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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (ST.) NO. 9462 OF 2026

Deepak Tanaji Pawar

....Petitioner

V/s.

The Asiatic Society of Mumbai & Ors.

....Respondents

Mr. A. Y. Sakhare, Senior Advocate a/w Mr. Sanjay Kher and Mr. Amit Ashok Gharte for the petitioner.

Mrs. Jyoti Chavan, Addl. G.P. for the State.

Mr. Amogh Kaloti, Charity Commissioner (through video call) present.

CORAM : JITENDRA JAIN, J.

DATED : 13th March 2026

P.C. :

1. This petition is moved for interim relief on urgent basis at 5:00 p.m. before the alternate bench since the regular bench of His Lordship Justice Shri Farhan Dubash taking up the matter is not available.
2. The petitioner seeks stay of the order dated 13 March 2026 passed by respondent no.2-Charity Commissioner whereby the election to be held on 14 March 2026 i.e. tomorrow is stayed and respondent no.2 has passed direction to constitute various sub-committees for preparation of valid and eligible voters.
3. The heading of the impugned order reads **“Operative order in Misc. Case No.32 of 2026 instituted on the basis of the report in Inspector Inquiry No.3 of 2026.”** The said operative order was communicated at 3.15 p.m.
4. In paragraph 1 of the above operative order, the election to be held

on 14 March 2026 and the resolution of 20 February 2026 (correct date should be 26 February 2026) is ordered to be stayed with immediate effect and the election officer is directed not to proceed with election. The detailed order has been uploaded on the site of the Charity Commissioner at around 5.30 p.m.

5. On a query being raised by the Court to the petitioner to produce the election programme for election to be held on 14 March 2026, the petitioner has produced (though not annexed to the petition) notice dated 3 October 2025 wherein the election programme has been set out.

6. The notice of 3 October 2025 was with regard to election to be held on 8 November 2025 and not 14 March 2026. The Division Bench of this Court in Writ Petition No.15028 of 2025 by an order dated 6 November 2025, specifically stated in paragraph 19 that the election to be held as per notice dated 3 October 2025 is not stayed. Therefore, the election programme shown to me does not pertain to election to be held on 14 March 2026. I have not been shown any document in support of the submission that the election programme mentioned in the notice dated 3 October 2025 would be applicable to election of 14 March 2026.

7. The settled position is that if the election programme is announced then the Court should not interfere in the conduct of election. In this case, no election programme is shown to me with respect to election of 14 March 2026 and the election programme which is shown pertains to election which was to be held on 8 November 2025. There is no material to show that the said election programme would be applicable to the election of 14 March 2026.

8. The notice dated 26 February 2026 for holding election on 14 March 2026 is scanned as under :-



THE ASIATIC SOCIETY OF MUMBAI

Town Hall, Shahid Bhagatsingh Road, Mumbai 400 001
 Tel: (office) 2266 0956, (Library) 22660062
 E-mail (Office): asiaticsociety1804@gmail.com (Library) asiatic.townhall@gmail.com
 Website: <https://asiaticsociety.org.in>

REF. NO.: ASM/NOTICE-ELECTION-2025/2025-26/464

NOTICE

Members are hereby informed that the **ASM Election (2025)** will be held on Saturday, 14th March 2026 from 12.00 noon to 6.00 p.m. The voting will take place in the Durbar Hall of the Society.

Place: **Town Hall, Mumbai**
 Date: **26th February, 2026**

Ms. Madhavi G. Kamat
 Officiating Hon. Secretary

AGENDA

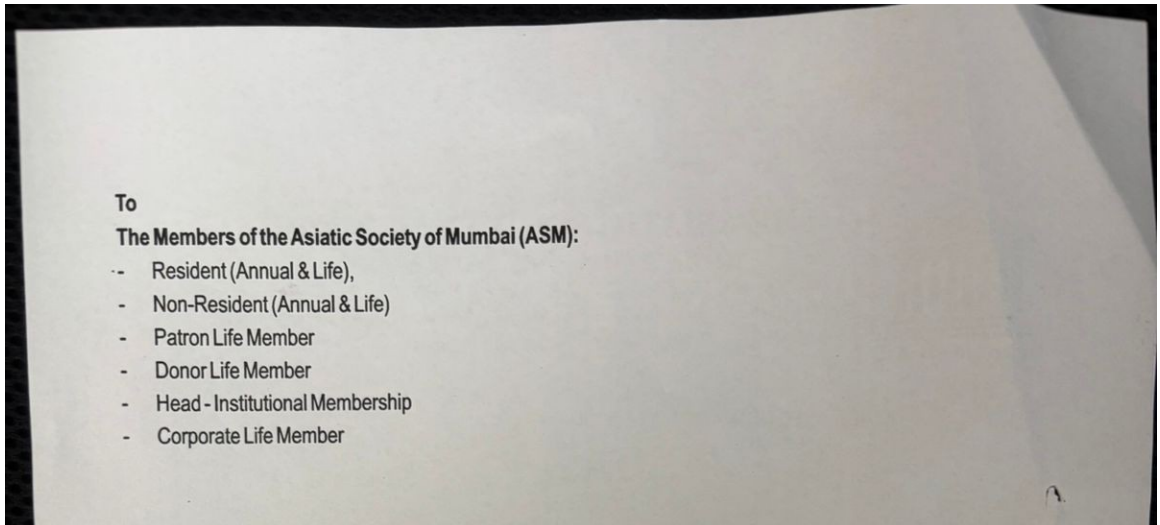
1. To elect the office bearers for two years (2025-2027) - President, 4 Vice-Presidents, and Hon. Secretary; to elect 5 members of the Managing Committee for a period of three years (2025-2028 term); and to fill one post of the Managing Committee which has fallen vacant (as per Rule No.15), for a period of two years 2025-27 (being the residual period of the term 2024-2027).
2. To elect a Scrutinizing Committee consisting of seven members for the year 2025-2026.

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Note:

- As regards election to the Managing Committee, of the six persons elected, the one with the least number of votes will get a tenure of two years, which is the residual term, as per established electoral precedent.
- A further Notice will be issued to invite vote counters and electoral process volunteers.
- On the day of election, i.e. Saturday, 14th March, 2026, the ballot boxes will be kept open from 12.00 noon to 6.00 p.m. or till all the members present have cast their votes, whichever is later.
- **All members / Applicants should have paid their Membership Subscription on or before 26th November 2025 to be eligible to vote.**
- Defaulter Members will not be allowed to vote.
- Every member should bring their ASM Membership I-card in order to cast their vote.

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9. Ms.Chavan, learned counsel appeared for respondent nos.2 and 4 and the Court had a video call in the presence of all the parties with the Charity Commissioner and enquired as to why the order was passed on 13 March 2026 at 3.15 pm. The learned Charity Commissioner, Mumbai has given following explanation :-

(i) On 23 February 2026, on account of questions raised in legislative assembly certain queries were received by the office of respondent nos.2 and 4 with regard to the functioning of respondent no.1-society. On the same day, an Inspector was deputed to conduct an inquiry. The Inspector recorded the statements and obtained copies of the documents, which were shared with the Assistant Charity Commissioner on 27 February 2026 and with respondent no.2. It came to light that there were 2050 rare books missing.

(ii) The learned Charity Commissioner further stated that the last Annual General Meeting was held on 30 September 2023 for a period of 2 years which expired on 30 September 2025. The change report with respect to AGM of 30 September 2023 was rejected on 6 August

2025 and against which, an appeal was preferred before respondent no.2. In the course of appeal hearing on 9 March 2026, the Charity Commissioner brought to the notice of the Managing Committee the provisions of Section 30A of Maharashtra Public Trust Act, 1950 which the members of the committee were unaware of and took some time to reply. The further report of the Inspector casts serious doubts on the functioning of respondent no.1-society.

(iii) On 11 March 2026, the members of the managing committee appeared before the Charity Commissioner and it is at that point of time, the Charity Commissioner came to know that the elections are scheduled on 14 March 2026. The Charity Commissioner thereafter, immediately contacted the election officer, who appeared before the Charity Commissioner on 12 March 2026 at 11.30 a.m.

(iv) The Charity Commissioner has sought the authority of the election officer and also the voters' list. The election officer stated that the voters' list has been updated up to 10 March 2026 which would have uploaded on 11 March 2026. The Charity Commissioner also got a report of various rare books missing. The Charity Commissioner has raised various serious questions on the working of the managing committee and the members of the election which took place in September 2023. After considering all these things, the Charity Commissioner passed a detailed order on 13 March 2026 and stayed the election which was to be held on 14 March 2026. The operative order of the Charity Commissioner was emailed at 3.15 p.m. in which it was mentioned that a detailed order will be uploaded. The detailed order came to be uploaded at 5.30 p.m. as per the Charity Commissioner.

10. In my view, looking at the sequence of events narrated above, no fault can be found in the Charity Commissioner passing order just one day before the election on the functioning of the society. There are serious lapses in the functioning of the society prima facie atleast. The election programme for 14 March 2026 meeting is also not produced. Therefore, no case is made for grant of interim relief. No prejudice will be caused if interim relief is not granted.

11. For all the above reasons, the interim relief sought for staying the operation of the impugned order dated 13 March 2026 is rejected.

(JITENDRA JAIN, J.)