

For Private Circulation Only



**Parsi  
Junction**  
IS NOW ON  
WHATSAPP  
9321425733



# PARSI JUNCTION

Sunday, 25 July 2021

▶ Volume 1 ▶ Issue 92  
▶ Year 2 ▶ Copy 92 ▶ Pages 16

Committed to Transparency and Accountability

## WHY SHOULD THE BPP BEAR RS. 70 LAKHS in LEGAL COSTS OF *INTER SE* TRUSTEES DISPUTES?

As the community is aware in October 2015, the new Board of five Trustees was elected, namely Yazdi Desai, Noshir Dadrawala, Viraf Mehta, Zarir Bhathena and Kersi Randeria.

In early 2016, elections were held for one seat where Mrs. Tirandaz was re-elected defeating Mrs. Arnavaz Mistry. This is where all the troubles began.

Soon after Mrs. Tirandaz was re-elected, then Chairman Yazdi Desai, Kersi Randeria, Zarir Bhathena and Noshir Dadrawala used their majority and instructed the BPP staff not to share any BPP papers, files, legal cases, account statements, minutes of meetings etc with Mrs. Tirandaz, Mr. Cama or myself. They denied us our basic rights as Trustees.

Ironically Noshir Dadrawala supported this stand despite himself being on the receiving end of exactly the same situation in 2008-9. Somehow Mr. Dadrawala felt that he was treated unfairly by the previous Board but didn't feel the same when he did the same to us.

Given that Mr. Randeria is known to not only record all conversations and phone calls but also threaten staff with termination given his majority in the Board, the BPP staff was forced to comply with this illegal order by the majority Trustees.

Ultimately in 2017, Mrs. Armaity Tirandaz, Mr. Cama and myself moved the High Court for Justice as duly elected Trustees. The Hon'ble High Court told the majority Trustees that they cannot act like dictators and deny us our rights. It ordered that all Trustees are entitled to all records of BPP as Trustees. Ultimately after prolonged hearing Consent Terms were filed in June/July 2017.

Mr. Cama chose to be independently represented while Mrs. Tirandaz and myself were represented together. Mrs. Tirandaz and myself personally spent lakhs in lawyer fees. But the majority Trustees of then Chairman Yazdi Desai, Kersi Randeria, Noshir Dadrawala and Zarir Bhatena paid their legal fees with the BPP's Community charity funds.

To defend their illegal actions, the

Majority Trustees incurred legal costs of Rs. 70 lakhs of which more than half were towards the fees of one of the costliest Senior Counsels in the Bombay High Court, with whom Mr. Randeria's son worked as a Junior Counsel. The balance payment is to be made to the BPP's advocate on record. Till date almost half of the outstanding dues have been paid by charity funds of BPP.

From 2017 till 2021 Yazdi Desai, Kersi Randeria, Noshir Dadrawala and Zarir Bhathena chose to stall payments in this matter. They even tried to pass it through the Wadia Baug accounts but were stopped. Now in 2021, when the BPP is struggling to even make salary payments on time, this matter is constantly being brought up.

At our last zoom meeting the matter of payment of the balance legal dues to Senior Counsel was brought up by Kersi Randeria and Noshir Dadrawala.

Trustee Kersi Randeria and Noshir Dadrawala felt that the payment is long overdue and should be paid



(but they didn't for four years when they had the majority). Chairman Armaity Tirandaz, Xerxes Dastur and myself decided that this matter will be addressed and considered only once BPP has enough funds to pay this legal costs after first taking care of all our other philanthropic activities.

**Under the circumstances since this is a dispute inter se the Trustees, it is my belief that warring Trustees should pay legal fees from their own pockets without using community and charity funds to settle ego battles.**

If majority sanctions something patently illegal then they should bear the legal costs from their own funds and not mis-use charity funds of the BPP.

It is my view that the Trustees should take this matter before a Competent Court or the Charity Commissioner to give a ruling in this case, **WHETHER THE MAJORITY CAN PASS ON THEIR PERSONAL LEGAL COSTS TO COMMUNITY CHARITY FUNDS JUST ON THE BASIS OF THEIR MAJORITY?** We are sure that the full legal cost of over Rs. 70 lakhs will be ordered to be paid by the then Majority Trustees. With Mr. Bhatena's demise this cost will hopefully be ordered to be borne by the three of them – Yazdi Desai, Kersi Randeria and Noshir Dadrawala.

During the postponement of the March 2021 elections, Trustees Kersi Randeria and Noshir Dadrawala along with their Trustee aspirant candidate Anahita Desai opposed our application for postponement first before single judge and then before Division bench. Despite Chairman Tirandaz,

Trustee Xerxes Dastur and myself being in the majority, we chose NOT to mis-use charity funds in an inter se Trustees dispute and instead paid the legal charges from our own pockets.

This is how legal disputes inter se Trustees should be settled.

Ironically, when Mr. Randeria and Mr. Dadrawala opposed the postponement of the March 2021 elections, the counsels they used were nowhere close to being in the same price range as the 9 lakhs a hearing Counsel they used in 2017. The reason being that they were not being allowed to misuse charitable funds for their legal costs and hence had to pay these fees from their own pocket.

In a recent email, Trustee Noshir Dadrawala said that he is inclined to agree with me that matters concerning "inter trustee disputes", Trustees should pay from their own pocket.

Time and again I have requested my colleagues to stop this constant infighting. Let us work together to improve the BPP. There is much to be done and together, as a team, we can achieve great success. Mrs. Tirandaz's gentle yet firm hand has been a great guiding force for the Board. We should capitalize on this and make our community proud of the Trustees they elected.

Always in your service,

**Viraf D. Mehta**  
Trustee, BPP

### MAJORITY TRUSTEES PAY FEES THEMSELVES

It is in fact now been brought to light that despite being in majority, Majority Trustees of Armaity Tirandaz, Viraf Mehta and Xerxes Dastur have decided that **charity funds should not be mis-used in disputes inter-se Trustees and hence they will pay the three Junior Counsel's fees from their own pocket and not mis-use community funds.**

**WELL DONE ARMAITY, VIRAF AND XERXES! AN EXCELLENT LESSON/PRECEDENT FOR ALL FUTURE TRUSTEES TO FOLLOW DISPUTES THAT END UP IN COURT!**



Armaity Tirandaz



Viraf D. Mehta



Xerxes Dastur