

BEFORE THE ASSISTANT CHARITY COMMISSIONER
AURANGABAD REGION, AURANGABAD.

Inquiry No.:21/2010

Abasaheb Ganpatrao Jagtap
R/o: Sahyog Nivas, Plot no.69 N-4, Cidco,
Dist. Aurangabad

Applicant

Versus

Nil.

Objectors

JUDGMENT

(Dictated and delivered on 15-03-2010)

1. This is an ^{inquiry &} application u/s 19 into an application u/s 18 of the Bombay Public Trust Act, 1950 (hereinafter referred to as the 'BPT Act' for the sake of brevity) for registration of public trust.

In brief it is the case of the applicant that the trust known as: "Sahara Shikshan Prasarak Mandal, Sahyog nivas, N-4, Cidco, Aurangabad" (hereinafter referred to as 'said trust' for the sake of brevity) is duly registered under the provisions of the Societies Registration Act, 1860 on the basis of documents i.e. Memorandum of Association and it's Rules and Regulation. At present the trust owns no immovable property but owns Rs.707/- as movable property. The office of the trust is situated at Sahyog nivas, N-4, Cidco, Aurangabad.

3. It is stated that there is a managing committee and names of it's members are shown in Exh. 1. They are managing administration of the said Trust. The mode of succession to the managing committee is by way of election to be held in the General body meeting of the society and its tenure is of 5 years. The objects of the trust are educational, medical and charitable. The sources of income of the said trust are donations, contributions & fees, etc. The said trust is deemed public trust. It is therefore, prayed that the said trust be registered as a public trust.

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4. Public notice under Rule 7A of BPT Rule 1951 has been issued but no one has appeared to object the same. Hence the application proceeded for enquiry accordingly.

5. The points for determination alongwith findings for the reasons are hereunder :-

POINTS

1. Whether a said trust exists and whether said trust is a public trusts?
2. Whether the property as shown in the application is the property of the said 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 said trust is situate within my jurisdiction?
4. What are the names and addresses of the trustees and managers of the said trust?
5. What is the mode of succession to the trust-ship and manager-ship?
6. What are the objects of the said trust?
7. What is the gross average annual income and expenditure of the said trust?
8. What are the particulars of the documents creating the said trust?
9. What are the particulars other than documents about the creation or origin of the said trust?
10. What are the sources of income of the said trust?
11. What are the particulars of the encumbrances, if any, on said trust property?
12. What are the particulars of the scheme, if any, relating to the said trust?
13. What are the particulars of title deeds pertaining to the said trust property and the name of trustees in possession there of?
14. What is the name of the public trust?

section 2 (13) the said Act 1950 the said trust is deemed as a public trust. Hence I hold the said trust as a public trust. At present it owns no immovable property but initial fund is Rs.707/- as movable property. The whole portion of the subject matter of the trust is situated within my jurisdiction. In result point nos. 1, 2 and 3 are replied accordingly.

9. Point No.4 and 5:- It is evident that the office bearers of managing committee have given consent to act for the trust and at present they are in its management. Hence it as the managing committee. The mode of succession to the managing committee is by way of election to be held in the General Body meeting of the trust and its tenure is of 5 years. Election shall be held in the General body meeting before expiry of tenure. Hence, point no. 4 and 5 are recorded accordingly.

10. Point No.6:- From the objects clause of Memorandum of Association the objects are educational, medical and charitable. Hence, point no. 6 is recorded as per Exh.1 Read with Memorandum of Association.

11. Point No.7:- It is apparent that the trust is newly established. There is no evidence to ascertain gross average annual income and expenditure thus, point no. 7 is answered as not ascertained.

12. Point No.8 and 9:- It is evident that Memorandum of Association and Rules and Regulation are the documents which deserve to be held as document creating the trust and document other than document about the creation of origin of the trust respectively. Hence, findings to point no. 8 and 9 are recorded accordingly.

13. Point No.10:- Apparently donations, contributions, fees, interest appear as the sources of income of the trust; hence, point 10 is replied accordingly.



15. Whether the particulars stated in the application are correct?


16. What order?

6. FINDINGS:

1. In affirmative.
2. A) Immovable Property: Nil
B) Movable Property Rs. 70/-
3. As a whole.
4. As per Exh. 1 Read with Exh. 8
5. By way of election to be held in the General Body meeting of the trust for the tenure of 5 years.
6. As per Exh. 1 Read with Exh. 8
7. Can not be ascertained.
8. Memorandum of Association, copy is filed at Exh. 8
9. Rules and regulations, copy is filed at Exh. 9
10. Donation, contribution, fees, etc.
11. Nil
12. No scheme.
13. Nil.
14. Sahara Shikshan Prasarak Mandal, Sahyog niwas, N-4, CIDCO, Aurangabad
15. In affirmative.
16. Application is allowed.

REASONS FOR FINDINGS

7. In support of the case of applicant he/she has filed an affidavit at Exh. / and thereby confirms the correctness of the information provided in Exh. 1 as true and correct to the best of his/her knowledge.
8. Point No.1 to 5:- It is evident that the said trust is registered under the provisions of the Societies Registration Act, 1860. By virtue of



14. Point Nos.11, 12 and 13:- There is no evidence in respect of encumbrances or any scheme or particulars of title deeds of trust property in possession of any trustee there of. In the result point nos.11,12 and 13 are recorded accordingly.

15. Point No.14:- Affidavit Exh.1 evidences that name of said trust is "Sahara Shikshan Prasarak Mandal, Sahyog nivas, N-4, CIDCO, Aurangabad" hence point no.14 is recorded accordingly.


16. Point No.15:- Unchallenged affidavitory evidence of applicant is very much cogent clinching and convincing and she/he has deposed as per the averments in the application. Hence I hold that contents of application are correct and answer this point in affirmative.

17. Point No.16:- In view of above discussion and answer to answer this point I proceed to pass following order:

ORDER

1. Sahara Shikshan Prasarak Mandal, Sahyog nivas, N-4, CIDCO, Aurangabad shall be registered, as a public trust under the Act.
2. Entries in schedule-1 of the P.T. register shall be recorded as per findings.
3. Certificate of classification "F" be issued to the applicant.

Date:15/03/2010
Place: Aurangabad
Yewale/steno


(S.T. Tripathi) 15/3/10
Assistant Charity Commissioner
Aurangabad.

