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

Date of Decision: 19.09.2018

+ LPA 542/2018 & CM APPL. 38375-78/2018

UNION OF INDIA & ANR Appellants

versus

NATIONAL COOPERATIVE CONSUMERS FEDERATION OF
INDIA LTD Respondent

+ LPA 543/2018 & CM APPL. 38386-89/2018

UNION OF INDIA & ANR Appellants

versus

DR BIJENDER SINGH & ORS Respondents

Present: Mr. Sachin Dutta, Sr. Advocate with Ms. Suhasini Sen,
Mr. Ruchir Mishra, Mr. Sanjiv Kr. Saxena, Mr. Mukesh
Kumar Tiwari, Mr. Ramneek Mishra & Mr. Abhishek
Rana, Advs. for appellants.
Mr. V.P. Singh, Sr. Advocate with Ms. Anju
Bhattacharya & Ms. Deepika Kumar, Advs. for
respondent in LPA 542/2018.
Mr. V.P. Singh, Sr. Advocate with Mr. Anil Amrit, Adv.
for respondents in LPA 543/2018.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

RAJENDRA MENON, CHIEF JUSTICE (ORAL)

CM APPLs. 38376/2018, 38377/2018 & 38378/2018 (*all exemption applications*) **in LPA 542/2018**

CM APPLs. 38387/2018, 38388/2018 & 38389/2018 (*all exemption applications*) **in LPA 543/2018**

Allowed, subject to just exceptions.

Applications stand disposed of.

LPA 542/2018 & CM APPL. 38375/2018 (*stay*)

LPA 543/2018 & CM APPL. 38386/2018 (*stay*)

Having heard learned counsel for the parties at length, we find that in these appeals various grounds canvassed before us do not find mention either in the impugned order passed nor is there any application indicating all these facts which are canvassed today before us by the appellant - Union of India. Even the fact about the Registrar staying functioning of the Board of Directors or holding of the AGM seems to have been brought on record as canvassed by the respondents for the first time in these appeals.

Be that as it may, we find that the grounds canvassed orally before us today do not find mention in the impugned order. It seems that these grounds were never brought to the notice of the learned writ court by moving an appropriate application for staying/cancellation of the AGM stated to be held today.

Considering the fact that the AGM is to be held today and the limited agenda to be discussed in the AGM is only approval of the accounts for the financial year in question, we permit the AGM to be held limited to the aforesaid agenda. However, the decision of the AGM shall not be given effect to until approved by the learned writ court.

Let W.P.(C) 5368/2018 & W.P.(C) 7955/2018 be placed before the learned writ court on 24.09.2018 for consideration of the application, if any, to be filed by the Union of India, else the learned writ court may proceed with hearing on 03.10.2018, i.e. the date already fixed.

With the aforesaid, both the appeals are disposed of.

Dasti.

CHIEF JUSTICE

V. KAMESWAR RAO, J

SEPTEMBER 19, 2018

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