

BEFORE THE CHARITY COMMISSIONER

MAHARASHTRA STATE, MUMBAI

APPLICATION NO. 4 OF 2012

UNDER SECTION 41E OF THE BOMBAY PUBLIC TRUST ACT

Yogesh Thakkar & Ors.

..Applicants

Versus

Mukesh Kantilal Sarda @

Swami Mukesh Bharti & Ors.

..Opponents



AFFIDAVIT IN REPLY ON BEHALF OF OPPONENTS NOS. 1 TO 3:

I, Mukesh Kantilal Sarda @ Swami Mukesh Bharti, the Opponents no.1 above named, do hereby state on solemn affirmation for myself and on behalf of Opponents nos. 2 and 3 as under:

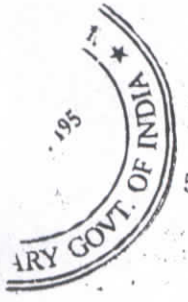
1. I have gone through the application and I am conversant with the facts and therefore able to and being a trustee entitled to submit the following for the kind consideration of this Hon'ble Authority. This affidavit in reply is filed for the purpose of opposing grant of any reliefs either prayed or otherwise and crave leave of this Hon'ble Authority to file any detailed affidavit, if and as and when required and necessary.
2. At the outset, it is submitted that the application does not disclose any cause of action to initiate any proceedings under section 41E of the Bombay Public Trusts Act and therefore neither the application is maintainable nor this Hon'ble Authority can be approached for any reliefs as prayed or otherwise as the allegation do not disclose cause of action conferring jurisdiction of this Hon'ble Authority to entertain and try this application.
3. Apart from the fact that there is no cause of action, the applicants were at no point ever, directly or indirectly involved in any of the activities of the Neo Sanyas Foundation (hereafter it is referred as 'NSF') and have not produced any documentary evidence as mandatorily prescribed under the Bombay Public

Trust Act 1950 and the Bombay Public Trust Rules 1951. Therefore the application made by the applicants is also beyond the jurisdiction and is liable to be dismissed in limine with compensatory costs as the trust is dragged into litigation for purely selfish and self motivated interests of the applicants.

4. It is submitted that the contentions, statements and allegations and averments in the application, which are contrary to what is stated herein after and unless specifically admitted, are denied and they be not kindly be treated to have been admitted even though there is no specific denial.

5. I state that the other Opponents Nos.4,5 and 6 are not concerned at all with the matter in issue in above Application as they are not the Trustees or in any way concerned with the matter in issue. I state that Applicants have approached this Hon'ble Charity Commissioner in feigned ignorance with the total disregard to the non-facts by suppressing material with frivolous, baseless, vexatious and malafide intentions to prevent these Opponents from doing their duties and performing its deeds and things in accordance with the provisions of the Law in the best interest of the Trust. From the prayers in the Application it is apparent that the only objective of the above Applicants appears to be misguide the Hon'ble Forum and to stall every action proposed to be taken by this Opponent with a view to create discontent amongst the disciples and devotees of the Trust and to lower the image of the Opponent in the eyes of the general public of Osho philosophy and to create chaos and anarchy. The allegations and contentions are false, fabricated, untrue to the knowledge of the applicants. The applicant Yogesh Thakkar, Kishor Rawal and Nitin Phulpagar are not the members of the trust. Though they claim a to be the beneficiaries of the trust from the contents of the application it is obvious that they have not improved themselves by the benefits which is expected to be from the activities of the trust in achievement of the objects of the trust.

6. It is submitted that Applicant No. 1, Mr. Yogesh Thakkar alias Swami Prem Geet hails from Surat. That in late 1981 when the Osho sannyasins had gone to Surat for Osho books shifting, the said Applicant No. 1 had joined their troupe and





came to Pune. Applicant No. 1, was basically a Real Estate Broker, who had joined the Osho commune for convenience and with an ulterior motive. His joining of the commune was a front for conducting real estate work for people visiting the Osho commune. He is a partner in real estate with both Applicants Nos. 2 & 3. There are numerous complaints by people for having been conned / cheated by Applicant No.1. It is also submitted that the Applicant No.1, has occasionally visited the Osho commune for meditation or any of its related activities. His interest has always been of real estate for monetary gain at the cost of the Osho sannyasins. The Applicant No.1 is thus a person who is a habitual objector, interferer and professional litigator who has always resorted to creating problems, obstacles and litigations for NSF. Although the Applicants have no direct beneficial interest or concern in the working of various trusts, the Applicant No.1, along with his associates have made it their business to cause applications to be filed in the form of objections / Intervener applications etc., knowing well that the matters take a long time to be decided upon in the office of the Charity Commissioner. After filing these kind of applications and objections, they are known to misuse the same by quoting these matters and by producing the acknowledgements of such applications filed in other proceedings to substantiate their false objections and/or claims. The Applicants are thus misusing the provisions of law and using their fellow colleagues and associates to professionally submit applications and objections for monetary gain.

7. The Applicant No.2 also known as Swami Prem Anadi, is from Mumbai who came to Pune following his girl-friend, and ended up living in the Osho commune. As he was unemployed, he worked as a shopper in the commune in the 90s, but was asked to leave as he was caught taking cuts from the suppliers. Ever since he was thrown out of the Osho commune, he has been doing real estate brokerage business in Koregaon Park, Pune. For the last few years, he has been performing kirtans against cash payments at the houses of sannyasins and some Osho centres, in order to Publicray and mislead the public, that he is still attached to the Osho commune. The Applicant No.2 is neither a beneficiary

nor trustee of NSF or for that matter an interested person. His interest in being part of this false and fictitious application is only to trouble and harass the Opponents and to settle scores.

8. It is further submitted that Applicant No.3, Nitin Phulphagar alias Swami Nitin Bharti is basically a business man who runs a travel agency and conducts real estate business along with Applicants 1 & 2. He operates under the name of High Fly Travel Agency at Koregaon Park, Pune. He has no clue of or connection with NSF. However, he is a close associate of Applicants 1 & 2 and his name has been included for convenience and supPublic. The said Nitin Phulphagar alias Swami Nitin Bharti is neither a beneficiary nor trustee of NSF or for that matter an interested person. His interest in being part of this false and fictitious application is only to trouble and harass the Opponents in supPublic of Applicants 1 & 2. It is further submitted that Applicant No.3, Nitin Phulphagar alias Swami Nitin Bharti was raided by State CID (Crime) in the year 2005-06 as he was involved along with others in forging visa documents of foreign nationals without their knowledge and since then he has been prohibited to participate in the activities of the trust.

9. In these circumstances, it is submitted that none of the applicants are qualified to claim even remotely interested in the activities of the trust save and except those activities carried on by themselves for their own interest taking undue advantage of their vicinity to the Osho Commune. Objects of the applicants are in fact hostile and is to cause hindrance and to cause obstacle with the objects of the trust being destroyed. They have their interest which are in conflict with the aims and objects of the Trust and therefore the application filed by such persons is not maintainable and this Hon'ble Authority on this ground may dismiss the application summarily.

It is submitted that the NSF is a Trust carrying out various activities to spread and impart education through formal training in the fields of art, science and humanities to develop knowledge, skills, mind and character, conducting courses in yoga, physiotherapy; disseminating knowledge of ancient and



contemporary philosophies, study of comparative religions etc., with a view to educate on all aspects of mental, physical and spiritual development as per its objectives. The Trust Deed is restrictive in nature leaving no scope for any outside interference much less applications and Objections filed by persons of vested interests, which includes the present application under reply.



10. As regards internal pages 1 to 17, what is stated therein is a matter of record which will speak for itself. However, as regards clause (e) the alleged nature of the applicants interest in the trust it is denied that they have any interest. Their tall claim that they being disciples, believers and followers of Osho is hollow and false to their knowledge. None of the applicants is connected to the activities of the trust.
11. As regards paragraph 2, the merger of the Sambodhi Foundation with Osho International Foundation has nothing to do with the trust, namely, Neo Sanyas Foundation. It is absolutely incorrect that there is any Samadhi of Osho on the property owned by the trust. There was never any Samadhi or any structure as Samadhi of Osho . Osho never believed and in fact was opposed to any kind of personal worship or any one to be immortalized by any temporal or non spiritual aspect like structure, idol etc. It is denied that the applicant no. 1 being the alleged followers of Osho. It is not known as to how the applicant claim to be following the principles of Osho . Osho had enlightened people by different technics, to meditate and therefore the claim of the applicants is absolutely vague and at any rate by the very claim they expose themselves of their being disconnected and not connected even remotely except their vocal claim to be followers of Osho . It is denied that the applicants were directly connected with the activities carried out of the trust. They are not even indirectly connected. It is again denied that the applicants are beneficiaries as alleged or otherwise. It is further denied that they are the persons having interest as defined under section 2(10) of the Bombay Public Trust, 1950. The Applicants have not shown any real, subsisting or existing interest in the said Trust and they are neither "interested persons" nor "beneficiaries" within the meaning of of section 2(10) of the

Bombay Public Trust Act, 1950, therefore the said application is not maintainable.

12. As regards paragraph 3, it is submitted that the contentions relating to Blue Lotus Trust have nothing to do with the Neo Sannyas Foundation.
13. As regards paragraph 4, what is stated about Sambodhi Foundation, the record will speak for itself.
14. As regards paragraph 5, the claim of the applicants being disciples, believers and followers of Osho , the contents of the said paragraph expose the claim of the applicants. The contention that the applicants are Hindu by religion are entitled for the services provided by the trust and are therefore entitled for the benefits of the activities of the trust is an absolutely wrong claim. The activities of the trust are not confined / restricted / limited to the persons belonging to Hindu religion. The followers of Osho are from practically several religions practiced /followed all over the world. The activities of the trust are open to all irrespective of the religious belief, practice and following of any person who desires to enlighten himself spiritually and philosophically etc. by the teachings of Osho . In fact this claim disentitles the applicants to call themselves as persons having interest in the activities of the trust.
15. As regards what is stated below the caption " Cause of action and nature of reliefs sought for", it is submitted as under:
16. As regards whatever is stated in paragraphs 1, 2, 3, 4, which is and could be a matter of record will speak for itself. However, the contentions and the submissions and the allegations which are the pervert and selfish interpretation of the applicants are denied. It is denied that the reason behind the shifting the office of the trust from Pune to Mumbai was allegedly with the ulterior motive



and malafide intention that the opponents desires to alienate the property without the knowledge of the beneficiaries and the disciples having only fear that if the beneficiaries or disciples would learn about the alienation there would be thousands of objections from the beneficiaries and the basic goal of the applicants would not be achieved. It simply a pervert imagination of the applicants. The contention that the audited statements of accounts for the year ending on 31st March 2005, 2006, 2007 and 2008, exposes the feigned ignorance of the applicants. The audited accounts upto the year March 2010 were filed in Pune and for the year ending March 2011 is filed in Mumbai.



What is stated with regard to plot no. 24, Koregaon Park, it does not belong to Neo Sanyas Foundation. The contentions, allegations therefore are not replied to. The said property perhaps belongs to some private party. The wild allegations made regarding the same property itself shows the frivolous and vexetiousness of the present Applicants.

17. As regards paragraph 5, what is stated therein about the description of the property being a matter of record will speak for itself. The further allegation about the properties being not brought on record as no change rePublics were filed is either again out of sheer ignorance or a pervert feigned ignorance. The relevant record regarding the properties will be relied upon. The record will speak for itself. It is most emphatically denied that there is any structure which is known as Osho Samadhi managed by either Osho International Foundation and Neo Sanyas as alleged. The Applicants are completely misinformed about the philosophy and teachings of Osho. There was no structure as Samadhi. The contention that the said structure was opened to devotes to reach there and perform all religious rituals is ridiculous to say the least. In the Osho Commune no religious rituals of any religion were ever observed or performed. Osho used to reside in a bed room known as 'Chang tazu' where even during his lifetime meditation used to take place. After the demise of Osho, the said bed room has remained in the same manner save and except that the place where




Osho used to sleep, on a marble platform, is retained . As on today also the said bed room is being used as a place for meditation as per Osho's wish and there has been no obstacle, obstruction or hindrance of whatsoever nature or to the least possible manner in the continuous user of the said bed room as a meditation hall called 'Chang tazu'. The allegation that the opponents are bent upon to convert the immovable property into a five star resort and have deliberately and intentionally removed the board placed on the property as Samadhi is denied. First of all there was never any Samadhi of Osho as he himself was opposed to any personal worship. The board which was mistakenly put, was removed 12 long years ago as it was realized that it was an error by the management the Trust. Osho had never told to create his Samadhi, and had expressed his desire that people can come and meditate. The allegation that this action had allegedly resulted in hurting the feelings of disciples of Osho is highly imaginative without there being any substance. The Opponents also submit that if the removal of the sign board can shake the belief of a participant then he/she is not fit to participate in the activities of the Osho meditations. The further allegation that the action was initiated allegedly only because the Opponents wanted to prevent the disciples of Osho as well as beneficiaries of the trust from offering the prayer and doing meditation in the said 'Chang tazu' is utmost false and out of sheer pervert imagination. Anybody who visits or would like to visit would know that the said bed room is still in use for the purpose of meditation and no one is prevented or obstructed from doing meditation. There is no question of offering any prayers as is understood commonly. This Opponent submits that never in the past prayer were offered or religious rituals performed by any person on this premises. These contentions raised further confirm the Applicants have had very little to do and even a lesser idea of Osho's specific proposal for his work and further confirms that the Applicants have little knowledge of Osho and his teachings. The further allegation that to achieve this alleged goal the opponents have raised the entry fee from rs.40/- per day to Rs.480/- for Indian nationals and Rs.980/ for foreign national to meditate between 6.00 a.m. to 11.00 p.m. during the day, is again out of deliberate,

intentional ill will and nothing to do even remotely with the interest or benefit of the trust. The entry fee of Rs.40/- was in the year 1987 or so and it has been increased over a last over 25 years at the rate of 15% per annum considering the requirement and the needs of maintaining the highest standard of hygiene, cleanliness and a very peaceful and beautiful atmosphere and landscape and the quality and the standard of service to the inmates and the visitors. It is also keeping in mind philosophy of Osho that the said Trust should be self sufficient. It is ridiculous to allege that the increase in the fees is high handed and arbitrary and initiated only with the sole intention to see that no beneficiaries would reach to the place of Samadhi. At the cost of repetition, it is submitted that there is no place and there was never any place as Samadhi of Osho. The alleged basic purpose of maintaining the 'Chang tazu' called Samadhi is allegedly being frustrated and that the beneficial interest of the beneficiaries at large is affected, is some imaginary and wild and reckless allegation. The further contention that the property belonging to the trust where the alleged Samadhi of Osho is located is damaged and wasted and is not utilized for the purpose for which it is acquired and maintained by the trust is ridiculous. First of all the property was acquired long before the demise of Osho . It was never acquired, used or with an intention to use to be a place for Samadhi. Factually there was never and there is no Samadhi and as stated earlier the place where Osho resided during his stay at the Osho Commune, during his life time was used and is also now used as a place for meditation. The continuous user of the 'Chang tazu' as a place for meditation continues. The applicants somehow or the other have tried to allege damage or waste to the property out of their pervert fertile imagination without any basis or reality. The property was never acquired to be utilized as Samadhi and the 'Chang tazu' is maintained properly as a place for meditation from morning 7.30 a.m. till 11 pm for all 365 days.

18. As regards the allegation in paragraph 6 that the opponents are creating different charitable trust outside the State of Maharashtra and are transferring

the trust to such charitable trust located outside the State limits only with the intention to provide benefits to the trustees of the trust in question only, it is submitted that this allegation is again out of ill will and absolute malafide motives. The opponents have not created any trust outside the State of Maharashtra. No properties are transferred to such public charitable trust allegedly for the purpose as mentioned in paragraph 6 and therefore the contentions are denied in toto. The further allegation that some of the persons who were the trustees of the trust have deliberately and intentionally tendered their resignation from the trust followed by which they had created new trust at Delhi or at different places to show that they are nobody in the trust and they are not connected to the trust and are getting immovable properties to the trust transferred to their trust is as vague as possible and as hollow as the thinking of the applicants. As and when any details of creation of trusts outside Maharashtra and transfer of properties for the reasons as mentioned in paragraph are given, I crave leave to file additional affidavit. Firstly there were never any illegal or unconstitutional transfers. If at all as per the thinking of the applicants any transfers which were illegal or unconstitutional are made, of which they have not given any details, they are free to adopt such measures in law and ought to be well advised to restrain themselves from hurling wild and reckless allegations especially as they claim to be the followers or disciples of Osho . The legal position sought to be submitted is too well known even to be mentioned and that too without any factual foundation for the same. The contention that looking at the approach, attitude and conduct of the opponents the applicants who hold a very tall claim of being beneficiaries of the trust and who allegedly have any direct and substantial interest are allegedly compelled to move this application for the purpose of seeking relief in the form of preventive orders preventing the opponents from wasting, damaging and improperly alienating any immovable property of the trust and further transferring any immovable property from the trust to any other organization, association or body in violation of the terms laid by the donors who have allegedly donated the properties to the trust, is as vague as hollow and without any substance as



possible. It is devoid of any facts, details and obviously any merits. As and when the details and particulars about the allegations are furnished, appropriate reply will be given. However, in view of the absolute vague allegations, all the contentions in the application, the same is liable to be dismissed summarily with compensatory costs. The contention about not to do anything in violation of the terms laid down by the donors who had donated properties to the trust, is again either out of sheer ill will or hopeless ignorance. As and when the applicants would give details about the alleged donors who had allegedly donated properties to the trust on the terms laid by such alleged donors, further reply would be given. No reply can be given to such hollow and vague allegations.

19. As regards paragraph 7, it is stated that only opponents 1, 2 and 3 are the trustees of the trust.

20. As regards paragraph 8, the contention that during the life time of Osho he had proclaimed the object of the trust as mentioned therein, the applicants are called upon to substantiate this contention. The trust in question was established in the year 1969 by the then trustees. Osho was not one of the trustees and had not proclaimed the objects of the trust as alleged. The proceeds were to be used only for the trust and not for the benefits of the disciples of Osho as is alleged. The construction of the trust deed just cannot be left to the applicants who have displayed enough and sufficient ignorance of the teachings of Osho. The trustees are managing and administering the trust as per the scheme. It is absolutely correct that the trust is also involved in carrying out primarily or otherwise the activities of spiritual nature such as Gyan, Dhyana, Sadhana Centre, Meditation Camps and is conducting lectures and seminars on the subject of philosophy of Osho.

21. With reference to paragraph 9, the allegation that during the course of the time, the opponents have allegedly started violating the directions issued by Osho during his lifetime in respect of the trust and that the opponents have allegedly

breached the objects and guidelines issued by Osho , is again as hollow and out of pervert fertile imagination of the applicants as possible. No details of the alleged violations of the directions issued by Osho , are given. No details of the alleged breaches of the objects or the guidelines are given. The allegation of the alleged arbitrary acts is also without any details whatsoever. Therefore, no reply can be given to such vague and unfounded allegations. As and when such details and particulars are given reply could be possible but presently for want of any details and particulars and on account of vague allegations the allegations are liable to be dismissed and so also the entire application.



22. As regards paragraph 10, the contents of the same are denied as not true and correct. The Applicants to prove by sufficiency of the proof the relevancy of the contents of para 10 of their Application with the matter in issue. I state that it has got nothing to do with the NSF and nothing to do with the Application under the provision of section 41E of the Bombay Public Trust Act, 1950. The allegations simply made without there being any substance, merit, details and particulars and the same are denied in toto
23. With reference to paragraph 11, the contents of the same are denied as not true and correct. The Applicants to prove by sufficiency of the proof the relevancy of the contents of para 11 of their Application with the matter in issue. I state that it has got nothing to do with the NSF and nothing to do with the Application under the provision of section 41E of the Bombay Public Trust Act, 1950. The allegations simply made without there being any substance, merit, details and particulars and the same are denied in toto.
24. With reference to paragraph 12, the contents of the same are denied as not true and correct. The Applicants to prove by sufficiency of the proof the relevancy of the contents of para 12 of their Application with the matter in issue. I state that it has got nothing to do with the NSF and nothing to do with the Application under the provision of section 41E of the Bombay Public Trust Act, 1950. The allegations simply made without there being any substance, merit, details and


particulars and the same are denied in toto.

25. The contentions raised in para 13 further confirm that the Applicants have had very little to do and even a lesser idea of Osho's specific proposals for his work. It is clarified that the name "Osho" is a fabrication to make Osho into something he has publicly declared that he was not. It is further submitted that the name Osho had been accepted with certain reasons. Moreover, 'Shri'; is a part of a tradition he had rejected. Also, Osho never "preached." And lastly, Osho had no followers.

The Contents of para 14 are not true or correct and are denied, and the Applicants are put to strict proof thereof. The Opponents submit that Osho had rejected the term "Ashram" in the autumn of 1989, and the same was announced in the 'Osho Times' magazine of that time. Furthermore, Osho did not live in Pune for "most of his life" and in fact resided at the present campus for a total of 10 years out of 59 years of his life. There is therefore and never was a "Pune Ashram."

The Applicants little knowledge of Osho and his teachings or of their own involvement in the activities of the Trust is bared by this poor display of knowledge. Their contention that "Osho's Ashram at Pune is considered and believed to be the main Ashram and place of worship of Osho in the entire world" is not only totally wrong and erroneous but is a shocking piece of misinformation. Not only was Osho completely uninterested in what people "believe" he rejected the value of belief as such, and in particular the idea that his work would include a "main Ashram" is ludicrous as hierarchy was something he spoke against during his entire life. Likewise, "worship of Osho" is as gross a misunderstanding as one can imagine.

Similarly, the contention that "visitors to the Ashram come to pay tribute and seek blessing from Osho's Samadhi" is simply not true or correct. Any person or people coming for that reason would be those who have not followed or



understood or listened to what Osho taught. Osho's instructions for the use of his bedroom, were simply that it would be "*a place for people to meditate*", and nothing else. The idea that Osho would want people to "*pay tribute*" or seek "*blessings*" from his ashes is pure fantasy of the traditional spiritual mind against which Osho spoke for 35 years. While 'inner peace' could be said to be available for meditators, the followers would by Osho's own definition, not be helped. In the same way the premises of the trust is being referred to as "*the most sacred place in the world for Osho's devotees*" is again a misinterpretation, as Osho had said "*Except for this existence, you don't have any sacred place. This is the only holy, sacred temple. There is no other temple. All other temples are false, substitutes to deceive and cheat you.*" It is submitted that Osho's interest was only in awareness, and not at all in these traditional substitutes presented under guise of "spirituality." As Osho had put it: "*It does not matter where awareness happens, what matters is that it happens. If it happens in a casino, then the casino has become a temple, a sacred place.*"

The Opponents further submit that it is worth reviewing Osho's own approach to "*sacred places*" in relation to his own life. When his own family had asked Osho if they could turn his birth place into a sacred place and a shrine, he had declined. Then after he had spent some years in his flat in Bombay, his secretary had asked if they should buy the flat as a memorial, to which he had again refused. It is further submitted that when Osho was designing the old meditation hall called Chuang Tzu so that it could become his new bedroom. The exact spot where he had sat on and spoken from than any other place and which was again the exact spot where he had given sannyas to thousands for meditators was the spot he turned it into a cupboard for cleaning materials. He did not preserve that spot for posterity as so many of his "followers" like these applicants, might have wished.



Similarly, the Applicants have no idea what they are talking about when they have tried to elucidate the devotional aspect of Osho. Osho's view on devotion to quote was "*For example, devotion is far lower than love, because devotion basically implies self-disrespect. I am against it because at the cost of self-respect you are respecting somebody else. The cost is too much. My whole effort is to teach you to feel dignity as a human being, to feel self-respect as part of this beautiful existence.*"

26. The Contents of para 15 are not true or correct and are denied, and the Applicants are put to strict proof thereof. The Opponents state that from the said para it clearly brings to mind that the Applicants are completely misinformed about the philosophy and teaching of Osho.

The Applicants have again misunderstood the subject they imply they have something of value to say. Their contention that "*Osho's work as per the direction of Osho was to be made available for his disciples*" is not true or correct. Osho's instructions were to make his work available. Period. The said work was for everyone, not for any self-selected group.

The Applicants have made another unnecessary but shocking statement by stating that "*applicants and the disciples around the world have emotions attached towards Osho and his literature and worship the same.*" This whole concept of the understanding of Osho and his teachings have been put to naught by the Applicant's own interpretation and understanding as is being made evident in this their application under reply. Everyone who was involved with Osho was and is aware that emotions have nothing to do with Osho's work. As Osho himself said on several occasions: "*Every religion should be looked into, researched, and the public should be made fully aware of what these people*

have done to humanity. And all this nonsense that their religious feelings might be hurt should not be paid any attention to. You go on committing crimes against man and, when something is said about it, your "religious feelings" are hurt."

And further: "I cannot conceive how anybody's religious feelings can be hurt; they must be very weak, they must not have deep foundations. And what I have said he had not even understood."

And further: "In the first place, if you understand religion...it is in the transcendence of thoughts and feelings. There are no religious feelings at all!"

And further: "It is a very strange world in which we are living. If your religious feeling is hurt, then it is your problem: get treated, or drop that religion which cannot help you to be strong enough not to be hurt by a small criticism from anybody. And if your heart, your religious feelings, are disturbed, that simply shows they are superficial. You need a new religion which goes deep to your roots and nobody can hurt you. "Can any of my people be hurt? None of my people have gone to the courts, filing cases that their religious feelings are hurt. I have been condemned all over the world, in all the newspapers, in all the media, they have called me all kinds of names. You could have easily gone to court, in every country you could have fought that your religious feeling is hurt. But, none of my people has even thought about it: they simply laughed and ignored it. Filing a lawsuit means giving attention to idiots. And whatsoever they are saying, they are saying without any argument, they have no argument."

The Opponents further submit that the statement made by the Applicants' about "worship...toward Osho" is also a gross misunderstanding, as Osho had stated that "Guilt turns into worship. This is a strange psychology. The moment you start feeling guilty, the only way to get rid of the guilt is to worship the man whom you have crucified. The worship will help you to feel good. Even though you crucified him, now you recognize that you committed

something wrong, and you are ready to do everything. You will worship, you will pray, you will read the Holy Bible, you will follow him for centuries. You will become a fanatic – just as fanatical as the contemporaries of Jesus who crucified him were. They were fanatically against him and their descendants are fanatically for him. This is a very strange psychological change that happens again and again.

"Remember: it is the same whether you crucify or you worship. Both are the ways how to get rid of those people. One is crucifixion, another is worship. Worship is more cultured. We say you are an incarnation of God, we will worship you. But we will not do what you say. How can we do? We are ordinary human beings. You were extraordinary – either you were a prophet sent by God, or a messenger, or the only begotten Son of God, or you were a reincarnation of God – you could do miracles. We have created all kinds of miracles, only for one reason. To create a distance between us and the people who have been seeking the truth and the people who have ultimately found the truth. We were not ready to go with them."

"I am here not to make you understand me, I am here to help you to understand yourself. You have to watch your own actions, your relationships, your moods more closely: how you are when you are alone, how you are when you are with people, how you behave, how you react, whether your reactions are past-oriented, fixed patterns of thought or you are spontaneous, responsible. Watch all these things, go on watching your own mind, heart. That's what has to be understood, that is the book to be opened. You are the unopened book." Osho

27. As regards paragraph 16, what is stated about constitution of a group of 21 disciples popularly known as inner circle is substantially correct. However, it is absolutely incorrect to state that the said inner circle was constituted to manage the day to day activities of Osho Commune and to take care of movable and

immovable properties and intellectual property rights and assets of the Osho all over the world. Osho did not have any personal assets at all. The properties belong to the trust. It is emphatically denied that the inner circle is dissolved and therefore the issue of it being done high handedly or arbitrarily does not arise. The allegation are in respect of non existing state of affairs. It is again most emphatically denied that Mr. Micheal O'Byrne alias Swami Jayesh, Mr. George Merdith alias Swami Amrito and Mr. Darcy O'Byrne alias Swami Yogendra are interfering in the affairs of the trust or that they are trying to exercise the powers of the trustees as alleged. There is no delegation of any powers by trustees to them or for that matter to anybody else.

28. With reference to para 17 I state that it is true that Opponents No.1 to 3 are in charge of the affairs of the said Trust, but deny that the trustees are converting the properties of the said Trust used primarily for charitable activities for a commercial venture. I also deny that the trustees are alienating the properties of the said Trust or are trying to prevent any person from participating in meditation activities within the said Trust premises. I deny that we are acting contrary to the teaching and directions of Osho. I state that we are infact strictly following the teaching of Osho. I deny that we are using good offices for commercial gains out of the trust funds and properties and deny having tarnished the image of Osho. I deny that we have applied new policies and rules to properties of Osho. I deny that the trustees have done anything contrary to the teaching of Osho and have strictly adhered to the philosophy / principles of Osho and put the Applicants to strict proof thereof. I deny such acts due to which the growth of Osho has been seriously hampered. I deny that such change is against directions of Osho and deny that it is prejudicially affecting the inherent rights of the individual followers. I state that an increasing number of participants from over 120 countries visit the said Trust premises each year to participate in the teachings of Osho. I state that the said para like all others are without any material particulars and are merely making false allegations without any proof of the same. I submit that such public criticism are going

against the teaching of Osho and are thus creating an interest hostile to the said trust which incurs immediate disqualification.



The Opponents once again submit that the inner circle was not a body that had been legally constituted to manage the day-to-day activities of the trust. Osho publicly dropped the word "Ashram" at this time. It therefore seems that the Applicants have almost no understanding or information even about Osho's wishes or his work. Yet again, the comments about "commercialization" again reveal that the Applicants know nothing of the subject that they claim to be so knowledgeable of.

The Opponents submit that when Osho had been questioned as to "*Why must everybody who wants to do meditation or hear the lecture pay for this?*" he had answered "*Why not? You pay for everything in life, why not for your meditation? You pay for everything in your life, why not for God? Why do you want God for free? "In fact, you don't want God. You are ready to pay for whatsoever you want. You know that you have to pay. Meditation you don't want. If it is given free, and even with a prasad, then you will think about it. You are ready to go to the movie and pay for it; why should you not pay for your meditation and the lecture if you want to hear it? "The question comes, naturally, from an Indian and a non-sannyasin who does not understand me at all, who must be a newcomer. The Indians think they are the most religious people in the world; all bullshit. They are the most irreligious people in the world – they just have an egoistic idea that they are very religious. If you are really religious, you will be ready to pay for your meditation with everything, even with your life.*

"What is money? If you pay five rupees for something, and if you earn ten rupees a day, then you have paid with half the day. Money is just a symbol that you have devoted half your day's labor for it. You go to the movie and you



pay ten rupees for a ticket; you earn ten rupees per day. You are saying that this movie is worth it – “I can stake one day’s labor for it.” But you are not ready to stake anything for your meditation, prayer, for religion. In fact, religion is the last thing on your list. You want it free; basically you don’t want it. If there is a price to it you start feeling uneasy. “You ask why you have to pay here? The price that is asked is nothing; it is just the beginning of learning a certain lesson: that one has to pay for everything, and certainly for prayer, certainly for meditation – because it is the highest thing in life. Those few rupees that you have to pay are very symbolic, just symbolic, just token – they indicate something. If you are ready to pay something, then I know you will be persuaded to pay more. By and by, one day you will be able to stake your whole life for it. If you are not ready to even pay five rupees, it is impossible for you to stake your whole life. “There are only two ways. One is: somebody else should donate for you. But why should somebody else donate for you? You will meditate and somebody else will donate for you? Why? If you want to meditate, you pay for it. And if you really want to meditate you will be ready to pay for it; there should be no hitch about it. If you don’t have money, go and earn it. If it is absolutely impossible, then come and work in the ashram and pay that way, workwise. But don’t ask to come for free.

“The greatest greed is for money, so whenever you have to lose your money you have to lose a little part of your greed. When you pay five rupees for entry, you are paying by dropping a little greed. The money is not the problem, the problem is greed; you are dropping a little greed. And this is just a beginning – because meditation can happen only when all greed disappears. A slight greed inside you and meditation is not possible. For a greedy mind there is no meditation; meditation happens only in a non-greedy mind. If you don’t have money, then work. Pay by your work and show your sincerity.”

Thus it is revealed from public statements made above by Osho that everybody pays for everything. And hence the money is then made available for the

expansion of Osho's work, just as he requested. The implication that this process for "a few individuals for making gains by way of commercial benefits" is totally untrue and therefore libelous – and again show a gross misunderstanding of Osho's specific guidance.



The Opponents submit that Osho during his lifetime had directed that the activities of the Trust should be self sufficient. Accordingly, NSF / OIF has been charging daily entrance fees to visitors to meet the day to day expenses of the Trusts. Since, over the past twenty five years, the cost of living and the cost of goods and services has increased dramatically, the trusts were left with no option but to increase the entrance fees from Rs.40/- to Rs.480/- for Indian participants and to Rs.980/- for foreign participants over a period of twenty five years.

The Opponents further submit that as per Osho's guidance anyone who went public in the newspapers or magazines criticizing his work were not welcome, and that they would be welcome only if they realized their mistake and published an apology in the same newspaper or magazine where they had publicly gone against his work.

The Trustees have not misused the funds or the properties of the trust for their personal benefit or gain, nor are they gaining commercially from the trust. In fact the Trustees are acting according to the objects of the trust and the vision of Osho and are not acting contrary to the teachings and principles of Osho. This allegation of the Applicants is also untrue and contrary to facts that participants from India and more than 120 countries from around the world visit the trust premises every year for meditation.

It is denied that the opponents 1 to 3 who are the trustees and are in charge of




the affairs of the trust are converting the properties of the trust for any commercial venture as most mischievously alleged or otherwise. It is again emphatically denied that opponents are wrongfully alienating the properties of the trust and are allegedly trying to prevent the devotees and disciples like the applicants from performing various religious and spiritual activities within the trust premises as most dishonestly and mischievously alleged. It is however true the applicants 1, 2 and 3 are not permitted entry on account of their criminal activities and involvement in the crimes and activities like taking cuts and discounts from the suppliers. However, it is once again clarified that only spiritual and philosophical are carried out in the commune and no religious activities relating to any religion were or are practiced in the Commune even during the life time of Osho. The allegation that the opponents are acting contrary to the teaching and directions of Osho are again as vague as possible to which no reply can be given. It is also denied that the opponents have used good offices of Osho's Institution for making commercial gain from out of the trust funds and properties and have tarnished the image of Osho are also vague, therefore, no reply can be given except denying the same. The contention that the opponents have applied new policies and rules to the Ashram and properties of Osho is again vague. The further allegation that the alleged all such acts of the opponents are contrary to the teachings and principles of Osho is mentioned only to reject the same and deny the same. The invention of the applicants that due to alleged such acts the growth of Osho community has been seriously hampered and that such change is directly against the directions issued by Osho himself and are affecting prejudicially the alleged inherent rights of the individual followers like the applicants is sheerly imaginative due to the pervert imagination of the applicants. These allegations are denied emphatically.

29. With reference to paragraph 18, what is stated about Osho applying for any patent or copy right again exposes the lack of appreciation and understanding as to the nature of the two rights relating to the intellectual properties. There



was never any question of any patent. The allegation of the opponents attempting to have copy rights, are again vague , without any details and particulars and therefore without prejudice, no reply can be given thereto. It is well known public knowledge the work and the book of Osho were and are printed and sold at the cost price. The allegation insinuating anything contrary to the factual realities is mischievous and dishonest. It is denied that the literature and other articles are made so expensive allegedly in order to make profit and make commercial gains therefrom which allegedly are against the object of the trust as alleged or otherwise. This is one more allegation just made for the sake of making without any substance in it.

30. With reference to paragraph 19, it is correct that the persons living in the Osho Commune or visiting the same would offer their voluntary services for any kind of work that would be available as per the request of such volunteers. Considering the need of keeping the highest standards of hygienic living, and creating an atmosphere most suitable for spiritual activities, it was realized that a large work force of manpower was needed. All the time there was a need of workmen being available at all material times and right kind of workmen with necessary skills or experience even in the most minor kind of chores or work. It was found that the inmates of the Osho Commune though were willing to work, and volunteer their services in their desired field of activities, still several aspects of maintenance needed work force which was not available and therefore there was a need to employ people. In addition thereto it was also found that it was impossible to depend wholly and fully on the volunteers and it was found to be uneconomical too as the volunteers were required to be accommodated, supplied the necessities like food etc. and therefore a conscious decision was taken not to depend entirely on the services volunteered by the disciples. Even as on today the trust gratefully appreciates the services volunteered by the disciples and depending on the availability of the work and the request from the disciples to serve in a particular work or field, even as on today such work is done by the volunteers. It is denied all the work of the



Commune was done by the disciples. Approximately 300 persons are required for maintenance and upkeep of the Osho Commune. On an average the number of inmates and the volunteers are in the range of 100 to 150 depending on the inflow of the persons in the Commune. It is impossible to depend on the volunteers, to do a work, which requires 300 persons approximately. The comments made in the said paragraph regarding the effect of such voluntary services are the opinions of the applicants, to which no reply can be given. It is however most emphatically denied that any person is restrained wrongfully or otherwise from performing such service. As submitted earlier, in order to maintain a proper hygienic and clean atmosphere conducive to the spiritual activities attempts are made to achieve the highest standards. A company which is Internationally known and expert in the field is therefore engaged. Prior to this company Sodexho, another company namely, Kinship was entrusted with the work since about 1994 which worked till about 2002 and created several labour problems. The present organization Soexho has been working in the Commune since about 2002 and is not a recent development. The allegation that the trust funds are spent unnecessarily and lavishly at an exorbitant price are either out of pervert mind as no facts and figures are given and purely imaginative or out of total ignorance. The prayer for restraining engaging services of any establishment, for the purpose of maintaining highest standards of hygiene and cleanliness is clearly dishonest and malafide to say the least. At any rate this prayer is beyond the scope of the law in addition to the fact that no particulars or details are given in supPublic of the prayer. As submitted earlier, the internationally known established was engaged in 2002. It was bare minimum for the applicants to get themselves acquainted with some facts before hurling allegations.

31. With reference to paragraph 20, it is denied that any disciples including the applicants were ever deprived of their alleged legitimate rights to carry out seva as claimed. Firstly, there is never such right much less legitimate right as claimed in insisting on the trust to accept the voluntary service of any one. The

acceptance or rendering of the service is an ought to be purely voluntary in either way. It is denied that the alleged beneficial interest of the beneficiaries is affected but the alleged rights of devotees of providing seva are taken away high handedly and arbitrarily as alleged or otherwise. Osho had promoted 'Work as Meditation' which he never referred as 'Seva'.



32. With reference to paragraph 21, relating to the entry fee increased from RS.40/- to Rs.480/- at present for the Indian nationals and Rs.980/- for the foreigners. The entry fee for the Indian Nationals is lower than the per day participants actual expenses incurred by the trust and in fact Indian Nationals are enjoying a subsidized charge on account of the foreign nationals who are contributing more towards the same. It is already submitted that the fees of Rs.40/- were charged in the year 1987. Thereafter gradually each year the fee was increased by about 15% and the fees as on charged today are almost after 25 years when the fees were Rs.40/- in the year 1987. It is denied that there is any high handed or arbitrary action. The further allegation that no receipts of the said amount collected against the entry fee are issued to the devotees at any time and only a card is issued to the devotee for its presentation at the entry gate and that the funds collected by way of entry fee are not accounted for in the accounts of the trust but are totally misappropriated by the opponents is nothing but a vicious and venomous allegations and exposing a complete lack of understanding. It only demonstrates the applicants are bent upon making wild and reckless allegations without bothering to know the facts. The card which is given to person desiring to enter the Commune carries a sticker of that particular date. The stickers are accounted for and whenever the card is accepted to gain entry, there is an automatic account for the same. The entries are recorded and accounts are maintained. Further in addition to this if any person desires to have any receipt, the same are also issued. The allegation that the funds collected by way of entry fees are misappropriated totally or otherwise by the opponents is a grossest dishonest and malafide allegation suiting the mindsets of the applicants. The trustees have been maintaining the accounts


properly and need no advise, suggestion from and especially the applicants who have their criminal background. The allegation that the number of disciples visiting the commune is reduced on account of raising the entry fee and the trust started losing its revenue substantially which is also causing loss to the trust is one more reckless and wild allegation, it is denied. The facts are otherwise. The allegation that the opponents are practicing an act of discrimination between the human beings to say the least is ridiculous. No details or particulars of any alleged act of discrimination on the part of the opponents is given and therefore no reply can be given to it save and except a most emphatic denial. The trustees are not charging any heavy entrance fee and therefore the allegations are baseless. Whosoever has visited the Commune knows, understands and appreciates the surroundings, the atmosphere and the attempts and efforts to keep the highest standards conducive to the spiritual activities and the cost that is and would be involved obviously there is a complete lack of understanding, knowledge and appreciation on the part of the applicants to these aspects, the costs involved. The services of the volunteers are continued to be accepted and welcome as per the requirement of the trust.

33. With reference to paragraph 22, it is denied that the opponents are carrying their efforts to sell the manuscript of the trust for making commercial gain therefrom. The allegation is too vague and devoid of any merits. The contention of there being no sale or transfer any of the immovable properties or etc. are without any foundation. The statements are without any reference or context and therefore no reply can be given thereto.
34. With reference to paragraph 23, the contents of the same are denied as not true and correct. The Applicants to prove by sufficiency of the proof the relevancy of the contents of para 24 of their Application with the matter in issue. I state that it has got nothing to do with the NSF and nothing to do with the Application under the provision of section 41E of the Bombay Public Trust Act, 1950. The allegations simply made without there being any substance, merit, details and particulars and the same are denied in toto.



It is submitted that the Neo Sanyas Foundation is a separate registered Trust having its own identity and registration. It has absolutely no concern with the work and or activities of the Osho Multimedia and Resort Pvt Ltd. Hence, the making of mere wild and or baseless allegations will therefore have no relevance in the matter, and the scope of this Application has to be restricted to the functioning of the Trust only.

35. With reference to paragraph 24, the contents of the same are denied as not true and correct. The Applicants to prove by sufficiency of the proof the relevancy of the contents of para 24 of their Application with the matter in issue. I state that it has got nothing to do with the NSF and nothing to do with the Application under the provision of section 41E of the Bombay Public Trust Act, 1950. The allegations simply made without there being any substance, merit, details and particulars and the same are denied in toto.
36. As regards paragraph 25, the contention that it was the practice till recent times that the personal belongings and other belongings of Osho were allowed to be seen on certain imPublicant days is a display of gross ignorance. The belongings of Osho are never put on display. The paintings, signatures etc. are pieces of art etc. are all over the Commune. The imaginative description since being of the applicants no reply can be given thereto. It was Osho's insight that every day is a celebration and there was no need to celebrate any particular day and hence the Trustees in turn permit celebration every day. The contentions regarding the visits of disciples being stopped etc. is denied as being false to the knowledge. It is denied that any meditations or prayers are stopped by the opponents. The prayers, contentions made in this paragraph regarding any directions to the opponents to start the alleged process and practices afresh and to allow the disciples and beneficiaries to attend such functions are beyond the scope not only of the law but beyond the scope of any application under section 41E of the BPT Act but also beyond the scope of the law in general. The contention that the alleged attempt on the part of opponents is like closing the



doors for all the devotees is mentioned herein only to be rejected being without any substance. It is most denied that any personal articles of Osho, his library, paintings, original manuscripts and that allegedly there is no account of the same. The personal belongings, photo gallery, paintings and signatures are in the Commune. The applicants in their nauseating habit have again hurled allegations without any details and particulars and therefore no reply can be given. However, on account of the vague allegations the application itself is liable to be dismissed with costs. The contentions, statements etc. in the said paragraph no. 25 are devoid of any merits and therefore are denied. It is denied that allegedly in order to convert the property into the own property the opponents have made any attempt to shift all these articles to some other place in the world and started generating income therefrom from their personal gains and therefore for that alleged purpose the opponents are directed to restore the said articles in Pune Ashram by passing suitable orders. All these contentions are out of poor taste.

It is further submitted that the Applicant's submission and interpretation that you "get connected to Osho" only by looking at his belongings is therefore pitiful. The Opponents submit that Osho had spent 35 years explaining that there was only one way to get close to him, and that was to by getting close to yourself, to meditate, and to look inwards and not outwards.

The contention of the Applicants that "*various functions were organized by the trust to celebrate Osho's birthday, Osho's enlightenment day, and "Mahaparanirvan of Osho... and the disciples... used offer their prayer"* is totally misconceived. Firstly the Applicants seem to be totally unaware of Osho's public statements on what is "*celebration days*". It is submitted that in a public talk in 1986 Osho had explained that there would be no more regular festival days: "*Now we will not be having any celebrations; now the celebration will continue all the year round – three hundred and sixty-five days of celebration!*"

..And this is going to be the new order of the Buddhafield."

And yet in another public talk from that time, Osho had said: *"I am going to drop all the festivals so there is no need for twenty thousand, thirty thousand people together, because then there is no intimacy. So the festival will be every day. And why have only one festival when you can have three hundred and sixty-five!"* and further *"We will dissolve those four ceremonies and make the whole year a festival – a three-hundred-and-sixty-five-day festival. ... So now the whole year will be the festival."*



On his return to India in the same year, Osho further spoke in Mumbai: *"As your silence grows, your friendliness, your love grows; your life becomes a moment-to-moment dance, a joy, a celebration. Do you hear the firecrackers outside? Have you ever thought about why, all over the world, in every culture, in every society, there are a few days in the year for celebration? These few days for celebration are just a compensation – because these societies have taken away all celebration of your life, and if nothing is given to you in compensation your life can become a danger to the culture".*

In contrast thereto, the Applicants have decided that these celebration days were so that they could "offer their prayers." And now, in spite of Osho's clear instructions about celebration days, the Applicants have alleged that "this practice is arbitrarily stopped." It is further submitted that these celebrations were not "arbitrarily stopped", but were stopped in response to the explicit wishes of Osho. Ironically, the Applicants are now asking the secular Indian authorities to insist that those responsible for Osho's work reinstate these celebration days – in effect, that they insist that Osho's wishes should be ignored in favor of the wishes of these applicants who have already shown that

they have no understanding of Osho whatsoever.

If respecting Osho's wishes amounts to "closing the doors of all the temples to the devotees" then clearly these people cannot be referring to any door to any temple with Osho's name on it.

In the past when these celebration days were still happening, Some of Osho's personal belongings that he used were in the room as people visited. It is submitted that none of these personal belongings have been removed from the premises. By their lack of knowledge of the activities the Applicants have only further revealed as to just how far away from Osho they really were or are when they talk of "sentimental value."

For these Applicants to be appealing for Osho's wishes to be ignored on the basis of "sentiment" is extraordinarily disrespectful to his lifetime's work.

37. With reference to paragraph 26, the applicants have again harped upon Samadhi of Osho which did not exist and that too allegedly as per the wish of Osho and that the bedroom was converted into his Samadhi. The position of the bed room where Osho used to reside during his stay at Pune is already explained above. Several followers of Osho did come and meditate in the said 'Chang tazu' during the life time of Osho and the meditation continues even as on today in the said 'Chang tazu'. The said 'Chang tazu' which was used by Osho as his residential place and was used even during his life time as the place for meditation continues to be used so and therefore except the applicants who are unaware and ignorant no one had their faith shaken. The 'Chang tazu' after the demise of Osho has continued to be used as a meditation hall. The allegation that the opponents have recently removed the name plate, again is a sheer dishonest allegation in as much as it was removed more than 12 years as the place was not a Samadhi. The submission that the Samadhi is the sacred

place directly connected to the religious belief of Osho followers which binds the spiritual nature is unintelligible statement displaying the grossest one more ignorance of the applicants. Whatever the applicants have described the structure where Osho resided during his life time is their choice. However, there is nothing arbitrary or high handed on the part of the opponents and the alleged decisions recorded by them which are allegedly detrimental to the interest of the trust and the devotees are basically against the interest of the trust, is again a confused display and that too of ignorance of the teachings of Osho. The contention that the opponents are manipulating Osho's work and vision thereby have got disgraced and have prejudiced the interest of the applicants and devotees all over the world thereby the applicants are constrained to file present application under the provisions of BPT for the purpose of seeking necessary preventive orders against the opponents is as vague and as hopelessly without merits as possible. It is denied completely.

38. With reference to paragraph 27, the reliefs as claimed by the applicants to prevent the applicants from raising entry fee to the ashram and restraining from removing the articles used by Osho from the Ashram at Pune and shifting them elsewhere in the world and if are already shifted seeking directions to bring them back and thirdly for injunction restraining them from wasting, damaging and improperly alienating any immovable property of the trust and further restraining the opponents alienating the properties of the trust in violation of the directions and mandate given by the donors who have donated immovable property of the trust and also seeking further directions to make available the literature of Osho to the disciples at reasonable rate and prevent them from making commercial use of the said literature whereby the opponents are in a habit of making gains out of it and also seeking further order of injunction against the opponents restraining them from preventing the disciples from entering the Samadhi place of Osho and offering prayer therein are vaguest possible in nature Neither in this paragraph nor anywhere else any details or

particulars are given. Repetitions of allegations and statements are made ad natium. At some places some provisions are repeated just for the sake of them. All these statements, do not justify even in the remotest manner any of the reliefs as claimed or otherwise. All these reliefs as claimed to have been claimed are beyond the provisions of law and on such grounds statements, averments and contentions the applicants are not entitled to any relief whatsoever. On the contrary, the application is liable to be dismissed summarily. The application is liable to be rejected as it does not disclose any cause of action under the provisions of Order VII Rule 11 of the CPC or provisions or principles of law analogous thereto.

39. With reference to paragraph 28, the contention that if the preventive orders as most mischievously and dishonestly sought are granted, nobody could be said to be affected or prejudiced but the on the contrary allegedly the activities of the trust would be carried out in a better and efficient fashion thereby the funds and properties of the trust would be protected is denied being hopelessly without any merits and foundation. It is also emphatically denied that if the preventive orders are not passed and the opponents are not restrained by order of injunction and are not issued with the directions, the opponents would continue with their highhanded and arbitrary acts, which are allegedly detrimental to the interest of the trust and beneficiaries and therefore in order to protect the interest of the trust and to protect the interest of the beneficiaries and disciples the reliefs prayed by the applicants are required to be granted. These vague meritless repeated submissions are denied once again.
40. With reference to paragraph 29, the applicants have not at all made any case even prima facie to show that there is any threat to the immovable properties of the trust of being wasted, damaged and /or improperly alienated. The mere reproduction of the requirement of law would not justify grant of any relief. The applicants have neither made out any prima facie case nor the balance of

convenience is in their favour. The claim that the applicants have come forward with clean hands is a very over rated statement out of inflated ego. To claim that the applicants are therefore entitled for the reliefs is contrary to even the basic tenets and provisions of law.



41. With reference to paragraph 30, it is denied that the opponents 4,5 and 6 are interfering into the affairs of the trust as alleged or otherwise. These opponents are the members of the inner circle and are discharging their duties and obligations and responsibilities as a members of the inner circle which was formed conceptualized and brought into existence by Osho himself with responsibility to have over all guidance, supervision on the activities of all who continue or practice the teachings of Osho. The trustees have not delegated their powers to the opponents 4, 5 and 6 as alleged.
42. Under the circumstances, it is most emphatically and humbly submitted that the whole application is devoid of any merits. It is full of allegations out of the pervert imagination of the applicants. It is devoid of facts and particulars. The allegations are made only for the sake of making by merely repeating the requirements of law without substantiating them. The reliefs claimed regarding the internal management are absolutely beyond the scope of even the Bombay Public Trusts Act including Section 41E thereof. The application therefore deserves to be rejected summarily and that too with substantial costs to the trust.

Solemnly affirmed at Bombay]

Dated this 16th day of July, 2012]

Identified by me:

Before me,



16/07/2012,

S. K. SHETTY B.A.,LL.M

ADVOCATE
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This document is noted at Mumbai
Sr. No. 2009 Date 16/07/2012 in the
Notarial Register

Advocate for the Opponents Nos. 1 to 3.

