

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).8398-8399/2005

(From the judgement and order dated 19/12/2003 in CW No. 85/2003 and
CWP No. 1138/2003 and order dated 19.3.2004 in R.A.No.130 of 2004 in CW
No.85 of 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 office report)

With SLP(C) No.22640 of 2005

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

Date: 05/05/2006 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.
Ms. June Chaudhary, Adv.
Mr. Sarure Mitter, Adv.
Ms. Santosh Gupta, Adv.
Mr. Amit Gupta, Adv.
for M/S Mitter & Mitter Co.,Adv.

For Impleading party

Mr. Radhakrishna, Sr.Adv.
Mr. Satbir Pillania, Adv.
Mr. Anil Karnwal, Adv.
Mr. Sushil Balwadi, Adv.

For Respondent(s)

Ms. Monika Garg, Adv.
Ms. Kavita Wadia,Adv.
Mr. R.K.Kapur, Adv.
Mr. M.K.Verma, Adv.
Mr.S.S.Yadav, Adv.
Mr. Govind Kaushik, Adv.
Mr. Anis Ahmed Khan ,Adv

Mr. D.N. Goburdhan ,Adv
Ms. Pinky Anand, Adv.

Mr. Vishnu B. Saharya, Adv.
M/S Saharya & Co. ,Adv

Mr. P. Narasimhan ,Adv

Mr. R.K.Jain, Sr.Adv.
Mr. Rakesh K. Khanna, Adv.
Dr. Rashmi Khurana, Adv.
Ms. Jahanvi Warah, Adv.
Mr. Surya Kant ,Adv

-2-

Mr. Ravindra Kumar ,Adv

Mr. A.Saran, ASG
Mr. S.Wasim A.Qadri, Adv.
Mr. V.K. Verma ,Adv

Mr. Arvind Kumar Gupta ,Adv

Mr. Rajesh Ranjan, Adv.
Dr. Kailash Chand ,Adv

Mr. T.K.Ganju, Adv.
Mr. Ajay Thakur, Adv.
Mr. Shree Prakash Sinha, Adv.
Mr. C.D. Singh ,Adv

For IPL & ILC

Mr. Ranjeet Kumar, Sr.Adv.
Mr. Vivek Singh, Adv.
Mr. Tanveer Ahmed Mir, Adv.

UPON hearing counsel the Court made the following
O R D E R

The Report of the Committee appointed by this
Court dated 28.2.2006 has been filed. The Committee has
sought certain directions.

Shri R.K.Jain, Senior Counsel appearing on behalf
of the N.D.M.C. states that the Super Bazar owes to
N.D.M.C. a sum of Rs.45 Crores and therefore, in any
scheme its interest must be protected. There is some

objection on behalf of the petitioners as to the amount payable. That being a matter of detail may have to be considered later, but it can not be denied that whatever is ultimately found due to the N.D.M.C. must be paid to N.D.M.C. and any scheme propounded by any person must keep this in mind.

So far as M/s Indian Potash Limited and M/s Indian Labour Co-operative Society are concerned, they had deposited a sum of Rs.50 Crores as per the directions of this Court to prove their bona fide, which sum has since been returned to them on their application, and with an assurance from them that if required in future, they will

-3-

produce that amount again. We have earlier indicated that in view of the interest shown by the aforesaid two Societies if ultimately, certain equities arise in their favour, since they kept locked up a sum of Rs.50 Crores for a considerable period, the concerned Committee may consider the matter having regard to the equities in favour of the aforesaid two societies.

In the light of the Scheme that has been placed before us, we direct the Committee to issue an advertisement in two National dailies - one in English and the other in Hindi. The said advertisement shall be issued within two weeks from today.

The advertisement shall mention that the assets and liabilities of the Company and other details have been given in a brochure which may be collected by the parties concerned from the designated officer before making a bid so that the persons intending to make a bid are fully aware of the financial status of the Super

Bazar i.e. its assets and liabilities. In describing the assets and liabilities, the brochure shall also disclose any proposal for scaling down of the dues so that it gives a correct picture to the intending bidder and enables him to make an informed bid.

The Committee shall inter alia have regard to the following considerations while evaluating bids received from the intending bidders:-

1. The financial capacity of the bidder to run the Super Bazar having regard to the investment involved and the existing liabilities.

2. The expertise of the bidder in conducting such business, and whether it is in the position to employ

-4-

professional Managers to run the business on sound business lines.

3. The bidder shall also disclose how much and when they shall be making their investment so as to give a clear picture to the Committee as to the approximate time that may be taken to discharge the existing liabilities of the Super Bazar and enabling it to start afresh.

4. They shall also disclose their source of funding.

5. The intending bidders must deposit by way of earnest money a demand draft from a Nationalised Bank for a sum of Rs.5 Crores. After the advertisements are issued and bids received, the Committee which has

submitted this report shall evaluate them having regard
inter alia to the guidelines which we have indicated in
this order.

6. So far as M/s Indian Potash Limited and M/s Indian
Labour Co-operative Society are concerned, they shall
also furnish earnest money and if so advised, may also
make a bid. In any event, they will be permitted to
match the bid of the highest bidder, if their bid is not
the highest.

Order may be given dasti.

Put up on 11th July, 2006.

(Sukhbir Paul Kaur)
Court Master

(Vijay Dhawan)
Court Master