

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

CIVIL APPLICATION (CAO) NO. 727/2023 IN
SUO-MOTU PIL NO. 4/2020

(Court on its own motion Vs. Union of India & ors.)

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

Court's or Judge's orders

Ms. N. Mehta, APP for applicant/respondent No.6.
Mr. S. Bhandarkar, amicus curiae.
Mr. N. Deshpande, DSGI for respondent No.1.
Mr. S.M. Puranik, Advocate for respondent No.4.
Mr. S. S. Sanyal, Advocate for respondent No.12.
Mr. D.M. Kale, Advocate for respondent No.12.
Mrs. S.A. Pathak, Advocate for respondent No.21.
Mr. K. Majithia, Advocate for respondent No. 23.
Ms. N. Mehta, AGP for AGP for non-applicant Nos. 2,5,6,8 & 9.

CORAM: VINAY JOSHI AND
VALMIKI SA MENEZES JJ.

DATED : 19/07/2023.

Heard.

2. By indulgence of this Court, fund was created namely Corporate Social Responsibility Funds ('CSR Fund') to meet the pandemic situation. In response to a call, various corporate sectors have generously contributed to the CSR fund which came to the tune of Rs. 23,57,75,000/-. Time to time, this Court has permitted to utilize the CSR fund to take various remedial measures including to tackle medical emergency Covid situation.

3. At present, the balance fund amount is Rs 4 crores approximately. This application is moved by the State seeking permission to utilize sum of Rs. 1,04,58,950/- for payment toward installation of oxygen

plant at AIIMS Nagpur and Jalayukta Shivar 2.0 – Galmukta Dharan and Galyukta Shivar out of CSR Fund. It is submitted that admittedly, we have come over the pandemic situation and there is no need of fund in future for the purpose for which it was created.

4. Mr. S. Bhandarkar, amicus curiae and Mr. Puranik, learned counsel appearing respondent No.4 objected by stating that the funds cannot be released for some other purposes.

5. Concededly, various corporate sectors have contributed funds with a particular reasons to take out the citizens from the pandemic situation. The very intent in contributing was to meet the Covid situation. The reasons canvased by the State are totally unconnected with the very basis for which funds was created.

6. Having regard to the reasons, we are not inclined to entertain this application. Hence, this application rejected.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

Gohane