

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

**Transfer Original Petition (AT) (MRTP) No. 04 of 2017
Contempt Case (AT) (MRTP No. 05 of 2017
(Old RTPE No. 176/1999 Old Contempt Application No.02 of 2016)**

IN THE MATTER OF:

Bansi Lal Arora Trust & Ors.

...Appellants

Vs

Skipper Towers Pvt. Ltd. & Anr.

**.... Contemner
Respondents**

Present:

**For Appellants: Ms. Prema Priyadarshini and Mr. Ashish Shaw,
Advocates. Mr. Manish Arora, Petitioner in
person.**

For Respondents: Mr. R. D. Makheja and Mr. V.B. Arya, Advocates.

ORDER

16.03.2018: This is second contempt application preferred by Appellants - 'Bansi Lal Arora Trust & Ors.', wherein the Competition Appellate Tribunal (COMPAT) passed following order on 8th November, 2016:-

*"ORDER
8th November, 2016"*

*Heard Ms. Prema Priyadarshini, learned counsel for
the applicants and perused the record.*

*This is the second contempt application filed by
Bansi Lal Arora Trust and others, whose petition filed
under Section 10(a)(i) and (iv) of the Monopolies and
Restrictive Trade Practices Act, 1969 (for short, 'the Act')
is pending for consideration.*

*Contempt Application No.01/2016 filed by the
applicants was dismissed by the Tribunal vide order
dated 19.10.2016 on the ground that in the absence of*

categorical statement about the date from which M/s. Blue Dart started its operations from the disputed property, the Tribunal cannot initiate the contempt proceedings.

The averments contained in paragraph 5 to 21 of this application which are supported by the documents prima facie show that non-petitioners Nos. 2 and 3 have acted in breach of the injunction order passed by the erstwhile Monopolies and Restrictive Trade Practices Commission, which was made absolute vide order dated 1.12.1999.

Issue notice to non-applicants Nos. 2 and 3. Rule is made returnable on 21.11.2016. The notice be given Dasti.

Shri V. B. Arya, learned counsel says that he does not have instructions from the non-applicants to file an application for permission to lead evidence.

In view of the statement of Shri V. B. Arya the evidence of the respondents is closed.

The main complaint shall now be listed for final hearing.

List the matter on 21.11.2016.”

On notice non-applicants No. 2 and 3 have appeared (placed as Contemner-Respondent No. 2 and 3 in the petition).

On hearing the parties, we intend to proceed in the matter. Let notice be issued on Contemner-Respondent no. 2 and 3 as to why the proceeding for contempt be not initiated for alleged violation of order dated 23rd September, 1999 and 1st December, 1999 passed by MRTP. It will be open to the parties to file application for permission to lead evidence.

3. Show cause reply, if any, be filed within three weeks. They may also file application for permission to lead evidence giving details of evidence including oral and documentary. Contemner – Respondent no. 2 and 3 shall remain in person on the next date. Post the matter on **26th April, 2018**.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

am/gc