

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.3403 OF 2023**

Caxton House Properties Pvt. Ltd.Petitioner

V/S

Board of Mumbai Port Authority & Ors.Respondents

Mr.Rajeev Waglay i/b Ms.Neha Pandya for the Petitioner.

Mr.Rahul Jain i/b ASA Advocate, for Respondent No.1.

Mr.R.S. Apte, Senior Advocate i/b Mr.Sagar Ambedkar a/
Ms.Disha Nidre for Respondent No.3.

**CORAM : BHARATI DANGRE &
ASHISH S. CHAVAN, JJ**

DATE : 3rd SEPTEMBER 2026

P.C. :

1 The respective counsel representing the Petitioner as well as the Bombay Port Trust Authority are at *ad idem* that the reliefs sought in the Petition filed in the year 2023 is governed by the Judgment delivered on 25/08/2026 (WP NO.3143/2022 alongwith group of matters) to which one of us (Bharati Dangre, J) is a party.

2 Perusal of the reliefs in the petition would reveal that the Petitioner seek declaration about rates of rent fixed by the MPT

under its Compromise Proposal which was upheld by the order of the Apex Court in *Jamshed Hormusji Wadia vs. The Board of Trustees of the Port of Mumbai & Anr.*¹ being made applicable to the Petitioner upto 31/03/2024 with 4% annual increase thereon in October.

Since we have taken a view that the Compromise Proposal which received its approval from the High Court as well as subsequently by the Supreme Court subject to certain modifications and pursuant thereto since by TR No.31/2004, the Port Authority also agreed to implement the decision of the Hon'ble Apex Court and continue with the Compromise Proposal till 31/03/2024, we have granted liberty to the Port Authority to revise the rents on expiry of the said period, but subject to observations made by the Hon'ble Apex Court in *Jamshed Wadia (supra)* that there shall be no rack-renting/profitteering by the Port Authority.

In the wake of the aforesaid, Writ petition is made absolute in terms of prayer clause (a) and (b).

Pending Interim Application, if any, stand disposed of.

[ASHISH S. CHAVAN, J.]

[BHARATI DANGRE, J.]

¹ (2004)3 SCC 214