

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 99/2000

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

D.G.(I&R) ... Complainant

Versus

Reebok India Company ... Respondent

**Appearances :Shri R.D. Makheeja, counsel for the D.G.(I&R)
Shri Rakesh Kumar Singh, counsel for the respondent.**

ORAL ORDER

5th January, 2010

By order dated 24th March, 2006 the Monopolies and Restrictive Trade Practices Commission (in short Commission) passed an order on the application filed by the D.G.(I&R) under Section 10(a)(iii) of the Monopolies and Restrictive Trade Practices Act, 1969 (in short the Act) wherein the respondents were directed to cease and desist from indulging in restrictive trade practice with immediate effect. An affidavit was filed on behalf of the respondent purportedly in terms of Commission's order dated 24th March, 2006. In the affidavit it was stated that an appeal no. 3184/2006 was filed before the Supreme Court along with an application for stay. Though the Supreme Court

admitted the appeal on 11th August, 2006, no stay was granted and only notice was issued on the application for ex-parte stay. Till now it is admitted that no stay has been granted. Learned counsel appearing for the respondent stated that because no stay has been granted, in the mean time, the respondent shall forthwith give effect to the order dated 24th March, 2006 of the Commission. The matter is closed.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

Petroleum Corp. Ltd. And one Siddhartha Enterprise is of relevance. In clause 2.8 of the agreement it has been categorically stated as follows:-

“As this Agreement is for providing the channel access to M/s. Siddhartha Enterprises for marketing their green lable stoves, M/s. Siddhartha Enterprises shall be solely responsible for all safety and quality aspects of these applicances and will issues for each and evry unit, Guarantee/Warranty certificate. HPCL will have no responsibility or obligation to guarantee the safety and quality of these LPG Stoves. Further M/s. Siddhartha Enterprises will have to indemnify HPCL as per annexure-I to make good any loss or any claim, damages etc. against HPCL on account of any Civil/Criminal/Commercial liabilities including all taxes and government levies as applicable that may arise out of the marketing of LOTUS Brand LPG run Green Lable Stoves.”

In view of the above, we are not satisfied with this case where any action needs to be taken. It is disposed.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

I.A. 29/2009
RTPE 16/2009

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

D.G.(I&R) ... Complainant

Versus

**The Hindustan Coca-Cola Beverages
Pvt. Ltd. ... Respondent**

Appearances :Shri C. Shanmugham, representative of the D.G.(I&R).

ORAL ORDER

5th January, 2010

A prayer is made by the representative of the D.G.(I&R) for adjournment as some steps need to be taken. List on 19th March, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

I.A. 13/2005
RTPE 14/2005

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

R.K. Jain Motors Co. ... Complainant

Versus

Bajaj Auto Ltd. ... Respondent

Appearances :Shri U.N. Shukla, counsel for the complainant.

Shri A.N. Haksar, Sr. Advocate, Ms. Bindu Saxena, Ms. Neha Khattar and Shri Vyom Bansal, counsels for the respondent.

ORAL ORDER

5th January, 2010

It is stated by the counsel for the complainant that rejoinder shall be filed during the course of the day. Let a copy be supplied to the counsel for the respondent. If response is to be filed so far as the rejoinder is concerned, it will be done within three weeks. The matter shall be listed on 9th March, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

M.A. 10/2009

C.A. 107/2001

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

Pramod Kishan Khanna

... Complainant

Versus

Stering Holiday Resorts

... Respondent

Appearances :Shri Shekhar Chan Jain, counsel for the complainant.

ORAL ORDER

5th January, 2010

We have heard counsel for the complainant. Perused the order dated 18th February, 2009 passed by Monopolies and Restrictive Trade Practices Commission (in short the Commission). In paragraph 15 of the Order passed it has been directed as follows:-

“The respondent is, therefore, directed to refund the deposits made by the applicant with interest @ 18% per annum from the dates of deposits of various instalments constituting the total deposit till the amount is finally returned to the applicant. The respondent is further directed to comply with these directions and file an affidavit of compliance within ten weeks from the date of pronouncement of this order.”

It is pointed out by the learned counsel for the complainant that notwithstanding the order passed by the Commission no action has been

taken by the respondent. It is stated by the learned counsel for the respondent that the address of respondent no. 1 is changed and the present address is as follows:-

Sterling Holiday Resorts Ltd.
304, Raja House,
3rd Floor, 3031, Nehru Place
New Delhi-110 019

Let a copy of the Order be forwarded to the concerned District Court for execution of the order passed by the Commission. Let office take necessary step immediately in this regard.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

I.A. 59/2007
RTPE 28/2007

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

Vijay Agencies & Anr. ... Complainants

Versus

Wockhardt Ltd. & Ors. ... Respondents

Appearances :Shri Anurag Mathur, counsel for respondent no. 3.

ORAL ORDER

5th January, 2010

None appears for the complainants though the matter was passed over twice. In view of the aforesaid position, the complaint is dismissed for non prosecution.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

I.A. 59/2007
RTPE 28/2007

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

Shri Yashwant Kumar ... **Complainants**

Versus

M.s. F.D.C. Ltd. & Ors. ... **Respondents**

Appearances :Shri Anurag Mathur, counsel for respondent no. 3.

ORAL ORDER

5th January, 2010

None appears for the complainants though the matter was passed over twice. In view of the aforesaid position, the complaint is dismissed for non prosecution.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 129/1996

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

Pushpa Tayal ... **Complainant**

Versus

Ajay Enterprises ... **Respondent**

Appearances : Representative of the complainant.

Ms. Rohina Nath, Ms. Priya Deep, Counsel and Col.
C.J. Tuli (GM -Estate).

ORAL ORDER

5th January, 2010

List on 6th January, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

