



BEFORE THE CHARITY COMMISSIONER,
MAHARASHTRA STATE, MUMBAI.

Exh. 12.

.....
Application No. J-4/7/2011 under section
36(1)(a) of the Bombay Public Trusts Act,
1950.

In the matter of
"Osho International
Foundation",
P.T.R. No.F-14570
(Mumbai).

Osho International Foundation)
P.T.R. No. F-14570 (Mumbai))
through its trustees)
1) Mukesh Sarda)
2) Devandra Singh Dewal)
3) Sadhana Belapurkar)
4) Lal Pratap Singh)...Applicants.

APPEARANCE : Applicant No. 1 in person.


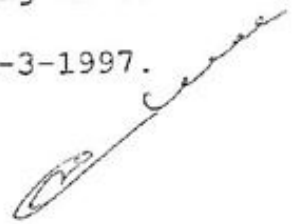
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J U D G M E N T
(Delivered on 17-3-2011)


By filing this application, the applicants who are trustees of "Osho International Foundation", bearing registration No.F-14570 (Mumbai) has sought permission under Section 36(1)(a) of the Bombay Public Trusts Act, 1950, to donate property being "Land situated at Village Manjeri, Taluka Haveli, District Pune bearing Plot C.T.S. No.3, Koregaon Park, Pune 400

001 admeasuring about 5,387 sq.mtrs." in favour of to Darshan Trust, a public charitable trust registration No.4281, having its office at A-34, Defence Colony, New Delhi 110 034, as per the draft Gift Deed filed alongwith application.

2. In a nutshell the facts are as under :-

As regards the creation of the donor trust, it is contended by the applicants that this Osho International Foundation is a society registered under the provisions of the Societies Registration Act, 1860 and subsequently it is registered under the provisions of the Bombay Public Trusts Act, 1950 at P.T.R. No.F-14570 (Mumbai) and Memorandum of Association and Rules and Regulations was treated as the documents creating the trust by Assistant Charity Commissioner, Greater Mumbai Region, Mumbai. In the year 1996 this trust has decided that Blue Lotus Trust be amalgamate with this trust and on application Assistant Charity Commissioner, Greater Mumbai Region, Mumbai has amalgamated both these trusts vide order dated 1-3-1997.




Further in the year 2002 it was decided that for better administration and management and carrying out the common activities of five trusts viz. Satyam Foundation, Maneesh Trust, Sambodhi Foundation, Shivam Foundation and Sundaram Foundation be amalgamated with this trust. On application Assistant Charity Commissioner, Greater Mumbai Region, Mumbai passed necessary order of amalgamation of these five trusts with this trust vide order dt. 15-11-2003 in application No. 31/2001. So also in the year 2008 Abhilasha Foundation was amalgamated with this trust vide order dated 31-12-2008 in application No. 28/2008 and a common Scheme is framed. The affairs of the trust are governed as per the provisions of this scheme. The objects of this trust are to spread and impart education by formal training in the field of arts, science and humanities with a view to develop knowledge, skills, mind and character with the ultimate aim to complete self development of human beings as ideal citizens of the world etc. Clause 9(c) of

the amalgamated scheme, the Governing Body of the trust is empowers to donate the property of trust. In the year 1993 Sundaram Foundation had purchased part of immovable property situated at village Manjeri, Tal. Haveli, Dist. Pune bearing Plot C.T.S. No. 3, Koregaon Park, Pune 411 001 admeasuring 3,453.66 sq.mts. out of total area admeasuring about 5,387 sq.mtrs. vide Deed of Conveyance dt. 15-10-1993. So also in the year 1996 this Osho International Foundation had purchased part of immovable property situated at village Manjeri, Tal. Haveli, Dist. Pune bearing Plot C.T.S. No. 3, Koregaon Park, Pune 411 001 admeasuring 1,933.33 sq.mts. out of total area admeasuring about 5,387 sq.mtrs. vide Deed of Conveyance dt. 4-9-1996. After amalgamation as aforesaid, the trust is owner of the property in question, which reflects in Schedule I.

3. It is further contended by the applicant that as regards the creation of the donee trust viz. Darshan Trust, a public charitable trust, registered at No.4281 having its office at A-34,





Defence Colony, New Delhi 110 034 having similar objects as that of this trust. This trust has come into existence vide Deed of Settlement dt. 9th June, 1987.

4. It is contended by the applicants that the trustees of Darshan Trust had approached this trust with a request for some space to expand and carry out its activities in Pune. In the meeting of the trustees held on 1-12-2010 discussed in detailed this proposal from the trustees of Darshan Trust, having similar objects requesting for some space to expand and carry out its activities in Pune. In the meeting Mr. Mukesh Sarda, one of the trustees, brought to the notice of trustees of this trust that the trust is having excess space being land in question, which at the moment is not required by the trust for the purpose of furtherance of the objects. However, trust has to pay the municipal taxes, property taxes and other levies on this property, which are eating up funds of the trust without generating any income to the trust. In the

circumstances, after detailed discussion trustees unanimously decided to donate the said property in question to Darshan Trust subject to the approval of this Authority and passed a resolution to that effect at Exhibit 3.

5. It is contended that property belongs to Osho International Foundation Trust, which reflects on Schedule I of the trust. Objects of both the donor and donee trust are similar. Donor trust is paying all the relevant taxes, levies, and charges of all nature in respect of the property without generating any income therefrom. According to applicants, since the donee trust is likeminded charitable trust following principles of OSHO and carrying objects which are in furtherance of the objects of this trust, it is advisable to have the property transferred in favour of Darshan Trust. Further, according to applicants, as this transaction is not a commercial transaction, no monetary consideration is involved and it is a gift from one registered public trust to another public





trust, no public notice is published by the trust, for inviting tenders nor valuation of the property is assessed. The donor trust, Osho International Foundation has passed a resolution dated 1-12-2010 to gift the property in question to Donee trust Exhibit 3. The Darshan Trust, the donee trust, has also passed a resolution on 7-12-2010 Exhibit 7 for accepting the Gift and accordingly a draft Gift Deed is prepared, which is subject to the permission of this authority.

6. Along with the application the applicants have filed request letter from Darshan Trust Exhibit 2, draft Deed of Endowment, copy of resolution of Osho International Foundation dt. 1-12-2011 Exhibit 3, affidavit in support of application Exhibit 4, copy of audit reports alongwith accounting returns for three years Exhibit 5, 6, copy of Settlement Deed of Darshan Trust, copy of resolution of Darshan Trust Exhibit 7 etc.

7. After considering pleadings made in the application the following points arise for my

determination and my findings thereon for the reasons to follow are as under:


<u>Points</u>	<u>Findings</u>
i) Do the applicants show that there are compelling circumstances for donation of the properties of the trust?	In the affirmative.
ii) Whether the donation of the trust properties in question is in the interest of the trust?	In the affirmative.
iii) What order ?	As per the order passed hereinafter.

R E A S O N S F O R F I N D I N G S .

Points No.1 and 2 :

8. Heard Shri Mukesh Sarda, one of the trustee, applicant No.1 in person. Perused all the documents produced on record. It is contended by the applicant that the property in question belongs to Osho International





Foundation Trust, which reflects on Schedule I of the trust. Objects of both the donor and donee trust are similar. It appears that the property in question is not being utilised by the trust and lying idle. Donor trust is paying all the relevant taxes, levies, and charges of all nature in respect of the property without generating any income therefrom. It appears that the donee trust is likeminded charitable trust following principles of OSHO and carrying objects which are in furtherance of the objects of this trust and therefore it is advisable to have the property transferred in favour of Darshan Trust. Further, as this transaction is not a commercial transaction, no monetary consideration is involved and it is a gift from one registered public trust to another public trust, no public notice is published by the trust, for inviting tenders nor valuation of the property is assessed. The donor trust, Osho

International Foundation has passed a resolution dated 1-12-2010 to gift the property in question to Donee trust Exhibit 3. So also the Darshan Trust, the donee trust, has passed a resolution on 7-12-2010 Exhibit 7 for accepting the Gift and accordingly a draft Gift Deed is prepared, which is subject to the permission of this authority.

9. It has become clear from the application and the affidavit of the trustee in support of compelling necessity that the objects of both the trusts are similar, i.e. they are based on principles of OSHO. The property in question is not utilised by the trust, it is idle, but the trust has to pay the municipal taxes, property taxes and other levies without generating any income therefrom. Taking all these aspects into consideration, I am of the view that compelling necessity existed for transferring of the said property. Hence, I





record my finding on first point in affirmative.

10. It is clear from the record that the objects of the trust being charitable in nature, the donee trust has decided to conduct activities at Pune in furtherance of the aims and objects of their trust which are similar to that of Osho International Foundation. The donor trust is paying all the taxes and levies and other charges of the property without generating any income therefrom. If the property is donated to the proposed Darshan Trust, they will conduct the meditation activities and other objects, which indirectly complies with the objects of the donor trust. In this view of the matter the donation/alienation of the property will be in the best interest of the trust. I therefore record my finding on second point also in affirmative.

11. Considering these facts, I answered the points accordingly and pass the following order.

O R D E R

- (1) Application is allowed.
- (2) Sanction is hereby accorded to applicant trust, "Osho International Foundation" registered at P.T.R. No.F-14570 (Mumbai) to donate property being "Land situated at Village Manjeri, Taluka Haveli, District Pune bearing Plot C.T.S. No.3, Koregaon Park, Pune 400 001 admeasuring about 5,387 sq.mtrs." in favour of to Darshan Trust, a public charitable trust, registration No.4281, having its office at A-34, Defence Colony, New Delhi 110 034, as per the draft Gift Deed filed alongwith application.
- (3) This Transaction is to be completed within a period of six months from this order.
- (4) Donee trust do bear expenses of transaction right from stamp duty, registration charges and all other ancillary expenses/fees.



(5) This permission to the transaction shall be subject to all the relevant laws and rules applicable to the transaction and the property as well.

(6) Applicant trust to report the change under Section 22 of the Bombay Public Trusts Act, 1950, within three months of the completion of the transaction to concerned Assistant Charity Commissioner.

(7) The trustees shall submit true xerox copy of registered Gift Deed in this office within a period of three months from the date of execution.

M. K. Chaure
17-3-2011

(M. K. Chaure)
Charity Commissioner,
Maharashtra State, Mumbai.

Mumbai,
Dated : 17-3-2011.
Jbr



खरी नक्कल म्हणून प्रमाणित
अधीक्षक (५)
सहाय्य आयुक्त महाराष्ट्र राज्य शासने कार्यालय, मुंबई

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