

क्रमांक ६०५१/२०१६

संयुक्त न्यायालय, महाराष्ट्र राज्य

महाराष्ट्र न्यायिक प्रणाली

समोदाय शाखा, ३ रा मजला

८३, डा. ५, बसंट रोड

पणजी, मुंबई ४०००१६

CIRCULAR NO. 483/2016 DATED 22/11/2016

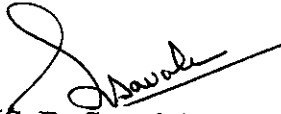
22 NOV 2016

It is observed that the parties filing petitions under the Maharashtra Public Trusts Act, 1950 before the Joint Charity Commissioners are not given specific dates for their appearance and therefore, many times, the matters remain unattended. All the Joint Charity Commissioners/Superintendents are therefore hereby directed to strictly follow a specific procedure of accepting the presentation of files/petitions and processing them –

- 1) The Superintendent shall accept the proceeding presented properly in the manner prescribed in Annexures-1 to 9 (collectively) herewith.
- 2) All the files presented under Section 35, 36(1)(a) &(b), 36(2), 36A(3), 41D, 41E, 47, 50A(2), 70, 70A, Misc. Applications under the Maharashtra Public Trusts Act, 1950 and Rule 36 of the Maharashtra Public Trusts Rules, 1951 shall be treated as judicial proceedings and they shall be not accepted by Inward Section in any case.
- 3) All the concerned are therefore directed to submit the application with the documents arranged serially as per the concerned Annexure (Annexures-1 to 9 collectively).
- 4) The Judicial Superintendent shall maintain File Register in the prescribed form as per Annexure-10 (annexed herewith) with effect from 01-01-2017 and take entries of the proceedings filed before him/her and give a specific date to the concerned party for its appearance before the concerned Joint Charity Commissioner to

whom the matter would be allotted to remove objections, if any, and other necessary compliance. The Superintendent shall obtain signature of the party as a proof of intimation of the date.

- 5) The Superintendent shall then produce the proceedings filed before the senior Joint Charity Commissioner at the station who shall pass necessary orders thereon of allotment (applicable to Mumbai only).
- 6) On allotment to the concerned Joint Charity Commissioner, his/her Bench Clerk shall make a scrutiny of the proposal and record objections, if any, and place the same before the officer within three days of the allotment.
- 7) The Charity Commissioner/Joint Charity Commissioner shall verify the documents filed alongwith the proposal and in case of copies, he/she verify them with the originals and make an endorsement to that effect and may then return the originals. The process of verification shall be made within a reasonable time.
- 8) The office objections shall be brought to the notice of the party on the next date of its appearance and then Bench Clerk shall maintain roznama of the proceedings onwards till its decision wherein the particulars of the proceeding effected on every respective dates shall be recorded.
- 9) The Charity Commissioner/Joint Charity Commissioner, to whom the matter is allotted, shall then dispose of the case as according to law, within a period of three months if the matter is uncontested.



(S. B. Savale)

Charity Commissioner,
Maharashtra State, Mumbai

Encl : As above.

Copy to –

- 1) All Joint Charity Commissioners
- ✓ 2) Deputy Charity Commissioner, Head Office ✓
- 3) Judicial Superintendent, Head Office
- 4) Establishment File
- 5) Office File
- 6) Office Notice Board
- 7) Advocates Bar Association

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ANNEXURE - 1 [35]

List of documents

- 1) **Verified Application ***
- 2) **Vakalatnama**
- 3) **List of documents ***
 - i. **Schedule-I ***
 - ii. **List of Trustees with address, email, mobile number, telephone number, etc. ***
 - iii. **Rules & Regulations/Scheme/Trust Deed ***
 - iv. **Amounts sought to be invested and whether it represents accumulated surplus income ***
 - v. **Full particulars of the investments held by the public trust at present ***
 - vi. **Documents relating to the investment of trust funds in property/construction/shares/deposits/mutual funds/banks, etc (collectively) ***
 - vii. **Rate of interest, period or term of deposits, whether the concerned Company has declared and paid dividend for the last 5 years ***
 - viii. **Resolution of the trustees to invest trust funds (xerox copies of the minutes recorded in the proceeding book) ***
 - ix. **Net annual return of the proposed investment ***
 - x. **Whether the vendor is related to any of the trustees or in any way interested in the trust ***
 - xi. **Accounts of the latest year ***

Note: - * Production of these documents mandatory.



(S. B. Savale)

Charity Commissioner,
Maharashtra State, Mumbai

ANNEXURE - 2 [36(1)(a) & (b)]

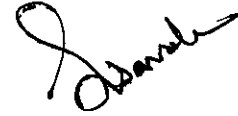
List of documents

- 1) Synopsis
- 2) Verified Application *
- 3) Vakalatnama
- 4) List of documents *
 - i. Schedule-I
 - ii. List of Trustees with address, email, mobile number, telephone number, etc. *
 - iii. Rules & Regulations/Scheme/Trust Deed
 - iv. Documents relating to the ownership of the trust property (collectively) *
 - v. In case the trust is lessee of MHADA/CIDCO, then its no objection to transfer the property *
 - vi. Resolution of the trustees to sell/lease the property (xerox copies of the minutes recorded in the proceeding book) *
 - vii. Valuation report of Government Approved Valuer *

(In case of redevelopment proposal, the valuation report should be in detail indicating the value of the existing land with building, if any; the number of occupants in case of building, project report of proposed construction; construction cost, F.S.I., share of the occupants, share of the builder, share of the trust, plan of the proposed redevelopment, photographs of the property, Google map if available, etc.).
 - viii. Ready reckoner of the latest year
 - ix. Documents relating to comparable sale/lease instances

- x. **Original Public Notices (Full Newspapers in English and Marathi/vernacular language) ***
- xi. **Original Offer letters of the purchasers/lessees ***
- xii. **Resolution of the trustees accepting of the offer (xerox copies of the minutes recorded in the proceeding book) ***
- xiii. **M.O.U., Draft agreement of sale/lease, if any,**
- xiv. **Accounts of the latest year**
- xv. **Budget of the latest year**

Note: - * Production of these documents mandatory.



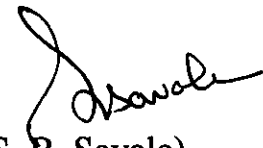
(S. B. Savale)
Charity Commissioner,
Maharashtra State, Mumbai

ANNEXURE – 3 [36(2)]

List of documents

- 1) Verified Application (The name, occupation and addresses, email, mobile number/telephone number of the applicants/respondents) ***
- 2) Vakalatnama**
- 3) List of documents ***
 - i. Certified copy of order**
 - ii. List of Trustees with address, email, mobile number, telephone number, etc. ***
 - iii. List of Opponents with address, email, mobile number, telephone number, etc. ***
 - iv. Affidavit in support of the application ***
 - v. Copies for the opponents ***

Note: - * Production of these documents mandatory.



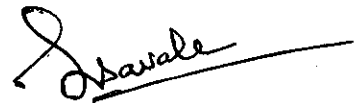
(S. B. Savale)

**Charity Commissioner,
Maharashtra State, Mumbai**

ANNEXURE – 4 [36A(3)]**List of documents**

- 1) **Verified Application ***
- 2) **Vakalatnama**
- 3) **List of documents ***
 - i. **Schedule-I**
 - ii. **List of Trustees with address, email, mobile number, telephone number, etc. ***
 - iii. **Rules & Regulations/Scheme/Trust Deed**
 - iv. **Documents relating to the ownership of the trust property, if property is to be mortgaged (collectively) ***
 - v. **Resolution of the trustees to borrow money (xerox copies of the minutes recorded in the proceeding book) ***
 - vi. **Plan, estimate, project report, sanction issued by the competent authority for construction * (If the loan is to be obtained for construction)**
 - vii. **Sanction letter issued by Bank/Financial Institution, etc. ***
 - viii. **Repayment Schedule ***
 - ix. **Accounts of the latest year ***
 - x. **Budget of the latest year**
 - xi. **If loan taken previously, then Xerox copies of earlier sanction orders alongwith repayment of loan .**

Note: - * Production of these documents mandatory.



(S. B. Savale)

Charity Commissioner,
Maharashtra State, Mumbai

ANNEXURE – 5 [41D, 41E, 47]

List of documents

1) Verified Application

- a) The name, occupation and addresses, email, mobile number/telephone number of the applicants/respondents *
- b) Names of the Trustees/Managers with address, email, mobile number, telephone number, etc. *
- c) Name, address of the Trust and the objects of the Trust *
- d) The nature of applicants interest in the trust *
- e) The cause of action and the nature of relief sought for in the application *
- f) The list of documents relied on *

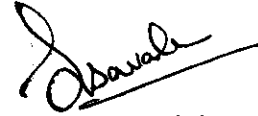
2) Vakalatnama

3) Copy of Schedule-I *

4) Copy of Scheme/Rules & Regulations/Trust Deed *

5) Affidavit in support of the application *

Note: - * Production of these documents mandatory.



(S. B. Savale)

Charity Commissioner,
Maharashtra State, Mumbai

ANNEXURE – 6 [50A(2)]

List of documents

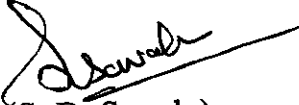
1) Verified Application

- a) The name, occupation and addresses, email, mobile number/telephone number of the applicants of both the trusts *
- b) Names of the Trustees/Managers with address, email, mobile number, telephone number, etc. of both the trusts *
- c) Name, address of the Trust and the objects of the Trust *
- d) Approximate value of the trust properties *
- e) Approximate annual income of the trusts *
- f) The nature of applicants interest in the trust *
- g) A statement explaining how the proposed amalgamation of both the trusts and proposed scheme is necessary in the interest of the proper management and administration of both the public trusts *
- h) The list of documents relied on *

2) Vakalatnama

- 3) Copy of Schedule-I of both trusts *
- 4) Copy of Scheme/Rules & Regulations/Trust Deed of both trusts *
- 5) Proposed draft scheme alongwith consent for appointment of new trustees *
- 6) Copy of Resolution of trustees of both trusts *
- 7) Affidavit in support of the application of both trusts *
- 8) Latest audit report of both trusts *

Note: - * Production of these documents mandatory.


(S. B. Savale)

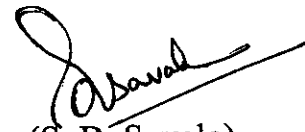
Charity Commissioner,
Maharashtra State, Mumbai

ANNEXURE – 7 [70, 70A]

List of documents

- 1) Appeal/Revision Application (The name, occupation and addresses, email, mobile number/telephone number of the applicants-appellants/respondents) *
- 2) Vakalatnama
- 3) List of documents *
 - i. Certified copy of order against which appeal/revision is filed *
 - ii. List of Opponents with address, email, mobile number, telephone number, etc. *
 - iii. Copies for the respondents *

Note: - * Production of these documents mandatory.


(S. B. Savale)

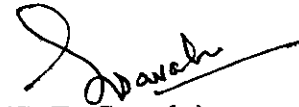
Charity Commissioner,
Maharashtra State, Mumbai

ANNEXURE – 8 [Rule 36(i)(ii)(iii)]

List of documents

- 1) Application (The name, occupation and addresses, email, mobile number/telephone number of the applicants/respondents) *
- 2) Vakalatnama
- 3) List of documents *
 - i. Certified copy of proceeding alongwith roznama (if written) which is to be transferred/stayed under Rule 36 *
 - ii. Copies for the respondents *
 - iii. Affidavit in support of the application *

Note: - * Production of these documents mandatory.



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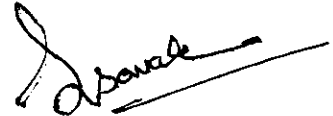
ANNEXURE – 9 [Rule 36(iv)]

List of documents

1) Verified Application

- a) The name, occupation and addresses, email, mobile number/telephone number of the applicants *
 - b) Name, address of the Trust and the objects of the Trust *
 - c) Approximate value of the trust properties *
 - d) Approximate annual income of the trusts *
 - e) The nature of applicants interest in the trust *
 - f) A statement explaining how the proposed transfer of trust from one Region to another Region is necessary and in the interest of the trust *
 - g) The list of documents relied on *
- 2) Vakalatnama**
- 3) Copy of Schedule-I ***
- 4) Copy of Scheme/Rules & Regulations/Trust Deed ***
- 5) Copy of Resolution of trustees ***
- 6) Affidavit in support of the application ***
- 7) Latest audit report ***

Note: - * Production of these documents mandatory.




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Charity Commissioner,
Maharashtra State, Mumbai

Format of File Register
(Annexure-10)

Sr. No./ Inq. No.	Date	Section	Name of the Applicant	Name of the Public Trust with P.T.R. No.	Allotted to whom	Signature of Bench Clerk for receipt of proceeding	Date of Decision	Decision in brief
1	2	3	4	5	6	7	8	9


(S. B. Savale)
Charity Commissioner,
Maharashtra State, Mumbai