

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

I.A. No. 32/2008

RTPE 16/2008

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

Sheela Dutta & Anr.

... Complainants

Versus

**Dalmia Resorts International
(P) Ltd. & Anr.**

... Respondents

Appearances : Shri Lalit Trakru, Advocate for the Complainants.

Ms. Neelam Gupta, Advocate for the Respondents.

ORAL ORDER

18th November, 2009

Let the main matter i.e. RTPE 16/2008 and application under Section 12-A of the Monopolies and Restrictive Trade Practices Act, 1969 be taken up together as agreed by the learned counsel for the parties.

List the matter on **17th February, 2010** for final arguments.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 26/2007

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

G.N.B. Brothers Pvt. Ltd. ... Complainant

Versus

Northern Textile Processors & Anr. ... Respondents

**Appearances : Shri Shantam Singh, Proxy counsel for the
Complainant.**

ORAL ORDER

18th November, 2009

There is a prayer from the counsel for the complainant for substituted service so far as respondent No. 2 is concerned. Prayer is allowed. Let the needful be done within ten days.

List the matter on **24th February, 2010.**

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

I.A. No. 44/2008
RTPE 29/2008

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

Anu Dhingra ... **Complainant**

Versus

Ansal Housing & Construction Ltd. ... **Respondent**

Appearances : **Shri Anubhav Mehrotra, Advocate for the**
Complainant.

Shri P.K. Mittal, Advocate for the Respondent.

ORAL ORDER

18th November, 2009

It is stated that the talks of out of court settlement are still
going on.

List this matter on **9th February, 2010.**

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 119/2000

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

ABNA & Ors. ... Complainants

Versus

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

Appearances : The Complainant in person.

ORAL ORDER

18th November, 2009

The complainant in person prays for some more time to study further so far as the application to recall the order of review is concerned.

List the matter on **26th November, 2009.**

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 101/2000

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

Hero Motors ... Respondent

Appearances : Shri R.D. Makheeja, counsel for D.G.(I&R).

ORAL ORDER

18th November, 2009

Heard learned counsel for the D.G.(I&R).

There are essentially four issues involved in the present case.

The first three issues relate to the area of the proposed showroom, absence of clearance certificate and target plan. These issues have been adjudicated by the Monopolies and Restrictive Trade Practices Commission (in short 'the Commission') in the case of D.G. (I&R) Vs. Majestic Auto Limited in RTPE No. 141/1997. It is the stand of the respondent i.e. Hero Motors, that the issues involved in the aforesaid RTPE No. 141/1997 decided on 21st December, 2001 are similar to those involved in the present case. In the affidavit filed by the respondent along with the revised application on behalf of the respondent on 3rd March, 2006, it has

been stated that the issues relating to the area of the proposed showroom and absence of clearance certificate have already been adjudicated in favour of the respondent by the Commission. So far as the third issue i.e. the Target Plan, is concerned, it has been stated that the same has been amended/ revised in terms of the earlier orders of the Commission. It has been stated that so far as the third issue is concerned, the Commission in the earlier order held that it is true that there is no tying arrangements in the aforesaid clause. However, requiring the dealers to lift the specific minimum quantity of goods unrelated to the market conditions would certainly affect the dealers with lower financial capacity against the others having higher financial resources. This would certainly lead to distortion of market and as such is restrictive in nature. The respondent has stated that in the light of the said observations, the target plan has been fixed taking into consideration various factors relating to market conditions and the market potentials. Target Plans are being fixed only after making careful and thorough study of the market condition prevailing at a particular place and at particular time.

So far as the fourth issue i.e. differential incentives/discounts, is concerned, the respondent has stated that they have never been engaged in the practice of differential incentives/discounts on a continuing basis. It has been pointed out that only in the year 1995-96, the respondent had offered some differential incentives/discounts to some of its dealers. It is stated that the practice has never been a continuing process and it was implemented only for a short span of one year. The respondent

thereafter desisted itself from such a practice. In view of the above statement, no further directions are necessary so far as the fourth issue is concerned.

Above being the position, the proceedings in the present case are closed. Notice of Enquiry stands discharged accordingly.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 18/2001

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

V.K. Dheer ... **Complainant**

Versus

Ansal Housing & Construction Ltd. & Anr. ... **Respondents**

Appearances : Shri Gaurav Puri and Shri Aniket Gautam,
Advocates for the Complainant.

Shri P.K. Mittal, Advocate for the Respondents.

ORAL ORDER

18th November, 2009

Cross-examination is deferred as the learned counsel for the parties are stating that they would explore the possibility of an out of court settlement.

List the matter on **17th February, 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) [the DG]**

... 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

18th November, 2009

List this matter on **18th December, 2009.**

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

R.A. No. 3/2009

RTPE 42/1997

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

Shri Krishan Parihar ... **Complainant**

Versus

Rajasthan Housing Board ... **Respondent**

Appearances : Shri B.C. Parakh, Advocate for the Complainant.

None for the Respondent.

ORAL ORDER

18th November, 2009

In the order dated 10th October, 2006, there is a reference of the specific affidavit filed by the respondent on 16.01.2006. Let the office place this affidavit on record.

List this matter on **27th November, 2009.**

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 68/1998

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

Dr. Ashok Aggarwal ... **Complainant**

Versus

NOIDA ... **Respondent**

Appearances : **Shri K.K. Shukla, Proxy Counsel for the**
Complainant.

ORAL ORDER

18th November, 2009

Learned counsel for the complainant states that he is not fully prepared and prays for an adjournment.

List this matter on **30th November, 2009.**

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 166/1996

CORAM

Dr. Justice Arijit Pasayat
Chairman

Shri Rahul Sarin
Member

Ms. Pravin Tripathi
Member

In the matter of :

Chetan Metal Ltd. ... Complainant

Versus

Himanshu Engg. Works ... Respondent

Appearances : Shri B.C. Parakh, Counsel for the Complainant.

**Shri A.P. Singh with Ms. Gurjinder Kaur, Counsel for
the Respondent.**

ORAL ORDER

18th November, 2009

List this matter on **12th January, 2010.**

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

two orders as noted in the order dated 12th March, 2001, the orders have been violated inasmuch as the subject-matter in question i.e. Flats Nos. G-9 and G-10 have been re-numbered as G-12 and subsequently G-12A and Flats Nos. B-1 and B-2 have also been put to some other use and used for some other purpose. The stand of the respondent is that there is no violation.

It is noticed that pursuant to the order of the Supreme Court, a Commissioner was appointed. Shri H.P. Sharma, a retired Member of Delhi Higher Judicial Services is functioning as a Court Commissioner in matters relating to Skipper Tower (P) Ltd. Shri H.P. Sharma is directed to enquire and file an affidavit indicating as to whether the stand of the complainants that there has been violation of the orders of the Commission dated 23rd September, 1999 and 1st December, 1999 is correct or otherwise.

Shri Lalit Trakru, states that he is assisting the Court Commissioner in the matters which are before the Hon'ble Supreme Court. Let him also assist Shri H.P. Sharma in the enquiry and filing of the affidavit after verification of the factual position, with regard to the aforesaid flats bearing Nos. G-9 & G-10 and B-1 & B-2. It needs to be noted here, according to Shri O.P. Dua, Senior Advocate, that the flats Nos. G-9 and G-10 were re-numbered on consolidation as G-12 and later on again changed to G-12A. Let the affidavit by the Commissioner be filed by 8th February, 2010.

List this matter on **16th February, 2010.**

A copy of the order be communicated to Shri H.P. Sharma through
Shri Lalit Trakru.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

