

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Competition Appeal (AT) No. 11 of 2020

In the matter of:

Textile Consumers Foundation

....Appellant

Vs.

Competition Commission of India & Anr.

....Respondents

Present

For Appellant: Mr. MM Sharma, Mr. Anand, Mr. Charms Mathew & Mr. Gautam Chawla, Advocates.

For Respondents: Mr. Samar Bansal, Sr. advocate alongwith Mr. Manu Chaturvedi (CCI) & Ms. Harsheen Madan, For R-1.

Mr. C. Aryama Sundaram, Sr. Advocate alongwith Mr. Somasekhar Sundaresan, Ms. Nisha Kaur Uberoi, Mr. Mathew George, For R-2.

Ms. Shama Nargis, Ms. Devahuti Pathak & Mr. Sachin Mishra, For CCI.

With

Competition Appeal (AT) No. 13 of 2020

&

I.A. No. 36, 44 & 47 of 2020

In the matter of:

Grasim Industries Ltd.

....Appellant

Vs.

Competition Commission of India & Anr.

....Respondents

Present

For Appellant: Mr. C. Aryama Sundaram, Sr. Advocate alongwith Mr. Somasekhar Sundaresan, Ms. Nisha Kaur Uberoi, Mr. Mathew George & Mr. Gautam Chawla, Advocates.

For Respondents: Mr. Samar Bansal, Sr. advocate alongwith Mr. Manu Chaturvedi (CCI) & Ms. Harsheen Madan, For R-1.

Mr. MM Sharma, Mr. Anand, (Caveator) For R-2.

Ms. Shama Nargis, Ms. Devahuti Pathak & Mr. Sachin Mishra, For CCI.

ORDER
(Virtual Mode)

04.11.2020: Heard Learned Senior Counsel Shri C. Aryama Sundaram submitted that on 16.10.2020 after hearing the Appeals, the Appeals were listed for 06.11.2020. In the meanwhile, Competition Commission of India on 19.10.2020 issued Recovery Certificate for the Recovery of Penalty amount of Rs. 301.61 cr. along with interest and it was directed that within a period of 15 days from receipt of this Recovery Certificate if the Appellant failed to pay the amount then, the Competition Commission of India will proceed against the Appellant i.e. Grasim Industries Ltd. under Section 42 of the Competition Act, 2002, therefore, it is requested that the recovery proceeding may be stayed till disposal of this Appeal otherwise the Appeal render infructuous. Learned Senior Counsel further submits that the Appellant is ready to deposit 5% of the penalty amount within a month.

Learned Counsel representing Competition Commission of India submits that operation of the Recovery Certificate may be stayed subject to deposit of 10% of the penalty amount.

Learned Counsel Shri MM Sharma who is representing Caveator in this Appeal opposing the prayer and submit that there is no urgency in the matter and the Appeal has already been listed for '**Hearing**' on **6th November, 2020**.

Otherwise also the Appeal has no substance, therefore, the application is liable to be dismissed.

After hearing the Learned Counsel for the Parties we are of the considered view that the recovery of penalty amount Rs. 301.61 Cr. may be stayed, during the pendency of this Appeal. Therefore, it is directed that subject to deposit 10% of penalty amount within 15 days i.e. till **19th November, 2020**, the recovery of penalty shall remain stayed for six months or till disposal of this Appeal, whichever is earlier. Failing which the Commission may proceed further as per Law.

Let the 'Appeal' be listed on **6th November, 2020**.

[Justice Jarat Kumar Jain]
Member (Judicial)

[Balvinder Singh]
Member (Technical)

Sim/Bm