

COMPETITION APPELLATE TRIBUNAL

Appeal No. _____/2016

(Under Section 53B of the Competition Act, 2002 against the order dated 07.01.2016 passed by the Competition Commission of India in Case No.103/2015)

CORAM

Hon'ble Shri Justice G.S. Singhvi
Chairman

IN THE MATTER OF

RaghubirMertia ...Appellant

Vs

Aura Real Estate Private Limited, Pune and another ...Respondents

Appearance: None for the Appellant

ORDER

This appeal is directed against order dated 07.01.2016 passed by the Competition Commission of India in Case No.103 of 2015 whereby the information filed by the appellant was closed under Section 26(2) of the Competition Act, 2002.

On scrutiny, the Registry of the Tribunal pointed out the following defects:

1. Appeal has not been drafted as per Rule 3 of the Competition Appellate Tribunal (Form and Fee for filing an Appeal and Fee for filing Compensation Application) Rules, 2009.
2. Memo of parties not filed
3. Synopsis, list of dates and events not filed.
4. Appeal not supported by an affidavit.
5. Some pages in volume No.1 are highlighted.
6. Paper Book No.2 filed in A-4 size paper instead of legal size paper includes dim impression pages, vernacular language and not in proper font size i.e. 14.
7. Appeal not paginated properly including paper book No.2.

Even though, vide letter dated 29.03.2016 the appellant was apprised of the aforesaid defects, the same have not been rectified/removed.

The record of the case shows that on 05.04.2016, the appellant submitted a letter in the Registry, which is addressed to the Court Master of the Tribunal undertaking to remove the defects in about 8 – 10 days' time.

In view of the letter filed by the appellant, he is allowed 7 days' time counted from today to remove the defects, failing which the appeal shall stand automatically dismissed.

The concerned official of the Registry is directed to telephonically inform the appellant about today's order.

(G.S. Singhvi)
Chairman

13th April, 2016

COMPETITION APPELLATE TRIBUNAL

Appeal No. 26/2016

IA No. 64 to 66 of 2016

(Under Section 53B of the Competition Act, 2002 against the order dated 02.02.2016 passed by the Competition Commission of India in Combination Registration No.-2014/07/190)

CORAM

Hon'ble Shri Justice G.S. Singhvi
Chairman

IN THE MATTER OF

Dalmia Cement (Bharat) Limited

...Appellant

Vs

Competition Commission of India and others

...Respondents

Appearance: Shri Ramji Srinivasan, Senior Advocate assisted by Shri G.R.Bhatia, Shri Abdullah Hussain, Ms. Kanika Chaudhary Nayar, Ms. Deeksha Manchanda and Ms. Tripti Malhotra, Advocates for the Appellant

ORDER

Heard learned senior counsel for the appellant and perused the record.

The applications filed by the appellant for condonation of one day's delay in filing the appeal and for grant of exemption from filing certified copy of the impugned order are allowed in terms of the prayer made.

The appellant is aggrieved by order dated 2nd February 2016 passed by the Competition Commission of India in Combination Registration No.C-2014/07/190, whereby the Commission accepted the alternative proposal submitted by the parties to the Combination Case. The appellant has also questioned order dated 30th March 2015 on the ground that parties failed to implement the order passed by the Commission within the specified time.

In support of the appellant's challenge to order dated 2nd February 2016, Shri Ramji Srinivasan argued that there is no provision in Competition Act, 2002 for acceptance of the alternative proposal in a combination case, once the terms of combination have been finalized by the Commission and on this ground alone the impugned order is liable to be set aside.

Learned counsel pointed out other errors in the impugned order, but I do not consider it necessary to notice the same at this stage.

Issue notice to the respondents returnable on 9th May 2016. Dasti in addition.

Issue notice on the appellant's prayer for interim relief returnable on 9th May, 2016, Dasti in addition.

In the meanwhile, operation of order dated 2nd February 2016 passed by the Competition Commission of India in Combination Registration No.C-2014/07/190 shall remain stayed.

It shall be the appellant's duty to serve the respondents before the next date, failing which the interim order passed today shall stand automatically vacated.

IA No.66 of 2016

IA for exemption is allowed and delay of one day is condoned.

(G.S. Singhvi)
Chairman

13th April, 2016

COMPETITION APPELLATE TRIBUNAL

Appeal No. 105/2015

IA No. 63/2016

(Under Section 53B of the Competition Act, 2002 against the order dated 24.03.2015 passed by the Competition Commission of India in Case No.97/2014)

CORAM

Hon'ble Shri Justice G.S. Singhvi
Chairman

IN THE MATTER OF

Dr. (Col.) Subhash Chandra Talwar

...Appellant

Vs

Government of Haryana and another

...Respondents

Appearance: Shri Aditya N. Prasad and Shri Aditya Abhayanker, Advocates for the
Appellant

None for the Respondents

ORDER

IA No.63/2016

IA No.63/2016 filed on behalf of the appellant for condonation of delay in filing amended memo of parties is allowed in terms of the prayer made and the amended memo is taken on record.

The main case be listed on 7th July, 2016.

(G.S. Singhvi)
Chairman

13th April, 2016

COMPETITION APPELLATE TRIBUNAL

UTPE 33/1995

CORAM

Hon'ble Shri Justice G.S. Singhvi
Chairman

IN THE MATTER OF

Wing Commander (Retd.)S.K. Puri and others ...Complainants

Vs

M/s. Swatantra Land and FinancePrivate Limited and others ...Respondents

Appearance: Mrs. Krishna Kumari Gupta, Authorized Representative for all the
Complainants except Complainant Nos.2 and 3

Shri Randeep Singh Surjewala, Dr. Vijay Kumar Aggarwal, Mrs. Varuna
BhandariGugrani, Ms. Bhakti Vardhan Singh, Shri AnkushWalia and Shri
ParamTandon, Advocates for Respondent Nos.1, 2 and 4

Shri Rana Mukherjee, Senior Advocate assisted by Shri Jayant Mehta,
Ms. VasudhaZutshi, Shri RohitSthalekar, Shri AviTandon and Ms. Daisy
Hannah, Advocates for Respondent No.3

ORDER

Since the pleadings of the parties are complete, the case is sent back to the Registrar for completing the recording of evidence. The matter may be listed before the Registrar on 25th April 2016.

(G.S. Singhvi)
Chairman

13th April, 2016

COMPETITION APPELLATE TRIBUNAL

UTPE 34/1997

CORAM

Hon'ble Shri Justice G.S. Singhvi
Chairman

IN THE MATTER OF

Ms. Parbati Devi and others ...Complainants

Vs

Swatantra Land and Finance Private Limited and others ...Respondents

Appearance: Mrs. Krishna Kumari Gupta, Authorized Representatives for the
Complainants

Shri Randeep Singh Surjewala, Dr. Vijay Kumar Aggarwal, Mrs. Varuna
BhandariGugrani, Ms. Bhakti Vardhan Singh, Shri AnkushWalia and Shri
ParamTandon, Advocates for Respondent Nos.1, 2 and 4

Shri Rana Mukherjee, Senior Advocate assisted by Shri Jayant Mehta, Ms.
VasudhaZutshi, Shri RohitSthalekar, Shri AviTandon and Ms. Daisy
Hannah, Advocates for Respondent No.3

ORDER

Since the pleadings of the parties are complete, the case is sent back to the Registrar for completing the recording of evidence. The matter may be listed before the Registrar on 25th April 2016.

(G.S. Singhvi)
Chairman

13th April, 2016

COMPETITION APPELLATE TRIBUNAL

RTPE 323/1996

CORAM

Hon'ble Shri Justice G.S. Singhvi
Chairman

IN THE MATTER OF

Smt. ShobhaRani Jain ...Complainant

Vs

Delhi Development Authority ...Respondent

Appearance: None for the parties

ORDER

By an order dated 04.12.2012, the Tribunal had adjourned this case sine die because of the pendency of the appeals filed against orders dated 04.02.2008, 29.03.2011 and 11.05.2012.

After almost three years, the case was relisted on 08.09.2015. On that day, learned counsel for the respondent made a statement that appeals pending before the Supreme Court have not been decided so far.

Today, none has appeared and the Tribunal has not been apprised of the progress made in the matters pending before the Supreme Court.

Adjourned to 3rd August 2016.

Registry shall issue notice to the parties to appear on the next date and apprise the Tribunal about the current status of the matters pending before the Supreme Court.

(G.S. Singhvi)
Chairman

13th April, 2016

COMPETITION APPELLATE TRIBUNAL

RTPE 32/2006

CORAM

Hon'ble Shri Justice G.S. Singhvi
Chairman

IN THE MATTER OF

DG (I&R) ...Complainant

Vs

Gujarat Ambuja Cements Limited and others ...Respondents

Appearance: Shri R.D. Makheeja, Advocate with Shri Rakesh Vashist, DDG for the
DG(I&R)

Shri Himanshu Mehta, Advocate for RespondentNos.1 and 2

Ms. Rita Kumar, Advocate for Respondent No.3

ORDER

Shri Makheeja gave out that the matter pending before the Supreme Court has not been decided so far.

In view of the statement made by the learned counsel, hearing of this case is adjourned to 3rd August 2016.

(G.S. Singhvi)
Chairman

13th April, 2016

COMPETITION APPELLATE TRIBUNAL

Execution No. 03/2014

in

CA No. 115/2006

CORAM

Hon'ble Shri Justice G.S. Singhvi
Chairman

IN THE MATTER OF

Usha Gulati and others (LRs. Of deceased)
Ms. Durga Chaudhary

...Applicants

Vs.

M/s. Rajni Properties (P) Ltd. and others

...Respondents

Appearance: Shri D.S. Chauhan with Shri ChetanParkash, Advocates for the
Applicants

Shri Ashok Kumar Sharma and Shri V.K. Nigam, Advocates for Shri
Rajesh Bajaj and Shri P. Bajaj, Advocates for Respondent No.1

Ms. ShikhaSachdeva, Shri PrabhatKalia, Advocates for Mrs. Ruma
Dutta, wife of Late Shri V. Dutta for Respondent No.2

ORDER

After making submissions for a while, Shri Ashok Kumar Sharma, learned counsel for Shri Rajesh Bajaj and Shri P. Bajaj, who are present in person in compliance of order dated 17th March 2016 passed by the Tribunal requests that his clients may be given some time to consider their liability in terms of order dated 30th July 2013.

The request of the learned counsel is accepted and four weeks' time is allowed to his clients to take appropriate view of the matter relating to compliance of order dated 30th July, 2013..

Put up on 12th May 2016.

(G.S. Singhvi)
Chairman

13th April, 2016

COMPETITION APPELLATE TRIBUNAL

Appeal No. 02/2016

(Under Section 53B of the Competition Act, 2002 against the order dated 26.08.2015 passed by the Competition Commission of India in Case No.45/2015)

CORAM

Hon'ble Shri Justice G.S. Singhvi
Chairman

IN THE MATTER OF

ESS CEE Securities Private Limited and others ...Appellants

Vs

Competition Commission of India and others ...Respondents

Appearance: Ms. Jasneet Kaur, Advocate for the Appellants

Ms. Manika Brar and Shri Anandh Venkataramani, Advocates for the
Respondent Nos.2 and 3

ORDER

Learned counsel for Respondent Nos.2 and 3 requests that her clients are allowed four weeks' time to file reply to the appeal. Ordered accordingly.

Rejoinder, if any, be filed by the appellants within next four weeks.

The case be listed for arguments on 12th July 2016. In the meanwhile, Registry of the Tribunal shall reacquisition the record of Case No.45/2015 decided by the Competition Commission of India on 26.08.2015. The secretariat of the Commission shall ensure that the complete record of the case is transmitted to the Tribunal within two weeks of receipt of reacquisition.

The parties may, if so advised, inspect the record in the Registry of the Tribunal by filing appropriate application(s).

(G.S. Singhvi)
Chairman

13th April, 2016

COMPETITION APPELLATE TRIBUNAL

Appeal No. 19/2016

(Under Section 53B of the Competition Act, 2002 against the order dated 09.09.2015 passed by the Competition Commission of India in Case No.09/2015)

CORAM

Hon'ble Shri Justice G.S. Singhvi
Chairman

IN THE MATTER OF

SbhubhamSanitarywares

...Appellant

Vs.

Competition Commission of India and another

...Respondents

Appearance: Shri M.M. Sharma with Ms. DeepikaRajpal and Shri Danish Khan,
Advocates for the Appellant

None for the Respondents

ORDER

The appellant has complied with order dated 21.03.2016.

Issue notice to the respondents for 7th July 2016. Notice be given Dasti.

Send for the record of Case No.09 of 2015 decided by the Competition Commission of India on 09.09.2015.

(G.S. Singhvi)
Chairman

13th April, 2016