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1. Consent Minutes of Order

1. The Petitioner had filed an application under Section 41A of the Maharashtra Public Trust Act, 1950 (“**the said Act**”) before the Assistant Charity Commissioner-VI, Mumbai, *inter alia* seeking directions to hold elections according to the Constitution of the Arya Samaj Santacruz, Mumbai, bearing P.T.R. No. E-6106 (Mumbai).
2. The Assistant Charity Commissioner by the Impugned Order dated 16th August 2018 (“**the Impugned Order**”) rejected the Application on the ground that there is a status quo order dated 3rd April ,2012 passed by the Hon’ble Bombay High Court in Notice of Motion (L) No. 1111 of 2012 in Suit (L) No. 865 of 2012 as extended by the Order dated 9th February 2016 passed in First Appeal No. 198 of 2016, in respect of affairs of the trust. This fact is disputed by the Petitioners in view of the Order dated 31st January 2020 passed by this Hon’ble Court in 1108 of 2019 in First Appeal No.198 of 2016, which Civil Application and the Order are placed on record before this Hon’ble Court.
3. The controversy is in respect of whether the status quo order dated 3rd April 2012 read with the Order dated 9th February 2016 is in respect of Arya Samaj Santacruz (E-6106(Bom)), which trust is the subject matter of the Section 41A proceedings referred to above or Arya Samaj Santacruz Trust (E-6040(Bom)), which is a separate independent trust. According to the Petitioners, the Order dated 31st January 2020 clarifies the position that the status quo order is in respect of Arya Samaj Santacruz Trust (E-6040(Bom)) and not Arya Samaj Santacruz (E-6106(Bom)). This is however disputed by Respondent Nos.1 to 7 and 9 to 16.
4. After having heard the parties at some length, the following Order is passed by consent of parties:
 - i. The Impugned Order dated 16th August 2018 passed by the Assistant Charity Commissioner in Application No. ACC-VI/45/2016 filed by the Petitioners under Section 41A of the said Act before the Assistant Charity Commissioner VI, Mumbai, is quashed and set aside.

- ii. The Assistant Charity Commissioner VI, Mumbai, is directed to hear the Application No. ACC-VI/45/2016 filed by the Petitioners under Section 41A of the said Act afresh and in any event within a period of 12 weeks from today.
- iii. Both parties are at liberty to file their respective Additional Documents and Affidavits before the concerned Authority within a period of 4 weeks from today.
- iv. It is clarified that rights and contentions of both parties are expressly kept open in respect of the controversy as referred to in paragraph 3 hereinabove.

4 Writ Petition stands disposed of in terms of consent minutes of order dated 25th February 2021.

[RIYAZ I. CHAGLA, J.]

[K.K.TATED, J.]