

BEFORE THE CHARITY COMMISSIONER,
MAHARASHTRA STATE, BOMBAY

APPLICATION NO. OF 2011

Under Section 41-E of
the Bombay Public
Trusts Act, 1950;

And

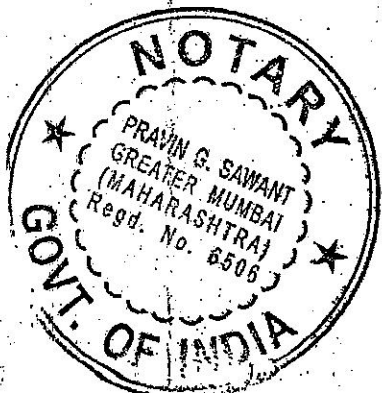
In the matter of "NEO
SANNYAS FOUNDATION"

P.T.R. No.E-625 (Pune)

(newly transferred to
to the Office of the
Deputy Charity
Commissioner, Greater
Bombay Region, Bombay
under Application No.36
of 2010 under Rule
36(iv) of the Bombay
Public Trust Rules,
1951)

Y. Ghosh
आवक लिपिक
वर्मादाय आयुक्त, महाराष्ट्र राज्य,
मुंबई याचे कार्यालय

- 1. MR. YOGESH THAKKAR ALIAS
SWAMI PREM GEET,



residing at 1, Anand Park,
368-A, Near Suryojana
Society,
Koregaon Park,
Pune - 411 001.

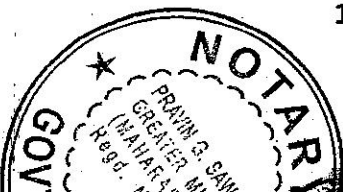
2. MR. KISHOR RAVAL ALIAS
SWAMI PREM ANADI,
residing at B-3/11,
Mira Nagar Park Society,
Koregaon Park,
Pune - 411 001.

3. MR. NITIN PHULPHAGAR ALIAS
SWAMI NITIN BHARTI,
residing at 5/1,
Vashwani Nagar, 292,
Koregaon Park,
Pune - 411 001

...APPLICANTS

VERSUS

1. MR. MUKESH KANTILAL
SARDA ALIAS



SWAMI MUKESH BHARTI,

50, Koregaon Park,

Pune - 411 001.

2. MR. DEVENDRA SINGH DEVOL,

50, Koregaon Park,

Pune - 411 001.

3. MS. VIYDA KHUBCHANDANI,

17, Koregaon Park,

Pune - 411 001.

4. MR. MICHAEL O'BYRNE

ALIAS SWAMI JAYESH,

CHAIRMAN, INNER CIRCLE,

17, Koregaon Park,

Pune - 411 001.

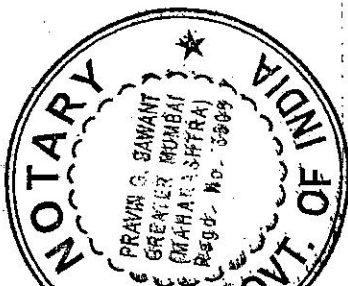
5. MR. GEORGE MERIDITH ALIAS

SWAMI AMRITHO,

VICE CHAIRMAN, INNER CIRCLE

17, Koregaon Park,

Pune - 411 001.



6. MR. DARCY O'BYRNE ALIAS
 SWAMI YOGENDRA,
 MEMBER, INNER CIRCLE
 17, Koregaon Park,
 Pune - 411 001. ...OPPONENTS

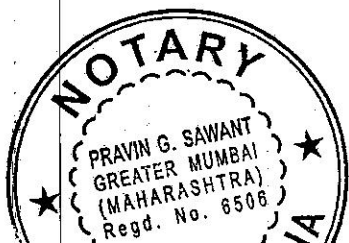
The Applicants hereinabove, do
 hereby submit as under :-

The Applicants hereby submit
 the following information in compliance
 with Rule 25AA of the Bombay Public
 Trust Rules, 1951 :-

(a) The name, occupation and the
 address of the Applicants and the
 Opponents :-

APPLICANTS

1. MR. YOGESH THAKKAR ALIAS
 SWAMI PREM GEET,
 Occupation : Business
 residing at 1, Anand Park,



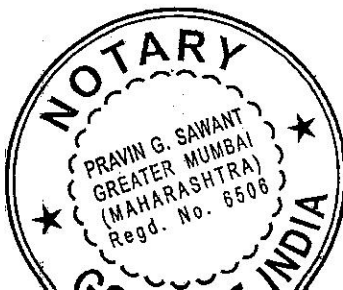
368-A, Near Suryojana
Society,
Koregaon Park,
Pune - 411 001.

2. MR. KISHOR RAVAL ALIAS
SWAMI PREM ANADI,
Occupation : Business,
residing at B-3/11,
Mira Nagar Park Society,
Koregaon Park,
Pune - 411 001.

3. MR. NITIN PHULPHAGAR ALIAS
SWAMI NITIN BHARTI,
Occupation : Business,
residing at 5/1,
Vashwani Nagar, 292,
Koregaon Park,
Pune - 411 001

OPPONENTS

1. MR. MUKESH KANTILAL



SARDA ALIAS

SWAMI MUKESH BHARTI,

Occupation : Business,

50, Koregaon Park,

Pune - 411 001.

2. MR. DEVENDRA SINGH DEVOL,

Occupation : Business,

50, Koregaon Park,

Pune - 411 001.

3. MS. VIDYA KHUBCHANDANI,

Occupation : Business,

17, Koregaon Park,

Pune - 411 001.

4. MR. MICHAEL O'BYRNE

ALIAS SWAMI JAYESH,

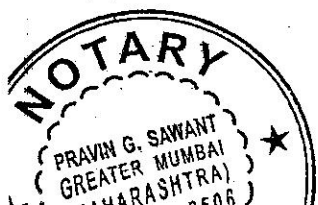
CHAIRMAN, INNER CIRCLE,

17, Koregaon Park,

Pune - 411 001.

5. MR. GEORGE MERIDITH ALIAS

SWAMI AMRITHO,



7
VICE CHAIRMAN, INNER CIRCLE

17, Koregaon Park,

Pune - 411 001.

6. MR. DARCY O'BYRNE ALIAS

SWAMI YOGENDRA,

MEMBER, INNER CIRCLE

17, Koregaon Park,

Pune - 411 001.

(b) Name and description and number of
the Trust and its Office address :-

Neo Sannyas Foundation,

P.T.R. No.E-625(Pune)

Address

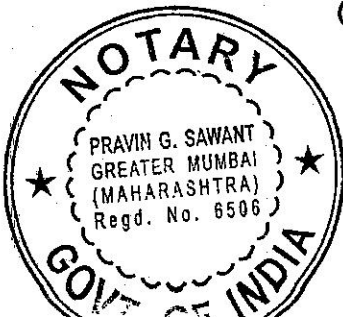
608, Maker Chambers V,

6th Floor,

Nariman Point,

Mumbai - 400 021.

(c) Names and addresses of the Trustees
and Managers

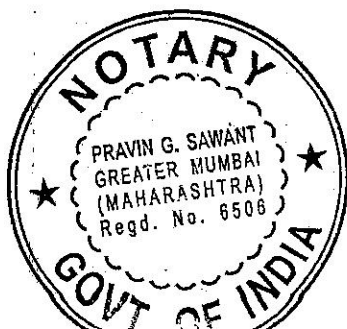


As of Opponents.

(d) Objects of the Trust

The aims and objects of the Trust shall be :-

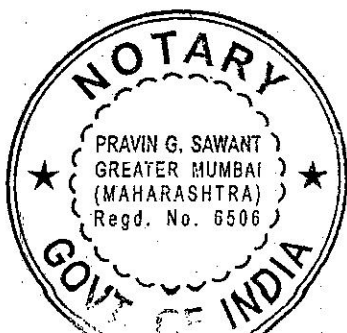
- (a) To spread and impart the preaching of Philosophers both past and contemporary (including Acharya Shri Rajneesh) pertaining to all religions and/or main principles thereof for the spiritual, mental and/or moral and physical betterment of human beings with the ultimate objects of self realization.
- (b) To conduct or arrange lectures, tours, shibirs, research and/or other programmes to propagate philosophy of various faiths and



philosophers at the cost of the Trust.

(c) To start, promote, establish, maintain, control and/or conduct, gyana yagna, sadhana centres, seminars, discourses, study groups, lectures, reading rooms, libraries, schools, pathashalas, research centres and other educational institutions to train students and teachers and/or to arrange for the purpose with other schools and/or other educational institutions and for the purpose to do all acts, deeds and things necessary for the starting, conducting and/or promotion thereof.

(d) To give loans, scholarships, freeships, prizes, grants, honorarium, remuneration and/or

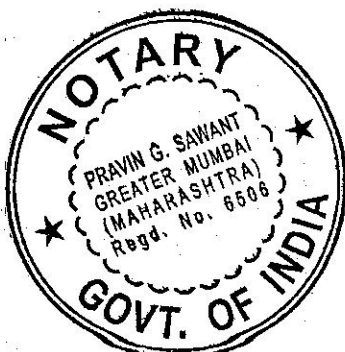


monetary assistance and/or such other assistantship, arrangements etc. to philosophers, thinkers, writers, authors and/or students to carry out research and preach philosophy in confirmation with objects of the Trust.

(e) To establish, promote, improve, control, diffuse and impart medical knowledge by way of "Sadhana" and other suitable systems beneficial to physical and mental health.

(f) To establish, promote and/or take over and conduct hospitals, health and medical centres or such other centres to promote the objects of the Trust.

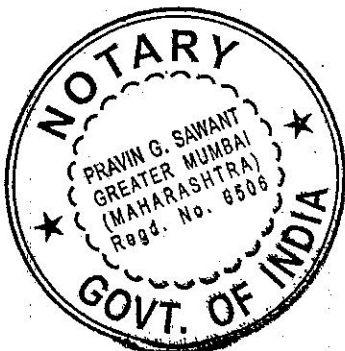
(g) To donate and contribute and/or to enter into working



arrangements of any kind with other establishments, institutions, organizations, bodies or centres having objects (wholly or partly) similar to those of the Trust and which may be deemed to be activity conducted for the purpose of popularizing, implementing and practising the aims and objects of the Trust.

- (h) To enter into any arrangement with the Government, local authorities, other quasi-Government bodies and other public or private bodies, organizations and/or institutions in order to promote and achieve any or all of the aims and objects of the Trust.

- (i) To invite and accept donations in cash or kind, gifts of

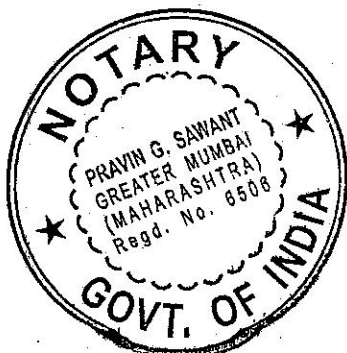


movable or immovable properties, legacies, collect funds by appeal and to raise monies otherwise for the purpose of carrying out the objects and activities of the Trust.

(j) To borrow and raise monies for the purpose of carrying out the objects of the Trust in lawful manner from such persons as the Trust may think fit.

(k) To acquire land, purchase buildings, construct or take on lease or exchange or hire any moveable or immoveable properties or rights or privileges for the purpose of carrying out the objects of the Trust or any of them or part of them.

(l) To undertake and execute any Trust which may be or indirectly



conducive to any of the objects of the Trust either gratuitously or otherwise.

(m) To invest monies belonging to the Trust in such securities or otherwise in such manner as laid down and/or provided for in the statutes and/or provided by the appropriate authorities from time to time.

(n) To maintain, run or otherwise arrange for sadavrats, dharmashalas, resthouses, kalamandirs, bal mandirs, prayer halls, and other facilities to promote the objects of the Trust.

(o) To promote and establish branches of the Trust at such other places as may be decided



by the Board of Trustees from time to time.

(p) To sell, exchange, surrender, give, mortgage, charge, pledge, purchase properties moveable or immoveable out of the Trust fund or to invest Trust monies or all surplus money after making the necessary expenses of the Trust in their absolute discretion in confirmation with the law for the time being in force.

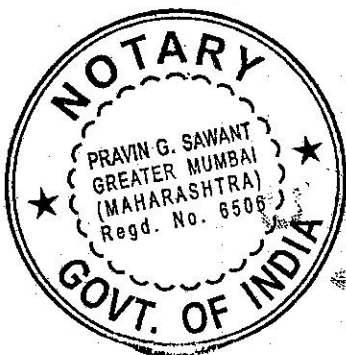
(q) To let or demise any land or immovable properties if any forming part of the Trust property or any part thereof for such period (even for perpetuity) and on such terms and conditions and on receipt of premises or otherwise, as they think fit, in accordance with the law for time being in force.



(r) To look after, manage, and administer properties, funds, institutions and activities of the Trust and for the purpose to make rules and regulations and other arrangements for the day-to-day working and administration of such properties, offices, funds, institutions and activities.

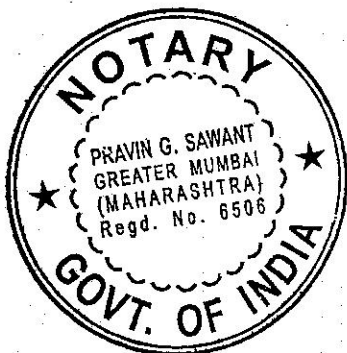
(s) To institute, compromise or compound all actions, suits, appeals, applications and other proceedings and all differences or disputes and to refer the same or any of them or any part thereof to arbitration and to carry out all decrees, orders, awards and settlements.

(t) To make, amend and repeal bye-laws for the conduct of business



of the Board of Trustees or other Committees, Sub-Committees, etc. appointed by the Board, Branches, centres, sub-centres, place of work etc., the Trust, and as to any of the Trustees provided that they shall not be inconsistent with the Memorandum of the Trust.

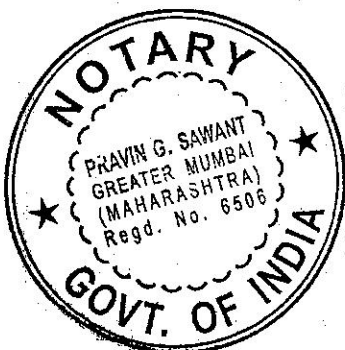
- (u) And provided always that the Trustees shall have full power and absolute authority in their entire discretion to add to and introduce other specific, public, charitable objects not inconsistent with the objects and purposes to these presents to the advancement of the times and circumstances which may from time to time exist as they may consider desirable and in such case, such newly added objects so decided upon by the Trustees



shall subject to necessary statutory approvals in this regard, be deemed to have been incorporated in the objects of these presents.

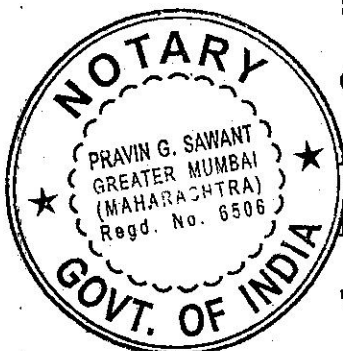
(e) Nature of Applicants' interest in the Trust :-

1. The Applicants submit that all the present Applicants are citizens of India and are disciples, believers and followers of Shri Osho Rajneesh, previously known as Bhagwan Shri Rajneesh. Accordingly, all the present Applicants are connected to the activities carried out by Shri Osho Rajneesh under the banner of the Trust and have participated in the activities carried out by Shri Osho Rajneesh during his lifetime and after his death by the Trustees and thereby all the present Applicants are the beneficiaries of the Trust.

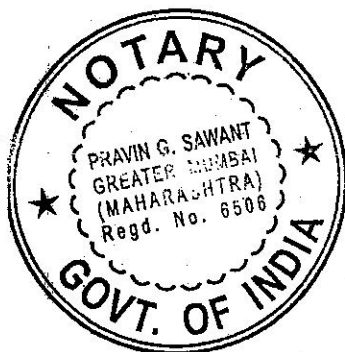


Furthermore, the Applicants submit that one Trust with the name, Sambodhi Foundation was created under the Deed of Trust dated 3rd August, 1989 of which the Applicant No.1 was a Trustee of the Trust. Applicant No.1 has resigned from the Trusteeship under his resignation letter dated 1-3-1992.

2. The Applicants submit that Sambodhi Foundation was during the course of time merged with Osho International Foundation. The Trustees of Osho International Foundation and Neo Sannyas Foundation are almost the same for years together. The properties originally owned by the Trust are now managed by Osho International Foundation or by Neo Sannyas Foundation. Samadhi of Shri Osho is standing on the property owned by Neo Sannyas Foundation but managed by Osho International Foundation. The Applicants submit that the

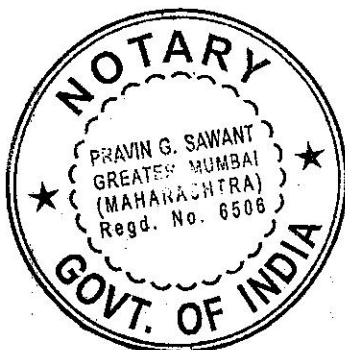


Applicants are the followers of Shri Osho alias Bhagwan Shri Rajneesh and that the Applicant No.1 was directly associated with Osho International Foundation in which Sambodhi Foundation was merged of which he was a Trustee. Applicant No.1 had acquired immovable properties which are during the course of time transferred by way of endowments to Osho International Foundation. The beneficiaries of Osho International Foundation and that of Neo Sannyas Foundation are the same and who are spread all over the world. The Applicants submit that being the followers of Shri Osho alias Bhagwan Shri Rajneesh and associated with his activities and also participated in the past in the capacity as Trustees of Sambodhi Foundation in the activities carried out by Shri Osho alias Bhagwan Shri Rajneesh and after his resignation, he is following the principles of Bhagwan Shri Rajneesh.

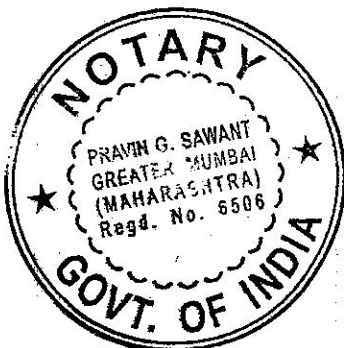


The Applicants submit that the Applicant No.1 as well as other Applicants are directly connected to the activities carried out by Bhagwan Shri Rajneesh and all the Applicants are his followers and thereby the Applicants herein since entitled to receive the benefits from Osho International Foundation as well as Neo Sannyas Foundation, all the present Applicants are beneficiaries of the Trust and thereby all the present Applicants are persons having interest as defined under Section 2(10) of the Bombay Public Trusts Act, 1950.

3. The Applicants submit that there is another Public Charitable Trust with the name Blue Lotus Trust which came into existence under Indenture of Trust dated 8th February, 1990. In the said Trust, the Applicant No.2 was shown as a Trustee of the Trust. The said Blue Lotus



Trust came to be merged with Osho International Foundation by order of the Deputy Charity Commissioner, Greater Bombay Region, Bombay. During the course of time, Change Report No.4192 of 1996 was filed in the matter of Osho International Foundation for additions of immovable property situated at Village Mangeri, Taluka Haveli, District Pune bearing Revision Survey No.57, 58, 59A, C.T.S No.12/1, Plot No.9, Koregaon Road, Pune. This property was purchased from Koregaon Park Hotels Limited by Osho International Foundation and Blue Lotus Trust jointly under registered document. The present Applicant No.2 being the Trustee of Blue Lotus Trust is signatory of the said document. Applicant No.2 has resigned from the Trusteeship under his resignation letter dated 6th May, 1994.



4. The Applicants submit that there is another Trust with the name Sambodhi Foundation, P.T.R. No.E-12486 (Bombay). The Applicant No.1 was Trustee of this Trust. This Trust was created under the Deed of Trust dated 3rd August, 1989. During the course of time, Change Report No.1229 of 1992 was filed to delete the name of the Applicant as Trustee of the Trust by virtue of his resignation. The Trust with the name Sambodhi Foundation ultimately came to be merged with Osho International Foundation.

5. The Applicants submit that, in view of this position and since the Applicants are disciples, believers and followers of Shri Osho Rajneesh, previously known as Bhagwan Shri Rajneesh alias Rajneesh and since the Applicants are Hindu by religion, the Applicants are entitled for the services provided by the Trust and

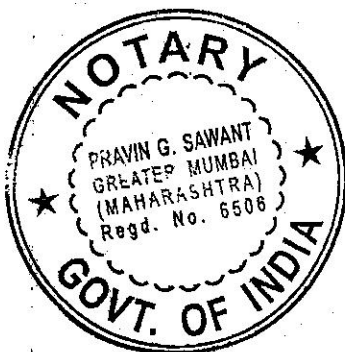


further are entitled for benefits out of the activities of the Trust and therefore, all the present Applicants are beneficiaries of the Trust and thereby persons having interest as defined under Section 2(10) of the Bombay Public Trusts Act, 1950. Hence, the Applicants are entitled to file the present Application for the purpose of seeking the reliefs as claimed.

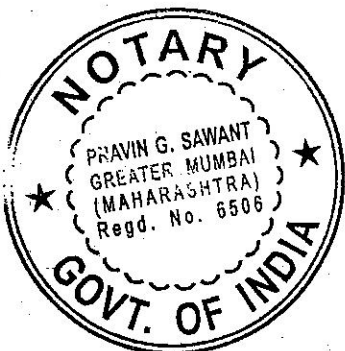
CAUSE OF ACTION AND NATURE OF RELIEFS

SOUGHT FOR :-

1. The Applicants submit that the Trust in question was originally created under the Deed of Trust dated 11th June, 1969 settled by Mr. Himmatlal Haribhai Joshi and Others and accordingly registered with the Office of the Assistant Charity Commissioner, Pune under Enquiry No.7025 of 1972. The said document



was held as document creating the Trust. During the course of time, due to some administrative reasons, the name of the Trust was changed to Rajneesh Foundation and for that purpose, the Trust Deed was amended. The Applicants submit that Application No.2 of 1989 was filed with the Office of the Deputy Charity Commissioner, Pune under Section 51 of the Bombay Public Trusts Act, 1950 for seeking prior permission for filing of Suit and on obtaining the said permission, a Suit was filed which came to be decreed. The name of the said Trust was again changed to Neo Sannyas Foundation and accordingly, as per the order of Honourable Additional District Judge, Pune dated 3rd September, 1991, the Trust Deed came to be amended. Change Report No.1025 of 1992 was filed in respect thereof which came to be accepted on 29th August, 1992. The Applicants submit



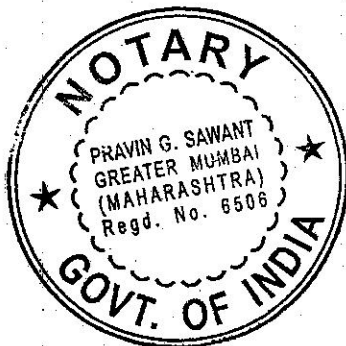
that accordingly, the affairs of the Trust are now being governed in accordance with the amended Deed of Trust.

2. The Applicants submit that the Trust in question was registered with the Office of the Deputy Charity Commissioner, Pune at Serial No.E-625 (Pune). However, the present Opponents had filed Application No.36 of 2010 under Rule 36(4) of the Bombay Public Trust Rules, 1951 for the purpose of seeking the relief in the inform of transfer of Trust from Pune Region to the Office of the Deputy Charity Commissioner, Greater Bombay Region, Bombay. The said Application came to be allowed vide order dated 10-1-2011. However, the record of the Trust is not yet transferred to the Office of Deputy Charity Commissioner, Pune. Therefore, the Applicants are filing this Application in respect of



the Trust with its old Registration No.E-625 (Pune).

3. The Applicants submit that while passing the order in Application No.36 of 2010 under Rule 36(4) of the Bombay Public Trust Rules, 1951, this Honourable Authority had called for the Report from the Office of the Joint Charity Commissioner, Pune. It is observed in the said order "Accordingly, Pune Regional Office, Pune has informed this Office vide its letter dated 19-11-2010, Exhibit "6" that they have received the accounting returns till 31-3-2010, there is no adverse remark of the Chartered Accountant and there are no arrears in contribution, no case is pending against this Trust". As against this, the Applicants herein have obtained certified copy of Schedule 10 maintained under Rule 21(2) of the Bombay Public Trust Rules, 1951 from

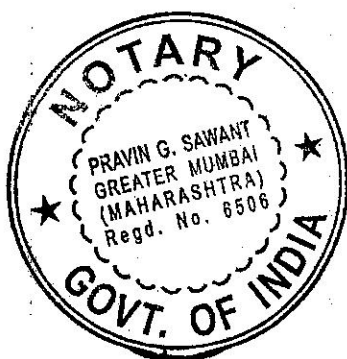


which it can be seen that the audited statements of accounts for the year ending 31st March, 2005, 31st March, 2006, 31st March, 2007 and 31st March, 2008 were not filed with the Office of the Deputy Charity Commissioner, Greater Bombay Region, Bombay. The Applicants submit that certified copy of the said Schedule 10 is annexed herewith for reference.

4. The Applicants submit that Application No.36 of 2010 was filed to shift the office of the Trust from the Office of the Deputy Charity Commissioner, Pune to the Office of Deputy Charity Commissioner, Greater Bombay Region, Bombay was with ulterior motive and malafide intention. The reason behind this is the present Opponents wanted to alienate the properties without the knowledge of the beneficiaries and without the knowledge of the disciples

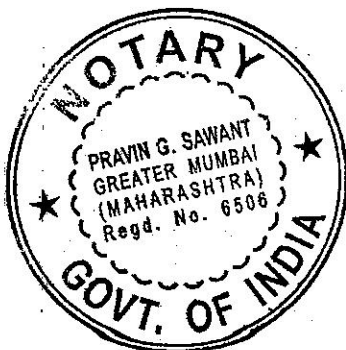


of Shri Osho. The only fear in the minds of the Opponents is that if the disciples of Shri Osho and the beneficiaries will learn about the actions of alienation of property, there will be thousands of objections from the beneficiaries and the basic goal of the Opponents would not be achieved. The Applicants submit that on one side, Mrs. Vidya Kubchandani is the Trustee of Neo Sannyas Foundation and on the other side, attempts are made to seek prior permission for gift(sale) of the property being Plot No.24, Koregaon Park, Pune belonging to the Osho International Foundation Trust situate at Pune to a Trust created and registered in New Delhi having its office in New Delhi of which Mrs. Vidya Kubchandani is a Trustee. This shows that the Trustees of the Trust in question or the Trustees of Osho International Foundation are either buying the

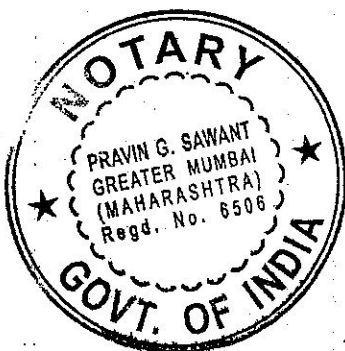


properties of their own under the guise of purchase under some Trust which is not registered in the State of Maharashtra or acquiring the properties by way of Gift Deed without any compensation to the Trust. These actions need to be verified in proper fashion. The Applicants submit that it is the settled principle of law that no Trustee can acquire Trust property for any purpose since the property is held by the Trust through its Trustees for the benefit of the beneficiaries at large and the Trustees are only the custodians thereof and not the legal owners thereof.

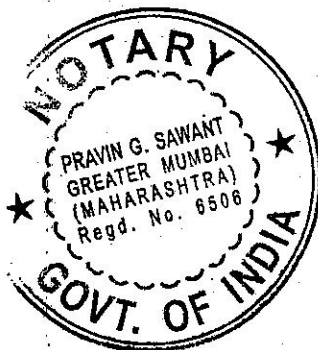
5. The Applicants submit that according to the Property Card, Neo Sanyas Foundation owns immovable properties at Pune bearing Plot Nos.17, 18/1, 18/2, 18/3, 18/4, 32 and 33 situated at Koregaon Park, Pune - 411 001. These properties are



deliberately not brought on record as no Change Report is filed under Section 22 of the Bombay Public Trusts Act, 1950. The Applicants submit that there is a structure which is known as Osho Samadhi which is managed by Osho International Foundation and the Trust in question. This particular premises was open for the devotees to reach there and offer their prayers and perform all religious rituals and also perform meditation. The Applicants submit that the present Opponents who are bent upon to convert the immovable property belonging to the Trust into 5-Star Resort have deliberately and intentionally removed the Board placed on the property as "Samadhi". With the result, today, there is no such identity of the property in existence. This particular action is initiated which has resulted in hurting the feelings of the beneficiaries of disciples of

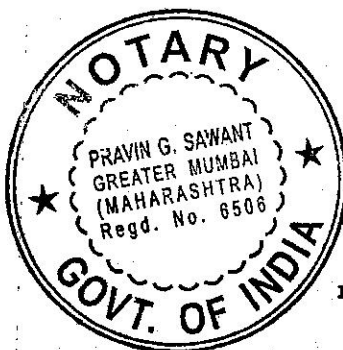


Shri Osho. At the same time, the actions are initiated to that effect only because the Opponents wanted to prevent the disciples of Shri Osho as well as beneficiaries of the Trust from offering prayers and performing meditation in the said structure. To achieve this goal further, the Opponents have raised the entry fee from Rs.40/- per day to Rs.480/- for Indian nationals and Rs.980/- for foreign nationals. This action is high-handed and arbitrary. This is the action initiated only with the sole intention to see that no beneficiaries will reach to the place of Samadhi. Under these circumstances, the basic purpose of maintaining the structure called "Samadhi" of Shri Osho itself is frustrated and thereby the beneficial interest of the beneficiaries at large is affected. Considering this factual position, the property

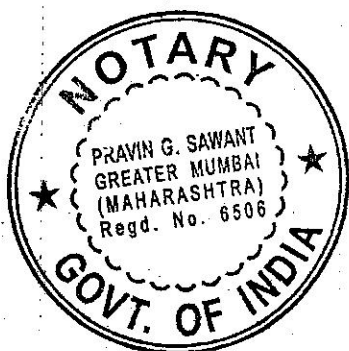


belonging to the Trust where Samadhi of Shri Osho is located is damaged and wasted as it is not utilized for the purpose for which it is acquired and maintained by the Trust.

6. The Applicants submit that the Opponents herein are creating different Charitable Trusts outside the State of Maharashtra and are transferring the properties of the Trust to such Public Charitable Trusts located outside the State limits only with the intention to provide benefits to the Trustees of the Trust in question only. The Applicants submit that some of the persons who were Trustees of the Trust have deliberately and intentionally tendered their resignations from the Trust followed by which they have created new Trusts at Delhi or at different places to show that they are nobody in the Trust and they are not



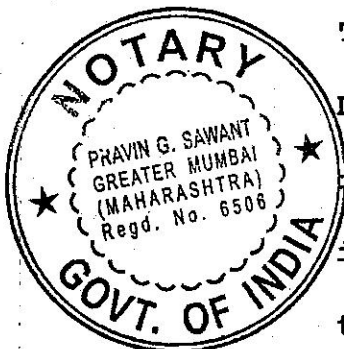
connected to the Trust and are getting immovable properties of the Trust transferred to their Trusts. The Applicants submit that such transfers are illegal and unconstitutional as it is the basic principle under the law that no Trustee can take any direct benefit from out of the Trust funds and properties for himself. The Applicants submit that looking at the approach, attitude and conduct of the Opponents, the Applicants herein who are beneficiaries of the Trust and who have direct and substantial interest in the Trust are compelled to move this Application before this Honourable Authority 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 down by the donors who have donated the properties to the Trust.

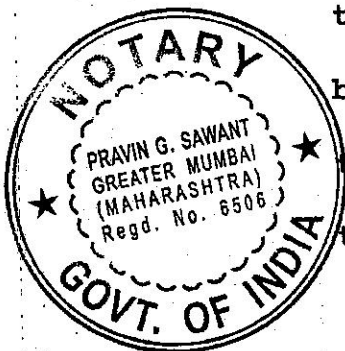
7. The Applicants submit that the present Opponents are the Trustees of the Trust established during the lifetime of Shri Osho and registered under the provisions of Bombay Public Trusts Act, 1950.

8. The Applicants submit that during the lifetime of Shri Osho i.e. Bhagwan Shri Rajneesh, he had proclaimed the object of the Trust to be purely charitable and the proceeds of the Trust were to be used for the benefits of the disciples of Osho. The Applicants submit that the Trust Deed is centered around "to spread and impart the preaching of philosophers including Osho". The Opponents being the Trustees of the Trust are required



to work as Trustees of the Trust as per the provisions of the Deed of Trust finalised and further as per the provisions of the Schemes settled from time to time. The Applicants submit that the Trust in question is also involved in carrying out primarily the activity of spiritual nature such as Gyan, Dhyana, Sadhna Centre, Meditation Camps, conducting lectures and seminars on the subject of philosophy etc. of Osho.

9. The Applicants submit that during the course of time, the Opponents herein starting violating the directions issued by Shri Osho during his lifetime in respect of the Trust and the Opponents have breached the objects and the guidelines issued by Shri Osho. The Applicants submit that considering the arbitrary acts on the part of the Opponents herein, the

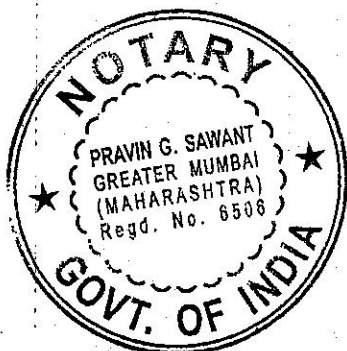


Applicants are compelled to file the present Application.

10. The Applicants submit that Shri Osho was an Indian Citizen born in India on 11-12-1931 and have attained Mahapari Nirwan (Demise) at Pune in India on 19-1-1990. Shri Osho is more than a Saint and teacher for his followers. Shri Osho is also known and remembered as a spiritual master most prolific and revolutionary author of more than 600 books which have been translated in 45 languages around the world. Shri Osho has followers from all the countries all over the world. The Applicants are also the followers of Osho and are having substantial interest in the activities of the Trust. The Applicants submit that previously, books in respect of teachings of Shri Osho were published by Osho Multimedia International, Rebel Publishing House,



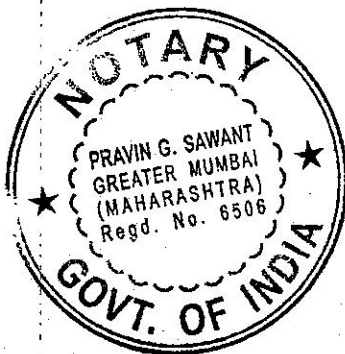
Section 25 Company, but during the course of time, the present Opponents have changed the Publisher to Osho Multimedia and Resorts Private Limited, a Private Limited Company by giving go-by to a Company registered under Section 25 of the Indian Companies Act. The present Opponent Nos.1 to 3 happen to be the Directors of the said Company who are directly making wrongful gain from out of the publication of the books of Shri Osho. With the result, the Trust is deprived of its rights. Shri Osho has followers from all the countries all over the world. The Applicants are also the followers of Osho and are having substantial interest in the activities of the Trust.



11. The Applicants submit that the books written by Shri Osho were made available to the disciples and beneficiaries at a reasonable cost.

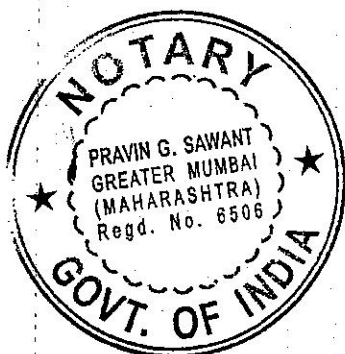
The Applicants submit that during the course of time, the Opponents in association with Mr. Michael O'Byrne, a foreign national has made an attempt to sell the title of various books in favour of the Publisher. The revenue generated to the Trust by way of sale of books is stopped. Similarly, the consideration for sale of title of the books is not received by the Trust thereby loss is caused to the Trust.

12. The Applicants submit that there is another Trust with the Trust "Osho International Foundation" created and registered in Switzerland of which Michael O'Byrne, the Opponent herein is the President and Mr. Andrews, John, Vice President and Bass, Guido, Creutzfeldt Klaus-Peter, and Seeg, Klaus are the members. However, the Opponent No.1 Mr. Mukesh Sarda is also one of the Trustees of the said Trust according to the

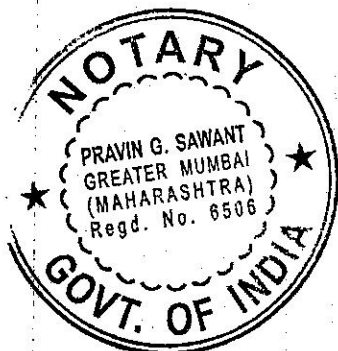


information of the Applicants. This particular creation of the Trust and arrangement abroad has resulted in Opponents depriving the Trust of its lawful return and income and accounting the same in organizations created outside India.

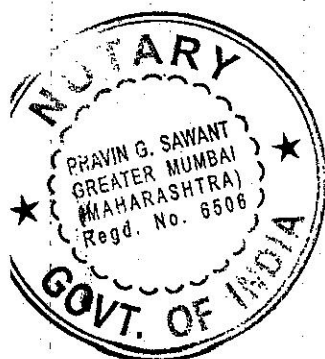
13. The Applicants submit that Shri Osho has traveled all over the world and had preached and guided millions of people in meditation and spirituality. The Applicants submit that Shri Osho has followers and disciples from all over the world. The Applicants submit that Shri Osho is well known to have given speeches on almost all saints and prophets for example Buddha, Mahavira, Krishna, Kabir, Nanak, Mira, Jesus and much more and have spoken to almost all subjects effecting to human life. The Applicants submit that Shri Osho's enlightened views on various subjects



of life, death, yoga, education, ecology, economy, politics etc. have guided and transformed millions of people around the world. The Applicants submit that considering the said factual position, millions of people were benefitted all over the world who are followers, admirers, lovers of Shri Osho. The Applicants submit that the entire literature and knowledge of Shri Osho has been reproduced into books, tapes, audios, videos, CDs etc. The Applicants submit that the talks and discourses given by Shri Osho originally in Hindi and English languages are well recorded in Audio and Video format. The Applicants submit that the various books printed and published are derived from Shri Osho's live discourses carried out for the past over 35 years.

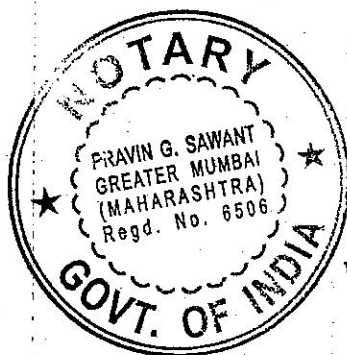


14. The Applicants submit that as per Shri Osho's guidance, his followers have established meditation centres and Ashrams in India and all over the world for his disciples. The Applicants submit that there are many such establishments put together by Shri Osho's disciples on the guidance, approval and direction given by Shri Osho himself. The Applicants submit that Shri Osho during his lifetime lived at his Ashram at Koregaon Park, Pune for most of his life. The Applicants submit that Shri Osho's Ashram at Pune is therefore considered and believed to be the main Ashram and worship place of Shri Osho in the entire world. The Applicants submit that large number of people from all over the world traveled to India to visit the Ashram at Pune to pay tribute and seek blessings from Shri Osho's Samadhi situated in Osho Ashram in Osho's real



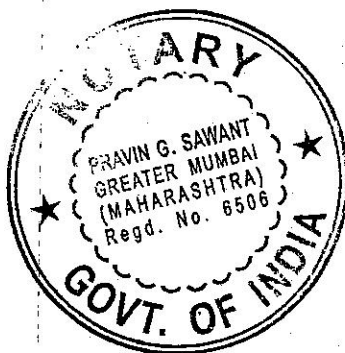
life bedroom as per the directions of Shri Osho. The Applicants submit that the disciples visit and participate in the meditation, guided programmes started by Shri Osho during his lifetime, which things bring out the inner peace to an individual. The Applicants submit that the spiritual healing achieved cannot be calculated in terms of money. The Applicants submit that it is most sacred place in the world for Shri Osho's devotees like Applicants.

15. The Applicants submit that during the lifetime of Shri Osho himself, his teachings have been preserved into Audio, Video and print formats. The Applicants submit that Shri Osho has invented and rediscovered many grade meditation techniques and therapies for the growth of humanity and example of which works in this regard is being



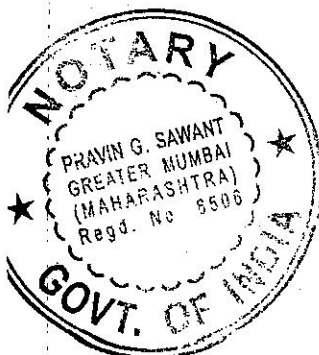
recorded in the book called "meditation", "the first and the last freedom" as well as "tantra sutra", all the literatures of Shri Osho as per the directions of Shri Osho was to be made available for his disciples. The Applicants submit that the Applicants and the disciples around the world have emotions attached towards Shri Osho and his literature and worship the same.

16. The Applicants submit that prior to Shri Osho's demise, Shri Osho had constituted group of 21 disciples. The Applicants submit that this group is called "inner circle". The Applicants submit that the "inner circle" was constituted to manage the day-to-day activities of the Ashram and also to take care of the other moveable, immovable and other intellectual properties, rights and assets of Shri Osho all over the

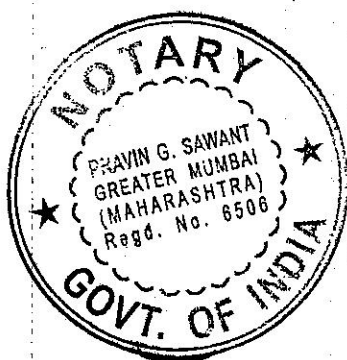


world. The Applicants submit that presently, the said inner Circle of 21 disciples is dissolved high-handedly and arbitrarily and the activities of the Trust are influenced mainly by three foreign nationals namely (1) Mr. Michael O'byrne alias Swami Jayesh, Chairman (2) Mr. George Meridith alias Swami Amritho, Vice-Chairman and (3) Mr. Darcy O'byrne alias Swami Yogendra who are interfering in the affairs of the Trust and are trying to exercise the powers of Trustees. Such delegation of powers by the Trustees is bad in law.

17. The Applicants submit that the Opponents herein being the Managing Trustees are in charge of the affairs of the Trust and are converting the properties of the Trust which was formed primarily for carrying out charitable activities into a

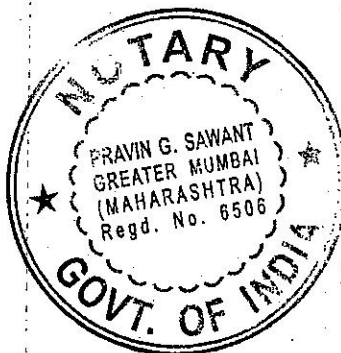


commercial venture and are wrongfully alienating the properties of the Trust and further are trying to prevent the devotees and disciples like the Applicants from performing various religious and spiritual activities within the Trust premises. The Applicants submit that the Opponents are acting contrary to the teachings and directions of Shri Osho. The Applicants submit that the Opponents have used good offices of Shri Osho's institution for making commercial gain from out of the Trust funds and properties and have tarnished the image of Shri Osho. The Applicants submit that the Opponents have applied new policies and rules to the Ashram and properties of Shri Osho. The Applicants submit that all such acts of the Opponents are contrary to the teachings and principles of Shri Osho. The Applicants submit that due to such acts, the growth of Shri Osho



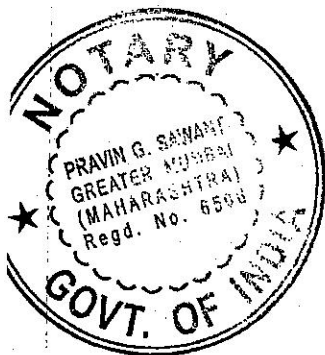
Community has been seriously hampered. Moreover, such change is directly against the directions issued by Shri Osho himself and are affecting prejudicially the inherent rights of the individual followers like the Applicants.

18. The Applicants submit that Shri Osho during his lifetime did not apply any Patent or Copyright for his work as it was clearly declared by Shri Osho that he did not want his words to be copyright or patented for commercial purposes and should be made available to all at a nominal cost. However, various copyrights in respect of Shri Osho's work were attempted by the Opponents. The Applicants submit that Shri Osho wanted his work to reach each and every human being on the earth and his beneficiaries. The Applicants submit that Shri Osho's books were printed and the same were



sold at the cost price with the intention that the same shall be affordable by common man and disciples. The Applicants submit that Shri Osho's Institutes used to print and distribute books of Shri Osho. Now, the literature and other articles have been made more expensive in order to achieve profit and make commercial gain therefrom which are against the objects of the Trust.

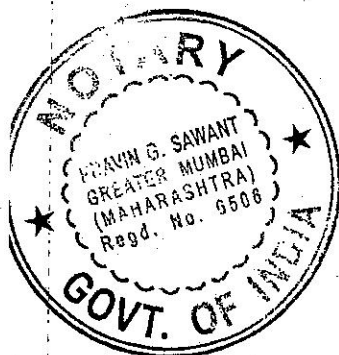
19. The Applicants submit that during the lifetime of Shri Osho and sometime thereafter, it was a practice that the disciples including the Applicants would get opportunity to work in the Ashram and to carry out the work like cleaning the moveable and immovable properties, working in the kitchen, gardening work, involved in selling books and maintaining library, cleaning the Samadhi area etc. All these works were carried out



by the disciples on their own. The same was commonly known as the Seva. Such seva used to bring harmony and peace to the Sevaks. On performing the Seva, egos, self-esteem and materialistic status would automatically get vanished from the minds of the disciples, thereby making Shri Osho disciples more aware about the teaching of Shri Osho. Such Seva was encouraged by Shri Osho, whose followers used to get internal satisfaction and spiritual compassion on performing such Seva at the Ashram. However, the Opponents for no reason have wrongfully restrained Shri Osho's followers from performing such Seva. The Applicants submit that the Opponents have engaged commercial cleaning services of contractors namely "Sodexho" to whom heavy payments are made every month. The work which was carried out by the disciples free of cost is now offered



to M/s. Sodexo at heavy charge whereby the Trust funds are unnecessarily spent lavishly at an exorbitant price. With the result, the Trust is put into unnecessary financial burden which is causing loss to the Trust. The Applicants submit that considering the said heavy expenditure incurred at the hands of Opponents and considering the loss caused to the Trust, the Opponents are required to be restrained by an order of injunction of this Honourable Authority from engaging the services of "Sodexo" for maintaining and cleaning the properties of the Trust. The Applicants submit that furthermore, for engaging the services of M/s. Sodexo, no tenders and/or quotations were invited. Therefore, the Opponents herein had no material information before them about competitive rates available.



20. The Applicants, therefore, submit that the disciples are thereby deprived of their legitimate right to carry out Seva. With the result, not only the beneficial interest of the beneficiaries is effected, but the rights of devotees of providing Sevas are taken away high-handedly and arbitrarily.

21. The Applicants submit that during the lifetime of Shri Osho and sometime thereafter for many years, every person was permitted to enter the Ashram at a nominal fee of Rs.40/- . Rs.40/- which was fixed consistently for more than five years. However, the Opponents who are bent upon to convert the property belonging to the Trust situate at Koregaon Park, Pune into a commercial complex, in order to restrict the entries of the disciples of Shri Osho and the devotees and in order to create the



scene that there are no visitors to the Ashram, the Opponents herein have acted high-handedly and arbitrarily and raised the entry fee to the Ashram from Rs.40/- to Rs.480/- to Indian Citizens and Rs.980/- or Foreign Nationals for one visit between 5.30 a.m. to 10.30 p.m. No receipt in respect of the said amount collected against the entry fee is issued to the devotees at any time, but only a card is issued to the devotees for its presentation at the entry gate so as to enable him/her to have his/her entry into the property of the Ashram. The said funds collected by way of entry fee are not accounted for in the accounts of the Trust but are totally misappropriated by the Opponents. The Applicants submit that in fact, the Opponents herein who are claiming themselves to be the Trustees of the Trust are duty bound to issue stamped receipts to each and every devotee

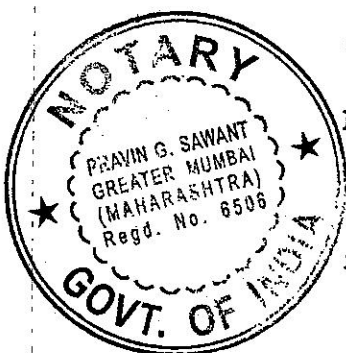


when he will make the payment for obtaining the gate pass for his/her entry into the property and further, it is the duty of every trustee to account the said income into the accounts of the Trust. Considering this fact, the Opponents are required to be directed to issue receipts to each and every devotee against the payment made for entry and account the same in the accounts of the Trust. The Applicants submit that by raising the said entry fee, the number of disciples visiting Ashram is reduced and the Trust started losing its revenue substantially which is also causing loss to the Trust. The Applicants submit that furthermore, the Opponents are practising an act of discrimination between the human beings which is against the basic philosophies of Shri Osho and the provisions of the Deed of Trust thereby necessary arrangement is



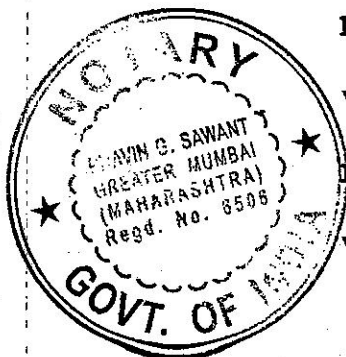
required to be made to prevent the Opponents from charging heavy entrance fee to the devotees so as to see that every disciple of Shri Osho will get an opportunity to enter the Ashram and to offer his prayers and provide his Sevas which will help the Opponents herein to carry out the activities of the Trust in accordance with the provisions of Instrument of Trust.

22. The Applicants submit that the Opponents are carrying out their efforts to sell the manuscripts of the literature of the Trust for making commercial gain therefrom. There is no reason to sell and transfer any of the immovable property belonging to the Trust which are to be applied for fulfillment of purposes of the Trust and to be preserved forever since the properties are acquired mostly by way of gifts or by way of endowments for its application for fulfillment of

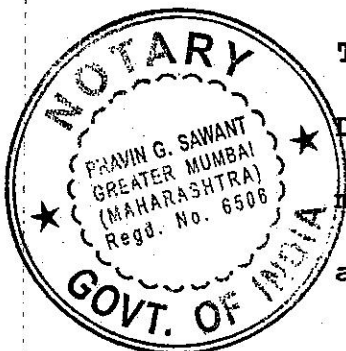


purposes of the Trust. The Applicants submit that the properties of the Trust are to be utilized for the benefit of mankind who are beneficiaries of the Trust and for carrying out the activities of Shri Osho who had specifically directed that all his properties moveable, immovable, intellectual are meant for the benefit of mankind and his disciples and followers.

23. The Applicants submit that the Applicants have learnt that the Opponents are in the process of gradual and systematic transfers of all the immovable properties, assets of the Trust and activities into a Five-Star Resort and for that purpose, the Opponents have established an Entertainment Company by the name "Osho Multimedia and Resorts Private Limited" which was earlier known as "Zen Resorts Private Limited". The

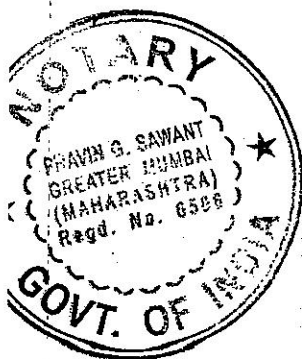


said Company is incorporated at Serial No.U-85110 MH-2001 PTC 133524 and Registration Number of the Company is 133524. The Company was incorporated on 1st October, 2001 with the Authorised Share Capital of Rs.20 lakhs divided into 2 lakhs equity shares of Rs.10/- each. The Registered Office of the Trust and the Registered Office of the said Company is one and the same. Furthermore, the Trustee i.e. the Opponent Mr. Mukesh Sarda and Mrs. Vidya Kubchandani are the Directors of the said Company. This indicates that the names of the Trustees and the names of Directors of the said Osho Multimedia Resorts Private Limited are the same which gives them scope to misrepresent themselves at convenient time as the Trustees and at convenient time as Directors of the Company and they are mixing up the activities of the Trust and the properties of the Trust as if

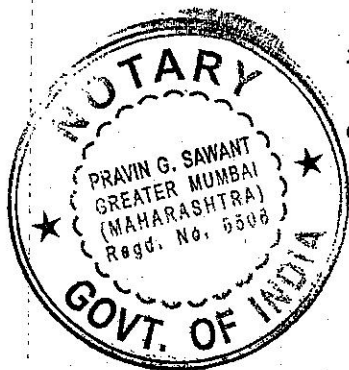


the properties of the Company and thereby by misleading the members of the Society at large and by misleading the disciples, are making gains from out of the Trust funds and properties for their personal benefits.

24. The Applicants submit that in case of Osho Media International, early known as Sadhna Foundation, a Company Identity No.U-91910 MH-1988GAP 046430, Company Registration No.046430 incorporated on 8th March, 1988, one of the Directors Mr. Lalpratap Singh was shown as dead on 24th July, 2008 whereas he is shown as Trustee of Osho International Foundation even today. This indicates the attempt on the part of the Opponents to mislead the disciples and to mislead the members of the Society at large. The Applicants submit that there is no need for the Trust to transfer any property of the Trust moveable or

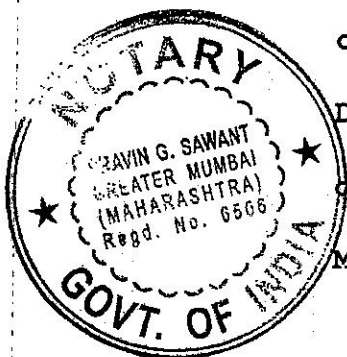


immovable to the said Osho Multimedia and Resorts Private Limited but it is only because the Trustees of the Trust and the Directors of the Company are common, they are taking undue advantage of the situation and since they are bent upon to convert the immovable property of the Trust where the Ashram of Shri Osho is located into a Five Star Resort or Five Star Hotel and with that intention only, Osha Multimedia and Resorts Private Limited is created which was earlier known as Zen Resorts Private Limited. The Applicants submit that the Opponents are systematically attempting to transfer all the rights of the Trust over the immovable properties in favour of the said Company and this transfer in the long run is intended to monopolizing and commercializing Shri Osho's great work in the hands of few individuals for

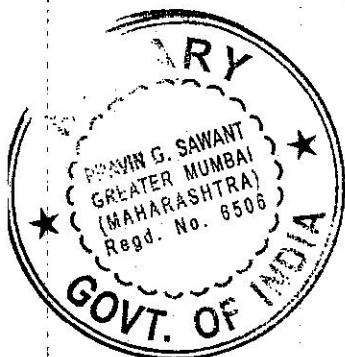


making gains by way of commercial benefits out of the same.

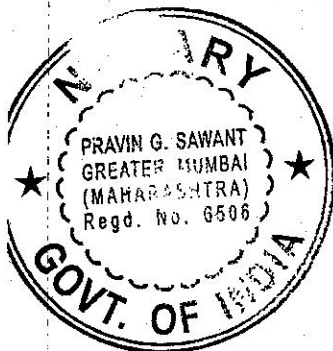
25. The Applicants submit that it was the practice till recent times that the personal belongings and other belongings of Shri Osho were allowed to be seen on certain important days. The belongings consisted of master copy of his discourses, original manuscripts, daily usables such as clothes, photo gallery, paintings, Osho signatures, arts etc. The disciples used to perceive and envisage Shri Osho thereby. It gave an opportunity to get connected to Shri Osho. Such experience was permitted by visiting the rooms occupied by Shri Osho during his lifetime. Such visits were permitted on Shri Osho's birthday i.e. 11th December. Shri Osho's enlightenment day i.e. 21st March, Shri Osho's Mahaparinirvan day i.e. 19th January



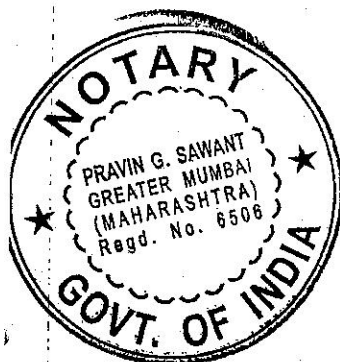
every year. The Applicants submit that the Opponents have now stopped all such visits of the disciples. The Applicants submit that on all the said three dates, various functions were organized by the Trust to celebrate Shri Osho's birthday, Osho's enlightenment day and Mahaparinirvan of Shri Osho and the disciples used to remain present there and they used offer their prayers. The Applicants submit that since this practice is arbitrarily stopped by the present Opponents, the Opponents are required to be directed to start with the said process and practice afresh and allow the disciples and beneficiaries of Shri Osho to attend such function organized as per the practice followed for years together. The attempt on the part of the Opponents is like closing the doors of all the temples to the devotees. Moreover, the Opponents have removed various personal articles



of Shri Osho including but not restricted to Shri Osho's huge library, paintings, original manuscripts etc. out of India There is no account of the same. In terms of monetary value, the same is worth millions of rupees. During the lifetime of Shri Osho and sometime thereafter, all such articles were displayed and viewed, some of the personal belongings, original manuscripts, photo gallery, paintings, signatures of Shri Osho are since missing. The Opponents are accountable for all such articles to each and every follower and disciple of Shri Osho and beneficiaries of the Trust. Moreover, the Ashram at Pune is the main Ashram and all such Shri Osho's belongings were always kept in Pune Ashram. The reason for moving such articles have not been disclosed to any of the disciples including the Applicants. This act on the part of

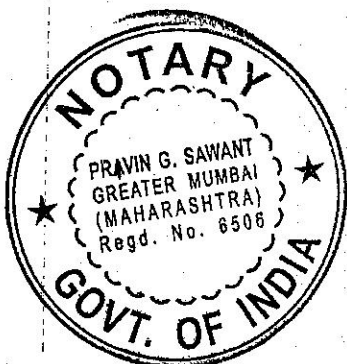


the Opponents is against the interest of the Trust and further by removing all important material of Shri Osho with which the sentimental values of the disciples are attached. The Opponents were not entitled to remove the said articles from the Ashram at Pune to any other place in the world but the Opponents herein in order to convert the said property of the Trust into their own property have made an attempt to shift all these articles of Shri Osho to some other place whereby the Opponents can display the same at any place in the world and start generating income therefrom for their personal gain. Therefore, the Opponents are required to be directed to restore the said articles in Pune Ashram by passing suitable orders.

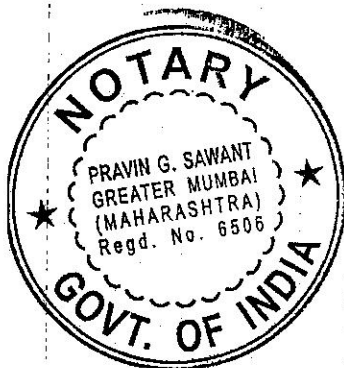


26. The Applicants submit that one of the sacred gifts left for the disciples is the said Shri Osho's

Samadhi in the Ashram at Pune. After the demise, as per the wish of Shri Osho, his bedroom was converted into his Samadhi which is standing on the property of the Trust and managed by the Trustees of Osho International Foundation. Thousands of people from all over the world come to meditate and pay tribute to Shri Osho at the Samadhi. This Samadhi was established and created as per Shri Osho's guidance during his lifetime. The said Samadhi exists for more than 20 years. Now all of a sudden, the Opponents in association with Trustees of Osho International Foundation are claiming the Samadhi as a Hall and calling it as Shri Osho's Samadhi was a mistake which has shaken the faith of Shri Osho's devotees all over the world including the Applicants. The Applicants submit that recently, the Opponents have removed the nameplate of Shri Osho's Samadhi. The

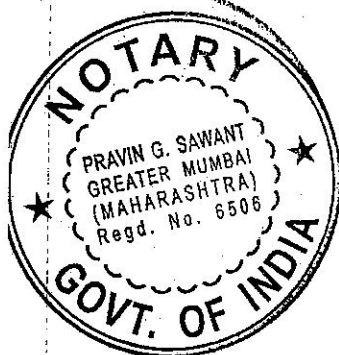


Applicants submit that the Samadhi is the sacred place directly connected to the religious belief of Shri Osho's followers which binds the spiritual nature. It is the spiritual site for worship, belief, faith and devotion etc. a place where one and all can pray and meditate to Shri Osho. The Applicants feel that Shri Osho's presence is cosmic energy form. The Applicants submit that all such arbitrary acts and high-handed activities on the part of the Opponents and the decisions recorded by them which are detrimental to the interest of the Trust and the devotees are basically against the interest of the Trust. The Applicants submit that the Opponents are manipulating Shri 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 present Applicants are constrained

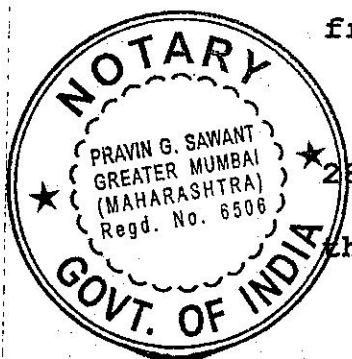


to file the present Application under the provisions of Bombay Public Trusts Act, 1950 for the purpose of seeking necessary preventive orders against the Opponents.

27. The Applicants submit that the reliefs which are claimed by the Applicants are to prevent the Opponents from raising the entry fee to the Ashram, whereby every beneficiary and disciple can visit the Ashram. Secondly, the Opponents should be restrained from removing the articles which were used by Osho from the Ashram at Pune and shifting it to any other place in the world and if such articles are shifted, directions to the Opponents to bring back those articles and restore them in the Ashram at Pune. Thirdly, the Opponents are required to be restrained by an order of injunction of this Honourable Authority from

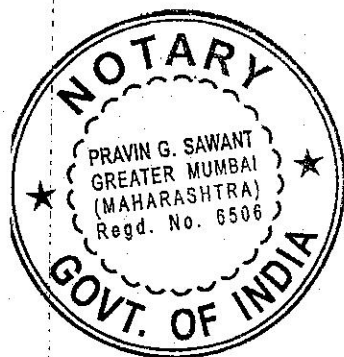


wasting, damaging and improperly alienating any immovable property of the Trust and further restraining the Opponents from alienating the immovable properties of the Trust in violation of the directions and mandate given by the Donors who have donated the immovable properties to the Trust. The Applicants are also seeking directions to the Opponents to make available the literature of Shri Osho to the disciples at a reasonable rate and prevent them from making commercial use of the said literature whereby the Opponents are in a habit of making gains from out of it and further order of injunction against the Opponents restraining them from preventing the disciples from entering the Samadhi place of Shri Osho and from offering prayers therein.



28. The Applicants submit that in the event if the preventive orders as

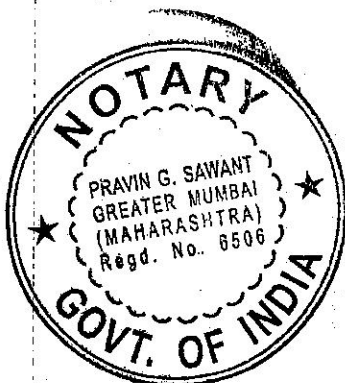
sought for are granted against the Opponents, nobody can be said to be affected and/or prejudiced but on the contrary, the activities of the Trust would be carried out in a better and efficient fashion thereby the funds and properties of the Trust would be protected. As against that, if the preventive orders are not passed and the Opponents are not restrained by orders of injunction and are not issued with directions, the Opponents will continue with their high-handed and arbitrary acts which are detrimental to the interest of the Trust and its beneficiaries and therefore, in order to protect the interest of the Trust and to protect the interest of the beneficiaries and disciples, the reliefs claimed by the Applicants are required to be granted.



29. The Applicants submit that the Applicants have made out a prima facie

case to show that there is a threat to the immovable properties of the Trust of being wasted, damaged and/or improperly alienated. The Applicants submit that the Applicants have made out a prima facie case, balance of convenience is in favour of the Applicants, the Applicants have come forward with clean hands and therefore, the Applicants are entitled for the reliefs as claimed under the Application.

30. The Applicants submit that the present Opponent Nos.5, 6 and 7 are not the Trustees of the Trust but they are interfering into the affairs of the Trust. Therefore, they are made parties to the proceeding and reliefs are sought against them also since even though delegation of power by the Trustees is bad in law, they are permitted to exercise the powers of the Trustees by the present Opponent



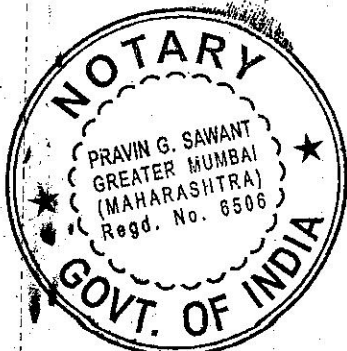
Nos.1 to 4 illegally and unauthorisedly.

31. The Applicants, therefore, crave leave to add, alter, amend, modify, substitute and/or delete all or any of the clauses of this Application, if and when necessary.

32. The Applicants, therefore, pray that :

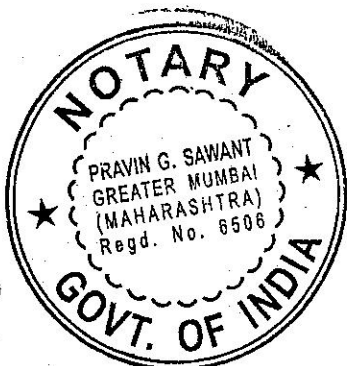
(a) Application be allowed;

(b) The present Opponents, their agents, servants or anybody else claiming through them be restrained by an order of injunction of this Honourable Authority from selling, transferring, alienating any immovable property and further, creating any transaction of gift, creating any third party



rights over the immovable properties of the Trust including mortgage, thereby wasting, damaging and improperly alienating the immovable property of the Trust and further alienating any immovable property of the Trust in violation of the directions given by the Donors of the immovable property;

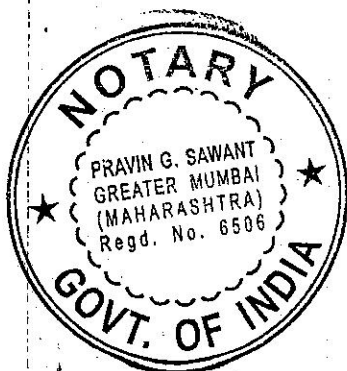
(c) The present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of injunction from preventing the disciples of Shri Osho and the devotees from offering their services for maintaining the properties belonging to the Trust and further may be prevented by an order of injunction of this Honourable



Authority from awarding any contract to the firm called "Sodexho" and thereby causing loss to the Trust;

(d) The present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of injunction of this Honourable Authority from raising the entry fee to the Ashram from Rs.40/- to Rs.480/- to Indian Nationals and to Rs.980/- for foreign nationals arbitrarily and high-handedly and further receiving revised entrance fees from the beneficiaries;

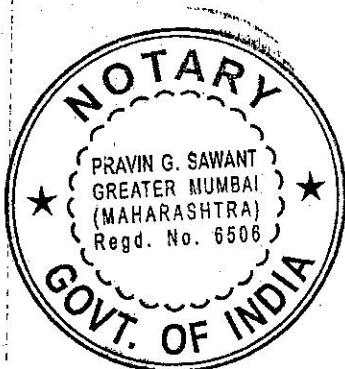
(e) The present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of injunction of this Honourable



Authority from preventing the disciples and/or devotees from entering the Samadhi place of Shri Osho situated at Plot No.33, Koregaon Park, Pune -411 001;

(f) The present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of injunction of this Honourable Authority from moving any article used by Shri Osho during his lifetime from out of the Ashram at Pune;

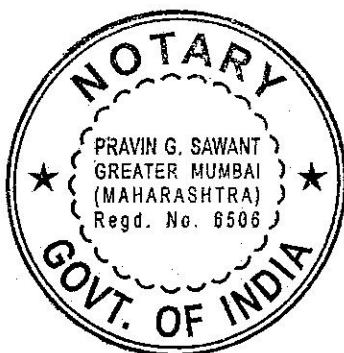
(g) The present Opponents, their agents, servants or anybody else claiming through them may be directed to allow the disciples and devotees to enter the Ashram maintained, managed and run by



the Trust located at Pune at the rates prevailing during the lifetime of Shri Osho;

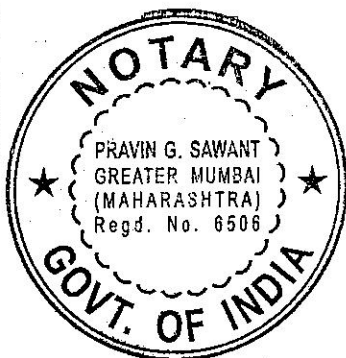
(h) The present Opponents may be directed to bring back the articles of Shri Osho removed from the Ashram by the Opponents and shifted to any other place in the world back to the Ashram at Pune and allow the disciples to have a look at it and offer their prayers according to the practice followed;

(i) The present Opponents may be directed to provide the literature of Shri Osho to the disciples and devotees at reasonable rate without making any attempt of making commercial gain therefrom;



(j) The present Opponents may be directed to utilize the immovable properties belonging to the Trust according to the wishes of the Donors strictly for fulfillment of purposes of the Trust only;

(k) That the present Opponents may be directed to start afresh organizing celebrations on Shri Osho's birthday i.e. on 11th December, on Shri Osho's enlightenment day i.e. on 21st March and on Shri Osho's Mahaparinirvan day i.e. on 19th January every year and allow the disciples and beneficiaries of Shri Osho to attend such celebrations organized as per the practice followed for years together;

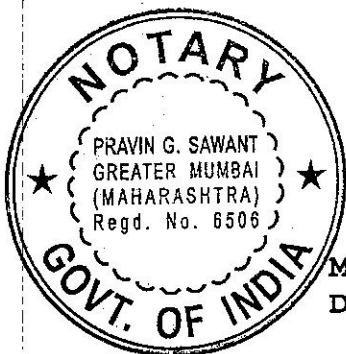


(l) That the Opponents herein may be directed to issue stamped receipts to each and every devotee against the payment made for entry fee for obtaining gate pass for his/her entry into the property of Osho Ashram at Pune and elsewhere and account the said collection into the accounts of the Trust;

(m) That ad-interim reliefs in terms of prayer clauses (b) to (f) hereinabove, be granted;

(n) Such other just and proper order in the interest of the Trust;



(o) Cost of this Application be allowed.



Mumbai, dated this 7th day of December, 2011.

1.

A handwritten signature in black ink, appearing to be "Pravin G. Sawant", written over a horizontal line.

- 2. 
- 3. 

Applicants.



VERIFICATION

I, Yogesh Thakkar, aged about 50 years, residing at Pune and the Applicant No.1 above named, do hereby on solemn affirmation state that what is stated in the foregoing paragraphs is true to the best of my own knowledge, information and belief and I believe the same to be true.

Solemnly affirmed at Mumbai,)
 On this 7th day of Dec., 2011)



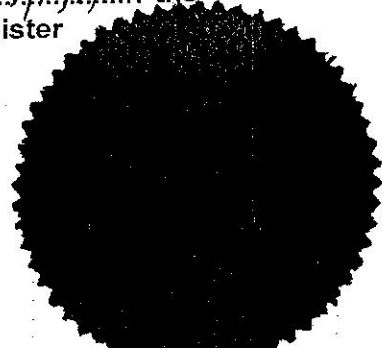
Deponent.

I identify the Deponent.

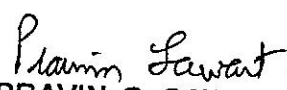
(K.P. Jadhav)
 Advocate.

Before me.

This document is noted at
 Sr. No. 1235, 7/12/11 in the
 Notarial Register



7 DEC 2011


PRAVIN G. SAWANT
 B.COM.LLB
 ADVOCATE HIGH COURT
 NOTARY GOVT. OF INDIA
 603/A PRATHAMESH CO-OP. HSG. SOC. LTD
 M.M.G.S. MARG, NAIGAON,
 DADAR, MUMBAI-400014

This document is noted at
 Sr. No. 1235, 7/12/11 in the
 Notarial Register

BEFORE THE CHARITY COMMISSIONER,
MAHARASHTRA STATE, BOMBAY

APPLICATION NO. OF 2011
[FOR INTERIM RELIEFS]

IN

APPLICATION NO. OF 2011

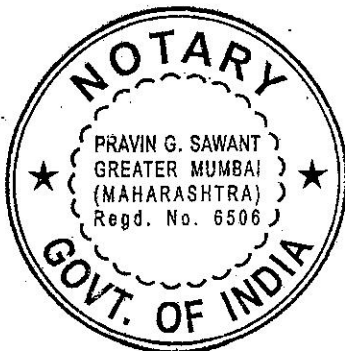
Under Section 41-E of
the Bombay Public
Trusts Act, 1950;

And

In the matter of "NEO
SANNYAS FOUNDATION"

P.T.R. No.E-625 (Pune)

(newly transferred to
to the Office of the
Deputy Charity
Commissioner, Greater
Bombay Region, Bombay
under Application No.36
of 2010 under Rule
36(iv) of the Bombay
Public Trust Rules,
1951)

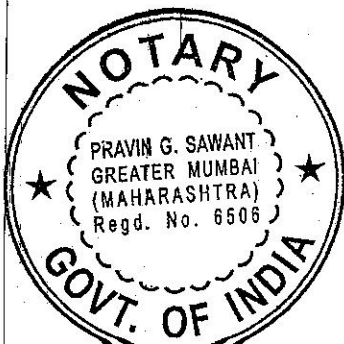


1. MR. YOGESH THAKKAR ALIAS
SWAMI PREM GEET,
residing at 1, Anand Park,
368-A, Near Suryojana
Society,
Koregaon Park,
Pune - 411 001.

2. MR. KISHOR RAVAL ALIAS
SWAMI PREM ANADI,
residing at B-3/11,
Mira Nagar Park Society,
Koregaon Park,
Pune - 411 001.

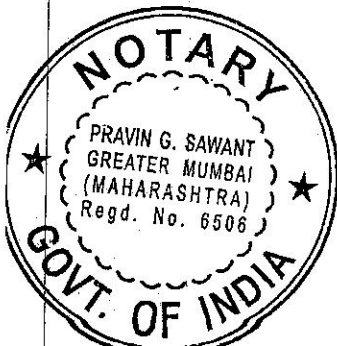
3. MR. NITIN PHULPHAGAR ALIAS
SWAMI NITIN BHARTI,
residing at 5/1,
Vashwani Nagar, 292,
Koregaon Park,
Pune - 411 001

...APPLICANTS



VERSUS

1. MR. MUKESH KANTILAL
SARDA ALIAS
SWAMI MUKESH BHARTI,
50, Koregaon Park,
Pune - 411 001.
2. MR. DEVENDRA SINGH DEVOL,
50, Koregaon Park,
Pune - 411 001.
3. MISS VIDYA KHUBCHANDANI,
17, Koregaon Park,
Pune - 411 001.
4. MR. MICHAEL O'BYRNE
ALIAS SWAMI JAYESH,
CHAIRMAN, INNER CIRCLE,
17, Koregaon Park,
Pune - 411 001.
5. MR. GEORGE MERIDITH ALIAS
SWAMI AMRITO,
VICE CHAIRMAN, INNER CIRCLE



17, Koregaon Park,

Pune - 411 001.

6. MR. DARCY O'BYRNE ALIAS

SWAMI YOGENDRA,

MEMBER, INNER CIRCLE

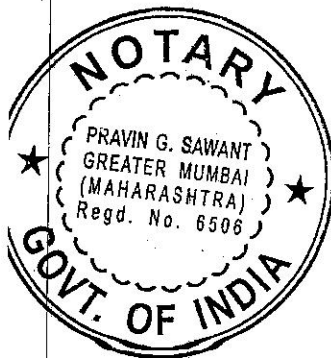
17, Koregaon Park,

Pune - 411 001.

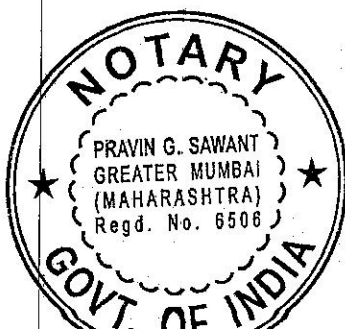
...OPPONENTS

The Applicants hereinabove, do hereby submit as under :-

1. The Applicants submit that the Trust in question was originally created under the Deed of Trust dated 11th June, 1969 settled by Mr. Himmatlal Haribhai Joshi and Others and accordingly registered with the Office of the Assistant Charity Commissioner, Pune under Enquiry No.7025 of 1972. The said document was held as document creating the Trust. During the course of time, due to some

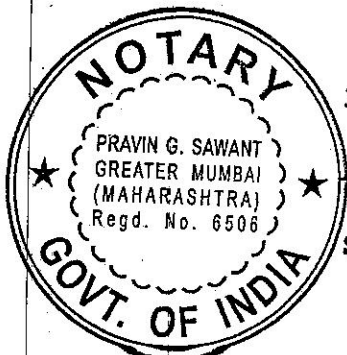


administrative reasons, the name of the Trust was changed to Rajneesh Foundation and for that purpose, the Trust Deed was amended. The Applicants submit that Application No.2 of 1989 was filed with the Office of the Deputy Charity Commissioner, Pune under Section 51 of the Bombay Public Trusts Act, 1950 for seeking prior permission for filing of Suit and on obtaining the said permission, a Suit was filed which came to be decreed. The name of the said Trust was again changed to Neo Sannyas Foundation and accordingly, as per the order of Honourable Additional District Judge, Pune dated 3rd September, 1991, the Trust Deed came to be amended. Change Report No.1025 of 1992 was filed in respect thereof which came to be accepted on 29th August, 1992. The Applicants submit that accordingly, the affairs of the Trust are now being



governed in accordance with the amended Deed of Trust.

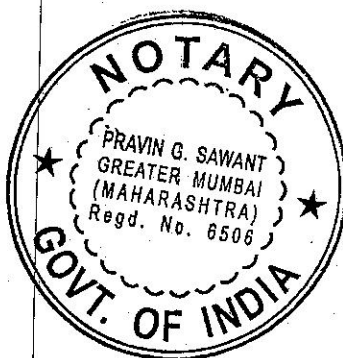
2. The Applicants submit that the Applicants herein are the beneficiaries of the Trust being disciples of Shri Osho and followers of Shri Osho and have participated in the activities carried out by Shri Osho during his lifetime and with the activities carried out by the Trustees after his death. The Applicants submit that the Applicants herein have set out the details of their interest in the Trust and their attachment with the Trust in the Application at Exhibit "1" in detail. The Applicants herein adopt the same as if part of this Application and confirm that the contents therein are true and correct.



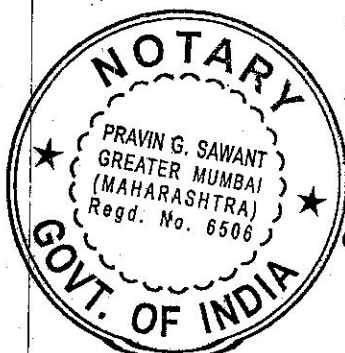
3. The Applicants submit that the Applicants have filed Application under Section 41-E of the Bombay Public

Trusts Act, 1950 for the purpose of seeking reliefs against the present Opponents preventing them from wasting, damaging, improperly alienating the immovable properties of the Trust and set out the instances of waste, damage, improper alienation and their high-handed acts in respect of the Trust and its activities in detail in Application at Exhibit "1". The Applicants submit that the Applicants hereby adopt the said contents of Application at Exhibit "1" as if part of this Application and adopt the same to be true and correct.

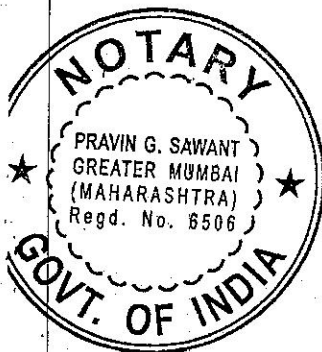
4. The Applicants submit that being beneficiaries of the Trust, the Applicants are affected by the manner in which the Opponents have dealt with the Trust funds and properties. The Applicants submit that the Opponents herein are creating liabilities against the Trust by raising loan, the Opponents are also trying to alienate



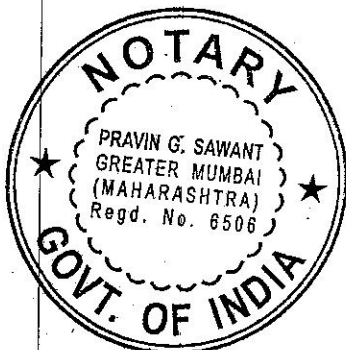
the property. The Applicants submit that the Opponents herein are creating liabilities against the Trust by raising loan, the Opponents are also trying to alienate the immovable properties of the Trust by way of gift to a so-called Public Charitable Trust registered outside the territorial jurisdiction of this Honourable Authority. Hence, ex-Trustee of the Trust in question is the Trustee of the said Trust. This indicates that the persons projecting themselves as Trustees of the Trust in question are trying to share the properties by their amicable settlement and/or arrangement. Furthermore, the Opponents have made an attempt to remove the Board placed on the structure which is known as "Osho Samadhi" of Shri Osho. This has been done deliberately and intentionally so as to prevent the beneficiaries from visiting the Samadhi because the Opponents herein who happen to be the



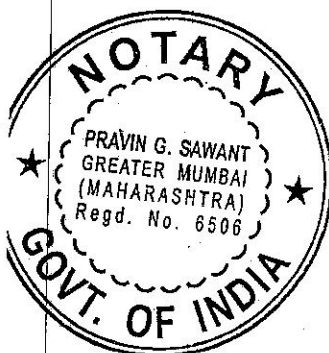
Directors of some Companies want to develop the property as a Five Star Resort or Five Star Hotel. In the event if the property is converted into a Five Star Resort or Five Star Hotel, the basic purpose of creation of the Trust would get defeated and the properties will not be applied for purposes of the Trust but will be utilized for commercial activities. The books which were written by Shri Osho during his lifetime which are circulated amongst the beneficiaries at large were published by the Trust through a Company with the name Osho Media International, a Section 25 Company earlier known as Sadhna Foundation. However, the said arrangement is stopped arbitrarily and a new Company in the name of Osho Multimedia & Resorts Pvt. Ltd. is introduced whereby the Opponents herein have substantial interest who are making gain therefrom when the Trustees



of the Trust in question cannot make any gain from out of the Trust funds and properties. The entry fee for the devotees entering the Ashram is also raised heavily from Rs.40/- to Rs.480/- for Indian Nationals and Rs.980/- to Foreign Nationals. The Applicants submit that not only this but no receipt for the said entry fee is ever issued in the past many years. The Applicants submit that on receiving the amount of entry fee, only an entry card is issued to the devotees. With the result, the funds generated by way of entry fee are not accounted for in the accounts of the Trust but they are misappropriated by the Opponents. The Applicants submit that the articles which were used by Shri Osho during his lifetime, the devotees and disciples of Shri Osho have their sentimental rights attached therewith. The Applicants submit that the Opponents herein who are projecting themselves to be the

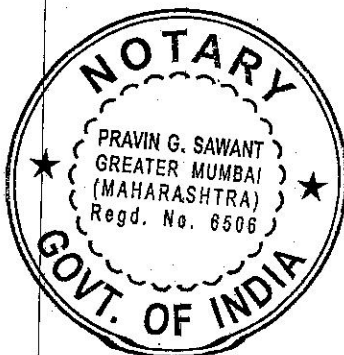


Trustees of the Trust and some of the Opponents who are foreign nationals are making every possible effort to remove the said articles from the Ashram and are circulating the same in other countries illegally and unauthorisedly thereby causing hardships to the devotees as the devotees and disciples will not get opportunity to take Darshan of these articles. The Applicants submit that the Opponents have also stopped various ceremonies organized in the Ashram on specific days of their own importance. This has been done deliberately and intentionally so as to reduce the flow of devotees to the Ashram in order to make the Ashram property as private property. The Applicants submit that the Opponents are acting high-handedly and arbitrarily and every action of theirs is discriminatory. The Applicants submit that people of their choice are only allowed to enter the



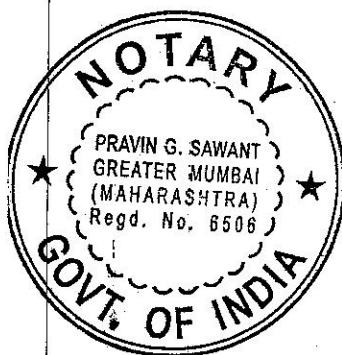
premises and the premises where the Ashram is located. Whereas those who question the activities of the Opponents are not allowed to enter the Ashram premises for the reasons best known to the Opponents.

5. The Opponents, therefore, submit that considering the said facts mentioned hereinabove and considering the acts of waste, damage, and improper alienation of the immovable properties of the Trust, high-handed acts on the part of the Opponents in carrying out the administration of the Trust, the Applicants being beneficiaries of the Trust are compelled to move this Application for the purpose of seeking preventive orders restraining the Opponents from wasting, damaging and/or improperly alienating the immovable properties of the Trust, from preventing the devotees from entering the Samadhi place, taking Darshan of



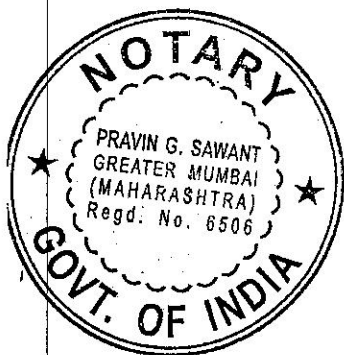
the articles of Shri Osho and further directions are sought for as against the Opponents as prayed under the original Application at Exhibit "1".

6. The Applicants submit that considering the said facts, preventive orders are required to be passed so as to protect the immovable properties belonging to the Trust from being wasted, damaged and/or improperly alienated and further, directions are required to be issued to the Opponents on top priority to administer the affairs of the Trust strictly in accordance with the provisions of the Constitution which governs the affairs of the Trust and according to the wishes of Shri Osho. In the event if such arrangement is made, nobody can be said to be affected and/or prejudiced but on the contrary, the basic purpose of creation of the Trust would be fulfilled and further, the beneficial



interest of the beneficiaries at large would be protected at all the times.

7. The Applicants submit that the Applicants have made out a prima facie case to show that the immovable properties belonging to the Trust are wasted, damaged and/or improperly alienated. The Opponents have acted high-handedly and arbitrarily in carrying out the administration of the Trust. The Applicants submit that the Applicants have come forward before this Honourable Court with clean hands. The Applicants submit that the Applicants have not suppressed any material information from this Honourable Authority. The balance of convenience is in favour of the Applicants. Therefore, the Applicants are entitled for the reliefs claimed.



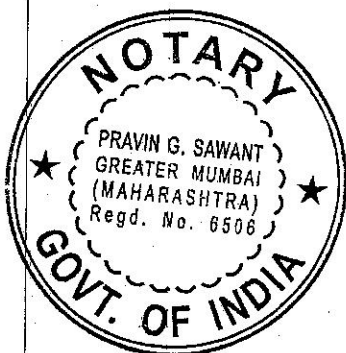
8. The Applicants, therefore, crave leave to add, alter, amend,

modify, substitute and/or delete all or any of the clauses of this Application, if and when necessary.

9. The Applicants, therefore, pray that :

(a) Application be allowed;

(b) That pending the hearing and final disposal of the Application filed by the Applicants under Section 41-E of the Bombay Public Trusts Act, 1950, the present Opponents, their agents, servants or anybody else claiming through them be restrained by an order of injunction of this Honourable Authority from selling, transferring, alienating any immovable property of the Trust and further creating any



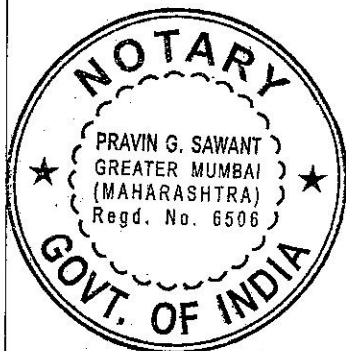
transaction of gift, creating any third party rights over the immovable properties of the Trust including mortgage, thereby wasting, damaging and improperly alienating the immovable property of the Trust and further alienating any immovable property of the Trust in violation of the directions given by the Donors of the immovable property;

(c) That pending the hearing and final disposal of the Application filed by the Applicants under Section 41-E of the Bombay Public Trusts Act, 1950, the present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of injunction from preventing the disciples of Shri



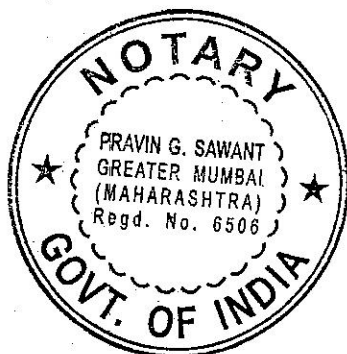
Osho and the devotees from offering their services for maintaining the properties belonging to the Trust and further may be prevented by an order of injunction of this Honourable Authority from awarding any contract to the firm called "Sodexho" and thereby causing loss to the Trust;

- (d) That pending the hearing and final disposal of the Application filed by the Applicants under Section 41-E of the Bombay Public Trusts Act, 1950, the present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of injunction of this Honourable Authority from raising the entry fee to the



Ashram from Rs.40/- to Rs.480/- to Indian Nationals and to Rs.980/- for foreign nationals arbitrarily and high-handedly and further receiving revised entrance fees from the beneficiaries;

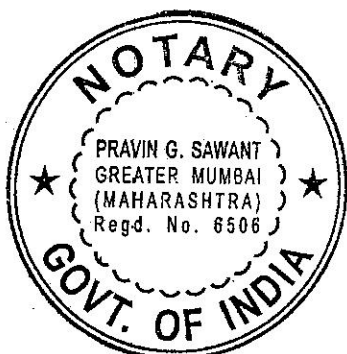
(e) That pending the hearing and final disposal of the Application filed by the Applicants under Section 41-E of the Bombay Public Trusts Act, 1950, the present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of injunction of this Honourable Authority from preventing the disciples and/or devotees from entering the Samadhi place of Shri Osho situated at Plot NO.33, Koregaon Park, Pune - 411 001;



(f) That pending the hearing and final disposal of the Application filed by the Applicants under Section 41-E of the Bombay Public Trusts Act, 1950, the present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of injunction of this Honourable Authority from moving any of the articles used by Shri Osho during his lifetime from out of the Ashram at Pune;

(g) That ad-interim reliefs in terms of prayer clauses (b) to (f) hereinabove, be granted;

(h) Such other just and proper order in the interest of the Trust;



(i) Cost of this Application be allowed.

Mumbai, dated this 7th day of December, 2011.

1. 

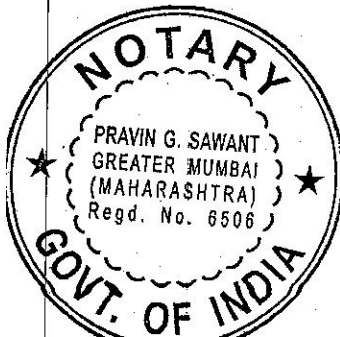
2. 

3. 

Applicants.

VERIFICATION

I, Yogesh Thakkar, aged 50 years, residing at Pune and the Applicant No.1 above named, do hereby on solemn affirmation state that what is stated in the foregoing paragraphs is true to the best of my own knowledge, information and belief and I believe the same to be true.



Solemnly affirmed at Mumbai,)

On this 7th day of Dec., 2011)

Deponent.

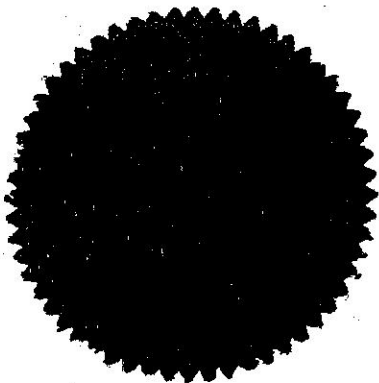
I identify the Deponent.

(K.P. Jadhav)
Advocate.

Before me.

Pravin Sawant
PRAVIN G. SAWANT
B.COM.LLB
ADVOCATE HIGH COURT
NOTARY GOVT. OF INDIA
603/A PRATHAMESH CO-OP HSG. SOC LTD
M.M.G.S. MARG, NAIGAON,
DADAR, MUMBAI-400014

7 DEC 2011



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Sr. No. 2367/12/1 in the
Notarial Register

