

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

WRIT PETITION NO.2287 OF 2026

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Mahesh Chandrakant Shetye

Age : 37 Years, Occupation : Self Employed,
Residing at : 43/2145, Shantsadan, MHB Colony,
Gandhi Nagar, Near Highway Gomantak Hotel,
Bandra (East), Mumbai – 400 051 and Others...

...Petitioners

Versus

The State of Maharashtra,
Through the Chief Secretary,
Mantralaya, Mumbai – 400 032 and Ors.

...Respondents

Mr.Kunal Bhanage a/w Mr.Akshay Pawar, Advocates for Petitioners.
Mr.Milind More, Addl.G.P. for Respondent–State.
Ms.Manisha Jagtap, Advocate for Respondents–MHADA.

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

DATE : 11th JUNE 2026

ORAL ORDER : (PER : M.S.KARNIK, J.)

1. Heard learned counsel for the petitioners.
2. The present Petition challenges the orders dated 11th November 2025 issued to the petitioners whereby the MHADA rejected the petitioners' representation seeking extension of the benefit of price reduction granted under Mumbai Board Lottery Scheme 2024 to the

petitioners, though the petitioners are allottees of identical flats in the same building under Lottery 2023.

3. The facts are briefly stated thus:-

- (a) In May-2023, MHADA published an advertisement for Mumbai Board Online Lottery Scheme July-2023, inviting applications for allotment of residential flats in various categories including LIG and MIG under Building No.11, Swagruh CHS Ltd., Lokmanya Nagar, Dadar, Mumbai.
- (b) In August-2023, the lottery draw was conducted and the petitioners were declared successful allottees in respect of their respective flats in Building No.11, Wing-D. The provisional offer letter dated 4th September 2023 came to be issued to the petitioner No.1 and similar allotment / offer letters were issued to the other petitioners for their respective flats.
- (c) From May-2024, MHADA started handing over possession of the allotted flats to allottees who had paid full consideration. Only a few allottees took possession before August-2024, while the majority took possession thereafter.
- (d) In August-2024, MHADA published an advertisement for Mumbai Board Lottery Scheme 2024 for surplus / balance flats in the same Building No.11. The prices quoted for identical flats were the same as in the Lottery-2023.

4. Learned counsel for the petitioners submitted that the file noting dated 23rd August 2024 obtained under the Right to Information Act

(“RTT”, for short) disclosed that MHADA itself acknowledged that the advertised prices were around 135% to 145% of Ready Reckoner Rate and considered factors such as 110% of Ready Reckoner Rate, service charges, property tax and location advantage while reworking prices for Lottery–2024. MHADA issued a corrigendum on 29th August 2024 announcing price reduction of about 10% to 25% for flats offered in Lottery–2024, including identical flats in the same building.

5. On 2nd September 2024, the petitioners made representation to MHADA seeking extension of the same price reduction benefit to Lottery–2023 allottees and refund of the excess amount paid. The petitioners submitted a further detailed / common representation reiterating the same grievance and seeking parity with Lottery–2024 allottees.

6. As MHADA failed to decide the representations, the petitioners filed the Writ Petition No.2708 of 2025 in this Court challenging the discriminatory pricing policy. This Court permitted withdrawal of the Writ Petition No.2708 of 2025 on 15th September 2025 with liberty to pursue the representation dated 26th September 2024, and directed MHADA to decide the same as early as possible and in any event within a period of four weeks from the presentation of the order.

MHADA rejected the said representation vide order dated 11th November 2025. A similarly situated allottee filed an RTI Application dated 5th February 2026 seeking documents concerning the pricing policy, minutes of meetings and resolutions relating to DCR 33(5) and 33(7) tenements.

7. By the reply dated 2nd March 2026, MHADA furnished reply to the RTI Application, enclosing resolution No.7035 dated 11th March 2022 and Government letter dated 22nd February 2023, confirming that pricing under DCR 33(5) and 33(7) was to be based on 110% of the Ready Reckoner Rate. The present Writ Petition is filed challenging the orders dated 11th November 2025 and seeking extension of reduced prices / refund of excess amounts.

8. Learned counsel for the petitioners was at pains to point out that MHADA was not justified in treating the similarly situated allottees differently. It is submitted that the Lottery-2023 and Lottery-2024 allottees were allotted identical flats in the same building, obtained under the same DCR provisions, yet only the latter allottees were granted the benefit of reduced prices. It is submitted that the only distinction between the two sets of allottees is the timing of the lottery, which has no rational nexus with the object of providing affordable

housing. Such a classification is *ex-facie* arbitrary and discriminatory. It is further submitted that once MHADA itself accepted that the advertised prices required reduction for Lottery-2024, it could not lawfully deny the same benefit to the petitioners who had already paid substantially higher amounts for the identical flats. It is submitted that MHADA has violated its own pricing policy.

9. According to learned counsel for the petitioners, the price at 110% of the Ready Reckoner Rate would be Rs.1,29,71,484/-, whereas MHADA actually charged Rs.1,62,92,437/- i.e. an excess of Rs.33,20,953/-. It is submitted by learned counsel for the petitioners that the original advertised prices were approximately 135% to 145% of the Ready Reckoner Rate and later revised the same for Lottery-2024. Learned counsel submitted that the MHADA therefore had adopted the pricing policy contrary to MHADA's own stated formula.

10. It is further submitted that the impugned order is non-speaking order and passed in breach of the principles of natural justice. It is then submitted that the petitioners belong to Lower Income Group (“**LIG**”) and Middle Income Group (“**MIG**”) categories and most of them have purchased the subject flats by availing housing loans, arranging savings and mobilising financial assistance to secure residential

accommodation. The excess burden of about rupees 30 to 33 lakhs per flat is enormous for lower income allottees and has long-term consequences on their repayment obligations, family finances and future financial stability. Learned counsel was at pains to point out that in affordable housing scheme, such a burden is wholly disproportionate and defeats the very purpose of the scheme.

11. It is further submitted that MHADA being a statutory authority established to provide affordable housing cannot maintain one price for a set of allottees and a substantially lower price for another set of allottees of identical flats in the same building when the difference is attributable only to timing.

12. We have heard learned counsel for MHADA as well who defended the impugned action. We find that the Writ Petition is devoid of any substance. In our opinion, the petitioners cannot claim parity with the Lottery-2024 allottees. When the Lottery-2023 was announced, the petitioners participated and paid the entire consideration for which the flats were allotted. It is for the Lottery-2024 that the MHADA chose to reduce the pricing. The petitioners never made an attempt to find out from the MHADA the Ready Reckoner Rates and having paid the entire consideration on the

representation made by MHADA cannot now claim parity with allottees of Lottery of 2024. The petitioners never objected to the pricing fixed for Lottery-2023. Now the petitioners cannot claim parity with allottees of Lottery-2024 only because the prices are reduced. So far as the petitioners are concerned, their allotment has attained finality. Reduced prices for Lottery of 2024 cannot afford a case to the Petitioners to claim refund on the ground of parity.

13. The plea of discrimination alleged by the petitioners is not well founded and without any substance. We, therefore, do not find any merit in this Petition.

14. The Petition is accordingly, dismissed.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)