

COMPETITION APPELLATE TRIBNAL

RTPE No. 35/2007

CORAM

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

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

IN THE MATTER OF

D. G. (I & R)Complainant

Versus

M/s. Indian Oil Corporation Ltd. & ors. ...Respondents

Appearances: Mr. R. D. Makheeja, Advocate for D.G. [I & R]
Mr. Bharat Sangal, with Ms. Vernika Tomar,
Advocates for the Informant
Mr. R. Sudhinder with Mr. Rahul Ravindran,
Advocate for R-1
Mr. B. R. Vig, Advocate for R-2
Mr. Sanjay Shandilya, Advocate for R-3

ORAL ORDER

11-03-2010

Learned counsel for the D.G. [I & R] states that further enquiry into some relevant aspects would be necessary and it would also be necessary to provide data as to rationale for demanding the channel access fee of Rupees Ten lacs for getting free access to certain distributors. Let the report be submitted within a period of two months. Needless to say, the respondent shall co-operate in the process of investigation into the relevant aspects.

List the matter on 27th July, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

UTPE No. 68/2006

CORAM

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

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

IN THE MATTER OF

Padamshree Shri Dina Nath MalhotraComplainant

Versus

Max Devki Devi Heart & Vascular Institute ...Respondent

Appearances: Mr. R. D. Makheeja, Advocate for the Complainant
Mr. Koshy John with Mr. Prashant Mishra, Advocates
for the respondent

ORAL ORDER
11-03-2010

As prayed by the learned counsel for the complainant, list the
matter on 28th July, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

No. 30(23)UTPE/2009

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Kanta GoelComplainant

Versus

M/s. Vijaya Bank ...Respondent

Appearances: None for the Complainant

ORAL ORDER
11-03-2010

None appears for the complainant. Similar was the position on 26th March, 2009 and 28th July, 2009. The complaint is dismissed for non-prosecution.

[Dr. Arijit Pasayat]
Chairman

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

No. 30(32)-UTPE/2009

CORAM

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

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

IN THE MATTER OF

Shri Gian Prakash Saini

....Complainant

Versus

State Bank of India

...Respondent

Appearances: None for the Complainant
Ms. Gurmeet Bindra, Advocate for the respondent

ORAL ORDER
11-03-2010

Reply on behalf of the respondent shall be filed by 15th March, 2010. None appears for the complainant. List the matter on 18th March, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

CORAM

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

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

IN THE MATTER OF

H.V. Chauhan	CA No. 112/2002
Himant Mande	CA No. 113/2002
Smt. Bhavna Bhatia & Ors.	CA No. 114/2002
Khursheed Ahmed Khan	CA No. 115/2002
Smt. Sushil Kumari	CA No. 116/2002
Sukhvir Singh	CA No. 117/2002
Shashi Aggarwal	CA No. 118/2002
Hotel Rajdoot (P) Ltd.	CA No. 119/2002
Nirmal Mehendale	CA No. 120/2002
Greesh Kumar Mathur	CA No. 121/2002
Hotel Rajdoot	CA No. 122/2002
B.P. Aggarwal	CA No. 123/2002
JS. Marwah	CA No. 124/2002
J.S. Marwah	CA No. 125/2002
B.P. Aggarwal	CA No. 126/2002
Sanjay Gulati	CA No. 127/2002
R.K. Malik & anr.	CA No. 128/2002
Sunil Gulati	CA No. 129/2002
Ms. Rana Shahin	C.A. No.166/2002
Jai Prakash Bansal	C.A. No.167/2002
Sarita Chhabra	C.A. No.169/2002
Sita Devi & Ors.	C.A. No. 36/2003
P.N. Gupta & ors.	C.A. No. 37/2003
Pradeep Dewan & anr.	C.A. No. 38/2003
Balwant Singh	C.A. No. 39/2003
Sansari Lal & anr.	C.A. No. 40/2003
Smt. Swaran Bansal & Ors.	C.A. No. 41/2003
Bharat Bhushan & Ors.	C.A. No. 42/2003
P.N. Gupta & anr.	C.A. No. 43/2003
Ashok Kumar Kalucha	C.A. No. 108/2003
Ms. Pooja Chandok	C.A. No. 77/2004
D.D. Bhardwaj	C.A. No. 15/2005
Mohan Mehta	C.A. No. 66/2007
Deepak Dhar Gupta	C.A. No. 07/2008
Mohan Mehra	C.A. No. 65/2008
Complainants

Versus

Sri Ram Housing Finance &
Investment of India Ltd. & Ors. ...Respondents

Appearances: Mr. Jagdeep Kishore for the Complainant
Mr. B.K. Tiwari, A/R for the respondent

ORAL ORDER
11-03-2010

Heard the learned counsel for the applicant. Written submissions have been filed by the learned counsel for the applicant. Though a prayer is made for adjournment on behalf of the learned counsel for the respondent, considering the limited nature of the controversy, we do not think it necessary to adjourn the matter. The written submission, if any, by the respondent shall be filed within a period of ten days.

Order reserved.

[Dr. Arijit Pasayat]
Chairman

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

RTPE No. 80/1992

CORAM

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

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

IN THE MATTER OF

D.G. (I & R)

....Complainant

Versus

M/s. Hindustan Lever Ltd.

...Respondent

Appearances: Mr. R. D. Makheeja, Advocate for the DG (I&R)
Mr. Aditya Narain with Dr. V.K. Aggarwal, Advocates
for the respondent

ORAL ORDER
11-03-2010

Heard the learned counsel for the parties. The application for change of name is allowed. The name of the respondent from "Hindustan Lever Ltd." to "**Hindustan Unilever Limited**" is accepted.

The written submission on behalf of the respondent has been filed. The learned counsel for the D.G. [I & R] states that though he has already filed the written submissions but he wants to up date the same. List the matter on 28th July, 2010 for hearing.

**[Dr. Arijit Pasayat]
Chairman**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 87/2005

CORAM

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

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

IN THE MATTER OF

Mona Trivedi

....Applicant

Versus

NOIDA

...Respondent

Appearances: Mr. R. D. Makheeja , Advocate for the Applicant
Mr. Ravinder Kumar, Advocate for the respondent

ORAL ORDER
11-03-2010

Learned counsel for the respondent wants to file further affidavit. The affidavit shall be filed within a week. List the matter on 28th July, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

UTPE No. 71/2006

CORAM

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

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

IN THE MATTER OF

D. G. (I & R)Complainant

Versus

M/s. Samara India Ltd. ...Respondent

Appearances: Mr. Narender Pal Singh, Advocate for the D.G. [I & R]
Mr. R. K. Kashyap, Advocate for the respondent

ORAL ORDER
11-03-2010

Heard the learned counsel for the D.G. [I & R] and the learned counsel for the respondent. In view of the statement made by the respondent that the scheme has been discontinued, no further action is necessary at this juncture. If there is a reference, it would be open to the D.G. [I & R] to initiate suitable action. With this, the matter is disposed of.

**[Dr. Arijit Pasayat]
Chairman**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

UTPE No. 65/2006

CORAM

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

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

IN THE MATTER OF

D.G. [I & R] Complainant

Versus

Karvy Stock Brokag Ltd. ...Respondent

Appearances: Mr. R. D. Makheeja, Advocate for the D.G. [I & R]
Mr. Sushil Bajaj, Advocate for the respondent

ORAL ORDER
11-03-2010

Evidence of RW-1 is closed. In respect of another witness documents have been filed. Let admission/denial shall take place on 23rd April, 2010. List the matter on 28th July, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

RTPE No. 22/2004

CORAM

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

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

IN THE MATTER OF

D.G. [I & R]

....Complainant

Versus

Corporate Channel India Pvt. Ltd.
& others

...Respondents

Appearances: Mr. C. Shanmugam, ADG for the D.G. [I & R]
Mr. U.N. Shukla, Advocate for R-1
Mr. Dhruv Garg, Advocate for R-3
Dr. V. K. Aggarwal, Advocate for R-4
Mr. Bahar-U-Barqui, Advocate for R-6
Mr. H.S. Kaushik, proxy for Ms. Ritu Singh Mann,
Advocate for R-5

ORAL ORDER

11-03-2010

A copy of the affidavit of witness be supplied to the learned counsel for the respondent. Admission/denial of the documents shall be carried out on 23rd April, 2010. Thereafter the matter shall be listed on 28th July, 2010 for cross-examination of the D.G.'s witness. It is stated by the representative of the D.G. [i & R] that if necessity arising the witness will be substituted and his affidavit shall be filed.

**[Dr. Arijit Pasayat]
Chairman**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 91/2000

CORAM

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

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

IN THE MATTER OF

Allied Paper Ltd.Applicant

Versus

Green Valley Estate & others ...Respondent

Appearances: None for the Applicant
Mr. Shanth K. V. Mohale, Advocate for the
respondent

ORAL ORDER
11-03-2010

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

**[Dr. Arijit Pasayat]
Chairman**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 103/2005

CORAM

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

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

IN THE MATTER OF

Sanjay Gupta & anr.

....Applicants

Versus

Sterling Holidays Resorts (I) Ltd.

...Respondent

Appearances: Ms. Babita Verma, Advocate for the Applicant
Mr. Kulanand Kala, A/R for the respondent

ORAL ORDER
11-03-2010

As a last chance a prayer for adjournment is accepted. List the matter on 27th July, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 88/2005

CORAM

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

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

IN THE MATTER OF

Bharat Industries

....Applicant

Versus

DLF Universal Ltd.

...Respondent

Appearances: None for the Applicant
Ms. Vidhi Goel, Advocate for the respondent

ORAL ORDER
11-03-2010

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

**[Dr. Arijit Pasayat]
Chairman**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 89/2005

CORAM

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

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

IN THE MATTER OF

Anita Jain & anr.

....Applicants

Versus

DLF Universal Ltd.

...Respondent

Appearances: None for the Applicant
Ms. Vidhi Goel, Advocate for the respondent

ORAL ORDER
11-03-2010

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

**[Dr. Arijit Pasayat]
Chairman**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 90/2005

CORAM

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

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

IN THE MATTER OF

Rajesh Tiwari

....Applicant

Versus

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

...Respondent

Appearances: None for the Applicant
Mr. Rajesh Raina, Advocate for the respondent

ORAL ORDER
11-03-2010

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

**[Dr. Arijit Pasayat]
Chairman**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

UTPE No. 64/2006

CORAM

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

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

IN THE MATTER OF

D.G. [I & R]

....Complainant

Versus

M/s. Maxwell Industries Ltd.

...Respondent

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

ORAL ORDER
11-03-2010

None appears for the respondent. The respondent's witness is not produced for cross-examination. The evidence of R-2's witness is closed.

List the matter on 27th July, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

UTPE No. 63/2006

C.A. No. 109/2006

CORAM

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

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

IN THE MATTER OF

Teletex Communications (I) Pvt. Ltd.
....Complainant

Versus

M/s. Ford India Pvt. Ltd. & anr.
...Respondents

Appearances: Ms. S.S. Pandita, Advocate for the Applicant
None for R-1
Mr. R. K. Kashyap, Advocate for R-2

ORAL ORDER

11-03-2010

On the ground of personal inconvenience, a prayer for adjournment is made. List the matter on 27th July, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

I.A. No. 62/2006
RTPE No. 51/2006

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

M/s. Sheela Exports ...Complainant

Versus

U.P.S.I.D.C. Ltd. ...Respondent

Appearances: Mr. S.K. Pandaya, Advocate for the Complainant
Mr. Rajesh Raina., Advocate for the respondent

ORAL ORDER
11-03-2010

List the matter on 27th July, 2010.

[Dr. Arijit Pasayat]
Chairman

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

RTPE No. 67/2006

C.A. No. 171/2008

CORAM

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

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

IN THE MATTER OF

Gopichand Rohra

...Complainant

Versus

Bhartiya Arogya Nidhi

...Respondent

Appearances: Mr. R. D. Makheeja, Advocate for the Complainant
Mr. A. M. Pattiyani, Advocate for the respondent

ORAL ORDER

11-03-2010

The question of maintainability can be adjudicated at the time of final arguments. It is stated by the learned counsel for the complainant that it would be necessary only on the question of compensation in Compensation Application evidence shall be led. Let the affidavit/documents in this regard shall be filed within four weeks. Admission/denial shall take place on 11th May, 2010. List the matter on 29th July, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

M.A. /2010
IN
UTPE No. 51/2004
c.a. No. 149/2006

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Manohar Singh Bakshi ...Complainant

Versus

Ghaziabad Development Authority ...Respondent

Appearances: Complainant in person
Ms. Reena Singh, Advocate for the respondent

ORAL ORDER
11-03-2010

Cross-examination of the respondent's witness Shri L. C. Maurya is deferred. List the matter on 27th July, 2010. By that time, the documents directed to be filed during the cross-examination shall be brought on record.

[Dr. Arijit Pasayat]
Chairman

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

UTPE No. 65/2006

Statement of Shri Arvind Pruthi, S/o Shri J.N. Pruthi, R/o 91-B, Pocket A 14, Himgiri Apartments, Kalkaji Extension, New Delhi.

On Oath

I have seen the affidavit dated 19.11.2008 which have been sworn and signed by me. This is exhibited as RW1/1.

Cross-examination of the witness by Shri R. D. Makheeja, advocate for D.G. [I & R]

I have authorization to appear on behalf of the respondent. If so directed, I shall file the copies of the relevant documents.

(The witness is directed to file the same within two weeks.)

It is a fact that the respondent has not informed the SEBI of its decision not to deal with the clients in respect of stocks quoting less than the price at the Head Office. This is because there is no statutory requirement for doing it. The decision was taken on the basis of the SEBI Guidelines. That does not mean that SEBI has to be informed about it. There have been instances in the past which are to the knowledge of the Regulatory Authorities also that some brokers have been a victim of such practices by certain set of investors who would place buy the orders for certain shares at one broker and corresponding with the sale order for same number of same shares at other brokers whereby creeping artificial volume on the screen and exchange with a view to insight ignorant public to get into trading in such shares. In respect of above instance, the market value was less than 20 in many instances. If the time is granted I would be in a position to substantiate the statement to the aforesaid fact.

(Four weeks time is granted to file the details at least 50 instances for the last three years).

A restriction was imposed only in respect of the Branch and not in the Head Office because there is a trend a set of people to handle the Risk Management Team. It is further not possible to have Risk Management Team in all the Branch offices. To centralize activity and expertise in this who handle this activity are in the Head Office only. There is no restriction in terms of SEBI guidelines for restricting the sales below the market value of Rs.20/- per share only in respect of the Branch Office. However, I may add that per client constituted agreement signed between the client and the broker merely states that the respondent has mandate to exercise due diligence in terms of Clause A(2) of the Code of Conduct of the Regulations that exercise of due skill and care to the stock broker shall act with due skill, care and diligence in the conduct of all his business. The aforesaid norms apply to all the stocks guidelines have been prescribed for the Risk Management Scheme without questionable transactions. The aforesaid guidelines are part of the internal arrangement of the respondent. I have no definite knowledge whether any other company has put restriction on less than Rs.20/- per share aspect. They have different guidelines to meet the prevalent situation.

Cross-examination closed.

[Dr. Arijit Pasayat]
Chairman

[Pravin Tripathi]
Member

R.O. & A.C.
11-03-2010

COMPETITION APPELLATE TRIBNAL

UTPE No. 51/2004

C.A No. 149/2006

Statement of Mr. L. C. Maurya, S/o Late Shri K.L. Maurya, Joint Secretary in the Respondent Company

On Oath

I have seen the affidavit dated 09.04.2009 which have been sworn and signed by me. This is exhibited as RW1/1.

Cross-examination of the witness by Shri S.S. Dahiya, advocate for the applicant

The signature bearing in the affidavit is mine. I am conversant with the facts of the case. The cancellation of the plot in question was done on 16.05.2001 and the communication in this regard was made on 24.05.2001. Thereafter, no letter relating to the cancellation has been issued. Though there is no mention about the date of cancellation, there is mention about the cancellation and the intimation by letter dated 24.05.2001 as stated in paragraph 15 of the reply. Subsequently, on 25.02.2004, the applicant was asked to refund the amount. Though there is a clear mention in the letter dated 25.02.2004 about the intimation on 24.05.2001 regarding the cancellation there is no mention about the cancellation having taken place on 16.05.2001. After the cancellation, the plot has been allotted to one Mr. Anuj Rana. The new allottee is Anuj Rana and not the Arjun Rana. I have not placed on record the details regarding the allotment of Mr. Anuj Rana and if necessary I can file the same.

(The witness is directed to bring those documents on record within four weeks).

It is not a fact that inconsequence stands have been taken in the reply to the UTP Enquiry and the Compensation Application. Though the

applicant had never applied in the Indrapuram and Vaishali Apartments Scheme he was offered alternative plots in the Vaishali scheme. As stated in the reply to the compensation application there were typographical error and an application has been moved for correcting the mistake. The applicant had applied in the Karpooripuram Scheme. The Code of the Scheme was 609. There were two scheme floated i.e. Self-Financing Scheme and other is Hire Purchase Scheme. The applicant had applied under the Hire Purchase Scheme. The estimated cost as per brochure for this Hire Purchase Scheme was Rs.4,45,000/-. The payment plan Code was 03 for the Hire Purchase Scheme. It is a fact that initially the stipulation was the possession will be given after payment of 40%. But subsequently, the terms were modified and it was raised to 50%. This was intimated to the applicant on 17.03.1999. It is a fact that I have not filed the basis for the change from 40% to 50%. If time is granted, I shall bring it on record.

(The witness is granted four weeks time to take steps in this regard.)

Cross-examination deferred.

**[Dr. Arijit Pasayat]
Chairman**

**[Pravin Tripathi]
Member**

R.O. & A.C.
11-03-2010

COMPETITION APPELLATE TRIBNAL

C.A. No. 91/2005

IN THE MATTER OF

Sterling Agro Industries ...Applicant

Versus

Tubro Tech Precision Engg. P. Ltd. ...Respondent

Appearances: Mr. T.C. Sehgal, Advocate for the applicant

Mr. T.V.S. Raghvendra, Advocate for Respondent

11-03-2010

Record is not complete. Office is requested to do the same and put up before the Hon'ble Bench on 03.05.2010.

COURT MASTER

COMPETITION APPELLATE TRIBNAL

UTPE 43/2001

IN THE MATTER OF

Win Medicare Ltd.

....Complainant

Versus

Reckett Benckisher Ltd.

...Respondent

Appearances: None

04-03-2010

Record is not complete. Office is requested to do the same and put up before the Hon'ble Bench on 14.05.2010.

COURT MASTER

COMPETITION APPELLATE TRIBNAL

UTPE No. 88/2005

IN THE MATTER OF

Umed SinghComplainant

Versus

H.S.I.D.C. ...Respondent

Appearances: Mr. R. K. Kapoor, Advocate for the Complainant

Mr. Ravinder Bana, Advocate for Respondent

04-03-2010

Record is not complete. Office is requested to do the same and put up before the Hon'ble Bench on 24.05.2010.

COURT MASTER

Ms. Mughda Sharma,
Nilgiri Hostel,
National Law School of India University,
Nagarbhavi,
Bangalore

COMPETITION APPELLATE TRIBNAL

UTPE No. 78/2006

C.A. No. 01/2009

IN THE MATTER OF

D. G. (I & R)

....Complainant

Versus

M/s. Kanakia Constructions Pvt. Ltd.

...Respondent

17th March, 2010

List this matter on 11th May, 2010 for cross-examination of respondent's witness. Parties be informed.

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