

COMPETITION APPELLATE TRIBUNAL

UTPE 104/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

DG(I&R)

...Complainant

Vs.

Greater Noida Industrial Development
Authority

....Respondent

Appearances : Dr. K.S. Yadav, ADG for DG
Shri Ravinder Kumar, Advocate for
respondent

ORAL ORDER

22.04.2010

Shri Ravinder Kumar advocate for respondent accepts the notice for the respondent authority. Let Vakalatnama and the reply be filed within four weeks. Rejoinder, if any, shall be filed within three weeks thereafter.

The matter shall be listed on 19th August, 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

COMPETITION APPELLATE TRIBUNAL

CA 139/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

Shri Vikas Jain

...Complainant

Vs.

Taneja Developers & Infrastructure

....Respondent

Appearances :

None for applicant

Shri A.R. Faisal, Advocate for R1.

Shri Anish Kumar Maggo, Advocate
for R2

ORAL ORDER

22.04.2010

This matter shall be listed on 8th May, 2010 alongwith
other connected matters.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

COMPETITION APPELLATE TRIBUNAL

RTPE 34/2007

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

IN THE MATTER OF :

DG(I&R)

...Complainant

Vs.

United India Insurance Company Ltd.

....Respondent

Appearances : Shri V.K. Mehta, Advocate for DG

ORAL ORDER

22.04.2010

Heard learned counsel for DG(I&R). Acting on the basis of a complaint in respect of a prayer for renewal of mediclaim policy the respondent charged six times the premium that was paid originally. The basic issue raised by the complainant that there is no refund for such exorbitant demand. Since the matter in all question is of general importance, the DG(I&R) was directed to look into the matter and file its report.

Notice was issued to the respondent and the respondent company as well as the Insurance Regulatory & Development Authority (in short IRDA). The respondent insurance company referred to the notice issued on 15.4.2003 in the matter of underwriting of mediclaim policy. With reference to the said circular the respondent has taken the stand that the demand made was reasonable because the loading of the premium

imposed can be where the amount is claimed for or the claim is adverse. The response of IRDA was to the effect that with regard to their comments for the action taken by the respondent for refusal to renew or to charge the premium stated in the complaint has not been authorized by IRDA because IRDA does not vet or approve each and every content of health insurance contract. It has also informed that it does not sit in judgement on the professional insurers, for the premium they charge on case to case basis which is a matter within the domain of an insurer and the contracting parties. It was, however, indicated that keeping in view certain orders of the Supreme Court the matter was discussed with various stakeholders including insurers.

Learned counsel for the DG(I&R) stated that though the power of the insurer to claim and higher claim in case claims received but it should not be unreasonable and shockingly disproportionate to the premium i.e. charged earlier. Since the matter is under consideration with IRDA. On the basis of the Supreme Court judgment and the guidelines indicated we do not propose to pass any order in the present case. The proceedings are closed.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

COMPETITION APPELLATE TRIBUNAL

CA 145/2008

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

IN THE MATTER OF :

Shri Ajay Raj ...Complainant

Vs.

Majoj Electronics Ltd. & OthersRespondent

**Appearances : Complainant in person
Shri Ratan Sharma, Representative of
respondent**

ORAL ORDER

22.04.2010

The following issues are framed: -

- 1) Whether the respondent has indulged in unfair trade practice as alleged; &
- 2) If the answer to the first question is in the affirmative whether any public interest is involved.

The affidavit of evidence of the applicant shall be filed alongwith documents, if any, within four weeks. If the documents are filed, the admission/denial shall take place on 22nd July, 2010. The matter shall be listed on 31st August, 2010.

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

**(Rahul Sarin)
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 105/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

DG(I&R)

...Complainant

Vs.

Dish TV

....Respondent

Appearances : Dr. K.S. Yadav, ADG for DG

ORAL ORDER

22.04.2010

Four weeks time is granted to file the PIR. List on 18th
August, 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

COMPETITION APPELLATE TRIBUNAL

UTPE 102/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

DG(I &R)

...Complainant

Vs.

M/s. Dhillon Transport Agency, New
Delhi

....Respondent

Appearances : Dr. K.S. Yadav, ADG for DG

ORAL ORDER

22.04.2010

Since the Informant also received the goods, there is no useful purpose served by keeping this matter pending. The proceedings are closed.

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

**(Rahul Sarin)
Member**

COMPETITION APPELLATE TRIBUNAL

CA 417/1999

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

IN THE MATTER OF :

Masu International

...Complainant

Vs.

H.B. Estate Developers Ltd.

....Respondent

**Appearances : Shri CM Sharma, Advocate for applicant
Shri AN Haksar, Sr. Advocate with Shri
P.K. Mittal, Advocate for respondent**

ORAL ORDER

22.04.2010

Heard learned counsel for the parties. It was suggested by the applicant that the parties should be permitted to file written synopsis of the arguments to facilitate the decision. Four weeks time is granted to the parties. The matter shall be listed for arguments on 4th August, 2010.

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

**(Rahul Sarin)
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 224/1998

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

Leeta Bhatti ...Complainant

Vs.

Ghaziabad Development AuthorityRespondent

Appearances : Shri V.S. Pandey, Representative of the
applicant
Shri Sanjeev Kumar, proxy counsel for
the respondent

ORAL ORDER

22.04.2010

It is stated that the learned counsel for the applicant is hospitalized and a prayer for adjournment is made. List on 3rd August, 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

COMPETITION APPELLATE TRIBUNAL

CA 362/99

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

Ashwani Khemka

...Complainant

Vs.

General Motor(I) Ltd.

....Respondent

Appearances : Shri Nishant Kumar, Advocate for
applicant
Advocate for respondent

ORAL ORDER

22.04.2010

The affidavit of evidence of R1&R3 shall be filed within four weeks. The matter shall be listed on 4th August, 2010. If any documents have filed alongwith affidavit of evidence, the admission/denial shall take place on 28th July, 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

COMPETITION APPELLATE TRIBUNAL

CA 138/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

Bhupender Singh ...Complainant

Vs.

Angel Booking LimitedRespondent

Appearances : Shri M.K. Verma, Advocate for applicant
None for respondent

ORAL ORDER

22.04.2010

At the request of the applicant, the matter is adjourned.

The matter shall be listed on 11th August, 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

COMPETITION APPELLATE TRIBUNAL

CA 402/1999

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

L.T. Overseas Ltd.

...Complainant

Vs.

The Project & Equipment Corpn. Of India
Ltd.& Ors.

....Respondent

Appearances : Ms. Anu Sharma, Representative of
applicant
Ms. Surekha Raman, Advocate for R1

ORAL ORDER

22.04.2010

At the request of the applicant, the matter is adjourned to 11th August, 2010 as it is stated that learned counsel for the applicant is unwell.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

COMPETITION APPELLATE TRIBUNAL

UTPE 106/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

DG(I&R)

...Complainant

Vs.

M/s. Standard Chartered Bank

....Respondent

Appearances : Dr. K.S. Yadav, ADG for DG

ORAL ORDER

22.04.2010

In view of the order dated 16th April, 2010 in the matter of DG(I&R) Vs. Private Sector Banks, these proceedings are not maintainable.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

COMPETITION APPELLATE TRIBUNAL

UTPE 97/2008

CORAM

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

**Hon'ble Shri Rahul Sarin
Member**

IN THE MATTER OF :

Lt. Col. Mohan Mamtani

...Complainant

Vs.

M/s. Narne Construction Pvt. Ltd.

....Respondent

**Appearances : Applicant in person
None for respondent**

**ORAL ORDER
22.04.2010**

Complainant appears in person. None appears for R1, no reply has been filed to the Notice of enquiry by Respondent no. 1. R2 has already set ex-parte. The following issues are framed: -

- 1) Whether the respondents are indulged in unfair trade practices;
and
- 2) If answer to the first question is in the affirmative whether such practice is involved public interest.

The applicant shall file affidavit of evidence alongwith documents, if any, within four weeks. The admission/denial in respect of the documents if any filed shall take place on 21st July, 2010 and the matter shall be listed on 19th August, 2010.

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

**(Rahul Sarin)
Member**

COMPETITION APPELLATE TRIBUNAL

30(292)UTPE/2007

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

Akhil Delhi Pan Vikreta Association

...Complainant

Vs.

Kuber Kaini(P) Ltd.

....Respondent

**Appearances : Shri Pankaj Paliwal, Advocate for
applicant**

ORAL ORDER

22.04.2010

The applicant wants to withdraw the application. The same is disposed of as withdrawn.

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

**(Rahul Sarin)
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 99/2008
CA 66/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

M/s. Balaji Media Inc.

...Complainant

Vs.

Times Innovative Media Ltd.

....Respondent

Appearances : Shri H.S. Sharma, Advocate for applicant
Mr. Diggy Pathak, Advocate for
respondent

ORAL ORDER

22.04.2010

It is stated by the learned counsel for respondent that the reply has been filed. Learned counsel for the applicant prays for time to file rejoinder. Four weeks time is granted for the purpose. The matter shall be listed on 30th August, 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

COMPETITION APPELLATE TRIBUNAL

CA 130/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

Amar Siddiqui & Anr.

...Complainant

Vs.

Audi Ag & Another

....Respondent

Appearances : Dr. Man Mohan Sharma with Shri Anurag
Pratap, Advocate for applicant
Shri R. Sudhinder with Ms. Prerna
Amitabh, Advocate for R1
Shri Atul Nanda with Ms. Malika Gahlot,
Advocate for R2

ORAL ORDER

22.04.2010

Learned counsel for R2 states that the said respondent is willing to refund the booking deposit. The basic question, therefore, whether the applicant is entitled for interest. That question is adjudicated in view of the limited controversy. The matter shall be listed on 30th August, 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

COMPETITION APPELLATE TRIBUNAL

UTPE 242/1998
CA 83/2000

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

Ajay Seth

...Complainant

Vs.

United Breweries Ltd.

....Respondent

Appearances : Shri S.K. Tiwari, Advocate for applicant
Advocate for respondent

ORAL ORDER

22.04.2010

The controversy lies within a very narrow compass. According to the applicant Shri S.S. Sethi, Assistant Brewer of respondent had seen the bottle in question and they had given the report . During cross-examination of Mr. S.S. Sethi, it has been accepted that the report prepared by Shri Harminder Singh and Shri Rajeev Dutta in its recent form and the same was given to the respondent company. It would idle to have the report on record. The respondent is granted three weeks time to file the affidavit and the reply. The matter shall be listed on 30th August, 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

COMPETITION APPELLATE TRIBUNAL

UTPE 98/2008
CA 27/2007

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

Shri Biswanath ghose

...Complainant

Vs.

Conybio Health Care(I)Pvt. Ltd.

....Respondent

**Appearances : Shri P.K. Goswami, Advocate for
applicant**

ORAL ORDER

22.04.2010

Let admission/denial of the documents take place on 22nd
July, 2010. The matter shall be listed on 31st August, 2010.

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

**(Rahul Sarin)
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 217/1998
CA 36/1998

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

Media Viedo Ltd.

...Complainant

Vs.

National Insurance Co. Ltd. & Others

....Respondent

Appearances : None

ORAL ORDER

22.04.2010

None appears for the applicant. The matter is listed today for further cross-examination of AW1. Since he is not present, the evidence of AW1 is closed. List on 31st August, 2010.

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

**(Rahul Sarin)
Member**

COMPETITION APPELLATE TRIBUNAL

CA 41/2000

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

Om Computer

...Complainant

Vs.

B.Verma & Co.(P) Ltd. & Anr.

....Respondent

Appearances : None

ORAL ORDER

22.04.2010

None appears for the parties. Similar was the position on 5.2.2010. That being so, the petition is dismissed for non-prosecution.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

COMPETITION APPELLATE TRIBUNAL

CA 142/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

Syndicate Bank

...Complainant

Vs.

International Electronics & Communication
System

....Respondent

Appearances : None

ORAL ORDER

22.04.2010

None appears for the applicant. The matter was posted today for cross-examination of the applicant's witness. Since the parties are not present the evidence of the applicant is closed. List on 31st August, 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

COMPETITION APPELLATE TRIBUNAL

CA 146/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

Shri Arun Soorma

...Complainant

Vs.

T.D.I. Infrastructure Pvt. Ltd.

....Respondent

**Appearances : None for the applicant
Shri A.R. Faisal, Advocate for respondent**

ORAL ORDER

22.04.2010

Let the admission/denial take place on 22nd July, 2010.

The matter shall be listed on 31st August, 2010.

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

**(Rahul Sarin)
Member**

COMPETITION APPELLATE TRIBUNAL

CA 143/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

Smt. Asha Rani

...Complainant

Vs.

National Insurance Co.

....Respondent

Appearances : Shri Pawan Kumar Sharma, Proxy for
Petitioner

None for respondent

ORAL ORDER

22.04.2010

It appears the affidavit of evidence of the applicant has not been filed. Therefore, the applicant's evidence is closed.

The matter shall be listed on 31st August, 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

COMPETITION APPELLATE TRIBUNAL

CA 144/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

Shri B.S. Goyal

...Complainant

Vs.

M/s. ICICI Bank

....Respondent

Appearances : None for applicant
Shri Puneet Bhalla, Advocate for
respondent

ORAL ORDER

22.04.2010

This matter shall be listed on 31st August, 2010.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

COMPETITION APPELLATE TRIBUNAL

CA 01/2000

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

IN THE MATTER OF :

Sikand & Co. ...Complainant

Vs.

New India Assurance Co. LimitedRespondent

Appearances : None for applicant
Shri Akhilesh Arora, Advocate for
respondent

ORAL ORDER

22.04.2010

None appears for the applicant. The matter is listed today for final arguments; therefore, the petition is dismissed for non-prosecution.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member