



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11877 OF 2023

Shrikant Pankaj

...Petitioner

Versus

Charity Commissioner of Mumbai & Ors.

...Respondents

Mr. R. D. Soni a/w. Mr. Sujay Gawade and Ms. Mudita Pawar i/b. Shree & Co., for the Petitioner.

Mr. Sanjay D. Rayrikar, AGP, for the State/Respondent Nos.1, 2 and 11.

Mr. Atul Damle, Senior Counsel a/w. Mr. Mahesh Pol, for Respondent Nos.3 to 7.

CORAM : MADHAV J. JAMDAR, J.

DATED : 21st SEPTEMBER 2023

P.C. :

1. At the outset, Mr. Soni, learned counsel appearing for the Petitioner seeks leave to modify the prayers and also to delete certain prayers. Accordingly, leave to amend is granted. Amendment be carried out forthwith. The amended prayer reads as under:-

“(a) This Hon’ble Court may be pleased to issue directions to the Ld. Asst. Charity Commissioner (No.5), Office of the Charity Commissioner Mumbai Maharashtra to hear and decide the Application No.47 of 2023 or the application for stay therein on or before 22.09.2023 since the election to Executive Committee of the Respondent No.3 trust is scheduled on 24.09.2023.”

2. Therefore, only prayer which is sought is disposal of Application No.47 of 2023 or Interim Application filed therein

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pending before the learned Assistant Charity Commissioner within a time bound manner.

3. Mr. Damle, learned Senior Counsel appearing for Respondent Nos.3 to 7 has no objection if main Application bearing No.47 of 2023 or the Interim Application filed therein is decided by 22nd September 2023.

4. As the election of the Executive Committee of Respondent No.3-Bombay Malayalee Samajam is scheduled on 24th September 2023, learned Assistant Charity Commissioner is requested to either dispose of the main Application bearing No.47 of 2023 or Interim Application for stay therein on or before 22nd September 2023.

5. Mr. Rayrikar, learned AGP is requested to communicate this order immediately to concerned learned Assistant Charity Commissioner.

6. It is clarified that this Court has not examined the merits of the case and the contentions of all contesting parties on merits are expressly kept open.

7. Accordingly, the Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]