



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2361 OF 2022

(REV. PRAMOD WASKAR & OTH..VS.. UNION BIBLICAL SEMINARY SOCIETY & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.V.Samarth, Sr. Adv. a/b. Shri Vipul Ingle, Advocate for Petitioner No.3
Shri Rahul Dhande, Advocate for Petitioner No.1.
Shri D.V.Chauhan, Advocate for Respondent Nos. 2 and 3.
Shri D.P.Thakre, Addl.G.P. for Respondent Nos. 4 to 6.

CORAM : ANIL S. KILOR, J.
DATED : AUGUST 28, 2023.

1. Heard.
2. The judgment and order dated 28/01/2022 passed by Joint Charity Commissioner, Amravati Region, Amravati in Revision Application No.14 of 2021 allowing the revision and thereby setting aside the order dated 27/09/2018 in Inquiry No.179 of 2018 passed by the Assistant Charity Commissioner, Yavatmal, is under challenge in this petition.
3. Admittedly, the order impugned in the proceedings under Section 70A of the Maharashtra Public Trust Act, 1950 (hereinafter referred to as "the Act of 1950") was the order granting registration as a trust to the petitioner No.3 "Union Biblical Seminary Society" (hereinafter referred to as "UBSS").

4. Undisputably, the revision under Section 70A of the Act of 1950 was filed by Union Biblical Seminary Association (hereinafter referred to as “UBSA”) seeking cancellation of registration of the UBSS.

5. Thus, I find substance in the submission of learned Senior Advocate Shri Samarth that without making UBSS as party, the registration of UBSS is sought to be quashed and set aside.

6. As far as the knowledge about change of name of ‘UBSA’ as ‘UBSS’ and registration of UBSS as Trust, was well within the knowledge of the Principal, who claims to be the Secretary of the said Association. The same is evident from the Writ Petition LD-VC-CW No.471 of 2020 which was filed by the respondent-Rev. Praveen Paul as Principal of UBSS and not of UBSA, as claimed in a proceeding under Section 70A of the Act of 1950 and the said writ petition was subsequently withdrawn.

7. Undisputably, filing of the proceedings under Section 70A of the Act of 1950 was subsequent to the withdrawal of the aforesaid writ petition.

8. Thus, it appears that despite having knowledge and though a specific prayer was made seeking cancellation of registration of UBSS, the UBSS was not

made party in the proceeding under Section 70A of the Act of 1950.

9. In the above referred backdrop, I do not find favour with the submission made by the learned counsel for the respondent Nos.2 and 3 that, as the petitioner Nos.1 and 2 were party to the said proceedings and they did not object on the ground that UBSS was not made party and therefore, the proceeding is not maintainable, now such objection cannot be raised.

10. In the circumstances, I am of the opinion that the matter needs to be remanded back to the Joint Charity Commissioner, Amravati to decide it afresh, after making UBSS as party respondent and after giving sufficient opportunity to raise all the grounds including tenability of the revision, non-existence of the UBSA and other grounds, if any, raised. Accordingly, I pass the following order:

- i) The writ petition is partly allowed.
- ii) The impugned judgment and order dated 28/01/2022, passed by Joint Charity Commissioner, Amravati in Revision Application No. 14 of 2021 is hereby quashed and set aside.

- iii) The matter is remanded back to the Joint Charity Commissioner, Amravati Region, Amravati to decide the same afresh, after giving sufficient opportunity to the parties.
- iv) The Joint Charity Commissioner, Amravati is directed to decide the revision application expeditiously and in any case within nine months from the date of appearance of the parties.
- v) The parties, including Union Biblical Seminary Society (UBSS), shall appear before the Joint Charity Commissioner, Amravati on 07/09/2023 at 11:00 a.m.
- vi) All the points are kept open.

The Writ Petition is **disposed of** accordingly. No order as to costs.

JUDGE