

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7867 OF 2024
WITH
WRIT PETITION NO.10325 OF 2024
WITH
WRIT PETITION NO.10326 OF 2024
WITH
WRIT PETITION NO.10327 OF 2024
WITH
WRIT PETITION NO.10328 OF 2024
WITH
WRIT PETITION NO.10329 OF 2024
WITH
WRIT PETITION NO.10330 OF 2024
WITH
WRIT PETITION NO.10331 OF 2024
WITH
WRIT PETITION NO.10332 OF 2024
WITH
WRIT PETITION NO.10336 OF 2024
WITH
WRIT PETITION NO.10337 OF 2024
WITH
WRIT PETITION NO.10338 OF 2024
WITH
WRIT PETITION NO.10339 OF 2024
WITH
WRIT PETITION NO.10340 OF 2024

Suresh Daniel

....Petitioner

Versus

The Office Of The Charity
Commissioner & Ors.

....Respondents

Mr. Saket Mone *a/w. Raghav Taneja i/b. Vidhi Partners,*
Advocates for Petitioner in all Petitions.

Mr. Sagar Amrut Rane *a/w Mr. Onkar Gawde i/b Ms. Komal*
Gosavi for Respondent No.2 in WP/7867/2024 & for
Respondent No.4 in WP/10326/2024.

2024 and 12 connected petitions.

Mr. Ketan Joshi, “B” Panel in WP/7867/2024, WP/10326/2024 & WP/10332/2024.

Mr. P.V. Nelson Rajan, AGP in WP/10339/2024, WP/10336/2024, WP/10337/2024 & WP/10331/2024.

Smt. Savina R. Crasto, AGP in WP/10340/2024 & WP/10325/2024.

Smt. S.D. Chipade, AGP in WP/10338/2024 & WP/10330/2024.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : NOVEMBER 7, 2025

ORAL JUDGEMENT:

1. This batch of Petitions can easily be classified into two parts. Writ Petition No.10325 to Writ Petition No.10322 of 2025 along with Writ Petition No. 10336 to Writ Petition No. 10340 of 2025 all impugn specific orders passed by the Learned Assistant Charity Commissioner permitting Mr. Sandeep George Sathe, a Former Teacher recruited by the Bombay Education Society Trust (“**BES Trust**”), to intervene in respect of various change reports referred to in the said Petitions. The earliest change report is C.R.No.4104/2006 and the latest change report is C.R.No.5729/2018.

2. Writ Petition No.7867 of 2024 challenges an order dated way back on January 23, 2015 and another order dated January 10, 2024

holding that the issue of locus of the same individual, namely, Mr. Sathe, to seek replacement of trustees under Section 41D of the Maharashtra Public Trust Act, 1950 (***“the Act”***) would be considered at the stage of the final hearing.

3. The common link between the two sets of Petitions is the BES Trust and its governance. Learned Counsel for the parties have consensus that Writ Petition No.10326 of 2024 may be designated as the lead Petition in respect of the 13 Petitions impugning the permission to intervene in consideration of the change reports, and for Writ Petition No.7867 of 2024 to be considered separately.

Impugned Orders on Intervention:

4. The various change reports of decisions taken and the changes referred to therein are covered by Section 22 of the Act. A bare perusal of the intervention application as well as the orders impugned in the 13 Petitions would show that there is no discussion either on the part of the intervenor in his application to intervene, or on the part of the Learned Assistant Charity Commissioner on the nexus between the role and status of the intervenor and the change reports in question, to enable him to intervene.

5. Mr. Saket Mone, Learned Counsel on behalf of the Petitioner in all these Petitions, who is Trustee of the BES Trust, would point out that Mr. Sathe has no locus whatsoever to intervene in the consideration of the change reports. He would submit that Mr. Sathe had been employed as a Teacher in one of the schools of the Trust between 2001 and 2011, and upon his removal from employment he has started litigating against the BES Trust before the Charity Commissioner. He would submit that the intervention applications have been filed in 2023 in each and every pending change report and that has been routinely allowed by the Learned Assistant Charity Commissioner without explaining how Mr. Sathe, who was admittedly neither a Trustee nor a beneficiary, could be allowed to participate in the proceedings. He would point to the provisions of the Act and two judgments – one by a Learned Division Bench of this Court in the case of *Shree Khambhati Modh Vanik Samaj*¹ and another in *S.H. Jawandhiya & S.H. Jawandhiya & Ors.*².

6. *Shree Khambhati Modh Vanik Samaj* is relied upon to contend that only a beneficiary or a trustee would be a person interested in the trust in terms of Section 2(10) of the Act to be able to intervene in proceedings over change reports. *S.H. Jawandhiya* is relied upon to

¹ *Shree Khambhati Modh Vanik Samaj v. The State of Maharashtra & Ors.* – 2023 SCC Online Bom 2725.

² *S.H. Jawandhiya & Ors. v. Onkareshwar Birbal Prasad Mishra* – 1996(2) Mh.L.J.-897.

contend that it is well declared law that an employee of a charitable trust would not be a beneficiary of the charitable trust.

7. Mr. Sagar Rane, Learned Counsel on behalf of Mr. Sathe would seek to painstakingly demonstrate that Mr. Sathe has been engaged in litigating against the BES Trust since 2012 when he filed an application under Section 41D of the Act seeking removal of various Trustees of the BES Trust. A revision application has been dealt with to hold that it would be considered along with the final hearing.

8. It is seen that the intervention applications have been filed only in 2023 in the course of the various proceedings pending before the Learned Charity Commissioner and in the absence of any articulation of the role that Mr. Sathe could play in the intervention and the need for his intervention. The nexus that would enable him the right to intervene in the proceedings being absent in not only the respective Impugned Orders but also in Mr. Sathe's applications, it would be appropriate to quash and set aside each of the Impugned Orders in this batch of petitions, with liberty to Mr. Sathe to file a fresh intervention application articulating the basis on which his intervention would be warranted and ought to be considered by the Learned Charity Commissioner.

9. Learned Charity Commissioner is requested to examine each intervention application on merits and articulate with reasons as to why intervention in respect of each of the aforesaid change report proceedings would be necessary or unnecessary, with reasons for allowing or disallowing such intervention.

10. While Mr. Rane has attempted to explain various issues raised by him over the last 13 years, none of his client's applications filed before the Charity Commissioner contain the reasoning now sought to be given across the bar. In the interest of justice, it would be appropriate to allow him to articulate the reasons for which his intervention is warranted, after which the Learned Charity Commissioner shall decide each application on its own merits and articulate as to why intervention is allowed or disallowed by passing separate orders in each case.

Writ Petition No. 7867 of 2024:

11. As regards Writ Petition No.7867 of 2024, evidently it is apparent that BES Trust had already sought to challenge the locus of Mr. Sathe in filing the Application No.3 of 2012 under Section 41D of the Act. Writ Petition No.4320 of 2015 came to be conditionally withdrawn by the Trustees of BES Trust. Thereafter, another application seeking to vary the same reliefs appears to have been filed on November 8, 2023 which led to the Learned Joint Charity

Commissioner dismissing such application with costs on January 10, 2024. That order of January 10, 2024 is impugned in Writ Petition No.7867 of 2024.

12. On the face of it, the attempt by the trustees of the BES Trust appears to be a second bite at a cherry. The Learned Charity Commissioner has in any case said that the issue would be considered in the course of the final hearing and disposal of the Section 41D proceedings, no intervention is warranted.

13. Writ Petition No.7867 of 2024 is *dismissed* with a request to the Learned Charity Commissioner to consider all contentions raised by the BES Trust about the locus of Mr. Sathe to even file such an application in the course of the final hearing as already indicated in its order dated January 23, 2015, which obviously stood reiterated in its order dated January 10, 2024.

14. With the aforesaid observation, all the captioned Writ Petitions are hereby *finally disposed of*. No order as to costs.

15. Considering the length of time for which these Petitions have been pending, Learned Charity Commissioner is requested to take up these proceedings as expeditiously as possible. Needless to say, without any stay order or intervention having been passed by this

Court, the mere pendency of these Petitions appears to have led to a perceivable diffidence in dealing with the proceedings before the Learned Charity Commissioner. The Learned Charity Commissioner is requested to take up all the proceedings as expeditiously as the roster of the Charity Commissioner permits.

16. The fresh intervention applications may be filed no later than the expiry of four weeks from today. If so filed, the BES Trust shall be entitled to file a response to the same within a period of three weeks of receipt of such applications. The Learned Charity Commissioner shall deal with each intervention application on merits thereafter in accordance with the law.

17. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]