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

WRIT PETITION NO. 2510 OF 2018

IDBI Bank Officers' Association … Petitioner

Versus

IDBI Bank Ltd. & Ors. … Respondents

Mr. Ashok Shetty a/w Mr. Arun D. Nagarjun and Mr. Siddharth Bhosale I/by M/s. R. S. Mane and Associates for Petitioner.

Mr. S. K. Talsania, Senior Counsel I/by Ms. Kanchan Pamnani for Respondent No.1 – IDBI Bank.

Mr. Anil Singh, ASG a/w Mr. Anjani Kumar Singh for Respondent No.3 – Union of India.

CORAM : R. M. SAVANT AND NITIN W. SAMBRE, JJ.

DATE : 8th OCTOBER 2018.

P.C.

. The above Writ Petition has been filed principally for direction to be issued to the Respondent Nos. 1, 2 and 3 to maintain the Government of India's shareholding in the Respondent – Bank at more than 52% at all times and retain the status as a Government owned Bank in terms of Industrial Development Bank of India Repeal Act, Articles of Association and as directed by the Government of India from time to time to avoid injury and irreparable loss to all the employees working with the Respondent – Bank.

2. The further relief sought is a direction to the Respondent No.3 to reiterate its instructions vide Letter No. F.No.11/7/2008-BOA dated 19th December 2014 in the matter of diluting the Government of India holding on the basis of further instructions/directions/guidelines/submissions to the Lok Sabha, Rajya Sabha and others from time to time.

3. The relief sought vide the aforesaid substantive prayers is sought to be founded on the representations made on the floor of the houses of Parliament by the then Finance Minister in the year 2003. The aforesaid reliefs are also sought to be based on the Articles of Association of the IDBI, wherein it is stated that the shareholding of the Central Government would not be less than 51%.

4. We at the outset had expressed our reservations as regards the *locus standi* of the Petitioner to maintain the above Petition seeking the relief which we have adverted to herein above.

5. The learned Counsel for the Petitioner in his endeavour to demonstrate that the above Writ Petition is maintainable at the behest of the Petitioner sought to place reliance on the Judgment of the Apex Court

reported in ***AIR 2003 Supreme Court 3277*** in the matter of ***Centre for Public Interest Litigation V/s Union of India and Another***. The said Public Interest Litigation was concerned with the disinvestment of the Central Government shareholding in two Petroleum Companies i.e. Hindustan Petroleum Corporation Limited (HPCL) and Bharat Petroleum Corporation Limited (BPCL) to private parties. The shareholding of the Central Government in the said cases was steeped in statute namely, the Acts by which the erstwhile oil companies which were constituted into HPCL and BPCL were acquired. It is in the said context that the Apex Court adjudicated the issue in Public Interest Litigation and issued a direction that the disinvestment cannot take place without the concerned Acts being amended. In the instant case we are not shown any statutory provision which precludes the Central Government from disinvesting its shares.

6. On behalf of the Respondents, our attention is drawn to the order passed by a learned Single Judge of the Delhi High Court in ***Writ Petition (C) 8215 of 2018 and CM Appl. No. 31472 of 2018*** in the matter of ***The IDBI Bank's Aggrieved Employees and Officers Association (Unregistered) V/s Union of India and Anr***. The said case involved the identical issue as raised in the present Petition, but the said Petition was founded on the Industrial Development Bank of India Act, 1964. The

learned Single Judge of the Delhi High Court in view of the repeal of the Act of 1964 by the Act of 2003 held that there was no merit in the contention founded on the said Act of 1964. However, what is relevant in the context of the present Petition is the finding recorded in the second paragraph numbered as paragraph no.5. The same reads thus :

> *"5. IDBI Bank limited is a company incorporated under the companies Act, 1956. Ms. Das has been unable to point out any provision of law, which prescribes the Central Government from diluting its shareholding in IDBI Bank Limited. She has also been unable to, otherwise, establish the petitioner's right to secure any of the prayers as sought for in this petition."*

7. Hence the learned Single Judge of the Delhi High Court apart from the finding that the challenge was unmerited in view of the repeal of the Act of 1963 has also recorded a finding that the learned Counsel appearing for the Petitioner i.e. IDBI Employees Association was not able to point out any provision of law which precluded the Central Government from diluting the shareholding in the IDBI Bank Limited. The learned Single Judge also found that the Petitioner therein did not have the *locus standi* in view of the prayers sought in the Writ Petition.

8. As indicated above, the prayers sought in the said Writ Petition were identical to the prayers sought in the above Writ Petition. The

Petitioner therein was also an Association representing the employees and the officers of the IDBI. Hence the above Petition would have to meet the same fate as the Petition before the learned Single Judge of the Delhi High Court. In that view of the matter, we do not deem it fit to entertain the above Petition filed on behalf of the Petitioner above named. The same is accordingly dismissed.

(NITIN W. SAMBRE, J.) **(R. M. SAVANT, J.)**