

Non-Jew cannot appoint new trustees: Holtzberg lawyer

Menaka Rao

A former trustee of the Chabad Trust of India who is not a Jew cannot decide on the appointment of trustees, Eliran Russo — representing baby Moshe's grandparents — said in an affidavit before the deputy charity commissioner.

Shailesh Dalvi, a lawyer with a leading law firm and a former trustee, filed a change report seeking to make Rabbi Joseph Kantor, Moshe Dov Gansborg, Joel Kurulkar as trustees in 2009. Kurulkar resigned on November 1 as trustee.

"Dalvi is not a Jew and not in a position to appoint a trustee without knowing the functioning of Jews," Russo said in his affidavit, filed through his counsels Ashish Ved and Manoj Jaiswal, last week.

In 2005 when the Chabad Trust of India was formed and registered, the original trustees were Rabbi Gavriel Holtzberg, his wife Rivka and Kantor.

Holtzberg, who was killed in the terrorist attack, was appointed trustee for life, according to the affidavit.



File photo of Moshe's grandad Nachman with his wife at Nariman House

Holtzberg enjoyed various powers, including the right to remove and appoint additional trustees.

In 2006, Holtzberg realised that there were issues regarding foreign donations received by the trust because he was a foreign national. So, on February 16, 2006, all three original trustees resigned and appointed a local Jew, Gabriel Talkar, and two lawyers, Cyrus Mistry and Dalvi, as trustees. Mistry is now dead and Talkar has moved to Israel.

Russo feared that huge

sums of money that were collected "for the purpose of rebuilding Nariman House and for Moshe" would be "misused" by the current bunch of trustees.

In 2007, when Holtzberg bought the Colaba property called Nariman House, Holtzberg himself signed on the deed of conveyance. As per the affidavit, this indicates that the rabbi "was continuing as a trustee for life".

After their death, Holtzberg's father, Nachman made Eliran Russo as the constituted attorney and entrusted him with the trust's work.

According to the trust deed, the powers available with Holtzberg were to be "transferred to his legal heirs" and the heirs would have the same rights as himself that is the power to appoint and remove trustees, according to the affidavit.

Since Moshe, Holtzberg's son was the legal heir and only three years old, his guardians, paternal grandfather Nachman and maternal grandfather Simon Rosenberg, are his legal heirs, Russo contended.