

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1210 OF 2026

Vyankatesh Mandir Trust

..Petitioner

Versus

The Charity Commissioner & Anr.

...Respondents

Adv.. Pushpa Ganediwala a/w Mr. Anshu Agrawal, Mr.
Bhushan Shinde, Mr. Ankit Rathod, for the Petitioner.
Mr. P B Shah i/b Ms. K P Shah, for the Respondent No. 2.

CORAM: N. J. JAMADAR, J.

DATE : 16th MARCH 2026

Oral Order:

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 29th October, 2025 passed by the Charity Commissioner, Maharashtra State, Mumbai, whereby the proceedings in Application Nos. 23/2005 and 13/2019, were withdrawn from the file of the learned Joint Charity Commissioner, Head Office, Mumbai and transferred to the file of the Charity Commissioner, Maharashtra State, Mumbai.
3. There is a prelude to this transfer proceeding.
4. By an order dated 11th December, 2024 the Charity Commissioner, by invoking the power under Rule 36 (iii) of the Maharashtra Public Trust Rules, 1951, had transferred the applications filed by Shri. Venkatesh Mandir Trust, Tapovan,

Nashik bearing No. 23/2005 and 13/2019, from the file of Charity Commissioner, Nashik Region Nashik to the file of Joint Charity Commissioner – II, Mumbai, for disposal according to law.

5. The petitioner preferred an application seeking the recall of the said order dated 11th December, 2024. In the said application, by the impugned order, the learned Charity Commissioner has taken over the said proceedings for disposal by himself.

6. The learned Charity Commissioner has made a reference to the orders passed by the Supreme Court in SLP No. 30469/2009 dated 11th December, 2012 and the order passed by the High Court in WP/13561/2022 dated 06th August, 2025. The learned Charity Commissioner was of the view that, in the aforesaid orders of the Supreme Court and the High Court, the reference to the term ‘Charity Commissioner’ was to the Charity Commissioner, State of Maharashtra and it would thus be appropriate that the Charity Commissioner himself decides the proceedings.

7. Ms. Ganediwala, the learned Counsel for the petitioner, submitted that, if the said interpretation is adopted, hundred of proceedings would be required to be transferred from the files of

Joint Charity Commissioners across the State of Maharashtra to the Charity Commissioner, State of Maharashtra.

8. The aforesaid submission is required to be appreciated in the light of the fact that, the learned Charity Commissioner has expressly refrained from the exercise of interpreting the term 'Charity Commissioner'.

9. Secondly, the Charity Commissioner has already ordered the transfer of the proceedings from the file of the Joint Charity Commissioner Nashik to the file of Joint Charity Commissioner - II, Mumbai. The Charity Commissioner, State of Maharashtra being the head and principal officer of the Charity Organization is specifically empowered under Rule 36(iii) of the Public Trusts Rules to transfer the proceedings from the file of one Joint Charity Commissioner to another Joint Charity Commissioner or to take over the proceedings for disposal by himself.

10. As the proceedings are pending since long and there have been directions for expeditious conclusion of the proceedings, in the considered view of this Court, the impugned order would promote the object of expeditious conclusion of the proceedings. It is, however, clarified that, the impugned order does not imply that, the term 'Charity Commissioner' wherever used in the orders passed by the High Court, shall mean the Charity

Commissioner, State of Maharashtra only and not the Joint Charity Commissioner (s).

11. Subject to aforesaid clarification, the petition stands dismissed.

12. The Charity Commissioner is requested to hear and decide the proceedings as expeditiously as possible in terms of the orders already passed by this Court stipulating the time frame for the disposal of the applications.

[N. J. JAMADAR, J.]