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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10310 OF 2023**

Amazstar Realty Pvt Ltd ... Petitioner

vs.

Charity Commissioner and Ors ... Respondents

**WITH
WRIT PETITION NO. 10312 OF 2023**

A.H. Wadia Trust and Ors ... Petitioners

vs.

The State of Maharashtra and Anr ... Respondents

Mr.Vineet Naik, Senior Advocate a/w. Mr. Bhushan Deshmukh, Ms. Jasmine Kachalia, Ms. Tanvi Shah, Ms. Tejasvi Sarvaiya, Mr. Deepu Jojo and Ms. Shubadha Khandekar i/b. Wadia Ghandy & Co. for Petitioner in WP/10310/23.

Mr. Rasesh Kanakia a/w. Mr. Amit Pandy on behalf of Petitioner through VC in WP/10310/23.

Mr. Prasad Dani, Senior Advocate a/w. Mr. Atul Daga a/w. Mr. Maneesh trivdi a/w. Mr. Vijay Ghedia i/b. L.R and Associates, for Petitioner Nos. 1 to 4 in WP/10312/23.

Ms. Jyotsana Kondhalkar a/w. Mr. Rahul Jain for Respondents.

Mr. Desmond Joseph Thakaran, party in person present.

Dorothy Joseph Thakaran through VC.

Mr. David Joseph Thakaran through VC.

Mr. B.B. Dahiphale, AGP for the State.

CORAM : GAURI GODSE, J.

DATED : 3rd APRIL, 2024

P.C. :-

1. Learned senior counsels for the petitioners in both the petitions seek leave to amend to add the proposed respondents as party to the petition. They have submitted draft amendment which is taken on record. Leave granted to carry out amendment in terms of the draft amendment. Amendment to be carried out forthwith in the court.

2. Learned counsel for the parties have placed on record common Consent Terms dated 3rd April 2024 in both the petitions. The Consent Terms are signed by all the private respondents including the added respondents. The signatories of the Consent Terms are present in court. They admit their signatures as well as the contents of the Consent Terms. The signatories and their signatures are identified by their respective advocates.

3. I have perused the Consent Terms. The Consent Terms provides necessary averments satisfying the objections recorded in the impugned order dismissing the application under section 36(1) (a) of the Maharashtra Public Trust Act, 1950. The Consent Terms

provides for allowing Writ Petition No. 10312 of 2023 in terms of prayer clauses (a) and (b).

4. The Consent Terms are taken on record and marked 'X' for identification with today's date. Undertakings in the Consent terms are accepted as undertakings to the Court. Both the Writ Petitions are disposed of in terms of Consent Terms. However, it is clarified that regarding allowing prayer clause (b) of Writ Petition No. 10312 of 2023, instead of period of two weeks mentioned for grant of necessary permission, the concerned Charity Commissioner shall decide the application as expeditiously as possible and endeavour shall be made to pass necessary orders within four weeks from the date of appearance of the parties.

5. The parties shall appear before the concerned Charity Commissioner on 8th April 2024 along with the copy of this order.

6. The learned Charity Commissioner to accordingly fix the schedule for passing necessary order, as per his/her convenience.

7. All parties to act on the authenticated copy of this order.

(GAURI GODSE, J.)