



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

**920 CIVIL APPLICATION NO. 5482 OF 2024
IN PIL/98/2021**

**SHRI SAIBABA SANSTHAN SHIRDI THR ITS
ADMINISTRATIVE OFFICER**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Shri Mohan Jaykar, Advocate for the Applicant.

Shri Bajaj Anil S., Advocate for the Applicant Sansthan/ Trust.

Shri L.V. Sangit, Advocate for Respondent Nos.2, 3A to 3D
(Intervenors).

Shri Ajay G. Talhar, DSGI for the Respondents/ UoI.

Shri A.B. Girase, Government Pleader, for the Respondents/
State.

Shri Ajinkya Kale, Advocate i/by Talekar and Associates, for the
Petitioners in PIL.

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CORAM : RAVINDRA V. GHUGE

&

Y. G. KHOBRAGADE, JJ.

DATE :- 26th July, 2024

Per Court :-

1. This Civil Application is filed by Shree Saibaba Sansthan Trust (for short, 'the Saibaba Sansthan') wherein, prayer clauses (a), (b) and (c), have been put forth as under:-

“(a) *the directions be given to the Chairman to issue all the documents required by the Ministry of Home Affairs including his KYC documents alongwith the Affidavit, to enable the Applicants to upload the same on the portal of*

- the Ministry of Home Affairs.*
- (b) *the non-Applicants be ordered to forthwith dispose off the Application for renewal of the FCRA Certificate, as filed by the Applicants, after furnishing the documents required by the Department of the Ministry of Home Affairs of the non-Applicant, from the Chairman of the Applicants.*
- (c) *that the delay if any, in furnishing the documents by the Applicants to the Department of the Ministry of Home Affairs of the non-Applicant, be condoned.”*

2. The issue before us is with regard to the permission to the Saibaba Sansthan to receive donations from foreign nationals and in foreign currency/ demand drafts or currency, and deposit them in the Bank, which is not permitted by the Bank, unless the ‘Know Your Customer’ (KYC) documents are tendered by the Saibaba Sansthan committee.

3. The Chairman of the Saibaba Sansthan committee has indicated that since he being a Judicial Officer, is not the account opening or cheque signing Authority and the functions are performed by the Chief Executive Officer of the Saibaba Sansthan, he needs to take permission from the High Court and accordingly, execute the required documents. It is beyond debate that the requirement is governed by the Rules prescribed under

the Foreign Contribution (Regulation) Act, 2010 and the Foreign Contribution (Regulation) Rules, 2011.

4. Our attention is drawn to page No.121 of the Civil Application, Annexure M, which is a screenshot of the page appearing on the portal indicating the present status of the FCRA Renewal Application of the Saibaba Sansthan. It is stated at clause No.3 that the Association may upload the affidavit of each member of the new Management/ Committee (as constituted by the Bombay High Court, Aurangabad Bench). We are informed that, out of the three members of the Committee, which includes the learned Principal District Judge, Ahmednagar, as it's Chairman, the other two members have already tendered their affidavits. The learned Principal District Judge desires to seek permission of this Court in order to tender an affidavit. Several collections by way of donations from foreign nationals or in foreign currency/ demand drafts received from abroad, are pending since the renewal is pending.

5. In view of the above, **this Civil Application is allowed** in terms of prayer clause A. Insofar as prayer clause B is

concerned, we expect the Ministry of Home Affairs, Government of India, to expeditiously clear the application for renewal and preferably within 15 days from the date of uploading of the affidavit by the Chairman.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)