

COMPETITION APPELLATE TRIBUNAL

UTPE No. 91/2008

CORAM

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

**Hon'ble Mr. Rahul Sarin,
Member**

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

IN THE MATTER OF

D.G. [I & R]

...Complainant

Versus

M/s. City Bank, Chennai

...Respondent

Appearances: Mr. Rakesh Vashist, ADG for the D.G. [I & R]

ORAL ORDER

27-08-2010

The PIR shall be filed during the course of the day, as undertaken. List the matter on 26th November, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE No. 92/2008

CORAM

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

**Hon'ble Mr. Rahul Sarin,
Member**

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

IN THE MATTER OF

D.G. [I & R] ...Complainant

Versus

Shipping Business India ...Respondent

Appearances: Mr. Rakesh Vashist, ADG for the D.G. [I & R]
Mr. Sandeep Jha, Advocate for the respondent

ORAL ORDER
27-08-2010

The PIR shall be filed during the course of the day, as undertaken. List the matter on 26th November, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

C.A. No. 127/2008

CORAM

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

**Hon'ble Mr. Rahul Sarin,
Member**

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

IN THE MATTER OF

Pawan Kumar Arya & anr. ...Applicants

Versus

Nirala Developers Pvt. Ltd. & Ors. ...Respondents

Appearances: Mr. Dveep Ahuja, Advocate for the Applicant
Mr. Varun Rana, Law Officer for the respondent

ORAL ORDER
27-08-2010

List the matter on 22nd November, 2010, as prayed for by the applicant.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

M.A. No. 55/2006

M.A. No. 37/2008

M.A. 01/2009 to M.A. No.03/2009

RTPE No. 89/2001

CORAM

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

**Hon'ble Mr. Rahul Sarin,
Member**

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

IN THE MATTER OF

Suneja Tower & Flat Owners
Welfare Association

....Complainant

Versus

Suneja Towers Pvt. Ltd.

...Respondent

Appearances: Mr. R. D. Makheeja, Advocate for the Complainant
Mr. Aditya Narain, Advocate for the respondent

ORAL ORDER
27-08-2010

List the matter on 26th November, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

M.A. NO. 23/2007
RTPE No. 203/1998

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 Kumar Gupta

...Complainant

Versus

DLF Universal Ltd.

...Respondent

Appearances: Mr. Mani Wadhwa, proxy counsel for Mr. Arun
Kumar, Advocate for the Complainant
Mr. Subrat Deb, Advocate for the respondent

ORAL ORDER
27-08-2010

At the request of the learned counsel for the complainant, list
the matter on 26th November, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

I.A. No. 55/2007
RTPE No. 23/2007

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Nikhil Nath ...Complainant

Versus

Haryana Urban Development Authority ...Respondent

Appearances: Mr. P. K. Jain, Advocate for the Complainant
Mr. Sanjay Singh, Advocate for the respondent

ORAL ORDER
27-08-2010

Reply shall be filed during the course of the day. List the matter on 15th November, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

I.A. No. 44/2008
UTPE No. 29/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Anu Dhingra ...Complainant

Versus

Ansal Housing & Construction Ltd. ...Respondent

Appearances: Mr. Ankit Goel, proxy counsel for Mr. A. Mehta,
Advocate for the Complainant
Ms. Preeti Gupta, Advocate for the respondent

ORAL ORDER
27-08-2010

At the request of the applicant, the matter is adjourned to
22nd November, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

R.A. No. 33/2010
C.A. No. 172/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Raj Rani ...Applicant

Versus

Chandigarh Colonizers Pvt. Ltd. ...Respondent

Appearances: Mr. Devender Kumar, Advocate for the Applicant

ORAL ORDER
27-08-2010

Heard. The order dated 23rd February, 2010 is recalled and C.A. No. 172/2008 is restored to its original position. Review Application is disposed of.

List the matter on 22nd November, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

R.A. No. 34/2010 IN

C.A. No. 173/2008

CORAM

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

**Hon'ble Mr. Rahul Sarin,
Member**

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

IN THE MATTER OF

Pradeep Kumar

...Applicant

Versus

Chandigarh Colonizers Pvt. Ltd.

...Respondent

Appearances: Mr. Devender Kumar, Advocate for the Applicant

ORAL ORDER

27-08-2010

Heard. The order dated 23rd February, 2010 is recalled and C.A. No. 173/2008 is restored to its original position. Review Application is disposed of.

List the matter on 22nd November, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

R.A. No. 35/2010 IN
C.A. No. 174/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mr. Rahul Sarin,
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF

Mohan Lal ...Applicant

Versus

Chandigarh Colonizers Pvt. Ltd. ...Respondent

Appearances: Mr. Devender Kumar, Advocate for the Applicant

ORAL ORDER
27-08-2010

Heard. The order dated 23rd February, 2010 is recalled and C.A. No. 174/2008 is restored to its original position. Review Application is disposed of.

List the matter on 22nd November, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

C.A. No. 114/2008

CORAM

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

**Hon'ble Mr. Rahul Sarin,
Member**

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

IN THE MATTER OF

Asim Mohammed ...Applicant

Versus

Pragati Land & Housing Corpn. ...Respondent

Appearances: Applicant in person

ORAL ORDER
27-08-2010

List the matter on 22nd November, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

C.A. No. 136/2001

CORAM

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

**Hon'ble Mr. Rahul Sarin,
Member**

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

IN THE MATTER OF

Atul Maheshwari

...Applicant

Versus

Meerut Development Authority

...Respondent

Appearances: Mr. Jeevan Prakash, Advocate for the Applicant
Mr. Shanta Pandey, Advocate for the respondent

ORAL ORDER
27-08-2010

At the request of the applicant adjourned to 19th November,
2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

C.A. No. 133/2001

CORAM

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

**Hon'ble Mr. Rahul Sarin,
Member**

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

IN THE MATTER OF

Anil Kumar Jain ...Applicant

Versus

Meerut Development Authority ...Respondent

Appearances: Mr. Jeevan Prakash, Advocate for the Applicant
Mr. Shanta Pandey, Advocate for the respondent

ORAL ORDER
27-08-2010

At the request of the applicant adjourned to 19th November,
2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE No. 20/2002

C.A. No. 117/2003

CORAM

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

**Hon'ble Mr. Rahul Sarin,
Member**

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

IN THE MATTER OF

Pinky Sachdeva ...Complainant

Versus

H.S.I.D.C. ...Respondent

Appearances: Mr. B.R. Sachdeva & Mr. Sanjay Sharma, Advocates
for the Complainant
Mr. Ravinder Bana, Advocate for the respondent

ORAL ORDER
27-08-2010

A copy of the certificate, pursuant to the earlier order, has been filed. Learned counsel for the complainant wants to examine the document. The matter shall be listed on 26th November, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE No. 62/2002

C.A. No. 108/2002

CORAM

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

**Hon'ble Mr. Rahul Sarin,
Member**

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

IN THE MATTER OF

D.G. [I & R]

...Complainant

Versus

Tanishq (India) Ltd.

...Respondent

Appearances: Mr. Rakesh Vashist, ADG for the D.G. [I & R]
Mr. Rohan Dhawan, Advocate for the respondent

ORAL ORDER

27-08-2010

At the request of the respondent, the matter is adjourned to
22nd November, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

C.A. No. 118/2006

CORAM

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

**Hon'ble Mr. Rahul Sarin,
Member**

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

IN THE MATTER OF

Pradeep Jindal ...Applicant

Versus

IFFCO-TOKYO General Co.
Insurance Co. & Ors. ...Respondents

Appearances: Ms. Neetu, Advocate for the Applicant
Ms Deepa Chacko., Advocate for the respondent

ORAL ORDER
27-08-2010

At the request of the applicant, the matter is adjourned to 26th
November, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

UTPE No. 49/2001

CORAM

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

**Hon'ble Mr. Rahul Sarin,
Member**

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

IN THE MATTER OF

D.G. [I & R] ...Complainant

Versus

Chawla Marketing Ltd. ...Respondent

Appearances: Mr. R. D. Makheeja, Advocate for the D.G. [I & R]
Dr. V. K. Aggarwal, Advocate for the respondent

ORAL ORDER

27-08-2010

We find that a very small matter is pending for 10 years. In fact, as noted in the order dated 2nd March, 2001 the dispute pertains to a very small amount of about Rs. 700/- . At that stage also, it was submitted by the learned counsel for the respondent that without prejudice to its rights and contentions they are willing to settle the matter by paying Rs. 700/- or Rs. 800/- as would be directed. Thereafter, the matter has gone on. The directions to produce certain documents have not complied with. That being so, we direct the respondent to pay a sum of Rs.2000/- to the applicant, Mr Sham Bansal, within a period of three weeks. We make it clear that we had not gone into the details of the case as it is a petty dispute. The petition is accordingly disposed of.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

C.A. No. 162/2001

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 KapoorApplicant
<i>Versus</i>	
Dalmia Resort International (P) Ltd. & anr.	...Respondents

Appearances: Mr. Manoj Ahuja, Advocate for the Applicant
None for the respondent

ORAL ORDER
27-08-2010

None appears for the respondent. Even the cost which was directed to be paid vide order dated 21st April, 2010 has not been paid. Though vide orders dated 13th April, 2009 and 27th July, 2009 final opportunities were granted to the respondent for further cross-examination of the witness that was not done. In fact, in the order dated 21st April, 2010 the prayer for adjournment was made and was accepted subject to payment of cost. The cost has not been paid and none appears for the respondent. Therefore, in terms of the order dated 21st April, 2010 the evidence of the applicant is closed.

The respondent may file its affidavit of evidence, if any, within four weeks. If documents are filed along with the affidavit, admission/denial of the documents shall take place on 21st October, 2010 and the matter shall be listed on 24th November, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

C.A. No. 197/1996

CORAM

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

**Hon'ble Mr. Rahul Sarin,
Member**

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

IN THE MATTER OF

Alka Sharma ...Applicant

Versus

Vikas W.S.P. Ltd. & Ors. ...Respondents

Appearances: None for the Applicant
Mr. Jeevan Prakash, Advocate for R-1 & R-2

ORAL ORDER
27-08-2010

There is a request for adjournment on behalf of R-1 and R-2.

The matter is adjourned to 19th November, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

RTPE No. 08/2001

CORAM

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

**Hon'ble Mr. Rahul Sarin,
Member**

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

IN THE MATTER OF

S. K. Khosla ...Complainant

Versus

HUDA ...Respondent

Appearances: Mr. Mohit D. Rane, Advocate for the Complainant
Mr. Sanjay Singh, Advocate for the respondent

ORAL ORDER
27-08-2010

Cross-examination of respondent's witness Ms. Ashima Sangwan is concluded. List the matter on 22nd November, 2010.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

COMPETITION APPELLATE TRIBUNAL

RTPE NO. 8/2001

Statement of Mrs. Ashima Sangwan, HCS, Estate Officer-I, HUDA, Sector – 14, Gurgaon.

On Oath

I have seen the affidavit dated 27.10.2009 which have been sworn and signed by me. This is exhibited as RW1/1.

Cross-examination of the witness by Shri Mohit De Rane, advocate for the complainant

When I signed the affidavit of evidence I was posted as Estate Officer-I of the respondent Authority. The plot SCO No. 14 which was earlier allotted to the applicant was under litigation. The SCO No. 14 is for shopping-cum-office complex for commercial purpose. The plot was allotted to the applicant on 12.03.1987. I have not stated in my affidavit as to whether there was any litigation subsists prior to allotment in 1987. I shall file a copy of the Special Leave Petition titled Ramesh Nagpal vs. State of Haryana & anr.(The witness undertakes to file a copy of aforesaid SLP and also indicate the latest position of the aforesaid SLP within three weeks). I cannot off-hand state as to why it took long time to suggest the alternative plot. When I was Estate Officer the existing policy was that if an alternative plot was to be allotted, a draw of lots was to be made in respect of the available plots of similar size preferably in the same locality. I do not know whether the aforesaid modality of draw of lots was followed in the present case. I shall be in a position to provide the information if some time is granted. (The witness is granted three weeks time to do the needful). It is not a fact that draw of lots procedure is not followed in the present case because of the high handiness of the Authority. It is correct that the alternative plot in SCO No. 44 was allotted to the applicant in lieu of the plot allotted earlier. The size of the earlier plot was 121 sq. meters. The plot that was allotted alternatively is

121.5 sq. meters. The dimensions of the alternative plot were 18 x 6.7 meters. The possession is offered simultaneously. I have no idea if any time was sought before the erstwhile Commission on 07.05.2003 for carving out any other plot. I am not aware whether order dated 07.05.2003 were taken for admission/denial. I have no personal knowledge under what circumstances an alternative plot was suggested to be given when the alternative plot was earlier offered. The officials had taken the stand that alternative plot SCO No. 44 was fully developed and free from litigation. Whether there was any revision of the layout plan in respect of the SCO Nos. 43, 44 and 45, it is a matter of record. I cannot say with regard to the dimensions of SCO No. 43 because that is not a part of my affidavit of evidence. In paragraph 5 of my affidavit the expression "and further access has been provided to SCO No. 44, Section-12A, Gurgaon" means that in addition to the previous statement that there is no blockage on the main road access has been provided to the SCO No. 44. Sector 12A Commercial Complex, HUDA has an access to the main road and an access has been provided to the SCO 44 too. I am not in a position to say whether SCO NO. 45 is ahead of SCO No. 44. I do not know whether SCO No. 45 is currently under litigation. There are two stages of taking the possession i.e. offer of taking the possession and acceptance thereof. To the query, whether a map is prepared before affecting the delivery of possession, I say that the possession certificate contains the factum of actual possession. According to me, the drawing contains the possession certificate gives the details of the dimensions of the plot offered and delivered. The possession certificate notes of the length and breadth of the plot with area and rear side is as per the plan. I do not have the personal knowledge whether the road constructed on SCO No. 44 at the time of allotment in 2002 but the same is done only when the Executive Engineer concerned gives certificate that development work is complete then the possession of the plot is offered.

I have no personal knowledge whether there is any parking space in front of SCO No. 44. I have no personal knowledge whether SCO No. 44 is located at the dead-end. It is not a fact that SCO No. 44 is incomplete and is not free from litigation. I have no personal knowledge whether any decision was taken not to allot SCO No. 43 and was being intended to use as a passage. I have personal knowledge only that SCO No. 43 has been allotted to any person.

Cross-examination concluded.

**[Dr. Arijit Pasayat]
Chairman**

**[Rahul Sarin]
Member**

**[Pravin Tripathi]
Member**

**R.O. & A.C.
27-08-2010**

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

27.08.2010
UTPE 112/2005

IN THE MATTER OF:

SHRI AKHILESH SHARMA
Vs.
M/S. TATA MOTORS FINANCE LTD. & ANR.

APPEARANCES:Shri Akhilesh Sharma complainant.
Shri Ankur Aggarwal, Advocate along with
Shri Johnson authorized representative for R-1.
None for R-2.

The matter is fixed for admission/denial of the Respondent's documents.

The complainant has admitted the documents at page numbers 1 to 4, 6 and 7 filed by the Respondent no.1, along with affidavit of evidence dated 20.08.2010. Denied the documents are at page numbers 5 and 8 to 12.

The matter shall be place before the Hon'ble Tribunal on 03.09.2010.

(V. Sreenivas)
Dy. Director (E)