

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Competition Appeal (AT) No. 38 of 2017**

**IN THE MATTER OF:**

**St. Antony's Cars Pvt. Ltd.**

**...Appellant**

**Vs.**

**Competition Commission of India & anr.**

**...Respondents**

**Present:**

**For Appellant: - Shri K. K. Sharma and Ms. Anubha Dhulia,  
Advocates**

**For 2<sup>nd</sup> Respondent:- Shri Karan S. Chandhiok, Advocate**

**ORDER**

**25.01.2018-** This appeal has been preferred by appellant against the order dated 14<sup>th</sup> June, 2017 passed by the Competition Commission of India, New Delhi in Case Nos. 36 & 82 of 2014 along with an application for condonation of delay of 121 days in filing the appeal.

2. The main ground taken in the application for condonation of delay is that Mr. Haimer Reynold, Managing Director of St. Antony's Cars Pvt. Ltd. was suffering from ailment and was under treatment for 'Lumbago' from 27<sup>th</sup> June, 2017 to 29<sup>th</sup> November, 2017, i.e. for about 155 days due to which he could not prefer the appeal within the time. A certificate dated 3<sup>rd</sup> December, 2017 issued by 'Kuzhuvilayil Nursing Home, Kollam' has been enclosed in support of such statement.

3. Learned counsel appearing on behalf of 2<sup>nd</sup> respondent opposed the prayer and brought to our notice that against the same very impugned order

dated 14<sup>th</sup> June, 2017, *Hyundai Motor India Ltd.* preferred an appeal being – *Competition Appeal (AT) No. 06 of 2017*. In the said case, Mr. Haimer Reynold, who is 3<sup>rd</sup> respondent in the said appeal, appeared through same counsel, namely Mr. K. K. Sharma, Advocate on 2<sup>nd</sup> August, 2017; 4<sup>th</sup> September, 2017; 11<sup>th</sup> October, 2017; 16<sup>th</sup> November, 2017, 29<sup>th</sup> November, 2017 and 14<sup>th</sup> December, 2017. In spite of the same, no appeal was preferred by the appellant till the present appeal presented on 12<sup>th</sup> December, 2017. The aforesaid fact disclose that Mr. Haimer Reynold, who is the 3<sup>rd</sup> Respondent in the other appeal pending against the same very impugned order, was in a position to present the appeal.

4. The appellant having not come with the clean hand, we are not inclined to accept the ground shown to condone the delay. In the result, I.A. No. 85 of 2017 for condonation of delay is rejected. The appeal is dismissed being barred by limitation. No cost.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Justice Bansi Lal Bhat)  
Member(Judicial)

ns/gc