

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Competition Appeal (AT) No. 43 of 2018

IN THE MATTER OF:

Manoj Gupta
(Proprietor of M/s. Mahalaxmi Steels) **...Appellant**

Versus

Competition Commission of India
& Ors. **...Respondents**

Present:

For Appellant : **Ms. Kartik Nagarkatti, Advocate**

Competition Appeal (AT) No. 44 of 2018

IN THE MATTER OF:

Ecoman Enviro Solutions
Pvt. Ltd. & Ors. **...Appellants**

Versus

Competition Commission of India
& Ors. **...Respondents**

Competition Appeal (AT) No. 45 of 2018

IN THE MATTER OF:

Fortified Security Solutions,
Through its Proprietor Bipin Vijay Salunke **...Appellant**

Versus

Competition Commission of India
& Ors. **...Respondents**

Competition Appeal (AT) No. 46 of 2018

IN THE MATTER OF:

Raghunath Industry Pvt. Ltd. & Anr. **...Appellants**

Versus

**Competition Commission of India
& Ors.**

...Respondents

Present:

**For Appellants: Mr. Rajshekhar Rao, Mr. Vikas Mishra and
Mr. Shaleen Shrivastava, Advocates**

Competition Appeal (AT) No. 47 of 2018

IN THE MATTER OF:

Sanjay Agenices & Anr.

...Appellants

Versus

**Competition Commission of India
& Ors.**

...Respondents

Present:

For Appellants: Ms. Aditi Sharma, Advocate

O R D E R

16.07.2018 Mr. Rajshekhar Rao, learned counsel appearing on behalf of the appellants submitted that the appellants have accepted the 'cartel' during the inquiry, they co-operated with the Director General and also the Competition Commission of India (for short, 'the Commission') to come to a conclusion of violation of Section 3(3) of the Competition Act, 2002. The only submission is that in the facts and circumstances of the case, the appellant having accepted the bid rigging in respect of Tenders No. 34, 35 and 44 of 2014 and having admitted the opposite party was the proxy bidder, lesser penalty should have been imposed on the appellants.

Let Notice be issued on the Commission as to why the Appellate Tribunal will not interfere with the quantum of penalty imposed by the Commission in view of the stand taken by the appellants.

Mr. Navdeep Singh, Deputy Director of the Commission who is present in the Court accepts notice on behalf of the Commission and submits that Commission will engage a lawyer to assist the Court. Therefore, no further notice need be issued on it. Commission may file reply within two weeks and rejoinder if any maybe filed by the appellant within seven days thereof.

Let notice be issued on rest of the respondents by Speed Post. Requisite alongwith process fee, if not filed, be filed by 18th July, 2018. If the appellant provides *e-mail* address of the respondents, let notice be also issued through *e-mail*.

Post the appeals for 'admission' on 6th August, 2018.

In the meantime, M/s. Mahalaxmi Steels, Ecoman Enviro Solutions Pvt. Ltd., Fortified Security Solutions and Raghunath Industry Private Limited will pay 10% of the respective penal amount within four weeks. The individual appellants will pay full penalty imposed on them within the aforesaid period of four weeks, subject to the decision of the appeal.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

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