

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8398-8399 and 12415 of 2005

(From the judgement and order dated 19/12/2003 in CW No. 85/2003 & RA No. 130/2004 & CWP No. 1138/2003 of The HIGH COURT OF DELHI AT N. DELHI)

SUPER BAZAR KARAMCHARI DALIT SANGH & ORS

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP, directions, intervention, impleadment and directions and impleadment of 70 employees of Super Bazar Co-Operative Store and office report )

With

SLP(C) No.22640 of 2005

(With appln.(s) for C/delay in refiling SLP and with prayer for interim relief and office report)

Conmt. Pet.(Civil) No.104 o 2007 in SLP(C) No.8398-8399/2005 & 12415/2005

Date: 17/05/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s)

Mr. Anoop G. Chaudhary, Sr.Adv.

Ms. June Chaudhary, Sr.Adv.

Mr. Sarwa Mitter, Adv.

Ms. Santosh Gupta, Adv.

Mr. Amit gupta, Adv.

For M/S Mitter & Mitter Co.,Adv.

For Respondent(s)

Ms. Monika Garg, Adv.

Ms. Kavita Wadia,Adv.

Mr. R.K. Kapoor, Adv.

Mr. M.K.Verma, Adv.

Mr. Anis Ahmed Khan ,Adv

Mr. D.N. Goburdhan ,Adv

Ms. Pinky Anand, Adv.

Ms. Geeta Luthra, Adv.

Mr. Vishnu B.Saharya, Adv.

For M/S Saharya & Co. ,Adv

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Mr. K.K.Tyagi, Adv.

Mr. Iftekhar Ahmad, Adv.

Mr. P. Narasimhan ,Adv

Mr. Rakesh K. Khanna, Sr.Adv.

Dr. Rashmi Khanna, Adv.

Mr. Surya Kant, Adv.

Ms. Jhanavi Wohra, Adv.

Ms. Shafali Jain, Adv.

Mr. R.Chandrachud, Adv.

Mr. K.R. Sasiprabhu ,Adv

Mr. Ravindra Kumar ,Adv

Mr. A.Sharan, ASG

Mr. S.Wasim A.Qadri, Adv.

Mr. V.K.Verma, Adv.

Mr. G.Prakash, Adv.

Mr. Ranjit Kumar, Sr.Adv.

Mr. Vivek Singh, Av.

Mr. Tanveer Ahmed Mir, Adv

Mr. Rajesh Ranjan, Adv.

Mr. Atin Rastogi, Adv.

Mr. Shiv Kant, Adv.

Dr. Kailash Chand ,Adv

Mr. Shree Prakash Sinha, Adv.

Mr. A.K. Thakur, Adv.

Mr. C.D. Singh ,Adv

Mr. Rajesh Ranjan, adv.

Mr. Shiv Kant Arora, Adv.

Dr. Kailash Chand, Adv.

Ms. Jyoti Mendiratta, Adv.

Mr. K.K.Tyagi, Adv.

Mr. Iftekhar Ahmad, Adv.

Mr. R.S.Chauhan, Adv.

Mr. P.Narasimhan, Adv.

Mr. Mohit Chaudhary, Adv.

Ms. Pooja Sharma, Adv.

Mr. Manish Jain, Adv.

Dr. Sushil Balwada, Adv.

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UPON hearing Counsel, the Court made the following

O R D E R

Mr. Ranjit Kumar, learned senior counsel for the ILCS and IPC

hands over a copy of the letter of the Senior Economic Adviser,

Government of India, Ministry of Consumer Affairs, Food and Public

Distribution (Department of Consumer Affairs) stating that the

modalities for the revival of the Super Bazar as mutually agreed and as

approved by the competent authority of the Ministry may be signed.

The letter also refers to some slight improvements in the modalities for

the purpose of removing ambiguities, if any.

It is stated that improved version of the modalities has been

made available to the ILCS and IPL and that is acceptable to them. He

therefore, requests us to pass appropriate orders so that steps may be

taken immediately to give effect to the revival scheme. In this context,

he submits that two things are required to be done immediately - firstly,

the Central Registrar of the Cooperative Societies under Section 86 of

the Multi State Cooperative Societies Act must withdraw the order of

liquidation and simultaneously, a Board of Administrators be

constituted representing one nominee each of IPL and ILCS to be

appointed by the Government under Section 123 of the Act.

Having regard to the public interest involved, we direct that

necessary steps be taken forthwith and the two

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steps which are required to be taken should be taken within a period of

four weeks from today.

As soon as the implementation of the revival scheme commences,

IPL and ILCS will must deposit in this Court the amount payable to the

suppliers and the amount representing arrears of wages payable to the

workmen concerned.

The other terms and conditions incorporated in the revival scheme shall also be implemented forthwith upon a Board of Administrators being constituted.

A copy of the letter dated 15th May, 2007 of the Government of India and the modalities enclosed be kept on record.

We direct the IPL and ILCS to deposit a sum of Rs.60 Crores towards capital in this Court within a period of two weeks from today so that the authorities may be assured that the IPL and ILCS will not back out at any stage after the necessary steps have been taken by the concerned authorities in accordance with the revival scheme. The amount so deposited shall be utilised in the manner as may be directed by this Court.

Mr. Ranjit Kumar states that they are not required at this stage to bring the full amount. Such submissions may be raised later when the occasion arises and this Court may pass appropriate orders.

We further direct that the rent shall be determined in

accordance with the orders passed earlier which refer to the

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lease agreement and the increments provided therein. The N.D.M.C.

will, keeping these factors in mind, submit to this Court the rent which,

according to them, is payable so that this Court may pass appropriate order.

Let these matters come up on July 12, 2007 for such further directions as may be considered necessary.

The parties shall produce a copy of this Order before the concerned authorities.

(Sukhbir Paul Kaur)

Court Master

(Vijay Dhawan)

Court Master