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registration of the Trust. From these documents, it is crystal clear that the applicant Trust was created by Deed of Declaration of the Trust dated 3.4.1945. Further, D.of D shows that a Suit no.1400/1958 was filed in the Bombay City Civil Court for cerain amendments. Thereafter, the applicant Trust came to be registered under the Act at P.T.R. No.A-2265(M). Schedule-I and change report shows that the names of the trustees as mentioned in para 6 of the application appear in it and so also the property in question is entered in schedule-I. The Instrument governing the Trust empowers the trustees to alienate immovable property of the Trust vide clause 40. Thus, the applicants have established elementary essentials for filing of the present application.

9) The applicants have filed affidavit of Mr.Kishore K.Shahani at Ex.14 who has testified in respect of compelling necessity in para 3 of the affidavit. He has stated that the Trust is receiving very meagre income as rent from the tenants / occupants of the property in question compared to the out goings such as, Municipal taxes, property taxes etc. He has further stated that it is not possible to increase the rent of the property due to Rent Control restrictions. Needless to say that the tenants are protected by the provisions of Maharashtra Rent Control Act.

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Secondly, it is stated by the affiant that the property in question is fully occupied by the tenants / occupants and the Trust does not have any part of the property in its actual possession. As the tenants are occupying the property in question and as they are protected by the provisions of Maharashtra Rent Control Act, and, therefore, the Trust is finding very difficult to obtain vacant possession from the tenants / occupants. The Trust will have to file suits for recovery of possession against the tenants / occupants and the said litigations would travel from one court to the another and it would take several years to get back the possession from the tenants / occupants. It is also not sure as to whether the Trust would succeed in recovering the possession from all the tenants / occupants.

10) Thirdly, the structures are very old and are demanding major repairs. There is constant threat and danger to the lives of the tenants / occupants and their family members on account of dilapidated and dangerous condition of the structures standing on the property. The Trust does not have funds and expertise to develop the said property. This is very much clear from the statement of accounts placed on record.

11) Fourthly, the trustees are duty bound to make the optimum use of the economic assets of the Trust rather than allow

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the said assets to be wasted. The taxes and maintenance costs have gone up without any commensurate return and thus, the financial resources / assets of the Trust would be wasted.

12) Fifthly, there is a regular deficit out of the said property which is eating up the corpus of the Trust. The trustees would get rid of all legal hasels attached to the said property of the Trust. The evidence of the affiant has gone unchallenged and there is no reason to disbelieve the said evidence of the affiant. From the evidence on record it can be safely held that the applicant Trust has compelling necessity to alienate the property in question.

13) The trustees had held a meeting on 15.2.2011 wherein they passed a resolution (Ex.5) for selling the property in question by giving notice in the newspapers calling offers from public at large.

14) The trustees came to know that they have to issue public notice in two newspapers which have wide circulation. Therefore, the trustees were required to hold a meeting afresh on 2.12.2011 to invite offers from general public and also to ratify the decision taken in the earlier meeting dated 15.2.2011. The copy of resolution dated 2.12.2011(Ex.6) is placed on record. The trustees have also obtained valuation report from Government

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approved valuer, M/s. Talib and Associates (Ex.7). I have gone through the said valuation report. The valuer has taken into consideration the various modes of determining the valuation of the property in question. The valuer has determined the market value at Rs.48 lacs.

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15) Copy of newspaper "Asian Age" dated 13.12.2011 (Ex.9) and "Tarun Bharat"(Ex.10) are placed on record. In response to the public notice two offers were received. The highest offer is that of M/s. Mahavir Millenium L.L.P of their 2.30 crores. The said offer is much higher to the valuation determined by the valuer. The copies of the offer letters are placed on record. The trustees passed a resolution dated 25.1.2012 whereby the highest offer given by M/s. Mahavir Millenium L.L.P came to be accepted. The offerer is ready to purchase the property on "as is where is basis". Further, the trustees have executed M.O.U with the highest offerer on 6.2.2012. Copy of M.O.U is filed on record. From the aforesaid documents it can be very well said that the trustees have followed proper procedure for alienating immovable property of the Trust. The procedure followed is transparent and genuine. The sale proceeds received from the offerer can be utilized solely for the purpose of the objects of the Trust. The trustees propose to invest the sale

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proceeds in long term investments as per the provisions of Section 35 of the Bombay Public Trusts Act, 1950 so that the income therefrom could be beneficially utilised by the trustees for the objects of the Trust. The Trust would get good corpus for achieving the objects of the Trust. The purchaser is ready to bear the expenses incurred on stamp duty, regitration charges and other ancillary charges. There is no litigation in respect of the property in queistion nor there is any restraining order from any court of law. There is no relation in between the trustees and the purchaser. The affiant has stated all facts in detail and there is no reason to disbelieve the same as his evidence is supported by documentary evidence. Hence, after going through entire evidence on record, I find that the transaction would be in the best interest of the Trust and its beneficiaries. Consequently point nos.1 and 2 are answered in the affirmative. Resultantly, following order is passed.

ORDER

1)Application No.J-4/97/2012 is allowed.

2)Sanction is hereby accorded to the trustees of the Deween Lilaram Duhilanomal Sadarangani Amil Dharmada Trust, P.T.R. No.A-2265(M) to sell the Trust property on as is where is basis alongwith all the right, title and interest attached to the said

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4/12

property being all that piece or parcel of plot of land or ground being of B-1 tenure lying and being at Ghatkopar Mahul Road, Chembur admeasuring approxiamtely 1208 sq.yds or thereabouts being Plot No.190, C.T.S. No.1108, 1108/1 to 1108/8, alongwith structures standing thereon fully occupied by tenants / occupants to M/s. Mahavir Millenium L.L.P and/or their nominee or nominees for total consideration of Rs.2.30 crores (Rupees Two Crores Thirty Lacs only) on the terms and conditions mentioned in M.O.U dated 6.2.2012 executed between the trustees and M/s. Mahavir Millenium L.L.P and subject to the following terms and conditions;

a)The sanction order shall remain in force for a period of six mnonths from the date of this order.

b)all the expenses including stamp duty, registration charges and other ancillary charges shall be borne by the purhcaser.

c)The consideration amount shall be invested in Nationalised banks/ Scheduled banks and /or Government approved securities. The interest earned thereon shall be utilized for carrying out the purposes and objects of the Trust.

d)This order is subject to all the laws and rules applicable to the present transaction.

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Appln. No.J-4/97/2012 u/s.36(1)(a) of the B.P.T. Act, 1950

e)Necessary change report under Section 22 of the Bombay Public Trusts Act, 1950 should be submitted to the concerned Assistant Charity Commissioner after completion of the transaction.

CHARITY COMMISSIONER MUMBAI MAHARASHTRA STATE

4/12/12
(Sharadkumar S.Patil)
Joint Charity Commissioner
Maharashtra State, Mumbai.

Mumbai
Dated: 4.12.2012

sk

CHARITY COMMISSIONER MAHARASHTRA STATE Regd. 6838 GOVT. OF INDIA MUMBAI

Noted
4/12/12
(Adv. for the Trust)

THE SEAL OF THE SUB SEMINTHAR GURLA - 3 MUMBAI SUBURBAN DIST. (MANDBA).

सही नक्कल म्हणून प्रमाणित
अधीक्षक
धर्मादाय आयुक्त ... कार्यालय, मुंबई
5/12/2012

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MAHARASHTRA
(Govt. of India)

4/12/12 46
4.00

BEFORE THE HON'BLE CHARITY COMMISSIONER
MAHARASHTRA STATE

APPLICATION NO. J / 4 / 97 / 2012

Under Section 36(1) (a) of the Bombay Public Trust Act, 1950

Name of the Trust : Dewan Lilaram Duhilanomal Sadarangani Amil Dharmada Trust

P. T. R. No. : A-2265 (Bom)

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Exh No.	DETAILS	Page No.	Remarks & Adjournments
1	Application for Sale of Property		
2	Vakalatnama		
3	A copy of Deed of Declaration of Trust dated 3rd April 1945		
4	A copy of Decree sanctioned in Suit No. Suit No. 1400 of 1958 of Bombay City Civil Court		
5	A copy of the Registration Certificate under Bombay Public Trust Act 1950		
6	A copy of the Schedule – I.		
7	A copy of Deed of Conveyance dated 31st January 1959		
8	A copy of Order dated 9th January 1961 along with the Lease Agreement		
9	Resolution dated 15th February 2011 taking decision to alienate the property		
10	Resolution dated 2nd December 2011 ratifying the resolution dat. 15th February 2011		
11	Valuation Report of M/s. Talib Associates		
12	Old offer of M/s. Mahavir Enterprises		
13	Original newspaper of "The Asian Age" dated 13th December 2011		
14	Original newspaper of "Tarun Bharat" dated 13th December 2011		
15	Offer letter of M/s. Dhaval Realtors (India) Pvt.Ltd.		
16	Offer letter of M/s. Mahavir Millenium L.L.P.		
17	Resolution passed in the meeting of Trustees on 25th January 2012 accepting the offer		
18	M.O.U. dt. 6th February 2012		
19	Affidavit regarding compelling necessity.		
20	Copy of Accounts for the Y. E. 31.03.11		
21	Copy of Accounts for the Y. E. 31.03.10		
22	Copy of Accounts for the Y. E. 31.03.09		
23	Acknowledgement for filing Accounts for the last three years		
24	Budget for 2012-2013		

NOTARY P. C. DWIVEDI MAHARASHTRA Regd. 6838 GOVT. OF INDIA

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THE SEAL OF THE SUB REGISTRAR KURLA-1 MUMBAI SUBURBAN DIST. (BANDRA)

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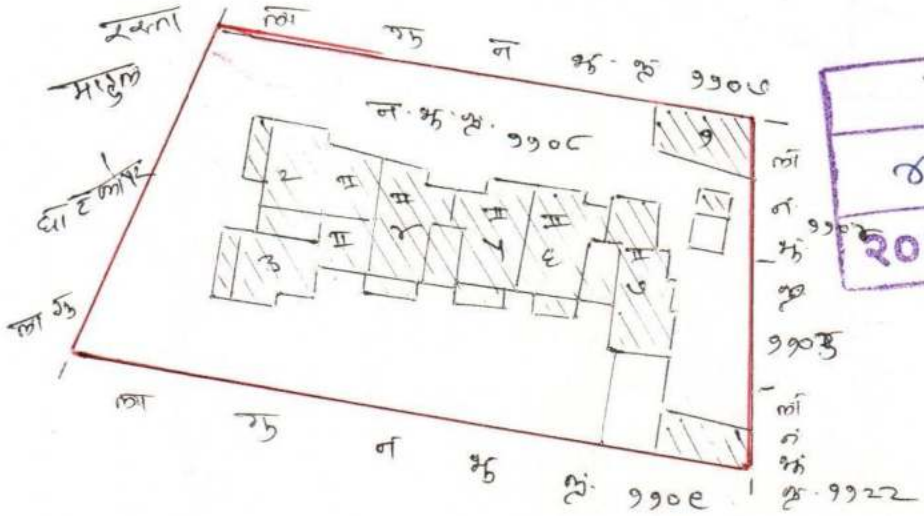
THE SEAL OF THE SUB REGISTRAR [illegible] SUMBAI SUBURBAN DIST. (BANDRA).

ANNEXURE '5'

अर्जदार श्री. शिवचंद बेन्धन मुल्ता यांच्या दिनांक 31/12/99 च्या 48
विनंती अर्जावरुन नगर भूमापन चेंबूर, तालुका कुर्ला येथील
न.भ.क्र. 9908, 9908/1 ते 9908/6 ची पुनर्विलोकन आलेख
क्र. 48 वरुन तयार केलेली नकाशा.

9493

नगर भूमापन - चेंबूर
तालुका - कुर्ला.
जिल्हा - मुंबई उपनगर



टिप:- सदरचे नकाशामध्ये काळया शाईचे नंबर
भेटलेले झाड (0) दोघांकामे दर्शवत.

1) सदरचा नक्कल पुनावलोकन वाढवा करुन देणेत आली आहे.
2) सदरची नक्कल पुनर्विलोकनाचे वेळी वार्डेवर आढळून आलेली स्थिती दर्शविते, (जेथे बदल आहें त्या ठिकाणी मूळ नगर भूमापनाचें वर्ष अथवा पुनर्विलोकन कोणत्या कालावधीत करणेत आले काबाबत तपशिल नमूद करावा)
3) सदरची नक्कल जागेवरील बाधावर स्थिती दर्शवित नाही, जागेची बाधावर स्थिती दर्शविणेचा करावाकरीता दोघांची नगर वेगे बाधावर नाही.

तयार करणार

(आ. वि. शेकडे)
उतारा लिपिक
नगर भूमापन अधिकारी
चेंबूर.

(श्रीमती. रे. आ. कुलकर्णी)
परिरक्षण भूमापक क्र.
नगर भूमापन अधिकारी
चेंबूर.

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2013

THE SEAL OF THE SUB REGISTRAR KURLA - 1
P.C. DWIVEDI MAHARASHTRA Regd. 6838
NOTARY GOVT. OF INDIA

अर्ज क्रमांक 9493 / 2099
अर्ज दाखल दिनांक 31/12/2099
नकाशा तयार दिनांक 4/1/99
नकाशा वितरण दिनांक 4/1/99

नकाशे/नकला
नकाशा फी रु. 90/-
तपासणी फी रु. 90/-

(आ. वि. शेकडे)
उतारा लिपिक
नगर भूमापन अधिकारी