



**COMPETITION COMMISSION OF INDIA**

**Case No. 15 of 2017**

**In Re**

**Bablu & Company,  
B-891 New Subzi Mandi,  
Azadpur Delhi- 110033.**

**Informant**

**And**

**Fatehchand & Company,  
B-185, New Subzi Mandi,  
Azadpur Delhi-110033.**

**Opposite Party No. 1**

**Gordhan Das Rajiv Kumar,  
B- 927-927 New Subzi Mandi,  
Azadpur Delhi- 110033.**

**Opposite Party No. 2**

**Ajay Rajive & Co.,  
C-515 New Subzi Mandi,  
Azadpur Delhi-110033.**

**Opposite Party No. 3**

**Jagdish Kumar & Company,  
A-1185 New Subzi Mandi,  
Azadpur Delhi-110033.**

**Opposite Party No. 4**

**Kewal Ram & Sons,  
B-136 New Subzi Mandi,  
Azadpur Delhi-110033.**

**Opposite Party No. 5**

**Raj Jagdish Fruit Company,  
B-143, Office-92, 2<sup>nd</sup> Floor,  
New Subzi Mandi,  
Azadpur Delhi-110033.**

**Opposite Party No. 6**

**M/s Vijaya Fruit Agency,  
C-87 New Subzi Mandi,  
Azadpur Delhi-110033.**

**Opposite Party No. 7**

**Krishan Lal Khushiram & Sons,  
B-201 New Subzi Mandi,  
Azadpur Delhi-110033.**

**Opposite Party No. 8**

**Ved Prakash & Sons,  
B-139 New Subzi Mandi,  
Azadpur Delhi-110033.**

**Opposite Party No. 9**



**Kullu Kashmir Trading Company,  
C- 81 New Subzi Mandi,  
Azadpur Delhi-110033.**

**Opposite Party No. 10**

**Ram Chand Govind Kumar,  
B-150 New Subzi Mandi,  
Azadpur Delhi-110033.**

**Opposite Party No. 11**

**CORAM**

**Mr. Devender Kumar Sikri  
Chairperson**

**Mr. Sudhir Mital  
Member**

**Mr. Augustine Peter  
Member**

**Mr. U. C. Nahta  
Member**

**Mr. Justice G. P. Mittal  
Member**

**Order under Section 26(2) of the Competition Act, 2002**

1. The present information has been filed under Section 19(1) (a) of the Competition Act, 2002 (the 'Act') by Bablu & Company (hereinafter, the '**Informant**') against Fatehchand & Company (hereinafter, '**OP-1**'), Gordhan Das Rajiv Kumar (hereinafter, '**OP-2**'), Ajay Rajive & Co. (hereinafter, '**OP-3**'), Jagdish Kumar & Company (hereinafter, '**OP-4**'), Kewal Ram & Sons (hereinafter, '**OP-5**'), Raj Jagdish Fruit Company (hereinafter, '**OP-6**'), Vijaya Fruit Agency (hereinafter, '**OP-7**'), Krishan Lal Khushi Ram & Sons (hereinafter, '**OP-8**'), Ved Prakash & Sons (hereinafter, '**OP-9**'), Kullu Kashmir Trading Company (hereinafter, '**OP-10**') and Ram Chand Govind Kumar (hereinafter, '**OP-11**') (collectively referred as '**OPs**') alleging contravention of the provisions of Section 4 of the Act.



2. As per the information, the Informant is a fruit merchant and purchases fruits from different commission agents. The OPs are commission agents in New Sabzi Mandi, Azadpur, Delhi.
3. The Informant submitted that he purchased 67 boxes of oranges from OP-1 on 6<sup>th</sup> March, 2017. However, he received supply of only 47 boxes. In response to the Informant's query regarding non-supply of remaining 20 boxes, OP-1 replied that OP-1 had supplied these 20 boxes to another buyer. According to the Informant, other OPs have also followed the same practice.
4. The Informant has alleged that the aforesaid conduct of the OPs has caused heavy losses to the business of the Informant and resulted into rise in prices of fruits.
5. In view of above, the Informant has alleged that the OPs have abused their dominant position which caused appreciable adverse effect on competition in India.
6. The Informant has sought a relief of Rs.5.5 Crores.
7. The Commission has carefully perused the information and material available on record. From the facts and circumstances of the present case, the Commission observes that the said dispute between the Informant and the OPs regarding non-supply of 20 boxes appears to be an individual consumer / contractual dispute rather than any competition issue. Further, no material was provided by the Informant to indicate even remotely the violation of any provision of the Act.
8. It is pertinent to mention that the Commission has taken similar stance in respect of previous cases involving individual consumer / contractual disputes and closed the same as they were not found to be raising any competition issues. Reference of some of such cases is provided below:

(1) Case no. 17 of 2012, *Sanjeev Pandey vs. Mahindra & Mahindra*;



- (2) Case no. 32 of 2012, *Subhash Yadav vs. Force Limited and Ors.*;  
(3) Case no. 84 of 2015, *Ms. Eena Sethi vs. M/s Sony India and Ors.*;  
(4) Case no. 92 of 2016, *Dr. Ravi Bhushan Sharma vs. Toyota Kirloskar Motor Pvt. Ltd.*

9. In light of the above discussion, the Commission is of the opinion that no *prima facie* case of contravention of the provisions of the Act is made out against the OPs in the matter. Thus, the case is ordered to be closed forthwith in terms of the provisions contained in Section 26(2) of the Act.
10. The Secretary is directed to communicate to the Informant accordingly.

**Sd/-**  
**(Devender Kumar Sikri)**  
**Chairperson**

**Sd/-**  
**(Sudhir Mital)**  
**Member**

**Sd/-**  
**(Augustine Peter)**  
**Member**

**Sd/-**  
**(U. C. Nahta)**  
**Member**

**Sd/-**  
**(Justice G. P. Mittal)**  
**Member**

**New Delhi**  
**Date: 9.6.2017**