



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14247 OF 2023

1. National Egg Co-Ordination Committee
A Public Charitable Trust,
Having its registered office at 13/6,
Milestone Pune-Panshet Road
P.O. Girinagar
Pune – 411 025

... Petitioner.

Versus

1. The State of Maharashtra, through the
Charity Commissioner,
Office of the Charity Commissioner of
Maharashtra,
Sasmira Building, Sasmira Road,
Worli, Mumbai 400 032.
2. The Joint Charity Commissioner,
Pune Region, Pune
having his address at behind Mangaldas
Police Chowki,
45/2 K.B.S. Dhole Patil Marg,
In front of Wadia College,
Pune 411 001.
3. Ms. Gauri Maulekhi,
of Delhi Inhabitant, having her office at
Plot No.26, D.D.A.,
Opposite Gulmohar Enclave Gat No.3,
Gautam Nagar, New Delhi – 110049.

... Respondents.

*Mr. Vikram Nankani, Senior Advocate a/w. Mr. Ashishchandra Rao,
Ms. Anuli Mandlik i/by Economic Laws Practice for the Petitioner.
Mr. A.I. Patel, Addl. GP. a/w. Ms. A.A. Purav, AGP for the Respondent
Nos. 1 and 2.
Mr. Nikhil Singhvi a/w. Ms. Shivani Prasad i/by Jayakar and Partners
for Respondent No. 3.*

Coram : Sharmila U. Deshmukh, J.
Reserved on : March 24, 2026
Pronounced on : April 02, 2026

JUDGMENT :

1. **Rule.** Rule made returnable forthwith with consent and taken up for final disposal.
2. By this petition, the challenge is to the order of Joint Charity Commissioner, Pune Region, Pune dated 14th September, 2023 directing *interalia* deletion of the word, "National" from the name of the present Petitioner i.e. National Egg Co-ordination Committee in *suo motu* revision proceedings initiated under Section 70A of Maharashtra Public Trusts Act, 1950 (for short "**MPT Act**").
3. Briefly stated the facts are that the Petitioner is a public charitable trust bearing PTR No.F-2184/Pune registered under the provisions of the MPT Act. On 12th April, 2018, the Respondent No.3 filed a complaint with the Charity Commissioner to take necessary action to ensure that the word "National" is deleted from the name of the Petitioner trust. On 14th July, 2018, an inquiry order was passed by the Assistant Charity Commissioner and notice dated 26th June, 2018 was issued to Petitioner under Section 37 of MPT Act. A detailed response was filed by the Petitioner to the inquiry proceedings. The Inspector Inquiry No.99 of 2018 concluded that

deletion of the word “National” was not within the purview of Section 37 of MPT Act and that revision powers may be invoked under Section 70A of MPT Act. Accordingly, *suo motu* revision proceedings were initiated under Section 70A of the MPT Act. The Petitioner submitted a detailed response to the *sou motu* Revision Application and raised objections on the ground of jurisdiction and maintainability as also on merits. The Respondent No.3 filed an application before the Assistant Charity Commissioner seeking to be impleaded in the proceedings which came to be allowed. The impugned order was passed leading to the present Petition.

4. The complaint of the Respondent No.3 was that the Petitioner society registered under the Societies Registration Act by use of the word “National” as part of its name is causing great confusion giving farmers and traders an impression that it is a government entity and that the price of eggs that it declares is the government price and has been published by official sanction. The complaint further stated that under the Emblems and Names (Prevention of Improper use) Act, 1950 (for short, “**Emblems Act**”), i.e. Section 3 read with the Schedule, an entity including a society or trust cannot have a name which may suggest or is calculated to suggest the patronage of the Government of India or Government

of the State. It stated that in respect of the Petitioner, the Assistant Registrar of Societies, Pune Region is the competent authority and the registration of the Petitioner with the word "National" in its name ought not to be permitted.

5. Mr. Nankani, learned Senior Advocate appearing for the Petitioner submits that the Petitioner was registered as a society under the Societies Registration Act in the year 1982 with the object to promote the welfare of poultry farmers and to ensure that they receive a fair and reasonable price for their products. He submits that registration was granted by an order of 2nd August, 1982, pursuant to an inquiry under Section 19 of the Bombay Public Trusts Act, 1950. He submits that the present inquiry commenced upon complaint by Respondent No.3, under Section 37 of MPT Act which deals with the powers of inspection and supervision, and the inquiry into the complaint under Section 37 of MPT Act was without jurisdiction. He points out that the Inspector's report makes observation that the word "National" is misleading and prohibited under the Emblems Act.

6. He further submits that though the Respondent No.3 was not a party interested within the meaning of Section 2(10) of MPT Act, she was impleaded in the revision proceedings. He submits that

Section 3 of the Emblems Act, prohibits the improper use of the Scheduled emblems and names and does not prohibit any particular name. He submits that Item No.7 of the Schedule referable to Section 3 specifies the name which may suggest or be calculated to suggest the patronage of the Government of India or Government of State or connection with any authority and that there is no specific prohibition against the use of a word "National". He submits that there are several entities using the word "National" such as, National Association for Blind which is an NGO, National Sports Club of India which is a traditional club, National Engineering Industries Limited which is a limited company, Indian Cements Limited which is a cement company, National Plastics Industries Limited which is manufacturer of plastics.

7. He further submits that the Petitioner came to be registered in the year 1982 after following due procedure and no objection was received to the registration. He submits that it is only in the year 2018, that the present complaint came to be filed by the Respondent No.3 and *suo motu* revision has been initiated by the Charity Commissioner, which could not be instituted beyond the period of three years. He would further submit that there is no explanation for the delay as the Petitioner has been registered in

the year 1982.

8. He submits that the complaint of the Respondent No.3 shows that the grievance is as regards the price fixation and declaration of price by the Petitioner which was an issue which was dealt with by the Competition Commission and accordingly the Petitioner has made necessary changes in its website. He submits that the complaint of the Respondent No.3 is on an assumption that the Petitioner is projecting as a government organization. He submits that the complaint of exploitation of the farmers or the traders on the ground that the farmers are unable to make out that the Petitioner is not a government entity is an unsubstantiated complaint. He submits that the farmers as well as the traders are members of the Petitioner's association and there is no complaint by them. He would further submit that it was the Respondent No.3's own case that the Assistant Registrar of Societies, Pune which is the competent authority and despite thereof, the Respondent No.3 has filed the complaint before the Charity Commissioner.

9. He would submit that the objection to jurisdiction has been negated on an erroneous finding that the authority under MPT had the jurisdiction as certificate of registration has been granted

under MTP Act. He submits that the Joint Charity Commissioner has rejected the objection of limitation for the reason that the revision has been filed after detailed inquiry, whereas the inquiry report does not constitute cause of action for computing limitation.

10. He submits that the finding of Joint Charity Commissioner that the Petitioner has no patronage of Government of India and therefore under Section 3 of the Emblems Act, the word, "National" cannot be used is erroneous finding as Item No.7 of the schedule does not specify the word "National". He would further submit that the Joint Charity Commissioner has accepted the case of the Respondent No.3 that as the trust is declaring the daily price of egg it will create confusion in the minds of the farmers and the traders in the absence of any material to demonstrate such confusion. In supports, he relies upon the following decisions:

- (i) *Bharat Chamber v. General Manager, District Industries Centre [2012 SCC OnLine Mad 3928],***
- (ii) *New Indian Public School Society v. State of Rajasthan [2015 SCC OnLine Raj 1750],***
- (iii) *South India Textiles v. State of A.P. [1987 SCC OnLine AP 71]***
- (iv) *Manvi Hakka Sanrakshan and Jagruti v. Charity Commissioner of Maharashtra [2024 SCC OnLine Bom 3740]***

11. *Per contra*, Mr. Singhvi, learned counsel appearing for the

Respondent No.3 submits that under Section 70A of the MPT Act, the Charity Commissioner had the jurisdiction to direct deletion of the name. He would further point out the provisions of Section 18(5), Section 19 and Section 20 of the MPT Act to contend that the application for registration is required to contain certain particulars as regards the name of the public trust and necessary inquiry in that respect is conducted while registering the trust and hence the authority under the MPT Act would have jurisdiction. He submits that the Petitioner had first applied for registration under the MPT Act and thereafter was registered as a society under the Societies Registration Act and the Charity Commissioner had jurisdiction under Section 70A of MPT Act read with Section 3 of the Emblems Act.

12. He submits that the list of entities shown to this Court using the word, "National" is not being shown to indicate the patronage of the government. He submits that the guidelines framed under Item No.7 of the schedule to the Emblems Act specifically provides that the word such as "National" may give an impression as having the patronage of the government. He submits that as no permission was obtained under Section 3 of the Emblems Act from the Central Government, it is a case of continuing cause of action.

He submits that the impugned order has rightly considered the provisions of the Emblems Act and has rightly held that the use of the word “National” is likely to create confusion in the minds of the farmers and traders. In support, he relies upon the following decisions.

- (i) ***Virbala K. Kewalram v. Ramchand Lalchand*, [1997 (1) Mh. L.J. 94],**
- (ii) ***Dr. Subir Kumar Banerjee v. Neetu Singh & Ors.*, [2019 SCC OnLine Bom 6609],**
- (iii) ***Maharashtra Gandhi Smarak Nidhi, Pune v. Gandhi Smarak Nidhi (Central), New Delhi & Anr.* [2011 (4) Mh. L.J. 295],**
- (iv) ***Rohitash Kumar & Ors v. Om Prakash Sharma & Ors.* [(2013) 11 SCC 451],**
- (v) ***Janardhan s/o Gulabrao Moon v. State of Maharashtra.*, [2019 (3) Mh. L.J. 717],**
- (vi) ***State Environment Protection Council Kannur v. State of Kerala & Ors.* [2021 SCC OnLine Ker 16306],**
- (vii) ***V. Ganapathi Subramanian s/o Veeraragavan v. The Inspector of Police Thirupparan Kundram & Ors.* [2015 SCC Online Mad 5754],**
- (viii) ***Ambalal Okarlal Patel & Ors v. Filoman Pathubhai Patel & Ors.* [2003 SCC OnLine Guj 59],**
- (ix) ***Inspector General of Registration & Anr v. Riyasudheen K. & Ors.* [W.A. No. 251 of 2022, High Court of Kerala at Ernakulam],**
- (x) ***National Engineering College v. The Member Secretary, AICTE* [2016 SCC OnLine Mad 8970],**
- (xi) ***All India Defence Services Advocates Association v. Union of India.* [2012 SCC OnLine Del 1989],**
- (xii) ***Sable Waghire & Company & Ors v. Union of India & Ors.* [(1975) 1 SCC 763],**
- (xiii) ***Shyamabai & Ors v. Madan Mohan Mandir Sanstha* [2010(2) Mh. L.J. 476],**

(xiv) Samruddhi Cooperative Housing Society Limited v. Mumbai Mahalaxmi Construction Private Limited [(2022) 4 SCC 103],

(xv) Vasant Namdeo Bichkule v. Joint Charity Commissioner, Latur Region, District Solapur & Ors. [2009 SCC OnLine Bom 428].

13. In rejoinder Mr. Nankani would submit that the guidelines provide that the word may not be allowed, if the consumer is likely to gather a misleading impression and the Respondent No.3 has not produced any material to demonstrate such an impression may have been created.

14. Rival contentions now fall for determination:

15. As objection has been taken to the jurisdiction of the authority under MPT Act, the issue of jurisdiction is the primary issue to be decided. The Petitioner is registered as a society under the Societies Registration Act, 1860 (for short “**Societies Registration Act**”) and is also registered as a public trust under the MPT Act. The Joint Charity Commissioner exercised the *suo motu* power under Section 70A of the MPT Act which permits exercise of revision powers in any of the cases mentioned in Section 70 of MPT Act. Section 70 provides for filing of appeal against the finding of Deputy or Assistant Charity Commission including finding under Section 20 of MPT Act dealing with registration. Mr. Singhvi would

place reliance of Section 18 to Section 20 of MPT dealing with the aspect of registration to support the jurisdiction of Joint Charity Commissioner to direct change in the name of the Petitioner.

16. The impugned order rejects the objection to jurisdiction on the ground that the certificate for registration has been granted to the Petitioner under the MPT Act. The process for registration of trust commences upon filing of an application under Section 18 of the MPT Act, which application shall *inter alia* contain the particulars including the name of the public trust. Under Section 19 of the MPT Act, the enquiry which is contemplated upon receipt of an application under Section 18 is for the purpose of ascertaining the following details :

- “(i) whether a trust exists and whether such trust is a public trust,
- (ii) whether any property is the property of such trust,
- (iii) whether the whole or any substantial portion of the subject-matter of the trust is situate within his jurisdiction,
- (iv) the names and addresses of the trustees and manager of such trust,
- (v) the mode of succession to the office of the trustee of such trust,
- (vi) the origin, nature and object of such trust,
- (vii) the amount of gross average annual income and expenditure of such trust, and
- (viii) any other particulars as may be prescribed under sub-section (5) of section 18.”

17. The enquiry contemplated under Section 19 of the MPT Act is confined only to those issues which are germane to the registration of the trust as regards the existence of public trust, the objects, the jurisdictional facts, its objects, mode of succession etc. Rule 6 of the Maharashtra Public Trust Rules, 1951 (for short “**MPT Rules**”) prescribes the additional particulars required to be furnished as regards the documents of creation of the trust and the particulars of the scheme etc. Rule 7 deals with the manner of enquiries. Rule 7A provides for publishing of public notice where an inquiry is necessitated as to whether public trust exists or any property belongs to public trust.

18. The statutory scheme of the MPT Act does not contemplate any enquiry by the authorities as to the suitability of the name of the public trust and the Rules only provide that upon a change in the name of the trust, the authorities would record the same in the register maintained and a fresh certificate would be issued. As there is no power to inquire into the suitability of the name of the Trust, there is no power conferred to direct the change of the name of the Trust.

19. In the decision of *Manvi Hakka Sanrakshan and Jagruti and Anr. vs Charity Commissioner Maharashtra and Ors.* (supra), the

Hon'ble Division Bench of this Court was considering a circular issued by the Charity Commissioner directing removal of certain phrases from title of trust name which came to be challenged before this Court. The Hon'ble Division Bench considered the statutory provisions of the MPT Act and held in paragraph 26 and 27 as under:

"26. On a reading of the provisions of the Act, we are of the view that once the authorities issue certificate of registration under the Act they do not have the power to direct the Trustees to change the name of the Trust. If the name of the Trust gives an impression of it belonging to the Government or patronage by the Government then the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950 can certainly be invoked by the authorities under the said Act of 1950.

27. Mr. Anturkar is right in making his submission that Section 3A of the Maharashtra Societies Registration Act, as amended by the State of Maharashtra, provides for the prohibition against the registration of societies with undesirable names, and such a provision does not exist under the Maharashtra Public Trusts Act. Similarly, Section 4(3) of the Companies Act, 2013 provides that a company shall not be registered with the name which contains any word or expression which is likely to give the impression that the company is anyway connected with or having the patronage of the Central Government or State Government or any local authority, etc."

20. The Hon'ble Division Bench also considered the provisions of Section 22(1) of MPT Act and interpreted the expression "where any change is required in interest of administration of trust" occurring therein to mean that the same contemplates that it is working of the trust which requires a change. Pertinently, the Hon'ble Division Bench also considered the Emblems Act and has held that if the name of the trust gives an impression that it belongs to the government or has the patronage of the government then the provisions can be invoked by the authorities under said Act of 1950. Mr. Singhvi would misread the observation to mean that the reference is to MPT Act, whereas the reference was obviously to the Emblems Act of the year 1950 which is evident from the categorical finding in paragraph 32 which reads as under:

"32. In our view, this decision would not be applicable to the facts of the present case inasmuch as in the present case, the provision of Maharashtra Public Trusts Act is invoked whereas before the Madras High Court, the provisions for consideration was the Tamil Nadu Societies Registration Act, 1975 and most specifically Section 9(2)(c) where after the word "Council", the word "Human Rights" was inserted. We have already observed above by analyzing the Maharashtra Public Trusts Act that there was no provision which empowers the Charity Commissioner to direct the Trust to change their name. Therefore, the said decision is not applicable to the facts of our case."

21. In light of the clear enunciation of law by the Hon'ble Division Bench, there is no room for debate that the authorities under the MPT Act had no jurisdiction to direct change in name of the Trust. The findings in the impugned order assuming jurisdiction are clearly unsustainable and are quashed and set aside.

22. The Emblems Act was enacted to prevent the improper use of certain emblems and names for certain professional and commercial purposes. Section 3 prohibits improper use of certain emblems and names specified in the Schedule. Item No. 7 of the Schedule prohibits any name which may suggest or be calculated to suggest the patronage of the Government of India or the Government of State or any connection with the legal authority. The guidelines under Item 7 to the Schedule of the Emblems Act specifies that the names which are attracted under Item 7 are the names which connotes government's patronage and illustrates certain names such as National, National Institute of, National Council of etc. The guidelines further provide that the word "National" may not be allowed in name of a body engaged in commercial, semi commercial activities in public dealings or for products being marketed, if the consumer is likely to gather

misleading impression that the organization has been sponsored by the government.

23. The finding in the impugned order is that declaring the price of eggs creates confusion in mind of farmers, which finding is unsubstantiated by any material on record and without holding that any such confusion had occurred or is likely to occur as regards the Petitioner being sponsored by the Government. Apart from the bare words of the complainant, there was nothing brought on record to suggest that a misleading impression was given by the Petitioner. There is no discussion and no reasoning as to how the declaration of daily prices of eggs would amount to confusion in the minds of the farmers and traders, especially when, there has been no complaint filed by any farmer or trader against the activities of the Petitioner.

24. The objection on limitation has been brushed aside for the reason that the while filing the revision petition, the predecessor has considered the delay and after detail inquiry it is registered. The reference appears to be to the inquiry under Section 37 of MPT Act.

25. Section 37 of the MPT Act deals with the power of inspection and supervision and Sub Section (3) of Section 37 provides that if

on inspection of the affairs of the public trust, it is noticed that there is any mis-administration of the affairs of the public trust, the report to be submitted by the Enquiry Officer. Upon such a report being submitted, the Deputy or Assistant Charity Commissioner is entitled under Section 38 of the MPT Act to call upon the trustee or any other concerned person to submit an explanation pursuant to which the Deputy or Assistant Charity Commissioner to record its finding, as to whether the trustee or the person connected with the trust has been guilty of a conduct which has resulted in loss of the trust and make a report thereof to the Charity Commissioner. Under Section 40 of the MPT Act, the Charity Commissioner after considering the report under Section 39, and, after holding the enquiry, may fix the liability on the person responsible for the loss to the public trust, if any, or take such further steps including remand of the matter or dropping of the matter. The statutory scheme of Section 37 to Section 40 deals with the control of public trust authorities over the affairs of the public trust in order to ensure that there is no misconduct on behalf of the trustees or any other person which has caused or is likely to cause any loss to the public trust. The provisions of Section 37 of the MPT Act could not

have been invoked for inquiring into the complaint filed by Respondent No 3.

26. Despite the said statutory position, an enquiry was conducted and a report came to be submitted into the merits of the complaint of the Respondent No. 3 and it was proposed that the complaint be enquired under Section 70 A of the MPT Act, which recommendation/opinion could not have been given under Section 37 of MPT Act. Despite thereof, suo motu revision proceedings were initiated and the objection to limitation has been negated on ground of the detailed inquiry, which was unsustainable in law.

27. It is well settled that the exercise of the revisionary power under Section 70A being a discretionary power must be exercised judicially and within a reasonable time, which reasonable time has been held to be a period of three years. The submission that the cause is continuing cause of action is without merits. The decision in ***Virbala K. Kewalram And Ors. vs Ramchand Lalchand and Ors.*** (supra) and ***Dr. Subir Kumar Banerjee and Ors. vs Neetu Singh and Ors.*** (supra) reiterates the position that the revisionary jurisdiction has to be exercised judicially and within the reasonable time.

28. The decision in the case of ***Janardan s/o Gulabrao Moon vs State of Maharashtra and Ors.*** (supra) was in context of challenge

to the order of the Assistant Registrar of Society refusing permission to register a charitable society under the name and style of 'Rashtriya Swayansevak Sangh'. The Court considered the provisions of Section 3A of the Societies Registration Act and in that context, upheld the power of the Registrar to reject the application for registration by the name which was considered undesirable. The decision in fact asserts the case of the Petitioner who had raised an objection to the jurisdiction to the Assistant Charity Commissioner particularly in view of the existence of the statutory provisions of Section 3A of the Societies Registration Act.

29. The decision in the case of ***State Environment Protection Council Kannur vs State of Kerala and Ors.*** (supra) was rendered by the Division Bench of the Kerala High Court where the Division Bench directed the registering authority to ensure that while registering no private body should give an impression that it is statutory body. There is no quarrel with the said proposition, however, the decision is inapplicable to present case.

30. The decision in the case of ***V. Ganapathi Subramanian and Ors. vs The Inspector of Police and Ors.*** (supra) considered the provisions of the Tamil Nadu Societies Registration Act in view of the amendment to the Act therein that within six months the

society which has been registered prior into coming into force of the Amendment Act shall change the name of the society by deleting the word human rights. The decision turned on the statutory provisions applicable to that case and is clearly distinguishable.

31. The decision in the case of ***Ambalal Okarlal Patel and Ors. vs Filoman Pathubhai Patel and Ors.*** (supra) was a case which dealt with the repugnancy between the Societies Registration Act and the Bombay Public Trust Act, 1950 to hold that there is no conflict. The proposition is not disputed, however, in present case what is to be considered is the jurisdiction of the authorities under the MPT Act to direct deletion of the name of the public trust.

32. The decision in the case of ***Inspector General of Registration and anr vs Riyasudheen K. and Ors.*** (supra) challenged the refusal by the District Registrar to register the association in the name of Kerala Gulf Cricket Association. The facts are clearly distinguishable.

33. The decision in the case of ***National Engineering College vs The Member Secretary, AICTE*** (supra) arose out of a challenge to the legality of the notification issued by the AICTE that the use of the word 'National' shall not be permitted. The Hon'ble Court

considered the provisions of the Emblems Act and noted that AICTE had granted conditional approval to the college and the college has to strictly follow the conditions laid by AICTE. It held that the Petitioner had agreed to comply with the further conditions as may be imposed by AICTE and a stand cannot be taken that it is not bound by any conditions or order passed by the AICTE. The decision is clearly distinguishable.

34. The decision in the case of *All India Defence Services Advocates Association vs Union of India and Ors.*(supra) arose out of a refusal of registration of the Petitioner society in the name of 'All India Defence Services Advocates Association'. The issue in the said decision did not arise out of jurisdiction of the authority under the MPT Act, which is the core issue arising for consideration in the present case.

35. The decision in the case of *Sable Waghire And Company and Ors. vs Union of India and Ors.* (supra) was in the context of challenge to the notification issued under the Emblems Act and the vires of the Act was under challenge. There is no relevance of the said decision to the facts of the present case.

36. The decision in the case of *Shyamabai wd/o Surajkaran Joshi and ors. vs Madan Mohan Mandir Sanstha* (supra) is a decision of

the Hon'ble Full Bench of this Court considering the issue whether Section 47 and 48 of the Indian Trusts Act, 1882 are applicable to public trust and whether in the absence of registration of public trust in addition under the Societies Registration Act, the provisions of the Societies Act and Section 6 would apply to such public trust. The decision is irrelevant to the facts of the present case.

37. The decision in the case of ***Samruddhi Co-operative Housing Society Limited vs Mumbai Mahalaxmi Construction Private Limited*** (supra) is in the context of Section 22 of the Limitation Act, 1963. There is no quarrel with the said decision, however, its applicability to the present case is doubtful.

38. In light of the above discussion, the impugned order is clearly unsustainable in law. The impugned order dated 14th September, 2023 is hereby quashed and set aside. Resultantly, the Petition succeeds. Rule is made absolute.

[Sharmila U. Deshmukh, J.]