

COMPETITION APPELLATE TRIBUNAL

MA 14/2008
CA 164/2006

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF:

Smt. Sharda Mishra ...Applicant

Vs.

Style Show & Sale & Anr. ...Respondent

Appearances : Applicant in person

Shri Vijay Chaudhry, Advocate for the
Respondent

ORAL ORDER

3rd August 2010

It is stated by the applicant who appears in person that she does not want to press MA 14/2008. That being so, the application stands disposed of.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

RTPE 28/2009

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF:

M.M. Chanda ...Complainant

Vs.

Punjab National Bank ...Respondent

Appearances : None.

ORAL ORDER

3rd August 2010

None appears for the complainant. The dispute of this nature does not come within the purview of this forum. In view of the order passed in UTPE 162/2007 dated 16th April, 2010 in the matter of DG [I & R] Vs. Private Sector Banks, these proceedings are not maintainable.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

CA 03/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF:

Rajeev Bhargava ...Applicant

Vs.

Royal Palms (I) Pvt. Ltd. ...Respondent

Appearances : Ms. Sadhna Chaudhry, Advocate for the Applicant

Dr. V.K. Aggarwal, Advocate for the Respondent

ORAL ORDER

3rd August 2010

List this matter on 9th September 2010 for consideration /
directions.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

30(41)UTPE/2009

CORAM

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.

Nokia India Ltd. ...Respondent

Appearances : Shri C. Shanmugam, ADG for the DG

ORAL ORDER

3rd August 2010

It appears from the report of DG [I & R] that the matter has been settled. That being so, these proceedings are closed.

Disposed of accordingly.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
UTPE 144/2008

CORAM

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.

Airtel Bharti Tele-ventures Ltd. ...Respondent

Appearances : Shri C. Shanmugam, ADG for the DG

Ms. Veena Ralli, Advocate for Respondent No.1
Shri Prideep Pais, Advocate for Respondent No.2

ORAL ORDER

3rd August 2010

It is stated that the reply of Respondent No.2 shall be filed in course of the day. Learned counsel for Respondent No.1 seeks four week's time to file reply. Rejoinder, if any, shall be filed by the DG within three weeks.

The matter shall be listed on 28th October 2010.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

UTPE 150/2008

CA 131/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF:

Shri Deepak Verma ...Complainant

Vs.

M/s. Chourya Towers Pvt. Ltd. & Ors. ...Respondent

Appearances : Shri A.P. Singh, Advocate for the Complainant

Shri Rohit Sharma, Proxy counsel for
Shri Praveen Mahajan, Advocate for the
Respondent

ORAL ORDER

3rd August 2010

A copy of the application be supplied to the learned counsel for
the respondent. Reply shall be filed within four weeks.

The matter shall be listed on 1st October 2010.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

CA 03/2009

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF:

Chetan Chopra ...Applicant

Vs.

Medsource Ozon Biomedical Pvt. Ltd. ...Respondent

Appearances : Shri Hari, Advocate for the Respondent

ORAL ORDER

3rd August 2010

A copy of reply shall be filed in course of the day. Rejoinder, if any, shall be filed within four weeks.

The matter shall be listed on 5th October 2010.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

CA 149/2001

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF:

Suruchi Foods ...Applicant

Vs.

NOIDA ...Respondent

Appearances : Shri Barun Kr. Sinha along with
Ms. Pratibha Singh, Advocate for the Applicant

ORAL ORDER

3rd August 2010

Order dated 14th January 2008 and 18th February 2010 shall be
complied within a period of three weeks.

The matter shall be listed on 5th October 2010.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

UTPE 124/1999

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF:

Director [Research] ...Complainant

Vs.

BSES Ltd. ...Respondent

Appearances : Shri C. Shanmugam, on behalf of Shri R.D.
Makheeja, Advocate for Director [Research]
Ms. Shilpy Chaturvedi, Advocate for the
Respondent

ORAL ORDER

3rd August 2010

It is stated that Shri R.D. Makheeja is unwell. A prayer is made
for an adjournment. List this matter on 5th October 2010.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

RTPE 101/1999

CORAM

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 Industries Ltd. ...Respondent

Appearances : Shri C. Shanmugam, on behalf of Shri R.D.
Makheeja, Advocate for Director [Research]
Shri A.N. Haksa, Sr. Advocate along with
Shri Samir Sagar Vasistha, Advocate for the
Respondent

ORAL ORDER

3rd August 2010

It is stated that Shri R.D. Makheeja is unwell. A prayer is made
for an adjournment. List this matter on 9th September 2010.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

UTPE 224/1998

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF:

Leela Bhatti ...Complainant

Vs.

Ghaziabad Development Authority ...Respondent

Appearances : Shri V.S. Pandey, Advocate for the Complainant

Ms. Shanta Pandey, Proxy counsel for
Ms. Reena Singh, Advocate for the Respondent

ORAL ORDER

3rd August 2010

Respondent shall file written synopsis of his arguments in course of the day. The matter shall be listed on 14th September 2010.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

CA 603/2000

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF:

Marathen India Ltd.
[previously known as
GE Motors India Ltd.]

...Complainant

Vs.

Airport Authority of India & Anr.

...Respondent

Appearances : Shri S. Sharma, Advocate for the Complainant

Shri Mukesh Anand, Advocate for the Respondent

ORAL ORDER

3rd August 2010

It is stated that the complainant's lawyer is unwell. A prayer is made for an adjournment. The matter shall be listed on 27th October 2010.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

CA 23/2002

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF:

Gemini Continental ...Applicant

Vs.

Kerlosker Mcquary (P) Ltd. ...Respondent

Appearances : Ms. Anjana Gosain along with
Shri Anil Parmar, Advocates for Applicant

Shri Ashish Wad along with
Shri Chirag Dave, Advocate for the Respondent

ORAL ORDER

3rd August 2010

Cross-examination of RW-1 is over. The learned counsel for the respondent stated that two other witnesses shall be produced for cross-examination on 15th September 2010.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

CA 173/2006

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF:

Smt. Indra ...Applicant

Vs.

Uttar Pradesh Awastha & Vikas Parishad ...Respondent

Appearances : Dr. Indra Pratap Singh, Advocate for the
Respondent

ORAL ORDER

3rd August 2010

None appears for the applicant. Similar was the position on 31st March 2010 and 17th May 2010. Learned counsel for the respondent states that he does not want to file any evidence by way of affidavit and wants to argue on the question of maintainability.

The matter shall be listed on 9th September 2010.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

UTPE 176/2007

CA 166/2006

CORAM

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. L.G. Electronics India Pvt. Ltd. & Anr. ...Respondent

Appearances : Shri C. Shanmugam, ADG for the DG
Complainant in person

Shri Chandra Shekhar, Advocate for Respondent
No.2

Shri Narender Pal Singh, Advocate for
Respondent No.4

ORAL ORDER

3rd August 2010

It is stated that the learned counsel for Respondent No.1 is in
personal difficulty. A prayer is made for an adjournment.

The matter shall be listed on 27th October 2010.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
UTPE 83/2007

CORAM

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.

Bharat Sanchar Nigam Ltd. ...Respondent

Appearances : Shri C. Shanmugam, ADG for the DG

ORAL ORDER

3rd August 2010

None appears for the respondent. By order dated 23rd July 2009, the respondent was directed to rectify the defects in the affidavit of evidence that has been filed. Shri R.D. Makheeja, Advocate for the DG is not present due to illness and none appears for the respondent.

The matter shall be listed on 9th September 2010.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

UTPE 57/2005

U/s 36A(1)(X)

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

IN THE MATTER OF:

Reckitt Benckiser (I) Ltd. ...Complainant

Vs.

Hindustan Lever Ltd. ...Respondent

Appearances : Shri A.N. Haksar, Sr. Advocate along with
Ms. Archana Lakhotia, Advocate for the
Complainant

Shri Aditya Narain along with
Dr. V.K. Aggarwal, Advocate for the Respondent

ORAL ORDER

3rd August 2010

List this matter on 25th November 2010.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

UTPE 78/2006

CA 01/2009

CORAM

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]

Wing Com. Anil Goel

...Complainant

Vs.

Kanakia Construction Pvt. Ltd.

...Respondent

Appearances : Shri C. Shanmugam, ADG for the DG

Shri Vivek Yadav, Advocate for the Respondent

ORAL ORDER

3rd August 2010

This matter was not listed today. On mention, the matter is taken up. We direct the matter be listed on 5th August 2010. It is stated that an application has been filed.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL

CA 23/2002

3rd August 2010

Further Cross-examination of Shri Prashant Arvind Joshi by Ms. Anjana Gosain, Advocate for the Applicant

With reference to the question as to in what way the applicant was not ready to avail the services offered even though it was not required. This applicant was under the belief that even after using the four holes specifically provided for the shifting, the unit would have been damaged as stated in paragraph 11 of my affidavit of evidence. The applicant tried to hold it responsible for the damage. This is more so when the applicant itself has stated that there was no need to consult the respondent prior to the shifting of the equipment. Even if there is no written document to show that the applicant refused to avail the services of the respondent yet the same is borne out of the fact that there was no service to be provided in terms of the contract. Though there was a mention in the letter dated 21st April 1998 issued by the applicant that the model supplied was different from what was ordered. The same is after thought as that stand was taken after about two years of the delivery of the equipment. We supplied the physical data sheet when the equipment was supplied. [The witness voluntarily says that we also supplied the erection and installation instruments along with the unit so that the customer can install the unit properly] . The physical data sheet is not supplied along with the equipment but about two months earlier before the actual delivery after receipt of the order. In the present case, the data sheet was supplied prior to the delivery in March 1997. The revised data sheet

was supplied to prove that the machine supplied and the machine ordered are identical, only the difference between them is the model number which the company holds the right to change without any intimation. It is correct that before supply the changed model number was not informed to the applicant. It is a fact that on 27th April 1998 we sent the engineer, Mr. M.G. Paranjape to the site of the applicant. It is a fact that Mr. M.G. Paranjape has sent the letter dated 27th April 1998, Annexure P-8 [appearing at page 70 of the complaint petition]. At a latter stage, the defects noticed by Mr. Paranjape were rectified. [The witness voluntarily says that these defects were as a result of fall of the machine at the time of erection by the applicant]. There is no specific mention in the minutes of the meeting dated 26th May 1999 about the removal of the defects as noticed in the letter dated 27th April 1998. The machine, in question, was sent to the factory premises in June 2000. I do not actually remember how long the machine were in our premises but documents which are available can show the period. It was sent back in August 2000. It has been so stated in paragraph 21 of my affidavit of evidence. I do not remember the exact amount which was received by the respondent Company towards the cost of the machine and repair of the machine. It is not a fact that the applicant has paid the amount that is required for repairs. Though applicant were not required to do so, we had as a matter of courtesy, extended the services for repair of the machine which had got damaged because of the fall of the machine. No payment was

made for the repair but on the contrary payments were made for the transportation of the unit to our factory and back. Charges for commissioning formed a part of the original contract and, therefore, no amount was charged for commissioning till it was actually put in place. This arrangement was in terms of the contract as also indicated in the letter dated 12th May 2000. It is not a fact that we raised a further payment of Rs. 40,000/- thereafter.

The refrigerant gas is a consumable item and damage to the unit will leak out this gas. It is a fact that our engineer, Mr. Channa visited the premises of the applicant at Lucknow.

It is not a fact that Mr. Channa had pointed out some defects. We have denied the existence of the authenticity of the document appearing at Annexure P36. Reiterate the statement in the affidavit that Mr. Channa was forced to write the letter, in question, but it is a fact that we have not lodged any complaint for such action. Mr. Channa had given the respondent company in writing about the incidence. We have not filed the documents in support of our pleadings. I do not know how many reports Mr. Channa has sent. It is not a fact that any defect pointed out by the applicant and / or our engineer has remained unattended. It is not a fact that the respondent company wanted the applicant to purchase a standby chiller.

It is a fact that the document dated 10th August 2001, Annexure P-51 [appearing at page 144 of the complaint] was given by the company to the applicant. It is a fact that there were protracted correspondences exchanged between 2000-2001 regarding the machine. After sale service

is not a part of the agreement and it is the only matter which is referred by the warranty within a period of 12 months which are undertaken by the respondent company. I am not sure that the entire payment for the machine has been received by the respondent company. No legal recovery proceedings in respect of counter claim has been initiated by the respondent company. It is not a fact that the respondent failed to supply the model which was ordered and are to provide after sale service. I do deny that the machine was not functional from the beginning.

[Dr. Justice Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

RO A&C

