

COMPETITION APPELLATE TRIBNAL

MRTPE No. 01/2000
RTPE No. 228/1998

CORAM

Hon'ble Dr. Justice Arijit Pasayat,
Chairman

Hon'ble Mr. Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi,
Member

IN THE MATTER OF

D.G. (I & R)

....Complainant

Versus

American Natural Soda
Ash Corporation & Ors.

...Respondents

Appearances: Mr. R.D. Makheeja, Advocate for the DG
Mr. Arun Mohan, Advocate for Informant
Mrs. Seema Sundd, Advocate for the respondent

ORAL ORDER
07-12-2009

Since the matter is pending before the Hon'ble Supreme Court, the cases are adjourned sine die.

The learned counsel are directed to intimate the Registry after the matter is disposed of by the Hon'ble Supreme Court so that the matter be listed for hearing, if necessary.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

RTPE No. 22/2008

CORAM

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

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

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

IN THE MATTER OF

D.G. (I & R)

....Complainant

Versus

Pioneer Friction Ltd. & Ors.

...Respondents

Appearances: Ms. Anjana Gosain, Advocate for the DG (I&R)
Dr. V.K.. Aggarwal, Advocate for the respondent

ORAL ORDER
07-12-2009

List the matter tomorrow, i.e. 8.12.2009.

**[Dr. Justice Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

R.A. /2008
RTPE No. 323/1996

CORAM

Hon'ble Dr. Justice Arijit Pasayat,
Chairman

Hon'ble Mr. Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi,
Member

IN THE MATTER OF

Shobhna Rani Jain

....Complainant

Versus

Delhi Development Authority

...Respondent

Appearances: Mr. Kapil Gupta, Advocate for the Complainant
Mr. Dheeraj Gupta, Advocate for the respondent

ORAL ORDER
07-12-2009

The matter is adjourned to 4th March, 2010.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

RTPE No. 02/2008

CORAM

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

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

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

IN THE MATTER OF

Adlobs Films Ltd.

....Complainant

Versus

Rajasthan Patrika Pvt. Ltd.

...Respondent

Appearances: Mr. Rishi Aggarwal, Advocate for the Complainant
Mr. Prateek Kasliwal, Advocate for the respondent

ORAL ORDER
07-12-2009

List the matter on 16th December, 2009.

**Written submissions have been filed. Copies of the same may be
exchanged.**

**[Dr. Justice Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

RTPE No. 13/2008

CORAM

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

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

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

IN THE MATTER OF

GNB Brothers

....Complainant

Versus

TNT India Pvt. Ltd.

...Respondent

Appearances: None for the parties

**ORAL ORDER
07-12-2009**

**None appears even on second call. The matter is dismissed for
non-prosecution.**

**[Dr. Justice Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

RTPE No. 14/2006

CORAM

Hon'ble Dr. Justice Arijit Pasayat,
Chairman

Hon'ble Mr. Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi,
Member

IN THE MATTER OF

Pfizer Ltd.

....Complainant

Versus

**Karnataka Chemises & Druggists
Association & Ors.**

...Respondents

Appearances: Mr. Ravinder Narain, Advocate with Ms. Kanika Gomber &
Ms. Mallika Joshi, Advocates the Complainant
Mr. Anurag Mathur, Advocate for R-1 to R-3

ORAL ORDER

07-12-2009

Heard the learned counsel for the parties. While dealing with the Application under Section 12-A of the Monopolies & Restrictive Trade Practices Act, 1969 (in short the "Act"), Monopolies & Restrictive Trade Practices Commission (in short the "Commission") by order dated 7th April, 2006 passed the following order :-

xxx

xxx

xxx

xxx

"In the circumstances issue notice of 12-A application to the respondents to file reply of the same within three weeks of the date of service of the notice with copy to the learned counsel for the complainant who may file rejoinder thereto within two weeks thereafter. Till further orders of this Commission, the operation of the circulars dated 13-03,2006, 16-03-2006 and 21-03-2006 annexures-A, B and C of the application shall remain stayed and the respondents are restrained from issuing any directions to the traders asking them not to sell the products of the complainant company and boycott the sale."

The aforesaid order is in operation for more than three and a half years. The learned counsel for Respondent No. 1 - the Association stated that no such circular has been issued by the Association.

Be that as it may. The order dated 7th April, 2006 was to the effect that the circulars dated 13-03-2006, 16-03-2006 and 21-03-2006 are not to be effective until further orders and the respondents are restrained from issuing any directions to the traders asking them not to sell the products of the complainant and boycott the sale.

Interest of justice shall be best served if the interim order dated 7th April, 2006 is made absolute. Hence we order accordingly, and the proceedings are disposed of.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

RTPE No. 16/2002

CORAM

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

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

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

IN THE MATTER OF

Pradeep Varshney

....Complainant

Versus

U.P.S.I.D.C.

...Respondent

Appearances: Narender Vashishta, Advocate for the Complainant
Witness of the Respondent

ORAL ORDER
07-12-2009

Respondent's witness Mr. Sachida Nand Tiwari has been partly cross-examined.

List this matter on 4th March, 2010 for further cross-examination of respondent's witness.

**[Dr. Justice Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

RTPE No. 93/2001

C.A. No. 58/2002

CORAM

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

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

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

IN THE MATTER OF

Delhi Development Authority

....Complainant

Versus

Shree Cement Ltd. & Ors.

...Respondents

Appearances:

Mr. C.B.N. Babu, Advocate for the Complainant
Mr. A.N. KAKSAR, Sr. Advocate with Mr. U.A. Rana,
advocate for R-1 and R-3
Ms. Rita Kumar, Advocate for R-5
Mr. Jeevan Prakash, Advocate for R-2 & R-6

ORAL ORDER

07-12-2009

Arguments heard. Order is reserved.

Written arguments may be filed within two weeks.

**[Dr. Justice Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

RTPE No. 175/1997

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.S. Chadha

....Complainant

Versus

R.C. Sood & Co. Ltd.

...Respondent

Appearances:

Mr. I. S. Chadha, A/Rfor the Complainant
Ms. Priya Deep, Advocate for the respondent

ORAL ORDER

07-12-2009

**At the request of the complainant, the matter is adjourned to
16th December, 2009.**

**[Dr. Justice Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

RTPE No. 174/1997

CORAM

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

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

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

IN THE MATTER OF

I .S. Chadha

....Complainant

Versus

R.C. Sood & Co. Ltd.

...Respondent

Appearances: Mr. I. S. Chadha, Complainant in person
Ms. Priya Deep, Advocate for the respondent

ORAL ORDER
07-12-2009

**At the request of the complainant, the matter is adjourned to
16th December, 2009.**

**[Dr. Justice Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

RTPE No. 326/1996

CORAM

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

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

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

IN THE MATTER OF

Kiran Aggarwal

....Complainant

Versus

Delhi Development Authority

...Respondent

Appearances:

Mr. Mayank Nagi, Advocate for the Complainant
Mr. Dheeraj Gupta, Advocate for the respondent

ORAL ORDER

07-12-2009

Reply to the application for amendment be filed within two weeks.

List the matter on 5th March. 2010.

**[Dr. Justice Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

RTPE No. 270/1995

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

B.S.E.S. Rajdhani Power Ltd.

...Respondent

Appearances:

Mr. V. K. Mehta, Advocate for the DG (I & R)
Mr. Rahul Dhawan, Advocate for the respondent

ORAL ORDER

07-12-2009

The matter is adjourned to 4th March, 2010.

**[Dr. Justice Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

CONTEMPT No. 3/2009

UTPE No. 12/2001

&

UTPE No. 40/2009

CORAM

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

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

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

IN THE MATTER OF

Kuoni Travel (India) Pvt. Ltd.Complainant

Versus

Thomas Cook (India) Ltd. ...Respondent

Appearances: Mr. Sanjay Bhatt, advocate for the Complainant
Mr. U.A. Rana, advocate for the respondent

ORAL ORDER

07-12-2009

CONTEMPT APPLICATION NO.3/2009

Learned counsel for the complainant states that he has instructions to withdraw the petition. Accordingly the petition is disposed of as withdrawn.

UTPE No. 12/2001 & 40/2009

Learned counsel for the parties state that there has been settlement out of court and the parties have resolved their disputes in terms of the Agreement, which have been filed. The proceedings are closed in terms of the aforesaid agreement.

The petition is disposed of.

**[Dr. Justice Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

RTPE No. 16/2002

Statement of Shri Sachinda Nand Tiwari, s/o Shri Deep Chand Tiwari, an employee of U.P.S.I.D.C.

On Oath

I have seen the affidavit dated 01-05-2009 which have been sworn and signed by me. This is exhibited as RW1/1.

Cross-examination of the witness by Shri Narender Vashishta, advocate for the Complainant

I do not remember when I was appointed as the Officer-in-charge of Tronica City Project. As the Superintendent, it is my duty to maintain the records and enter into correspondence. The advertisement regarding allotment of plots at Tronica City was published in the Time of India on 4th February, 2000. I cannot say exactly as to how many schools and the electricity stations were in the proposal. It is not a fact that water tanks in terms of the advertisement have not been constructed. Though in the Brochure approached roads from Alipur and bridge over Yamuna have been shown, they have not been constructed as yet but it has been done from the Wazirabad side. The complainant was allotted a plot No. A-78 on 15th February, 2000. The successful allottees were required to pay 25% of the total cost within thirty days. The complainant had deposited 25% of the amount within the stipulated time. The possession was not given within 90 days which is the

stipulated time as certain formalities had not been completed. I have written letters to the complainant in the matter of delivery of possession. I had written such letters on 19th March, 2001, 24th September, 2001, 10th October, 2001, 18th December, 2001 and 11th February, 2002. I have sent the letter dated 24th September, 2001 by Registered Post and other letters were sent by ordinary post. It is not a fact that I have not send the other letters and I have created them. It is not a fact that I have not sent a letter dated 19th March, 2001. I do not accept the suggestion that without delivering the possession the installments cannot be accepted. I have received the letters from the complainant dated 20th December, 2000, 20th September, 2001, 3rd October, 2001, 23rd October, 2001 and 15th November, 2001. I had replied to the letters on 19th March, 2001, 24th September, 2001 and 10th October, 2001. I can explain the basis on which the computation in terms of the letter dated 30th October, 2001 has been prepared. It is the break up sheet. It is not a fact that interest cannot be charged without delivery of possession. It is not a fact that interest has been charged contrary to paragraphs 2 and 6 of the letter of allotment dated 15th February, 2002.

Cross-examination deferred.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

R.O. & A.C.
07-12-2009

