

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST) NO. 20016 OF 2018

Samajik Sanskrutik Congress Maharashtra .Petitioner
Registered under the Maharashtra Public
Trusts Act

Vs.

Laxman Krishnadeo Babar & anr. .Respondents

Mr. R. G. Panchal a/w Mr. A. Kori, Mr. A. More & Mr. P. Yadav,
Advocate, for the Petitioner
Mr. P. Kulkarni, Advocate, for the Respondent No. 1
Mr. S. D. Rayarikar, AGP, for the Respondent No. 2 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 27.09.2018

P.C.

. Heard learned counsel for the parties.

2. By this Petition, the Petitioner has impugned the order dated 16.03.2018 passed by the Joint Charity Commissioner – II, Mumbai. Learned counsel for the Petitioner submits that there was no justification / reason for the Joint Charity Commissioner to remand the matter i. e. the Application for delay condonation (Exh. 28) back for fresh consideration to the Assistant Charity

Commissioner. Learned counsel for the Petitioner relied on the Judgment of this Court in the case of *Madanrao Nanasaheb Chavan vs. State of Maharashtra & ors*, reported in *2002(4) Mh. L. J. 872*, which is on page 20 of the Petition.

3. Perused the papers. It appears that the Petitioner had filed an Application for Change Report alongwith an Application seeking condonation of delay of seven years in filing the Change Report. The Assistant Charity Commissioner was pleased to allow the said Application i. e. the delay condonation Application vide order dated 22.06.2016. Being aggrieved by the said order dated 22.06.2016, the Respondent No. 1 challenged the same by way of an Appeal before the Joint Charity Commissioner. The Joint Charity Commissioner vide order dated 16.03.2018 was pleased to pass the following order.

O R D E R

1) The impugned order passed by Assistant Charity Commissioner (Hosp), Greater Mumbai Region, Mumbai in Change Report No. ACC-II/273/2003 dated 22.06.2016 below Exh. 28 is hereby set aside.

2) The matter is remitted back to the

Assistant Charity Commissioner, Greater Mumbai Region, Mumbai to decide the said application Exh. 28 afresh and be recorded its findings thereon.

3) Parties are directed to appear before Assistant Charity Commissioner, Greater Mumbai Region, Mumbai on 16.04.2018 at 12.30 p. m.

4) Record and Proceeding be returned back to the Assistant Charity Commissioner, Greater Mumbai Region, Mumbai.

5) Parties informed accordingly.

4. The impugned order dated 16.03.2018 passed by the learned Joint Charity Commissioner only remands the matter back to the learned Assistant Charity Commissioner for deciding the Application, being Exh. 28 afresh and for recording findings on the said Application. The said order cannot be said to be perverse. Accordingly, no interference is warranted in the impugned order dated 16.03.2018 passed by the learned Joint Charity Commissioner – II, Mumbai. However, the learned Assistant Charity Commissioner shall decide the Application (Exh.28) as expeditiously as possible and preferably on or before 21.12.2018.

5. The Petition is dismissed on the aforesaid terms.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)