

COMPETITION APPELLATE TRIBUNAL

UTPE 12/2009

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF:

DG [I & R]

...Complainant

Vs.

Vodafone Essar

...Respondent

Appearances : Shri C. Shanmugam, ADG for the DG

Shri Ajit Kr. Singh, Advocate for the Respondent

ORAL ORDER

16th November, 2010

The matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

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

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 59/2009

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF:

DG [I & R]

...Complainant

Vs.

M/s. Reliance Communication

...Respondent

Appearances : Shri C. Shanmugam, ADG for the DG

ORAL ORDER

16th November, 2010

The matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

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

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 99/2008
CA 66/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF:

Balaji Media Inc.

...Complainant

Vs.

Times Innovative Media Ltd.

...Respondent

Appearances : Shri Diggaj Pathak, Advocate for the Respondent

ORAL ORDER

16th November, 2010

No rejoinder has been filed. As a last chance, three week's time is granted for filing rejoinder.

The matter shall be listed in the third week of January 2011 for fixing the next date of hearing.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

CA 142/2006

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF:

Rajeev Kumar Gupta

...Applicant

Vs.

U.P. Avas Vikas Parishad

...Respondent

**Appearances : Shri Devesh Kumar, Proxy for
Ms. Reena Singh, Advocate for the Applicant**

None for the Respondent

ORAL ORDER

16th November, 2010

None appears for the respondent. No reply has been filed by the respondent to the Compensation Application. Though two points have been raised, one relating to the direction for delivery of possession cannot be accepted in view of the Order of Hon'ble Supreme Court in the matter of Ved Prakash Aggarwal Versus Ghaziabad Development Authority Civil Appeal No.794 of 2001 dated 14th May 2008 [2008 INDLAW SC 852]. So far as the second point is concerned, the applicant had deposited the money on 26th March 1982 and 28th November 1985. The amount deposited has to be refunded to the applicant along with interest. Considering the period during which the deposits had been made, the respondent shall pay interest @ 9% per annum. Let the amount payable be worked out by respondent within two months from today and

the payment be made within two weeks thereafter. This petition is disposed of. However, the respondent is directed to file an affidavit indicating compliance of the order.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

30(108)UTPE/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:

Satish Kumar Arora

...Complainant

Vs.

Ghaziabad Development Authority

...Respondent

Appearances : Complainant in person

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

ORAL ORDER

16th November, 2010

Three week's time is granted to file reply by the respondent. The matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

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

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

CA 130/2008

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF:

Amar Siddiqui & Anr.

...Applicant

Vs.

Audi AG & Anr.

...Respondent

**Appearances : Dr. Man Mohan Sharma, Advocate for the
Applicant**

**Ms. Prerana Amitabh, Advocate for Respondent
No.1**

Shri Atul Nanda along with

Ms. Sugandha, Advocates for Respondent Nos. 2

ORAL ORDER

16th November, 2010

At the request of the learned counsel for the applicant, the matter is
adjourned to 24th November 2010.

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

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

CA 111/2008

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF:

Keshav Kumar Singhal

...Applicant

Vs.

AJS Builders Pvt. Ltd.

...Respondent

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

None for the Respondent

ORAL ORDER

16th November, 2010

None appears for the respondent. On 19th August 2010, the respondent was set ex-parte as the Notice issued was received back with an endorsement "refused". On the next date of hearing, learned counsel for the respondent stated that he would file an application to recall that order and that was not filed and finally on 14th May 2009, the Monopolies and Restrictive Trade Practices Commission [in short the " Commission"] took a very dim view of the conduct of the respondent in delaying the proceedings and the application was permitted to be filed with condition that the cost of Rs. 1000/- was to be paid. The cost has not been paid. On 4th September 2009, the Commission was informed that the applicant proposes to file an application for withdrawing the Compensation Application. Time was granted till 6th November 2009 to file the said application. On 19th August 2010, the learned counsel for the applicant

stated that he does not want to withdraw the Compensation Application. Though the application for setting aside the order was filed on 14th May 2010, no one appears to press that application when the matter was taken up. That being so, the application for setting aside ex-parte order was rejected. The matter is listed today for framing of issues. Considering the limited nature of the prayer, we dispose of the application with the following directions :

The applicant's case is that it had booked two plots with the respondent and had deposited a sum of Rs. 2,67,750/- and Rs. 2,14,200/-. Copies of receipts of payment have been filed. Though a prayer was made for a direction to deliver the possession of the plots, the same cannot be accepted in view of the decision of the Hon'ble Supreme Court in the matter of Shri Ved Prakash Versus. Ghaziabad Development Authority, Civil Appeal No.794 of 2001 dated 14th May 2008 [2008 INDLAW SC 852]. Therefore, we accept the other prayer made by the applicant for refund of the money. In the circumstances, we direct the respondent that the amount deposited to be refunded to the applicant within three months from today along with interest @ 9% from the date of deposit. The amount payable shall be worked out by the respondent within a period of three months from today. Accordingly, we dispose of the Compensation Application.

Respondent are directed to file an affidavit of compliance within two week from making the payment.

The Compensation Application is ***disposed of*** accordingly.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

CA 77/2008

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF:

Babita Saxena **...Applicant**

Vs.

Nitishree Infrastructure Ltd. & Ors. **...Respondent**

Appearances : Shri S. Goel, Advocate for the Applicant

Shri Brajesh Jha, Advocate for the Respondent

ORAL ORDER

16th November, 2010

This common order shall cover CA 77/2008 and CA 78/2008 and CA 44/2008. In each case, the applicant has been refunded the amount deposited with interest.

Heard. Today the matter was basically listed for framing of issues. In view of the limited nature of controversy, we take up the matter with the consent of the parties for final disposal. Applicant's grievance is that the interest as has been paid for is much lesser than what the applicant is legally entitled to. The deposit of the amount was made in each case in November 2005. Considering the period during which the amount was deposited, we are of the considered view that appropriate rate of interest would be 9%. Let the entitlement of the applicant be worked out within a period of two months by taking into account the rate of interest, as fixed and amount already paid. The balance shall be paid by the respondent

within a period of two months. We dispose of the Compensation Application. However, the respondent in each case shall file Affidavit indicating compliance of the order.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

CA 78/2008

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF:

Rani Devi Saxena

...Applicant

Vs.

Nitishree Infrastructure Ltd. & Ors.

...Respondent

Appearances : Shri S. Goel, Advocate for the Applicant

Shri Brajesh Jha, Advocate for the Respondent

ORAL ORDER

16th November, 2010

This common order shall cover CA 77/2008 and CA 78/2008 and CA 44/2008. In each case, the applicant has been refunded the amount deposited with interest.

Heard. Today the matter was basically listed for framing of issues. In view of the limited nature of controversy, we take up the matter with the consent of the parties for final disposal. Applicant's grievance is that the interest as has been paid for is much lesser than what the applicant is legally entitled to. The deposit of the amount was made in each case in November 2005. Considering the period during which the amount was deposited, we are of the considered view that appropriate rate of interest would be 9%. Let the entitlement of the applicant be worked out within a period of two months by taking into account the rate of interest, as fixed and amount already paid. The balance shall be paid by the respondent

within a period of two months. We dispose of the Compensation Application. However, the respondent in each case shall file Affidavit indicating compliance of the order.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

CA 44/2008

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF:

Sanjeev Saxena

...Applicant

Vs.

Nitishree Infrastructure Ltd. & Ors.

...Respondent

Appearances : Shri S. Goel, Advocate for the Applicant

Shri Brajesh Jha, Advocate for the Respondent

ORAL ORDER

16th November, 2010

This common order shall cover CA 77/2008 and CA 78/2008 and CA 44/2008. In each case, the applicant has been refunded the amount deposited with interest.

Heard. Today the matter was basically listed for framing of issues. In view of the limited nature of controversy, we take up the matter with the consent of the parties for final disposal. Applicant's grievance is that the interest as has been paid for is much lesser than what the applicant is legally entitled to. The deposit of the amount was made in each case in November 2005. Considering the period during which the amount was deposited, we are of the considered view that appropriate rate of interest would be 9%. Let the entitlement of the applicant be worked out within a period of two months by taking into account the rate of interest, as fixed and amount already paid. The balance shall be paid by the respondent

within a period of two months. We dispose of the Compensation Application. However, the respondent in each case shall file Affidavit indicating compliance of the order.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

UTPE 72/2007

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF:

Japan Travel Service & Anr.

...Complainant

Vs.

All Nippon Airways Co. Ltd.

...Respondent

Appearances : Shri A.P. Singh, Advocate for the Complainant

Ms. Anjani, Advocate for the Respondent

ORAL ORDER

16th November, 2010

The affidavit of evidence shall be filed by the complainant within a period of four weeks. If any documents are filed, the admission/denial shall take place on 16th December 2010. The matter shall be listed on third week of January 2011 for fixing the next date of hearing.

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

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

RTPE 76/2000

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF:

Ashok Kumar Tiwari

...Complainant

Vs.

Shakti Bhog Foods Ltd.

...Respondent

Appearances : Proxy counsel for the Complainant

Shri P. N. Shama, Advocate for the Respondent

ORAL ORDER

16th November, 2010

The matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

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

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

RTPE 43/2000

RTPE 02/2000

RTPE 37/2000

RTPE 165/2000

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF:

**Dr. Balbir Singh
Tronica Metals & Polymers (P) Ltd.
Microbase Software Systems Pvt. Ltd.
Artek Electronics (P) Ltd.**

...Complainant

Vs.

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

...Respondent

**Appearances : Shri K.K. Rai, Sr. Advocate along with
Shri Bankey Bihari, Advocate for the Complainant**

**Shri Sudhir, Sr. Advocate along with
Shri Rajesh Raina, Advocate for the Respondent**

ORAL ORDER

16th November, 2010

Further submissions in writing shall be filed by the learned counsels for the parties. List this matter in the last week of January 2011 for fixing the next date of hearing.

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

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 45/2002

UTPE 67/2004

UTPE 06/2005

UTPE 47/2004

UTPE 33/2002

UTPE 20/2005

UTPE 66/2004

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF:

Bureau of Indian Standard

...Complainant

Vs.

Manikanchan Jewellers Pvt. Ltd.

...Respondent

**Appearances : Shri Mridul Chakravarty, along with
Shri Anurag Sharma, Advocate for the
Complainant**

**Shri Nikhil along with
Shri Jos Chiramal, Advocate for the Respondent**

ORAL ORDER

16th November, 2010

We have heard the learned counsel for the complainant and the learned counsel for the respondent. The Witness, CW-2 is permitted to be cross-examined by the respondent.

The learned counsel for the complainant has given a list of cases.

The matter shall be listed in the third week of January 2011 for fixing the next date of hearing. UTPE cases [Nos.] 33/2002, 45/2002, 47/2004, 66/2004, 67/2004, 06/2005 and 20/2008 shall be listed on the same date.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

RTPE 16/2002

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF:

Pankaj Varshney

...Complainant

Vs.

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

...Respondent

Appearances : Complainant in person.

**Shri Rajesh Raina, Advocate along with
Shri M.D. Sharma, AG-II, Advocate for the
Respondent**

ORAL ORDER

16th November, 2010

The matter shall be listed for final arguments. List in the last week of January 2011 for fixing the next date of listing.

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

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

CA 91/2006

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF:

Mahender Aggarwal

...Applicant

Vs.

Kotak Securities Ltd.

...Respondent

**Appearances : Shri Munawwar Naseem, Advocate for the
Respondent**

ORAL ORDER

16th November, 2010

At the request of the learned counsel for the respondent, the matter is listed in the last week of January 2011 for fixing the next date of hearing.

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

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

CA 126/2008

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF:

James Kutty PPC & Anr. ...Applicant

Vs.

Tread Stone Ltd. & Ors. ...Respondent

Appearances : Shri A.M. Pattiyani, Advocate for the Applicant

**Ms. Kiran Suri along with
Shri S.J. Smith, Advocates for the Respondent**

ORAL ORDER

16th November, 2010

It is stated that the applicant proposes to file an application for amendment and he prays for an adjournment. List the matter in the last week of January 2011 for fixing the next date of hearing.

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

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 118/1998

CA 286/1998

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

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

IN THE MATTER OF:

Indraprastha Enterprises & Ors.

...Complainant

Vs.

Camrin Drugs & Pharmaceuticals Ltd.

...Respondent

**Appearances : Shri Shyam Moorjani, along with
Shri Sandip Singh, Advocate for the Complainant**

**Shri A.P. Mukundan, Advocate for the
Respondent**

ORAL ORDER

16th November, 2010

Cross-examination is deferred at the request of the learned counsel for the complainant. The matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

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

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 118/1998
16th November 2010

Statement of Shri N.S. Pradeep Kumar, Wholetime Director, Camarin Drgus and Pharmaceuticals Ltd., C.P. III-20, Varam, P.O., Cannalore – 670 594 S/o Late Sreedharan, aged about 55 years, resident of Pradeepam, Azhikode, PO Kannur 09, Kerala.

On Oath

I have seen the affidavit dated 1st October 2010. It has been sworn and signed by me. It is exhibited as RW 1/1.

Cross-examination by Shri Shyam Moorjani, Advocate for Complainant.

I joined the Respondent Organization in April, 2004 as General Manager. Shri Mathew was formerly Managing Director of the Respondent Organization.

Cross-examination deferred.

RO & AC.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

RA 16/2010 in
CA 212/1999

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF:

Smt. Manju Agarwal

...Complainant

Vs.

Ghaziabad Development Authority

...Respondent

Appearances : Amulya Kumar Verma, Advocate for the
Complainant

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

ORAL ORDER

16th November, 2010

The matter shall be listed in the third week of January 2011 for
fixing the next date of hearing.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member