



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

926 WRIT PETITION NO. 4913 OF 2024

Godavari Foundation Jalgaon Through Its President Dr Ulhas Vasudeo Patil

VERSUS

The Joint Charity Commissioner

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Advocate for the Petitioner : Senior Counsel Mr. V. D. Hon a/w Mr. S. S. Kote i/b Mr.
Hon Ashwin Vinayak

AGP for Respondents-State: Ms. Anuradha S. Mantri

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CORAM : ARUN R. PEDNEKER, J.

Dated : August 30, 2024

PER COURT :-

1. Heard learned Counsel for the parties.
2. By the present petition, the petitioner is challenging the order dated 19/04/2024 passed in Application No. 08/2024, whereby the Joint Charity Commissioner, Nashik Region, Nashik, has rejected the petitioner's application for sanction of a loan of Rs. 35,83,05,000/- from HDFC Bank, Pune. It is briefly stated in the application that the petitioner is a Trust, which is running various educational institution in accordance with the objects of the Trust. The Trust runs medical colleges, as well as various other educational institutions, such as Engineering College, Law College, Science College, Agriculture College, Nursing College, etc.
3. It is stated that over the last 35 years, Jalgaon District has seen enormous population growth, creating a need to develop adequate and quality healthcare facilities in the city for the benefit of the people of Jalgaon and the surrounding districts. According to the criteria of the National Medical Council, New Delhi, there should be an updated medical college in urban areas, and permission for a second hospital located

within 30 minutes from the main medical hospital is given. Therefore, the Trust has decided to purchase Shree Ganpati Hospital and residential houses at Akashwani Chowk, Jalgaon, for the consideration of Rs. 35,83,05,000/-. As per the valuation report provided by the Government valuer, the Trust has decided to obtain a loan from HDFC Bank, Pune. The application for the loan was rejected on the ground that the petitioner Trust has a substantial amount in its bank account and fixed deposits, and unless such funds are utilized, there is no need to take loan.

4. Learned counsel for the petitioner submits that the trust is required to maintain substantial amounts in bank accounts and fixed deposits for running the Trust and its educational institutions. As per the requirements of the National Medical Council and other supervisory bodies, the petitioner Trust is obligated to maintain a significant balance in its bank account. He further submitted that the loan facility is necessary to establish a new medical college.

5. In view of the submissions made, the reasoning given by the Joint Charity Commissioner, suggesting that the fixed deposits and other balance amounts should be utilized for the purchase of the medical college, is apparently erroneous. Accordingly, to that extent, the order of the Joint Charity Commissioner is set aside. However, the matter is

remitted back to the Joint Charity Commissioner to enable the petitioner to produce the relevant records and establish its case before the Joint Charity Commissioner, specifically regarding how they utilized earlier loan amounts, as mentioned in paragraph 10 of the judgment. The petitioner is also required to produce copies of the valuer reports and provide evidence to demonstrate the valuation of the property intended to be purchased, in accordance with paragraph 11 of the impugned order.

6. For the above reasons, the matter is remitted back to the Joint Charity Commissioner, Nashik Region, Nashik, for a decision. The Joint Charity Commissioner should not reject the application on the ground that the petitioner can utilize the amount in fixed deposits and other amounts in its accounts. The Joint Charity Commissioner is directed to conclude the matter as expeditiously as possible, and in any event, within two months from the date of the production of this order.

7. The petitioner is also directed to assist the Joint Charity Commissioner and produce all necessary documents and evidence to ensure that the application is decided within two months.

8. In view of the above, the petition is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.