

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

I.A. No. 29 of 2019

IN

Competition Appeal (AT) No. 42 of 2018

IN THE MATTER OF:

Shri Vijay Bhutda

...Appellant

Vs.

Competition Commission of India & Ors.

...Respondents

Present: For Appellant: - Mr. Vikram Sobti and Ms. Shruthi Rao, Advocates.

For Respondents: Mr. Somasekhar Sundaresan, Ms. Nisha Kaur Uberoi, Ms. Shravani Shekhar, Mr. Mathew George and Mr. Himanshu Satija, Advocates for R-2.

ORDER

08.02.2019— The case was heard on merit on 29th January, 2019 and the stand taken by 2nd Respondent was noticed as follows:

“29.01.2019 *Learned Counsel for the 1st Respondent- Commission and learned Counsel appearing on behalf of 2nd Respondent submit that a frivolous appeal has been preferred by the Appellant in respect of alleged combination made pursuant to the Resolution Plan approved by the Adjudicating Authority, as upheld by the Hon’ble Supreme Court. Heard learned counsel for the Appellant. Hearing remained inconclusive.*

Contd/-.....

*Place the case for further hearing on **31st**
January, 2019 at 4.00 P.M.”*

2. Subsequently, the hearing was concluded. During the hearing, it was brought to the notice of this Appellate Tribunal that the Appellant is making different communication with different parties and also with the Registry of the NCLAT.

3. Today, an Interlocutory Application has been filed by the Appellant with prayer to withdraw the appeal.

4. Taking into consideration the nature of the case, while we allow the Appellant to withdraw the appeal but with observations that the Appellant should not try to influence any Tribunal or Court of law by making unnecessary correspondence with the Registry of the NCLT or NCLAT with regard to pending cases.

5. The appeal is dismissed as withdrawn with aforesaid observations.

I.A. No. 29 of 2019 stands disposed of accordingly.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

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