

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15875 OF 2022

Rajasthani & Gujrathi Charitable Foundation
Through Its Joint Managing Trustee P. M. Lohia ...Petitioner

Versus

Joint Charity Commissioner, Pune Region,
Pune And Anr. ...Respondents

...

Mr. Amol Gatne, for Petitioner.

Mr. P. P. Pujari, A.G.P., for Respondents.

...

CORAM : SANDEEP V. MARNE, J.
DATE : 06 NOVEMBER, 2023

P.C.:

1. Challenge in the present Petition is to the order dated 20 June 2022 passed by the Joint Charity Commissioner, Pune, directing the Petitioner to deposit an amount of Rs.3,10,93,693/- in Indigent Patients' Fund (IPF) as per the report of Inspector Inquiry No.576 of 2021 dated 5 April 2022.

2. The proceedings arose out of an application made by Shri. Purushottam Mukunddas Lohia, the Joint Managing Trustee of the Trust seeking permission for running of medical store on the ground floor and basement of the hospital of the Trust on Leave and License basis for further

period of 5 years. The said application came to be later withdrawn. However, in the meantime the Joint Charity Commissioner had directed the Inspector on 24 November 2021 to make an inquiry and to report the matter pertaining to sanction of Leave and License. The Inquiry Inspector submitted a report quantifying the amount of loss caused to IPF on account of outsourcing of medical store pharmacy in the hospital premises. According to report the Petitioner-trust caused loss of Rs.3,10,93,693/- in IPF Account, by giving the premises on Leave and License without giving prior approval of the Joint Charity Commissioner.

3. Perusal of the order dated 20 June 2022 would indicate that the Joint Charity Commissioner has recorded a finding that the Petitioner had not challenged the report of the Inspector. The application filed by the Petitioner on 12 May 2022 would indicate that, it did not accept the report and sought time to raise objections to the same. An opportunity was sought to file a detailed reply to the report of the Inquiry Inspector. This request of the Petitioner is apparently misconstrued by the Joint Charity Commissioner, as if the Petitioner did not challenge in the report of the Inquiry Inspector. Thus the report of the Inquiry Inspector is accepted without any reply on the part of the Petitioner.

4. In that view of the matter, the present Petition can be disposed of by granting an opportunity to the Petitioner-Trust to file a detailed reply to the report on the Inquiry Inspector.

5. Accordingly, order dated 20 June 2022 passed by the Joint Charity Commissioner, Pune in Application No.2 of 2021 is set aside. The Petitioner-trust shall file reply to the report of the Inquiry Inspector within a period of four weeks from today.

6. The Joint Charity Commissioner shall proceed to decide the application afresh after considering the reply filed by the Petitioner without being influenced by the earlier order dated 20 June 2022. With the above directions, the Writ Petition is disposed of.

(SANDEEP V. MARNE, J.)