



**COMPETITION APPELLATE TRIBUNAL**

**UTPE No. 21/2009**

**CORAM**

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

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

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

**IN THE MATTER OF**

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

*Versus*

Novarties India Ltd. & anr. ...Respondents

**Appearances:** Mr. C. Shanmugam, DDG for the D.G. [ I & R ]  
Mr. Neil Hilderth, Advocate for R-2 & R-3

**ORAL ORDER**  
10-09-2010

Copy of the rejoinder be supplied to the learned counsel for the respondent. The matter shall be listed on 1<sup>st</sup> December, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**UTPE No. 22/2009**

**CORAM**

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

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

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

**IN THE MATTER OF**

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

*Versus*

M/s. Wockardt Ltd. ...Respondent

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

**ORAL ORDER**  
10-09-2010

Four weeks time is granted to file the reply. The matter shall  
be listed on 1<sup>st</sup> December, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 77/2009**

**CORAM**

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

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

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

**IN THE MATTER OF**

Jag Mohan Chhabra & anr.

....Applicants

*Versus*

M/s. DLF Universal Ltd.

...Respondent

**Appearances:** Mr. Arun Panwar, proxy counsel for Mr. K.P.S. Rao,  
Advocate for the Applicant  
Ms. Rajeshwari Shukla, Advocate for the respondent

**ORAL ORDER**  
10-09-2010

Copy of the application be supplied to the learned counsel for the respondent. Counter, if any, be filed within four weeks. Rejoinder be filed within two weeks thereafter.

The matter shall be listed on 2<sup>nd</sup> December, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**No. 30(150)-UTP/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**

Rakesh Kumar

...Complainant

*Versus*

G.T.V. & Play T.V.

...Respondent

**Appearances:** None

**ORAL ORDER**  
10-09-2010

None appears for the complainant. The complaint is dismissed for non-prosecution.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**RTPE No. 36/2007**

**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*

Dalmia Resorts International

...Respondent

**Appearances:** Mr. K. R. Sachdeva, Advocate for the D.G. [ I & R ]  
None for the respondent

**ORAL ORDER**

10-09-2010

Heard the learned counsel for the D.G. [ I & R ]. No one appears on behalf of the respondent. The following issues are framed:-

1. Has the respondent indulged in restrictive / unfair trade practices?
2. If the answer to the first question is in the affirmative, whether such practices are prejudicial to public interest?

The affidavit of evidence shall be filed within four weeks. If any documents are filed, admission/denial of the documents shall take place on 22<sup>nd</sup> November, 2010. The matter shall be listed on 1<sup>st</sup> December, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**UTPE No. 145/2007**

**CORAM**

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

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

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

**IN THE MATTER OF**

S.S.R.B. Associates ...Complainant

*Versus*

M/s. Multi-Power Diesels (Eastern)  
Pvt. Limited & ors. ...Respondents

**Appearances:** Mr. A. Choubey, proxy counsel for Mr. A.K. Yadav,  
Advocate for the Complainant  
Mr. Sameer Mendiratta, Advocate for the  
respondent

**ORAL ORDER**  
10-09-2010

As a last chance prayer for adjournment is granted on the  
behest of the learned counsel for the complainant.

List the matter on 1<sup>st</sup> December, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**I.A. No. 09/2009 IN**  
**UTPE No. 17/2009**

**CORAM**

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

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

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

**IN THE MATTER OF**

Orchid Gardens Residents  
Welfare Association

...Complainant

*Versus*

M/s. Vipul Limited & anr.

...Respondents

**Appearances:** Mr. Rakesh Khanna, Advocate for the Complainant  
Mr. A. N. Haksar, Sr. Advocate with Ms. Rashmi  
Virmani and Ms. Srilekha Sridhar, Advocates for the  
respondent

**ORAL ORDER**

10-09-2010

Learned counsel for the complainant states that I.A. No. 58/2009 purported to be application under Sections 12A and 12B of the Monopolies & Restrictive Trade Practices Act, 1969 (in short the "Act") is not pressed.

The reply to the UTPE No. 17/2009 shall be filed within six weeks. The matter shall be taken up for consideration on 2<sup>nd</sup> December, 2010.

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

**[Rahul Sarin]**  
**Member**

**[Pravin Tripathi]**  
**Member**



**COMPETITION APPELLATE TRIBUNAL**

**M.A. No. 06/2009 IN**

**C.A. No. 01/2005**

**CORAM**

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

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

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

**IN THE MATTER OF**

Vikas Pepsi Agency

...Applicant

*Versus*

Pepsi Cola India Mfg. Co.

...Respondent

**Appearances:** Mr. P. K. Bajaj, Advocate for the Applicant  
Mr. Ravinder Narain and Ms. Rajeshwari Shukla,  
Advocates for the respondent

**ORAL ORDER**

10-09-2010

Reply shall be filed by Monday i.e. 13.09.2010. The matter shall be listed on 2<sup>nd</sup> December, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**UTPE No. 23/2009**

**CORAM**

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

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

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

**IN THE MATTER OF**

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

*Versus*

Stedman Pharmaceuticals Pvt. Ltd. & Ors. ...Respondents

**Appearances:** Mr. R. D. Makheeja, Advocate for the D.G. [ I & R ]  
Mr. Hari Shankar K., with Mr. Vikas Singh Jangra &  
Mr. Sidharth Chopra, Advocates for the respondents

**ORAL ORDER**  
10-09-2010

Heard Mr. Makheeja, learned counsel for the D.G. [ I & R ]  
and Mr. Hari Shankar, learned counsel for the respondent. In the  
additional affidavit filed on behalf of R-1-M/s. Stedman  
Pharmaceuticals Pvt. Ltd., it has been, inter-alia, stated as follows:-

- b. **We stopped manufacturing and marketing Natrolip Soft Capsules** with the composition, "Policosanol 10mg, Elcosapentaenoic Acid 90mg, Docasohexaenoic Acid 60mg, Chromium Picolinatae 200mcg and Vitamin E 100 IU **ever since May 2007.** National Pharmaceutical Pricing Authority vide their **Order No. SO 1122(E) dt. 30.04.09** has fixed **Rs.28.88 for 3x10s Strip/Blister** pack as **MRP (inclusive of all taxes).**
- c. **We stopped manufacturing and marketing Stedmox-M Capsules** with the composition, "Amoxicillin 250mg. & Metronidazole 200mg **ever since November 2008.** National Pharmaceutical Pricing Authority vide their **Order No. SO 1115 (E) dt.30.04.09** has fixed **Rs.166.96 for 10x10s Strip/Blister** pack as **MRP (inclusive of all taxes).**

- d. **We stopped manufacturing and marketing Neutraccaine tablets** with composition, "Famotidine 20mg, Magaldrate 400mg and Oxetacaine 5mg" **ever since July 2008.** National Pharmaceutical Pricing Authority vide their **Order No. SO 1120(E) dt. 30.04.09** has fixed **Rs.171.50 for 10x14's Strip / Blister** pack as **MRP (inclusive of all taxes).**"

Mr. Makheeja referred to the letter dated 7<sup>th</sup> January, 2009 of National Pharmaceutical Pricing Authority (in short the "NPPA") wherein it was stated as follows :-

"In this case M/s. Stedman Pharmaceuticals Pvt. Ltd. is manufacturing the scheduled formulations namely **Neutraccine film coated tablet, Stedmox-M cap., Drez Spray and Natrolip Soft Cap.** Without obtaining the requisite prior price approval from the Government/NPPA which is violation of provisions contained in DPCO, 1995. It may further be stated that any violation of provisions of DPCO, 1995 is punishable under Essential Commodities Act, 1995."

Learned counsel for the respondent pointed out to the DPCO 1995 that a New Drugs (Price Control) Order (DPCO 1995) (by a Press note issued by Ministry of Chemicals & Fertilizers, Deptt. Of Chemicals & Petrochemicals dated 7<sup>th</sup> January, 1995). It has been stated therein as follows :-

"The small scale sector will not be required to come for price fixation for these packs and they will be required to only adhere to the discipline of observing the ceiling prices."

In the affidavit filed, it has been stated that the necessary requirements are fulfilled and the MCP (Maximum Ceiling Price) fixed by the NPPA is being observed and followed.

In other words, in respect of one product, instructions have been followed while other products have been stopped.

Above being the position, nothing survives to be done. Hence the proceedings are closed taking note of the statement made in the affidavit.

A copy of the order to be handed over to the learned counsel for the D.G. [ I & R ] for sending it to the NPPA for their information.

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

**[Rahul Sarin]**  
**Member**

**[Pravin Tripathi]**  
**Member**

**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 76/2009**

**CORAM**

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

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

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

**IN THE MATTER OF**

Sagar Kachwal ....Applicant

*Versus*

Shree Krishna Enterprises ...Respondent

**Appearances:** Mr. S. K. Singh, Advocate for the Applicant  
None for the respondent

**ORAL ORDER**  
10-09-2010

List the matter on 2<sup>nd</sup> December, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 76/2003**

**CORAM**

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

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

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

**IN THE MATTER OF**

Laghu Udyog Sewa Saurther ....Applicant

*Versus*

Bullandshahar Khurja Development Authority ...Respondent

**Appearances:** Mr. B. K. Singh, Advocate for the Applicant  
Mr. N. K. Goel, Advocate for R-1

**ORAL ORDER**  
10-09-2010

At the request of R-1, the matter is adjourned to 1<sup>st</sup> December,  
2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 40/2007**

**CORAM**

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

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

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

**IN THE MATTER OF**

Ashok Lalwani ....Applicant

*Versus*

M/s. Ansal Housing & Construction Ltd. ...Respondent

**Appearances:** Mr. C. M. Sharma, Advocate for the Applicant  
Mr. P. K. Mittal, Advocate for the respondent

**ORAL ORDER**  
10-09-2010

Admission/denial of the documents shall take place on 22<sup>nd</sup>  
November, 2010. The matter shall be listed on 1<sup>st</sup> December, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 46/2007**

**CORAM**

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

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

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

**IN THE MATTER OF**

Tholia Marketing & Leasing (P) Ltd. ....Applicant

*Versus*

Lookman Electrical India Ltd. ...Respondent

**Appearances:** None for the Applicant

**ORAL ORDER**

10-09-2010

As noted in the order dated 24<sup>th</sup> September, 2009, Mr. C.M. Sharma has been stated that he is not appearing for the applicant. In view of the statement, the applicant was directed to be appropriately represented on the next date of listing. The order was sent to the applicant directly by registered post. There is no appearance on 7<sup>th</sup> May, 2010. On that date, the position was reiterated by Mr. Sharma that he is no longer appearing in this case. Notice was again issued to the applicant to engage its counsel, if so advised. Today no one appears for the applicant. The petition is dismissed for non-prosecution.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**



# COMPETITION APPELLATE TRIBUNAL

**10-09-2010**

**RTPE 60/2001**

**IN THE MATTER OF:**

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

**VS.**

**M/S. COCA COLA COMPANY & OTHERS**

**APPEARANCES:        Shri Om Prakash, STA for DG(I&R).  
                                 None for the respondent.**

The matter is listed for admission/denial of the respondent's documents.

The learned counsel for the respondent, Shri Aditya Narain appeared in the forenoon session and stated that they are yet to file affidavit and the documents relied by the respondent. Further, he expressed his inability to come in the afternoon session and requested to place the matter before the Hon'ble Tribunal. The admission/denial has not taken place today.

The matter shall be placed before the Hon'ble Tribunal on 17.09.2010.

(V. Sreenivas)  
Dy. Director (E)