

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 69/2006

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

**The Director General
(Investigation and Registration)**

.... Complainant

Versus

INTAS Pharmaceuticals Ltd. & Ors.

... Respondents

Appearances : Shri R.D. Makheeja, Advocate for the DG (I&R).

Shri Vivek Yadav, Advocate for Respondent No. 1.

Shri Anurag Mathur, Advocate for Respondents Nos. 2 to 5.

ORAL ORDER

17th December, 2009

Heard the learned counsel for the parties. While dealing with the application under Section 12-A of the Monopolies and Restrictive Trade Practices Act, 1969 (in short 'the Act'), disposing of the application filed by the DG (I&R), vide order dated 22nd April, 2009, the Monopolies and Restrictive Trade Practices Commission (in short 'the Commission'), inter-alia, observed as follows :

“ xxx xxx xxx

22. In view of the foregoing, we come to a conclusion that the balance of convenience lies in favour of the informant. The Commission, therefore, orders that the respondents would not oppose the

appointments of stockists/dealers/distributors of those entities who are not its members and further dealers appointed would be free to retail their products through retailers who may not be necessarily staying within the territorial jurisdiction limited by R-1. This order will become effective immediately and would remain in force until further orders. The respondents are directed to file the affidavits of compliance within four weeks of the pronouncement of this order.”

As noted above, the respondents were directed to file the affidavit of compliance within four weeks of the pronouncement of the order and the said affidavit has been filed by respondent No. 1. Mr. Makheeja, counsel for the DG (I&R) points out that this affidavit is not strictly in terms of the directions given by the Commission.

We are of the considered view that the directions contained in Paragraph 22 of the order dated 22nd April, 2009 needs to be made absolute and we direct accordingly.

The proceedings are closed.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

I.A. No. 108/2008
RTPE 53/2008

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

Rajiv Gupta **... Complainant**

Versus

Industrial Development Bank of India Ltd. **... Respondent**

Appearances : None for the Applicant/Complainant.

Shri Rohit Mehra, Representative of the Respondent.

ORAL ORDER
17th December, 2009

It is stated that the efforts for out of court settlement are being continued.

List the matter on **25th March, 2010.**

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 07/2008

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

**The Director General
(Investigation and Registration)**

.... Complainant

Versus

M/s. Liberty Shoes Ltd.

... Respondent

Appearances : Shri R.D. Makheeja, Advocate for the DG (I&R).

Dr. V.K. Aggarwal, Advocate for the Respondent.

ORAL ORDER

17th December, 2009

Learned counsel for the DG(I&R), Mr. Makheeja, wants time for the purpose of cross-examination of the witness of the respondent. The matter is, therefore, adjourned to **12th March, 2010**.

It is stated by Dr. Aggarwal, counsel for the respondent, that there are some typographical errors which he intends to correct. Permission is granted.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

I.A. No. 13/2009
RTPE 10/2009

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

Sai Baba Foundation

.... Complainant

Versus

**The Indian Broadcasting Foundation
and Anr.**

... Respondents

Appearances : None for the Parties.

ORAL ORDER

17th December, 2009

None appears for the complainant. Earlier the Monopolies and Restrictive Trade Practices Commission (in short 'the Commission') by order dated 6th March, 2009 had directed impleadment of Channel 9X. This has not been done. Apart from that, the case appears to be one relating to the alleged breach of contract. Such a dispute cannot be adjudicated under the Monopolies and Restrictive Trade Practices Act, 1969 (in short 'the Act'). In **Saurabh Prakash V/s. DLF Universal Ltd. (2007) 1 Supreme Court Cases 228**, it was inter-alia observed as follows :

“34. The power of the Commission to award compensation, therefore, is restricted to a case where loss or damage had been caused as a result of monopolistic or restrictive or unfair trade practice. It

has no jurisdiction where damage is claimed for mere breach of contract.”

In that view of the matter, these proceedings are dismissed.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

I.A. 19/2006
RTPE 53/2008

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

**Chamber of Glass Manufacturers
Assn. & Ors.**

.... Complainants

Versus

GAIL India Ltd. & Ors.

... Respondents

Appearances : None for the Parties.

ORAL ORDER
17th December, 2009

None appears for the complainants. The matter stands dismissed for non-prosecution.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RUTPE

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

.... Complainant

Versus

... Respondent

Appearances : Shri

ORAL ORDER

17th December, 2009

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RUTPE

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

.... Complainant

Versus

... Respondent

Appearances : Shri

ORAL ORDER

17th December, 2009

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RUTPE

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

.... Complainant

Versus

... Respondent

Appearances : Shri

ORAL ORDER

17th December, 2009

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RUTPE

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

.... Complainant

Versus

... Respondent

Appearances : Shri

ORAL ORDER

17th December, 2009

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member