

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 84/2008

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Shri Manjit Kumar Channa **...Complainant**

Vs.

M/s GE Money Financial Services Ltd. **...Respondent**

Appearances : Shri R.D.Sharma, Advocate for the complainant

**Shri Gurmeet Bindra, Advocate for the
respondent**

Oral Order

24th November 2010

It is stated that the out of court settlement between the parties are going on. A joint prayer has been made to adjourn the matter.

The matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 47/2005

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

DG(I&R) ...Complainant

Vs.

S.Chevectady Hardillia ...Respondent

Appearances : ADG for the DG

Ms. Sujata Pandey, Proxy advocate for Shri
A.Y.Chitale, Advocate for the respondent

Oral Order

24th November 2010

At the request of the respondent, the matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 137/2008

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

DG(I&R)

...Complainant

Vs.

Reliance Communication

...Respondent

Appearances : ADG for the DG

None

Oral Order

24th November 2010

At the request of the representative of the DG, the matter shall be listed in the third week of January 2011 for fixing the next date of hearing.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RA No. 40/2010

In

UTPE 48/2007

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Sitaram Bhuwalka & Others

...Complainant

Vs.

Beri & Beri Cold Storage & General
Mills Pvt. Ltd. & Others

...Respondent

Appearances : Shri Saurabh Upadhyay, Advocate for the
complainant

Oral Order

24th November 2010

The Order dated 18.8.2010 is recalled. UTPE 48/2007 is restored to its original position. RA is disposed of.

The matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 58/2009

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

DG(I&R)

...Complainant

Vs.

Haryana Urban Development
Authority

...Respondent

Appearances : ADG for the DG

Shri Salil Paul, Advocate for the respondent

Oral Order

24th November 2010

Issue fresh Notice to the newly added address of R-2.

The matter shall be listed on 20th January 2011.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

IA 03/2007
Contempt No. _____/2005
RTPE 05/2003
RA 10/2010

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Atul Kumar Sharma ...Complainant

Vs.

Ghaziabad Development Authority ...Respondent

Appearances : Applicant in person

Ms. Reena Singh, Advocate for the respondent

Oral Order
24th November 2010

Reply shall be filed within three weeks.

The matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)

Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

Contempt No. 03/2008
CA 60/2003

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Goklesh Enterprises

...Complainant

Vs.

Panjon Ltd. & Anr.

...Respondent

Appearances : Shri Bipin, Advocate for the applicant

Ms. Shobha Gupta, Advocate for the respondent

Oral Order

24th November 2010

Let Mr. Jay Kothari, Managing Director of the respondent company appear in person on 20th January 2011.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 160/1997

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Drive In Diagnostic Pvt. Ltd.

...Complainant

Vs.

Philips Medical System India Pvt. Ltd.

...Respondent

Appearances : Shri R.D.Makheeja, Advocate for the complainant

Shri Rajeev K.Virman, Sr. Advocate with Ms. Srilekha Sridhar, Advocate for the respondent

Oral Order

24th November 2010

Considering the request of the respondent to the effect that recording of evidence is likely to take some time. We direct that the cross-examination be recorded by the Registrar from 2nd December 2010 at 2 P.M. until the cross-examination is over. The proceedings of the cross-examination shall be placed on record.

The matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 22/2006

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Tamilnadu Consumer Products
Stockists Association

...Complainant

Vs.

MTR Foods Ltd.

...Respondent

Appearances : Shri Rajesh Dwivedi, Advocate for the
complainant

None for the respondent

Oral Order
24th November 2010

The affidavit of evidence of the respondent has not been filed. Consequentially, in the absence of any documents, admission/denial has not been carried out. The respondent is not present. Similar was the position on the last two dates. The evidence of the respondent is closed.

The matter shall be listed in the third week of January 2011 for fixing the next date of hearing.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 162/2001

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Sanjay Kapoor

...Complainant

Vs.

Dalmia Resort International
(P) Ltd. & Anr.

...Respondent

Appearances : Shri S.U.Pruthi, Advocate for the applicant

None for the respondent

Oral Order

24th November 2010

None appears for the respondent. The affidavit of evidence of the respondent has not been filed. In that situation, in the absence of any documents, admission/denial has not been carried out. The evidence of the respondent is closed.

The matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 49/2004

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Aman Collection **...Complainant**

Vs.

Virgin Allonite **...Respondent**

Appearances : **Shri Naresh Arora, Ms. Diksha Mehta & Ms. Ekta Kapil, Advocates for the applicant**

Shri Randhir K.Singh, Advocate for the respondent

Oral Order

24th November 2010

Considering the difficulties pointed out, further cross-examination of RW-1 Shri Aminder Bal is deferred.

The matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 68/2007

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

DG(I&R)

...Complainant

Vs.

M/s Cellcast Interactive India Pvt.
Ltd.

...Respondent

Appearances : ADG for the DG

Ms. Adarsh Priyadarshi, Advocate for the
respondent

Oral Order

24th November 2010

The representative of the DG states that the affidavit of the witness is to be filed. Let it be done within four weeks.

The matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 130/2008

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Amar Siddiqui & Anr.

...Complainant

Vs.

Audi AG & Another

...Respondent

**Appearances : Dr. Manmohan Sharma, Advocate for the
applicant**

**Shri A.N.Haksar, Sr. Advocate with Ms. Prerna
Amitabh & R.Sudhinder, Advocate for R-1
Shri Atul Nanda, Advocate for R-2**

Oral Order

24th November 2010

Heard. Order reserved.

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

**(Rahul Sarin)
Member**

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

IA 07/2009
UTPE 14/2009
CA 92/2009

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Shri Sohan Lal
RR International

...Complainant

Vs.

Global Franchise Architacts
India Pvt. Ltd.

...Respondent

Appearances : Shri Sunil Kumar Bhondi, Advocate for the
complainant

Dr. Manish Singhvi with Shri D.K.Devesh,
Advocates for the respondent

Oral Order
24th November 2010

Issue Notice on the Compensation Application. Learned
counsel appearing for the respondent in UTPE 14/2009 accepts the
Notice. Reply, if any, shall be filed within four weeks.

The matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 25/2004

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Raghav Lal **...Complainant**

Vs.

Standard Chartered Bank **...Respondent**

Appearances : Shri Aditya Narain, Advocate for the
complainant

Shri Ishu Arora, Advocate for the respondent

Oral Order
24th November 2010

At the request of the learned counsel for the applicant, the matter is adjourned.

The matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 130/2006

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Jaloj Chaudhary

...Complainant

Vs.

Haryana Urban Development
Authority

...Respondent

Appearances : Shri Pankaj Chaudhary, Advocate for the
applicant

None for the respondent

Oral Order

24th November 2010

Order reserved.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 146/2002

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Virender Pal **...Complainant**

Vs.

Nanda Dev Builders (P) Ltd. **...Respondent**

Appearances : Shri Manish Tyagi, Advocate for the applicant

Shri R.K.Jain with Shri D.D.Aggarwal, Advocates
for the respondent

Oral Order
24th November 2010

The matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

RTPE 25/2007

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

DG(I&R)

...Complainant

Vs.

M/s Titanor Components Ltd.

...Respondent

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

**Shri Y.P.Narula, Sr. Advocate with Ms. Swaty
Singh Malik, Advocate for the respondent**

Oral Order

24th November 2010

The witness Shri Narender Ahuja is present. At the request of the respondent the matter is adjourned.

The matter shall be listed in the third week of January 2011 for fixing the next date of hearing.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 174/1999

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Shri K.Balaraman **...Complainant**

Vs.

K.Kannan **...Respondent**

Appearances : None for the applicant

Shri Anurag Chowdhary, Advocate for the
respondent

Oral Order

24th November 2010

As per Order dated 6th October 2010 the matter is fixed for today but was not on the board today. The learned counsel for the respondent is present.

The matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 74/2001

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Anil Singh ...Complainant

Vs.

A-One Motors Pvt. Ltd. & Anr. ...Respondent

Appearances : Shri Dilip Singh, Advocate with complainant

Shri J.S.Harit, A/R for R-1
Shri Ankur Sood, Advocate for R-2

Oral Order
24th November 2010

The cross-examination is closed.

The matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 153/2006

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Pritesh Mehta

...Complainant

Vs.

Vodafone Essar Mobile Sonica Ltd.

...Respondent

Appearances : Dr. Harsh Pathak, Advocate for the applicant

**Shri Anil Kumar Singh, Advocate for the
respondent**

Oral Order

24th November 2010

The cross-examination deferred.

The matter shall be listed in the last week of January 2011 for fixing the next date of hearing.

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

**(Rahul Sarin)
Member**

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 74/2001

24th November 2010

Further Cross-examination of Shri Ravi Agarwal, RW-2 by Shri Dilip Singh, Advocate for the applicant

It is a fact that when the vehicles are sold, we do not stipulate as to for what purpose the vehicle will be used i.e. whether for commercial or for personal use.

The vehicle can be used for commercial use by the purchaser.

It is a fact that I have never seen the vehicle in an over loaded condition.

I have never personally seen the vehicle carrying any construction material.

In total three Job Cards were given to the respondent company.

The first Job Card is of 11th October 2000.

It is correct that in the same Job Card, the breaking of the shocker is mentioned.

In all the three Job Cards, the similar mention has been made about the breakage of the shockers.

There is a typographical error in paragraph six of my affidavit of evidence, instead of 8854 kms. 13254 has been written.

The sample Service Owner's Manual has not been filed but it is customary that in case of every sale, the purchaser is given the Owner's Manual and if it is so desired I can file a copy of the sample Service Owner's Manual within a period of two weeks. (The witness is permitted to do so.)

It is not a fact that Owner's Manual was not supplied to the purchaser at the time of sale of the vehicle to the complainant.

It is a fact Service Card is prepared by a qualified employee.

It is a fact that the cost for the defect has not been specifically mentioned in the Job Card.

The normal practice is that whenever a defect is brought to the notice of the Service Engineer, the proper officer is sent for looking

into the defect. It happens only when the written communication is received. Sometimes the authorized dealer also bring to the notice to the Respondent No. 2 about some defects specifically and as a matter of goodwill, the competent officer is sent to look into the defect.

I have no personal knowledge as to whether any telephonic message was received by R-2 in regard to the complaint from R-1.

There is no communication with us showing that such a request was received from R-1.

In this particular case, there is no record of any communication having been received from R-1. In case of rejection of request from the customer, records are not maintained and only when any repair work is done by R-2, records are maintained.

Cross-examination closed.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

RO & AC

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

CA 153/2006
24th November 2010

Statement of Ms Shaina Subramaniam, Dy. General Manager (Legal), C-48, Okhla Industrial Area, Phase-II, New Delhi – 110020.

ON OATH

I have seen the affidavit dated 21.8.2009 which is sworn and signed by me. The affidavit is exhibited as Ex. RW 1/1.

Cross-examination by Dr. Harsh Pathak, Advocate for the applicant

I am working as Deputy General Manager (Legal) of the respondent company from March 1, 2006. I am M.Com. LLB.

The reply in this case was filed by the respondent on 10th August 2007.

When the affidavit was filed, I was Dy. General Manager (Legal) but thereafter I have been promoted.

I have signed affidavit of evidence on 21st August 2009.

In paragraph 1 of the affidavit of evidence, I have been referred to Power of Attorney dated 31.08.1998. The same was in favour of Mr. Sandeep Kathuria. Subsequent two Power of Attorney(s) dated 3.4.2006 and 16.7.2008 are in my favour.

By way of clarification, I may indicate that every year a fresh Power of Attorney is given and though there is a reference to the Power of Attorney Ex. R-1/1 dated 2.4.2006. I have subsequent Power of Attorney also.

It is not a fact that there is no subsequent Power of Attorney as suggested because though in the Power of Attorney dt. 3.4.2006, it

was indicated that it is up to 30th June 2007. There has been subsequent Power of Attorney (s) as stated earlier.

It is not a fact that I had no Power of Attorney in my favour when I filed the reply. If time is given I will file copies of all the Power of Attorney(s) authorizing me to appear and file affidavits and documents before various authorities including the erstwhile MRTP Commission. (Three week's time is granted for the purpose).

The cross-examination deferred.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

RO & AC

COMPETITION APPELLATE TRIBUNAL, NEW DELHI

UTPE 29/2007

24.11.2010

IN THE MATTER OF

D.G. (I&R).

VERSUS

M/S. H.U.D.A.

APPEARANCES : Shri C. Shanmugam, DDG for the DG (I&R).

Shri Sanjay Singh, advocate for the respondent.

The matter is fixed for Admission/Denial of the Respondent's documents.

The learned counsel for the respondent seeks some more time to file the affidavit and the documents. The admission/denial has not taken place today.

The matter shall be placed before the Hon'ble Tribunal on the date fixed. i.e., 03.12.2010.

(V. Sreenivas)
Deputy Director (E)

COMPETITION APPELLATE TRIBUNAL, NEW DELHI

UTPE 105/2005

24.11.2010

IN THE MATTER OF

RAJPAL DUGGAL

VERSUS

M/S. GREATER DELHI PLANNER PVT. LTD.

APPEARANCES : R.D. Makheeja, advocate alongwith the complainant.

None for respondent.

The matter is fixed for Admission/Denial of the Respondent's documents.

In the last order dated 09.11.2010, respondent was directed to file the affidavit of evidence. It is observed that the respondent's affidavit is already on record. The respondent has not filed the documents relied upon by them. The learned advocate for the complainant also states that he has not been provided with the documents relied upon by the respondent. The admission/denial has not taken place as the respondent is not represented.

The matter shall be placed before the Hon'ble Tribunal on the date fixed. i.e., 01.12.2010.

(V. Sreenivas)
Deputy Director (E)

COMPETITION APPELLATE TRIBUNAL, NEW DELHI

UTPE 26/2003

24.11.2010

IN THE MATTER OF

SHRI VIKAS GOEL

VERSUS

M/S. U.P.S.I.D.C.

APPEARANCES : Complainant in person

Shri Rajesh Raina, advocate for the respondent.

The matter is fixed for Admission/Denial of the Respondent's documents.

The learned counsel for the respondent undertakes to provide the complainant the documents relied upon by them.

On his request, admission/denial shall now take place on 14.12.2010.

(V. Sreenivas)
Deputy Director (E)

COMPETITION APPELLATE TRIBUNAL, NEW DELHI

CA 91/2005

24.11.2010

IN THE MATTER OF

M/S. STERLING AGRO INDUSTRIES LTD.

VERSUS

M/S. TRUBOTECH PRECISION ENGG. PVT. LTD.

APPEARANCES : None for the applicant.

**Shri TVS Raghavenra, advocate for
the respondent.**

The matter is fixed for Admission/Denial of the Respondent's documents.

The admission/denial has not taken place as the applicant is not represented.

The matter shall be placed before the Hon'ble Tribunal on the date fixed. i.e., 01.12.2010.

(V. Sreenivas)
Deputy Director (E)