

COMPETITION APPELLATE TRIBNAL

M. A.
IN
30(66)utpe/2005

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Prem Prakash ...Complainant

Versus

Torrent Pharmaceuticals Ltd. & Ors. ...Respondents

Appearances: Complainant in person
Mr. V. S. Chauhan, Advocate for the respondents

ORAL ORDER
06-04-2010

Mr. U.N. Shukla, advocate states that he does not want to appear in the case and prayed for ignoring his appearance. The prayer is accepted.

The complainant appears in person and files the rejoinder. The matter shall be taken up on 5th August, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

30(190)UTP/2008

CORAM

**Hon'ble Dr. Justice Arijit Pasayat
Chairman**

**Hon'ble Mr. Rahul Sarin,
Member**

**Hon'ble Ms. Pravin Tripathi
Member**

IN THE MATTER OF

Raghubir Singh ...Complainant

Versus

Samsung Electronics India Ltd. ...Respondent

Appearances: Dr. V. K. Aggarwal, Advocate for the complainant

ORAL ORDER
06-04-2010

In view of the reply, we dispose of this petition directing that the motor of the machine shall be replaced by the respondent within a period of two months. The respondent will ensure that the machine is made functional.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

RTPE No. 57/2006

C.A. No. 167/2006

CORAM

**Hon'ble Dr. Justice Arijit Pasayat
Chairman**

**Hon'ble Mr. Rahul Sarin,
Member**

**Hon'ble Ms. Pravin Tripathi
Member**

IN THE MATTER OF

Shalu Jain & anr. ...Complainants

Versus

M/s. Ansal Properties & Infrastructure Ltd. ...Respondent

Appearances: Mr. Anubhav Mehrotra, Advocate for the
Complainant
Mr. Gurinder Singh, Advocate for the respondent

ORAL ORDER

06-04-2010

Learned counsel for the applicants states that he shall file additional affidavit of evidence with reference to the documents which are intended to brought as additional documents. Learned counsel for the respondent opposed the prayer. His right to object to the admission of additional document shall be considered after the additional affidavit of evidence, if any, is filed. List the matter on 5th August, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 50/2007

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Sanjeev Chadha

...Applicant

Versus

French Express

...Respondent

Appearances: Mr. U.N. Shukla, Advocate for the Applicant
Ms. Dhilraj Kaur, Advocate for the respondent

ORAL ORDER

06-04-2010

Admission/denial of the documents filed by the complainant shall be carried out on 14th May, 2010 and thereafter list the matter on 5th August, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 52/2007

CORAM

**Hon'ble Dr. Justice Arijit Pasayat
Chairman**

**Hon'ble Mr. Rahul Sarin,
Member**

**Hon'ble Ms. Pravin Tripathi
Member**

IN THE MATTER OF

M/s. Swastic Pipes ...Applicant

Versus

H.C.L. Infosystems Ltd. & anr. ...Respondents

Appearances: Mr. C. M. Sharma, Advocate for the Applicant
Mr. R. K. Goel, Advocate for the respondent

ORAL ORDER

06-04-2010

None appears for Respondent No. 2. That was the position on several earlier dates. If any rejoinder is to be filed to the reply filed by R-1, it shall be done within four weeks.

List the matter on 10th August, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

UTPE No. 157/2007

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Santosh AggarwalComplainant

Versus

M/s. Omaxe Construction ...Respondent

Appearances: None for the complainant
Mr. T.R. Saini, Advocate for the respondent

ORAL ORDER

06-04-2010

None appears for the complainant. Though respondent is represented no reply to the Notice of Enquiry has been filed. The reply to the complaint shall be treated as reply to the Notice of Enquiry. List the matter on 11th August, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 64/2007

CORAM

**Hon'ble Dr. Justice Arijit Pasayat
Chairman**

**Hon'ble Mr. Rahul Sarin,
Member**

**Hon'ble Ms. Pravin Tripathi
Member**

IN THE MATTER OF

Archana Medicines ...Applicant
Versus
Sri Pankaj Bhai Patel & Ors. ...Respondents

Appearances: Mr. U.N. Shukla, Advocate for the Applicant
Mr. Anil K. Kher, Sr. Advocate with Mr. Akhil
Sharma, Advocate for the respondents

ORAL ORDER

06-04-2010

Heard the learned counsel for the parties. The following issues are framed :-

1. *Whether the Compensation Application, as laid, is maintainable?*
2. *Whether the respondents have indulged into the alleged restrictive/unfair trade practices?*
3. *Whether the aforesaid trade practices have been in public interest; and whether the applicant has been prejudiced?*

Applicant shall file affidavit of evidence and the documents, if any, within four weeks. If any documents are filed, admission/denial shall take place on 14th May, 2010. Thereafter, the matter is listed on 10th August, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 61/2007

CORAM

**Hon'ble Dr. Justice Arijit Pasayat
Chairman**

**Hon'ble Mr. Rahul Sarin,
Member**

**Hon'ble Ms. Pravin Tripathi
Member**

IN THE MATTER OF

Nand Kishore ...Applicant

Versus

Tempo Automobiles Pvt. Ltd. & Ors. ...Respondents

Appearances: Mr. Vijay Kumar Puri, Advocate for the Applicant
Mr. Alok Bachawat with Jaing Abden, Advocate for
R-1

ORAL ORDER

06-04-2010

Considering the nature of the controversy involved, it will be appropriate if the D.G. [I & R] look into the matter and furnish the report as to the allegations and the truth or otherwise thereof. The report shall be submitted within six weeks. Copies of the pleadings and the documents shall be supplied to Shri C. Shanmugam, DDG of the DG within a week.

List the matter on 10th August, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

UTPE No. 159/2007

CORAM

**Hon'ble Dr. Justice Arijit Pasayat
Chairman**

**Hon'ble Mr. Rahul Sarin,
Member**

**Hon'ble Ms. Pravin Tripathi
Member**

IN THE MATTER OF

D.G. [I & R]

...Complainant

Versus

Religare Securities Ltd.

...Respondent

Appearances: Mr. C. Shanmugam, DDG for the D.G. [I & R]
Mr. Gyalisen G., Advocate for the respondent

ORAL ORDER

06-04-2010

We have heard the representative of the DG and the learned counsel for the respondent. From the details available on record, it is clear that there was no contravention of any of the provisions of the Monopolies & Restrictive trade Practices Act, 1969 (in short the 'Act') as alleged. If the complainant has any grievance the same can be agitated before the appropriate Forum which according to the respondent is SEBI. That being so we close the proceedings.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

UTPE No. 154/2007

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

D.G. [I & R] ...Complainant

Versus

M/s. Standard Chartered Bank ...Respondent

Appearances: Mr. C. Shanmugam, DDG for the D.G. [I & R]
Mr. Ateev Mathur, Advocate for the respondent

ORAL ORDER

06-04-2010

At the request of the learned counsel for the respondent the matter is adjourned to 4th August, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

UTPE No. 155/2007

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

D.G. [I & R]

...Complainant

Versus

Standard Chartered Bank

...Respondent

Appearances: Mr. C. Shanmugam, DDG for the D.G. [I & R]
Mr. Ateev Mathur, Advocate for the respondent

ORAL ORDER

06-04-2010

At the request of the learned counsel for the respondent the
matter is adjourned to 4th August, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

Contempt /2009
C.A. No. 74/2000

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Daya Dhoon ...Applicant

Versus

Krishan Mittal & anr. ...Respondents

Appearances: Mr. Amit Bansal, Advocate for the Applicant
Mr. Chetan Sharma, Sr. Advocate with Pramod
Dubey, Advocate for the respondent

ORAL ORDER
06-04-2010

Heard the learned counsel for the parties. Let the Conveyance Deed be executed subject to the determination of the question whether the maintenance charges are paid by the applicant and if they are payable from what date they are payable. A Conveyance Deed shall be executed within a period of four weeks. List the matter on 10th August, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

C.A. No. 197/1999

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Dr. Amrita Singh ...Applicant

Versus

Standard Chartered Bank & Ors. ...Respondents

Appearances: None

ORAL ORDER

06-04-2010

None appears for the applicant. The Compensation Application is dismissed for non-prosecution.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 346/1998

CORAM

**Hon'ble Dr. Justice Arijit Pasayat
Chairman**

**Hon'ble Mr. Rahul Sarin,
Member**

**Hon'ble Ms. Pravin Tripathi
Member**

IN THE MATTER OF

Ranjeet Sagardam Project ...Applicant

Versus

Lloyed Insulation (I) Ltd. & anr. ...Respondents

Appearances: Mr. Kumar Dushyant Singh, Advocate for the
Applicant
Mr. S.K. Sharma, Advocate for R-2

ORAL ORDER

06-04-2010

None appears for Respondent No. 1. AW-1 - Shri Baldev Singh is present. In view of the continued non-appearance of R-1, the right of the cross-examination by the said respondent of AW-1 is closed. It is stated that AW-2 – Shri S. C. Singla has already been cross-examined by both the respondents. That being so respondent shall file the affidavit of evidence and documents within a period of one month. If the documents filed, admission/denial of the documents shall be carried out on 21st May, 2010 and thereafter list the matter on 11th August, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

RTPE No. 18/2001

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

V.K. Dheer ...Complainant

Versus

Ansal Housing & Construction
Ltd. & anr. ...Respondents

Appearances: Mr. Siddhartha Ladha, Advocate for the
Complainant
Mr. P.K. Mittal, Advocate for the respondent

ORAL ORDER

06-04-2010

List the matter on 15th April, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 54/2007

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Raghuvir Singh Dinkar ...Applicant

Versus

Durga Builders Pvt. Ltd. ...Respondent

Appearances: Applicant in person
Mr. Amrit Pal Singh, Advocate for the respondent

ORAL ORDER

06-04-2010

Admission/denial of the applicant's documents shall be carried out on 14th May, 2010 and thereafter the matter shall be listed on 11th August,2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 55/2007

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Dr. M.K. Paramjit Singh

...Applicant

Versus

Brijwasi Printers Pvt. Ltd.

...Respondent

Appearances: Mr. K. P. S. Rao, Advocate for the Applicant
Mr. N.N. Gupta, Advocate for the respondent

ORAL ORDER

06-04-2010

Cross-examination of AW-1 – Dr. M.K. Ranjit Sinh is completed. The applicant does not propose to examine any other witness. Respondent shall file affidavit of evidence and documents, if any, within a period of four weeks. Thereafter admission/denial of the respondent's documents shall take place on 7th May, 2010. List the matter on 11th August, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 60/2007

CORAM

**Hon'ble Dr. Justice Arijit Pasayat
Chairman**

**Hon'ble Mr. Rahul Sarin,
Member**

**Hon'ble Ms. Pravin Tripathi
Member**

IN THE MATTER OF

H.M. Overseas ...Applicant

Versus

United India Insurance Co. Ltd. ...Respondent

Appearances: Mr. Sumeet Batra, Advocate for the Applicant
None for the respondent

ORAL ORDER

06-04-2010

Applicant's witness - Mr. Amit Bhudhiraja is present. None appears for the respondent. Therefore, cross-examination of AW-1 is closed. Respondent shall file affidavit of evidence and documents, if any, within a period of six weeks. Thereafter admission/denial of the respondent's documents shall take place on 28th May, 2010. List the matter on 12th August, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

UTPE No. 153/2007

CORAM

**Hon'ble Dr. Justice Arijit Pasayat
Chairman**

**Hon'ble Mr. Rahul Sarin,
Member**

**Hon'ble Ms. Pravin Tripathi
Member**

IN THE MATTER OF

Naresh Kumar ...Complainant

Versus

Idea Cellular Co. ...Respondent

Appearances: None

ORAL ORDER
06-04-2010

None appears for the applicant. The admission/denial of the complainant's documents has not been carried out. The record reveals that no one appears on behalf of the complainant on several dates. That being so the matter is dismissed.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A No. 55/2007

Statement of Dr. M.K. Ranitsinh s/o Shri Pratapsinh, R/o Krishnasar, 5/Tiger Lane, W-6-C, Lane, Sainik Farms, New Delhi.

On Oath

I have seen the affidavit dated 12.05.2008 which have been sworn and signed by me. This is exhibited as AW1/1.

Cross-examination of the witness by Shri N.N. Gupta, advocate for the respondent

When I went to the respondent's office in connection with the publication of my book I met Mr. Garg whose name I do not recollect. The entire discussions which I had were with Mr. Garg, who is the father of Mr. Saurabh Garg. I do not recollect if the aforesaid Mr. Garg told me that the respondent is not interested in publishing the book on wild life as the same does not have the wide market. I did not ask for publication of any fixed number of copies (**'Beyond the Tiger : Portraits of Asian Wild Life'**) and I was told that Mr. Garg that 3000 copies have been printed. It is not correct that Shri Garg suggested a change either in the name or the format of the book. It is a fact that Clause 15 deals with the publisher control over the format of the book and the decisions regarding production, publication, advertising, price etc. Clause 16 deals with a situation where the residue of any edition is there after 2 years of the first publication. The aforesaid Shri Garg told me that the books were printed at Singapore. The sales started after launching of the book on 23rd August, 1997. I do not have any knowledge as to the exact number of books sold during the period 1997 – 2000-2001 but according to my information the books are being sold till now. It is not correct that I had agreed to deviation of my book. I do not know

whether the respondent gives the book to any particular wholesaler or whether such wholesaler is there. He sells it to different book sellers. I have not given my consent or permission to sale the book through Variety & Company Book Sellers, Connaught Place, New Delhi. I have made enquiries from Mr. Garg as to the actual position regarding the sale of my book but it is not a fact that I have gone to the respondent on a large number of dates. There was discussions regarding the poor sale of the books but I do not remember the exact period when the discussions took place. There were no discussion or agreement regarding the change of the format though there were discussions regarding poor sale. I do not recollect if any draft agreement was sent by me but it is a fact that there was exchange of communication, exact nature of which I do not recollect. I do not recollect whether any draft agreement was sent by Fax. It is not a fact that the book "Indian Wild Life" as is being presently marketed, is nothing but a book with a changed format and change of few pages and it is the same book which is being sold in respect of the remaining copies. If time is granted I shall file the original book. (Four weeks time is granted for the aforesaid purpose).

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

R.O. & A.C.
06-04-2010

COMPETITION APPELLATE TRIBNAL

I.A. No. 43/2009
UTPE No. 101/2009

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Narender VermaComplainant

Versus

Reader's Digest Books & Home
Entertainment (I) Pvt. Ltd. & Ors.Respondents

Appearances: Complainant in person
None for the respondent

ORAL ORDER
06-04-2010

The matter is not on the Board today. The complainant mentions the matter and requests for an early hearing of the Injunction Application. List the matter on 16.04.2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

UTPE No. 25/1997

CORAM

**Hon'ble Dr. Justice Arijit Pasayat
Chairman**

**Hon'ble Mr. Rahul Sarin,
Member**

**Hon'ble Ms. Pravin Tripathi
Member**

IN THE MATTER OF

D.G. [I & R]

...Complainant

Versus

Citi Bank & Ors.

...Respondents

Appearances: Mr. C. Shanmugam, ADG for the D.G. [I & R]

ORAL ORDER

06-04-2010

On the ground of the ailment of Mr. Makheeja, advocate for the DG, a prayer for adjournment is made. The matter is adjourned to 11th August, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**