

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Competition Appeal (AT) No. 79 of 2019

IN THE MATTER OF:

Central Organisation for Railway ElectrificationAppellant

Vs.

M/s PPS InternationalRespondent

Present :

For Appellant: **Though present but not marked attendance**

For Respondents: **Mr. Vedant Singh, Advocate**
 Michelle Gomes, Advocate
 Mr. Vinay Kr. Dubey, Advocate

O R D E R

23.01.2020 - After hearing Learned Counsel for the Appellant, we find that there is no plausible explanation offered for inordinate delay of 330 days (wrongly described as 350 days) in preferring the appeal. Admittedly, the impugned order was passed by the Competition Commission of India based at New Delhi and it is inconceivable that the Appellant was not aware of the Appellate mechanism and the Forum empowered to entertain the appeal. The ground sought to be projected for condonation of delay does not constitute a “sufficient cause” so as to warrant condonation as sought. Viewed in that context, we find that the huge delay of 330 days has not been explained satisfactorily and no sufficient cause has been assigned for such delay. The application for condonation of delay is accordingly dismissed.

.....contd.

That apart, on merit we find, that the (Commission) has noticed the trend in decrease of price of the relevant product in 2016 and 2018 and in view of the same, no *prima facie* case for directing investigation by Director General was made out. We find no reason to disagree with the view taken by the Commission. There being no infirmity in the impugned order, we decline to intervene.

Appeal is accordingly dismissed.

[Justice Bansi Lal Bhat]
Member (Judicial)

[Justice Venugopal M.]
Member (Judicial)

[Justice Anant Bijay Singh]
Member (Judicial)

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