

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

30(119)UTPE/2008

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Girdharilal Aggarwal

...Applicant/Complainant

Vs.

Reliance Communications (P) Ltd.

...Respondent

Appearances : None

Oral Order

19th February 2010

None appears for the applicant. The application is dismissed
for non-prosecution.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

30(133)UTPE/2008

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

M/s Seth Harnam Dass Sadhu Ram ...Applicant/Complainant

Vs.

M/s United India Insurance Co. Ltd. ...Respondent

Appearances : None

Oral Order
19th February 2010

Notice be issued to the complainant. The matter be listed on 5th
May 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 13/2009

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Mr. Deepak Kumar Gupta ...Applicant/Complainant

Vs.

**M/s GTM Builders & Promotoers Pvt.
Ltd. ...Respondent**

Appearances : Shri Vinay Gupta, Advocate for the complainant

Shri Yeeshu Jain, Advocate for the respondent

Oral Order

19th February 2010

Heard the learned counsels for the parties. Considering the factual scenario of the case we feel that interest of justice would be served if the respondent pays a sum of Rs. 15.5 lacs to the complainant within a period of two months from today. The amount is inclusive of the deposit made and the interest that would have accrued at the current rate of bank interest. Within ten days of making the payment, respondent shall file an affidavit indicating the

compliance of the present order. The application is disposed of accordingly.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 19/2009

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

DG(I&R) ...Applicant/Complainant

Vs.

M/s Berkeley Automobiles Ltd.
& Anr. ...Respondent

Appearances : ADG for the DG

Shri C.M.Sharma, Advocate for the respondent

Oral Order
19th February 2010

R-2's reply shall be filed within four weeks and copy be
supplied to other party.

List on 4th May 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RA 06/2007 in
CA 192/2000

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

M/s Remica Plastic Machinery Mfrs. ...Applicant/Complainant
Vs.

M/s K.K.Industries **...Respondent**

Appearances : None for the applicant

Shri Jatin Zaveri, Advocate for the respondent

Oral Order
19th February 2010

List on 5th May 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RA
CA 54/2002

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Hailey Buriya Tea Estate Ltd. ...Applicant/Complainant

Vs.

M/s Syngenta India Ltd. & Ors. ...Respondent

Appearances : Shri U.N.Shukla, Advocate for the applicant

Shri S.Kumar, Advocate for R-1

Oral Order
19th February 2010

Issue Notice to Novartis India Limited to respond to the application.

List on 5th May 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 40/2003

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

K.K.Lakhanpal **...Applicant/Complainant**

Vs.

Vishal Properties(P) Ltd. **...Respondent**

Appearances : Shri Rajesh Kumar, Advocate for the
complainant

Shri Mahinder Singh, Advocate for R-1

Oral Order

19th February 2010

As requested on behalf of R-1, list this matter on 6th May 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

they have discontinued the practice, nothing further survives to be done in this petition.

The application is disposed of accordingly.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 28/2002

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

M/s Sudarshan **...Applicant/Complainant**

Vs.

Shalu Associates & Ors. **...Respondent**

Appearances : **Shri O.P.Bahri, Authorized Representative of the applicant**

Shri Mohinder Singh with Ms. Diksha Ahuja,
Advocate for R-1

Shri Atul Sharma, Advocate for R-2, 5 & 8

Oral Order

19th February 2010

Heard the complainant appearing in person and learned counsels for R-1, 2, 5 & 8. The matter in controversy lies in narrow compass. According to the complainant, money was paid to R-1 and the same was really meant for Indusind Media & Communications Ltd. (In short "IMCL"). Admittedly, there is no agreement between the complainant and IMCL. Similar is the position between complainant and R-1 (Shalu Associates). The undisputed position however, is that Shalu Associates received a sum of Rs. 50,000/-. According to Shalu Associates, this amount was received by cheque and the amount in turn was paid to M/s Kay Electronics which was to supply the cable. It is stated that M/s Kay Electronics lay down the

cable upto Sarita Vihar. Thereafter dispute arose between M/s Kay Electronics and IMCL and there was a decree passed in a suit filed by M/s Kay Electronics. That decree, it is stated, has been satisfied. The Respondent No. 1, 2, 5 & 8 point out that IMCL is not a party in these proceedings.

However, the undisputed fact remains that a sum of Rs. 50,000/- was received by R-1 which has been paid to M/s Kay Electronics. Learned Counsel appearing for R-1 (Shalu Associates) stated that though it has really no legal obligation but to avoid any dispute and as a fair gesture in the case which is pending for nearly eight years, R-1 is willing to pay Rs. 50,000/- along with interest @ 10% per annum from the date of deposit to the claimant.

We find the submission made by R-1 to be fair. Accordingly, we direct that a sum of Rs. 50,000/- with an interest @ 10% per annum from the date of deposit be paid to the complainant within a period of two months and file an affidavit indicating that the payment have been made within a period of 10 days after making the payment.

The petition is disposed of accordingly.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 23/2002

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Gemini Continental (P) Ltd. ...Applicant/Complainant

Vs.

Kerloskar Mcquary (P) Ltd. ...Respondent

Appearances : Ms. A.Fatima, Advocate for the complainant

Shri Ashish Wad with Shri Chirag S.Dave,
Advocates for the respondent

Oral Order

19th February 2010

Considering the fact that the respondent's witness could not appear on the date fixed, its right to lead oral evidence was closed. Taking note of the submissions made on behalf of the respondent to justify the non-appearance, we subside the Order dated 29th April 2009 subject to payment of Rs. 5,000/- as cost to the applicant to be paid within two weeks from today.

The matter shall be listed on the 4th May 2010 before which date the receipt showing payment of the cost shall be filed. If the cost

shall not be paid within the stipulated time, this order shall not be operative and the order dated 29th April 2009 shall become operative.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 159/2000

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Anil Gupta **...Applicant/Complainant**

Vs.

Mercedes Benz (I) Pvt. Ltd. **...Respondent**

Appearances : **Shri Sudhir K.Makkar, Advocate for the**
applicant

Shri Harish Sandhu, Advocate for the
respondent

Oral Order

19th February 2010

At the request of learned counsel for the respondent, list this
matter on 4th May 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 144/2000

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Dr. Maya Pathak **...Applicant/Complainant**

Vs.

Sterling Holidays Resorts and Anr. **...Respondent**

Appearances : Shri A.N.Gupta, A/R of the applicant

Shri A.Acharjee, Advocate for the respondent

Oral Order

19th February 2010

As prayed by the learned counsel for the respondent, list this matter on 4th May 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 197/2000

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :
Abha Jain

...Applicant/Complainant

Vs.

Sterling Holidays Resorts (I) Ltd.

...Respondent

Appearances : Shri Manoj K.Mishra, Advocate for the applicant

Shri A.Acharjee, Advocate for the respondent

Oral Order

19th February 2010

As prayed by the learned counsel for the respondent, list this
matter on 4th May 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 128/1992

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

DG(I&R) ...Applicant/Complainant

Vs.

Buroughs Wellcome (I) Ltd. ...Respondent

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

Shri Aditya Narain, Advocate for the respondent

Oral Order

19th February 2010

The affidavit as directed earlier shall be filed in the course of the day. Copy be supplied to Shri Makheeja, Advocate for the DG.

List this matter on 12th May 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 60/2001

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

DG(I&R) ...Applicant/Complainant

Vs.

Coca Cola Company & Ors. ...Respondent

Appearances : **Shri V.K.Mehta, Advocate for the DG**
Dr. Nigam, Advocate for Informant

Shri Aditya Narain, Advocate for the respondent

Oral Order

19th February 2010

Cross-examination of AW-1 is closed. The respondent shall file their affidavit of evidence within four weeks. The admission/denial of the documents, if any, shall be conducted on the 1st April 2010.

The matter shall be listed on 19th May 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 26/2003

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Vikas Goel **...Applicant/Complainant**

Vs.

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

Appearances : Shri J.M.Kalia, Advocate for the complainant

Shri Rajesh Raina, Advocate for the respondent

Oral Order

19th February 2010

List this matter on 14th May 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 27/2003

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Anju Bala **...Applicant/Complainant**

Vs.

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

Appearances : Shri J.M.Kalia, Advocate for the complainant

Shri Rajesh Raina, Advocate for the respondent

Oral Order

19th February 2010

List this matter on 14th May 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 08/2001

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

SK Khosla **...Applicant/Complainant**

Vs.

Haryana Urban Development
Authority **...Respondent**

Appearances : Shri R.Ratti, A/R of the complainant

Shri Sanjay Singh, Advocate for the respondent

Oral Order
19th February 2010

List on 14th May 2010 so that the witness can be produced for
cross-examination.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 35/2003

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Shri Atul Kumar **...Applicant/Complainant**

Vs.

Apollo Land & Housing Co. Ltd.
& Anr. **...Respondent**

Appearances : Ms. Archana Lakhotia, Advocate for the complainant

Shri S.Dev, Advocate for the respondent

Oral Order

19th February 2010

List this matter on 5th May 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 14/2003

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Ravi Luthra **...Applicant/Complainant**

Vs.

Citi Bank & Anr. **...Respondent**

Appearances : **Shri Neeraj Grover, Advocate for the**
complainant

Shri Neeraj Sharma, Advocate for the
respondent

Oral Order

19th February 2010

List this matter on 17th May 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 38/2003

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

V.K.Nijhawan **...Applicant/Complainant**

Vs.

Vishal Properties (P) Ltd. **...Respondent**

Appearances : Shri Brig. V.K.Nijhawan, Complainant in person

**Shri Jeet Singh Thapa, Advocate for the
respondent**

Oral Order

19th February 2010

List this matter on 18th May 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 30/2002

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Sunil Kumar Dass

...Applicant/Complainant

Vs.

Govt. of U.P. & Ors.

...Respondent

Appearances : None

Oral Order

19th February 2010

None appears for the applicant. The petition is of the year 2002
which is dismissed for non-prosecution.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 150/2000

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

Swarna Devi **...Applicant/Complainant**

Vs.

BSES Yamuna Power Ltd. **...Respondent**

Appearances : Shri Ramesh Prasad Yadav, Advocate for the
applicant

None for the respondent

Oral Order

19th February 2010

List on 5th May 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 70/2000

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Smt. Pravin Tripathi,
Member

In the matter of :

DG(I&R)

...Applicant/Complainant

Vs.

Advertising Standard Council of
India

...Respondent

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

None for the respondent

Oral Order

19th February 2010

List on 14th May 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 60/2001

19th February, 2010

**Further Cross- examination of Shri Kanti Prasad Parasrampuria
by Shri Aditya Narain, Advocate for the respondent**

ON OATH :

The Bottlers Agreement has not come to an end by the passage of time or it was terminated. Though I have signed four consent terms they were under duress, I don't have the copy of the order passed by the Bombay High Court on the consent terms referred to above. I have given the documents to my lawyer who may be having copies. I have signed Asset Purchase Agreement. I have received about 20 crores in respect of the Asset Purchase Agreement (APA). It is not a fact that I was not producing beverages of the quality prescribed by Coca Cola Company. I have not received any monthly report from Coca Cola Company or any letters indicating the poor quality of the products. I am not presently in any bottling business.

Cross-examination of AW-1 is closed.

R.O.A.C.

19.02.2010

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

