

**PARSI  
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# PARSI JUNCTION

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Committed to Transparency and Accountability

## YAZDI DESAI RESIGNS AS TRUSTEE OF BPP

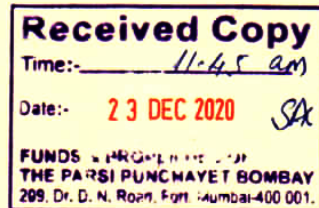


YAZDI DESAI

*Yazdi H. Desai*

23<sup>rd</sup> December 2020

The Trustees,  
Bombay Parsi Punchayet,  
209, Dr. Dadabhai Naoroji Road,  
Fort,  
Mumbai 400 001



Dear Colleague Trustees of the Bombay Parsi Punchayet,

Subject : Resignation

As you are all aware, I suffered a stroke last April, from which I am yet to recover fully. By the grace of Ahura Mazda I am getting better, but doctors have informed me that full recovery may take longer than I had anticipated, due in no small measure to the fact that I was unable to get any therapy for the initial 4 months, owing to the prevailing pandemic situation.

To fast-track my full recovery there are certain restrictions and advisories given by my doctors, primary among them being the necessity to avoid all stress.

After much thought and soul searching, I have come to the conclusion that due to constraints on my activities triggered by my stroke, I will not be in a position to give my best to my duties as Chairman and Trustee of the Bombay Parsi Punchayet and therefore I am submitting my resignation from the august body of the Bombay Parsi Punchayet.

Another factor that has prompted me, after due consideration, to tender my resignation at this time is that the doctors have indicated that the time frame for my full recovery is uncertain. It is unfair to the community to leave my seat vacant and my duties unattended for an uncertain period of time. Since an election for the post of one BPP Trustee is to be held in February / March 2021 owing to the demise of my colleague Trustee Zarir Bhathena, and as every election costs the community a lot of money, I think it is my duty to be prudent and hand in my resignation as Chairman/Trustee, from the office of the BPP.

In the course of one's life, hard and painful decisions have to be taken. This is the most painful decision I have had to take, as for nearly 20 years my life has revolved around my community and the Punchayet. I understand the full weight of my responsibilities towards my community and it is with this in mind that I am hereby submitting my resignation, with immediate effect, from the august body of the Bombay Parsi Punchayet (BPP) which I have had the distinction to serve as Trustee for the last 12 years, including the last 5 years as Chairman.

It will always remain a matter of regret that I am tendering my resignation from trusteeship of the BPP when there was so much more I wanted done for our community through the BPP.

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*Yazdi H. Desai*

It has been a privilege and honour to serve the Parsi Irani Zarthushti community and I could not have done it without the support and dedication of my wife Anahita, whom I see as a fearless warrior for the good.

As I leave the office of the BPP, I thank Dadaar Ahura Mazda for without His help I would not have come thus far and I thank the BPP staff and my beloved Parsi Irani Community for their unending support.

Yours Sincerely,

Yazdi Desai

Copy to : Armaity Tirandaz

Kersi Randeria

Noshir Dadrawalla

Viraf Mehta

Xerxes Dastur

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# SHAPUR BAUG NEXT TO ASLAJI AGIARY UNDER SCANNER

After a long time we have received a write up obviously from a resident of Shapur Baug, a Parsi Colony with over 100 families in Congress House Lane, off Lamington Road under the pseudo name of Parsee Crusader for obvious reasons highlighting the deeds and action or inaction of its Parsi Trustees towards its Parsi Trustees.

For information and general knowledge of the community we are publishing the same after having made due diligence with some of the residents of Shapur Baug of the veracity of its contents.

On Dec 24, 2020, at 12:09 PM, Parsee Crusader <Parsee.crusader@outlook.com> wrote:

**PITFALLS IN PAYING PUGREE FOR FLATS IN SHAPOOR BAUG. GRANT ROAD (East)**

**Parsi humdins beware -Buyers beware. CAVEAT EMPTOR.**

Reader of this e mail would have perused a Public Notice in Parsi weeklies inviting bids for a vacant flat of 4 Rooms in Cusrow Baug with floor price of Rs 2.25 crores. This Colony has amenities such as a Canteen food supply ( a boon for senior citizens) supply of meals in bulk to several tenants by a well-known caterer Bhesadia, a soccer / volleyball ground, lawn for senior citizens with benches and above all a Fire Temple within the complex.

The Trustees of BPP or for that matter do not sit before Monitor of CCTV to keep a watch on movements of people, unlike in Shapoor Baug where a parvarta "Trustee" inflicted with OCD, indulges in this 'past time' compelling his second wife to return to her paternal home.

Has anyone seen a Trustee himself collecting monthly rent?

Yet, for enticement of 1% Brokerage, Estate Agents (self styled) like Ahura Properties (Ruzbe Daruwala) and one Anahita Motafram

advertise to Parsees about Shapoor Baug where 7 flats are lying vacant. Such Estate Agents do not do due diligence and perhaps themselves are unaware of the real state of affairs. So can not disclose the same to prospective buyers.

Even a 5 year old can say that there are lifts and there is a main gate, but have these Agents vetted the Trust Deed? ANSWER: NO.

As for flats in Shapoor Baug let us deal with the fact that the property belongs to a family trust and there was and is an internal dispute among the Trustees. A Public Notice had appeared in the Parsi Times issue dated the 8th Dec 2012 where one Trustee had disowned the action of remaining Trustees. Thereafter, this dissenting Trustee filed Suits in the High Court.

The Indenture 4379 dated 12th Oct 1941 enables the Trust to subsist till the life time of one of the surviving Beneficiaries aged 76. May she live long in excellent health.

Thereafter, the property will cease to be a Trust property and will be in the hands of rival remainder man i.e. sons of two beneficiaries who are intending to hand over the property for Redevelopment.

After making payment of over Rs. 2 crores plus a pugree, the intending buyer is liable for the following:

- Threatened with litigation for keeping pet dogs,
- Not allowed to be dropped in car of his/her friend,
- Not accepting monthly Rent by cheque even if the cheque is signed by the tenant, just because the face of the cheque bears the joint name of a family member.
- One solitary female tenant was forced to give an undertaking that flat occupied by her would revert to owners but was even compelled to obtain undertaking to this effect from her 82 year brother and sister in law who reside in Colaba!
- Not allowed to put up Box grill for safety on windows,
- Being questioned why the tenant brought

his ailing mother in law or any other relative to stay in the tenanted flat. Later, the concerned tenant is compelled to move out such an ailing person.

- Being questioned why his foreign working son/daughter or a married daughter has come to stay with him and compelled to give in writing that such an heir has no right on the flat. And the owners say that such information is called for by 'law enforcement' agency.

Don't believe it, ask any tenant of this baug known to you who were made to delete their names under coercion though they hold Voter's Card and in two cases Aadhaar card with the same address.

- Sons/heirs of existing tenants who are deceased have to face Eviction suits..

**Now we will deal with the so called Amenities!**

1). There are lifts in the buildings BUT they are maintained by block associations from the contributions made by individual tenants and NOT by the owners. In fact, besides regular upkeep, even replacement of lifts have been financed exclusively by the tenants and electricity charges for operation of lift and water pumps are fully paid for by tenants.

For lift to be availed of after 10.30 p.m., one has to grease the palms of what are called 'watchmen'.

2). As aforesaid, water is supplied through pumps maintained/ replaced at the cost of tenants exclusively with no contribution from the owners.

3). As for parking, the Parking charges are Rs. 1,100/ per month.

4). Watchmen, (somebody is joking). Two of them can barely walk fast and one of them an obese Nepali has a 'record' in Police Station .

In the event of any possible burglary, by the time, the burglar is at Lamington Road or Kennedy Bridge, the 'watchman' would not have reached the main gate of the compound. That 'agile' and 'quick' they are!



In fact, they are not watchmen but sweepers cum car cleaners, who are compelled to do household work pro bono in the flats Tughlakhi Darayus. And the so called security charges are fully recovered from tenants, without any accounts being given. The owners are so "TRANSPARENT" that they ask for payment by CASH ONLY.

5). As for CCTV, it is meant for finding out which tenants has visitors in his/ her house and at what time they arrived/left and not for the safety of tenants, as made out.

Having dealt with the 'attractive amenities', we deal with fund economics.

The owner expects over Rs. 2 crores for each of the vacant flats. Now Rs. 2 crores at notional tax free interest of 6% comes to Rs. 12 lacs. In other words, a prospective 'purchaser' will be paying disguised monthly Rent of around Rs. 1,00,000/ for a flat in 80 year old buildings in a shady locality over and above the regular Rent. **Square foot area of vacant flats is inflated knowing that the pugree payer is not going to do measurements of the flat.**

For the same amount of rent, an intending purchaser can purchase an ownership flat in a new building with amenities such as a swimming pool, a club house and possibly a golf course and in a better locality. Even Tax rebate will not be available as House Rent since loss of interest as notional rent will not provide Tax Relief.

6). Such a payment of 'pugree' is non-refundable and even half of it would NOT be refunded if the victim decides to move out. So it is tantamount to a DONATION to a non-Charity Trust, unlike BPP Baugs where it is a Refundable Deposit.

**CASES AGAINST HEIRS OF THE TENANTS.**

If you do not believe, ask Parvez Appoo (RAE 200131 of 2012) and Homiyar Malesara, (RAE/367/2018). and Shahrookh Dara Shroff, RAD Suit No. 632 of 2011 respectively.

In case the tenant is single ailing and old, the relative who came to look after such a tenant is forced to leave. e.g. late Ms. Najoo Motafram.

There are pending over 25 Eviction Suits including those against:

- i) Wife of a deceased tenant, name Karai, RAE/200471/2013,
- ii) Sons of three deceased tenants. Shroff, Malesara and Appoo).
- iii) Heirs of late Rusi S Deboo of Leach & Weborny, are facing an Eviction Suit RAE/1498/2018,

Three Appeals in the High Court.

One Appeal in Supreme Court, SLP 24529. 24530 of 2019.

Doctors are not willing to visit patients in this colony because the relative of the tenant patient has to take prior permission of the mother of one newly appointed Tughlakhi Trustee for the car of the Doctor to enter inside.

**Since there are over 120 tenants in this colony, you would know at least a couple of them and ask if the contents of this e mail are factual or otherwise.**

At present around 7 flats are lying vacant. More flats will fall vacant by next 12 years or so each block building will have at least 10 vacant flats considering the age profile of

existing tenants. Add to that, dwindling Parsi population and youngsters migrating.

If anyone wants a copy of the Notice dated 8/12/ 2012 or proof of any details of what is stated, please feel free to ask.

Though it is rental, the tenants have been called upon to bear full cost of EXTERNAL / STRUCTURAL REPAIRS of Blocks 'D' & 'F' without contribution of so called Landlords for vacant flats and flats occupied by 'Trustees'. Is not Pugree a SURPLUS as mentioned in the Trust Deed to meet heavy repairs? So sincere tenants subsidize Trustees. As is known MHADA is known for shoddy repairs. So in this Baug, tenants though not having ownership rights are compelled to contribute as if it is ownership structure.

Please circulate among your contacts, in the interests of community members who are misguided by so-called Estate Agents.

**PUBLIC NOTICE**

I am the co-trustee of Bai Bhicaiji H. Bennett Trust which owns seven buildings known as "Shapur Baug" at V.P. Road, Mumbai – 400 004. The undersigned learnt that the co-trustees Pilloo Dadbhoy Broacha, Jeroo Dadabhoy Broacha and Dina Dadabhoy Broacha intend to sell flats in Shapur Baug without the written consent or permission of Shapur Dadabhoy Broacha and in breach of the Trust Deeds.

Any Parsee Zoroastrian who purchases a flat will be doing so at his/her own risk.

**Shapur D. Broacha**  
G-2/3 Shapur Baug,  
V. P. Road,  
Mumbai 400004

**Power of Prayers vs Power of Pen**

Words when spoken orally however nasty has no effect whatsoever than Putting pen to paper lights more fires than the matches will (Malcolm Forbes )

We all believe in our Prayers no matter what religion caste or creed but Prayers sometimes never get answered even though  
One is on bended knees  
It is said: More things are wrought by

Prayers than this world dreams of....  
Prayers are supposed to  
Perform miracles that we  
Are taught to believe  
but....  
Take the example  
Of Covid 19.  
We begged, we pleaded  
We even went on bended knees  
We even did Humbandagis  
Visited Atash Behrams Agiaries

But snatching innocent victims  
Making their loved ones suffer  
Agonizing as well excruciating pain  
Wondering when will they see  
Their loved ones again?  
Prayers are testing one  
To see the limit  
As to how far  
One can go  
Whether one  
Continues to Pray  
Or wishes to forego!

**Choicest Happiness**  
**Farida**



# KERSI RANDERIA BASELESSLY COMPLAINS OF RULE OF 'RECKLESS MAJORITY'

After shedding crocodile tears over not having physical meeting in the BPP Boardroom and refusing to attend any Zoom board meeting, Kersi Randeria and Noshir Dadrawala now shed the same crocodile tears because their proposal to publish the Schedule of Elections at the Zoom Board meeting which both of them attended on Monday 21st December 2020 was requested to be postponed by Trustee Viraf Mehta by a week i.e. not to issue the Public Notice for Election Schedule as proposed by the two of them in Parsi Times of 27th December 2020 but to publish it seven days later in Parsi Times of 2nd January 2021 and that too without changing the date of elections which is proposed on 14th March 2020.

## **SUCH A SIMPLE REQUEST !**

However Kersi Randeria in his personally owned Parsi Times of Saturday 26th December 2020 has so changed the tone and tenor of Viraf's request under the Headline **"COMMUNITY, BPP GOVERNANCE SUFFER UNDER RULE OF 'RECKLESS MINORITY'** that an average reader would be confused to understand the complain against the reckless minority. We will try to explain their stupidity and inflated EGO problem in not agreeing to a seven days postponement to publish the schedule of election.

Acting Chairman and now the permanent Chairman of BPP, Armaity Tirandaz, for the next nearly two and a half years had proposed a Zoom Board meeting on Monday 21st December 2020 and had forwarded Agenda to all the six Trustees showing first item of "Finalize date for Election to fill the Vacancy created by the demise of our colleague Trustee Zarir Bhatena and the way forward" after the approval of Minutes of Board meeting of 15-12-2020.

As expected both Kersi Randeria and Noshir Dadrawala joined the Zoom meeting, in spite of their reservation, on the ostensible ground of community welfare.

After discussion it was unanimously agreed by all the five Trustees to hold the Elections on 14th March 2020. SO FAR SO GOOD!

Now Kersi Randeria threw a spanner in the cordiality of the Zoom meeting by informing the other Trustees that he had worked out a Schedule of elections based on the same lines as done by the administration in case of Elections conducted for Xerxes' election-including the date of election, date upto which new voters can be registered, closure of the election register, last date for application of duplicate certificate, last date for collection of certificate, date of issue of Nomination form, and last date for filing nomination and insisted that the his Schedule of Election should be published in Parsi Times of Saturday 26th December 2020 and in Jame-Jamshed of Sunday 27th December 2020.

**Normally it has always been the administration staff who prepares the schedule of elections and puts it before the Trustees for their approval and changes if required and to the best of our knowledge no Trustee has ever prepared the Schedule earlier. Kersi Randeria being a devious person with a diabolic criminal mind obviously could not be trusted with his preparation of Schedule which is normally the duty of the administration.**

Trustee Viraf Mehta inquired of both of them of the urgency of publishing the Schedule this weekend when the election date is 14th March 2020. Noshir Dadrawala and Kersi Randeria explained that it would give new voters more time

to register since the election register would close on 13th January 2021.

Against this Viraf Mehta explained that the new covid strain detected in London has led to curfew being imposed every night from 11pm to 6am from 22nd December to 5th January 2021 and there were rumors that Chairman Yazdi Desai would be submitting his resignation this week and hence another Public Notice would have to be issued for holding two Trustees elections instead of one.

However for some reason Kersi Randeria was adamant that the Schedule should be published this week only. In consideration of Noshir Dadrawalla's request to give more time to new voters to register, Trustee Viraf Mehta suggested that if that is the only consideration then this week let us issue a Public Notice calling upon new voters to register at the earliest and the Schedule of Elections can be published next week. However Randeria threw a fit and insisted that you cannot delay the publication of Schedule only on basis of rumors of resignation and demanded publication this week itself. In hindsight Kersi Randeria was already well aware on Monday 21st December that Yazdi Desai was resigning on Wednesday 23rd Dec and yet continued pretending that one should not rely on rumors. What a clever calculating mind this man has.

Viraf Mehta explained that the High Court would go on vacation this week and once the Schedule was announced no Court would postpone the elections especially not the Vacation Court even if the new covid strain spread to Mumbai and hence the Trustees by majority decided that the Election Schedule would be published one week later in the Parsi Times and Jame-Jamshed on 2nd and 3rd Jan 2021 and in the meantime it has now been decided

to issue a Public Notice on 26th and 27th Dec 2020 calling upon new voters to register at the earliest as now two Trustees elections would be held due to resignation of Yazdi Desai.

The said Public Notice was sent to both Parsi Times and Jame-Jamshed on Thursday for publication this weekend. However the cussedness of Kersi Randeria is so disgusting that

Parsi Times has deliberately and with malafide intent NOT published the BPP Public Notice this Saturday issue. Will Noshir Dadrawala still continue to side with Kersi Randeria as the Public Notice was issued specifically at his request to inform new voters to register.

Since Jame-Jamshed is also under his control, we are not aware at present if JJ will publish the BPP Public Notice.

To prove the cussedness of Kersi Randeria we publish below the said Public Notice for the information and knowledge of new voters to register as voters.

Of course we have his fourgoons praising his stand on Schedule of Elections and denigrating the three Trustees without knowing all the facts of the latest fiasco.



**As many may be aware, the election for the seat vacated by the sad demise of Mr. Zarir Bhathena has been scheduled for mid-March.**

**On Wednesday, December 23, the BPP Trustees received the resignation of Chairman Mr. Yazdi Desai due to health reasons. We wish him a speedy recovery.**

**The Trustees of the BPP shall be convening an urgent meeting to accept Mr. Desai's resignation and appoint a new Chairman.**

**Given the new development, the upcoming BPP election will now be held for two seats. We request our community members to bear with us as the election schedule should be released next week.**

**In the interim, we would request those community members who are not yet registered voters to please do so, by filling up the Registration Form for entering name in the Voters Register available in the BPP Office.**

**A long and hard battle was fought to bring adult franchise to our community and all Parsi/Iranis are requested to exercise your right to vote to elect the Trustees of your choice.**

**Registration Forms are available at the BPP office at 209 D. N. Road, during Office hours from Monday to Friday.**

**ASPI F. SARKARI  
CHIEF EXECUTIVE OFFICER  
ON BEHALF OF THE BOARD OF TRUSTEES**



# KERSI RANDERIA THE FIXER



*Kersi Randeria*

Over the last few years much has been written about the 104 allottees cases as well as the matter of the two Ownership buildings A and B of Panthaky Baug, both decided by the Hon'ble High Court in October 2009, especially the false allegation made by Kersi Randeria in both the matters that the Orders were obtained by illegal means adopted to bribe the judiciary.

In the Parsi Junction issue No. 57 dated 22nd November 2020, we had highlighted how the bribery charges of Kersi Randeria in the 104 allottees Writ Petition No. 790 of 2009 were baseless as **THE ORDER PASSED BY THE DIVISION BENCH OF THE HIGH COURT IS "BY CONSENT OF BOTH PARTIES"**.

It is necessary to give a background of the history leading to the High Court Orders in October 2009 setting aside the Charity Commissioners Orders in both the matters obtained by Kersi Randeria first in

November 2008, so that the community is aware of the facts leading to the setting aside of the Charity Commissioners Orders.

The then new Board Of Trustees were elected under the Adult Franchise Scheme for the first time in October 2008 when the hitherto mode of Anjuman Committee members electing trustees was set aside and the trustees for the very first time were elected by the whole Parsi community members who were registered as voters with BPP, thanks to the efforts of late Rustom Tirandaz and Dinshaw Mehta to bring adult franchise mode for election of Trustees of the Bombay Parsi Panchayet.

Immediately after the elections in October 2008, the newly elected Board of Trustees comprising of DINSHAW MEHTA-CHAIRMAN, RUSTOM TIRANDAZ- DY. CHAIRMAN, NOSHIR DADRAWALA, ARNAVAZ MISTRY, YAZDI DESAI, JIMMY MISTRY AND KHOJESTE MISTRY--were faced with an unwelcome order dated 23rd January 2009 of the Joint Charity Commissioner obtained by Kersi Randeria, founder of AZA (Alert Zoroastrian Association) who had made the life of the earlier board in general and Dinshaw Mehta, Yazdi Desai and Khojeste Mistry in particular miserable by taking the new trustees to the Charity Commissioner at the slightest excuse and not letting them function as Trustees at all.

It is reported that Kersi Randeria invested in 2008-09, a lot of his personal funds into bribes and legal costs to obtain this victory for 104 allottees as well as stay on Ownership building against the trustees through the Charity Commissioner in the hope of recovery of his investment with huge profit at the next board elections which he did contest and win under dubious circumstances in 2015 under electronic voting by EVM machines.

You will recall that many of the 104 applicants for whom Randeria filed the application before the Charity

Commissioner are the same people who continuously write on whatsapp groups against Mehta and others, on behalf of Randeria.

Imagine the lakhs of rupees of charity funds being forced to squander by the Trustees due to this pig headed confrontonist policy of Kersi Randeria since his boss and main employer Maneck Engineer lost to Dinshaw Mehta in 2001. The BPP's present cash crunch can be traced and pin pointed to this one man's huge EGO to obey him and his 'MY WAY OR THE HIGHWAY'.

Coming back to the charity commissioner, another Order was passed dated 9th March 2009 in the 104 allottees cases. The Trustees including Dinshaw Mehta, Yazdi Desai and Khojeste Mistry then moved the High Court for relief against the Charity Commissioner's orders dated 23rd January 2009 and 9th March 2009 and filed Writ Petition no. 790 of 2009 before the Division Bench of Mumbai High Court.

The High Court rightfully set aside both the orders of the Charity Commissioner's Orders as also all interim orders passed by the Joint Charity Commissioner and appointed Hon'ble Justice B. N. Srikrishna, retired Justice of the Supreme Court of India as a one man Committee to examine the list of 104 allottees and decide and report to the Trustees who were then directed to act in accordance with the report of Justice Srikrishna.

The above Order of the High Court dated 15th October 2009 in the 104 allottees case has already been published by us in Parsi Junction issue of 22nd November 2020.

We now come to the two Ownership buildings A and B whose construction was started by the Trustees in Panthaky Baug in 1996-97 and Occupation Certificate for which was received in 1999 as also the Dy. Charity Commissioner's sanction in spite of Objections raised by Kersi Randeria for



sale of the 108 flats on Ownership basis at around Rs. 20 lakhs per flat, which would have earned BPP over Rs. 20 crores in revenue in 1999 with which so much welfare projects could have been initiated in 1999 itself.

However the nigger in the pie, Kersi Randeria went in appeal to the Joint Charity Commissioner against the original approval of the Dy. Charity Commissioner on the ground that the Trust Deed of Panthaky Baug property did not provide for Ownership buildings though five Ownership buildings had already been constructed as far back as 1974 with the approval of the then Charity Commissioner.

After prolonged hearing the Charity Commissioner ultimately passed Order dated 5th November 2008 withdrawing the earlier sanction given for sale on Ownership basis.

Against this the Trustees filed Writ Petition No. 2879 of 2008 and on 15th October 2009 set aside the Order of the Charity Commissioner dated 5th November 2008 and allowed sale of the flats on Ownership basis but at same rate of Rs. 20 lakhs per flat sanctioned in 1999.

Keeping aside around 28 flats as Transit accommodation for rehousing the occupants of buildings to be reconstructed to cater to the Order of the High Court to construct 300 extra flats in Panthaky Baug within two years to house the poor and needy for free, the rest of the 80 flats were put up for auction in 2010-11 at Rs. 20 lakhs per flat starting with the poorest first and a sum of about Rs. 15 crores was recovered from the sale proceeds.

### **NOW THE BRIBE QUESTION!**

Kersi Randeria and his paid supporters have been circulating messages and videos on Whatsapp since years that Kersi spent lakhs in the interest of the 104 allottees as well as Ownership buildings A and B but Kersi Randeria has been continuously accusing that Yazdi Desai got the charity commissioners favorable orders set aside

by the High Court by similarly spending lakhs.

### **Now comes the twist in the tail.**

### **THE ORDER PASSED BY THE DIVISION BENCH OF THE HIGH COURT IS "BY CONSENT OF BOTH PARTIES".**

This means that **Kersi Randeria on his own agreed and gave his consent to the Orders proposed to be passed by the High Court.**

Hence it was Kersi Randeria who is the traitor who obviously must have got a hefty kick back to set aside Charity Commissioner's orders and have them replaced by Justice Srikrishna's Report as well as set aside the stay of sale of Ownership flats. At that time Kersi Randeria was desperate for funds as he had just started in 2008 his Slum Development Project in Ghatkopar W.

Will the community ever know the truth of the episode involving the Charity Commissioner, The High Court, Kersi Randeria And Yazdi Desai? One time bitter enemies during the 2008 elections as well as subsequently before the Charity Commissioner in number of cases after the 2009 kick backs after the High Court Order by Consent of all parties suddenly became partners in the 2015 elections.

To clear all doubts about the malafide but cunning action of Kersi Randeria, we give below the order of the Division Bench Of The High Court passed on 15th October 2009 in Writ Petition no. 2879 of 2009 disclosing the true treachery by Kersi Randeria who himself consented to the Orders passed by the Bombay High Court in both the Writ Petitions. The first two lines of para 1 of the Order dated 15th October 2009 reads

### **1. "by consent of parties, petition is disposed of in following terms:"**

In view of above, it is clear that the order was passed by the High Court by consent of parties which means by consent of all the parties concerned.

Which means Kersi Randeria backstabbed the 104 applicants as well as the Ownership flats for whom he had filed the case and taken a KICK BACK in cash for allowing an Order to be passed by CONSENT. The amount of kick back paid to Randeria will never be known to the community but with the record of Randeria of being arrested for fraud, battery, sexual assault - taking kick-backs would be no surprise to anyone. As it is several contractors had complained to the Chairman Yazdi Desai about Kersi Randeria wanting kick backs from repairs contracts awarded to them without which such contract would not be awarded to the contractor.

If Randeria was aggrieved by the Order by the Hon'ble High Court, he could have challenged it. However, he let it become final because he took a hefty kick back to commence his fraudulent slum project for which another FIR has been filed against him by the slum dwellers.

Let us not forget today Randeria is heavily in debt. It is rumoured that as per Government Records, Randeria owes Banks over Rs. 50 Crores. It is alleged that He is in deep need for funds. Let us be assured, Banks will soon come to seize the properties of Randeria should he fail to service his debt. Community members should be cautious in dealing with a man with such antecedents. The High Court Order proclaiming Consent of all parties including Kersi Randeria is given below:

### **"IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

### **ORDINARY ORIGINAL CIVIL JURISDICTION**

### **WRIT PETITION NO. 2879 OF 2008**

**Mr. Dinshaw Rusi Mehta and ors...  
Petitioners**

**v/s.**

**The State of Maharashtra and ors...  
Respondents...**



Mr.Aspi Chinoy, Sr.Advocate with Mr.Rafiq Dada, Sr.Advocate and Mr.Percy Gandhi and Ms. S.J.Pochkhanwala i/b Mulla & Mulla and CBC for Petitioners.

Mr.D.A.Nalawade, Government Pleader for the State/Respondents Nos.1 & 2.

Mr.Iqbal Chagla, Sr.Advocate with Mr.N.H.Seervai, Sr.Advocate, Mr.S.V.Doijode,Mr.P.A.Kabadi i/b Doijode & Associates for Respondents Nos.3 & 4....

**CORAM: D. K. DESHMUKH, & R.G.KETKAR, JJ**

**DATED: 15th October, 2009**

**P.C.:**

**By consent of parties, petition is disposed of in following terms:::**

(i)The order dated 5-11-2008 passed by the Charity Commissioner is set aside;

(ii)The trustees of Bombay Parsi Punchayat shall be free to dispose of the remaining flats in relation to which sanction was given by the Charity Commissioner at the rate at which they have been permitted to sell the flat on ownership basis to poor, needy and deserving Parsis and priority being given to poor Parsis.

(iii)The trustees to file an undertaking in this court within a period of two weeks from today that on the same property i.e. Panthaki Baug, buildings will be constructed having at least 300 flats within a period of two years from today, which will be allotted under Merit Rating Scheme of the trust, immediately on the flats being ready for occupation.

(iv)The undertaking to be given is accepted.

(v)The trustees shall be at liberty to apply for extension of time, if at the end of the period of two years they find that it is not possible to comply with the time limit for a reason beyond their control. It is made clear that

application for extension of time shall not be entertained unless substantial progress is made in the matter of construction of buildings.

**(vi)Petition disposed of.**

**(D.K.DESHMUKH, J.)**

**(R.G.KETKAR, J.)”**

**HOWEVER THE MATTER DID NOT END HERE. FOR REASON OF THE NEW DEVELOPMENT PLAN AND NEW DC RULES, THE TRUSTEES COULD NOT START THE CONSTRUCTION OF THE ORDERED 300 FLATS FOR THE POOR WITHIN TWO YEARS.**

**IN 2013-14, KERSI RANDERIA FILED A CONTEMPT OF COURT ACTION IN THE HIGH COURT AGAINST THE TRUSTEES FOR FAILING TO COMPLY WITH THE HIGH COURT ORDERS, WHICH IS STILL PENDING IN THE HIGH COURT.**

**WHAT GOES AROUND COMES AROUND.**

**IN 2015 KERSI RANDERIA BECAME A TRUSTEE AND EVEN THEN FOR THE NEXT FIVE YEARS WHEN HE WAS THE DEFACTO CHAIRMAN OF BPP, HE TOOK NO STEP TO FULFILL THE HIGH COURT ORDERS AND NOW MUST FACE THE SAME CONTEMPT OF COURT ACTION WITH WHICH HE HAD THREATENED YAZDI DESAI AND OTHERS IN 2013-14.**

**WILL KERSI RANDERIA EXPLAIN TO THE COMMUNITY WHY HE FAILED TO BUILD THE 300 FLATS AS ORDERED BY THE HIGH COURT THOUGH IN POWER.**

**KERSI RANDERIA HAS DELIBERATELY MADE BPP PAUPERS WITH RESULT THAT EVERY MONTH THE TRUSTEES HAVE TO TAKE EXTRA STEPS TO PAY STAFF SALARY ON TIME.**

**SINCE THE LAST SIX MONTHS KERSI RANDERIA HAS LOST HIS MAJORITY AND WITH IT HIS MENTAL EQUILIBRIUM HAS ALSO GONE AND YET STILL TRIES TO DICTATE TERMS TO OTHERS BUT FAILS AND THEN HIS VENGEFUL ATTITUDE MAKES HIM SCHEME AGAINST HIS COLLEAGUE TRUSTEES INSTEAD OF WORKING IN CO-OPERATION WITH HIS COLLEAGUES FOR THE WELFARE OF THE COMMUNITY.**

**THIS SINGLE MAN HAS COST THE BPP CRORES OF RUPEES BY WAY OF LEGAL COSTS IF ONE SEES THE PLETHORA OF SENIOR COUNSELS WHO FOUGHT THIS LITIGATION IN THE HIGH COURT AND OFFICE OF THE CHARITY COMMISSIONER SINCE 1996-97 TILL 2009.**

**FURTHER THE OWNERSHIP BUILDING WHICH WAS READY FOR SALE AND OCCUPATION SINCE 1999 AT RS. 20 LAKHS PER FLAT WAS ULTIMATELY ALLOWED TO BE SOLD ONLY IN 2010-11 AT THE SAME RATE OF RS 20 LAKHS PER FLAT SANCTIONED IN 1999 WHILST TODAY THE SAME FLATS ARE WORTH OVER RS. 1 CRORE BUT THE BPP WAS FORCED TO SELL AT ONLY RS. 20 LAKHS EACH WITH A FURTHER ENCUMBRANCE TO CONSTRUCT 300 FLATS FOR FREE ALLOTMENT. THUS THE SALE OF 108 FLATS IN 2010-11 SHOULD HAVE EARNED BPP OVER RS. 110 CRORE BUT INSTEAD THANKS TO THE HARASSMENT OF KERSI RANDERIA BPP GOT JUST RS. 15 CRORE AND HENCE THE CASH CRUNCH CONTINUES TILL TODAY.**

**KERSI RANDERIA SHOULD BE OSTRACIZED FROM OUR COMMUNITY FOR THE LOSS CAUSED TO THE POOR AND NEEDY. IN FACT HE SHOULD BE HORSE WHIPPED FOR THE DIRE STRAITS TO WHICH HE HAS BROUGHT BPP TO.**





# A FEW STRAY THOUGHTS AND A FEW GENERAL OBSERVATIONS FOR THE LAST WEEKEND OF 2020!

The Editor,  
Parsi Junction.

Before I start let me thank and Congratulate Trustee Viraf Mehta.



**Phiroze Amroliwalla**

Last week Parsi Junction carried an exchange of emails between the undersigned and KCWA highlighting the water problems at New Khareghat colony and promptly Trustee Viraf took the cue and initiated the replacement of pipes with help from the MCGM. This prompt act has saved the residents of 'B' Bldg. and Malabari Bldgs an estimated sum of Rs. 8,000 to 10,000 each.

Thus far the community and I thought that we elected trustees to the board of the BPP who were all jointly and severally responsible and accountable to the voters and our community. After 2015 it appears that there are two types of Trustees: Majority, and should I say 'Minority' or 'not Majority'? Something akin to politics where there are a ruling party and an opposition!

This week it transpires that there is a sub-classification: There are two types of "Majority" trustees: one a "Reckless" one if the 'Majority' does not include the owner of the Parsi 'weakly'—pun intended; and the other I presume we can call it a "Non-reckless" one, which once had a dictator whose word HAD to prevail over all else and who is now in a hopeless minority and is therefore seeking early elections with the hope of canvassing for candidates who will unquestioningly toe his line and help him restore his Majority status. Having tasted unquestioned power for nearly five years as defacto Chairman he finds it difficult to breathe without the oxygen that power

supplies. He forgets the way he made his own colleagues seek the intervention of our High Court to make available to them what was their right. In the process making the BPP spend an avoidable huge sum of almost a crore.

In my view, there are two types of Trustees in our BPP board: One that owns newspapers, pats his own back, prints advertisements to publicly express dissent with majority decisions and with an attempt to show his colleagues including his own supporters in poor light, but has a hidden private agenda behind such dissent; and dish out untruths week after week in his own papers in the guise of "THE TRUTH. DELIVERED WEEKLY", and expect the community to swallow these untruths. **He gets columnists to write for his paper, including a fellow trustee who writes almost every week and I am told he writes for free, but whose advice the owner/trustee hardly ever follows. I believe anything given for free is rarely appreciated! Incidentally, this columnist and colleague trustee states his 'tolerance for untruth is Zero' and has frequently supported the undersigned by stating unequivocally "that if the linen is clean then hang it out to dry"! I am still waiting for this Trustee to hang out that linen!**

This self-serving, ego-centric, self-styled "media mogul" and untrustworthy trustee, despite zero contribution towards community welfare, continues to crib about his colleagues who do constructive and productive work. At the height of the pandemic when all other majority trustees were working in unison to feed the needy and deserving of our community, **this "dissenter" denied a free meal to a senior Parsi who is dependent on neighbours with one sentence "Fatwa" "The issue is closed"**

**on the specious plea that Amroliwallas were not paying rent and therefore the BPP was short of funds and could not entertain the request. Cussedness and vindictiveness at its best as he very well knew that rents were not being accepted on his instructions by the Custodians from Amroliwallas as we did not tow this dictator's line.**

Amroliwallas were not asking for the meal for themselves! It was for that senior citizen who has committed to surrender his flat to the BPP after his demise and from the "sale" proceeds of which there would be some gain for all rightful and other stakeholders.

**This trustee has during his "majority" rule only served himself and his cronies. I need not elaborate again but suffice to say that he has indulged in a reprehensible act of transferring his late Kaka's locked flat in the BPP owned charity bldg. at Byculla to that of his mother's name, a lady who is a Director in his 100 Cr company. To add insult to injury went on to add his nephew's name, with the ultimate aim to encash the proceeds from the sale of this charity flat at a future date, though they both reside in another charity flat of the trustee's sister in Godrej Baug.**

**He has single-handedly dragged and damaged the community's fair name by cheating a son of a slum dweller by accepting 30 lakhs as a booking amount for a flat in the saleable component without issuing a receipt on the plea that "I am a Parsi. We Parsis do not cheat". Ultimately this came to light when the govt. employee approached the BPP for intervening in the matter. This untrustworthy trustee turned around to say that the amount was a**



loan and this was his personal business issue. Can anyone believe such a lie? Imagine a slum developer and builder who claims that he is a Parsi, merely to avoid prosecution for cheating, changes his tune and says that this amount of 30 lakhs is given by an employee as a loan! Why would a govt. employee borrow money from his employer, mortgage his agricultural land in his village, and give a loan to a moneyed builder? It was on the correct advice given by Chairman Mr. Yazdi Desai that this man approached the then Police Commissioner whose intervention helped register an FIR against a sitting trustee of the BPP. This case is not an isolated one. One needs to probe the several arbitration matters pending in various courts against this "Parsi" trustee when all the facts will tumble out. I do hope it is not too late.

Compare the above with another trustee, **Viraf Mehta**. Like his father Dinshaw Mehta, Viraf is available to the community at any time of the day or night. **Fire and**

**fury notwithstanding he uses his contacts and skills to render help to the community.**

Our community may remember that in August this year due to the heavy downpour when electricity and water supply had affected a large area including several of BPP colonies, it was Trustee Viraf Mehta who had with support from the administration and the Doongerwadi Manager Vistasp Mehta helped the MCGM and BEST restore supplies almost immediately. While some of his colleagues may have forgotten this and ridicule Viraf, these government agencies have not forgotten this gesture.

I would like to take this opportunity to acknowledge the help of all officials who have come forward to assist the residents of Khareghat Colony and all our colonies on most occasions thanks to the "majority" comprising Viraf Mehta, Xerxes Dastur, and the gentle though

firm Armaity Tirandaz who can and does hold her ground when required! This lady is ridiculed time and again for being "Acting Chairperson" as she will not give in to the "dada-giri" of the only DADA in the BPP.

**UNITY is the need of the hour for the BPP and its Board and the earlier we get rid of the egoistic, my way or the highway dictator from the board the earlier some ray of unity will shine again!**

**Bye Bye 2020, Covid 19 and the virus affecting the country and the BPP, and welcome the Vaccine and 2021!**

With a hope that we all stay safe and healthy in 2021 and beyond.

Happy New Year to one and all!

**Phiroze Amroliwalla**  
For and on behalf of our KOM-UNITY  
Date: Sat, Dec 26, 2020 at 4:35 PM

## LETTER RECEIVED FROM A FED UP PARSI

To,  
Editor,  
PARSI JUNCTION.

\*A FED UP PARSI\*

**Dear Noshir,**

I woke up this morning and read the Parsi Junction. I found it very disheartening to see how two trustees were behaving and trying to stop the BPP from working. But as most Parsis do, I read it and then went about my morning chores. Within two hours I was forwarded about 4 replies that you wrote after reading today's Parsi Junction. I figured the paper must have hit you where it hurt for you to react in such an aggressive way.

So I asked around with a few friends about your history with the BPP. I must say I was rather surprised and amused at the same time. I was told that you resigned from the previous because of differences with those Trustees. Even in this Board I am told that you have threatened very publicly to resign twice but then changed your mind each time.

My friends tell me that when this Board started, you joined hands with Kersi Randeria

and went after Mrs. Armaity Tirandaz and Mr. Viraf Mehta. Then you and Kersi went after Mr. Yazdi Desai. Then you and Kersi had a fall out. And now it seems that you and Kersi are once again partners in crime going after the rest of the Board, including Xerxes Dastur. Is there anyone left that you haven't attacked ?

I have to admit Noshir that you write very well. Today's analogy to Hiroshima was brilliantly in poor taste. Basically you are threatening your colleagues with an explosive outcome by your actions in 2021 towards them.

I guess that's why you became a Trustee right? To warn others of your wrath.

**If you hate your colleagues so much and are so frustrated with your term as a Trustee of the BPP why don't you just resign and move on. All you seem to be doing is criticizing everything and everyone at the BPP. Why don't you move on and let someone else step in and work with this Board?**

There is one election due in March 2021, am sure the BPP can have two. You've already threatened to resign twice in the last 5 years, might as well just do it.

I think the Parsi Junction is right. You are totally influenced by Kersi Randeria. I hate to put it so bluntly, you have become his mouth piece. He has been quiet and you are firing away for him. Of course there are others doing his dirty work for him too, but I never expected someone as astute as you to fall so low. But I guess your threshold for influence is weak. You never used to write against the BPP or your colleagues in the media and now all I've seen you do is join Kersi write and complain in the Parsi Times.

"Childish" is the right word for this behaviour.

**I do not mean to write this in a harsh manner but I am just fed up of people writing in the media and bringing each other down. Have the courage to work with your team and show results. Deliver to the community what you promised them. Or else resign and let someone else come in and do the job. But for god's sake stop whining in public. It's embarrassing for you and for us to read.**

A fed up Parsi not scared to use his name.

**Sorab Unwalla**



## HOPE

Very sadly, hardly there is any cheer n joy this season !

Though we well know, covid-19 is that dreadful reason;

Pray let us for all whose separation caused us sorrow;

And hope let us all, for a much better and brighter, safer morrow.

May 2021 be a year happy prosperous and very bright.

May shine upon this world, that much needed, soothing divine light.

Hope the world entire, a lesson has learned; so now, Nature's rules we do not bend.

May our troubles soon end, so, positive vibrations to the universe, let us send.

End may, all ego clashes, political upheavals n other silly fights

Hopefully we will concentrate more on our duties n not on rights.

**Armin Dutia Motashaw**

## The Final Curtain

The Final Curtain  
As we face  
The final curtain  
Lights have dimmed  
Encores faded &  
Players have exited  
The stage  
'Cause very soon  
We will turning  
A brand new page

Even then humanity  
Will be on the go  
Just like the peaceful  
Waters flow  
What the future holds  
Nobody knows?  
Will it be like Winter  
Summer Autumn Fall?  
Only time will tell

Let's us live in  
Peace and harmony  
Respect Totate  
Treat each other with dignity  
Let us co-exist side by side  
As John Lenon sang:  
By giving "Peace A Chance"

**Choicest Happiness  
Farida**

## YEAR 2020

On the stroke  
Of midnight  
The year 2020  
Under a canopy  
Of a moonlight night  
Will slowly fade away

I have a very  
Special request  
Let's sprinkle the seeds  
Of Tolerance Respect Dignity  
Understanding for all of humanity

Let's focus on the innocent victims  
Who have lost loved ones  
Causing agonising excruciating pain  
Wondering when will they ever see  
Their loved ones again?  
Wiping away their  
Sun drenched tears  
Or no amount of consoling  
Will bring their loved  
Ones back  
Alas! all they have is  
Precious memories  
To keep the flame  
Of love alive till eternity

**Farida Bamji**

## Oh Santa!

**By Armin Dutia Motashaw**

This Christmas, poor old Santa Clause will have to work with many a clause,  
He'll have to be careful; so as to Covid he won't himself expose!  
A mask he will have to wear with surgical gloves, as his gloves won't serve the cause.

Children await will for their toys, but Santa instead, will give them safety kits,  
Add, he may to these, a toy or two, and a few chocolates and candy bits.  
Lord, help Santa and us all, now we are truly at the end of our wits!

This Xmas - no dancing or fun parties, only video calls to dear ones wish,  
Sadly, Nature has tightened Her reins and strongly has pulled the leash;  
Thank God our mums are cooking Turkey, pudding, or another traditional dish.

Mother Nature - forgive us all, for our callousness, selfishness and indifference,  
Santa teach us to kind towards one and all - teach us life's true essence,  
It's high time we comprehend, that to pollute our Earth, we don't have a license!

## Faith

In the beginning  
Lord hath said  
"I alone can save you  
From this worldly ugly baits

When everything does go wrong  
"Cause you've waited too long  
You feel frustrated and blue  
Faith alone will see you through

Faith is really like a magic wand  
Close your eyes & say:  
A little prayer  
Soon all your woes  
As well worries  
Will disappear

**Choicest Happiness  
Farida**