

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Competition Appeal (AT) No. 17 of 2017

IN THE MATTER OF:

**Potash Corporation of Saskatchewan
Inc. & Anr.**

... Appellants

Versus

Competition Commission of India

... Respondent

Present: For Appellants: Dr. Abhishek Manu Singhvi, Senior Advocate with Shri Harman Singh Sandhu, Shri Yaman Verma, Shri Prateek Bhattacharya, Shri Akshat Kulshrestha, Shri Avishkar Singhvi and Ms. Aditi Gopalan, Advocates

For Respondent : Shri Amit Sibal, Senior Advocate with Shri Rishad A. Chowdhury, Ms. Asiya Khan, Shri Avinash Amarnath and Shri Rohan Alva, Advocates

ORDER

12.10.2017 Learned senior counsel appearing on behalf of the appellant submitted that during the pendency of the appeal, the appellant, through its legal firm, Shardul Amarchand and Mangaldas & Co., approached the Competition Commission of India (hereinafter referred to as 'Commission') by letter dated 11th October, 2017 enclosing a copy of the earlier letter dated 6th October, 2017 and Annexures including Part II attached thereto. Referring to the oral discussion as made before this Appellate Tribunal on 7th September, 2017, it is stated that the appellant discussed the matter with the Commission with a view

to resolve the outstanding issues. Therein, a proposal has been given to substitute certain terms and conditions in place of terms and conditions, suggested by the Commission by the impugned order dated 4th May, 2017, in so far as it relates to Part II of the Annexure of such suggestion.

This fact is also accepted by learned senior counsel appearing for the Commission.

With a view to pass appropriate orders in terms of settlement as may be arrived at between the parties, we allow the law firm, Shardul Amarchand Mangaldas & Co., to file an affidavit enclosing the copy of letter Reference No. 7494 dated 11th October, 2017 including annexures thereto such as Letter Reference No. 7379 dated 6th October, 2017, Appendix I-Proposed Terms of Parties' Divestiture in APC, ICL and SQM and Part II of the Annexure as enclosed therewith, after serving the copy of the learned counsel for the Commission.

Post the matter tomorrow i.e. 13th October, 2017 at 2:00 P.M. on the top of the list.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice A.I.S. Cheema)
Member (Judicial)

(Balvinder Singh)
Member(Technical)

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