

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10451 OF 2024

Vikas Shikshan Prasarak Mandal

....Petitioner

V/S

Joint Charity Commissioner & Ors.

....Respondents

**WITH
WRIT PETITION NO.10452 OF 2024**

Vikas Shikshan Prasarak Mandal

....Petitioner

V/S

Joint Charity Commissioner & Ors.

....Respondents

Dr. Uday P. Warunjikar i/b Mr. Sumit S. Kate with
Mr. Siddhesh Pilankar *for the Petitioner.*

Mr. Hamid Mulla, AGP *for Respondent No.1 / State.*

Mr. Sukand Kulkarni *for Respondent Nos.2, 3 and 6.*

CORAM: SANDEEP V. MARNE, J.

DATE : 10 MARCH 2025.

P.C.:

1. The Petitions challenge orders dated 29 May 2024 passed by the Joint Charity Commissioner, Kolhapur, allowing the Appeals preferred by the contesting Respondents and setting aside the orders passed in Change Report Nos.309 of 2021 and 1662 of 2020. The Joint Charity Commissioner has remanded both the Change Reports to the Assistant Charity Commissioner for fresh inquiry.

2. I have heard Dr.Warunjikar, the learned counsel appearing for the Petitioner-Mandal and Mr. Kulkarni, the learned counsel appearing for Respondent Nos.2, 3 and 6.

3. After having considered the submissions canvassed by the learned counsel appearing for parties, it appears that the Petitioner-Mandal has filed an additional affidavit bringing on record several documents in order to deal with the findings recorded by the Joint Charity Commissioner about improper enquiry being conducted by the Assistant Charity Commissioner. In my view, an opportunity needs to be granted to the Petitioner-Mandal to present the said documents and information before the Joint Charity Commissioner so that a fresh decision can be taken about the legality of decision of the two Change Reports. Mr. Kulkarni would oppose the prayer for remand of the proceedings to the Joint Charity Commissioner submitting that the additional documents sought to be produced by the Petitioner-Mandal can always be relied upon before the Assistant Charity Commissioner in the remanded proceedings. To this suggestion, Dr. Warunjikar would submit that remand of proceedings before the Assistant Charity Commissioner would mean setting aside orders passed on the Change Reports and the same would put the entire operation of the educational institutions in doldrums. He would submit that several decisions have been and are being taken on a day to day basis by the managing trustees about operation and management of the

education institutions and setting aside orders passed on the Change Reports by the Assistant Charity Commissioner would expose such decisions to further challenges. In my view, considering the apprehensions expressed by Dr. Warunjikar it would be appropriate that the proceedings are remanded before the Joint Charity Commissioner and not before the Assistant Charity Commissioner.

4. The impugned orders dated 29 May 2024 passed by the Joint Charity Commissioner are accordingly set aside. Appeal Nos.25 of 2021 and 26 of 2021 are remanded on the file of the Joint Charity Commissioner for being decided afresh after taking into consideration the documents produced by the Petitioner in their additional affidavit. Petitioner-Mandal shall produce the said documents before the Joint Charity Commissioner, who shall proceed to decide the Appeals on own merits, without being influenced by any of the observations made in the earlier orders dated 29 May 2024 or by this Court in the present order. All rights and contentions of the parties on merits are expressly kept open. The Joint Charity Commissioner shall decide the remanded proceedings in an expeditious manner preferably within a period of six months.

5. With the above directions, both the Writ Petitions are **disposed of**. No order as to costs.

(SANDEEP V. MARNE, J.)