

A

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE,
AT BOMBAY

WRIT PETITION NO. 1346 OF 2012

FROM DISTRICT - PUNE

Shri. Yogesh Thakkar
And Another

PETITIONERS

VERSUS

Charity Commissioner
And Others

RESPONDENTS

[A] SYNOPSIS AND LIST OF DATES :-

Sr. No.	Date	Events and Particulars
1.	17/3/11	Aggrieved by the Order, bearing Application No.J-4/7/2011 under section 36(1)(a) of the Bombay Public Trust Act 1950, passed by the Respondent No.1 dated 17 th March 2011, that the Petitioners are approaching this Honourable Court under the provisions of Articles 226 & 227 of the Constitution of India,1950.
2.		The subject matter of this litigation is the plot bearing CTS No.3, Koregaon Park, Pune 411001. It is admeasuring 5387 Sq. Meters. This property belongs to the Respondent No.2 Osho International Foundation. Osho International Foundation is PTR No.F-14570 (Mumbai).
3.		The Petitioner No.1 and 2 herein are the persons, interested in the trust and have locus standi to file this Petition.
4.	Dec 2010	An Application bearing No.J-4/7/2011, under the provisions of section 36(1)(a) is made by the Respondent No. 2 to 6 herein to the Charity Commissioner for the purpose of gifting the said property to the Respondent No. 7 herein. It appears that, this application has been made in the month of December 2010.

5.		Admittedly, the Petitioners submit that no tenders have been invited at all and the Respondent No.1 has granted the permission to the Respondent No.2 to gift the property to Respondent No.7 herein. The order further says, that the trustees shall submit the Xerox copy of the Registered Gift Deed in the office within the period of 3 months from the date of the execution. The Petitioners made the enquiry and to the best of the knowledge of the Petitioners on the date of the filing the petition, no such copy has been produced before the Charity Commissioner, as yet.
6.		Respondent No.1 the Learned Charity Commissioner has been pleased to grant the permission. The Learned Charity Commissioner also came to the conclusion that, the execution of the gift deed would be the necessity. The Respondent No.1 Charity Commissioner, accepted the averments made in paragraph 10 of the application made under section 36 (1)(a) and granted the permission.
7.		Aggrieved by this permission dated 17 th March 2011, that the Petitioners are approaching this Honourable Court under the provisions of Article 226 and 227 of the Constitution of India ,1950, by way of present Writ Petition.

[B] SUBMISSIONS TO BE MADE :-

1. Charity Commissioner has observed that the Respondent No.7 is "carrying objects which are in furtherance of the objects of this Trust". The comparison of the Respondent No.2, Trust and that of the Respondent No.7, Trust would show that the objects of the Respondent No.7 Trust are too general in nature and have nothing to do with Osho in particular. Therefore, it cannot be said that the Respondent No.7 is "carrying objects which are in furtherance of the objects of this (viz. Respondent No.2) Trust". The Learned Charity Commissioner further

has observed that the objects of both the donor and donee trust are similar.

2. The Learned Charity Commissioner also accepted the claim of the trustee that, "The foundation is incurring expenditure to maintain the repair of the said property and the foundation is not able to derive any income from the same". It is submitted that no data has been considered by the trustee or by the Charity Commissioner also, as to what is the quantum of the expenses incurred for the purpose of maintaining and the repair of the said property. There is nothing on record to show that the quantum of the expenses or the quantum of repair is so heavy that the only way in which the trust can save itself from incurring such heavy expenditure is to get rid of the property by gifting it to Respondent No. 7.

3. The suit property is situated at Pune and the Charity Commissioner at Mumbai has no jurisdiction. Merely because the Trust is registered, with the Mumbai Charity Commissioner, would not mean that even for disposing of the property, which is situated within the jurisdiction, of the Joint Charity Commissioner, Pune the Respondent No. 2 can bypass that jurisdiction, by approaching the Charity Commissioner Respondent No. 1. The Respondent No. 2 deliberately, has chosen to make an Application, before the Respondent. No. 1, before the Joint Charity Commissioner, Mumbai, to avoid the gift deed being brought to the notice of the Public at large, in Pune.

[C] **RELEVANT STATUTORY PROVISION**

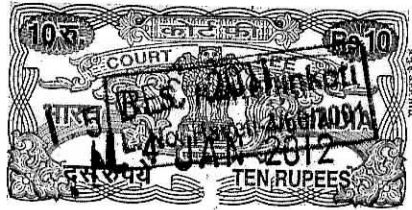
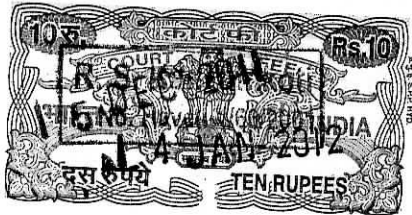
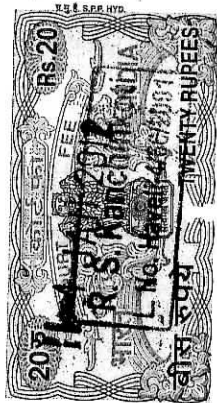
1. Article 226 & 227 of the Constitution of India, 1950.
2. Bombay Public Trust Act, 1950.

[D] **CASE LAW**

BOMBAY
DATED

ADVOCATE FOR THE PETITIONER

26/8208



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE,
AT BOMBAY

WRIT PETITION NO. _____ OF 2012

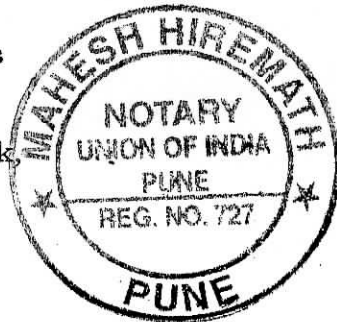
FROM DISTRICT - PUNE

IN THE MATTER OF ARTICLE 226 OF THE
CONSTITUTION OF INDIA 1950.

AND

IN THE MATTER OF SECTION 36 OF THE
BOMBAY PUBLIC TRUST ACT.

1. Shri. Yogesh Thakkar
Age: Adult, Occ: Business
Residing At: 1, Anand Park,
368-A, Near Suryojana Society,
Koregaon Park,
Pune 411001.
2. Shri. Kishor Raval
Age: Adult, Occ: Business
Residing At: B-3 / 11
Meera nagar Society
Lane no. 7, Koregaon Park,
Pune 411001.



PETITIONERS

VERSUS

1. The Charity Commissioner
Maharashtra State,
Mumbai

[Summons to be served on the Learned Government Pleader appearing for State of Maharashtra under Order XXVII, Rule 4, of the Code of Civil Procedure, 1908].

2. Osho International Foundation
PTR No.F-14570,
Having its office at
608, Maker Chambers, 6th Floor
Nariman Point,
Mumbai 400021.

Through its Trustees viz.

3. Mukesh Sarada
Adult, Occ. Business
50, Koregaon Park,
Pune 411001
4. Devendrasingh Deva,
Adult, Occ. Business
50, Koregaon Park,
Pune 411001
5. Sadhana Belapurkar
17, Koregaon Park,
Pune 411001
6. Lal Pratap Singh
50, Koregaon Park,
Pune 411001
7. Darshan Trust
Having the office At
1006-7 Rohit House,
C/o. Renukay Sound Studios,
3 Tolstoy Marg,
New Delhi 1.
Also having the office at
A34 Defence Colony,
New Delhi 110024.
8. Vidya Khupchandani
Trustee
Darshan Trust
A-34, Defense Colony,
New Delhi 110024.
Also Residing at :
17, Koregaon Park
Pune 411 001



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9. Anandkumar Awasthi
Trustee
Darshan Trust
A-34, Defense Colony,
New Delhi 110024.

Also Residing at :
17, Koregaon Park
Pune 411 001

RESPONDENTS

TO,

THE HONOURABLE THE CHIEF JUSTICE
AND THE COMPANION HONOURABLE
JUDGES OF HIGH COURT OF
JUDICATURE OF BOMBAY,
APPELLATE SIDE,
AT BOMBAY

THE ABOVE NAMED PETITIONER MOST RESPECTFULLY SHEWETH:

Feeling aggrieved by the Order, bearing Application No.J-4/7/2011 under section 36(1)(a) of the Bombay Public Trust Act 1950, passed by the Respondent No.1 dated 17th March 2011, that the Petitioners are approaching this Honourable Court under the provisions of Article 226 of the Constitution of India 1950.

The facts and circumstances from which the present Writ Petition arises are capsualised herein below for the sake of ready reference and convenience.

FACTS OF THE PETITION

1. The Petitioners submits that the property, misuse the subject matter of this litigation is the plot bearing CTS No.3, Koregaon Park, Pune 411001. It is admeasuring 5387 Sq. Meters. This property belongs to the Respondent No.2 Osho International Foundation. Osho International Foundation is PTR No.F-14570 (Mumbai).
2. The premises of the trusts are used for teaching the mediation activities and philosophy of World renowned mystic Osho formally known as Bhagwan Shri Rajneesh. Shri Osho was born on 11.12.1931 and had



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expired on 19th January 1990 at Pune, India. The trust premises are purchased, developed and maintained by the donations and contributions from the Osho Community from all over the World in last 40 years. The Osho disciples under the guidance of Osho have worked hard for 40 years to create a spiritual home for Osho Community at Pune, India. The trust premises have a state of art infrastructure to proliferate Osho's vision. Along with, the trust premises have meditation halls, Osho's Samadhi, community kitchen, publishing and designing facilities, gardens and much more. The fundamental purpose for creation of these facilities is for the benefits of general public and in particular for the members of the Osho community around the world.



3. The Petitioner No.1 and 2 herein are the persons, interested in the trust and have locus standi to file this Petition. Enclosed to the memo of this writ petition and marked as **EXHIBIT A** is the brief resume of the Petitioner No. 1 and how the Petitioner No.1 is connected with the activities of the Respondent No.2. Also enclosed and marked as **EXHIBIT B** is resume of the activities of the Petitioner No.2 showing how the Petitioner No.2 is concerned with the Respondent No.2, Trust. Perusal of both this resumes would indicate to the Honourable Court, that the Petitioner No.1 & 2 are the persons interested in the trust and therefore, they have necessary locus standi to file this Petition.

4. It appears from the record, that an Application bearing No.J-4/7/2011, under the provisions of section 36(1)(a) is made by the Respondent No. 2 to 6 herein to the Charity Commissioner for the purpose of gifting the said property to the Respondent No. 7 herein. It appears that this application has been made in the month of December 2010. Copy of that application along with the necessary documents is enclosed to the memo of this writ petition and is marked as **EXHIBIT C**.



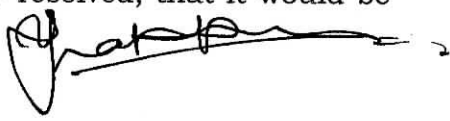
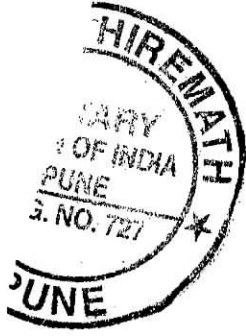
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5. Admittedly, the Petitioners submit that no tenders have been invited nor any public notice were published in the daily news papers at all and the Respondent No.1 has granted the permission to the Respondent No.2 to gift the property to Respondent No.7 herein. The order further says, that the trustees shall submit the xerox copy of the Registered Gift Deed in the office within the period of 3 months from the date of the execution. The Petitioners made the enquiry and to the best of the knowledge of the Petitioners on the date of the filing the petition, no such copy has been produced before the Charity Commissioner, as yet.

6. The Petitioners submit that the only reason, why the Respondent No.2 wants to gift this property to the Respondent No.3, is the reason which has been given in paragraph 10 of the application, which has been made under the provisions of Section 36(1)(a).

7. That reasoning reads as under-

“The applicants in the meeting held of the Trust, held on 1-12-2010, discussing detail the proposal from the trustee of the Darshan Trust, A Public Charitable Trust, having similar objects requesting for some space to expand and carry out his activities in Pune. At the meeting of the trustees, Mr. Mukesh Sarda, Trustee informed that the foundation is having excess space, being land situating Village Munjeri, Taluka Haveli, District Pune bearing CTS No.3, Koregaon Park, Pune 411001, which, at the moment, is not required for the purposes of the furtherance of the objects of the foundation. He further informed, that the foundation is incurring expenses to maintain and repair the said property and the foundation is not able to there have any income from the same. After detailed discussion and deliberation, it was unanimously resolved, that it would be

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in the interests of the foundation and in furtherance of the objects, to donate the plot of the land, bearing CTS No.3, Koregaon Park, Pune 411001 that is available and not required by the foundation to Darshan trust." (Emphasis Supplied)

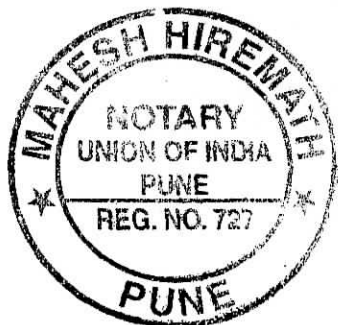
8. In pursuance of that the application has been made.
9. The Respondent No.1 the Learned Charity Commissioner has been pleased to grant the permission. The copy of that order is enclosed to the memo of this writ petition and is marked as **EXHIBIT D**. The Learned Charity Commissioner also came to the conclusion that, the execution of the gift deed would be the necessity. The Respondent No.1 Charity Commissioner, accepted the averments made in paragraph 10 of the application made under section 36 (1)(a) and granted the permission.
10. Aggrieved by this permission dated 17th March 2011, that the Petitioners are approaching this Honourable Court under the provisions of Article 226 of the Constitution of India 1950 on following amongst other grounds, which grounds are taken without prejudice to each other.

GROUND OF OBJECTION

1. The Learned Charity Commissioner has not applied his mind at all. There are circumstances, which are staring at the face, some of them are as under -

(a) It is observed that the objects of the Trust are similar to the objects of the Respondent No.2. The Charity Commissioner has observed as under-

"It appears that the donee trust is like minded Charitable Trust following principles of Osho and carrying objects, which are in furtherance of the objects of the Trust and



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therefore, it is advisable to have the property transferred in favour of Darshan Trust.” (Emphasis supplied)

(b) The perusal of the constitution of Darshan Trust copy of which is enclosed hereto and is marked as **EXHIBIT E**. would show in the first instance that the word “like minded” is as vague as possible. Secondly, the constitution does not even refer to following principles of Osho. That is not even the claim, which has been made in the application made in paragraph 10 of the application made by the Respondent No.2, Trust. From where the Charity Commissioner came to the conclusion as to the Respondent No.7, Trust is “following principles of Osho” is not clear. Surely, that information seems to have come from a source, not on the record of the Charity Commissioner.

(c) Further, the Charity Commissioner has observed that the Respondent No.3 is “carrying objects which are in furtherance of the objects of this Trust”. The comparison of the Respondent No.2, Trust and that of the Respondent No.3, Trust would show that the objects of the Respondent No.3 Trust are too general in nature and have nothing to do with Osho in particular. Therefore, it cannot be said that the Respondent No.3 is “carrying objects which are in furtherance of the objects of this (viz. Respondent No.2) Trust”. The Learned Charity Commissioner further has observed that the objects of both the donor and donee trust are similar.

(d) The Learned Charity Commissioner also accepted the claim of the trustee that, “The foundation is incurring expenditure to maintain the repair of the said property and the foundation is not able to derive any income from the same”. It is submitted that no data has been considered by the trustee or by the Charity Commissioner also, as to what is the quantum of the expanses incurred for the purpose of maintaining and the repair of the said property. There is nothing on



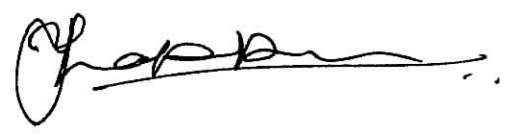
record to show that the quantum of the expanses or the quantum of repair is so heavy that the only way in which the trust can save itself from incurring such heavy expenditure is to get rid of the property by gifting it to Respondent No. 7.

- (e) The Petitioner also invites the attention of this Honourable Court to refer to few other facts. The property is in Koregaon park area. As per the market valuation the value of the property is Rs. 50 Crores. The Trust itself has already in heavy debts.
- (f) Enclosed to the memo of this Petition and marked as **EXHIBIT F** is an Application which has been made by the Trust under the provision of Section 36 (A) (3) of the Bombay Public Trust Act for the purpose of seeking permission, to mortgage its other properties, for getting the loan from Corporation Bank to the tune of Rs. 350 Lacks.
- (g) Similar Application is made on 18th July 2011 where the property of the Trust, is sought to be mortgaged, and the permission under the provision Section 36 (A) (3) of the Bombay Public Trust Act, is sought to be taken from the Learned Charity Commissioner, for the purpose of incurring further loan of Rs. 250 lacks from Corporation Bank.
- (h) This shows in the first instance, that the Trust is in need of money. If the Trust is in need of money, then there is no reason, the property involved in this Litigation should not have been sold by the Trust. The property is worth Rs. 50 crores. The Trust could have got its debt cleared by selling part of the property.
- (i) Further assuming that the Trust, has a strong desire, to give the property to 'like minded people' it is not clear as to what is exactly meant by "like minded". Neither the Trust nor the Charity Commissioner has considered as to who are the Trustees of the said Respondent No. 7 trust, and what is the relation with the Respondent



No. 2. Perusal of the documents would show that the trustees of the Respondent No. 7 Trust are Respondent No. 8 Vidya Khubchandani and Respondent No. 9 Anand Kumar Awasthi. Both of them were the Trustees, of the Respondent No. 2 Trust itself earlier and they had resigned from Respondent No. 2 Trust. Both Ms. Vidya Khubchandani and Anand Kumar Awasthi are in fact residing in Pune. The so called trust viz. the Respondent No. 3 Trust is from New Delhi. There is a clear variance, in the address mentioned of Respondent No. 3 Trust on the Letter Head copy of which is enclosed hereto and is marked as **EXHIBIT G** as well as the address given in the deed of settling copy of which is enclosed hereto and is marked as **EXHIBIT H** the Trust in paragraph 4. The address given on the Letter Head of Respondent No. 3 Trust viz. A 34, Defence Colony, New Delhi 110024 is actually not the genuine address as it will be clear from the Public News published in Daily DNA. Copy of that news item published in Daily DNA is enclosed to the memo of this Petition and is marked as **EXHIBIT I**.

(j) The Petitioners also invite the attention of this Honourable Court to refer to Object Clause of the Respondent No. 7 Trust. The object clause particularly paragraph 10 would show that one of the activities of the said Trust is to construct the Building. The Petitioners submit that therefore there is a clear sinful design that the property belonging to Respondent No. 2 which consist, of the Ex-Trustees, of the Respondent No. 2 residing at Pune and the property is gifted, to the Respondent No. 7 and the Respondent No. 7 not being a Trust registered under the Bombay Public Trust Act, would be free, to sell the property by giving advertisement, in the Newspaper in Delhi so that nobody in Pune would come to know of that. Even otherwise also, the Respondent No. 7 not being a Trust registered under Bombay Public Trust Act, requirement of Section 36 may not apply in case if the Respondent No. 7 further wants to sell the property to any other person.

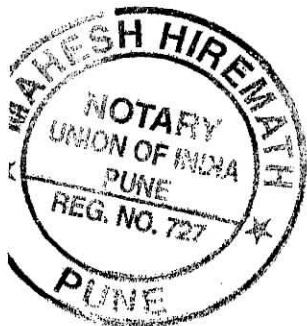



(k) In other words, the Respondent No. 7, is only a bridge for the purpose of disposing the property, in favour of any other Builders, and the so-called Gift Deed, is merely an eye-wash for the purpose of defeating the object of section 36, of the Bombay Public Trust Act. Enclosed to the memo of this Petition and is marked as **EXHIBIT J** is copy of news item published in Daily DNA dated 9th October 2011, indicating real faces of persons behind such transactions.

2. The Petitioners also submit that at this juncture one more factor is required to be taken into consideration. Earlier the entrance fee, of the Ashram was Rs. 40/- Now the entrance fee, in the Ashram is Rs. 480/- for Indian national and Rs.980/- for the foreigners. This shows that the Trust, is in need of money.

It is submitted that if the Trust is in need of money, and therefore has increased the entrance fee, then it ill lies in the mouth of the Trust to contain that the Trust does not need the property.

3. Further merely, because the present Trustees are not in a position to make gainful use, of the prime property available with Respondent No. 2, it cannot be said that the Respondent No. 2 does not need the property. At the most it can be said that the present Trustees are not competent enough to make a gainful use of the assets, which are available to the Respondent No. 2 Trust. The lack of competency of the part of the existing trustee, to make the gainful use, of the assets available with the Respondent No. 2, cannot be equated with non-requirement on the part of the Respondents No. 2 Trust itself to need the property.
4. The Charity Commissioner, the Respondent No. 1 has come to the conclusion that there is a compelling necessity, to gift the property. In case of gift it is submitted, that the expression 'compelling necessity' is a misnomer. There can never be never be any compelling necessity, for

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gifting the property. Compelling necessity, at the most, will be selling the property and never, for gifting the property. Nobody can be compelled to gift the property, to somebody else and therefore the learned Charity Commissioner has passed the order mechanically and without any Application of mind.

5. Further it is submitted that the suit property is situated at Pune and the Charity Commissioner at Mumbai has no jurisdiction. Merely because the Trust is registered, with the Mumbai Charity Commissioner, would not mean that even for disposing of the property, which is situated within the jurisdiction, of the Joint Charity Commissioner, Pune the Respondent No. 2 can bypass that jurisdiction, by approaching the Charity Commissioner Respondent No. 1. The Respondent No. 2 deliberately, has chosen to make an Application, before the Respondent. No. 1, before the Joint Charity Commissioner, Mumbai, to avoid the gift deed being brought to the notice of the Public at large, in Pune.

6. The Petitioners herein also crave leave of the Honourable Court to refer to the Gift Deed which was made by the Respondent No. 2 herein in favour of the Respondent No. 7 viz. Darshan Trust in respect of the property bearing Plot No. 3. of Koregaon Park, Pune. It is submitted, on perusal of the said gift deed it will be crystal clear to a naked eye that there is no terms and conditions at all that the said property viz. the property which is to be gifted to the Respondent No. 7, Darshan Trust, is to be used only for the Public Charitable Trust and Osho Ashram activities and the property will not be sold out or the same will not be used for some other purpose. The Petitioners submit that therefore it is only an eye-wash of gifting the property to the Respondent No. 7. On this ground also, the order passed by the Charity Commissioner thereby allowing the gift deed is required to be quashed and set aside by this Honourable Court.



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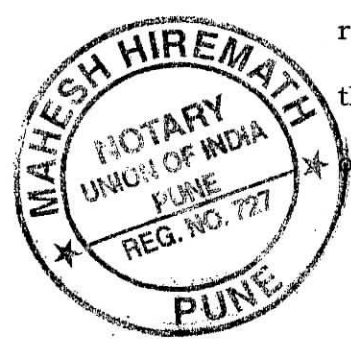
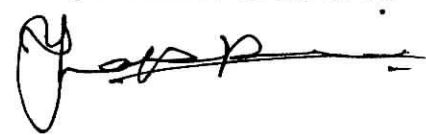
7. It appears further that the like mindedness of Respondent No. 7, has impressed the Respondent No. 2 to such an extent, that although the present property is yet to be utilized for the so-called 'similar objects' the Respondent No. 2 is out to enrich the Respondent No. 7 by further gifting the another property, to Respondent No. 7.

8. The Respondent No. 2 in respect of another property, bearing Plot No. 22, from Koregaon Park, Lane No. 1, of which market price, at present is Rs. 15 crores, has made another Application under the provision of section 36 (1)(a) for gifting that property to Respondent No. 3. That Application, is still pending before Respondent No. 1. The copy of that Application is enclosed to the memo of this Petition and is marked as **EXHIBIT K**.

9. The Petitioners therefore filed their formal objections to that Application to the Charity Commissioner, Mumbai vide their Application cum Objection dated 5th October 2011. The true copy of that Objection is enclosed to the memo of this Petition and is marked as **EXHIBIT L**.

10. The Petitioners herein, having come to know, they have filed another Applications under Section 41 E of the BPT Act in those matters and have opposed that and have asked for other reliefs as well. Copies of these applications made by the Petitioner objecting that is enclosed to the memo of this Petition and is marked as **EXHIBIT M**.

11. The modus operentive of Respondent No. 2 and Respondent No. 7 have thus a striking similarity that the Respondent No. 7 is being utilized as a bridge for the purpose of siphoning the property, of the Respondent No. 2., to the so-called trust situated outside, the jurisdiction of the Bombay Public Trust Act so that such Trust is exempted in future from the requirement of Section 36 of the Bombay Public Trust Act and the property thereafter, can be sold by the Respondent No. 7 in pursuance of its avod objects in clause 10 of its Deed of Settlement.



12. The Petitioners submit that the Petitioners herein have received thousands of on-line support from all over the world of the Osho's disciples and thousands of people have requested the Petitioners to take the necessary steps and to make all possible efforts to save Osho Ashram and Osho Samadhi at Pune. The Petitioners are ready to produce this supporting documents before the Court at the time of making the oral submissions in support of the present Petition, if this Honourable Court so desire.

13. It is on this background the Petitioners are approaching this Honourable Court seeking directions from the Honourable Court to protect and save the Osho Ashram and Osho Samadhi at Pune.

Hence, this Writ Petition.

CONCLUDING PARAGRAPHS

1. Proper Court fees stamp is paid.
2. The Cause of action has arisen in District : Pune, where the suit property is situated therefore this Honourable Court has jurisdiction to try, entertain and decide this petition.
3. The Petitioners have not preferred any other Writ Petition, appeal or application, either in this Honourable Court or any other court on in the Honourable Supreme Court of India, in respect of this cause of action.
4. The Impugned Judgment and Order dt. 17/3/2011. The Petitioners thereafter made an enquiry and obtained the copies of these documents, on 12th January 2012. The Petitioners thereafter consulted their Advocate. Taking into consideration the time required for this, the Petitioners are approaching this Honourable Court without any laches or negligence on his part. Hence this petition is filed within the period of limitation.



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PRAYERS

THE PETITIONERS THEREFORE RESPECTFULLY PRAY AS UNDER :-

[A] That this Honourable Court be pleased to issue a writ certiorari or writ in the nature of certiorari or any other appropriate writ direction or order quashing and setting aside the Judgment & Order dated 17th March 2011 passed by the Learned Charity Commissioner, Maharashtra State, Mumbai in Application No. J-4/7/2011 under Section 36(1)(a) of the Bombay Public Trust Act, 1950 and be pleased to quash and set aside that Judgment.

[B] That pending final disposal of this Writ Petition as and by way of interim relief this Honourable Court be pleased to issue a temporary injunction

(i) Restraining the Respondent No. 2, from taking any further action in pursuance of the permission granted by the learned Charity Commissioner, referred in Prayer Clause (A) above on 17th February 2011.

(ii) Issue a temporary injunction restraining the Respondent No. 7 from taking any further action, or making any construction or creating any 3rd party interest in respect of the suit property without obtaining the permission, from this Honourable Court.

(iii) Issue a temporary injunction restraining the Respondent No. 2, from making any further application, or prosecuting any pending application, for gifting the property, in favour of the Respondent No. 7 or any other person, without obtaining the permission of the Honourable Court.

[C] Ad interim relief in terms of prayer Clause [C (i), (ii) and (iii)] as prayed above.

[D] For the costs of this Writ petition be awarded in favour of Petitioners from Respondents, by this Honourable Court.



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[E] For such other orders as justice and convenience may demand from time to time be passed in favour of the Petitioners by this Honourable Court.

AND FOR THIS ACT OF KINDNESS THE ABOVE NAMED PETITIONERS SHALL DUTY BOUND EVER PRAY.

BOMBAY
DATED

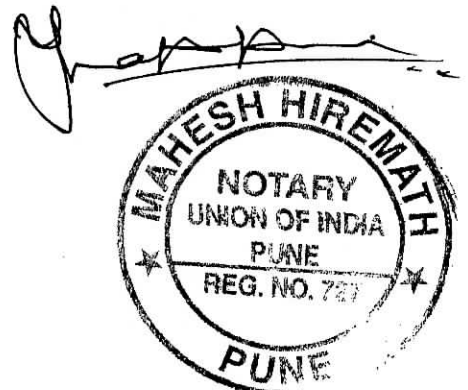
ADVOCATE FOR THE PETITIONERS

VERIFICATION

I, Shri. Yogesh Thakkar, Age: Adult, Occ: Business, Residing At: 1, Anand Park, 368-A, Near Suryojana Society, Koregaon Park, Pune 411001., do hereby state on solemn affirmation that I am the Petitioner in this Writ Petition and that I have carefully gone through the memo of this Writ Petition and annexures annexed thereto. I say that the contents of the memo of this Writ Petition are true to the best of my personal knowledge and the legal submissions made therein are true to the best of my personal belief which belief is based upon the legal instructions and advice given to me by my Advocate which I believe to be correct. I also state on oath that the Annexures which are annexed to the memo of this Petition have been personally checked by me and that they are true copies of the original documents, and I state on the affidavit accordingly.

I say that, the paragraphs which are true to the best of my knowledge, are shown in [a] below, the paragraphs which are true to the best of my belief, are shown in clause [b] below and the paragraphs which are true to the best of my belief, which belief is based upon the legal instruction and advice given to me by my Advocate are shown in clause [c] below.

- [a] Para No.[1] to [10] of the Facts of Petition.
- [b] Para No.[1] to [13] of Grounds of Objections.
- [c] Para No.[1] to [4] of Concluding Paragraphs.
- [d] Para No.[A] to [E] of Prayer clause.



Solemnly affirmed at Pune on this 5th day of Feb 2012.


AFFIANT

I Know AFFIANT

Do Swear in the name of God.

[ADVOCATE]
Checked and Settled by
AVA and Client

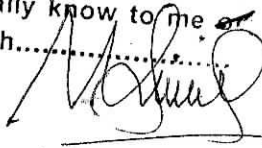
Solemnly affirm that this is my
name and signature (or marks)
and that the contents of this
Affidavit are true



AFFIANT

Associate Adv. Amol Gatne

968323/Priyanka & Pratima/23rd January 2012



The Deponent/Executant is identified by
Me through Shri.....
Who is Personally know to me or
identified Through.....


BEFORE ME

MAHESH HIREMATH
NOTARY - UNION OF INDIA
PUNE
05/02/2012

NOTED AND REGISTERED
AT SERIAL NUMBER
B-057
2012

