

**COMPETITION APPELLATE TRIBUNAL**

**UTPE No. 150/2009**

**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. Real Tech Infrastructure Ltd. ...Respondent

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

**ORAL ORDER**  
29-09-2010

It is stated that nothing survives in the matter as the complainant has received the refund. That being so, the proceedings are closed.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 28/2008**

**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 ] ...Applicant

*Versus*

M/s. Big Bazar ...Respondent

**Appearances:** Mr. Rakesh Vashist, ADG for the D.G. [ I & R ]  
Mr. J.K. Dhingra, Informant

**ORAL ORDER**  
29-09-2010

In view of the reply received to the effect that in the coupon it was categorically stated that they would be valid for a period of ten days co-terminus with the subsistence of the scheme, nothing survives in the matter. That being so, the proceedings are closed.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**UTPE No. 01/2008**

**UTPE No. 02/2008**

**CORAM**

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

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

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

**IN THE MATTER OF**

Himanshu Lalwani  
Jatinder Singh Chandel

....Complainant  
... Complainant

*Versus*

M/s. Bharti Airtel Ltd.

...Respondent

**Appearances:** Mr. Deepak Acharya, Advocate for the Complainant  
Mr. Aditya Narain, Advocate for the respondent  
Mr. Sanjeev Ralli, Advocate for respondent in UTPE  
No. 2/2008

**ORAL ORDER**  
29-09-2010

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

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**UTPE No. 10/2008**

**UTPE No. 11/2008**

**CORAM**

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

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

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

**IN THE MATTER OF**

Delite Impex Pvt. Ltd.

....Complainant

*Versus*

Vodafone Essar Ltd. & anr.

...Respondents

**Appearances:** Mr. Deepak Acharya, Advocate for the Complainant  
Mr. Ajit Kumar Singh, Advocate for the respondent

**ORAL ORDER**

29-09-2010

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

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 61/2008**

**CORAM**

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

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

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

**IN THE MATTER OF**

M/s. Dalmia Resorts International  
Pvt. Ltd.

...Applicant

*Versus*

Mantowoc Food Service Group, USA & ors.

...Respondents

**Appearances:** Ms. Minal Sehgal with Mr. Harish Kumar, Advocate  
for the Applicant  
Ms. Manjula Gandhi, Advocate for R-2  
Mr. Vijay Wangoo, A/R for R-4

**ORAL ORDER**  
29-09-2010

Reply shall be filed within four weeks. List this matter on 6<sup>th</sup>  
December, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**C.A. 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**

Hastimal Chhajar

...Applicant

*Versus*

LIC Housing Finance Ltd.

...Respondent

**Appearances:** Applicant in person  
Ms. Shikha Sharma, proxy counsel for Mr. S. K.  
Sharma, Advocate for the respondent

**ORAL ORDER**  
29-09-2010

At the request of the applicant, list the matter along with UTPE  
No. 70/2009 on 1<sup>st</sup> December, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**UTPE No. 67/2004**

**CORAM**

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

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

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

**IN THE MATTER OF**

Bureau of Indian Standard & Ors. ...Complainants

*Versus*

Om Jewellers ...Respondent

**Appearances:** None for the complainant  
Ms. Bhakti Pasricha, Advocate for respondent

**ORAL ORDER**  
29-09-2010

List this matter along with connected matters of Bureau of  
Indian Standards.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**UTPE No. 04/2008**

**CORAM**

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

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

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

**IN THE MATTER OF**

Vinod Kumar Bindal ...Complainant

*Versus*

Ghaziabad Development Authority ...Respondent

**Appearances:** Ms. Bhakti Pasricha, Advocate for the Complainant  
Ms. Reena Singh, Advocate for the respondent

**ORAL ORDER**

29-09-2010

It is stated that the reply has been filed. The same is not on the record. Let the same be brought on record within three weeks.

List the matter on 6<sup>th</sup> December, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**



**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 21/2008**

**C.A. No.22/2008**

**CORAM**

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

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

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

**IN THE MATTER OF**

M/s. H.C. Chopra & sons	...Applicant
M/s. Ajay T.V. Centre	... Applicant

*Versus*

M/s. Godrej & Boyce Mfg. Co. Ltd.	...Respondent
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**Appearances:** None for the Applicant  
Dr. V. K. Aggarwal, Advocate for the respondent

**ORAL ORDER**  
29-09-2010

None appears for the applicant. The Compensation Application is dismissed for non-prosecution.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**I.A. No. 04/2008**  
**UTPE No. 08/2008**

**CORAM**

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

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

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

**IN THE MATTER OF**

Dainik Bhaskar Corporation Ltd. ....Complainant

*Versus*

M/s. Nayee Duniya News &  
Network Pvt. Ltd. ...Respondent

**Appearances:** Mr. Anurag Sharma, Advocate for the Complainant  
Mohd. Amanullah, Advocate for the respondent

**ORAL ORDER**  
29-09-2010

List this matter on 8<sup>th</sup> November, 2010.

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

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

**[Pravin Tripathi]**  
**Member**

**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 31/2008**

**CORAM**

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

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

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

**IN THE MATTER OF**

Khazan Singh

...Applicant

*Versus*

M/s. New India Assurance Co. Ltd.  
& others

...Respondents

**Appearances:** Mr. Bipin Kallappa, Advocate for the Applicant  
Mr. Pankaj Seth, Advocate for R-1 and R-2  
Mr. Pratap Shanker, Advocate for R-3

**ORAL ORDER**  
29-09-2010

It is stated that the rejoinder is necessary. Let the same be filed within four weeks. List the matter on 6<sup>th</sup> December, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 602/2000**

**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 Aggarwal ...Applicant

*Versus*

Delhi Development Authority ...Respondent

**Appearances:** Mr. Aditya Narain, Advocate for the Applicant  
Mr. M. K. Singh, Advocate for the respondent

**ORAL ORDER**  
29-09-2010

Heard the learned counsel for the parties. It is stated that the written submissions shall be filed within four weeks.

Order is reserved.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 691/2000**

**CORAM**

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

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

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

**IN THE MATTER OF**

Sarat Kumar Rout ...Applicant

*Versus*

Telco Construction Equipment Ltd. ...Respondent

**Appearances:** Mr. A. C. Pradhan with Mr. M. Sinha, Advocates for  
the Applicant  
Ms. Surekha Raman, Advocate for the respondent

**ORAL ORDER**  
29-09-2010

List the matter on 15<sup>th</sup> December, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 47/2003**

**CORAM**

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

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

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

**IN THE MATTER OF**

Linda Naronha ...Applicant

*Versus*

Amblee Hotels (P) Ltd. & ors. ...Respondents

**Appearances:** Mr. M. K. Singh, proxy counsel for Ms. Anjana  
Gosain, Advocate for the Applicant  
Ms. Madhu Sweta, Advocate for R-3

**ORAL ORDER**  
29-09-2010

List the matter on 8<sup>th</sup> December, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 175/2006**

**CORAM**

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

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

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

**IN THE MATTER OF**

Kuldeep Enterprises India Ltd. ...Applicant

*Versus*

Leisten Process Technologies & anr. ...Respondents

**Appearances:** Ms. Prerna Shah Deo, Advocate for the Applicant

**ORAL ORDER**  
29-09-2010

At the request of the applicant, the matter is adjourned to  
8<sup>th</sup> December, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 60/2008**

**CORAM**

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

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

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

**IN THE MATTER OF**

Vishal ...Applicant

*Versus*

M/s. Goyal Sons & anr. ...Respondents

**Appearances:** Mr. R. D. Makheeja, proxy counsel for Mr. C. M. Sharma, Advocate for the Applicant  
None for the respondent

**ORAL ORDER**  
29-09-2010

List the matter on 6<sup>th</sup> December, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**



**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 88/2003**

**CORAM**

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

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

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

**IN THE MATTER OF**

Colour Lab ...Applicant

*Versus*

Kodak India Ltd. ...Respondent

**Appearances:** None for the Applicant  
Mr. Ravinder Narain, Advocate for the respondent

**ORAL ORDER**  
29-09-2010

At the request of the applicant the matter is adjourned to 15<sup>th</sup>  
November, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**UTPE No. 64/2006**

**CORAM**

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

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

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

**IN THE MATTER OF**

D.G. [ I & R ]

...Complainant

*Versus*

M/s. Maxwell Industries Ltd.

...Respondent

**Appearances:** Mr. R. D. Makheeja, Advocate for the D.G. [ I & R ]  
Mr. R. R. Kumar with Mr. Bharat Sangal and Ms.  
Alka Singh, Advocates for the respondent

**ORAL ORDER**

29-09-2010

It is stated that the affidavit of evidence of Mr. B.V. Chemburkar has been tendered as the earlier deponent's affidavit of evidence has since been retired. List the matter on 6<sup>th</sup> December, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**



**COMPETITION APPELLATE TRIBUNAL**

**UTPE No. 09/2008**

**CORAM**

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

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

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

**IN THE MATTER OF**

S. C. Jain

...Complainant

*Versus*

Reliance Infocemn

...Respondent

**Appearances:** Complainant in person  
Mr. Chinmay Mukherjee, Advocate for the  
respondent

**ORAL ORDER**

29-09-2010

The affidavit of evidence of the respondent shall be filed after the cross-examination of the applicant's witness. List the matter on 6<sup>th</sup> December, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

**COMPETITION APPELLATE TRIBUNAL**

**C.A. No. 26/2008**

**CORAM**

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

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

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

**IN THE MATTER OF**

S.S.R.B. Associates ...Applicant

*Versus*

SCAF Engineers Ltd. & anr. ...Respondents

**Appearances:** Mr. A. Chaubey, Advocate for the Applicant  
Mr. Rauf Rahim, Advocate for R-1  
Mr. Yadunandan Bansal, Advocate for R-2

**ORAL ORDER**  
29-09-2010

List this matter on 22<sup>nd</sup> October, 2010.

**[Dr. Arijit Pasayat]  
Chairman**

**[Rahul Sarin]  
Member**

**[Pravin Tripathi]  
Member**

## COMPETITION APPELLATE TRIBUNAL

C.A No. 55/2007

Statement of Shri Saurabh Garg, S/o Shri Murari Lal Garg, R/o NOIDA

On Oath

I have seen the affidavit dated September, 2010 which have been sworn and signed by me. This is exhibited as RW1/1.

Cross-examination of the witness by Shri K.P. Sunder Rao, advocate for the applicant

There was an Agreement of the applicant with the respondent on 19<sup>th</sup> August, 1994. Both myself and my father Shri M.L. Garg were present when the agreement was finalized. The agreement was signed by me. At the time of agreement, I was Director. I was operating all day to day business when the agreement was entered into. Though in the Preamble of the Agreement the name of my father was written since both of us were present, I have signed it. At the time of Agreement certain slides and negatives were given to us. All the slides and negatives have been returned after the publication. The slides were the property of the author i.e. the applicant and therefore we have returned to him. But the negatives are the property of the press and publisher and therefore they were not returned to the applicant. The slides were given by the author while the negatives are generated by the publisher for the purpose of printing. Exhibit PW-11 dated 1<sup>st</sup> May, 1997 was written by my father. According to me there are no negatives which were to be given to the author i.e. the applicant. There was no second edition published by us. There was only one book published with the title "**Beyond the Tiger**" and later because the book was not selling, in consultation with the author the title page of the book was changed to help its sales. A written

Draft Agreement signed by the author was faxed to us and there were many telephonic conversations regarding the change. According to the original agreement publisher has the control over the format of the work and its jacket and as such there was no need for any fresh agreement. The books are still in the market. I am not aware whether Alpha is selling this book and at what rate. The cover and back page of the books **"Beyond the Tiger"** and **"Indian Wildlife"** are different. The ISBN is same in both the books; there is no different code numbers. Certain changes were made in the book **"Indian Wildlife"** which was necessary for the purpose of facilitating the same. Since there was no new edition of the first book, **"Beyond the Tiger"** it was not mentioned in the book **"Indian Wildlife"** because there was a different edition.

As per clause 13 of the Agreement we were required to render to the author separately and audited statement of sale account and royalty due six monthly ending 30<sup>th</sup> September and 31<sup>st</sup> March and to make statements thereof on 31<sup>st</sup> December and 30<sup>th</sup> June respectively. Till 2001 the royalty is worked out and were paid by cheque to the applicant. After discussion with the author the royalty were paid and therefore six monthly statements were not supplied. Our sales are conducted through the distributor and the royalty are paid to the author on the basis of the sale price with the distributor. We have no control as to what price the distributor sells to any person and what price charged by them. Similarly we do not have any idea as to what price distributor sells to the retailers and/or the price charged by the retailers. Different retailers charged different prices. Distributors have no link with us they are independent body but they were appointed by us.

(The witness volunteers that if the cover page is removed "Beyond the Tiger" and "Indian Wildlife" the title "Beyond the Tiger" appears on the bound cover).

Cross-examination concluded.

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

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

**[Pravin Tripathi]**  
**Member**

**R.O. & A.C.**  
29-09-2010



**COMPETITION APPELLATE TRIBUNAL**

**C.A No. 55/2007**

**Statement of Shri Anil Kumar Dwivedi, S/oPrem Raj Dwivedi,  
R/o Pradhan Wali Gate, Phase-II, NOIDA  
On Oath**

I have seen the affidavit dated .09.2010 which have been sworn and signed by me. This is exhibited as RW2/1.

**Cross-examination of the witness by Shri K.P. Sunder Rao,  
advocate for the applicant**

For the past 8 years I have transactions with Brijbasi Printers Pvt. Ltd. I have no idea as to what happened prior to my transactions with the respondent. I have done the binding of the book "**Beyond the Tiger**" and also the front page, jacket case cover of "**Indian Wildlife**". One Mr. Mullaji who looks after the work of publication asked us to undertake the job. I was asked by the respondent to file the affidavit. I have signed the affidavit though I am not fully aware of the facts.

Cross-examination closed.

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

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

**[Pravin Tripathi]**  
**Member**

**R.O. & A.C.**  
29-09-2010

