

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

REVIEW PETITION NO. 73 OF 2022
IN
WRIT PETITION (ST) NO. 94383 OF 2020

Shri Kshetra Bhimashankar Sansthan Bhorgiri
through its trustees ..Petitioner/Applicant.

v/s.

Assistant Charity Commissioner No.4,
Pune & Ors. ..Respondents

Sr. Counsel Mr. Ram Apte a/w. Harshal Nahata i/b. Uday Nighot for the
Petitioners
Mr. Ojos Deolankar for the Respondent Nos.1 and 2.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 20th SEPTEMBER, 2022.**

P.C.

1. The Petitioners have sought review of order dated 23.11.2020 in Writ Petition (st) No. 94383 of 2020.
2. Heard Shri Apte, learned Sr. Counsel for the Petitioner and Mr. Deolankar, learned Counsel for the Respondent Nos.1 and 2.
3. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties.
4. By order dated 23.11.2020 this Court had dismissed the petition on the ground that the Joint Charity Commissioner had not gone into the merits of the matter and had remitted the matter only on the ground that the trustees were not heard and were not given an opportunity of hearing

before amendment of the scheme /framing of new scheme.

5. Shri. Apte, learned Counsel for the Applicant submits that Respondent No.1 has no authority to decide the matter of modification of scheme. He therefore submits that the Court ought to have heard the Petition on merits.

6. As noted above, the Joint Commissioner had not decided the matter on merits and had remanded the matter with directions to hear the parties. There being no jurisdictional error, this Court has dismissed the petition with liberty to the parties to raise all the questions, which would include issue of jurisdiction, before the Assistant Charity Commissioner. There is no error apparent on the face of record. No case is made out to review the order. Hence Review Petition is dismissed.

(ANUJA PRABHUDESSAI, J.)