

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7923 OF 2016**

**DEBT RECOVERY TRIBUNAL BAR
ASSOCIATION, MUMBAI .. PETITIONER**

V/S

UNION OF INDIA AND OTHERS .. RESPONDENTS

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Mr.Nitin Thakkar, Sr. Advocate with Mr.M.P.S.Rao, Sr. Advocate with Mr.Umesh Shetty, Mr.Sanjayu Anavhawane, Mr.Mangesh Patel, Ms.Medha Rane, Puneet, Raju Shinde, Selvi, Ameta, Anoop Khaitan, Ms.Sabeena i/b Mr.Sanjay Anabhawane for petitioner.

Mr.Anil Singh, ASG with Mr. Mohamedali M. Chunawala i/b Pranil Sonawane for respondent no.1.

Mr.Sandesh Patil for applicant in CA No.2288 of 2016.

**CORAM: DR. MANJULA CHELLUR, CJ.
& M.S. SONAK, J.**

RESERVED ON: 3rd OCTOBER, 2016

PRONOUNCED ON : 14th DECEMBER, 2016

JUDGMENT (PER DR.MANJULA CHELLUR, CJ).:-

1 The present petition is filed seeking invocation of the extra ordinary jurisdiction of this Court by issuing directions to the respondent authorities to consider and approve the

available premises in South Mumbai for the functioning and shifting of DRT No.3, Mumbai which are suitable not only to the litigant public, but also Advocates practicing in Debt Recovery Tribunal (DRT) and Debt Recovery Appellate Tribunal (DRAT). They placed reliance on the decision of the Apex Court in the case of **Union of India Vs. Debt Recovery Tribunal (DRT) Bar Association and Anr, (2013)2 SCC 574**. They further sought a direction restraining the respondents from transferring DRT No.3, Mumbai or any part of it to Vashi, Navi Mumbai. Along with this, they have also sought for appointment of a permanent Chairperson of DRAT, Mumbai to preside over the DRAT at Mumbai.

2 In brief, the facts that led to the filing of the petition are narrated as under:-

The petitioner is an association consisting of Advocates mainly practicing in the DRT and DRAT at Mumbai. They function in the name and style of “DRT Bar Association”. When the petitioner learnt about the proposed action of respondent nos.1 and 2 for transfer of DRT No.3 from Mumbai to Navi Mumbai, they approached the respondents contending

that the action of respondent nos.1 and 2 is contrary to the various orders passed by the High Court of Bombay in Writ Petition Stamp No.1532 of 2015, but in spite of it, they persisted with the proposal of shifting DRT No.3 from Mumbai to Navi Mumbai. They narrated other details in the Writ Petition as how the matters pertaining to districts of Palghar, Raigad, Ratnagiri and Sindhudurg were transferred to Pune DRT, and the matters pertaining to district Nasik to Mumbai DRT No.2 in order to ease out over-burden of work of DRT No.3, Mumbai.

3 At that juncture, a Writ Petition (Stamp) No.1532 of 2015 came to be filed complaining non-availability of permanent DRAT at Mumbai, wherein the difficulties and hardship faced by litigants and Advocates appearing before DRT and DRAT, Mumbai were clearly indicated and apprised of the said situation. The Division Bench proceeded to pass an order on 6th July 2015 directing the Central Government to take appropriate steps, and consider whether it is possible to appoint one more Chairperson in each DRAT so as to reduce the backlog of pendency. It was further directed that the Government shall

also implement the directions of the Apex Court, as stated above, in the case of **Union of India Vs. Debt Recovery Tribunal Bar Association and Anr** (supra). So far as the issue in question, the contention of the petitioner was also pointed out wherein there is clear opposition from the petitioner to the suggestion of the respondent authorities to transfer DRT No.3 to any other place outside South Mumbai on the ground that the attempt of the respondent authorities was without taking into consideration the opinion of the stake holders, in other words, without consulting the petitioner association who could have brought on record the difficulties of the petitioner and the litigants.

4 During the pendency of the above proceedings, the petitioner learnt that the second respondent without even consulting and considering the suggestion, addressed a communication to the first respondent seeking approval for hiring space in MTNL building at Navi Mumbai area on leave and licence basis for establishment of DRT No.3, Mumbai. Accordingly, permission was granted by the first respondent. On learning the same, the petitioner expressed their grievances

about the proposed transfer of DRT No.3, Mumbai to Vashi and came up with a proposal that there are other spaces available at South Mumbai at a very reasonable rent compared to the rent payable at Navi Mumbai. In spite of such proposal, respondent nos.1 and 2, without any justification, were attempting transfer of the matters of DRT No.3 to Vashi, but the petitioner pointed out several places next to the premises where the present DRT and DRAT are functioning. In spite of availability of spaces at much cheaper than the premises at Navi Mumbai, and in spite of the area at New Hind House, Ballard Pier available is more than the space available at Vashi, respondent nos.1 and 2 bent upon implementing the decision to transfer DRT No.3 matters to Vashi, Navi Mumbai without application of mind at the whims and fancies of some officials. In response to this, the first respondent placed on record certain facts in brief as under.

5 According to the first respondent, in Writ Petition (Stamp) No.1532 of 2015, the main issue was regarding the appointment of Chairperson of DRAT, Mumbai. In the said case, the petitioner association, as intervenor, raised the controversy of shifting of DRT No.3 proceedings. The matter was discussed

from time to time, and ultimately, respondent no.1 – Union of India – brought to the notice of the Hon'ble Court the decision to shift DRT No.3 to Vashi. In spite of it, no specific direction whatsoever came to be made by the Division Bench regarding the decision where DRT No.3 should be located. On the other hand, when the Bench inquired with the Advocates for the respondents as to when DRT No.3 would be shifted to Vashi, they made it clear that it would be finalized within a period of six weeks.

6 It is brought on record the exercise made by respondent so far as the issue in question. In terms of directions of the Hon'ble Court to locate suitable building and places for housing DRTs and DRAT at Mumbai, which again depends upon available option, after physical inspection and after consulting the concerned officials, Registrars of DRAT, DRT No.1, DRT No.2 and DRT No.3 of Mumbai, a conscious decision was taken to house DRAT and DRT Nos.1 and 2 in the present premises known as “Scindia House”, N.M. Road, Ballard Estate and shift DRT No.3 to MTNL Building, Vashi, Sector No.30, near Vashi Railway Station, Navi Mumbai. According to the

respondents, MTNL premises at Navi Mumbai is a new building having spacious and ample parking facilities in the compound of the building which is also very close to bus depot and railway station. Respondent no.2 - Registrar in charge of DRT No.3 has also placed on record in WP no.7923/16 several factual details in order to appreciate the stand of the parties in the above matter.

7 As per this affidavit, it is stated that the issue raised in Writ Petition (Stamp) No.1532/15 was mainly with regard to appointment of Chairperson of DRAT Mumbai. However, incidentally, the controversy with regard to shifting of DRT No.3 was also discussed from time to time, wherein it was brought to the notice of the High Court that the Union of India had decided to shift DRT No.3 to Vashi. In spite of such information on record, there was no positive direction by the Court on this issue, and rather left the issue for the Government to decide where the DRT should be located. On the other hand, when Advocates for the respondents were inquired by the Bench when DRT No.3 would be shifted, it was submitted that it would be finalized within a period of six weeks. Under these

circumstances, on 29th July 2016, the Bench stayed shifting of DRT No.3 to Vashi until further orders. Under those circumstances, DRT No.3 could not be shifted to Vashi.

8 Respondent no.2 submits that DRT No.3 is facing severe space shortage as presently it is housed in 3000 sq.ft. area which is approximately 50% of the required space. This shortage of space was persistently brought to the notice of the concerned Ministry. All available spaces in DRT No.3 Mumbai are utilized for keeping the records only. The records are kept on the floor in Sections, offices of rooms occupied by Registrars and Recovery Officers. Such records are kept even in the chamber of Presiding Officer and anti-chamber and court hall. There is serious leakage problem from the ceiling of the building. During monsoon, on account of these problems, the Court proceedings were conducted from the chamber of Hon'ble Presiding Officer from 6th June 2016 which is evident from the photographs annexed as Exhibit-1.

9 When suggestions came up with regard to alternative premises, the officials of Mumbai DRT visited many

of the places and identified few sites, taking into consideration the requirement of such spaces closer to railway station, bus station, apart from having regard to parking facility and good condition of the building. One Mr. Anandrao V. Patil, Director of Department of Financial Services came to inspect the buildings along with the Registrars of DRAT and DRT Nos.1, 2 and 3. They have annexed the comparative chart of the sites visited by the officials with reference to area and rate per sq.ft. According to them, many of the sites visited, were not found suitable due to geographical location, inadequate structure like parking facility and required space *vis-a-vis* high rental cost.

10 Ultimately, near Vashi Railway station, the building in question was identified as the most suitable one for DRT No.3 from all angles. It has suitable geographical accessibility and parking facility. The requirement of DRT no.3 is 7200 sq ft. and the area available is 8750 carpet area. The premises is very close to railway station and there is ample parking facility in MTNL building. The combined space available at Mumbai in the present premises for housing DRAT and DRT Nos.1, 2 and 3 is 23,200 sq.ft. The total area available in Scindia House is

17,851 sq.ft. There is shortage of 6000 sq.ft. The space required for DRAT, DRT No.1 and 2 put together is about 17,700 sq.ft and the available space is 17,851 sq.ft. Therefore, with the approval of the Presiding Officer, a recommendation was sent for shifting DRT no.3 to the MTNL Building at Vashi, Navi Mumbai which was approved by the concerned authorities. A lease deed came to be executed on 29th June 2016 and possession of the property was also handed over on 7th July 2016 to DRT.

11 In response to oral directions in Writ Petition (Stamp) No. 1532/15, tentative date of shifting and being functional of DRT No.3 at Vashi, the shifting procedure commenced. From 11th June 2016, shifting of records is commenced, it would be completed by 18th July 2016 and the proposal to make it functional was from 20th July 2016. The site visits were conducted jointly by Bar members and DRT officials, and a note to that effect was also submitted to the concerned Ministry and marked as Exhibit-A. The building at New Hind House was very old and there was heavy leakage in the walls, the ceilings apart from cracks in the beams, ceilings

and the walls. According to them, since it is a heritage building, possibility of additions, alterations and modifications is not there. Therefore, even constructing Court rooms, additional wash rooms for Presiding Officers have to be made with permission from the appropriate authorities. Entire building consists of one lift which has capacity to carry four persons at a time. There is no parking facility and the vehicles have to be parked on the road. Therefore, this was not chosen. Similar were the conditions with other premises.

12 With the above material on record, we have to see whether the petitioners are entitled for the reliefs as prayed for in the above petition. One has to appreciate why the Recovery of Debts Due to Banks and Financial Institutions Act came into existence, and what was the purpose of making such law. The Supreme Court of India had an occasion to deal with such an enactment where, apparently, several directions were given to Union of India as to what was the intention with which the said enactment was introduced and how the functioning of the DRT and DRAT has to be considered. While appreciating the functioning of DRTs and DRATs, their Lordships opined that in

order to make them functional, there has to be adequate infrastructure for Tribunals, Members/Chairpersons, staff etc. This was in the case of **Union of India & ors Vs. Debt Recovery Tribunal Bar Association & Anr** (supra), the relevant paragraphs are paragraph nos. 4, 7, 8, 9, 9.1, 9.1.1, 9.1.2, 9.1.4, 9.1.5, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7. which read as under:-

4 In order to appreciate the issue involved in the matter before us, it would be useful to have a bird's eye view of the constitution of DRTs and their functioning. Prior to the promulgation of the Recovery of Debts Due to Banking and Financial Institutions Act, 1993 (for short "the RDDBFI Act"), all banks and financial institutions were required to file their recovery cases in the form of suits before the civil courts, on the basis of their territorial and pecuniary jurisdictions. Due to delays in the disposal of such suits by civil courts on account of heavy dockets, the recovery of loans and enforcement of securities suffered. Thus, an urgent need was felt to work out a suitable mechanism through which, the dues of the banks and financial institutions could be realized expeditiously. This led to the establishment of DRTs and the Debts Recovery Appellate Tribunals (for short "DRATs") under the RDDBFI Act for expeditious adjudication and recovery of debts due to banks and financial institutions.

7 At present, DRTs and DRATs suffer from severe infrastructural constraints. Most of the DRTs are being run from rented premises and face acute shortage of space, exorbitant rents, limitations on non-

renewal/extension of leases etc. It has been brought to our notice that where the DRTs have been allotted space of about 5000 sq. ft., the actual requirement is not less than 7,500 sq. ft. Similarly, the learned amicus curiae brought to the fore several other issues plaguing the smooth functioning of the Tribunals, the most significant being: that there is a need to increase the number of DRATs in the country to reduce the workload of the existing DRATs; that many serving Recovery Officers lack a judicial background or are appointed on deputation from those very banks or financial institutions which are filing recovery cases in DRTs, thereby raising serious questions about their independence, impartiality and fairness; that the time taken in filling up vacancies for the posts of senior officials of DRTs and DRATs is extremely long; and that the presence of modern and technological systems of administration continues to be elusive in the administration of justice in as much as many DRTs and DRATs do not even have websites or computerized systems.

8 Suggestions made by the learned Additional Solicitor General and the learned Amicus Curiae

<i>Sl. No.</i>	<i>Issue</i>	<i>Suggestions of the learned Additional Solicitor General</i>	<i>Suggestions of the learned amicus curiae</i>
1	Premises and physical infrastructure	All DRTs and DRATs should be housed in suitable buildings. Pending construction of these buildings, the Tribunals should be housed in rented premises having an area of at least 800 sq.ft where suitable space for records, etc. and amenities for the officers of the court, staff, litigants and lawyers should be provided.	Concurring

2	Increase in number of DRTs/DRATs	-----	A DRAT must be established in each State where there is a DRT or multiple DRTs. DRATs may be established in the city where the High Court concerned of a State is located.
3	Appointment of Recovery Officers	Qualifications for Recovery Officers should include at the very least, a basic degree in law. If possible, judicial officers or advocates with five years' standing at the Bar may be appointed as Recovery Officers.	Appointment of Recovery Officers by way of deputation from the government departments/Ministries, banks and financial institutions should be discontinued. Instead, the person appointed must be a person of a judicial background, preferably a judicial officer of the rank below the designation of the Additional District and Sessions Judge on deputation, and should be given the same facilities and perks he/she enjoys in the parent cadre

4	Vacancies and status of senior officers of DRTs/ DRATs	A select list of candidates should be maintained to fill the vacancies. The selections should be made within a fixed time-frame.	(a) For posts other than Presiding Officers and Recovery Officers, ongoing process of sourcing staff/officers on deputation should be discontinued, and permanent cadres should be established. (b) The post of Presiding Officers, Registrars and Recovery Officers should be filled up from the State cadre of judicial officers through deputations and rotations so that these posts do not remain vacant. (c) Judicial officers must be provided the same facilities and perks as they enjoy in their parent cadres. Further, residential accommodation must be necessarily earmarked for Presiding Officers.
5	Information technology and computerization	(a) DRTs and DRATs must have a website. Possibility of publication of notices and auctions on the website should be explored, keeping necessary safeguards in mind. (b) The National Informatics Centre should be called upon to prepare appropriate software for computerization of processes in DRTs, from filing to disposal, so that the time taken for disposal is reduced.	Concurring

9 We are pleased to note the positive and forthcoming response of the UOI to the suggestions of the learned Addl. Solicitor General and the

learned amicus curiae. Having taken note of the urgent need to address the abject conditions prevailing in the Tribunals, the UOI, has agreed to:

9.1 Provide adequate infrastructure to DRTs/DRATs on the following basis:

9.1.1 If sufficient space as per requirement is available in the Government building, then space from the concerned department will be allotted on a permanent basis.

9.1.2 If space is not available in the Government building but sufficient space is available in public sector undertakings' buildings, then the DRTs/DRATs may move to the same on a permanent lease/rental basis.

9.1.3 If (a) and (b) are not possible, then suitable land may be purchased for construction of a building, or a suitably constructed building may be purchased from public authorities. This may be completed in a phased manner. In the mean time, DRTs and DRATs may continue at their present locations or hire alternative suitable space as per norms.

9.1.4 Further, on the basis of a spot study conducted by the Department of Financial Services on 11th December 2011, the existing space authorization of 5000 sq. ft. for DRTs and 3600 sq. ft. for DRATs was examined. In light of the study and requirements of additional facilities, the same has been increased to 7200 sq. ft. and 4500 sq. ft. respectively. In case more than one DRT is accommodated in one building, space would be saved for common facilities such as bar room, consultation chamber, reception, canteen, washrooms, etc. In such a case, the space requirements for the second and third DRT (if

located in the same building) may be around 6000 sq. ft. and 5500 sq. ft. respectively.

9.1.5 Preference is to be given to buildings where parking facility is provided either within the building premises or in the vicinity.

9.2 Consider the feasibility of establishing more DRTs/DRATs and redefining the jurisdiction of some DRTs on the basis of data showing pendency of cases and existing workload of all the DRTs and DRATs.

9.3 Fill all anticipated vacancies for the posts of senior officers, as and when they arise, with candidates who have already been selected according to the stipulated rules.

9.4 Extend the facility of General Pool of Accommodation of the type entitled to Group A officers upto April 2013 to the Presiding Officers. In the meantime, the Ministry of Finance and Ministry of Urban Development will examine all issues to finalise modalities for either buying or construction of flats/houses for use of the members of the Tribunals. Further, in case this proposal does not materialize, then the possibility of hiring accommodation shall be considered at the appropriate stage.

9.5 Implement the “e-DRT Project” to automate and improve DRT services by building IT systems as expeditiously as possible.

9.6 Carry out the recruitment of Recovery Officers by promotion, failing which, by deputation, in accordance with the eligibility criteria as defined in the recruitment rules of each DRT. Keeping in mind the profile of the post of a Recovery Officer, it may not be possible to appoint judicial officers of a rank

below that of an Additional District and Sessions Judge, as suggested by the learned amicus curiae. However, the UOI shall give preference to only those candidates who either have legal experience or hold a degree in law. Further, with respect to improving the selection procedure of Recovery Officers, the Departmental Promotion Committee (DPC), provided for in the recruitment rules, shall be expanded to include the Presiding Officer of any DRT as a member of the DPC to take part in the selection of the Recovery Officers. At the same time, the level of representation of the Reserve Bank of India in the DPC will also be raised from the rank of Deputy Legal Advisor to Joint Legal Advisor, RBI.

9.7 Hold regular training programmes for Recovery Officers/Assistant Registrars/ Registrars to give them minimum working knowledge of the procedures followed in DRTs, the provisions of the RDDBFI Act, the SARFAESI Act, the Rules made thereunder, and the provisions of Schedules II and III of the Income Tax Act, 1961.

13 As already explained by respondent no.2 i.e. Registrar, DRT No.3, they have annexed a table indicating how they have analyzed the material on record, *vis-a-vis*, the requirement and the available facilities like space, parking space, lifts, passages, etc. The sites visited by Shri Anandrao Patil, Director for proposed location of DRT No.3, Mumbai has indicated the details of location, accessibility, carpet area in sq.ft, floor where space is available, passage, stairs etc, number of lifts, number of toilets, parking inside and parking

outside with regard to the site at Bombay Port Trust, Nirman Bhavan, Dockyard Road(East), MTNL Building, Cuffe Parade, Telephone Exchange, G.D.Somani Marg, Mumbai, MTNL Building, Colaba, Telephone Exchange, G.D. Somani Marg, Air India building, Podium building, Nariman Point, which read as under :

SITES VISITED BY Shri Anand Patil, Director for proposed relocation of DRT, Mumbai								
	1	2	3	4	5	6	7	8
Location	Mumbai Port Trust, Nariman Bhavan, Dockyard Road East	Mumbai Port Trust, Bhandar Bhavan, Dockyard Road East	MTNL Bldg., Cuffe Parade Tele Exch Bldg, G.D. Somani Marg, Mumbai 400005	MTNL Bldg, Colaba Tele Exch Bldg, G.D. Somani Marg, Mumbai 400005	Air India Bldg, Podium Bldg, Nariman Point	Vashi Tele Exch Bldg, Sector 30A, Next to Vashi Railway Station	Fountain II Tel Exch Bldg, MG Road, Mumbai-1	Cumballa Hill Tel Exch Bldg, Peddar Road, Mumbai
Accessibility	15 mts from Dockyard Road Station	15 mts from Dockyard Road Station	Churchgate 3.5 kms (15 minutes by bus) and CST (around 4.5 kms) 20 minutes by Bus from CST. Actual travel takes 45 minutes due to traffic	3 kms from Churchgate and CST. Actual travel takes 45 minutes due to traffic	20 minutes by bus from CST/ Churchgate. Actual travel takes 40 minutes due to traffic	1 minute walking distance from Vashi Train and Bus Station	Beside High Court. Next to VSNL Bldg	Not near High Court & not near any Rly Station

Carpet Area in square feet	9449 sq.ft. Built-up	15068 sq.ft. Built-up	24620 sq.ft. (12310 sq.ft. in each floor)	21000 sq.ft. built-up (7000 sq.ft. in each floor)	17049.69 sq.ft. Built-up area. (5570 sq.ft. in Ground Floor and 11479.69 sq.ft. in First Floor)	26265 Built-up area (8755 sq.ft. in each floor approx. in each floor)	12000 sq.ft. in each floor. Total 24000 sq.ft.	7500 sq.ft. in each floor
Floor	Firsrt	3 rd Floor	5 th & 6 th Floor	1st, 2 nd & 3 rd Floor	Ground and First Floor	1 st , 2 nd and 3 rd Floor	5 th & 6 th Floor	6 th & 9 th Floor
Passage Space/ Stairs	Wide Passage	Wide passage	Normal passage/ Stairs	Wide passage	Wide passage	Very wide passage area	Wide passage	
No of Lifts	2 Lifts	2 Lifts	4 Lifts	4 Lifts	4 Lifts	2 Lifts	6 in each flr + 1 goods lift	
No of Toilets	2 Toilets	4 Toilets	2 Toilets	4 Toilets	4 Toilets	4 Toilets	2+2 in each flr. 6 th flr has addl 2 toilets	
Parking	Available	Available	Limited to 6	Limited to 4	Limited to 5	Ample parking	No parking for public. $\frac{3}{4}$ cars for PO can be managed with permission	
Outside Parking	Available	Available	Not available	Not available	Parking at roadside subject to availability	Public parking available just outside the building	Not available	

14 Apart from the existing space, and how it is utilized, is depicted in the photographs from page 110 to 115. In the affidavit in reply, they have also stated how New Hind House is

not suitable (where NTC is housed) and why the authorities concerned did not find it suitable. For DRT Nos.1, 2, 3 and DRAT, total space available is 23,200 sq.ft. At present, Scindia House has an available space of 17,851 sq.ft only. Therefore, the space required for the DRAT, DRT Nos. 1 and 2 put together is about 17,700 sq.ft. Therefore, the space in the existing building is enough to house only the DRAT, DRT Nos.1 and 2. So far as DRT No.3 is concerned, the notification of the Union of India clearly indicates which are the places which are included within the purview of DRT No.3. They have also placed on record the said notification dated 26th September 2016 that DRT No.3 covers matters arising from Thane, Palghar and Nasik Districts in the State of Maharashtra. They have also placed on record details in respect of running of local trains of Western Railway, Central Railway and Harbour lines. The map clearly indicates that within five minutes one can reach railway station and bus stand from the new location of DRT No.3. Therefore, it is well connected to road as well as railway transportation. There is enough parking space available inside the premises, and even there is parking facility outside the premises.

15 The stake holders who attend the matters at DRT No.3 include not only the lawyers, but the parties to the litigation. There has to be proper space and infrastructure to be provided for staff as well as records, etc. We expect some breathing space for proper discharge of duties, so far as the staff and other officials of the establishment are concerned. There has to be decent and basic facilities congenial for the Officers, Member and Chairperson of the DRT. If the space available at the existing building has shortage of about 7,000 and odd sq.ft, it would be nothing but expecting the DRT to work in a suffocated and restricted area which is contrary to the undertaking given by Union of India to the Apex Court so far as amenities to be provided as indicated in the case referred to above. That apart, whether the petitioner association as an applicant can question the suitability or proposal to shift the place for functioning of one of the Debt Recovery Tribunals on the ground of convenience? As already stated above, the infrastructure and other facilities like accessibility have to be in the light of the undertaking of Union of India rather than the inconvenience or hardship espoused in the Writ Petition. In a proceeding under Article 226 of the Constitution of India,

whether this Court can venture into fact finding exercise to analyze which place is more convenient or suitable for proper functioning of a Tribunal under the Central Act. Such exercise is the total responsibility of the authorities concerned i.e. Government of India and it is more of a policy decision. There are no set of legal parameters to review such action of the executive exercising authority in the guise of policy makers. It is more of a policy decision of the concerned authorities to set up such establishment. Apart from the obligation of the authority to set up such an establishment, they have come out with reasonable explanation why the present location was preferred and chosen when compared to other sites indicated or suggested by the petitioner.

16 We cannot term the exercise on the part of the respondent authorities as arbitrary or mala fide. In the absence of pointing out such arbitrariness, according to us, what a prudent and reasonable thinking mind could do, has been done in the present case by the authorities who chose the place in question.

17 Accordingly, we opine that no good grounds are
made out to intervene with the decision to shift the location of
DRT No.3 to the new site at Vashi.

18 Accordingly, Petition is dismissed.

(M.S. SONAK, J.)

(CHIEF JUSTICE)