



rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.4031 OF 2022

Kalpana Pramod Shah

....Petitioner

V/S

Union of India & Ors.

....Respondents

Mr.Vikram Nankani, Senior Advocate a/w Mr.Sanmish Gala
(Through VC) and Abhishek Jhaveri i/b M/s.Markand Gandhi &
Co. for the Petitioner.

Mr.Suresh Pakle, Senior Advocate a/w R.P. Ojha and Nilesh Desai
i/b Priyanka Chavan for the Respondents.

**CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ**

DATE : 23rd FEBRUARY 2026

P.C. :

1 The learned senior counsel Mr.Suresh Pakle representing Respondents seek time to receive instructions from the Post Master General as to what steps they are desirous of taking as it is not affordable for them to deposit the rent at the rate of Rs.500/- per sq. ft. which is directed to be deposited from the month of January, 2026.

2 We have no difficulty in granting time, but at the same time, we hope and trust that the Union of India alongwith Respondent



Nos.2 and 3 are conscious of the fact that the Petitioner is interest-holder of the premises and the premises which are being occupied by Respondent No.3 was in her possession even prior to the Petitioners purchasing the interest in the said property.

Admittedly, FRAC which was constituted as early as in 2008, determined the rent at the rate of Rs.43/- per sq. ft. and the Petitioner repeatedly made request from 2012 onwards for revising rate as it was much grossly below the market rate paid for similar properties in the vicinity.

In the report submitted by FRAC, it suggested a rent of approximately Rs.182/- per sq. ft. for about 500 s. ft. This warranted an intervention from the Chief Post Master General, and in 2016 what was recommended was Rs.300 per month. The Petitioner granted acceptance for the enhancement and without prejudice to receive compensation at the enhanced rate upto 2012 alongwith interest at the rate of 12%, she continued to accept the rent.

3 We are in 2026 and there is no increase in the rent though it is the case of the Petitioner that she is entitled for increase of 4% p.a. over the standard rent, which was fixed by the Small Causes Court.

In any case, if it is not profitable for Respondent no.3 to continue in the premises, it is at liberty to vacate the same, but as long as it does so, it shall continue to make the payment which was fixed by us without prejudice to the rights and contentions of both the parties by our order dated 04/02/2026 as we are of the view that merely because it is the unit of Union of India, a



person like the Petitioner who has purchased the premises, cannot be put to prejudice and it is open for Respondent No.3 to search smaller premises, as admittedly the business activity has now staggered and do not earn much profit.

4 Till the time appropriate decision is taken, we direct that the rent as fixed by us in the previous order, shall continue to be deposited.

List on 23/03/2026 on Supplementary Board.

[MANJUSHA DESHPANDE, J.]

[BHARATI DANGRE, J.]