

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6513 OF 2019
WITH
INTERIM APPLICATION NO. 2105 OF 2021
WITH
INTERIM APPLICATION NO. 1453 OF 2021
WITH
INTERIM APPLICATION NO. 826 OF 2021
WITH
INTERIM APPLICATION NO. 277 OF 2020
WITH
CIVIL APPLICATION NO. 1287 OF 2019

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Kishor K Mehta & Anr

...Petitioners

Versus

Rekha H Sheth & Ors

...Respondents

Mr Karl Tamboly, *with Abhishek Prabhu and Jyoti Ghag, i/b Thakore Jariwala, for the Petitioner.*

Mr Vishal Kanade, *with Dharendra Sinha and Abhishek Salian, i/b Vidhii Partners, for Respondents Nos. 1 & 5.*

Mr RP Kadam, AGP, *for the Respondent-State.*

CORAM **G.S. Patel &
Madhav J. Jamdar, JJ.**
DATED: **15th February 2022**

PC:-

1. The application is on a praecipe for a clarification or modification of our order of 20th December 2021.
2. As to the first part of the request regarding the time frame within which the Charity Commissioner must dispose of the matters before him, in paragraph 11 we required that authority to hear both sides and pass a reasoned order on the applications but did not specify a time-limit. We did, however, specify the schedule for filings etc. We request the Charity Commissioner to dispose of the applications before him by 30th April 2022.
3. We have slightly increased the time-limit on account of the other application made to us today. This is to direct the inclusion of one Mr Dilip Shanghvi and one Mr Ayushman Mehta as party Respondents in Application No. 674 of 2016 before the Charity Commissioner.
4. There is no formal Interim Application before us for that relief. Notice of today's application has not been given to those parties either. The Petitioners are, therefore, at liberty to make an application before the Charity Commissioner for addition of Mr Dilip Shanghvi and Mr Ayushman Mehta, both of whom claim to have been later added as trustees. To this extent, paragraph 8 of our order of 20th December 2021 will stand modified permitting such an Interim Application to be filed before the Charity Commissioner. We trust that having regard to these circumstances, such an Interim

Application will not needlessly be opposed. Of course, the necessary steps for notice and service will have to be complied with. Hence, the slightly longer date for disposal mentioned above.

5. Accordingly, the time for filing Written Submissions is also extended. These are to be filed by 18th March 2022.

6. In view of this order, we permit the Charity Commissioner to himself extend time for final disposal of the Interim Applications, but presently not beyond 30th June 2022 without an order of the Court. This means that the Charity Commissioner may enlarge time from 30th April 2022 to 30th June 2022, if he feels it necessary, without an order of the Court for that period. Any extension beyond 30th June 2022 will need an order of the Court.

7. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)