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PARSI JUNCTION

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Parsi Junction

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IS IT TRUE THAT KERSI RANDERIA GETS ADVOCATE KAIKHUSHRU IRANI APPOINTED AS MANAGER OF PARSI LYING IN HOSPITAL?

We have reliably been informed of some distressing news regarding the BPP owned Parsi Lying in Hosital (PLIH).

Though Trustees of BPP are the Owners of PLIH, yet a Managing Committee (MC) without any legal sanctity runs the PLIH. This is in spite of there being nothing to manage, since the Hospital has been defunct without a single patient for last more than 40 years. In fact, even during the height of the Covid pandemic, the PLIH was not allowed to be used by the MC under the false pretext that a cost of Rs. 4 Crores was required to repair it for use.

Brief History

In 1924, the then Trustees of PLIH handed over all the land, building and all assets of PLIH lock, stock and barrel to the Trustees of BPP. Since then technically the PLIH ceased to exist as an independent Trust and was Merged into BPP. Yet the BPP Trustees allowed the MC to manage the Hospital which was functioning well at that time and mainly confined to 40 days stay for mothers after childbirth.

In 1950 when the Bombay Public Trust Act came into force, the Managing Committee members enrolled PLIH as a separate Parsi Charitable Trust without the knowledge of the Trustees who are the actual Owners of the Hospital and that has continued till date with the Managing Committee accepting that the Trustees of BPP are the Trustees and Owners of PLIH.

The present Managing Committee comprises of twelve members. However, it is just two or three of the members who run the Institution and have successfully run it into becoming a defunct property of the community. The community will



recall that in the past, the Managing Committee attempted to sell away the PLIH at a throw away official price to one Khubchandani. This sale was challenged by Dinshaw Mehta and present Chairperson Armaity Tirandaz upto the Supreme Court of India, who using their own funds, successfully ensured the PLIH was not handed over to Khubchandani. Since then, it is now learnt that Khubchandani has been embroiled in various insolvency proceedings being unable to service the vast loans taken by him.

Shooting at the PLIH

The only source of Income of the PLIH since the past few years is the film shooting that has been permitted by the MC (not the Trustees of the BPP), which fetches the PLIH an income of a few

lakhs for a few days of film shooting. Previously sale of well water used to provide some additional income which too has stopped since a few years. It is reliably learnt that the PLIH Managing Committee have made upto almost Rs. 1 Crore in revenue through film shooting. But none of it was passed on to BPP. However, where this revenue has gone no one knows as the accounts of the PLIH have not been tendered by the MC of PLIH to the BPP.

Mr Kaikhushroo Irani, the Cash Manager

Managing Committee members who do not wish to be named informed us that a few months back when their erstwhile Manager retired at salary of just Rs. 10,000/pm, Kersi Randeria

(Continued 02)



IS IT TRUE THAT KERSI RANDERIA GETS ADVOCATE KAIKHUSHRU IRANI APPOINTED AS MANAGER OF PARSI LYING IN HOSPITAL?

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insisted on the appointment of his garde du corps Kaikhushru Irani at a Salary of Rs. 25,000/ pm plus 15% commission on every film shooting episode. His appointment was done without the knowledge or approval of the other MC members.

We are also informed that as soon as the Hon'ble Dinshaw Tamboli learnt of the appointment of Kaikhushroo Irani as Manager, he forthwith tendered his resignation. It is rumored that other members of the PLIH Managing Committee are considering tendering their resignations as well in view of such a person being arbitrarily appointed by Kersi Randeria without approval of other members.

The PLIH instead of functioning as a hospital (which the Managing Committee is supposed to manage), has been converted into a film shooting studio with film or advertisement shoots taking place every week! The Government lease is to use the land for a hospital and not for film shooting. The Managing Committee are illegally using the space in breach of the terms of the Lease by permitting movie shoots. It is now for the Trustees of the BPP to decide whether they wish to take action against the Managing Committee as eventually should there be any mishap or untoward incident, the owners of the property (the Trustees of the BPP) will be held liable.

Besides this is a Heritage property and hence no film shooting may be permitted in Heritage structures. Also BMC Trade License is required for film shooting which PLIH does not have and which as per our inquiry will not be granted by BMC in Heritage property. Even police permission will now be denied once they are informed it is a Heritage property.

But the shocking part is that none of this Income generated is passed on to the Owners of the Hospital, the Trustees of BPP.

Equally shocking is of a practicing Advocate taking up private employment as Manager of PLIH. Kaikhushru Irani, though married to a Christain, with the active connivance of Kersi Randeria got a large flat allotted to him at Contractor Baug, Mahim by lying and deceit that he had lost the eviction suit of the Petit Trust. He has yet to pay the Rs. 40 lakhs to BPP promised by him and Randeria during allotment. Thus he is now in possession of two charity flats without paying the promised Rs. 40 lakhs. And now this individual, who was accused by his own sister of defrauding her of charity funds, is appointed as Manager of BPP property by Kersi Randeria.

Cash Happy

It is reliably learnt that unlike previously where payments for shootings were received only by cheque, the new Manager is cash happy and has been demanding cash payments of Rs. Rs. 25000/ from each shooting. Managing Committee members have been informed of this cash dealing by a dealer of film shooting, however, surprisingly no action has been taken till date. We have been informed that certain parties booking the PLIH have also filed written complaints of the cash demands being made by the new Manager, however everyone seems so afraid to speak against Kaikhushroo Irani as he has been appointed under the directions of Kersi Randeria. Chairman of the MC, Maneck Engineer is reported to be so disgusted by this siphoning of cash by the Manager that he is seriously considering winding up the MC

A few months back, the MC failed to reply to the Show Cause Notice issued by the Collector resulting in a Demand of around Rs. 4 Crores on PLIH. To file appeal 25% of the Demand has to

be paid as Deposit. Kersi Randeria who was still a Trustee at that time forced BPP to file appeal and deposit about Rs. 90 lakhs in Court. It is time that BPP demanded back this Rs. 90 lakhs from the fim shooting Income.

Midday of Wednesday 19th Oct 2022 has carried an article based on the recommendation of Mediomma Bhada of Godrej Baug to hand over the PLIH property to Tatas to set up a secondary cancer treatment centre. Whilst the proposal to bring a defunct property to use is praiseworthy, it is learnt that the Trustees are negotiating with various groups to restore the hospital for general use by all communities provided the Managing Committee removes its tentacles from the hospital which it has kept for the last over 30 years but without any success.

It is time that BPP takes back possession of PLIH and brings it to community use. It is time for BPP Trustees to dismiss the MC and take over possession of the Hospital property and bring it to community/general use rather than let it rot as is being done by the present MC.

In 2013-14, the then Trustees had filed a Writ Petition in the High Court challenging the role of the MC once the property was handed over by the Trustees of PLIH in 1924 to BPP, but the same was withdrawn by Kersi Randeria once he was elected in 2015. Even the Chamber Summons filed by the MC was also withdrawn at same time so that their illegal occupation and exposure to funds continues till today.

It is hoped that the MC will voluntarily hand over to BPP the hospital property which it had held for the last forty years but without any benefit as a hospital to the community or any one else being a defunct property of no use to anybody.

FIROZA PUNTHAKEY MISTREE SEEKS ACKNOWLEDGEMENT FOR THE ARTICLE ON HISTORY OF NAVSARI

We have received the below mail from Firoza Mistree seeking credit for the article on History of Navsari.

On Mon, 10 Oct, 2022, 9:30 am Firoza Punthakey Mistree, <fpunthakeymistree@gmail.com> wrote:

Dear Mr Sethna

It has been brought to my notice that in the Parsi Junction paper of October 9, 2022 you have carried an article "For Navsari Bhagarsath Anjuman

History".

The material printed in the article is directly taken from the book titled "The Collected Scholarly Writings of Dastur Firoze M Kotwal".

The material used in the article has been copied with a few language changes from Dastur Kotwal's biography Life and Times of Dastur Kotwal and is taken from pg 30 of the chapter titled "Navsari a Bastion of Faith."

It would be appropriate if the book is acknowledged as under if you wish to print information from this volume in the future.

The credit line should read:

The Collected Scholarly Writings of Dastur Firoze M. Kotwal, Eds. Firoza Punthakey Mistree and Cashmira Vatcha Bengalli, pg xx.

Thanking you

Firoza Punthakey Mistree

Our Reply: Dear Mrs. Mistree, our article on History of Navsari has been copied from circulating on a few WhatsApp Groups from which we downloaded the article for community benefit. We have not read any book of Dasturji Firoze Kowal and are not aware of its contents and hence the need to acknowledge him or you does not arise. If in future we reprint the same article on Navsari we will certainly acknowledge the authors contribution.



UPGRADED FACILITIES AT WZO BHARDA HOUSE UDVADA WITH AUTOMATIC LIFT*

- On Saturday September 24, Avan Roj Ardibest Mah, WZO India held a Jashan Ceremony presided by Vada Dasturji Khurshed Dastur at WZO Bharda House, Udvada.
- The occasion was Inauguration of the Lift in the two floor modern structure with upgraded boarding and lodging facilities and services for devotees visiting Udvada at reasonable rates.
- The ribbon cutting inauguration was done at the hands of Vada Dasturji Khurshed Dastur.
- The function was attended by WZO President Kersi Limathwalla, Secretary Jimmy Gadiwalla, Donor Gool Bharda and nearly 50 members of WZO India who traveled in a safe Volvo bus for a overnight stay at the upgraded facilities.
- The trip was a mix of devotion for the Iranshah, fun and frolic and some serious discussion and for further upgrading the facilities.
- The members present voluntarily suggested that since WZO India is providing such good facilities and organising all year around activities for its members at negligible fees, members should spontaneously contribute



accordingly to their individual capacity and support the Managing Committee so that more could be done.

- The Organisers announced upcoming

activities of AGM followed by Housie and Dinner at Freemasons Hall and a Trip to Matheran at Lords Hotel which was very well received.

- The management was very appreciative of the efforts put in by the Secretary Jimmy Gadiwalla and Treasurer Percy Mistry for upgrading the facilities and installation of the lift and organising the trip.
- The management also puts on record the untiring efforts of Nozer Meherji, Percy Mistry and Rohinton Irani who are responsible for initially setting up this facility.
- The management is also appreciative of constant support and cooperation of the WZO Bharda House conductor Manchershah Daruwalla who kept things going especially during adverse times of the pandemic.
- Complimentary messages poured in for excellently managing the trip and mouth watering lagan nu bhonu served.
- Community members who wish to join the organisation may contact Jimmy Gadiwalla on 9820040530 or Percy Mistry on 9820021155.

ANJUMAN DOKHMA RESTORATION THROUGH DONATION FROM MS HAVOVI MERZBAN SUKHADWALLA

The Anjuman Dokhma restoration work was initiated through the generous donation by Ms. Havovi Merzban Sukhadwalla in memory of her maternal grand-mother late Mrs. Hirabai Pithawalla with a condition that the dokhma restoration work be done ONLY BY Parsi & Irani Zoroastrian Workers / Volunteers and all the payments of the project cost was to be paid directly by the Donor.

There were several meetings with the previous Board of Trustees at HO as well as at Doongerwadi with Ms. Havovi Merzban Sukhadwalla ; Mr. Hanoz Mistry ; Mr. Viraf Chiniwalla and Mr. Bomi Mistry.

However, the project was held up last year due to non-availability of the team leader Mr. Bomi Mistry due to personal reasons.

This year the Doongerwadi staff followed up on the pending project with the Donor and she very willingly said that she was interested in the project on a condition that the dokhma restoration work be done ONLY BY Parsi & Irani Zoroastrian Workers / Volunteers.

She mentioned that she would now make a donation of INR 10.00 Lacs to the Trust and the trust would be organising everything including procurement of equipment, raw materials; boarding and lodging, payments to workers / volunteers etc.

Accordingly, an initial meeting was held yesterday with Mr. Bomi Mistry at Doongerwadi office to get a confirmation from him of his availability for the project.

He has confirmed end December, 2022 - January, 2023.

He has requested access to the inside of the Dokhma for him to check on the internal plaster. He also requested to have the Dokhma Paavis cleared of the bodies and the post monsoon growth on the inner walls be removed (which Dokhma Kamdaars Mr. Shaarookh Dara Wadia and Mr. Eddy Sam Nargolwalla have started working on).

Once the said work is complete, Mr. Bomi Mistry ; Mr. Arzan Noshir Patel and Vistasper Mehta, the Manager would be accompanying him inside the Dokhma for inspecting the interior walls and

the exterior walls. Post their exit, a 'Nahaan' will be organized.

Mr. Bomi Mistry, post inspection would be submitting a report on the work to be done, raw materials, equipment required, the number of volunteers etc. based on which a Project Budget for approval will be worked out.

In anticipation of the project, the Anjuman Dokhma has been rested since July to enable maximum 'Sukko Nasu' (dried skeletons).

On inspection of the Dokhma Bhandaar yesterday by Mr. Pervez G. Wadia (Mukadam - Pall Bearers) Mr. Arzan Noshir Patel and the manager, it was seen that the bodies had achieved about 80 % success in achieving 'Sukko Nasu'.

Monsoons are expected till end October, post which a month more will be required for further drying.

'Ashto-Daan' is scheduled in December. Thereafter the Dokhma will be cleaned with water for the project to commence.

Till then only Bisni Dokhma will be operational and Sethna Dokhma to a lesser degree.



PROBLEMS FOR RUSTOM BAUG LEASE RENEWAL

Rustom Baug, built on leased property from the Govt. of India, falls within Land No. 547 and 548 of Mazgaon Revenue Division. Jer Baug is also built on land leased from the Govt. of India for 99 years which has expired sometime in 2012-13.

Orders for Lease payment of Rs.1,64,00,000/ (Rs. 1 crore and 64 lakhs) for the smaller parcel of Rustom Baug Land No. 547 was received last year and an appeal has been filed against it after depositing 25% of lease rent demanded amounting to around Rs. 41 lakhs. Similarly Orders for Lease rent payment of around Rs.3,64,00,000/ (Rs. 3 crores sixty four lakhs) for the Jer Baug land was also received last year and an appeal has been filed against it after depositing 25% of lease rent demanded amounting to around Rs. 91 lakhs.

The Trustees have now received Orders for Lease payment of the larger parcel of land No. 548 of Mazgaon Division.

Part of Rustom Baug falling within the area of the larger parcel of Land No. 548 in Mazgaon Revenue Division admeasures 40329.50 sq. yard i.e. 33720.63 sq. m. The said government property was given to Sir Edward Elias Sassoon and other Trustees of a certain Deed of Settlement dated 23 February 1916 by the Secretary of State, India in Council i.e. the government under a lease agreement dated 10/11/1917 for 99 years from 01/09/1913. The lease agreement of the said property has expired on 31/08/2012.

According to the property statement of the said property today the name of Shapurji Bomanji Billimoria and another 6 (Trustees of the Properties and Funds of the Parsee Panchayat of Bombay) is registered as the lessee.

For the renewal of lease of the above property, the Collector sent a Show Cause notice dated 11/02/2022 in accordance with Section 302 of the Maharashtra Land Revenue Act, 1966, and a hearing was held on 23/02/2022.

On behalf of the lease holder Bombay Parsi Panchayat in the said hearing, Mr. Kali Shroff (Accountant) and Shri. Yusuf Unwala (Accountant) informed that High Court was



fixing a fresh election for appointment of new Trustees on 29-5-2022. Accordingly, the next hearing was fixed on 09/06/2022.

In the said hearing on 9-6-22 on behalf of Bombay Parsi Panchayat, Mrs. A.R. Tirandaz (Chairperson of Bombay Parsi Panchayat), Shri. Hoshang Jal (Trustee) and Shri. Xerxes Dastur (Trustee) and their advocate H.N. Vakil were present. The parties filed oral argument. The lessee's representative was listed as giving two weeks' time to make written submissions regarding some issues under Section 37A in the lease deed agreement and reducing the amount in the demand notice, after which a decision would be taken in the case.

According to the Government Decision dated 05/05/2018, the ground rent for charitable institutions should be charged at the rate of 0.5 percent of 25 percent of the market value of the land.

Accordingly the Collector worked out the new Lease Rent payable for the lease renewal as under:

Thus a total amount of around Rs. 10 crores eighty eight lakhs has to be paid to the Govt.

In case of appeal against this order, an appeal may be lodged with the Maharashtra Revenue Tribunal (MRT) under Section 247 of the Maharashtra Land Revenue Code, 1966.

Even if appeal is filed, it will be admitted only on payment of 25% of the demanded amount which would be about Rs. 2 crores and 72 lakhs.

Last week an appeal was filed and the Tribunal whilst admitting the appeal has ordered that 25% of the Demand be deposited with the Court

Thankfully funds are available with the Wadia Baugs, (which were denied to the BPP), and will be available with WCM for payment to file appeal. Hopefully 25% of the Demand will be paid up next week.

Sr. No.	Particulars	Amount Rs.
1	Ground Rent (Year 1 September 2012 to 31 August 2017)	38457535/-
2	Ground Rent (Year 1 September 2017 to 31 August 2022)	67609025/-
3	Penal action for non-notification of renewal work within time limit	2731270/-
Total Amount		108797830/-



DOKHMENASHINI DOES WORK

Dokhmenashini DOES Work - A Personal Testimony ~ Marzban D. Palsetia

(Jame Jamshed Weekly, 12th Feb, 2017)

I come from Nargol, a coastal village 11 kms off Sanjan. Whenever a death occurs in the community, the Parsi men folk volunteer to act as khandias and nussesalars under the able guidance of our Agiary Mobed, according to the tenets and customs of our Zoroastrian religion. Having volunteered several times, I am prompted to pen my observations for the knowledge of the community. My aunt (Fuji), whom I loved very much, passed away and we consigned her body to the Dokhma. Five months later, as there was another death, I entered the Dokhma again and found that my aunt's corpse was *desiccated and had dried out.* Vultures or no vultures, the rays of the sun (Khurshed Nagirishni) had done the job.

There were no maggots on her body; no rodents had gnawed on it and no stench emanating from it. When I touched it, *it started

crumbling into powder*. I decided to clear her remains into the Bhandar (well) of the Dokhma and *found that even the largest bone, like the femur, crumbled at the touch.*

There was no defilement of any of the elements of nature: Atash (fire), Bad (atmosphere), Ab (water) or Khaak (earth). The Dokhmas have been very scientifically built - the pavis are 8-12 feet above the ground and *the talismanic effect of the Tano Parvano, or the winding of threads around the various nails, make it a power house like a 'motor' to accelerate the process of Dokhmenashini.*

The Dokhma is constructed of *black stone* in a way that it absorbs maximum rays of the sun during daytime. The four channels, which protrude from the Dokhma, also help in dispensing whatever stretch may be emanating from the Dokhma. We have all experienced that even if a small rat dies in the vicinity of our residence, a terribly foul, unbearable odour is suffered by all nearby.

Then, a human body weighing several kilos ought to emit far greater stench.

In a city like Mumbai, where several bodies are consigned every day, the odour should become overpoweringly unbearable -- but no such thing is felt by us. There may be a slight smell sometimes, like one would get at a meat shop, but nothing more.

Also, no khandias or nussesalars have ever contacted any dreaded disease because of the corpses, *even in the past when there has been an epidemic of plague etc.*

Dr. Minocher Karkhanawalla, our famous atomic scientist, always quoted that as science advances it discovers that our Zoroastrian precepts are based on the most scientific laws.

So my fellow Humdeens kindly *forget cremation, forget burial and opt for Dokhmenashini* because it is the cleanest and most eco-friendly way to go.

-Marzban D. Palsetia

WZCC TO ADMIT NON-PARSI ASSOCIATE MEMBERS

In our Issue No.147 of 9-10-22 in above titled article we had inadvertently published a photo of one Capt. Percy Master but not the correct Percy Master but of another one.

To correct our error we are now publishing the correct photo of Percy Master, the Global President of WZCC.



All Anjuman Meeting with Minister Mrs. Smriti Irani



Sent: Monday, 17 October, 2022 at 10:32:42 pm IST

Subject: ALL ANJUMAN MEETING

Dear Trustees of Anjumans/ Panchayets,
I have been requested by Dasturji Khurshed Dastur to forward the attached letter to you all. As mentioned in the letter please convey to me your RSVP for the meeting.

Since there seems to be a lot of confusion, I wish to clarify that the meeting is not a FPZAI / Federation Meeting.

Kind regards,
Sam R. Chothia
Vice President
FPZAI- West Zone(B)

DASTUR KHURSHED KAIKOBAD DASTOOR

HIGH PRIEST "IRANSHAH" UDVADA

Date: 17-10-2022

Dear

Madam/Sir,

This is to inform you that the Minister of Women and Child Development and Minister of Minority Affairs, Mrs. Smriti Zubin Irani, would like to hold an interactive meeting with the heads of all the Anjumans across India on 30th October, 2022.

The Honourable Minister is keenly interested in taking an appraisal of the current situation within the community and would like you all to contribute towards the project she bears in mind for the community. I hereby cordially invite the President / Trustee (Max of 2 members) of all the Anjumans to attend this session and add your valuable inputs.

Venue: Dadar Athornan Institute, M. Joshi Parsi Colony, Dadar, Mumbai

At 10.30 am on Sunday, 30th October 2022 and to lunch thereafter.

I request you to RSVP via telephone or email to Mr. Sam Chothia (9375833498 / sam_stc@yahoo.com)

Your cooperation is desired and will be well appreciated.

Thanking you.

Dastoor Street, Udvada 396180, District Valsad, Gujarat | Tel. : +91260 2345306

P-7, Currow Baug, Shahid Bhagat Singh Road, Colaba, Mumbai | 400 001 | Tel.: +9122 2282 9428 / 6633 4371

E-mail : dasturjikhurshed@gmail.com



FURTHER UPDATE TO ELECTION PETITION FILED BY KAIKHUSHRU IRANI ON BEHALF OF KERSI RANDERIA TO SET ASIDE 29TH MAY 2022 ELECTIONS

In the last Parsi Junction issue of 9-10-22, we had reported the sequence of the hearing of the Election Petition from July 2022 upto 7-10-22 when the Court of his Honor Judge Manish Pitale has listed the matter for hearing on 14-10-22.

On 14-10-22 the counsel for the Petitioners apprised the Hon'ble Bench that as per the Report of the Ld. Prothonotary, the captioned matter pertains to the Bench of Justice R.I. Chagla, however, when the matter was mentioned before His Lordship on October 14, 2022, he recused himself from hearing the captioned matter and therefore, the captioned matter is being mentioned before Justice N.J. Jamadar, being the alternate bench for Justice R.I. Chagla's court. Upon hearing the same, the Hon'ble Court indicated that they shall verify internally about the assignment, with the Registry and granted liberty to the Petitioner to mention the matter again tomorrow for circulation.

The captioned matter was mentioned on 15-10-22 by the Advocate for the Petitioners before His Lordship the Hon'ble Mr. Justice N.J. Jamadar, when DSK team remained present on behalf of BPP and its Trustees. Counsel for other Respondents were also present.

The Advocate for the Petitioners apprised the Hon'ble Court with the brief facts of the matter and further apprised that the captioned matter has been previously listed High on Board on all occasions and therefore a short date may be granted. The Advocate for Respondent No. 2 then submitted that there is no urgency in the matter and also his Senior Counsel is not available this week. However, the Hon'ble Court was pleased to grant a circulation for tomorrow.

Accordingly, the captioned matter will be listed for hearing on October 19, 2022.

On 19-10-22, the captioned matter was listed for hearing before His Lordship the Hon'ble Mr. Justice N.J. Jamadar, when Counsel Mr. Firoz Bharucha along with Adv. Nirav Shah and DSK team remained present on behalf of BPP and its Trustees. Adv. Rohan Savant appeared on behalf of the Petitioners. Adv. Luckyraj Indorkar, Adv. Mayur Khandeparkar and Adv. Bindi Dave also remained present for Respondent No. 2, Respondent Nos. 3 to 11 and Respondent No. 27, respectively.

When the matter was called-out for hearing, Mr. Sawant for the Petitioners, apprised the Hon'ble Court with the detailed facts of the case and made his legal submissions. After hearing his submissions, the Hon'ble Court was of the view that no ad-interim reliefs can be granted in the captioned matter and there is no urgency in the same. Accordingly, the captioned matter is now scheduled to be listed for hearing on November 17, 2022.

Further, it is to be noted that on the earlier occasion the Hon'ble Court had requested that the Election Report submitted to the Trust by Respondent No. 27, i.e., Deloitte Touche Tohmatsu India LLP ("Deloitte") to be kept ready in a sealed envelope, so that the same can be submitted whenever the Hon'ble Court demands.

In view of above stand of the Court it is unlikely that the Election Petition will be heard expeditiously leave alone decided soon.

Hence the dreams of Kersi Randeria and Kaikhushru Irani for re-election will probably be shattered for the time being and they will have to wait till 2027 for



Kaikhushru Irani

their dreams to become a reality.

What is unfortunate is the lakhs of rupees of legal costs which the BPP (in spite of its stringent financial condition) and hence the community will have to incur because of the ambitions of these two Trustee aspirants. What is more galling is that the legal costs of the 9 Petitioners is being funded by the film shooting being carried out at the premises of Parsi Lying in Hospital belonging to BPP but whose income is siphoned off by the Managing Committee instead of forwarding to BPP. On top of that complaints have been received from film shooting staff in writing that cash under the table is being collected by Kaikhushru Irani, similar to how he was defrauding his own sister of her charity doles. Thus they have to spend nothing from their own pockets towards their legal costs.

At this stage it is worth analyzing the motive of the 9 Petitioners viz. Kaikhushru Irani, Arzan Ghadially, Sharukh Billimoria, Vispi Irani, Farrokh Kolah, Neville Zaveri, Aspi Tantra, Yasmin Mistry and Noshir Dadrawala, (all known motley supporters of Kersi Randeria, who have been rewarded in some way or the other for supporting him).

The 9 Petitioners are all lackeys of Kersi Randeria, under whose instruction this Petition has been filed as openly confessed and admitted by one of the Petitioner himself when accosted to give his reason for filing this Petition.

The main complaint of the Petitioners is that the malfunctioning of some EVMs was not attended and rectified by the Election Commissioners which led to votes not being recorded correctly and hence seek Re-election.

It is ironic that when the new Scheme was under consideration before the Division Bench in January 2022, the Trustees led by Mrs. Tirandaz, Viraf Mehta and Xerxes Dastur implored to the Division Bench not to allow voting by EVMs due to possibility of rigging and restore voting by Ballot paper but Kersi Randeria, Noshir Dadrawala and a host of Intervenors including Kaikhushru Irani convinced the Division Bench to have elections only by EVMs and now the same persons

are complaining against the malfunctioning of EVMs. The BPP and Trustees representing the community will have to pay legal costs of crores if the matter is admitted and argued aside from further Rs. 50 lakhs as cost of holding another election if the Petition succeeds. Already Kersi Randeria during his seven year rule has brought BPP to bankruptcy with his twisted policies leading to BPP not able to pay salary on time to its staff-both office staff and Class IV staff.

It is ironic that though the Petition of Kaikhushru Irani and others on behalf of Kersi Randeria is basically filed against the 10 Election Commissioners so proudly appointed by the Division Bench of the High Court, their legal cost will be nil as several Parsi counsels and Advocates have come forward to represent them free of all legal charges i.e. pro bono and the biggest financial loss will be to BPP and BPP alone.

None of the Petitioners will also have to bear any legal costs as Kaikhushru Irani and Kersi Randeria make lakhs of rupees by hiring out the Parsi Lying in Hospital premises for film and advt. shooting from which large part is taken in cash from the film shooters as per a written confession given to us by one of the film shooter which will be published in the next issue of Parsi Junction. In fact most of the Managing Committee members are not even aware how and when Kaikhushru Irani was appointed as Manager of PLIH at Salary of Rs. 25000/ pm plus 15% commission from income from film shooting which at a conservative estimate amounts to around Rs. 1 Crore per year.

Kaikhushru Irani, a dubious character who swindled his own sister of her charity funds as reported in the Parsi Junction issue no. 145 of 11th Sept 2022, is most unfit to be the Manager of PLIH but since Kersi Randeria arbitrarily appointed him, neither Maneck Engineer nor Noshir Dadrawala have had the courage to oppose Kersi Randeria though both of them were informed by Jamshed Sidhwa, a film shooter himself of the cheating being done by Kaikhushru Irani by taking cheque of Rs. 1 lakh per day and pocketing cash of Rs. 30,000/ per day to be shared with his partner.

It is likely that with the above disclosures, Kersi Randeria and Kaikhushru Irani will again try to pressurize the police to file a charge sheet against Viraf Mehta as a co-conspirator with Dinshaw Mehta in the Musharaf Kader Dady House case.

The community will recall that a few months back Kersi Randeria along with Kaikhushru Irani, Arzan Ghadially and Sharukh Billimoria had tried to pressurize the senior police officers by harassing them every day to file a chargesheet against Viraf Mehta.

To avoid this, meetings were held around January 2022 in the office of Jimmy Mistry at Dadar Parsi Colony and thereafter at residence of Farokh Wadia of Rustom Baug to settle the matter but Randeria's demand was that neither Armaity Tirandaz nor Viraf Mehta should contest the fresh BPP Trustee elections, scheduled for May 2022.

However this was not acceptable and thanks to Arzan Ghadially and Sharukh Billimoria who felt that police chargesheet would affect the job credentials of Viraf Mehta and agreed not to take their complaint further.

(Continued 07)



FURTHER UPDATE TO ELECTION PETITION FILED BY KAIKHUSHRU IRANI ON BEHALF OF KERSI RANDERIA TO SET ASIDE 29TH MAY 2022 ELECTIONS

(Page 06)

This was a big relief and in the May 2022 elections, the community elected Viraf Mehta but rejected Kersi Randeria due to which this Election Petition has been filed. We are further informed by one of Randeria's previous supporter who no longer supports him that this time Kersi Randeria has paid lakhs of rupees to Mehernosh Fitter, the police khabri of Dadar Parsi Colony to get the police to file charge sheet against Viraf Mehta in the 10 year old Musharraf Kader matter of 2013. Time will show whether Randeria succeeds or not.

At the outset, the Petition hopelessly fails to disclose any cause of action whatsoever and is devoid of any merit whatsoever on fact and law and is based purely on conjecture and surmise. Under no circumstances can the result of a valid election be set aside merely on conjecture and surmise.

The Petitioners have approached this Hon'ble Court with unclean hands. Petitioner No. 1 (Kaikhushru Irani) himself chose to contest the elections but only succeeded in securing a mere 418 votes from electorate when a total of 7364 persons cast their respective votes. By virtue thereof Petitioner No. 1 stood at 15th Position (last).

Petitioner Nos. 2 to 9 are not even candidates. Petitioner No. 2 (Arzan Ghadially) was the representative of Mr. Dara Patel, Respondent No. 15 herein. It is of utmost importance that Resp. No. 15 has not challenged the election result. It is therefore unthinkable that Petitioner No. 2 who is merely the representative of Resp. No. 15 for the entire election process can challenge the election process in the absence of the candidate himself who he represented, challenging the same. In fact Resp. No. 15 has accepted the election result and consequently his representative has no locus to challenge/question the outcome of the elections.

Shockingly, Petitioner No.3 (Sharukh Billimotria) was a representative of Respondent No. 12 (Adil Malia) who himself has been validly elected as a Trustee. Resp. No. 12 accepts not only the result of the election but also the entire electoral process. Having already represented a candidate who was successful in securing enough votes to be elected as a Trustee, Petitioner No. 3 is disentitled from acting in any manner that is prejudicial to the interest of the candidate that he represented.

Petitioner Nos. 4 (Vispi Irani) and 5 (Farrokh Kolah) were not involved in the election process in any manner whatsoever. Apart from adding their names to the Petition as Petitioners, they have done precious little to assail the election process.

Petitioners 6 (Neville Zaveri), 7 (Aspi Tantra) and 8 (Yasmin Mistry) are the representatives of losing candidate Kersi Randeria, Resp. No. 19 herein. In spite of running a rather acrimonious election campaign, Resp. No. 19 himself has accepted the election results and has never even raised a token objection to the election results, in spite of the fact that he was a sitting Trustee until these Respondents assumed charge of the office of the Trusteeship. It is pertinent that Resp No. 19 had projected himself to be a part of a panel of candidates comprising Resp. Nos. 12,15, 16, 18 and Resp. No. 19 himself. It is a matter of record that not one candidate, successful or otherwise, from the entire panel has challenged the election process. In view thereof, Petitioners

6 to 8 have no locus standi whatsoever to enjoin themselves as Petitioners.

Petitioner No. 9 (Noshir Dadrawala) himself was a sitting Trustee until the validly elected Trustees assumed charge of their office. In spite of holding the office of Trusteeship and choosing not to contest the elections, Petitioner No. 9 has never once raised a single Objection to the conduct of the Chief Election Commissioner or the Assistant Election Commissioners. In view thereof, Petitioner No. 9 has absolutely no cause of action to challenge the election process.

It is of utmost importance that the Petitioners have hopelessly failed to disclose the facts set out in paras 4 to 8 above, in spite of obviously being aware of the same. Petitioner Nos. 2,3 and 6 to 9 have projected themselves to have been joined as Petitioners in the present proceedings by virtue of the fact that they are Parsi Zoroastrians and registered voters who cast their votes. Under no circumstances, could they have failed to disclose the above facts especially when they had participated in the entire election process not just as voters but as representatives of successful/ unsuccessful candidates. The above information was not disclosed for obvious reasons, since these facts would have disentitled them from projecting the image of having participated in the elections merely as voters and this Hon'ble Court be pleased to dismiss

the Petition on this ground alone.

Further, the entire Petition fails to provide a single instance where a vote cast by a voter in favor of one candidate resulted in that candidate not getting the benefit of that vote and/or any candidate whether successful or not deriving the benefit of a vote that was not cast in their favor. In the absence of such information, no reliefs of any nature ought to be granted to the Petitioners.

In spite of not being able to demonstrate a single instance where either successful or unsuccessful candidate has benefited from the alleged conduct of the Chief Election Commissioner or the Assistant Election Commissioners, the only relief that the Petitioners seek at the ad-interim stage, if granted would result in the Board of Trustees of BPP not being able to effectively discharge its functions as the apex Trust of the Parsi/Irani Zoroastrians.

The Petitioners have not demonstrated a single irregularity that has resulted in a single vote being wrongly attributed to any candidate which vote was not cast in favor of that candidate. In view thereof, the Petitioners have hopelessly failed to make out any case for setting aside the election result.

In view of what is stated above, this Hon'ble Court should dismiss the above Petition with exemplary costs.

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PARSI JUNCTION

RETRO NIGHT AT RIPON CLUB ON 15-10-22

The Ripon Club has suddenly become a happening place for young and old. On the 15th of October the club had organised a Retro Night with a Live Band for Members and guests. It was a real rocking affair as the crowd loved the music and the starters and food provided by our very own Tehmtan Dumasia. Now everyone is eagerly waiting for the next event. Cheers to that.



Some sorrows come in the evening of life,
And you learn you have lived in vain;
What you thought you had, was never yours,
It was only love you had wished to gain.

He was her son, she held him close
She loved him so very much.
She was proud of him, she had raised him well,

The Loving Son

A dutiful boy, as such.

One day he made her pack her bags,
You'll love this place, he said.
She thought she was going for a holiday,
He left her at a seniors' home instead.
As a dutiful son he came each

month,
With all her favourite treats;
Her heart was heavy, she had no choice,
She never touched those eats.

It's hot here, son, she told him
When he came to meet her one day;
You should arrange for fans so you're comfy when
You're brought to this place some day!

Thrity E. Bharucha