

COMPETITION APPELLATE TRIBNAL

UTPE 128/1999

CORAM

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

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

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

IN THE MATTER OF

Franch Indian Pharmacaeticals Pvt.Complainant

Versus

Yesh Pharmaceuticals Pvt. Ltd. ...Respondents

Appearances:: Shri Rohit K.Aggarwal, Advocate for the
complainant

None for the respondent

ORAL ORDER

10.12.2009

None appears for the respondent even though the matter was passed over. Issue Notice of Enquiry to the respondent. The application under Section 12-A of the MRTP Act shall be considered when the matter is listed on 3rd March 2010.

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

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

MTPE 01/2008

CORAM

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

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

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

IN THE MATTER OF

DG(I&R)

....Complainant

Versus

M/s Inderprastha Gas Ltd.

...Respondents

Appearances:: Shri R.D.Makheeja, Advocate for the DG
Shri K.K.Rai with Shri S.K.Pandey, Advocates for
the respondenr

ORAL ORDER

10.12.2009

Counsel for the respondent (IGL) states that an affidavit indicating the details required in terms of the earlier order shall be filed. It is stated that some of the informations required to be given cannot be supplied by IGL. If that be so, let it be so indicated in the affidavit.

List on 17th March 2010.

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

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

RTPE 13/2006

CORAM

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

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

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

IN THE MATTER OF

DG(I&R)

....Complainant

Versus

**India Auto Industries Pvt. Ltd. & Others
...Respondents**

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

None for R-1 & 2

Shri Rajkumar Verma, Advocate for R-3

Shri U.P.Mathur, Advocate for R-4

ORAL ORDER

10.12.2009

Further affidavit, if any, by any of the parties shall be filed by
12th March 2010.

List the matter on 17th March 2010.

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

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

RTPE 142/2000

CORAM

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

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

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

IN THE MATTER OF

DG(I&R)

....Complainant

Versus

**ICICI India Ltd. Calcutta
...Respondents**

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

None for the respondent

ORAL ORDER

10.12.2009

As requested by the counsel for the respondent, list this matter
on 18th March 2010 for final arguments.

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

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

In addition to the factual position, the following observations of the Hon'ble Supreme Court in the case of Saurabh Prakash Versus DLF Universal Ltd. reported in (2007) 1 Supreme Court Cases 228 are relevant:-

“The power of the Commission to award compensation, therefore, is restricted to a case where loss or damage had been caused as a result of monopolistic or restrictive or unfair trade practice. It has no jurisdiction where damage is claimed for mere breach of contract.”

In the instant case, the complainants' case hinged on breach of contract. The complaint has remedies for breach of contractual obligations of commercial nature between the parties as alleged. The indirect way of espousing grievances by resorting to Section 10(a) or Section 36B(d) of the Act need not be countenanced.

Above being the position, the complaint is devoid of merit. The proceedings are closed. Notice of Enquiry discharged.

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

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

RTPE 13/2007

CORAM

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

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

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

IN THE MATTER OF

DG(I&R)

....Complainant

Versus

M/s Inter Glob Aviation Ltd.

...Respondents

Appearances: Shri V.K.Mehta, Advocate for the DG

Shri Rajsekhar Rao, Advocate for the respondent

ORAL ORDER

10.12.2009

List this matter on 22nd February 2010.

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

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**