



**COMPETITION APPELLATE TRIBUNAL**

**UTPE No. 44/2007**

**CORAM**

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

**Hon'ble Mr. Rahul Sarin,  
Member**

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

**IN THE MATTER OF**

D.G. [ I & R ]

...Complainant

*Versus*

Vodaphone Essar Mobiles Co.  
& another

...Respondents

**Appearances:** Mr. C. Shanmugam, DDG for the D.G. [ I & R ]  
Mr. Ajit Kumar Singh, Advocate for the respondent

**ORAL ORDER**  
19-08-2010

Representative of the D.G. [ I & R ] states that no rejoinder needs to be filed. As the proceedings are complete, the following issues are framed :-

- 1) Whether any unfair trade practice has been established, as alleged?
- 2) If the answer to the first question is in the affirmative, whether it is prejudicial to the public interest?

Affidavit of evidence of the complainant shall be filed within four weeks. If any documents are filed, the admission/denial shall take place on 27<sup>th</sup> October, 2010. The matter shall be listed on 15<sup>th</sup> November, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 82/2008**

**CORAM**

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

**Hon'ble Mr. Rahul Sarin,  
Member**

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

**IN THE MATTER OF**

Dr. Archana Aggarwal

...Applicant

*Versus*

Wipro GE Medical System Pvt.  
Limited & others

...Respondents

**Appearances:** None for the Applicant  
Mr. Sumit Singh Benipal, Advocate for the  
respondent

**ORAL ORDER**  
19-08-2010

The matter shall be listed on 15<sup>th</sup> November, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**UTPE No. 97/2008**

**CORAM**

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

**Hon'ble Mr. Rahul Sarin,  
Member**

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

**IN THE MATTER OF**

Lt. Col. (Retd.) Mohan Mamtani ...Complainant

*Versus*

M/s. Narne Construction Pvt. Ltd. ...Respondent

**Appearances:** Complainant in person  
Mr. Bhagabati Prasad, Advocate for R-1

**ORAL ORDER**  
19-08-2010

Admission/denial, in respect of the further documents filed by the complainant, shall be done on 25<sup>th</sup> October, 2010. The matter shall be listed on 15<sup>th</sup> November, 2010.

The reply to the Notice of Enquiry shall be filed during the course of the day, as undertaken. If it is not filed, the same shall not be taken on record.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**UTPE No. 104/2001**

**CORAM**

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

**Hon'ble Mr. Rahul Sarin,  
Member**

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

**IN THE MATTER OF**

Kamlesh & others    ...Complainants

*Versus*

NOIDA    ...Respondent

**Appearances:**    Mr. Uchit Bhandari, Advocate for the Complainants  
                                  Mr. Ravinder Kumar, Advocate for the respondent

**ORAL ORDER**  
**19-08-2010**

We have heard at length the learned counsel for the complainants. We had asked him earlier to specify which provision of Section 36-A of the Monopolies & Restrictive Trade Practices Act, 1969 (in short the "Act") covers his case. He refers to Section 36A(1)(vi) of the Act. The said provision reads as follows:-

"36-A Definition of Unfair trade practice – In this Part, unless the context otherwise requires, "unfair trade practice" means a trade practice which, for the purpose of promoting the sale, use or supply of any goods or for the provision of any services [adopts any unfair method or unfair or deceptive practice including any of the following practices]; namely –

- (1) the practice of making any statement, whether orally or in writing or by visible representation which, -

xxx

xxx

xxx

- (vi) makes a false or misleading representation concerning the need for, or the usefulness of, any goods or services;"

The basic case of the complainant is that the District Magistrate who had undertaken the process of verification to find out which persons were operating in the concerned place had given the report, which according to him was of 12 pages. In the reply filed by the respondent, the entire documents running into 12 pages have been filed. The stress of the learned counsel for the applicant was that the list should have been of 12 pages. On reading of a letter of the District Magistrate, we do not find any substance in the plea. As a matter of fact a list of vegetable vendors has been given. It contains 19 names and the names of the applicants do not find place in that list. There are separate lists made for different types of vendors e.g. vegetable vendors, fruit vendors and meat vendors etc. Therefore, the stand of the complainants that there were other lists of vendors annexed by the District Magistrate has no substance. In any event, clause referred to by the learned counsel for the complainant does not apply to this case, as prayer was for a direction to the Authority to give him Tender Form so that he can participate. In the present proceedings such direction cannot be given. On the contrary allegations in the petition do not refer to any of the infractions enumerated in Section 36A of the Act. It only speaks of alleged faulty working style of the respondent. That being so, this petition is without substance and is dismissed.

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

**[Rahul Sarin]**  
**Member**

**[Pravin Tripathi]**  
**Member**

**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 101/2006**

**CORAM**

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

**Hon'ble Mr. Rahul Sarin,  
Member**

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

**IN THE MATTER OF**

D.G. [ I & R ]

...Complainant

*Versus*

The Managing Director,  
Delhi Financial Corporation

...Respondent

**Appearances:** Mr. C. Shanmugam, DDG for the D.G. [ I & R ]  
None for the respondent

**ORAL ORDER**  
19-08-2010

Heard the representative of the D.G. [ I & R ]. The basic dispute is whether the property can be auctioned. Such a question cannot be examined under the provisions of Monopolies & Restrictive Trade practices Act, 1969 (in short the "Act"). The compensation application is, therefore, dismissed.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 11/2008**

**CORAM**

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

**Hon'ble Mr. Rahul Sarin,  
Member**

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

**IN THE MATTER OF**

Keshav Kumar Singhal .....Applicant

*Versus*

AJS Builders Pvt. Ltd. ....Respondent

**Appearances:** Mr. S. K. Jha, Advocate for the Applicant  
None for the respondent

**ORAL ORDER**  
19-08-2010

Heard the learned counsel for the applicant. None appears for the respondent. On 3-11-2008, the respondent was set ex-parte and the notice issued was received with an endorsement "refused". On the next date of hearing, learned counsel for the respondent states that he would file an application to recall that order and that was not filed and finally on 14.05.2009, the Monopolies & 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 a cost of Rs.1000/- was to be paid. It is stated that the cost has not been paid. However, on 4<sup>th</sup> September, 2009, the Commission was informed that the applicant proposes to file an application for withdrawing the compensation application. Time was granted till 6.11.2009 to file an application. Today learned counsel for the applicant states that the applicant does not want to withdraw his



Compensation Application. Though the application for setting aside the order was filed on 14.05.2010, no one appears to press that application when the matter was taken up today. That being so, the application for setting aside ex-parte order is rejected. The matter is now listed for framing of issues on 16.11.2010.

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

**[Rahul Sarin]**  
**Member**

**[Pravin Tripathi]**  
**Member**

**COMPETITION APPELLATE TRIBUNAL**

**UTPE No. 43/2007**

**CORAM**

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

**Hon'ble Mr. Rahul Sarin,  
Member**

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

**IN THE MATTER OF**

Hema Mehta

...Complainant

*Versus*

Greater NOIDA Industrial  
Development Authority

...Respondent

**Appearances:** Mr. Rajiv Sharma with Ms. Shipra Shukla,  
Advocates for the Complainant  
Mr. Ravinder Kumar, Advocate for the respondent

**ORAL ORDER**  
19-08-2010

The affidavit of evidence shall be filed within three weeks. If the same is filed along with documents, admission/denial of the documents shall take place on 25.10.2010 and the matter shall be listed on 15.11.2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**RTPE No. 76/2000**

**CORAM**

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

**Hon'ble Mr. Rahul Sarin,  
Member**

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

**IN THE MATTER OF**

Ashok Kumar Tiwari ...Complainant

*Versus*

Shakti Bhog Foods Ltd. ...Respondent

**Appearances:** Mr. A. S. Rana, proxy counsel for Mr. A.S.  
Kulshreshtha, Advocate for the Complainant

Mr. P.N. Sharma, Advocate for the respondent

**ORAL ORDER**

19-08-2010

At the request of the respondent, the matter is adjourned to  
16.11.2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**UTPE No. 58/2008**

**CORAM**

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

**Hon'ble Mr. Rahul Sarin,  
Member**

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

**IN THE MATTER OF**

D.G. [ I & R ] ...Complainant

*Versus*

M/s. City Finance Consumer  
Finance India Ltd. ...Respondent

**Appearances:** Mr. C. Shanmugam, DDG for the D.G. [ I & R ]  
Ms. Archana Lakhotia, Advocate for the respondent

**ORAL ORDER**  
19-08-2010

The matter shall be listed on 11.11.2010 for the purpose of cross-examination of the DG's witness.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**