

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 71/2005

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

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

In the matter of :

Vinayak Refinery

...Applicant/Complainant

Vs.

United India Insurance Co. Ltd. & Ors.

...Respondent

Appearances : Shri K.P.S.Rao, Advocate for the applicant

Shri K.L.Nandwani, Advocate for R-1

Shri Sushant T.Kumar, Advocate for R-2 & 3

Oral Order

10th March 2010

The copies of the documents be supplied subject to the right of the respondent to object to the admissibility and/or the relevance of the documents. The admission/denial shall take place on 23rd April 2010.

The matter shall be listed on 22nd July 2010 for applicant's evidence.

**(Dr. Justice Arijit Pasayat)
Chairman**

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 11/2004

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

DG(I&R)

...Applicant/Complainant

Vs.

Johnson & Johnson Ltd.

...Respondent

Appearances : Shri R.D.Makheeja, Advocate for the DG

**Shri S.Deb with Shri Siddharth, Advocates for
the respondent**

Oral Order
10th March 2010

List on 23rd July 2010 for the purpose of cross-examination of
respondent's witness.

(Dr. Justice Arijit Pasayat)
Chairman

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 52/2006

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

DG(I&R)

...Applicant/Complainant

Vs.

M/s Style Show & Sale

...Respondent

Appearances : Shri C.Shammugam, ADG for the DG
Ms. Anju Jain, Advocate for Informant

Oral Order

10th March 2010

The matter shall be listed on 23rd July 2010 for the purpose of cross-examination of DG's witness.

(Dr. Justice Arijit Pasayat)
Chairman

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 60/2009
UTPE 46/2006

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Nagraj Singh & Anr.

...Applicant/Complainant

Vs.

Ashok Layland Finance Ltd.

...Respondent

Appearances : Shri Rahul, Representative of the complainant

Shri Ravinder Singh, A/R of the respondent

Oral Order
10th March 2010

A prayer is made on behalf of the claimant for adjournment.

List on 23rd July 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 38/2009

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

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

In the matter of :

Anil Kumar Sinha

...Applicant/Complainant

Vs.

**Honda Motorcycle Scooter India
Pvt. Ltd. & Anr.**

...Respondent

Appearances : Shri N.Prabhu, Advocate for the applicant

None for the respondent

Oral Order

10th March 2010

At the request of the applicant, list this matter on 23rd July 2010.

**(Dr. Justice Arijit Pasayat)
Chairman**

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 48/2006

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Dev Raj Singh

...Applicant/Complainant

Vs.

Ghaziabad Development Authority

...Respondent

Appearances : Shri Anish Kumar, Advocate for the complainant

Ms. Reena Singh with Mr. Sanjeev Kumar,
Advocates for the respondent

Oral Order

10th March 2010

The learned counsel for the complainant states that rejoinder shall be filed. Let it be done within four weeks.

List on 23rd July 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 65/2000

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Golf Apartment Owner Welfare
Society

...Applicant/Complainant

Vs.

N.D.M.C.

...Respondent

Appearances : Shri Aditya Narain with Shri A.Chakraborty,
Advocates for the complainant

Shri Avtar Singh, Proxy for Ms. Anjana Gosain,
Advocate for the respondent

Oral Order

10th March 2010

List this matter on 23rd July 2020.

(Dr. Justice Arijit Pasayat)
Chairman

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 59/2006

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

JM Kalia

...Applicant/Complainant

Vs.

M/s Bharti Cellular Ltd. & Anr.

...Respondent

Appearances : Feroz Alam, Advocate for the complainant

**Shri Harish Chandra Pant, Advocate for the
respondent**

Oral Order

10th March 2010

The matter shall be listed on 22nd July 2010 for the purpose of cross-examination of respondent's witness.

(Dr. Justice Arijit Pasayat)
Chairman

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 43/2006

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Dev Raj Singh

...Applicant/Complainant

Vs.

Ghaziabad Development Authority

...Respondent

Appearances : None for the applicant

Shri Amber Singh, Advocate for the respondent

Oral Order

10th March 2010

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

(Dr. Justice Arijit Pasayat)
Chairman

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 58/2006

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Dr. V.K.Ahuja

...Applicant/Complainant

Vs.

M/s Libra Tavel (Regd.)

...Respondent

Appearances : Shri Firoz Alam, Proxy for Shri J.M.Kalia,
Advocate for the complainant.

None for the respondent

Oral Order

10th March 2010

Heard the learned counsel for the complainant and gone through the reply filed in response to the Contempt Application. None appears for the respondent.

The matter shall be listed on 22nd July 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 84/2005

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Subhash Jain

...Applicant/Complainant

Vs.

DLF Universal Ltd.

...Respondent

Appearances : None for applicant

Ms. Vidhi goel, Advocate for the respondent

Oral Order

10th March 2010

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

(Dr. Justice Arijit Pasayat)
Chairman

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 25/2002

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Anil Kumar Shandilya

...Applicant/Complainant

Vs.

Resort Country Club & Anr.

...Respondent

Appearances : Shri Karan Chauhan Proxy counsel for the complainant

**Shri S.K.Agarwal with Ms. Vandana Mishra,
Advocates for the Respondent No. 1**

Ms. Madhu Sweta, Advocate for R-2

Oral Order

10th March 2010

It is stated that the possibility of out of court settlement is not practicable. The matter shall be listed on 23rd July 2020 for further evidence of the complainant's witness.

(Dr. Justice Arijit Pasayat)
Chairman

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 85/2005

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Arvind Singh

...Applicant/Complainant

Vs.

Gadasia Beverages

...Respondent

Appearances : Applicant in person

Ms. Jaya Tomar, Advocate for the applicant

Shri S.C.Singla, Advocate for the respondent

Oral Order

10th March 2010

The applicant wants to bring on record the originals of certain documents. The learned counsel for the respondent objects to bringing of these documents at this stage. This aspect will be considered when the matter is taken up finally. At present the documents be kept on record. Photocopies of the documents have been given to the learned counsel for the respondent.

List on 23rd July 2010 for cross-examination of the remaining witness.

(Dr. Justice Arijit Pasayat)
Chairman

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

30(12)UTPE/09

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Mohan Lal

...Applicant/Complainant

Vs.

Aviva Life Insurance
Co. Ltd.

...Respondent

Appearances : None for applicant

Ms. Suman Janpathy, Advocate for the
respondent

Oral Order

10th March 2010

List on 3rd May 2010

(Dr. Justice Arijit Pasayat)
Chairman

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

30(15)UTP/09

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

D.K.Bansal

...Applicant/Complainant

Vs.

M/s Shubh Laxmi Gas Service

...Respondent

Appearances : None for the parties.

Oral Order

10th March 2010

List on 3rd May 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 85/2005
10th March 2010

Statement of Shri Arvind Singh S/o Shri Mewa Lal Singh, R/O 142/200, I.H.S. Colony, Bajarya, Sawai Madhopur, Rajasthan

ON OATH

I have been shown the affidavit dated 13th April 2009. It has been sworn and signed by me which is marked as Ex. AW-1/1

Cross-examination of Shri Arvind Singh by Shri S.C.Singla, Advocate for the respondent

I do not have any formal training for refrigeration. According to me, license is not necessary for selling the soft drinks and therefore I do not have a license. I have filed copy of the report of the public analyst, State Central Public Health Laboratory, Rajasthan, Jaipur dated 20.06.2003.

It is a fact that the report was in respect of sample collected from another shop. The Food Inspector has the jurisdiction to collect sample from my shop. No sample was collected from my shop by the Food Inspector in respect of the product manufactured by the respondent.

It is a fact that in the report referred to above, sample was in conformity with the norms but the allegation was of misbranding. It is a fact that in respect of misbranding, action can be taken under the relevant Weights and Measure statutes.

It is a fact that I have made grievance to the respondent about the alleged misbranding.

No consumer has made any written complaint to me but many of them told me orally about the misbranding of the article.

I have made only oral complaint but not given any written complaint to the respondent.

I had taken money from various sources. My father-in-law who was working in the telephone department has given me Rs. 65,000/-. I also received Rs. 29,000/- from my father and Rs. 35,000/- from my friend of mine named Shri Salim Khan.

It is a fact that I have not specifically named these persons in my complaint or affidavit of evidence.

In the first year of my business, my turn over was between 3.5 lacs to 4 lacs.

I used to make noting regarding the transactions in my diary. I did not maintain regular books of accounts because I don't know how to maintain the books. I don't deal in any other commodity in my shop. As stated earlier, I don't maintain regular books of accounts but I kept details of the persons to whom supplies were made and the amounts received.

I have not obtained any license under the State or the Central Sales Tax Act.

I have not filed copies of the diary entries in these proceedings.

I have not kept copies of the advertisement issued by the respondent promising lucrative terms of the agency.

It is a fact that copies of advertisement have been filed by the respondent (Ex. 1 to 3). There is no specific mention of the possible earnings but that was only conveyed to me on contacting the respondent's officials over telephone.

It is a fact that the Receipt No. 203 dated 6.1.2003 is for Rs. 29,000/- which was paid by the Demand Draft. By mistake, the amount has been stated to be Rs. 11,500/- in the complaint.

There are variations between the amount and the receipts filed and as mentioned in the complaint this was a bonafide mistake but the receipts proved the amounts that we have paid.

Actually, the amount paid by me was Rs. 2,47,500/- and not Rs. 2,60,000/- as mentioned at other places.

It is a fact that on 18.4.2003, Rs. 20,000/- was paid through the driver.

It is a fact that I have not lodged any complaint with the Police officials after the respondent's officials refused to accept the empty crates and threatened me.

I made the written complaint on 6.5.2004. There was some delay because I was approaching the officials for getting the account settled and for payment of money to me.

It is not a fact that the letters in terms of Annexure A-15 and A-17 were not sent. The documents i.e. the inland letters shown to me are not the original of Annexure A-15 and A-17.

The letter shown to me is the original of A-18.

In these original documents shown to me, my signature and dates are not there. The original documents shown to me is the original of A-17. These letters are marked as documents on behalf of the respondent subject to objection and proof subsequently.

It is a fact that my signature and dates are not on the letters but I had sent them.

In Annexures A-15, 17 and 18, my signature and dates are not there but I had sent them.

Though there is specific endorsement of refusal in Ex. A-21, there is no seal of the Post Office.

In A – 24, there is a seal in respect of the receipt of the documents sent by post by the respondent.

I do not know why in some cases the post office seals are not there. I have sent some letters by UPC.

It is not a fact that I had the grocery shop at Swai Madhopur, Rajasthan and it is also not a fact that my brother Shri Dharmender Singh sits there. I don't have any brother named Shri Dharmender. I am married. My wife is in service.

It is not a fact that I am working with BSNL.

It is a fact that the complaint was lodged to the DG bearing No. C-68/2005 and I have not filed any documents relating to those proceedings because they were given in a different scenario.

The empty crates which were returned are reusable.

It is a fact that empty crates are the property of the manufacturer of the cold drinks.

It is a fact that on the empty crates, a brand name of the manufacturer is printed.

It is not a fact that I have not deposited back the empty crates.

It is not a fact that in the document dated 5.3.2005, there was any mention about the need for returning the empty crates. There was no assurance of paying back the money. In fact it was New Years' Greetings by registered post.

It is not a fact that I am using any old crates or bottles of the respondent and/or that I am manufacturing any cold drinks and selling them in the name of the respondent.

It is a fact that a criminal complaint has been lodged against me to the police authorities in 2009 in Case No. 276/2009.

It is not a fact that the dispute is of a commercial nature.

Cross-examination of AW-1/1 is closed.

(Dr. Justice Arijit Pasayat)
Chairman

(Pravin Tripathi)
Member

RO&AC