

BEFORE THE ~~DEPUTY~~ ASSISTANT CHARITY COMMISSIONER

Gr. Mumbai REGION, Mumbai.

APPLICATION No. 3908 OF 1995.
~~CHANOER ORDER~~

30

Shri Ghandrakant Tapidas Sanghvi. Applicant(X)

versus

N I L.

Opponent(X)

" THE MAHARASHTRA ASSOCIATION

In the matter of Public Trust

OF MINORITY ~~EDUCATIONAL INSTITUTIONS.~~ *EDUCATIONAL INSTITUTIONS.*

FINDINGS AND ORDER

This is an enquiry under section 19 ~~XXXXXX~~ of the Bombay Public Trusts Act, 1950, into the Application/~~CHANOER ORDER~~/Form (Ex.), dated ~~XXXXXX~~, filed in by the above applicant(X). The matter is ~~XXXXXX~~ an uncontested case.

2. In brief the case of the applicant(X) is that the Society is registered under Societies Registration Act, 1960 with charitable objects. It is requested that the same may please be registered under the Bombay Public Trusts Act, 1950.

~~XXXXXX~~ In brief the case of the opponent(X) is that ~~XXXXXX~~ A public notice as per Rule 7A of the Bombay Public Trust Rules, 1951, was issued as per Ex. 3. None has filed any objection!

4. The points for determination are as under :-

- (1) Whether a trust exists and whether such trust is a public trust ?
- (2) Whether the property as shown in the application is the property of the trust and what is the estimated value of the movable and the immovable property ?
- (3) Whether the whole or any substantial portion of the subject-matter of the trust is situate within my jurisdiction ?
- (4) What are the names and addresses of the trustees and managers of the trust ?
- (5) What is the mode of succession to the trusteeship and managership ?
- (6) What are the objects of the trust ?
- (7) What is the gross average annual income and expenditure of the trust ?
- (8) What are the particulars of documents creating the trust ?
- (9) What are the particulars other than documents about the creator or origin of the trust ?
- (10) What are the sources of income of the trust ?
- (11) What are the particulars of the encumbrances, if any, on trust property?
- (12) What are the particulars of the scheme, if any, relating to the trust?
- (13) What are the particulars of title deeds pertaining to the trust property and the names of trustees in possession thereof ?
- (14) Whether the particulars stated in the application are correct ?
- (15) What is the name of the Public Trust ?
- (16) Whether the change as reported is legal and valid ?

5. The evidence produced before me consists of oral and documentary evidence.

Ex. 1 to 14.

6. My findings on the above points are as under :-

- (1) .. Yes, yes.
- (2) .. Yes, as per Ex. 1.

Value : Immovable property Rs. as per Ex. 1. Movable property Rs. as per Ex. 1.

- (3) .. Whole.
- (4) .. As per Ex. 1, read with Memorandum of Association Ex. 8.
- (5) .. As per Ex. 1, read with Rules and Regulations Ex. 9.
- (6) .. As per Ex. 1, read with Memorandum of Association Ex. 8.
- (7) Income Rs. as per Ex. 1. Expenditure Rs. as per Ex. 1.
- (8) Memorandum of Association and Rules and Regulations Ex. 8 & 9.
- (9) N I L.
- (10) As per Ex. 1.
- (11) -do-
- (12) -do-
- (13) -do-
- (14) Partly correct.
- (15) " THE MAHARASHTRA ASSOCIATION OF MINORITY EDUCATIONAL
- (16) INSTITUTIONS " 2

7/- Reasons for Findings :

On receipt of application for registration a notice as required under Rule 7A of the Bombay Public Trust Rules, 1951, was issued. No objections have been received.

The applicant has filed an affidavit at Ex. 6 and has stated that the information given in the application for registration is correct. The applicant has also filed a copy of Memorandum of Association at Ex. 8 and copy of Rules and Regulations at Ex. 9, along with copy of Societies Registration Certificate which is at Ex. 12. He has also filed consent letter at Ex. 11. He identifies the signature of other trustees appearing on consent letter which is at Ex. 11. The objects of the trust are of charitable nature. The source of income of the trust are by way of donation, contribution etc. The mode of succession is by election.

~~XXXXXXXXXXXXXXXX~~

On perusal of Memorandum of Association, it is revealed that the objects of the Society fall within purview of Section 9 of the Bombay Public Trusts Act, 1950, and by virtue of Sec.2(13) of the Bombay Public Trusts Act, 1950, the Society is public trust. No further inquiry is necessary. I, therefore, pass the following order.

O R D E R

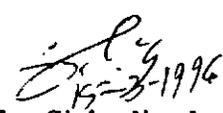
The trust in question be registered as a public trust as per findings recorded under Bombay Public Trusts Act, 1950.

Certificate of 'F' Section be issued to applicant.

Particulars of the trust be entered in the Public Trusts Register (Schedule I) accordingly.

Mumbai

Dated : March 15, 1996.


(S. V. Chindhade)
Asstt. Charity Commissioner, (II)
Gr. Mumbai Region, Mumbai.

Order

The Trust in question to be registered as per findings recorded. Certificate of
Section to be issued to applicant/ Costs of the proceedings to be
borne by

The reported change is accepted/rejected. Changes to be made in P. T. Register
accordingly.

Date

Place

(Signed)

Deputy/Assistant Charity Commissioner,

..... Region,