IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10570 OF 2024

Pandurang Baburao Khot,
Age- 61 years, Occ.- Retired,
R/o- Shinde Chok, Ashta,
Tal.- Walwa, Dist.- Sangli. … Petitioner

V/s.

1. Ld. Joint Charity Commissioner, Kolhapur Division, Kolhapur
Address- Rajaram Road,
E Ward, Shahupuri, Kolhapur.

2. Ld. Asst. Charity Commissioner, Sangli Address- Behind SFC Mall, Vasantdada Market, Sangli- 416416

3. Dnyaneshwer Prathishthan Shinde Chowk, Ashta
Address- Shinde Chowk, Ashta,
Tal.- Walwa, Dist.- Sangli.

4. Raosaheb Dada Wadkar
Age-50 years, Occ.- Business,
R/o- Shinde Chowk, Ashta
Tal.-Walwa, Dist.- Sangli.

5. Dattatraya Ramchandra Gurav
Age- 46 years, Occ.- Business,
R/o- Padvalwadi, Taluka- Walwa,
Dist.- Sangli

6. Charudatta Dadaso Vhathare
Age-51 years, Occ.- Service,
R/o- Near Vitthal Mandir, Near Municipal Council, Ashta, Tal.- Walwa,

Dist.- Sangli.

7. Bajirao Vasant Patil
Age-51 years. Occ.- Agriculture,
R/o- Mardwadi, Tal.- Walwa,
Dist.- Sangli.

8. Aananda Somaji Shelke
Age-51 years, Occ.- Agriculture,
R/o- Ramnagar, Tal.- Walwa,
Dist.- Sangli.

9. Niwas Dnyandev Khot
Age-46 years, Occ.- Agriculture,
R/o- Shinde Chowk,
Tal.- Walwa, Dist.- Sangli.

10. Sujata Raosaheb Wadkar
Age- Adult, Occ.- Household,
R/o- Shinde Chowk,
Tal.- Walwa, Dist.- Sangli.

11. Gayatri Dattatraya Gurav
Age- Adult, Occ.- Household,
R/o- Padavalwadi,
Tal.- Walwa, Dist.- Sangli.

12 . Dada Babu Wadkar.
Age- Adult, Occ.- Agriculture, R/o- Main
Road, Shinde Chowk, Ashta,
Tal.- Walwa, Dist.- Sangli.

13. Vrushab Raosaheb Wadkar
Age- Adult, Occ.- Business, R/o- Main
Road, Shinde Chowk, Ashta, Tal.-
Walwa, Dist.- Sangli. …Respondents

Adv. Umesh Pawar, Advocate for Petitioner.

Adv. Yuvraj Narvankar a/w. Adv. Rahul Patil, Advocate for Respondents.

Mr. J. P. Patil, AGP for State-Respondent No.1&2 .

CORAM : S. G. CHAPALGAONKAR, J.

DATED : DECEMBER 9, 2025

FINAL ORDER.:

1. Petitioner impugns order dated 15th February 2024 passed by respondent no. 1–Joint Charity Commissioner, Kolhapur in Revision Application No. 45 of 2022, whereby revision application filed by petitioner under Section 70A of Maharashtra Public Trust Act, 1950 challenging order dated 27th September 2019 accepting change report has been rejected.

2. “Dnyaneshwar Prathishthan”, Shinde Chowk, Ashta is a registered trust under provisions of Maharashtra Public Trust Act, 1950 (for short “MPT Act). Petitioner is founder member of trust. Respondent no. 4 submitted Change Report No. 1772 of 2018 reflecting that petitioner has resigned from membership of governing body and that new members have been appointed in meeting dated 15th October 2017. Respondent no. 2–Assistant Charity Commissioner, Sangli, by order dated 27th September 2019 allowed the change report and approved resignation of petitioner and appointment of incoming governing body members of trust.

3. Petitioner filed Revision Application No. 45 of 2022 challenging order dated 27th September 2019 passed by Assistant Charity Commissioner. However, revision application came to be rejected on two grounds. Firstly, there was no explanation for delay of about three years in filing revision application, secondly, petitioner was present in meeting of governing body and had also filed an affidavit affirming his resignation from membership.

4. Mr. Umesh Pawar, learned Advocate appearing for petitioner, submits that respondent no. 4 prepared false documents regarding resignation of petitioner and submitted change report. He submits that signatures of petitioner are forged on all documents, including notice of meeting dated 15th October 2017 and petitioner's affidavit filed along with change report. He further submits that the change report was submitted in year 2018 and was accepted in year 2019. Petitioner filed Revision Application in the month of September 2022 after getting knowledge of acceptance of change report. However, Joint Charity Commissioner, on incorrect observations, rejected revision application.

5. Mr. Umesh Pawar, further submits that petitioner, being outgoing member of governing body as per change report, Assistant Charity Commissioner was under obligation to serve notice to petitioner before accepting the change report.

6. Mr. Yuvraj Narvankar, learned Advocate appearing for respondents, supports impugned order. He submits that although Section 70A of MPT Act does not prescribe any period of limitation, Joint Charity Commissioner cannot invoke jurisdiction beyond a reasonable period. In present case, order accepting change report is sought to be challenged after three years. Therefore, Joint Charity Commissioner was justified in rejecting revision application. In support of his contentions, he relied upon observations of this Court in ***Dr. Subit Kumar Banerjee and Ors. vs. Neetu Singh & Ors.***, reported in ***(2020) 2 Bom CR 253***.

7. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that petitioner is founder trustee. He was member of governing body. Respondent no. 4 submitted Change Report No.1772 of 2018 before Assistant Charity Commissioner reflecting that petitioner had resigned from membership of governing body and that new members had been appointed. Record indicates that Assistant Charity Commissioner allowed change report without issuing notice to outgoing trustees. It has been observed that affidavits of outgoing trustees were filed on record and there was no dispute regarding genuineness of reported change.

8. It can be observed that in meeting dated 12th August 2014, resignation of petitioner is shown to have been accepted. It was contention of petitioner before Joint Charity Commissioner that respondent no.4 manipulated documents including notices of meetings dated 15th October 2017 and 12th August 2014, as well as other documents tendered along with change report. It was further contention of petitioner that there are discrepancies in change report. According to petitioner, he received knowledge about acceptance of aforesaid change report only when he visited office of Assistant Charity Commissioner for some other work.

9. In light of aforesaid contentions of petitioner, if impugned order is perused, it can be observed that Joint Charity Commissioner rejected revision application merely on the ground of delay and laches, with further observations that petitioner was present in Annual General Meeting in pursuance of service of notice of such meeting.

10. Aforesaid observations made by learned Joint Charity Commissioner cannot be countenanced when petitioner has filed revision application with specific contentions that documents appended to change report are false and fabricated. Petitioner has specifically contended that he never signed any affidavit accepting his resignation and that acknowledgment regarding service of notice of meeting is also fabricated. *Prima facie*, it can be presumed that there is an element of fraud. Pertinently, petitioner was not served with notice of the change report and reliance has been placed only on so called affidavit tendered along with change report.

11. Although, there is a delay of three years in filing the revision application, it can be observed that powers under Section 70A of MPT Act, can be exercised by Joint Charity Commissioner in appropriate cases where such exercise is warranted to do substantial justice or to maintain sanctity regarding administration of trust. In present case, petitioner approached the revisional authority with specific contention that he was not served with notice of change report though he was an outgoing trustee and that documents appended to change report are fabricated, showing an element of fraud. In such circumstances, it was incumbent upon revisional authority to exercise revisional jurisdiction. *Prima facie* consideration of documents appended to change report would reflect variance in signatures of petitioner. There is nothing on record to show that petitioner had prior knowledge of acceptance of change report vide order of Assistant Charity Commissioner dated 27th September 2019.

12. In that view of matter, it was imperative to entertain revision application on its own merits. Hence, following order is passed :

ORDER

(i) Writ Petition is allowed.

(ii) Impugned order dated 15th February 2024 passed by Joint Charity Commissioner, Kolhapur in Revision Application No. 45 of 2022 is hereby quashed and set aside.

(iii) Revision Application No. 45 of 2022 is relegated to its original file before Joint Charity Commissioner, Kolhapur.

(iv) Joint Charity Commissioner, Kolhapur shall hear and decide afresh revision application on its own merit, including issue of delay in filing revision application.

(v) Joint Charity Commissioner, Kolhapur shall endeavour to decide revision application on or before 30th April 2026.

(vi) Parties to cooperate for early disposal.

(S. G. CHAPALGAONKAR, J.)