IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

WRIT PETITION NO. 13695 OF 2023

Mr. Vilas S/o Banduji Kharat,
Age : 50 years, Occu.: Practicing Advocate,
R/o. "Gurukrupa" A6, Gajanan Nagari, Itkheda,
Paithan Road, Aurangabad. ...Petitioner
[Ori. Applicant]

Versus

01. The Joint Charity Commissioner,
Aurangabad Region, Aurangabad.

02. The Assistant Charity Commissioner,
Aurangabad Region, Aurangabad. ...Respondents

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Mr. Abhinay D. Khot – Advocate for the Petitioner
Mrs. Anuradha S. Mantri – AGP for Respondent Nos. 1 and 2

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CORAM : NEERAJ P. DHOTE, J.

DATE OF RESERVING THE JUDGMENT : 17TH JUNE, 2026
DATE OF PRONOUNCING THE JUDGMENT : 06th JULY, 2026

JUDGMENT : -

**1.** Impugned in this Writ Petition under Article 227 of the Constitution of India are the orders dated 14.06.2023 passed by the Joint Charity Commissioner, Aurangabad, in Appeal No. 12 of 2023, and the order dated 24.04.2023 passed by the learned Assistant Charity Commissioner in Inquiry No. J-3/27/2023, whereby the said proceedings for registration of the Trust under the Maharashtra Public Trusts Act, 1950 (hereinafter referred to as "MPT Act") came to be dismissed and rejected respectively.

**2.** The brief facts giving rise to the present Writ Petition are as follows:-

**2.1.** The petitioner applied to Respondent No. 2 – the Assistant Charity Commissioner for registration of a Trust under the name and style “NGO – Management Trust, Aurangabad”, in the prescribed format under the MPT Act. The application was supported by the Trust Deed. The petitioner was the proposed President of the said Trust, the objects of which included imparting education, legal awareness, medical relief, relief to the poor, housing, rehabilitation of rural areas, advancement of any other object of general public utility, so also social, cultural and religious feast and gatherings and other allied functions etc. Respondent No. 2 – the Assistant Charity Commissioner framed the issue as to “Whether the proceedings are maintainable in respect of the name and corresponding objects of the proposed Trust.” No objections were raised to the proposed Trust. However, the application was rejected by Respondent No. 2 – the Assistant Charity Commissioner on the ground that, the name of the proposed Trust falls within the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950 (hereinafter referred to as the “Emblems Act”).

**2.2.** Being aggrieved by the said decision of Respondent No. 2 – the Assistant Charity Commissioner, the petitioner preferred the aforesaid appeal under Section 70 of the MPT Act. Respondent No. 1 – the Joint Charity Commissioner dismissed the appeal and confirmed the order passed by Respondent No. 2 – the Assistant Charity Commissioner.

**3.** Heard the learned Advocate for the petitioner and the learned AGP for the respondents. Perused the papers on record.

**[a]** It is submitted by the learned Advocate for the Petitioner that, the name of the proposed Trust nowhere indicates similarity with any State functionary. He submits that, the Charity authorities cannot adjudicate upon the name of the Trust, and that the impugned orders are contrary to law and same be set aside. In support of his submissions, he relied on the judgments in Writ Petition No. 3072 of 2019 (*Manvi Hakka Sanrakshan and Jagruti and Another vs. Charity Commissioner of Maharashtra and Others, decided on 06.12.2024*) and in Writ Petition No. 14247 of 2023 (*National Egg Co-ordination Committee vs. The State of Maharashtra and Others, decided on 02.04.2026*).

**[b]** It is submitted by the learned AGP that, in view of the provisions of Section 18 of the MPT Act, the Charity Authorities are empowered to verify whether the name of the proposed Trust falls within the prohibited categories. She submits that, both the authorities have recorded reasons in the impugned orders, and therefore no interference is called for. She further submits that, the judgments relied upon by the learned Advocate for the petitioner are on different facts and issues and are, therefore, not applicable to the case at hand.

**4.** In Manavi Hakka Sanrakshan (*supra*), the challenge was to the Revised Circular No. 543 dated 04.07.2018 issued by the Charity Commissioner, Maharashtra, which provided for issuance of notices to

the trustees of trusts using the phrases “Bhrashtachar Virodhi Mahasangh”, “Bhrashtachar Virodhi Andolan”, “Bhrashtachar Mukta Bharat”, or “Human Rights” in the title of the trust, and further directed removal of the same. It is observed that, changing name at the behest and on directions of Charity Commissioner would not fall within the provisions of Section 22(1) of the MPT Act. It is further observed that, once the authorities issue certificate of registration under the Act they do not have the power to direct the Trustees to change the name of the Trust. If the name of the Trust gives an impression of it belonging to the Government or patronage by the Government then the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950 can certainly be invoked by the authorities under the said Act of 1950. This Court in exercise of the powers under Article 226 of the Constitution of India quashed the said Circular and observed that the Respondents are free to take any action in accordance with law if it is found that any trust or organisation registered under the Maharashtra Public Trusts Act, 1950 are acting like kangaroo Courts or impersonating themselves by way of their activities as instrumentalities of this State.

**5.** In National Egg Co-Ordination Committee (*supra*), the challenge was raised to the order passed by the Joint Charity Commissioner, Pune Region, directing, *inter alia*, deletion of the word “National” from the name of the Petitioner in *suo motu* revision

proceedings initiated under Section 70A of the MPT Act. It was held that, in the absence of any statutory power to inquire into the suitability of the name of a trust, there is no power conferred upon the authority to direct change of the name of the trust. The Petition was accordingly allowed and the impugned order was set aside.

**6.** Coming to the case at hand, the proposal for registration of the proposed trust came to be rejected by the competent authority and the appeal against the said rejection came to be dismissed by the appellate authority. The papers show that, the Petitioner filed an application for registration of the Trust pursuant to the provisions of Section 18 of the MPT Act. Sections 19 and 20 of the said Act provide for inquiry for registration and the findings of the Deputy or Assistant Charity Commissioner. Along with Application for registration of the trust, a copy of the 'Deed for Establishment of Charitable Trust' was submitted by the Petitioner. The proposed name of the Trust is *"NGO – Management Trust, Aurangabad"*. The objects of the Trust are shown as education, medical relief, relief of the poor, housing, rehabilitation of rural, advancement of any other object of general public utility so also social, cultural and religious feast and gatherings and other allied functions etc. The aims and objects of the proposed Trust are stated to be to improve the overall performance of the NGO and their activities by providing legal assistance through online legal education in respect of

their objects, as well as mandatory statutory compliances and the provisions of the Act. The judgment in the Appeal decided by the Joint Charity Commissioner shows that, the written clarification dated 13.01.2023 submitted by the Petitioner before the learned Assistant Charity Commissioner in respect of the clarification of the name of proposed trust was brought to its notice. The said clarification which is reproduced in paragraph no. 4 of the order in the Appeal is reproduced below.

> *"We have introduced a unique concept 'NGO Management Training Programme' organized by NGO Management Trust which is required to register under the provisions of the Maharashtra Public Trust Act, 1950. Public Trust provides a one-stop solution to Trust / Society / NGO on issue relating to Management and Mandatory Legal compliance legally binding on Trust as well as Registration and formation of public Trust / Society / NGO under the Societies Registration Act, 1860 as well as Maharashtra Public Trust Act, 1950. It has been further mentioned therein that*
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> *'We are a team of experienced Lawyers, Chartered Accountants and Company Secretaries and Legal Draftsmen. Our dedicated team provides expert support and guidance in the area of Maharashtra Public Trust Act, 1950, Societies Registration Act of 1860, Companies Act 2013, Indian Trust Act, AICTE Act of 1957, Income Tax Act, 1961, Finance Act, R.T.I. Act 2005. Services offered range from activities like ensuring statutory compliance, record maintenance, audit and inspection, filing of returns, help for obtaining necessary certificate mainly overhaul guidance and support for all compliances under applicable laws'.*

**7.** The learned Assistant Charity Commissioner while passing the impugned order noted that, the objects mentioned in the Trust Deed were not charitable in nature since they indicate to deal with the affairs of non-governmental organisation and some of the objects are indicating to deal with the affairs of those non-governmental organisations which are in the form of professional service. It is further observed that, the Trust which is to be registered under the provisions of MPT Act, must

have only the charitable purposes and objects, and therefore, the objects as stated in the Trust-Deed in the Application before the Assistant Charity Commission seem to be providing of professional services which are not absolutely the charitable nature and, therefore, recorded the finding that, the proposed trust could not be registered for the reasons stated above. The Appellate Forum considered the said aspects of the matter and found no legal reason to differ with the findings recorded by the learned Assistant Charity Commissioner in respect of non-charitable objects of the proposed trust.

8. Undisputedly, for registration of a trust under the MPT Act, the aims and objects of the trust must be charitable. The MPT Act is enacted to regulate and make better provisions for the administration of public religious and charitable trusts in the State of Maharashtra. I do not find that the learned Assistant Charity Commissioner and the Appellate Authority committed any error in recording their findings regarding the objects of the proposed Trust. Those findings were recorded after considering the material placed before them, particularly the Trust Deed.

9. The other aspect of the matter pertains to the proposed name of the Trust. The learned Assistant Charity Commissioner found that, the proposed name sounded like having connection with the duties

and functions of the Charity Organisation governed by the provisions of the MPT Act, 1950, and recorded a finding that, the proposed name of the Trust would come under the patronage of the State Government and for that reason, the proposed name is undesirable and improper. The learned Assistant Charity Commissioner referred to the provisions of Section 2(b) and Section 3 of the Emblems Act. Section 2(a) defines the word *'Competent Authority', means any authority competent under any law for the time being in force to register any company, firm, other body of persons or any trade mark or design or to grant a patent*. Considering the said definition of competent authority, the reference to the said provision of Section 3 of Emblem Act by the Appellate authority was relevant. In the light of the provision of Section 3 of the Emblems Act which is in respect of prohibition of improper use of emblem, and entry no. 7 of Schedule in the said Emblems Act, it is observed by the Appellate Authority that, the proposed name of the Trust would definitely come under the patronage of the State Government and for that reason the proposed name was undesirable and not proper and further observed that, it would deceive the public or member of society that the proposed Trust has legal control over the management of the NGO's in the Aurangabad. The said findings by both the authorities show due consideration of the relevant aspects of the matter and their findings cannot be said to be erroneous.

**10.** It would not be out of place to refer to the findings recorded by the Appellate Authority that, the application for registration of the Trust was made on 12.01.2023, the arguments were heard on 13.01.2023, and the matter was kept on 13.03.2023, on which day the Advocate for the Applicant/Petitioner filed a *purshis* below Exhibit–8 stating that, he wanted to withdraw the application unconditionally, and thereafter, on the same day, the learned advocate again filed another *purshis* below Exhibit–9 stating that, he wanted to proceed with the application and pressed the earlier *purshis* below Exhibit–8. From these events, the Appellate Authority observed that, the said events speak volumes about the hesitation of the Applicant. Be that as it may.

**11.** Both the authorities exercised their powers under the relevant Acts and recorded their findings and decisions on the basis of the material available before them. The facts of the present case and the facts of the above-referred cases relied upon by the Petitioner are different. The Appellate Authority has granted liberty to the Petitioner to make suitable changes in the Trust Deed in respect of the name and objects of the proposed Trust and thereafter to submit a fresh proposal for registration. In the facts and circumstances of the case, I do not find any infirmity in the impugned orders so as to exercise of powers under Article 227 of the Constitution of India. Hence, I pass the following order:

ORDER

**[i]** The Writ Petition is dismissed.

[NEERAJ P. DHOTE]
JUDGE

SG Punde