



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10182 OF 2025

Manav Vikas Kalyan Pratishthan
Thr Its Secretary K.S. Rahane
age 43 years, Occ. Business,
R/o Prabodhini, Sai Vrundavan Colony,
Bungalow No.10 and 11,
Itkheda, Paithan Road,
Chhatrapati Sambhajnagar. Petitioner.

VERSUS

The Joint Charity Commissioner
Chh. Sambhajnagar Region,
Chhatrapati Sambhajnagar. Respondent.

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Advocate for Petitioner : Mr. A.D. Khot
AGP for Respondents: Mr. K.N. Lokhande
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CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 30, 2026

FINAL ORDER :-

1. Present writ petition takes exception to the order dated 6.3.2025 passed by learned Joint Charity Commissioner, Chhatrapati Sambhajnagar in Application No.26 of 2024 filed under section 36-A(3) of the Maharashtra Public Trusts Act, 1950 (for short said Act).
2. The petitioner/applicant is a public Trust registered under the Maharashtra Public Trusts Act and runs several

educational institutions. The applicant owns land in gat no.28 and 29. Applicant was in need of financial assistance for raising infrastructure required for educational institution. Accordingly, applicant availed term loan of Rs.21 crores in addition to credit facility of Rs.4 Crores from Devgiri Nagari Sahakari Bank Limited. The Respondent/Joint Charity Commissioner had granted permission for availing finance and credit facility vide order dated 3.7.2023 passed in Application No.4 of 2023.

3. The applicant was in need of additional loan of Rs.5 crores for maintenance of hostel, ground and parking places. Eventually, resolution was passed by the Board of Trustees in a meeting dated 20.10.2024 to avail additional loan of Rs.5 crores. The concerned Bank has agreed to release loan and credit facility subject to permission from competent authority. Petitioner, therefore, filed an application No.26 of 2024 before Joint Charity Commissioner, Chhatrapati Sambhajinagar under section 36-A(3) of the said Act, which was supported by copy of Resolution. Affidavit of trustees assuring that trustees would take responsibility of repayment of the loan in case the Trust fails. The learned Joint Charity Commissioner refused to entertain application observing that additional costs for

proposed development is shown to be Rs.6,60,17,000/-. There is no resolution regarding addition to existing Boy's hostel, addition of third floor in existing building and the music room.

4. Mr. Khot, learned advocate appearing for petitioner vehemently criticizes the order passed by learned Joint Charity Commissioner and submit that order passed is on incorrect appreciation of documentary evidence tendered into service on behalf of petitioner Trust.

5. Undisputedly, petitioner Trust runs Educational institution and developing infrastructural requirement to run educational institution. Previously, Trust is permitted to raise Credit Facility of about Rs.24 crores by order of Joint Charity Commissioner, passed in Application No.4 of 2023. Present application was moved seeking additional credit facility of 5 crores (i.e. 40% cash credit and 30% Term Loan). The petitioner has placed on record consent letter of trustees and office bearers containing their personal undertaking to repay the loan from their properties, in case, Trust failed to pay the same. Estimate prepared by Thorat construction shows proposed additional expenses of Rs.6,60,17,000/-.

6. In this background, the only reason incorporated in order that there is no resolution for addition of existing Boy's hostel on third floor in the building appears to be fallacious. There are sufficient documents on record to indicate proposed utilization of additional credit facility. Resolution dated 20.10.2024 prescribes general heads for proposed development including building for Educational Facility, Boys hostel, play ground, etc. It is therefore fallacious to say that Resolution does not cover proposed development.

7. Apparently, learned Charity Commissioner does not doubt that Petitioner/trust needs fund for proposed expansion. The scope of authority exercised by Charity Commissioner under section 36(1)(a) is very limited and is required to consider if trust has genuine need for funds in pursuance to the interest of Trust and its beneficiaries as per object of the Trust. The Charity Commissioner is not supposed to substitute his ideas and views as to functioning of the Trust. In case of **Suburban Education Society, Mumbai and another Vs. Charity Commissioner of Maharashtra State, Mumbai and others reported in 2004 (2) ALL MR 575**, Division Bench of this Court observed that "discretionary power vested with the authority

cannot be exercised arbitrarily and it will have to be exercised bearing in mind the purpose for which it is conferred.”

8. In the present case, if object underlined for incorporating section 36(1)(a) in the Public Trusts Act is considered, Charity Commissioner would ensure that Resolution passed by the Trust is genuine and seeks to achieve object of the Trust. Once, such satisfaction is recorded, it would be beyond the authority of Joint Charity Commissioner to replace his opinion as against the decision taken by the trustees in respect of Management of Trust. The Joint Charity Commissioner can exercise his authority only with intention to protect interest of the Trust, however, cannot interfere in wisdom of Trustees in decision making process during course of the Management of the Trust.

9. In view of the aforesaid principles of law, the impugned order cannot be sustained in law. Hence, following order :-

O R D E R

Writ Petition is allowed in terms of prayer clause “B” and disposed of.

(S. G. CHAPALGAONKAR, J.)

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