

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

C.A.(AT) (COMPT.) NO. 01 OF 2017

IN

COMPETITION OLD APPEAL NO. 99 OF 2015

IN THE MATTER OF:

Crown Theatre

.. **Appellant**

Vs

Kerala Film Exhibitors Federation.

.. Respondents

Present:

For Appellant: **Shri Yashraj Singh Deora, Mr Amit Gupta**

For Respondents: Shri Harshad V. Hameed- Advocate for Respondent no. 1

ORDER

03.01.2018 - Learned Counsel appearing on behalf of 2nd and 3rd Respondents submits that against the impugned judgment dated 19th April, 2016 passed by the Competition Appellate Tribunal, New Delhi in Appeal No. 99 of 2015, Civil Appeal No. 9726 of 2016 an appeal is pending before the Hon'ble Supreme Court. Request has been made to take up the matter after the decision of the Hon'ble Supreme Court. On the other hand, according to the learned Counsel for the Applicant the judgment has reached finality in so far it relates to 1st Respondent and therefore the application under Section 53 N should not await the decision of the Hon'ble Supreme Court.

2. On bare perusal of the order passed by the Commission and the judgment dated 19th April, 2016 passed by the Competition Appellate Tribunal, New Delhi

we find that penalty imposed on 1st Respondent has been confirmed by the Appellate Tribunal, but in so far it relates to finding with regard to curtail/agreement is concerned, it has not reached finality as the matter is pending as against the 2nd and 3rd Respondents before the Hon'ble Supreme Court.

3. As the judgment dated 19th April, 2016 passed by the Competition Appellate Tribunal, New Delhi is pending consideration before the Hon'ble Supreme Court and it is always open to the Hon'ble Supreme Court to decide all the issue(s) including question as to whether there is curtail/agreement on the part of the Respondents, we are of the opinion that the present application should wait the decision of the Hon'ble Supreme Court. We accordingly adjourn the matter with a liberty to the parties to mention the case after the decision of the Hon'ble Supreme Court.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

akc/gc