

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Appeal (Competition) No. 59 of 2015

IN THE MATTER OF:

SCM Soilfert Ltd.

...Appellant

Versus

Competition Commission of India

...Respondent

Present:

For Appellant : **Mr. G.R. Bhatia, Mr. Rudresh Singh and
Ms. Chandramauli, Advocates**

For Respondent : **Mr. Samar Bansal, Ms. Shreya Singh, Mr. Manan
Shishodia and Mr. Siddharth Nath, Advocates**

O R D E R

14.05.2018 This case was earlier listed for 'orders' for renewal of FDR.

Learned counsel appearing on behalf of the Commission informed that the dispute stands settled by the Hon'ble Supreme Court decision in Civil Appeal No. 10678 of 2016 which was preferred by the appellant. The said appeal has been dismissed by the judgment dated 17th April, 2018. The Secretary, Competition Commission of India (for short, 'the Commission') has filed additional affidavit enclosing the copy of the judgment of Hon'ble Supreme Court of India as referred to above. In view of the fact that the Commission's order has reached finality, we are of the view that the appellant is liable to pay total amount with interest.

It is informed by the learned counsel for the Commission that the demand notice has already been issued on 8th May, 2018. A copy of the same has been handed over to the learned counsel for the appellant today.

In view of the development, we allow the appellant to take the FDR back and direct the appellant to pay the penalty amount as imposed by the Commission along with interest in terms of their demand notice dated 8th May, 2018 by 30th June, 2018.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/ns/uk