

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9267 OF 2022

Sant Dnyaneshwar Shikshan Sanstha ... **Petitioner**

Versus

Joint Charity Commissioner, Kolhapur ... **Respondents**

Mr. Prashant Bhavake, Advocate for the Petitioner.

Smt. P. N. Diwan, AGP for the Respondents/State.

**CORAM: S.V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : SEPTEMBER 21, 2022

P.C.

1. The Joint Charity Commissioner has passed order rejecting an application filed by the petitioner for grant of ex post facto sanction to the transaction entered into by the petitioner.

2. The Joint Charity Commissioner has rejected the ex post facto sanction only on the ground that no provision exists for grant of ex post facto sanction.

3. The learned Counsel for the petitioner refers to Section 36A (3) of the Maharashtra Public Trust Act, 1950 and submits that the powers vest with the Joint Charity Commissioner to entertain application for grant of ex post facto sanction.

4. Under Sub-section (3)(a) of Section 36 of the Maharashtra Public Trust Act, 1950 in exceptional and

extraordinary situation, the Charity Commissioner may consider grant of ex post facto sanction.

5. The learned Counsel for the petitioner submits that the petitioner obtained loan only.

6. We have also heard learned AGP.

7. In light of above, the impugned order is quashed and set aside and the matter is relegated to the Joint Charity Commissioner.

8. The Joint Charity Commissioner shall re-consider the application for grant of ex post facto sanction filed by the petitioner and shall come to the conclusion as to whether grounds enumerated by Sub-section (3) of Section 36A of the Maharashtra Public Trust Act, 1950 are attracted.

9. The decision shall be taken by the Joint Charity Commissioner on the application of the petitioner afresh.

10. The same shall be decided preferably within six months from today.

11. The writ petition is accordingly disposed. No costs.

(R. N. LADDHA, J.)

(S.V. GANGAPURWALA, J.)

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