

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 34/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

The Director General (Investigation
and Registration) [the DG (I&R)]

.... Complainant

Versus

M/s. Cogent EMR Solutions Ltd.

... Respondent

Appearances : Shri C. Shanmugam, ADG for the DG (I&R).

ORAL ORDER

8th September, 2010

Issue fresh Notice to the respondent.

List the matter on 6th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

30(163) 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 :

Dr. Harishchandra Varshney & Anr. Complainants

Versus

Motilal Oswal Securities Ltd. & Anr. ... Respondents

Appearances : The Complainant No. 1 in person.

ORAL ORDER

8th September, 2010

Issue Notice of Enquiry to the respondent.

List the matter on 7th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 16/2006

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Garima Pvt. Ltd. Complainant

Versus

Reliance Industries Ltd. ... Respondent

Appearances : Shri Dalip Mehra with Shri Sunil Singh, Advocates for
the Complainant.

Shri R. Chandrachud, Advocate for the Respondent.

ORAL ORDER

8th September, 2010

Cross-examination of A.W. 1, Shri Mahesh Kumar Gupta, is concluded. There being no other witness, complainant's evidence stands closed.

The respondent has already filed its affidavit of evidence. If any documents are to be produced, the admission/denial thereof shall take place on 15th November, 2010 at 2:00 P.M. and thereafter the matter shall be listed on 6th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

UTPE 16/2006

8th September, 2010

Statement of Shri Mahesh Kumar Gupta, S/o Late Shri Shiv Lal Gupta, Director of the complainant company, having office at 25, Community Centre, East of Kailash, New Delhi.

ON OATH :

I have seen the affidavit dated 15.10.2007 signed and sworn by me. The affidavit is exhibited as Ex. A.W. 1.

Cross-examination by Shri R. Chandrachud, Advocate for the Respondent :

I was not a Director of the complainant company from the time of its incorporation. I became its Director on 01.05.1998. The company deals with the business of purchase and sale of debentures. The complainant company exercised the option for conversion from debentures to shares on 16.09.1994. The call money was paid on 21.04.1993. Exhibit C.W. 1/11, there is a reference that a Draft No. 89768 dated 30.06.1995 for Rs. 9755.40p. was enclosed. However, copy of the said draft has not been produced.

Cross-examination concluded.

R.O.A.C.

08.09.2010

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

C.A. 43/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Utkal Nirman ... Applicant

Versus

Orissa State Financial Corporation ... Respondent

Appearances : Shri D. Mishra, Advocate for the Applicant.

Shri Nikhil Nayyar with Shri T.V.S. R Sreyas, Advocates
for the Respondent.

ORAL ORDER

8th September, 2010

The order dated 06.05.2010 by which the respondent was directed to furnish copies of the application for One Time Settlement and the order passed thereon shall be complied with within a week. The affidavit which the applicant was directed to file shall be filed within two weeks. Cross-examination of R.W. 1 is deferred at the request of the learned counsel for the applicant.

It is stated that Shri P.K. Balabantaray, who was the deponent of the affidavit of evidence of the respondent Corporation has ceased to be an officer of the Corporation. Learned counsel for the respondent stated that the affidavit of evidence of another officer of the respondent Corporation presently dealing with the matter shall be filed within four

weeks. A copy of the affidavit of evidence, to be filed, shall be supplied to the learned counsel for the applicant before it is filed in the Registry of this Forum. Further cross-examination of R.W. 1, Shri P.K. Balabantaray, is not necessary in view of the aforesaid facts. Liberty is given to the applicant to cross-examine the witness whose affidavit of evidence has been undertaken by the respondent to be filed.

List the matter on 6th December, 2010.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

C.A. 48/2008

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

Dr. Rakesh Bhardwaj Applicant

Versus

Narne Construction Pvt. Ltd. ... Respondent

Appearances : Shri D.K. Monga, Advocate for the Applicant.

Shri Bhagabati Prasad Padhy, Advocate for the
Respondent.

ORAL ORDER

8th September, 2010

Learned counsel for the respondent company shall obtain instructions whether they can transfer any part or whole of the property in issue without any encumbrances. An affidavit in this regard shall be filed within four weeks.

The matter shall be listed on 6th December, 2010 along with the UTPE application, if any.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

C.A. 40/2006

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Ms. Pravin Tripathi
Member

In the matter of :

M/s. Wheels India Ltd. Applicant

Versus

M/s. Mellcon Engineers Pvt. Ltd. ... Respondent

Appearances : Shri Vipin K. Singh, Advocate for the Applicant.

Shri Pardeep Dhingra with Shri Vinod Sharma,
Advocates for the Respondent.

ORAL ORDER

8th September, 2010

Cross-examination of A.W. 1, Shri A.N. Singh, has been concluded.
There being no other witness, the applicant's evidence stands closed.

Affidavit of evidence of the respondent shall be filed within four weeks. If any documents are filed, admission/denial thereof shall take place on 18th November, 2010 at 2:00 P.M. and thereafter the matter shall be listed on 7th December, 2010 for respondent's evidence.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

COMPETITION APPELLATE TRIBUNAL
NEW DELHI

C.A. 40/2006

8th September, 2010

Statement of Shri A.N. Singh, S/o Shri R.L. Singh, Manager Plant Engineering, Wheels India Limited, 1/19, Avas Vikas Rampur (U.P.)

ON OATH :

I have seen the affidavit dated 17.10.2008 signed and sworn by me. The affidavit is exhibited as Ex. A.W.1.

Cross-examination by Shri Pardeep Dhingra, Advocate for the Respondent :

I am the deponent of the affidavit of evidence and I have signed the verification. The contents of the affidavit are true to my personal belief and knowledge. I have been working with the applicant company since 01.03.1989. I have sworn the affidavit on the basis of my personal knowledge based on the office records. Shri Gajender Singh joined the applicant company in 1995 and left the company in 2007. The applicant company is a manufacturer of tractor wheels rims. In the process of manufacture, because of the involvement of pneumatic tools, dry air is necessary and, therefore, we need Air Dryer. At the relevant point of time, there was only one Air Dryer, though presently there are four Air Dryers. There was one defunct Air Dryer machine. Previously, we were using heatless dryer which was replaced by the refrigerated type Air Dryer by the respondent. The Air Dryers, which are operated for about 24 hours daily, are handled by two shift Engineers and two shift Supervisors. Shri O. P. Shukla and Shri B. S. Rawat were the Shift

Engineers. There is actually no need of any training for the officers to handle them because for the refrigerator type dryer, the requirement was to switch on and switch-off for the machine. I have read the instructions manual which was supplied along with the machine. It was implemented. Shri B. Jayakumar who was the General Manager in the applicant company at the relevant point of time, has left the services of the company subsequently. Shri A.R. Kumar was the Personal Manager at the relevant point of time but he has also retired. Shri O.P. Shukla who was the Shift Engineer is also not working with us because he has resigned. Shri R.K. Upadhyay was the Senior Manager (Personnel) at the relevant point of time and he is still working with us. Shri B. Diwakar is Vice President of North Zone. He is also presently working with the applicant company. In 2003, I was Senior Engineer (Maintenance). My job profile in 2003 and presently is almost the same as the head of the Department. At the relevant point of time, power supply was available for 8-10 hours in Rampur but presently it is about 20 hours. In 2003, we were using On Load Type Changer with our Transformer. So there was no fluctuations of electricity beyond the limit. It is a fact that Air Dryer rims get damaged because of the voltage fluctuations. It is not a fact that we were asked to maintain constant electricity supply and/or that unless it is done, the machine is likely to get damaged. The air dryer was kept in the compressor room. The persons who handled the machine are ITI trained personnels. The applicant sent the notice about the loss

sustained on account of non-functioning of the Air Dryers. Cooling system was modified as per the instructions of the respondent's Service Engineer. It is not a fact that on 26.04.2004, a letter was written by the respondent to us that the compressor failed due to the fluctuations of the electricity. After the air-dryer became non-functional, repairs were done by another party. The loss was worked out as indicated in the notice and the compensation application on the basis of the records, and, therefore, there may be some variations in the quantum. I do not exactly remember whether the log report of the machine was maintained but to the best of my recollection, inlet air temperature and pressure were noted.

Cross-examination concluded.

R.O.A.C.

08.09.2010

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member