

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

**TA (AT) (Competition) No.05 of 2017
(Old Appeal No.17 of 2017)**

IN THE MATTER OF:

Prem Prakash

...Appellant

Vs

Madhya Pradesh PWD & Ors

...Respondents

**Present: Mr. Prem Prakash, appellant in person.
Mr. Sanjib Kumar Mohanty, Advocate for Respondent No.2.
Mr. Vikram Sobti and Mr. Mehul Parti, Advocates for
Respondent No.3**

ORDER

30.10.2017- The appellant is pointing out that the Competition Commission of India disposed the matter before it in view of the affidavit dated 25.11.2016 where CPWD informed the Competition Commission of India that they have amended the CPWD Manual so as to permit accreditation by NABL or any other body as mentioned. He is then pointing out the Office Memorandum actually issued subsequently on 13.4.2017, copy of which is filed as Annexure-III to say that what was actually enforced was different.

On being asked, the Learned Counsel for the Competition Commission of India hands over copy of the affidavit dated 25.11.2016 which was filed before the Competition Commission of India alongwith the office notification dated 22.11.2016. The same is taken on record and marked as "X" for identification.

In the office notification dated 22.11.2016 the relevant portion reads as under:

"A lab will have to submit details of space available, equipments, staff (Technical and Non-Technical), accreditation and approval from various department/institutes. For this

purpose labs accredited by NABL or any other accreditation body which operates in accordance with ISO/IEC 17011 and accredits labs as per ISO/IEC-17025 for testing and calibration scopes shall be eligible. “

The Office Memorandum dated 13th April, 2017 which is issued subsequent to the impugned order, “Page 63 para 53.20” reads as under:-

“53.20 Outside/independent Testing Facilities

1.The Superintending Engineer will approve the private lab irrespective of distance for tests accredited by NABL or any other similarly placed accrediting Government body which operates in accordance with ISO/IEC 17011 and accredits labs as per ISO/IEC 17025.”

The difference is obvious. The appellant is submitting that there cannot be ***similarly placed accrediting Government Body.***

Learned counsel for the Respondent No.2 seeks time to take instructions as to why what was submitted before the Competition Commission and what is implemented differs. ‘

List the matter on 15.11.2017. Not to be treated as Part-heard.

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

(Justice Bansi Lal Bhat)
Member (Judicial)

(Balvinder Singh)
Member (Technical)

Bm/sh/nn