

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 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)

Date: 26/07/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr. Anoop G. Chaudhary, Sr.Adv.

Mr. Sarwa Mitter, Adv.

Ms. June Chaudhary, 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. Govind Kaushik, Adv.

Ms. Anita Sharma, 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, Adv.

Dr. Rashmi Khanna, Av.

Ms. Jhanavi Wohra, Adv.

Mr. Surya Kant ,Adv

Mr. Soli J. Sorabjee, Adv.

Dr. Milind Sathe, Sr.Adv.

Mr. K.R. Sasiprabhu ,Adv

Mr. M.K.Sreegesh, Adv.

Mr. Ashish Varma, Adv.

Mr. A.K.Prasad, Adv.

Mr. Ravindra Kumar ,Adv

Mr. A.Saran, ASG

Mr. S. Wasim a.Qadri, Adv.

Mr. R.N.Verma, Adv.

Mr. V.K. Verma ,Adv

Mr. G. Prakash, Adv.

Mr. Ranjit Kumar, Sr.Adv.

Mr. Vivek Singh, Av.

Mr. Tanveer Ahmed, Adv.

Mr. Arvind Kumar Gupta ,Adv

Mr. Rajesh Ranjan, Adv.

Mr. Shiv Kant, Adv.

Dr. Kailash Chand ,Adv

Mr. Ajay Thakur, Adv.

Mr. Shree Prakash Sinha, Adv.

Mr. C.D. Singh ,Adv

In I.A.No.29

Mr. Anil Karanwal, Adv.

(For impleadment) Mr. Satbir Pillania, Adv.

Dr. Sushil Balwada, Adv.

UPON hearing counsel the Court made the following

O R D E R

We have heard the parties for some time.

We have considered the various provisions of the Multi-State Cooperative Societies

Act, 2002. Since the Super Bazar Cooperative Society is governed by the Multi-State

Cooperative Societies Act, 2002 and the existing Cooperative Society is not sought to be

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displaced, we have to consider whether, consistent with the provisions of the Multi-State

Cooperative Societies Act, the bidders before us can be permitted to bring in funds toward

share capital, working requirement and for repayment of liabilities, and at the same time give

them sufficient control of the management of the Society. Certain provisions have been

pointed out to us with regard to the constitution of Board of Directors, voting rights,

limitation on the power of the Society to borrow funds, power of the Government to nominate

the members of the Board of Directors etc. It has been argued before us that in exercise of

power vested under the Act, the Registrar of the Cooperative Societies can give certain

directions. Similarly, the bye-laws of the Society may be suitably amended so that the person

who is ultimately selected to induct funds for the rehabilitation and revival of the Super Bazar

enjoys a legal status within the scheme of the Act.

Counsel for the parties state that they will consider the provisions of the Act and put

in writing their proposal regarding the manner in which the object can be achieved, either by

amending the bye-laws or by appropriate directions issued by the Registrar of Cooperative

Societies under the Act, or in any other manner.

Counsel for the N.D.M.C. submitted that so far as the Connaught Place building is

concerned, the Committee wishes to convert it into a multiplex. In any event, it is submitted

that the licence fee fixed at Rs.one per square feet is too meager. The Committee may not be

averse to letting out a portion of the premises after the reconstruction of the building, but on

market rent. He submitted that the Municipal Committee will allow the selected bidder to

occupy the premises to the extent of its requirement.

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However, we direct the Committee to file before this Court a statement showing the

floor area that may be available after reconstruction, and to specify to what extent it will be

willing to grant on licence fee or rental basis the premises to the Super Bazar. He will also

indicate the time that may be taken in reconstructing the building as proposed.

The potential bidder may intimate to the Counsel for the N.D.M.C. the extent of

their requirement.

The proposals as well as the statement shall be filed in this Court by the intending

bidders as also by the Counsel for the N.D.M.C. and the Union of India before 1st August,

2006..

Put up this matter on 3rd August, 2006.

Order may be given dasti.

(Sukhbir Paul Kaur)

Court Master

(Rajesh Dham)

Court Master