

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO. 5755 OF 2022

SHIVRAM APPARAO SURYAWANSHI
VERSUS
THE ASSISTANT CHARITY COMMISSIONER

...
Advocate for the Petitioner : Ms. Pooja K. Paache h/f Mr. Biradar R.D.
AGP for Respondents/State : Mr.K.B.Jadhavar
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 05.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of present petition, the petitioner assails the order dated 04.03.2022 passed below Exh. 4 by the learned Joint Charity Commissioner, Latur in Misc. Application No. 12 of 2021 whereby application for condonation of delay filed by the petitioner came to be rejected.
3. Learned Counsel for the petitioner submits that the delay was properly explained by the petitioner. The application specifically mentioned that delay of 6 years and 14 days was from the date of knowledge of the order passed in change report No. 89 of 2015 dated 24.09.2015. The petitioner was not having knowledge of rejection of the change report, therefore, from the date of knowledge there was no delay. But on the safer note, in the application it was mentioned that there was delay of 6 years and 14 days and the same was properly explained.

4. I have gone through the contents of the application and the findings recorded by the learned Joint Charity Commissioner while rejecting the said application.

5. As far as the delay is concerned the Joint Charity Commissioner, Latur ought to have taken liberal approach to afford the parties an opportunity to contest the matter on merit. As the petitioner had given proper explanation for the delay caused, I deem it appropriate to allow the Writ Petition by setting aside the order of Joint Charity Commissioner, Latur.

6. In view thereof, the Writ Petition is allowed. The order dated 04.03.2022 passed below Exh. 4 by the learned Joint Charity Commissioner, Latur in Misc. Application No. 12 of 2021 is quashed and set aside.

7. The delay of 6 years and 14 days is condoned subject to cost of Rs. 50,000/- (Rs. Fifty Thousand Only).

8. The cost to be deposited within 3 weeks from today. After depositing of the cost the same to be transmitted to the High Court Bar Association Library, Aurangabad.

(SIDDHESHWAR S. THOMBRE, J.)