

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Competition Appeal (AT) No. 06 of 2017

IN THE MATTER OF:

Hyundai Motor India Limited

...Appellant

Versus

**Competition Commission of India
& Others**

...Respondents

Present: For Appellant :

**Mr. Karan S. Chandiok, Shri Vikram Sobti,
Shri Aroon Menon and Shri Mehul Parti,
Advocates**

For 1st Respondent :

**Shri Vaobhav Gaggar, Ms. Neha Mishra,
Shri Shiv Johar, Shri Rishabh Juneja and
Shri Indresh Upadhaya, Advocates**

ORDER

18.07.2017 Learned counsel for the appellant refers to paragraph 48 of the impugned order dated 14th June, 2017 passed by the Competition Commission of India (hereinafter referred to as, 'CCI') wherein the Commission noticed that the DG has considered separate market(s) for each contravention of Section 3(4) of the Competition Act, 2002 but in paragraph 51 of the said order, the CCI differed with the findings of the DG as referred to above and passed order without notice to the appellant. It is submitted that the CCI has not given any opportunity to the appellant before differing with the findings of the DG and passed the impugned order without adhering to the rules of natural justice. Reliance has been placed on the judgment dated 25th February, 2016 passed by the Competition Appellate Tribunal (for short, "Tribunal") in Appeal No. 17/2013 (Paragraph 24) wherein the Tribunal held that if CCI wanted to differ with the report of DG on the issue of

relevant market, it should have given notice spelling out its intention to do so and give an opportunity of hearing to the appellant of the said case.

Let notice be issued to the respondents by Speed Post.

Shri Vaibhav Gaggar, Advocate accepts notice on behalf of Competition Commission of India – 1st Respondent. No further notice need be issued.

Let notice be issued on rest of the respondents.

Requisite alongwith process fees, if not filed, be filed by tomorrow i.e. 19th July, 2017. If the appellant provides e-mail address of the respondents, then let notice be also issued through e-mail.

Post the matter on 2nd August, 2017.

In the meantime, if the appellant deposit Rupees Nine Crores within a week with Ministry of Corporate Affairs, the appellant should not be forced to deposit rest of the amount. The amount so deposited with Ministry of Corporate Affairs will be subject to decision of the appeal and in case the appeal is allowed, Ministry of Corporate Affairs will have to refund the amount with interest, as may be determined by the Tribunal.

[Justice S.J. Mukhopadhaya]
Chairperson

[Balvinder Singh]
Member (Technical)