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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 4598 OF 2024

Keshavji Shamji Vira ... Petitioner
Versus
State of Maharashtra and ors. Respondents

Ms. Kairavi Dedhia i/b Legal Chartered, for the petitioner.
Mr.P.G. Lad a/w Ms. Sayali Apte, for respondents no. 1 & 2-
MHADA.
Ms. Neuty Thakkar i/b Mr. Tushar Goradia, for respondent no.4.
Ms. K.H. Mastakar, for respondent-BMC.

**CORAM : M. S. KARNIK &
S. M. MODAK, JJ.**

DATE : 29th APRIL, 2026

P.C. :

1. Without prejudice to the rights and contentions of the petitioner raised in this petition, the petitioner is permitted to collect the rent amount as admitted by the respondent no. 4 - developer. Learned counsel for the respondent no. 4- developer states that cheques are ready.

2. The petitioner seeks the recognition and certification of the mezzanine floor which was constructed and existed and further

relief is sought that the Permanent Alternate Accommodation agreement (PAAA agreement', for short) be executed by the developer. It is his submission that there are arrears of unpaid rent.

3. So far as the recognition/certification of the mezzanine floor is concerned, Mr. Lad, learned counsel for the MHADA submits that the petitioner may approach the Chief Officer, MBR & R, MHADA ('CO', for short) along with the necessary documents. The petitioner to file necessary application along with supporting documents within a period of 4 weeks from today. Within a period of 4 weeks from the receipt of the application, CO to decide the recognition/certification of the mezzanine floor. It is made clear that we have not expressed any opinion in this regard. Appropriate orders may be passed based on the documents produced.

4. So far as the PAAA agreement is concerned, learned counsel for the developer submitted that developer is willing to execute the PAAA agreement. Since the issue of certification is pending, subject to the order of the CO, depending on the order passed by the CO, MHADA, the petitioner and respondent -developer to

execute PAAA agreement. Learned counsel for the developer states that the developer is willing to pay the admitted rent. However, the petitioner is not ready to accept the rent as according to her, the rent to which the petitioner is entitled, is much higher. Without prejudice, the admitted rent be paid to the petitioner by the developer.

5. So far as the disputed differential amount is concerned, it is open for the petitioner to file an appropriate application to the CO for computation of the balance amount. The CO, after making enquiries, to decide such application.

6. It is made clear that the rent which is to be accepted by the petitioner is without prejudice to the rights and contentions of the petitioner.

7. The writ petition is disposed of. All the contentions of the parties are kept open.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)