

Application No. ACC/VII/54/2025

Under Section 41A of the Maharashtra
Public Trusts Act, 1950

In the matter of:

"The Asiatic Society of Mumbai"

P.T.R. No. E-1020 (Mumbai)

1. Ms. Vaijyanthi Chakravarthi

2. Adv. Neel Helekar

3. Mr. Abhijit Mulye

4. Dr. Prachi Moghe

:- Applicants

VERSUS

The managing committee of trust :- Respondent

Appearances: 1. Adv. Gaurang Zaveri for applicants
2. Adv. Hemant J. Gandhi for respondent

INTERIM DIRECTIONS

Present application is filed by applicant's u/s 41A of the Maharashtra Public Trust Act, 1950 for seeking directions in respect of proposed special general meeting scheduled on 08.08.2025. Previously this application was made by the applicants before the Hon'ble Charity Commissioner, Maharashtra State, Mumbai. But later Hon'ble Charity Commissioner transferred this application to this authority on 07.08.2025 for issuing appropriate directions.

02. Today another change report No. ACC/VII/3747/2025 has been kept for hearing before this authority. Therefore, at the time of hearing of that change report this authority directed to the parties to submit their prima facie arguments in the present

application also. Accordingly, on behalf of managing committee of the trust Adv.Hemant Gandhi filed undertaking and submitted that he will submit detail say and vakalatnama on next date. On the other hand, Adv.Gaurang Zaveri filed undertaking on behalf of applicants and submitted that, kindly conduct the first hearing and issue prima facie directions in the interest of trust.

03. This authority directed to both the parties that submit their prima facie arguments before this authority. Accordingly, on the basis of available record both the parties submitted their prima facie arguments.

04. On behalf of applicants Adv.Gaurang Zaveri submitted that the previous change report No.ACC/VII/2527/2024 about election of managing committee for the tenure of 2021 to 2024 was rejected by this authority on merit. Now, another change report of election of board of trustees for the tenure of 2024 to 2027 is pending before this authority. The faith of present pending change report is depended upon the judgment of previous change report. In such circumstances the so-called managing committee issued agenda on 18.07.2025 for special general meeting dated 08.08.2025. As per the said agenda subject No.2 the provisions regarding electoral reforms will be discussed and necessary resolution will be pass about the amendment. Adv.Zaveri submitted that present applicants and other members are aggrieved with these proposed amendments in electoral reforms / election process and therefore, they made application for seeking necessary directions in respect of the same.

05. On the other hand, Adv.Gandhi submitted that he

trust. He is further stated that the applicants not made party to the managing committee. Then also because of the hearing of another change report today I submitted undertaking in this application and filed my undertaking on behalf of them. Accordingly, after filing the undertaking Adv.Gandhi contended that the special general meeting is already scheduled on 08.08.2025. All the members were invited by sending them copy of agenda through e-mail. All the necessary arrangements are already done by the trust for the said meeting. Granting stay to the meeting is not the subject matter of section 41A. The inquiry initiated u/s 41A is the purely administrative inquiry and therefore, judicial order cannot be passed in this application. He is further submitted that if any member having any kind of grievance, then the same can be raised in the special general meeting itself. By making above submissions Adv.Gandhi prayed that kindly not issue any directions as prayed by the applicants.

06. This authority heard to both the parties and also perused the entire record and proceeding. As per application made by the advocate of applicants this authority taken recourse of the rules of the trust which was filed by the other side in change report No.ACC/VII/3747/2025. After going through the provisions given in the said Rules it is seen that clause 57 specifically provided about the amendment of rules. The said provision is given as follows-

VII.AMENDMENT OF RULES

57.(a) The Rules of the society are subject to addition, alteration or deletion by a vote of the General body, provided that in the case of rules 1, 2, 14(a), 17, 18, 19, 25, 34, 45, 46, 47, 38, 49(b), 50, 51, 52, 53, 56 and 57(a) a

majority of two thirds of the members present and voting is obtained.

(b) In the case of Rule 49(a) regarding the Corpus Fund and Reserve Fund a vote of 90% of all Resident members is required.

On perusal of above said provision it seems that general body has power to amend the rules by majority of two third members present and voting in the said meeting. It means that the legal and valid trustees/managing committee and the members having power to do the same by adopting appropriate procedure.

07. On perusal of record, it appears that the change report No.ACC/VII/2527/2024 of the election of managing committee for the tenure of 2021-2024 was rejected by this authority on merit. The next change report No.ACC/VII/3747/2025 of election of managing committee for the tenure of 2024-2027 is pending before this authority for adjudication. The faith of present change report is somehow depended on the order of previous change report. In such circumstances the existing managing committee issued agenda on 18.07.2025 and scheduled special general meeting for amendment in the election process of board of trustees. This is a public charitable trust having so many members in the society. Therefore, considering the entire facets and in view of the record and proceeding of the present application, change reports this authority issued following interim administrative directions to the trust.

INTERIM ADMINISTRATIVE DIRECTIONS

1. In view of the above said facts and observations, this authority hereby directed to the office bearers and members of the existing managing committee as well

as legal and valid members of the trust to take any kind of policy decision (such as amendments in byelaws etc.) subject to provisions of rules only if they have any legal sanctity / approval by the competent authority under Maharashtra Public Trust Act, 1950.

Sd/-

(Ram A. Lipte)

Place: Mumbai.

Date:- 07.08.2025

Assistant Charity Commissioner-VII,
Greater Mumbai Region, Mumbai.

Charity Organisation