

Santosh

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

WRIT PETITION NO. 12864 OF 2022

SANTOSH
SUBHASH
KULKARNI

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SANTOSH SUBHASH
KULKARNI
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Shri Kalaram and Shri Hatkeshwar Mandir
Trust & ors.

...Petitioners

Versus

Manager, IDBI Bank

...Respondent

Mr. Dilip Bodake, for the Petitioners.

CORAM: N. J. JAMADAR, J.

DATED : 21st APRIL, 2023

PC:-

1. Heard the learned Counsel for the petitioners.
2. This petition is directed against an order passed by the Assistant Charity Commissioner on 27th October, 2021 rejecting an application under Section 41A of the Maharashtra Public Trust Act, 1950.
3. By the said order, the learned Assistant Charity Commissioner declined to issue directions to IDBI Bank Pratapganj Peth, Branch Satara to allow the petitioners to operate SB Account No.45110010950782 and Fixed Deposit Account No.45110010920047.

4. The petitioners had preferred the application alleging that bank had disallowed the operations in the said accounts at the instance of one Dhavalchandra Balkrishnadas Doshi, one of the former Trustees of the petitioner Trust.

5. In the reply filed by the bank, it was stated that the bank had disallowed the operations in the accounts for non-compliance of the KYC requirements.

6. In the circumstances, the learned Assistant Charity Commissioner cannot be said to have committed any error in declining to exercise the powers under Section 41A of the Act.

7. Mr. Bodake, the learned Counsel for the petitioners, submits that in response to the reply by the bank the petitioners have furnished the requisite information under cover of the letter dated 29th September, 2021 and yet the bank did not allow the petitioners to operate the accounts. If that is the case, it is a matter between the bank and the customer and can not conceivably fall within the jurisdiction of the Charity Commissioner.

8. In any event, if the petitioners have complied with the requirements, the respondent, being a commercial bank, ought to allow the petitioners to operate the accounts. If the respondent does not allow the petitioners to operate the

accounts despite compliance of KYC requirements, the petitioners would have their remedies before the appropriate forums.

9. With this clarification, the petition stands disposed.

[N. J. JAMADAR, J.]