



**COMPETITION APPELLATE TRIBUNAL**  
**NEW DELHI**

**RTPE 09/2008**

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

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

**In the matter of :**

**DG(I&R)**

**...Applicant**

**Vs.**

**Dev Motors Pvt. Ltd. & Ors.**

**...Respondent**

**Appearances : ADG for the DG**

**Shri Aditya Narain, Advocate for R-2**  
**Ms. Shweta Mishra, Advocate for R-3**

**Oral Order**

**19<sup>th</sup> November 2009**

In view of the settlement arrived at between the parties, the proceedings are closed. Notice of Enquiry is discharged.

The learned counsel for the DG(I&R) stated that if any complaint of similar nature is received, the DG may be given the liberty for seeking revival of the proceedings. Liberty is granted.

**( Dr. Justice Arijit Pasayat )**  
**Chairman**

**( Pravin Tripathi )**  
**Member**

**COMPETITION APPELLATE TRIBUNAL**  
**NEW DELHI**

**Contempt Appln. 02/2009**  
**RTPE 135/1996**

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

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

**In the matter of :**

**Neena Dixit Thomas**

**...Applicant**

**Vs.**

**Ravinder Sabharwal & Ors.**

**...Respondent**

**Appearances : Applicant in person**

**Shri A.Chakraborty with Ms. N.Gaur, Advocate**  
**for the respondent**

**Oral Order**

**19<sup>th</sup> November 2009**

We have heard the complainant who is present in person and the learned counsel for the respondent. Learned counsel for the respondent stated that there is still scope for a settlement.

List both the Contempt Application and the main application on the 22<sup>nd</sup> February 2010.

**( Dr. Justice Arijit Pasayat )**  
**Chairman**

**( Pravin Tripathi )**  
**Member**



**COMPETITION APPELLATE TRIBUNAL**  
**NEW DELHI**

**RTPE 08/2006**

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

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

**In the matter of :**

**Kuoni Travels (I) Pvt. Ltd.**

**...Applicant**

**Vs.**

**Cox & Kings (I) Pvt. Ltd.**

**...Respondent**

**Appearances :**

**Oral Order**

**19<sup>th</sup> November 2009**

List this matter on 23<sup>rd</sup> November 2009 as prayed for by the learned counsel for the complainant.

**( Dr. Justice Arijit Pasayat )**  
**Chairman**

**( Pravin Tripathi )**  
**Member**

**COMPETITION APPELLATE TRIBUNAL**  
**NEW DELHI**

**RTPE 48/1986**

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

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

**In the matter of :**

**DG(I&R)**

**...Applicant**

**Vs.**

**Delhi Hindustan Marcantile**  
**Association**

**...Respondent**

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

**Dr. V.K.Aggarwal, Advocate for the respondent**

**Oral Order**

**19<sup>th</sup> November 2009**

Heard learned counsel for the DG(I&R) and Dr. V.K.Aggarwal, counsel for the respondent. It is the stand of the respondent that there has been amendments of the bye-laws and a copy has been sent to the Registrar of Trade Union by letter dated 11<sup>th</sup> September 2007 for affecting necessary changes. Shri Makheeja, Advocate for the DG(I&R) submitted that as per the information available, the Registrar of Trade Union has not yet acted on the prayer for amendment of bye-laws as contended by the respondent.

In view of the limited nature of the controversy, we dispose of the present proceedings with a direction that no action in terms of the

bye-laws which are sought to be amended shall be taken by the respondent association.

The Notice of Enquiry is discharged. This order will operate irrespective of the fact as to whether the Registrar of Trade Union accepts the prayer for amendment of the bye-laws or not.

**( Dr. Justice Arijit Pasayat )**  
**Chairman**

**( Pravin Tripathi )**  
**Member**

**COMPETITION APPELLATE TRIBUNAL**  
**NEW DELHI**

**RTPE 179/1997**

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

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

**In the matter of :**

**RK Channan & anr.**

**...Applicant**

**Vs.**

**Subhash Jewellers & Ors.**

**...Respondent**

**Appearances : Shri Kamal Gupta, Advocate for the complainant**

**Shri Yogesh Chhabra, Advocate for the  
respondent**

**Oral Order**

**19<sup>th</sup> November 2009**

List this matter on 24<sup>th</sup> November 2010. On that date the record of RTPE 223/1996 which has been disposed of shall be placed.

**( Dr. Justice Arijit Pasayat )**  
**Chairman**

**( Pravin Tripathi )**  
**Member**



**COMPETITION APPELLATE TRIBUNAL**  
**NEW DELHI**

**UTPE**

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

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

**In the matter of :**

**...Applicant**

**Vs.**

**...Respondent**

**Appearances :**

**Oral Order**  
**19<sup>th</sup> November 2009**

**( Dr. Justice Arijit Pasayat )**  
**Chairman**

**( Pravin Tripathi )**  
**Member**

**COMPETITION APPELLATE TRIBUNAL**  
**NEW DELHI**

**UTPE**

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

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

**In the matter of :**

**...Applicant**

**Vs.**

**...Respondent**

**Appearances :**

**Oral Order**  
**19<sup>th</sup> November 2009**

**( Dr. Justice Arijit Pasayat )**  
**Chairman**

**( Pravin Tripathi )**  
**Member**

**COMPETITION APPELLATE TRIBUNAL**  
**NEW DELHI**

**RTPE 15/2004**  
**19<sup>th</sup> November 2009**

**Statement of Shri V.K.Pathak S/o Shri Nageshwar Pathak, R/o 12,**  
**Zone-II, M.P.Nagar, Bhopal (MP)**

**ON OATH**

I have seen the affidavit dated 4<sup>th</sup> April 2008 which is sworn and signed by me. It is exhibited as AW-1/1.

**Cross-examination by Shri Anil K.Khaware, Advocate for the**  
**Respondent**

M/s Talent India Academy Ltd. is a limited company and I am a Director of the said company. There is a resolution of the company authorizing me to file this complaint. If time is granted, I will file the same before this Forum. (Three weeks' time is granted to bring the same on record). There was a Franchise Agreement wherein the respondent was the Franchiser and the complainant was the Franchisee. According to me, a dispute has arisen between parties over the same Franchise. Clause 23 of the Franchise Agreement provided for an Arbitration and that is there in the Arbitration Clause.

On 22<sup>nd</sup> August 2004, the Arbitration Clause was invoked by the respondent. But before that the complaint was filed before the Monopolies and Restrictive Trade Practices Commission (In short the "Commission"). Then witness says I am not very sure which is the date on which the Arbitration Clause was invoked.

I have no definite knowledge as to whether the Arbitration Clause was invoked on 22<sup>nd</sup> August 2004. We have not recognized the Arbitrator because he was connected with the respondent company. It is a fact that the person named as Arbitrator was the

named Arbitrator. I am not aware whether the Delhi High Court, on a motion being made by the respondent in OMP No. 152 of 2005 had directed the parties to submit the Arbitration. Because of a Notice given by the respondent that the Franchise no longer in existence as of today the Franchise Agreement is not in existence. It is not correct that the Franchise Agreement was not terminated by Public Notice given by the respondent. It is not a fact that the Franchise Agreement was terminated by the Claimant and/or that a statement to that effect was made before the Delhi High Court in the afore noted OMP. It is not a fact that the complainant had published any article or advertisement in any newspaper in Bhopal defaming the respondent. I am not aware whether the Hon'ble Delhi High Court has finally injuncted the complainant from further defaming the respondent in any CSOS. We are not claiming to be a consumer viz-a-viz FIIT JEE Ltd., is the respondent. The complainant has never stated that there was any scope for competition between the Franchiser and the Franchisee. Though it is a fact that we did not act on the clauses which were impugned before the Commission, we had good and sufficient reason for doing so. The complainant has not started any institution called Alchemy. The complainant has no relation with Alchemy. It is not a fact that the complainant had violated any terms of Franchise Agreement and/or that it had admitted students by receiving money. It is not a fact that in the audit conducted by the respondent, of the accounts of the complainant, there was an instance of manipulation of records. I am aware that the four complaints were filed by different Franchisers before the Commission. I am aware that one of the complaints had been settled

between the parties and another one, for some reason, the complainant is not pursuing the complaint. It is not a fact that present proceedings have been initiated as action blast to the arbitration proceedings. It is not a fact that I have deposed falsely.

**( Dr. Justice Arijit Pasayat )  
Chairman**

**( Pravin Tripathi )  
Member**

**RO&AC**