BEFORE THE CHARITY COMMISSI
MAHARASHTRA STATE, MUMB

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APPLICATION NO. J 4 / 90 / 2004

IN THE MA...
"ABHILASHA FOUNDATION"A PUBLIC CHARITABLE TRUST, REGISTERED UNDER THE PROVISIONS OF THE B.P.T. ACT,1950, BEARING P.T.R. NO. E-11946 (MUMBAI).

APPLICATION UNDER SECTION 36(1)(a) OF THE BOMBAY PUBLIC TRUST ACT ,1950

ORDER
(Delivered on 5/7/2004)

1. The Applicant Shri. Mukesh K. Sarda, who is one of the trustees of "Abhilasha Foundation "a Public Charitable Trust Registered under the provisions of The Bombay Public Trust Act, 1950 bearing P.T.R.No.E-11946(Mumbai), has filled this application to obtain sanction under Section 36 (A) (a) of the B.P.T. Act 1950, for sale of flat 404, Venus Apartment , Koregaon Park Pune for Rs. 12 lakhs, belonging to the aforesaid Trust to Mrs. Sandhya Satyaprakash Bangar.

2. In brief, The Applicant's case is as under that "Abhilasha Foundation "a Public Charitable Trust registered under the provisions of The B.P.T. Act, 1950 at P.T.R.No.E-11946(Bom) on 28.11.88. The aforesaid acquired flat

404, Venus Apartment, Koregaon Park, Pune through the Deed of Endowment dated 28.11.1996 as a gift.

3. It is submitted by the applicant that the Trust was using said flat to carry out its objects. The above said flat is a little far away from the two main properties of the Trust, where major activities are happening . The Trust has reconciled its programme in such a way that every activity and accommodation of the teachers can now be accommodated in the other two properties of the Trust, which will be enough. Hence the Board of Trustees has decided to sell this flat. It is contended that, at the meeting of the Trustees held on 14.02.2004 discussed in detail and decided to get the offer to sell this flat and by beating of drums which was held on 31.03.2004. Mr. Mukesh Sarda the Trustee of the Trust has informed the Board that, one offer of Mrs. Sandhya Satyaprakash Banger of Rs. 12 lakhs has been received. There were no better offer than this hence the Board of Trustees accepted this offer and passed unanimous resolution for this effect.

4. It is the say of the Applicant that as per valuation report of valuer, Shri. Rajeev R. Sahasrabuddhe the value of the said flat is around Rs.12 lakhs. The Board of Trustees of "Abhilasha Foundation" have authorized Shri. Mukesh Sarda to draft MOU with the purchaser and after execution of MOU to make an application to the Charity Commissioner under Section 36 (1) (a) of the B.P.T. Act,1950 for sale of aforesaid flat.

5. It is averred that, "Abhilasha Foundation" Trust is rendering services to the people of all sections of the Society by imparting education and conducting Meditation, yoga and other courses for the benefit of people at large without any distinction as to caste, creed or religion. It is submitted that, the Trust will utilize the sale proceeds of the flat to carry out its Objects. It is contended that the property in question is not involved in any litigation and the proposed purchaser is not any way related to the Trustees. The applicant has requested to accord sanction for sale of the aforesaid flat to Mrs. Sandhya Satyaprakash Banger for Rs. 12 lakhs contending that proposed transaction is in the interest of the Trust.

6. In support of the Application, Applicant Shri. Mukesh Sarda one of the Trustees of "Abhilisha Foundation" has filed his affidavit at Exhibit-2 & 14, Zerox copy of Trust Deed produced at Exhibit-5, Zerox copy of Endowment Deed dated 28/11/1996 is produced at Exhibit-4, Certified Zerox copy of Schedule-1 is produced at Exhibit-15, Certified True copies of Resolutions dated 5/4/2004 at Exhbit-3 and 12/5/2004 at Exhibit-9, Audited Statement of Accounts, copies of two Newspapers daily 'Prabhat' dated 4/5/2004 and daily 'Loksatta' dated 3/6/2004 at Exhibit-13 & 17 respectively, offer received from Mrs. Sandhya Satyaprakash Bangar at Exhibit-8, Valuation Report at Exhibit-7 etc.

7. Heard Applicant Mr. Mukesh K. Sarda in person. He has submitted that, 'Abhilasha Foundation' is a Public Charitable Trust

was created by Trust Deed dated 10/9/1988. By referring to the Trust Deed, he has pointed out the objects of the Trust, which are stated in Clause no, 4 of the Trust Deed. Objects of the Trust as per the Trust Deed are Relief to the poor, Education, Medical Relief, Aid for Education, to establish and / or run libraries, to establish Dharamshala and Community Halls, to promote sports and cultural activities, to spread and circulate through any media of communication available the teachings of philosophy and meditation in order to enhance and elevate the consciousness of mankind etc. He has submitted as per clause-13 of the Trust Deed, the number of Trustees shall not be less than two and more than five. By referring to the Schedule-1, he has pointed out names of present trustees. He has submitted that, under the Trust Deed, Trustees are not empowered to alienate the Trust property, therefore, he has filed separate application under Section 36(1)(c) (Exhibit-16) to authorize the Trustees to alienate the Trust property.

8. Applicant has submitted that, property in question viz. flat bearing 404, Venus Apartment, Koregaon park, Pune is received by the Trust through Deed of Endowment dated 28/11/1996 as gift. Deed of Endowment dated 28/11/1996 is produced on record at Exhibit-4. It appears from the contents of Deed of Endowment that, Smt. Zareen D. Mody had gifted flat no.404, Venus Co-op. Housing

Society Ltd., Venus Apartment, Koregaon park, Pune to 'Abhilasha Foundation' a Public Charitable Trust, out of reverence and respect and in consideration of her keen desire to assist in promotion of the objects and purposes of the Donee. According to the Applicant, the Trust was using the said flat for its objects. It is contended that, the flat is a little far away from the two main buildings of the Trust where major activities are happening. The Trust has reconciled its programme in such a way that, every activity and accommodation of teachers can now be accommodated in the other two properties of the trust and said accommodation is sufficient for the activities of the Trust. Therefore, Trustees in the meeting of Board of Trustees held on 14/2/2004 decided to sale aforesaid flat by inviting offers from the prospective purchasers by beating of drums, which was held on 31/3/2004. It is submitted by the Applicant that, the Trust received offer from Mrs. Sandhya Satyaprakash Bangar for Rs. 12,00,000/- (Rupees Twelve Lacs only). Offer letter is produced at Exhibit-8. Applicant has submitted that, Trustees had given Public Notice in 'Dainik Prabhat' newspaper on 4/5/2004 inviting offers from the public to purchase the flat. But, no offer has been received from the public. Hence, earlier offer dated 2/4/2004 given by Mrs. Sandhya Satyaprakash Bangar for purchase of said flat for Rs.12,00,000/- has been unanimously accepted by the Trustees vide passing resolution

in the Meeting of Board of Trustees held on 12/5/2004. True copy of minutes of meeting signed by the Trustees is produced at Exhibit-9.

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9. Mr. Mukesh Sarda has submitted that, in order to ascertain the Market price of the flat in question, Trustees appointed Rajeev R. Sahasrabudhe, Architect and Government Registered Valuer. The said valuer after inspection of property prepared Valuation Report and assessed Market Value of flat in question at Rs.12,00,000/- as on 15/4/2004. Valuation Report is produced at Exhibit-7. Applicant has submitted that, the offer given by Mrs. Sandhya Satyaprakash Bangar for purchase of flat for Rs.12,00,000/- is not less than Market Value assessed by the Government Approved Valuer. Now a days a flat in question is not used by the Trust. Trust is having sufficient accommodation to carry out its activities. Therefore, Trustees have decided to sale the said flat. After filing of this application, the Applicant was asked to invite offers by publishing notice in local newspaper. Accordingly, the applicant had published notice in the daily newspaper 'Loksatta' dated 3/6/2004. Applicant Mr. Mukesh Sarda has filed his Affidavit at Exhibit 18, stating that, inspite of publication of notice in the daily newspaper 'Loksatta' dated 3/6/2004 Trust has not received any other offer. According to the Applicant, offer given by Mrs. Sandhya Satyaprakash Bangar for Rs.12,00,000/- is in the interest of Trust. He has requested to authorize the Trustees

of 'Abhilasha Foundation' to sale aforesaid flat to Mrs. Sandhya Satyaprakash Bangar for Rs.12,00,000/- as proposed transaction is in the interest of Trust.

10. It appears from the Zerox copy of Deed of Endowment dated 28/11/1996, Trust has received flat no.204 situated at Venus Apartment, Koregaon Park, Pune as a gift from Smt. Zareen D. Mody. Further it appears that, for some time Trust was using said flat to carry out its objects. According to the Applicant, Trust is having two main buildings and this flat is far away from the main buildings. It is further submitted that, presently the Trust is not using the said flat for its activities. Therefore, Trustees have decided to sale flat in question. It appears that, Trustees have unanimously taken decision to sale the flat in question. Initially offers were invited from public by beating the drums and that time Mrs. Sandhya Satyaprakash Bangar gave her offer for purchase of flat for Rs.12,00,000/-. Inspite of publication of notice in to two local newspapers, Trust has not received any other offer. Government Registered approved Valuer has assessed Market Value of the flat in question of Rs.12,00,000/- in his Valuation Report (Exhbit-7) . The valuer has given location of the property. He has stated that, flat situated at Venus Apartment, Koregaon Park, Pune, in higher middle class locality. Built-up area of the said flat is 865 sq.ft. and carpet area 685 sq.ft. He has given

specification for the property. As per the valuer, age of building is 15 years and future life is about 45 years. He has assessed Market price of Rs.12,00,000/- as on 7/4/2004. Applicant Mr. Mukesh Sarda has submitted that, the land valuer has correctly assessed Market Value of the property and Trust has received offer as per the Market value assessed by the valuer. According to the applicant, the transaction is in the interest of the Trust. 208

11. At the time of hearing of this application, considering location of the property, purchaser was asked to enhance her offer and at the request of this authority, purchaser Mrs. Sandhya Satyaprakash Bangar has enhanced her offer from Rs.12,00,000/- to Rs.12,50,000/- Considering all facts and circumstances of the case, it appears that, as the flat in question is not in use and the Trust is required to Municipal Taxes etc. in respect of said flat without getting any income. So there is necessity for sale of the flat. The proposed transaction for sale of flat at Rs.12,50,000/- is in the interest of Trust. Therefore, I authorised Trustees of 'Abhilasha Foundation' to sale property in question viz. flat no.404, Venus Apartment, Koregaon Park, Pune to Mrs. Sandhya Satyaprakash Bangar for Rs.12,50,000/- (Rupees Twelve Lacs Fifty Thousand only). Hence, allow the application and pass the following order.

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ORDER

1. Application is allowed.

2. Permission is granted to the Trustees of 'Abhilasha Foundation' a Public Charitable Trust bearing P.T.R. No. E-11946 (Bom) under Section 36(1)(a) to sale the flat at '404, Venus Apartment, Koregaon Park, Pune-411 001' to Mrs. Sandhya Satyaprakash Bangar for Rs.12,50,000/- (Rupees Twelve Lacs Fifty Thousand only).

   a) Purchaser shall bear necessary charges Stamp duty & registration of Conveyance deed.

   b) Sale proceeds of the flat of Rs.12,50,000/- shall be treated as corpus of the Trust and the Trustees shall invest the sale proceeds with any Nationalised or Scheduled Bank on long term basis. Trustees are authorised to utilise interest, that, may be accrued on the aforesaid deposit to carryout objects of the Trust.

   c) After completion of sale transaction, Trustees shall file necessary Change Report under Section 22 of the Bombay Public Trusts Act, 1950.

   d) This sanction shall remain valid for the period of one year from the date of this order.

5/7/2004.

(S. B. Dhumal)
Charity Commissioner,
Maharashtra State, Mumbai

Mumbai,

Dated – 5/7/2004.

खरी नक्कल म्हणून प्रमाणित
अधीक्षक (अ)
धर्मादाय आयुक्त महाराष्ट्र राज्य कार्यालय, मुंबई

~~Ex-19~~. 210

Date 22.6.2004

From Mr. & Mrs. Samdhya Satyaprakash Bangar,
23, Demco Society , North Main Road,
Koregaon Park,
Pune 411001

To

Honorable Charity Commissioner,
Maharashtra State,
Dharmada Ayukta Bhavan,
83, Dr. Annie Beasant Road,
Worli,
Mumbai 400 018

Sub: Abhilasha Foundation E – 11946
Application J4/90/2004 EX-8.

Honorable Sir,

As per discussion with Honorable Charity Commissioner, we will increase our Purchase price from Rs. 12 Lakh to 12.50 Lakhs.

We will ready to purchase above Flat No. 404 in " Venus Appartment" Pune of Rs. 12.50 Lakhs only.

Please consider our above offer and we request you to accept this.

Thanking You,

Sandhya Rani Mishra

Mrs. Sandhya Satyaprakash Bangar
& Mr. Satyaprakash Bangar

Received record.

C.C.

Exh. V
E-n-T 211

ORDER BELOW EXHIBIT 1
IN
Application No.57/10 under Section 36A(3) of the Bombay Public Trusts Act, 1950.
(Delivered on 6-8-2010)

CHARITY COMMISSIONER MUMBAI MAHARASHTRA STATE

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

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Shri Mukesh Sarda, trustee of "Osho International Foundation",a trust registered under the provisions of the Bombay Public Trusts Act, 1950, P.T.R.No.F-14570(Mumbai) has filed this application to obtain a loan of Rs.3.50 crores from Corporation Bank, Pune Branch(132), Pune and permit to mortgage the following property to the Bank belonging to Osho International Foundation, P.T.R. No. E-13425 (Mumbai) - "All that piece and parcel of land situate at Village Munjeri, Taluka Haveli, District Pune bearing Revision Survey No.57, 58 & 59A i.e. CTS No.12/1, Plot No. 9, Koregaon Road, Pune 411 001 admeasuring 1 acre & 34 gunthas i.e.

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8,954 sq. yards equivalent to 7,485.54 sq. mtrs." for meeting the cost of major repairs and renovations as per the Major Renovation Project of the trust properties, under Section 36A(3) of the Bombay Public Trusts Act,1950.

2. In short, it is the case of the applicant that "Osho International Foundation" is registered under the provisions of Bombay Public Trusts Act, 1950 at P.T.R. No.F-14570(Mumbai). The objects of the 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 o the world etc. The trustees of the trust are empowered to mortgage the trust property, which is evident from clause 9(vii) of the Scheme approved by the Assistant Charity Commissioner, Greater

Mumbai Region, Mumbai vide order dated 31-12-2008 under section 50A(2) of the Bombay Public Trusts Act, 1950.

3. It is contended by the applicant that the trust has incurred expenses to the tune of Rs. 5 crores for renovation of property situated at Plot No. 15-16, Koregaon Park, Pune 411 001 and it is therefore necessary and interest of the trust to take loan from some Bank in order to have the funds in case of emergency. This money is a part of reimbursement of the renovation cost of property. Accordingly in the meeting of Board of Trustees held on 23rd May, 2010 a resolution Exhibit 2 is passed to obtain loan of Rs.3,50,00,000/- from Corporation Bank, Camp Branch, Pune against mortgage of property located at Plot No. 9 Koregaon Road, Pune 411001. Further, by the said resolution Shri Mukesh Sarda, one of the trustee has been authorised to deal with the proposal of loan by approaching aforesaid

Bank and this Authority for necessary prior permission of such loan. The Corporation Bank, Pune Branch(132), Pune sanctioned the Term Loan to the tune of Rs.3,50,00,000/- to the trust on certain terms and conditions vide letter dated 26th July, 2010 against mortgage of Plot No. 9, Koregaon Road, valued approx. Rs.50 crores subject to the permission of this Authority.

4. Heard the applicant trustee, Shri Mukesh Sarda.

5. I have gone through the entire proceedings. It appears from the copy of the resolution of Board of Trustees held on 23rd May, 2010 that the trustees have resolved to raise loan of Rs.3,50,00,000/-from Corporation Bank, Camp Branch, Pune. The Board of Trustees have further authorized Shri Mukesh Sarda to make the present application. The letter from Corporation Bank, Pune Branch(132), Pune dated 26th July, 2010 Exhibit 7 shows that the Bank

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has sanctioned the loan of Rs.3,50,00,000/- to the trust on their usual terms and conditions. It is also seen from copy of Scheme framed by the Assistant Charity Commissioner, Greater Mumbai Region, Mumbai on 31-12-2008 that the trustees have empowered to raise loans. According to the applicant the loan would be repaid from the internal resources generated by running the activities of the trust, as can be seen from the Financial Forecast for five years. The documents like the copy of Schedule I, copy of Scheme for amalgamated trust, audit reports for the year ending 31-3-2008, 31-3-2009 and provisional balance sheet for the year 2009-10, copy of Repayment Schedule, as well as the affidavit in support of application of the trustee Shri Mukesh Sarda, are in consonance with the prayer.

6. Taking into consideration the above facts, I am of the opinion that the decision of the trustees to raise loan for meeting

the cost of major repairs and renovations as per the Major Renovation Project of the trust properties, is in the interest of the trust. Their further efforts also indicate that if the permission is granted then the same would not be detrimental to the objects of the trust but in the interest of the trust. Therefore, the application deserves to be allowed and I pass the following order.

O R D E R

1) Application is allowed.

2) Sanction is hereby accorded under Section 36A(3) of the Bombay Public Trusts Act,1950 to "Osho International Foundation", P.T.R. No.F-14570 (Mumbai) to obtain a loan of Rs.3,50,00,000/- (Rupees Three Crores Fifty lakhs only) from Corporation Bank, Pune Branch(132), Pune for meeting the cost of major repairs and renovations as per the Major Renovation

Project of the trust properties, by mortgaging the property of the trust viz. "All that piece and parcel of land situate at Village Munjeri, Taluka Haveli, District Pune bearing Revision Survey No.57, 58 & 59A i.e. CTS No.12/1, Plot No. 9, Koregaon Road, Pune 411 001 admeasuring 1 acre & 34 gunthas i.e. 8,954 sq. yards equivalent to 7,485.54 sq. mtrs." to the Corporatin Bank, Pune Branch(132), Pune, belonging to Osho International Foundation, P.T.R. No. F-14570 (Mumbai) as per letters of the said Bank dated 26th July, 2010 and on the following terms and conditions :-

(a) This order shall remain valid for a period of one year.

(b) The trustees shall utilize Bank loan for the purposes mentioned in the order only.

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(c) The trustees are at liberty to withdraw the loan amount as and when required.

(d) All the payments above and more than Rs.1,000/- shall be made by cheques.

(e) This order is subject to any provision or restriction of any law in force.

(f) Necessary Change Report after completion of transaction should be submitted as required under Section 22 of the Bombay Public Trusts Act, 1950.

(g) Inform accordingly.

6-8-2010

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

Mumbai,
Dated :6-8-2010.
Jbr/-.,

Ramachandran 20-1-12
20/1/2012

EXH. W

Exh - U

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ORDER BELOW EXHIBIT 1

IN

Application No.46/2011 under Section 36A(3) of the Bombay Public Trusts Act, 1950.

(Delivered on 2.9.2011)

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

1) Mr.Mukesh Sarda, trustee of the "Osho International Foundation " has filed this application under Section 36A(3) of the Bombay Public Trusts Act, 1950 to raise term loan of Rs.2,50,00,000/- from Corporation Bank, Pune Branch against mortgage of the trust property as per bank letter (Exhibit 4) for additional repairs and renovations on the properties situated at Koregaon Park, Pune.

2. In short, it is the case of the applicant that, the trust in question is

registered under the provisions of the Bombay Public Trusts Act, 1950 (P.T.R. No. F-14570(Mumbai). The affairs of the trust are governed as per the provisions of the Scheme of the trust framed by the Assistant Charity Commissioner, Greater Mumbai Region, Mumbai vide his order dated 24.5.2009. The objects of the Trust are, to spread and impart education by formal training in the field of arts, science and humanities, to spread and impart education by conducting courses in ycga, physiotherapy, physic healing and various forms of ancient medicine and other methods to develop memory, problem solving skills and general ability to learn, to devise and spread modern methods of education with a view to enable students to discover their inclinations and aptitudes and develop in the area most suited to them to achieve the highest forms of creativity in their respective fields etc. The trust is need of Rs.2,50,00,000/- which shall be

raised by way of term loan from Corporation Bank, Pune Branch. The members of the board of the trustees of the trust have decided in their meeting dated 8.7.2011 to avail term loan) of Rs.2,50,00,000/- from the Corporation bank, Pune Branch for additional repairs and renovations on the properties situated at Koregaon Park, Pune.

3. Heard the trustee, Mr.Mukesh Sarda in person.

4. I have gone through the entire proceedings. It appears that the applicant trustee is duly authorized to move this application. There is resolution passed in the meeting of the board of trustees dated 8.7.2011 (Ex.2) in connection with raising of the term loan. The letter issued by authorised signatory of the Corporation Bank, Pune Branch (dated 16.7.2011) shows that the bank sanctioned the finance for additional repairs and renovations on the properties situated at Koregaon Park, Pune.

The documents like the copy of the scheme, copy of schedule-I, copy of audited accounts, copy of estimate, as well as the affidavit of applicant, Mr.Mukesh Sarda, trustee of the trust (Ex.4) is in consonance with the prayer.

5. It is seen from clause 9(vii)of the scheme, the trustees are empowered to take loans. It is necessary for the trust to raise term loan for additional repairs and renovations on the properties situated at Koregaon Park, Pune.

6. Taking into consideration the earlier statements of accounts, cost of the project, sanction letter of the bank and affidavit of the trustee, I am of the opinion that the decision of the trustees to avail term loan for additional repairs and renovations on the properties situated at Koregaon Park, Pune is in the interest of the trust. Hence, I pass the following order.

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O R D E R

Sanction is hereby accorded under section 36A(3) of the Bombay Public Trusts Act, 1950 to the trustees of "Osho International Foundation", P.T.R. No. F 14570(Mumbai)to raise term loan of Rs.2,50,00,000/- (Rupees two crores fifty lacs only) against mortgage of the trust property i.e. plot No.9, Koregaon Road, Pune 411 001 as per bank sanction letter frcm the Corporation Bank, Pune Branch, on the standard terms and conditions of the said bank (Ex.4) and on the following additional terms and conditions:

a)This order shall remain valid for a period of one year from this order.

b)The loan amount shall be utilized for the purpose mentioned in the order only.

c)The trustees are at liberty to withdraw the loan amount as and when required.

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d) All the payments above and more than Rs.1,000/- shall be made by cheques.

e) This order is subject to any provisions or restrictions of any law in force.

f) Necessary Change report after completion of the transaction should be submitted as required under Section 22 of the Bombay Public Trusts Act, 1950.

2-9-2011

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

Mumbai
Dated: 2.9.2011

CHARITY COMMISSIONER MAHARASHTRA STATE MUMBAI

खरी नक्कल म्हणून प्रमाणित
अधीक्षक (4)
धर्मादाय आयुक्त महाराष्ट्र राज्य यांचे कार्यालय, मुंबई
20/1/2012

EXH. X

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Books Published and Distributed by Osho Multimedia and Resorts Pvt. Ltd. In Inda

	A	B	C	D	E	F	G	H	I
1	S. NO.	Title	Talks Given (From)	Talks Given (To)	Published By	Copyright	Copyright Year	Price	Stock value Rs. Copies 2000
2	265	A Cup Of Tea			Osho Multimedia & Resorts Pvt. t td.	Osho International Foundation	1980, 2007	290	84,100
3	280	And Now And Here			Osho Multimedia & Resorts Pvt. Ltd.	Osho International Foundation	1968, 2007	840	1,680,000
4	294	Dhyanyog: Pratham Aur Antim Mukti			Osho Multimedia & Resorts Pvt. Ltd.	Osho International Foundation	1988, 2007	330	660,000
5	287	Dimensions Beyond The Known			Osho Multimedia & Resorts Pvt. Ltd.	Osho International Foundation	1970, 2008	290	580,000
6	44	Kahe Kabir Main Poora Na Paaya			Osho Multimedia & Resorts Pvt. Ltd.	Osho International Foundation	1988	450	900,000
7	107	Kathopanishad	05-10-1973	13-10-1973	Osho Multimedia & Resorts Pvt. Ltd.	Osho International Foundation	1979, 1992	340	680,000
8	262	Live Zen			Osho Multimedia & Resorts Pvt. Ltd.	Osho International Foundation	1988, 2007	290	580,000
9	9	Mahaveer Meri Drishti Men			Osho Multimedia & Resorts Pvt. Ltd.	Osho International Foundation	1978, 1994	320	640,000
10	286	Siksha Mein Kranti			Osho Multimedia & Resorts Pvt. Ltd.	Osho International Foundation	1981, 1989	400	800,000
11	152	Tantra Transformation			Osho Multimedia & Resorts Pvt. Ltd.	Osho International Foundation	1981, 2007	350	700,000
12	7	Tantric Transformation	21-04-1977	30-04-1977	Osho Multimedia & Resorts Pvt. Ltd.	Osho International Foundation	1981, 2007	375	750,000
13	75	The Book Of Secrets			Osho Multimedia & Resorts Pvt. Ltd.	Osho International Foundation	1975, 2008	940	1,880,000
14	286	The Eternal Quest			Osho Multimedia & Resorts Pvt. Ltd.	Osho International Foundation	1967, 2008	300	600,000
15	255	The Man Of Truth: A Majority Of One			Osho Multimedia & Resorts Pvt. Ltd.	Osho International Foundation	1985, 2008	425	850,000
16	266	The Perfect Way			Osho Multimedia & Resorts Pvt. Ltd.	Osho International Foundation	1979, 2008	290	580,000
17									
18									11,964,100
19									2,991,025

EXH. 4'
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The private companies and corporations established by the trustees and Inner Circle members of Osho Ashram Pune around the world.

	Organisation	type	regi. number	YYYY	MM	DD	address	Member	Sannyas	function	remark
1	America Multi Media Corporation	business	DOS-ID 2112270	1997	02	11	570. Lexington Ave., New York 10022 (mail addr.:80 Fifth Avenue, STE. 1004, New York 10011)	Steeg, Klaus	Pramod	President 1995	as per paragraph 16 of the application u/s 41E
2	Masterzone Ltd	business	02808691	1993	04	13	Acre House, 11-15 William Road, London, NW1 3ER	O'Byrne, D'Arcy Steeg, Klaus Aronson, Bill	Yogendra Pramod	Director Director Director	Opponent in this case - -
3	Mayfair Consultants International Ltd.	business	06471601	2009	08	26	Acre House, 11-15 William Road, London, NW1 3ER	O'Byrne, D'Arcy Steeg, Klaus	Yogendra Pramod	Director Secretary	other business activities; gave loan
4	Mayfair Media International Ltd.	business	06471601	2008	01	14	Acre House, 11-15 William Road, London, NW1 3ER	O'Byrne, D'Arcy Steeg, Klaus	Yogendra Pramod	Director Director	other business activities; gave loan
5	Neo Sannyas International Foundation (name change to Osho International Foundation - See serial number 10) (founded as Rajneesh Found.Europe)	publ char	CH-020.7.902.835-7	1984	11	04	Bahnhofstrasse 52, Zurich, Switzerland	O'Byrne, Michael Andrews, Dr. John	Jayesh Amrito	Chairman Vize-Chairman	Opponent in this case Opponent in this case
6	Osho Academy of Science, Art & Consciousness	unknown						O'Byrne, D'Arcy	Yogendra	Director	Opponent in this case
7	Osho Digital Rights Ltd.	business	06494401	2008	02	05	Acre House, 11-15 William Road, London, NW1 3ER	O'Byrne, D'Arcy	Yogendra	Director	Opponent in this case Company received a loan of 29.406£ From Osho Multimodia Ltd. In 2007
8	Osho Foundation America, Inc.	non profit	DOS-ID 2431737	1999	10	22	570, Lexington Ave., New York 10022	O'Byrne, D'Arcy	Yogendra	Director	lost "charitable" by governm. Order Because running exclusive "clubs"
9	Osho Foundation America, Inc.	business	DOS-ID 2431737	2005	04	04	570, Lexington Ave., New York 10022	O'Byrne, D'Arcy	Yogendra	Director	Opponent in this case

The private companies and corporations established by the trustees and Inner Circle members of Osho Ashram Pune around the world.

	Organisation	type	regi. number	YYYY	MM	DD	address	Member	Sannyas	function	remark
10	Osho International Corporation	business	DOS-ID 3976140	2010	07	23	225 West 39. Street, New York 10018 (mail addr.: 410 Park Ave., 15th Floor, New York 10022)	Steeg, Klaus Niet, Paul Pandya, Apu	Pramod	Director Employee Employee	Office: 225 West 39 Street, New York, 10018
11	Osho International Foundation	publ char	CH-020.7.902 835-7	1990	12	05	Bahnhofstrasse 52, Zurich, Switzerland	O'Byrne, Michael Andrews, Dr. John	Jayesh Amrito	Chairman Vize-Chairman	Opponent in this case Opponent in this case
12	Osho Multimedia & Resorts Private Limited	business	133524	2001	10	01	608, Maker Chambers, V, Nariman Point, Mumbai – 400021	Sarda, Mukesh Kantilal Khubchandani, Vidya Doval, Devendra Singh, Lalpratap		Director and Share holders	all are trustees in OIF Trust (India) and NSF Trust (India)
13	Osho Spiritual Health Organisation	publ char	CH-020.7.000.026-5	1991	06	03	Bahnhofstrasse 52 Zurich, Switzerland	Dr. John Andrews	Amrito	Chairman	Opponent in this case
14	Rebel Films Ltd	business	2837586	1993	07	20	Acre House, 11-15 William Road, London, NW1 3ER	Aronson, Bill Jones, Keith Yashen Steeg, Klaus		Director Secretary Director	OIF(CH) is parent company; Rebel Films holds 100% share of: America Multi Media Corp (US and Global Holdings Corporation (US)
15	Rebel Publishing GmbH	business	(in Germany)				Cologne, Germany	Klaus Steeg	Pramod	Director 1994-97	as per paragraph 16 of the application u/s 41E

Exh. 'Z'
Exh-4
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BEFORE THE CHARITY COMMISSIONER,
MAHARASHTRA STATE, MUMBAI.

.....

Transfer Application No.36/2010 u/r. 36(iv)
of the Bombay Public Trusts Rules, 1951.

Transfer of registration
of trust.

In the matter of "Neo
Sannyas Foundation",
P.T.R. No.E-625 (Pune).

...

Neo Sannyas Foundation)
P.T.R. No.E-625(Pune))
through its trustee)
Shri Mukesh Sarda)...Applicant.

.....

ORDER
(Passed on 10-1-2011)

The trustee of "Neo Sannyas Foundation", bearing P.T.R. No. E-625 (Pune) has filed this application to transfer registration of this trust from Public Trusts Registration Office, Pune Region, Pune to Public Trusts Registration Office, Greater Bombay Region, Mumbai.

2. It is contended by the applicant that the administrative and accounts work of the trust are

carried out at Mumbai and hence for the purpose of better administration and management of the trust, the trustees of the trust unanimously resolved to shift the registered office of the trust from Pune to Mumbai. Under such circumstances, it was thought fit to transfer the registration of this trust to Greater Mumbai Region, Mumbai and accordingly such resolution is passed in the meeting of the Board of Trustees of the trust held on 5-11-2008, to transfer the registration of this trust to Public Trusts Registration Office, Greater Mumbai Region, Mumbai Exhibit 2. Copy of the said resolution is produced on record along with the application. The applicants have also produced certified copy of schedule I, certified copy of Memorandum of Association and Rules and Regulations, copy of registration certificate etc.

3. Report was called from the office of Joint Charity Commissioner, Pune Region Pune regarding the working of the applicant trust. Accordingly Pune Region Office, Pune has informed this office

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vide its letter dated 19-11-2010 Exhibit 6 that they have received accounting returns till 31-3-2010, there is no adverse remarks of the Chartered Accountant, and there are no arrears of contribution, no case is pending against this trust.

4. Heard Shri Mukesh Sarda, applicant in person. It is submitted that the administrative and accounts work of the trust are carried out at Mumbai and hence for the purpose of better administration and management of the trust, the trustees of the trust unanimously resolved to shift the registered office of the trust from Pune to Mumbai. Under such circumstances, it was thought fit to transfer the registration of this trust to Greater Mumbai Region, Mumbai and accordingly such resolution is passed in the meeting of the Board of Trustees of the trust held on 5-11-2008, to transfer the registration of this trust to Public Trusts Registration Office, Greater Mumbai Region, Mumbai Exhibit 2. The applicants have complied all the formalities

of transfer of this trust from the office of Pune Region, Pune to Greater Bombay Region, Bombay. In view of above submissions, I think it just to allow the application. Hence I pass the following order.

ORDER

1) Application is allowed.

2) Registration of "Neo Sannyas Foundation", bearing P.T.R. No. E-625 (Pune) is hereby transferred from office of Joint Charity Commissioner, Pune Region, Pune to the office of Joint Charity Commissioner, Greater Mumbai Region, Mumbai.

3) Applicant to submit original registration certificate to the office of Joint Charity Commissioner, Pune Region, Pune.

4) Joint Charity Commissioner, Pune Region, Pune shall take necessary note in the P.T. Register and shall transfer all the record and proceedings of the above referred trust to the office Joint Charity Commissioner, Greater Mumbai Region, Mumbai.

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5) Joint Charity Commissioner, Greater Mumbai Region, Mumbai shall take necessary note accordingly in the Public Trusts Registration Office, Greater Mumbai Region, Mumbai.

6) Trustees of the applicant trust shall report Joint Charity Commissioner, Greater Bombay Region, Mumbai as well as Joint Charity Commissioner, Pune Region, Pune regarding the transfer of registration of the applicant trust for the purpose of compliance of this order.

7) Copy of this order be sent to the Joint Charity Commissioner, Greater Bombay Region, Mumbai and Joint Charity Commissioner, Pune Region, Pune.

10.1.2011

Mumbai,
Dated : 10-1-2011.

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

Mukesh Sarda
Trustee
Neo sannyas Foundation

25/1/13

25/1/13

EXH. AA

BEFORE THE CHARITY COMMISSIONER,

MAHARASHTRA STATE, BOMBAY

APPLICATION NO. OF 2011

4/2012

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

And

In the matter of "NEO SANNYAS FOUNDATION"

P.T.R. No.E-625 (Pune)

(newly transferred to to the Office of the Deputy Charity Commissioner, Greater Bombay Region, Bombay under Application No.36 of 2010 under Rule 36(iv) of the Bombay Public Trust Rules, 1951)

आवक लिपिक
धर्मादाय आयुक्त, महाराष्ट्र राज्य,
मुंबई यांचे कार्यालय

1. MR. YOGESH THAKKAR ALIAS SWAMI PREM GEET,

NOTARY
PRAVIN G. SAWANT
GREATER MUMBAI
(MAHARASHTRA)
Regd. No. 6536
GOVT. OF INDIA

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residing at 1, Anand Park,
368-A, Near Suryojana
Society,
Koregaon Park,
Pune - 411 001.

2. MR. KISHOR RAVAL ALIAS
SWAMI PREM ANADI,
residing at B-3/11,
Mira Nagar Park Society,
Koregaon Park,
Pune - 411 001.

3. MR. NITIN PHULPHAGAR ALIAS
SWAMI NITIN BHARTI,
residing at 5/1,
Vashwani Nagar, 292,
Koregaon Park,
Pune - 411 001 ...APPLICANTS

VERSUS

1. MR. MUKESH KANTILAL
SARDA ALIAS

NOTARY
PRAVIN G. SAWANT
GREATER MUMBAI
(MAHARASHTRA)
Regd. No. 6505
GOVT. OF

SWAMI MUKESH BHARTI,

50, Koregaon Park,

Pune - 411 001.

2. MR. DEVENDRA SINGH DEVOL,

50, Koregaon Park,

Pune - 411 001.

3. MS. VIVDA KHUBCHANDANI,

17, Koregaon Park,

Pune - 411 001.

4. MR. MICHAEL O'BYRNE

ALIAS SWAMI JAYESH,

CHAIRMAN, INNER CIRCLE,

17, Koregaon Park,

Pune - 411 001.

5. MR. GEORGE MERIDITH ALIAS

SWAMI AMRITHO,

VICE CHAIRMAN, INNER CIRCLE

17, Koregaon Park,

Pune - 411 001.

NOTARY GOVT. OF INDIA

6. MR. DARCY O'BYRNE ALIAS
SWAMI YOGENDRA,
MEMBER, INNER CIRCLE
17, Koregaon Park,
Pune - 411 001. ...OPPONENTS

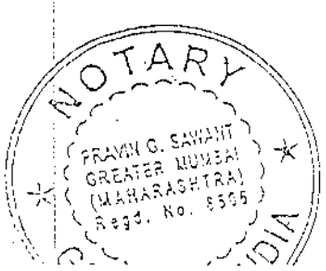
The Applicants hereinabove, do hereby submit as under :-

The Applicants hereby submit the following information in compliance with Rule 25AA of the Bombay Public Trust Rules, 1951 :-

(a) <u>The name, occupation and the address of the Applicants and the Opponents :-</u>

<u>APPLICANTS</u>

1. MR. YOGESH THAKKAR ALIAS
SWAMI PREM GEET,
Occupation : Business
residing at 1, Anand Park,



360-A, Near Suryojana
Society,
Koregaon Park,
Puno - 411 001.

2. MR. KISHOR RAVAL ALIAS
SWAMI PREM ANADI,
Occupation : Business,
residing at B-3/11,
Mira Nagar Park Society,
Koregaon Park,
Pune - 411 001.

3. MR. NITIN PHULPHAGAR ALIAS
SWAMI NITIN BHARTI,
Occupation : Business,
residing at 5/1,
Vashwani Nagar, 292,
Koregaon Park,
Pune - 411 001

OPPONENTS

1. MR. MUKESH KANTILAL

NOTARY
PRAVIN G. SAWANT
GREATER MUMBAI
MAHARASHTRA
No. 6505

SARDA ALIAS
SWAMI MUKESH BHARTI,
Occupation : Business,
50, Koregaon Park,
Pune - 411 001.

2. MR. DEVENDRA SINGH DEVOL,
Occupation : Business,
50, Koregaon Park,
Pune - 411 001.

3. MS. VIDYA KHUBCHANDANI,
Occupation : Business,
17, Koregaon Park,
Pune - 411 001.

4. MR. MICHAEL O'BYRNE
ALIAS SWAMI JAYESH,
CHAIRMAN, INNER CIRCLE,
17, Koregaon Park,
Pune - 411 001.

5. MR. GEORGE MERIDITH ALIAS
SWAMI AMRITHO,

NOTARY
PRAVIN G. SAWANT
GREATER MUMBAI
(MAHARASHTRA)
Regd. No. 5555
INDIA

VICE CHAIRMAN, INNER CIRCLE

17, Koregaon Park,

Pune - 411 001.

6. MR. DARCY O'BYRNE ALIAS

SWAMI YOGENDRA,

MEMBER, INNER CIRCLE

17, Koregaon Park,

Pune - 411 001.

(b) Name and description and number of the Trust and its Office address :-

Neo Sannyas Foundation,

P.T.R. No.E-625(Pune)

Address

608, Maker Chambers V,

6th Floor,

Nariman Point,

Mumbai - 400 021.

(c) Names and addresses of the Trustees and Managers

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PRAVIN G. SAWANT
GREATER MUMBAI
(MAHARASHTRA)
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INDIA

As of Opponents.

(d) Objects of the Trust

The aims and objects of the Trust shall be :-

(a) To spread and impart the preaching of Philosophers both past and contemporary (including Acharya Shri Rajneesh) pertaining to all religions and/or main principles thereof for the spiritual, mental and/or moral and physical betterment of human beings with the ultimate objects of self realization.

(b) To conduct or arrange lectures, tours, shibirs, research and/or other programmes to propagate philosophy of various faiths and

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philosophers at the cost of the Trust.

(c) To start, promote, establish, maintain, control and/or conduct, gyana yagna, sadhana centres, seminars, discourses, study groups, lectures, reading rooms, libraries, schools, pathashalas, research centres and other educational institutions to train students and teachers and/or to arrange for the purpose with other schools and/or other educational institutions and for the purpose to do all acts, deeds and things necessary for the starting, conducting and/or promotion thereof.

(d) To give loans, scholarships, freeships, prizes, grants, honorarium, remuneration and/or

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monetary assistance and/or such other assistantship, arrangements etc. to philosophers, thinkers, writers, authors and/or students to carry out research and preach philosophy in confirmation with objects of the Trust.

(e) To establish, promote, improve, control, diffuse and impart medical knowledge by way of "Sadhana" and other suitable systems beneficial to physical and mental health.

(f) To establish, promote and/or take over and conduct hospitals, health and medical centres or such other centres to promote the objects of the Trust.

(g) To donate and contribute and/or to enter into working

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arrangements of any kind with other establishments, institutions, organizations, bodies or centres having ohbjects (wholly or partly) similar to those of the Trust and which may be deemed to be activity conducted for the purpose of popularizing, implementing and practising the aims and objects of the Trust.

(h) To enter into any arrangement with the Government, local authorities, other quasi-Government bodies and other public or private bodies, organizations and/or institutions in order to promote and achieve any or all of the aims and objects of the Trust.

(i) To invite and accept donations in cash or kind, gifts of

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movable or immovable properties, legacies, collect funds by appeal and to raise monies otherwise for the purpose of carrying out the objects and activities of the Trust.

(j) To borrow and raise monies for the purpose of carrying out the objects of the Trust in lawful manner from such persons as the Trust may think fit.

(k) To acquire land, purchase buildings, construct or take on lease or exchange or hire any moveable or immoveable properties or rights or privileges for the purpose of carrying out the objects of the Trust or any of them or part of them.

(l) To undertake and execute any Trust which may be or indirectly

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conducive to any of the objects of the Trust either gratuitously or otherwise.

(m) To invest monies belonging to the Trust in such securities or otherwise in such manner as laid down and/or provided for in the statutes and/or provided by the appropriate authorities from time to time.

(n) To maintain, run or otherwise arrange for sadavrats, dharmashalas, resthouses, kala-mandirs, bal mandirs, prayer halls, and other facilities to promote the objects of the Trust.

(o) To promote and establish branches of the Trust at such other places as may be decided

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by the Board of Trustees from time to time.

(p) To sell, exchange, surrender, give, mortgage, charge, pledge, purchase properties moveable or immoveable out of the Trust fund or to invest Trust monies or all surplus money after making the necessary expenses of the Trust in their absolute discretion in confirmation with the law for the time being in force.

(q) To let or demise any land or immovable properties if any forming part of the Trust property or any part thereof for such period (even for perpetuity) and on such terms and conditions and on receipt of premises or otherwise, as they think fit, in accordance with the law for time being in force.

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(r) To look after, manage, and administer properties, funds, institutions and activities of the Trust and for the purpose to make rules and regulations and other arrangements for the day-to-day working and administration of such properties, offices, funds, institutions and activities.

(s) To institute, compromise or compound all actions, suits, appeals, applications and other proceedings and all differences or disputes and to refer the same or any of them or any part thereof to arbitration and to carry out all decrees, orders, awards and settlements.

(t) To make, amend and repeal bye-laws for the conduct of business

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of the Board of Trustees or other Committees, Sub-Committees, etc. appointed by the Board, Branches, centres, sub-centres, place of work etc., the Trust, and as to any of the Trustees provided that they shall not be inconsistent with the Memorandum of the Trust.

(u) And provided always that the Trustees shall have full power and absolute authority in their entire discretion to add to and introduce other specific, public, charitable objects not inconsistent with the objects and purposes to these presents to the advancement of the times and circumstances which may from time to time exist as they may consider desirable and in such case, such newly added objects so decided upon by the Trustees

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shall subject to necessary statutory approvals in this regard, be deemed to have been incorporated in the objects of these presents.

(e) Nature of Applicants' interest in the Trust :-

1. The Applicants submit that all the present Applicants are citizens of India and are disciples, believers and followers of Shri Osho Rajneesh, previously known as Bhagwan Shri Rajneesh. Accordingly, all the present Applicants are connected to the activities carried out by Shri Osho Rajneesh under the banner of the Trust and have participated in the activities carried out by Shri Osho Rajneesh during his lifetime and after his death by the Trustees and thereby all the present Applicants are the beneficiaries of the Trust.

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Furthermore, the Applicants submit that one Trust with the name, Sambodhi Foundation was created under the Deed of Trust dated 3rd August, 1989 of which the Applicant No.1 was a Trustee of the Trust. Applicant No.1 has resigned from the Trusteeship under his resignation letter dated 1-3-1992.

2. The Applicants submit that Sambodhi Foundation was during the course of time merged with Osho International Foundation. The Trustees of Osho International Foundation and Neo Sannyas Foundation are almost the same for years together. The properties originally owned by the Trust are now managed by Osho International Foundation or by Neo Sannyas Foundation. Samadhi of Shri Osho is standing on the property owned by Neo Sannyas Foundation but managed by Osho International Foundation. The Applicants submit that the

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Applicants are the followers of Shri Osho alias Bhagwan Shri Rajneesh and that the Applicant No.1 was directly associated with Osho International Foundation in which Sambodhi Foundation was marged of which he was a Trustee. Applicant No.1 had acquired immovable properties which are during the course of time transferred by way of endowments to Osho International Foundation. The beneficiaries of Osho International Foundation and that of Neo Sannyas Foundation are the same and who are spread all over the world. The Applicants submit that being the followers of Shri Osho alias Bhagwan Shri Rajneesh and associated with his activities and also participated in the past in the capacity as Trustees of Sambodhi Foundation in the activities carried out by Shri Osho alias Bhagwan Shri Rajneesh and after his resignation, he is following the principles of Bhagwan Shri Rajneesh.

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(MAHARASHTRA)
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The Applicants submit that the Applicant No.1 as well as other Applicants are directly connected to the activities carried out by Bhagwan Shri Rajneesh and all the Applicants are his followers and thereby the Applicants herein since entitled to receive the benefits from Osho International Foundation as well as Neo Sannyas Foundation, all the present Applicants are beneficiaries of the Trust and thereby all the present Applicants are persons having interest as defined under Section 2(10) of the Bombay Public Trusts Act, 1950.

3. The Applicants submit that there is another Public Charitable Trust with the name Blue Lotus Trust which came into existence under Indenture of Trust dated 8th February, 1990. In the said Trust, the Applicant No.2 was shown as a Trustee of the Trust. The said Blue Lotus

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MAHARASHTRA
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Trust came to be merged with Osho International Foundation by order of the Deputy Charity Commissioner, Greater Bombay Region, Bombay. During the course of time, Change Report No.4192 of 1996 was filed was filed in the matter of Osho International Foundation for additions of immovable property situated at Village Mangeri, Taluka Haveli, District Pune bearing Revision Survey No.57, 58, 59A, C.T.S No.12/1, Plot No.9, Koregaon Road, Pune. This property was purchased from Koregaon Park Hotels Limited by Osho International Foundation and Blue Lotus Trust jointly under registered document. The present Applicant No.2 being the Trustee of Blue Lotus Trust is signatory of the said document. Applicant No.2 has resigned from the Trusteeship under his resignation letter dated 6th May, 1994.

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4. The Applicants submit that there is another Trust with the name Sambodhi Foundation, P.T.R. No.E-12486 (Bombay). The Applicant No.1 was Trustee of this Trust. This Trust was created under the Deed of Trust dated 3rd August, 1989. During the course of time, Change Report No.1229 of 1992 was filed to delete the name of the Applicant as Trustee of the Trust by virtue of his resignation. The Trust with the name Sambodhi Foundation ultimately came to be merged with Osho International Foundation.

5. The Applicants submit that, in view of this position and since the Applicants are disciples, believers and followers of Shri Osho Rajneesh, previously known as Bhagwan Shri Rajneesh alias Rajneesh and since the Applicants are Hindu by religion, the Applicants are entitled for the services provided by the Trust and

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further are entitled for benefits out of the activities of the Trust and therefore, all the present Applicants are beneficiaries of the Trust and thereby persons having interest as defined under Section 2(10) of the Bombay Public Trusts Act, 1950. Hence, the Applicants are entitled to file the present Application for the purpose of seeking the reliefs as claimed.

CAUSE OF ACTION AND NATURE OF RELIEFS SOUGHT FOR :-

1. The Applicants submit that the Trust in question was originally created under the Deed of Trust dated 11th June, 1969 settled by Mr. Himmatlal Haribhai Joshi and Others and accordingly registered with the Office of the Assistant Charity Commissioner, Pune under Enquiry No.7025 of 1972. The said document

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(MAHARASHTRA)
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was held as document creating the Trust. During the course of time, due to some administrative reasons, the name of the Trust was changed to Rajneesh Foundation and for that purpose, the Trust Deed was amended. The Applicants submit that Application No.2 of 1989 was filed with the Office of the Deputy Charity Commissioner, Pune under Section 51 of the Bombay Public Trusts Act, 1950 for seeking prior permission for filing of Suit and on obtaining the said permission, a Suit was filed which came to be decreed. The name of the said Trust was again changed to Neo Sannyas Foundation and accordingly, as per the order of Honourable Additional District Judge, Pune dated 3rd September, 1991, the Trust Deed came to be amended. Change Report No.1025 of 1992 was filed in respect thereof which came to be accepted on 29th August, 1992. The Applicants submit

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(MAHARASHTRA)
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that accordingly, the affairs of the Trust are now being governed in accordance with the amended Deed of Trust.

2. The Applicants submit that the Trust in question was registered with the Office of the Deputy Charity Commissioner, Pune at Serial No.E-625 (Pune). However, the present Opponents had filed Application No.36 of 2010 under Rule 36(4) of the Bombay Public Trust Rules, 1951 for the purpose of seeking the relief in the inform of transfer of Trust from Pune Region to the Office of the Deputy Charity Commissioner, Greater Bombay Region, Bombay. The said Application came to be allowed vide order dated 10-1-2011. However, the record of the Trust is not yet transferred to the Office of Deputy Charity Commissioner, Pune. Therefore, the Applicants are filing this Application in respect of

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GREATER MUMBAI
(MAHARASHTRA)
Regd. No. 6502
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the Trust with its old Registration No.E-625 (Pune).

3. The Applicants submit that while passing the order in Application No.36 of 2010 under Rule 36(4) of the Bombay Public Trust Rules, 1951, this Honourable Authority had called for the Report from the Office of the Joint Charity Commissioner, Pune. It is observed in the said order "Accordingly, Pune Regional Office, Pune has informed this Office vide its letter dated 19-11-2010, Exhibit "6" that they have received the accounting returns till 31-3-2010, there is no adverse remark of the Chartered Accountant and there are no arrears in contribution, no case is pending against this Trust". As against this, the Applicants herein have obtained certified copy of Schedule 10 maintained under Rule 21(2) of the Bombay Public Trust Rules, 1951 from

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(MAHARASHTRA)
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which it can be seen that the audited statements of accounts for the year ending 31st March, 2005, 31st March, 2006, 31st March, 2007 and 31st March, 2008 were not filed with the Office of the Deputy Charity Commissioner, Greater Bombay Region, Bombay. The Applicants submit that certified copy of the said Schedule 10 is annexed herewith for reference.

4. The Applicants submit that Application No.36 of 2010 was filed to shift the office of the Trust from the Office of the Deputy Charity Commissioner, Pune to the Office of Deputy Charity Commissioner, Greater Bombay Region, Bombay was with ulterior motive and malafide intention. The reason behind this is the present Opponents wanted to alienate the properties without the knowledge of the beneficiaries and without the knowledge of the disciples

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of Shri Osho. The only fear in the minds of the Opponents is that if the disciples of Shri Osho and the beneficiaries will learn about the actions of alienation of property, there will be thousands of objections from the beneficiaries and the basic goal of the Opponents would not be achieved. The Applicants submit that on one side, Mrs. Vidya Kubchandani is the Trustee of Neo Sannyas Foundation and on the other side, attempts are made to seek prior permission for gift(sale) of the property being Plot No.24, Koregaon Park, Pune belonging to the Osho International Foundation Trust situate at Pune to a Trust created and registered in New Delhi having its office in New Delhi of which Mrs. Vidya Kubchandani is a Trustee. This shows that the Trustees of the Trust in question or the Trustees of Osho International Foundation are either buying the

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PRAVIN G. SAWANT
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properties of their own under the guise of purchase under some Trust which is not registered in the State of Maharashtra or acquiring the properties by way of Gift Deed without any compensation to the Trust. These actions need to be verified in proper fashion. The Applicants submit that it is the settled principle of law that no Trustee can acquire Trust property for any purpose since the property is held by the Trust through its Trustees for the benefit of the beneficiaries at large and the Trustees are only the custodians thereof and not the legal owners thereof.

5. The Applicants submit that according to the Property Card, Neo Sannyas Foundation owns immovable properties at Pune bearing Plot Nos.17, 18/1, 18/2, 18/3, 18/4, 32 and 33 situated at Koregaon Park, Pune - 411 001. These properties are

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deliberately not brought on record as no Change Report is filed under Section 22 of the Bombay Public Trusts Act, 1950. The Applicants submit that there is a structure which is known as Osho Samadhi which is managed by Osho International Foundation and the Trust in question. This particular premises was open for the devotees to reach there and offer their prayers and perform all religious rituals and also perform meditation. The Applicants submit that the present Opponents who are bent upon to convert the immovable property belonging to the Trust into 5-Star Resort have deliberately and intentionally removed the Board placed on the property as "Samadhi". With the result, today, there is no such identity of the property in existence. This particular action is initiated which has resulted in hurting the feelings of the beneficiaries of disciples of

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Shri Osho. At the same time, the actions are initiated to that effect only because the Opponents wanted to prevent the disciples of Shri Osho as well as beneficiaries of the Trust from offering prayers and performing meditation in the said structure. To achieve this goal further, the Opponents have raised the entry fee from Rs.40/- per day to Rs.480/- for Indian nationals and Rs.980/- for foreign nationals. This action is high-handed and arbitrary. This is the action initiated only with the sole intention to see that no beneficiaries will reach to the place of Samadhi. Under these circumstances, the basic purpose of maintaining the structure called "Samadhi" of Shri Osho itself is frustrated and thereby the beneficial interest of the beneficiaries at large is affected. Considering this factual position, the property

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belonging to the Trust where Samadhi of Shri Osho is located is damaged and wasted as it is not utilized for the purpose for which it is acquired and maintained by the Trust.

6. The Applicants submit that the Opponents herein are creating different Charitable Trusts outside the State of Maharashtra and are transferring the properties of the Trust to such Public Charitable Trusts located outside the State limits only with the intention to provide benefits to the Trustees of the Trust in question only. The Applicants submit that some of the persons who were Trustees of the Trust have deliberately and intentionally tendered their resignations from the Trust followed by which they have created new Trusts at Delhi or at different places to show that they are nobody in the Trust and they are not

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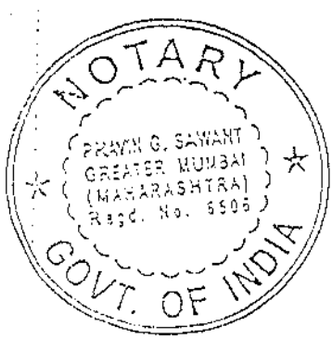
connected to the Trust and are getting immovable properties of the Trust transferred to their Trusts. The Applicants submit that such transfers are illegal and unconstitutional as it is the basic principle under the law that no Trustee can take any direct benefit from out of the Trust funds and properties for himself. The Applicants submit that looking at the approach, attitude and conduct of the Opponents, the Applicants herein who are beneficiaries of the Trust and who have direct and substantial interest in the Trust are compelled to move this Application before this Honourable Authority for the purpose of seeking relief in the form of preventive orders preventing the Opponents from wasting, damaging and improperly alienating any immovable property of the Trust and further transferring any immovable property from the Trust to any other



organization, association or body in violation of the terms laid down by the donors who have donated the properties to the Trust.

7. The Applicants submit that the present Opponents are the Trustees of the Trust established during the lifetime of Shri Osho and registered under the provisions of Bombay Public Trusts Act, 1950.

8. The Applicants submit that during the lifetime of Shri Osho i.e. Bhagwan Shri Rajneesh, he had proclaimed the object of the Trust to be purely charitable and the proceeds of the Trust were to be used for the benefits of the disciples of Osho. The Applicants submit that the Trust Deed is centered around "to spread and impart the preaching of philosophers including Osho". The Opponents being the Trustees of the Trust are required

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to work as Trustees of the Trust as per the provisions of the Deed of Trust finalised and further as per the provisions of the Schemes settled from time to time. The Applicants submit that the Trust in question is also involved in carrying out primarily the activity of spiritual nature such as Gyan, Dhyana, Sadhna Centre, Meditation Camps, conducting lectures and seminars on the subject of philosophy etc. of Osho.

9. The Applicants submit that during the course of time, the Opponents herein starting violating the directions issued by Shri Osho during his lifetime in respect of the Trust and the Opponents have breached the objects and the guidelines issued by Shri Osho. The Applicants submit that considering the arbitrary acts on the part of the Opponents herein, the

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Applicants are compelled to file the present Application.

10. The Applicants submit that Shri Osho was an Indian Citizen born in India on 11-12-1931 and have attained Mahapari Nirwan (Demise) at Pune in India on 19-1-1990. Shri Osho is more than a Saint and teacher for his followers. Shri Osho is also known and remembered as a spiritual master most prolific and revolutionary author of more than 600 books which have been translated in 45 languages around the world. Shri Osho has followers from all the countries all over the world. The Applicants are also the followers of Osho and are having substantial interest in the activities of the Trust. The Applicants submit that previously, books in respect of teachings of Shri Osho were published by Osho Multimedia International, Rebel Publishing House,

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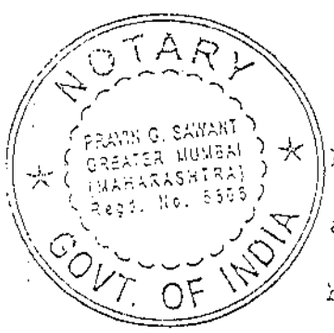
Section 25 Company, but during the course of time, the present Opponents have changed the Publisher to Osho Multimedia and Resorts Private Limited, a Private Limited Company by giving go-by to a Company registered under Section 25 of the Indian Companies Act. The present Opponent Nos.1 to 3 happen to be the Directors of the said Company who are directly making wrongful gain from out of the publication of the books of Shri Osho. With the result, the Trust is deprived of its rights. Shri Osho has followers from all the countries all over the world. The Applicants are also the followers of Osho and are having substantial interest in the activities of the Trust.



11. The Applicants submit that the books written by Shri Osho were made available to the disciples and beneficiaries at a reasonable cost.

The Applicants submit that during the course of time, the Opponents in association with Mr. Michael O'Byrne, a foreign national has made an attempt to sell the title of various books in favour of the Publisher. The revenue generated to the Trust by way of sale of books is stopped. Similarly, the consideration for sale of title of the books is not received by the Trust thereby loss is caused to the Trust.

12. The Applicants submit that there is another Trust with the Trust "Osho International Foundation" created and registered in Switzerland of which Michael O'Byrne, the Opponent herein is the President and Mr. Andrews, John, Vice President and Bass, Guido, Creutzfeldt Klause-Peter, and Seeg, Klaus are the members. However, the Opponent No.1 Mr. Mukesh Sarda is also one of the Trustees of the said Trust according to the

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information of the Applicants. This particular creation of the Trust and arrangement abroad has resulted in Opponents depriving the Trust of its lawful return and income and accounting the same in organizations created outside India.

13. The Applicants submit that Shri Osho has traveled all over the world and had preached and guided millions of people in meditation and spirituality. The Applicants submit that Shri Osho has followers and disciples from all over the world. The Applicants submit that Shri Osho is well known to have given speeches on almost all saints and prophets for example Buddha, Mahavira, Krishna, Kabir, Nanak, Mira, Jesus and much more and have spoken to almost all subjects effecting to human life. The Applicants submit that Shri Osho's enlightened views on various subjects

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of life, death, yoga, education, ecology, economy, politics etc. have guided and transformed millions of people around the world. The Applicants submit that considering the said factual position, millions of people were benefitted all over the world who are followers, admirers, lovers of Shri Osho. The Applicants submit that the entire literature and knowledge of Shri Osho has been reproduced into books, tapes, audios, videos, CDs etc. The Applicants submit that the talks and discourses given by Shri Osho originally in Hindi and English languages are well recorded in Audio and Video format. The Applicants submit that the various books printed and published are derived from Shri Osho's live discourses carried out for the past over 35 years.

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14. The Applicants submit that as per Shri Osho's guidance, his followers have established meditation centres and Ashrams in India and all over the world for his disciples. The Applicants submit that there are many such establishments put together by Shri Osho's disciples on the guidance, approval and direction given by Shri Osho himself. The Applicants submit that Shri Osho during his lifetime lived at his Ashram at Koregaon Park, Pune for most of his life. The Applicants submit that Shri Osho's Ashram at Pune is therefore considered and believed to be the main Ashram and worship place of Shri Osho in the entire world. The Applicants submit that large number of people from all over the world traveled to India to visit the Ashram at Pune to pay tribute and seek blessings from Shri Osho's Samadhi situated in Osho Ashram in Osho's real

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life bedroom as per the directions of Shri Osho. The Applicants submit that the disciples visit and participate in the meditation, guided programmes started by Shri Osho during his lifetime, which things bring out the inner peace to an individual. The Applicants submit that the spiritual healing achieved cannot be calculated in terms of money. The Applicants submit that it is most sacred place in the world for Shri Osho's devotees like Applicants.

15. The Applicants submit that during the lifetime of Shri Osho himself, his teachings have been preserved into Audio, Video and print formats. The Applicants submit that Shri Osho has invented and rediscovered many grade meditation techniques and therapies for the growth of humanity and example of which works in this regard is being

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recorded in the book called "meditation", "the first and the last freedom" as well as "tantra sutra", all the literatures of Shri Osho as per the directions of Shri Osho was to be made available for his disciples. The Applicants submit that the Applicants and the disciples around the world have emotions attached towards Shri Osho and his literature and worship the same.

16. The Applicants submit that prior to Shri Osho's demise, Shri Osho had constituted group of 21 disciples. The Applicants submit that this group is called "inner circle". The Applicants submit that the "inner circle" was constituted to manage the day-to-day activities of the Ashram and also to take care of the other moveable, immovable and other intellectual properties, rights and assets of Shri Osho all over the

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world. The Applicants submit that presently, the said inner Circle of 21 disciples is dissolved high-handedly and arbitrarily and the activities of the Trust are influenced mainly by three foreign nationals namely (1) Mr. Michael O'byrne alias Swami Jayesh, Chairman (2) Mr. George Meridith alias Swami Amritho, Vice-Chairman and (3) Mr. Darcy O'byrne alias Swami Yogendra who are interfering in the affairs of the Trust and are trying to exercise the powers of Trustees. Such delegation of powers by the Trustees is bad in law.

17. The Applicants submit that the Opponents herein being the Managing Trustees are in charge of the affairs of the Trust and are converting the properties of the Trust which was formed primarily for carrying out charitable activities into a

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commercial venture and are wrongfully alienating the properties of the Trust and further are trying to prevent the devotees and disciples like the Applicants from performing various religious and spiritual activities within the Trust premises. The Applicants submit that the Opponents are acting contrary to the teachings and directions of Shri Osho. The Applicants submit that the Opponents have used good offices of Shri Osho's institution for making commercial gain from out of the Trust funds and properties and have tarnished the image of Shri Osho. The Applicants submit that the Opponents have applied new policies and rules to the Ashram and properties of Shri Osho. The Applicants submit that all such acts of the Opponents are contrary to the teachings and principles of Shri Osho. The Applicants submit that due to such acts, the growth of Shri Osho

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Community has been seriously hampered. Moreover, such change is directly against the directions issued by Shri Osho himself and are affecting prejudicially the inherent rights of the individual followers like the Applicants.

18. The Applicants submit that Shri Osho during his lifetime did not apply any Patent or Copyright for his work as it was clearly declared by Shri Osho that he did not want his words to be copyright or patented for commercial purposes and should be made available to all at a nominal cost. However, various copyrights in respect of Shri Osho's work were attempted by the Opponents. The Applicants submit that Shri Osho wanted his work to reach each and every human being on the earth and his beneficiaries. The Applicants submit that Shri Osho's books were printed and the same were

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sold at the cost price with the intention that the same shall be affordable by common man and disciples. The Applicants submit that Shri Osho's Institutes used to print and distribute books of Shri Osho. Now, the literature and other articles have been made more expensive in order to achieve profit and make commercial gain therefrom which are against the objects of the Trust.

19. The Applicants submit that during the lifetime of Shri Osho and sometime thereafter, it was a practice that the disciples including the Applicants would get opportunity to work in the Ashram and to carry out the work like cleaning the moveable and immovable properties, working in the kitchen, gardening work, involved in selling books and maintaining library, cleaning the Samadhi area etc. All these works were carried out

by the disciples on their own. The same was commonly known as the Seva. Such seva used to bring harmony and peace to the Sevaks. On performing the Seva, egos, self-esteem and materialistic status would automatically get vanished from the minds of the disciples, thereby making Shri Osho disciples more aware about the teaching of Shri Osho. Such Seva was encouraged by Shri Osho, whose followers used to get internal satisfaction and spiritual compassion on performing such Seva at the Ashram. However, the Opponents for no reason have wrongfully restrained Shri Osho's followers from performing such Seva. The Applicants submit that the Opponents have engaged commercial cleaning services of contractors namely "Sodexho" to whom heavy payments are made every month. The work which was carried out by the disciples free of cost is now offered

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to M/s. Sodexho at heavy charge whereby the Trust funds are unnecessarily spent lavishly at an exorbitant price. With the result, the Trust is put into unnecessary financial burden which is causing loss to the Trust. The Applicants submit that considering the said heavy expenditure incurred at the hands of Opponents and considering the loss caused to the Trust, the Opponents are required to be restrained by an order of injunction of this Honourable Authority from engaging the services of "Sodexho" for maintaining and cleaning the properties of the Trust. The Applicants submit that furthermore, for engaging the services of M/s. Sodexho, no tenders and/or quotations were invited. Therefore, the Opponents herein had no material information before them about competitive rates available.

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20. The Applicants, therefore, submit that the disciples are thereby deprived of their legitimate right to carry out Seva. With the result, not only the beneficial interest of the beneficiaries is effected, but the rights of devotees of providing Sevas are taken away high-handedly and arbitrarily.

21. The Applicants submit that during the lifetime of Shri Osho and sometime thereafter for many years, every person was permitted to enter the Ashram at a nominal fee of Rs.40/-. Rs.40/- which was fixed consistently for more than five years. However, the Opponents who are bent upon to convert the property belonging to the Trust situate at Koregaon Park, Pune into a commercial complex, in order to restrict the entries of the disiciples of Shri Osho and the devotees and in order to create the

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scene that there are no visitors to the Ashram, the Opponents herein have acted high-handedly and arbitrarily and raised the entry fee to the Ashram from Rs.40/- to Rs.480/- to Indian Citizens and Rs.980/- or Foreign Nationals for one visit between 5.30 a.m. to 10.30 p.m. No receipt in respect of the said amount collected against the entry fee is issued to the devotees at any time, but only a card is issued to the devotees for its presentation at the entry gate so as to enable him/her to have his/her entry into the property of the Ashram. The said funds collected by way of entry fee are not accounted for in the accounts of the Trust but are totally misappropriated by the Opponents. The Applicants submit that in fact, the Opponents herein who are claiming themselves to be the Trustees of the Trust are duty bound to issue stamped receipts to each and every devotee

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when he will make the payment for obtaining the gate pass for his/her entry into the property and further, it is the duty of every trustee to account the said income into the accounts of the Trust. Considering this fact, the Opponents are required to be directed to issue receipts to each and every devotee against the payment made for entry and account the same in the accounts of the Trust. The Applicants submit that by raising the said entry fee, the number of disciples visiting Ashram is reduced and the Trust started losing its revenue substantially which is also causing loss to the Trust. The Applicants submit that furthermore, the Opponents are practising an act of discri-mination between the human beings which is against tho basic philosophies of Shri Osho and the provisions of the Deed of Trust thereby necessary arrangement is

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required to be made to prevent the Opponents from charging heavy entrance fee to the devotees so as to see that every disciple of Shri Osho will get an opportunity to enter the Ashram and to offer his prayers and provide his Sevas which will help the Opponents herein to carry out the activities of the Trust in accordance with the provisions of Instrument of Trust.

22. The Applicants submit that the Opponents are carrying out their efforts to sell the manuscripts of the literature of the Trust for making commercial gain therefrom. There is no reason to sell and transfer any of the immovable property belonging to the Trust which are to be applied for fulfillment of purposes of the Trust and to be preserved forever since the properties are acquired mostly by way of gifts or by way of endowments for its application for fulfillment of

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purposes of the Trust. The Applicants submit that the properties of the Trust are to be utilized for the benefit of mankind who are beneficiaries of the Trust and for carrying out the activities of Shri Osho who had specifically directed that all his properties moveable, immovable, intellectual are meant for the benefit of mankind and his disciples and followers.

23. The Applicants submit that the Applicants have learnt that the Opponents are in the process of gradual and systematic transfers of all the immovable properties, assets of the Trust and activities into a Five-Star Resort and for that purpose, the Opponents have established an Entertainment Company by the name "Osho Multimedia and Resorts Private Limited" which was earlier known as "Zen Resorts Private Limited". The

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said Company is incorporated at Sorial No.U-85110 MH-2001 PTC 133524 and Registration Number of the Company is 133524. The Company was incorporated on 1st October, 2001 with the Authorised Share Capital of Rs.20 lakhs divided into 2 lakhs equity shares of Rs.10/- each. The Registered Office of the Trust and the Registered Office of the said Company is one and the same. Furthermore, the Trustee i.e. the Opponent Mr. Mukesh Sarda and Mrs. Vidya Kubchandani are the Directors of the said Company. This indicates that the names of the Trustees and the names of Directors of the said Osho Multimedia Resorts Private Limited are the same which gives them scope to misrepresent themselves at convenient time as the Trustees and at convenient time as Directors of the Company and they are mixing up the activities of the Trust and the properties of the Trust as if

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the properties of the Company and thereby by misleading the members of the Society at large and by misleading the disciples, are making gains from out of the Trust funds and properties for their personal benefits.

24. The Applicants submit that in case of Osho Media International, early known as Sadhna Foundation, a Company Identity No.U-91910 MH-1988GAP 046430, Company Registration No.046430 incorporated on 8th March, 1988, one of the Directors Mr. Lalpratap Singh was shown as dead on 24th July, 2008 whereas he is shown as Trustee of Osho International Foundation even today. This indicates the attempt on the part of the Opponents to mislead the disciples and to mislead the members of the Society at large. The Applicants submit that there is no need for the Trust to transfer any property of the Trust moveable or

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immovable to the said Osho Multimedia and Resorts Private Limited but it is only because the Trustees of the Trust and the Directors of the Company are common, they are taking undue advantage of the situation and since they are bent upon to convert the immovable property of the Trust where the Ashram of Shri Osho is located into a Five Star Resort or Five Star Hotel and with that intention only, Osha Multimedia and Resorts Private Limited is created which was earlier known as Zen Resorts Private Limited. The Applicants submit that the Opponents are systematically attempting to transfer all the rights of the Trust over the immovable properties in favour of the said Company and this transfer in the long run is intended to monopolizing and commercializing Shri Osho's great work in the hands of few individuals for

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making gains by way of commercial benefits out of the same.

25. The Applicants submit that it was the practice till recent times that the personal belongings and other belongings of Shri Osho were allowed to be seen on certain important days. The belongings consisted of master copy of his discourses, original manuscripts, daily usables such as clothes, photo gallery, paintings, Osho signatures, arts etc. The disciples used to perceive and envisage Shri Osho thereby. It gave an opportunity to get connected to Shri Osho. Such experience was permitted by visiting the rooms occupied by Shri Osho during his lifetime. Such visits were permitted on Shri Osho's birthday i.e. 11th December. Shri Osho's enlightenment day i.e. 21st March, Shri Osho's Mahaparinirvan day i.e. 19th January

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every year. The Applicants submit that the Opponents have now stopped all such visits of the disciples. The Applicants submit that on all the said three dates, various functions were organized by the Trust to celebrate Shri Osho's birthday, Osho's enlightenment day and Mahaparinirvan of Shri Osho and the disciples used to remain present there and they used offer their prayers. The Applicants submit that since this practice is arbitrarily stopped by the present Opponents, the Opponents are required to be directed to start with the said process and practice afresh and allow the disciples and beneficiaries of Shri Osho to attend such function organized as per the practice followed for years together. The attempt on the part of the Opponents is like closing the doors of all the temples to the devotees. Moreover, the Opponents have removed various personal articles

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of Shri Osho including but not restricted to Shri Osho's huge library, paintings, original manuscripts etc. out of India There is no account of the same. In terms of monetary value, the same is worth millions of rupees. During the lifetime of Shri Osho and sometime thereafter, all such articles were displayed and viewed, some of the personal belongings, original manuscripts, photo gallery, paintings, signatures of Shri Osho are since missing. The Opponents are accountable for all such articles to each and every follower and disciple of Shri Osho and beneficiaries of the Trust. Moreover, the Ashram at Pune is the main Ashram and all such Shri Osho's belongings were always kept in Pune Ashram. The reason for moving such articles have not been disclosed to any of the disciples including the Applicants. This act on the part of

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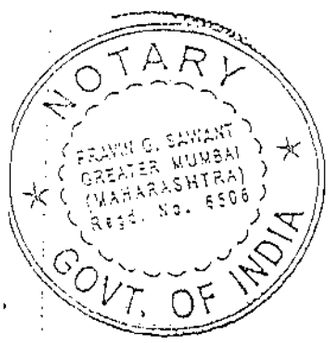
the Opponents is against the interest of the Trust and further by removing all important material of Shri Osho with which the sentimental values of the disciples are attached. The Oppcnents were not entitled to remove the said articles from the Ashram at Pune to any other place in the world but the Opponents herein in order to convert the said property of the Trust into their own property have made an attempt to shift all these articles of Shri Osho to some other place whereby the Opponents can display the same at any place in the world and start generating income therefrom for their personal gain. Therefore, the Opponents are required to be directed to restore the said articles in Pune Ashram by passing suitable orders.



26. The Applicants submit that one of the sacred gifts left for the disciples is the said Shri Osho's

Samadhi in the Ashram at Pune. After the demise, as per the wish of Shri Osho, his bedroom was converted into his Samadhi which is standing on the property of the Trust and managed by the Trustees of Osho International Foundation. Thousands of people from all over the world come to meditate and pay tribute to Shri Osho at the Samadhi. This Samadhi was established and created as per Shri Osho's guidance during his lifetime. The said Samadhi exists for more than 20 years. Now all of a sudden, the Opponents in association with Trustees of Osho International Foundation are claiming the Samadhi as a Hall and calling it as Shri Osho's Samadhi was a mistake which has shaken the faith of Shri Osho's devotees all over the world including the Applicants. The Applicants submit that recently, the Opponents have removed the nameplate of Shri Osho's Samadhi. The

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Applicants submit that the Samadhi is the sacred place directly connected to the religious belief of Shri Osho's followers which binds the spiritual nature. It is the spiritual site for worship, belief, faith and devotion etc. a place where one and all can pray and meditate to Shri Osho. The Applicants feel that Shri Osho's presence is cosmic energy form. The Applicants submit that all such arbitrary acts and high-handed activities on the part of the Opponents and the decisions recorded by them which are detrimental to the interest of the Trust and the devotees are basically against the interest of the Trust. The Applicants submit that the Opponents are manipulating Shri Osho's work and vision thereby have got disgraced and have prejudiced the interest of the Applicants and devotees all over the world thereby the present Applicants are constrained

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to file the present Application under the provisions of Bombay Public Trusts Act, 1950 for the purpose of seeking necessary preventive orders against the Opponents.

27. The Applicants submit that the reliefs which are claimed by the Applicants are to prevent the Opponents from raising the entry fee to the Ashram, whereby every beneficiary and disciple can visit the Ashram. Secondly, the Opponents should be restrained from removing the articles which were used by Osho from the Ashram at Pune and shifting it to any other place in the world and if such articles are shifted, directions to the Opponents to bring back those articles and restore them in the Ashram at Pune. Thirdly, the Opponents are required to be restrained by an order of injunction of this Honourable Authority from

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wasting, damaging and improperly alienating any immovable property of the Trust and further restraining the Opponents from alienating the immovable properties of the Trust in violation of the directions and mandate given by the Donors who have donated the immovable properties to the Trust. The Applicants are also seeking directions to the Opponents to make available the literature of Shri Osho to the disciples at a reasonable rate and prevent them from making commercial use of the said literature whereby the Opponents are in a habit of making gains from out of it and further order of injunction against the Oppcnents restraining them from preventing the disciples from entering the Samadhi place of Shri Osho and from offering prayers therein.

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23. The Applicants submit that in the event if the preventive orders as

sought for are granted against the Opponents, nobody can be said to be affected and/or prejudiced but on the contrary, the activities of the Trust would be carried out in a better and efficient fashion thereby the funds and properties of the Trust would be protected. As against that, if the preventive orders are not passed and the Opponents are not restrained by orders of injunction and are not issued with directions, the Opponents will continue with their high-handed and arbitrary acts which are detrimental to the interest of the Trust and its beneficiaries and therefore, in order to protect the interest of the Trust and to protect the interest of the beneficiaries and disciples, the reliefs claimed by the Applicants are required to be granted.

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29. The Applicants submit that the Applicants have made out a prima facie

case to show that there is a threat to the immovable properties of the Trust of being wasted, damaged and/or improperly alienated. The Applicants submit that the Applicants have made out a prima facie case, balance of convenience is in favour of the Applicants, the Applicants have come forward with clean hands and therefore, the Applicants are entitled for the reliefs as claimed under the Application.

30. The Applicants submit that the present Opponent Nos.5, 6 and 7 are not the Trustees of the Trust but they are interfering into the affairs of the Trust. Therefore, they are made parties to the proceeding and reliefs are sought against them also since even though delegation of power by the Trustees is bad in law, they are permitted to exercise the powers of the Trustees by the present Opponent

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Nos.1 to 4 illegally and unauthorisedly.

31. The Applicants, therefore, crave leave to add, alter, amend, modify, substitute and/or delete all or any of the clauses of this Application, if and when necessary.

32. The Applicants, therefore, pray that :

(a) Application be allowed;

(b) The present Opponents, their agents, servants or anybody else claiming through them be restrained by an order of injunction of this Honourable Authority from selling, transferring, alienating any immovable property and further, creating any transaction of gift, creating any third party

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rights over the immovable properties of the Trust including mortgage, thereby wasting, damaging and improperly alienating the immovable property of the Trust and further alienating any immovable property of the Trust in violation of the directions given by the Donors of the immovable property;

(c) The present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of injunction from preventing the disciples of Shri Osho and the devotees from offering their services for maintaining the properties belonging to the Trust and further may be prevented by an order of injunction of this Honourable

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Authority from awarding any contract to the firm called "Sodexho" and thereby causing loss to the Trust;

(d) The present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of injunction of this Honourable Authority from raising the entry fee to the Ashram from Rs.40/- to Rs.480/- to Indian Nationals and to Rs.980/- for foreign nationals arbitrarily and high-handedly and further receiving revised entrance fees from the beneficiaries;

(e) The present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of injunction of this Honourable

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Authority from preventing the disciples and/or devotees from entering the Samadhi place of Shri Osho situated at Plot No.33, Koregaon Park, Pune -411 001;

(f) The present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of injunction of this Honourable Authority from moving any article used by Shri Osho during his lifetime from out of the Ashram at Pune;

(g) The present Opponents, their agents, servants or anybody else claiming through them may be directed to allow the disciples and devotees to enter the Ashram maintained, managed and run by

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the Trust located at Pune at the rates prevailing during the lifetime of Shri Osho;

(h) The present Opponents may be directed to bring back the articles of Shri Osho removed from the Ashram by the Opponents and shifted to any other place in the world back to the Ashram at Pune and allow the disciples to have a look at it and offer their prayers according to the practice followed;

(i) The present Opponents may be directed to provide the literature of Shri Osho to the disciples and devotees at reasonable rate without making any attempt of making commercial gain therefrom;

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(j) The present Opponents may be directed to utilize the immovable properties belonging to the Trust according to the wishes of the Donors strictly for fulfillment of purposes of the Trust only;

(k) That the present Opponents may be directed to start afresh organizing celebrations on Shri Osho's birthday i.e. on 11th December, on Shri Osho's enlightenment day i.e. on 21st March and on Shri Osho's Mahaparinirvan day i.e. on 19th January every year and allow the disciples and beneficiaries of Shri Osho to attend such celebrations organized as per the practice followed for years together;

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(l) That the Opponents herein may be directed to issue stamped receipts to each and every devotee against the payment made for entry fee for obtaining gate pass for his/her entry into the property of Osho Ashram at Pune and elsewhere and account the said collection into the accounts of the Trust;

(m) That ad-interim reliefs in terms of prayer clauses (b) to (f) hereinabove, be granted;

(n) Such other just and proper order in the interest of the Trust;

(o) Cost of this Application be allowed.

NOTARY PRAVIN G. SAWANT GREATER MUMBAI (MAHARASHTRA) Regd. No. 6505 GOVT. OF INDIA

Mumbai, dated this 7th day of December, 2011.

1.

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2.

3.

Applicants.

NOTARY GOVT. OF INDIA PRAVIN G. SAWANT GREATER MUMBAI (MAHARASHTRA) Regd. No. 6505

VERIFICATION

I, Yogesh Thakkar, aged about 50 years, residing at Pune 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 7th day of Dec., 2011)

Depenent.

I identify the Deponent.

(K.P Jadhav)
Advocate.

Before me.

This document is noted at Sr. No. 1235, 7/12/11 in the Notarial Register

7 DEC 2011

Pravin Sawant
PRAVIN G. SAWANT
B.COM.LLB
ADVOCATE HIGH COURT
NOTARY GOVT. OF INDIA
603/A PRATHAMESH CO-OP HSG. SOC. LTD.
M.M.G.S. MARG, NAIGAON,
DADAR, MUMBAI-400014

This document is noted at Sr. No. 1235, 7/12/11 in the Notarial Register

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BEFORE THE CHARITY COMMISSIONER,

MAHARASHTRA STATE, BOMBAY

APPLICATION NO. OF 2011
[FOR INTERIM RELIEFS]

IN

APPLICATION NO. 4 OF 2011

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

And

In the matter of "*NEO SANNYAS FOUNDATION*"

P.T.R. No.E-625 (Pune)

(newly transferred to to the Office of the Deputy Charity Commissioner, Greater Bombay Region, Bombay under Application No.36 of 2010 under Rule 36(iv) of the Bombay Public Trust Rules, 1951)

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1. MR. YOGESH THAKKAR ALIAS
SWAMI PREM GEET,
residing at 1, Anand Park,
368-A, Near Suryojana
Society,
Koregaon Park,
Pune - 411 001.

2. MR. KISHOR RAVAL ALIAS
SWAMI PREM ANADI,
residing at B-3/11,
Mira Nagar Park Society,
Koregaon Park,
Pune - 411 001.

3. MR. NITIN PHULPHAGAR ALIAS
SWAMI NITIN BHARTI,
residing at 5/1,
Vashwani Nagar, 292,
Koregaon Park,
Pune - 411 001 ...APPLICANTS

VERSUS

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(MAHARASHTRA)
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1. MR. MUKESH KANTILAL
SARDA ALIAS
SWAMI MUKESH BHARTI,
50, Koregaon Park,
Pune - 411 001.

2. MR. DEVENDRA SINGH DEVOL,
50, Koregaon Park,
Pune - 411 001.

3. MISS VIDYA KHUBCHANDANI,
17, Koregaon Park,
Pune - 411 001.

4. MR. MICHAEL O'BYRNE
ALIAS SWAMI JAYESH,
CHAIRMAN, INNER CIRCLE,
17, Koregaon Park,
Pune - 411 001.

5. MR. GEORGE MERIDITH ALIAS
SWAMI AMRITO,
VICE CHAIRMAN, INNER CIRCLE

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17, Koregaon Park,
Pune - 411 001.

6. MR. DARCY O'BYRNE ALIAS
SWAMI YOGENDRA,
MEMBER, INNER CIRCLE
17, Koregaon Park,
Pune - 411 001. ...OPPONENTS

The Applicants hereinabove, do hereby submit as under :-

1. The Applicants submit that the Trust in question was originally created under the Deed of Trust dated 11th June, 1969 settled by Mr. Himmatlal Haribhai Joshi and Others and accordingly registered with the Office of the Assistant Charity Commissioner, Pune under Enquiry No.7025 of 1972. The said document was held as document creating the Trust. During the course of time, due to some

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administrative reasons, the name of the Trust was changed to Rajneesh Foundation and for that purpose, the Trust Deed was amended. The Applicants submit that Application No.2 of 1989 was filed with the Office of the Deputy Charity Commissioner, Pune under Section 51 of the Bombay Public Trusts Act, 1950 for seeking prior permission for filing of Suit and on obtaining the said permission, a Suit was filed which came to be decreed. The name of the said Trust was again changed to Neo Sannyas Foundation and accordingly, as per the order of Honourable Additional District Judge, Pune dated 3rd September, 1991, the Trust Deed came to be amended. Change Report No.1025 of 1992 was filed in respect thereof which came to be accepted on 29th August, 1992. The Applicants submit that accordingly, the affairs of the Trust are now being

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governed in accordance with the amended Deed of Trust.

2. The Applicants submit that the Applicants herein are the beneficiaries of the Trust being disciples of Shri Osho and followers of Shri Osho and have participated in the activities carried out by Shri Osho during his lifetime and with the activities carried out by the Trustees after his death. The Applicants submit that the Applicants herein have set out the details of their interest in the Trust and their attachment with the Trust in the Application at Exhibit "1" in detail. The Applicants herein adopt the same as if part of this Application and confirm that the contents therein are true and correct.

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3. The Applicants submit that the Applicants have filed Application under Section 41-E of the Bombay Public

Trusts Act, 1950 for the purpose of seeking reliefs against the present Opponents preventing them from wasting, damaging, improperly alienating the immovable properties of the Trust and set out the instances of waste, damage, improper alienation and their high-handed acts in respect of the Trust and its activities in detail in Application at Exhibit "1". The Applicants submit that the Applicants hereby adopt the said contents of Application at Exhibit "1" as if part of this Application and adopt the same to be true and correct.

4. The Applicants submit that being beneficiaries of the Trust, the Applicants are affected by the manner in which the Opponents have dealt with the Trust funds and properties. The Applicants submit that the Opponents herein are creating liabilities against the Trust by raising loan, the Opponents are also trying to alienate

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the property. The Applicants submit that the Opponents herein are creating liabilities against the Trust by raising loan, the Opponents are also trying to alienate the immovable properties of the Trust by way of gift to a so-called Public Charitable Trust registered outside the territorial jurisdiction of this Honourable Authority. Hence, ex-Trustee of the Trust in question is the Trustee of the said Trust. This indicates that the persons projecting themselves as Trustees of the Trust in question are trying to share the properties by their amicable settlement and/or arrangement. Furthermore, the Opponents have made an attempt to remove the Board placed on the structure which is known as "Osho Samadhi" of Shri Osho. This has been done deliberately and intentionally so as to prevent the beneficiaries from visiting the Samadhi because the Opponents herein who happen to be the

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Directors of some Companies want to develop the property as a Five Star Resort or Five Star Hotel. In the event if the property is converted into a Five Star Resort or Five Star Hotel, the basic purpose of creation of the Trust would get defeated and the properties will not be applied for purposes of the Trust but will be utilized for commercial activities. The books which were written by Shri Osho during his lifetime which are circulated amongst the beneficiaries at large were published by the Trust through a Company with the name Osho Media International, a Section 25 Company earlier known as Sadhna Foundation. However, the said arrangement is stopped arbitrarily and a new Company in the name of Osho Multimedia & Resorts Pvt. Ltd. is introduced whereby the Opponents herein have substantial interest who are making gain therefrom when the Trustees

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of the Trust in question cannot make any gain from out of the Trust funds and properties. The entry fee for the devotees entering the Ashram is also raised heavily from Rs.40/- to Rs.480/- for Indian Nationals and Rs.980/- to Foreign Nationals. The Applicants submit that not only this but no receipt for the said entry fee is ever issued in the past many years. The Applicants submit that on receiving the amount of entry fee, only an entry card is issued to the devotees. With the result, the funds generated by way of entry fee are not accounted for in the accounts of the Trust but they are misappropriated by the Opponents. The Applicants submit that the articles which were used by Shri Osho during his lifetime, the devotees and disciples of Shri Osho have their sentimental rights attached therewith. The Applicants submit that the Opponents herein who are projecting themselves to be the

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Trustees of the Trust and some of the Opponents who are foreign nationals are making every possible effort to remove the said articles from the Ashram and are circulating the same in other countries illegally and unauthorisedly thereby causing hardships to the devotees as the devotees and disciples will not get opportunity to take Darshan of these articles. The Applicants submit that the Opponents have also stopped various ceremonies organized in the Ashram on specific days of their own importance. This has been done deliberately and intentionally so as to reduce the flow of devotees to the Ashram in order to make the Ashram property as private property. The Applicants submit that the Opponents are acting high-handedly and arbitrarily and every action of theirs is discriminatory. The Applicants submit that people of their choice are only allowed to enter the

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premises and the premises where the Ashram is located. Whereas those who question the activities of the Opponents are not allowed to enter the Ashram premises for the reasons best known to the Opponents.

5. The Opponents, therefore, submit that considering the said facts mentioned hereinabove and considering the acts of waste, damage, and improper alienation of the immovable properties of the Trust, high-handed acts on the part of the Opponents in carrying out the administration of the Trust, the Applicants being beneficiaries of the Trust are compelled to move this Application for the purpose of seeking preventive orders restraining the Opponents from wasting, damaging and/or improperly alienating the immovable properties of the Trust, from preventing the devotees from entering the Samadhi place, taking Darshan of

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the articles of Shri Osho and further directions are sought for as against the Opponents as prayed under the original Application at Exhibit "1".

6. The Applicants submit that considering the said facts, preventive orders are required to be passed so as to protect the immovable properties belonging to the Trust from being wasted, damaged and/or improperly alienated and further, directions are required to be issued to the Opponents on top priority to administer the affairs of the Trust strictly in accordance with the provisions of the Constitution which governs the affairs of the Trust and according to the wishes of Shri Osho. In the event if such arrangement is made, nobody can be said to be affected and/or prejudiced but on the contrary, the basic purpose of creation of the Trust would be fulfilled and further, the beneficial

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interest of the beneficiaries at large would be protected at all the times.

7. The Applicants submit that the Applicants have made out a prima facie case to show that the immovable properties belonging to the Trust are wasted, damaged and/or improperly alienated. The Opponents have acted high-handedly and arbitrarily in carrying out the administration of the Trust. The Applicants submit that the Applicants have come forward before this Honourable Court with clean hands. The Applicants submit that the Applicants have not suppressed any material information from this Honourable Authority. The balance of convenience is in favour of the Applicants. Therefore, the Applicants are entitled for the reliefs claimed.

8. The Applicants, therefore, crave leave to add, alter, amend,

modify, substitute and/or delete all or any of the clauses of this Application, if and when necessary.

9. The Applicants, therefore, pray that :

(a) Application be allowed;

(b) That pending the hearing and final disposal of the Application filed by the Applicants under Section 41-E of the Bombay Public Trusts Act, 1950, the present Opponents, their agents, servants or anybody else claiming through them be restrained by an order of injunction of this Honourable Authority from selling, transferring, alienating any immovable property of the Trust and further creating any

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(MAHARASHTRA)
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transaction of gift, creating any third party rights over the immovable properties of the Trust including mortgage, thereby wasting, damaging and improperly alienating the immovable property of the Trust and further alienating any immovable property of the Trust in violation of the directions given by the Donors of the immovable property;

(c) That pending the hearing and final disposal of the Application filed by the Applicants under Section 41-E of the Bombay Public Trusts Act, 1950, the present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of injunction from preventing the disciples of Shri

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Ashram from Rs.40/- to Rs.480/- to Indian Nationals and to Rs.980/- for foreign nationals arbitrarily and high-handedly and further receiving revised entrance fees from the beneficiaries;

(e) That pending the hearing and final disposal of the Application filed by the Applicants under Section 41-E of the Bombay Public Trusts Act, 1950, the present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of injunction of this Honourable Authority from preventing the disciples and/or devotees from entering the Samadhi place of Shri Osho situated at Plot NO.33, Koregaon Park, Pune - 411 001;

(f) That pending the hearing and final disposal of the Application filed by the Applicants under Section 41-E of the Bombay Public Trusts Act, 1950, the present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of injunction of this Honourable Authority from moving any of the articles used by Shri Osho during his lifetime from out of the Ashram at Pune;

(g) That ad-interim reliefs in terms of prayer clauses (b) to (f) hereinabove, be granted;

(h) Such other just and proper order in the interest of the Trust;

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PRAVIN G. SAWANT
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(MAHARASHTRA)
Regd. No. 6506
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(i) Cost of this Application be allowed.

Mumbai, dated this 7th day of December, 2011.

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Applicants.

VERIFICATION

I, Yogesh Thakkar, aged 50 years, residing at Pune 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.

NOTARY
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GREATER MUMBAI
(MAHARASHTRA)
Regd. No. 6506
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Solemnly affirmed at Mumbai,)
On this 7th day of Dec., 2011)

Deponent.

I identify the Deponent.

(K.P. Jadhav)
Advocate.

Before me.

PRAVIN G. SAWANT
B.COM.LLB
ADVOCATE HIGH COURT
NOTARY GOVT. OF INDIA
603/A PRATHAMESH CO-OP. HSG. SOC LTD
M.M.G.S. MARG, NAIGAON,
DADAR, MUMBAI-400014

7 DEC 2011

NOTARY
PRAVIN G. SAWANT
GREATER MUMBAI
MAHARASHTRA
Regd. No. 6506
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This document is noted at
Sr. No. 1236, 7/12/11 in the
Notarial Register

NOTARY NOTARY

EXH. 'AB'

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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 FOUNDATION"

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

1. MR. YOGESH THAKKAR ALIAS SWAMI PREM GEET,
residing at 1, Anand Park,
368-A, Near Suryojana Society,
Koregaon Park,
Pune - 411 001.

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2. MR. KISHOR RAVAL ALIAS
SWAMI PREM ANADI,
residing at B-3/11,
Mira Nagar Park Society,
Koregaon Park,
Pune - 411 001.

3. MR. NITIN PHULPHAGAR ALIAS
SWAMI NITIN BHARTI,
residing at 5/1,
Vashwani Nagar, 292,
Koregaon Park,
Pune - 411 001 ...APPLICANTS

VERSUS

1. MR. MUKESH KANTILAL
SARDA ALIAS
SWAMI MUKESH BHARTI,
50, Koregaon Park,
Pune - 411 001.

2. MR. DEVENDRA SINGH DEVOL,
50, Koregaon Park,

NOTARY
PRAVIN G. SAWANT
GREATER MUMBAI
(MAHARASHTRA)
Regd. No. 6506
GOVT. OF INDIA

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Pune - 411 001.

3. MRS. SADHANA BELAPURKAR,
17, Koregaon Park,
Pune - 411 001.

4. MR. LALPRATAP SINGH,
50, Koregaon Park,
Pune - 411 001.

5. MR. MICHAEL O'BYRNE
ALIAS SWAMI JAYESH,
CHAIRMAN, INNER CIRCLE,
17, Koregaon Park,
Pune - 411 001.

6. MR. GEORGE MERIDITH ALIAS
SWAMI AMRITHO,
VICE CHAIRMAN, INNER CIRCLE
17, Koregaon Park,
Pune - 411 001.

7. MR. DARCY O'BYRNE ALIAS
SWAMI YOGENDRA,

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PRAVIN G. SAWANT
GREATER MUMBAI
(MAHARASHTRA)
Regd. No. 6506
GOVT. OF INDIA

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MEMBER, INNER CIRCLE

17, Koregaon Park,

Pune - 411 001. ...OPPONENTS

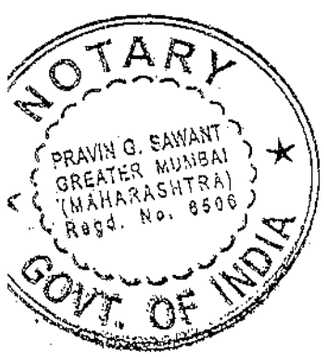
The Applicants hereinabove, do hereby submit as under :-

The Applicants hereby submit the following information in compliance with Rule 25AA of the Bombay Public Trust Rules, 1951 :-

(a) <u>The name, occupation and the address of the Applicants and the Opponents :-</u>

<u>APPLICANTS</u>

1. MR. YOGESH THAKKAR ALIAS
SWAMI PREM GEET,
Occupation : Business
residing at 1, Anand Park,
368-A, Near Suryojana
Society,



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Koregaon Park,

Pune - 411 001.

2. MR. KISHOR RAVAL ALIAS
SWAMI PREM ANADI,
Occupation : Business,
residing at B-3/11,
Mira Nagar Park Society,
Koregaon Park,
Pune - 411 001.

3. MR. NITIN PHULPHAGAR ALIAS
SWAMI NITIN BHARTI,
Occupation : Business,
residing at 5/1,
Vashwani Nagar, 292,
Koregaon Park,
Pune - 411 001

OPPONENTS

1. MR. MUKESH KANTILAL
SARDA ALIAS
SWAMI MUKESH BHARTI,

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PRAVIN G. SAWANT
GREATER MUMBAI
(MAHARASHTRA)
Regd. No. 6606
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Occupation : Business,

50, Koregaon Park,

Pune - 411 001.

2. MR. DEVENDRA SINGH DEVOL,

Occupation : Business,

50, Koregaon Park,

Pune - 411 001.

3. MRS. SADHANA BELAPURKAR,

Occupation : Business,

17, Koregaon Park,

Pune - 411 001.

4. MR. LALPRATAP SINGH,

Occupation : Business,

50, Koregaon Park,

Pune - 411 001.

5. MR. MICHAEL O'BYRNE

ALIAS SWAMI JAYESH,

CHAIRMAN, INNER CIRCLE,

17, Koregaon Park,

Pune - 411 001.

NOTARY
PRAVIN G. SAWANT
GREATER MUMBAI
(MAHARASHTRA)
Regd. No. 8506
GOVT. OF INDIA

6. MR. GEORGE MERIDITH ALIAS
SWAMI AMRITHO,
VICE CHAIRMAN, INNER CIRCLE
17, Koregaon Park,
Pune - 411 001.

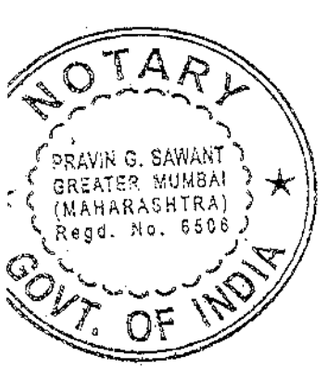
7. MR. DARCY O'BYRNE ALIAS
SWAMI YOGENDRA,
MEMBER, INNER CIRCLE
17, Koregaon Park,
Pune - 411 001.

(b) Name and description and number of the Trust and its Office address :-

Osho International Foundation,
P.T.R. No.F-14570 (Bombay)

Address

608, Maker Chambers V,
6th Floor,
Nariman Point,
Mumbai - 400 021.



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(c) Names and addresses of the Trustees and Managers

As of Opponents.

(d) Objects of the Trust

The Applicants submit that the Trust in question was created under Memorandum of Association and Rules and Regulations dated 22nd January, 1991 whereunder the objects are recorded in the Application for registration as "to spread and impart education by formal training in the field of Arts, Science and humanities, by conducting courses in meditation, yoga, physiotherapy and ancient medicines, to disseminate knowledge of ancient and contemporary philosophies to devise and spread modern method of education and to spread and impart education in all above fields by

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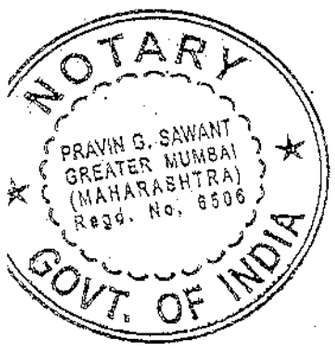
formal training by conducting courses in yoga, meditation and in various other forms through qualified and competent personnel having expert knowledge to the participants without any restriction as to caste, creed, colour, religion or social status for the full development of mind, body and soul etc.

The Applicants submit that under Application No.31 of 2001 under Section 50-A(1) of the Bombay Public Trusts Act, 1950, a Scheme is settled for better management and administration of the Trust and accordingly, the affairs of the Trust are being governed in accordance with the provisions of the said Scheme settled.



The Applicants submit that during the course of time, Application

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under Section 50-A(2) of the Bombay Public Trusts Act, 1950 being Application No.31 of 2001 was filed for amalgamation of Osho International Foundation, P.T.R. No.F-14570 (Bombay) and Satyam Foundation, P.T.R. No.E-11944 (Bombay), Manisha Trust, P.T.R. No.E-11945 (Bombay), Sambodhi Foundation, P.T.R. No.E-12485 (Bombay), Shivam Foundation, P.T.R. No.E-12519 (Bombay) and Sundaram Foundation, P.T.R. No.E-12531 (Bombay) was filed which came to be allowed under order dated 15th Novmeber, 2003 whereunder the objects of the said Trust are recorded as under :-

AIMS AND OBJECTS

a) To spread and impart education by formal training in the field of arts, science and humanities with a

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view to develop knowledge, skills, mind and character with the ultimate aim of complete self development of human beings as ideal citizens of the world.

b) To spread and impart education by conducting courses in yoga, physiotherapy, physic healing and various forms of ancient medicine and other methods to develop memory, problem solving skills and general ability to learn.

c) To disseminate knowledge of ancient and contemporary philosophies, study of comparative religions, thinking of philosophers through libraries, audio and video tapes, lectures, seminars and symposiums of contemporary philosophers, thinkers and scholars with a view to educate on all aspects of

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mental, physical and spiritual development.

d) To devise and spread modern methods of education with a view to enable students to discover their own inclinations and aptitudes and develop in the area most suited to them to achieve the highest forms of creativity in their respective fields.

e) To spread education and to make available ideal conditions in the field of learning and developing of fine arts.

f) To grant scholarships and other educational assistance to deserving students for study of ancient and contemporary philosophers and other fields stated above and to offer guidance and assistance in the pursuit of their studies

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particularly research projects in the aforesaid fields.

g) To support and maintain whether by outright donations or otherwise any other educational institutions engaged in similar activities.

h) To spread and impart education in all the above fields by formal training and by conducting courses in Yoga, Meditation and in various other forms through qualified and competent personnel having expert knowledge to the students/ participants without any restrictions as to caste, creed, colour, religion or social status for the full development of mind, body and soul.

(e) Nature of Applicants' interest in the Trust :-

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1. The Applicants submit that the Trust in question with the name "Osho International Foundation" is created as a Society and registered under the provisions of Societies Registration Act, 1860 and being a deemed Public Charitable Trust, it is registered as a Public Charitable Trust under the provisions of Bombay Public Trusts Act, 1950. At the time of formation of the said Society/Trust, a Constitution in the form of Memorandum of Association and Rules and Regulations was settled which was held to be a document creating the Trust. During the course of time, several Trusts were amalgamated with the Trust in question and a common Scheme for management and administration of the Trust is settled.

2. The Applicants submit that Sambodhi Foundation was during the course of time merged with Osho International Foundation. The

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Trustees of Osho International Foundation and Neo Sannyas Foundation are almost the same for years together. The properties originally owned by the Trust are now managed by Osho International Foundation or by Neo Sannyas Foundation. Samadhi of Shri Osho is standing on the property owned by Neo Sannyas Foundation but managed by Osho International Foundation. The Applicants submit that the Applicants are the followers of Shri Osho alias Bhagwan Shri Rajneesh and that the Applicant No.1 was directly associated with Osho International Foundation in which Sambodhi Foundation was marged of which he was a Trustee. Applicant No.1 had acquired immovable properties which are during the course of time transferred by way of endowments to Osho International Foundation. The beneficiaries of Osho International Foundation and that of Neo Sannyas Foundation are the same and

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who are spread all over the world. The Applicants submit that being the followers of Shri Osho alias Bhagwan Shri Rajneesh and associated with his activities and also participated in the past in the capacity as Trustees of Sambodhi Foundation in the activities carried out by Shri Osho alias Bhagwan Shri Rajneesh and after his resignation, he is following the principles of Bhagwan Shri Rajneesh. The Applicants submit that the Applicant No.1 as well as other Applicants are directly connected to the activities carried out by Bhagwan Shri Rajneesh and all the Applicants are his followers and thereby the Applicants herein since entitled to receive the benefits from Osho International Foundation as well as Neo Sannyas Foundation, all the present Applicants are beneficiaries of the Trust and thereby all the present Applicants are persons having interest

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as defined under Section 2(10) of the Bombay Public Trusts Act, 1950.

3. The Applicants submit that all the present Applicants are citizens of India and are disciples, believers and followers of Shri Osho Rajneesh, previously known as Bhagwan Shri Rajneesh. Accordingly, all the present Applicants are connected to the activities carried out by Shri Osho Rajneesh under the banner of the Trust and have participated in the activities carried out by Shri Osho Rajneesh and after his demise by the Trust and thereby all the present Applicants are the beneficiaries of the Trust. Furthermore, the Applicants submit that one Trust with the name, Sambodhi Foundation was created under the Deed of Trust dated 3rd August, 1989 of which the Applicant No.1 was a Trustee of the Trust. Applicant No.1 has resigned from the Trusteeship under his

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resignation letter dated 1-3-1992. The Applicants submit that Change Report No.886 of 2001 was filed to bring on record of Osho International Foundation immovable property bearing Plot No.4 of Koregaon Park, Pune which was acquired by the Trust under Deed of Endowment dated 24th December, 1997. The said document in the form of Deed of Endowment dated 24th December, 1997 was executed by Applicant Nos.1 and 2 with Others in favour of Osho International Foundation. The Applicants submit that the said Deed of Endowment will go to show that Applicant Nos.1 and 2 are the donors of immovable property of the area admeasuring about 5588 square meters to Osho International Foundation. Being donors of immovable property, the Applicants have substantial interest in the activities of Osho International Foundation.

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4. The Applicants submit that there is another Public Charitable Trust with the name Blue Lotus Trust which came into existence under Indenture of Trust dated 8th February, 1990. In the said Trust, the Applicant No.2 was shown as a Trustee of the Trust. The said Blue Lotus Trust came to be merged with Osho International Foundation by order of the Deputy Charity Commissioner, Greater Bombay Region, Bombay. During the course of time, Change Report No.4192 of 1996 was filed was filed in the matter of Osho International Foundation for additions of immovable property situated at Village Mangeri, Taluka Haveli, District Pune bearing Revision Survey No.57, 58, 59A, C.T.S No.12/1, Plot No.9, Koregaon Road, Pune. This property was purchased from Koregaon Park Hotels Limited by Osho International Foundation and Blue Lotus Trust jointly under registered

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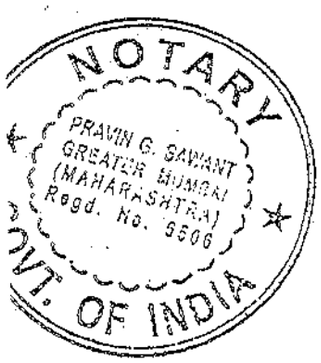
document. The present Applicant No.2 being the Trustee of Blue Lotus Trust is signatory of the said document. Applicant No.2 has resigned from the Trusteeship under his resignation letter dated 6th May, 1994.

5. The Applicants submit that there is another Trust with the name Sambodhi Foundation, P.T.R. No.E-12486 (Bombay). The Applicant No.1 was Trustee of this Trust. This Trust was created under the Deed of Trust dated 3rd August, 1989. During the course of time, Change Report No.1229 of 1992 was filed to delete the name of the Applicant as Trustee of the Trust by virtue of his resignation. The Trust with the name Sambodhi Foundation also came to be merged with Osho International Foundation.



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6. The Applicants submit that Change Report No.4172 of 1996 was filed in the matter of Osho International Foundation for additions of immovable property.

7. The Applicants submit that in respect of Sambodhi Foundation, P.T.R. No.E-12486 (Bombay), Change Report No.778 of 2000 was filed for recording immovable property bearing Unit No.2, Building No.4 situated at Plot No.22, Koregaon Park, Pune - 1. This property was acquired by Sambodhi Foundation under Deed of Endowment dated 6-12-1997 and by virtue of amalgamation of Sambodhi Foundation with Osho International Foundation, the property was transferred to Osho International Foundation. Being Trustee of Sambodhi Foundation and party to the Deed of Endowments executed, Applicant No.1 has

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substantial interest in the activities of Osho International Foundation.

8. The Applicants submit that under Application no.31 of 2001, Satyam Foundation, P.T.R. No.E-11944, Manisha Trust, P.T.R. No.E-11945, Sambodhi Foundation, P.T.R. No.E-12485, Shivam Foundation, P.T.R. No.E-12519 and Sundaram Foundation, P.T.R. No.E-12531 came to be merged with Osho International Foundation. Both the Applicant nos.1 and 2 are signatories of various documents for acquiring the properties which finally came to be in the custody and possession of Osho International Foundation. In view of this position and since the Applicants are disciples, believers and followers of Shri Osho Rajneesh, previously known as Bhagwan Shri Rajneesh alias Rajneesh and since the Applicants are Hindu by religion, the Applicants are entitled for the services provided by

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the Trust and further are entitled for benefits out of the activities of the Trust and therefore, all the present Applicants are beneficiaries of the Trust and thereby persons having interest as defined under Section 2(10) of the Bombay Public Trusts Act, 1950. Hence, the Applicants are entitled to file the present Application for the purpose of seeking the reliefs as claimed.

CAUSE OF ACTION AND NATURE OF RELIEFS CLAIMED UNDER THE APPLICATION

9. The Applicants submit that the Trust in question has acquired several immovable properties at Pune namely (1) Land and building at Plot No.9, Koregaon Park, Pune; (2) Land and Building at Plot No.3, Koregaon Park, Pune, (3) Land and Building at Plot No.4, Koregaon Park, Pune; (4) Land and Building at Plot No.5, Koregaon

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Park, Pune; (5) Buildings at Plot Nos.50/51, Koregaon Park, Pune; (6) Units at Plot No.22, Koregaon Park, Pune; (7) New Buildings at Plot No.9, Koregaon Park, Pune and (8) Land and Building at Plot Nos.15/16, Koregaon Park, Pune. The properties are required to be utilized for activities of the Trust. Most of the properties which are acquired by the Trust are under Deed of Endowments or under Deed of Gifts. In view of the position that the properties are acquired by Deed of Endowment and/or Deed of Gift, it is the basic principle that the wishes of the Donors are required to be honoured and accordingly, the immovable properties are required to be utilized for purposes of the Trust. As against that, it is observed by the Applicants who are beneficiaries of the Trust and who are entitled to take benefits from out of the immovable properties acquired by the Trust that

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group of persons who are claiming to be the Trustees of the Trust are in a habit of alienating the properties, transferring the properties by way of gifts and/or transfer without consideration whereby the properties are likely to be transferred against the wishes of the Donors and in violation of the provisions of the Instrument of Trust. The said transactions are effected by Trustees with existing or then Trustees. In the event if the properties are transferred and/or gifted to some other Trust, the properties will not be utilized for the purposes for which they are gifted to the Trust and thereby the beneficial interest of the beneficiaries at large would be affected. Property Plot No.22, Koregaon Park, Pune is put for alienation by way of gift to Darshan Trust registered in New Delhi. Ms. Vidya Khubchandani and Mr. Anand Kumar

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Awasthi who were one time Trustees of the Trust are Trustees of Darshan Trust. This is how Trustees are trying to distribute properties amongst themselves. Ms. Vidya Khubchandani is present Trustee of Neo Sanyas Foundation.

10. The Applicants submit that the Opponents herein are creating different Charitable Trusts outside the State of Maharashtra and are transferring the immovable properties of the Trust to such Public Charitable Trusts located outside the State limits only with the intention to provide benefits to the Trustees either existing and/or then Trustees of the Trust in question only. The Applicants submit that some of the persons who were Trustees of the Trust have deliberately and intentionally tendered their resignations from the Trust. They have created new Trusts

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at Delhi during their tenure as Trustees or thereafter or at different places. At times, they have projected as if they are not connected to the Trust and are fraudulently getting immovable properties of the Trust transferred to their Trusts but to be utilized by them for personal use. The Applicants submit that such transfers are illegal and unconstitutional as it is the basic principle under the law that no Trustee can take any direct benefit from out of the Trust funds and properties for himself. The Applicants submit that looking at the approach, attitude and conduct of the Opponents, the Applicants herein who are beneficiaries of the Trust and who have direct and substantial interest in the Trust are compelled to move this Application before this Honourable Authority for the purpose of seeking relief in the form of

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preventive orders for preventing the Opponents from wasting, damaging and improperly alienating any immovable property of the Trust and further preventing them from transferring any immovable property from the Trust to any other organization, association or body in violation of the terms laid down by the donors who have donated the properties to the Trust.

11. The Applicants submit that some of the present Opponents are the Trustees of the Trust established during the lifetime of Shri Osho and registered under the provisions of Bombay Public Trusts Act, 1950.

12. The Applicants submit that during the lifetime of Shri Osho i.e. Bhagwan Shri Rajneesh, he had proclaimed the object of the Trust to be purely charitable and the proceeds of the Trust were to be used for the

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benefits of the disciples of Osho. The Applicants submit that the Trust Deed is centred around "to spread and impart the preaching of philosophers including Osho". The Opponents being the Trustees of the Trust are required to work as Trustees of the Trust as per the provisions of the Deed of Trust finalised and further as per the provisions of the Schemes settled from time to time. The Applicants submit that the Trust in question is also involved in carrying out primarily the activity of spiritual nature such as Gyan, Dhyana, Sadhna Centre, Meditation Camps, conducting lectures and seminars on the subject of philosophy etc. of Osho.

13. The Applicants submit that during the course of time, the Opponents herein started violating the directions issued by Shri Osho during his lifetime in respect of the Trust

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and the Opponents have breached the objects and the guidelines issued by Shri Osho. The Applicants submit that considering the arbitrary acts on the part of the Opponents herein, the Applicants are compelled to file the present Application.

14. The Applicants submit that Shri Osho was an Indian Citizen born in India on 11-12-1931 and have attained Mahaparinirvan (Demise) at Pune in India on 19-1-1990. Shri Osho is more than a Saint and teacher for his followers. Shri Osho is also known and remembered as a spiritual master most prolific and revolutionary author of more than 600 books which have been translated in 45 languages around the world. The Applicants submit that previously, books in respect of teachings of Shri Osho were published by Osho Media International earlier known as Sadhna Foundation, a

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Section 25 Company, but during the course of time, the present Opponents have changed the Publisher to Osho Multimedia and Resorts Private Limited, a Private Limited Company by giving go-by to a Company registered under Section 25 of the Indian Companies Act. The present Opponent Nos.1 to 3 happen to be the Directors of the said Company who are directly making wrongful gain from out of the publication of the books of Shri Osho. With the result, the Trust is deprived of its rights. Shri Osho has followers from all the countries all over the world. The Applicants are also the followers of Osho and are having substantial interest in the activities of the Trust.

15. The Applicants submit that the books written by Shri Osho were made available to the disciples and beneficiaries at a reasonable cost.

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The Applicants submit that during the course of time, the Opponents in association with Mr. Michael O'Byrne, a foreign national has made an attempt to sell the title of various books in favour of the Publisher. The revenue generated to the Trust by way of sale of books is stopped. Similarly, the consideration for sale of title of the books is not received by the Trust thereby loss is caused to the Trust.

16. The Applicants submit that there is another Trust with the Trust "Osho International Foundation" created and registered in Switzerland of which Michael O'Byrne, the Opponent herein is the President and Mr. Andrews, John, Vice President and Bass, Guido, Creutzfeldt Klause-Peter, and Seeg, Klaus are the members. However, the Opponent No.1 Mr. Mukesh Sarda is also one of the Trustees of the said Trust according to the

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information of the Applicants. This particular creation of the Trust and arrangement abroad has resulted in Opponents depriving the Trust of its lawful return and income and accounting the same in organizations created outside India.

17. The Applicants submit that Shri Osho has traveled all over the world and had preached and guided millions of people in meditation and spirituality. The Applicants submit that Shri Osho has followers and disciples from all over the world. The Applicants submit that Shri Osho is well known to have given speeches on almost all saints and prophets for example Buddha, Mahavira, Krishna, Kabir, Nanak, Mira, Jesus and much more and have spoken to almost all subjects effecting to human life. The Applicants submit that Shri Osho's enlightened views on various subjects

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of life, death, yoga, education, ecology, economy, politics etc. have guided and transformed millions of people around the world. The Applicants submit that considering the said factual position, millions of people were benefitted all over the world who are followers, admirers, lovers of Shri Osho. The Applicants submit that the entire literature and knowledge of Shri Osho has been reproduced into books, tapes, audios, videos, CDs etc. The Applicants submit that the talks and discourses given by Shri Osho originally in Hindi and English languages are well recorded in Audio and Video format. The Applicants submit that the various books printed and published are derived from Shri Osho's live discourses carried out for the past over 35 years.

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18. The Applicants submit that as per Shri Osho's guidance, his followers have established meditation centres and Ashrams in India and all over the world for his disciples but Ashram at Pune is registered as a Public Trust. The Applicants submit that there are many such establishments put together by Shri Osho's disciples on the guidance, approval and direction given by Shri Osho himself. The Applicants submit that Shri Osho during his lifetime lived at his Ashram at Koregaon Park, Pune for most of his life. The Applicants submit that Shri Osho's Ashram at Pune is therefore considered and believed to be the main Ashram and worship place of Shri Osho in the entire world. The Applicants submit that large number of people from all over the world traveled to India to visit the Ashram at Pune to pay tribute and seek blessings from Shri

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Osho's Samadhi situated in Osho Ashram in Osho's real life bedroom as per the directions of Shri Osho. The Applicants submit that the disciples visit and participate in the meditation, guided programmes started by Shri Osho during his lifetime, which things bring out the inner piece to an individual follower and beneficiary. The Applicants submit that the spiritual healing achieved cannot be calculated in terms of money. The Applicants submit that it is most sacred place in the world for Shri Osho's devotees unlike Applicants.

19. The Applicants submit that during the lifetime of Shri Osho himself, his teachings have been preserved into Audio, Video and print formats. The Applicants submit that Shri Osho has invented and rediscovered many grade meditation

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techniques and therapies for the growth of humanity and example of which works in this regard is being recorded in the book called "meditation", "the first and the last freedom" as well as "tantra sutra", all the literatures of Shri Osho as per the directions of Shri Osho was to be made available for his disciples. The Applicants submit that the Applicants and the disciples around the world have emotions attached towards Shri Osho and his literature and worship the same.

20. The Applicants submit that prior to Shri Osho's demise, Shri Osho had constituted group of 21 disciples. The Applicants submit that this group is called "inner circle". The Applicants submit that the "inner circle" was constituted to manage the day-to-day activities of the Ashram and also to take care of the other

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moveable, immovable and other intellectual properties, rights and assets of Shri Osho all over the world. The Applicants submit that presently, the said inner Circle of 21 disciples is dissolved high-handedly and arbitrarily and the activities of the Trust are influenced mainly by three foreign nationals namely (1) Mr. Michael O'byrne alias Swami Jayesh, Chairman (2) Mr. George Meridith alias Swami Amritho, Vice-Chairman and (3) Mr. Darcy O'byrne alias Swami Yogendra, who are interfering in the affairs of the Trust and are trying to exercise the powers of Trustees. Such delegation of powers by the Trustees is bad in law.

21. The Applicants submit that the Opponents herein being the Managing Trustees are in charge of the affairs of the Trust and are converting the properties of the Trust which was

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formed primarily for carrying out charitable activities into a commercial venture and are wrongfully alienating the properties of the Trust and further are trying to prevent the devotees and disciples like the Applicants from performing various religious and spiritual activities within the Trust premises. The Applicants submit that the Opponents are acting contrary to the teachings and directions of Shri Osho. The Applicants submit that the Opponents have used good offices of Shri Osho's institution for making commercial gain from out of the Trust funds and properties and have tarnished the image of Shri Osho. The Applicants submit that the Opponents have applied new policies and rules to the Ashram and properties of Shri Osho. The Applicants submit that all such acts of the Opponents are contrary to the teachings and principles of Shri Osho.

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The Applicants submit that due to such acts, the growth of Shri Osho Community has been seriously hampered. Moreover, such change is directly against the directions issued by Shri Osho himself and are affecting prejudicially the inherent rights of the individual followers like the Applicants.

22. The Applicants submit that Shri Osho during his lifetime did not apply any Patent or Copyright for his work as it was clearly declared by Shri Osho that he did not want his words to be copyright or patented for commercial purposes and should be made available to all at a nominal cost. However, various copyrights in respect of Shri Osho's work were attempted by the Opponents. The Applicants submit that Shri Osho wanted his work to reach each and every human being on the earth and his beneficiaries. The

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Applicants submit that Shri Osho's books were printed and the same were sold at the cost price with the intention that the same shall be affordable by common man and disciples. The Applicants submit that Shri Osho's Institutes used to print and distribute books of Shri Osho. Now, the literature and other articles have been made more expensive in order to achieve profit and make commercial gain therefrom which are against the objects of the Trust.

23. The Applicants submit that during the lifetime of Shri Osho and sometime thereafter, it was a practice that the disciples including the Applicants would get opportunity to work in the Ashram and to carry out the work like cleaning the moveable and immovable properties, working in the kitchen, gardening work, involved in selling books and maintaining

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library, cleaning the Samadhi area etc. All these works were carried out by the disciples on their own. The same was commonly known as the Seva. Such seva used to bring harmony and peace to the Sevaks. On performing the Seva, egos, self-esteem and materialistic status would automatically get vanished from the minds of the disciples, thereby making Shri Osho disciples more aware about the teaching of Shri Osho. Such Seva was encouraged by Shri Osho, whose followers used to get internal satisfaction and spiritual compassion on performing such Seva at the Ashram. However, the Opponents for no reason have wrongfully restrained Shri Osho's followers from performing such Seva. The Applicants submit that the Opponents have engaged commercial cleaning services of contractors namely "Sodexho" to whom heavy payments are made every month. The

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work which was carried out by the disciples free of cost is now offered to M/s. Sodexho at heavy charge whereby the Trust funds are unnecessarily spent lavishly at an exorbitant price. With the result, the Trust is put into unnecessary financial burden which is causing loss to the Trust. The Applicants submit that considering the said heavy expenditure incurred at the hands of Opponents and considering the loss caused to the Trust, the Opponents are required to be restrained by an order of injunction of this Honourable Authority from engaging the services of "Sodexho" for maintaining and cleaning the properties of the Trust. The Applicants submit that furthermore, for engaging the services of M/s. Sodexho, no tenders and/or quotations were invited. Therefore, the Opponents herein had no material

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information before them about competitive rates available.

24. The Applicants, therefore, submit that the disciples are thereby deprived of their legitimate right to carry out Seva. With the result, not only the beneficial interest of the beneficiaries is effected, but the rights of devotees of providing Sevas are taken away high-handedly and arbitrarily.

25. The Applicants submit that during the lifetime of Shri Osho and sometime thereafter for many years, every person was permitted to enter the Ashram at a nominal fee of Rs.40/- which was fixed consistently for more than five years. However, the Opponents who are bent upon to convert the property belonging to the Trust situate at Koregaon Park, Pune into a commercial complex, in order to

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restrict the entries of the disiciples of Shri Osho and the devotees and in order to create the scene that there are no visitors to the Ashram, the Opponents herein have acted high-handedly and arbitrarily and raised the entry fee to the Ashram from Rs.40/- to Rs.480/- to Indian Citizens and Rs.980/- or Foreign Nationals for one visit between 5.30 a.m. to 10.30 p.m. No receipt in respect of the said amount collected against the entry fee is issued to the devotees at any time, but only a card is issued to the devotees for its presentation at the entry gate so as to enable him/her to have his/her entry into the property of the Ashram. The said funds collected by way of entry fee are not accounted for in the accounts of the Trust but are totally misappropriated by the Opponents. The Applicants submit that in fact, the Opponents herein who are claiming

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themselves to be the Trustees of the Trust are duty bound to issue stamped receipts to each and every devotee when he will make the payment for obtaining the gate pass for his/her entry into the property and further, it is the duty of every trustee to account the said income into the accounts of the Trust. Considering this fact, the Opponents are required to be directed to issue receipts to each and every devotee against the payment made for entry and account the same in the accounts of the Trust. The Applicants submit that by raising the said entry fee, the number of disciples visiting Ashram is reduced and the Trust started losing its revenue substantially which is also causing loss to the Trust. The Applicants submit that furthermore, the Opponents are practising an act of discrimination between the human beings which is against the basic

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philosophies of Shri Osho and the provisions of the Deed of Trust thereby necessary arrangement is required to be made to prevent the Opponents from charging heavy entrance fee to the devotees so as to see that every disciple of Shri Osho will get an opportunity to enter the Ashram and to offer his prayers and provide his Sevas which will help the Opponents herein to carry out the activities of the Trust in accordance with the provisions of Instrument of Trust.

26. The Applicants submit that the Opponents are carrying out their efforts to sell the manuscripts of the literature of the Trust for making commercial gain therefrom. There is no reason to sell and transfer of any of the immovable property belonging to the Trust which are to be applied for fulfillment of purposes of the Trust and to be preserved forever since the

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properties are acquired mostly by way of gifts or by way of endowments for its application for fulfillment of purposes of the Trust. The Applicants submit that the properties of the Trust are to be utilized for the benefit of mankind who are beneficiaries of the Trust and for carrying out the activities of Shri Osho who had specifically directed that all his properties moveable, immovable, intellectual are meant for the benefit of mankind and his disciples and followers.

27. The Applicants submit that the Applicants have learnt that the Opponents are in the process of gradual and systematic transfers of all the immovable properties, assets of the Trust and activities into a Five-Star Resort and for that purpose, the Opponents have established an Entertainment Company by the name

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"Osho Multimedia and Resorts Private Limited" which was earlier known as "Zen Resorts Private Limited". The said Company is incorporated at Serial No.U-85110 MH-2001 PTC 133524 and Registration Number of the Company is 133524. The Company was incorporated on 1st October, 2001 with the Authorised Share Capital of Rs.20 lakhs divided into 2 lakhs equity shares of Rs.10/- each. The Registered Office of the Trust and the Registered Office of the said Company is one and the same. Furthermore, the Trustee i.e. the Opponent Mr. Mukesh Sarda and Mrs. Vidya Kubchandani are the Directors of the said Company. This indicates that the names of the Trustees and the names of Directors of the said Osho Multimedia Resorts Private Limited are the same which gives them scope to misrepresent themselves at convenient time as the Trustees and at convenient time as

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Directors of the Company and they are mixing up the activities of the Trust and the properties of the Trust as if the properties of the Company and thereby by misleading the members of the Society at large and by misleading the disciples, are making gains from out of the Trust funds and properties for their personal benefits.

28. The Applicants submit that in case of Osho Media International, early known as Sadhna Foundation, a Company Identity No.U-91910 MH-1988GAP 046430, Company Registration No.046430 incorporated on 8th March, 1988, one of the Directors Mr. Lalpratap Singh was shown as dead on 24th July, 2008 whereas he is shown as Trustee of Osho International Foundation even today. This indicates the attempt on the part of the Opponents to mislead the disciples and to mislead the members of the Society at large. The

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Applicants submit that there is no need for the Trust to transfer any property of the Trust moveable or immovable to the said Osho Multimedia and Resorts Private Limited but it is only because the Trustees of the Trust and the Directors of the Company are common, they are taking undue advantage of the situation and since they are bent upon to convert the immovable property of the Trust where the Ashram of Shri Osho is located into a Five Star Resort or Five Star Hotel and with that intention only, Osha Multimedia and Resorts Private Limited is created which was earlier known as Zen Resorts Private Limited. The Applicants submit that the Opponents are systematically attempting to transfer all the rights of the Trust over the immovable properties in favour of the said Company and this transfer in the long run is intended to monopolizing and

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commercializing Shri Osho's great work in the hands of few individuals for making gains by way of commercial benefits out of the same.

29. The Applicants submit that it was the practice till recent times that the personal belongings and other belongings of Shri Osho were allowed to be seen on certain important days. The belongings consisted of master copy of his discourses, original manuscripts, daily usables such as clothes, photo gallery, paintings, Osho signatures, arts etc. The disciples used to perceive and envisage Shri Osho thereby. It gave an opportunity to get connected to Shri Osho. Such experience was permitted by visiting the rooms occupied by Shri Osho during his lifetime. Such visits were permitted on Shri Osho's birthday i.e. 11th December. Shri Osho's enlightenment

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day i.e. 21st March, Shri Osho's Mahaparinirvan day i.e. 19th January every year. The Applicants submit that the Opponents have now stopped all such visits of the disciples. The Applicants submit that on all the said 3 dates, various functions were organized by the Trust to celebrate Shri Osho's birthday, Osho's enlightenment day and Mahaparinirvan of Shri Osho and the disciples used to remain present there and they used offer their prayers. The Applicants submit that since this practice is arbitrarily stopped by the present Opponents, the Opponents are required to be directed to start with the said process and practice afresh and allow the disciples and beneficiaries of Shri Osho to attend such function organized as per the practice followed for years together. The attempt on the part of the Opponents is like closing the doors of all the temples to the

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devotees. Moreover, the Opponents have removed various personal articles of Shri Osho including but not restricted to Shri Osho's huge library, paintings, original manuscripts etc. out of India There is no account of the same. In terms of monetary value, the same is worth millions of rupees. During the lifetime of Shri Osho and sometime thereafter, all such articles were displayed and viewed, some of the personal belongings, original manuscripts, photo gallery, paintings, signatures of Shri Osho are since missing. The Opponents are accountable for all such articles to each and every follower and disciple of Shri Osho and beneficiary of the Trust. Moreover, the Ashram at Pune is the main Ashram and all such Shri Osho's belongings were always kept in Pune Ashram. The reason for moving such articles have not been disclosed

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to any of the disciples including the Applicants. This act on the part of the Opponents is against the interest of the Trust and further by removing all important material of Shri Osho with which the sentimental values of the disciples are attached. The Opponents were not entitled to remove the said articles from the Ashram at Pune to any other place in the world but the Opponents herein in order to convert the said property of the Trust into their own property have made an attempt to shift all these articles of Shri Osho to some other place whereby the Opponents can display the same at any place in the world and start generating income therefrom for their personal gain. Therefore, the Opponents are required to be directed to restore the said articles in Pune Ashram by passing suitable orders.

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30. The Applicants submit that one of the sacred gifts left for the disciples is the said Shri Osho's Samadhi in the Ashram at Pune. After the demise, as per the wish of Shri Osho, his bedroom was converted into his Samadhi which is standing on property owned by Neo Sanyas Foundation but managed by the Trust in question. Thousands of people from all over the world come to meditate and pay tribute to Shri Osho at the Samadhi. This Samadhi was established and created as per Shri Osho's guidance during his lifetime. The said Samadhi exists for more than 20 years. Now all of a sudden, the Opponents are claiming the Samadhi as a Hall and calling it as Shri Osho's Samadhi was a mistake which has shaken the faith of Shri Osho's devotees all over the world including the Applicants. The Applicants submit that recently, the Opponents have

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removed the nameplate of Shri Osho's Samadhi. The Applicants submit that the Samadhi is the sacred place directly connected to the religious belief of Shri Osho's followers which binds the spiritual nature. It is the spiritual site for worship, belief, faith and devotion etc. a place where one and all can pray and meditate to Shri Osho. The Applicants feel that Shri Osho's presence is cosmic energy form. The Applicants submit that all such arbitrary acts and high-handed activities on the part of the Opponents and the decisions recorded by them which are detrimental to the interest of the Trust and its beneficiaries and the devotees are basically against the interest of the Trust. The Applicants submit that the Opponents are manipulating Shri Osho's work and vision thereby have got disgraced and have prejudiced the interest of the Applicants and

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devotees all over the world thereby the present Applicants are constrained to file the present Application under the provisions of Bombay Public Trusts Act, 1950 for the purpose of seeking necessary preventive orders against the Opponents.

31. The Applicants submit that the reliefs which are claimed by the Applicants are to prevent the Opponents from raising the entry fee to the Ashram, whereby every beneficiary and disciple can visit the Ashram. Secondly, the Opponents should be restrained from removing the articles which were used by Osho from the Ashram at Pune and shifting it to any other place in the world and if such articles are shifted, directions to the Opponents to bring back those articles and restore them in the Ashram at Pune. Thirdly, the

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Opponents are required to be restrained by an order of injunction of this Honourable Authority from wasting, damaging and improperly alienating any immovable property of the Trust and further restraining the Opponents from alienating the immovable properties of the Trust in violation of the directions and mandate given by the Donors who have donated the immovable properties to the Trust. The Applicants are also seeking directions to the Opponents to make available the literature of Shri Osho to the disciples at a reasonable rate and prevent them from making commercial use of the said literature whereby the Opponents are in a habit of making gains from out of it and further order of injunction against the Opponents restraining them from preventing the disciples from entering the Samadhi place of Shri Osho and from offering prayers therein.

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32. The Applicants submit that in the event if the preventive orders as sought for are granted against the Opponents, nobody can be said to be affected and/or prejudiced but on the contrary, the activities of the Trust would be carried out in a better and efficient fashion thereby the funds and properties of the Trust would be protected. As against that, if the preventive orders are not passed and the Opponents are not restrained by orders of injunction and are not issued with directions, the Opponents will continue with their high-handed and arbitrary acts which are detrimental to the interest of the Trust and therefore, in order to protect the interest of the Trust and to protect the interest of the beneficiaries and disciples, the

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reliefs claimed by the Applicants are required to be granted.

33. The Applicants submit that the Applicants have made out a prima facie case to show that there is a threat to the immovable properties of the Trust of being wasted, damaged and/or improperly alienated. The Applicants submit that the Applicants have made out a prima facie case, balance of convenience is in favour of the Applicants, the Applicants have come forward with clean hands and therefore, the Applicants are entitled for the reliefs as claimed under the Application.

34. The Applicants submit that the present Opponent Nos.5, 6 and 7 are not the Trustees of the Trust but they are interfering into the affairs of the Trust. Therefore, they are made

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parties to the proceeding and reliefs are sought against them also since even though delegation of power by the Trustees is bad in law, they are permitted to exercise the powers of the Trustees by the present Opponent Nos.1 to 4 illegally and unauthorisedly.

35. The Applicants, therefore, crave leave to add, alter, amend, modify, substitute and/or delete all or any of the clauses of this Application, if and when necessary.

36. The Applicants, therefore, pray that :

(a) Application be allowed;

(b) The present Opponents, their agents, servants or anybody else

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claiming through them be restrained by an order of injunction of this Honourable Authority from selling, transferring, alienating any immovable property of the Trust and further creating any transaction of gift, creating any third party rights over the immovable properties of the Trust including mortgage, thereby wasting, damaging and improperly alienating the immovable property of the Trust and further alienating any immovable property of the Trust in violation of the directions given by the Donors of the immovable property;

(c) The present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of

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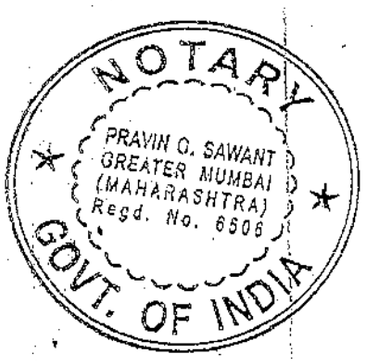
injunction from preventing the disciples of Shri Osho and the devotees from offering their services for maintaining the properties belonging to the Trust and further may be prevented by an order of injunction of this Honourable Authority from awarding any contract to the firm called "Sodexho" and thereby causing loss to the Trust;

(d) The present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of injunction of this Honourable Authority from raising the entry fee to the Ashram from Rs.40/- to Rs.480/- to Indian Nationals and to Rs.980/- for foreign nationals arbitrarily and high-handedly and further receiving



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revised entrance fees from the beneficiaries;

(e) The present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of injunction of this Honourable Authority from preventing the disciples and/or devotees from entering the Samadhi place of Shri Osho situated at Plot No.33, Koregaon Park, Pune -411 001.

(f) The present Opponents, their agents, servants or anybody else claiming through them may be restrained by an order of injunction of this Honourable Authority from moving any of the articles used by Shri Osho during his lifetime from out of the Ashram at Pune;

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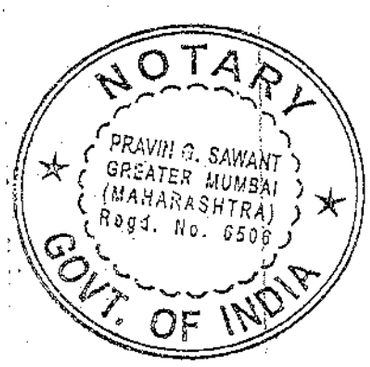
(g) The present Opponents, their agents, servants or anybody else claiming through them may be directed to allow the disciples and devotees to enter the Ashram maintained, managed and run by the Trust located at Pune at the rates prevailing during the lifetime of Shri Osho;

(h) The present Opponents may be directed to bring back the articles of Shri Osho removed from the Ashram by the Opponents and shifted to any other place in the world back to the Ashram at Pune and allow the disciples to have a look at it and offer their prayers according to the practice followed;



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(i) The present Opponents may be directed to provide the literature of Shri Osho to the disciples and devotees at reasonable rate without making any attempt of making commercial gain therefrom;

(j) The present Opponents may be directed to utilize the immovable properties belonging to the Trust according to the wishes of the Donors strictly for fulfillment of purposes of the Trust only;

(k) That the present Opponents may be directed to start afresh organizing celebrations on Shri Osho's birthday i.e. on 11th December, on Shri Osho's enlightenment day i.e. on 21st March and on Shri Osho's

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Mahaparinirvan day i.e. on 19th January every year and allow the disciples and beneficiaries of Shri Osho to attend such celebrations organized as per the practice followed for years together;

(l) That the Opponents herein may be directed to issue stamped receipts to each and every devotee against the payment made for entry fee for obtaining gate pass for his/her entry into the property of Osho Ashram at Pune and elsewhere and account the said collection into the accounts of the Trust;

(m) That ad-interim reliefs in terms of prayer clauses (b) to (f) hereinabove, be granted;

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(n) Such other just and proper order in the interest of the Trust;

(o) Cost of this Application be allowed.

Mumbai, dated this 7th day of December, 2011.

1.

2.

3.

Applicants.

VERIFICATION

I, Yogesh Thakkar, age 50 years, residing at Pune and the Applicant No.1above named, do hereby on solemn affirmation state that what

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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 7th day of Dec., 2011)

Deponent.

I identify the Deponent.

(K.P. Jadhav)
Advocate.

Before me.

PRAVIN G. SAWANT
B.COM.LLB
ADVOCATE HIGH COURT
NOTARY GOVT. OF INDIA
603/A PRATHAMESH CO-OP. HSG. SOC LTD
M.M.G.S. MARG, NAIGAON,
DADAR, MUMBAI-400014

This document is noted at Sr. No. 1240, 7/12/11 in the Notarial Register

7 DEC 2011

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BEFORE THE CHARITY COMMISSIONER,

MAHARASHTRA STATE, BOMBAY

APPLICATION NO. OF 2011
[FOR INTERIM RELIEFS]

IN

APPLICATION NO. OF 2011

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, residing at 1, Anand Park, 368-A, Near Suryojana Society,

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Koregaon Park,

Pune - 411 001.

2. MR. KISHOR RAVAL ALIAS
SWAMI PREM ANADI,
residing at B-3/11,
Mira Nagar Park Society,
Koregaon Park,
Pune - 411 001.

3. MR. NITIN PHULPHAGAR ALIAS
SWAMI NITIN BHARTI,
residing at 5/1,
Vashwani Nagar, 292,
Koregaon Park,
Pune - 411 001 ...APPLICANTS

VERSUS

1. MR. MUKESH KANTILAL
SARDA ALIAS
SWAMI MUKESH BHARTI,
50, Koregaon Park,
Pune - 411 001.

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2. MR. DEVENDRA SINGH DEVOL,
50, Koregaon Park,
Pune - 411 001.

3. MRS. SADHANA BELAPURKAR,
17, Koregaon Park,
Pune - 411 001.

4. MR. LALPRATAP SINGH,
50, Koregaon Park,
Pune - 411 001.

5. MR. MICHAEL O'BYRNE
ALIAS SWAMI JAYESH,
CHAIRMAN, INNER CIRCLE,
17, Koregaon Park,
Pune - 411 001.

6. MR. GEORGE MERIDITH ALIAS
SWAMI AMRITHO,
VICE CHAIRMAN, INNER CIRCLE
17, Koregaon Park,
Pune - 411 001.

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