at length and reiterated their written reply. Salient points of the submissions made by the representative of the University are summarized as follows:

- (i) *Regarding non-compliance of Para 31 of the Order dated July 24, 2008, which relates to the mandatory sale of laptops to students. Rear Admiral (Retd.) Shahid Latif submitted that, he in fact had informed the Commission vide letter dated April 11, 2008 that they would discontinue mandatory sale of laptops from the next semester, which, he submitted, meant the fall term starting September 2008 and not June 2008. He further added that the University issued a policy in June 2008, discontinuing the mandatory sale of laptops to its students. This policy applied to students that were admitted in the term beginning September, 2008 and not those that had been admitted in June 2008. The class of eleven students of NCMPR in question who had been sold laptops were admitted in June 2008 and therefore were not affected by the new policy.*
- (ii) *Regarding non-compliance of directions given in Para 29 and 30 of the Order dated July 24, 2008; the University representatives accepted that they had not fully understood the procedure set out in the Order. Thus they devised their own system claiming that it had a 'de-minimis' effect on the rebate amount which came to Rs. 6,090/- to be distributed to each student over the student's remaining semesters regardless of the number of installments that had been made by that student.*
- (iii) *Mr. Shahid Latif further submitted that so far the University has managed to pay back at least Rs. 4 million if not more. He further assured the Commission that the account of 11 students of NCMPR who were sold laptops in June 2008 will be settled immediately and instead of Rs. 45,000/- the laptops would be adjusted at a price of Rs. 30,000/- each and any amount paid in excess will be refunded to the students.*

13. The Commission after hearing the authorized representatives directed the University to file their written reply within two weeks of hearing, regarding the following issues:

- (a) A written explanation by the University of the mandatory sale of laptops to eleven (11) students of Maritime (MBA) of NCMPR, in June/July 2009;
- (b) An explanation as to how the procedure adopted by the University to calculate rebates is in substance not very different to that required by the Order; and
- (c) Para-wise comments to the points stated in Paragraph 7.5 of the Enquiry Report regarding the payment of rebate to students along with any supporting documents and/or other relevant material.

14. The University complied with the direction and filed their response vide letter bearing no. PRBU/12/2009/491 dated December 17, 2009. The University in view of the following facts requested the Commission to reconsider the allegations against the University and close the proceedings as the University claimed to have complied with the Order:

- (a) *The University has not made any mandatory sale of laptops to the students of Fall 2008 and Spring 2009 semesters. The Order of the Commission dated July 24, 2008 is not applicable to the MBA (Maritime) students who joined in June 2008 and no law can be made applicable retrospectively. The MBA (Maritime) class joined the University at a time which could be considered a grey area since the laptop issue was already under discussion with the Commission, the University standing by its commitment made on December 03, 2009 during the hearing has immediately settled 11 MBA (Maritime) student's laptop accounts at the reduced cost of Rs. 30,000/- each. Consequently students have been reimbursed the excess amount through cheques.*

- (b) *Equal and fixed rebate Rs 6,090 to each student was calculated with consideration of the following;*
- (i) *It is optional for students either to select lump sum payment or to take up maximum 04 installments for Master program and 08 installments for Bachelor program.*
 - (ii) *Students can change their option any time either to payback remaining principal amount is lump sum or may covert long term installments plan in to short term.*
 - (iii) *Rebate can be calculated on pro-rated basis for interest received in the past from each student, but we considered it will be convoluted to determine precise interest amount for future because we can't determine how many students will continue with installments plan.*
 - (iv) *It was easy to explain to each student due to equal rebate, who were on installment plan.*
 - (v) *It may please be noted if we pass on rebate on pro-rated basis at this stage, this will mean that excess amount of Rs.120 million already been paid to 464 students of Master program who completed their studies will be an additional expenditure over and above the stipulated Rs. 10 million rebate. Whereas Rs 1.20 million will be additionally payable to 1,178 students of Bachelor program.*
 - (vi) *However, University has decided to pay additional amount of Rs 1.2 million (Based on pro-rated calculation) to student in the next semester fee i.e. Spring 2010. This is in line with our commitment given in Bahria University letter no. PRBU/10/2008/182 dated 14 October 2008.*
- (c) *The instructions to give rebate to students were issued to the University Constituent Units vide BU letter No FBU/2006/475/168 dated August 26, 2008 whereas fee challan forms for Fall 2008 were issued to most of the students before the issuance of this letter. Majority of the omissions were adjusted in the next installments however*

any omission in installments due to any reasons will be paid at the time of payment of security deposit.

56 MBA students who completed their studies in Fall 2008 could not be given rebate with fee as they had deposited fee before issuance rebate was paid to them through pay order and adjustment made in their record accordingly, as also highlighted in the August 2008 CCP report.

ANALYSIS

15. While the conciliatory and compliance oriented approach assured by the representatives of the University needs to be appreciated, it is pertinent to recognize that the main issue in this matter is to determine as to whether, the Order has been complied with fully or partially *vis-à-vis* the two aspects:

- (a) Whether the mandatory sale of laptops to the students has been discontinued; and
- (b) Whether students have received payment of rebate on prorated basis, as directed in the Order;

(a) Whether the mandatory sale of laptops to the students has been discontinued?

16. The University vide its letter dated April 11, 2008 informed the Commission that the University has revised its policy on provision of laptops. From the next semester, students would not be required to purchase laptops from the University stocks under the mandatory sale scheme. Subsequently in the hearing on June 16, 2008 before passing of the Order, the representative of the University again assured the Learned Single Member of the Commission that they had stopped the mandatory sale of laptops to the students as soon as they received the notice from the Commission. Keeping in view the aforementioned facts, the Learned Single Member of the Commission took a lenient view and did not impose a fine on the University. The relevant paragraph of the Order is reproduced herein below:

Para 31 *The University has violated section 3 of the Ordinance, and therefore is liable to penalty under section 38 of the Ordinance. However, the University pleaded ignorance of the Competition Ordinance and violation of any of its provisions (which of course is no excuse) and submitted that as soon as it received the notice of the Commission, it stopped the mandatory sale of laptops to the incoming student. The University apologized for its conduct and the Pro-rector and other officials of the University extended full cooperation during the investigation, which I commend. Further the University agreed to give a rebate to the students. In view of these facts, I am inclined not to impose any penalty on the University under section 38 of the Ordinance.(emphasis added)*

17. In the month of May, 2009; a student of MBA (Summer 2008) NCMPR at the University, Karachi campus, complained to the Commission that, despite the Order of the Commission, the University was still forcing its students to purchase the laptops under the mandatory sale scheme. This fact was further affirmed in the Enquiry Report, which reveals that in June/July 2008 eleven (11) students of Maritime MBA of NCMPR were forced to purchase laptops at the time of their admission. The University in its written reply to the SCN submitted that no laptop has been sold by the University under the mandatory sale scheme from Fall Semester 2008. Subsequent to passing of the Order on July 24, 2008 no student was forced to purchase the laptop from the University. The University was also required vide letter bearing no. 5/SEC.3/CCP/2008 dated December 8, 2009 to explain their position on the mandatory sale of laptops to eleven (11) students of MBA (Summer Semester 2008) NCMPR at Karachi campus of the University. The University responded vide letter bearing no. PRBU/12/2009/491 dated December 17, 2009. It submitted the following explanations/arguments:

- (i) *During Fall Semester 2008 (commenced September 2008) and Spring Semester 2009 (commenced February 2009), a number of 3027 students joined Bahria University in the pursuit of higher education. The Enquiry Team constituted by the CCP carried out a thorough audit of the laptop accounts in line with implementation of the CCP Order dated 24 July 2008. As per their report there was no*

evidence of mandatory sale of laptops during Fall 2008 & Spring 2009 Semesters respectively

- (ii) *However the enquiry team has reported that 11 students of MBA (Maritime) who joined the Bahria University in June 2008 were sold laptops on installments, which allegedly is in violation of CCP Order dated 24 July 2008.*
- (iii) *The University however maintains that CCP Order 24 July 2008 is not applicable to the MBA (Maritime) students who joined in June 2008 since no law can be made applicable with retrospective effect.*
- (iv) *Never-the-less respecting the observation made by the Enquiry Team and the fact that the MBA (Maritime) class Joined the University at a time which could be considered a grey area since the laptop issue was already under discussion with the CCP, the Bahria University standing by its commitment made on 03 December 09 during the hearing has immediately settled 11 MBA (Maritime) student's laptop accounts at the reduced cost of Rs. 30,000/- each. Consequently students have been reimbursed the excess amount through cheques.*

18. From the evidence available on the record, we observe that, the time at which the undertaking was given by the University through its letter dated April 11, 2008 *ibid.* the next semester was 'summer semester' and not the 'fall semester'. As the summer semester starts in June and the Fall semester starts in September. Therefore, the contention raised by the University that the term 'next semester' meant the Fall Semester beginning in September, is not tenable. In fact, the Single Member of the Commission took a lenient view by not imposing the penalty on the University in Para 31 of the Order, because of the assurance afforded by the University that the University has discontinued the mandatory sale of laptops to its students. Further, regarding the retrospective application of law, it needs to be appreciated that, the Ordinance was in force since 02-10-2007, the University vide its letter dated 11-04-2008 informed that they have discontinued the mandatory sale of laptops to its students, which was further confirmed in the

hearing on 16-06-2008, hence the argument of retrospective application of law is without any merit.

19. Although the evidence available on the record, suggests that the University did not force its students from Fall Semester 2008 onwards to purchase the laptops from the University under the mandatory scheme, however, the University did make mandatory sale of laptops to its students in Summer Semester 2008, which contradicts the undertaking given by the University vide its letter dated April 11, 2008. The University's conciliatory and compliance oriented approach and their full co-operation during the proceedings is commendable, as subsequent to the hearing the University vide its letter dated 20-01-2010, informed the Commission that,

“the MBA (Maritime) class joined the University at a time which could be considered a grey area since the laptop issue was already under discussion with the Commission, the University standing by its commitment made on December 03, 2009 during the hearing has immediately settled 11 MBA (Maritime) student's laptop accounts at the reduced cost of Rs. 30,000/- each. Consequently students have been reimbursed the excess amount through cheques.”

20. Although the University made incorrect statements to the Learned Single Member, however, we note that, after the passing of the Order, the University has not made any mandatory sale of laptops to its students. Moreover, as per the commitment of the University during the hearing before us, it has also settled the account of 11 MBA Maritime student's account.

(b) Whether students have received payment of rebate on prorated basis, as directed in the Order

21. With reference to the payment of rebate to the students as directed in the Order, the University repeatedly gave assurances of implementation of the Order in

'*toto*' through its letters bearing nos. *PRBU/04/2008/163*, *PRBU/10/2008/180* and *PRBU/10/2008/182* dated 26/08/08, 06/10/08 and 14/10/2008, respectively.

22. The Enquiry Report's findings are in total contrast to the assurances given by the University vide its letters. In fact non-compliance of direction to pay the interest amount on prorated basis is summarized as follows:

- (a) non-payment of rebate for interest already paid by the students;
- (b) disproportionate payment of rebate to students; and
- (c) total projected rebate payment not equaling to Rs. 10/- million.

23. Regarding the non-compliance of the direction to pay the rebate on prorated basis, the representatives of the University submitted that, they had not fully understood the procedure set out in the Order. Thus they devised their own system claiming that it had a '*de-minimis*' effect on the rebate amount which came to Rs. 6,090/-, to be distributed to each student over the student's remaining semesters regardless of the number of installments that had been paid by that student. The representatives of the University were specifically asked that, if they had not fully understood the procedure for payment of rebate on prorated basis set out in the Order, they should have contacted the Commission; however, it was reiterated by the representatives that the procedure adopted by the University is not very different to that which is required by the Order.

24. The University was directed vide letter bearing no. 5/SEC.3/CCP/2008 dated December 8, 2009 to explain as to (i) how the procedure adopted by the University is in substance not very different to that required by the Order and (ii) why the rebate has not been paid to the students by the University so far. The University vide its letter bearing no. *PRBU/12/2009/491* dated December 17, 2009 gave its written explanation to the concerns raised by the Commission, which are summarized as follows:

Equal and fixed rebate Rs 6,090 to each student was calculated with consideration of the following;

- a) It is optional for students either to select lump sum payment or to take up maximum 04 installments for Master program and 08 installments for Bachelor program.*
- b) Students can change their option any time either to payback remaining principal amount is lump sum or may covert long term installments plan in to short term.*
- c) Rebate can be calculated on pro-rated basis for interest received in the past from each student, but we considered it will be convoluted to determine precise interest amount for future because we can't determine how many students will continue with installments plan.*
- d) It was easy to explain to each student due to equal rebate, who were on installment plan.*
- e) It may please be noted if we pass on rebate on pro-rated basis at this stage, this will mean that excess amount of Rs.120 million already been paid to 464 students of Master program who completed their studies will be an additional expenditure over and above the stipulated Rs 10 million Rebate. Where as Rs 1.20 million will be additionally payable to 1,178 students of Bachelor program.*
- f) However University has decided to pay additional amount of Rs 1.2 million (Based on pro-rated calculation) to student in the next semester fee i.e. spring 2010. This is in line with our commitment given in Bahria University letter no. PRBU/10/2008/182 dated 14 October 2008.*
- g) The instructions to give rebate to students were issued to Bahria University Constituent Units vide BU letter No FBU/2006/475/168 dated 26th August 2008 whereas fee Challan forms for Fall 2008 were issued to most of the students before the issuance of this letter. Majority of the omissions were adjusted in the next installments however any omission in installments due to any reasons will be paid at the time of payment of security deposit.*

25. In pursuance of the hearing conducted and in order to bring the policy of the University in line with the Order, the University vide its letter bearing no.

PRBU/12/2010/501 dated 20-01-2010 informed the Commission that the University will bear the additional expenditure of Rs. 1.2 million payable to 1178 Bachelor Students over and above the stipulated Rs. 10 million rebate. On payment of additional rebate all students who had purchased compulsory laptops will receive rebate on pro-rated basis.

26. In order to verify the assurance afforded by the University vide its letter dated 20-01-2010, two of our officers were authorized to visit and inspect the record of the University. The Officers visited the University campus at Islamabad on 12-07-2010 and filed the following report:

“We the undersigned visited Bahria University Islamabad Campus on Monday 12-07-2010 to discuss, verify and confirm the status of compliance by the University with the directions of the Order issued by the Commission on July 24, 2008. We had meetings with the Pro Rector Rear Admiral (R) Shahid Latif and Director Finance of the University during our visit. All the representatives of university management assured us that they have fully complied with the directions issued by the Commission vide its aforementioned Order and have rectified the omissions, errors and negligence pointed out earlier by the Commission vide its Enquiry Report and show cause notice. Following documents were provided to us by the University in support of their claim:

- 1. Copies of pay orders , showing payments made to 11 students to whom mandatory laptops were sold*
- 2. Consolidated additional rebate statement (Islamabad & Karachi)*
- 3. Summary of Laptop additional rebate (Karachi Campus)*
- 4. Summary of Laptop additional rebate (Islamabad Campus)*
- 5. Student data form Spring 2007*
- 6. Student data form Fall 2007*
- 7. Student data form Spring 2008*
- 8. Student data form Spring 2007, laptop issued installments status Islamabad (BBA)*

9. *Student data form Spring 2007, laptop issued installments status Islamabad (BS GEO)*
10. *Student data form Spring 2007, laptop issued installments status Islamabad (BS ES)*
11. *Student data form Spring 2007, laptop issued installments status Islamabad (BS ETM)*
12. *Student data form Fall 2007, laptop issued installments status Islamabad (BBA)*
13. *Student data form Fall 2007, laptop issued installments status Islamabad (BS GEO)*
14. *Student data form Fall 2007, laptop issued installments status Islamabad (BS CS)*
15. *Student data form Fall 2007, laptop issued installments status Islamabad (BS ETM)*
16. *Student data form Fall 2007, laptop issued installments status Islamabad (BET)*
17. *Student data form Fall 2007, laptop issued installments status Islamabad (BEE)*
18. *Student data form Fall 2007, laptop issued installments status Islamabad (BSE)*
19. *Student data form Fall 2007, laptop issued installments status Islamabad (BCE)*
20. *Student data form Fall 2007, laptop issued installments status Islamabad (BSES)*
21. *Student data form Fall 2007, laptop issued installments status Islamabad (BSS)*
22. *Student data form Spring 2008, laptop issued installments status Islamabad (BBA)*
23. *Student data form Spring 2008, laptop issued installments status Islamabad (BSCS)*
24. *Student data form Spring 2008, laptop issued installments status Islamabad (BS Geo Phy)*
25. *Student data form Spring 2008, laptop issued installments status Islamabad (BS ETM)*
26. *Laptop issued with fee installment in Spring 2007 Karachi Campus*
27. *Laptop issued with fee installment in Spring 2008 Karachi Campus*
28. *Laptop issued with fee installment in Fall 2007 Karachi Campus*

On careful examination of the data it appears that the University has now complied with the directions issued in the Order of the Commission and has reimbursed on pro rata basis the excessive amount that was being charged to the students who bought laptops from University on installments. In this process the University has

incurred additional expense of Rs.1.2 Million over and above the amount of Rs.10 Million that the University was required to refund to the students in the aforementioned order of the Commission. The mandatory sale of laptops has already been discontinued.

-Sd-
(Sahista Bano)
Director (Cartels)
12-07-2010

Sd-
(Ikram Ul Haque Qureshi)
Director General (Legal)
12-07-2010

27. Keeping in view the above, we are of the considered view that, although the Order was not complied in *toto* by the University initially owing to the misunderstanding regarding the mode of payment on *pro rata* rebate; however, as assured by the representatives of the University, the mistake was rectified immediately and the fact that in doing so, the University has also incurred additional expense of Rs.1.2 Million over and above the amount of Rs.10 Million that the University was required to refund to the students, therefore, in appreciation of the conciliatory and compliance oriented approach of the University and their full co-operation during the proceedings. We are not imposing any penalty for any initial partial non-compliance.

28. In terms of what has been stated above the Show Cause Notice No. 63/2009 issued to the University is hereby disposed.

(KHALID A. MIRZA)
CHAIRMAN

(RAHAT KAUNAIN HASSAN)
MEMBER (LEGAL)

ISLAMABAD THE 21ST OF JULY, 2010.