

COMPETITION APPELLATE TRIBUNAL

UTPE 117/2006

CORAM

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

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

IN THE MATTER OF :

DG(I&R) ...Complainant

Vs.

Various Commercial BanksRespondent

**Appearances : Shri C.Shanmugam, ADG for DG
Shri Shrayansh Rastogi and Shri
Samrat Nigam, Advocates for
Respondent**

ORAL ORDER

25th October, 2010

Four weeks' time is granted to file the supplementary report. List this matter on 7th December, 2010.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 118/2007

CORAM

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

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

IN THE MATTER OF :

DG(I&R)

...Complainant

Vs.

Various Airlines Operators

....Respondent

Appearances : Shri C.Shanmugam, ADG for DG

ORAL ORDER

25th October, 2010

As prayed for by the representative of DG, two weeks' time is granted to file the PIR. The matter shall be listed on 7th December, 2010.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 183/2008

CORAM

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

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

IN THE MATTER OF :

DG(I&R) ...Complainant

Vs.

Veetra Pharmaceuticals P.Ltd. & Anr.Respondent

**Appearances : Shri C.Shanmugam, ADG for DG
None for respondent**

ORAL ORDER

25th October, 2010

The order dated 2nd August, 2010 shall be complied with within four weeks. List this matter on 8th December, 2010.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

CA 46/2009

CORAM

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

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

IN THE MATTER OF :

Mrs. Promila Chadda ...Complainant

Vs.

M/s. TDI Infrastructure Pvt. Ltd.Respondent

**Appearances : Shri V.S. Tomar, Advocate for
Applicant
Shri AR Fazal, Advocate for
Respondent**

ORAL ORDER

25th October, 2010

It is stated that the reply shall be filed in course of the day. Let copy be supplied to the learned counsel for the applicant. If any rejoinder be filed, let the same be done within four weeks. The matter shall be listed on 9th December, 2010.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 113/2007

CORAM

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

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

IN THE MATTER OF :

M/s. Radhika Lal & Anr. ...Complainant

Vs.

M/s. Build Aids Tmble P.Ltd. & Anr.Respondent

**Appearances : Shri Om Prakash, Advocate for
Applicant
Shri M.D. Kamal, Advocate for
Respondent**

ORAL ORDER

25th October, 2010

Heard learned counsel for the parties. The following issues are framed:-

- 1) Whether the case of unfair trade practice as alleged has been made out against the respondents; and
- 2) If the answer to the first question is in the affirmative, whether any public interest is involved.

The affidavit of evidence shall be filed within four weeks. If any documents are filed, the admission/denial shall take place on 1st December, 2010. The matter shall be listed on 9th December, 2010.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

**IA 107/2006
UTPE 204/2008**

CORAM

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

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

IN THE MATTER OF :

Rajnish K.Jha ...Complainant

Vs.

Citi Bank Card Centre & Anr.Respondent

**Appearances : Applicant in person
Ms. Roopali Singh with Ms. Archana
Lakhotia, Advocates for respondent**

ORAL ORDER

25th October, 2010

At the request of learned counsel for the applicant, list
this matter on 6th December, 2010.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

RTPE 13/2008

CORAM

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

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

IN THE MATTER OF :

G.N.B. Bros. Pvt. Ltd.

...Complainant

Vs.

T.N.T. India Pvt. Ltd.

....Respondent

**Appearances : Shri Nikhilesh R.with Shantanu,
Advocate for applicant
Shri Yanish Kumar, Advocate for
respondent**

ORAL ORDER

25th October, 2010

As prayed for by the learned counsel for the applicant, list
this matter on 13th December, 2010.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

CA 103/2005

CORAM

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

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

IN THE MATTER OF :

Sanjay Gupta & Anr.

...Complainant

Vs.

Sterling Holidays Resorts(I) Ltd.

....Respondent

**Appearances : Shri Sanjay Gupta with Counsel
Ms. Babita Verma, Advocate
None for respondent**

ORAL ORDER

25th October, 2010

None appears for the respondent. The respondent's evidence is closed by order dated 27.7.2010. Order reserved.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

CA 37/2006

CORAM

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

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

IN THE MATTER OF :

**Inderprastha Sehkari Awas Samiti
Ltd.**

...Complainant

Vs.

Noida

....Respondent

**Appearances : Shri K.S. Chauhan, Secretary of Applicant
Shri Ravinder Kumar, Advocate for
Respondent**

ORAL ORDER

25th October, 2010

Written Synopsis shall be filed within a week. List this matter on 6th December, 2010.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 57/2005

CORAM

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

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

IN THE MATTER OF :

Reckit Benckiser(I) Ltd. ...Complainant

Vs.

Hindustan Lever Ltd.Respondent

**Appearances : Shri A.N.Haksar, Sr. Advocate with
Ms. Roopali Singh & Ms. Archana
Lakhotia, advocates for applicant
Shri Aditya Narain with Dr. V.K.
Agarwal, advocates for respondent**

ORAL ORDER

25th October, 2010

Learned counsel for the applicant raised objections regarding the acceptability of certain statements made in the affidavit of evidence which according to him are legal arguments and do not touch upon the factual aspects. Learned counsel for the respondent on the other hand submitted that the statements are based on the personal opinion as well as based on the report and can be subjected to the cross-examination. We grant liberty to the learned counsel for the applicant to cross-examine the witness on these aspects and to demonstrate as to how the statements are not factual. Adjourn to 2nd December, 2010.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

CA 23/2006

CORAM

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

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

IN THE MATTER OF :

P.K. Jain ...Complainant

Vs.

Supertech Construction(P) Ltd.Respondent

**Appearances : Shri Tripat Kaur, Advocate for
Applicant**

**Ms. Sujata Aude, Advocate for
respondent**

ORAL ORDER

25th October, 2010

Learned counsel states that on account of ill health, the witness is not present. List this matter on 2nd December, 2010.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

CA 30/2006

CORAM

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

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

IN THE MATTER OF :

Medicops ...Complainant

Vs.

Care Medical Devices Ltd.Respondent

**Appearances : Shri P.Sureshan, Advocate for
Applicant
Shri Anwar Ashtaq, Advocate for
respondent**

ORAL ORDER

25th October, 2010

It is stated by the learned counsel for the applicant that the witness is not present. That being so, the evidence of AW1 is closed. The respondent shall file the affidavit of evidence within three weeks. List the matter for admission/denial on 26th November, 2010. The matter shall be listed on 1st December, 2010.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

**IA 62/2006
RTPE 51/2006**

CORAM

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

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

IN THE MATTER OF :

M/s. Sheela Exports ...Complainant

Vs.

U.P.S.I.D.C. Ltd.Respondent

**Appearances : Shri S.K. Pandey, Advocate for
Applicant
Shri Rajesh Raina, Advocate for
respondent**

ORAL ORDER

25th October, 2010

It is stated by the parties that the matter is likely to be settled out of court. A prayer for adjournment is made. List the matter on 6th December, 2010.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

**UTPE 63/2006
CA 109/2006**

CORAM

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

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

IN THE MATTER OF :

Telerex Communications (I)P.Ltd. ...Complainant

Vs.

M/s. Ford India P.Ltd. & Anr. Respondent

**Appearances : Shri Rishi Manchanda, Advocate for
Applicant
Ms. Tasneem Ahmadi with Shri Anuj
Ranjan, Advocate for R-1
Shri R.K. Kashyap, Advocate for
Respondent-2**

ORAL ORDER

25th October, 2010

Learned counsel for the applicant states that he will find out whether any other witness is to be examined. Evidence of AW1 is closed. Applicant is at liberty to file any other evidence. If any other documents are filed, admission/denial shall take place on 1st December, 2010. The matter shall be listed on 15th December, 2010.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

**UTPE 63/2006
CA 109/2006**

IN THE MATTER OF :

Telerex Communications (I)P.Ltd. ...Complainant

Vs.

M/s. Ford India P.Ltd. & Anr.Respondent

**Cross-Examination of Shri M.P. Singh, General Manager by
Shri R.K. Kashyap, Advocate for Respondent-2.**

Initially, I joined the applicant company in 1989 but thereafter I was not in employment and subsequently, joined in 1991. I am presently the General Manager for about last 15 years. It is a fact that the vehicle was brought for servicing to R-2 on 25th April, 2005. On that date, no defect in the vehicle was pointed out and it was brought for normal servicing. (The witness volunteers that earlier there were defects brought to the notice of R-1). After servicing on 25th April, 2005 the driver took the vehicle being satisfied that the servicing was in order. Similar was the position on 2nd June, 2005 but the defects were brought to R-2 at the time of servicing. Between April, 2005 and 9th August, 2005 the vehicle was taken for repairing to some other repairers. It is a fact that this aspect has not been indicated specifically in the affidavit of evidence. During this period the vehicle traveled more than 4883 kms. but it is not a fact that there was no defect noticed because there were screeching noise and faulty brakes apart from other manufacturing defect. I will check-up that this was whether for the first time the defects were brought to notice of R-2 but

it is a fact that on being told about the defect they replaced the parts without charging any cost. Whenever the vehicle is brought for servicing, a job card is prepared which note the defects, if not, they are rectified by R-2. It is correct that on 6.6.2006 the complainant approached R-2 and it was noticed that the engine mounting was broken which was immediately changed but it is not correct to say that there was no problem in the front brake or that there was no noise but front shocker was also changed. I have never taken the vehicle to the workshop to R-2 personally. Whenever the vehicle was taken to the workshop of R-2 it was done by the driver who can say the service provided was perfect or not. I have no personal knowledge about that aspect.

(Dr. Justice Arijit Pasayat)
Chairman

(Pravin Tripathi)
Member

RO&AC
New Delhi

Dated: 25th October, 2010

COMPETITION APPELLATE TRIBUNAL

UTPE 69/2006

CORAM

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

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

IN THE MATTER OF :

DG(I&R)

...Complainant

Vs.

Next Retail India Ltd.

....Respondent

**Appearances : Shri C.Shanmugam, ADG for DG
Shri Rajneesh Sharma, Advocate for
Respondent-2**

ORAL ORDER

25th October, 2010

It is stated that there shall be no necessity for admission/denial of the documents filed by the DG. Affidavit of evidence shall be filed within four weeks. The matter shall be listed on 13th December, 2010.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

CA 72/2006

CORAM

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

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

IN THE MATTER OF :

Prashant Industries Ltd. ...Complainant

Vs.

Bharat Heavy Electricals Ltd.Respondent

**Appearances : Shri Chirag M.Shroff with Shri P.M.
Gondalia, Advocates for Applicant
Shri Saurabh Khanna, Advocate for
Respondent**

ORAL ORDER

25th October, 2010

The admission/denial of the applicant's documents has been carried out. Affidavit of evidence has been filed. Cross-examination shall be done on 2nd December, 2010.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 07/2007

CORAM

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

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

IN THE MATTER OF :

DG(I&R)

...Complainant

Vs.

H.U.D.A.

....Respondent

**Appearances : Shri C.Shanmugam, ADG for DG
Proxy Counsel for Respondent**

ORAL ORDER

25th October, 2010

Admission/denial shall take place on 1st December, 2010.

The matter shall be listed on 7th December, 2010.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 92/2007

CORAM

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

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

IN THE MATTER OF :

DG(I&R)

...Complainant

Vs.

H.D.F.C. Bank

....Respondent

**Appearances : Shri C.Shanmugam, ADG for DG
None for Respondent**

ORAL ORDER

25th October, 2010

None appears for the respondent. AW2 is closed. The evidence of the applicant is closed. If any affidavit of evidence of respondent has to be filed, the same shall be filed within four weeks. If any documents are to be filed, the admission/denial shall take place on 1st December, 2010. The matter shall be listed on 7th December, 2010.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

RTPE 22/2008

CORAM

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

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

IN THE MATTER OF :

DG(I&R)

...Complainant

Vs.

Pioner Friction Ltd. & Ors.

....Respondent

**Appearances : Shri C.Shanmugam, ADG for DG
Dr. V.K. Aggarwal, Advocate for
Respondent-2
Shri H.N. Vashirtha, Advocate for R-3
Shri Vishal Gupta, Advocate for R-4
Shri R.Sudhinder, Advocate for R-5**

ORAL ORDER

25th October, 2010

At the request of representative for the DG, the matter is adjourned to 7th December, 2010. The application for change of R-1 is accepted. The corrected memo of parties shall be filed within three weeks.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE 198/2009

CORAM

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

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

IN THE MATTER OF :

DG(I&R)

...Complainant

Vs.

Maruti Suzuki India Ltd.

....Respondent

**Appearances : Shri C.Shanmugam,ADG for DG
Gondalia, Advocates for Applicant
Shri K.P. Sundar Rao, Advocate for
Respondent**

ORAL ORDER

25th October, 2010

Reply to the notice of enquiry shall be filed within four weeks. If any rejoinder be filed, let it be filed within three weeks. The matter shall be listed on 16th December, 2010.

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

**(Pravin Tripathi)
Member**

COMPETITION APPELLATE TRIBUNAL

CA 47/2009

CORAM

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

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

IN THE MATTER OF :

Mrs. Poonam Tomar

...Complainant

Vs.

**M/s. TDI Infrastructure Development
Co. Ltd.**

....Respondent

**Appearances : Shri V.S. Tomar, representative of
Applicant
None for respondent**

ORAL ORDER

25th October, 2010

None appears for the respondent. Reply to the compensation application has not been filed. Heard learned counsel for the applicant. Order reserved.

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

**(Pravin Tripathi)
Member**