

CIRCULAR No.71

SUBJECT : Procedure regarding refund of registration fee in the case of a double payment and in cases where application for registration under Section 19 is made by a person other than a trustee or a manager of a trust

The Assistant Charity Commissioner, Baroda has raised the following two questions :

i)Where more than one application is made for registration in respect of the same trust by trustees or persons claiming to be trustees whether the registration fee can be refunded under rule 6 of the Bombay Public Trusts Rules, 1951;

ii)When a person other than a trustee or a manager make as application for registration under section 19, whether registration fees should be recovered from the trustee or manager and whether the registration fees paid by the applicant should be refunded.

Regarding the first question :

This is not covered by sub rule (6) of rule 6. It would be a case of double payment of registration fees. The refund of registration fees may be given administratively after obtaining requisite sanction from the Charity Commissioner.

Regarding the second question :

Registration fee has to be paid only in cases where an application is made under section 18 of the Bombay Public Trusts Act,1950. No such fee is to be paid when an application is made under section 19. If, however, the registration fee is paid in any such case, administrative sanction of the Charity Commissioner should be obtained for its refund and it should be recovered from the public trust by an order under section 20 as now amended, if the trust is ordered to be registered as a result of the inquiry.

Dated : 9th June, 1954

D.R.PRADHAN
Charity Commissioner, Bombay