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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2644 OF 2017

Kelkar Education Trust & Anr.	... Petitioners
V/s.	
The Assistant Charity Commissioner & Ors.	... Respondents

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Mr. Prasad Dhakephalkar, Senior Counsel a/w Mr. Mayur Khandeparkar, Mr. Ishwar Nankani, Mr. Huzefa Khokhawala, Ms. Gauri Memon, Ms. Divya Shetty i/by M/s. Nankani Associates for the Petitioners.

Ms. Deepali Patankar, Hon. Asst. to Govt. Pleader for the Respondent Nos. 1 and 5.

Mr. Ram Apte, Senior Counsel a/w Mr. Suhas Joshi i/by M/s. Legalogic Consulting for the Respondent Nos. 2 to 4.

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CORAM : R.D. DHANUKA, J.

DATE : 9th JULY, 2019.

P.C.:

By consent of both the parties, following order is passed:-

2. Hearing of change reports no. 5770 of 2010 and 239 of 2011 pending before the Assistant Charity Commissioner-VI, Greater Mumbai Region, Mumbai is expedited. Both the parties have agreed not to seek any unnecessary adjournment before the learned Assistant Charity Commissioner, who is assigned these two change reports and will cooperate with each other and with the learned

Assistant Charity Commissioner to dispose of those two change reports expeditiously and within six months from the date of communication of this order. Learned Assistant Charity Commissioner shall communicate the order to both the parties. The order that would be passed by the Assistant Charity Commissioner not to be implemented for a period of two weeks from the date of communication to the parties.

3. After expiry of two weeks from the date of communication of such order passed by the Assistant Charity Commissioner, the application ACC/I/5/2015 (Exh.01) filed by the respondents before the Deputy/Assistant Charity Commissioner, Greater Mumbai at Mumbai, be heard by the said authority expeditiously unless the order passed by the Assistant Charity Commissioner in those two change reports is stayed by the competent Court.

4. It is made clear that this Court has not expressed any views on the merits of the matters. All contentions of both the parties are kept open. In view of the aforesaid consent order, the application dated 19th June 2016 being Exh. 6 filed by the petitioner no. 2 stands withdrawn. Impugned order dated 23rd August 2017 is set aside.

5. Both the parties also agreed that in view of the aforesaid consent order, Deputy/Assistant Charity Commissioner is not restrained from deciding the change reports. Learned Senior Counsel appearing for the parties agreed that an appropriate order in that regard would be obtained by making an application in Writ petition No. 13934 of 2016 filed by Mihir Bhadkamkar against Ramesh Vaze & ors. filed on the Appellant side. Such orders shall be obtained within one week from today.

6. Both the parties also agree that they have no objection if Mihir Bhadkamkar and Ramesh Vaze are allowed to participate in the aforesaid two change reports before the Assistant Charity Commissioner on merits without prejudice to the rights and contentions of both the parties. The parties as well as the authority to act on the authenticated copy of this order. It is made clear that the Assistant Charity Commissioner shall hear both the change reports together and shall pass a common order.

7. Rule is made absolute on aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)