IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7962 OF 2024

Ishwarprasad Ramkisanaji Agrawal ...Petitioner

Versus

Prakash Nainsukh Navlakha & Ors ...Respondents

Mr. Akshay R. Kapadia, *for the Petitioner.*
Mr. Sadashiv Tanawade, *for Respondent Nos.1 & 3.*
Smt. Vaishali Raje, AGP *for Respondent-State.*

CORAM : SOMASEKHAR SUNDARESAN, J.
DATE : April 21, 2026

ORDER :

1. By an order dated February 2, 2026, taking into account the fact that Respondent No.3 had not entered appearance despite multiple notices and opportunities, as an ad-interim measure, any further action pursuant to the impugned order was directed to remain stayed. Respondent No.1, at whose instance, the amendments to the charter documents of the Society were carried out, and Respondent No. 3 have now submitted a reply. Opportunity to file a rejoinder was given which has not been availed of by the Petitioner.

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2. Today when the matter is called out, Learned Advocate for Respondent No.3 points out that the core grievance of the Petitioner was that the Petitioner had no notice of the meetings in which the amendments to the charter documents were carried out, but from the reply of Respondent No.3 in an affidavit dated February 14, 2026, the attendance sheet for the meeting is appended and it would show that the Petitioner had himself attended the meeting and even signed his attendance. The upshot is that the Petitioner cannot claim that no notice was issued when the Petitioner himself has attended the meeting and has even participated in the meeting. To this, Learned Advocate for the Petitioner submits that the Petitioner did attend the meeting, but because he was told that somebody would be felicitated at a meeting and not because of having notice of the changes to the charter documents of the Society. This does not inspire confidence and in any case such attendance was not disclosed in the first instance.

3. That apart, the Petition and the Impugned Order proceed on the premise of making references to Section 12 as well as Section 12A of the Societies Registration Act. It is seen from a perusal of the legislation that in the State of Maharashtra there is no Section 12A at all. Therefore, the application before the Registrar was examined and it is evident that

the application is referable to Section 12 alone and the reference to Section 12A appears to be a superfluous error.

4. Be that as it may, the parties also point out that the same issues raised in this Petition in the attack to the impugned order passed under the law on registration of socities, forms subject matter for grievance before the Joint Charity Commissioner since, the core grievance relates to the manner of governance of the Society. The grievance in connection with how the meeting was convened and how it was conducted would fall within the domain of the Joint Charity Commissioner. The registration of the Society and the amendments to the charter documents are consequential ministerial functions conducted by the Registrar and therefore, it is made clear that this Court, within the framework of this Petition, is not inclined to effect any further interference, but leaves the issue of merits open for an appropriate outcome in the proceedings before the Learned Joint Charity Commissioner.

5. Since the dispute in question squarely relates to the governance of the Society and not to the manner of registration of the changes effected to the charter of the Society, this Petition is ***disposed of*** without any intervention. Ad-interim arrangement obtaining as of today

stands vacated. The parties are free to make their submissions on merits in the proceedings conducted before the Learned Joint Charity Commission.

6. 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.]