

COMPETITION APPELLATE TRIBUNAL

30(56)UTPE/2009

CORAM

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

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

IN THE MATTER OF:

B.S. Kumar

...Complainant

Vs.

Goyal Motors & Others

...Respondent

Appearances : None for the Complainant

ORAL ORDER

15th March, 2010

None appears for the applicant. In the petition, the prayer and the relief sought for cannot be adjudicated by this Forum, the case is dismissed.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

30(58)-UTPE/2009

CORAM

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

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

IN THE MATTER OF:

Charu Kapoor ...Complainant

Vs.

Smara Hundai & Others ...Respondent

Appearances : The Complainant in person

ORAL ORDER

15th March, 2010

Issue Notice to the Respondent directing it to file its response.

List the matter on 29th July 2010.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

RA No.06/2009

RTPE 13/2008

CORAM

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

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

IN THE MATTER OF:

G.N.B. Bros Pvt. Ltd.

...Complainant

Vs.

T.N.T. India Pvt. Ltd.

...Respondent

**Appearances : Shri Shantanu Singh, Advocate for the
Complainant**

None for the Respondent

ORAL ORDER

15th March, 2010

The rejoinder shall be filed within a week. The matter shall be listed on 30th July 2010.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 115/2006

CORAM

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

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

IN THE MATTER OF:

DG [I & R]

...Complainant

Vs.

G.E. Money Financial Services Ltd.

...Respondent

Appearances : Shri Narender Pal Singh, Advocate for the DG

**Shri Sanjeev Ralli along with
Dr. V.K. Aggarwal, Advocates for the
Respondent**

ORAL ORDER

15th March, 2010

Learned counsel appearing for the respondent refers to the order dated 3rd September 2009 which, inter alia, noted that the respondent has discontinued with the scheme and has no intention of bringing or re-introducing the scheme in future. An affidavit to that effect has been filed. If in future either the scheme is fresh introduced or re-introduced, it should be open to the DG to bring the matter to the notice of this Forum so that necessary order can be passed. The proceedings are closed.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 93/2006

CORAM

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

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

IN THE MATTER OF:

DG [I & R]

...Complainant

Vs.

Times of India

...Respondent

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

**Shri Manish Srivastava, Advocate for the
Respondent**

ORAL ORDER

15th March, 2010

Heard the learned counsel for the DG and the learned counsel for the Respondent. It is brought to our notice that the scheme has been discontinued long back. Shri R.D. Makheeja, counsel for the DG states that the scheme may have been abandoned but the question is that whether in terms of the scheme the entitled persons were given the prizes within the time stipulated. Admittedly, the details are not available. But in view of the fact that the scheme has been abandoned, we close this matter leaving it open to the DG to bring the matter to the notice of this Forum, if the scheme is re-introduced and there is a further public interest involved.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 104/2006

CA 150/2006

CORAM

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

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

IN THE MATTER OF:

P.K. Chug

...Complainant

Vs.

Bharti Cellular Ltd.

...Respondent

Appearances : None for the Parties.

ORAL ORDER

15th March, 2010

None appears for the applicant even though the matter was passed over once. The petition is dismissed for non-prosecution.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 98/2006

CORAM

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

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

IN THE MATTER OF:

DG [I & R]

...Complainant

Vs.

Bharti Airtel Ltd. & Ors.

...Respondent

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

**Shri Aditya Narain, Advocate for Respondent
No.1**

**Shri A.K. Singh along with
Shri Ajit Kumar Singh, Advocates for the
Respondent No.3 & 4.**

ORAL ORDER

15th March, 2010

Four week's time is granted to the DG to file rejoinder, if any, to be filed in respect of the replies filed by Respondent No.1, 3, 4, 5 & 6.

The matter shall be listed on 30th July 2010.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

RTPE 69/1997

CORAM

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

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

IN THE MATTER OF:

DG [I & R]

...Complainant

Vs.

R.C. Sood & Co. & Anr.

...Respondent

Appearances : Shri K.S. Yadav, ADG for the DG

**Shri O.P. Dua, Sr. Advocate along with
Ms. Deepti Mishra and
Ms. Rohina Nath, Advocates for the Respondent**

ORAL ORDER

15th March, 2010

At the request of the representative of the DG, the matter is
adjourned to 30th July 2010.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

CA 88/1994

CORAM

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

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

IN THE MATTER OF:

B.R. Khurana ...Applicant

Vs.

R.C. Sood & Co. & Anr. ...Respondent

Appearances : Applicant in person

**Shri O.P. Dua, Sr. Advocate along with
Ms. Deepti Mishra and
Ms. Rohina Nath, Advocates for the Respondent**

ORAL ORDER

15th March, 2010

At the request of the applicant, the matter is adjourned to 30th
July 2010.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

CORAM

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

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

IN THE MATTER OF:

CA 71/1994

CA 72/1994

CA 74/1994

CA 85/1994

CA 86/1994

CA 89/1994

CA 95/1994

CA 96/1994

CA 97/1994

CA 98/1994

CA 102/1994

CA 105/1994

ML. Sequeria

KR Sinha

N Sulochana

Vira Mehta

SK Biswas

Rajesh Rao

Mariyamajim

DK Sati

Pitam Kaur

VP Rao

RS Sharma

Sri Kana Bose

...Applicants

Vs.

R.C. Sood & Co. & Anr.

...Respondents

Appearances : Shri B.R. Khuarana, A/R of the Applicant

Shri O.P. Dua, Sr. Advocate along with

Ms. Deepti Mishra and

Ms. Rohina Nath, Advocates for the Respondent

ORAL ORDER

15th March, 2010

At the request of the applicants, the matter is adjourned to 30th
July 2010.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

CA 418/1997

CORAM

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

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

IN THE MATTER OF:

S.P. Gupta

...Applicant

Vs.

R.C. Sood & Co. & Anr.

...Respondent

Appearances : None for the Applicant

**Shri O.P. Dua, Sr. Advocate along with
Ms. Deepti Mishra and
Ms. Rohina Nath, Advocates for the Respondent**

ORAL ORDER

15th March, 2010

Re-list the matter on 30th July 2010.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

CA 421/1997

CORAM

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

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

IN THE MATTER OF:

S.P. Gupta

...Applicant

Vs.

R.C. Sood & Co. & Anr.

...Respondent

Appearances : None for the Applicant

**Shri O.P. Dua, Sr. Advocate along with
Ms. Deepti Mishra and
Ms. Rohina Nath, Advocates for the Respondent**

ORAL ORDER

15th March, 2010

Re-list the matter on 30th July 2010.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

CA 04/1998

CORAM

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

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

IN THE MATTER OF:

G.S. Chadha

...Applicant

Vs.

R.C. Sood & Co. & Anr.

...Respondent

Appearances : The Applicant in person

**Shri O.P. Dua, Sr. Advocate along with
Ms. Deepti Mishra and
Ms. Rohina Nath, Advocates for the Respondent**

ORAL ORDER

15th March, 2010

At the request of the applicant, re-list the matter on 30th July
2010.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

RTPE 161/1997

CORAM

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

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

IN THE MATTER OF:

DG [I & R]

...Complainant

Vs.

Ansal Properties & Industries Ltd.

...Respondent

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

**Shri A. Chakraborty, Advocate for the
Respondent**

ORAL ORDER

15th March, 2010

Heard the learned counsel for the DG and the leaned counsel for the respondent. Pursuant to the earlier order passed by the Monopolies and Restrictive Trade Practices Commission [in short "the Commission"], an affidavit has been filed on 2nd September 2008.

Paragraphs 4 & 5 of the said affidavit read as follows :

"As regards Prayer (a) regarding unfair and restrictive trade practices, it submitted that the Respondent Company has stopped the practice of executing Separate Construction Agreement with its clients in respect of allotment of and sale of flats / plots constructed by it.

It is also clarified that three separate plots / units were allotted to Informant, Dr. David Kulwant Dost bearing No.C-895A under Designer Villa Scheme, Unit No.D-170 under Whispering Meadows Bungalow Scheme which had been purchased by him from the

secondary market. Out of the said three plots / units, two were cancelled due to persistent defaults in payments by the Informant as per the terms of the allotment. The said 3 plots / units were separate and independent and constructed as such."

Since the practice of entering into Separate Construction Agreement has been discontinued and the informant has settled the matter with the respondent, nothing survives in this case. However, we find substance in the plea of learned counsel for the DG, Shri R.D. Makheeja, that if there were other cases where a departure was made earlier that is a question which can be examined if it is brought the notice of this Forum by the DG and the same is in public interest. The proceedings are closed.

[Dr. Justice Arijit Pasayat]
Chairman

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

CA 04/2006

CORAM

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

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

IN THE MATTER OF:

Rakesh Garg

...Applicant

Vs.

**Uttar Pradesh Awas Vikas
Parishad & Others**

...Respondent

Appearances : Ms. Shweta Garg, Advocate for the Applicant

**Dr. Indra Pratap Singh, Advocate for the
Respondent**

ORAL ORDER

15th March, 2010

Re-list the matter on 29th July 2010.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

CA 05/2006

CORAM

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

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

IN THE MATTER OF:

Pradeep Garg ...Applicant

Vs.

**Uttar Pradesh Awas Vikas
Parishad & Others ...Respondent**

Appearances : Ms. Shweta Garg, Advocate for the Applicant

**Dr. Indra Pratap Singh, Advocate for the
Respondent**

ORAL ORDER

15th March, 2010

Re-list the matter on 29th July 2010.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

RTPE 166/1996

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF:

Chetan Metal Ltd. ...Complainant

Vs.

Hemanshu Engg. Works ...Respondent

Appearances : Ms. S. Sunita, Advocate for the Complainant

None for the Respondent

ORAL ORDER

15th March, 2010

None appears for the respondent. List the matter on 22nd

July 2010.

[Dr. Justice Arijit Pasayat]
Chairman

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

CA 14/2006

CORAM

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

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

IN THE MATTER OF:

Praveen Kumar Gupta

...Applicant

Vs.

Meerut Development Authority

...Respondent

Appearances : Shri C.M. Sharma, Advocate for the Applicant

Shri Roshan, Advocate for the Respondent

ORAL ORDER

15th March, 2010

It is stated that there is a defect in the description of the applicant instead of Praveen Narain Aggarwal, it has been recorded Praveen Kumar Gupta. Let steps be taken by the respondent to file the necessary documents and the affidavit of evidence. If the documents are filed, the admission / denial shall take place on 26th April 2010 and the matter shall be listed on 30th July 2010 for cross-examination of the respondent's witness.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

CA 18/2006

CORAM

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

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

IN THE MATTER OF:

Kiran Aggarwal

...Applicant

Vs.

Meerut Development Authority

...Respondent

Appearances : Shri C.M. Sharma, Advocate for the Applicant

**Shri S. Mehdi Imam, Advocate for the
Respondent**

ORAL ORDER

15th March, 2010

As prayed, the affidavit of evidence and the documents shall be filed within four weeks. The matter shall be listed for admission / denial on 26th April 2010 and the matter shall be listed on 30th July 2010 for cross-examination of the respondent's documents.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

CA 16/2006

CORAM

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

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

IN THE MATTER OF:

Shobha Aggarwal

...Applicant

Vs.

Meerut Development Authority

...Respondent

Appearances : Shri C.M. Sharma, Advocate for the Applicant

**Shri. Mehdi Imam, Advocate for the
Respondent**

ORAL ORDER

15th March, 2010

As prayed, the affidavit of evidence and the documents shall be filed within four weeks. The matter shall be listed for admission / denial on 26th April 2010 and the matter shall be listed on 30th July 2010 for cross-examination of the applicant's documents.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

CA 19/2006

CORAM

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

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

IN THE MATTER OF:

S.S. Bajaj

...Applicant

Vs.

A-One Motors

...Respondent

Appearances : None for the applicant

Shri J.S. Harit, applicant A/R of the Respondent

ORAL ORDER

15th March, 2010

None appears for the applicant. As noted in the order dated 24th August 2009 adjournment was sought for and earlier also similar thing had happened. It was made clear in order dated 24th August 2009 that no further opportunity will be granted to the applicant for leading its oral evidence on the next date of listing. The evidence of the applicant is closed.

List the matter on **30th July 2010**.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 118/2006

CORAM

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

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

IN THE MATTER OF:

DG [I & R]

...Complainant

Vs.

M/s. United India Insurance Co. Ltd.

...Respondent

Appearances : Dr. K.S. Yadav, ADG for the DG

None for the Respondent

ORAL ORDER

15th March, 2010

None appears for the respondent. Today, the matter was fixed for cross-examination of the respondent's witness. On 20th August 2009, it was noted that the respondent's witness was not available and the learned counsel for the respondent stated that he would like to substitute its witness. Directions were given to file the affidavit of evidence of the substituted witness. That has been done. But since none appears for the respondent, the cross-examination is not possible.

The matter is adjourned to 27th July 2010. It should be brought to notice to the respondent that non-appearance is not apparently appreciated.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 109/2006

CA 20/2008

CORAM

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

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

IN THE MATTER OF:

Alka Sharma

...Complainant

Vs.

M/s. Greater Noida

...Respondent

Appearances : Shri S.C. Sharma, Advocate for the Complainant

None for the Respondent

ORAL ORDER

15th March, 2010

None appears for the respondent. The directions given in the order dated 17th September 2009 have not been complied with. It should be done within a period of one month promptly. If reply / affidavit are not filed within the stipulated time, it should be presumed that the respondent is not interested in filing its reply / affidavit. We notice that there is no appearance on behalf of the respondent when the matter is called. Similar was the position on 17th September 2009. Such a conduct of Public Body is not appreciated. While issuing the Notice to the respondent about the next date of listing, it should be clearly indicated that in case there is no response by the respondent, appropriate orders shall be passed in the matter.

List the matter on 30th July 2010.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

RTPE 35/2006

CORAM

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

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

IN THE MATTER OF:

DG [I & R] ...Complainant

Vs.

Shipra Estate Ltd. & Others ...Respondent

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

None for the Respondent

ORAL ORDER

15th March, 2010

List the matter on 28th July 2010 for cross-examination of the
DG's witness.

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

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

RTPE 47/2005

CORAM

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

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

IN THE MATTER OF:

DG [I & R]

...Complainant

Vs.

Schenectady Herdillia

...Respondent

Appearances : Shri K.S. Yadav, Advocate for the Complainant

**Shri Atul Y. Chitle along with
Shri Vaibhav, Advocates for the Respondent**

ORAL ORDER

15th March, 2010

It is stated that the respondent's witness is not present today because of marriage function in his family. The matter is adjourned to 28th July 2010 for the purpose of cross-examination of RW-1.

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

**[Pravin Tripathi]
Member**