

For Private Circulation Only



PARSI JUNCTION

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Committed to Transparency and Accountability

Hong Kong-based Parsi couple renew pledge to donate \$22.5 mn to hospital at Breach Candy

A Hong Kong-based Parsi tycoon and his wife on Saturday renewed their pledge to donate \$22.5 million (₹160 crore) to the financially-ailing Parsi General Hospital (PGH) at Breach Candy in south Mumbai.

The couple, Jal and Pervin Shroff, had earlier set a March 31 deadline to resolve the fierce opposition by some Parsi activists against a controversial deal signed between the PGH managing committee and Gurugram-based Medanta Group.

Two separate cases have been filed before the charity commissioner, challenging the deal, which the applicants – advocate Khusru Zaiwala, Zoru Bhatena and Aspi Deboo – said is a “sellout”.

The statement issued by the Shroffs on Saturday triggered speculation in a section of the community that the Medanta deal had been called off. However, when TOI contacted Jal Shroff in Hong Kong, he said, “It would not be correct to say the deal has been called off.” He refused to comment further.

Shroff’s statement emailed to this newspaper, said: “Regarding our original pledge of \$22.5 million to ensure the future viability of the Parsee General Hospital, we, Pervin & Jal Shroff, had set a deadline of March 31, 2019, which regrettably has now lapsed. After our recent discussions with the members of the executive committee and the honorary doctors of the Parsee General Hospital we wish to clearly state that we

Article by Nauzer K. Bharucha | Times of India



shall continue to support the hospital in any way deemed prudent and financially sound to ensure the PGH’s “future survival and well being.”

Early last week, eminent Parsi doctors who treat Parsi patients at PGH appealed to the Shroffs not to withdraw their donation and to extend the March 31 deadline. They supported the agreement with Medanta, stating that it is “one of the very best and most prestigious state-of-the-art medical institutions in the country”.

Under the agreement, a new hospital building with Shroff’s donation will be built on part of the 10-acre PGH property. This new building will then be handed over to Medanta to operate for up to 45 years and part of the proceeds and profits from the new hospital will cross-subsidise the old hospital.

“We are given a legal assurance that Medanta will equip and manage the Shroff Medical Centre for a fixed time frame, with no title and interest in the building, land and complex, merely

to manage the hospital with no hint of alienation of the community property,” said the doctors in a signed letter.

On Saturday, the two activists, Bhatena and Deboo, who have raised the legal challenge against the Medanta deal, wrote to the doctors: “You all are requested to please first read the agreement between PGH and Medanta before issuing such appeals. Surely none of you are aware of the facts, or else you would never ever have written such an erroneous and misleading appeal!”

Be that as it may, the Shroff’s offer is still valid and they are still willing to donate over ₹160 crore if a viable alternative is given to them“. It will be tragic if the Offer is not accepted as only the poor who the Hospital mainly caters to will be the worst sufferers if the hospital closes down.

It is fervently hoped and earnestly requested that the warring groups should recommence their negotiations as to the best way forward by involving legal luminaries like Darius Khambatta, Fredun Devitre, Berjis Desai and others to arbitrate and suggest ways and means to meet the requirements of both the groups.

Khushru Zaiwala and Zoru Bhatena should formulate a viable Scheme that will be acceptable to both the hospital and the Donors under the same circumstances as exists today and let the legal eagles work a way to implement it.

MAY GOD SAVE THE PARSI GENERAL HOSPITAL

PROHIBITION OF DISTRIBUTION OF NEWSLETTER PARSI JUNCTION BY BPP

In the Agenda of board meeting of 26th March 2019, Yazdi Desai introduced an item therein **"Board to consider instructing Security and Associations of Colonies to stop circulation of Parsi Junction, an illegal newsletter"** seeking its ban in all BPP Baugs.

Yazdi Desai being frustrated at the continuous exposures of his various scams in Parsi Junction, out of sheer desperation took the brainless step to attempt to ban its distribution. However at the board meeting of 26-3 2019, Yazdi Desai did not move the item though it was very high on the Agenda knowing fully well that his colleagues would not allow it especially as the two Parsi publications are ABSOLUTELY pro-Trustees.

Yazdi Desai then sent feelers and initially sought the co-operation of Baug Associations but none of them agreed to his proposal to ban it from BPP Baugs.

Yazdi Desai then once again on his own informed his Major Domo Mahiyar Jijina of BPP to issue instructions to all Baug Managers and Security to not allow its distribution and to stop their volunteers' entry into the colonies. Mahiyar informed the CEO Cawas Panthaky of the orders of the Chairman who expressed helplessness. Yazdi also instructed Percy Siganporia of Wadia Baugs to inform their Managers not to allow its distribution.

When the other Trustees became aware of this illegal instructions without due authority of the Board, they countered the orders and told the Custodians that the orders were without approval of the Board of Trustees.

Knowing Godrej baug as his best support with his relative committee member Sharukh Billimoria and Federation member Arzan Ghadially, Rummy Marawalla and others on his side, on Saturday 6-4-2019, Yazdi Desai and his wife then took the Godrej Baug Manager Rusi Ghandhi to Malabar Hill police Station at late night and lodged a criminal complaint against Parsi Junction distribution likely to cause a breach of peace especially when code of conduct for Parliament elections had been declared.

Sunday morning I, Parvez Driver as owner and editor of Parsi Junction, received complaints from several baugs about security stopping my volunteers. I called up all of them and distribution was allowed peacefully every where except Godrej Baug where the police intervened and stopped its distribution. However after the residents of Godrej Baug approached the Malabar Hill police with request to allow it, the distribution was completed even in Godrej Baug by 4 pm on Sunday.

Thus the nefarious attempt to scuttle the transparency propounded by Parsi Junction was aborted and the community

can continue to receive Parsi Junction every fortnight. An interesting mail was sent by Homi Dalal which we reproduce below:

"WHAT A WAY TO FUNCTION?"

4/8/2019 12:05 PM

Homee Dalal

To Z-Newz, 2DaraS Acidwalla

Dear Humdin,

I feel that owner and editor of Parsi Junction should complain immediately , to Police Commissioner of Mumbai , against the inspector who complied with Desais., to hinder distribution of the PJ. in Godrej Baug.

If Desais or anyone find that publication of contents defamatory they should file defamation suit.--- the opinion is given in last PJ by an eminent lawyer Mr. Vinod Sampat. I am sure no lawyer will give a different opinion on the subject. By the way what is the locus standi of Mrs Desai to lodge the complaint. As per my knowledge, she lost the last BPP Trustee elections twice.

In what way the peace would be disturbed if this publication is distributed?

Freedom of Press is a Fundamental Right and no one can curb this right.

I am writing this after reading the comments of Mr. Noshir Dadrawala's (Trustee winning BPP election after securing highest number of votes). He has said categorically that complaint is made by Mr. & Mrs Desai without consulting the Board of the Trustees of BPP. In what capacity Desais lodged the complaint? - Individual or on behalf of Board of Trustees without the consent of remaining Trustees? I wonder what are the views of other remaining trustees?

Regards,

Homi Dalal!"

The Ness Baug Security also attempted to stop its distribution but then its Association President Fali Poncha informed security not to stop the volunteers and the security moved away. Fali then officially lodged a complaint to Percy Siganporia of Wadia Baug Estates as under:

"On Tue, Apr 9, 2019 fali poncha <irics@yahoo.com> wrote:

Dear Mr. Siganporia,

The newsletter headed "Parsi Junction", earlier another name, has been distributed to each and every tenant of the Wadia Baugs and other colonies.

Last Sunday, the distributors were not permitted to distribute them under instruction conveyed by you through the Manager. There are several tenants and occupants, including myself, who want to read this newsletter and contrary to daily newspapers "Parsi Junction" cannot be made available at newsstands. You

may have given instructions to stop the distribution, but **nobody has authority to order what the occupants/tenants should not read.** As it was a Sunday, I could not get in touch with you, so I instructed the Security to let the distribution be done, as this had not been communicated to us.

A couple of years back some person/s in a position of authority had approached the Court with a Plea that "Bombay Samachar", an independent paper, should be stopped from carrying any article which showed the BPP administration in poor light. Needless to say, the Court rejected the Plea, as allowing it would be a violation of the Constitution of India, a fundamental principle being freedom of speech.

I trust you will have a fresh look regarding the instruction prohibiting distribution of the newsletter "Parsi Junction".

**Regards,
F. A. Poncha"**

To this the chairman Yazdi Desai in his usual guttural language, showing his upbringing and low breeding replies as under:

"On Monday, 15 April, 2019, 7:50:22 pm IST, Yazdi Desai <yazdi@writercorporation.com> wrote:

Fali,

Like Parsi Junction you are also spreading false news and lies ! You say that "some person/s in a position of authority had approached the Court with a Plea that "Bombay Samachar", an independent paper, should be stopped from carrying any article which showed the BPP administration in poor light. Needless to say, the Court rejected the Plea"... This is false! I approached the Criminal Court to punish the Camas and Dinshaw Mehta for defamation. No plea was ever made by me that "Bombay Samachar" should be stopped from carrying any article which showed the BPP administration in poor light. So your "hollow" statement "Needless to say, the Court rejected the Plea" reflects your personality ! **The Camas being embarrassed having to attend a criminal court to take bail dumped Dinshaw Mehta and your Foras Road friend also got scared and so blackmailed his stooge Parvez Driver to front a private illegal newsletter styling it as Parsi Junction! Parvez Driver cannot write even a line from "jack and Jill" so we can see how desperate and frustrated your Foras Road friend is getting. No Private Newsletter can be circulated in our Parsi Colonies without BPP permission so I stopped it! Sorry that you have been deprived of the reading matter your intellect is able to handle. You can devote your time to teach some English to Driver before the Police interrogateshim...**

**Warm regards,
Yazdi!"**

It seems that the double defeat of his wife Anita, thanks to Dinshaw Mehta supporting her opponent, is making Yazdi loose his mental equilibrium. The incident of Bombay Samachar quoted by Fali is during the time of Jehan Daruwalla when Jimmy Guzder was the Chairman and has no relation to the present Defamation suit filed by Yazdi last year. **How he loves to parrot his own praise. Poor demented soul of Yazdi!**

The Camas are the last person to be embarrassed. They have had umpteen defamation complaints filed against them and we are sure they must be using it as toilet paper. Your surmise that they dumped Dinshaw Mehta is again a deliberately false statement. **Coincidentally they closed down the daily newspaper Metro Junction as it was suffering a loss and not for any other reason.**

As editor and owner of Parsi Junction, I am proud to have a friend like Dinshaw Mehta. **Yes you can parrot Foras Road umpteen times but remember his family have been elected continuously from Foras Road since last 47 years whilst you got elected first riding piggy back on the same Dinshaw Mehta in 2008 and when he opposed your wife in 2011 you had to seek the help of your one time enemy and Reformist Kersi Randeria to get elected in 2015.**

You and your wife have swindled lakhs of rupees from Dinshaw Mehta and now because he refused to support your wife you are refusing to pay him back. **Noshir Dadrawala in one of his mails has openly accused you of taking lakhs from Dinshaw Mehta to get a Court case verdict in your favour against your then enemy Randeria.**

Your statement that 'no private newsletter can be circulated in your Parsi colonies without BPP permission so I stopped it' is a knowingly false statement. **Though you put the item on the Agenda of 26-3-2019, your colleague Trustees did not approve it and hence without the Boards permission you had no right to stop it.**

BPP Baugs are not your father's property so that you alone can do what you want. It belongs to the whole community and you are only caretakers for the seven year term of office. In any case at most it belongs to seven Trustees and without their approval you have no right to stop it. So get off your high horse and come down your pedestal. As it is your colleagues have passed a No Confidence Resolution against you as well as your removal application is being prepared. Yet you shamelessly cling to power though insulted and shamed by your co-Trustees. About time you stepped down and stopped the BPP from going further downhill.

THE BAN ON THE DISTRIBUTION OF THE NEWSPAPER IN COMMUNITY HOUSING ESTATES, WHICH HOUSES NEARLY 5,500 FAMILIES, WAS ORDERED BY THE BPP'S CHAIRPERSON YAZDI DESAI

Article by Manoj Nair | Hindustan Times



There is still a debate whether the banned publication can claim the status of a newspaper, or even a newsletter, and there is speculation about the identity of the publisher, but bans of this sort are nothing new in the bitter politics of the BPP trust.

Desai's group is familiar with such bans. In April 2007, after the adoption of a Bombay high court (HC) scheme that allowed every adult member of the community to vote in elections to select trustees (earlier, only donors to the trust and area associations had voting power), the group had planned to contest elections to the trust. Their periodical, published by their group, WAPIZ (World Association of Parsilrani Zoroastrians), was banned from the baugs.

Desai's wife Anahita, who edits the WAPIZ newsletter, which is still distributed with a city newspaper, though only occasionally now, said that when they started publishing the supplement, they were stopped from distributing it in the trust's housing estates.

"We were told that it was for private circulation and that we need to take the

permission of the landlord (the BPP). That was the reason why we decided to distribute the supplement with a newspaper," said Desai.

For a group numbering less than 40,000 in the city, Mumbai's Parsis have a disproportionate number of newspapers and journals reporting about their issues. Desai said the reformist and orthodox section in the community have their mouthpieces.

"Some of these are newsletters and not newspapers. Also, the BPP has become a political body, with elections and adult franchise. Because it a political body there are factions and rivalry; it

goes with the territory," said Desai.

A former BPP chairman, who was a senior lawyer in the HC had told HT that community journals were common even in the 19th century, when issues on religious and social rules generated fierce debates, like it does now.

This engagement in issues of community interest means that the Parsi press has a history as old as the Indian newspaper industry. The first newspaper in an Indian language was the Gujarati daily Mumbai Samachar, published in 1822 by Fardoonjee Marzban. The newspaper is still being published, though its readers also include non-

Parsis. The Jam-e-Jamshed, one of the oldest newspapers in the country, is now a bi-lingual, with a section in English for the new generation of readers not familiar with Gujarati. The fortnightly Parisana is published as a magazine. A more recent addition is Parsi Times, a weekly with English and Gujarati sections. Its owner, Kersi Randeria, who is also a trustee in the BPP, said, "There is a reasonable amount of interest in what happens in Parsi baugs. We came up with the Parsi Times particularly for the younger generation."

The list of defunct publications is longer. Kaiser-i-Hind started in 1882 to campaign for reforms but closed down after a few decades. In 1851, Independence leader Dadabhai Naoroji started the Rast Goftar that campaigned for religious and social reforms. He also published a journal called Dharma Marg Darshak that discussed religious issues. There were also lesser-known publications called Chabook (whip) that wrote about corruption in the BPP. Then there were the Parsi Voice, Parsidom and Parsi Punch.

Caregiving in Calcutta



A query was raised recently about whether the Calcutta caregiving scheme could be replicated in Bombay (and possibly in other towns or cities) for helping senior citizens.

I am originally from Calcutta, and hence am aware of this scheme which was started some years back for senior citizens there. Of a total Parsi population of around 500 at present, nearly 50%

would fall in this category. Hence the pressing need to provide caregiving services free of cost to the beneficiaries.

These services are in the form of making regular visits to the senior citizens, assisting them with bank/financial work, running errands and attending to their chores, arranging for health check-ups and visits to doctors, reading to or conversing with them, and

generally making them feel wanted. In addition, other organizations pitch in and arrange visits and recreational trips, hold ghambars twice a year, organize get-togethers in the Olpadvala Hall, give gifts once a year, etc, **all free of charge, including transportation.**

Giving time and attention to senior citizens in Calcutta

Calcutta was able to attract caregivers from among recently retired members of the community (all ladies) by offering fair remuneration for the work done by them. Transport was provided or costs reimbursed. This was an important first step taken by the trustees of the Calcutta Zoroastrian Community's Religious and Charity Fund.

Virtually everyone knows everyone else by name in Calcutta, and there is a spirit of camaraderie. It will astonish many readers to learn that in Calcutta,

Parsis meet at least 40 times in a year. All community institutions are located close to each other – the Agiary, the Dharamsala, the Ravangah, the Club, and the Olpadvala Hall. Three residential colonies with a total of about 50 flats fall within this area. And because they live in close proximity with each other, the Parsis in Calcutta know each other well.

Hence, while other towns or cities with a smaller Parsi population could consider emulating the Calcutta model, it would be difficult for Bombay to have such a facility. Distances are long, the population is large. But each Baug could provide caregiving services to senior citizens residing in their colony and perhaps in the vicinity. It would be easy for caregivers to make visits to their homes and neighborhood. Let each Baug committee make a concerted effort to start this scheme. Self-help is the best help.

JAL POSTWALLA
jalpostwalla@hotmail.com

YAZDI DESAI PLAYS TO THE GALLERY FOR VOTE BANK POLITICS

Earlier the Trustees of Vasai Parsi Punchayet had filed eviction proceedings against its residents for refusing to increase their license fees. At that time our Chairman as well as the defacto Chairman went to the assistance of the residents and got suitable orders on behalf of the residents, the licensees, from the Competent Authority of Leave to Defend and instead got the Vasai residents to move the Charity Commissioner u/s 41D for the removal of those Trustees. Of course the two Trustees used BPP funds and BPP

lawyers to help them and not their own personal funds. (But their treatment to their own licensees is dramatically at variance).

Then they offered the Vasai Trustees that they would withdraw the 41D application if the two of them were inducted and appointed as Trustees of the Vasai Trust along with them. Of course they refused and the matter is going on in the CC's office for the last over 4 years without any breakthrough.

Now another Parsi Trust has taken on similar tactics of evicting its licensees

by sending them notices to vacate their premises. The Trust in question is the SETH COWASJI DHUNJISAW BAUG CHARITY TRUST belonging to the Jeejeebhoy family.

The hypocrisy of Yazdi Desai is just mind boggling. After needlessly raising the service charges of its residents by ₹750/pm from February 2017 and doubling the parking charges as well as moving the Chief Minister for exemption from paying its workers agreed Bonus on ground of insufficient funds showing a false manipulated loss of ₹6 crores

annually and not allowing conversion of license to Tenancy so that he can file cases after cases on any ground to evict licensees, he has the gall to advise/request another Parsi housing Trust -C. D. BAUG CHARITY TRUST- to withdraw the notices sent by its Trustees to the licensee residents to vacate.

We give below the letter sent by Yazdi Desai to the Trustees of C D Baug Trust and the reply given by their trust who more or less told Yazdi to mind his own business.

*Seth Cowasji Dhunjishaw Baug
Charity Trust*

Tel. : 2202 0296 / 2202 1046
Fax : 2204 2956

83, Jolly Maker Chambers II, 8th Floor
Backbay Reclamation
Nariman Point
Mumbai - 400 021

08th April, 2019

Dear Sirs,

Subject : Your letter dated 19th March, 2019

Thank you for your letter of above date.

We do understand the anxiety of our licensees.

You will appreciate that all licenses are given for a specific period of time and come to an end by efflux of time. The notices you refer to are for joint inspection of the premises, as is the norm prior to the ending of any license period.

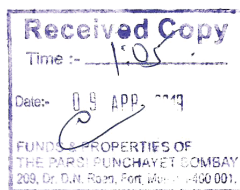
Your point about difficulty to get appointment with the Trustees is noted and taken on board.

As a family with a history of philanthropy, especially towards our community, our intention would never be to render anyone homeless, however, you will appreciate that there are many deserving members of the community. We try to be true to the original intentions of the Settlor.

We hope this alleviates your concerns.

Yours Faithfully,

Amshed B. Jeejeebhoy
Amshed B. Jeejeebhoy
Trustee



Reg. # C-416 (BOM)



Tel. : 2261 7421-22-23
Fax : 91-22-2263 0010

Office of the Trustees of the
PARSI PUNCHAYET FUNDS & PROPERTIES

209, Dr. Dadabhai Naoroji Road, Fort, Mumbai - 400 001.

Ref. No. CE0/705

19th March 2019

The Trustees
Seth Cowasji Dhunjishaw Baug Charity Trust
83, Jolly Maker Chambers II, 8th floor
Backbay Reclamation
Nariman Point
Mumbai 400 021

Dear Mr. Byram Jeejeebhoy,

Since the past couple of weeks the BPP has been receiving applications for housing from frantic residents of your Seth Cowasji Dhunjishaw Baug (C. D. Baug). Some of the residents have personally come in desperation to the BPP and waited for hours to meet the Board. We have been shown the Notices the residents have received from your Trust asking them to vacate their premises by 31st March 2019. The Notices have been received about a month ago.

The residents are under great tension and anxiety and when asked if they had met the Trustees of C. D. Baug to discuss the Notices and convey their inability to find alternate accommodation, they said that they have been unable to get any appointment with any of the Trustees.

The BPP is unfortunately, not in a position to help them and we have conveyed our inability to allot flats to them as we are faced with hundreds of housing applications; most importantly 85 married couples who have married on our assurance of giving them a flat after marriage. These couples are waiting for allotments, some since 2014.

We do not wish to interfere with the functioning of any Trust, but in this case since it involves our community members, some of whom will be virtually rendered homeless by your Trust, we appeal to your Trustees to withdraw the Notice letters to the residents.

We do recognize that legally, your Trust has the freedom to terminate and / or not renew a Leave & License Agreement for your premises. We are appealing to you on humanitarian grounds to have a meeting with us to discuss the way forward. Thank you.

Yours sincerely,

Yazdi Desai
Yazdi Desai
Chairman

For Seth Cowasji Dhunjishaw Baug Charity Trust

Marsha
22/3/19

Sondh
22/3/19

ZORU BHATHENA'S QUESTIONS ON DHUN BUILDING REPLIED BY TRUSTEES OF BPP


In the Parsi Junction issue of 7-4-2019 we had published the complaint letter from Aspi Deboo and Zoru Bhathena to the BPP Trustees about the need to maintain its properties in proper repair and that Dhun building has been dismantled for repairs since last 6 years but without any progress and queried the Trustees to explain why the property is in such state of complete neglect and offered to help to restore the property.

True to our commitment to be Transparent on all issues, we print below the clarification sent to them by BPP Trustees about the reasons for the decrepit condition of Dhun building and steps being taken to restore it. It is a fully occupied building with several private tenants but 50% of it is occupied by another Trust of the BPP - THE JJ COLLEGE OF COMMERCE.

FURTHER THE MAIN DISPUTE WAS THAT THE BUILDING WAS OF 5 FLOORS AND THE FIFTH FLOOR TENANT HAS TO BE RE-ACCOMMODATED. BUT AS PER MUNICIPAL AND COLLECTORS RECORDS AND PLANS THE BUILDING IS OF ONLY FOUR FLOORS. AND HENCE THE CONTROVERSY.

BPP's reply is given below:

Reg. # C-416 (BOM)



Tel. : 2261 7421-22-23
Fax : 91-22-2263 0010

Office of the Trustees of the
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209, Dr. Dadabhai Naoroji Road, Fort, Mumbai - 400 001.

Ref. No.

4. The building was in an extremely dilapidated condition and the earlier Board took various steps both to remedy that situation as well as to prevent any injury to the occupants of the building as well as the general public.

5. The then Board was hampered by the fact that they were unable to find and produce necessary documents drawings etc asked for by the Corporation for granting permissions for repairs and reconstruction.

6. From the available records it appears that the then Trustees applied for repair permission in 2006 and again in 2009, which was refused by the Corporation.

7. The Corporation directed the BPP to do propping work but nothing else as documents, drawings were not available.

8. In fact a case was filed by the Corporation against the pre 2008 Trustees which was decided in our favour in 2011.

9. In December 2013, the Trustees passed a resolution to start the demolition of the building.



10. In 2014, even as the Corporation kept insisting that only propping work be done, the Trustees wrote to the Corporation and the police that the Trust would not be responsible for any damages if the building was to collapse. The Trustees also placed on record that barring the ground floor shops, all other occupants had vacated the premises.

11. In the second half of 2014, the then Trustees appointed an Architect, Mr Sanhotra and a liaison officer Mr Trivedi and proceeded to obtain quotations for demolishing the dilapidated and dangerous internal slabs. The demolition was done in or around August 2014.

12. In the meantime the Corporation directed the BPP to obtain Heritage NOC from the MHCC as the building was a Heritage Conservancy listed building.


13. In August 2015, the architect Mr. Sanhotra informed the Trust that the Heritage NOC was approved.

14. ON 23RD OCTOBER 2015 THE NEW BOARD ASSUMED OFFICE AS TRUSTEES.



2

Reg. # C-416 (BOM)



Tel. : 2261 7421-22-23
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Ref. No.

27. Mr. Sanhotra recommended that in the interest of continuity we appoint his associate architect to take forward the project.

28. However this proposal was found to be unworkable and the Trustees in August 2017 wrote to Mr. Sanhotra, reiterating the decision to terminate his services.

29. Thereafter in November 2017 it was decided to appoint the firm of Mr Nitin Doshi as our Architects and Mr. Doshi met the Board on 1st March 2018 and the Trustees resolved to appoint his firm as the structural engineer and Architect.

30. Fresh proposal is now being pursued by the Architect and the Trustees.

As regards the security of the building please note the following:

➤ Since the property is open from three sides it has become very vulnerable to theft as well as illegal activities.

➤ The material of the contractor who has been allotted the work as well as the salvage was stolen from the site.

➤ There is construction work going on in the neighbouring building.

➤ Since our site was open they started dumping their debris on our site.

➤ The site also became a haunt for drug addicts and anti-social elements.

➤ The contractor was requested by the staff of the BPP to arrange for some kind of security.

➤ Two security personnel were initially kept by the contractor which given the drug addicts and anti-social elements proved to be insufficient.

➤ Since then he has kept four of his workmen at the site which protects our site from all the above problems.



The future:

As per the plans and commitment of the Architect we are hopeful of receiving all necessary permissions by July 2019.

After fresh tendering process work is scheduled to start by September 2019.


As is obvious from the above facts and details the Trustees have neither neglected the property nor have they been inactive as far as this property is concerned.

We do not need your assistance in any way but thank you for the suggestion.



4

Reg. # C-416 (BOM)



Tel. : 2261 7421-22-23
Fax : 91-22-2263 0010

Office of the Trustees of the
PARSI PUNCHAYET FUNDS & PROPERTIES
209, Dr. Dadabhai Naoroji Road, Fort, Mumbai - 400 001.

Ref. No.

CEO/PROJ/11
9th April 2019

BY REGISTERED A.D. / COURIER / EMAIL

Mr. Aspi Deboo and Mr. Zoru Bhathena,
Thank you for your letter dated 26th March 2019.

The said letter was delivered to the BPP office on Wednesday the 27th of March, being a day after the Board meeting.

The very same day you gentlemen chose to put a copy of this letter on the social media.

To those who may want to question your motives, this may appear to be an exercise in seeking publicity rather than expressing actual concern.

However, as Trustees, we choose to believe that your concern is genuine, despite the act of immediately putting it on the social media.



For the record we would like to point out that even as you gentlemen have taken the trouble to visit the site, take photographs and talk to the shopkeepers, you have not spared the time to meet the Trustees or the BPP staff or even made a call to any Trustee/staff member on the phone. This we believe would have been easier and more fruitful than the efforts that you have put in, discounting of course what the uncharitable members of the community may prefer to call a publicity seeking exercise.

In reply to your letter we would like to state as under:

1. It is correct that this property belongs to the BPP.


2. Your attention is drawn to the fact that the present board took office on the 23rd of October, 2015. On the Board are two continuing Trustees from the previous Board and one Trustee assumed office on the 5th of July, 2018.

3. A brief chronological history is given hereunder for your knowledge and understanding.



1

Reg. # C-416 (BOM)



Tel. : 2261 7421-22-23
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Ref. No.

15. ON 15th December 2015, a meeting was held with the Architect and it was decided to call a meeting of the occupants with a view to convincing them to contribute to the repairs and try and get the maximum possible share from them given the paucity of funds that the new Board had inherited.

16. During the next four months the application to the Corporation was approved, the estimated cost of repairs, around Rs 2 crores, was received.

17. In February 2016, letters were sent out to the occupants to meet the Trustees and the first meeting was held on 1st March 2016. Various options were put to them and they were asked to contribute or consider surrendering their premises to the Trust.

18. A second meeting was held with the occupants on the 5th of April 2016 where all the occupants agreed to contribute to the repair costs.

19. In the meantime the Corporation once again directed the BPP to undertake pre-monsoon repairs.

20. Quotes were obtained and the work was given for the repairs.

21. It was at this time that the earlier contractor brought to the notice of the Trust that they had suffered a loss as the salvage that was stored by them was stolen as the building was open from three sides.



22. In early 2017, the Trustees appointed a structural engineer and pushed for permission to repairs and reconstruction.

23. D P remarks were obtained in January 2017 and in April 2017, the Architect wrote to the Corporation that all the compliances were completed by the Trust.

24. Surprisingly on the 5th of May 2017, the Corporation wrote to the Trust that the Architect Mr Sanhotra had been black listed by the Corporation w.e.f. 19th August 2015.


25. It is relevant to note that the Corporation wrote to us one year and nine months after it had "blacklisted" our architect, despite him corresponding throughout this period on our behalf.

26. The Trustees therefore perforce terminated Mr. Sanhotra on the 9th of May 2017.



3

Reg. # C-416 (BOM)



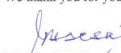
Tel. : 2261 7421-22-23
Fax : 91-22-2263 0010

Office of the Trustees of the
PARSI PUNCHAYET FUNDS & PROPERTIES
209, Dr. Dadabhai Naoroji Road, Fort, Mumbai - 400 001.

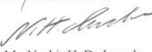
Ref. No.

It may not be out of place to record that Mr. Aspi Deboo had met Trustee Mr. Randeria regarding his interest in helping the Trust in property matters.


We thank you for your concern.



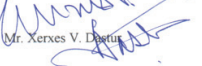
Mr. Yazdi H. Desai



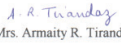
Mr. Noshir H. Dadrawala



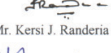
Mr. Zarir M. Bhathena




Mr. Xerxes V. Dastur





Mrs. Armaity R. Tirandaz



Mr. Kersi J. Randeria



Mr. Viraf D. Mehta



5

Neemuch reply

NYAYALAY ANUVIBHAGYA ADHIKARI AND PANJIYAK LOKNYAS

NEEMUCH, DISTRICT NEEMUCH (M.P)

Application No. : 01/68-1143/2017-1

The Neemuch Parsi anjuman Trust, Neemuch

1. Yazdi H. Desai
2. Sam Rusi Chothia

Our Application under Section 14 of the M.P. Public Trust Act 1951

We place on record our say in response to letter dated 15th February, 2019 addressed to your office by one Mr. Rayomand Zaiwalla.

Though the letter is not serially numbered, for easy reference and reply, we are giving numbers to the paragraphs.

1. At the outset, the said Mr Rayomand Zaiwalla has no locus as he is not member of our Anjuman Trust.
2. With reference to paragraph 1 of the letter under reply, the same is a matter of record.
3. With reference to paragraph 2 of the letter under reply we deny the contents therein as if the same is specifically set out and categorically traversed. The Madhya Pradesh Trust Act 1951 has provisions for alienation of trust properties. Our trustees have initiated legal steps for the same, and they are well within their rights to apply for permission to alienate the said trust properties as per law. The allegation that there is an attempt to liquidate the trust property illegally is false, baseless and vexatious. The further allegation that there is no legal necessity also falls frivolous, without any basis and hence vexatious. The said Mr Zaiwalla has not set out particulars or instances to show the legal necessity not to

alienate the trust property as alleged. Without such particulars, mere allegations and raising of a bogey of alleged illegalities hold no water.

4. With reference to paragraph 3 of the said letter under reply it is on record that the FPZAI is a registered public trust. Federation of Parsi Zoroastrian Anjumans of India - FPZAI is an incorporated body register under the Societies Registration Act as well as under the BPT Act 1950. Being the august body of the community FPZAI amongst its various activities proposes to safe guard the properties of Anjumans/trusts which have become defunct mainly because of the non-habitation of Parsis in the particular area, and also make representations on behalf of the Parsi Zoroastrian Community all over India to the appropriate authorities. There is no intention to liquidate the trust properties of Parsi Irani Zoroastrian community all over India with Malafide intention or without any legal necessity as alleged. Besides writing letters to put spokes in the smooth administration and working of the trust/Anjumans, The said Mr Zaiwalla has shown no inclination in protecting the trust properties which are required to be safeguarded or nor is he constructively helping in protecting and safeguarding the trust properties. We deny that our trust is specifically targeting and liquidating Parsi Zoroastrian trust properties and trying to make illegal profits as alleged. It is further denied that our trust has illegal objects which are void and being contrary to the law of the land as alleged. The said Mr Zaiwalla is shooting arrows in the dark and creating bogeys which are not substantiated, without better and clear particulars and therefore ought not be considered.
5. With reference to paragraph 4 of the letter under reply in so far as it relates to Dhanwar in Karnataka state, the same is not related in the present situation and hence ought not be considered. It would not be out of place to mention that it is the business of Zaiwalla family to blackmail various trusts under the guise of being protectors of Parsi trusts. In fact their intentions are not honourable and their actions are vexatious and maladies. We are following the due process of law and they are trying to impede the process of law in a manner that the trustees are tired out by their incessant objections impeding the due process of law. All the allegations contained in paragraph 4 are denied in total.
6. With reference to paragraph 5 allegations with regard to the officiating priest and his alleged payments not made, the same is a figment of their imagination. The officiating priest of the parsi fire Temple has not made any objections. Hence he is not an aggrieved party. Infact the priest also has not approached your honourable

authority. Hence this allegation cannot be looked into. It is denied that trustees have a penchant for selling of public trust properties as alleged. The allegations are unsubstantiated and without clear and better particulars and hence cannot be looked into.

7. In all fairness and equity, let Mr Zaiwalla appear before your authority in person and put up his case so that we can rebut it and then after your authority can pass appropriate orders.

Sam Rusi Chothia
Trustee
The Neemuch Parsi Anjuman Trust

In the last issue of 7-4-2019 of Parsi Junction we had pointed out the community will have to be vigilant to ensure that the trio of Yazdi Desai, Sam Chothia and Farokh Rustomjee do not liquidate prime properties of various Defunct Anjumans at throw away prices.

To stop them from selling valuable Neemuch property for a song, the father son duo of Khushru and Rayomand Zaiwalla had filed a strong Objection to the proposed sale of its property.

One Firoz Jiwasha of Navsari or Surat has also taken objection to the proposed sale.

It seems that out of four Trustees appointed on Neemuch Anjuman, only two BPP Trustees have been appointed as Neemuch Trustees of whom Yazdi Desai and Kersi Randeria are the only BPP Trustees as the other two are Sam Chothia and Tehempton Ankleseria. What is the role of other 5 BPP Trustees. Reply from Yazdi Desai and Sam Chothia to both the Objections have been received and Zaiwalla by his Application dated 12-4-2019 has asked for inspection and copies of documents to enable him to file his Rejoinder. In interest of transparency and Accountability we give below both the replies of Sam Chothia.

NYAYALAY ANUVIBHAGYA ADHIKARI AND PANJIYAK LOKNYAS

NEEMUCH, DISTRICT NEEMUCH (M.P)

Application No. : 01/68-1143/2017-1

The Neemuch Parsi anjuman Trust, Neemuch

1. Yazdi H. Desai
2. Sam Rusi Chothia

Our Application under Section 14 of the M.P. Public Trust Act 1951

We have been given a copy of a letter dated 27th February, 2019 addressed from one Mr. Firoz P. Jiwasha to your office and in response we place our say before you.

1. At the outset, the said Firoz P. Jiwasha has no locus as he is not member of our Anjuman Trust. It appears that the said Firoz Jiwasha is a front man of some vusted parties who want to hamper smooth administration of our Trust.
2. With reference to paragraph 1 to 3 of the said letter, is a matter of record and needs no reply.
3. With reference to paragraph 4 of the said letter, The public notices issued in the newspapers as published as per your direction. We say that if a person in Gujarat i.e Mr Firoz Jiwasa has come to know of the newspaper publication then, of course, the full Parsi population would also have had notice and hence there is no further pressing need to publish it in Parsi papers as suggested by the said Firoz Jiwasa.
4. With reference to paragraph 5 of the letter, Mr Firoz has proceeded on the wrong footing. He is not aware of the full and correct facts. It appears that he has not even come to Neemuch for the purposes of taking inspection of the said record. The trustees and Anjuman members do not know the identity of Mr Jiwasa. He is not a member of our Anjuman. It further appears that he has no personal knowledge to make an allegation as to how Mr Yazdi Desai and Mr Sam Chotia- are purportedly not authorised to apply for permission of the sale of property.. The record of the Trust will show

the authority of Mr Yazdi Desai and Mr Sam Chothia. Mr Firoz has raised objection without understanding the true facts of the case. His objections are baseless and vexatious.

5. With reference to paragraph 6 of the said letter it is false to state that the applicants are not authorised. The said Mr Firoz has not shown or brought on record any document which supports his case that the applicants are allegedly not authorised. It is further stated that no sitting trustee and member and office bearer of Federation has objected to the said matter. The said Mr Firoz is making allegations in the dark. He does not know the name of such sitting trustee and office bearers and hence his allegations can be safely discarded.
6. With reference to paragraph 7 of the said letter it is an admitted position that Mr Firoz himself is ready that the trust properties can only be sold by public auction. Our trust has applied for sale by following the procedure laid down in M.P. Public Trust Act 1951 and further as directed by your office and hence there can be no grievance of Mr Firoz on this issue.
7. With the reference to paragraph 8 it is submitted that sufficient time is given by your office to carry out the process. Though we are not aware of the identity of Mr Firoz, in the fitness of things he should appear in person before your authority and place his purported grievances accordingly after showing his identification and bonafides. Nearly writing letters and trying to put spokes in the administration of trust matters is in fact harming the trust and the anjuman members.
8. The conclusion allegedly drawn by Mr Firoz that the present application filed by Mr Desai and Mr Chothia is not entertainable because they are not authorised, is false, without any basis, and cannot be looked into. The trustees are following due process of law and hence it is prayed that further steps may be taken as per the procedure of law.

Sam Rusi Chothia
Trustee
The Neemuch Parsi Anjuman Trust

Arashasp Shroff Conferred Ontario Hostelry's 'Top 30 Under 30 Award'



We are really proud to hear that our dear buddy Arashasp Shroff has been selected as one of the Top 30 Under 30 Hospitality professionals in Ontario, Canada.

Per Parsi Times:

On March 28, 2019, Toronto-based restaurant manager and sommelier at the CN Tower,

Arashasp Shroff, was awarded Ontario Hostelry Institute's 'Top 30 Under 30 Award', 2019, which featured over 150 nominations across the province. The winners, who are chosen from across all segments of the Hospitality and Food Service Industry in the district, are recognized for excellence not just within their profession, but also for their body of work in education, mentoring and commitment to improving the industry.

Having graduated top of his Advanced Beverage Management program and bestowed with the Wines of Spain Award, Arashasp is the secretary of WZCC's Toronto Chapter. He's part of the Professional Advisory Committee for the Advanced Wine and Beverage Program at George Brown and is working on establishing a mentorship and networking group for young hospitality professionals.

Noshir

FROM PROCEEDINGS IN THE DELHI HIGH COURT

Parsi body defends 'right' to keep people out of fire temple



The bench was hearing a PIL which alleged that persons belonging to other races and religions were being discriminated against as they were being denied entry into the fire temple.

Article by Pritam Pal Singh | Indian Express

The Delhi Parsi Anjuman (DPA) told the Delhi High Court that "no persons have right in law to demand entry or use of facilities" of DPA, including the Parsi fire temple near Delhi Gate.

The DPA said this in an affidavit filed before a division bench headed by Chief Justice Rajendra Menon. The bench was hearing a PIL which alleged that persons belonging to other races and religions were being discriminated against as they were being denied entry into the fire temple.

Calling it "not maintainable", the DPA, in its reply, said the petition is "nothing but an illegal and unconstitutional attempt to enter the place of worship of another religion".

"The relief sought in the petition would violate the fundamental right of privacy enjoyed under the Constitution of India by Zoroastrians and by the DPA and its members," it added.

Besides DPA, the bench had also sought response of the Centre, the Delhi government and Delhi Police on the petition filed by Sanjiv Kkumaar, who has alleged that the fire temple was "practising a system of apartheid, untouchability and communalism by not allowing Hindus, Muslims, Sikhs, etc to enter the sanctum sanctorum of the fire temple".

As per Kkumaar's plea, he came to know of the temple's policy when he was denied entry there. He claimed that there is a notice outside the temple,

which states that only Zoroastrians will be admitted.

"It is only meant to uphold and maintain the rules and laws that govern the protection and integrity of the sacred fires and the pledge taken by the first band of refugees from ancient Persia not to adopt conversion in India," it said.

It further said that Zoroastrian men are barred entry if they are suffering from bodily injury. "The exclusion of Zoroastrian women during menstruation for the purpose of protecting the consecrated fire is a core essential and unalterable..." the reply said, reiterating that "Zoroastrianism does not believe in gender discrimination and places both men and women on equal footing".

The DPA is managed by a board of trustees, elected by DPA members. The fire temple is managed by them.

Entry of menstruating women, non-Parsis inside Fire Temple not permissible, Delhi Parsi Anjuman tells Delhi HC

The Delhi Parsi Anjuman has told the Delhi High Court that the entry of menstruating women of any religion including Zoroastrianism, or non-Parsis inside a Fire Temple is not legally or constitutionally permissible.

Article by Aditi Singh | Bar And Bench

The averment was made by the Delhi Parsi Anjuman (DPA) in its reply to a petition to enable any Indian, specifically women of any religion (whether menstruating or not), to pray at the Sanctum Sanctorum of Fire Temple in DPA.

The DPA has claimed that the petition is misconceived and in ignorance of

the essential beliefs, core tenets of Zoroastrianism, its structure and its legal status.

Dismissing apprehensions of gender bias, DPA has contended that Zoroastrian men who are bleeding or emitting discharge from any body part, also cannot enter the Fire Temple.

"Even Zoroastrian men are excluded from entering Fire Temple if they are suffering from a bodily injury and bleeding. The exclusion of Zoroastrian women during their period of menstruation for the purpose of protecting the consecrated fire is a core, essential and unalterable part/tenant of Zoroastrianism," it is stated,

Such prohibition is neither arbitrary nor absolute, DPA adds, as it is only for the duration of the menstrual cycle or discharge.

As far as entry into the sanctum sanctorum of a Fire Temple is concerned, DPA has informed that entry is restricted to an ordained priest. Parsi men are also not permitted to go beyond a certain demarcated area in the Fire Temple.

The Petition filed through petitioner in person, advocate Sanjiv Kkumaar sought a declaration that the prohibition on non-Parsi men and women, to enter the Sanctum Sanctorum of holy Fire Temple at Delhi Parsi Anjuman, is illegal and unconstitutional.

DPA has argued that the exclusion of non-Zoroastrians from entry into a Fire Temple, in the practice of the Zoroastrian religion, is constitutionally protected under **Article 25** and **26** of the Constitution of India.

The present petition strikes at the very foundation of Zoroastrian faith professed by Parsis residing in India, the response by DPA states.

The Court has been informed that the DPA is established and maintained under a Declaration of Trust dated September 16, 1959, and is privately funded and endowed. The beneficiaries of DPA are exclusively and specifically, Parsi Zoroastrians. No other person has a legal or constitutional right in law to demand entry or use of the facilities of DPA including the fire temple, DPA has contended.

Since the Petitioner is not a Zoroastrian, his petition is "nothing but an illegal and unconstitutional attempt to enter the place of worship of another religion," it is submitted.

"The Petitioner is seeking, that too as a matter of right, to enter the DPA Fire Temple ..under the unconstitutional premise that a person of any religion or belief has the right to enter the religious places of worship of another religion, including those privately funded and established with defined and specific beneficiaries. This premise strikes at the root of Articles 25 and 26 of the Constitution of India."

Refuting claims of apartheid, untouchability or violation of Fundamental Rights under **Articles 14,15,17,19** or **21**, the DPA has submitted,

"Barring entry of non-Zoroastrians in Zoroastrian places of worship is not based on factors like caste, colour or race nor is it discriminatory. It is only meant to uphold and maintain the rules and laws that govern the protection and integrity of the sacred fires and the pledge taken by the first band of refugees from ancient Persia not to adopt conversion in India."

DPA has also addressed the issue of women not being ordained as priests in Parsi religion. It informed that several religious rituals and ceremonies are required for a Zoroastrian to become a priest, which require residence in a Fire temple for an extended period during which the person cannot be bleeding or emitting any discharge.

Thus, priesthood initiations are not allowed for women because they would not be able to uphold and follow the laws and rules governing the protection of sacred fire due to menstruation.

DPA has also challenged the maintainability of the writ petition under Article 226 since DPA is endowed by private funds with specific beneficiaries i.e. exclusively Parsi Zoroastrians, and does not qualify as State. It has also raised issues of misjoinder of parties and causes of action.

Since it is legally a society registered under the Societies Registration Act, DPA has also sought to differentiate itself from the Sabarimala Temple case.

The Reply was filed through **Karanjwala & Co.**

The matter would be next heard on August 26.

YAZDI DESAI's DOUBLE GAME

The Community is aware how Yazdi Desai on his own without the the other six Trustees approval or even their knowledge had entered into an ILLEGAL MOU and Power of Attorney with the servant of Vera Bhiwandiwalla, one Sharda Sonavne, to give her Rs. 10 lakhs cash and Borivali or Thana flat on Ownership basis to her (probably on some mutual benefit terms for both of them) and when the other Trustees detected this fraud they passed a Resolution of NO CONFIDENCE against Yazdi Desai in January 2019 as well as a Resolution to move the Charity Commissioner for his removal/ suspension u/s 41D of the Bombay Public Trusts Act.

Sensing that he would be in trouble if the Trustees carried out their threat, Yazdi Desai very cleverly got Sharda through some advocate to file a police complaint by his letter dated 23-3-2019 against himself and other Trustees that though the deceased Vera Bhiwandiwalla had bequeathed half the 300 sq. ft flat in her favor, yet 'The Parsi Punchayat headed by Yazdi Desai and others' are demanding possession of the said flat and offering her only a 500 sq.ft. flat in Borivli or Thana and issuing threats to take forcible possession of the flat and sought appropriate police action to protect her. A copy of the complaint letter was sent to BPP on 4-4-2019. We are publishing her advocate's

YUSUF ABRAHANI
EX. M.L.A.
ADVOCATE HIGH COURT

7
4/4/19

Received Copy
Time: 4.15
Date: 04 APR 2019
FUND & PROPERTIES OF
THE PARS PUNCHAYET BOARD
209, Dr. Dadabhai Naoroji Road, Fort, Mumbai 400 001

To,
Sr. Inspector of Police,
Gamdevi Police Station,
Mumbai.

This is to bring to your kind notice as under :-

- 1) One, MS. VERA PHIROJE BHIWANDIWALA daughter of late MR. & MRS. PHIROJE & SHIRIN BHIWANDIWALA were residing at 2, Dinshaw Building, Babulnath Road, Mumbai 400 007.
- 2) The aforesaid VERA PHIROJE BHIWANDIWALA was the only person staying at the aforesaid address.
- 3) MRS. SHARDA RADHAKANT SONAVNE has been staying in the said Flat since her childhood and today she is about 50 years old. Her grandmother was initially employed by BHIWANDIWALA FAMILY as since than MRS. SHARDA RADHAKANT SONAVNE has been staying there. She is staying there along with her husband, 2 sons and a daughter. She has sufficient documents to prove her possession of the said flat.
- 4) VERA PHIROJE BHIWANDIWALA by her last will, copy of which is attached herewith. The said deceased VERA PHIROJE BHIWANDIWALA has bequeathed half of the said flat in favor of MRS. SHARDA RADHAKANT SONAVNE.

S/C, AFRICA HOUSE, NAKHUDA MOHALLA, MUMBAI - 400 003. Mob : 9870001161 Email : yabrahani@gmail.com ¹

YUSUF ABRAHANI
EX. M.L.A.
ADVOCATE HIGH COURT

- 5) The Parsi Panchayat headed by MR. YEZDI H. DESAI and others have started claiming the said flat and are demanding possession from MRS. SHARDA and are requesting her to vacate the flat and either go to Borivali or Thane in flat to be provided by the Parsi Panchayat.
- 6) The aforesaid flat in which MRS. SONAVNE is staying is about 3,000 Sq.ft. In exchange they are offering her 500 Sq.ft. flat in Borivali or Thane. I am annexing the copy of the resolution passed by Parsi Panchayat.
- 7) On her refusal to accept the aforesaid proposal the Parsi Panchayat and their members are issuing threats to take forcible possession of the Flat.
- 8) You are requested to kindly take a serious note in advance and take necessary legal action against them.

Thanking you,

Yours faithfully,
Yusuf Abrahani
(Adv. Yusuf Abrahani)

C C TO:
PARSI PUNCHAYET FUNDS & PROPERTIES,
209, Dr. Dadabhai Naoroji Road, Fort,
Mumbai 400 001

S/C, AFRICA HOUSE, NAKHUDA MOHALLA, MUMBAI - 400 003. Mob : 9870001161 Email : yabrahani@gmail.com ²

complaint to Gamdevi Police Station to expose the nefarious deals of the said servant thanks to Yazdi Desai's complicity with her to execute the MOU and Power of Attorney behind the back of the other Trustees.

The above letter did not contain the copy of the WILL OF VERA nor the alleged Resolution and Noshir Dadrawala has requested the legal dept. to obtain the same and draft a proper reply and place it before the Trustees for approval.

It is now obvious that the 3000 sq.ft. flat will get embroiled in controversy and palpable delay unless the other Trustees agree to accept the already engineered deal between Yazdi Desai and Sharda Sonavne.

Reference regarding The Andheri flat (404) auction BAPOO MALCOLM NOW BARES HIS TEETH

The Auction sale of late Junglawalla's Ownership flat at Panthaky Baug Bldg A is causing a lot of controversy not only to the Purchaser Cyrus Davierwalla who has already paid full ₹1.5 crores for it but possession has not yet been given nor any sale agreement executed, but to Homa Petit, Kersi Wadia and other executors and beneficiaries. Bapoo Malcolm has now sent his latest mail that BPP cannot deny the other legatees their right to the share of the sale proceeds and wants the other legatees--A) BPP B) Parsi General Hospital, C) Avabai Petit School, D) Surat Parsi Punchayat and E) Sai Baba Sanstha to be given their proportionate share from the auction sale proceeds of ₹1.5 crores and not from the original purchase price of ₹18.66 Lakhs. We give below his well meaning but misguided letter:

From: bapoomalcolm <bapoomalcolm@gmail.com>
To: BPP <bppceo1681@gmail.com>
Cc: Yazdi Desai <yazdi@

writercorporation.com>, Armaity Tirandaz <artirandaz@gmail.com>, Xerxes V. Dastur <dasturxerxes@gmail.com>, Kersi Randeria <kranderia@ahuramazdagroup.com>, Noshir - CAP <noshir@capindia.in>, Mr. Viraf D. Mehta <viraf@viraf.com>, Bhathena Zarir <zmbhilla@gmail.com>, homa.petit <homa.petit@vigiljuris.com>, <cyrus_davierwalla@yahoo.co.in>, P. E. Ilavia <peilavia@msn.com>, P Ilavia <arnipilavia@icloud.com>, Kinjal Shah <shkinjal85@gmail.com>, <yazdidesai@hotmail.com>, <noshirbpb@gmail.com>, <kersi@ahuramazdagroup.com>, Yezdi Bhagwagar <yezdi@ykbco.in>, YKBCO <ykbco@ykbco.in>, <pesisethna@gmail.com>, <kerssiewadia@gmail.com>
Date: Wednesday, 10 April 2019
Subject: Reference regarding The Andheri flat (404) auction
Dr. Bapoo M. Malcolm, BA, LLB, D. Littl
Ref: BPP/Housing/Trust Deed
10th April 2019
To,
The Trustees,

The Funds & Properties of The Bombay Parsi Punchayet, (BPP)
D. N. Road,
Mumbai 400-001
Subject: Auction of flat at Andheri and reference to the Hon'ble Charity Commissioners of Maharashtra and Gujrat.
Dear Madam/Sirs,
1. You have received my previous correspondence in the captioned matter. While an innocuous reply was received by me from Mr. Kersie Randeria and a remark from Mr. Noshir Dadrawalla, regarding publication of the Financial Statements of the BPP on the Net, the matter is still lingering. I have come to understand that the successful candidate of the so-called 'auction', Mr. Cyrus Davierwalla, has been accommodated in what is termed as the transit flat in a building at Andheri. Obviously the matter is being compounded.
2. This matter is not going to go away and could lead to severe litigation. In order to

avoid this and to come to a legal and honest resolution of this matter, I propose to make a reference to the Hon'ble Charity Commissioners of Maharashtra and Gujrat. It would be indeed in the spirit of resolution if the BPP joins me in this effort. I shall of course be asking four other Public Trust by sending the copy of this letter should they wish to assist us. I am not particularly interested in other professionals joining us as I wish to keep the reference clean and lean and up to the point. However, a copy of this letter is being sent to them to keep them informed.
3. The reference will be very simple. It is intended to ask the Hon'ble Charity Commissioners to rule on the following points:
a. The BPP is a Public Charity Trust registered with the State of Maharashtra.
b. Two other Public Trusts, the B.D. Petit Parsee General Hospital and the Avabai Petit Girls' School at Bandra are also registered with the Hon'ble Charity Commissioner Maharashtra.
c. Two more Trusts the Surat Parsi Punchayat and the Shri Sai Baba Sanstha are registered with the Hon'ble

Charity Commissioner of Gujrat. I shall refer to them briefly as:

- i.BPP
- ii.PGH
- iii.Petit School
- iv.Surat Panchayat
- v.Sai Baba Sanstha

4.The main point of reference shall be whether the BPP is operating within the objects of its Trust Deed by involving itself in the matter of Housing, be there as management, care takers or, as Mr. Yezdi Desai has recently written, as landlords. Having said that, is the BPP justified in spending huge amounts of money in pursuit of non-object activities while showing a bleak financial picture?

5. The BPP has held an auction, supposedly public, of a flat in an Andheri building (B Tower, Panthaky Baug, Flat No. 404, under execution by the executors of the deceased Mr. Junglewalla), over which the BPP has no right, title or interest. Having received financial consideration for such an auction, is the BPP justified in using the funds to meet its own shortfall?

6.Is the BPP justified, having full knowledge that the income from the flat in question had to be distributed amongst four Public Trusts, 25% each as mentioned above, ie., ii, iii, iv and v, in taking this action? This distribution is in the final testament of the testator Mr. Junglewalla, who passed away while in possession of the flat.

7. Is the BPP justified in claiming that on the death of the testator his assets are transferred and not transmitted, or sold, as the BPP is maintaining while trying to justify the sale of the flat and usurping its income.

8. Should one Public Trust ie., the BPP, resort to the practice as mentioned above, and thereby deny the legitimate legatees of a testamentary bequest ie., PGH, Petit School, Surat Panchayat and Sai Baba Sanstha.

9. Whatever i have given above will be the gist of my reference and may include other relevant points. I am not circulating the draft right now as your inputs will also be included.

10. Trust I shall here from you within 10 days, as i do not wish to go solo on this, and would be glad if the matter is sorted out before the charity Commissioners in tandem. This will speed things up and lead to clarity in the matter.

Yours faithfully
(BAPOO M. MALCOLM)
Advocate, Bombay High Court,
Dated this day, the of, 20....,
at

With all our best wishes, always. Bapoo M. Malcolm, Advocate and Empanelled Arbitrator, Bombay High Court."

Noshir Dadrawala in his usual suave way has tried to diffuse the situation. We give below his reply in red as under:

From:Noshir - CAP [mailto:noshir@capindia.in]

Sent:Thursday, April 11, 2019 4:09 PM

To:bapoomalcolm

Subject:Re: Reference regarding The

Andheri flat (404) auction

Dear Bapooji,

I am responding to some of the points raised by you individually and not for and on behalf of my colleagues or the Board of Trustees of the BPP.

Para 4.The main point of reference shall be whether the BPP is operating within the objects of its Trust Deed by involving itself in the matter of Housing, be there as management, care takers or, as Mr. Yezdi Desai has recently written, as landlords. Having said that, is the BPP justified in spending huge amounts of money in pursuit of non-object activities while showing a bleak financial picture?

'Noshir's reply: *To begin with there is no "trust deed" of the BPP.*

There are trust deeds of a bunch of funds and properties which have come to vest in the trustees of the BPP. For example the N N & R N Wadia trusts now vest in the trustees of the BPP including its funds and properties (movable and immovable). Ditto in the case of the Bhabha Sanatorium or the Morina Trust etc.

If Housing/accommodating Parsis is the object to these trusts vested in the trustees, the trustees are empowered to deal with these properties at their absolute discretion and within the objects of these trusts.

While the Charity Commissioner has powers under the Maharashtra Public Trust Act 1950 to regulate charities, discretionary powers to deal with properties vests in the trustees so long as it is in accordance with the trust deed and the framework of the law.'

Para 5.The BPP has held an auction, supposedly public, of a flat in an Andheri building (B Tower, Panthaky Baug, Flat No. 404, under execution by the executors of the deceased Mr. Junglewalla), over which the BPP has no right, title or interest. Having received financial consideration for such an auction, is the BPP justified in using the funds to meet its own shortfall?

'Noshir's reply: *You have made these claims and statement but you do not appear to have substantiated your these claims and statements. I would appreciate your doing that.*

Though I was personally not present at the auction, from what I understand, when the amount which was fetched through this auction was conveyed to the concerned persons they could hardly believe it, because, they were expecting something far less.

Instead of being grateful to the BPP for having leveraged or maximized funds that would go to charity, you have chosen to make these sweeping, unsubstantiated claims and statements, which are denied.'

Para 6. Is the BPP justified, having full knowledge that the income from the flat in question had to be distributed amongst four Public Trusts, 25% each as mentioned above, ie., ii, iii, iv and v, in taking this action? This distribution is

in the final testament of the testator Mr. Junglewalla, who passed away while in possession of the flat.

'Noshir's reply: *Of course we are aware and what makes you think BPP will not honour their part of the commitment?'*

Para 7. Is the BPP justified in claiming that on the death of the testator his assets are transferred and not transmitted, or sold, as the BPP is maintaining while trying to justify the sale of the flat and usurping its income.

'Noshir's reply: *This statement is false and so perverse that it does not even merit being unduly dignified with a response'.*

Para 8. Should one Public Trust ie., the BPP, resort to the practice as mentioned above, and thereby deny the legitimate legatees of a testamentary bequest ie., PGH, Petit School, Surat Panchayat and Sai Baba Sanstha.

'Noshir's reply: *One can only reiterate response given in 6 above'.*

Para 9. Whatever i have given above will be the gist of my reference and may include other relevant points. I am not circulating the draft right now as your inputs will also be included.

'Noshir's reply: *Ditto where I am concerned Sir ... Whatever I have responded above is the gist'*

Para 10. Trust I shall here from you within 10 days, as i do not wish to go solo on this, and would be glad if the matter is sorted out before the charity Commissioners in tandem. This will speed things up and lead to clarity in the matter.

'Noshir's reply: *Your "concern" and "cooperation" is deeply appreciated. Sincerely, Noshir Homi Dadrawala'*

HOWEVER BOTH BAPOO AND NOSHIR HAVE MISSED THE MAIN ISSUE HERE.

As per terms of original sale agreement, the flat could not be sold within 10 years of purchase but was to revert back to bpp at the purchase price paid for it. The flat was purchased by late Mr. Junglawala from BPP Trustees in 2009-10. Junglawalla died on 12-7-2010, within a year or two of the purchase and well within the 10 year period laid down as a condition of purchase. Probate Application of the Will of late Mr. Junglawalla was filed in the Bombay High Court on 16-4-2012 by the Executors and the High Court approved the Probate on 5-4-2013. Thereafter the executors of the will including their Solicitor Homa Petit himself had come to the earlier board to hand over possession of the flat and to recover the purchase price paid for it which was the only amount to be distributed to various other charities as per his will. A surrender letter was sent to the then Chairman of BPP by Homa Petit, the Executors legal counsel. The then Trustees accepted the request but some time thereafter wrote to them that due to injunction imposed by the

Charity Commissioner, they would have to wait till the injunction was lifted.

At that time due to Charity Commissioners stay order ON ALL PROPERTY DEALINGS, the then Trustees expressed helplessness to take possession of the flat and repay the purchase price. It was agreed between the then Trustees and Mr. Homa Petit and other executors that once CC stay order is withdrawn, BPP would take over the flat and repay THE EXECUTORS the purchase price of Mr. Junglawalla for distribution among the various charities nominated by him. At that time Mr. Homa Petit as the acting Advocate for the Executors had agreed with the then Chairman and Trustees of BPP to the said proposal.

In fact Mrs. Arni P. Ilavia, the Executrix of the Estate of late Mr. Hormaj Burjorji Junglawala, by her mail dated 25-2-2019 to the Trustees of BPP admitted that "After careful review of the original Purchase Agreement for Flat No. 4 at Panthaky Baug signed by Mr. Junglawala with Bombay Parsee Panchayat (BPP), decision was made to surrender the Flat to BPP since it was less than 10 years between the date of Purchase and date of Mr. Junglawala's death. A surrender letter was sent to Mr. Dinshaw Mehta, Chairman of Bppon September 20, 2013 by Mr. Homa Petit, legal counsel retained by the Estate of Mr. J. B. Junglawala."

The Executrix further admits in her mail that after the injunction was lifted in 2016, BPP wrote to let the Estate know that BPP was ready to take possession of the Flat to which Homa Petit replied with willingness to surrender the Flat. She further reiterates that "It was clearly specified that in returning the said flat to BPP and BPP taking charge thereof, BPP will pay the Estate a sum of Rs. 18,66,600/ (the original purchase price) and thereafter, neither party shall have any claim (financial or otherwise) of any sort against the other".

Hence the contention of Bapoo Malcolm that the other charities should be given the majority of the auction price of ₹1.5 CRORE is wrong as the flat was to revert to BPP within the 10 year moratorium period AS HE DIED WITHIN THE 10 YEAR PERIOD.

It would be in the interest of BPP if an Affidavit was procured from the then Chairman and Trustees that it was agreed between them and the Executors to await the withdrawal of the Stay Order and then BPP COULD PURCHASE BACK THE FLAT AND PAY THE EXECUTORS THE ORIGINAL PURCHASE PRICE.

In view of all the above admitted facts, it would be prudent if Bapoo Malcolm realizes where the Equity lies and on his own volition does not go ahead with his threatened action as it would only lead to further squandering of Charity Funds for legal expenses as well as delay the distribution of the largesse under the will to the five charities stated therein.

ZOROASTRIAN PREMIER LEAGUE (ZPL)
 A WELCOME SIGHT FOR SORE EYES

In the Parsi Junction of 7th April 2019, our paper was the only one reporting on the largest footballing project in the community –ZPL- conceived and carried forward by the erstwhile ZYNG (unfortunately disbanded by the jealous BPP Trustees) and WINGS.

As informed earlier, 10 Owners were roped in to contribute Rs. 1 lakh each to purchase their team footballers and the winner would earn prize money of Rs. 2.5 lakhs and lesser sums to the loosing finalists and semi-finalists. The 10 team Owners with their Managers and 12 football players in each team had been published on 7-4-2019. Four weekends of April 2019 were planned for the tournament at DadarParsi Gymkhana grounds whose Trustees were very gracious to allow the conduct of this venture almost free.

Thus the first Match day was on Saturday, 6-4-2019 when 6 matches were conducted between 7 pm to 9.30 pm with two teams playing two matches that day. On Sunday 7-4-19, 7 matches were played with 3 teams playing two matches. Whilst the first two days saw very few visitors and supporters of the teams on the third match day on Saturday 13-4-19 when 6 matches were played and on Sunday 14-4-2019, 7 matches were played, the number of spectators and supporters had increased five fold

and it was a sight to see around 400 to 500 Parsi youngsters gathered at one venue. It was a humbling sight to see so many prime of the youth Parsi boys and girls vociferously screaming and shrieking support for their fancied team at one site. Thus so far we have had a total of 26 matches played and the points table of the 10 teams is as under:

FIXTURES		POINTS TABLE		STATS			
#	Team Name	P	W	L	D	GD	Pts
1	Pink Panthers	5	4	1	0	3	12
2	Storm 11	5	2	1	2	2	8
3	Saturday Supremos	6	2	2	2	1	8
4	Mondy's Patraos	5	2	1	2	1	8
5	Predators CF	5	1	0	4	1	7
6	Iranian Giants	5	1	1	3	0	6
7	Byculla United	5	1	1	3	0	6
8	Persian Pirates	5	1	2	2	2	5
9	Sterling FC	6	1	3	2	-7	5
10	Websters	5	0	3	2	-3	2

As luck and performance would have it, the leading team is Pink Panthers owned by BPP Trustee Viraf Mehta and third on the points table is the team Saturday Supremos jointly owned by Berjis Desai, advocate who is fighting the WadiajiAtashbehram-Metro tunnel litigation upto the Supreme Court of India, and Dinshaw Mehta, ex-BPP Chairman and ex-Minority member of Maharashtra State Minority Commission.

Two more weekends are remaining for four match days and the schedule of the matches is as under:

MATCHDAY 5 - APRIL 20TH, 2019

MATCHDAY 6 - APRIL 21ST, 2019

MATCHDAY 7 - APRIL 26TH, 2019**MATCHDAY 8 - APRIL 27TH, 2019**

We hope more Parsi youngsters come to witness the Parsi youth playing reasonably good football and if the same enthusiasm is continued, we will see many more Owners next season to form their own team.

GOOD LUCK TO ALL AND MAY THE BEST TEAM WIN.

Game Week 2 at ZPL

Game Week 2 at ZPL kicked off in style with some action packed games at the Dadar Parsi Gymkhana. The weekend saw some great football and major upsets throwing the league table wide open.

The tournament shall be held over a span of a month, with matches happening every weekend. The concept involves a league + knockout format, wherein the top 4 teams in terms of points at the end of the league stage shall proceed to the knockouts. The final shall be held on the 28th of April 2019 – at 9 pm.

Every match day has so far has presented some massive swings, and the only thing certain is that no team is safe and no team can be written off. The Iranian Giants found their shooting boots as Ratan Khandhadia and Arzhan Doctor got them off the mark. The former managed to score the winner to give the Giants their first win of the tournament. Late on Saturday Arzhan gave the men in red an early lead against Saturday Supremos but his goal was cancelled out by an insane equalizer from Hormuz Bana. Bana managed to score directly from a corner kick to salvage a point for Saturday. After a great start to the weekend, the Giants

seemed to be all set to capitalize on their momentum as they faced – Sterling F.C, a team struggling at the bottom of the table. The spectators though were in for a shock, as Nushad Irani led Sterling to a much- needed victory putting an end to the

Giants' party. After a great start to match day 4, Sterling F.C fell prey to Storm 11 as they finished off their weekend with a 2-0 loss. They've picked up 5 points in 6 games and will be hoping to turn things around in Game Week 3.

Corrigendum

In issue 5 of 7-4-2019 we have mentioned the owner of team Mondy's Patraos, Mr. Hoshang Yazdegardi as the owner of Cafe Mondegar. We would like to clarify that Mr. Yazdegardi is the Managing Partner of Cafe Mondegar.



Favorites after Game week 1, Pirates seemed to be the team to watch out for. The team however struggled over the weekend, losing both their games. After scoring 5 games in their first 3 matches, the team seemed to have no trouble finding the net, but it all seemed to be going wrong for the team led by Rushad Parbhoo as they finished the weekend without scoring even once.

Saturday was up for the most crucial weekend of their tournament. With 3 games in two days, they had a major mountain to climb. A goal less draw against Predators early on Saturday was far from what they wanted. In the final game of the day they found themselves a goal down against the Giants and seemed to have lost all hope. A stunner from Bana saved the day for Saturday and perhaps their tournament life as well. Late into the second half, keeper Danesh Madon made the save of the tournament to deny Giants of what seemed to be a certain win. Saturday put up a fantastic display proving their metal, as they beat Mondy's who sat at the top of the league table.

With 3 more games to go, Saturday still have the opportunity to scrape their way into the knockouts.

Byculla United, put up an average display over the weekend finishing Game week 2 with 2 draws. Both games ended in goal less draws, with a large amount of chances squandered by the team in blue. Hitting the pole twice against Predators, luck didn't seem to favor the side managed by Yareesh Ferzandi.

After a 1-0 loss to Mondy's on match day 3, the Pink Panthers lost their position atop the League Table. They seemed to be missing their key player – Rohan Sanjana who they lost to an injury in Game week 1. The Panthers however came back stronger on Sunday winning both their games and finding themselves in first position with a 4 point lead over Storm 11, who are now second on the table.

Beating the Panthers was a crucial win for Mondy's but a loss to Saturday on Match Day 4 means they now sit at 4th position, 4 points away from the Panthers. In what was a top of the table clash, substitute Arzish provided the winner for

Mondy's and celebrated his birthday in style.

After an average start to the tournament, Storm 11 picked up 6 points in Game week 2. They beat Websters on Matchday 3 and picked up a comfortable 2-0 win over Sterling F.C late on Sunday. The two wins made up for the loss to Pink Panthers, as they now seemed to be on track to make it to the knockout stages of the League.

Websters find themselves bottom of the table after only 2 points in 5 games. Boasting some fine names on paper, the team seems to be playing quality football, but is having a tough time getting results. Playing top of the table teams over the weekend, the team led by Cyrus Karbhari and Arman Arethna seemed to be over powered as they lost both their games over the weekend. The team cannot however be written off, they still have 4 games to go and they definitely possess the quality to turn the table on its backside.

Predators finally put an end to their string of Goalless draws, with Arish Unwala scoring late against the Pirates

to give the team its first victory. After 5 games, the team remains to be the only side that is unbeaten in the league. With a solid defense led by Rustom Contractor, the team is more than capable of going the season unbeaten and invincible. With the win, Predators have managed to pick 7 points in 5 games and are in a comfortable position on the table. They shall look to players like Karl Malao and Kerfegar Dalal to shift into a higher gear and pick up a win or 2 next weekend.

Overall, the Panthers lead the League table with significant margin; the rest of the table is extremely tight and can go either way with barely any difference in points between the teams in the tournament. We'd also like to take this opportunity to thank our media partner for this event – Hapyay, Sports Partner – Puma, Production Partner – Mazda events, Design Partner – Pashang

Dadyburjor, Print Partner – Union Press, Fitness Partner – Fitness Force, Tea Partner – Sosciety Tea, Health Partner – Encore and title sponsor – Rustomjee Builders.

BJP vs Congress: Parsi community stands divided over Lok Sabha elections

The Parsi community who otherwise shows the united front is split when it comes to voting this election season. The members who are known to support the Congress, are now divided.

Many members of the community backed BJP last general elections. This time the drift is because of the BJP-Shiv Sena joining hands. "Their decision to not realign metro route was the big disappointment. They did not realign the route when we requested them to. We even approached the matter legally, but no decision was taken. But when the Metro issue was raised

by the Thackerays, as it was to be constructed above the Thackeray house it immediately got clearance," said Dr Viraf Kapadia, member of community and resident of Napean Sea Road.

Kapadia was among the many Parsis who was against the metro route going beneath the Fire Temples. "The young in the community are not so concerned. However, the older generation have raised issues like the party engaging in hate politics, the BPT land matter, nonaddressal of civic issues among others. These unresolved issues are the reason behind many supporting



the Congress," said Jamshediarani, resident of Colaba.

Some Parsis are also backing the BJP-Shiv Sena alliance. "Many are with the Narendra Modi government. They want to give him another five year as they believe he has done more for

country as compared to Congress. Both parties are being accused of robbing the country, but there have been positive developments and that is what has gone down well with community," said TehmtanDumasia, resident of Napean Sea Road.

AWARD FOR DR. ASPI RAIMALWALA PRIDE OF PARSIS

After making a hat trick of three awards in just over three years, Dr. Aspi Navroze Raimalwala, consulting Gynaecologist from Mumbai is awarded fourth award, "President Appreciation Award 2018-19" for valuable contribution to society by IMA Mumbai branch president Dr. Salim Sachani on 14 April 2019 in a function packed with luminaries like our very own Dr. Hozie Dara Kapadia, president IMA Maharashtra state, Dr. Shivkumar Utture, President Maharashtra Medical Council, Dr. Anil Pachnekar National Vice President IMA and other luminaries at IMA lawn, Haji Ali, Mumbai.



Dr. Aspi N. Raimalwala was previously awarded:

- (1) President appreciation award 2016-17, IMA Mumbai Branch on 9th April 2017.
- (2) Dr. A. K. Daftary award 2017-18 IMA Mumbai branch on 1st April 2018
- (3) President appreciation award 2017-18, IMA Maharashtra state on 24/12/2018.