

Government of West Bengal
Office of the Registrar of Firms, Societies & Non-Trading Corporations, West Bengal.
WBIIDC Building, 2nd floor, Block-DJ, Plot No-10
Salt Lake city, Sector-II, Bidhannagar, Kolkata-700091
Phone: 033 2321-2200 / 033 2321-2219

Memo No:

Date:

To
The Learned G.P. Kolkata High Court
Government of West Bengal,
High Court Cases Monitoring Cell,
2nd floor, (Above Protocol Department),
High Court at Calcutta,
Kolkata-700001

Ref: W.P. No. 9795 (W) of 2020

Maha Bodhi Society of India

-Versus-

The State of West Bengal & Anr.

Sir,

Please find herewith two sets of photocopy of W.P. No. 9795 (W) of 2020 (the W.P. no. collected through sarthac.com) as received by this office on 01/12/2020 on the above mentioned matter for your kind perusal and necessary action.

However, I would like to request you to consider appointment of a lawyer to represent the Registrar of Firms, Societies & Non-Trading Corporations, West Bengal in the said matter.

Yours faithfully,

for 02/12/2020
Registrar of Firms, Societies & Non- Trading
Corporations, West Bengal

BIDYUT KUMAR BANERJEE

Advocate

High Court, Calcutta.
City Civil Court Bar Association
2nd floor, Kolkata - 700001.

Chamber :

Temple Chamber,
6, Old Post Office Street
Basement, Room No.18,
Kolkata - 700001.
M : 9831038744.

Date : 25.11.2020

To

1. The Ld. Government Pleader
High Court, Calcutta.

2. The Registrar,
Office of the Registrar of Firms,
Societies and Non-Trading Corporations,
West Bengal, WBIIDC Building,
2nd floor, Block-DJ, Plot No.10,
Salt Lake City, Sector-II,
Bidhannagar, Kolkata - 700091.

Sir(s),

Re : W.P.A. No. 9795 of 2020
Maha Bodhi Society of India.
.... Petitioner
Vs.
The State of West Bengal & Anr.
.... Respondents

Enclosed please find herewith a copy of a writ petition
with all annexures which please acknowledge and oblige.

Thanking you,

Yours faithfully

Encl : As above.

Bidyut Kumar Banerjee
Advocate

District : Kolkata

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 9795 of 2020

In the matter of :

An application under Article 226 of the
Constitution of India;

And

In the matter of :

Subject matter relating to Residuary
under Group - IX, of the classification
List ;

CAUSE TITLE

The Maha Bodhi Society of India

... Petitioner

Versus

The State of West Bengal & Anr.

..... Respondents

ADVOCATE-ON-RECORD

Bidyut Kumar Banerjee,
Advocate
6, Old Post Office Street,
Kolkata - 700001
Basement Room No.18.
M : 9831038744

District : Kolkata

In the High Court at Calcutta
Constitutional Writ Jurisdiction

Appellate Side

W.P.A. No. 9725 of 2020

In the matter of :

An application under Article 226 of the
Constitution of India ;

And

In the matter of :

The Maha Bodhi Society of India

... Petitioner

Versus

The State of West Bengal & Anr.

..... Respondents

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SHORT LIST OF DATES

1. 11.10.2018 The petitioner submitted a proposal for amendment of Rules & Regulations of the Society to the Respondent No.2 the Registrar of Firms, Societies & Non-Trading Corporation, Government of West Bengal.
2. 03.07.2019 The petitioner through their Learned Advocate's letter dated 03.07.2019 addressed to the Respondent No.2, the Registrar herein inter alia, praying for expediting the process of approval on the proposed amendments.
3. 15.07.2019 Official memorandum being Memo No.27ORFS dated 15.07.2019 issued in the office of Respondent No.2, the Registrar addressed to the Learned Advocate for the petitioner.
4. 24.08.2020 The petitioner caused service of a notice dated 24.08.2020 demanding justice to the respondent.

POINTS OF LAW

1. Whether the petitioner submitted the proposal for amendment of Rules and Regulations of the Society in consonance of the Rules 26 and 27 of the Rules and Regulations of the Society and adopting a resolution passed in Annual General Meeting of the Society by a clear 3/4th majority of the members and entitled to vote?
2. Whether the respondent No.2, the Registrar has been satisfied himself that the alternation/amendment does not make the Society ineligible in sub-section (2) of Section 8 of the West Bengal Societies Registration Act, 1961?
3. Whether the respondent No.2, the Registrar acted illegally and without any reason thereby issuing a Memorandum being Memo No.270RFS dated 15.07.2019 intimating that the said alternation/amendment will not be entertained by this office till the court cases are disposed of ?
4. Whether the action of the Respondent No.2 is violative of Section 8 Sub-Section (2) of the West Bengal Societies Registration Act, 1961?

District : Kolkata

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Appellate Side

In the matter of :

W.P.A. No. 9795 of 2020;

And

In the matter of :

An application under Article 226 of the
Constitution of India;

And

In the matter of :

The Maha Bodhi Society of India, a
Registered Society, registered under
the West Bengal Societies Registration
Act, 1961, having its office at 4A,
Bankim Chatterjee Street, Police
Station Amherst Street, Kolkata -
700073, represented by its the General
Secretary.

... Petitioner

- Versus -

1. The State of West Bengal, Ministry
of Finance, Service through by its
Secretary, 325, Sarat Chatterjee Road,
Shibpur, Howrah - 711102.

2. The Registrar,
Office of the Registrar of Firms,

Societies and Non-Trading
Corporations, West Bengal, WBIIDC
Building, 2nd floor, Block-DJ, Plot
No.10, Salt Lake City, Sector-II,
Bidhannagar, Kolkata - 700091.

... Respondents

To

The Hon'ble Thottathil B. Radhakrishnan, Chief Justice and His
Companion Justices of the said Hon'ble Court.

The humble petition of the
petitioner abovenamed most
respectfully

S H E W E T H :

1. The petitioner is a peace loving and law abiding citizen of India and residing at the address as mentioned in the cause title.
2. Your petitioner, the Maha Bodhi Society of India is a religious, philanthropic and Charitable institution rendering social and voluntary services irrespective of caste, creed and community. The aims and objects of the said Society, in details, are mentioned in the Memorandum of Association. The said Society is an international Buddhist Organisation having its Branches and Centres and affiliated units in the country and other parts of the World. It was established in 1891.

The petitioner at that point of time registered in the office of Registrar of Companies under Act VII of 1915 in pursuant to Act XXI

of 1860 and subsequently under the West Bengal Societies Registration Act 1961 and Act - X of 1964 with the West Bengal Societies Registration Rules, 1963 having the same Registration number.

3. Your petitioner urgently requires to amend the Rules and Regulations of the said Society which are very much essential for running the Society effectively and to ensure the mission and vision laid down in the Memorandum of Association. Rule 26 of the Rules and Regulations of the Society provides for alternation of the Memorandum and Regulations with the previous permission of the Registrar in writing by the General body through a Resolution must be passed at an Annual General Meeting of the Society by a clear 3/4th Majority of members present and entitled to vote.

The petitioner followed the said procedure in every respect as in Annual General Meeting 3/4th Majority of the members present and entitled to vote have unanimously signified their consent for amendment of Rules & Regulations of the Society which are on record.

Rule 27 of Rules and Regulations of the Society empowers the Governing Body to make Rules and Bye Law, to alter and amend the same from time to time as occasions shall arise for the proper working of the Society and its Branches which shall be demand as part and parcel of these Articles. Your petitioner will crave leave to refer and rely on the said Memorandum of Association at the time of hearing.

4. That your petitioner following the prescribed procedure has

submitted a proposal for amendment of Rules and Regulations of the Society in October 11, 2018 to the Respondent No.2 as Section 8 of the West Bengal Societies Registration Act, 1961 specifically provides that a Society shall not alter its Memorandum except with the previous permissions of the Registrar in writing.

Copies of the said letter alongwith the proposed amendments/alterations of the Memorandum are annexed herewith and collectively marked as Annexure "P/1".

Since submission of the said proposal for amendment of Rules and Regulations of the Society there was no positive result in pursuing the matter with the office of the Registrar of Societies as delay in approval on the proposed amendment has been causing severe hindrance in the working of the Society. Your petitioner having no other alternatives served a letter through their learned Advocate to the Registrar of Societies for expediting the process of approval on the proposed amendments on 03.07.2019 as such amendment in any way does not make the Society in eligible for registration under Section 8 Sub-Section (2) of the Section Registration Act, 1961. In reply to the said letter the Registrar informed to the Learned Advocate for the petitioner by their office Memorandum being Memo No.270RFS dated 15.07.2019 that -

"As it revealed from the office records of the said society that several court cases are still pending in different courts and here the undersigned is a respondent too.

Under the above circumstances, the undersigned would like to inform you that the said alteration will not be entertained by this office till the court cases are disposed of.

This is for your information please."

A copy of the said office Memorandum is enclosed herewith and marked as Annexure "P/2".

5. Your petitioner further states and submits that the Learned Registrar of the Societies refused to accord approval on the said proposed alternation/amendment due to pending of several court cases in which the Registrar has been impleaded as parties to those suits. It will evince from the said office Memorandum issued from the office of the Learned Registrar that the said proposed amendment/alternation does not make the Society in eligible for registration under Section 8 Sub-Section (2) of the Societies Registration Act, 1961.

Two civil suits are pending before the Learned City Civil Court at Calcutta where the respondent No.2 has been in a calculated manner made as parties to the said suit. Title Suit No. 977 of 2012 filed by Mr. Ashok Dey and Premendu Barua against the Society & Ors inter-alia, praying for a declaration that the amendments dated 13.11.2009 and 29.03.2009 be declared as cancelled. The said amendments were duly allowed and acted upon as such the reliefs claimed became infructuous. Moreover, the said suit was filed on the verification of the plaintiff No. 2, Premendu Barua who has already expired as bachelor. The said suit has filed on the basis of joint cause of action, now after death of one plaintiff the said suit can not be maintainable. In connection of the said suit the Respondent No.2 has entered your appearance through your ld. Advocate and contested the said suit filing you written statement inter-alia, denying the all allegations/ statements.

That in connection of Title Suit No. 977 of 2012, the Learned City Civil Court by order No. 46 dated 13.09.2019 passed an order of

Injunction through no one was appeared on behalf of Respondent No.2. It will appear from the said order that "Having heard both sides and having considered all the orders passed by the Hon'ble High Court in different times, I hold that there is no bar for holding General Election for appointing Office Bearer amongst the other member, except defendant No.2.

The said suit admittedly cannot be maintainable and in connection of the said suit there is no injunction against the Registrar and the Society.

Now in Title Suit No. 125 of 2019 filed by the Geetanjali Panda against the Society and the Registrar but no reliefs are claimed against the Registrar. The said plaintiff prayed for various reliefs from the Court against the Society.

The said plaintiff filed the said suit without making any representation to the society before filing the said suit. The said plaintiff is a life Member of the said Society as such a member can not sue against the Society, the Rules and Regulation of the said Society does not permit her.

In the said suit the said plaintiff prayed for a declaration that the Annual General Meeting held on 16.09.2017 and 29.09.2018 are illegal, void as notices for the said meeting have not been served upon the all the members.

The said plaintiff attended all the said meetings and did not raise any objection regarding the conduct of the said meetings as such the said plaintiff can not challenge the decisions of the said

meeting. The said plaintiff filed the said suit in her personal capacity not in a representative capacity nor the other members joined with her nor raised any objection regarding the conduct of the said meetings as such the said suit is a vexatious and abuse process of the court.

Besides these, in connection of the said suit or any other suit there is no injunction restraining the Registrar and the society from allowing the said amendments. The Respondent No.2 has denied to approve the said amendments in a perfunctory manner on the pretext of pending the said suits without considering that such amendments does not make the society ineligible for registration under the Act. Section 9 of the said Act provides that a copy of every alternation/amendment of the Memorandum and the Regulations shall be filed with the Registrar within thirty days of such alternation.

6. Your petitioner submits that the Respondent No.1 is acting arbitrarily without any reasons is clearly demonstrated from the facts stated hereinbefore. The said suits have become infractous as well as there is no order of injunction or restrain orders against your petitioner noir on the Registrar of the Society. The said proposed amendment or alteration has not been challenged by any one as such there is no reason to approve the said amendment as the said proposed amendment does not make the Society ineligible for registration, there is no such disputes at all.

Your petitioner will crave leave to refer and rely on the copies of the plaint of Title Suit No.977 of 2012 and Title Suit No.125 of 2019 at the time of hearing.

7. Your petitioner states that the respondent authority in violation of their legal obligation to accord the approval of the proposed amendment of Rules and Regulations of the Society which have been approved in Annual General Meeting by three fourths Governing Body Members and more so the said proposed amendment or alternation to Rules and Regulations of the said Society does not make ineligible for registration as such the said respondent authority has failed and neglected arbitrarily, wrongfully and without any reasons to approve the said amendment on the pretext of pending those infractous suits is amendable to judicial review and liable to be struck down as unconstitutional. Therefore, the impugned action is amenable under the writ jurisdiction of this Hon'ble Court for judicial review for according justice against administrative capricious, arbitrary and unreasonable actions, inter alia, on the following amongst other :-

GROUNDS

- I. For that the acts and omissions of the respondent authority complained of are subject to rule of law and this Hon'ble Court has jurisdiction to make judicial review of the same.
- II. For that the respondent authority is acting arbitrarily, unreasonably, unfairly and unjustly contrary to Article 14 of the Constitution of India. In the premises, the respondent No.2 should be directed to perform their legal duties.
- III. For that the letter being Memo No.270RFS dated 15.07.2019 being the annexure P/2 hereto is arbitrary, unreasonable a product of an afterthought and void inasmuch as the petitioner

has complied with the all formalities and the said amendment or alteration of Memorandum and Regulations does not make the Society ineligible for registration under Section 8 Sub-Section (2) of the West Bengal Societies Registration Act. The respondent No.2 denied to entertain the said amendment on the ground of pendency of court cases which are absurd.

- IV. For that the respondent authority discharging public duties and are having duties and are having obligation to discharge their duties fairly and justly, which the respondents have refused to do in the matter of approving the amendment which is formal in nature and does not make the Society ineligible for registration under the act.
- V. For that whatever be the activity of the public authority, it should meet the test of reasonableness in consonance with the provision of Article 14 of the Constitution of India. The impugned action of the respondent does not meet the said test and therefore is liable to be struck down as unconstitutional.
- VI. For that the letter impugned is illegal, erroneous and perverse and liable to be set aside.

8. That your petitioner caused service of a notice dated 24.08.2020, demanding justice. The said notice had duly been received by the respondent Authority. The respondent authority has not given any reply to the said notice nor permitted the petitioner to carry out the said amendment which are very much essential for running the Society effectively and ensure the mission and version laid down in the Memorandum of Association. The justice demanded has been denied.

A copy of the said notice dated 24.08.2020 is annexed hereto and marked with Annexure "P/3"

9. That the petitioner has no other efficacious speedy alternative remedy available to him, the reliefs prayed for herein if granted will afford complete relief to your petitioner.

10. That your petitioner will suffer irreparable loss and injury unless the orders prayed for are made.

11. That the records relating to this case are lying at the office of the respondent No.2 outside the Ordinary Original Jurisdiction of this Hon'ble Court, as such this application is being made in the Appellate Side of this Hon'ble Court.

12. This application is made bonafide and for the ends of justice.

Your petitioner, therefore, humbly prays Your Lordships for :-

(a) A declaration that the respondents have no ground whatsoever to withhold the permission to carry out the amendment of the Memorandum and Regulations which has been submitted following the procedure;

(b) A declaration that the letter being Memo No.270RFS dated 15.09.2019 issued in the office of the respondent No.2 being Annexure P/2 be declared as null and void as the same has been issued in a perfunctory manner without considering the procedure;

(c) A writ of and/or order and/or direction in the nature of Mandamus do issue commanding the respondent authorities to withdraw the said office Memorandum being Memo No. 270 RFS dated 15.09.2019 which is either malafide or passed for consideration which is extraneous to the concerned Statutory provisions or administration Rules being Annexure P/2 herein.

(d) A writ of and/or order and/or direction in the nature of Certiorari do issue calling upon the respondents and/or each of them their Servants, agents as assign to certify and transmit to

this Hon'ble Court the entire records including the acts and/or actions on the basis of the office Memorandum being Memo No.270 RFS dated 15.07.2019 issued and all other documents in connection therewith so that consionable justice be administered to the Petitioner upon passing appropriate direction/s) order(s) for rendering conscionable justice to the petitioner ;

(e) Costs of and incidental to this application;

(f) Such further order or orders be made direction or directions be given as this Hon'ble Court may deem fit and proper.

And your petitioner as in duty bound shall ever pray.

AFFIDAVIT

I, P. Sewalee Thero, son of Late H.M. Rambhandara, by faith Buddhist, by occupation Monk, aged about 50 years, of 4A, Bankim Chatterjee Street, P.S. Amherst Street, Kolkata - 700073, do hereby solemnly affirm and say as follows:-

1. That I am the General Secretary of the Maha Bodhi Society of India, the petitioner herein as such I am fully acquainted with the facts and circumstances of the case.
2. That as such General Secretary of the Maha Bodhi Society of India, I am duly authorised and competent to affirm this affidavit on behalf of the petitioner.
3. That the statements made in paragraph No. 1 to of the foregoing petition are true to my knowledge and rest are my respectful submissions before the Hon'ble Court.

Prepared in my office

s/d B. Banerjee
Advocate

s/d P. Sewalee Thero
The deponent is known to me
and identified by me

Advocate

Solemnly affirmed before me
on this the *25th* day of
November, 2020

Commissioner



-14-

Hanuman Ki

NAMO BUDDHAYA

MAHA BODHI SOCIETY OF INDIA

(Premier International Buddhist Organisation : Estd.-1891)

Founder : Bodhisattva Anagarika Dharmapala

[Registered under W.B.S.R. Act, 1961-Regn. No. 2666 of 1915-16]

Visit us : www.mahabodhisocietyofindia.org



1864 - 1933

11.10.2018

Shri Bikash Ray, WBA & AS,
Registrar,
Office of the Registrar of Firms, Society &
Non-Trading Corporations, West Bengal,
WBIDC Building, DJ Block,
Sector-II, Salt Lake,
Kolkata-700091

Received
Contents are not Verified

11.10.18

For Register of Firms, Society &
Non-Trading Corps, West Bengal

Dear Sir,

Greetings from Maha Bodhi Society of India !

I am the General Secretary of the Society. The Rules & Regulations of the Society was intended to be amended and were unanimously passed in the last Annual General Meeting (AGM) of Maha Bodhi Society of India held in 2017 after due circulation of the proposed amendments to all the Life Members along with the Notice of AGM (copy enclosed). However, the amendments were not placed within 30 days of the AGM to your office and so it could not be considered for your approval last year. Accordingly, this year the same proposed amendments were taken up for ratification in the AGM held on 29th September, 2018 along with the recommendation of the Governing Body for additional amendments. This year also the proposed amendments have been unanimously passed in the AGM with incorporation of suggestions. A copy of the minutes of the said AGM of 29th September, 2018 is annexed herewith for your kind perusal, highlighting the Agenda no.8 to consider and approve the proposed draft Amendment of Rules & Regulations of Maha Bodhi Society of India as at page 6 to 15 of the minutes. A copy of the Notice of AGM of 29th September, 2018 with Agenda is also enclosed.

Form IV as prescribed under Rule 9 of the West Bengal Societies Registration Act, 1961 duly giving the description of alterations in the Regulations with e-Challan bearing GRN:19-201819-02974949426-1 and BRN : IK00TZEXX8 dated 10th October,2018 towards e-payment of Rs.50/- (Rupees fifty only) are submitted herewith along with copies of renewal of registration made last year on 16.10.2017 and Certificate of Registration of this Society issued from your office.

Contd.p/2

Headquarters : MAHA BODHI SOCIETY OF INDIA

Sri Dharmarajika Chetiya Vihara, 4A, Bankim Chatterjee Street, Kolkata - 700 073

Reception: +91-33 2241-5214, Office: +91-33- 2219-9294 (Direct 10 am to 5 pm) E-mail: mbsihq@gmail.com

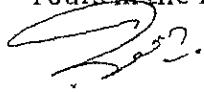
Registration for Entry of Records for e-renewal of the Registration has been also made on 10th October, 2018 for renewal of the same for the year 2018 and copies of Registration Summary and Application Summary are enclosed for your kind perusal. We undertake that necessary renewal fees will be paid immediately on receipt of your approval of the said e-Application with the earnest request to grant the approval at your earliest so that the amendments proposed under Form IV can be duly considered by you.

Your kind co-operation will go a long way in the development and fruitful implementation of the aims & objects of the Society as laid down by our Founder.

Bhavatu Sabba Mangalam,



Yours in the Dhamma,


Ven. P. Seewalee Thero
General Secretary,
Maha Bodhi Society of India.

- Enco : 1) Form IV as per Rule 9 of the West Bengal Societies Registration Act, 1961.
- 2) Copy of e-Challan bearing GRN:19-201819-02974949426-1 and BRN : IK00TZEXX8 dated 10th October,2018 towards e-payment of Rs.50/-.
 - 3) Copy of Registration of Maha Bodhi Society of India.
 - 4) Copy of e-Challan towards renewal of Registration bearing BRN date 16.10.2017
 - 5) Copy of Notice of Annual General Meeting held on 16th September, 2017 along with booklet circulated for Amendment of the Memorandum of Association, Rules and Regulations of Maha Bodhi Society of India.
 - 6) Copy of Notice of Annual General Meeting held on 29th September,2018 along with Agenda item no.8 giving the proposed draft Amendment of Rules & Regulations of Maha Bodhi Society of India.
 - 7) Copy of Minutes of the Annual General Meeting held on 16th September,2017.
 - 8) Copy of Minutes of the Annual General Meeting held on 29th September,2018.
 - 9) Copy of printed booklet of Maha Bodhi Society of India dated 1.7.2009 giving Memorandum of Association and Rules & Regulations.
 - 10) Copy of Registration Summary for e-Registration and Application Summary for successful Entry of Records of Registration of Societies under Government of West Bengal made on 10th October, 2018.

FORM IV

(See Rule 9)

FILING OF ALTERATION OF THE MEMORANDUM OR THE REGULATIONS BY A SOCIETY

THE WEST BENGAL SOCIETIES REGISTRATION ACT, 1961

To,

The Registrar of Firms, Societies and Non-Trading Corporations,
West Bengal.

I submit herewith, pursuant to rule 9, the altered Memorandum/Regulations along
with a brief statement of alterations as given below:

Name of the Society : Maha Bodhi Society of India
4A, Bankim Chatterjee Street, Kolkata - 700 073.
Registered No. of the Society : 2666 of 1915-16

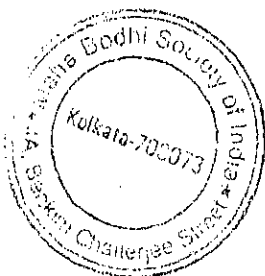
Description of alteration in Memorandum/Regulations


REGULATIONS (RULES) OF THE ASSOCIATION

Rules for the management of the Association named Maha Bodhi Society of India

Date of Alteration	Previous position	Altered Position
	<p>3. MEMBERSHIP Class of Members: (a) Patrons: Any person paying a donation of not less than Rs. 1,00,000/- in cash or kind to the Society for the furtherance of any of its objects may be enrolled as a Patron. Distinguished persons who have rendered special service to the cause of Buddhism or to the Society may also be enrolled as Patrons without the payment of aforesaid donation.</p> <p>(b) Life Members : Subject to approval by the Governing Body, any person who subscribes to the objects of the Society and pays a subscription of Rs.5000/- may be enrolled as a Life Member or on payment of \$ 300 or its equivalent in Indian currency in the case of those who wish to enrol as Life-Member from other countries. The Life Membership fee of Rs. 5000/- is applicable to nationals of India, Nepal Sri Lanka, Bangladesh and Bhutan. Admission to Life Member will be regulated by the Executive Committee.</p>	<p>MEMBERSHIP Class of Members: (a) Patrons : The persons of National/International fame who have rendered distinguished and special services to the cause of Buddhism as to propagate and to uphold the objects and aims of the Society or in any field of education, social services, arts and culture, science and technology and cause of humanity, harmony and peace may be elected as Patrons free of any subscription or payment in any kind.</p> <p>(b) Life Members : Subject to the approval of the Governing Body, any person, who keeps faith in Buddhism, propagates, upholds and supports the aims and objects of the Society, sympathises to the cause of humanity, equality, non-violence, universal brotherhood without any distinction of caste, creed, gender and class, practises Five Precepts (Pancha Sila) and pays one-time Life Membership Fee of Rs.10,000/- The Nationals of Sri Lanka, Bhatan, Nepal, Bangladesh shall pay the same fee of Rs. 10,000/- as Life Membership Fee. The Nationals of other countries shall pay US \$600 or its equivalent to Indian currency in case any of them wishes to be enrolled as Life Member of the Society. Admission to Life Member will be regulated by the Executive Committee</p>

Date:




General Secretary
Maha Bodhi Society of India

Date of Alteration	Previous position	Altered Position
<p>(d) Institutional Members: Any Religious, Educational or Cultural Institution will be eligible to become an Institutional Member of the Society on payment of a subscription of Rs. 2,000/- per annum.</p>	Proposed to be deleted.	
<p>(e) Dharmaduta Members: Bhikkhus, Brahmacharis and other full time honorary members of the Society may be elected to Dharmaduta Membership and are not required to pay fees or subscriptions.</p>	<p>(e) Dharmaduta Members : Dharmaduta Members shall be normally selected by the Anagarika Dharmapala Trust, Sri Lanka. Dharmaduta Members may also be selected from any other distinguished Buddhist Organisations / Institutes after thorough scrutiny of his antecedents etc. on the recommendation of the General Secretary of Society and recommending organizations/institutes provided they possess the following qualifications :</p> <p>(i) Such person shall observe and practise complete celibacy (Brahmacharya). (ii) Such person shall have complete and unshakable faith in the teachings of the Buddha. (iii) Such Dharmaduta Bhikkhus / Bhikkhunis shall observe and practise Fundamental Code of Conduct for the Monks as prescribed in the Buddhist Text viz. Vinay Pitaka. (iv) Such person shall have proper knowledge of Pali language and Tripitaka (the Buddhist text). (v) Any Bhikkhus/Bhikkhunis, celibate (Brahmachari), Anagarika (Homeless one) and other full time member of the Society, may also be selected and appointed as Dharmaduta Member. Those who are selected and appointed as Dharmaduta Members shall be Honourary Life Members after 5 years service. They shall not be required to pay any fee or subscription.</p>	
<p>(f) Ordinary Members: Any person interested in the objects of the Society and paying a subscription of Rs. 1000/- per annum in advance and an entrance fee of Rs. 500/- may be enrolled as an Ordinary Member.</p>	Proposed to be deleted	
<p>(g) Associate & Student Members : any person or student interested in the objects of the Society, paying an Admission Fee of Rs. 25/- and an Annual Subscription of Rs. 100/- in advance may be elected as an Associate/ Student Member respectively. Such Members will not have the right of voting in any General Meeting or Special General Meeting of the Society or of obtaining the Journal of the Society free of charge.</p>	Proposed to be deleted	
<p>4. ADMISSION (c) New Sub Clause</p>	<p>(c) No person, who has occupied forcibly or unauthorisedly the property or any part or portion of the property which belongs to Society or has indulged in litigation against the Society, for the same, in any court of law, shall be eligible for the membership in any category in the Society . If such person is already holding the membership in any category (as mentioned in clause 3), his membership shall be terminated with immediate effect.</p>	
<p>5. MEMBERSHIP - (a) Qualification and admission: Provided that none convicted of the offence of moral turpitude or declared insolvent shall be admitted to in the membership of the Society.</p>	No. Change	



[Signature]
General Secretary
Maha Bodhi Society of India

Date of Alteration	Previous position	Altered Position
<p>Method of Selection : Application for Life, Ordinary and Associate/ Student Membership shall be in writing in the Form prescribed stating age, religion and profession of the applicant who may be elected at a meeting of the Governing Body after being duly-proposed by a Life Member of the Society and seconded by another Life Member of the Society, and duly forwarded and recommended by the Executive Committee.</p>	<p>Method of Selection : An application for Life Membership of the Society shall be submitted in writing to the General Secretary alongwith a latest photograph and a copy Aadhar / PAN Card / Passport, in the prescribed Application Form stating name, address, date of birth, gender, religion, profession, educational qualifications and Nationality etc. of the applicant. The Proposer and the Seconder of the applicant are to ensure that the applicant bears a good moral character. The Application Forms may be recommended by the Executive Committee to the Governing Body for consideration to grant Life Membership of the Society.</p>	
<p>Patrons, Honorary Members and Institutional Members shall be elected by the Society at the Annual General Meeting on the recommendation made by the Governing Body.</p>	<p>Delete 'and Institutional Members'</p>	
<p>(b) Period of Members: Institutional, Ordinary, Associate and Student Members will continue as members so long as the membership is renewed annually by the payment of subscription before, the expiry of current year. Dharmaduta Members will cease to be members on their leaving the Society or when their services are dispensed with by the Society for any reason or on resignation.</p>	<p>(b) Period of Membership: Patrons, Honorary Members, Office-bears and Governing Body Members shall be elected for three years term. There is no bar to their re-election for more terms, subject to maximum three terms. Life Members shall remain as Members of the Society for the whole life. Dharmaduta Members shall generally continue to serve the Society as long as they are physically and mentally fit or they are not removed or dismissed for any misconduct / working against the interest of the Society, by the Governing Body or they leave the Society voluntarily at their own.</p>	
<p>A person who ceases to be a member for the non-payment of dues may be re-enrolled provided there are no outstanding dues from him or unless he is exempted from paying such outstanding dues by the Governing Body. Notices of dues shall be served on all Institutional, Ordinary, Associate and Student Members at least one month before the expiry of membership</p>	<p>To be deleted</p>	
<p>(c) Privileges of Members : All Life, Ordinary Members and Institutional Members shall receive the Society's English journal 'The Maha Bodhi' or other journal in the vernacular languages, whichever is preferred by them and other pamphlets, publications journals on such terms as the Governing Body may determine. They shall be entitled to attend classes, meetings, discussion and other functions on invitation and to exercise their votes when necessary.</p>	<p>No Change</p>	
<p>In the case of Institutional Members, a duly nominated and authorised representative of the Institutional Member will be entitled to attend and exercise the votes at any meeting of the Society.</p>	<p>Propose to be deleted.</p>	
<p>No Institutional Members whose subscription is in arrear for a period of 12 months shall be entitled to vote at the meetings of the Society.</p>	<p>Propose to be deleted.</p>	
<p>All Life and Institutional Members duly elected shall hold Membership in the Society for at least 12 months from the date of such election before they are eligible to exercise their votes at an Annual or Special General Meeting of the Society.</p>	<p>Propose to delete the words 'and Institutional'.</p>	



[Signature]
General Secretary
Maha Bodhi Society of India

Date of Alteration	Previous position	Altered Position
	<p>(d) Discontinuation of Membership: A member may be removed by the Governing Body from the list of Members of the Society in the best interests of the Society, subject to approval by the Society at its next General Meeting.</p>	<p>(d) Discontinuation of Membership / Post: Any Member - Life, Dharamaduta, Honorary including Patron, Trustees and Governing Body, may be removed by the Governing Body from his respective membership or post in the interest of the Society upon holding an enquiry by a Committee appointed by the General Secretary and the report thereof submitted to the Governing Body, subject to the approval in the next Annual General Meeting or special General Meeting of the Society, provided that :- (i) If found indulged and responsible to cause schism or rift (Sangha-bheda) in the Society by slandering, tale bearing or conspiracy . (ii) If not adhering to the Aims and Objects of the Society. (iii) If the activities are detrimental to the cause, interest of the Society or common man or both. (iv) If the general behaviour and speech are unparliamentarily, harsh and abusive within the Society or in public. (v) If found guilty or convicted by any Court of Law for any criminal offence, physical and verbal abuses, misdemeanor, felony, fraud, theft, defalcation, embezzlement, violation of law or Rule of the Central / State Government which may bring bad name and infamy to the Society and its aims and objects. (vi) If occupies, or tries to occupy or has already forcibly and unauthorisedly occupied the immovable /movable property (or any part or portion) belonging to the Society or indulged in litigation against the Society for the same in any court of law.</p>
	<p>Heading : Special Meetings 6.2 A Special Meeting of the Society shall be summoned by the General Secretary of the Society to consider any special / specific agenda if-</p>	<p>Heading : Special/General/ Governing Body Meetings 6.2 No Change</p>
	<p>(a) The Governing Body so desires. (b) On request in writing with specific agenda by any fifty members of the Society with voting rights, such meetings may be convened by the General Secretary with the approval of the Governing Body within two months of the request for a Special Meeting.</p>	<p>(a) The President/ General Secretary / Governing Body so desires. (b) On request in writing with specific agenda by any fifty (50) Life Members of the Society comprising & representing all the Centres/ Branches in case of Special General Meeting and eleven (11) Life Members in case of the Special Governing Body Meeting with voting rights. Such meetings may be convened by the General Secretary with the approval of the Governing Body within one month of the request made for a Special General Meeting and within a week for Special Governing Body Meeting of such request made.</p>
	<p>Heading: QUORUM FOR GENERAL OR SPECIAL MEETINGS 8. 2.5% Members entitled to vote shall form the quorum for any General or Special Meeting.</p>	<p>Heading: QUORUM FOR ANNUAL GENERAL OR SPECIAL GENERAL MEETINGS 2.5% Members entitled to vote shall form the quorum for Annual General or Special General Meeting. If there is short of quorum, the meeting shall be adjourned and shall resume after 15 minutes when no quorum will be necessary.</p>
	<p>Heding : VENUE OF THE ANNUAL GENERAL OR SPECIAL GENERAL MEETING 10. (ii) A General or Special Meeting under this rule shall ordinarily be held at the Headquarters of the Society in Kolkata.</p>	<p>Heding : VENUE OF THE ANNUAL GENERAL OR SPECIAL GENERAL AND GOVERNING BODY MEETINGS The Annual General Meeting/ Special General Meeting and Governing Body Meeting under this rule shall ordinarily be held at the Headquarters of the Society in Kolkata. The meetings can also be held at any Centre/Branch of the Society or at any place in India and abroad as will be decided by the Governing Body.</p>



[Signature]
General Secretary
Maha Bodhi Society of India

GOVERNING BODY

12. (i) The Governing Body shall ordinarily consist of 75 members, including the Office-bearers, the Trustees, who shall be ex-officio members and the remainder to be elected from amongst members, excluding Honorary, Corresponding and Associate/ Student Members of which a majority shall be Buddhist by faith. Bhikkhus-in-Charge and Secretaries of the several Branches and Centres may be co-opted as members.

(a) Fifteen members shall form a Quorum of the Governing Body.

(b) Office bearers shall normally remain in office for three years until new election takes place except where otherwise specified.

(c) President:

The Society shall elect an eminent Life member as President, on the recommendation of the Governing Body. He must be a Buddhist by birth and faith.

(j) All appointments and dismissals and transfers of officers and Dharmaduta Members are vested in the Governing Body.

(k) A quarterly statement of income and expenditure of the Society shall be considered by the Governing Body. No expenditure which has not been included in the Budget will be incurred, except in case of an emergency, when the General Secretary is authorized to spend upto the sum of Rs.25,000/-subject to the approval of the Governing Body.

(l) The Governing Body may appoint an Administrative Officer on such terms and conditions, as may be decided by them to assist the General Secretary in running the administration of the Society according to Regulations, by laws and Rules of the Association. The Administrative Officer shall discharge such duties and functions as from time to time entrusted to him by the General Secretary.

The Governing Body shall consist of 50 members, including the Office-bearers, Trustees who shall be ex-officio members, nominated Life Members from Centres/Branches, maximum upto 15. The remainder to be elected from amongst the Life members and in doing so, it shall be ensured and maintained that eminent Life Member may be taken in the Governing Body in a proper and rational number from such places, even though there is no Centre / Branch to maintain proper and adequate regional representation in the Governing Body to avoid imbalance, disproportion and disparity. Bhikkhus-in-charge, Centres and Branches may be co-opted as members. The majority of Governing Body Member shall be Buddhist by faith and practice.

Life Members who have rendered at least three years distinguished services to the Society shall be entitled to be elected or chosen as Governing Body Members, except in special cases, the Governing Body may relax the same for the eminent and distinguished personality of high repute.

Seventeen members shall form a Quorum of the Governing Body Meeting.

Office bearers and Governing Body Members shall normally remain in office for three years until new election takes place, except where otherwise specified.

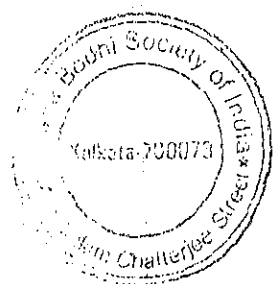
The Society shall elect/select an eminent Life member as President, on the recommendation of the Governing Body. He must be a Buddhist by faith and also preferably by birth.


All appointments and dismissals and transfers of officers and Dharmaduta Members are vested with the General Secretary in consultation with the Governing Body.

A quarterly statement of income and expenditure of the Society shall be considered by the Governing Body. No expenditure which has not been included in the Budget will be incurred, except in case of an emergency, when the General Secretary is authorized to spend upto the sum of Rs. 1,00,000/- (Rupees One Lakh) subject to the post-facto approval of the Governing Body.

The Governing Body may appoint an Administrative Secretary at the Headquarters on such terms and conditions, as may be decided by them to assist the General Secretary in running the administration of the Society according to Regulations, bye laws and Rules of the Association. The Administrative Secretary shall discharge such duties and functions as from time-to-time entrusted to him by the General Secretary.

Administrative Officers may be also appointed at the Centres/Branches, if required and decided by the Governing Body, to carry out administrative functions, legal and any other matter which the Bhikkhu-in-Charge may desire under the overall supervision and control of the General Secretary. Such Administrative Officers preferably Buddhist, will be appointed by the General Secretary.




General Secretary
Maha Bodhi Society of India

Date of Alteration	Previous position	Altered Position
	<p>Heading: Nil</p> <p>14. (f) Payments exceeding Rs.2000/- shall as a rule be made by cheques from the bank accounts of the Headquarters of the Society and Branches and Centres (except payment of salaries, wages and allowances to employees/ staff).</p> <p>(g) Cheques shall be signed jointly by the Treasurer and two of the following:-</p> <p>(i) General Secretary and</p> <p>(ii) One of the two members nominated by the Governing Body. In case the General secretary is unable to sign the cheques the two members nominated by the Governing body shall sign the cheques along with the Treasurer. Incase the Treasurer is unable to act for this purpose, the Governing Body or in case of an emergency, the President or a Vice-President shall make suitable arrangements.</p>	<p>Heading: GENERAL FUND</p> <p>Payments exceeding Rs. 10,000/- (Rupees Ten thousand) shall as a rule be made by cheques from the bank accounts of the Headquarters of the Society and Branches and Centres (except payment of salaries, wages and allowances to employees/staff).</p> <p>Cheques shall be signed jointly by the Treasurer and two of the following:-</p> <p>General Secretary and</p> <p>One of the two members nominated by the Governing Body including Joint Secretary. In case the Treasurer is unable to perform this task, Assistant Treasurer or a Member nominated by the Governing Body, shall sign the cheques in place of Treasurer.</p>

DUTIES OF OFFICE BEARERS

17. (c) General Secretary :

The General Secretary shall be the principal Executive Officer of the Society, subject to the control of the Governing Body. He shall exercise supervision over all affairs of the Society. He shall keep in the custody at the Society principal records of the Society. He shall scrutinise the accounts and authorise the bills for the approval of the Treasurer. He shall arrange to place quarterly returns of income and expenditure before the Governing Body. He shall act as an ex-officio member of all the Committees of Management of all the different institutions run by the Society. He shall keep an imprest cash of Rs. 10,000/- to meet current expenses. During the absence of the General Secretary, a Vice-President, or a Joint Secretary or Treasurer shall authorise payments on his behalf subject to the subsequent approval by, the General Secretary.

(d) The Joint Secretaries:

One of the Joint Secretaries may be attached to the Headquarters, and also remain In-Charge of one Or more Centre/Branches of the Society under the overall supervision of the General Secretary and shall carry on all duties connected with the work of the Society relating to any particular Centres/Branches.

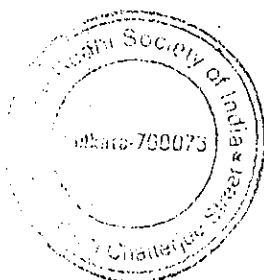
(c) General Secretary :

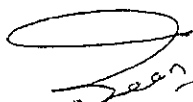
The General Secretary shall be the Chief Executive Officer, being the Chief Functionary of the Society. He shall report all administrative, important financial, legal and policy matters to the Governing Body. He shall exercise supervision over all the affairs of the Society including all Centres/ Branches. He shall keep in his custody the principal records of the Society. After scrutiny of the accounts and the bills by the Treasurer for payment, the General Secretary may approve the same. He shall act as an ex-officio member of all the Committee of Management of all the different institutions run by the Society. He shall keep an imprest cash of sufficient amount to meet current/unexpected /exigent expenses, if any. During the absence of the General Secretary, a Vice-President, or a Joint Secretary or Treasurer shall authorise payments on his behalf subject to the subsequent approval by the General Secretary.

The General Secretary may also take appropriate decisions in any matter on emergent basis and shall take post-facto approval of the Governing Body as may be required.

In case of any extreme exigency arising in running the Society, the General Secretary shall remain empowered to take appropriate action to maintain the smooth functioning of the Society.

One of the two Joint Secretaries shall invariably be posted at the Headquarters and shall discharge such functions as may be entrusted by the General Secretary. The other Joint Secretary shall devote and dedicate his all time to arrange Seminars, Dhamma talks and Vipassana (Meditation) retreat and all religious activities to propagate and disseminate the teachings of Buddha in India and abroad to achieve and fulfil the aims and objects of the Society under the guidance of the General Secretary.




General Secretary
Mahabodhi Society of India

Date of Alteration	Previous position	Altered Position
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(e) Treasurer:
The Treasurer shall remain responsible for the funds and accounts of the Society.

(i) The Treasurer of the Society is the sole Key Financial Functionary who is responsible to control and handle the funds/accounts /budget of the Society. Accounts of Income & Expenditures shall be maintained by the Treasurer. An Itemwise register shall be maintained with the Treasurer. Sanctions of fund for various activities, works shall be obtained by him from the General Secretary as and when required. A Statement of Account viz. receipts and expenditures of Annual Financial Year shall be presented at the Annual General Meeting by the Treasurer.

(ii) The Treasurer being a Controller and Custodian of all Budgetary matters shall keep himself well apprised and updated with the latest Financial Transactions Rules and Regulations of R.B.I., F.C.R.A., F.E.M.A., E.D. Money Laundering and Income Tax etc. so that any financial irregularity or violation of the said rules and regulations may be kept at bay.

(iii) The Treasurer shall ensure to inform the General Secretary, about the aforesaid Rules & Regulations and to the Bhikkhu-in-Charge/Accountant of all the Centres/Branches through General Secretary for strict compliance in all financial transactions of the Society. He shall also ensure that the accounts of the Centres/Branches and those of the Headquarters are properly maintained.

(iv) The Treasurer along with his aforesaid duties is supposed to be the Financial Advisor to the General Secretary in particular and to the Society in general. He shall ensure the proper and appropriate utilization of the Funds/Budget of the Society to check overdraft, extravagance, misuse and embezzlement etc.

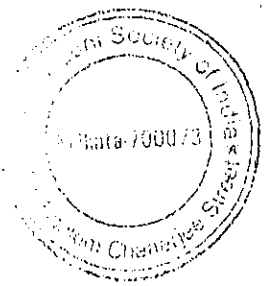
(v) No financial transactions of funds in any form shall be made without the prior permission and sanction of the General Secretary of the Society.

DUTIES OF BHIKKHUS-IN- CHARGE / SECRETARY OF THE CENTRES/BRANCHES;

18. New Clause
(All subsequent Clauses shall be re-numbered accordingly)

18. (a) Bhikkhus-in-Charge/Secretary of the Centres/Branches will look after the administrative, religious, educational institutions, cultural, social and charitable activities and look after the Buddhist temples, Viharas, Dharmasala, libraries, gardens, etc of the Centres/Branches of the Society to which he is posted.

(b) Bhikkhus-in-Charge / Secretary of the Centres/Branches will be solely responsible for proper accounting and maintenance of funds and donations and proper utilization thereof under the guidelines of the General Secretary and the Treasurer of the Society.



[Signature]
General Secretary
Maha Bodhi Society of India

Date of Alteration	Previous position	Altered Position
		<p>(c) Bhikkhus-in-Charge / Secretary of the Centres/ Branches will be responsible for submission of monthly accounts, annual report, annual budget, bank statement etc to the Headquarters in proper time.</p> <p>(d) Bhikkhus-in-Charge / Secretary of the Centres/ Branches shall maintain assets register and legal records (if any) and Dharmaduta Members Register of the Centres/Branches for verification & submission to the Headquarters whenever necessary.</p> <p>(e) Bhikkhus-in-Charge / Secretary of the Centres/ Branches may delegate the proper duties and responsibility of the Centres/Branches to the Dharmaduta Members deputed by the Headquarters from time-to-time.</p>

TRUSTEES

22. There shall be seven Trustees of whom at least four must be Buddhist by faith. The Governing Body may appoint one of the Trustees of the Anagarika Dharmapala Trust of Colombo to the Board of Trustees of the Maha Bodhi Society of India. He will enjoy all powers and privileges like all other Trustees of the Board Trust to be registered under appropriate Act.

23. There shall be seven Trustees who shall constitute the Board of Trustees of Maha Bodhi Society of India. Out of seven Trustees, two Trustees shall be nominated by Anagarika Dharmapala Trust created by the Trust Deed of 29th November, 1930 by Bodhisattva Anagarika Dharmapala and four Trustees shall be nominated by the Governing Body of the Maha Bodhi Society of India. The General Secretary of the Society shall be a Trustee by virtue of his office (Ex-officio). All the Trustees shall be Buddhist by faith.

Board of Trustees shall function with mutual communication and understanding.

(a) Trustees shall hold office for life unless incapacitated in any way or unless they resign voluntarily.

Trustees shall hold office for life unless incapacitated in any way or unless they resign voluntarily or their membership is discontinued for any reason whatsoever.

(b) All movable and immovable properties, stocks, funds, shares, books, manuscripts, images, relics and all other properties of the Society as mentioned in the Trust Deed, Will and Codicil shall be vested in them conditional with the aforesaid Codicil and the general interests of the Society.

No Change

(c) They shall abide by any requisition of the Governing Body provided such requisitions are in conformity with the terms of all aforesaid Codicil.

Trustees shall abide by any requisition of the Governing Body provided such requisitions are in conformity with the terms of all aforesaid Codicil or the Rules & Regulations of Maha Bodhi Society of India.

(d) No part of the Trust property shall be sold, mortgaged, leased, assigned, transferred or otherwise disposed off without the authority of the Trustees and without the approval of the Governing Body of the Maha Bodhi Society of India. The Trustees shall be appointed by the Society at its Annual General Meeting.

No part of the Trust property shall be sold, mortgaged, leased, assigned, transferred or otherwise disposed off without the authority of the Trustees and without the approval of the Governing Body of the Maha Bodhi Society of India. The Trustees shall be appointed by the Society at its Annual General Meeting on the recommendation of the Governing Body.

(e) Should a Trustee dies, resigns or leave India to permanently reside outside or be otherwise incapacitated to serve, a successor shall be nominated and appointed by the Society.

Should a Trustee dies, resigns or leave India to permanently reside outside or be otherwise incapacitated to serve, or discontinued to be Member of the Society, a successor shall be nominated and appointed by the Society.

(f) No salary or compensation shall be payable to them by the Society.

No Change



[Signature]
General Secretary
Maha Bodhi Society of India

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Am n. epa R 2

Government of West Bengal
Office of the Registrar of Firms, Societies & Non-Trading Corporations, West Bengal
WBIIDC Building, 2nd floor, Block-DJ, Plot No. -10
Salt Lake City, Sector-II, Bidhannagar, Kolkata-700091
Phone: 0332321-2200 / 0332321-2219

Memo No: 270 RFS

Date: 15/7/19

To
Advocate Manab Ranjan Sarbadhikari
6, K.S. Roy Road,
Room No. 3,
Kolkata-700001.

Sub: Alteration in the Constitution of Maha Bodhi Society

Ref: Your letter dated 03.07.2019.


Sir,

As it revealed from the office records of the said society that several court cases are still pending in different courts and here the undersigned is a respondent too.

Under the above circumstances, the undersigned would like to inform you that the said alteration will not be entertained by this office till the court cases are disposed of.

This is for your information please.

Yours Faithfully,

 15/07/19
Registrar of Firms, Societies & Non-Trading
Corporations, West Bengal

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BIDYUT KUMAR BANERJEE

Advocate

High Court, Calcutta.
City Civil Court Bar Association
2nd floor, Kolkata - 700001.

Amnayan P-3
Chamber :

Temple Chamber,
6, Old Post Office Street
Basement, Room No.18,
Kolkata - 700001.
M : 9831038744.

Date : 24.08.2020

1

Registered with A/D

To

1. The Registrar,
Office of the Registrar of Firms,
Societies & Non-Trading Corporations,
West Bengal, WBIIDC Building, 2nd floor,
Block-DJ, Plot No.10,
Salt Lake City, Sector - II,
Bidhannagar, Kolkata - 7000091.

Ⓜ

Sir(s),

My Client: Maha Bodhi Society of India,
4A, Bankim Chatterjee Street,
Police Station Amhest Street,
Kolkata - 700073 (W.B.)

Re : Demands of Justice for approval of
the proposed amendment of Rules &
Regulations of the Society.

Under instructions received from my above client, I
address you as follows :-

1. You are well aware that my said client, Mahabodhi
Society of India is an International Buddhist Charitable
Organisation functioning as Promoter of religious, Cultural,
educational, Social service and welfare activities. The said
Society having its Branches and Centres and affiliated Units

Adm. P-3

BIDYUT KUMAR BANERJEE**Advocate**

High Court, Calcutta.
City Civil Court Bar Association
2nd floor, Kolkata - 700001.

Chamber :

Temple Chamber,
6, Old Post Office Street
Basement, Room No.18,
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M : 9831038744.

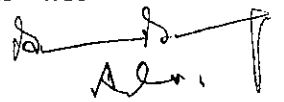
Date : 24.08.2020

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in the Country and other parts of the World. It was established in 1981. The said Society was registered in 1915 first under the Companies Act and subsequently under the West Bengal Societies Registration Act, 1961 & Act X of 1964 with the Societies Registration Rules, 1963 having the same Registration Number.

2. That my said client submitted a Proposal for amendment of Rules and Regulations of the Society in October, 2018 in consonance of the Rules and Regulations of the West Bengal Societies Registration Act, 1961 and also in terms of the Rules and Regulations of the Societies which provides for amendment of the Memorandum of Association with the previous permission of the Registrar in Writing approved by three fourths Governing Body Members recorded in the Registrar. The said proposed amendments of the Rules and Regulations of the said Society are very much essential for smooth administration and to ensure the mission and vision laid down in the Memorandum of Association.

3. That my said client through their Learned Advocate's letter dated 03.07.2019 received by your office ^{on} 04.07.2019 requested you to approve the proposed amendment without any further delay as delay in approval on the proposed amendment has been causing severe hindrance in the



BIDYUT KUMAR BANERJEE

Advocate

High Court, Calcutta.
 City Civil Court Bar Association
 2nd floor, Kolkata - 700001.

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Date : 24.08.2020

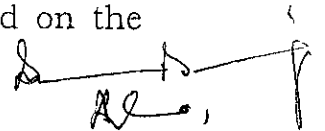
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working of the Society. In reply to the said letter issued by the Learned Advocate for the Society you have by your letter dated 15.07.2019 for the first time assigned the reasons for not entertaining the said alternation/amendment inter-alia, stating -

“As it revealed from the office records of the said Society that Several Court cases are still pending in different courts and here the undersigned is a respondent.

Under the above circumstances, the undersigned would like to inform you that the said alternation will not be entertained by this office till the court cases are disposed of.”

4. You should agree that two civil suits are pending before the Learned City Civil Court at Calcutta where you have been in a calculated manner made as parties to the said suit. Title Suit No. 977 of 2012 filed by Mr. Ashok Dey and Premendu Barua against the Society & Ors inter-alia, praying for a declaration that the amendments dated 13.11.2009 and 29.03.2009 be declared as cancelled. The said amendments were duly allowed and acted upon as such the reliefs claimed became infructuous. Moreover, the said suit was filed on the verification of the plaintiff No. 2, Premendu Barua who has already expired as bachelor. The said suit has filed on the



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BIDYUT KUMAR BANERJEE

Advocate

High Court, Calcutta.
City Civil Court Bar Association
2nd floor, Kolkata - 700001.

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Temple Chamber,
6, Old Post Office Street
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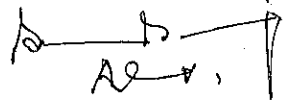
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basis of joint cause of action, now after death of one plaintiff the said suit can not be maintainable. In connection of the said suit you have entered your appearance through your Id. Advocate and contested the said suit filing you written statement inter-alia, denying the all allegations/statements.

5. You should also appreciate that in connection of Title Suit No. 977 of 2012, the Learned City Civil Court by order No. 46 dated 13.09.2019 passed an order of Injunction through no one was appeared on your behalf. It will appear from the said order that "Having heard both sides and having considered all the orders passed by the Hon'ble High Court in difference times, I hold that there is no bar for holding General Election for appointing Office Bearer amongst the other member, except defendant No.2. //

The said suit admittedly cannot be maintainable and in connection of the said suit there is no injunction against you and the Society.

Now in Title Suit No. 125 of 2019 filed by the Geetanjali Panda against the Society and you but no reliefs are claimed against you. The said plaintiff prayed for various reliefs from the Court against the Society.



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BIDYUT KUMAR BANERJEE

Advocate

High Court, Calcutta.
City Civil Court Bar Association
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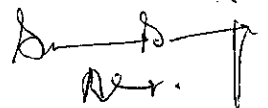
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The said plaintiff filed the said suit without making any representation to the society before filing the said suit. The said plaintiff is a life Member of the said Society as such a member can not sue against the Society, the Rules and Regulation of the said Society does not permit her.

In the said suit the said plaintiff prayed for a declaration that the Annual General Meeting held on 16.09.2017 and 29.09.2018 are illegal, void as notices for the said meeting have not been served upon the all the members.

The said plaintiff attended all the said meetings and did not raise any objection regarding the conduct of the said meetings as such the said plaintiff can not challenge the decisions of the said meeting. The said plaintiff filed the said suit in her personal capacity not in a representative capacity nor the other members joined with her nor raised any objection regarding the conduct of the said meetings as such the said suit is a vexatious and abuse process of the court.

Besides these, in connection of the said suit or any other suit there is no injunction restraining you and the society from allowing the said amendments. You have denied to approve the said amendments in a perfunctory manner on the pretext of pending the said suits without considering that such


Per.

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BIDYUT KUMAR BANERJEE

Advocate

High Court, Calcutta.
City Civil Court Bar Association
2nd floor, Kolkata - 700001.

Chamber :

Temple Chamber,
6, Old Post Office Street
Basement, Room No.18,
Kolkata - 700001.
M : 9831038744.

Date : 24.08.2020

6

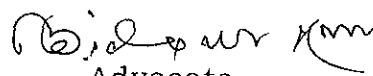
amendments does not make the society ineligible for registration under the Act. Section 9 of the said Act provides that a copy of every alternation/amendment of the Memorandum and the Regulations shall be filed with the Registrar within thirty days of such alternation.

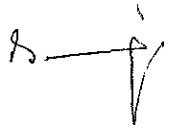
6. You are therefore, called upon to look into the matter and to take an effective steps to approve the said amendment as sought for expeditiously preferably within 14 days upon receipt of this letter as delay in approval of the proposed amendment has been causing tremendous difficulties in smooth running the day to day activities of the said Society without any further delay. In default, my said client will have no other alternative but to move before the Hon'ble High Court under its Constitutional Writ Jurisdiction for redressal of their grievances without any further reference to you, you will be liable for all costs and consequences.

I, hope justice demanded should not be denied.

Thanking you,

Yours faithfully,


Advocate



District : Kolkata

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT

JURISDICTION

Appellate Side

W.P.A No. 9795 of 2020

In the matter of :

An application under Article 226 of the
Constitution of India;

And

In the matter of :

The Maha Bodhi Society of India
... Petitioner

Versus

The State of West Bengal & Anr.
.... Respondents

WRIT PETITION

Bidyut Kumar Banerjee,
Advocate
6, Old Post Office Street,
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Basement Room No.18.
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