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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 15th September, 2026***# **CNR No. DLHC010001922007**+ **W.P.(C) 9114/2007****THE COOPERATIVE STORE LIMITED
(SUPER BAZAR)**

.....Petitioner

Through: Mr. Ruchir Mishra, Adv.
(through VC)
Mr. Sanjiv Kumar Saxena, Mr.
Mukesh Kumar Tiwari, Ms.
Poonam Shukla, Ms. Reba Jena
Mishra and Mr. Mukul Yadav,
Advs.

versus

**SUPER BAZAR KARAMCHARI
DALIT SANGH**

.....Respondent

Through: Mr. Jagdish Chaudhary,
President and Mr. H.S. Rao in
person.

CORAM:**HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)****CM APPL. 5838/2023, CM APPL. 5839/2023 & CM APPL. 25873/2024**

1. The Writ Petition was dismissed by order dated 18.05.2018 noting the submission of the petitioner's counsel that he has been instructed to withdraw the petition. CM APPL. 5838/2023 is filed seeking recall of order dated 18.05.2018. CM APPL. 5839/2023 is filed seeking condonation of delay of 1600 days in filing the aforesaid application.

2. CM APPL. 25873/2024 is filed praying to place on record additional documents in this regard. The documents filed by the



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petitioner by the said application are taken on record.

3. The learned counsel for the applicant submits the *vide* Order dated 18.05.2018, present petition was withdrawn on the instructions of Dr. A.K. Mishra, who stated himself to be the Official Liquidator ('OL') of Super Bazar. He submits that, Dr. A.K. Mishra's tenure however as OL had already expired on 15.05.2018 and had not been extended thereafter, and therefore, on the date on which instructions for withdrawal were given, he had no authority or competence to take any decision on behalf of Super Bazar.

4. He submits that the tenure of Dr. A.K. Mishra was not extended thereafter in view of serious allegations of financial impropriety, embezzlement and other irregularities in the affairs of Super Bazar. He submits that these allegations had also been investigated by the CBI at the instance of the Government of India and, pursuant thereto, sanction for his prosecution was granted by the Office of the Central Registrar of Cooperative Societies *vide* communication dated 08.12.2022.

5. He submits that when the present OL was examining the record of the applicant, he found that the present petition had been withdrawn without any authority and the same would be a substantial liability on the liquidation estate.

6. He submits that the conduct of Dr. A.K. Mishra during the relevant period was also noticed by the Hon'ble Supreme Court in its order dated 26.09.2018 in M.A. Nos. 1394-1395/2017 in SLP(C) Nos. 8398-8399/2005. He submits that the Hon'ble Supreme Court took note of the fact that Dr. A.K. Mishra, after ceasing to hold office, had



purported to issue instructions in relation to the proceedings before the Court and had also issued a cheque for release of Rs. 35 crores.

7. He further submits that the matter assumes greater significance as Super Bazar is a public cooperative organisation undergoing liquidation and its affairs involve substantial public money. He submits that the organisation presently has liabilities of approximately Rs. 500 crores against assets of approximately Rs. 150 crores and any liability towards Dearness Allowances arising from the impugned Award would consequently have a direct bearing on the liquidation estate and the availability of funds for satisfying the claims of other creditors, workmen and stakeholders.

8. He therefore submits that the interests of public money required that the writ petition be restored and the challenge to the Award be examined on merits.

9. *Per Contra*, the president of the Respondent No.1 Union appearing in person vehemently opposed the present petition. Written submissions have been filed opposing the present application in this regard, which have been perused by this Court.

10. It is contended that Dr. A.K. Mishra had the authority to withdraw the present petition. It is contended that CM No. 20876/2018 was filed on 07.05.2018, at a time when Dr. A.K. Mishra was admittedly holding the office of OL, seeking disposal of the present petition in view of the intervention application filed by the workmen before the Hon'ble Supreme Court for release of the alleged balance arrears of wages, including DA, in which orders had been reserved on 02.05.2018. It is contended that the aforesaid application



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specifically prayed that, since the issue was *sub judice* before the Hon'ble Supreme Court, the writ petition be disposed of with appropriate orders.

11. It is contended that the Central Registrar of Cooperative Societies had not passed any specific order stating that Dr. A.K. Mishra would cease to hold the office of OL with effect from 15.05.2018.

12. The contention of the applicant merits acceptance. Although CM No. 20876/2018 bears the date 07.05.2018, when Dr. A.K. Mishra was holding the office of OL, the filing details of the said application indicate that it was filed only on 16.05.2018, after his tenure as OL had already come to an end on 15.05.2018. In any event, the present petition was withdrawn only thereafter, on his instructions, when his tenure as OL had already come to an end on 15.05.2018. The submission of the respondent that the CM application was dated 07.05.2018 does not alter this position, particularly as the said application merely sought disposal of the writ petition in view of the proceedings pending before the Hon'ble Supreme Court and did not seek withdrawal of the petition. Dr. A.K. Mishra, therefore, had no authority to instruct withdrawal of the petition after he had ceased to hold the office of OL.

13. The further submission of the respondent that no specific order had been passed by the Central Registrar stating that Dr. A.K. Mishra would cease to hold office with effect from 15.05.2018 also cannot be accepted. His tenure had been extended only up to 15.05.2018 and there was no further extension thereafter. In the absence of any such



extension, he could not have continued to exercise the powers of the OL.

14. This assumes significance in view of the circumstances in which his tenure was not extended. Serious allegations of financial impropriety and irregularities in the affairs of Super Bazar had been investigated by the CBI and sanction for his prosecution was subsequently granted. The present proceedings also concern substantial public money.

15. This is further supported by the observations of the Hon'ble Supreme Court in its order dated 26.09.2018 in M.A. Nos. 1394-1395/2017 in SLP(C) Nos. 8398-8399/2005, where the Hon'ble Apex Court specifically took note of the conduct of the former OL after expiry of his tenure and found that, owing to the absence of key stakeholders and the instructions issued by him to counsels to not appear before the Hon'ble Apex Court, the complete facts had not emerged before the Court, warranting recall of its earlier order.

16. The nature of the present proceedings also cannot be overlooked. Super Bazar is under liquidation and any claim against it has consequences for the liquidation estate and the interests of creditors, workmen and other stakeholders. In such circumstances, a proceeding affecting the liquidation estate ought not to remain withdrawn merely on the basis of instructions issued by a person who had ceased to hold the office of OL.

17. Even though there is substantial delay in filing the application seeking recall of order dated 18.05.2018, such substantial amount of public money cannot be wasted because of the conduct of one officer



issuing directions without any authority and the laxity shown by some officers in filing the application seeking recall. In view of the aforesaid facts and circumstances, sufficient cause is made out for condoning the delay.

18. The order dated 18.05.2018, whereby W.P.(C.) 9114/2007 was dismissed as withdrawn, and cannot be permitted to stand on the basis of instructions issued after expiry of the tenure of the OL, particularly where the proceedings concern such a substantial amount of public money.

19. CM APPL. 5839/2023 is accordingly allowed and the delay of 1600 days in filing CM APPL. 5838/2023 is condoned. CM APPL. 5838/2023 is also allowed. The order dated 18.05.2018 is recalled and W.P.(C.) 9114/2007 is restored to its original number for consideration on merits.

20. This Court deems it apposite to clarify that only the aspect of whether Dr. A.K. Mishra was competent to withdraw the Petition has been examined by this Court and the merits of the matter have not been adjudicated upon. Other contentions raised by Respondent No.1 shall be considered when the matter is adjudicated on merits.

21. The applications stand disposed of in the aforesaid terms.

W.P.(C) 9114/2007 & CM APPL. 24593/2024, CM APPL. 42353/2024, CM APPL. 40865/2025, CM APPL. 40866/2025, CM APPL. 69912/2025, CM APPL. 69913/2025

22. List on 06.11.2026 for further arguments.

AMIT MAHAJAN, J

SEPTEMBER 15, 2026/ 'KDK'