

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12700 OF 2015

Mr. Sushil Jalan and Anr.	]	... Petitioners
Versus		
Mr. Hiralal Somany and Ors.	]	... Respondents

Mr. Saket Mane i/b Vidhii Partners for Petitioners.

Mr. Sanjay Jain a/w Mr. N. Srivastava, Mr. Nakul Jain, Mr. Harsh Behany, Ms. Hema Chabra i/b Maniar Srivastava Associates for Respondent No.1.

Ms. M. S. Bane, 'B' Panel Counsel for Respondent No.13.

CORAM :- M. S. SONAK, J.

DATE :- DECEMBER 21, 2015

P. C. :-

1. There is absolutely no reason to either entertain this petition or to grant any indulgence in the facts and circumstances of the present case.

2. The proceedings before the Charity Commissioner have been ordered to be expedited by this Court. The proceedings comprise in all six revision applications and one appeal. By order dated 15/06/2015, the Charity Commissioner has rightly directed that since all the matters involve scrutiny of previously changed reports, it would be appropriate if all the matters are simultaneously heard and decided. The petitioners, at this belated stage, seek to make a grievance against clubbing of all such matters. However, the order dated 15/06/2015 made by the Charity Commissioner was never

challenged or in any case, never challenged within any reasonable period.

3. Instead, on 13/10/2015, all the parties, including the petitioners, made their oral submissions and expressed intention to submit written submissions. On the said date, the Charity Commissioner has specifically recorded that parties have made oral submissions in the appeal as well as in the revision proceedings and the matter is concluded. The parties were however granted time to submit their written notes of arguments on or before 30/10/2015. This date was extended from time to time and the last date for filing written notes of arguments was 23/12/2015.

4. This petition was filed on 17/12/2015 and the main grievance was that oral submissions were made in the appeal but not in the pending revision petitions. This contention cannot be accepted. In the first place, the order dated 13/10/2015 very specifically indicates that oral submissions were made both in the appeal as well as in the revisions petitions. Secondly, despite being aware that the revision petitions as well as the appeal are being heard simultaneously, it is inconceivable that oral submissions were made only in the appeal but not in the revision petitions. Thirdly, there is no allegation that any restrictions were imposed upon the petitioners in the matters of making their oral submissions in the revisions petitions. Finally, considering that the parties themselves applied for some time to file written notes of arguments and the same was granted, there is

absolutely no justification in making this grievance at this belated stage. It does appear that the entire purpose of instituting this petition was to, if possible, delay the proceedings before the Charity Commissioner or in any case, to seek some more time in the matter so that the oral arguments already made would be further supplemented. The record as it stands, makes it clear that oral submissions were made in the appeal as well as in the revision petitions. There is no reason to doubt the correctness of this record. In any case, the petitioners did not even choose to apply for correction of the record in case they were serious with their contention. This petition is therefore required to be dismissed with costs.

5. The petition is accordingly dismissed with costs of Rs.10,000/- (Rupees Ten Thousand Only) payable on or before 05/01/2016 in order that the petitioners are not prejudiced, time for filing written notes of arguments is extended up to 05/01/2016. In case the written notes of arguments are not filed by the petitioners before the said date, the Charity Commissioner shall proceed to make final order in the matter. Although the petitioners do not deserve such indulgence, the same is granted, to that the petitioners suffer no prejudice in the matter.

6. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)