

: ITEM NO.2 COURT NO.4 SECTION XIV, XV
SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

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

(From the judgment and order dated 19/12/2003 in CW No.85/2003, CWP No.1138/2003
and Order dated 19/03/2004 in RA No. 130/2004 in CWP No.85/2003 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 directions, intervention and c/delay in filing
SLP, modification of Court's order and office report)
(FOR FINAL DISPOSAL)

WITH

CONMT.PET.(C) NO. 104 of 2007 in S.L.P.(C) Nos.8398-8399/2005

S.L.P.(C) NO. 22640 of 2005 - With appln. for c/delay in refiling
SLP and with prayer for interim relief and Office Report

Date: 26/02/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE MR. JUSTICE AFTAB ALAM

For Petitioner(s) Mr. Anoop G. Chaudhari, Sr.Adv.

Ms. June Chaudhari, Sr.Adv.

Mr. Sarwa Mitter, Adv.

Mr. Amit Gupta, Adv.

Mrs. Santosh Gupta, Adv.for

M/s. Mitter & Mitter Co.,Adv.

Mr. C.D. Singh, Adv.

For Respondent(s) Mr. K.K. Tyagi, Adv.

Res.No.6&7:

Mr. Iftexhar Ahmad, Adv.

Mr. P.Narasimhan, Adv.

For UOI:

Mr. A. Sharan, ASG

Mr. K. Radhakrishnan, Sr.Adv.

Mr. S. Wasim A. Qadri, Adv.

Ms. Rekha Pandey, Adv.

Ms. Vanita, Adv.

Mrs. Shaheen, Adv.

Mr. D.S. Mahra, Adv.

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For IPL:

Mr. Vivek Singh, Adv.

Mr. Arvind Kr. Gupta, Adv.

Res.No.3:

Ms. Kavita Wadia, Adv.

Ms. Monika Garg, Adv.

Dr. Kailash Chand, Adv.

For DSIDC: Mr. D.N. Goburdhan,
Ms. Pinky Anand, Adv.
Ms. Geeta Luthra, Adv.

Mr. K.R. Sasiprabhu, Adv.
Mr. Ravindra Kumar, Adv.

Mr. Mohit Chaudhary, Adv.
Mr. Pradeep Chander, Adv.
Ms. Manish Jain, Adv.
Ms. Puja Sharma, Adv.
Ms. Sonia Rajpal, Adv.

For DDA: Mr. Vishnu B.Saharya, Adv.for
M/s. Saharya & Co., Adv.

Mr. R.K. Kapoor, Adv.
Mr. Mukesh Kumar Verma, Adv.
Ms. Shweta Kapoor, Adv.
Ms. Mansi Dhiman, Adv.
Mr. Anis Ahmad Khan, Adv.

For NDMC: Dr. A.M. Singhvi, Sr.Adv.
Mr. Surya Kant, Adv.
Mr. Amit Singh, Adv.
Mr. Pranav Vyas, Adv.
Mrs. Shailja Sinha, Adv.

For R-8, WPL: Mr. Dheeraj Malhotra, Adv.
Mr. Aslam Ahmed, Adv.
Mr. Mritunjay Kumar, Adv.
Mr. Vishal Kumar, Adv.
Mr. Aruneshwar Gupta, Adv.

UPON hearing counsel the Court made the following
ORDER

No orders on I.A. Nos. 51 to 53.

Delay condoned.

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The Special Leave Petitions are disposed of with no order as to costs.

The Contempt Petition and the application for intervention are dismissed.

(S. Thapar)
PS to Registrar

(Madhu Saxena)
Court Master

The signed order is placed on the file.
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

S.L.P.(C) NOS. 8398-8399 & 12415 OF 2005

SUPER BAZAR KARAMCHARI DALIT SANGH & ORS.

...PETITIONER (S)

VERSUS

UNION OF INDIA & ORS.

...RESPONDENT(S)

WITH

C.P.(C) NO. 104 OF 2007 IN SLP(C)NOS.8398-8399 OF 2005
S.L.P.(C) NO. 22640 OF 2005

ORDER

No orders on I.A. Nos. 51 to 53.

Delay condoned.

In continuation of the order passed by this Court on 7 th May, 2008, the Evaluation Committee has submitted its Report dated 5th November, 2008. In its Report the Evaluation Committee has recommended acceptance of the offer made by M/s Writers & Publishers Limited.

At one stage, the Consortium of M/s NCCF and Pantaloon Retail (India) Limited had objected to the report of the Evaluation Committee. Today when the matter came up for hearing the Consortium has withdrawn its offer. Therefore, M/s Writers & Publishers Limited are the only bidders in the field whose name has been recommended also by the Evaluation Committee. We accept the Evaluation Committee's Report in its entirety.

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Before concluding we may state that three Trade Unions viz., Super Bazar Karamchari Dalit Sangh, Delhi Shop and Establishment Employees Union and Super Bazar Karamchari Hiteshi Sanghthan have gone through the said Report. They have no objections to the recommendations of the Evaluation Committee. All other parties have also gone through the Report. They concur with the view expressed by the Evaluation Committee.

Accordingly, we direct that our Order passed today be placed before the Official Liquidator and the Central Registrar, Multi Cooperative Societies who will take steps to revive the Super Bazar in terms of the Orders passed by this Court from time to time. Pending the said revival the Order of winding up dated 5th July, 2002 will remain suspended. As and when the revival scheme comes into force, it will substitute the order of winding up dated 5.7.2002.

The Official Liquidator is directed to return an amount of

Rs.5,00,00,000/-(Rupees five crore) deposited as Earnest Money to M/s Pantaloon Retail India Limited (one of the members of the Consortium). NCCF (National Cooperative Consumer Federation), the other member of the Consortium has no objection to the amount being paid back to M/s Pantaloon Retail India Limited. The amount will be paid within four weeks.

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In terms of our Order passed today, the Special Leave Petitions are disposed of with no order as to costs.

The Contempt Petition and the application for intervention are dismissed.

.....J.
[S.H. KAPADIA]

New Delhi,
February 26, 2009

.....J
[AFTAB ALAM]