

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

**C.A. 60/2009**

**&**

**UTPE 46/2009**

**CORAM**

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

**Hon'ble Shri Rahul Sarin**  
**Member**

In the matter of :

Nagraj Singh & Anr.

.... Applicants/Complainants

Versus

Ashok Leyland Fin. Ltd.

... Respondent

**Appearances** : None for the Applicants/Complainants.

Shri M. Yogesh Khanna, Advocate for the Respondent.

**ORAL ORDER**

22<sup>nd</sup> October, 2010

None appears for the applicants/complainants. Both the complaint petition as well as the compensation application are dismissed for non-prosecution.

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

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

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

**30(63) UTPE/2009**

**CORAM**

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

**Hon'ble Shri Rahul Sarin**  
**Member**

In the matter of :

A.K. Parmanik

.... Complainant

Versus

Aravali Rail Vihar Residents'  
Welfare Association

... Respondent

**Appearances** : Shri S.K. Bhatnagar, Advocate for the Complainant.

Shri G.C. Beri with Shri K.P. Sharma, Members of the  
Respondent Association.

**ORAL ORDER**

22<sup>nd</sup> October, 2010

The applicant shall satisfy us as to how the present proceedings are  
maintainable before this Forum.

List on 16<sup>th</sup> December, 2010.

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

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

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

**30(99) UTPE/2004**

**CORAM**

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

**Hon'ble Shri Rahul Sarin**  
**Member**

In the matter of :

Karnataka State Road Transport  
Corporation

.... Complainant

Versus

Betul Tyre & Tube Industries  
Ltd. & Ors.

... Respondents

**Appearances** : Shri R.S. Hegde, Advocate for the Complainant.

Shri Pankaj Kumar, Advocate for Shri Aditya Narain,  
Advocate for Respondents Nos. 2, 3, 4 and 5.

**ORAL ORDER**

22<sup>nd</sup> October, 2010

The Notice for hearing of the matter has not been sent to the respondent after restoration of the matter.

Issue Notice to the respondent returnable on 14<sup>th</sup> December, 2010.

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

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

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

**UTPE 48/2006**

**CORAM**

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

**Hon'ble Shri Rahul Sarin**  
**Member**

In the matter of :

Dev Raj Singh ..... Complainant

Versus

Ghaziabad Development Authority ... Respondent

**Appearances** : Shri Saurabh Mehra, Advocate for the Complainant.

None for the Respondent.

**ORAL ORDER**

22<sup>nd</sup> October, 2010

At the request of the learned counsel for the complainant, the matter is adjourned to 16<sup>th</sup> December, 2010.

Later on, learned counsel for the respondent, Ms. Reena Singh, appeared and noted contents of the order.

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

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

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

**R.A. No. 09/2010**

**RTPE 10/1994**

**CORAM**

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

**Hon'ble Shri Rahul Sarin**  
**Member**

In the matter of :

Anita Wadhvani

.... Applicant/Complainant

Versus

Ghaziabad Development Authority

... Respondent

**Appearances** : None.

**ORAL ORDER**

22<sup>nd</sup> October, 2010

None appears for the applicant/complainant. The petitions are dismissed for non-prosecution.

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

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

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

**R.A. No. 47/2010**

**C.A. No. 10/2009**

**CORAM**

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

**Hon'ble Shri Rahul Sarin**  
**Member**

In the matter of :

Lokesh Gupta

.... Applicant

Versus

Bharti Airtel Ltd. & Anr.

... Respondents

**Appearances** : Ms. Kusum Bala, Advocate for the Applicant.

**ORAL ORDER**

22<sup>nd</sup> October, 2010

Heard the learned counsel for the applicant. The order dated 28<sup>th</sup> April, 2010 is recalled. C.A. No. 10/2009 is restored to its original position.

Accordingly, R.A. No. 47/2010 is disposed of.

List the matter on 16<sup>th</sup> December, 2010.

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

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

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

**C.A. 85/2000**

**CORAM**

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

**Hon'ble Shri Rahul Sarin**  
**Member**

In the matter of :

Madhu Arora ..... Applicant

Versus

DLF Universal Ltd. ... Respondent

**Appearances** : Shri R.G. Srivastava, Advocate for the Applicant.

Ms. Priya Deep with Shri Salil Seth, Advocates for the Respondent.

**ORAL ORDER**

22<sup>nd</sup> October, 2010

List the matter on 14<sup>th</sup> December, 2010.

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

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

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

**M.A. No. 17/2009**

**RTPE 142/2000**

**CORAM**

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

**Hon'ble Shri Rahul Sarin**  
**Member**

In the matter of :

The Director General (Investigation  
and Registration) [the DG]

.... Complainant

Versus

ICICI India Ltd.

... Respondent

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

Shri Pankaj Kumar for Shri Aditya Narain,  
Advocate for the Respondent.

**ORAL ORDER**

22<sup>nd</sup> October, 2010

Reply to the M.A. shall be filed within three weeks.

List the matter on 14<sup>th</sup> December, 2010.

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

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



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

**C.A. 46/2006**

**CORAM**

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

**Hon'ble Shri Rahul Sarin**  
**Member**

In the matter of :

Kailash Ribbon Factory

.... Applicant

Versus

Konega International Pvt. Ltd.

... Respondent

**Appearances** : The Applicant in person.

**ORAL ORDER**

22<sup>nd</sup> October, 2010

List the matter on 16<sup>th</sup> December, 2010.

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

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

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

**UTPE 06/2007**

**CORAM**

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

**Hon'ble Shri Rahul Sarin**  
**Member**

In the matter of :

The Director General (Investigation  
and Registration) [the DG]

.... Complainant

Versus

M/s. Nirlep Appliances Ltd.

... Respondent

**Appearances** : Shri Narender Pal Singh, Advocate for the DG.

**ORAL ORDER**

22<sup>nd</sup> October, 2010

Since the matter relates to the alleged deficiency of service, the same cannot be decided by this Forum. Accordingly, it is closed.

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

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

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

**C.A. 168/2006**

**CORAM**

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

**Hon'ble Shri Rahul Sarin**  
**Member**

In the matter of :

Pioneer Communications ..... Applicant

Versus

Reliance Communications  
Infrastructure Ltd. ... Respondent

**Appearances** : Shri S.K. Sharma, Advocate for the Applicant.

None for the Respondent.

**ORAL ORDER**

22<sup>nd</sup> October, 2010

None appears for the respondent. Mr. Sharma, who is appearing for the applicant today, states that though notice was issued directly to the applicant, it has not appeared and he does not have any instructions as to what the applicant's stand would be. In this view of the matter, these proceedings are closed.

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

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

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

**C.A. 169/2006**

**CORAM**

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

**Hon'ble Shri Rahul Sarin**  
**Member**

In the matter of :

Alliance Inc. .... Applicant

Versus

Reliance Communications  
Infrastructure Ltd. ... Respondent

**Appearances** : Shri S.K. Sharma, Advocate for the Applicant.

None for the Respondent.

**ORAL ORDER**

22<sup>nd</sup> October, 2010

None appears for the respondent. Mr. Sharma, who is appearing for the applicant today, states that though notice was issued directly to the applicant, it has not appeared and he does not have any instructions as to what the applicant's stand would be. In this view of the matter, these proceedings are closed.

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

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

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

**C.A. 85/2005**

**CORAM**

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

**Hon'ble Shri Rahul Sarin**  
**Member**

In the matter of :

Arvind Singh ..... Applicant

Versus

Gadasia Beverages ... Respondent

**Appearances** : The Applicant in person along with A.W. 1, Shri Narender Kumar.

**ORAL ORDER**

22<sup>nd</sup> October, 2010

The matter shall be listed on 16<sup>th</sup> December, 2010.

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

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

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

**UTPE 52/2006**

**CORAM**

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

**Hon'ble Shri Rahul Sarin**  
**Member**

In the matter of :

The Director General (Investigation  
and Registration) [the DG] .... Complainant

Versus

M/s. Style Show & Sale ... Respondent

**Appearances** : Shri Rakesh Vashisth, ADG for the DG.

Shri Mohit Chaudhary with Shri Vijay Chaudhary,  
Advocates for the Respondent.

**ORAL ORDER**

22<sup>nd</sup> October, 2010

We have perused the application filed by the informant seeking  
withdraw the complaint petition. That being so, present proceedings are  
closed.

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

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

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

**C.A. 158/2006**

**CORAM**

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

**Hon'ble Shri Rahul Sarin**  
**Member**

In the matter of :

Dr. Arjun Dev Saini ..... Applicant

Versus

Standard Chartered Bank ... Respondent

**Appearances** : The Applicant in person.

Shri Ishu Arora, Advocate for the Respondent.

**ORAL ORDER**

22<sup>nd</sup> October, 2010

Learned counsel for the respondent relies upon certain decisions of this Forum to contend that the present proceedings are not maintainable before this Forum. The applicant who appears in person wants to examine the same.

List the matter on 16<sup>th</sup> December, 2010.

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

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

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

**UTPE 02/2007**

**CORAM**

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

**Hon'ble Shri Rahul Sarin**  
**Member**

In the matter of :

The Director General (Investigation  
and Registration) [the DG]

.... Complainant

Versus

Amar Ujala Publication Ltd.

... Respondent

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

Shri S.B. Tripathi, Advocate for Respondent No. 1.

None for Respondent No. 2.

**ORAL ORDER**

22<sup>nd</sup> October, 2010

A prayer for adjournment is made by the learned counsel for respondent No. 1. The matter shall be listed on 9<sup>th</sup> December, 2010. None appears for respondent No. 2. Accordingly, it is set *ex-parte*.

List the matter on 9<sup>th</sup> December, 2010.

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

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



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

**C.A. 26/2008**

**CORAM**

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

**Hon'ble Shri Rahul Sarin**  
**Member**

In the matter of :

S.S.R.B. Associates

.... Applicant

Versus

Scaf Engineering Ltd. & Anr.

... Respondents

**Appearances** : Shri A.K. Yadav, Advocate for the Applicant.

**ORAL ORDER**

22<sup>nd</sup> October, 2010

Affidavit of evidence of the applicant shall be filed within three weeks. If any documents are filed, the same shall be put to admission/denial on 6<sup>th</sup> December, 2010 at 2:00 P.M. Thereafter the matter shall be listed on 14<sup>th</sup> December, 2010.

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

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

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

**C.A. 113/2005**

**CORAM**

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

**Hon'ble Shri Rahul Sarin**  
**Member**

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

In the matter of :

Aditya Narain Upadhyay

.... Applicant

Versus

Watthour Systems & Anr.

... Respondents

**Appearances** : The Applicant in person.

Shri Sarvesh Bisaria, Advocate for the Respondents.

**ORAL ORDER**

22<sup>nd</sup> October, 2010

Further cross-examination of A.W. 1, Shri Aditya Narain Upadhyay, has been concluded. There being no other witness, evidence of the applicant stands closed.

The respondent shall file the affidavit of evidence within four weeks. If any documents are filed, admission/denial thereof shall take place on 1<sup>st</sup> December, 2010. Thereafter the matter shall be listed on 16<sup>th</sup> December, 2010.

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

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

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

**C.A. 113/2005**

22<sup>nd</sup> October, 2010

**Further Cross-examination of Shri Aditya Narain Upadhyay, A.W.1 –**  
**BY – Shri Sarvesh Bisaria, Advocate for the Respondent :**

**ON OATH :**

It is a fact that whatever has been stated in Paragraph 4 of my affidavit of evidence is not a part of the compensation application. It is also a fact that whatever has been stated in Paragraph 8A of the affidavit of evidence does not form part of the compensation application but it is in essence covered by the compensation application. Mr. Upender Tiwari actually had conducted the deal of mine with the respondent company. It is not a fact that I had come to the respondent company along with Mr. Tiwari. It is not a fact that a proforma invoice was given for the purchase of one interface configuration for the existing scanner SG 608 II. It is not a fact that the Exhibit A.W. 1/1 is a fake document. The original thereof could not be produced because the same is with the M.P. State Cooperative Bank from whom the loan was availed. Same is the position viz. a viz. Exhibit A.W.1/2. It is not a fact that the signature of any officer of the respondent company is not available in Exhibit A.W. 1/1 and Exhibit A.W. 1/2. It is a fact that when I brought a draft for Rs. 9,80,000/-, Mr. Upender Tiwari had accompanied me. It is a fact that on 09.10.2000, a receipt was given but no challan on the same date was given. I had not paid any sales tax or issued any 'C' Form because the machine has not been delivered to me. It is not a fact that the machine was delivered to me on 09.10.2000. It is a

fact that an engineer and one Paramjeet Singh came to visit our premises 3-4 times but since the machine, I had ordered for, was not delivered to me, they had proposed to give unbranded machine to me which I did not accept. Though I had ordered for several materials with the respondent company but 2 packets of 608 films, 2 ellford developers and one ellford fixtures were not necessary because they could not be used in my machine. I do not remember whether any payment had been made in respect of the aforesaid items because a large number of materials have been purchased by me but as noted above, the materials were not useful for my machine. It is not a fact that I was required to pay any sales tax or issue any 'C' Form. It is not a fact that Mr. Paramjit Singh had come to Bhopal on 12.06.2001 or that I misbehaved with him for which a police complaint has been lodged. It is not a fact that I have received a sum of Rs. 6,30,000/- from Paramjit Singh. As a matter of fact, I have not received any amount from him.

(The witness was shown Exhibit D-11 by the learned counsel for the respondent and the witness stated that it is a forged document and the letterhead is also not of the applicant company. He further stated that the purported signatures therein are not of his. Even, the address mentioned therein is not the address of his company).

It is a fact that I have gone to the respondent company several times for rectification of the defects in the interface but it was of no avail. It is not a fact that I had agreed to issue an authorization in favour of Shri Pathak as our specific direction was that the machine is to be installed at our premises and it was not to be handed over to anybody else. It is a

fact that these details have not been indicated in the compensation application. Though the respondent may have issued some letter to me to get the machine lifted from their premises because of my specific direction that the machine was to be installed by the respondent in my premises, I did not respond to the above letter issued by the respondent company. It is not a fact that I have filed a frivolous compensation application and/or that I have filed it despite having lost before the Consumer Forum.

**Cross-examination concluded.**

**R.O.A.C.**  
**22.10.2010**

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

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