

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.2693 OF 2003

GUJARAT HEAVY CHEMICALS LTD.

...APPELLANT

VERSUS

DIRECTOR GENERAL (INVEST.&REGIS.) & ORS. ...RESPONDENTS

WITH

Civil Appeal NO. 338 of 2002  
Civil Appeal NO. 2694 of 2003

O R D E R

A complaint was received by the Monopolies and Restrictive Trade Practices Commission (hereinafter referred to as the 'Commission') from M/s Insilco Ltd., alleging therein, cartelisation by the three major manufacturers of Soda ash.

The matter was investigated and preliminary investigation report was submitted to the Commission. Parties filed their respective pleadings and an issue with regard to the maintainability of those proceedings was also framed. The Commission by the impugned order dated 12.04.2001, decided the preliminary issue in affirmative and against the appellant herein. The Commission observed as follows :

"In view of the above, we are of the opinion that whether or not there was a meeting of minds and whether these three respondents formed a cartel and acted in concert is a matter to be decided on the basis of evidence. Moreover, there is an additional charge of adoption of restrictive trade practices against respondent no.2. Gujarat Heavy Chemicals Ltd., as certain clauses in its agreement are violative of the provisions of Section 33(1)(g) and (c) of the Act. Accordingly, the preliminary issue with regard to the maintainability of the present enquiry is decided in the affirmative and against the respondents."

As the Commission has rendered a decision on preliminary issue, we are not inclined to go into the merit of that in these appeals at this stage.

We dismiss these appeals accordingly.

.....J  
[Chandramauli Kr. Prasad]

.....J  
[V. Gopala Gowda]

April 22, 2013.

ITEM NO.109

COURT NO.11

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
CIVIL APPEAL NO.2693 OF 2003

GUJARAT HEAVY CHEMICALS LTD.

Appellant (s)

VERSUS

DIRECTOR GENERAL (INVEST.&REGIS.) & ORS.

Respondent(s)

(With prayer for interim relief)

WITH Civil Appeal NO.2694 of 2003

(With office report)

Civil Appeal NO.338 of 2002

(With office report)

Date: 22/04/2013 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Appellant(s)

Mr. Manu Nair, Adv.

Mr. Saanjh N. Purohit, Adv.

for M/S Suresh A. Shroff & Co.

Mr. Sudhir Kumar Gupta, Adv. (N.P.)

Mr. Snehal Kukjania, Adv.

Mr. Sanjeev Kumar, Adv.

For Respondent(s)

Mr. R.P. Bhat, Sr. Adv.

Ms. Kiran Bhardwaj, Adv.

Mr. B.V. Balramdas, Adv.

Mr. Shreekant N. Terdal, Adv.

Mr. Manu Nair, Adv.

Mr. Saanjh N. Purohit, Adv.

for M/S Suresh A. Shroff & Co.

UPON hearing counsel the Court made the following

O R D E R

These appeals are dismissed in terms of the signed order.

(Sanjay Kumar)

Court Master

(Indu Satija)

Court Master

(Signed order is placed on the file)