

BEFORE THE CHARITY COMMISSIONER,
MAHARASHTRA STATE, BOMBAY

APPLICATION NO.5 OF 2012

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

And

In the matter of "**OSHO**
INTERNATIONAL FOUN-
DATION"

P.T.R. No.F-14570 (Bom)

1. MR. YOGESH THAKKAR ALIAS
SWAMI PREM GEET AND 2
OTHERS ...APPLICANTS

VERSUS

1. MR. MUKESH KANTILAL
SARDA ALIAS SWAMI MUKESH
BHARTI AND OTHERS ...OPPONENTS

**REJOINDER OF THE APPLICANTS TO THE
WRITTEN STATEMENT FILED BY THE
OPPONENTS:-**

The Applicants submit that they have gone through the Written Statement filed by Mr. Mukesh Sarda @ Swami Mukesh Bharti on behalf of Opponents no. 2 & 3, and have found the same as, full of fabricated 'Repetitive Lies' in almost all the paras, throughout in the said affidavit. Herein referred to as the 'Affidavit'.

The Applicants submit that, in the said Written Statement, the Opponents are side tracking the main issues of the application mainly in following manners:

A. To accuse Applicants on personal level without any documentary evidence,

B. To side track main issues of the Application 41 E, the Opponents argue helplessly by creating "*cloud of ideological and philosophical views*", by quoting '*selective*' phrases, derived vaguely and 'out of context' from Osho's Books. These ideological misinterpretations are not a subject matter of applications u/s 41 E and out of the jurisdiction of this court.

C. The paragraph 28 of the affidavit states the reasons for banning the Applicants and other thousands of Osho disciples from entering the Trust premise. The Opponents states that "*as per Osho's guidance anyone who went in public in the newspaper and magazine 'criticizing his*

work' are not welcome and they would be welcome only if they realize their mistake and published their apology in the same newspaper or magazine where they have publicly gone against his work".

The Applicants submit that the Applicants are not criticizing 'Osho's work'. The Applicants are objecting corruptions carried out by the Opponents and 'the Opponents' are not 'Osho'. Hence, the claim of Opponents to restrict Applicants' entry to Osho Commune / Ashram is illegal. The Applicants being Indian Citizen have their constitutional right to approach this court. This cannot be a ground of rejection in to entry in the

public charitable trust
premise; where Osho commune
ashram and Osho's Samadhi is
situated. The denial of entry
is violation of basic human
right. The Applicants further
submit that in democratic
country the press media are at
liberty to carry out news and
articles and are defiantly not
under the rule of the
Opponents. The Opponents shall
be prosecuted under criminal
offence to restrict entry of a
person in religious place of
Guru's Samadhi and meditation
areas.

D. The Applicants submit that the
Opponents in both the Trusts
Osho International Foundation
(OIF) and Neo Sannyas
Foundation (NSF) more
particularly described in para

3 (c) herein, are continuously transferring benefits of Trust directly in their favour as directors and share holders in Osho Multimedia and Resorts Pvt. Ltd. (Exhibit - 1). The Trusts are deprived of the income and benefits gained out of the Trust premises. This (Exhibit 1) shows hat, an income of persons staying in "Osho Guest House" hold by the Trust is directly siphoned to the said Osho Multimedia and resorts Pvt. Ltd. The Applicants submit that such manipulations to "*Osho's legacy*" **are** done on '*International level*'. The details of such companies established in various countries **are** listed in (Exhibit 2). It is to note that such private ventures are

generally used by the Opponents for 2 -3 years and then it is either dissolved or made dormant. The Applicants submit that a proper inquiry should be initiated by the by this Hon'ble authority to investigate and do needful to bring the Opponents and their conspirators to repay the same to the Trusts with interests. The Applicants submit that the Opponents and their conspirators shall be prosecuted under criminal offence for such theft of the public benefits.

E. The Applicants submit that paragraph number 20 refers to the paragraph 8 of the application. It is a mere surprise and shock, that the Opponents have not read the

formation of the trust deed of Jeevan Jagruti Kendra and the fundamental inceptions as per the scheduled 1! (Exhibit 3) The scheduled one attached hereby says that "the number of trustee shall not be less than two or more of than eleven. Acharya Shri Rajneeshji (formally known as Bhagwan Shri Rajneesh now refer to as Osho) shall nominate up to Five members on the board of trustees that number of nomination should not exceed Five. The scheduled one further reads that the first meeting of the trust to be hold after such nominations. The committee shall have power to appoint additional 6 members as trustees. It further reads Acharya Shri Rajneesh shall be

the advisor for life". Now keeping this fact in mind the Applicants submits that the Opponents who are running the trust are not at all aware that this Acharya Rajneesh has proclaimed the trust and nominating members of the trust personally and is appointed as a advisor of the trust for the life. This very statement of the Opponent in para 20 saying that "*the Osho had not proclaimed the object of the trust as the Applicants have stated in application*". The Opponents are deliberately hiding material facts to misguide this court. The Opponents statement in para 20 further recites that "*the proceeds were to be used only for the trust and not for the benefits of the disciples of*

Osho as alleged". The Opponents have found out only the relevant sentences of the trust deed and some 'selected' phrases from Osho's books which is supporting the destructive and sinister business plans to damage the charity and the very purpose on the formation of the trust itself.

F.The Applicants submit that the Opponents have 'hysteria attacks' if anyone talks of Osho's Samadhi and Ashram. In their affidavits the Opponents are citing various 'selective' phrases taken from Osho's books in order to justify their sinister, cruel business plans in order gradually dilute and, ultimately destroy the very purpose of a 'public

II

charitable trust'. The Opponents are gradually and systematically executing following steps to wind up Osho's Samadhi/ Ashram/ Commune and other activities of books publications and distributions from Pune and shifts the same to their Pvt. Ltd. Cos. in comfortable zones generally known as 'save heavens' outside India.

G.The Applicants submit that the Opponents in numerous instances in para 11, 17, 25 and 37 in the said affidavit dated July 16, 2012 have dined the existence of 'Osho's Samadhi' situated in this trust premise. Whereas, the Opponents on dated Aug. 21, 2012, went on contradicting the said affidavit in public;

that as Opponent no. 3 of Osho International Foundation (refer. Application no. 5/2012) Mrs. Sadhna Belapurkar alias Ma Amrut Sadhana had sent emails from the official website of <http://osho.net>, i.e. [<sadhana@osho.net>](mailto:sadhana@osho.net) (Exhibit-4) about a program of flute played by Mr. Hemanshu Kanakia in the 'Osho Samadhi'. Hence it is evident that the Opponents are making contradictory statements in the affidavit and to the public. This shows the credibility of the statements made by Opponents in their affidavit in reply!

H.The Applicants submit that the Opponents are lying and hiding material facts to this Hon'ble

court and the public in terms of Osho's Samadhi. It is evident that Osho (formally known as Bhagwan Shri Rajneesh) during his lifetime personally have created Five Samadhis of his disciples who died in the ashram/ commune and finally his Samadhi as follows: (Exhibit 5). The Applicants hope that the Opponents have not destroyed these Samadhis made immediately after their demise.

- I. The first Samadhi of Swami Vimal Kirti, Prince Welf of Hanover, Germany dated 10.01.1981.
- II. The second Samadhi was made for Dadaji (Osho's father) dated 08.09.1979

H

III. The third Samadhi was made dated 1987 of Swami Anand Maitreya, Late Shri Mathura Prasad Mishra, a close associate of Pandit Jawaharlal Nehru and a former Member of Parliament consecutively from 1952 to 1962 from Bihar.

IV. Osho's Samadhi dated 19.01.1990 (Exhibit 6)
The following two Samadhi were made by the Opponents after Osho's demise as He instructed them to do so:

V. The fourth Samadhi was made for Mataji (Osho's mother) dated 17.05.1995

VI. The fifth Samadhi was made for Osho's one of the

prominent disciple Ma
Sitaji dated.....

The Applicants submit that the Opponents at many instances are emphasising that the Chang Tzu Hall houses Osho' ashes/ remains in an urn under His bed. The Applicants submit that it is so unfortunate that the Opponents do not know that where Guru's ashes/ remains are kept, that very place is called "Samadhi". A Samadhi is a sacred place where an energy field of the master is always present for a devotee. Once a devotee closes his eyes and sits in meditation in silence - now many people feels master's presence and offers gratitude in silence. Such expressions and feelings people in generic gross terms

may call it Prayers. This is not at the interpretations of the Opponents.

The Applicants submit that the Opponent no. 6 on the very next day after Osho's demise dated 19th & 20th January 1990 had addressed a public meeting in 'Gautama *The Buddha. Hall*' where; Osho used to come and guide millions of people into meditation for many years. In this public addressing Opponent no 6 have made statements personally about Osho's Samadhi, which are self explanatory. The digital video's transcription of his declaration are enclosed as (Exhibit 7).

The Applicants submit that the Opponents have tactfully and

purposely with cunning intentions removed the title Osho's Samadhi from its place. The Opponents have also removed the marble piece embossed with lines written on the Samadhi as directed by Osho *as 'Never Born Never died only visited this earth between Dec. 11, 1931 - Jan 19, 1990'* (Exhibit -8) The Opponents having sinister plans to damage, destroy and finally close down Osho's Samadhi in order to be released from, their obligations and provisions of a 'Samadhi' available to public at large. For example, a Samadhi of Saibaba of Shirdi or Samadhi of Maherbaba, Raman Maharshi and Ramkrishana and many more mystics, are a blessings on humanity. The

Applicants submit that the Opponents could never achieve their goals to sell/ alter/ lease or mortgage this Samadhi premise as they have done with remaining trust properties. The details of such alienations Trust properties are stated in forth coming para.

Osho: "Slowly, slowly in all the countries where spirituality has flowered, people became aware that something happens... So people have preserved. things that were used by these people, or just have made memorials of their bodies. In India bodies are burned, but you will be surprised to know that the remains left after burning a body are called "flowers".

*Ordinary people's ashes are
 thrown into holy rivers, but
 enlightened people's "flowers"
 are preserved in Samadhis –
 in beautiful marble memorials.
 Just to go and sit there is in
 itself a meditation. But the
 trouble is that the world is
 ruled by those who know
 nothing of this."*

*(Book: Beyond Psychology,
 Chapter-34)*

The Applicants submit that if
 Osho's Samadhi is the main
 magnet of his energy field.
 Where his devotees from all
 over the world are blessed by
 this energy field. Thousands
 of people are meditating and
 artists have performed
 cultural arts of music and
 singing in Osho's Samadhi

(Exhibit 9) The Applicants submit that if the Opponents are made allowed to remove Osho's Samadhi then, millions of people and the future generations will be deprived of *Osho Samadhi' and his energy field from Pune.

I. The contention of the Opponents in **the** said affidavit para 25, that "*Osho had always declined to preserve the places he stayed or some articles he had used for some period of time* " The Applicants submit that once again this is not a subject matter of the Application **and** beyond the jurisdiction of this court. However, this is very important to **put** on the records and remind the

Opponents that these unique way of all the mystics like Osho has an intrinsic quality of 'non attachments' , nevertheless it must not cause to a 'License' for the Opponents to damage and destroy the existence of the Trust. On the contrary, Osho in his last days and last hours before his death, have instructed the Opponents 5 & 6 (as claimed by these Opponents as per (Exhibit - 7) to (i) to change marble of His bed room, (ii) to change the "Nalah situated behind ashram premise in to beautiful "Osho Teerth" Zen Garden, (iii) To make the biggest project of unique construction in India of "Osho Auditorium" in pyramid shape, (iv) to contract new main road in lane no. 1 in Koregaon Park

where main gate of the ashram is situated etc. Such instructions and expansion plans of Osho were fulfilled by thousands of His disciples from around the world, inclusive of the Opponents, working heavily for almost Twelve years. Hence the Opponents' contentions and interpretations are faulty and illegal causing damages to the Trust shall be stopped by this court, by issuing orders and reliefs as prayed in the interim relief.

J.The Applicants submit that the Opponents in their affidavit are needlessly repeating lies and **not** answering on the material facts such as their various applications u/s 36 of BPT (Exhibit-10). The

Applicants have detailed such alienation of Trust properties in para 21 herein. The Applicants submit that the Opponents in their said application u/s 36 filed before this office on one hand are gifting various Trust premises costing more than 75 Crores and on the other hand are mortgaging remaining Trust properties for Rs. 6,00,00,000/- because; '*the Opponents are in need of funds*' for additional repairs, renovations and to improve the security system! Now, the high interests' loan money is spent to develop five star resort facilities to such as Tennis Courts, Jacuzzi, swimming pools, wine bars, dancing floors etc. The Opponents are spending more money on third

grade Bollywood dance parties and club activities over the trust premise than, Osho meditation and Samadhi activities. The statements made by the Applicants are evident on trust premises and could be confirmed by a simple 'unannounced' visit to Osho Ashram/ Commune in Koregaon Park, Pune. Actually taking loans and mortgaging Ashram is based on an 'American habitual' dogma of living on credits and loans.

The Applicants submit that there was never any need for the Trust to taken loans on high interests from the Corporation Bank, Pune. This is because of mismanagements of the Opponents the trust is suffering heavy losses. The

Applicants submits that first of all there was no need to take high interests loans and gift Trust premises costing more than Rs . 75 Crores, when the entry of participants are anyway reduced to 80% less than past few years caused by the deliberated hostile rules and policies of the Opponents. This additional burden for repayments of loans could be a ground to declare a bankruptcy in future and finally seek an order to sell trust properties as 'systematic' plans of the Opponents to damage the very purpose of a 'Trust'.

The Applicants submit that the Opponents have **not** produced any evidence **for** their gradual transfer of 'tTrust' activities and income in

favour of "Osho Multimedia & resorts Pvt. Ltd." wherein the Opponents are acting as the direct beneficiaries, not only in India but in Switzerland, USA, UK, and Hong kong. The details of these companies are mentioned in (Exhibit 2) herein. The 'spider net" like transfer and manipulation of funds between these companies are incurred from intellectual property rights and income of royalties are spread on 'International Level'.

The Applicants submit that in this situation it is very important to make proper inquiry of these matters and control these 'money and power hungry Opponents' in 'proactive time period', failing on which, it may

result in 'irreparable losses' to the charity of the trust, Osho's teachings and his legacies along with the benefits of the beneficiaries for generations to come.

*Osho: "If you get the power, then you want more. And there is no end to more. And the more power you want, the more people are going to lose their freedom. Your **power** is their loss of freedom. If you become ultimately powerful, they will become just slaves. So the real struggle is between the instinct of power and the value of freedom.*

It is possible to prevent it happening in a small commune like this. Simple methods can change it. What you are

*suggesting is a ultimate
 change -- change of their
 awareness: they become so
 conscious that no lust for
 power can raise its head in
 their psyche. That is a goal
 of all spiritual growth, but
 it will happen when it will
 happen. Meanwhile, we have to
 take temporary steps. For
 example, decentralization of
 power; it should not be in one
 hand, it should be in many
 hands. It should not be
 concentrated, but diluted."*

*[NOTE: This is a typed tape
 transcript and has not been
 edited or published, as of
 August 1992. Osho's Interview
 with Tom Greening, Humanistic
 Psychology Magazine, Los
 Angeles, California]*

Now, this Rejoinder will show that how cunningly the Opponents are hiding material facts before this court and damaging the charity of the trust in succession.

1-The Applicants submit that with regard to the Para 1 - is matter of record. No Comments.

2-The Applicants submit that with regard to the para 2 of the Written Statement is concerned, the Applicants submit that the Application is filed under Section 41-E of the Bombay Public Trusts Act, 1950 claiming that the funds and properties of the Trust are wasted, damaged and the immovable properties of the Trust are improperly alienated. The Charity Commissioner has powers to prevent the properties of the Trust from being wasted, damaged

and/or improperly alienated. All the allegations in the Application are directed on the point of waste, damage and improper alienation of the Trust properties and therefore, the Applicants are entitled to seek preventive orders from the Charity Commissioner to the extent of preventing waste, damage and improper alienation and for protection of rights of beneficiaries. Hence, the Application is maintainable.

-The Applicants submit that with regard to the para 3 of the said Written Statement, in terms of section 2(10) of the Bombay Public Trust act, the Applicants submit that they are having direct, substantial and valid interests in the trust on the following grounds:

a)The Applicants submit that the Applicants are disciples of Osho formally known as Bhagwan Shri Rajneesh and are beneficiaries of the trust and are participating in activities of the trust since 1979 till October 2011 (Exhibit- 11). The membership cards issued by the Opponents to the participants evidencing the same is enclosed herewith. The Applicants submit that from October 2011, the Opponents have banned Applicants and their supports to enter Osho's Samadhi and Ashram on the illegal and immoral grounds that we have filled this case against

the trust. It is to note the Opponents are using these tactics since many years so that, individuals do not oppose their rules and policies which are breeding their corrupt and wasted interests in the activities of the trust.

b)The Applicants submit that the Osho Samadhi and meditation places are situated in the trust premises where, inclusive of the Applicants, millions of Osho's devotees have been gathering to listen to Osho and meditate in his presence over the years. The Applicants are fully connected and in habit to participate in the

meditation programs held in the trust premise and are beneficiaries to the trust.

z) The Applicants submit that the Opponents have admitted the fact in the said affidavit that objects of both the trusts namely Neo Sannyas Foundation herein referred to as NSF (application bearing no. 4/2012) and Osho International Foundation herein referred to as OIF (application bearing no. 5/2012) were formed and being registered at different times, having different registration numbers. Both the trusts are separate limited to the meaning of

the ownership of properties hold by the trusts. Hence two separate applications are being filed by the same Applicants. The Applicants submit that the Opponents have admitted this fact in the said affidavits that both the trusts are based on the teachings of Osho. Hence, OIF is issuing registration card and the gate passes to all the visitors as detailed in para (a) hereinabove. The Applicants submit that it is to note that one gate pass to enter properties of the NSF is issued by OIF. In fact, the properties of both the trusts are 'one unit' comprising 13 plots having

market value more than Rs. 1,200 Crores in Koregaon Park, Pune. Both these trusts are sharing similar objectives, service network, registered offices and infrastructure and having almost same trustees over the years. The Applicants submit that both these trusts are dedicated to Osho and his work since the day of its incorporation. The Applicants submit that hence, the Opponents in their repetitive lies saying that both the trusts have nothing do with each other are false and baseless.

d) The Applicants submit that the Applicants were Ex trustees of the

foundations merged with Osho International Foundation and furthers Applicants are donors of properties to Osho International Foundation. The Applicants submit that the documentary evidences to these facts issued by this office are enclosed with the application by the Applicants. Accordingly the Applicants are persons having direct and substantial interests in the trust.

e)The Applicants submit that any person who is inspired by Osho in any manner is a beneficiary of the trust and at least all the disciples of Osho are having similar interests

are benefits in the trust..

4. As regards to the submissions made under paragraph no.4 of the Written Statement filed by the Opponents, the Applicants do not want to make any comments thereon.

5. The Applicants submit that in respect to para 5 of the said Written Statement filed by the Opponents is merely a repetition regards to Applicants interests in the Trust. The Applicants submit that as the matter of locus stendi and Applicants having substantial interests in the trust are well defined herein above with evidences in para 3 hereinabove hence, there is no need to repeat the same and waste time of this court by repeating the same.

6. The Applicants submit that in respect to para 6 & 7 of the said Written Statement filed by the Opponents, the Opponents are making repetitions about the Applicants direct and substantial interest as the beneficiaries of the trust. The same has been clarified with evidences by the Applicants in para 3 herein hence, there is no need to repeat the same and waste time of this court by repeating the same.

a) The Applicants submit that further, the contention of the Opponents saying that "*the objects of the Trust are based on the teachings of Osho*" have not reflected in any of their behaviours, in fact the Opponents are continuously and gradually damaging and disowning the same in order to wind up, damage and

extinguish the same. The evidences of which are spread over the application and hereby. The contention of the Opponents that *"Trust has been working effectively and most efficiently for last many years, without any complaint or grievances from any members of the 'public' or visitors"*, the Applicants submit that the claims of the Opponents are false and imaginary. The contention of the Opponents as *"OIF (Trust) is considered, to be the most visited place and reserved all over the world and visitors come here from all over the world"*, is not only misleading to the court but, hiding the material facts. The Opponents have not produced any documentary evidence about number of

people visiting Trust and could participate in last 12 years. In fact, due to the hostile rules and polices an 80% decrees in visitors are noted every year. The Applicants submit that thousands of visitors have returned from the gate of the ashram when being hurt helplessly. As the offices of the trust taking care of the trust managements, administrations, communications, accounts and other such activities are shifted outside the trust premise; so that even a visitor would not have any idea of what is being 'cooked' by the Opponents. Even the remaining trustees are making contradictory statements as even they are not aware that what kind of

affidavit in reply is being submitted to this office by the opponent no. 1. In actuality all these proceedings are prepared and blindly executed by Opponents 1 to 4, as per the orders of Opponents # 5, 6 & 7.

b) The Applicants submit that further, the contention of the Opponents that '*they have not received any complaints from the visitor or public*' is hallow as the Opponents do not have any person, an office and administration at Pune to even listen grievances of the visitors. The Applicants submits that one of the reason for anyone who even questions the Opponents are either 'banned' entry into trust premise, or labelled/ defamed

as 'Anti Osho'. The Opponents have made a 'China Wall' surrounding the administration of trust, so that they can freely do cunning activities, alerting rules and policies best suitable for their destructive plans sitting outside Pune and India. The Applicants submit that most of the visitors coming to Osho ashram/ commune are from outside Pune, Mumbai and all over the world for short periods. They neither have time, money and energy to know anything about the secretive business of the Opponents nor are they being informed as an obligation of / by the Opponents. The Applicants submit that this is evident that the Opponents are not in any good habits of declaring

resolutions, and policies especially to the Osho community in the news bulletin known as "Osho Times". The Applicants submit that in this situation visitors have neither any right not information to complain or question the Opponents who are most of the time outside the trust premise for their secretive comfort zones.

c) The Applicants submit that the Opponents are once again hiding material facts before this court and continuously making contradictory statements in Para 6 and in para 7 of the Written Statement. In para 6 the Opponents are saying that "*out of the eight properties listed, only two are under the*

Deed Of Endowment or under Deed Of Gift and the remaining properties are acquired and / or constructed by the trust in accordance with law". Whereas in para 7 the Opponents are stating that "*with the amalgamation of with various trust this OIF Trust came to be governed by the sanctioned and settled scheme dated 24. 05.2011".* The Opponents shall produce valid documents supporting their statements for how the Trust has acquired / or constructed remaining properties. The Applicants submit that all the properties of both the Trust (NSF and OIF) are contributions from Osho disciples from all over the world. In order to acquire, construct and maintain these properties

millions of Osho devotees have put their time, money, energy and 'Labour' . The word Labour is not exactly fitting in this expressions as all the devotees of Osho have worked voluntarily as generally known as 'Work as meditation - seva' .

d) the opponent further stating in para (d) that *"its (Trust) membership is restricted. to the subscribers of the scheme and only to such other persons who have been invited to become members of the society by the Governing Body.*

Whereas the Applicants state that if, Osho wanted to have the activities of the trust restrictive in nature then, OIF would never have been in Public Charitable Trust ,

Rather, Osho could have suggested a private limited company. By nature, a public charitable trust can never be 'restrictive'. The Applicants submit that the Trust / society is not restrictive as claimed by **the** Opponents rather; the it is "Inclusive". The Applicants submits that, with this mentality of restricting nature, the Opponents **are** continuously working against the interests of its beneficiaries.

e) **The** Applicants submit that further contentions of the opponent regarding Applicants having substantial interests in the trust are well defined herein above with evidences in para 3 hereinabove hence, there is no need to repeat the

same and waste time of this court by repeating the same.

f) The Applicants submit that the pleading provided under the CPC is - application and written statement. The written statement is not required to cover the law settled by the Honourable High Court and/or the Honourable Supreme Court of India. The case cited by the Opponents will be dealt with independently while addressing this Honourable Authority.

7. The Applicants submit that in respect to para 8 of the Written Statement filed by the Opponents, the Opponents are fabricating lies and hiding material facts from this court to defame the Applicants on personal level which has nothing to

with the application. The Applicants submit that by making such childish statements the Opponents are helplessly exposing their corrupt faces before this court and Osho Community world at large. However, the following paras will give facts about the Applicants which are contrary to the Opponents' biased bogus statements.

a. The Applicants submit that the fact is that applicant no. 1, Yogesh Thakkar came to Osho ashram in 1979 to get Diksha/ initiated in Sannyas by Osho (formally known as Bhagwan Shree Rajneesh) (Exhibit - 12) , and lived and worked in the ashram till 1991 and then after, till 1993-94 Mr. Yogesh Thakkar had worked in the ashram but was not staying inside the ashram. The Applicants submit that it is true that Mr. Yogesh Thakkar is coming from Surat and was

working under a project of Osho's books distribution program organised in Surat by the ashram around 1981 for few months and after completing the same returned to Osho Ashram at Pune. It is to note that during 16 years of working and living in Osho Commune and then after 18 years of doing business of real estate outside the Osho Ashram, Mr. Yogesh Thakkar had worked as sincere, honest and responsible citizen whether working inside the ashram or outside the ashram. The Applicants submit that the Opponents have failed to bring any evidence against applicant no. 1, i.e. Yogesh Thakkar's behaviours and conduct. The Applicants submit that after resigning from ashram work in 1993-94, Mr. Yogesh Thakkar has started a real estate business in Koregaon Park, Pune. The Applicant no.1 submits that in 1993-94, he had

decided to go out of the ashram and to work outside the ashram for the commercial gains, was inspired by Osho. Osho in his last days in general and specifically for those, who stayed in the ashram for a long time suggested that, all the sannyasins living inside the ashram on support should go and work outside. Osho in his last days had inspired us by saying that **By economically not being dependent on the ashram, this will bring integrity in you!** In fact, not known to probably to any of His disciples that, Osho was in his last days preparing for his final journey - demise -(Mahaparinirvana) and therefore, preparing His devotees to be more independent and as self sufficient as possible. Osho further asked all the workers staying inside the ashram/ commune to go in the market place and check

how good they are doing while in meditating in the market place! Applicant no. 1 Yogesh Thakkar is doing a clean, respectable legal business and, has not used Osho Commune for his business motives as falsely claimed by the Opponents without any evidence.

b) The Applicants further submit that the Opponents are trying to defame Applicant no. 2 Mr. Kishor Raval alias Swami Prem Anadi. The Applicants submit that it is true that applicant no. 2 is from Mumbai and had come to Osho in 1978, initiated in Sannyas in 1980, and worked in the ashram from the year 1983 **till** 2000. Applicant no. 2 submits that he is a 'Kirtan Singer' and in the year 1998-99 the opponent no. 1 & 5 had instructed applicant no. 2 not to sing or put "Osho's name" during Kirtan singing in

Ashram for which applicant no. 2 denied. Hence the opponent no 1 & 5 had asked the applicant no. 2 to leave ashram place for which applicant no. 2 denied to leave on the grounds that he cannot remove Osho's name in Kirtan singing. Applicant no. 2 after being heavily harassed by the Opponents had finally decided to leave Osho commune in the year 2000 and continued to visit Osho Commune for participation in Osho's Samadhi and meditations. Once again in the year 2006 Opponents called upon the applicant no. 2 and banned him entering the ashram / commune premise on the grounds that the applicant no. 2 is using "Osho's name" in Kirtan singing 'outside the Osho Commune!' Applicant no. 2 in addition to musical profession is a real estate agent which is fairly a legal respectable business.

Applicant no. 2 denies the chargers that he had ever used Osho Ashram/commune for any business reasons. Applicant no. 2 denies other charges made against him by the Opponents as the same are baseless false and fabricated to defame the Applicants. The Opponents should produce valid proof for their statements.

Whereas the Applicants have valid evidences that the Opponents are using trust premises and its infrastructure benefits for their personal benefits. Some of these evidences are enclosed with main 41 E applications. To example few:

i) The Applicants submit that the opponent no. 1,2 &3 on one hand are trustees of this trust and on the other hand have registered a private limited company and are beneficiary directors of Osho Multimedia &

Resorts Pvt. Ltd. and are continuously shifting activities, management and control of distribution and publication of trust books for their personal gains, documents of Osho Multimedia & resorts Pvt. Ltd. are enclosed with the application.

ii) The Applicants submit that the Opponents no. 1, 4, 5 & 6 have registered private limited companies / corporations in Switzerland, USA, UK and Hong Kong and in other countries commonly known as 'safe heavens - comfort zones' for easy manipulations and are continuously shifting activities such as distribution and publication of trust books and digital versions thereby for their personal gains.

(Exhibit- 2)

iii) The Applicants submit that mainly the Opponents no. 1,5, 6 & 7 are travelling around the world and staying in five star luxury hotels such Trident, Oberoi, Tajmahal (suits are reserved in Mumbai on yearly basis) and around the world at the cost and expenses of such 'Private Limited Companies' which in fact is the trust money being siphoned misused.

iv) The Applicants submit that all the real estate agents in Koregaon Park, Pune knows that if they want to lease/ sell properties in Godrej Millennium, (a joint venture project Osho International Foundation trust and Godrej Developers) a 2% cut of the turnover has to be paid to Opponent no. 1 Mr. Mukesh Sarda and his associates.

Further, the Applicants deny statements made by the Opponents that "applicant no. 3 conducts real estate business along with applicant no. 1 & 2" nor applicant no. 3 is a 'close associates' of applicant no. 1 & 2" as contended by the Opponents as false.

The Applicants submit that the allegations made by the Opponents in their affidavit are fabricated, ridicules and does not deal with the facts of this application. The Opponents shall produce valid proof supporting their statements. The Applicants submit that the Opponents having no valid arguments in respect of the application filled by the Applicants are now trying to misguide this court by such childish imaginary stories

6. The Applicants submit that in respect to para 9 of the said Written Statement filed by the Opponents is merely a false repetition, as the matter of locus standi of the Applicants are clarified with evidences in para 3 herein, hence, there is no need to repeat the same and waste time of this court on this matter. As far as the merger of OIF trust and Sambodhi Foundation is concerned the merger took place because both the trust have similar objects, and specifically after merger both the trust merged **and** do not stand separate as claimed by the Opponents by falsely saying that *"Since both trust are different applicant no. I cannot claim to have interests in the activities of the other Trust."* In fact, because of 'merger' both trusts become one along with its members and objectives. Further, as

far as a public charitable trust is concern any person who is a beneficiary have rights to intervene and object the mismanagements and corruptions as and when occurred by the custodians trustees before concern authorities.

Further, the Applicants submit that the prayers pleaded by the Applicants are aimed to protect interests of **the** beneficiaries of the Trust. These prayers are defiantly against **the** corrupt Opponents intending to destroy the very purpose of a charitable trust. The Applicants submit that if the prayers are **not** granted by the Hon'ble court then the charity of the Trust and Osho's legacy being prime objects of the trust will be destroyed from India forever and the beneficiaries and future generations

shall be deprived of the charity of the Trust.

7. The Applicants submits that in respect to para 10 is a record note.

8. The Applicants submit that in respect to para 12 of the said Written Statement filed by the Opponents, the Opponents contending Applicants as "strangers" to the Trust contradicts the statements admitted by the Opponents in para 15 of this affidavit states that *"Applicant no. 1 ie. Yogesh Thakkar had jointly acquired property at # 4, Koregaon Park, Pune out of the funds gifted by Foreign disciples of Osho for only specific purpose of purchase of property at the request of Osho"*, is merely a false repetitions made by the Opponents contending Applicants as "strangers" to the Trust,. As the matter of

locus stendi of the Applicants are clarified with evidences in para 3 herein, hence, there is no need to repeat the same and waste time of this court on this matter.

9. The Applicants submit that Para 13 of the Written Statement filed by the Opponents refers to page 8 -13 is a record note - No comment.

10. Para 14 of the Written Statement filed by the Opponents refers to para 1 of the affidavit is a record note- No comment.

11. The Applicants submit that in respect to para 15 of the said affidavit is an admitted fact by the Opponents that Applicants were used as 'conduits' as per the request of Osho for a specific purpose of purchase of properties of the trust.

The admittance of Opponents further reads that the funds to purchase the properties for the Trust were gifted by the foreign disciples of Osho. The Applicants submit that even if the same is accepted as correct without going in to that controversy and without admitting to so far for the time being, it is submitted that it is not by sheer accident that the Applicants were selected as 'conduits' by Osho and Opponents, and very fact that they were selected as the conduits persons shows even according to the Opponents that the Applicants are 'persons having interest and benefit factors in the trust' within the meaning of section 2(10) of the Bombay Public trust act. The Applicants were Ex trustees of the foundations merged with Osho International Foundation and furthers Applicants are donors of

properties to Osho International Foundation. The documentary evidences to these facts are issued by this office; the same are enclosed with the 41E application by the Applicants. Accordingly the Applicants are persons having direct and substantial interests in the trust.

Further, the contention of the Opponents that the Samadhi of Osho is not owned by the Trust is true only limited to 'ownership' of the Samadhi premise is concerned as this plot no. 33 Koregaon Park Pune which is hold by NSF trust. The Applicants submit that as explained herein para 3-(c) it is proved that both the trusts Osho International Foundation and Now Sannyas Foundation are operationally 'One single Unit' involved in spreading Osho's teachings, issuing same

registration cum entry cards to visitors, common properties accesses, easement rights, and common infrastructure.

The Applicants submit that so far the contentions of Opponents in respect to Osho's Samadhi are concern; they are hiding material facts before this court and trying to destroy the very essence of Osho's teachings.

The Applicants submit that the Opponents' statements regarding Osho's Samadhi are false and misleading. The Applicants have already dealt with Osho's Samadhi matters in para "G, H" herein above hence, it needs no repetitions.

The Applicants submit that Opponents are right in saying that 'Osho had enlightened people by different

technics' but the Opponents have forgotten that the Samadhi is the ultimate techniques where "Master's energy field" is felt by the devotees. The Applicants submit that if the Opponents do not feel that energy field of the master in Samadhi then, they should keep learning this by sitting in the Samadhi. The Applicants submit that nevertheless there are thousands of Osho disciples and friends who are entitled to Osho's Samadhi and wish to preserve Osho's energy Field as his Samadhi.

12. The Applicants submit that in respect to para 16 of the said affidavit the Opponents are stating an absurd denial of Applicants' citizenship being 'citizen of India' and the Applicants are not disciples of Osho are without any documentary support is showing their ignorance.

Whereas in para 15 the Opponents are stating that the applicant were used as 'conduits' to receive funds from Foreign disciples of Osho as per 'Osho's request' and now in the next paragraph **the** Opponents are submitting that the Applicants are not disciples of Osho **and** have nothing to do with Trust! The Opponents having no valid arguments are 'biting in the air' helplessly. The Applicants submit further contention of the Opponents as the Applicants are not beneficiaries and having no interest in the Trust are clarified **and** answered with evidences in para 3 herein, hence, there is no need to repeat the same and waste time of this court on this matter.

Applicants hereby stating that Applicant No. 1 Mr. Yogesh Thakkar was a founder trustee of Sambodhi Foundation. The Sambodhi Foundation

Trust was by a scheme approved by the office of this Charity Commissioner was merged with Osho International Foundation. This is to note that Osho International Foundation and Sambodhi Foundation are mergers. The merger took place because the aims and objectives of both the Trust were similar. The members of Sambodhi Foundation agreed to this merger considering the better management of the Trust as OIF is having a similar objective. The merger would be beneficial for the Trust and its beneficiaries. Accordingly the members of the Trust and the beneficiaries of this Trust of Sambodhi Foundation automatically become the beneficiaries of Osho International Foundation.

13. Paragraph No. 17 of the Written Statement filed by the Opponents

refers to paragraph 3 of the application. The repetitive false claims of the Opponents that the Applicants are not disciples and believers of Osho. The Applicants submit that this is to further clarify that the deed of endowment executed on dated 24-12-1997 wherein Applicant No. 1 has transferred the property by the deed of endowment in favour of Osho International Foundation in respect of Plot No. 4 Koregaon park, Pune is a material fact enclosed with the Application. The Applicants submit that it is a clerical mistake in typing that the same deed of endowment dated 24th December 1997 was executed by Applicant No. 1 and 2. The Applicants submit that in actuality the deed is signed by Applicant No. 1 only. The Applicant No. 2 has well-established substantial rights and interest in the merger of Blue

Lotus Trust with Osho International Foundation. The same has been admitted by the Opponents in paragraph 18 of the Affidavit about the existence of Blue Lotus Trust being merged with Osho International Foundation.

14. The Applicants submit that the paragraph 18 of the Written Statement filed by the Opponents refers to para f of the application is an admitted fact by the Opponents that the applicant no. 2 was a trustee in Blue Lotus Trust which was merged with OIF trust.

15. The Applicants submit that paragraph No. 19 of the Written Statement filed by the Opponents which refers to paragraph 5 of the application which says that the Applicant No. 1 Mr. Yogesh Thakkar has seized to be the trustee of

Sambodhi Foundation by change report bearing No. 1229 of 1992 by the virtue of *"resignation"*. The Applicants submit that the statements made by the Opponents with this respect is false and misleading the Court and moreover to defame the Applicant No. 1 that he was removed from Sambodhi Foundation. The Applicants understand the rampage of the Opponents that because the Applicants having exposed the corruptions of the Opponents, they are using such vulgar words showing their character and their sense of argument before the Court and public.

16. The Applicant submit that para 20 of the Written Statement filed by the Opponents is a matter of record.

17. The Applicants submit that paragraph No. 21 of the Written

Statement filed by the Opponents refers to paragraph 7 of 41 E. The Applicants submit that the statements made by the Opponents are merely a documentary facts that in 1992 Applicant No. 1 Yogesh Thakkar resigned as the Trustee from the Trust but however the deed of endowment dated 24th December 1997 was admitted by Opponents that I had directive substantial substance in trust. As a matter of record, the properties were transferred to Osho International Foundation. The Applicants submit that the Opponents are continuously contradicting themselves by making contradictory statements in the same Affidavit. The Applicants submit that at one point they are denying that we are the followers and disciples of Osho and the other point they are denying that we have nothing to do with the Trust. The Applicants submit that on

the other hand, they are accepting that the foreign funds were transferred in our account to purchase property of the Trust and we were the founder Trustees and we were associated with Osho International Foundation by the virtue of participating in all the activities taking place over there. The Opponents by creating such contradictory statements show their real face. The Applicants submit that the Opponents actually do not have any valid and substantial argument and thereby wasting the time of this Court by producing foolish argument and trying to defying the Applicants which has nothing to do with the case itself.

18. The Applicants submit that paragraph No. 22 of the Written Statement filed by the Opponents refers to paragraph 8 of our

application. The Applicants submit that the document enclosed with main application speaks for itself and the truth that Applicant No. 1 and 2 are signatures in various documents. The Applicants submit that the certified copy of the same has been issued by this office. The Applicants further submit that the repetitive claims of the Opponents that Applicants are not the followers or disciples of Osho are false and baseless. The Applicants submit that **the** Opponents making statements "that *as per Osho's philosophy he had no disciples or followers*" is a false misinterpretations of the opponent. Osho personally had initiated thousands of people into Sannyas initiation. All **the** 63 'Darshan Diaries' of Osho are the proof of people accepting disciple hood from Osho personally since mid 1960. The

Applicants submit that it is around December 1980 that Osho personally stopped giving Sannyas to people instead; he had appointed his disciples to carry out Sannyas popularly known as "Sannyas Ceremony" till date. How come the Opponents being disciple Osho does not know this fundamental fact Or they are misinterpreting the same and hiding material facts from this court? The Applicants submit that these are unfortunate facts that over the years, these Opponents have reduced and finally stopped the Sannyas ceremony. The Applicants submit that they have stopped people getting initiated in the Ashram premise. The Applicants submit that the Opponents have implemented tragic realities that if an Osho disciple wants to enter Osho commune wearing Osho's mala is "BANNED- NOT ALLOWED" in Trust premise. The

Applicants submit that opposite to this, the Opponents are very well organized a club activities and all type of third grade musical Bollywood parties in the Ashram but they are unable to organize Osho festival or Osho Mahaparinirvana day celebration which clearly shows that how the Opponents are destroying Osho's teachings and activities of the Trust. The Applicants submit that such rules and policies are introduced by the Opponents in the Trust premise to meet their ultimate goal to damage and destroy trust activities.

The Applicants submit that this very statement repeatedly made by the Opponents simply proves that they have no knowledge of Osho's teachings and it is time that they should better move out of Trust premise and let Osho's disciples run his activity. The Applicants stating

Hindu by religion is stated in general sense and not in religious sense.

19. The Applicants submit that the paragraph No. 23 of the Written Statement filed by the Opponents is in respect of paragraph No. 9 of the application. The Applicants submit that the Opponents are continuously giving contradictory statements in this Affidavit. The Applicants submit that they have admitted the material fact in the paragraph No. 11 that the majority of the property which are hold by the Trust at present is either being gifted under the deed of endowments or through the settlement scheme of merger of various trusts with OIF. Contradicting the same the Opponents in this para states that *"It is wrong to allege that most of the properties acquired by the trust are*

under *the deed of endowments or are under the deed of gifts.* ' And further the Opponents claim that the "*the properties of the trust are utilized for the purposes of achieving aims and objects of the trust*" is false to mislead the court. The Applicants submit that 80% decrees in participants and the third grade Bollywood program and alienations of trust properties are defiantly not the aims and objects of the Trust. The example such alienations are sated in para "L" herein above hence it does not need to be repeated.

21- The Applicants submit that Paragraph No. 24 of the said Written Statement is in respect to Paragraph 10 of the application. The Applicants submit that as explained in para 3(c) herein it evident that NSF

along with OIF has direct joint control and management over the trust premises and activities. The Applicants submit that the trust OIF has made various attempts to alienate trust properties u/s 36 of the trust act. The Applicants submit that the Opponents are hiding material documentary facts to this court. The opponent no. 3 hereby in NSF trust Mrs. Vidya Khubchandani was a trustee for sometimes in OIF and now is a trustee of Darshan Trust in New Delhi who is the Donee trust for receiving OIF trust properties as detailed in the following paras.

i) A Writ Petition in the Bombay High Court bearing No. 1346 of 2012, (Exhibit -13) filed by the Applicants as petitioners is an

enough evidence that (Opponents have transferred a prime elite property bearing plot no. 3 of Koregaon Park, Pune by the way of gift, which is costing more than 50 Crores to a Darshan Trust in New Delhi. The Hon'ble High Court dated 19.03.2012 pleased to pass an order that "All further transactions in respect of the property shall be subject to the final outcome of the Writ Petition."

b)The Applicants submit that in another application Opponents have applied bearing application no. 87/11 u/s 36 of BPT to transfer prime elite property having various units bearing plot no. 22 of Koregaon Park, Pune which is costing more than Rs.25 Crores by the way of Gift

to the trust Darshan Trust new Delhi before this office. This application is objected by the Applicants before Hon'ble joint commissioner Mrs. Jawalkar. Hence, the statement made by the Opponents in para 18 stating that "the opponent no. 3 has not created any trust outside State of Maharashtra and no properties are transferred to such public charitable trust" is false, misleading and hiding material facts to this court.

c) The Applicants submit that another application bearing no. 46/2011 to mortgage the trust properties for Rs.2.5 Crores on high interests is being sanctioned dated 2.9.2011 by this office. Hence the contention of the Applicants that the Opponents are

alienating the trust properties and activities are correct.

d)The Applicants submit that another application bearing no . 57/2010 to mortgage the trust properties for Rs.3.50 Crores on high interests is being sanctioned dated 6.6.2010 by this office. Hence the contention of the Applicants that the Opponents are alienating the trust properties and activities are true and correct.

e)The Applicants submit that the Opponents are once again escaping their obligations of replying to the application on the contention that the Opponents are "violating terms laid down by the donors". The

violations of terms let down by the donors have already been committed by the Opponents by alienating the properties and destroying purpose of the trust. The donors have not only given their valuable properties in additions, millions of people giving time, money, energy, work for years in the Ashram has a clear violation of terms let down by the donors? There is clear violation of terms of the donors. The Opponents are continuously benefits and interests of the beneficiaries and have no right to hold office of the Trust.

22. The Applicants submit that the para 25 of the affidavit I smatter of record hence not comment is required.

23. The Applicants submit that the para 26 refers to para 12 of the application. The Applicants submit that the Opponents have admitted the fact in the said affidavit that objects of both the trusts namely Neo Sannyas Foundation herein referred to as NSF (application bearing no. 4/2012) and Osho International Foundation herein referred to as OIF (application bearing no. 5/2012) were formed and being registered at different times, having different registration numbers. The Applicants submit that both the trusts are separate limited to the meaning of the ownership of properties hold by the trusts. Hence two separate applications are being filed by the same Applicants. The Applicants submit that the Opponents have admitted this fact in the said affidavits that both the trusts are based on the teachings of Osho.

Hence, OIF is issuing registration card and the gate passes to all the visitors as detailed in para (a) hereinabove. The Applicants submit that it is to note that one gate pass to enter properties of the NSF is issued by OIF. In fact, the properties of both the trusts are 'one unit' comprising 13 plots having market value more than Rs. 1,200 Crores in Koregaon Park, Pune. Both these trusts are sharing similar objectives, service network, registered offices and infrastructure and having almost same trustees over the years. Both these trusts are dedicated to Osho and his work since the day of its incorporation. The Applicants submit that hence, the Opponents in their repetitive lies saying that both the trusts have nothing do with each other are false and baseless.

The Applicants submit that Osho has proclaimed the objects of the NSF trust are well defined in para "E" herein hence it does not need to be repeated.

24. Paragraph 27 of the Written Statement filed by the Opponents refers to paragraph 13 of application. The entire application and this Affidavit in Rejoinder is giving various evidence and proofs that the Opponents are not running the Trust as per the directions received by Osho. The Applicants submit that it is a direct violation of Osho's guidance which they are working against the interest and benefits of beneficiaries of the trust in general and also specific to Osho's disciples. The Applicants submit that the Opponents having no reply to the application filed by the Applicants are now hiding behind

misinterpretations and person
accusations.

25. The Applicants submit that the para 28 of the affidavit refers to 14 of application. The Applicants submit that said paragraph # 14 of the application is stating that Osho was born in India dated 11.12.1931 and died in Pune dated 19.1.1990. Further it reads that Osho has disciples all over the world and Osho is considered to be the most prolific authors of more than 600. Many of these books were published and distributed by the trust or a section 25 company known as Osho Media International. It further reads that the trustees and the Opponents have registered Osho Multimedia & Resorts private limited companies in direct benefits of the trustees Opponents no. 1,2,3,4. These benefits are actually belongs

to the trust, and these benefits with compensations must be brought back to Trust. As the details of these companies are stated in para "D" and Exhibit 2 , the same needs no repetition. The Applicants submit that the Opponents having no proper reply have answered the same by replying that this has nothing to do with the section 41 E of Bombay Public Trust Act, 1950.

26- The Applicants submit that the paragraphi 29 & 30 of the said Written Statement filed by the Opponents refers to para 15 & 16 of the application. The para 15 & 16 of the application refers to some foreign nationals Mr. Michael 'O'Byrne alias Swami Jayesh, Mr. George Meredith alias Sw. Amrito and Mr. Darcy O'Byrne alias Swami Yogendra along with their associates namely Mr. Steeg Klaus,

Mr. Aronson Bill, Mr. Niet Paul,
Mr. Pandya Apu, Mr. Bill Jones,
Mr. Keith Yashen and others.

The (Exhibit - 2) is a list of organisations operating outside India in their comfort zones commonly known as 'safe havens' is evidence that these foreign disciples are manipulating benefits of the Trust.

The Applicants submit that the whole group of Opponents along with their associates are freely doing a wrongful business which results on the benefits of the Trust, cheating Osho's disciple and Osho Community by gaining royalties and sells income in these private limited companies hold by them. The list of the book, published by such private limited companies or distributed

by such private limited company are as per (Exhibit - 14) . The Applicants submit that the evidence of such companies run by the Opponents in Indian around the world is enough approve that the Opponents no longer hold any credibility to hold the office of the trust. They are not working for the benefits of the Trust and specifically for the benefits of the Osho devotees who seek an entry for meditations and visits to Osho Samadhi at Pune. The Applicants submit that the Opponents are not answering allegations which are raised in the application. As they do not have any answers or documentary evidence for the same they are shifting attention of this court by saying *"This has nothing to with application under provisions of 41 E of Bombay Public Trust*

*

act, 1950". The Applicants submit that the various benefits factors of the Trust are violated by the Opponents. The incomes of the Trust are being siphoned to the private Limited Companies around the world. This Hon'ble court is the only court to rule justice in the matter of public charitable trusts in the state of Maharashtra, India. Hence, claims made by the Opponents are baseless and needs a simple "Dismissals" from this court.

27. The Applicants submit that the paragraph! 31 of the said Written Statement filed by the Opponents refers to para 17,18 & 19 of the application. The Paragraph 17,18, 19 of the application states that Osho has travelled all over world and guided people in meditation and spirituality. The Applicants further submit that paragraph No. 13 is

reciting that Osho has followers and disciples from all over the world. Osho has given these courses on Buddha, Mahavira, Krishna Jesus, Nanak, Meera and all other saints and he has answered the questions asked his disciples all over the world effecting human life. The paragraph further recites that Osho's words have been recorded into books, audios, videos in English and in Hindi Languages which has been transmitted in many other languages along the world. In this paragraph the Opponents are objecting the same! The Opponents being with Osho and holding responsibilities of trust are manipulating theses simple material facts shows their credibility. The Applicants submit that the Opponents are citing their cunning interpretations on philosophical and ideological

matters which has nothing to do with the application.

The name of Osho has been chosen by Osho himself personally and it has been clarified that Osho was formally known as Bhagwan Shri Rajneesh, Shri Rajanesh, Acharya Shri Rajanesh and other names over the years. By putting a prefix of 'Shri' is as simple as prefix of 'Mr.' in English language. Why prefix 'Shri'¹ for Osho is hurting the feelings of Opponents. The Applicants submit that the Opponents are having problems with simple behaviours of Osho devotees going to Osho's Samadhi and meditations.

The Applicants submit that that citing Osho Ashram Pune as 'main Ashram' only in its general terms. It does not mean to make this place

into any 'religious fanaticism' nor a place of any cult or creed as assumed by the Opponents. 'Main Ashram' only means that people from all over the world come there because main Ashram has infrastructure facilities for gathering of Osho devotees which is the biggest in the World; having pyramid shape meditation halls, garden, kitchen, publication and designing studios and other facilities. This main ashram has 6 Samadhis of his disciples and Samadhi of Osho and this Ashram. Osho calling it ashram & commune (not the resort) just 4 days before (4 april 1989) he had gone in silence.

Osho: "Just today, Anando (a member of Osho's Inner Circle) told me (that) Zareen (another member of Osho's Inner Circle) used to be very

happy when she came to the ashram from her house. Seeing the beauty and the freedom and the joy of the commune, she finally moved, took a revolutionary step in her life left the home and became part of the commune.

Book: The Zen Manifesto: Freedom From Oneself Chapter #5, 4 April 1989 pm in Gautam the Buddha Auditorium, Pune.

The Opponents are cunningly and carefully citing only those incidences which took place around Osho or their pervert interpretations on what "Osho has said". Their interpretations are now damaging the very purpose of the Trust.

These are the public statements of Opponents no. 6 (Exhibit - 5) that "Osho said that make more rooms (facilities) for my people to

contribute. So many thousands of people will come here" The Applicants submit that thousands of people used to visit Osho Ashram/ commune in Pune till around 2005-6. It is because of the 'business plans' of the Opponents they are introducing rules and policies 'restrictive' in nature which is damaging the very propose of the trust.

The Opponents' admittance needs to be reminded that the place which holds Guru's body or Ashes / 'remains' in eastern traditions called Samadhi. If the participants who could be Osho's disciples are sitting silently and meditating on Osho' Samadhi is a problem to the Opponents then it is time for them to leave. Once again Opponents are citing that *"It does not matter where awareness happens, what matters Is that happens. If It happens In a casino, then the casino has*

become a temple, a sacred place." The Opponents reciting only these lines taken selectively ^xout of context' from Osho's books shows that only an example of 'Casino' is attracting their minds. The Applicants submit that with the same logic if it can happen in a casino then why not to run the whole ashram/ commune as a resort casino? Perhaps the new private limited company 'Osho Multimedia & Resorts Pvt. Ltd. is a preparation for a casino?

Further, the Opponents are reciting things which have nothing to do with the application. Further this is again a pervert idea of Opponents who has only found out only one or two lines out of millions of words used by Osho. The Opponents are citing '*devotion is far lower than love, because devotion basically implies self disrespect.*' The Applicants submit that these kind

of phrases quoting Osho out of context by the shows that how they are deceiving people with a pervert interpretation. However it will be good that Opponents should read any book out of 650 titles of Osho and find out how Osho has praise, practiced and provoked devotion as an important factor between master and disciples.

The Applicants submit that there are thousands of interpretations on mystics done by thousands of people. These interpretations are not subject matter of this court. We would draw attention of the court to main point of our applications.

Further, the Applicants as per para 17,18,19 of the application submit that the, Osho's teachings have been preserved into audio, video and digital formats. It further reads that

Osho has created great very meditation techniques for his disciples to meditate upon. The Opponents in the said affidavit is once again quotes abrupt phrases selectively taken out of Osho's books put together to mislead the court and public. Osho had given contradictory statements on every subject by saying that **life in its totality is inclusive of these contradictions**. The Applicants submit in the view of application u/s 41 E filed by the Applicants, the Opponents restrictive rules, regulations and their corrupt practices are damaging the trust. The Applicants submit that remaining part of paragraph 31 of the said affidavit are the statements/ phrases taken from the Osho books for which the Applicants do not dispute in principal however, the interpretations and usage made by the Opponents is of a great dispute. The Applicants submit that to the judge these

interpretations are not being subject matters of this court can be set aside in order to attend main issues of application.

As far as other contentions of the Opponents in this para regarding "*Osho had always declined to preserve the places he stayed or some articles he had used for some period of time*" is already being dealt by the Applicants in para herein hence, it needs no repetition.

Osho: "In the West It Is very much misunderstood: that people touch the feet of their elders, of their mothers, of their fathers, of their masters. They think It seems to be a little humiliating. It Is not. If you have loved and If touching the feet of your master Is nothing but an expression of your devotion, you will not be humiliated. On the contrary,

you will be raised to the highest consciousness you are capable of.'

(Book: The Rebellious Spirit, Chapter-2 6)

Osho: "If the disciple moves rightly he will become a devotee; if the student moves rightly he will become a disciple. If the movement is right, sincere, authentic, the student and the disciple are both going to become devotees one day.

To be a devotee is to bloom. It is magic. Immediately all your problems disappear as if they had never existed before, as if you are awakened from your nightmare and now you know it was just a dream. Remember, that is the goal: one has to become a devotee, and only when devotion has arisen is one ready to receive truth. The student only collects information about truth. The disciple collects a few fragments

of truth. The devotee drinks it in its totality."

(Book: Zorba the Buddha, Chapter-4)

Osho: "These three stages are parallel to three centres in your being. The student is in the head. The disciple is in the heart. And the devotee is in the being. The student thinks, interprets. The disciple loves, and simply drinks the very presence of the master. The disciple is in tune; his heartbeat is harmonious with the master's heartbeat. There is no question of interpretation or interference. The heart does not work through thoughts. And from the heart, the state of devotee is not very far, but very close. As love deepens and becomes trust, as harmony with the master grows and becomes one organic unity, the devotee is born.

(Book: The Razor's Edge, Chapter-30)

28- The Applicants submit that paragraph # 32 of the said Written Statement filed by the Opponents refers to paragraph 20 of the application. The Applicants submit that this is an admitted fact by the Opponents that a group of 21 disciple popularly known as Osho's inner circle is substantially correct. Their contention that the three foreigners viz. Mr. Michael O'Byrne Bran alias Jayesh, Mr. George Meredith alias Swami Amrito (also known as Mr. John Andrew) and Mr. Darcy O'Byrne alias Swami Yogenda are not interfering in the Trust matters is false, vague and denied hereby. The Applicant's demands the resolutions passed by the inner circle during these years and prove that inner circle has fulfilled its obligations over Osho's work. The Applicants submit

that the Statement made by opponent No. 5 on 20th January 1990 immediately after day of Osho' demise states the purpose of inner circle is to manage his work in all its forms all around the world. Further, a circular issued by Opponent no. 3 Ma Sadhana, dated Oct. 2011 (Exhibit -15) is a proof that the said these three foreigners and their other secretive associates are interfering in Trust matters. The Applicants submit that the Trustees Opponents 1 to 4 do not know a thing about the affairs of the Trust hence, they are just dummies and puppets in the hands of these three foreigners who are mismanaging and damaging the purpose of the Trust negatively effecting Osho's work and teachings not only in India but around the world.

29- The Applicants submit that paragraph # 33 of the said Written Statement filed by the Opponents refers to paragraph 21 of the application .As the allegations made by the Opponents are in a serious nature the same is answered hereby the Applicants point by point.

A. The Applicants submit that as far as restricting the entry of the Applicants in the trust premise is concern, it is already replied the same in para "C" herein above hence it does not need to be repeated.

B. The Applicants further submit that it is submitted by the Applicants that the statements made Opponents against applicant

No. 1 and 2 on personal level are without any documentary evidence and have nothing to with the subject matter of this case hence, the same shall be dismissed considered as bogus and reckless. The facts with regards to applicant no. 1 & 2 are answered in para 7 herein hence, it needs no repetition.

C. The Opponents in the said Affidavit throughout submitted a false statement that both the Trust NSF, OIF has nothing to do with each other but in this (paragraph page 21 second para) they are admitting a material fact that NSF and OIF has been charging daily entrance fees to the visitors to meet the day to day expenses of the Trust. Then why throughout the whole reply in

Affidavit they are repeating that both the Trust have nothing to do with each other. This is just an eye-wash to **run** away and side track the main application filed by the Applicants and the Opponents are making false statements before this Court in misleading **the** Court and the beneficiaries of the Trust. This is enough a proof that the Opponents are having a wrongful behaviour in the Trust and they have lost credibility to be in the trust.

D. The Applicants submits that the repetitive lies and repetitive statements of the Opponents are already been answered in the paragraphs above and hence the remaining statements mentioned in paragraph 28 by **the** Affiants need

not to be repeated. Further the statement of Opponents saying that "an increase in number of participants from all over 120 countries visit the said Trust premise each year to participate in the teachings of Osho." The Opponents must put valid evidence before this Court of such statements that there are increasing numbers of visitors. However, it is a very obvious fact there are 80% less visitors are coming since the record of 2000 in the trust premises due to the hostile policies of Opponents. Hence statements made by the Opponents are invalid, bogus and not conforming to the facts.

E. The Applicants submit that once again Opponents are sighting Osho's phrases from his books to

justify their misinterpretation and restricting people entering into Ashram. The Applicants submit that the Opponents' further citing Osho's words selected from his books about money, power and greed. The Applicants submit that the Opponents are comparing the participation in meditations in an Ashram / Commune with "going for a movie and Casino" needs therapeutic treatments. The Applicants submit that generally people go to a movie once in a while, not every day. Whereas meditation and Osho's Samadhi people would like to go everyday and do the meditation. And why it is all the time the Opponents are comparing this place with a Casino and the movie theater, surely they are justifying the present activities of Osho commune like Bollywood dancing, clubbing and

all such type of activities. This clearly indicates the intention of the Opponents for what they would like to run this place. Further Opponents state that "*hence the money is then made available for the expansion of Osho's work just as he requested*". Since when the Opponents needs to be requested by the master that **how** the work should be done and why do a master **will** request his disciple? The very mentality of request comes from a fascist mind and this fascist mind is showing that the Opponents are now selecting Osho as lower than them otherwise why Osho need to request them. This very statement of opponent shows that they have no respect for the master, no respect for his place and they should simply resign as Trustees, as inner circle members and any management and control

over the Osho Commune in India and aboard. And let the same run by the people who are having great regard and devotion for master. The Applicants submit that all the benefits factors transferred by the Opponents back to the Trust.

Osho -On not giving- importance to money. (Justification of Opponents raising entry fees-Rs. ^8^/980).

Osho: "Our whole attitude about life is money-oriented. And money is one of the most

Uncreative things one can become interested in. Our whole approach is power-

Oriented and power is destructive, not creative. A man who is after money will become

Destructive, because money has to be robbed, exploited; it has to be taken away from

Many people, only then can you have it."

(Book: A sudden clash of thunder)

Osho: "It is difficult to find a hundred people who will give one hundred thousand rupees each, but even today it will be easy to find ten million people who would give one rupee each. Don't think of one hundred thousand rupees. Think of one rupee. So this is not something to worry about . It is so easy to find ten million people who will give one rupee each."

Book: Work is love made visible, chapter .3. pg. 41

4-The Applicants submit that the paragraph No. 29 of the said Written Statement refers to paragraph 18 of the application. The Applicants submit that as the matter stated by the Opponents are serious in nature, the Applicants have dealt with the same in details as appearing:

A. The Applicants submit that the Opponents are once again hiding material facts to this court by saying that *"it is well-known public knowledge that the work and the book of Osho as when and printed are sold at the cost price"*. The Applicants submit that majority of Osho's books and literature are now published, sold and/ or distributed by Osho Multimedia and resorts private limited (Exhibit-2) in Idnia. The private limited companies

eshtablihsed by the Opponents
outside India are stated in para
for manipulating sales and profits
out side India. The Applicants
submit that this exhibit is
evidence that these private
limited companies are hold by the
Directors who are the Trustees in
the Trust. So the Trustees while
they are unable to sell the books
with higher profits, are now
transferring/ contracting the same
in a Private Limited Company to
make their professional gains. The
Applicants submit that this is
resulting in direct loss of income
and major objectives of the Trust
caused by the Opponents. The
Applicants submit that the
Opponents have at many occasions
re-titled/ renamed, or say altered
the title of the books and Digital
Medias, in order to easily shift
the same to different companies.

Hence the Opponents' claims in this regard by just stating that ". . . . *no reply can be given thereto.*" are corrupt and misleading. The Applicants submit that the Opponents however have meticulously siphoned/ drained off funds one firm to another to avert public notice and possible chorus of disapproval/ outcry. The Applicants submit that the real face of the Opponents will show up when proper inquiries are initiated by this authority to investigate details of all the funds being contra transferred from one company to another by the way of gifts and loans by the Opponents around the world. The Applicants submit that the Opponents have cruelly downfall public funds and interest, which must be brought to the books along with its culprits.

B. Further, the Opponents are stating that "*.... applying for any patent or copyright again exposes the lack of appreciation and understanding as to the nature of two rights are relating to the intellectual properties. There was never any question of any patent. The allegation of (to) the Opponents attempting to have copy rights are again vague.....*".

This is an admitted fact by the Opponents in this paragraph "*that the work and the book of Osho as when and printed are sold at the cost price*". Whereas the Applicants submit that, all the books of Osho initially were published by the present Trust initially known as Jeevan Jagruti Kendra, which was altered to Rajnessh Foundation and then now

known as Neo Sannays Foundation (the present Opponents). It is evident that the name of Neo Sannayas Foundation is almost replaced by the so called arrangements of the Opponents in their Trusts and Pvt. Ltd. Cos. around the world (Exhibit - 2) as publisher on Osho books/ digital medias printed / distributed these days. It is till the year around 1981 or thereabout the Trust was publishing Osho's books. The Applicants submit that there is no proper entitlement of the intellectual property rights under which all the rights and ownership is hold by Osho International Foundation Zurich, Switzerland and its subsidiaries. The Opponents in respect to the royalties being earned in millions of dollars outside the country have not made a proper declaration of the same

in any of their statements. The Opponents have formulated Two trusts in the same name as Osho International Foundation one in Mumbai, India and the other in Zurich, Switzerland' is done with an intention to confuse and litigate, "an Identity Crisis' to manipulate Osho's Legacies in the minds of Osho Community and jurisdictional authorities. The Opponents are making false statement hereby are misleading the court. However, claims of the Opponents that the Osho International Foundation reserves and claims to have copyright of all the Osho's books and digital media around **the** world (Exhibit 14) which is wrong in reality and by law. The Osho International Foundation also authorized various Private Limited companies to distribute and print Osho's books

in the West few of the companies are hold by the Opponents. The lists of such Private Limited Companies are stated in paragraph (Exhibit - IB).

C. The Applicants further submit that the most bogus claim of the Opponents stating that "There was never any question of any patent", is once again misleading the court. The (Exhibit - 14) enclosed hereby is the evidence which has been taken from the website of Osho.com.

The Applicants submit that Osho left his body on January 19, 1990. It is said that He was poisoned in America with heavy metal thallium. After Osho left His body, the Opponents began to monopolize

ownership over Osho's work, Osho meditations and title "Osho".

For approximately ten years, starting in 1992, the Opponents who are members of the Osho International Foundation (OIF), Zurich Switzerland filed applications with the United States Trademark office to register marks for (i) the word "Osho", (ii) Osho's meditations, and (iii) other things related to Osho such as versions of His signatures Osho's 'signatures arts' are considered worth millions of \$, but for Osho's disciples it is beyond value. In doing this, OIF, Zurich claimed to own and control "Osho", Osho's meditations, and all of Osho's work. The entire details of these

cases are enclosed herewith
(Exhibit -16)

The Applicants submit that the only reason to copyright His books by Osho was to ensure that no '*Editing*' is done over His discourses and the same was never wished by Him to be used for any commercial gains as practiced by the Opponents. On the contrary, During His last days, Osho had advised the Opponents and members of the Inner Circle that "*no royalties shall be charged to any publisher and distributor for his books, literature and its digital expressions.*" On a question asked to Osho about "How will we exist without such incomes?" Osho had said that "*You do not worry about this, as, when my books would be read by millions of*

people, this place will run from their visits and contributions in terms of time, money and work."

The Applicants submit that at present similar litigation is going on in Europe before the Office for the Harmonization in the Internal Market Trademarks and Design in Spain against the monopolisation claims of Opponents. The Applicants submit that these claims made by the Opponents are specially designed to hamper growth and teachings of Osho and thus damaging the fundamental objectives of the Trust resulting in directly violating interests of the beneficiaries of the trust for world at large.

The Applicants submit that the Opponents are continuously violating Osho's teaching and guidance for their personal gains and expensive life styles in five star hotels around the world. And thus damaging the fundamental objectives of the Trust and depriving beneficiaries thereby.

Therefore the Applicants prays before this authority to appoint and constitute a committee consisting of the Applicants and other prominent Osho disciples as would be suggested by the Applicants to reinforce objectives of the Trust in accordance with Osho's teachings in order to protect the charity of the Trust.

The Applicants further submit that the said Opponents further monopolising Osho's work have sent

notices and stopped Osho Meditation Centres around the world to use the title of "Osho" and "His meditations" in Europe and USA, the details of which follows herewith.

Osho said there cannot be any copyright for meditation and his words. He on a regular basis asked his disciples to spread his teachings around the world and give them his name to use without any condition.

Further, the said Opponents monopolising Osho's work and harassing Osho's disciples, have sent notices and stopped Osho disciples and admirers to circulate Osho's words on the social network such as You Tube, Face book and others, the details of which follows herewith: Osho Videos being removed from Youtube

and Pages and groups from face book for Osho Nisarga, Osho World, Osho World Space, Osho Club and other individuals.

Further, the said Opponents further monopolising Osho's work are continuously altering and editing Osho's discourses in print and digital formats which is against the fundamental teachings of Osho.

Therefore the Applicants prays before this authority to appoint and constitute a committee consisting of the Applicants and other prominent Osho disciples as would be suggested by the Applicants to reinforce objectives of the Trust in accordance with Osho's teachings to protect the charity of the Trust.

31- The Applicants submit that paragraph No. 35 of the Written Statement filed by the Opponents refers to paragraph No. 23 of the application. The Applicants submit that one of the very essence of Osho's teaching is that he has made Sannyas creative and productive for the first time in the history. He always wanted that his disciples be creative and productive. The Applicants submit that out of 650 books any of the books chosen by any of the person will have few chapters of Osho saying that all the work should be done by Osho's disciples in Ashram. The Applicants submit that however, it is understandable that in case of some professional specific skills are required or when there are some less people available for certain period of time, we can always take work and

help from the paid workers . But however, the second option was never the main focus of the Osho commune activities from 1974 till the recent time. The Opponents claiming that they are companies taking care of the Ashram from 1994 from to Kinship and Soexho from 2002 like internationally known companies" are misleading this court. Whereas the fact is that only limited skilled work was given to paid workers not the entire ashram was run by paid workers The main focus let Osho's disciple to work was shifted to the entire subcontracts are handed over to this companies to the limits that Osho disciples are refused to work in Osho Commune/ Ashram. The Opponents have first of all, increased the rates of the entry to such a level that people cannot come. Naturally when they

cannot come, they cannot work. Such policies of the Opponents were made to hire more and more persons in the Private Limited companies so that Osho disciples stay out of the Ashram as much as possible. This is done in a very sinister plan so that less people are there to question them, to object their activities and the Opponents **can** freely make the decisions suiting best to their manipulations away from Pune where the ashram is situated in Mumbai, UK, US and their other comfortable zones.

32- The Applicants submit that the paragraph 36 of the said Written Statement filed by the Opponents refers to paragraph 24 of the application. When the Applicants are using Osho's words work as worship. The alleged ignorant

claim made by the Opponents saying that "Osho had promoted Work as a meditation, which he never referred as 'Seva' is once again a gross misinterpretations of the Opponents to misguide this court and Osho Community.

This is to put on record that how Osho transforms work as worship:

Osho: "Work is worship. Work is prayer.

While I am talking to you, it is a prayer to me, it is worship. You are my temples, my gods."

\

(Book: The Discipline of Transcendence, Vol. 3)

Osho: "Here, in the commune, whatever you are doing. . . . Here we call work - worship, for the simple reason that work is not just work, it is meditation also.

That's why we call it worship. Other than this we don't have any God to worship. We have only this existence around us. So you can worship it as a gardener, you can worship it as a farmer, you can worship it as a road maker, you can worship any way you choose to. But whatever you are doing, you are doing with existence.

Book: From the False to the Truth
(Chapter #3, 30 June 1985 am in
Rajneesh Mandir)

Osho: "My people work hard, but they call it worship. It is worship. Working on the farm, digging the earth, if you are sensitive enough you will feel it as worship. And if you feel it as worship, you will not get tired. They work ten hours, twelve hours, whatever is the need - it is

their responsibility -- and still nobody is complaining. Nobody is saying that this is too much."

(Book: The Last Testament, Vol. 1, Chapter #9,26 July 1985 pm in Jesus Grove)

The Applicants submit that the work done by workers on voluntary basis is in Hindi called Seva. The Applicants are using the word 'Seva' as 'unpaid voluntary work' . The Opponents have problems with this as they do not want Osho disciples calming their fundamental right to work in the ashram. Further, the Opponents are dominating that "There is never such right much less legitimate right as claimed in insisting on the Trust to accept the voluntary service of any one" is once again clear violation of Osho's guidance

and teachings. Actually the very concept of voluntary services (Seva) is based on community sharing, but the Opponents having 'American habitual' dogma of 'turning everything into a commercial enterprises' finds a seva inappropriate in the concept of a 'Resort'. Such practices are against the teachings of Osho and the very purpose of the Charity of Trust. The Applicants submit that Osho's disciples have exclusive right to perform Work as worship seva meditation.

The Applicants submit that the Opponents have simple '*closed down*' few very important 'all fine working departments' such as Osho School of Creative arts offering various courses like music, pottery, painting classes on reasonable rates, classical

singing, theatre arts (one of the best out of the theatre was 'A *mid Summer Night's dream*' by William Shakespeare) etc, Osho Multiversity with its vivid programs attracting thousands of visitor and therapists around the world to Osho commune/ Ashram, Osho Photo shop. The Applicants submit that great many artists and masters of art and music use to come and voluntarily performed their offerings in ashram such as Shri Jagajit singhji, Pandit Jasraj, Pandit Shiv kumar Sharma, Pandit Hari Prasad Chourasia, and many others from all over the world. The Applicants submit that the Opponents have stopped all the beautiful cultural events in the ashram with their sinister plans of turning this ashram in to a commercial resort and have damaged

the activities of the Trust as per the teachings of Osho.

2- The Applicants submit that the paragraph No. 37 of the Affidavit refers to paragraph No. 25 of the application. The Applicants submit that the justification given by the Opponents regarding increase in entrance fee from Rs. 40 to Rs. 550 for Indian national and Rs. 1100/- for foreign national is vague and misleading. The Applicants submit that as per Osho's instructions Rs. 40 entry fee was applicable for all the nationals either Indian or foreigners. The Applicants submit that at present, the first crime of discrimination is already taking place the moment person enters **the** Ashram. The Applicants submit that this is against the basic objectives of the Trust Deed. The Opponents are

deliberately trying to create a divide between the nationalities in the Ashram in order to give better and best services to the class of the person. The whole idea of increasing entry fee to a spiritual place to this extent simply means that they do not want large number of people to come into the Ashram. Nowhere in the whole world where Osho Ashram is situated charges are so high. The Applicants submit that because of this high entry fee hardly 40 to 50 persons on an average per day is able to come, whereas there used to be presence of 1200 people on an average in the ashram. Now how the Opponents will survive and manage the ashram. The Applicants submit that the only way left is to alienate properties by gifts and the mortgage and on the long run being unable to pay the high

interests loans - sell more properties of the Trust. *A simple destructive plan!' And now to support their high valued style the Opponents have to make some corruption in every corner possible such as distribution of books, in royalties create Private Limited companies etc. The Applicants submit that ultimately when we connect all the incidences which are taking place in Osho commune in due course by the Opponents leads to definite destructions. The Applicants submit that when all those steps in due course, taken by the Opponents are put together, then we can see the Opponents have made up their mind to end the existence of Trust.

The Applicants submit that as alleged by the Opponents that the

entry card to the ashram, carries a sticker of a particular date. The Applicants submit that the Opponents hopefully may be registering this sticker on the accounting records but no one is given receipt. The Applicants submit that this is to hide exact number of people visiting the Ashram and how the funds are used by this Ashram. No receipt is ever given to any person by the Opponents in this respect. The Applicants submit that hence all the statements made by them is false and misleading.

The Applicants submit that the Opponents are contradicting continuously, at one hand are saying that "*An increasing number of visitors coming from 120 countries coming in Ashram*". The Applicants submit that as claimed

by the Opponents of increasing number of people are coming in the ashram then why they need to get rid of ashram properties by gifting u/s 36 of the Trust act. whereas as per these application submitted before this office says that the Opponents says that maintenance cost is a burden on the Trust?

The Applicants submit that as previously managed if the entry fees are kept nominal as Rs.100./- for all without any discrimination of nationality and encourage participants to give work voluntarily there is no need to gift and mortgage the properties. There would not be any need of the private limited companies to manipulate trust activities. As it was practiced till recently the person who wanted to work in

Ashram for 6 hours a day would be given a free entry sticker so he don't want to pay for the entry fees and for the person who wanted to work 3 hours a day was allowed to give the services 3 hours a day but for that purpose he has to pay the entry fees.

The Applicants submit that the justifications given by the Opponents in respect to entry structure are not real and misleading to the court and public.

34 . The Applicants submit that the paragraph No. 38 of the Written Statement filed by the Opponents refers to paragraph No. 26 of the application. The Applicants submit that the alienation of the Trust properties made by Opponents is described in the paras above hence

it does need to be repeated. The Applicants submit that the Opponents are once again hiding material facts from this court in respect of the whereabouts of manuscripts of Osho's books, Osho's paintings, signature art and personal belongings are concerned the Applicants would draw attention of this court to review (Exhibit - 17) . The Applicants submit the Opponents along with its subsidiary a 'Private Firm' known as American Multi Media Corporation (based in Arizona, US) have a filed a suit before concerned authorities in Superior Court, J. M. Stampford/Norwalk at Stampford, United States of America that ninety six boxes containing material of Osho International foundation, Switzerland which is the only one copy left in the whole world has been auctioned by a warehouse with Sovran Acquisition, LP, d/b/a Uncle Bob's

Self Storage. The said 'One copy' of these article has come to a threat whereby the Opponents defaulted in paying rent (or planned to be defaulted?) to the said Uncle Bob's Self Storage facility in proper time. Now the entire legacy at Osho's work which has boon put in 90 boxes in America. has been auctioned just for \$10! Is this a mismanagements or conspiracy? The Opponents claims as **the caretakers of Osho's legacy'*, is bogus and misleading. The Applicants submit that the truth is the Opponents are in continuous process of damaging Osho's work in India and around the world. They have lost their credibility and right to hold the office of the trust.

The Applicants pray this authority to pass necessary orders to the Opponents to bring back Osho books

manuscripts, Osho's paintings, books of Osho's personal library with Osho paintings signature arts and other such personal belongings of Osho back to the ashram in Pune at their personal cost and expenses. The Opponents failing on which, shall be liable to be prosecuted under criminal offence.

35. The Applicants submit that the paragraph No. 39 of the Written Statement filed by the Opponents refers to paragraph No. 27 of the application. The Applicants submit that in respect to Trust and private limited companies being operated by the trustees as directors, this has been explained in para "D" and Exhibit -2" hereinabove. Hence the does not need any repetitions.

36. The Applicants submit that the paragraph No. 40 of the Written

Statement filed by the Opponents refers to paragraph No. 28 of the application. The statements made by the Applicants in paragraph No. 28 is having valid and substantial proof which is being attached with the application. The Applicants submit that the Opponents not having proper reply are trying to escape and side track the main objections raised by us in the Affidavit. The Applicants submit that as other allegations made by Opponents as the Neo Sannyas Foundation has nothing to do with Osho International Foundation are vague and repetitive which the Applicants have already dealt with arguments in the foregoing paragraphs.

37. The Applicants submit that the paragraph No. 41 of the Written Statement filed by the Opponents refers to paragraph No. 29 of the

application. The Applicants submit that the Applicants would like to draw attention of this court for Opponents contradictory statements made in the same paragraph no. 36. as: on page no. 36, the Opponents are stating that ". . . . the contention is that it was practiced till recent times that personal belongings and other belongings of Osho were allowed to be seen on certain public days is a display of gross ignorance. The belongings of Osho are never put on display.

WHEREAS in the same paragraph No. 36, page no. 30 third paragraph, the Opponents are contradicting the same by stating that "In the past when the celebrations days were still happening some of Osho's personal belongings that He used were in the room as people visited. It is submitted that none of this personal belongings have been removed from

the premises". The Applicants submit that such contradictions in the Opponents' statements in the same affidavit raises serious doubts for on one hand not allowing people to visit Osho's room and view His personal articles and on the other hand Osho's material has been auctioned in USA in \$10 raises doubts and credibility of the Opponents. (Exhibit -17)

The Applicants submit that as admitted by the Opponents that "*In the past when the celebrations days were still happening some of Osho's personal belongings that He used were in the room as people visited..*" shall be reinforced by issuing necessary orders to Opponents with immediate effect.

A. The Applicants submit that the contention of the Opponents that it

was Osho's insight that every day is a celebration and there was no need to celebrate any particular day. Hence the Trustees in turn permit celebrations every day. The Applicants submit that it means that the Opponents have stopped the specific celebrations of a specific importance altogether. Now under what rights the Opponents have to interpret what is Osho's insight about celebration and stop the celebrations in Ashram. The Applicants submit that it is in fact the Opponents don't want Osho's disciples from all over the world to use together on a specific day in thousands of numbers to celebrate. The Applicants submit that if every day is a celebration s contented by the Opponents then why the Opponents are very happily celebrating Christmas and New Year's Party. If every day is celebration then there

is no need to make a specific Bollywood parties as they are doing now (Exhibit- 18) Monsoon festival 'Yes Osho advertisement') . The Applicants submit that this is one of the 'Planned strategies' of the Opponents to change/ alter the identity of this place by stopping people for Osho celebrations, meditate at Samadhi, not allowing them to work in Ashram and by not allowing in any celebration; because if there are no celebration taking place in Ashram again less people would come and the Opponents can have more and more free hands to implement their sinister destructive plans.

B. The Applicants submit that furthermore, the Opponents have come up with some phrases from Osho's books out of context to prove their

distorted point of view. Howsoever, the Applicants hereby produced the original version from Osho's books about how Osho wanted this celebration to take place. One of the most important things which used to take place in Osho's commune since 1974 is Osho initiating people into Sannyas. The Applicants submit that thousands and thousands of people all over the world came to Ashram to get initiated in Osho's Sannyas celebrations. The Applicants submit that over the years, these Opponents have reduced and finally stopped the Sannyas ceremony. The Applicants submit that the Opponents have stopped people getting initiated in the Ashram premise. The Applicants submit that tThe Opponents have implemented tragic realities that if a Osho disciple wants to enter Osho commune wearing Osho's mala is NOT ALLOWED" in Trust

premise. Opposite to this the Opponents are very well organized a club activities. The Applicants submit that the Opponents can very well organise all type of third grade musical Bollywood parties in Ashram but they are unable to organize Osho festival or Osho Mahaparinirvana day celebration which clearly shows that how the Opponents are destroying Osho's teachings and activities of the Trust.

The Applicants submit that Osho guides people into meditation. People do not need to learn from the corrupt Opponents for how to get connected to Osho as they are claiming in remaining statements. The Applicants submit that the Opponents are crossing their limits by interfering with Osho's spiritual

messages for which they are not assigned to.

38 . The Applicants submit that the paragraph No. 42 of the Written Statement filed by the Opponents refers to paragraph No. 30 of application filed by the Applicants. The Applicants submit that the Opponents once again hiding material facts from this court and Osho community by stating that that . . .*as it was removed more than 12 years as the place was not a Samadh1*". The Applicants submit that the (Exhibit____) are enough evidences that since recently Opponents were calling it a Samadhi. The Applicants demand evidences from the Opponents that they have not tempered with Osho's Samadhi in any manner. The Applicants submit that the statements made by the Opponents are false and disrespectful their

master. As the Applicants have already clarified the evidences of Osho's Samadhi in para "G, H" hereinabove, the same does not need to be repeated.

39. The Applicants submit that the paragraph No. 43 of the Written Statement filed by the Opponents refers to paragraph No. 31 of application filed by the Applicants. The Applicants have sought for valid and required injunction and orders from this Court.

40. The Applicants submit that the paragraph No. 44 & 45 of the Written Statement filed by the Opponents refers to paragraph No. 32 & 33 of application filed by the Applicants further request the Court to give us injunction orders and proper directions to the Opponents so that the grievances of the Applicants and

Osho members all over the world would be restored.

The Applicants submits that if the Applicants are not granted reliefs then thousands of people who would like to come to Osho's Ashram and do meditations and go to Osho's Samadhi will be damaged for the life time and entire legacy of Osho will be damaged forever. The Applicants submit that if the Opponents are not stopped in their high handed selfish and corrupted activities then the Osho's legacy will disappear from India once and for all and the purpose of the Trust will be lost forever. The Applicants submit that this is not a prayer of one or two Applicants but this is a Prayer of thousands of people from all over the world as they have supported us in this moment. This Honourable Court will see that by just opening

the gates of the Ashram how many thousands of people are then will be able to enjoy this place and seek blessings from the meditations and visiting Osho's Samadhi. The Honourable Court will be at great appreciation and thanks when the Applicants and the colleagues who are spread all over the world and their grievances are met with the Prayers and relief being granted by this Honourable Court.

41. The paragraph No. 46 of the Written Statement filed by the Opponents refers to paragraph No. 34 of the application. The Applicants submit that the opponent No. 5, 6 and 7 are not only interfering into the affairs of the Trust but they are directly controlling, managing and dominating the Trustees in India as well as outside India. The E-mail reply circulated by Ma Amrit Sadhana

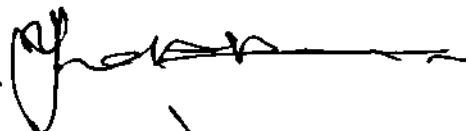

(Mrs. Sadhana Belapurkar) dated Oct. 2011 who is one of the Trustee of Osho International Foundation is enough of evidence that the opponent No. 5, 6 and 7 are having direct interference in the matter of Trust. The Ex-Trustees of Osho International Foundation and Neo Sannyas Foundation are ready to give an Affidavit supporting this Fact that the inner circle members have direct interference with the Trust matter and they are just trying to take a side track by saying that they are not legally involved but in all practical terms they have direct interference in damaging the Trust and the Charity of the Trust. (Exhibit No 15) .

42. The Applicants submit that all the allegations levelled by the Opponents are denied since baseless.

The Opponents are put to the strict proof thereof.

43. The Applicants submit that considering the fact that the Applicants have made out a prima facie case, the balance of convenience is in favour of the Applicants, the Applicants have come forward with clean hands. The Applicants are entitled for the reliefs claimed.

Mumbai, dated this 17th day of October, 2012.

1. 
2. 

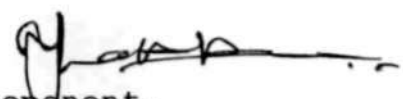
Applicants.

VERIFICATION

I, Yogesh Thakkar, aged about 50 years, residing at Pune and at present in Mumbai 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 17th day of Oct., 2012)


Deponent.

I identify the Deponent.

(K.P. Jadhav)
Advocate.

Before me.