

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 01/2010

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

The Director General (Investigation
and Registration) [the DG (I&R)]

.... Complainant

Versus

Mercado Online Pvt. Ltd.

... Respondent

Appearances : Shri C. Shanmugam, ADG for the DG (I&R).

None for the Respondent.

ORAL ORDER

15th September, 2010

The reply to the Notice of Enquiry is not in the proper format. The respondent be intimated that if it proposes to file any reply, it should be in the proper format.

List the matter on 9th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 68/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

The Director General (Investigation
and Registration) [the DG (I&R)] Complainant

Versus

Bharti Airtel Ltd. ... Respondent

Appearances : Shri C. Shanmugam, ADG for the DG (I&R).

ORAL ORDER

15th September, 2010

We have perused the Preliminary Investigation Report submitted by the DG (I&R). As stated in Para 4 thereof, there appeared to be a bonafide error which was subsequently rectified as and when the same was brought to the notice of the respondent. In the circumstances, the proceedings are closed.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

M.A. 02/2009

M.A. 03/2009

M.A. 04/2009

IN

C.A. 17/2005

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Aditya Goyal

.... Applicant

Versus

Dr. Amit Garg

... Respondent

Appearances : Shri Pradeep Derodya, Advocate for Shri P.K. Mittal,
Advocate for the Applicant.

Shri R.D. Makheeja, Advocate for the Respondent.

ORAL ORDER

15th September, 2010

At the request of the counsel for the applicant, the matter is
adjourned to 14th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

M.A. No. 02/2010

C.A. 110/1997

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Girish Chandra

.... Applicant

Versus

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

... Respondent

Appearances : Shri Pradeep Gupta, Authorised Representative of the Applicant.

Shri M.D. Sharma, A.G. –I of the Respondent.

ORAL ORDER

15th September, 2010

List this matter on 9th December, 2010 for arguments.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

C.A. 110/2003

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Ferose Cawas Titina

.... Applicant

Versus

Pepsico (I) Holdnig Pvt. Ltd. & Ors.

... Respondents

Appearances : Shri Shiv K. Suri, Advocate for the Applicant.

Shri Ravinder Narain with Shri Subrat Deb and
Ms. Mallika Joshi, Advocates for the Respondents.

ORAL ORDER

15th September, 2010

The matter shall be listed on 10th December, 2010 for arguments.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 323/1996

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Shobha Rani Jain

.... Complainant

Versus

Delhi Development Authority

... Respondent

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

None for the Respondent.

ORAL ORDER

15th September, 2010

None appears for the respondent.

List the matter on 10th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 33-A

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Renu Aggarwal & Anr. Complainants

Versus

DLF Ltd. ... Respondent

Appearances : Dr. Anurag Kumar Agarwal, Advocate for the
Complainants.

Shri Aditya Narain, Advocate for the Respondent.

ORAL ORDER

15th September, 2010

List the matter on 10th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 90/2006

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

The Director General (Investigation
and Registration) [the DG]

.... Complainant

Versus

M/s. Spicejet Ltd.

... Respondent

Appearances : Ms. Anjana Gosain, Advocate for the DG.

Shri T.S.V. Panduranga Sarma, Advocate for the
Respondent.

ORAL ORDER

15th September, 2010

List the matter on 10th December, 2010. In the meantime, the
parties shall explore the possibility of an out of court settlement.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

R.A. No. 28/2010

IN

C.A. 75/2007

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Sushil Aggarwal

.... Applicant

Versus

Meerut Development Authority

... Respondent

Appearances : Shri Shirish Aggarwal, Advocate for the Applicant.

Shri Devesh Kumar, Advocate for Ms. Reena Singh,
Advocate for the Respondent.

ORAL ORDER

15th September, 2010

List the matter on 10th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

C.A. 402/1999

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

L.T. Overseas Ltd.

.... Applicant

Versus

Project & Equipment Corporation
of India Limited & Ors.

... Respondents

Appearances : Ms. Anu Sharma, Manager (Legal), of the Applicant.

Shri Dileep Poolakkot and Ms. Sonia Sahijawani,
Advocates for Respondent No. 1.

ORAL ORDER

15th September, 2010

At the request of the applicant, the matter is adjourned to 9th
December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

R.A. No. .../2010

IN

UTPE 32/2004

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Ambika Foam Centre ... Complainant

Versus

New India Insurance Co. ... Respondent

Appearances : Shri Sameer Nandwani, Advocate for the Complainant.

None for the Respondent.

ORAL ORDER

15th September, 2010

Issue Notice to the respondent bringing to its notice that there is no appearance on behalf of the respondent company on several occasions as noted in the orders dated 23.02.2010 and 13.08.2010.

List the matter on 10th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 62/2000

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

M/s. Pallavi Arts & Anr.

.... Complainants

Versus

Greater Noida Industrial Development
Authority & Anr.

... Respondents

Appearances : Shri Y.R. Bhaskar, Advocate for the Complainants.

Shri Tanmaya Agarwal, Advocate for the Respondents.

ORAL ORDER

15th September, 2010

At the request of the learned counsel for the respondents, the matter
is adjourned to 9th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 70/2005

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

L. Balaji

.... Complainant

Versus

New Okhla Industrial Development
Authority (NOIDA)

... Respondent

Appearances : None for the Complainant.

Shri Tanmaya Agarwal, Advocate for the Respondent.

ORAL ORDER

15th September, 2010

At the request of the learned counsel for the respondents, the matter
is adjourned to 9th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

C.A. 89/2003

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Syed Inayat Hussain

.... Applicant

Versus

M/s. Videocon International

... Respondent

Appearances : Shri Bipin Kalappa, Advocate for the Applicant.'

Shri Rajneesh Sharma, Advocate for the Respondent.

ORAL ORDER

15th September, 2010

At the request of the learned counsel for the applicant, the matter is
adjourned to 13th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 14/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

The Director General (Investigation
and Registration) [the DG]

.... Complainant

Versus

Haryana Urban Development Authority

... Respondent

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

Shri Sanjay Singh, Advocate for the Respondent.

ORAL ORDER

15th September, 2010

At the request of the learned counsel for the DG, the matter is
adjourned to 9th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

C.A. 74/2007

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Asphatt Carpet Construction Co. Ltd. Applicant

Versus

Ashok Leyland Ltd. & Anr. ... Respondents

Appearances : Shri Lalan Sinha, Advocate for the Applicant.

Shri Dileep Poolakkot, Advocate for the Respondents.

ORAL ORDER

15th September, 2010

Cross-examination of the A.W. 1, Shri N.K. Gupta, has been deferred
and would be resumed on 9th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

C.A. 74/2007

15th September, 2010

Statement of Shri N.K. Gupta on behalf of the complainant at
86, Sector – 19A, Chandigarh.

ON OATH :

I have seen the affidavit dated 08.10.2009 signed and sworn by me. The affidavit is exhibited as A.W. 1 (Colly.)

Cross-examination by Shri Dileep Poolakkot, Counsel for the
Respondent :

The vehicles in question i.e. 3 tippers, were purchased on 30.08.2006 but the delivery was given on around 10.09.2006. However, the certificate of insurance shows that the vehicles were insured on 23.08.2006. It happened because the intention was to purchase them in the last week of August, 2006 but there was some delay in transportation of the vehicles in question from Madras (Chennai) to Ludhiana and then to Chandigarh and that is why there is a difference in the dates. As a matter of fact, the insurance covers were taken in anticipation. We were authorized to purchase the tippers in the name of the applicant company. As the learned counsel for the respondent asked the questions relating to the authority to purchase the vehicles, the witness stated that he will file the

documents. (Let the same be filed along with the affidavit within three weeks). We had the authority to purchase these vehicles right from the beginning.

Cross-examination deferred.

R.O.A.C.
15.09.2010

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

C.A. 88/2007

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

M/s. Singh Colour Lab & Studio

... Applicant

Versus

Ess Dee Nutek Infinities Pvt. Ltd.

... Respondent

Appearances : None for the Applicant.

Proxy for Shri R.D. Sharma, Advocate for the Respondent.

ORAL ORDER

15th September, 2010

List the matter on 8th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

C.A. 23/2002

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Gemini Continental (P) Ltd.

.... Applicant

Versus

Kirloskar Mcquary P) Ltd.

... Respondent

Appearances : Ms. Anjana Gosain, Advocate for the Applicant.

Shri Ashish Wad, Advocate for the Respondent.

ORAL ORDER

15th September, 2010

Cross-examination of Shri Vinayak Sashikant Channa, R.W. 4, has been concluded. It is stated that Shri Mukund Ganesh Paranjpe, R.W. 2, shall be tendered for cross-examination on the next date.

List the matter on 3rd December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

C.A. 23/2002

15th September, 2010

Statement of Shri Vinayak Sashikant Channa on behalf of Kirloskar Mcquay Pvt. Ltd., having its registered office at 1239, Hadapsar Industrial Estate, Pune - 411 013

ON OATH :

I have seen the affidavit dated 22.03.2005 signed and sworn by me. The affidavit is exhibited as Ex. R.W. 4 (Colly.).

Cross-examination by Ms. Anjana Gosain, Counsel for the Applicant :

I have been working with the respondent company since 1998. At the relevant point of time, I was Service Mechanic. Presently, I am working as Manufacturing Engineer in the respondent company. I am acquainted with the contents of the affidavit filed by me. I went to Lucknow to the premises in question on 14.06.2001. I had gone there because due to the low pressure, there was some problem in the machine. The respondent company had sent me to Lucknow. I have signed the document at Annexure P-3. I have also signed the document which is appearing at Annexure P-38 dated 16.06.2001. I affirm, as stated in my affidavit, that my signatures were taken forcibly from me. This document was forcibly got signed from me in the presence of Mr. Sahu, Managing Director of the applicant company, by three persons whose names I do not know. I had orally informed my authorities about the incidence but I had not

given it in writing. I was not allowed to leave the premises and, therefore, the two letters dated 14.06.2001 and 16.06.2001 exist. I was staying in the Hotel Gemini Continental and I was physically restrained from leaving the premises. The machines were in the basement. It is not a fact that the way I have described about the forcibly taking of my signatures is not actually correct. It is a fact that it happened the way I had stated.

Cross-examination concluded.

R.O.A.C.
15.09.2010

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 128/1999

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

The Director General (Investigation
and Registration) [the DG] Complainant

Versus

Reebok International Ltd. ... Respondent

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

ORAL ORDER

15th September, 2010

Heard Mr. Makheeja and learned counsel for the respondent. It appears that the agreement which was the subject-matter for the consideration in these proceedings has expired by efflux of time. There is no material that there is a fresh agreement on similar terms. That being so, these proceedings are closed. An affidavit shall be filed by the respondent indicating that the position is as has been stated above. If the affidavit discloses that the alleged practices are still continuing, it shall be open to the DG for restoration of the matter.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 110/1997

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

The Director (Research) Complainant

Versus

Greater Noida ... Respondent

Appearances : Shri R.D. Makheeja, Advocate for the Director (Research).

Shri Tanmaya Agarwal, Advocate for the Respondent.

ORAL ORDER

15th September, 2010

In view of the earlier order dated 28.05.2010, the evidence of the respondent is closed.

List the matter on 9th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

C.A. 70/2009

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Ritesh Kumar Bansal

.... Applicant

Versus

M/s. Rajinder Motors

... Respondent

Appearances : The Applicant in person.

ORAL ORDER

15th September, 2010

Because of the absence of the respondent on the date when the matter was fixed for admission/denial, the admission/denial has not taken place. That being so, the matter shall now proceed for cross-examination of A.W. 1. None appears for the respondent when the matter is called.

List the matter on 10th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

C.A. 47/2006

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Aman Kumar Gupta

.... Applicant

Versus

Yamaha Motors (I) Pvt. Ltd.

... Respondent

Appearances : Shri S.K. Sareen, Advocate for the Applicant.

Shri Lalan Sinha, Advocate for the Respondent.

ORAL ORDER

15th September, 2010

Affidavit of evidence of the respondent shall be traced out. Learned counsel for the respondent stated that he shall file copies of the affidavit of evidence if the original affidavit is not traced out. Let it be done within three weeks.

List the matter on 10th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

