

American film director James Ivory files FIR against Bollywood producer Wahid Chowhan over Ismail Merchant's wealth



By Ravi Teja Sharma, ET Bureau | 29 Apr, 2013, 01.47AM IST

James Francis Ivory has accused Wahid Chowhan of illegally taking control of assets owned by his late partner Ismail Merchant.

NEW DELHI: American film director [James Francis Ivory](#) has accused [Bollywood](#) producer Wahid Chowhan of illegally taking control of assets owned by his late partner and filmmaker Ismail Merchant.

India-born Merchant, whose joint venture with Ivory - [Merchant Ivory Productions](#) - won six [Academy awards](#) for films such as *A Room With A View* and *Howards*

End, left behind [real estate](#) in Mumbai and New York, shares of Godrej Group companies and [intellectual property](#) for over 40 films and books, worth millions of dollars, upon his death in 2005.

Ivory, who is the executor of Merchant's will and the trustee of his estate, filed an FIR in Mumbai against Chowhan for illegally occupying a three-bedroom apartment in Byculla, Mumbai, that was bought by Merchant in the name of Merchant Ivory Productions and used by the duo during their visits to the city.

Chowhan, Merchant's brother-in-law, who has made several films with him - including *The Perfect Murder* in 1988 and *Muhafiz* in 1994 - has also been accused of misappropriating 18,000 shares of [Godrej Industries](#) and 12,000 shares of [Godrej Consumer Products](#) worth around 2 crore after Merchant's death.

In an FIR filed in Agripada police station recently, Ivory has alleged that Chowhan has been forcing him to sell the apartment at a discounted price and even tried to get the property illegally transferred in his name.

Chowhan has denied all charges. In a letter dated March 22, 2013, MDP & Partners, the law firm representing Chowhan, claimed that after Merchant's death, Ivory himself had agreed in 2006 to transfer the apartment in Chowhan's name for a sum of 95 lakh. Following this, a "joint application was made to the Income-Tax Department under Section 197 for issuing a certificate for NIL deduction of tax".

"It is surprising to note the stand...which is a complete turnaround," said the letter from MDP & Partners.

Chowhan's lawyers also claimed that Merchant Ivory Productions had used his services over the years for which he has incurred expenses on their behalf. He has also maintained the apartment and paid all related charges over the years.

A Filmy Fight

WHAT MERCHANT LEFT BEHIND

- ☑ Real estate in Mumbai and New York
- ☑ Shares of Godrej Group companies
- ☑ Rights for over 40 films & books

WHAT DOES THE WILL SAY

Directs Ivory to divide Merchant's estate into two shares - one to go to six individuals, and the rest to his charitable trust

WHAT IS IVORY'S CONTENTION

- Bollywood producer Wahid Chowhan illegally occupies an apartment owned by Merchant Ivory Productions in Mumbai
- Chowhan misappropriated shares of Godrej Group companies worth ₹2 crore
- Chowhan has been forcing Ivory to sell the apartment to his family at a discounted price

Chowhan has denied all allegations

Merchant Ivory Productions, Chowhan claims, is liable to pay substantial amounts to him because of which the arrangement to transfer the Mumbai apartment to him was considered in 2006. The deal, however, did not go through.

ET has reviewed the FIR filed by Ivory and the correspondence on this issue between the lawyers of the two parties. Ivory's US law firm Merle & Brown has retained Kochhar & Co. Both Kochhar & Co and MDP & Partners confirmed there was a dispute, but MDP's managing partner Nishit Dhruva said his client had no idea about the FIR.

Kochhar & Co had on August 31, 2012, served a legal notice on Chowhan, asking him to hand over vacant possession of the apartment, pay damages for occupying the property at market rate, cease and desist from transferring the apartment in his name or selling it to a third party as well as hand over the original share certificates.

Up until the demise of the India-born filmmaker in 2005, Ivory and Merchant had had a 45-year partnership, the longest in the history of independent cinema, according to the Guinness Book of World Records. The duo shared an apartment in New York, and together directed and produced over 40 Bollywood and Hollywood films, including 'Shakespeare-Wallah', starring Shashi Kapoor, 'A Room With A View', 'The Perfect Murder' and 'The Remains of The Day'.

The mid-1980s movie 'A Room With A View' was an international success and bagged three Oscars, including one for best screenplay. It was also nominated in five other categories. Sir Anthony Hopkins, who played the lead role in the acclaimed movie 'The Remains of The Day', called Merchant a "truly great maverick producer".

After Merchant's death, Ivory became the executor of his will, which directs him to divide his estate into two shares - one goes to six individuals, and the rest to his charitable trust. Merchant Ivory Productions was dissolved, and the apartment in Byculla became the property of Ivory and the estate of [Ismail Merchant](#) in the ratio of 40:60, claim Ivory's lawyers.

"The illegal holding of the apartment and the share certificates is creating an obstacle in the discharge of Mr Ivory's duty as the executor of the will. He has been asking Mr Chowhan to hand over relevant documents for several years now," said Rohit Kochhar, managing partner of law firm Kochhar & Co. "The actions of Wahid Chowhan tantamount to serious criminal offences under the Indian Penal Code," added Kochhar.

Ivory is basing his contentions on a letter from Chowhan in 2006, in which the latter said the shares of two Godrej companies were bought by "Ismail with his own money and stand in the joint names of Ismail Merchant and myself, Wahid Chowhan".

Chowhan goes on to add in the letter: "I have no financial interest in these and I know that I was made a joint holder as a matter of convenience. In keeping with the trust Ismail had in me, these share should be transferred to his estate." Ivory claims he repeatedly requested Chowhan over several years to hand over the possession of the apartment, the share certificates and other documents, but to no avail.