

I.A. No. 3891 of 2025
in Competition Appeal (AT) No. 43 of 2018
& I.A. No. 928 of 2025

3. The facts are the appellant had filed this appeal against an impugned order dated 01.05.2018 whereby the appellant was found to be in contravention of Section 3 of the Competition Act, 2002 and had directed him to pay a penalty of Rs. 1,68,10,166/- within 60 days from receipt of the

impugned order. The Respondent No. 1 Commission *vide* the impugned order, allowed the appellant the benefit of reduction of penalty of only 50% under the Competition Commission of India (Lesser Penalty) Regulations, 2009.

4. It is submitted the present matter came up for hearing on 16.07.2018 along with other connected appeals whereby this Tribunal directed the appellant herein to deposit 10% of the penalty amount awarded by Respondent No. 1 within four weeks and the matter was re-notified on 06.08.2018 wherein the impugned order was stayed subject to deposit of the penalty amount by the appellant, as ordered on 16.07.2018, by the extended date *i.e.* 20.08.2018, by way of Fixed Deposit Receipt (FDR), in the name of Registrar of NCLAT. The said amount was deposited by way of FDR No. 00350 dated 18.08.2018 in the name of "Registrar, NCLAT – A/c. Mahalaxmi Steels" with HDFC Bank, Boat Club Road, Pune.

5. Thereafter, the final order and judgment dated 23.12.2022 was passed by this Tribunal wherein it was held the Respondent No. 1 had not exercised its discretion in respect of imposition of penalty in a reasonable manner and as such the appeal was allowed thereby remitting the matter to Respondent No. 1 to reconsider the penalty in view of the observations made in the said judgment.

6. The Respondent No. 1 filed an appeal bearing Civil Appeal No. 1825 of 2023 before the Hon'ble Supreme Court challenging the aforesaid final judgment passed by this tribunal dated 23.12.2022 which was dismissed *vide* order dated 16.12.2024.

7. In the circumstances, the appellant has filed the application for release of an amount of Rs. 16,81,020/- deposited by him by way of FDR along with interest accrued thereon.

8. The Learned Counsel for Respondent No. 1 Commission submits he has no objection in case the said FDR is released to the appellant herein.

9. Considering the above facts, the FDR be released in favour of the appellant along with interest accrued thereon. Accordingly, this application is allowed.

[Justice Yogesh Khanna]
Member (Judicial)

[Mr. Indevvar Pandey]
Member (Technical)

R.N./Manu.