IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3812 OF 2025

1. Prince Shivaji Education Society,
A public Charitable Trust KF-13,
C/o. Tararani Vidyapeeth,
Rajarampuri, Kolhapur.
Also at C. S. No.303, D Ward,
Gujari, Tankala Road, Kolhapur.
Through its President
Dr. Sou. Priti Ranjit Desai,
Age: 48 Years, Occu.: Service,
R/at: Madilge, Tal.: Bhudargad,
Dist.: Kolhapur.

2. Narayan Anandrao Desai,
Age: 54 Years, Occu.: Agriculture &
Social Work, R/At: Plot No.1, 858,
A Ward, Dattoba Shinde Nagar,
Kalamba Road, Kolhapur. …..Petitioners

Versus.

1. Mouni Vidyapeeth,
A public Charitable Trust,
E-42, At Gargoti, Tal.: Bhudargad,
Kolhapur.

2. Satish @ Satej Dyuandeo Patil,
Age: 49 Years, Occu.: Politican,
R/at: 2126, Ajinkyatara,
Near MSEB office,
Tarabai Park, Kolhapur.

3. Madhukar Kunjdlik Desai,
Age: 58 years, Occu.: Agricuture,
R/at: Mhasave, Tal.: Bhudargad,

Kolhapur.

4. Khanderao Bhausaheb Ghatage,
Age: 69 Years, Occu.: Agriculture,
R/at: 158/E Ward, Kadamwadi,
Tal.: Karvir, Kolhapur.

5. Govindrao Korgaonkar
Dharmaday Trust, Kolahpur
By Trustee Suchita Anilpant
Koregaonkar, R/at: 345,
In front of Railway Station,
E Ward, Shahupuri, Kolhapur.

6. Indian Institute of Education,
By Trustee Aruna Giri,
R/at: 128/2, GP Naik Park,
Kothrud, Pune.

7. Ashish Anilpant Korgaonkar,
Age: 49 Years, Occu.: Business,
R/at: 345, in front of Railway
Station, E Ward, Shahupuri,
Kolhapur.

8. Bajrang Annadrao Desai,
Age: 67 Years, Occu.: Agriculture,
R/at: Gargoti (Sonali),
Tal.: Bhudargad, Kolhapur.

9. Sanjay Dyandeo Patil,
Age: 57 Years, Occu.: Business,
R/at: Dyanshanti, Kasba Bawada,
Kolhapur.

10. Shalini Bhauso Desai,
Age: 67 Years, Occu.: Retired,
R/at: Gargoti, Tal.Bhudargad,
Kolhapur.

11. Jaising Nanasaheb Kalake,
Age: 69 Years, Occu.: Retired,
R/at: Madilgem bk. Tal.: Bhjudargad,
Kolhapur. .....Respondents

Mr Ashutosh Kulkarni (Through VC) with Ms Vrushali Maindad, Ms. Gayatri Kulkarni & Ms. Shivani Veer, for the Petitioner.
Mr. N. V. Bandiwadekar, Senior Advocate with Mr. Rushikesh Jagdale, Mr. Sagar Mane, for the Respondent.
Mr. Ruturaj Pawar, for the Respondent Nos.5 to 7.

CORAM : S. G. CHAPALGAONKAR, J.
DATED : 22nd DECEMBER 2025

JUDGMENT :-

1. Rule. Rule made returnable forthwith. With consent of parties, matter is taken up for final hearing at stage of admission.

2. The Petitioners impugn order dated 4th March 2025 passed by Joint Charity Commissioner, Pune below Exhibit 1 in Application No.16 of 2017 to the extent of refusal to frame some of the charges as proposed by Petitioners against Respondents-Trustees in application under Section 41D of Maharashtra Public Trust Act, 1950 (For short, '**MPT Act**').

3. The Petitioners have filed application under Section 41D of MPT Act before Joint Charity Commissioner, Kolhapur seeking removal/dismissal of trustees for committing consistent default and illegality with properties of Trust. In pursuance to aforesaid

application, Petitioners filed draft charges vide Exhibit 87. The Respondents opposed framing of charges. On 4th March 2025, Joint Charity Commissioner passed impugned order and out of 17 charges proposed by Petitioners, refused to frame proposed charges No.1 to 3, 6 to 8, 11, 13, 15 and 16.

4. Mr. Ashutosh Kulkarni, learned Advocate appearing for Petitioners would submit that charges No.1 to 3 were in respect of non-submission of audited account before General Body of Vidyapeeth. The Respondents in their reply stated that audit reports for the relevant years have been furnished belatedly to Charity Commissioner and after condoning delay, those have been accepted on payment of penalty. The Joint Charity Commissioner accepted defense of opponents and omitted to frame charges. In this regard, Mr. Kulkarni would take this Court through compilation of documents at Page Nos.379 to 397 in paper book and submit that only covering letter of receipt of payment of fine is placed on record by Respondents, as such, there was non compliance of statutory requirements.

5. Mr. Kulkarni would further submit that charges No.6 and 7

were regarding lease of trust properties for commercial purpose without prior permission. In response Respondents relied upon alleged order dated 14th January 2000 passed in Application No.5 of 1999, purportedly granting permission to let out certain shops. They claimed that no specification and description of other properties is given by petitioners, however, compilation of documents filed by petitioners from page Nos.266 to 279 would show that necessary copies of lease and license were produced, further order dated 14th January 2000 in Application No.5 of 1999 was not record.

6. Mr. Kulkarni would further submit that Respondents have obtained huge loans and pledged some funds without prior sanction of Authority. Further, Respondents incurred huge financial burden of demand of revenue on account of unlawful change of user of agriculture land for non-agriculture purpose. They violated express provisions of laws and rules and acted detrimental to object of Trust. Therefore, all charges, as have been proposed, ought to have been framed.

7. Per contra, Mr. Bandiwadekar, learned Senior Advocate appearing for Respondents would submit that proposed draft charges

were pertaining to incidents of alleged misconduct taken place during past 40 years of management of Trust. The Petitioners have not filed details of persons, who had been Council Members of Respondent-Trust for the tenure prior to 2010-15. The Application is filed selectively against present Respondents with *mala fide* intention. The Joint Charity Commissioner has applied mind to material tendered into service and framed charges for which *prima facie* material was available. The Petitioners cannot insist to frame every charge as proposed by them. He would, therefore, urge to reject Writ Petition.

8. Having considered submissions advanced by learned Advocates appearing for respective parties and after perusal of reasons adopted by Joint Charity Commissioner in his order, it can be observed that out of 17 charges, as proposed by Petitioners, Charge Nos.1 to 3, 6 to 8, 11, 13, 15 and 16 are omitted to frame.

9. The charges Nos.1 to 3 were relating to non-submission of audited account before General Body of Vidyapeeth. The Joint Charity Commissioner observed in paragraph Nos.6 and 7 of impugned order that charge of non-submission of audit reports does

not subsist. The accounts of Trust have been duly audited. There does not appear dereliction of duties on part of opponents. The careful scrutiny of documents from page Nos.379 to 297 of compilation would depict that audit reports for 2008 to 2011 have been submitted on 24th August 2016 to Charity Commissioner at Kolhapur. The receipt at page No.382 depicts that in pursuance to order passed by Charity Commissioner, delay in filing audit report has been condoned and fine of Rs.1,050/- has been deposited. Similarly, audit report for 2011-12 is submitted on 31st January 2017 for which fine of Rs.250/- has been paid. The audit report for year 2012-13 is submitted on 17th March 2017 for which fine of amount of Rs.250/- has been paid. There is nothing on record to show that further audit reports were filed within specified time limit or delay has been condoned.

10. The Joint Charity Commissioner has observed in impugned order that audit reports for 2013-14 is filed in 2017, for 2015-16 is filed in 2019, for 2016-17 is filed in 2020, for 2017-18 is filed in 2020, for 2018-19 is filed in 2021, for 2020-21 is filed in 2025, for 2021-24 is filed in 2025. *Prima facie,* it can be observed that although audit reports are from 2013-14 onwards, are belatedly

submitted in contravention to Rule 21 MPT Act and Rules, no orders condoning delay in respect of those audit reports are descernible from record. As such incomplete record as regards to submission of audit reports have been tendered. In that view of matter, this Court finds that charge in this regard ought to have been framed.

11. The charge Nos.6 and 7 were regarding lease of trust properties for commercial purpose without proper documentation and prior permission of Competent Authority. The Respondents relied upon order dated 14th January 2000 passed in Application No.5 of 1999 granting permission to let out certain shops. The Joint Charity Commissioner observed in impugned order that permission is granted to let out shop in Application No.5 of 1999 and accepted explanation of Respondents-Trust and declined to frame charge.

12. Apparently, order dated 4th January 2000 was not placed before Joint Charity Commissioner. However, it has been filed before this court alongwith Affidavit in Reply of Respondent Nos.2 to 4. The perusal of order would show that it relates to Gala Nos.1 to 4 only. The documents tendered before this Court from page Nos.118 to 175, 266 to 279 and 302 to 324 indicate that several properties are

leased after 2000 for which permission granted by Competent Authorities are not placed on record. In that view of matter, this Court finds that there is *prima facie* material to frame charge Nos. 6 and 7.

13. So far as proposed charge Nos.8, 11, 13, 15 and 16 are concerned, Joint Charity Commissioner has considered material on record and rightly concluded that there is no material to frame such charges. This Court, on perusal of record, do not find any infirmity in observations of Joint Charity Commissioner as regards aforesaid charges.

14. In result, Writ Petition is partly allowed.

15. The impugned order dated 4th March 2025 passed by Joint Charity Commissioner, Pune is modified.

16. In addition to charges framed, Joint Charity Commissioner6 shall also frame charges No.1 to 3, 6 and 7.

17. Rule is made absolute in above terms.

(S. G. CHAPALGAONKAR, J.)

RAJU DATTATRAYA GAIKWAD Digitally signed by RAJU DATTATRAYA GAIKWAD Date: 2026.01.07 19:43:11 +0530