

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Competition Appeal (AT) No. 22 of 2017

IN THE MATTER OF :

K. Sera Sera Digital Cinema Pvt. Ltd.

... Appellant

Versus

Pen India Ltd. & Ors.

... Respondents

**Present: For Appellant : Shri Rachit Batra and Shri Sushil Shukla,
Advocates**

**For Respondent No.1 : Shri Parminder Singh and Ms. Niyati
Kohli Advocates**

**For Respondent No. 3 : Ms. Kalyani Singh and Ms. Mahima
Singh, Advocates**

For Respondent No. 4 : Ms. Anisha Chand, Advocate

O R D E R

26.10.2017 Heard learned counsel for the parties and perused the record.

Learned counsel for the appellant submits that in this matter, the hearing had taken place before the Chairperson along with four Members of the Competition Commission of India (hereinafter referred to as 'the Commission') but the impugned order passed was signed by the Chairperson and three Members only. Learned counsel for the appellant refers to Regulation 32 of the Competition Commission of India (General Regulations 2009 to submit that it is necessary that record should reveal

if the fifth Member agreed or dissented from the impugned order or why did not join the impugned order.

It would be appropriate to call for Original Record and Proceeding from the Commission in this matter so that the concerned Original Record can be seen.

The Original Record and Proceeding of the Commission be called before the next date. The Commission may be requested to send the same duly indexed and in sealed cover.

List on 13th November, 2017.

In the meanwhile, the respondents may, if so desired, file their affidavits in reply.

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

[Balvinder Singh]
Member (Technical)

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