

NATIONAL COMPANY LAW APPELLATE TRIBUNAL**PRINCIPAL BENCH****NEW DELHI****COMPETITION APPEAL (AT) NO. 11/2022****In the matter of:**

Nishant Bhutada

Appellant

Vs

Competition Commission of India & Ors

Respondent

For Appellant: Mr. Nazaqat Lal, Mr Vikrant Singh, Mr. Bhaskar Sinha, Advocates.

For Respondent: Ms Shama Nargis, Dy Director, CCI.

Mr. Rajshekhar Rao, Sr. Advocate, Ms Sonal Sharda, Mr Shashant Gautam, Mr Sreemoyee Deb, Ms Anubhati Mishra, Advocates for R3.

Ms Riya Seth, Advocate for R2.

Mr Ramji Srinivasan, Sr. Advocate, Ms Nandini Gore, Ms Sonia Nigam, Ms Natash Sahrawat, Mr. Karanveer Singh Anand, Mr. Gaurav Bansal, Mr Atish ghoshal Ms Rajshree Chaudhary, Ms Neha Khandelwal, Mr Nitin Nair, Advocates for R2.

ORDER**VIRTUAL MODE**

26.07.2022: The Appellant, Informant and Proprietor of M/s Kanchan Motors has approached this Tribunal by filing the present Appeal under Section 53B of the Competition Act, 2002 against an order dated 21st December, 2021 whereby the Learned CCI has rejected an IA filed by the Informant in Case No.16 of 2020.

The case No.16/2020 was initiated on the basis of complaint filed by the Appellant. After finding prima facie case the Learned CCI directed for conducting investigation by the DG. While investigation was going on an

Interlocutory Application was filed by the Appellant/Informant for following relief/reliefs:

- a) That this Hon'ble Commission be pleased to direct the Opposite Party No.1 to forthwith renew the Agreement dated 10th February, 2017 for a period of five year as promised and/or assured by the Opposite Party No.1
- b) That this Hon'ble Commission be pleased to direct the Opposite Party No.1 to forthwith unblocked the access code of the Informant in terms of the Agreement dated 10th February, 2017.
- c) In alternative to prayer clauses (a) and (b), that this Hon'ble Commission be pleased to direct the Opposite Party No.1 to take possession of the entire stock of spare parts supplied by the Opposite Party No.1 and reimburse the Informant for the moneys as was paid by the Informant to the Opposite Party No.1 at the time of purchase of the said spare parts.
- d) That this Hon'ble commission be pleased to direct the Opposite Party No.1 to compensate the Informant for the losses and damages suffered by the Informant owing to the illegal action of the Opposite Party No.1 to block the access code.
- e) That this Hon'ble Commission be pleased to direct the Opposite Party No.1 to release the monies to the tune of Rs.30,19,477.30 (Rupees Thirty Lakhs Nineteen Thousand Four Hundred and Seventy Seven and Thirty Paise only) of the Informant, illegally withheld by the Opposite Party No.1 in Access No.1D01500.

- f) Pending the hearing and final disposal of the present Interim Application, that this Hon'ble commission be pleased to direct the Opposite Party No.1 to forthwith renew the Agreement dated 10th February, 2017 for a period of one year as promised and/or assured by the Opposite Party No.1
- g) Pending the hearing and final disposal of the present Interim Application, that this Hon'ble Commission be pleased to direct the Opposite Party No.1 to forthwith unblocked the access of the Informant in terms of the Agreement dated 10th February, 2017.
- h) Pending the hearing and final disposal of the present Interim Application that this Hon'ble Commission be pleased to direct the Opposite Party No.1 to take possession of the entire stock of spare parts supplied by the Opposite Party No.1 and reimburse the Informant for the monies as was paid by the Informant to the Opposite Party No.1 at the time of purchase of the said spare parts.
- i) Pending the hearing and final disposal of the present Interim Application, that this Hon'ble Commissions be pleased to direct the Opposite Party No.1 to release the monies to the tune of R s.30,19,477.30/- (Rupees Thirty Lakhs Nineteen Thousand Four Hundred and Seventy Seven and thirty Paise only) of the Informant, illegally withheld by the Opposite Party No.1 in Account No.1D01500.
- j) Pending the hearing and final disposal of the present Interim Application, that this Hon'ble Commissions be pleased to direct the Opposite Party No.1 to compensate the Informant for the losses and

damages suffered by the Informant owing to the illegal action of the Opposite Party No.1 to block the access code.

- k) Ad interim relief in terms of prayer clauses (f),(g),(h) and (i).
- l) For costs of this Application.
- m) For such further and other order as this Hon'ble Commission may deem fit in the interest of justice, equity and fair play.

The Learned CCI by a detailed reason has declined to pass favourable order and as such the Informant is before this Tribunal in the present proceeding. After going into merit of the case as well as on the fact that Information Petition was filed on 31st March, 2020 which was acted upon by the CCI and only thereafter the DG was directed to conduct investigation, the Court is of the considered opinion that it would not be proper to further delay the conclusion of the proceeding before the CCI which had initiated on the information filed by the Appellant. Learned Counsel for the Appellant on being asked as to whether without going into the merits of the case the Appeal can be disposed off with an observation that the CCI may take a final decision and conclude the proceeding in Case No.16/2020 expeditiously, the Learned Counsel for the Appellant has agreed which was also agreed by the Learned Counsel for the Respondents. To cut short the matter the Court is of the opinion that instead of examining the merit of the present appeal, in view of the object of the Competition Act to conclude such enquiry or investigation expeditiously, this Appeal can be disposed off with a direction to the CCI to take all steps so that final decision in the matter is taken expeditiously

preferably within a period of three months from the date of receipt/production of a copy of the order.

With above observation and direction the Appeal stands disposed off.

(Justice Rakesh Kumar)
Member (Judicial)

(Dr.Ashok Kumar Mishra)
Member (Technical)

Bm/gc