IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.15070 OF 2022

Vadakedathu Joy Joseph .. Petitioner

Versus

The State of Maharashtra & Anr. .. Respondents

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Mr. Javeed Hussein a/w Mr. Mubashir Hussein, Mr. Munibah Iram i/by Hussein & Company, *Advocates for the Petitioner.*
Mr.C.D Mali, *AGP for Respondent Nos.1 & 2.*

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CORAM : SANDEEP V. MARNE, J.
DATE : 9 OCTOBER 2023

P. C.

1. Challenge in this petition is to the Order dated 28th October 2021 passed by the Joint Charity Commissioner Maharashtra State, Mumbai rejecting Petitioner's Revision Application No.110 of 2021. The revision application was filed by the Petitioner under the provisions of Section 70 A of the Maharashtra Public Trusts Act, 1950 challenging the Order dated 27th December 2017 passed by the Assistant Charity Commissioner. By that order, the Assistant Charity

Commissioner directed deregistration of the Trust 'St.Baselius Malankara Orthodox Syrian Church/Parish/Congregation, SanParish/Congregation', P.T.R. No.F5015 (Mumbai).

2. I have heard learned counsel appearing for the Petitioner and learned AGP appearing for the State. The learned counsel for the Petitioner would submit that the Petitioner did not receive any notice in respect of action initiated by the Assistant Charity Commissioner for deregistration of Trust. He would submit that the Petitioner was oblivious of such proceedings and therefore could not produce the necessary documents in support of the contentions that the activities of the Trust are being conducted in a regular manner. He would submit that the Audit Reports of the Trust have been filed up to the year 2016. He would further submit that the Elections are also held. However, the necessary change reports could not be filed.

3. The learned AGP on the other hand would submit that the Assistant Charity Commissioner had published notices on Website, Newspaper as well as Notice Board and therefore proper notice in respect of the proceedings were given to the Trust in question. He would submit that the Joint Charity

Commissioner has considered all the points raised by the Petitioner in the revision petition and therefore, no interference by this Court is warranted in the Order of Joint Charity Commissioner.

4. Perusal of the order of the Joint Charity Commissioner would indicate that a finding is recorded that the Petitioner could not specify the exact Audit Reports which were filed and failure in respect of the some of the Audit Reports. The learned counsel for the Petitioner has submitted that the Petitioner is willing to produce the copies of the Audit Reports which have been filed and for that purpose opportunity needs to be given to the Petitioner. He would further submit that the records showing conduct of elections to the managing body of the Trust will also be produced before the Joint Charity Commissioner.

5. In that view of the matter, the order passed by the Joint Charity Commissioner dated 20th October 2021 is set aside and Revision Application No.110 of 2021 is restored on the file of Joint Charity Commissioner. Petitioner would be at liberty to file an additional affidavit along with all the necessary documents before the Joint Charity Commissioner who shall take the same into consideration. The revision application shall be decided fresh without being influenced by the observation made in the Order dated 28th October 2021.

6. In the above directions, the Writ Petition is disposed of.

[SANDEEP V. MARNE, J]