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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12137/2009**

**THE COOPERATIVE STORE LTD** .... Petitioner

Through Mr. V.P. Singh, Sr. Adv. with Mr. Anil  
Amrit, Advocate.

Versus

**ADDITIONAL SECRETARY AND APPELLATE AUTHORITY AND OTHER..**

.....Respondent

Through Mr. Jatan Singh, Adv. for R-1 & 3.  
Ms. Monika Garg, Adv. with Mr. A.K.  
Mishra, OL for R-4.

**CORAM:**

**HON'BLE MR. JUSTICE SANJIV KHANNA**

**ORDER**

% **06.10.2009**

1. Mr. V.P. Singh, Sr. Advocate submits that the impugned order dated 23<sup>rd</sup> September, 2009 has recorded that the second respondent, Mr. S.K. Kanojia has locus standi to file the present appeal and the appeal under Section 99 of the Multi State Cooperative Societies Act, 2002, is maintainable. He submits that the notice for hearing on 23<sup>rd</sup> September, 2009 was issued on 22<sup>nd</sup> September, 2009 and the petitioner therein was not given sufficient opportunity to raise appropriate pleas and contentions. He submits that the petitioner does not accept the locus standi of the second respondent, Mr. S.K. Kanojia to file the appeal and the findings recorded in the order dated 23<sup>rd</sup> September, 2009.

2. Mr. S. K. Kanojia, the second respondent is present in Court and has fairly stated that the matter may be remanded back to the Appellate

Authority for decision on the question of locus standi and maintainability of the appeal. Mr. V.P. Singh, Sr. Advocate states that the matter is fixed today at 4 P.M. and they shall file their written submissions on the question of locus standi and maintainability of the appeal within two days. In view of the statement made by Mr. S.K. Kanojia, the second respondent today in Court, the findings recorded in paragraph-3 of the impugned order are set aside and the matter is remanded back to the Appellate Authority for decision on the question of locus standi and maintainability of the appeal. The petitioner is granted two days' time to file written submissions and making arguments on merit. The parties will appear before the Appellate Authority today at 4 P.M. when a fresh date for hearing will be fixed. The Appellate Authority will decide and adjudicate the matter afresh without being influenced by the earlier order on the question of locus standi and maintainability of the appeal. It is clarified that this Court has not expressed any opinion on the question of locus standi and maintainability of the appeal.

Dasti to the counsel for the parties under signature of the Court Master.

**OCTOBER 06, 2009**  
**NA/VKR**

**SANJIV KHANNA, J.**