



COMPETITION COMMISSION OF INDIA

Case No. 20 of 2025

In Re:

ACP NB/Sub N.Mohan Rao (Retd.)

...Informant

143, Pirpukar Road, Bansdroni, South Twenty
Parganas, Kolkata,
West Bengal 700070

And

Bishal Juice Corner

...Opposite Party

Prop. Mr. Sujit Kumar Nandi,
Near Water ATM, Command Hospital
(Eastern Command), Alipore, Kolkata-
West Bengal 700027

CORAM:

Ms. Ravneet Kaur
Chairperson

Anil Agrawal
Member

Ms. Sweta Kakkad
Member

Mr. Deepak Anurag
Member

Order under Section 26(2) of the Competition Act, 2002

1. The Information has been filed by ACP NB/Sub N.Mohan Rao (Retd.) ('**Informant**') against Bishal Juice Corner (Proprietor: Ex. NK Sujit Kumar Nandi), ('**Opposite Party**'/'**OP**') alleging *inter alia* contravention of Section 3 of the Competition Act, 2002 ('**the Act**').



2. According to the Informant, Shop No.2, Command Hospital, Eastern Command, Kolkata where the OP is running his business was allotted to the Informant *vide* Allotment letter dated 23.03.2022 issued by V.K. Patra, Brig. IC Admn. & Cdr. Tps., Command Hospital, Eastern Command, Kolkata. The Informant also signed a Lease and License Agreement dated 15.04.2022 with the Commandant, Command Hospital, Eastern Command, Kolkata. However, even after two and a half months of the said agreement, Informant could not take over the possession as it was not vacated by the OP. *Vide* letter dated 25.06.2022, Informant states that he submitted a representation to the Commandant, Command Hospital, Eastern Command, Kolkata requesting to hand over the possession of the shop as per the agreement. Subsequently, a response was issued to Informant, by Lt Col. MS Sampath Kumar *vide* letter dated 24.09.2022 Ref 150001/Logistic Office/2022 in which it was stated that since the lease cum license agreement made with him could not be materialised even after 90 days, the same may be treated as null and void.
3. In the same letter, Informant was also informed that the shop allotted to him has not been vacated by the OP and that OP has filed a Suit against eviction before the Hon'ble District Court, Alipore, West Bengal. Therefore, the matter being sub-judice, Informant was asked to collect the refund of security deposit paid by him.
4. The Informant has stated that later, he was allotted a Wet Canteen Shop *vide* Allotment letter No. 100012/Coord/Regtl Shop dated 04.03.2024 at Gol Bldg, P-8, issued by Col. K Vivek, Coord & OIC Regtl Shop within Command Hospital Alipore, Kolkata. Accordingly, Lease and License agreement was entered *vide* Agreement No. AC-547413 on 24.07.2024 and possession was also taken over by him for carrying on retail business for the sale of food and related products including meals, snacks, bakery items, permitted beverages and items authorised to be sold from Wet Canteen in the shop named "Raj Café and Wet Canteen".



5. The Informant has alleged that he has witnessed a sharp fall in daily sales as OP brings cooked food from unhygienic and unknown outside sources and sells at prices below the manufacturing cost, that leads to unfair competition with established vendors who are complying with all regulations. Informant avers that he is not able to sustain in the market. The OP is selling food items including samosa, momos, idli, dosa, laddu, sandwich, veg and non-veg patties, besides also selling sanitary napkins, CDs, toiletries etc.
6. The Informant has stated that earlier he incurred Rs 3,50,000 to purchase furniture and equipment for the prospective shop when the allotment was made in his name. However, as noted above, the OP refused to vacate the allotted premises and Informant claims to have sustained irreparable pecuniary loss.
7. The Informant has also stated that he has sent a complaint dated 12.12.2024 to the Commandant, Command Hospital, Kolkata about selling of food items cooked and brought from unhygienic sources by the OP. Consequently, *vide* letter dated 14.01.2025, Col. Diwan Singh, Command Hospital, Kolkata sought comments of OP on the said complaint of Informant.
8. It is alleged by the Informant that the OP is operating his business without the required licenses or authorisations. It is further alleged that the OP has illegally occupied the public premises and continues to run his business, causing significant disruption and unfair competition for other vendors.
9. Apart from the allegations of unfair trade practice and illegal occupation of public premises, the Informant has also alleged that the business of the OP is causing other concerns such as public nuisance, health risks and environmental disruption.
10. The Informant has prayed for the following reliefs:
 - a) Removal of illegal occupation of the OP from the public premises;



- b) Ensure that the OP complies with all applicable laws and regulations regarding food safety and trade;
- c) Direct an investigation into the unfair trade practices and take appropriate course of action against the OP;
- d) Resolution of public nuisance caused by selling unauthorised food.

11. The Commission considered the matter in its ordinary meeting held on 06.08.2025 and decided to pass an appropriate order in due course.

12. The Commission has perused the Information and material available on record. The Commission notes from the Information that the Informant has made allegations against OP under Section 3 of the Act.

Section 3(1) of the Act is extracted here for reference:

“Anti-competitive agreements 3. (1) No enterprise or association of enterprises or person or association of persons shall enter into any agreement in respect of production, supply, distribution, storage, acquisition or control of goods or provision of services, which causes or is likely to cause an appreciable adverse effect on competition within India”

13. The Commission notes that, there is no allegation or evidence of any agreement between the OP and its competitors or suppliers that may restrict competition in the present case. The OP appears to be acting independently, without any form of horizontal or vertical agreement. The conduct alleged, that is, selling products at low prices by an entity which *prima facie* is not a significant market player, and operating without licenses or authorisations, does not in itself amount to violation of Section 3 of the Act. Moreover, the Informant has also not provided any credible evidence indicating anti-competitive agreement or conduct. As such, in the absence of any horizontal agreement or vertical restraint, the Information provided appears to be too general and insufficient to make a *prima facie* case under Section 26(1) of the Act.



14. The Commission is of the view that there is no competition issue that arises in the present case. The issues raised *inter alia*, pertain to the OP's unauthorised occupation of public premises, alleged sourcing of unhygienic products and violation of food and safety standards. These matters fall outside the purview of the Act.
15. In light of the above, the Commission is of the view that no *prima facie* case of contravention of Section 3 of the Act is made out in the present matter. The Commission directs that the matter be closed forthwith under Section 26(2) of the Act.
16. The Secretary is directed to communicate to the Informant, accordingly.

Sd/-
(Ravneet Kaur)
Chairperson

Sd/-
(Anil Agrawal)
Member

Sd/-
(Sweta Kakkad)
Member

Sd/-
(Deepak Anurag)
Member

New Delhi

Date 26/08/2025