

COMPETITION APPELLATE TRIBUNAL

CA 57/2008

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF :

Parmeshwari Devi & Anr.

...Complainant

Vs.

M/s. Ansal Build & Well Ltd.

....Respondent

**Appearances : None for applicant
Shri Gurinder Pal Singh, Advocate
for R1 & R2**

ORAL ORDER

13th August, 2010

None appears for the applicant even on the 2nd call. The petition is dismissed for non-prosecution.

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

**(Rahul Sarin)
Member**

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

CA 58/2008

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF :

Shri Rajender Kumar ...Complainant

Vs.

M/s. Ansal Build & Well Ltd.Respondent

**Appearances : None for applicant
Shri Gurinder Pal Singh, Advocate
for R1 & R2**

ORAL ORDER

13th August, 2010

None appears for the applicant even on the 2nd call. The petition is dismissed for non-prosecution.

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

**(Rahul Sarin)
Member**

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

**Cont. Apl. _____/2001
RTPE 176/1999**

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF :

Bansilal Arora Trust & Ors. ...Complainant

Vs.

Skipper Tower(P) Ltd. & Anr.Respondent

**Appearances : Shri O.P.Dua, Sr. Advocate with Miss
Deepti Mishra, Ms. Prema Priyadarshini,
Advocates for complainant
Shri Vishwa Bhushan Arya, Advocate for
Respondent**

ORAL ORDER

13th August, 2010

List the matter on 17th September, 2010.

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

**(Rahul Sarin)
Member**

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

**RA 28/2010 in
CA 75/2007**

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF :

Sushil Aggarwal ...Complainant

Vs.

M.D.A.Respondent

**Appearances : Shri Shirish Aggarwal, Advocate for
Complainant
Ms. Shanta Pandey, proxy counsel for
respondent**

ORAL ORDER

13th August, 2010

Heard learned counsel for the applicant. Order dated 7th April, 2010 is recalled. The civil appeal is restored to its original position.

The matter shall be listed on 15th September, 2010.

RA is disposed of.

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

**(Rahul Sarin)
Member**

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

RTPE 04/2006

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF :

DG(I&R) ...Complainant

Vs.

Kochi Refiner Ltd.Respondent

**Appearances : Shri RD Makheeja, Advocate for DG
Shri P.Sureshan, Advocate for
respondent**

ORAL ORDER

13th August, 2010

List this matter on 11th November, 2010 for arguments.

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

**(Rahul Sarin)
Member**

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 78/1996

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF :

DG(I&R) ...Complainant

Vs.

Dr. N.Renuka & OthersRespondent

**Appearances : Shri RD Makheeja, Advocate for DG
None for respondent**

ORAL ORDER

13th August, 2010

List this matter on 11th November, 2010 for arguments.

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

**(Rahul Sarin)
Member**

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

CA 47/2006

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF :

Aman Kumar Gupta ...Complainant

Vs.

Yamaha Motors (I) Pvt. Ltd.Respondent

**Appearances : Shri S.K.Sarin, Advocate for Petitioner
Shri Manoranjan Shanu, Advocate for
Respondent**

ORAL ORDER

13th August, 2010

As prayed for by the learned counsel for complainant, list
this matter on 15th September, 2010.

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

**(Rahul Sarin)
Member**

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

CA 88/2007

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF :

M/s. Singh Colour Lab & Studio ...Complainant

Vs.

Ess Dee Nutek Infinities P. Ltd. ...Respondent

**Appearances : Shri Pramod Kumar, Advocate for
the applicant
Shri R.D. Sharma, Advocate for
respondent**

ORAL ORDER

13th August, 2010

It is stated that the cost has been paid to the witness Ms. Aruna Singh, who is present. Learned counsel for the applicant states that no other witness shall be examined on behalf of the applicant. The applicant shall file a memorandum stating whether he intends to file any further affidavit. If it is required to file, let it be done before the next date of listing.

List this matter on 15th September, 2010.

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

**(Rahul Sarin)
Member**

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

CA 88/2007

IN THE MATTER OF :

**M/s. Singh Colour Lab & Studio
Vs.
Ess Dee Nutek Infinities P. Ltd.**

Cross-Examination of Ms. Aruna Singh by Shri R.D. Sharma, Advocate for Respondent

I have gone through the affidavit of evidence filed and I am conversant with it and this has been affirmed as the contents are true and correct. In para 20 & 22 of my affidavit I have prayed for payment of Rs. 30 lacs for illegal and unlawful activity of the respondent. In para 22, I have referred to Section 36B of the MRTP Act. I do not know what are the provisions of Section 12B and/or Section 36B of the aforesaid Act. It is not a fact that without understanding the contents of the affidavit I have affirmed it. Initially the price of the machine was fixed at Rs. 32.5 lacs but subsequently, it was negotiated to be Rs. 20,80,000/-. It is not a fact that there was no negotiation or agreement for Rs. 32.5 lacs and/or that from the beginning it was fixed at Rs. 20,80,000/-. Certain papers were signed by me relating to the fixation of price of Rs. 32.5 lacs. As I am not highly educated, I cannot say whether there was any formal agreement of Rs. 32.5 lacs. My husband and the members of the staff look after the business transactions. I have produced the agreement related to Rs. 32.5 lacs(exhibit CW P/4). It is not a fact that the agreement of Rs. 32.5 lacs was in receipt of some other machine and when I could not arrange the funds, therefore, I agreed to purchase the machinery for Rs. 20,80,000/-. The full payment was paid when the agreement was entered into. It is not a fact that I have not paid the full amount and/or that I have given the post-dated cheques. I had paid Rs. 5 lacs at the time of the agreement and obtained a loan of Rs. 15 lacs from Oriental Bank of Commerce and had paid to the Respondent no. 1. It is not a fact that

Rs. 15 lacs was paid for some other products or material and that for the machine in question no post-dated cheques were given. It is a fact that there is a proceeding u/s 138 of the Negotiable Instrument Act pending so far as R2 is concerned. The machine was supplied to me pursuant to the agreement dated 4.11.2005. It is a fact that Rs. 80,000/- were charged as local sales tax on the price of Rs. 20 lacs but no scanner was provided for which there was a demand of Rs. one lac which was paid but inspite of that, the machine was not functional. It is not a fact that there was no demand for price for separate scanner. Though initially when the machine was supplied, we accepted that the machine was in a good condition but when the operation started it was found that it was not functional. This was within the period of warranty of five years. It is a fact that the machine was to be operated by a trained person. The machine was operated by one Shri Pawan who is competent to operate the machine. When the machine was found to be not in operational condition we had informed R1 to send their engineers, different engineers came at different points of time, but still the machine was not functional. It is a fact that on 17.11.2005 the machine was found to be in operational condition but after 2-3 days, it again become non-functional and that is why the R1 was informed time and again about this. Similar was the position on 19.11.2005. It is not a fact that the engineer deputed by R1 found that the place where the machine was installed had electrical earthing problems. It is not a fact that on 19.11.2005, we were told that the machine has to be carefully handled and it was not so done. There is no question of our not taking proper care because we invested huge sum of money. It is not a fact that I have given letter of appreciation and/or that till 20th January, 2006, the machine was running in a proper manner and/or that because of our mis-handling, the machine became non-functional and non-operational. We are three partners of the applicants' concern. My husband looks after the business. It is a fact that we have not filed any criminal

complaint alleging that we were pressurized and threatened/or that any papers were being signed forcibly from us. I do not remember if there was any response to the notice in terms of Section 138 of Negotiable Instrument Act. I do not remember if any notice/or complaint was made to the respondent that they have cheated us and/or taken forcible signatures on any document. It is not a fact that we have purchased materials from R2 on 19th November, 2005 vide invoice no. 085. Though there may be some signature of mine on some invoice, I do not accept the authenticity of documents or genuineness thereof as I am not literate in English and some papers were obtained from me on false commitment. I have not given any document affirming the receipt of document offering security for payment. My husband used to discuss with R-1. I do not know if Shri Ramji Singh has sent any letter to R2 assuring payment after June, 2006. It is a fact that my husband's name is Ramjisingh who is a partner. Similarly, I don't know if my husband has written any such letter to R-1. I do not know if any fax message was sent to R1 assuring payment during 2006. It is not a fact that the documents annexed with the complaint are part of the documents and has taken forcibly or without consent. I do not recollect how many such blank papers were taken as all this happened nearly five years back. It is not a fact that this present complaint is made with the motive to avoid payments to the respondent. I do not know if any specific Power of Attorney or authorization was given to my husband to act on behalf of the firm and/or the partner should be bound by the acts of my husband undertaking pursuant to such Power of Attorney or authorization. It is a fact that whenever the representative of R1 company came for checking the machine, we had signed the papers. We have not written any letter to R2 not to present any cheques. It is not a fact that because we did not have requisite funds we had issued post-dated cheques . Our concern paid income-tax. If time is granted, we will produce the income-tax relating to the relevant period. It is not a fact that either me or my partners

have no idea about this business. It is not a fact that we have kept my husband out of arena of dispute. It is not a fact that I have no idea about the arrangement with R-1 regarding the purchase of the machine.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

RO & AC
Dated: 13th August, 2010

COMPETITION APPELLATE TRIBUNAL

**RA _____/2010 in
UTPE 32/2004**

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF :

Ambica Foam Centre ...Complainant

Vs.

New India Insurance Co.Respondent

**Appearances : Shri Sameer Nandwani, Advocate for
Petitioner**

ORAL ORDER

13th August, 2010

The order dated 23rd February, 2010 is recalled. UTPE
32/2005 and 59/2004 are restored in their original position.

The matter shall be listed on 15th September, 2010.

RA is disposed of.

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

**(Rahul Sarin)
Member**

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

**RA_____ /2010 in
UTPE 21/2004**

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF :

Dr. P.C. Rishi

...Complainant

Vs.

Ambit Corpn. & Others

....Respondent

**Appearances : Applicant in person
Shri C.M. Sharma, Advocate for
Respondent**

ORAL ORDER

13th August, 2010

List the matter on 17th August, 2010.

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

**(Rahul Sarin)
Member**

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

13.08.2010
CA 37/2008

IN THE MATTER OF:

SMT. ANJU SEGHAL

Vs.

M/S. MALLU PALANTATION & RESORTS LTD. & ANR.

**APPEARANCES:Shri Surender Goel, Advocate alongwith
authorised representative of the Applicant.**

None for the Respondent.

Learned Counsel for the applicant states that the admission/denial of the applicant's documents is yet to take place. Admission/denial has not taken place today as the respondent is not present.

The matter shall be placed before the Hon'ble Tribunal on 11.11.2010.

(V. Sreenivas)
Dy. Director (E)