

COMPETITION APPELLATE TRIBNAL

No. 30(147)UTPE/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

Jai Mata Ki TradersComplainant

Versus

M/s. Solon Biscuits India Pvt. Ltd. ...Respondent

Appearances: None

ORAL ORDER

22-02-2010

None appears for the complainant. The petition is dismissed
for non-prosecution.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

RTPE No. 50/2008

C.A. No. 84/1997

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. K. KhannaComplainant

Versus

M/s. Sanofi Aventies Pharma Ltd. ...Respondent

Appearances: Mr. A.K. Mehta, Advocate for the Complainant
Ms. Sharaddha Bhargava, Advocate for the
respondent

ORAL ORDER

22-02-2010

List the matter on 13th May, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

RTPE No. 02/1999

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Vinod GoelComplainant

Versus

Ghaziabad Development Authority ...Respondent

Appearances: Mr. Suresh Bharti, Advocate for the Complainant
None for the respondent

ORAL ORDER
22-02-2010

List the matter on 12th May, 2010.

Later on, Ms. Reena Singh, Advocate for the respondent
appeared and noted the next date of listing.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

UTPE No. 08/2004
C.A. No. 62/2004

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

R. K. RastogiComplainant

Versus

Polki Garments & Freelook & anr. ...Respondents

Appearances: Mrs Sunita Rastogi, Complainant in person
Mr. Dinesh Agnani, Advocate for the respondent

ORAL ORDER
22-02-2010

List this matter on 13th May, 2010.

The parties shall explore the possibility for an out of Court
settlement.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

R.A. No. 06/2009

C.A. No. 317/2000

CORAM

Hon'ble Dr. Justice Arijit Pasayat

Chairman

Hon'ble Mr. Rahul Sarin

Member

Hon'ble Ms. Pravin Tripathi

Member

IN THE MATTER OF

Berry Insulating Tope Co.

....Complainant

Versus

R.P. Coating (P) Ltd.

...Respondent

Appearances: Mr. Jagdish Kumar, A/R for the Complainant
Mr. Thomas Joseph, Advocate for the respondent

ORAL ORDER

22-02-2010

Heard the applicant who appears in person and the learned counsel for the respondent. In view of the conclusions of the Monopolies & Restrictive Trade Practices Commission (in short the "Commission") particularly in paragraphs 21 and 22 of the order dated 8th September, 2008, we find no reason to accept the prayer for review. It has been categorically noted in paragraph 22 by the Commission that the witness Mr. Paresh Ahluwalia was not cross-examined by the applicant on the relevant particular paragraph of the affidavit of evidence of the witness. That being so, his evidence and statements went un-rebutted. There is no scope for review as prayed for. The application is rejected.

It is stated that the ultimate directions of the Commission have been complied with and requisite amount has already been paid by cheque which has been encashed by the applicant.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

C.A. No. 85/2002

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Quality of IndiaApplicant

Versus

Philips Electronics India Ltd. ...Respondent

Appearances: Mr. U.N. Shukla, Advocate for the Applicant
Ms. Mukta Dutta, Advocate for the respondent

ORAL ORDER
22-02-2010

At the request of the applicant, the matter is adjourned to
19th May, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

Contempt No. 05/2008 in
C.A. No. 251/2000

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Jani Dhingra & Ors.Complainants

Versus

M/s. Sterling Holidays Resorts
(India) Ltd. & Ors. ...Respondents

Appearances: None for the Complainant
Mr. Amitava Acharjee, Advocate for the respondent

ORAL ORDER
22-02-2010

It is stated that the matter has been settled out of Court and an undertaking of Captain H. Dhingra has been filed. In view of this nothing further to be done and the Contempt Proceedings is closed.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

UTPE No. 89/2000

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Bitherkad Industrial Co-operative
Tea Factory Ltd.Complainant

Versus

Bedi & Bedi Pvt. Ltd. & anr. ...Respondents

Appearances: None for the parties

ORAL ORDER
22-02-2010

None appears for the parties. This matter is of the year
2000. Therefore, the application is dismissed for non-prosecution.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 112/2002 to 129/2002

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

H.V. Chauhan	CA No. 112/2002
Himant Mande	CA No. 113/2002
Smt. Bhavna Bhatia & Ors.	CA No. 114/2002
Khursheed Ahmed Khan	CA No. 115/2002
Smt. Sushil Kumari	CA No. 116/2002
Sukhvir Singh	CA No. 117/2002
Shashi Aggarwal	CA No. 118/2002
Hotel Rajdoot (P) Ltd.	CA No. 119/2002
Nirmal Mehendale	CA No. 120/2002
Greesh Kumar Mathur	CA No. 121/2002
Hotel Rajdoot	CA No. 122/2002
B.P. Aggarwal	CA No. 123/2002
JS. Marwah	CA No. 124/2002
J.S. Marwah	CA No. 125/2002
B.P. Aggarwal	CA No. 126/2002
Sanjay Gulati	CA No. 127/2002
R.K. Malik & anr.	CA No. 128/2002
Sunil Gulati	CA No. 129/2002

....Complainant

Versus

Sri Ram Housing Finance &
Investment of India Ltd. & Ors.

...Respondents

Appearances: Mr. P. N. Gupta, A/R for the Complainant
Mr. Gopal Prasad, Advocate for the respondent

ORAL ORDER
22-02-2010

All these cases shall be listed on 11th March, 2010
along with connected cases for final arguments.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

UTPE No. 111/2001

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Sanjay SinghComplainant

Versus

Gillette India (P) Ltd. ...Respondent

Appearances: Mr. R. D. Makheeja, Advocate for the Complainant
Dr. V. K. Aggarwal, Advocate for the respondent

ORAL ORDER
22-02-2010

Complainant prays time for engaging another counsel. List
the matter on 19th May, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 22/2001

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Vinod KumarApplicant

Versus

Gillette India (P) Ltd. ...Respondent

Appearances: Mr. R. D. Makheeja, Advocate for the Applicant
Dr. V. K. Aggarwal, Advocate for the respondent

ORAL ORDER
22-02-2010

Complainant prays time for engaging another counsel. List
the matter on 19th May, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

UTPE No. 04/2004

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Rajesh SharmaComplainant

Versus

M/s. Rajendra Properties & Industries Ltd. ...Respondent

Appearances: Complainant in person
Mr. S.P. Singh, Advocate for the respondent

ORAL ORDER
22-02-2010

It is stated that because of some personal inconvenience learned counsel for the complainant does not appear today. List this matter on 19th May, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

Vasa, were guilty of dealing in fake and bogus shares and cheating the investing public at large. The High Court also observed that the market regulators had taken due steps in the matter of individual transactions and the remedy of the petitioner, who was aggrieved by the acts of the promoters of the company in question, as well as its Directors, would be in approaching the appropriate Court to initiate criminal prosecution against the offenders. Observing that it would not be appropriate to issue any blanket writ, as claimed by the Petitioner, when admittedly his case was restricted to dealing in shares of one of the companies listed at the Stock Exchange, the High Court summarily dismissed the writ petition. While doing so, the High Court also noted that no material had been produced by the petitioner for issuing directions for de-recognition of the BSE or to declare its Rules, Bye-laws and Regulations to be illegal, void and ultra virus.

25. Agreeing with the views expressed by the High Court, we are of the view that the Petitioner has not been able to make out any case of *malafides* or irregularity on the part of the Bombay Stock Exchange with regard to the listing and subsequent de-listing of the scrip of M/s. Presto Finance Ltd. and we are also of the view that the publication of the Rules and Bye-laws of the Stock Exchange was not intended in the Securities Contract (Regulation) Act, 1956, as otherwise some provision would have been made in the Act with regard to pre-recognition Rules and Bye-laws. While the Act provides for publication of amendments to the Rules and Bye-laws after grant of recognition, the Act is silent with regard to the publication of the pre-recognition Rules or Bye-laws which were already in existence and had been acted upon all along.”

In view of what stated in the order of the Hon'ble Supreme Court in the matter of Mahesh Ratilal (Supra), we find no merit in the case. The applications are disposed of accordingly.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

UTPE No. 75/1992

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

U.P. PetroleumComplainant

Versus

I. O. C. ...Respondent

Appearances: None for the Complainant
Ms. Roopali Singh, Advocate for the respondent

ORAL ORDER
22-02-2010

None appears for the complainant. The respondent is represented by the counsel. The application is dismissed for non-prosecution. It is to be noted that the matter is of the year 1992.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

UTPE. No. 104/2000

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

D. G. (I & R)

....Complainant

Versus

S.S.P. Limited

...Respondent

Appearances: Mr. R. D. Makheeja, Advocate for the DG (I&R)
None for the respondent

ORAL ORDER
22-02-2010

In view of the revised application of undertaking filed by the respondent, nothing survives in this matter. The undertaking shall be binding on the respondent. The petition is disposed of.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

UTPE. No. 116/2000

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Radhey Lal AgarwalComplainant

Versus

Meerut Development Authority ...Respondent

Appearances: None for the parties

ORAL ORDER

22-02-2010

None appears for the complainant. The matter is of the year 2000. Therefore, the petition is dismissed for non-prosecution.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

RTPE No. 235/1997

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Balram K. MahendraComplainant

Versus

Ansal Properties & Industries ...Respondent

Appearances: Mr. Aditya Narain, Advocate for the Complainant
Mr. Avtar Singh, Advocate for the respondent

ORAL ORDER
22-02-2010

It is stated that the paper-book/compilation has been filed by
the parties. Let them be placed on record.

List the matter on 4th May, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

UTPE No. 03/2004
C.A. No. 45/2006

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Ruchir Swarup & anr.Complainants

Versus

Ansal Properties Industries Ltd. & anr. ...Respondents

Appearances: Ms. Kiran Singh with Ms. S. Sengupta, Advocates
for the Complainant
Mr. Avtar Singh, Advocate for R-1
Ms. Roopali Singh, Advocate for R-2

ORAL ORDER
22-02-2010

A copy of the affidavit of evidence of RW2/1 has not been supplied to the learned counsel for R-1. The needful be done within two weeks.

List the matter on 4th May, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

UTPE No. 02/2004

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Ruchir SwarupComplainant

Versus

Ansal Properties Industries Ltd. & anr. ...Respondents

Appearances: Ms. Kiran Singh with Ms. S. Sengupta, Advocates
for the Complainant
Mr. Avtar Singh, Advocate for R-1
Ms. Roopali Singh, Advocate for R-2

ORAL ORDER
22-02-2010

A copy of the affidavit of evidence of RW2/1 has not been supplied to the learned counsel for R-1. The needful be done within two weeks.

List the matter on 4th May, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

RTPE. No. 35/2005

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

Fashion Design Council of India ...Respondent

Appearances: Mr. R. D. Makheeja, Advocate for the DG
Mr. R. Sudhinder, Advocate for the respondent

ORAL ORDER
22-02-2010

List the matter on 19th May, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 270/2000

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Anil Kumar Dhaniwala & anr.Applicants

Versus

Skipper Construction Ltd. ...Respondent

Appearances: Applicant in person
Mr. Brij Mohan, A/R for the respondent

ORAL ORDER
22-02-2010

This matter shall be listed on 18th May, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 389/2000

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

B.K. SinghaniaApplicant

Versus

Jaina Properties & Finance Ltd. ...Respondent

Appearances: Mr. Arshdeep Singh, Advocate for the Applicant
Mr. S.P. Singh, Advocate for the respondent

ORAL ORDER
22-02-2010

A prayer for substitution of petitioner No. 1 has been filed. The prayer is accepted. The legal heirs of the applicant be brought on record. Corrected memo of parties shall be filed within a week.

List the matter on 20th May, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

C.A. No. 247/2000

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Tanque Engg. Co.Applicant

Versus

Kirloskar Electric Co. Ltd. & anr. ...Respondents

Appearances: Mr. Yatender Sharma, Advocate for the Applicant
Mr. P.B. Aggarwal with Dr. V.K. Aggarwal,
Advocates for the respondents

ORAL ORDER
22-02-2010

Cross-examination of applicant's witness Shri Sanjeev Sharma is concluded. With this applicant's evidence stands closed.

Respondent is directed to file affidavit of evidence of its witnesses' along with supporting documents within six weeks.

List the matter for admission/denial of the respondent's documents before the concerned officer on 20th April, 2010 and thereafter the matter shall be listed on 25th May, 2010 for cross-examination of the respondent's witness.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

UTPE No. 10/2004

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. Rajiv AnandComplainant

Versus

Siemens Ltd. ...Respondent

Appearances: None for the Complainant
Mr. R.H. Pancholi, Advocate for the respondent

ORAL ORDER
22-02-2010

The complainant is absent even though the matter was passed over once. Learned counsel for the respondent is present.

The petition is dismissed for non-prosecution.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 83/2002

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

S.P. Verma & anr.Applicants

Versus

Prestige Holidays Resorts Ltd. & ors. ...Respondents

Appearances: Mr. S.L. Bajaj, Advocate for the Applicants
Mr. Sandeep Khatri, Advocate for R-1 & R-2
Ms. Madhu Sweta, advocate for R-3

ORAL ORDER
22-02-2010

List this matter on 20th May, 2010. It is made clear that no further adjournment would be granted. Today the prayer for adjournment is made on behalf of R-1 on the ground of non-availability of the party concerned.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

UTPE 15/2004
C.A. No. 29/2004

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Mahesh KapoorComplainant

Versus

Ansal Properties & Industries Ltd. ...Respondent

Appearances: Complainant in person
Mr. Vivek Sharma, Advocate for the respondent

ORAL ORDER
22-02-2010

Though Mr. P.L. Mandola, who was examined as RW1, had undertaken to place on record the date of application for seeking approval and the date of final approval of the plans within four weeks, is unable to do that. A copy of the same shall be supplied to the complainant during the course of the day.

List this matter on 20th May, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBNAL

RTPE No. 13/2007

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

M/s. Inter Glob Aviation Ltd. ...Respondent

Appearances: Mr. V.K. Mehta, Advocate for the DG
Mr. Arshdeep Singh,, Advocate for the respondent

ORAL ORDER
22-02-2010

It is stated that the respondent's witness could not be present because of some personal inconvenience. The matter is adjourned to 20th May, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 03/2003

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

A.S. Impex Ltd.Applicant

Versus

Hotline Teletubes & Components Ltd. ...Respondent

Appearances: Mr. Arun Bhatia, Advocate for the Applicant
Mr. P.K. Mittal, Advocate for R-2 & R-3

ORAL ORDER
22-02-2010

It is stated that the parties are exploring the possibility for an out of Court settlement. List the matter on 20th May, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

Contempt No. 04/2009

C.A. No. 102/2003

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. Sunil Choudhary

....Complainant

Versus

Ghaziabad Development Authority

...Respondent

Appearances: Mr. Biswajit Singh, Advocate for the Complainant
Ms. Reena Singh, Advocate for the respondent

ORAL ORDER

22-02-2010

Reply to the Contempt application shall be filed within six weeks. List this matter on 20th May, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 97/2002

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Shiv Tax Com AgencyComplainant

Versus

Siya Ram Silk Mills Ltd. & Ors. ...Respondents

Appearances: Mr. Rajendra Singhvi, with Mr. K.K.L. Gautam,
Advocate for the Complainant
Mr. M. S. Nargolkar, Sr. Advocate with Mr. D.M.
Nargolkar, Advocate for respondent No. 1
Ms. T. Rajkumari, Advocate for R-2 to R-3
Mr. A. Ghosh, Advocate for R-4

ORAL ORDER
22-02-2010

At the request of the complainant, the matter is adjourned to
20th May, 2010. It is made clear that no further adjournment shall
be granted in the matter.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A. No. 232/2000

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Duvada Farm & NurseryApplicant

Versus

Ankit Agro Agencies & Anr. ...Respondents

Appearances: None

ORAL ORDER

22-02-2010

None appears for the applicant. This matter is of the year 2000. The application is dismissed for non-prosecution.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBNAL

C.A No. 247/2000

Statement of Shri Sanjeev Sharma, s/o late Shri Jitendraveer Sharma R/o H.No. 1091, Sect. 10, Panchkula (Haryana).

On Oath

I have seen the affidavit dated 20.3.2009 which have been sworn and signed by me. This is exhibited as AW1/1.

Cross-examination of the witness by Shri P.B. Aggarwal, advocate for the respondent

As of now, I am in the business for more than two decades. I understand the utility and design of motors, panels and control panels etc. for which orders were placed. I had requested for change of motors from 1500 RPM to 1200 RPM. It is a fact that change of RPM from 1500 to 1200 involves change of the design and additional cost. I had asked the respondent to charge extra cost. The same was telephonically conveyed but I had also conveyed for delivery of the motor as per original order. On the same date, telephonically I had conveyed that without any change in the order as originally given for 1500 RPM was to be effected. I have not specifically stated about the aforesaid fact either in my application or in my affidavit of evidence. I had asked for the change from 1500 RPM to 1200 RPM on 19.11.1997. It is a fact that this was after a month from the date on which the original order was placed. Though there was no written communication,

telephonically I was conveyed about the increased cost because of the variation indicated above. I do not remember whether it was on or after 5.12.1997. The machines have not been delivered to me till date. Though there is a reference in the respondent's letter dated 01.07.1998 about the delivery of the certain material, there was no delivery of any material. Though I had replied by letter dated 08.07.1998 to the aforesaid letter of 01.07.1998 about non-satisfaction regarding material that was in the background of the absence of the details of the material which have been claimed and in any event supply was made belatedly. It is a fact that thereafter I was again asked by the respondent to make payment of the extra amount involved and it was also indicated that the articles delivered shall be taken back and I shall be responsible for all expenses. It was clarified by me here again that there were no details of what was supplied to me. I had given reply to the respondent's letter dated 22.08.1998 by letter dated 28.08.1998. I have stated in the said letter that my customer is refusing to take delivery of the material in question and that I shall not be liable for any expenses. By letter dated 15.12.1998, I had requested for refund of Rs. Five Lacs given by me. Thereafter, I received a letter on 05.01.1999 from the respondent. It is a fact that in the said letter I was again asked by the respondent to pay the cost, demurrage charges and other expenses involved for return of the material. Along

with the said letter, the details of expenses were also indicated. In my letter dated 12.05.1999, I had asked for an adjustment of Rs.65,000 which was ascertained by me to be the amount of transport charges and refund of balance amount Rs.4,35,000/-. It is not a fact that the letter dated 24.12.1997 written by me as well as the letter dated 24.02.1998 written by me and the letter dated 25.12.1997 written by the respondent were never communicated and were never in existence. It is not a fact that I have never cancelled the order placed on the respondent. It is not a fact that the time essence is not a contract. It is a fact that the goods ordered by me were not for my consumption but for supply to somebody-else. It was commercial transaction. (The witness volunteers that because in the past, he had faced similar difficulties, this time he had placed the orders for a customer). It is not a fact that I have stated contrary to my affidavit with reference to the documents.

Cross-examination closed.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

R.O. & A.C.
22-02-2010