

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2181 OF 2026**

United Sports ... Petitioner
versus
The State of Maharashtra and Ors. ... Respondents

Mr. Abhijeet Desai with Mr. Vijay Singh, Mr. Deepesh R. i/by Ms. Mohini Rehpade, for Petitioner.
Mrs. D.S.Deshmukh, AGP for State.

CORAM: N.J.JAMADAR, J.

DATE : 16 FEBRUARY 2026

P.C.

1. Heard the learned Counsel for the parties.
2. By this Petition under Article 227 of the Constitution of India, the Petitioner assails the legality, propriety and correctness of an order dated 5 December 2025 passed by the Assistant Charity Commissioner, Pune, in Misc. Application No.170 of 2025, whereby the Petitioner – Opponent therein, has been directed not to use “United Sports”, the name of the society which was registered vide registration No.F-16689/Pune and has since been de-registered under the provisions of Section 22(3A) of the Maharashtra Public Trusts Act, 1950.
3. In the year 1999, “United Sports’ was registered as a Society vide Registration No.Maha/811/1999 under the Societies Registration Act, 1860. Subsequently, the said society came to be registered as a public trust vide

PTR No.F-17789/Pune under the Maharashtra Public Trusts Act, 1950. Mr. Prabhakar P. More, the President of the Petitioner trust, was appointed as the treasurer of the said trust. It appears that, the said trust became defunct.

4. By Maharashtra Act No.9 of 2016, sub-section (3A) came to be inserted in Section 22 of the Trusts Act, 1950 w.e.f. 23 February 2016, empowering the Charity Commissioner to de-register the trusts, which had become defunct and were not engaged in any activity to fulfill the objects of the trust.

5. Invoking the said power and upon a suo motu inquiry, the Assistant Charity Commissioner ordered the de-registration of the “United Sports” by an order dated 20 January 2018. It was, inter alia, noted that the “United Sports” had not filed either audit reports or change reports, and that implied that the trust had become defunct.

6. In the year 2025, Mr. Prabhakar More, the treasurer of the erstwhile “United Sports” caused formation of a new society under the same name “United Sports”. It was registered under the Societies Registration Act, 1860 on 29 April 2025.

7. Respondent No.4 filed Misc. Application No.170 of 2025 seeking de-registration of the Petitioner trust asserting, inter alia, that, Mr. Prabhakar More had got the Petitioner trust registered in the name of the erstwhile trust by practicing fraud and misrepresentation. The allegations of fraud in the management of the erstwhile trust while Mr. Prabhakar More was the

treasurer of the erstwhile trust, were also made.

8. By the impugned order, the learned Assistant Charity Commissioner was persuaded to partly allow the application. The prayer for de-registration of the Petitioner was rejected. However, the Petitioner was directed not to use the name “United Sports”, the name of the de-registered trust, and to suggest any other alternate name for the Petitioner trust.

9. Being aggrieved, the Petitioner has invoked the writ jurisdiction.

10. Mr. Desai, learned Counsel for the Petitioner, submitted that, the application preferred by the Respondent No.4 before the Assistant Charity Commissioner was not maintainable as Respondent No.4 cannot be said to be a person having interest in the affairs of the trust. Secondly, once the erstwhile trust was de-registered, there was no prohibition against registration of another trust in the name of the de-registered trust. As the order of de-registration of the erstwhile trust still holds the field, the Assistant Charity Commissioner could not have directed the Petitioner not to use its name “United Sports” and to get it registered in a different name.

11. It was further submitted that, under the provisions of the Societies Registration Act, 1860, under which the Petitioner was initially registered, there is no power in the Assistant Charity Commissioner to refuse registration of the society in the name, which was the name of the erstwhile de-registered society. In the case at hand, since the society with the name “United Sports”

was not in existence, when the Petitioner society was registered, the prohibition contained in Section 3A was not attracted.

12. The learned Assistant Charity Commissioner was of the view that de-registration of a society does not obliterate all equities, nor does it grant a licence to a third party to assume the identity of the erstwhile trust in such a fashion as to mislead the members of the public, beneficiaries, donors, players or affiliating bodies. Since the Applicant – Respondent No.4 had preferred an appeal against the order of de-registration of the trust, it was necessary to grant limited relief by restraining the Petitioner from using the name of the erstwhile trust.

13. At the outset, it is necessary to note that the object of Section 22(3A) of the Trusts Act, 1950, is to remove the trusts which have ceased to operate, become defunct or the objects of which have been completely achieved. The said provision empowered the Charity Commissioner, in a sense, to remove the deadwood so that the time and effort of the charity organization can be utilized in the advancement of the objects of the trust which were functional. The order passed under Section 22(3A) of the Act, 1950, of de-registering the trust is appealable under Section 70 of the Act, 1950, before the Charity Commissioner. In the case at hand, such an appeal has been filed.

14. What accentuates the situation in the case at hand, is the fact that the Petitioner, especially its President Prabhakar More, does not claim that the

Petitioner was registered with the name “United Sports” unbeknownst of the society with the same name. On the contrary, there is material to indicate that, Mr. Prabhakar More was the office bearer of the erstwhile de-registered trust, with the same name.

15. From this standpoint, the registration of the new society in the name of the erstwhile de-registered society, of which the current office bearers of the new Society were also the office bearers, betrays an intent to encash on the name, identity and goodwill of the erstwhile de-registered society.

16. It is true, under Section 3-A of the Societies Registration Act, 1860, the prohibition is against the registration of the societies with an undesirable name including the name which is identical with or which, in the opinion of the Registrar, so nearly resembles the name by which any other existing society has been previously registered as to be likely to deceive the public or members of either society. However, the expression ‘any other existing society’ on which emphasis was laid by Mr. Desai, cannot be considered torn out of context and de-hors the object of Section 3-A of the Act, 1860, which is to obviate the confusion, deception and riding over the goodwill of the previously registered Society.

17. The submission of Mr. Desai that the Assistant Charity Commissioner has exceed the jurisdiction in directing the Petitioner to change its name does not merit acceptance. The provisions contained in Section 3A are required to

be read in juxtaposition with Section 12A(4) of the Societies Registration Act, 1860. Sub-Section (4) of Section 12A reads as under:

“12A. Registration of change of name

(1)

... ..

(4) If, through inadvertence or otherwise, a society is registered by a name which should not have been registered (due regard being had to the provisions of section 3A), the Registrar may, after hearing the party concerned, direct the society to change the name; and the society shall change its name within a period of three months from the date of the direction in accordance with the provisions of this Act or such longer period as the Registrar may think fit to allow.”

18. Thus, the provisions contained in Section 3A and 12A(4) invest jurisdiction in the Registrar to direct the society to change the name where he comes to the conclusion that a society has been registered by a name which should not have been registered having regard to the provisions of Section 3A.

19. A useful reference in this context can be made to a Division Bench judgment of this Court in the case of **Sociedade Patriotica dos Baldios Das Novas Conquistas, Sanguem, Goa Vs State of Goa and Ors**,¹ wherein the import of the provisions contained in Section 3A and 12A(5), as applicable in the State of Goa, was expounded as under:

1 2020(5) MhLJ 543.

“22. The aforesaid provision prohibits the Inspector General of societies to register any society by a name which, in his opinion, is undesirable, being a name which is identical with, or which in the opinion of the Inspector General so nearly resembles the name by which any other existing society has been previously registered as to be likely to deceive the public or members of either society, or which is being used without the previous permission of the Government concerned, and which suggests or is calculated to suggest the patronage of any Government or connection with any body constituted by any Government or local authority, or which may, subject to any rules made in this behalf, be deemed to be undesirable by the Inspector General. The Proviso however makes it clear that no orders shall be passed under section 3-a unless the party against whom such order is proposed to be passed is heard on the matter.

... ..

33. Since, the name of the petitioner society and the name of the respondent No.4 society is identical, obviously, in terms of section 3-A of the said Act, the registration of respondent No.1 society with such a identical name is undesirable. Even otherwise, section 3-A makes reference also to the name, which in the opinion of the Inspector General so nearly resembles the name by which any other existing society has been previously registered as to be *‘likely to deceive’* the public or members of either society. Further, section 3-A, deems registration of societies with such identical names or names which so nearly resemble the names of any other existing societies as to be likely to deceive the public is undesirable.

34. Section 12-A (5), again, makes specific reference to section 3-A and requires the Inspector General to have due regard to the provisions of section 3-A. Section 12-A clearly vests jurisdiction in the Inspector

General, after hearing the parties to direct the society to change its name, where, such society has been registered through inadvertence or otherwise by a name which should not have been registered having due regard to the provisions of section 3-A of the said Act.”

20. In the light of aforesaid enunciation of law and as the appeal preferred by the Respondent No.4 against the de-registration of the erstwhile society with an identical name awaits adjudication, no infirmity can be found with the impugned order.

21. The Writ Petition, therefore, does not deserve to be entertained.

22. The Writ Petition stands dismissed.

(N.J.JAMADAR, J.)