

Dear Members,

We refer to Dr. Deepak Talwar's email dated 4th July 2023 [**Dr. Talwar's Email**].

1. At the outset, we deny each and every allegation and imputation contained in Dr. Deepak Talwar's Email and state the contents thereof are thoroughly misconceived, based on complete erroneous reading of the orders passed by the Hon'ble Bombay High Court and do not represent the true and correct facts in the matter. The true and correct facts in the matter are briefly set out below for the benefit of all members:
 - a. On account of the illegalities and irregularities in the election process for Governing Body 2022-2023, we filed an application being Application No. ACC/V/42/2022 before the Ld. Asst. Charity Commissioner, Mumbai *inter alia* seeking restrain on Dr. Behera from conducting the election. The Ld. Asst. Charity Commissioner *vide* its order dated 26th August 2022 did not grant any interim relief for the reasons recorded therein. The said Application, however, is still pending hearing and final disposal.
 - b. Thereafter, the Governing Body 2021-2022 resolved to conduct fair elections for Governing Body 2022-2023 under the supervision of Dr. D. J. Christopher. Dr. Ravindra Sarnaik from Nagpur then filed an application being Application No. ACC/V/60/2022 before the Ld. Asst. Charity Commissioner *inter alia* seeking restrain on Dr. Christopher from conducting the election. The Ld. Asst. Charity Commissioner *vide* its order dated 15th September 2022 refused to grant any interim relief in his favour. The said Application, however, is still pending hearing and final disposal.
 - c. Dr. Ravindra Sarnaik then filed a Writ Petition No. 11598 of 2022 challenging the Ld. Asst. Charity Commissioner's order dated 15th September 2022 and we filed a Writ Petition No. 14449 of 2022 *inter alia* challenging the Ld. Asst. Charity Commissioner's order dated 26th August 2022.
 - d. Despite the fact that we had filed a caveat and served a copy of the same upon Dr. Ravindra Sarnaik, without serving a copy of the Writ Petition upon us and without giving us a notice of the hearing, applied for an ex-parte order basis false statements and misrepresentations. Based on such misrepresentations made before the Hon'ble High Court by Dr. Ravindra Sarnaik, the Hon'ble High Court passed an order dated 10th October 2022 *prima facie* observing that the new governing body (elected by Dr. Christopher) shall not take charge from the body elected on 26th August 2022. Without prejudice to our rights and contentions in respect of the order dated 10th October 2022, we say that it is pertinent to mention that on the said date the body elected on 26th August 2022 did not have the charge of the affairs of ICS. In fact, even today, the said body does not have the charge of the affairs of ICS.

- e. While the aforesaid Writ Petitions were pending, Dr.DeepakTalwar although not being party to any of the proceedings before the Ld. Asst. Charity Commissioner and having no locus whatsoever, filed application(s) seeking impleadment and interim reliefs.
 - f. On 26th June 2023, at Dr.DeepakTalwar's request the said Writ Petitions and *inter alia* the applications filed by Dr.DeepakTalwar were listed for hearing before the Hon'ble Bombay High Court. Considering however that the adjudication of applications would require the Court to delve into the thickets of facts, which is not permissible in exercise of supervisory writ jurisdiction, the Hon'ble Bombay High Court did not grant any reliefs to Dr.DeepakTalwar and infact, directed the Asst. Charity Commissioner to hear the main applications pending before him expeditiously [**the said Order**]. Pertinently, the said Order, in paragraph 24, states that '*all contentions of all the parties are kept open for the consideration and this Court may not be understood to have expressed any opinion on the merits of the matter including the locus of the parties and tenability of the applications.*'
 - g. Without prejudice to all my rights in respect of the said Order, we say that a bare perusal of the said Order, therefore, makes it clear that Dr.DeepakTalwar's Email is erroneous and misconceived as it *inter alia* proceeds on a complete misreading of the said Order.
2. With this above background, we deal with the contents of Dr.DeepakTalwar's Email paragraph wise as under:
- a. With reference to unnumbered paragraph 1, we deny all the allegations and imputations contained in the paragraph under reference. we deny that the Hon'ble Bombay High Court *vide* the said Order refused to grant reliefs to me, as alleged or otherwise. As regards the order dated 10th October 2022, as stated above, without prejudice to all my rights and contentions in respect of the said ex-parte order dated 10th October 2022, it *inter alia* records *prima facie* observation that the new governing body (elected by Dr. Christopher) shall not take charge from the body elected on 26th August 2022. **The order does not allow the body elected by Dr.DBehera to take over as the Governing Body 2022-2023 and/ or to function and discharge duties as elected body, as alleged or otherwise.** A bare perusal of the said order dated 10th October 2022 makes it clear that the entire narration of the order as contained in Dr.Deepak Talwar's Email is misconceived. A copy of the said order dated 10th October 2022 is enclosed herewith, for everyone's benefit. I rely upon the true and correct interpretation of the orders dated 10th October 2022 and 26th June 2023. As regards the functioning of ICS, we say that due to the ongoing disputes, the charge has not been handed over to either of the elected bodies. It is the Governing Body 2021-2022, which is managing the affairs of ICS in its best interest. The Governing Body

2021-2022 continues to pay salaries to employees, discharge statutory duties towards various authorities such as Income Tax, Charity Commissioner, etc.

- b. With reference to unnumbered paragraph 2, we reiterate all that is stated hereinabove and deny the allegations contained in the paragraph under reference in *toto*. we say that since Governing Body 2021-2022 is in the charge of the affairs of ICS, it has resolved to hold NAPCON 2023 in Delhi. Neither of the elected bodies for 2022-2023 have charge of ICS and therefore NAPCON cannot be organized by elected bodies, whose legitimacy itself is in question before the Ld. Asst. Charity Commissioner.
 - c. With reference to unnumbered paragraph 3, we reiterate all that is stated hereinabove and without prejudice to all my rights and contentions in respect of the said Order, we say that paragraph 21 of the said Order merely records that order dated 10th October 2022 shall continue to operate till the Charity Commissioner decides Application No.ACC/V/60/2022. The observations of the Hon'ble High Court cannot be construed as findings, as suggested by Dr.Deepak Talwar. In fact, as stated above, the Court has expressly stated that nothing stated by the Court shall be understood to have expressed any opinion on the merits of the matter.
 - d. With reference to unnumbered paragraph 4, we say that it is emails like such of Dr.Deepak Talwar's Email, which are misleading the members into believing something which is fallacious and thoroughly misconceived.
3. In view of the above, we request all the members to ignore Dr.Deepak Talwar's Email and refer to the orders passed by the Hon'ble Bombay High Court for its true and correct interpretation, which is sought to be tarnished by Dr.Deepak Talwar for reasons best known to him.

Needless to state that this email is without prejudice to all our rights and contentions, which are expressly reserved.

Regards

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