7. 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 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

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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 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

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herein are creating liabilities against the Trust by raising loan, the Opponents are also trying to alienate 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

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as to prevent the beneficiaries from visiting the Samadhi because the Opponents herein who happen to be the 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

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introduced whereby the Opponents herein have substantial interest who are making gain therefrom when the Trustees 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

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attached therewith. The Applicants submit that the Opponents herein who are projecting themselves to be the Trustees of the Trust and some of the Opponents No.5, 6 and 7 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

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theirs is discriminatory. The Applicants submit that people of their choice are only allowed to enter the 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

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properties of the Trust, from preventing the devotees from entering the Samadhi place, taking Darshan of 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

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but on the contrary, the basic purpose of creation of the Trust would be fulfilled and further, the beneficial 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.

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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,

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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) 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

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

(d) 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

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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) 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

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Samadhi place of Shri Osho situated at Plot No.33, Koregaon Park, Pune.

(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;

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

(i) 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.1 above named, do hereby on solemn affirmation state that what is stated in the foregoing paragraphs

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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 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. 1241, 7/12/2011 in the
Notarial Register

7 DEC 2011

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GREATER MUMBAI
(MAHARASHTRA)
Regd. No. 6506
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EXH: AC

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Before the office of the Charity Commissioner, Mumbai

PLEADING TO STOP THEFT IN PUBLIC TRUST

AS SOON AS POSSIBLE

We the undersigned hereby pray for your urgent attention on the following matter.

Applicants: Yogesh Thakkar & others

Opponents: Neo Sannyas Foundation - Application no. 4/ 2012

Osho International Foundation – Application no. 5/2012

Proceedings in the office of the Charity Commissioner, Mumbai

The opponent trusts are engaged in the management of Shree Rajneesh Ashram now known as Shree Osho Ashram at Pune. The opponents are present trustees along with some foreigners working as 'benami trustees' listed in the said application, are looting resources and income of the trust on daily basis. The Ex-parte orders are already passed by the Hon'ble Asst. Charity Commissioner dated 09.05.2012. Till date the responsible authorities at the office of the Charity Commissioner office have failed to act and stop such public theft taking place in broad day light in the said opponent trusts. The opponents are continuously managing proceedings by postponements successfully.

The said opponents have banned applicants and thousands of people entering Osho's Samadhi and to do prayer mediations on the count that we have exercised our legal rights to go to the court of law!

Due to prolonged hearing of 'Interim Reliefs' filed on 27.12.2011 the applicants are suffering heavy losses some of which beyond repairs and public thefts are continuing.

Therefore we request you to make hearings of the said Interim Relief and pass necessary orders and directions as soon as possible.

Submitted on this 14th day of January 2013

Thanking you

Yogesh Thakkar

Kishor Raval

(The applicants- on behalf of thousands of Osho disciples and supporters spread all over Maharashtra, India and abroad).

DBAD

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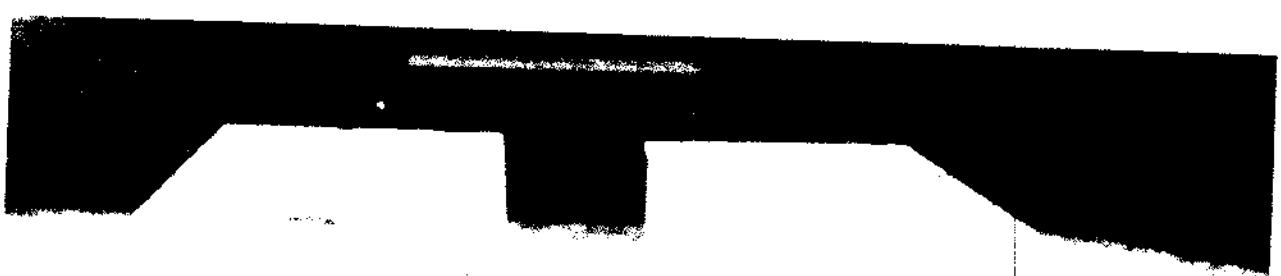

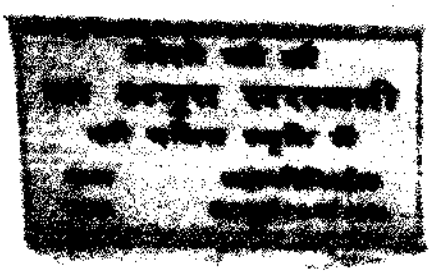

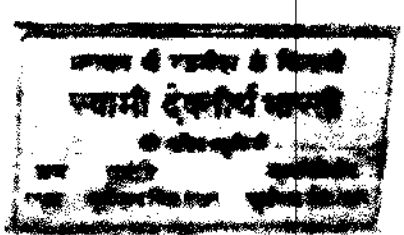

IN THE SACRED MEMORY OF

SWAMI ANAND MAITREYA

DISCIPLE OF SWAMI [illegible]

[illegible]

AF
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Osho Samadhi without and with snitanh

Exh. AH

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Transcript from Video

19 January, 1990 Amrito Speech...starts at 3.1 minutes

We asked him how he wants to celebrate his death. He said "you just take me to Buddha hall for ten minutes and then take me off to the burning ghats". He said His Sammadhi will be in Chuang Tzu, and many other things that He said, that we will let you know, but for now let me just say to you that in death he was as just as you would have expected.....INCREDIBLE.

When I started crying he looked at me and said "No No That's not the way".

He looked at Jayesh's eyes and said, "I leave you my Dream".

So let's give our beloved Master a send off in death that's appropriate for someone who has lived his life as fully as any man ever has.

January 20 1990 (Amrito's Speech): At 16.42 seconds

As you know, over these last few days Osho's body has been becoming noticeably weaker. What you may not know is that he has also been in considerable pain. By the night of the 18th, the pain in his legs was so severe that he was not able even to come out and stand on the podium with us.

Over that night, he became weaker and weaker. Every movement of the body was obviously agonizing. Yesterday morning I noticed that his pulse was also weak and slightly irregular.

I said I thought he was dying. He nodded. I asked him if we could call in the cardiologists and prepare for cardiac resuscitation. He said, "No, just let me go. Existence decides its timing."

I was helping him to the bathroom when he said, "And you put wall-to-wall carpet in here, just like this bath mat." Then he insisted on walking over to his chair. He sat down and made arrangements for the few items that he has in his room.

"Who should this go to?" He said, pointing to his small stereo. "It is audio? Nirupa would like it?" He asked.

Nirupa has cleaned his room for so many years.

And then he went carefully around the room and left instructions for every item. "Those you take out," he said, pointing to the dehumidifiers, which he had found too noisy recently. "And always make sure one air conditioner is on," he continued.

It was incredible. Very simply, in a very matter-of-fact and precise way, he looked at everything. He was so relaxed, as if he was just going for the weekend.

I sat on the bed, He sat on the bed and I asked what we should do for his Samadhi. "You just put my ashes in Chuang Tzu, under the bed. And then people can come in and meditate there." He said.

"And what about this room?" I asked.

"This would be good for the Samadhi?" He asked.

"No," I said, "Chuang Tzu will be beautiful."

I said we would like to keep his present bedroom as it is.

"So you make it nice," he said. And then he said he would like it to he re-marbled.

"And what about the celebration?" I asked.

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"Just take me to Buddha Hall for ten minutes," he said, "and then take me to the burning ghats — and put my hat and socks on me before you take my body."

I asked him what I should say to you all. He said to tell you that since his days in the Marshal's cell in Charlotte, North Carolina, in America, his body has been deteriorating. He said that in the Oklahoma jail they poisoned him with thallium and exposed him to radiation, which we only came to know when the medical experts were consulted.

He said they had poisoned Him in such a way that would leave no proof. "My crippled body is the work of the Christian fundamentalists in the United States government."

He said that he had kept his pain to himself, but "living in this body has become a hell."

He lay down and rested again. I went and told Jayesh what was happening and that Osho was obviously leaving his body.

When Osho called again, I told him Jayesh was here and he said for Jayesh to come in.

We sat on the bed and HE gave us his final words.

"Never speak of me in the past tense," he said. "My presence here will be many times greater without the burden of my tortured body. Remind my people that they will feel much much more. They will know immediately."

At one point I was holding his hand and I started to cry.

He looked at me, almost sternly, "No, no," he said, "that is not the way."

I immediately stopped and he just smiled beautifully.

Osho then spoke to Jayesh and talked about how he wanted the expansion of the work to continue. He said that now that he was leaving his body, many more people would come; many more people's interest would show, and his work would expand incredibly beyond our ideas.

And then He said "I Leave you my dream"

Then he whispered so quietly that Jayesh had to put his ear very close to him, and Osho said, "And remember, Anando is my messenger." Then he paused, and said, "No, Anando will be my medium."

At that point Jayesh moved to one side, and Osho said to me, "Medium will be the right word?"

I hadn't heard what had preceded it so I didn't understand.

"Meeting?" I said.

"No," he replied, "for Anando, *medium* – she will be my medium."

He lay back quietly and we sat with him while I held his pulse. Slowly it faded. When I could hardly feel it, I said, "Osho, I think this is it."

He just nodded gently, and closed his eyes for the last time.

Osho has given some very specific guidelines for his work and how it should continue (7'O clork...clock goes coo coo... Long laughter). About nine months ago Osho had formed the inner circle, the group of sannysins now numbering 20. Osho said He would have no successor; the inner circle would be His successor. The function of the inner circle is; in Osho's words "To reach unanimous descions about the continued function and expansion of the commune and Osho's work."

Anando is preparing a full account of Osho's guidance and working of this group and who is in it. It will be available for all of you to read tomorrow. We

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are preparing in the next Osho Time what all Osho has said that will happen when He lives his body.

I have two of these beautiful pieces for you. Ten years ago in answer to the question "What happens when you leave your body" He replied...."I would be dissolved in my people just as you can taste the sea from any place and it is salty, you will be able to taste any of my sannyasins and you will find the same taste, the taste of the blessed one. I am preparing my people to live joyously, ecstatically. When I am not in my body, it will make not make any difference to them; they will live in the same way, and may be my death will bring them more intensity.

About six months ago he responded to a question from Italian TV what would happen after His death. He replied by saying "I believe and trust existence absolutely; If there is any truth in what I am saying it will survive. People who remain interested in my work will be simply carrying the torch but not imposing anything on any one; either by sword or bread, I would remain a source of inspiration to my people and that is what most sannyasins will feel. I want them to go on their own, qualities like love around which no church ran be created, like awareness. Qualities which are no body's monopoly, like celebrating, rejoicing and maintaining child like fresh eyes. I want people to know themselves, not according to someone else, and the way is in.

I Hope that conveys to you what throughout all these months severe health and impending death has been the most has been most striking about what Osho has been saying.

And that is that when His work rontinues that is without Him having to be in His body then this is the flowering of His dream. Let me repeat His exact words in reference to His leaving the body. "My presence here will be much much greater, that my own people, they would feel much more, they will know immediately". He said "My work is going really well, the commune is running beautifully and after my death many many more people will be coming here.

One thing Osho always said is "Always make room for sannaysins to contribute to my work"

I think you can take it that there is going to be lot for all of us to do.

In some inexplicable way it feels that His work is not yet over, but it has just begun. It feels His whole life has been a preparation for the moment when His people can sit in silence and feel His presence, without Him having to do the work of carrying His body. He always says He is a lazy man. Two minutes ago, for the very first time, that happened, for the first time we all sat together in silent communion without His physical presence. It's already gone 7 O' clock, He would be waiting for us now ... for that to happen again.

EXH. "A I"

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BEFORE THE CHARITY COMMISSIONER

MAHARASHTRA STATE, MUMBAI

APPLICATION NO. 4 OF 2012

UNDER SECTION 41E OF THE BOMBAY PUBLIC TRUST ACT

Yogesh Thakkar & Ors. ..Applicants

Versus

Mukesh Kantilal Sarda @

Swami Mukesh Bharti & Ors. ..Opponents

S. K. SHETTY B.A., LL.M. All Over India Regd.No. 195 NOTARY GOVT. OF

AFFIDAVIT IN REPLY ON BEHALF OF OPPONENTS NOS. 1 TO 3:

I, Mukesh Kantilal Sarda @ Swami Mukesh Bharti, the Opponents no.1 above named, do hereby state on solemn affirmation for myself and on behalf of Opponents nos. 2 and 3 as under:

1. I have gone through the application and I am conversant with the facts and therefore able to and being a trustee entitled to submit the following for the kind consideration of this Hon'ble Authority. This affidavit in reply is filed for the purpose of opposing grant of any reliefs either prayed or otherwise and crave leave of this Hon'ble Authority to file any detailed affidavit, if and as and when required and necessary.

2. At the outset, it is submitted that the application does not disclose any cause of action to initiate any proceedings under section 41E of the Bombay Public Trusts Act and therefore neither the application is maintainable nor this Hon'ble Authority can be approached for any reliefs as prayed or otherwise as the allegation do not disclose cause of action conferring jurisdiction of this Hon'ble Authority to entertain and try this application.

3. Apart from the fact that there is no cause of action, the applicants were at no point ever, directly or indirectly involved in any of the activities of the Neo Sanyas Foundation (hereafter it is referred as 'NSF') and have not produced any documentary evidence as mandatorily prescribed under the Bombay Public

Trust Act 1950 and the Bombay Public Trust Rules 1951. Therefore the application made by the applicants is also beyond the jurisdiction and is liable to be dismissed in limine with compensatory costs as the trust is dragged into litigation for purely selfish and self motivated interests of the applicants.

4. It is submitted that the contentions, statements and allegations and averments in the application, which are contrary to what is stated herein after and unless specifically admitted, are denied and they be not kindly be treated to have been admitted even though there is no specific denial.

5. I state that the other Opponents Nos.4,5 and 6 are not concerned at all with the matter in issue in above Application as they are not the Trustees or in any way concerned with the matter in issue. I state that Applicants have approached this Hon'ble Charity Commissioner in feigned ignorance with the total disregard to the non-facts by suppressing material with frivolous, baseless, vexatious and malafide intentions to prevent these Opponents from doing their duties and performing its deeds and things in accordance with the provisions of the Law in the best interest of the Trust. From the prayers in the Application it is apparent that the only objective of the above Applicants appears to be misguide the Hon'ble Forum and to stall every action proposed to be taken by this Opponent with a view to create discontent amongst the disciples and devotees of the Trust and to lower the image of the Opponent in the eyes of the general public of Osho philosophy and to create chaos and anarchy. The allegations and contentions are false, fabricated, untrue to the knowledge of the applicants. The applicant Yogesh Thakkar, Kishor Rawal and Nitin Phulpagar are not the members of the trust. Though they claim a to be the beneficiaries of the trust from the contents of the application it is obvious that they have not improved themselves by the benefits which is expected to be from the activities of the trust in achievement of the objects of the trust.

6. It is submitted that Applicant No. 1, Mr. Yogesh Thakkar alias Swami Prem Geet hails from Surat. That in late 1981 when the Osho sannyasins had gone to Surat for Osho books shifting, the said Applicant No. 1 had joined their troupe and

came to Pune. Applicant No. 1, was basically a Real Estate Broker, who had joined the Osho commune for convenience and with an ulterior motive. His joining of the commune was a front for conducting real estate work for people visiting the Osho commune. He is a partner in real estate with both Applicants Nos. 2 & 3. There are numerous complaints by people for having been conned / cheated by Applicant No.1. It is also submitted that the Applicant No.1, has occasionally visited the Osho commune for meditation or any of its related activities. His interest has always been of real estate for monetary gain at the cost of the Osho sannyasins. The Applicant No.1 is thus a person who is a habitual objector, interferer and professional litigator who has always resorted to creating problems, obstacles and litigations for NSF. Although the Applicants have no direct beneficial interest or concern in the working of various trusts, the Applicant No.1, along with his associates have made it their business to cause applications to be filed in the form of objections / Intervener applications etc., knowing well that the matters take a long time to be decided upon in the office of the Charity Commissioner. After filing these kind of applications and objections, they are known to misuse the same by quoting these matters and by producing the acknowledgements of such applications filed in other proceedings to substantiate their false objections and/or claims. The Applicants are thus misusing the provisions of law and using their fellow colleagues and associates to professionally submit applications and objections for monetary gain.

7. The Applicant No.2 also known as Swami Prem Anadi, is from Mumbai who came to Pune following his girl-friend, and ended up living in the Osho commune. As he was unemployed, he worked as a shopper in the commune in the 90s, but was asked to leave as he was caught taking cuts from the suppliers. Ever since he was thrown out of the Osho commune, he has been doing real estate brokerage business in Koregaon Park, Pune. For the last few years, he has been performing kirtans against cash payments at the houses of sannyasins and some Osho centres, in order to Publicray and mislead the public, that he is still attached to the Osho commune. The Applicant No.2 is neither a beneficiary

nor trustee of NSF or for that matter an interested person. His interest in being part of this false and fictitious application is only to trouble and harass the Opponents and to settle scores.

8. It is further submitted that Applicant No.3, Nitin Phulphagar alias Swami Nitin Bharti is basically a business man who runs a travel agency and conducts real estate business along with Applicants 1 & 2. He operates under the name of High Fly Travel Agency at Koregaon Park, Pune. He has no clue of or connection with NSF. However, he is a close associate of Applicants 1 & 2 and his name has been included for convenience and supPublic. The said Nitin Phulphagar alias Swami Nitin Bharti is neither a beneficiary nor trustee of NSF or for that matter an interested person. His interest in being part of this false and fictitious application is only to trouble and harass the Opponents in supPublic of Applicants 1 & 2. It is further submitted that Applicant No.3, Nitin Phulphagar alias Swami Nitin Bharti was raided by State CID (Crime) in the year 2005-06 as he was involved along with others in forging visa documents of foreign nationals without their knowledge and since then he has been prohibited to participate in the activities of the trust.

9 In these circumstances, it is submitted that none of the applicants are qualified to claim even remotely interested in the activities of the trust save and except those activities carried on by themselves for their own interest taking undue advantage of their vicinity to the Osho Commune. Objects of the applicants are in fact hostile and is to cause hindrance and to cause obstacle with the objects of the trust being destroyed. They have their interest which are in conflict with the aims and objects of the Trust and therefore the application filed by such persons is not maintainable and this Hon'ble Authority on this ground may dismiss the application summarily.

It is submitted that the NSF is a Trust carrying out various activities to spread and impart education through formal training in the fields of art, science and humanities to develop knowledge, skills, mind and character, conducting courses in yoga, physiotherapy; disseminating knowledge of ancient and

contemporary philosophies, study of comparative religions etc., with a view to educate on all aspects of mental, physical and spiritual development as per its objectives. The Trust Deed is restrictive in nature leaving no scope for any outside interference much less applications and Objections filed by persons of vested interests, which includes the present application under reply.

10. As regards internal pages 1 to 17, what is stated therein is a matter of record which will speak for itself. However, as regards clause (e) the alleged nature of the applicants interest in the trust it is denied that they have any interest. Their tall claim that they being disciples, believers and followers of Osho is hollow and false to their knowledge. None of the applicants is connected to the activities of the trust.

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11. As regards paragraph 2, the merger of the Sambodhi Foundation with Osho International Foundation has nothing to do with the trust, namely, Neo Sanyas Foundation. It is absolutely incorrect that there is any Samadhi of Osho on the property owned by the trust. There was never any Samadhi or any structure as Samadhi of Osho . Osho never believed and in fact was opposed to any kind of personal worship or any one to be immortalized by any temporal or non spiritual aspect like structure, idol etc. It is denied that the applicant no. 1 being the alleged followers of Osho. It is not known as to how the applicant claim to be following the principles of Osho . Osho had enlightened people by different technics, to meditate and therefore the claim of the applicants is absolutely vague and at any rate by the very claim they expose themselves of their being disconnected and not connected even remotely except their vocal claim to be followers of Osho . It is denied that the applicants were directly connected with the activities carried out of the trust. They are not even indirectly connected. It is again denied that the applicants are beneficiaries as alleged or otherwise. It is further denied that they are the persons having interest as defined under section 2(10) of the Bombay Public Trust, 1950. The Applicants have not shown any real, subsisting or existing interest in the said Trust and they are neither "interested persons" nor "beneficiaries" within the meaning of of section 2(10) of the

Bombay Public Trust Act, 1950, therefore the said application is not maintainable.

12. As regards paragraph 3, it is submitted that the contentions relating to Blue Lotus Trust have nothing to do with the Neo Sannyas Foundation.

13. As regards paragraph 4, what is stated about Sambodhi Foundation, the record will speak for itself.

14. As regards paragraph 5, the claim of the applicants being disciples, believers and followers of Osho , the contents of the said paragraph expose the claim of the applicants. The contention that the applicants are Hindu by religion are entitled for the services provided by the trust and are therefore entitled for the benefits of the activities of the trust is an absolutely wrong claim. The activities of the trust are not confined / restricted / limited to the persons belonging to Hindu religion. The followers of Osho are from practically several religions practiced /followed all over the world. The activities of the trust are open to all irrespective of the religious belief, practice and following of any person who desires to enlighten himself spiritually and philosophically etc. by the teachings of Osho . In fact this claim disentitles the applicants to call themselves as persons having interest in the activities of the trust.

15. As regards what is stated below the caption " Cause of action and nature of reliefs sought for", it is submitted as under:

16. As regards whatever is stated in paragraphs 1, 2, 3, 4, which is and could be a matter of record will speak for itself. However, the contentions and the submissions and the allegations which are the pervert and selfish interpretation of the applicants are denied. It is denied that the reason behind the shifting the office of the trust from Pune to Mumbai was allegedly with the ulterior motive

and malafide intention that the opponents desires to alienate the property without the knowledge of the beneficiaries and the disciples having only fear that if the beneficiaries or disciples would learn about the alienation there would be thousands of objections from the beneficiaries and the basic goal of the applicants would not be achieved. It simply a pervert imagination of the applicants. The contention that the audited statements of accounts for the year ending on 31st March 2005, 2006, 2007 and 2008, exposes the feigned ignorance of the applicants. The audited accounts upto the year March 2010 were filed in Pune and for the year ending March 2011 is filed in Mumbai.

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What is stated with regard to plot no. 24, Koregaon Park, it does not belong to Neo Sanyas Foundation. The contentions, allegations therefore are not replied to. The said property perhaps belongs to some private party. The wild allegations made regarding the same property itself shows the frivolous and vexetiousnesss of the present Applicants.

17. As regards paragraph 5, what is stated therein about the description of the property being a matter of record will speak for itself. The further allegation about the properties being not brought on record as no change rePublics were filed is either again out of sheer ignorance or a pervert feigned ignorance. The relevant record regarding the properties will be relied upon. The record will speak for itself. It is most emphatically denied that there is any structure which is known as Osho Samadhi managed by either Osho International Foundation and Neo Sanyas as alleged. The Applicants are completely misinformed about the philosophy and teachings of Osho. There was no structure as Samadhi. The contention that the said structure was opened to devotes to reach there and perform all religious rituals is ridiculous to say the least. In the Osho Commune no religious rituals of any religion were ever observed or performed. Osho used to reside in a bed room known as 'Chang tazu' where even during his lifetime meditation used to take place. After the demise of Osho, the said bed room has remained in the same manner save and except that the place where

Osho used to sleep, on a marble platform, is retained . As on today also the said bed room is being used as a place for meditation as per Osho's wish and there has been no obstacle, obstruction or hindrance of whatsoever nature or to the least possible manner in the continuous user of the said bed room as a meditation hall called 'Chang tazu'. The allegation that the opponents are bent upon to convert the immovable property into a five star resort and have deliberately and intentionally removed the board placed on the property as Samadhi is denied. First of all there was never any Samadhi of Osho as he himself was opposed to any personal worship. The board which was mistakenly put, was removed 12 long years ago as it was realized that it was an error by the management the Trust. Osho had never told to create his Samadhi, and had expressed his desire that people can come and meditate. The allegation that this action had allegedly resulted in hurting the feelings of disciples of Osho is highly imaginative without there being any substance. The Opponents also submit that if the removal of the sign board can shake the belief of a participant then he/she is not fit to participate in the activities of the Osho meditations. The further allegation that the action was initiated allegedly only because the Opponents wanted to prevent the disciples of Osho as well as beneficiaries of the trust from offering the prayer and doing meditation in the said 'Chang tazu' is utmost false and out of sheer pervert imagination. Anybody who visits or would like to visit would know that the said bed room is still in use for the purpose of meditation and no one is prevented or obstructed from doing meditation. There is no question of offering any prayers as is understood commonly. This Opponent submits that never in the past prayer were offered or religious rituals performed by any person on this premises. These contentions raised further confirm the Applicants have had very little to do and even a lesser idea of Osho's specific proposal for his work and further confirms that the Applicants have little knowledge of Osho and his teachings. The further allegation that to achieve this alleged goal the opponents have raised the entry fee from rs.40/- per day to Rs.480/- for Indian nationals and Rs.980/ for foreign national to meditate between 6.00 a.m. to 11.00 p.m. during the day, is again out of deliberate,

intentional ill will and nothing to do even remotely with the interest or benefit of the trust. The entry fee of Rs.40/- was in the year 1987 or so and it has been increased over a last over 25 years at the rate of 15% per annum considering the requirement and the needs of maintaining the highest standard of hygiene, cleanliness and a very peaceful and beautiful atmosphere and landscape and the quality and the standard of service to the inmates and the visitors. It is also in keeping in mind philosophy of Osho that the said Trust should be self sufficient. It is ridiculous to allege that the increase in the fees is high handed and arbitrary and initiated only with the sole intention to see that no beneficiaries would reach to the place of Samadhi. At the cost of repetition, it is submitted that there is no place and there was never any place as Samadhi of Osho. The alleged basic purpose of maintaining the 'Chang tazu' called Samadhi is allegedly being frustrated and that the beneficial interest of the beneficiaries at large is affected, is some imaginary and wild and reckless allegation. The further contention that the property belonging to the trust where the alleged Samadhi of Osho is located is damaged and wasted and is not utilized for the purpose for which it is acquired and maintained by the trust is ridiculous. First of all the property was acquired long before the demise of Osho . It was never acquired, used or with an intention to use to be a place for Samadhi. Factually there was never and there is no Samadhi and as stated earlier the place where Osho resided during his stay at the Osho Commune, during his life time was used and is also now used as a place for meditation. The continuous user of the 'Chang tazu' as a place for meditation continues. The applicants somehow or the other have tried to allege damage or waste to the property out of their pervert fertile imagination without any basis or reality. The property was never acquired to be utilized as Samadhi and the 'Chang tazu' is maintained properly as a place for meditation from morning 7.30 a.m. till 11 pm for all 365 days.

18. As regards the allegation in paragraph 6 that the opponents are creating different charitable trust outside the State of Maharashtra and are transferring

the trust to such charitable trust located outside the State limits only with the intention to provide benefits to the trustees of the trust in question only, it is submitted that this allegation is again out of ill will and absolute malafide motives. The opponents have not created any trust outside the State of Maharashtra. No properties are transferred to such public charitable trust allegedly for the purpose as mentioned in paragraph 6 and therefore the contentions are denied in toto. The further allegation that some of the persons who were the trustees of the trust have deliberately and intentionally tendered their resignation from the trust followed by which they had created new trust at Delhi or at different places to show that they are nobody in the trust and they are not connected to the trust and are getting immovable properties to the trust transferred to their trust is as vague as possible and as hollow as the thinking of the applicants. As and when any details of creation of trusts outside Maharashtra and transfer of properties for the reasons as mentioned in paragraph are given, I crave leave to file additional affidavit. Firstly there were never any illegal or unconstitutional transfers. If at all as per the thinking of the applicants any transfers which were illegal or unconstitutional are made, of which they have not given any details, they are free to adopt such measures in law and ought to be well advised to restrain themselves from hurling wild and reckless allegations especially as they claim to be the followers or disciples of Osho . The legal position sought to be submitted is too well known even to be mentioned and that too without any factual foundation for the same. The contention that looking at the approach, attitude and conduct of the opponents the applicants who hold a very tall claim of being beneficiaries of the trust and who allegedly have any direct and substantial interest are allegedly compelled to move this application 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 by the donors who have allegedly donated the properties to the trust, is as vague as hollow and without any substance as

possible. It is devoid of any facts, details and obviously any merits. As and when the details and particulars about the allegations are furnished, appropriate reply will be given. However, in view of the absolute vague allegations, all the contentions in the application, the same is liable to be dismissed summarily with compensatory costs. The contention about not to do anything in violation of the terms laid down by the donors who had donated properties to the trust, is again either out of sheer ill will or hopeless ignorance. As and when the applicants would give details about the alleged donors who had allegedly donated properties to the trust on the terms laid by such alleged donors, further reply would be given. No reply can be given to such hollow and vague allegations.

19. As regards paragraph 7, it is stated that only opponents 1, 2 and 3 are the trustees of the trust.

20. As regards paragraph 8, the contention that during the life time of Osho he had proclaimed the object of the trust as mentioned therein, the applicants are called upon to substantiate this contention. The trust in question was established in the year 1969 by the then trustees. Osho was not one of the trustees and had not proclaimed the objects of the trust as alleged. The proceeds were to be used only for the trust and not for the benefits of the disciples of Osho as is alleged. The construction of the trust deed just cannot be left to the applicants who have displayed enough and sufficient ignorance of the teachings of Osho . The trustees are managing and administering the trust as per the scheme. It is absolutely correct that the trust is also involved in carrying out primarily or otherwise the activities of spiritual nature such as Gyan, Dhyan, Sadhana Centre, Meditation Camps and is conducting lectures and seminars on the subject of philosophy of Osho.

21. With reference to paragraph 9, the allegation that during the course of the time, the opponents have allegedly started violating the directions issued by Osho during his lifetime in respect of the trust and that the opponents have allegedly

breached the objects and guidelines issued by Osho , is again as hollow and out of pervert fertile imagination of the applicants as possible. No details of the alleged violations of the directions issued by Osho , are given. No details of the alleged breaches of the objects or the guidelines are given. The allegation of the alleged arbitrary acts is also without any details whatsoever. Therefore, no reply can be given to such vague and unfounded allegations. As and when such details and particulars are given reply could be possible but presently for want of any details and particulars and on account of vague allegations the allegations are liable to be dismissed and so also the entire application.

22. As regards paragraph 10, the contents of the same are denied as not true and correct. The Applicants to prove by sufficiency of the proof the relevancy of the contents of para 10 of their Application with the matter in issue. I state that it has got nothing to do with the NSF and nothing to do with the Application under the provision of section 41E of the Bombay Public Trust Act, 1950. The allegations simply made without there being any substance, merit, details and particulars and the same are denied in toto

23. With reference to paragraph 11, the contents of the same are denied as not true and correct. The Applicants to prove by sufficiency of the proof the relevancy of the contents of para 11 of their Application with the matter in issue. I state that it has got nothing to do with the NSF and nothing to do with the Application under the provision of section 41E of the Bombay Public Trust Act, 1950. The allegations simply made without there being any substance, merit, details and particulars and the same are denied in toto.

24. With reference to paragraph 12, the contents of the same are denied as not true and correct. The Applicants to prove by sufficiency of the proof the relevancy of the contents of para 12 of their Application with the matter in issue. I state that it has got nothing to do with the NSF and nothing to do with the Application under the provision of section 41E of the Bombay Public Trust Act, 1950. The allegations simply made without there being any substance, merit, details and

particulars and the same are denied in toto.

25. The contentions raised in para 13 further confirm that the Applicants have had very little to do and even a lesser idea of Osho's specific proposals for his work. It is clarified that the name *"Osho"* is a fabrication to make Osho into something he has publicly declared that he was not. It is further submitted that the name Osho had been accepted with certain reasons. Moreover, *'Shri;* is a part of a tradition he had rejected. Also, Osho never *"preached."* And lastly, Osho had no followers.

The Contents of para 14 are not true or correct and are denied, and the Applicants are put to strict proof thereof. The Opponents submit that Osho had rejected the term *"Ashram"* in the autumn of 1989, and the same was announced in the *'Osho Times'* magazine of that time. Furthermore, Osho did not live in Pune for "most of his life" and in fact resided at the present campus for a total of 10 years out of 59 years of his life. There is therefore and never was a "Pune Ashram."

The Applicants little knowledge of Osho and his teachings or of their own involvement in the activities of the Trust is bared by this poor display of knowledge. Their contention that "Osho's Ashram at Pune is considered and believed to be the main Ashram and place of worship of Osho in the entire world" is not only totally wrong and erroneous but is a shocking piece of misinformation. Not only was Osho completely uninterested in what people *"believe"* he rejected the value of belief as such, and in particular the idea that his work would include a "main Ashram" is ludicrous as hierarchy was something he spoke against during his entire life. Likewise, "worship of Osho" is as gross a misunderstanding as one can imagine.

Similarly, the contention that "visitors to the Ashram come *to pay tribute and seek blessing from Osho's Samadhi*" is simply not true or correct. Any person or people coming for that reason would be those who have not followed or

understood or listened to what Osho taught. Osho's instructions for the use of his bedroom, were simply that it would be "*a place for people to meditate*", and nothing else. The idea that Osho would want people to "*pay tribute*" or seek "*blessings*" from his ashes is pure fantasy of the traditional spiritual mind against which Osho spoke for 35 years. While 'inner peace' could be said to be available for meditators, the followers would by Osho's own definition, not be helped. In the same way the premises of the trust is being referred to as "*the most sacred place in the world for Osho's devotees*" is again a misinterpretation, as Osho had said "*Except for this existence, you don't have any sacred place. This is the only holy, sacred temple. There is no other temple. All other temples are false, substitutes to deceive and cheat you.*" It is submitted that Osho's interest was only in awareness, and not at all in these traditional substitutes presented under guise of "spirituality." As Osho had put it: "*It does not matter where awareness happens, what matters is that it happens. If it happens in a casino, then the casino has become a temple, a sacred place.*"

The Opponents further submit that it is worth reviewing Osho's own approach to "*sacred places*" in relation to his own life. When his own family had asked Osho if they could turn his birth place into a sacred place and a shrine, he had declined. Then after he had spent some years in his flat in Bombay, his secretary had asked if they should buy the flat as a memorial, to which he had again refused. It is further submitted that when Osho was designing the old meditation hall called Chuang Tzu so that it could become his new bedroom. The exact spot where he had sat on and spoken from than any other place and which was again the exact spot where he had given sannyas to thousands for meditators was the spot he turned it into a cupboard for cleaning materials. He did not preserve that spot for posterity as so many of his "followers" like these applicants, might have wished.

Similarly, the Applicants have no idea what they are talking about when they have tried to elucidate the devotional aspect of Osho. Osho's view on devotion to quote was *"For example, devotion is far lower than love, because devotion basically implies self-disrespect. I am against it because at the cost of self-respect you are respecting somebody else. The cost is too much. My whole effort is to teach you to feel dignity as a human being, to feel self-respect as part of this beautiful existence."*

26. The Contents of para 15 are not true or correct and are denied, and the Applicants are put to strict proof thereof. The Opponents state that from the said para it clearly brings to mind that the Applicants are completely misinformed about the philosophy and teaching of Osho.

The Applicants have again misunderstood the subject they imply they have something of value to say. Their contention that "Osho's work *as per the direction of Osho was to be made available for his disciples*" is not true or correct. Osho's instructions were to make his work available. Period. The said work was for everyone, not for any self-selected group.

The Applicants have made another unnecessary but shocking statement by stating that "*applicants and the disciples around the world have emotions attached towards Osho and his literature and worship the same.*" This whole concept of the understanding of Osho and his teachings have been put to naught by the Applicant's own interpretation and understanding as is being made evident in this their application under reply. Everyone who was involved with Osho was and is aware that emotions have nothing to do with Osho's work. As Osho himself said on several occasions: *"Every religion should be looked into, researched, and the public should be made fully aware of what these people*

have done to humanity. And all this nonsense that their religious feelings might be hurt should not be paid any attention to. You go on committing crimes against man and, when something is said about it, your "religious feelings" are hurt."

And further: *"I cannot conceive how anybody's religious feelings can be hurt; they must be very weak, they must not have deep foundations. And what I have said he had not even understood."*

And further: *"In the first place, if you understand religion...it is in the transcendence of thoughts and feelings. There are no religious feelings at all!"*

And further: *"It is a very strange world in which we are living. If your religious feeling is hurt, then it is your problem: get treated, or drop that religion which cannot help you to be strong enough not to be hurt by a small criticism from anybody. And if your heart, your religious feelings, are disturbed, that simply shows they are superficial. You need a new religion which goes deep to your roots and nobody can hurt you. "Can any of my people be hurt? None of my people have gone to the courts, filing cases that their religious feelings are hurt. I have been condemned all over the world, in all the newspapers, in all the media, they have called me all kinds of names. You could have easily gone to court, in every country you could have fought that your religious feeling is hurt. But, none of my people has even thought about it: they simply laughed and ignored it. Filing a lawsuit means giving attention to idiots. And whatsoever they are saying, they are saying without any argument, they have no argument."*

The Opponents further submit that the statement made by the Applicants' about *"worship...toward Osho"* is also a gross misunderstanding, as Osho had stated that *"Guilt turns into worship. This is a strange psychology. The moment you start feeling guilty, the only way to get rid of the guilt is to worship the man whom you have crucified. The worship will help you to feel good. Even though you crucified him, now you recognize that you committed*

something wrong, and you are ready to do everything. You will worship, you will pray, you will read the Holy Bible, you will follow him for centuries. You will become a fonatic – just as fanotical as the contemporaries of Jesus who crucified him were. They were fanatically against him and their descendants are fanotically for him. This is a very strange psychological change that happens again and again.

"Remember: it is the same whether you crucify or you worship. Both are the ways how to get rid of those people. One is crucifixion, another is worship. Worship is more cultured. We say you are an incarnation of God, we will worship you. But we will not do what you say. How can we do? We are ordinary human beings. You were extraordinary – either you were a prophet sent by God, or a messenger, or the only begotten Son of God, or you were a reincarnation of God – you could do miracles. We have created all kinds of miracles, only for one reason. To create a distance between us and the people who have been seeking the truth and the people who have ultimately found the truth. We were not ready to go with them."

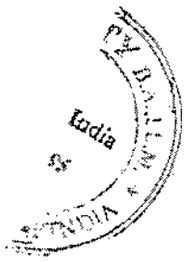
"I am here not to make you understand me, I am here to help you to understand yourself. You have to watch your own actions, your relationships, your moods more closely: how you are when you are alone, how you are when you are with people, how you behave, how you react, whether your reactions are past-oriented, fixed patterns of thought or you are spontaneous, responsible. Watch all these things, go on watching your own mind, heart. That's what has to be understood, that is the book to be opened. You are the unopened book." Osho

27. As regards paragraph 16, what is stated about constitution of a group of 21 disciples popularly known as inner circle is substantially correct. However, it is absolutely incorrect to state that the said inner circle was constituted to manage the day to day activities of Osho Commune and to take care of movable and

immovable properties and intellectual property rights and assets of the Osho all over the world. Osho did not have any personal assets at all. The properties belong to the trust. It is emphatically denied that the inner circle is dissolved and therefore the issue of it being done high handedly or arbitrarily does not arise. The allegation are in respect of non existing state of affairs. It is again most emphatically denied that Mr. Micheal O'Byrne alias Swami Jayesh, Mr. George Merdith alias Swami Amrito and Mr. Darcy O'Byrne alias Swami Yogendra are interfering in the affairs of the trust or that they are trying to exercise the powers of the trustees as alleged. There is no delegation of any powers by trustees to them or for that matter to anybody else.

28. With reference to para 17 I state that it is true that Opponents No.1 to 3 are in charge of the affairs of the said Trust, but deny that the trustees are converting the properties of the said Trust used primarily for charitable activities for a commercial venture. I also deny that the trustees are alienating the properties of the said Trust or are trying to ptevent any person from participating in meditation activities within the said Trust premises. I deny that we are acting contrary to the teaching and directions of Osho. I state that we are infact strictly following the teaching of Osho. I deny that we are using good offices for commercial gains out of the trust funds and properties and deny having tarnished the image of Osho. I deny that we have applied new policies and rules to properties of Osho. I deny that the trustees have done anything contrary to the teaching of Osho and have strictly adhered to the philosophy / principles of Osho and put the Applicants to strict proof thereof. I deny such acts due to which the growth of Osho has been seriously hampered. I deny that such change is against directions of Osho and deny that it is prejudicially affecting the inherent rights of the individual followers. I state that an increasing number of participants from over 120 countries visit the said Trust premises each year to participate in the teachings of Osho. I state that the said para like all others are without any material particulars and are merely making false allegations without any proof of the same. I submit that such public criticism are going

against the teaching of Osho and are thus creating an interest hostile to the said trust which incurs immediate disqualification.



The Opponents once again submit that the inner circle was not a body that had been legally constituted to manage the day-to-day activities of the trust. Osho publicly dropped the word "Ashram" at this time. It therefore seems that the Applicants have almost no understanding or information even about Osho's wishes or his work. Yet again, the comments about "*commercialization*" again reveal that the Applicants know nothing of the subject that they claim to be so knowledgeable of.

The Opponents submit that when Osho had been questioned as to "*Why must everybody who wants to do meditation or hear the lecture pay for this?*" he had answered " *Why not? You pay for everything in life, why not for your meditation? You pay for everything in your life, why not for God? Why do you want God for free? "In fact, you don't want God. You are ready to pay for whatsoever you want. You know that you have to pay. Meditation you don't want. If it is given free, and even with a prasad, then you will think about it. You are ready to go to the movie and pay for it; why should you not pay for your meditation and the lecture if you want to hear it? "The question comes, naturally, from an Indian and a non-sannyasin who does not understand me at all, who must be a newcomer. The Indians think they are the most religious people in the world; all bullshit. They are the most irreligious people in the world – they just have an egoistic idea that they are very religious. If you are really religious, you will be ready to pay for your meditation with everything, even with your life.*

"What is money? If you pay five rupees for something, and if you earn ten rupees a day, then you have paid with half the day. Money is just a symbol that you have devoted half your day's labor for it. You go to the movie and you

pay ten rupees for a ticket; you earn ten rupees per day. You are saying that this movie is worth it – "I can stake one day's labor for it." But you are not ready to stake anything for your meditation, prayer, for religion. In fact, religion is the last thing on your list. You want it free; basically you don't want it. If there is a price to it you start feeling uneasy. "You ask why you have to pay here? The price that is asked is nothing; it is just the beginning of learning a certain lesson: that one has to pay for everything, and certainly for prayer, certainly for meditation – because it is the highest thing in life. Those few rupees that you have to pay are very symbolic, just symbolic, just token – they indicate something. If you are ready to pay something, then I know you will be persuaded to pay more. By and by, one day you will be able to stake your whole life for it. If you are not ready to even pay five rupees, it is impossible for you to stake your whole life. "There are only two ways. One is: somebody else should donate for you. But why should somebody else donate for you? You will meditate and somebody else will donate for you? Why? If you want to meditate, you pay for it. And if you really want to meditate you will be ready to pay for it; there should be no hitch about it. If yau don't have money, go and earn it. If it is absolutely impossible, then come and work in the ashram and pay that way, workwise. But don't ask to come for free.

"The greatest greed is for money, so whenever you have to lose your money you have to lose a little part of your greed. When you pay five rupees for entry, you are paying by dropping a little greed. The money is not the problem, the problem is greed; you are dropping a little greed. And this is just a beginning – because meditation can happen only when all greed disappears. A slight greed inside you and meditation is not possible. For a greedy mind there is no meditation; meditation happens only in a non-greedy mind. If you don't have money, then work. Pay by your work and show your sincerity."

Thus it is revealed from public statements made above by Osho that everybody pays for everything. And hence the money is then made available for the

expansion of Osho's work, just as he requested. The implication that this process for "a few individuals for making gains by way of commercial benefits" is totally untrue and therefore libelous – and again show a gross misunderstanding of Osho's specific guidance.

The Opponents submit that Osho during his lifetime had directed that the activities of the Trust should be self sufficient. Accordingly, NSF / OIF has been charging daily entrance fees to visitors to meet the day to day expenses of the Trusts. Since, over the past twenty five years, the cost of living and the cost of goods and services has increased dramatically, the trusts were left with no option but to increase the entrance fees from Rs.40/- to Rs.480/- for Indian participants and to Rs.980/- for foreign participants over a period of twenty five years.

The Opponents further submit that as per Osho's guidance anyone who went public in the newspapers or magazines criticizing his work were not welcome, and that they would be welcome only if they realized their mistake and published an apology in the same newspaper or magazine where they had publicly gone against his work.

The Trustees have not misused the funds or the properties of the trust for their personal benefit or gain, nor are they gaining commercially from the trust. In fact the Trustees are acting according to the objects of the trust and the vision of Osho and are not acting contrary to the teachings and principles of Osho. This allegation of the Applicants is also untrue and contrary to facts that participants from India and more than 120 countries from around the world visit the trust premises every year for meditation.

It is denied that the opponents 1 to 3 who are the trustees and are in charge of

the affairs of the trust are converting the properties of the trust for any commercial venture as most mischievously alleged or otherwise. It is again emphatically denied that opponents are wrongfully alienating the properties of the trust and are allegedly trying to prevent the devotees and disciples like the applicants from performing various religious and spiritual activities within the trust premises as most dishonestly and mischievously alleged. It is however true the applicants 1, 2 and 3 are not permitted entry on account of their criminal activities and involvement in the crimes and activities like taking cuts and discounts from the suppliers. However, it is once again clarified that only spiritual and philosophical are carried out in the commune and no religious activities relating to any religion were or are practiced in the Commune even during the life time of Osho. The allegation that the opponents are acting contrary to the teaching and directions of Osho are again as vague as possible to which no reply can be given. It is also denied that the opponents have used good offices of Osho's Institution for making commercial gain from out of the trust funds and properties and have tarnished the image of Osho are also vague, therefore, no reply can be given except denying the same. The contention that the opponents have applied new polices and rules to the Ashram and properties of Osho is again vague. The further allegation that the alleged all such acts of the opponents are contrary to the teachings and principles of Osho is mentioned only to reject the same and deny the same. The invention of the applicants that due to alleged such acts the growth of Osho community has been seriously hampered and that such change is directly against the directions issued by Osho himself and are affecting prejudicially the alleged inherent rights of the individual followers like the applicants is sheerly imaginative due to the pervert imagination of the applicants. These allegations are denied emphatically.

29. With reference to paragraph 18, what is stated about Osho applying for any patent or copy right again exposes the lack of appreciation and understanding as to the nature of the two rights relating to the intellectual properties. There

was never any question of any patent. The allegation of the opponents attempting to have copy rights, are again vague , without any details and particulars and therefore without prejudice, no reply can be given thereto. It is well known public knowledge the work and the book of Osho were and are printed and sold at the cost price. The allegation insinuating anything contrary to the factual realities is mischievous and dishonest. It is denied that the literature and other articles are made so expensive allegedly in order to make profit and make commercial gains therefrom which allegedly are against the object of the trust as alleged or otherwise. This is one more allegation just made for the sake of making without any substance in it.

30. With reference to paragraph 19, it is correct that the persons living in the Osho Commune or visiting the same would offer their voluntary services for any kind of work that would be available as per the request of such volunteers. Considering the need of keeping the highest standards of hygienic living, and creating an atmosphere most suitable for spiritual activities, it was realized that a large work force of manpower was needed. All the time there was a need of workmen being available at all material times and right kind of workmen with necessary skills or experience even in the most minor kind of chores or work. It was found that the inmates of the Osho Commune though were willing to work, and volunteer their services in their desired field of activities, still several aspects of maintenance needed work force which was not available and therefore there was a need to employ people. In addition thereto it was also found that it was impossible to depend wholly and fully on the volunteers and it was found to be uneconomical too as the volunteers were required to be accommodated, supplied the necessities like food etc. and therefore a conscious decision was taken not to depend entirely on the services volunteered by the disciples. Even as on today the trust gratefully appreciates the services volunteered by the disciples and depending on the availability of the work and the request from the disciples to serve in a particular work or field, even as on today such work is done by the volunteers. It is denied all the work of the

Commune was done by the disciples. Approximately 300 persons are required for maintenance and upkeep of the Osho Commune. On an average the number of inmates and the volunteers are in the range of 100 to 150 depending on the inflow of the persons in the Commune. It is impossible to depend on the volunteers, to do a work, which requires 300 persons approximately. The comments made in the said paragraph regarding the effect of such voluntary services are the opinions of the applicants, to which no reply can be given. It is however most emphatically denied that any person is restrained wrongfully or otherwise from performing such service. As submitted earlier, in order to maintain a proper hygienic and clean atmosphere conducive to the spiritual activities attempts are made to achieve the highest standards. A company which is Internationally known and expert in the field is therefore engaged. Prior to this company Sodexho, another company namely, Kinship was entrusted with the work since about 1994 which worked till about 2002 and created several labour problems. The present organization Soexho has been working in the Commune since about 2002 and is not a recent development. The allegation that the trust funds are spent unnecessarily and lavishly at an exorbitant price are either out of pervert mind as no facts and figures are given and purely imaginative or out of total ignorance. The prayer for restraining engaging services of any establishment, for the purpose of maintaining highest standards of hygiene and cleanliness is clearly dishonest and malafide to say the least. At any rate this prayer is beyond the scope of the law in addition to the fact that no particulars or details are given in supPublic of the prayer. As submitted earlier, the internationally known established was engaged in 2002. It was bare minimum for the applieants to get themselves acquainted with some facts before hurling allegations.

31. With reference to paragraph 20, it is denied that any disciples including the applicants were ever deprived of their alleged legitimate rights to carry out seva as claimed. Firstly, there is never such right much less legitimate right as claimed in insisting on the trust to accept the voluntary service of any one. The

acceptance or rendering of the service is an ought to be purely voluntary in either way. It is denied that the alleged beneficial interest of the beneficiaries is affected but the alleged rights of devotees of providing seva are taken away high handedly and arbitrarily as alleged or otherwise. Osho had promoted 'Work as Meditation' which he never referred as 'Seva'.

32. With reference to paragraph 21, relating to the entry fee increased from RS.40/- to Rs.480-/ at present for the Indian nationals and Rs.980/- for the foreigners. The entry fee for the Indian Nationals is lower than the per day participants actual expenses incurred by the trust and in fact Indian Nationals are enjoying a subsidized charge on account of the foreign nationals who are contributing more towards the same. It is already submitted that the fees of Rs.40/- were charged in the year 1987. Thereafter gradually each year the fee was increased by about 15% and the fees as on charged today are almost after 25 years when the fees were Rs.40/- in the year 1987. It is denied that there is any high handed or arbitrary action. The further allegation that no receipts of the said amount collected against the entry fee are issued to the devotees at any time and only a card is issued to the devotee for its presentation at the entry gate and that the funds collected by way of entry fee are not accounted for in the accounts of the trust but are totally misappropriated by the opponents is nothing but a vicious and venomous allegations and exposing a complete lack of understanding. It only demonstrates the applicants are bent upon making wild and reckless allegations without bothering to know the facts. The card which is given to person desiring to enter the Commune carries a sticker of that particular date. The stickers are accounted for and whenever the card is accepted to gain entry, there is an automatic account for the same. The entries are recorded and accounts are maintained. Further in addition to this if any person desires to have any receipt, the same are also issued. The allegation that the funds collected by way of entry fees are misappropriated totally or otherwise by the opponents is a grossest dishonest and malafide allegation suiting the mindsets of the applicants. The trustees have been maintaining the accounts

properly and need no advise, suggestion from and especially the applicants who have their criminal background. The allegation that the number of disciples visiting the commune is reduced on account of raising the entry fee and the trust started losing its revenue substantially which is also causing loss to the trust is one more reckless and wild allegation, it is denied. The facts are otherwise. The allegation that the opponents are practicing an act of discrimination between the human beings to say the least is ridiculous. No details or particulars of any alleged act of discrimination on the part of the opponents is given and therefore no reply can be given to it save and except a most emphatic denial. The trustees are not charging any heavy entrance fee and therefore the allegations are baseless. Whosoever has visited the Commune knows, understands and appreciates the surroundings, the atmosphere and the attempts and efforts to keep the highest standards conducive to the spiritual activities and the cost that is and would be involved obviously there is a complete lack of understanding, knowledge and appreciation on the part of the applicants to these aspects, the costs involved. The services of the volunteers are continued to be accepted and welcome as per the requirement of the trust.

33. With reference to paragraph 22, it is denied that the opponents are carrying their efforts to sell the manuscript of the trust for making commercial gain therefrom. The allegation is too vague and devoid of any merits. The contention of there being no sale or transfer any of the immovable properties or etc. are without any foundation. The statements are without any reference or context and therefore no reply can be given thereto.

34. With reference to paragraph 23, the contents of the same are denied as not true and correct. The Applicants to prove by sufficiency of the proof the relevancy of the contents of para 24 of their Application with the matter in issue. I state that it has got nothing to do with the NSF and nothing to do with the Application under the provision of section 41E of the Bombay Public Trust Act, 1950. The allegations simply made without there being any substance, merit, details and particulars and the same are denied in toto.

It is submitted that the Neo Sanyas Foundation is a separate registered Trust having its own identity and registration. It has absolutely no concern with the work and or activities of the Osho Multimedia and Resort Pvt Ltd. Hence, the making of mere wild and or baseless allegations will therefore have no relevance in the matter, and the scope of this Application has to be restricted to the functioning of the Trust only.

35. With reference to paragraph 24, the contents of the same are denied as not true and correct. The Applicants to prove by sufficiency of the proof the relevancy of the contents of para 24 of their Application with the matter in issue. I state that it has got nothing to do with the NSF and nothing to do with the Application under the provision of section 41E of the Bombay Public Trust Act, 1950. The allegations simply made without there being any substance, merit, details and particulars and the same are denied in toto.

36. As regards paragraph 25, the contention that it was the practice till recent times that the personal belongings and other belongings of Osho were allowed to be seen on certain imPublicant days is a display of gross ignorance. The belongings of Osho are never put on display. The paintings, signatures etc. are pieces of art etc. are all over the Commune. The imaginative description since being of the applicants no reply can be given thereto. It was Osho's insight that every day is a celebration and there was no need to celebrate any particular day and hence the Trustees in turn permit celebration every day. The contentions regarding the visits of disciples being stopped etc. is denied as being false to the knowledge. It is denied that any meditations or prayers are stopped by the opponents. The prayers, contentions made in this paragraph regarding any directions to the opponents to start the alleged process and practices afresh and to allow the disciples and beneficiaries to attend such functions are beyond the scope not only of the law but beyond the scope of any application under section 41E of the BPT Act but also beyond the scope of the law in general. The contention that the alleged attempt on the part of opponents is like closing the

doors for all the devotees is mentioned herein only to be rejected being without any substance. It is most denied that any personal articles of Osho, his library, paintings, original manuscripts and that allegedly there is no account of the same. The personal belongings, photo gallery, paintings and signatures are in the Commune. The applicants in their nauseating habit have again hurled allegations without any details and particulars and therefore no reply can be given. However, on account of the vague allegations the application itself is liable to be dismissed with costs. The contentions, statements etc. in the said paragraph no. 25 are devoid of any merits and therefore are denied. It is denied that allegedly in order to convert the property into the own property the opponents have made any attempt to shift all these articles to some other place in the world and started generating income therefrom from their personal gains and therefore for that alleged purpose the opponents are directed to restore the said articles in Pune Ashram by passing suitable orders. All these contentions are out of poor taste.

It is further submitted that the Applicant's submission and interpretation that you "get connected to Osho" only by looking at his belongings is therefore pitiful. The Opponents submit that Osho had spent 35 years explaining that there was only one way to get close to him, and that was to by getting close to yourself, to meditate, and to look inwards and not outwards.

The contention of the Applicants that "*various functions were organized by the trust to celebrate Osho's birthday, Osho's enlightenment day, and "Mahaparanirvan of Osho... and the disciples... used offer their prayer*" is totally misconceived. Firstly the Applicants seem to be totally unaware of Osho's public statements on what is "*celebration days*". It is submitted that in a public talk in 1986 Osho had explained that there would be no more regular festival days: "*Now we will not be having any celebrations; now the celebration will continue all the year round – three hundred and sixty-five days of celebration!*

..And this is going to be the new order of the Buddhafield."

And yet in another public talk from that time, Osho had said: *"I am going to drop all the festivals so there is no need for twenty thousand, thirty thousand people together, because then there is no intimacy. So the festival will be every day. And why have only one festival when you can have three hundred and sixty-five!"* and further *"We will dissalve those four ceremonies and make the whole year a festival – a three-hundred-and-sixty-five-day festival. ... So now the whole year will be the festival."*

On his return to India in the same year, Osho further spoke in Mumbai: *"As your silence grows, your friendliness, your love grows; your life becomes a moment-to-moment dance, a joy, a celebration. Do you hear the firecrackers outside? Have you ever thought about why, all over the world, in every culture, in every society, there are a few days in the year for celebration? These few days for celebration are just a compensation – because these societies have taken away all celebration of your life, and if nothing is given to you in compensation your life can become a danger to the culture".*

In contrast thereto, the Applicants have decided that these celebration days were so that they could "offer their prayers." And now, in spite of Osho's clear instructions about celebration days, the Applicants have alleged that "this practice is arbitrarily stopped." It is further submitted that these celebrations were not "arbitrarily stopped", but were stopped in response to the explicit wishes of Osho. Ironically, the Applicants are now asking the secular Indian authorities to insist that those responsible for Osho's work reinstate these celebration days – in effect, that they insist that Osho's wishes should be ignored in favor of the wishes of these applicants who have already shown that

they have no understanding of Osho whatsoever.

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If respecting Osho's wishes amounts to "closing the doors of all the temples to the devotees" then clearly these people cannot be referring to any door to any temple with Osho's name on it.

In the past when these celebration days were still happening, Some of Osho's personal belongings that he used were in the room as people visited. It is submitted that none of these personal belongings have been removed from the premises. By their lack of knowledge of the activities the Applicants have only further revealed as to just how far away from Osho they really were or are when they talk of "sentimental value."

For these Applicants to be appealing for Osho's wishes to be ignored on the basis of "sentiment" is extraordinarily disrespectful to his lifetime's work.

37. With reference to paragraph 26, the applicants have again harped upon Samadhi of Osho which did not exist and that too allegedly as per the wish of Osho and that the bedroom was converted into his Samadhi. The position of the bed room where Osho used to reside during his stay at Pune is already explained above. Several followers of Osho did come and meditate in the said 'Chang tazu'during the life time of Osho and the meditation continues even as on today in the said 'Chang tazu'. The said 'Chang tazu' which was used by Osho as his residential place and was used even during his life time as the place for meditation continues to be used so and therefore except the applicants who are unaware and ignorant no one had their faith shaken. The 'Chang tazu' after the demise of Osho has continued to be used as a meditation hall. The allegation that the opponents have recently removed the name plate, again is a sheer dishonest allegation in as much as it was removed more than 12 years as the place was not a Samadhi. The submission that the Samadhi is the sacred

place directly connected to the religious belief of Osho followers which binds the spiritual nature is unintelligible statement displaying the grossest one more ignorance of the applicants. Whatever the applicants have described the structure where Osho resided during his life time is their choice. However, there is nothing arbitrary or high handed on the part of the opponents and the alleged decisions recorded by them which are allegedly detrimental to the interest of the trust and the devotees are basically against the interest of the trust, is again a confused display and that too of ignorance of the teachings of Osho. The contention that the opponents are manipulating 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 applicants are constrained to file present application under the provisions of BPT for the purpose of seeking necessary preventive orders against the opponents is as vague and as hopelessly without merits as possible. It is denied completely.

38. With reference to paragraph 27, the reliefs as claimed by the applicants to prevent the applicants from raising entry fee to the ashram and restraining from removing the articles used by Osho from the Ashram at Pune and shifting them elsewhere in the world and if are already shifted seeking directions to bring them back and thirdly for injunction restraining them from wasting, damaging and improperly alienating any immovable property of the trust and further restraining the opponents alienating the properties of the trust in violation of the directions and mandate given by the donors who have donated immovable property of the trust and also seeking further directions to make available the literature of Osho to the disciples at reasonable rate and prevent them from making commercial use of the said literature whereby the opponents are in a habit of making gains out of it and also seeking further order of injunction against the opponents restraining them from preventing the disciples from entering the Samadhi place of Osho and offering prayer therein are vaguest possible in nature Neither in this paragraph nor anywhere else any details or

particulars are given. Repetitions of allegations and statements are made ad natium. At some places some provisions are repeated just for the sake of them. All these statements, do not justify even in the remotest manner any of the reliefs as claimed or otherwise. All these reliefs as claimed to have been claimed are beyond the provisions of law and on such grounds statements, averments and contentions the applicants are not entitled to any relief whatsoever. On the contrary, the application is liable to be dismissed summarily. The application is liable to be rejected as it does not disclose any cause of action under the provisions of Order VII Rule 11 of the CPC or provisions or principles of law analogous thereto.

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39. With reference to paragraph 28, the contention that if the preventive orders as most mischievously and dishonestly sought are granted, nobody could be said to be affected or prejudiced but the on the contrary allegedly 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 is denied being hopelessly without any merits and foundation. It is also emphatically denied that if the preventive orders are not passed and the opponents are not restrained by order of injunction and are not issued with the directions, the opponents would continue with their highhanded and arbitrary acts, which are allegedly detrimental to the interest of the trust and beneficiaries and therefore in order to protect the interest of the trust and to protect the interest of the beneficiaries and disciples the reliefs prayed by the applicants are required to be granted. These vague meritless repeated submissions are denied once again.

40. With reference to paragraph 29, the applicants have not at all made any case even prima facie to show that there is any threat to the immovable properties of the trust of being wasted, damaged and /or improperly alienated. The mere reproduction of the requirement of law would not justify grant of any relief. The applicants have neither made out any prima facie case nor the balance of

convenience is in their favour. The claim that the applicants have come forward with clean hands is a very over rated statement out of inflated ego. To claim that the applicants are therefore entitled for the reliefs is contrary to even the basic tenets and provisions of law.

41. With reference to paragraph 30, it is denied that the opponents 4,5 and 6 are interfering into the affairs of the trust as alleged or otherwise. These opponents are the members of the inner circle and are discharging their duties and obligations and responsibilities as a members of the inner circle which was formed conceptualized and brought into existence by Osho himself with responsibility to have over all guidance, supervision on the activities of all who continue or practice the teachings of Osho. The trustees have not delegated their powers to the opponents 4, 5 and 6 as alleged.

42. Under the circumstances, it is most emphatically and humbly submitted that the whole application is devoid of any merits. It is full of allegations out of the pervert imagination of the applicants. It is devoid of facts and particulars. The allegations are made only for the sake of making by merely repeating the requirements of law without substantiating them. The reliefs claimed regarding the internal management are absolutely beyond the scope of even the Bombay Public Trusts Act including Section 41E thereof. The application therefore deserves to be rejected summarily and that too with substantial costs to the trust.

Solemnly affirmed at Bombay]

Dated this 16th day of July, 2012]

Before me,

16/07/2012.

Identified by me:

Advocate for the Opponents Nos. 1 to 3.

S. K. SHETTY B.A.,LL.M
ADVOCATE
NOTARY GOVT. OF INDIA
8, "Prakash ", Bestant Street,
Santacruz (W), Mumbai - 400 054
This document is noted at Mumbai
Sr. No. 1202 Date 16/07/2012 in the
Notarial Register

Exh:AJ

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BEFORE THE CHARITY COMMISSIONER
MAHARASHTRA STATE, MUMBAI
APPLICATION NO. 5 OF 2012
UNDER SECTION 41E OF THE BOMBAY PUBLIC TRUST ACT

Yogesh Thakkar & Ors. ..Applicants

Versus

Mukesh Kantilal Sarda @
Swami Mukesh Bharti & Ors. ..Opponents

V. NARAYANAN M.A.,LL.B. Gr. Bombay Reg. No. 515 NOTARY GOVT. OF INDIA

AFFIDAVIT IN REPLY ON BEHALF OF OPPONENTS NOS. 1 TO 4 :

I, Mukesh Kantilal Sarda @ Swami Mukesh Bharti, the Opponents no.1 above named, do hereby state on solemn affirmation for myself and on behalf of Opponents nos. 2, 3 and 4 as under:

1. I have gone through the application and I am conversant with the facts and therefore able to and being a trustee entitled to submit the following for the kind consideration of this Hon'ble Authority. This affidavit in reply is filed for the purpose of opposing grant of any reliefs either prayed or otherwise and crave leave of this Hon'ble Authority to file any detailed affidavit, if and as and when required and necessary.

At the outset, it is submitted that the application does not disclose any cause of action to initiate any proceedings under section 41E of the Bombay Public Trusts Act and therefore neither the application is maintainable nor this Hon'ble Authority can be approached for any reliefs as prayed or otherwise as the allegation do not disclose cause of action conferring jurisdiction of this Hon'ble Authority to entertain and try this application.

3. Apart from the fact that there is no cause of action, the applicants have no interest in the trust. Therefore the application made by the applicants is also beyond the jurisdiction and is liable to be dismissed in limine with

compensatory costs as the trust is dragged into litigation for purely selfish and self motivated interests of the applicants as is apparent , the contentions and statements are not only without any merits or substance but are in the nature of repetition of provisions of law. By mere repetitions of requirements of provisions of law, the application does not stand on a better footing.

ANAN MALLIK Bombay No. 515 OF INDIA

4. It is submitted that the contentions, statements and allegations and averments in the application, which are contrary to what is stated herein after and unless specifically admitted, are denied and they be not kindly be treated to have been admitted even though there is no specific denial.

5. The allegations and contentions are false, fabricated, untrue to the knowledge of the applicants. The applicant Yogesh Thakkar, Kishor Rawal and Nitin Phulpagar are not the members of the trust. Though they claim adnotiam to be the beneficiaries of the trust from the contents of the application it is obvious that they have not improved themselves by the benefits which is expected to be from the activities of the trust in achievement of the objects of the trust.

6. By way of preliminary objection I submit that the aforesaid Applicants have no locus to file the aforesaid Application at all. Applicants, were at no point in time ever, directly or indirectly involved in any of the activities of the Osho International Foundation (hereafter to be referred to as the "said OIF") and have not produced any documentary evidence, as mandatorily prescribed under the Bombay Public Trusts Act, 1950 and the Bombay Public Trusts Rules, 1951. I submit that even if it is assumed without admitting for the sake of argument that the Applicants have any interest in the said Trust, from the prayers in the aforesaid Applications and the submissions made therein by the Applicants, it is apparent that they have an interest which is hostile to the objects of the said Trust. I say that the objects of the said Trust are based on the teachings of Osho. The Applicants through this Application are trying to seek orders / directions from this Hon'ble Forum to interfere in the internal management of the Trust which has been working effectively and most efficiently for last many years, without any complaint or any grievance from any of the members of the public

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or visitors. The audit report and audited accounts are also filed regularly before this office. OIF is considered to be most visited place and revered all over the world and visitors come here from all over the world. None of the properties are given or proposed to be given, transferred or distributed to any of the Trustees for their personal use and benefit as falsely alleged. The properties that are transferred or gifted to another Public Trust having similar objects are done after complying with all the necessary formalities and after having obtained due sanction under Section 36 (1) of the Bombay Public Trusts Act, 1950. Out of the eight properties listed, only two are under Deed of Endowment or under Deed of Gift and the remaining six properties are acquired and / or constructed by the Trust itself in accordance with law. None of the properties are transferred without complying with all the necessary formalities and / or before obtaining the prior permission of the Hon'ble Charity Commissioner under Section 36 (1) of the Bombay Public Trusts Act, 1950. The Applicants have an interest which is hostile and in conflict with the affairs and the teaching and objects of the said Trust and therefore calls for outright disqualification. Applicants object appears to be to see that the Trust is destroyed. I therefore submit that such disqualification therefore does not entitle them to file these said Applications, in any case. (2004(Supp.) Bom.C.R.292. I pray that the maintainability of the aforesaid Application may first be decided as a preliminary issue on the ground of locus of the Applicants.

7. I further say that the Applicants 1, 2 and 3 are not members of the Osho International Foundation which is a Registered Society under the Societies Registration Act, 1860 and also registered as a Trust under the Bombay Public Trust Act, 1950. The above said Applicants are not beneficiaries or Trustees or members of the Society and hence have no right or authority or interest to file this or any other kind of application pertaining to the Osho International Foundation.

Without prejudice to what is stated above, the Opponents submit as under:

(a) It is humbly submitted that the Societies Act is a Central Act while the BPT

Act is a State Act. It is by virtue of the society registered in the State of Maharashtra is the reason it was deemed to be registered under the Bombay Public Trust Act as well. The functioning and governing of this Society and its affairs was governed by the Memorandum of Association and Rules and Regulation under the Societies Registration Act, 1860. However, with the amalgamation of OIF first with the Blue Lotus Trust and then with 5 other Trusts – viz Satyam Foundation, Maneesha Trust, Sambodhi Foundation, Shivam Foundation and Sundaram Foundation, and further with the Abhilasha Foundation and finally with Dhyan Foundation the Memorandum of Association and Rules and Regulation of OIF came to be governed by the sanctioned and settled Scheme dated 24-05-2011.

(b).It is submitted that the OIF is a Society carrying out various activities to spread and impart education through formal training in the fields of art, science and humanities to develop knowledge, skills, mind and character, conducting courses in yoga, physiotherapy; disseminating knowledge of ancient and contemporary philosophies, study of comparative religions etc., with a view to educate on all aspects of mental, physical and spiritual development as per its objectives. The membership and criteria of the said Society is clearly defined and is restrictive in nature leaving no scope for any outside interference much less applications and Objections filed by persons of vested interests, which includes the present application under reply. It is further submitted that the membership of the Society and the beneficiaries of OIF are specified in the Scheme that was sanctioned and settled. The members and beneficiaries are therefore, the only ones who could qualify as persons having interest as per the said rules recognised by the Registrar of Societies and the Hon. Charity Commissioner.

(c).As per the provisions laid down in the said Scheme of OIF, it is only those persons who meet the requirements and such others related to its work can be appointed as members or who would qualify as persons having interest. That as per the membership clause governing OIF, there is absolutely no scope for any

other person or persons other than what is now defined in the Scheme.

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(d) OIF therefore functions as per its sanction and settled Scheme, as per which its membership is restricted to the subscribers of the Scheme and only to such other persons who have been invited to become members of the Society by the Governing Body. OIF has therefore, been functioning through the Trustees whose names are appearing on the PTR Schedule I and which includes the name of the Opponents 1 to 4.

8. It is submitted that Applicant No. 1, Mr. Yogesh Thakkar alias Swami Prem Geet hails from Surat. That in late 1981 when the Osho sannyasins had gone to Surat for Osho books shifting, the said Applicant No. 1 had joined their troupe and came to Pune. Applicant No. 1, was basically a Real Estate Broker, who had joined the Osho commune for convenience and with an ulterior motive. His joining of the commune was a front for conducting real estate work for people visiting the Osho commune. He is a partner in real es ate with both Applicants Nos. 2 & 3. There are numerous complaints by people for having been conned / cheated by Applicant No.1. It is also submitted that the Applicant No.1, has occasionally visited the Osho commune for meditation or any of its related activities. His interest has always been of real estate for monetary gain at the cost of the Osho sannyasins. The Applicant No.1 is thus a person who is a habitual Objector, interferer and professional litigator who has always resorted to creating problems, obstacles and litigations for OIF. The Applicant No.1 has either himself or through his associates i.e. Applicant Nos. 2 & 3 herein, filed objections in other matters pertaining to OIF ranging from applications u/s.22, 36(1), 41E, of the Bombay Public Trusts Act 1950. Although the Applicants have no direct beneficial interest or concern in the working of all these various trust, the Applicant No.1, along with his associates have made it their business to cause applications to be filed in the form of objections / Intervener applications etc., knowing well that the matters take a long time to be decided upon in the office of the Charity Commissioner. After filing these kind of

applications and objections, they are known to misuse the same by quoting these matters and by producing the acknowledgements of such applications filed in other proceedings to substantiate their false objections and/or claims. The Applicants are thus misusing the provisions of law and using their fellow colleagues and associates to professionally submit applications and objections for monetary gain.

The Applicant No.2 also known as Swami Prem Anadi, is a Gujarati from Mumbai who came to Pune following his girl-friend, and ended up living in the Osho commune. As he was unemployed, he worked as a shopper in the commune in the late 1990s, but was asked to leave as he was caught taking cuts from the suppliers. Ever since he was thrown out of the Osho commune, he has been doing real estate brokerage business in Koregaon Park; Pune. For the last few years, he has been performing kirtans against cash payments at the houses of sannyasins and some Osho centres, in order to portray and mislead the public, that he is still attached to the Osho commune. The Applicant No.2 is not a beneficiary, trustee, member of OIF or for that matter an interested person. His interest in being part of this false and fictitious application is only to trouble and harass the Opponents and to settle scores.

It is further submitted that Applicant No.3, Nitin Phulphagar alias Swami Nitin Bharti is basically a business man who runs a travel agency and conducts real estate business along with Applicants 1 & 2. He operates under the name of High Fly Travel Agency at Koregaon Park, Pune. He has no clue of or connection with OIF. However, he is a close associate of Applicants 1 & 2 and his name has been included for convenience and support. The said Nitin Phulphagar alias Swami Nitin Bharti is not a beneficiary, trustee, member of the OIF or for that matter an interested person. His interest in being part of this false and fictitious application is only to trouble and harass the Opponents in support of Applicants 1 & 2. It is further submitted that Applicant No.3, Nitin Phulphagar alias Swami Nitin Bharti was raided by State CID (Crime) in the year 2005-06 as he was involved along with others in forging visa documents of foreign nationals without their knowledge and since then he has been

prohibited to participate in the activities of the trust.

9. As none of the applicants at any point of time were directly involved in the spiritual and philosophical activities of the OIF, they are not beneficiaries or persons having interest in the trust. As per the contentions of the applicants themselves, it is clear that the applicant no.1 was the trustee in the erstwhile Sambodhi Foundation and had admittedly resigned on 1.3.1992 and thereafter had no concern with the said Sambodhi Foundation or the OIF. Since both the trusts are different entities, he cannot claim to have interest in the activities of the other trust and especially after his resignation. The Hon'ble Charity Commissioner has settled a Scheme under Application No.31 of 2001 and the management of the trust is now under the said Scheme. None of the applicants has any real, subsisting or existing interest in the activities of the trust and also had never such interest in the past. They are therefore neither "interested persons" or " beneficiaries". Assuming strictly without admitting and only for the sake of argument that the applicants have some semblance of any claim in the interest of the trust, it is apparent from the prayers and the submissions in support thereof that the interest of the applicants are hostile to the objects of the trust. None of the prayers in the application are covered under the provisions of section 41E of the BPT Act and clever drafting of making a show or façade of being covered under the provisions of section 41E of the BPT Act 1950, is a mere veneer which after peeling would expose the selfish and self motivated interest of the applicants. The prayers are in the form of a direct interference and obstruction and obstacles in the management, administration and working of the trust which is not in accordance with any provisions of law. The trustees have not done anything illegally and against or contrary to the interest of the trust. Therefore, on this ground also the application is liable to be dismissed.

10. The very applicants, claiming to be the beneficiaries of another trust known as Neo Sanyas Foundation PTR E-625 Pune have claimed almost identical reliefs and on identical allegations. The opponents have filed a reply to the said application no. 4 of 2012 and crave leave to refer to and rely upon the same and

further crave leave to treat the same as part of this affidavit in case any of the contentions raised in the application, have remained to be unanswered inadvertently, this affidavit may cover the reply for the same and vice versa.

11. The Osho International Foundation, herein after referred to as "the said OIF" for the brevity is a society registered under the Societies Registration Act and has PTR No.F-14570(Bom). The society is governed and administered as per the Memorandum of Association and the Rules and Regulations. However with the amalgamation of the OIF firstly with Blue Lotus Trust and thereafter with five other trusts, namely, Satyam Foundation, Manisha Trust, Sambodhi Foundation, Shivam Foundation, Sundaram Foundation and thereafter Abhilasha Foundation and Dhyan Foundation, the Memorandum of Association and the Rules and Regulations, of OIF are governed by the Scheme sanctioned and settled on 24.5.2011.

12. The said OIF carried on various activities to spread and impart education through formal training in the field of Arts, Science and Humanities to develop knowledge, skills, minds and character through conducting courses in Yoga, Psychotherapy and disseminating knowledge of ancient and contemporary philosophies and comparative study of the religions with a view to educate on all aspects of mental, physical, spiritual development. The applicants are not the members of the society, namely OIF. They are therefore strangers and have no rights vis-à-vis the management, administration and running of the said society.

The Opponents submit that the contents of the entire application filed u/s 41E from paras 1 to 36, unless specifically admitted are denied as false, fictitious and not true.

13. What is stated in internal pages 8 to 13 relate to the factual position which will be borne out from the record and which will speak for itself.

14. As regards paragraph 1, what is stated therein is a matter of record which will speak for itself.

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15. With reference to the averments in para 2 of the said Application, it is true that Sambodhi Foundation was, during the course of time, merged with OIF. I however submit that the after amalgamation the properties of Sambodhi Foundation are owned by the said OIF only as per the scheme approved by the office of this Charity Commissioner. Applicant does not seem to be aware of the fact that the properties originally owned by the said Sambodhi Foundation are managed by OIF only and not by the Neo Sannyas Foundation. Applicant No.1 was never, nor is now directly or even indirectly associated with the said OIF at any point of time. Applicant No. 1 had jointly acquired property situated at #4 at Koregaon Park, Pune 411001 out of the funds gifted by Foreign disciple of Osho for only specific purpose of purchase of property at the request of Osho and none of the joint owners have used any personal funds of their own for acquiring the said property and therefore the Applicant No.1 can not claim to have any interest in the OIF at all. The Applicants also can not claim to be 'beneficiaries' or 'persons claim to have any interest' in the said OIF. I state that the property bearing Unit No.2, Building No.4 situate at Plot No. 22 Koregaon Park, Pune- 411 001 was gifted to Sambodhi Foundation on 24th December 1997 when the Applicant No.1 was not the Trustee, neither a party to the Deed of Endowment nor a signatory, as the Applicant No.1 had resigned as a Trustee on 01.03.1992 as admitted by him in Para 3 on page 17/18 of the Main Application. Applicant therefore has no locus whatsoever for filing an Application of this nature. I state that the pleadings of Applicants are also very vague and baseless and therefore no cause of action has been made out. I say that as the said application filed by the Applicants is devoid of any cause of action, the same should, therefore, be rejected under the provisions of Civil Procedure Code, 1908.

The merger of the Sambodhi Foundation with Osho International Foundation has nothing to do with the new trust, namely, New Sanyas. It is absolutely incorrect that there is any Samadhi of Osho on the property owned by the trust. There was never any Samadhi or any structure as Samadhi of Osho . Osho never believed and in fact was opposed to any kind of personal worship or

anyone to be immortalized by any temporal or non spiritual aspect like structure, idol etc. It is denied that the applicant no. 1 being the alleged followers of Osho and applicant no.1 in a distant past being marginally associated with one Sambodhi Foundation, of which he himself claim to be the trustee till 1.2.1992 are the followers as claimed or otherwise. It is not known as to how the applicant claim to be following the principles of Osho . Osho had enlightened people by different technics, to meditate and therefore the claim of the applicants is absolutely vague and at any rate by the very claim they expose themselves of their being disconnected and not connected even remotely except their vocal claim to be followers of Osho . It is denied that the applicants were directly connected with the activities carried out of the trust. They are not even indirectly connected. It is again denied that the applicants are beneficiaries as alleged or otherwise. It is further denied that they are the persons having interest as defined under section 2(10) of the Bombay Public Trust, 1950.

16. With reference to para 3 of the said Application, I state that, I have no knowledge and deny that the Applicants are citizens of India or disciples or believers and followers of Osho. I also have no knowledge and deny that the Applicants are connected to the activities carried out by Osho under the banner of the said Trust and deny that they have directly participated in activities carried out by Osho. As a matter of fact Osho used to object him being referred as 'Shri Osho'. I deny that after his demise the Applicants were in any manner connected with the activities of OIF. I deny that thereby all the present Applicants are beneficiaries of the said Trust and put them to strict proof thereof. I state that the Applicants have not produced any evidence to substantiate their claim. I state that as per the Applicants admission, the Applicant No.1 resigned on 01.03.1992. and thereafter he disassociated himself from all the working of the said Trust and was not at all concerned with the said Trust. It is true that the Change Report No.886 of 2001 was filed to bring on record OIF, as the lawful owner of the immovable property bearing Plot No. 4 of

It is not true or correct that the present Applicants are or were beneficiaries of the trust. The Applicants have deliberately misstated the facts that the OIF is a trust when in actuality it is registered Society which is governed by the Scheme that was last sanctioned in May 2011. Since OIF is a registered Society, it is only a member of the Society who would qualify to be a person having interest as defined under section 2(10) of the B.P.T.Act, 1950.

17. The self claim of the applicants to the disciples, believers and followers of Osho is hollow and is made only for the sake of making to somehow or the other glorify themselves. Though the applicants claim to be connected with the activities carried out by Osho allegedly under the banner of trust and had participated in the activities carried out by him after his demise it was in a minuscule negligible and insignificant way, Anybody can claim to be a disciple, believer or follower of Osho without substantiating the same as has been done by the applicants. It is denied that the applicants are the beneficiaries of the trust. What is stated about Sambodhi Foundation being a matter of fact, which will speak for itself and so also the other statements regarding the proceedings mentioned therein. It is not true that the Deed of Endowment dated 24.12.1997 is executed by Applicant Nos.1 and 2. Applicant No.1 has resigned on 1st March, 1992 from Sambodhi Foundation therefore, he cannot be the signatory of the Deed of Endowment dated 24.12.1997. Secondly Applicant No.2 has never been a Trustee of the Sambodhi Foundation, so there is no question of his signing the Deed of Endowment dated 24.12.1997. Hence the Applicant Nos.1 and 2 are not the donors of this Deed of Endowment dated 24.12.1997. Therefore the Applicant Nos.1 and 2 donot have any 'locus standee' to file the present Application under Section 41E of the B.P.T.Act, 1950.

18. With reference to para 4 I state that the existence of the 'Blue Lotus Trust' and

whether Applicant No.2 was its Trustee is a matter of record. I say that it is substantially true that the said Blue Lotus Trust was merged with OIF which was done as per the scheme approved by the Office of the Charity Commissioner. It is true that Change Report no. 4192 of 1996 was filed in the matter of Osho International Foundation for the addition of the property stated therein. It is true that this property was purchased from Koregaon Park Hotels Ltd. by OIF and that the said property was purchased jointly by OIF and Blue Lotus Trust.

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19. With reference to para 5 of the said Application, it is an admitted fact that the Applicant No.1 was removed from the Sambodhi Foundation.

20. With reference to para 6 I state that what is stated therein is true.

21. With reference to para 7 of the said Application, it is true that Change Report no.778 of 2000 was effected for recording the addition of property as mentioned in the said para. It is also true that the property was acquired by Deed of Endowment dated 24th December, 1997 by Sambodhi Foundation and was transferred to OIF by virtue of the amalgamation of the 2 Trusts. I however deny that Applicant No.1 was a Trustee at the relevant time or a signatory to the said Deed of Endowment dated 24th December, 1997 because admittedly the Applicant No.1 had resigned from office of the Trustee of Sambodhi Foundation on 1st March, 1992, so the Applicant No.1 could not have had any interest in Sambodhi Foundation at the time of merger or signing of the said Deed and therefore could not have had any interest in the said Trust as admitted by him in para 3 of the application. The Applicant No.1 is thus contradicting himself.

22. With reference to para 8 I state that what is stated therein as to mergence of several trusts to the said Trust is true. I deny that the Applicant No.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. I state that, as per the philosophy of Osho, he had no 'followers or disciples', etc but merely 'participants' who participated in his teachings. I deny that the Applicants are disciples, believers and followers of Osho and deny that since the

Applicants are Hindu by religion, the Applicants are entitled for services provided by the Trust and also deny that they are further entitled for benefits out of the activities of the said Trust and deny that all the present Applicants are beneficiaries of the said Trust and deny that they are thereby persons having interest as defined under section 2(10) of the Bombay Public Trust Act, 1950. I deny that they are entitled to file the present case seeking the reliefs as claimed for. They have not shown any real, subsisting or existing interest in the said Trust and they are neither "interested persons" nor "beneficiaries" within the meaning of s.2(10) of the Bombay Public Trusts Act,1950 they are therefore not entitled to maintain the said applications.

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23. As regards paragraph 9, what is stated about the acquisition of the properties at Pune is a matter of record which will speak for itself. It is wrong to allege that most of the properties acquired by the trust are under the deed of endowments or are under the deed of gifts. The properties of the trust are utilized for the purposes of achieving aims and objects of the trust. The properties are not under deed of endowments or deed of gifts. There are no donors of properties to the trust. The allegation about some group of persons claiming to be the trustees are in habit of alienating transferring the properties by way of gift 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, is absolutely vague without any particulars and details and no reply can be given to such vague allegations. The allegations are denied. The guesswork that is the properties are transferred and gifted to some other trust the properties would not be utilized for the purpose for which they were gifted to the trust and thereby the beneficial interest of the beneficiaries at large would be affected is out of sheer imagination to which no reply can be given.

24. As regards paragraph 10, the contention / allegation that the opponents are creating different charitable trusts outside Maharashtra and are transferring the immovable properties of the trust to such charitable trust located outside the State limits allegedly only with an intention to provide benefit to the trustees either existing and/or then trustees of the trust in question only, is without any foundation and is completely devoid of any facts, details or particulars and therefore except denying the same no reply can be given thereto. It is also denied that some of the persons who were trustees had deliberately and intentionally tendered their resignations. Neither the details of the trustees nor their deliberate intentions are detailed and therefore they are denied. It is denied that new trust were created at Delhi during their tenure as trustees or thereafter or at different places. The contention that at time they had projected as if they were not connected to the trust and are fraudulently getting immovable properties of the trust transferred to their trust but to be utilized by them for use is also denied. The submission that such transfers are illegal and unconstitutional being against the alleged basic principle under the law of the trustee cannot any direct benefit from out of the trust fund and properties for himself, is too vague and general to which no reply can be given except denying the same. The submission of the applicants that looking at the approach, attitude and conduct of the opponents, the applicants who adnotium claim to be beneficiaries of the trust and claim to have direct and substantial interest in the trust, are compelled to move this application before the Hon'ble Authority for the purpose of seeking relief in the form of 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 had donated the properties to the trust is denied for the same reason of the allegations being thrown at the whims and fancies and are too general in nature.

25. As regards paragraph 11, it is sated that only opponent 1, 2, 3 and 4 are the

trustees of the Trust.

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26. With reference to para 12 I state that the submissions in the said para are a matter of interpretation of the Trust Deed of the said Trust and therefore I shall not comment on the same at this stage. I submit that the Trustees are working as per the provisions of the said trust deed and scheme settled from time to time.

The contention that during the life time of Osho he had proclaimed the object of the trust as mentioned therein, the applicants are called upon to substantiate this contention. The content in para nothing to do with OIF. The trustees are managing and administering the trust as per the scheme. It is absolutely correct that the trust is also involved in carrying out primarily or otherwise the activities of spiritual nature such as Gyan, Dhyan, Sadhana Centre, Meditation Camps and is conducting lectures and seminars on the subject of philosophy of Osho.

27. With reference to paragraph 13, the allegation that during the course of the time, the opponents have allegedly started violating the directions issued by Osho during his lifetime in respect of the trust and that the opponents have allegedly breached the objects and guidelines issued by Osho , is again as hollow and out of pervert fertile imagination of the applicants as possible. No details of the alleged violations of the directions issued by Osho , are given. No details of the alleged breaches of the objects or the guidelines are given. The allegation of the alleged arbitrary acts is also without any details whatsoever. Therefore, no reply can be given to such vague and unfounded allegations. As and when such details and particulars are given reply could be possible but presently for want of any details and particulars and on account of vague allegations the allegations are liable to be dismissed and so also the entire application.

28. As regards paragraph 14, the contents of the same are denied as not true and

correct. The Applicants to prove by sufficiency of the proof the relevancy of the contents of para 14 of their Application with the matter in issue. I state that it has got nothing to do with the OIF and nothing to do with the Application under the provision of section 41E of the Bombay Public Trust Act, 1950. The allegations simply made without there being any substance, merit, details and particulars and the same are denied in toto.

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29. With reference to paragraph 15, the contents of the same are denied as not true and correct. The Applicants to prove by sufficiency of the proof the relevancy of the contents of para 15 of their Application with the matter in issue. I state that it has got nothing to do with the OIF and nothing to do with the Application under the provision of section 41E of the Bombay Public Trust Act, 1950. The allegations simply made without there being any substance, merit, details and particulars and the same are denied in toto.

30. With reference to paragraph 16, the contents of the same are denied as not true and correct. The Applicants to prove by sufficiency of the proof the relevancy of the contents of para 16 of their Application with the matter in issue. I state that it has got nothing to do with the OIF and nothing to do with the Application under the provision of section 41E of the Bombay Public Trust Act, 1950. The allegations simply made without there being any substance, merit, details and particulars and the same are denied in toto.

31. The contentions raised in para 17, 18 and 19 further confirm that the Applicants have had very little to do and even a lesser idea of Osho's specific proposals for his work. It is clarified that the name "*Osho*" is a fabrication to make Osho into something he has publicly declared that he was not. It is further submitted that the name Osho had been accepted with certain reasons. Moreover, '*Shri*' is a part of a tradition he had rejected. Also, Osho never "*preached.*" And lastly, Osho had no followers.

The Contents of para 17 are not true or correct and are denied, and the Applicants are put to strict proof thereof. The Opponents submit that Osho had rejected the term "*Ashram*" in the autumn of 1989, and the same was

announced in the *'Osho Times'* magazine of that time. Furthermore, Osho did not live in Pune for "most of his life" and in fact resided at the present campus for a total of 10 years out of 59 years of his life. There is therefore and never was only a "Pune Ashram."

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The Applicants little knowledge of Osho and his teachings or of their own involvement in the activities of the Trust is barred by this poor display of knowledge. Their contention that "Osho's Ashram at Pune is considered and believed to be the main Ashram and place of worship of Osho in the entire world" is not only totally wrong and erroneous but is a shocking piece of misinformation. Not only was Osho completely uninterested in what people "*believe*" he rejected the value of belief as such, and in particular the idea that his work would include a "main Ashram" is ludicrous as hierarchy was something he spoke against during his entire life. Likewise, "worship of Osho" is as gross a misunderstanding as one can imagine.

Similarly, the contention that "visitors to the Ashram come *to pay tribute and seek blessing from Osho's Samadhi*" is simply not true or correct. Any person or people coming for that reason would be those who have not followed or understood or listened to what Osho taught. Osho's instructions for the use of his bedroom, were simply that it would be "*a place for people to meditate*", and nothing else. The idea that Osho would want people to "*pay tribute*" or seek "*blessings*" from his ashes is pure fantasy of the traditional spiritual mind against which Osho spoke for 35 years. While 'inner peace' could be said to be available for meditators, the followers would by Osho's own definition, not be helped. In the same way the premises of the trust is being referred to as "*the most sacred place in the world for Osho's devotees*" is again a misinterpretation, as Osho had said "*Except for this existence, you don't have any sacred place. This is the only holy, sacred temple. There is no other temple. All other temples are false, substitutes to deceive and cheat you.*" It is

submitted that Osho's interest was only in awareness, and not at all in these traditional substitutes presented under guise of "spirituality." As Osho had put it: "*It does not matter where awareness happens, what matters is that it happens. If it happens in a casino, then the casino has become a temple, a sacred place.*"

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The Opponents further submit that it is worth reviewing Osho's own approach to "*sacred places*" in relation to his own life. When his own family had asked Osho if they could turn his birth place into a sacred place and a shrine, he had declined. Then after he had spent some years in his flat in Bombay, his secretary had asked if they should buy the flat as a memorial, to which he had again refused. It is further submitted that when Osho was designing the old meditation hall called Chuang Tzu so that it could become his new bedroom. The exact spot where he had sat on and spoken from than any other place and which was again the exact spot where he had given sannyas to thousands for meditators was the spot he turned it into a cupboard for cleaning materials. He did not preserve that spot for posterity as so many of his "followers" like these applicants, might have wished.

Similarly, the Applicants have no idea what they are talking about when they have tried to elucidate the devotional aspect of Osho. Osho's view on devotion to quote was "*For example, devotion is far lower than love, because devotion basically implies self-disrespect. I am against it because at the cost of self-respect you are respecting somebody else. The cost is too much. My whole effort is to teach you to feel dignity as a human being, to feel self-respect as part of this beautiful existence.*"

32. As regards paragraph 20, what is stated about constitution of a group of 21 disciples popularly known as inner circle is substantially correct. However, it is absolutely incorrect to state that the said inner circle was constituted to manage the day to day activities of Osho Commune and to take care of movable and immovable properties and intellectual property rights and assets of the Osho all

over the world. Osho did not have any personal assets at all. The properties belong to the trust. It is emphatically denied that the inner circle is dissolved. I am the member of the inner circle and therefore the issue of it being done high handedly or arbitrarily does not arise. The allegation are in respect of non existing state of affairs. It is again most emphatically denied that Mr. Micheal O'Byrne alias Swami Jayesh, Mr. George Merdith alias Swami Amrito and Mr. Darcy O'Byrne alias Swami Yogendra are interfering in the affairs of the trust or that they are trying to exercise the powers of the trustees as alleged. There is no delegation of any powers by trustees to them or for that matter to anybody else.

33. With reference to para 21 I state that it is true that Opponents No.1 to 4 are in charge of the affairs of the said Trust, but deny that the trustees are converting the properties of the said Trust used primarily for charitable activities for a commercial venture. I also deny that the trustees are alienating the properties of the said Trust or are trying to prevent any person from participating in meditation activities within the said Trust premises. I deny that we are acting contrary to the teaching and directions of Osho. I state that we are infact strictly following the teaching of Osho. I deny that we are using good offices for commercial gains out of the trust funds and properties and deny having tarnished the image of Osho. I deny that we have applied new policies and rules to properties of Osho. I deny that the trustees have done anything contrary to the teaching of Osho and have strictly adhered to the philosophy / principles of Osho and put the Applicants to strict proof thereof. I deny such acts due to which the growth of Osho has been seriously hampered. I deny that such change is against directions of Osho and deny that it is prejudicially affecting the inherent rights of the individual followers. I state that an increasing number of participants from over 120 countries visit the said Trust premises each year to participate in the teachings of Osho. I state that the said para like all others are without any material particulars and are merely making false allegations without any proof of the same. I submit that such public criticism are going against the teaching of Osho.

The Opponents once again submit that the inner circle was not a body that had

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been legally constituted to manage the day-to-day activities of the trust. Osho publicly dropped the word "Ashram" at this time. It therefore seems that the Applicants have almost no understanding or information even about Osho's wishes or his work. Yet again, the comments about "*commercialization*" again reveal that the Applicants know nothing of the subject that they claim to be so knowledgeable of.

The Opponents submit that when Osho had been questioned as to "*Why must everybody who wants to do meditation or hear the lecture pay for this?*" he had answered " *Why not? You pay for everything in life, why not for your meditation? You pay for everything in your life, why not for God? Why do you want God for free? "In fact, you don't want God. You are ready to pay for whatsoever you want. You know that you have to pay. Meditation you don't want. If it is given free, and even with a prasad, then you will think about it. You are ready to go to the movie and pay for it; why should you not pay for your meditation and the lecture if you want to hear it? "The question comes, naturally, from an Indian and a non-sannyasin who does not understand me at all, who must be a newcomer. The Indians think they are the most religious people in the world; all bullshit. They are the most irreligious people in the world – they just have an egoistic idea that they are very religious. If you are really religious, you will be ready to pay for your meditation with everything, even with your life.*

"What is money? If you pay five rupees for something, and if you earn ten rupees a day, then you have paid with half the day. Money is just a symbol that you have devoted half your day's labor for it. You go to the movie and you pay ten rupees for a ticket; you earn ten rupees per day. You are saying that this movie is worth it – "I can stake one day's labor for it." But you are not ready to stake anything for your meditation, prayer, for religion. In fact, religion is the last thing on your list. You want it free; basically you don't want it. If there is a price to it you start feeling uneasy. "You ask why you have to pay here? The price that is asked is nothing; it is just the beginning of learning a certain lesson: that one has to pay for everything, and certainly for prayer,

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certainly for meditation – because it is the highest thing in life. Those few rupees that yau have to pay are very symbolic, just symbolic, just token – they indicate something. If you are ready to pay something, then I know you will be persuaded to pay more. By and by, one day you will be able to stake your whole life for it. If you are not ready to even pay five rupees, it is impossible for you to stake your whole life. "There are only two ways. One is: somebody else should donate for you. But why should somebody else donate for you? You will meditate and somebody else will donate for you? Why? If you want to meditate, you pay for it. And if you really want to meditate yau will be ready to pay for it; there should be no hitch abaut it. If you don't have money, go and earn it. If it is absolutely impossible, then come and work in the ashram and pay that way, workwise. But don't ask to come for free.

"The greatest greed is for money, so whenever you have to lose your money you have to lose a little part of your greed. When you pay five rupees for entry, you are paying by dropping a little greed. The money is not the problem, the problem is greed; you are dropping a little greed. And this is just a beginning – because meditation can happen only when all greed disappears. A slight greed inside you and meditation is not possible. For a greedy mind there is no meditation; meditation happens only in a non-greedy mind. If you don't have money, then work. Pay by your work and show your sincerity."

Thus it is revealed from public statements made above by Osho that everybody pays for everything. And hence the money is then made available for the expansion of Osho's work, just as he requested. The implication that this process for "a few individuals for making gains by way of commercial benefits" is totally untrue and therefore libelous – and again show a gross misunderstanding of Osho's specific guidance.

The Opponents submit that Osho during his lifetime had directed that the activities of the Trust should be self sufficient. Accordingly, NSF / OIF has been charging daily entrance fees to visitors to meet the day to day expenses of the

Trusts. Since, over the past twenty five years, the cost of living and the cost of goods and services has increased dramatically, the trusts were left with no option but to increase the entrance fees from Rs.40/- to Rs.480/- for Indian participants and to Rs.980/- for foreign participants over a period of twenty five years.

The Opponents further submit that as per Osho's guidance anyone who went public in the newspapers or magazines criticizing his work were not welcome, and that they would be welcome only if they realized their mistake and published an apology in the same newspaper or magazine where they had publicly gone against his work.

The Trustees have not misused the funds or the properties of the trust for their personal benefit or gain, nor are they gaining commercially from the trust. In fact the Trustees are acting according to the objects of the trust and the vision of Osho and are not acting contrary to the teachings and principles of Osho. This allegation of the Applicants is also untrue and contrary to facts that participants from India and more than 120 countries from around the world visit the trust premises every year for meditation.

It is denied that the opponents 1 to 4 who are the trustees and are in charge of the affairs of the trust are converting the properties of the trust for any commercial venture as most mischievously alleged or otherwise. It is again emphatically denied that opponents are wrongfully alienating the properties of the trust and are allegedly trying to prevent the devotees and disciples like the applicants from performing various religious and spiritual activities within the trust premises as most dishonestly and mischievously alleged. The applicant 1 and 2 are not permitted entry on account of going against Osho's work in public media and filling of the litigation here and the Bombay High Court and the applicant no 3 is not allowed because of his involvement in criminal activities like fake Visa for foreigner who were visiting trust premises are totally an aware of the Applicant criminal behaviour However, it is once again clarified that only spiritual and philosophical are carried out in the commune and no religious

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activities relating to any religion were or are practiced in the Commune even during the life time of Osho. The allegation that the opponents are acting contrary to the teaching and directions of Osho are again as vague as possible to which no reply can be given. It is also denied that the opponents have used good offices of Osho's Institution for making commercial gain from out of the trust funds and properties and have tarnished the image of Osho are also vague, therefore, no reply can be given except denying the same. The contention that the opponents have applied new polices and rules to the Ashram and properties of Osho is again vague. The further allegation that the alleged all such acts of the opponents are contrary to the teachings and principles of Osho is mentioned only to reject the same and deny the same. The invention of the applicants that due to alleged such acts the growth of Osho community has been seriously hampered and that such change is directly against the directions issued by Osho himself and are affecting prejudicially the alleged inherent rights of the individual followers like the applicants is sheerly imaginative due to the pervert imagination of the applicants. These allegations are denied emphatically.

34. With reference to paragraph 22, what is stated about Osho applying for any patent or copy right again exposes the lack of appreciation and understanding as to the nature of the two rights relating to the intellectual properties. The allegation of the opponents attempting to have copy rights, are again vague , without any details and particulars and therefore without prejudice, no reply can be given thereto. It is well known public knowledge the work and the book of Osho were and are printed and sold at the cost price. The allegation insinuating anything contrary to the factual realities is mischievous and dishonest. It is denied that the literature and other articles are made so expensive allegedly in order to make profit and make commercial gains therefrom which allegedly are against the object of the trust as alleged or otherwise. This is one more allegation just made for the sake of making without any substance in it.

35. With reference to paragraph 23, it is correct that the persons living in the Osho Commune or visiting the same would offer their voluntary services for any kind of work that would be available as per the request of such volunteers. Considering the need of keeping the highest standards of hygienic living, and creating an atmosphere most suitable for spiritual activities, it was realized that a large work force of manpower was needed. All the time there was a need of workmen being available at all material times and right kind of workmen with necessary skills or experience even in the most minor kind of chores or work. It was found that the inmates of the Osho Commune though were willing to work, and volunteer their services in their desired field of activities, still several aspects of maintenance needed work force which was not available and therefore there was a need to employ people. In addition thereto it was also found that it was impossible to depend wholly and fully on the volunteers and it was found to be uneconomical too as the volunteers were required to be accommodated, supplied the necessities like food etc, and therefore a conscious decision was taken not to depend entirely on the services volunteered by the disciples. Even as on today the trust gratefully appreciates the services volunteered by the disciples and depending on the availability of the work even as on today such work is done by the volunteers. It is denied all the work of the Commune was done by the disciples. Approximately 300 persons are required for maintenance and upkeep of the Osho Commune. On an average the number of inmates and the volunteers are in the range of 100 to 150 depending on the inflow of the persons in the Commune. It is impossible to depend on the volunteers, to do a work, which requires 300 persons approximately. The comments made in the said paragraph regarding the effect of such voluntary services are the opinions of the applicants, to which no reply can be given. It is however most emphatically denied that any person is restrained wrongfully or otherwise from performing such service. As submitted earlier, in order to maintain a proper hygienic and clean atmosphere conducive to the spiritual activities attempts are made to achieve the highest standards. A company

which is Internationally known and expert in the field is therefore engaged. Prior to this company Sodexho, another company namely, Kinship was entrusted with the work since about 1994 which worked till about 2002 and created several labour problems. The present organization Soexho has been working in the Commune since about 2002 and is not a recent development. The allegation that the trust funds are spent unnecessarily and lavishly at an exorbitant price are either out of pervert mind as no facts and figures are given and purely imaginative or out of total ignorance. The prayer for restraining engaging services of any establishment, for the purpose of maintaining highest standards of hygiene and cleanliness is clearly dishonest and malafide to say the least. At any rate this prayer is beyond the scope of the law in addition to the fact that no particulars or details are given in support of the prayer. As submitted earlier, the internationally known established was engaged in 2002. It was bare minimum for the applicants to get themselves acquainted with some facts before hurling allegations.

36. With reference to paragraph 24, it is denied that any disciples including the applicants were ever deprived of their alleged legitimate rights to carry out seva as claimed. Firstly, there is never such right much less legitimate right as claimed in insisting on the trust to accept the voluntary service of any one. The acceptance or rendering of the service is an ought to be purely voluntary in either way. It is denied that the alleged beneficial interest of the beneficiaries is affected but the alleged rights of devotees of providing seva are taken away high handedly and arbitrarily as alleged or otherwise. Osho had promoted 'Work as Meditation' which he never referred as 'Seva'.

37. With reference to paragraph 25, relating to the entry fee increased from RS.40/- to Rs.480-/ at present for the Indian nationals and Rs.980/- for the foreigners. The entry fee for the Indian Nationals is lower than the per day participants actual expenses incurred by the trust and in fact Indian Nationals are enjoying a subsidized charge on account of the foreign nationals who are

contributing more towards the same. It is already submitted that the fees of Rs.40/- were charged in the year 1987. Thereafter gradually each year the fee was increased by about 15% and the fees as on charged today are almost after 25 years when the fees were Rs.40/- in the year 1987. It is denied that there is any high handed or arbitrary action. The further allegation that no receipts of the said amount collected against the entry fee are issued to the devotees at any time and only a card is issued to the devotee for its presentation at the entry gate and that the funds collected by way of entry fee are not accounted for in the accounts of the trust but are totally misappropriated by the opponents is nothing but a vicious and venomous allegations and exposing a complete lack of understanding. It only demonstrates the applicants are bent upon making wild and reckless allegations without bothering to know the facts. The card which is given to person desiring to enter the Commune carries a sticker of that particular date. The stickers are accounted for and whenever the card is accepted to gain entry, there is an automatic account for the same. The entries are recorded and accounts are maintained. Further in addition to this if any person desires to have any receipt, the same are also issued. The allegation that the funds collected by way of entry fees are misappropriated totally or otherwise by the opponents is a grossest dishonest and malafide allegation suiting the mindsets of the applicants. The trustees have been maintaining the accounts properly and need no advise, suggestion from and especially the applicants who have their criminal background. The allegation that the number of disciples visiting the commune is reduced on account of raising the entry fee and the trust started losing its revenue substantially which is also causing loss to the trust is one more reckless and wild allegation, it is denied. The facts are otherwise. The allegation that the opponents are practicing an act of discrimination between the human beings to say the least is ridiculous. No details or particulars of any alleged act of discrimination on the part of the opponents is given and therefore no reply can be given to it save and except a most emphatic denial. The trustees are not charging any heavy entrance fee and therefore the allegations are baseless. Whosoever has visited the Commune

knows, understands and appreciates the surroundings, the atmosphere and the attempts and efforts to keep the highest standards conducive to the spiritual activities and the cost that is and would be involved obviously there is a complete lack of understanding, knowledge and appreciation on the part of the applicants to these aspects, the costs involved. The services of the volunteers are continued to be accepted and no one is denied his desire to offer voluntary services.

38. With reference to paragraph 26, it is denied that the opponents are carrying their efforts to sell the manuscript of the trust for making commercial gain therefrom. The allegation is too vague and devoid of any merits. The contention of there being no sale or transfer any of the immovable properties or etc. are without any foundation. The statements are without any reference or context and therefore no reply can be given thereto.

39. With reference to paragraph 27, the contents of the same are denied as not true and correct. The Applicants to prove by sufficiency of the proof the relevancy of the contents of para 28 of their Application with the matter in issue. I state that it has got nothing to do with the OIF and nothing to do with the Application under the provision of section 41E of the Bombay Public Trust Act, 1950. The allegations simply made without there being any substance, merit, details and particulars and the same are denied in toto

The Osho International Foundation has no concern with the work of Osho Multimedia Resort and mere wild and baseless allegations have relevance in the matter s the scope of this Application has to be restricted to the functioning of the Trust.

40. With reference to paragraph 28, the contents of the same are denied as not true and correct. The Applicants to prove by sufficiency of the proof the relevancy

of the contents of para 28 of their Application with the matter in issue. I state that it has got nothing to do with the OIF and nothing to do with the Application under the provision of section 41E of the Bombay Public Trust Act, 1950. The allegations simply made without there being any substance, merit, details and particulars and the same are denied in toto.

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41. As regards paragraph 29, the contention that it was the practice till recent times that the personal belongings and other belongings of Osho were allowed to be seen on certain important days is a display of gross ignorance. The belongings of Osho are never put on display. The paintings, signaturcs etc. are pieces of art etc. are all over the Commune. The imaginative description since being of the applicants no reply can be given thereto. It was Osho's insight that every day is a celebration and there was no need to celebrate any particular day and hence the Trustees in turn permit celebration every day. The contentions regarding the visits of disciples being stopped etc. is denied as being false to the knowledge. It is denied that any meditations or prayers are stopped by the opponents. The prayers, cententions made in this paragraph regarding any directions to the opponents to start the alleged process and practices afresh and to allow the disciples and beneficiaries to attend such functions are beyond the scope not only of the law but beyond the scope of any application under section 41E of the BPT Act but also beyond the scope of the law in general. The contention that the alleged attempt on the part of opponents is like closing the doors for all the devotees is mentioned herein only to be rejected being without any substance. It is most denied that any personal articles of Osho, his library, paintings, original manuscripts and that allegedly there is no account of the same. The personal belongings, photo gallery, paintings and signatures are in the Commune. The applicants in their nauseating habit have again hurled allegations without any details and particulars and therefore no reply can be given. However, on account of the vague allegations the application itself is liable to be dismissed with costs. The contentions, statements etc. in the said paragraph no. 29 are devoid of any merits and therefore are denied. It is

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denied that allegedly in order to convert the property into the own property the opponents have made any attempt to shift all these articles to some other place in the world and started generating income therefrom from their personal gains and therefore for that alleged purpose the opponents are directed to restore the said articles in Pune Ashram by passing suitable orders. All these contentions are out of poor taste.

It is further submitted that the Applicant's submission and interpretation that you "get connected to Osho" only by looking at his belongings is therefore pitiful. The Opponents submit that Osho had spent 35 years explaining that there was only one way to get close to him, and that was to by getting close to yourself, to meditate, and to look inwards and not outwards.

The contention of the Applicants that "*various functions were organized by the trust to celebrate Osho's birthday, Osho's enlightenment day, and "Mahaparanirvan of Osho... and the disciples... used offer their prayer*" Is totally misconceived. Firstly the Applicants seem to be totally unaware of Osho's public statements on what is "*celebration days*". It is submitted that in a public talk in 1986 Osho had explained that there would be no more regular festival days: "*Now we will not be having any celebrations; now the celebration will continue all the year round – three hundred and sixty-five days of celebration! .And this is going to be the new order of the Buddhafield.*"

And yet in another public talk from that time, Osho had said: "*I am going to drop all the festivals so there is no need for twenty thousand, thirty thousand people together, because then there is no intimacy. So the festival will be every day. And why have only one festival when you can have three hundred and sixty-five!*" and further "*We will dissolve those four ceremonies and make the whole year a festival – a three-hundred-and-sixty-five-day festival. ... So now the whole year will be the festivol.*"

On his return to India in the same year, Osho further spoke in Mumbai: "*As your silence grows, your friendliness, your love grows; your life becomes a moment-to-moment dance, a joy, a celebration. Do you hear the firecrackers*

outside? Have you ever thought about why, all over the world, in every culture, in every society, there are a few days in the year for celebration? These few days for celebration are just a compensation – because these societies have taken away all celebration of your life, and if nothing is given to you in compensation your life can become a danger to the culture".

In contrast thereto, the Applicants have decided that these celebration days were so that they could "offer their prayers." And now, in spite of Osho's clear instructions about celebration days, the Applicants have alleged that "this practice is arbitrarily stopped." It is further submitted that these celebrations were not "arbitrarily stopped", but were stopped in response to the explicit wishes of Osho. Ironically, the Applicants are now asking the secular Indian authorities to insist that those responsible for Osho's work reinstate these celebration days – in effect, that they insist that Osho's wishes should be ignored in favor of the wishes of these applicants who have already shown that they have no understanding of Osho whatsoever.

If respecting Osho's wishes amounts to "closing the doors of all the temples to the devotees" then clearly these people cannot be referring to any door to any temple with Osho's name on it.

In the past when these celebration days were still happening, Some of Osho's personal belongings that he used were in the room as people visited. It is submitted that none of these personal belongings have been removed from the premises. By their lack of knowledge of the activities the Applicants have only further revealed as to just how far away from Osho they really were or are when they talk of "sentimental value."

For these Applicants to be appealing for Osho's wishes to be ignored on the basis of "sentiment" is extraordinarily disrespectful to his lifetime's work.

42. With reference to paragraph 30, the applicants have again harped upon Samadhi of Osho which did not exist and that too allegedly as per the wish of

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Osho and that the bedroom was converted into his Samadhi. The position of the bed room where Osho used to reside during his stay at Pune is already explained above. Several followers of Osho did come and meditate in the said 'Chang tazu'during the life time of Osho and the meditation continues even as on today in the said 'Chang tazu'. The said 'Chang tazu' which was used by Osho as his residential place and was used even during his life time as the place for meditation continues to be used so and therefore except the applicants who are unaware and ignorant no one had their faith shaken. The 'Chang tazu' after the demise of Osho has continued to be used as a meditation hall. The allegation that the opponents have recently removed the name plate, again is a sheer dishonest allegation in as much as it was removed more than 12 years as the place was not a Samadhi. The submission that the Samadhi is the sacred place directly connected to the religious belief of Osho followers which binds the spiritual nature is unintelligible statement displaying the grossest one more ignorance of the applicants. Whatever the applicants have described the structure where Osho resided during his life time is their choice. However, there is nothing arbitrary or high handed on the part of the opponents and the alleged decisions recorded by them which are allegedly detrimental to the interest of the trust and the devotees are basically against the interest of the trust, is again a confused display and that too of ignorance of the teachings of Osho. The contention that the opponents are manipulating 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 applicants are constrained to file present application under the provisions of BPT for the purpose of seeking necessary preventive orders against the opponents is as vague and as hopelessly without merits as possible. It is denied completely.

43. With reference to paragraph 31, the reliefs as claimed by the applicants to prevent the applicants from raising entry fee to the ashram and restraining from removing the articles used by Osho from the Ashram at Pune and shifting them elsewhere in the world and if are already shifted seeking directions to bring them back and thirdly for injunction restraining them from wasting, damaging and

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improperly alienating any immovable property of the trust and further restraining the opponents alienating the properties of the trust in violation of the directions and mandate given by the donors who have donated immovable property of the trust and also seeking further directions to make available the literature of Osho to the disciples at reasonable rate and prevent them from making commercial use of the said literature whereby the opponents are in a habit of making gains out of it and also seeking further order of injunction against the opponents restraining them from preventing the disciples from entering the Samadhi place of Osho and offering prayer therein are vaguest possible in nature Neither in this paragraph nor anywhere else any details or particulars are given. Repetitions of allegations and statements are made ad natium. At some places some provisions are repeated just for the sake of them. All these statements, do not justify even in the remotest manner any of the reliefs as claimed or otherwise. All these reliefs as claimed to have been claimed are beyond the provisions of law and on such grounds statements, averments and contentions the applicants are not entitled to any relief whatsoever. On the contrary, the application is liable to be dismissed summarily. The application is liable to be rejected as it does not disclose any cause of action under the provisions of Order VII Rule 11 of the CPC or provisions or principles of law analogous thereto.

44. With reference to paragraph 32, the contention that if the preventive orders as most mischievously and dishonestly sought are granted, nobody could be said to be affected or prejudiced but the on the contrary allegedly 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 is denied being hopelessly without any merits and foundation. It is also emphatically denied that if the preventive orders are not passed and the opponents are not restrained by order of injunction and are not issued with the directions the opponents would continue with their highhanded and arbitrary acts, which are allegedly detrimental to the

interest of the trust and beneficiaries and therefore in order to protect the interest of the trust and to protect the interest of the beneficiaries and disciples the reliefs prayed by the applicants are required to be granted. These vague meritless repeated submissions are denied once again.

45. With reference to paragraph 33, the applicants have not at all made any case even prima facie to show that there is any threat to the immovable properties of the trust of being wasted, damaged and /or improperly alienated. The mere reproduction of the requirement of law would not justify grant of any relief. The applicants have neither made out any prima facie case nor the balance of convenience is in their favour. The claim that the applicants have come forward with clean hands is a very over rated statement out of inflated ego. To claim that the applicants are therefore entitled for the reliefs is contrary to even the basic tenets and provisions of law.

46. With reference to paragraph 34, it is denied that the opponents 5, 6 and 7 are interfering into the affairs of the trust as alleged or otherwise. These opponents are the members of the inner circle and are discharging their duties and obligations and responsibilities as a members of the inner circle which was formed conceptualized and brought into existence by Osho himself with responsibility to have over all guidance, supervision on the activities of all who continue or practice the teachings of Osho. The trustees have not delegated their powers to the opponents 5, 6 and 7 as alleged.

47. Under the circumstances, it is most emphatically and humbly submitted that the whole application is devoid of any merits. It is full of allegations out of the pervert imagination of the applicants. It is devoid of facts and particulars. The allegations are made only for the sake of making by merely repeating the requirements of law without substantiating them. The reliefs claimed regarding the internal management are absolutely beyond the scope of even the Bombay

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Public Trusts Act including Section 41E thereof. The application therefore deserves to be rejected summarily and that too with substantial costs to the trust.

Solemnly affirmed at Bombay]

Dated this 17th day of July, 2012]

Before me,

Identified by me:

Advocate for the Opponents Nos. 1 to 4.

BEFORE ME

12/7/12

V. Narayanan
Advocate, & Notary Union of India
Flat No. B-45, 3rd Floor, B Wing,
Jeevan Darshan CHS Ltd., Plot 178,
Bangur Nagar, Goregaon West, Mumbai-400 104.

This document is noted at
Sr No. 306 Date 12.7.12
in the Notarial Register

V. NARAYANAN M.A.,LL.B. Gr. Bombay Reg. No. 515 NOTARY GOVT. OF INDIA

EXH. AK

Exh-AK

Cash Memo

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Customer Name SHOLA MARA CARLETTI,MASTER CARD

Customer Address

OSHO MULTIMEDIA & RESORTS PVT LT

BOOKS, AUDI & VIDEOTAPE BY OSHO

Cash Memo No. 0002045-12/13 **Date** 03-Oct-2012

No.	Title	Quantity	Unit Price/Rs.	Amount/Rs.
1	EVENING MEETING - 1 CD	4	150.00	600.00
2	EVENING MEETING - 10 CD	6	140.00	840.00
3	EVENING MEETING - 2 CD	10	140.00	1,400.00
4	EVENING MEETING - 3 CD	7	140.00	980.00
5	EVENING MEETING - 4 CD	6	150.00	900.00
6	EVENING MEETING - 5 CD	8	140.00	1,120.00
7	EVENING MEETING - 6 CD	7	150.00	1,050.00
8	EVENING MEETING - 7 CD	7	140.00	980.00
9	EVENING MEETING - 8 CD	6	150.00	900.00
10	EVENING MEETING - 9 CD	5	150.00	750.00
11	NEXT TO SILENCE CD (MUSIC TODAY)	5	265.00	1,325.00
12	YES TO THE RIVER CD	5	150.00	750.00
13	HEART MEDITATION CD	10	150.00	1,500.00
14	MAHAMUDRA MEDITATION CD	10	150.00	1,500.00
15	OSHO DEVAVANI MEDITATION CD	10	150.00	1,500.00
16	OSHO LAUGHTER MEDITATION CD	5	150.00	750.00

Total Quantity: 111

Book : 0
Audio : 111
Video : 0
Other : 0
Total : 111

Net Amount	16,845.00
Discount (-)	0.00
Amount Payable	**16,845.00**

Amount Payable (In Words)

Rs. Sixteen Thousand Eight Hundred Forty Five And Zero Paisa

Net Amount	Discount(%	Amount Payable
16,845.00	0.00	16,845.00

For OSHO MULTIMEDIA & RESORTS PVT LTD

Authorised

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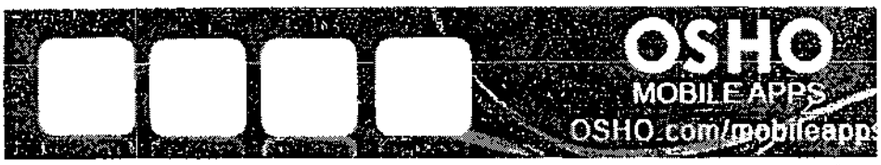
Us



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INTERNATIONAL FOUNDATION

Osho International Foundation in Switzerland a non profit foundation is the registered copyright owner of all the published and unpublished Works by Osho and the owner of other intellectual property including the trademark OSHO and ancillary rights, music, photos, art, images related to Osho and/or Osho International Foundation. .

Since 1985 Osho International Foundation has been responsible for licensing and sublicensing publication rights to the works in all media formats to related foundations, to publishing houses, Television stations, magazines, newspapers and web pages around the world..

Osho International Foundation is represented to the international publishing world through 'OSHO International,' a licensing office in New York. Osho International Foundation also maintains the original Osho Archive of 6,500 audio discourse recordings, 1,870 video recordings and approximately 600 original book publications of Osho's daily talks, as well as the large art and music archive. .

More than 220 publishing houses in more than 80 countries around the world have publishing licenses signed with the foundation. Currently we have 2,537 active publishing contracts in a total of 54 languages around the world. Each contract represents one Osho book reaching thousand of readers. Total annual sales are now close to 3 million copies – 10 to 15 times the volume of sales during Osho's lifetime. In 2004 alone Osho International signed 395 publishing agreements for Osho titles worldwide - the equivalent of more than one new Osho title or reprint per day..

The list of international publishers include the world's largest and most influential publishing houses, such as Random House, New York, St. Martin's Press, Barnes & Noble Publishers New York, Mondadori and Bompiani in Italy, Random House-Mondadori, Grupo Planeta and Editorial Norma in Spain and South America, Random House in Germany, AST–Premiere in Russia, SONY-Music, TIMES OF INDIA (music division), BMG and Penguin Publishing in India. All of these publishers carry Osho books in publishing programs - many of them with 15-30 titles in one program.

The foundation makes Osho's work also available through this **OSHO** website ( ), in 13 languages with the Osho Archive available in digital format. The site has more than 7 Millions visitors per year..

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List of Hindi Books Registered Under Copyright Act.in India

S.No	Title	Language	Publisher	First Pub. India	Registration No	Copyright Holder
1	Osho Bodhisatva Times (Monthly Mag)	English, Hindi, Punjabi	Rajneesh Foundation	1964	L-16442/97	Rajneesh Foundation
2	Sambhog Se Samadhi Kee Aur	Hindi	Rajneesh Foundation	1969	L-7284/76	Rajneesh Foundation
3	Smajvad Se Savdan	Hindi	Rajneesh Foundation	1971	L-7283/76	Rajneesh Foundation
4	Ishavasyopanishad	Hindi	Rajneesh Foundation	1971	L-7281/76	Rajneesh Foundation
5	Gyon Ki Tyon Dhari Dinhin Chadariya	Hindi	Ma Yog Laxmi, Rajneesh Foundation	1971	L-7458/76	Rajneesh Foundation
6	Sambhavanao Ki Aahat	Hindi	Sundarlal Jain	1971	L-7496/76	Rajneesh Foundation
7	Prem Hai Dwar Prabhoo Ka	Hindi	Sundarlal Jain	1971	L-7559/76	Rajneesh Foundation
8	Jin Khoja Tin Paiya	Hindi	Swami Anand Sagar, Anand Shila Pub	1971	L-7654/77	Rajneesh Foundation
9	Nirvanopanishad	Hindi	Rajneesh Foundation	1972	L-7203/75	Rajneesh Foundation
10	Tao Upanishad	Hindi	Ma Yog Laxmi, Rajneesh Foundation	1972	L-8146/78	Rajneesh Foundation
11	Mahavir Vani Part -2	Hindi	Rajneesh Foundation	1973	L-7298/96	Rajneesh Foundation
12	Geeta Darshan Part -3	Hindi	Rajneesh Foundation	1973	L-7205/75	Rajneesh Foundation
13	Gandhivad : Ek Aur Samiksha	Hindi	Rajneesh Foundation	1974	L-8147/78	Rajneesh Foundation
14	Patheya	Hindi	Swami Anand Sagar	1974	L-7652/77	Rajneesh Foundation
15	Geeta Darshan Part -9	Hindi	Ma Yog Laxmi, Rajneesh Foundation	1974	L-6873/75	Rajneesh Foundation
16	Geeta Darshan Part 4	Hindi	Rajneesh Foundation	1974	L-7204/75	Rajneesh Foundation
17	Tathata	Hindi	Swami Anand Sagar	1975	L-16441/97	Om Bodhisatva Trust
18	Tathwamasi	Hindi	Ma Yog Laxmi, Rajneesh Foundation	1975	L-7456/76	Rajneesh Foundation
19	Jeevan Kranti Ke Sutra	Hindi	Ma Yog Laxmi, Rajneesh Foundation	1975	L-7457/76	Rajneesh Foundation
20	Mahavir Ya Mahavinash	Hindi	Ma Yog Laxmi, Rajneesh Foundation	1975	L-7459/76	Rajneesh Foundation
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27	Gurge Keri Sarkara	Hindi	Ma Yog Laxmi, Rajneesh Foundation	1975	L-7182/75	Rajneesh Foundation
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29	Bhakti Sutra	Hindi	Ma Yog Laxmi, Rajneesh Foundation	1975	L-7435/76	Rajneesh Foundation
30	Akath Kahani Prem Ki (Farid Vani)	Hindi	Ma Yog Laxmi, Rajneesh Foundation	1976	L-7421/76	Rajneesh Foundation
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48	Suno Bhai Sadho	Hindi	Ma Yog Laxmi, Rajneesh Foundation	1976	L-7763/77	Rajneesh Foundation
49	Geeta Darshan - volume 10/ Chapters 15	Hindi	Ma Yog Laxmi, Rajneesh Foundation	1976	L-7827/77	Rajneesh Foundation
50	Bhaj Govindam	Hindi	Ma Yog Laxmi, Rajneesh Foundation	1976	L-8393/78	Rajneesh Foundation
51	Mahavir Vani Part 3	Hindi	Ma Yog Laxmi, Rajneesh Foundation	1976	L-8389/78	Rajneesh Foundation
52	Rajneesh Dhyan Yog	Hindi	Swami Easwar Samarpan	1977	L-8396/78	Rajneesh Foundation
53	Mahagita Part.5	Hindi	Ma Yog Laxmi, Rajneesh Foundation	1977	L-8388/78	Rajneesh Foundation

54	Kan Thore Kankar Ghane	Hindi	Ma Yog Laxmi, Rajneesh Foundation	1977	L 8390/78	Rajneesh Foundation
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58	Geeta Darshan Chapter 12 : Bhakti Yog	Hindi	Ma Yog Laxmi, Rajneesh Foundation	1977	L-7934/77	Rajneesh Foundation
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3	I am The Gate	English	Rajneesh Foundation	1972	L-7282/76	Rajneesh Foundation
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8	The Ultimate Alchemy	English	Swami Anand Sagar. Anand Shila Pub.	1974	L-7415/76	Rajneesh Foundation
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26	The Book of The Secrets Volume -IV	English	Ma Yog Laxmi, Rajneesh Foundation	1976	L-7580/76	Rajneesh Foundation
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28	The Ultimate alchemy -Volume 2	English	Rajneesh Foundation	1976	L-7582/76	Rajneesh Foundation
29	Tao - The three Treasures	English	Ma Yog Laxmi, Rajneesh Foundation	1976	L-7583/76	Rajneesh Foundation
30	Vedanta - Seven Steps to Samadhi	English	Ma Yog Laxmi, Rajneesh Foundation	1976	L-7790/77	Rajneesh Foundation
31	The True Sage	English	Ma Yog Laxmi, Rajneesh Foundation	1976	L-7791/77	Rajneesh Foundation
32	The Empty Boat	English	Ma Yog Laxmi, Rajneesh Foundation	1976	L-7793/77	Rajneesh Foundation
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34	Above All Don't Wobble	English	Ma Yog Laxmi, Rajneesh Foundation	1976	L-7849/77	Rajneesh Foundation
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36	Until You Die	English	Ma Yog Laxmi, Rajneesh Foundation	1976	L-7735/77	Rajneesh Foundation
37	The Book of The Secrets - Volume V	English	Ma Yog Laxmi, Rajneesh Foundation	1976	L-8162/78	Rajneesh Foundation
38	The Grass Grows By Itself	English	Ma Yog Laxmi, Rajneesh Foundation	1976	L-8107/77	Rajneesh Foundation
39	Tao The Three Treasures Volume 3	English	Ma Yog Laxmi, Rajneesh Foundation	1976	L-7996/77	Rajneesh Foundation
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11. **OTHER MATERIAL.** Prior to publication, the Publisher shall submit to OSHO INTERNATIONAL FOUNDATION for approval all material (textual, photographic and illustrative) to be included in its edition of the Work, which is not part of the text, photographs and lists supplied by OSHO INTERNATIONAL FOUNDATION for the Publisher's edition of the Work. This includes, but is not limited to, biographical statements or other materials on the front and back covers. The Publisher agrees not to include in the Work any advertising or announcements for publications by other authors.

12. **PAGE PROOFS.** The publisher agrees to send page proofs of the Work to OSHO INTERNATIONAL FOUNDATION for checking prior to publication. This shall include the front cover or jacket (if any), copyright page, sample of a chapter heading and typical page.

13. **SADHANA FOUNDATION ADDRESS AND BOOKLISTS.** The Publisher agrees to print Sadhana Foundation's latest booklists and the following note at the back of each copy of the Work :
"For further information about Osho, please contact : Osho Commune International, 17 Koregaon Park, Pune 411 001, India"

14. **DISTRIBUTION.** The Publisher undertakes to distribute its copies of the Work in such a way as to ensure, to the fullest extent possible, that they are on sale for the life of the Agreement.

15. **PUBLICATION DATE.** The Publisher undertakes and agrees to publish its edition of the Work on or before or 180 days from the signing of this Book Publishing Agreement. Both parties agree that time is of the essence.

16. **COMPLIMENTARY COPIES.** Twenty (20) free copies of the Publisher's first edition and ten (10) free copies of each subsequent reprinting of the Work shall be sent to OSHO INTERNATIONAL FOUNDATION immediately on publication. These copies shall be sent to OSHO INTERNATIONAL FOUNDATION by registered mail.

For O.I.F.

Managing Director

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17. **OBLIGATION UPON PUBLICATION AND REPRINTING.** Immediately upon publication and reprinting, the publisher shall inform OSHO INTERNATIONAL FOUNDATION in writing the number of copies printed and shall send OSHO INTERNATIONAL FOUNDATION the free copies mentioned in clause 16 and above.

18. **ASSIGNMENT.** OSHO INTERNATIONAL FOUNDATION may assign any or all of its rights under this Agreement. The Publisher may not assign or sub-license any of its rights hereunder without OSHO INTERNATIONAL FOUNDATION's prior written consent.

19. **PROPERTY RIGHTS.** All rights not specifically granted in the Agreement are reserved by OSHO INTERNATIONAL FOUNDATION.

20. **TERMINATION.**

A. should the Publisher breach any term of this Agreement, OSHO INTERNATIONAL FOUNDATION may at its option terminate the Agreement by giving the publisher written notice to that effect.

B. if the Publisher makes any assignment of assets or business for the benefit of creditors, or if a Trustee or receiver is appointed to administer or conduct its business or affairs, or if the Publisher is nationalized or in any other manner controlled, either directly or indirectly, by any Government, or any agency, or if it is adjudged in any legal proceedings to be either voluntarily or involuntarily bankrupt or if it becomes subject to any injunction, restraining order or other order of court affecting the Work undertaken through this Agreement, then the rights granted herein shall immediately terminate without prior notice or legal action by OSHO INTERNATIONAL FOUNDATION.

C. OSHO INTERNATIONAL FOUNDATION shall have the right to determine unilaterally whether the conditions specified in sub-paragraph(b) above have occurred and OSHO INTERNATIONAL FOUNDATION's determination shall be final.

D. if the Publisher fails to issue an edition of the Work within the time period agreed upon herein, or if the Publisher's edition of the Work goes out of print, off the market, or if the Publisher fails to comply with any of the provisions of this Agreement, then any and all rights or licenses herein granted, including the right to translate the Work, if granted, shall revert to OSHO INTERNATIONAL FOUNDATION.

E. Termination of this Agreement either pursuant to this paragraph or upon breach shall be without prejudice to any claims or rights that either party may have under this Agreement or at equity or law.

21. **WAIVER.** All rights of both parties hereunder are seperate and cumulative. No rights shall exclude any other right or limit any other legal or equitable right either party may have. Should either party waive any default by the other, this will not be deemed a waiver of any subsequent default.

22. **NOTICE.** Any notices required or permitted to be given under this Agreement shall be deemed sufficiently given if mailed by registered or certified mail, postage prepaid, addressed to the party to be notified at its address shown at the beginning of this Agreement, or at such other address as may be furnished in writing to the notifying party. Where by period of notice is specified, that period shall be deemed to start from the date of posting of such notice.

23. **GOVERNING LAW.** All legal aspects of the relationship between OSHO INTERNATIONAL FOUNDATION and the Publisher shall be governed exclusively by Indian Law.

TRUSTEE

For P&K Computers & Graphix Arts Pvt. Ltd.

Managing Director.

24. **PLACE OF JURISDICTION.** Place of performance as well as the exclusive jurisdiction of lawsuits and any other kind of legal proceedings shall be Pune (MS), excepting only that OSHO INTERNATIONAL FOUNDATION may sue the Publisher in any competent court at the domicile of the Publisher or any other court having jurisdiction.

25. **ATTORNEY'S FEES AND COSTS.** In the event legal action is commenced to enforce any provision of this contract, the prevailing party shall be entitled to its attorney's fees and costs.

26. **ORAL MODIFICATION.** This Agreement may not be changed, modified or discharged orally, and shall not be binding or effective unless signed by the appropriate representatives or officers of the parties.

27. **SPECIAL CONDITIONS.**

Signed *for* OSHO INTERNATIONAL FOUNDATION

By: _____

Title: _____

Signed *for* THE LICENSEE

By: _____

Title _____

Ma Anand Sheela

CERTIFICATION

I, Ma Anand Sheela, acting under power of attorney from Bhagwan Shree Rajneesh, certify that I have compared the attached document signed by Bhagwan Shree Rajneesh and dated July 28, 1978, to the original, and have found it to be a true and exact copy.

I also certify that the list of the titles attached to this document are among the writings referred to therein.

Dated this 26th day of May, 1985

MA ANAND SHEELA

Sworn to and subscribed before me this 26th day of May, 1985.

NOTARY PUBLIC
My Commission Expires:

Osho [illegible] Int'l v. Osho [illegible] Foundation
Opposition [illegible] et al
Exhibit Offered by Osho Int'l Foundation

Sheeg Decl. Exhibit 1

EXH. 'AP'
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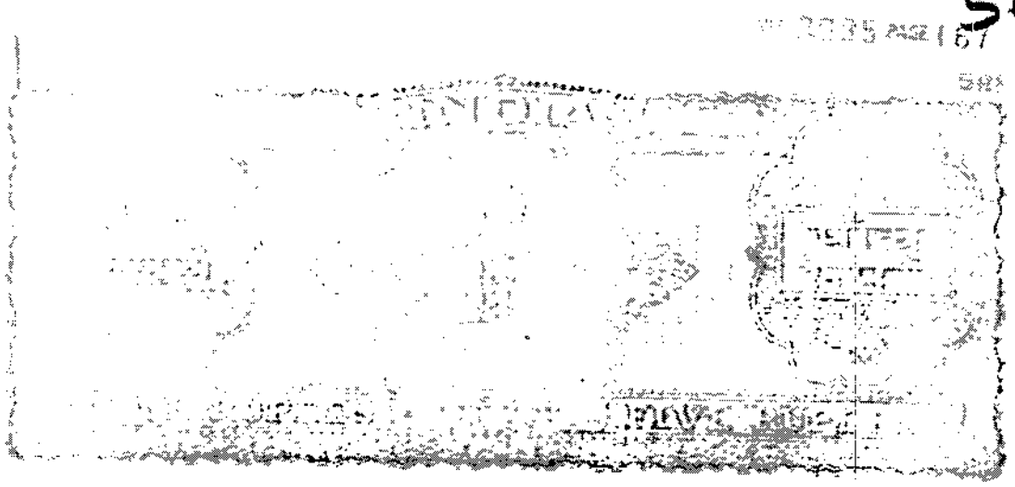

TO ALL TO WHOM THESE PRESENTS SHALL COME.

I, BHAGWAN SHREE RAJNEESH, Indian Inhabitant (hereinafter referred to as "the Declarant") SEND GREETINGS.

WHEREAS:

i) By an Indenture of Trust dated the 11th day of June 1969, a charitable Trust was formed known as "Jeevan Jagruti Kendra" (which name was changed to "Rajneesh Foundation" by court order dated 23 October 1975) for the charitable objects therein mentioned (hereinafter referred to as "the said Trust").

ii) The said Indenture of Trust dated the 11th

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Steeg Deed, Page 1

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day of June 1969, inter alia provided that Acharya Shree Rajneesh (the Declarant above-named) shall be the Adviser of the said Trust for his life;

iii) Under the auspices of the said Trust, the Declarant has composed and delivered discourses, lectures, and has also written and published books, pamphlets, papers on various philosophical, metaphysical and cultural matters touching human problems or relations which are published in English and/or Hindi language and some of which are also translated and published in Gujarati or Marathi languages and which have also been recorded with the aid of Tape Recorders or other recording devices;

iv) The said Books, Discourse, Lectures, Pamphlets, Papers and Tape Records are, in the premises, the property of the said Trust;

v) The Trustees of the said Trust have requested the Declarant to make this Declaration so as to enable the Trust to establish its title in the said Books, Lectures, Pamphlets, Papers and Tape Records.

NOW I the said BHAGWAN SHREE RAJNEESH HEREBY DECLARE AND STATE as follows:-

1. I say the exclusive printing and publishing rights in the said Books, Articles, Speeches, Writings and other Works heretofore written or delivered as the case may be by the

...)

Osho Friends Int'l v. Osho Int'l Foundation
Opposition No. 121,040 et al
Exhibit Offered by Osho Int'l Foundation

Steeg Decl. Exhibit 1

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- 3 -

Declarant and the Books, Articles, Speeches, Writings and other Works to be hereafter written or delivered by the Declarant (hereinafter referred to as "the said Works"), have or shall be the property of the said Trust. The Trust has agreed to the conditions hereinafter appearing as regards the said Works.

2. The Trust shall give all such information and particulars as the Declarant may require from time to time in respect of the publication of the said Works. The publishers shall publish the said Works at their own cost.

3. The Declarant shall deliver to the Trust the completed typescript of the Works and the Trust shall print, produce, publish and sell the works at its own cost and expenses in such manner and style and at such prices as the Trust may at its discretion deem fit.

4. The Declarant has given to the Trust a list of the books, articles and writings so far written by the Declarant and shall as and when any further books and articles are written, or any speeches are delivered, he shall furnish copies thereof to the Trust to enable them to publish the same as aforesaid.

5. The Trust shall have the sole and exclusive right of publishing, republishing and producing in any part of the world the said Works and all translations, abridgements and selections in any of the languages whatsoever and/or grant licences for the said purposes PROVIDED HOWEVER no translation or abridgement shall be made except with the written consent of the Declarant and on the terms imposed by him and all such grants shall be subject to this Declaration. The Declarant shall not publish or cause to be published in any part of the world any copy of the Works or any translation, abridgement or selection thereof. The entire control and right of publication, production, publicity and sales shall remain

Osho Friends Int'l Osho Int'l Foundation
Opposition No. [illegible]
Exhibit Offered by Osho Int'l Foundation

Steeg Decl. Exhibit I

with the Publishers who will be entitled to all emoluments and profits thereof.

6. The Trust shall, at its own risk and expenses, and at the convenience, produce and publish the said Works and push the sale of the same. The production, publication, publicity and sale of the said Works shall be controlled entirely by the Trust and it shall have full right and authority to republish and produce any such Works either by itself or through its agents in any part of the world.

7. The Trust has agreed to deliver to the Declarant free of charge 2 presentation copies of the Works as a ready.

8. The Declarant hereby reserves the right to decline to give right for publication of any future book or writing hereafter written by him.

9. The Trust shall not publish or authorise anybody to publish any abridgement of any of the Works of the Declarant except with the consent in writing of the Declarant.

10. The Trust has undertaken to see that the proofs of the said Works are properly corrected and revised.

11. The Trust has agreed that the name of the Declarant as the Author shall appear in its customary form in due prominence on the title page and on the binding of every copy produced, and on all advertisements of the Sheila Record by the Trust or their Agents or Licensees.

12. Should the Trust at any time wilfully fail to fulfill or to comply with any of the conditions herein contained, the Licence to publish the said Works shall

Steeg Decl. Exhibit [illegible]

[illegible] position [illegible] et al
Exhibit [illegible] Osho Int'l Foundation

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thereupon determine and the Declarant shall be free to grant Lic... any other ... to ... and publish the same.

13. The Declarant hereby authorises Rajneesh Foundation to use his portraits, photographs, sketches, statues and other visual images, as well as his name, and he consents to such use by the Foundation on any article, such as books, publications, tapes and any other object or product ... his person.

Solemnly Declared by the)
within-named Author)
BHAGWAN SHREE RAJNEESH)
this ... day of July 1978.)

Assignment of Rajneesh Foundation
Ex-Jurisdiction of Child Vilas - USA

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LIBRARY OF CONGRESS
Copy
D.C.

THIS IS TO CERTIFY THAT THE ATTACHED
IS A COPY OF THE DOCUMENT RE-
CORDED IN THE OFFICE OF THE

FACTS

October 2, 1982

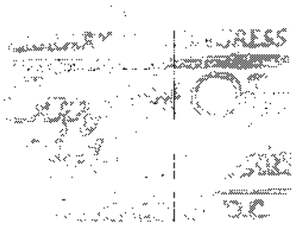
OFFICIAL OF THE OFFICE
OFFICED HERE

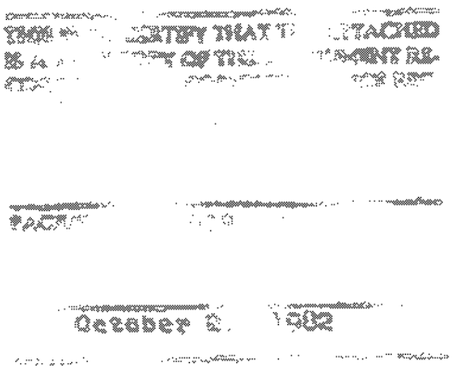
RECORDS OF CO

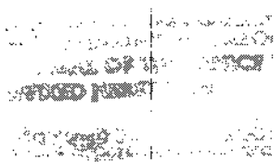
October 1982

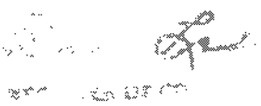
1979

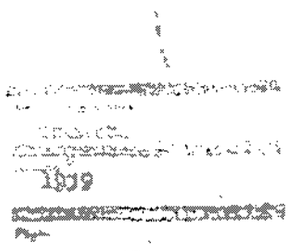
Register of Copyright











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CERTIFICATION

I, Asha Freytag, formerly known as Asha Sipus, am Vice-President and a duly authorized representative of Rajneesh Foundation International, formerly known as Chidvilas Rajneesh Meditation Center.

I certify that I have compared the copy of the General Assignment of Copyright between Rajneesh Foundation and Chidvilas Rajneesh Meditation Center dated April 1, 1981, which has been filed with the Copyright Office, to the original and have found it to be a true and exact copy.

Dated this 21st day of October, 1982.

Asha Freytag

Asha Freytag
Vice-President
Rajneesh Foundation International

STATE OF OREGON)
) ss.
County of Wasco)

1st day of

upon

May 5 1986

Copyright Office
of the
United States
LIBRARY OF CONGRESS

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT WAS RECORDED IN THE COPYRIGHT OFFICE ON THE DATE AND IN THE PLACE SHOWN BELOW.

THIS CERTIFICATE IS ISSUED UNDER THE SEAL OF THE COPYRIGHT OFFICE.

Date of Recordation
26 Jan 83

Vol. 1939

Page
473-479

Register of Copyrights
and
Assistant Librarian
for
Copyright Services

Exh. 'AQ'

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GENERAL ASSIGNMENT OF COPYRIGHT

THIS AGREEMENT is made between RAJNEESH FOUNDATION, a Charitable Trust, 17 Koregaon Park, Pune 411 001, India (hereinafter referred to as the "Foundation") and CHIDVILAS RAJNEESH MEDITATION CENTER, a non-profit corporation, 134 Valley Road, Montclair, New Jersey, U.S.A. (hereinafter referred to as "Chidvilas").

By virtue of a declaration of Bhagwan Shree Rajneesh dated the 28th day of July, 1978, the Foundation is the exclusive owner of the copyrights in all books, articles, speeches, writings and other works written or delivered by the said Bhagwan Shree Rajneesh, except in so far as the Foundation has assigned any interest in one or more of such works to any other person or organization.

Both the Foundation and Chidvilas are non-profit organizations whose main purpose is to spread the teachings of Bhagwan Shree Rajneesh. To further that purpose the Foundation is executing this assignment in consideration of Chidvilas' agreement to adhere to said purpose.

Bhagwan Shree Rajneesh agrees with the Foundation's desire to the above mentioned assignment of copyright and has signed a declaration to this effect, a copy of which is attached and marked as Exhibit "A".

THEREFORE:

1. The Foundation assigns to Chidvilas all the Foundation's right, title, and interest in all existing and future works of Bhagwan Shree Rajneesh any translations, abridgements, selections, compilations, derivations, and reproductions in any form whatsoever of said works, and the copyrights therein, and all the profit, benefit and advantage to be derived from printing, publishing and reproducing the same in any form

VOL 1 0 0 5 [illegible]

tsoever for the entire period for which copyright exists for any renewal thereof, with full power and authority apply for and receive the renewal and extension thereof.

The parties agree that this agreement is binding n their respective executors, administrators, heirs, and igns.

The parties agree that should any dispute arise under s agreement which is not capable of mutual resolution the parties then juristiction shall be at the option of dviles, or its assigns.

WITNESS WHEREOF we have set our hands this 1st day of ril, 1981.

gned for and on behalf of jneesh Foundation

[illegible]

tle [illegible]

itness [illegible]

dress [illegible]

[illegible]

ccupation [illegible]

Signed for and on behalf of Chidvilas Rajneesh Meditation Center

[illegible]

Title Trustee

Witness [illegible]

Address 156 Valley Rd

Montclair NJ

Occupation Secretary

EXH. AR

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Rajneesh Foundation (Now Neo Sannyas Foundation)

List of Trustees On Board in the effective period of Assignment dated 01.04.1981

Date Inception	Date Resignation	Name
18.3.1974	29.05.1981	Ma Yoga Laxmi- Managing Trustee
21.3.1978	15.11.1981	Swami Yogendra Manu (Manikant Ratansi Khona)
20.8.1975	29.05.1981	Swami Satya Bohisatva (Mr. Jayantilal M Thakar)
03.6.1979	01.05.1981	Ma Anand Sheela (Ms. Sheela Silverman)
03.6.1979	15.11.1981	Ma Yoga Darshan (Mrs. Darshan H Valia)
03.6.1979	15.11.1981	Ma Yoga Hansa (Mrs. Hansa Khona)
03.6.1979	29.05.1981	Swami Chaintanya Sagar (Mr. Laherchand Shah)
03.6.1979	29.05.1981	Swami Gyan Nirmal (Mr. Fali Chinoy)
03.6.1979	29.05.1981	Ma Yoga Taru (Mrs. Taru L Mehta)
03.6.1979	15.11.1981	Swami Ajit Saraswati (Dr. Hemant Narayan Phadnis)
03.6.1979	29.05.1981	Swami Anand Swabhava (Mr. Harish K Malhotra)
15.11.1981		Swami Anand Maitreya
15.11.1981		Ma Amrit Mukti
15.11.1981		Swami Mukesh Bharti
15.11.1981		Swami Narendra Bodhisatva
15.11.1981		Swami Amrit Siddhartha

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S. no. 132, plot no.8, Samata Housing Society, Near Telephone Exchange, Warje, Pune 411 052
Mobile: +918055602777, email: sunita.erlewad@gmail.com

SEARCH REPORT

Date: 18th December 2012

At the instance of Osho Friends Foundation having its office at 1, Anand Park, 348-A, Koregaon park Pune 411 001, I have searched the records issued by the office of the Charity Commissioner, Mumbai dated 13.12.2012. Herein refer to as the "Certified Reports". These reports consist of Schedule- 1 and 'Change Reports' u/s 22 of the Bombay Public Trust Act, 1950, filled by M/S Rajneesh Foundation now known as Neo Sannyas Foundation bearing registration no. E-625 having its registered office at 17, Koregaon Park, Pune 411 001, being recently transferred to Mumbai by transfer reference no. 2121/12 dated 18.05.2012.

During my search it is found that:

1. A public charitable trust known as "Jeevan Jagruti Kendra" (JJK) bearing registration no. E 4057 (Bombay) was registered at Mumbai on the basis of a trust dated 11.6.1969 executed by (i) Shri Himmatlal Haribhai Joshi and (ii) Shri Ishwarlal Naranji Shah. The said JJK trust was registered under Bombay Public Trust Act, 1950. This trust is having one of the primary objectives to spread teaching of Bhagwan Shri Rajneesh now known as Osho.
2. The said JJK trust was transferred to the Office of the Charity Commissioner, Pune bearing registration no. E- 625 bearing Change report no. 966/76 dated 12.03.1976.

3. It is observed that as per the change report dated 27.03.1979 the name of said Jeevan Jagruti Kendra trust was changed to "Rajneesh Foundation (RF)" having its registered office at 17, Koregaon Park, Pune 411 001. It is observed that by change report no. 1025/92 dated 29.08.1992, the name of Rajneesh Foundation was changed to "Neo Sannyas Foundation".
4. During my search it is found that as per the letter issued by Public Trust Registration Office Poona region, Poona bearing ref. no. J/WS/10/imp/4-79/4554, dated 24.5.1979, has pointed out directives to the said trust on various issues such as appointment of trustees as per the deed of trust, failing on filling change reports, management of accounts and reports on the properties hold by the trust.

A detailed inspection report was carried out dated 11.4.1979 and 12.4.1979 by the Asst. Charity Commissioner, Poona Region. In this report para 23 serial no. 1 & 2, it is specifically mentioned by the Asst. Charity Commissioner that Acharya Shri Rajneeshji (Now Osho) is to remain as Advisor for the trust for life. He is empowered to nominate five persons as Trustees at a time or from time to time. The committee so constituted is to co-opt six persons (maximum) and the committee so constituted shall work as Board of Trustees. At the end of the year 50% of the trustees shall retire by the rotations.

Further it is stated in this inspection report that *No such procedure seems to have been followed. No vacancies are filled in.*

Further, it is stated that the change reports u/s 22 of the B.P.T Act 1950 were not filled by the trust. Specifically the change report of Swami Yogendra Manu (alias Shri Manikant Ratnasi Khona) as being trustee dated 21.3.1978 of the trust was not filled by the trust at the

office of the Charity commissioner within three months from the date of the change. However the same was accepted by the Asst. Charity Commissioner on 22.8.1979.

5. During my search I have noticed change reports for the period from 1974 till date 15.11.1981, whereby, many trustees had been appointed and had resigned on the board of trust. The list of trustees and their respective duration of serving the trust, specifically for the period from 1974 till date 15.11.1981 is annexed herewith.

This is to declare hereby that the list of trustees annexed herewith is based on the change reports filled by the trust at the office of the Charity Commissioner, Pune over the years which were available for my inspection.

Advocate Sunita M Erlewad

Annexure: Rajneesh Foundation (Now Neo Sannyas Foundation)

List of Trustees On Board in the effective period of Assignment dated 01.04..

Date of Inception	Change report no. Admited as trustee	Date Of Resignation	Change report no. Resigned as trustee	Name
18.3.1974 (filled on 11.6.1979)	696/1979	29.05.1981	1045/81	Ma Yoga Laxmi (Ms. Laxmi T Hiraji) Managing
18.3.1974	696/1979	14.07.1974	697/79 (filed on 1.6.1979)	Shri Hari Prasad Lohia
18.3.1974	696/1979	14.07.1974	697/79	Shri Dhanpatri Karnani
18.3.1974	696/1979	14.07.1974	697/79	Shri Jayendra D Lashkari
18.3.1974	696/1979	14.07.1974	697/79	Shri Pravinbhai D Desai
18.3.1974	696/1979	14.07.1974	697/79	Shri Kishan G Chainani
18.3.1974	696/1979	14.07.1974	697/79	Smt. Sushila Tapuria
21.3.1978 filed on 11.6.1979	699/79	15.11.1981	776/82	Swami Yogendra Manu (Manikant Ratansi Kh
20.8.1975 filed on 11.6.1979	698/79	29.05.1981	1045/81	Swami Satya Bohisatva (Mr. Jayantilal M Thal
28.6.1979	745/79	01.05.1981	1044/81	Ma Anand Sheela (Ms. Sheela Silverman)
28.6.1979	745/79	15.11.1981	776/82	Ma Yoga Darshan (Mrs. Darshan H Valia)
28.6.1979	745/79	15.11.1981	776/82	Ma Yoga Hansa (Mrs. Hansa Khona)
28.6.1979	745/79	29.05.1981	1045/81	Swami Chaintanya Sagar (Mr. Laherchand Sh.
28.6.1979	745/79	29.05.1981	1045/81	Swami Gyan Nirmal (Mr. Fali Chinoy)
28.6.1979	745/79	29.05.1981	1045/81	Ma Yoga Taru (Mrs. Taru L Mehta)
28.6.1979	745/79	15.11.1981	776/82	Swami Ajit Saraswati (Or. Hemant Narayan P
28.6.1979	745/79	29.05.1981	1045/81	Swami Anand Swabhava (Mr. Harish K Malhc
15.11.1981	776/82			Swami Anand Maitreya
15.11.1981	776/82			Ma Amrit Mukti
15.11.1981	776/82			Swami Mukesh Bharti
15.11.1981	776/82			Swami Narendra Bodhisatva
15.11.1981	776/82			Swami Amrit Siddhartha

PUNE

Adv. Sunita M. Patel
18/12/2012

Exh. 'A8'
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IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11766 OF 2012

DISTRICT: PUNE

In the matter of Article 226 read with Articles 14 and 19 of the Constitution of India of the Constitution of India;

AND

In the matter of the Order passed By Appellate Tribunal for elelctricity on 20.11.2011passed in Case No 82 of 2010 and Order passed in Case No. 19 of 2012 by the State Commission.

Osho International Foundation)

17, Koregaon Park, Pune – 411 001) ... Petitioner

S. K. SHETTY B.A., LL.M. All Over India Reg.No. 195 NOTARY GOVT. OF INDIA

Versus

1. Maharashtra Electricity Regulatory Commission)
   World Trade Centre, Centre No. 1, 13th Floor,)
   Cuffe Parade, Mumbai - 400 005)
2. Maharashtra State Electricity Distribution)
   Company Limited)
   Plot No. G-9, Prakashgad, Bandra (E),)
   Mumbai – 400 051) ... Respondents

TO

THE HONOURABLE CHIEF JUSTICE AND THE OTHER HONOURABLE PUISNE JUDGES OF THIS HONOURABLE HIGH COURT OF JUDICATURE AT BOMBAY.

THIS HUMBLE PETITION OF THE PETITIONER NAMED HEREINABOVE

MOST RESPECTFULLY SHEWETH:

1. The Petitioner begs to approach this Honorable Court against improper implementation by the Respondent No 2, of the tariff order passed by the Respondent No 1 Commission. A brief

S. K. SHETTY B.A., LL.M. All Over India Reg.No. 195 NOTARY GOVT. OF INDIA

narration of facts leading to the filing of the present Petition is as under:

2. The Petitioner is a Public Charitable Trust registered under the Bombay Public Trust Act 1950. The Petitioner Trust has been established to impart education in Yoga and meditation and inter alia has been established to spread and impart education by formal training in the field of Arts, Science and humanities with a view to develop knowledge, skills and mind; to spread and impart education by conducting courses in Yoga, Physiotherapy, Physic healing and various forms of ancient medicine; to disseminate knowledge of ancient and contemporary philosopher, study of comparative religions thinking of philosopher through libraries, audio and video tapes, lecturers and seminars; to devise and spread modern methods of education with a view to enable students to discover their own inclinations and aptitudes and to develop in the area most suited to them to achieve the highest forms of creativity in their respective fields; to spread education and to make available ideal condition in the field of learning and developing of fine Arts; to grant scholarships and other educational assistance to deserving students for study of ancient and contemporary philosophers and other fields; to spread and impart education in all the above fields by formal training and by conducting courses in Yoga, Meditation and various other forms through qualified and competent personnel restrictions as to caste, creed, colour, religion or social status for the full development of mind, body and soul. The Petitioner does not run

S. K. SHETTY B.A.LL.M. All Over India Reg.No. 195 NOTARY GOVT OF INDIA

any commercial activity and operates on No-Profit-No-Loss basis. The students who are admitted in the Mediation Courses and Training are charged only such fees as to cover the expenses towards the same. The Petitioner Trust, therefore, is neither running an industry nor is running a commercial establishment. A copy of the Certificate of Registration is annexed hereto and marked as **"Exhibit A"** to this petition.

3. The Respondent No. 1 is the Maharashtra Electricity Regulatory Commission (hereinafter referred to as the "State Commission" for the sake of brevity). The State Commission has been set up under the provisions of Section 82(1) of the Electricity Act, 2003. The State Commission performs statutory duties and functions as enumerated in Section 86 of the said Act. One of the prime functions of the State Commission is to determine the tariff for the generation, transmission and distribution of electricity within the State. The Respondent No. 2 is the Distribution Company, which supplies electricity at the rates approved by the Respondent No. 1. The generation, transmission, distribution, trading and use of electricity, is regulated by the Electricity Act, 2003 which was enacted by the Parliament. The said Act consolidated the provisions of three enactments which were earlier occupying the field that is Indian Electricity Act 1910, The Electricity (Supply) Act 1948 and the Electricity Regulatory Commission Act 1998. The Electricity Supply Act mandated the creation of a State Electricity Board, which had the responsibility of arranging the supply of electricity in

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the State. Over a period of time, the performance of State Electricity Boards had deteriorated substantially and in order to provide for discerning of the Government from the determination of tariffs, the Electricity Act 2003 was enacted. With the policy of encouraging private sector participation in generation, transmission and distribution of electricity, it was felt that the new self-contained comprehensive legislation was necessary and hence the Electricity Act 2003 was enacted. The Distribution Licencees under the said Act have duties enumerated in the said Act. The said duties are duties of a public nature. The business, affairs and the functioning of the distribution licensees are absolutely regulated by and under the said Act. The tariffs to be charged by the Distribution licesees as well as the expenditure, the plans for development of infrastructure and the maintenance thereof are all regulated by the Authorities established and constituted by the said Act. The Respondent Nos. 1 and 2 are therefore, performing public duties and are thus **"STATE"** within the meaning of Article 12 of the Constitution of India.

4. Under Section 3 of the Electricity Act 2003, the Central Government is duty bound to prepare a National Electricity Policy and tariff policy as also a National Electricity Plan in accordance with the National Electricity Policy. Accordingly, the National Electricity Policy 2005 has been formulated by the Central Government and the same has been duly notified vide Resolution No. 23/40/2004-R & R (Vol. II) dated 12th February 2005 published

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in the Gazette of India. Clause 5.5 deals with the recovery of cost of services and targeted subsidies. Clause 5.5.3 stipulates that there is an urgent need to correct imbalance in respect of cross-subsidies without giving tariff shock to consumers. The Respondent No. 1 is expected to determine the tariff in accordance with the provisions of the Act, and more particularly, in accordance with Section 61 and 62 of the said Act. Sub-Section (3) of Section 62 permits the State Commission to differentiate between consumers of electricity while determining the tariff with special regard to the nature of supply and the purpose for which the supply is required. The procedure for determination of tariff under Section 62 has been prescribed by Section 64 of the said Act, which requires that the generating company or licensee or the distribution company shall make an application for determination of tariff under Section 62. Sub-Section (2) of Section 64 requires that every applicant shall publish the application, in such form and manner, as may be specified by the Appropriate Commission. The Commission is thereafter duty bound to consider all suggestions and objections received from the public and issue a tariff order either accepting the application in toto or with modifications or rejecting the application for reasons to be recorded in writing. The manner of publication of the application is prescribed by the Regulations made by the Respondent No. 1 in exercise of the powers conferred by Clause (h), (i), (j), (l), (m), (o), (y), (zd), (ze), (zf), (zg), (zh) and (zp) of sub-Section (2) of Section 181 read with the proviso to Section 36, sub-clause (ii) of clause (d)

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of sub-Section (2) of Section 39, second proviso to sub-clause (ii) of clause (d) of sub-section (2) of Section 39, sub-clause (ii) of clause (c) of Section 40, first proviso to Section 41, first proviso to Section 51, Section 61, sub-sections (2) and (5) of Section 62, sub-sections (1) and (3) of Section 64, Section 65 and clause (b) of sub-section (1) of Section 86 of the Electricity Act 2003. The said Regulations are known as the Maharashtra Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2005. Clause 8 of the said Regulations deals with determination of tariff. The text of Regulation 8 is extracted herein below for ready reference:

8. Determination of tariff for transmission, wheeling and retail sale of electricity:

8.1 The Commission shall determine the tariff for transmission, wheeling and retail sale of electricity based on an application made by the Licensee in accordance with the procedure contained in this Regulation 8.

8.2 The Commission shall determine the tariff for-

(a) Transmission of electricity, in accordance with the terms and conditions contained in part F of these Regulations;

(b) Wheeling of electricity, in accordance with the terms and conditions contained in Part G of these Regulations; and

(c) Retail sale of electricity, in accordance with the terms and conditions contained in Part H of these Regulations.

8.3 The applicant shall provide, as part of his application to the Commission, in such form as may be stipulated by the Commission

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from time to time, full details of his calculation of the aggregate revenue requirement and expected revenue from tariff and charges pursuant to the terms of his license, and thereafter he shall furnish such further information or particulars or documents as the Commission or the Secretary or any Officer designated for the purpose by the Commission may reasonably require to assess such calculation:

Provided that, the application shall be accompanied where relevant, by a detailed tariff revision proposal showing how such revision would meet the gap, if any, in aggregate revenue requirement:

Provided further that, the Commission may specify additional / alternative formats for details to be submitted by the applicant, from time to time, as it may reasonably require for assessing the aggregate revenue requirement and for determining the tariff, as the case may be.

8.4 Upon receipt of a complete application accompanied by all requisite information, particulars and documents in compliance with all the requirements specified in these Regulations, the application shall be deemed to be received and the Commission or the Secretary or the designated Officer shall intimate to the applicant that the application is ready for publication.

8.5 The applicant shall, within three (3) days of an intimation provided to him in accordance with Regulation 8.4, publish a notice, in at least two (2) English and two (2) Marathi language daily

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newspapers widely circulated in the area to which the application pertains, outlining the proposed tariff, and such other matters as may be stipulated by the Commission, and inviting objections from the public:

Provided that, the applicant shall make available a hard copy of the complete application, to any interested party, at such locations and at such rates as may be stipulated by the Commission:

Provided further that, the applicant shall also put up on his internet website, in downloadable spreadsheet format showing detailed computations, the application made to the Commission along with all regulatory filings, information, particulars and documents submitted to the Commission along with the application:

Provided further that, web-link to the information mentioned in the second proviso to Regulation 8.5 above shall be easily accessible, archived for downloading and shall be prominently displayed on his internet website:

Provided however that, the applicant may not provide or put up any such information, particulars or documents, which are confidential in nature, with the previous approval of the Commission.

Explanation- For the purpose of this Regulation, the term "downloadable spreadsheet format shall mean one (or multiple, linked) spreadsheet software files containing all assumptions, formulae, calculations, software macros and outputs forming the basis of the application.

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8.6 The applicant shall furnish to the Commission all such books and records (or certified true copies thereof), including the Accounting Statements, operational and cost data, as may be required by the Commission for determination of tariff.

8.7 The Commission may, if it deems necessary, make or cause to be made available to any person, at any time, such information as has been provided by the applicant to the Commission including abstracts of such books and records (or certified true copies thereof) on such terms and conditions as may be specified in the Conduct of Business Regulations:

Provided that, the Commission may, by order, direct that any information, documents and papers/materials maintained by the Commission, shall be confidential or privileged and shall not be available for inspection or supply of certified copies, and the Commission may also direct that such document, papers, or materials shall not be used in any manner except as specifically authorized by the Commission.

8.8 The procedural aspects pertaining to applications contained in this Regulation 8 shall apply, only to such extent as may be required by the Commission having regard to the circumstances of an individual case, to-

(a) an application made by a Licensee under the proviso to sub-section (1) of Section 36 of the Act;

(b) an application made by a Distribution Licensee under sub-section (5) of Section 64 of the Act.

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5. It can thus be seen that under Regulation 8.5, the Applicant is expected to publish a copy of the application in atleast 2 English and 2 Marathi language daily newspapers widely circulated in the area to which the application pertains, outlining the proposed tariff and inviting objections from the public. The applicant is also required to make available a hard copy of the complete application to any interested party and is also expected to put up on an internet website of the applicant, the application made to the Commission along with all particulars and documents that have been submitted to the Commission.

6. Under purported compliance of procedure enumerated herein above, the Respondent No. 2 made an application to the Respondent No. 1 for revision of tariff for electricity. Along with the said application, an affidavit sworn by the competent officer of the Respondent No. 2 Company is also annexed. The Respondent No. 2 published a public notice inviting comments and suggestions.

7. On 31st May 2008, the Respondent No. 1 passed an operative Order on the application submitted by the Respondent No. 2 whereby the tariff was fixed by the Respondent No. 1 in purported exercise of Sections 61 and 62 of the Electricity Act, 2003 for the year 2008-2009. While fixing tariff, the Respondent No. 1 had given an electric tariff shock to the Educational Institutions and Hospitals in the State of Maharashtra. The Institutions were earlier categorized under the HT-I (Non-continuous) category. The State Commission had classified and categorized the Institutions in a

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newly created category that is HT-II. In the financial year 2007-08, Malls and Multiplexes were classified as LX IX. Thereafter the Appellate Tribunal by an order again shifted Malls and Multiplexes to LT_II Category. The State Commission Suo Motto created a new category of HT-II commercial and such establishments, which were earlier in HT-I category, were shifted into HT-II Commercial category. The educational Institutions administered by charitable trust had been clubbed in the category along with the pre-existing HT-I industrial consumers that is industries as also multiplexes and shopping malls in the said Tariff Order. No rational basis for clubbing non-profit making organizations rendering medical service to the members of the public at large along with the multiplexes and shopping malls had been given by the Respondent No. 1. The Respondent No. 1 under the guise of reducing cross-subsidies had ordered such tariff change and the change in category. Clubbing unequals as equals and charging them the same rate of electricity is violative of Article 14 of the Constitution of India. By clubbing the Institutions in the said category, the increase in tariff for the Institutions was by a whopping 106%. The National Electricity Policy as framed under the Electricity Act, 2003 is to the effect that the actual increase in tariff should not be more than 6.76% on an average. In the said tariff order, the Respondent No. 1 had noticed in para 27 that the net revenue gap for the financial year 2008-2009 works out to Rs. 1510 crores resulting in an avcrage increase in a total revenue requirement by approximately 6.76%. The operating

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cost for the Institution registered a phenomenal increase due to such tariff revision which was totally unjustified and which had no rational basis.

8. Being aggrieved and dissatisfied by the Order dated 31st May 2008 passed in Case No. 72 of 2007 by the State Commission, Corrigendum dated 05.06.2008 and detailed order dated 20.06.2008 the Petitioner approached this Honorable Court under Article 226 read with Articles 14 and 19 of the Constitution of India. However, the said Petition was disposed off in view of alternate efficacious remedy of filing statutory Appeal to the Appellate Tribunal for Electricity (APTEL for brevity). The Petitioners, therefore filed an Appeal in APTEL and the same was numbered as Appeal No. 81 of 2010, and after hearing parties, the said Appeal was admitted by the Learned Aptel. The respondents appeared in the said Appeal and the Appeal was resisted. Several other charitable trusts running Hospitals and educational institutions also filed Appeals either through their associations or independently and the same were also admitted and were clubbed together for Hearing and all these appeals were heard together by the Aptel. Replies were filed and after Hearing both sides, the Learned Aptel was pleased to allow the Appeal filed by the Petitioners alongwith all other companion Appeals. The said appeals were disposed of by a Judgment and Order dated 20th October, 2011 whereby the appeals were allowed. The said Judgment and Order is binding on the Respondent Commission as well as Respondent Distribution Company. In para

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11 of the said judgment, the Aptel has recorded that "We have to deal with the issue of the categorization in the appeals of this category as the appellants have claimed that they cannot be charged for commercial tariff as they are institutions which are service-oriented and charitable, as such day shall be put in a different category." The Aptel in paragraph 15 of the said Judgment has framed the points for determination and the question which needs to be dealt with in the said appeal as: "whether the hospitals, educational institutions, dispensaries and other service-oriented organizations etc., have to be treated differently under section 62 [3] of the Act under the head 'purpose for which the supply is required'?" Thus, a specific issue has been framed as to whether the appellant before the Aptel- that is the petitioner herein- has to be placed in a different category alongwith Hospitals, educational institutions and other service-oriented organizations. Para 57 of the said judgment records the summary of the findings arrived at by the Appellate Tribunal for Electricity. The findings recorded by the Tribunal, inter, alia, are that the State Commission (MERC) has wrongly placed all the consumers including the appellants who were neither domestic nonindustrial nor falling under any of the categories under the commercial category; the purpose for which the supply is required by the appellants cannot be equated at par with other consumers in the commercial category; the real meaning of expression "purpose for which the supply is required" as used in section 62 [3] of the does not merely relate to the nature of activity

carried out by the consumer but has to be necessarily determined from the objects sought to be achieved through such activity; and the State Commission may classify the hospitals, educational institutions and spiritual organizations which are service-oriented and put them in a separate category for the purpose of determination of tariff. In para 58 of the said judgment, the Tribunal has directed the Commission (MERC) to take note of the observations and pass consequential orders. The appeals were thus allowed. Annexed hereto and marked **Exhibit "B"** is a copy of the Judgment and Order passed by Learned Aptel in the said Appeals.

9. For determination of the tariff for the financial year 2012 – 13, the Respondent distribution company MSEDCL had filed a petition. The commission had numbered the case as Case No. 19 of 2012. The MERC passed a Tariff Order in the said Case No. 19 of 2012 to be made effective from 1st of August 2012. Pursuant to the directions of the Hon. Appellate Tribunal for Electricity a separate category was created, for LT as well as HT consumers. The newly created category "HT IX – Public Services" has been created pursuant to such directions issued by the Appellate Tribunal for Electricity and the applicability has been thus defined: "this tariff shall be applicable to Education Institutes, Hospitals, Dispensaries, Primary Health Care Centers, Pathology Laboratories,..." The petitioner falls within the definition of Education Institutes, and it should be so construed so that there can be said to be no contempt on the part of the Commission of the orders passed by the Appellate

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Tribunal for Electricity.

10. The Petitioner received the electricity bills for the months of August, September and October 2012. It is shocking to note that the Respondent No 2 Distribution Company persisted in placing the Petitioner in the commercial category, thus flouting the orders of the Aptel as well as the Respondent No. 1 Commission. Annexed hereto and marked **Exhibit "C Collectively"** are copies of the electricity bills received by the Petitioner for the months of August, September and October, 2012. In this view of the matter, the bills issued to the petitioner are unlawful. The petitioner has been placed in the Commercial category once more and this is gross violation of the orders passed by the Hon, Appellate Tribunal for Electricity, as also improper and incorrect interpretation and implementation of the Tariff Order passed by the commission in Case No. 19 of 2012.

11. The Petitioner, immediately made a representation to the Respondents and sought redressal of its grievance. Annexed hereto and marked **Exhibit "D"** is a copy of the Representation of the Petitioner. However, Justice was denied to the Petitioner and hence the Petitioner is constrained to file the present Petition

12. Being aggrieved and dissatisfied by the action of the Respondent No 2 of issuance of impugned Bills for consumption of electricity for the months of August, September, and October, 2012, Exhibit C Colly., the Petitioner begs to approach this Honourable Court under Article 226 of the Constitution of India on the following amongst other grounds which are taken without prejudice

S. K. SHETTY B.A., LL.M. All Over India Reg.No. 195 NOTARY GOVT. OF INDIA

to each other:

a. The impugned Bills are bad in law;

b. The impugned Bills have been issued in gross violation of the Judgment and Order of the Aptel in Case No 82 of 2010 which is rendered in a dispute between the Petitioner and the Respondents herein, and which is, therefore binding on the parties to the Petition.

c. The Respondent No. 2 has flouted the Tariff Order passed by the Respondent No 1 in Case No 19 of 2012;

d. The impugned Bills have been issued upon an incorrect interpretation of the Orders of the Aptel and the Tariff Order of the Commission referred to hereinabove and hence the same are bad in Law and deserve to be set aside;

e. The Respondents have completely overlooked the fact that the educational Institutions render public utility services for the benefit of the society at large and are organized on a non-profit making basis whereas multiplexes and malls are profit making establishments catering to luxury of the elite class. Clubbing such two establishments together for the purposes of determination of tariff reflects absolute non-application of mind on the part of the Respondents.

f. By issuing the impugned Bills, the Respondent No 2 has treated unequals as equals. This is clear violation of Article 14 of the Constitution of India. Consumers who utilize electricity to generate profits are in a class apart from the consumers, such as Charitable Institutions utilizing electricity to advance the cause of

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Charity and education,

g. The impugned Bills on the assumption of levying commercial tariff are shockingly harsh, disproportionate, uncalled for and has no nexus with the purpose sought to be achieved and hence the same is arbitrary.

h. The impugned Bills issued by Respondent No 2 is on such a basis of assumption of tariff category that it would shock the judicial conscience and hence it deserves interference at the hands of this Honorable Court in exercise of extra-ordinary writ jurisdiction of this Honorable Court.

i. The impugned Bills are otherwise bad in law and deserve to be set aside.

13. The impugned Order were served in October and November 2012. The Petition, therefore as filed today, does not suffer from inordinate delay or laches.

14. The Petitioners state that they have no other alternative and equal efficacious remedy in Law save and except filing of the present Writ Petition.

15. Balance of convenience lies in the favour of the Petitioner inasmuch as the Petitioner has been regular in payment of their bills. In case the Petitioner does not succeed in the Petition, it will not be inconvenient or difficult for the Respondent No. 2 to recover the excess amount. However, the Petitioner has an excellent case on merits and hope to succeed and in that eventuality it would be unreasonable and unconscionable to direct the Petitioner to bear

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such an excessive burden. A chart showing the calculations of amount legally due and payable as against the excessive amount charged by Respondent No. 2 and the amount of difference between the two is annexed hereto and marked **Exhibit "E"** to this Petition.

16. The Petitioner states that the relief as prayed for by the Petitioner, if granted, would be complete and sufficient.

17. The Petitioner has not filed any other proceedings in respect of the subject matter of the present Petition either in the Supreme Court of India or in any other High Court.

18. Proper court fees are paid on the memo of the Petition.

19. The Petitioner has not received any Notice of caveat having been filed in respect of the present Petition from the Respondents.

20. The Petitioner, therefore, prays that:

a. Rule be issued and a writ of certiorari or any other suitable writ, order or direction in the nature of a writ of certiorari be issued thereby quashing and setting aside the Impugned Bills for the electricity consumption of the Petitioner for the months of August, September and October, 2012, Exhibit-C hereto;

b. A writ of mandamus or any other suitable writ, order or direction in the nature of a writ of mandamus be issued thereby directing the Respondent No. 2 to forthwith, withdraw and cancel the Impugned Bills for the electricity

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consumption of the Petitioner for the months of August, September and October, 2012, Exhibit-C hereto;

c. A writ of Mandamus or any other suitable writ order or direction, in the nature of a writ of Mandamus be issued to the Respondents directing the Respondents to apply the tariff in category HT IX – Public Services to the Petitioner and the Respondents be further directed to issue to the Petitioner all further Bills for consumption of electricity, during the period when the Tariff Order issued in Case No.19 of 2012 by Respondent No 1 is in force, on the basis of category HT IX – Public Services;

d. Pending hearing and final disposal of this Writ Petition, the Impugned Bills for the electricity consumption of the Petitioner for the months of August, September and October, 2012, Exhibit-C hereto, be stayed and the Respondent No 2 be directed by a suitable injunction or order of this Honourable Court to apply the tariff in category HT IX – Public Services to the Petitioner and the Respondents be further directed to issue to the Petitioner all further Bills for consumption of

S. K. SHETTY B.A., LL.M. ★ All Over India ★ Reg.No. 193 ★ NOTARY GOVT. OF INDIA

electricity, during the period when the Tariff Order issued in Case No.19 of 2012 by Respondent No 1 is in force, on the basis of category HT IX – Public Services;

e. Ad-interim relief in terms of prayer clause (c) above be granted;

f. Costs of this Petition be provided for in favour of the Petitioner;

g. Such other and further orders, as are deemed fit in the interests of justice be granted in favour of the Petitioner.

AND FOR THIS ACT OF KINDNESS AND JUSTICE, THE PETITIONER ABOVENAMED AS IN DUTY BOUND SHALL EVER PRAY.

Mumbai
Dated:

Advocate for the Petitioner

VERIFICATION

I, Mukesh Kantilal Sarda Age - 61 years, 50, koregaon Park Pune 411001, do hereby take oath on behalf of the Petitioner that the contents of the Petition

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above are true and correct and that the contents of paras 1 to 11 and 13 to 19 are statements of fact which I believe to be true on the basis of record maintained by the office and the contents of para 12 are the legal grounds on which the petition is based and I believe the same to be true and correct upon legal advice and the contents of para 20 are the prayers in the Petition and I believe the same to be true and correct.

SOLEMNLY AFFIRMED AT MUMBAI)
THIS 30th DAY OF NOVEMBER, 2012)

BEFORE ME

30/11/12

S. K. SHETTY B.A.,LL.M
ADVOCATE
NOTARY GOVT. OF INDIA
Santacruz (W), Mumbai - 400 054

This document is noted at Mumbai
Sr. No. 4979 Date 30/11/12 in the Notarial Register

S. K. SHETTY B.A.,LL.M. ★ All Over India Reg.No. 195 ★ NOTARY GOVT. OF INDIA

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S. K. SHETTY B.A.,LL.M. ★ All Over India ★ NOTARIAL ★ No. ★ NOTARIAL ★ NOTARY GOVT. OF INDIA

[redacted]

Ex M: AT
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11764 OF 2012

Osho International Foundation ... Petitioner

Versus

Maharashtra Electricty Regulatory Commission & Anr. ... Respondents

ALONGWITH
WRIT PETITION NO.11765 OF 2012

Neo Sanyas Foundation ... Petitioner

Versus

Maharashtra Electricty Regulatory Commission & Anr. ... Respondents

...

Mr. S.R. Nargolkar, Advocate for the Petitioner.
Ms. Shilpa Kapil, Advocate for Respondent No.1.
Mr. Kiran Gandhi i/b. M/s. Little & Co. for Respondent No.2.

...

CORAM : MOHIT S. SHAH C.J.&
ANOOP V. MOHTA, J.

DATED : MARCH 13, 2013.

P.C.

Rule, returnable forthwith.

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2 Heard finally by consent of the parties.

3 The Petitioners herein claim to be Educational Institution and/or Spiritual Institutions. Both the Petitioners had approached the Appellate Tribunal by filing Appeal Nos. 81 and 82 of 2010, alongwith the other Institutions like Hospitals and Educational Institutions contending that the respective Institutions should not be treated as "Commercial" for the purpose of the electricity tariff in their Judgment dated 20 October, 2011 the Appellant Tribunal held as under :

> *"57 Summary of Our Findings :*
>
> *(i) The State Commission in the present case wrongly placed all the consumers including the Appellant who were neither domestic nor industrial nor filling under any of the categories under the Commercial Category. The purpose for which the supply is required by the Appellants can not be equated at par with other consumers in the Commercial Category. The Appellants are seeking separate categorization on the basis of purpose for which the supply is required by the Appellants i.e. rendering essential services.*
>
> *(ii) The real meaning of expression "purpose for which the supply is required" as used in Section 62(3) of the Act does not merely relate to the nature of the*

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activity carried out by a consumer but has to be necessarily determined from the objects sought to be achieved thorugh such activity. The Railways and Delhi Metro Rail Corporation have been differentiated as separate category as they are providing essential services. The same would apply to the Appellants as well.

(iii) The application of mind should be on identifying the categories of the consumers who should be subjected to bear the excess tariff recaverable based on a valid reason and justification. The re-categorisation of Charitable Hospitals and Charitable Organisations and grouping them with the consumers of the category such as Shopping Malls, Multiplexes, Cinema Theatres, Hotels and other like commercial entities is patently wrong.

(iv) *By the impugned order, the State Commission classified the members of the Appellants into 'Commercial' category following a mechanical approach. This has been done only because the Appellants cannot fall under either in the industrial or agricultural or residential category and therefore, the Appellant would automatically fall in the Commercial Category. This is not a proper approach.* **In case the**

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State Commission felt that the Appellants are not falling under any particular existing category, then the State Commission ought to have applied its mind and provided for a new category and given them a competitive tariff having regard to the purpose for which the electricity is used by them.

(v) ***The State Commission may classify the hospitals, educational institutions and spiritual organisations which are service oriented and put them in a separate category for the purpose of determination of tariff.***

(vi) We feel that the re-categorisation should be implemented by the State Commission in the next Tariff Order which is yet to be passed for the following reasons:

(i) FY 2008-09 and FY 2009-10 are already over and tariff has been collected by the Distribution Licensees as per the respective Tariff Orders.

(ii) The Hon'ble Supreme Court has granted stay on some of the Judgments issued by this Tribunal for the FY 2008-09 in similar matters.

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(iii) The tariff shock and increase in cross subsidy for FY 2009-10 for the above customer categories will depend on the outcome of the above Appeals pending before the Hon'ble Supreme Court for Tariff for FY 2008-09.

58. In view of our findings, we direct the Commission to take note of our observations in the above paragraphs and pass consequential orders in these matters."

4 The learned counsel appearing for the Respondents submitted that the Petitioners have alternate remedy of approaching the forum for redressal of grievance set out under Section 43(5) of the Electricity Act 2003. The learned counsel also relied upon a decision of Supreme Court in the case of ***Maharashtra State Electricity Distribution Co. Ltd. V. Lloyds Steel Industries Ltd.***[1].

5 However, the aforesaid preliminary contention cannot be upheld. The forum for redressal can only redress a grievance in accordance with the category specified by the State Commission and the forum for redressal of grievance cannot direct the State Commission to amend the definition of "Public Services", which is a newly created category.

1 AIR 2008 SUPREME COURT 1042

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6 It is necessary to note that direction was that the State Commission may classify the Hospitals, Educational Institutions and Spiritual Organisations which are service oriented and put them in a separate category for the purpose of determination of tariff. In view of the fact that these very Petitioners were before the Appellate Tribunal and the Tribunal held that the State Commission Respondent No.1 herein erred in classifying them into commercial category following mechanical approach and that the Tribunal further directed the State Commission to classify Hospitals, Educational Institutions and Spiritual Organizations which are service oriented separately and to put them in a separate category for determination of tariff, it necessarily required the State Commission to classify Spiritual Organizations also in a separate categnry along with the Hospitals and Educational Institutions. However, the category of "Public Service" provided for by Maharashtra Electricity Regulatory Commission Respondent No.1 herein reads as, "HT IX-Public Services" and has included the following Institutions in the definition "this tariff shall be applicable to the Educational Institutions, Hospitals, Dispensaries, Primary Health Care Centers, Pathology Laboratories,...."

7 In view of the order of the Appellate Tribunal requiring the State Commission to classify Spiritual Organizations which are service oriented also in a special category along with Hospitals and Educational Institutions as "Public Services", these Writ Petitions are allowed and Respondent No.1 is directed to include Spiritual

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Organisations which are service oriented as falling within the definition of the newly created category "HT IX-Public Services". Thereafter, Respondent No.2 shall take the necessary steps in light of the amended definition of the public services. Since the Tariff order creates the new category of HT IX – Public Services with effect from 1 August, 2012, the amendment of the definition shall also be given effect from 1 August 2012.

8 Once the tariff is amended in compliance with the direction of the Appellate Tribunal for Electricity, thereafter Respondent No.2 will consider the applicability of the tariff to the case of each of the Petitioners herein.

9 The Writ Petitions are disposed of in the above terms.

(CHIEF JUSTICE)

(ANOOP V. MOHTA, J.)

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE,
AT BOMBAY

WRIT PETITION NO._____ OF 2013

FROM DISTRICT - PUNE

Shri. Yogesh Thakkar

PETITIONER

VERSUS

The Charity Commissioner
And others

RESPONDENTS

MEMO OF WRIT PETITION

ADVOCATE FOR THE PETITIONER

PLACE: BOMBAY
DATED:

96/8816/Pratima
Shyam.7-5-2013