

COMPETITION COMMISSION OF INDIA

File No.C-22/2009/DGIR (3/28) (Transferred from MRTPC)

4.2.2010

Shri Giriji Meena .. Complainant

v.

Mohan Gas Service, Plot No.5, Scheme No. 2, .. Opposite Party
Alwar, Rajasthan-301001

ORDER

1. Consequent upon the repeal of the MRTP Act, this complaint has been transferred to the Competition Commission under the provisions of section 66 (6) of the Competition Act, 2002.
2. The facts relating to this matter in brief are as under :
 - 2.1 The complainant took a new gas connection from respondent on 23rd December, 2008. The manager of the respondent gas agency initially asked the complainant to pay Rs.1150/- for gas stove but subsequently he was made to pay Rs.1395/- on the pretext that he will be provided gas pipe along with lighter also but in spite of complainant making many trips to the gas agency, the pipe and lighter were not supplied to him.
 - 2.2 After receiving the complaint, the DGIR MRTP, undertook a preliminary investigation under section 11(2) into the allegations made in the complaint. Comments of the respondent were asked for after forwarding a copy of the complaint.
 - 2.3 When despite issuing several reminders, the respondent failed to submit his reply, a show cause notice under section 49 of MRTP Act was issued by DGIR.
3. This complaint has been transferred to the Competition Commission stating that the allegation made against the opposite party is a restrictive trade practice. Section 66(6) of the Competition Act reads as under :

“6. All investigations or proceedings other than those relating to unfair trade practices, pending before the Director General of Investigation and Registration on or before the commencement of this Act shall on such commencement, stand transferred to the Competition Commission of India and the Competition Commission of India may conduct or order for conduct of such investigation or proceedings in the manner as it deems fit.”
4. On perusal of the above provision, it is clear that the Commission, after examining the matter, is having discretion to conduct investigation or order for other proceedings in the case received by it “in the manner as it deems fit”. It appears that the scope of investigation, inquiry or other proceedings will largely depend upon the nature, the contents, the allegations as well as the applicability of the relevant provisions of MRTP Act and/or the provisions of Competition Act.

5. So far as the instant complaint is concerned, on going through the contents of the complaint it is found that the only grievance of the complainant is that the opposite party charged a sum of Rs.1391/- instead of Rs.1150/- and the additional charges were taken for supply of lighter and gas pipe with the gas stove. The grievance of the complainant who is an individual relates to non supply of the equipments as promised by the opposite party. After taking into consideration the facts and circumstances relating to this matter and in particular, the petty nature of the matter, it would neither be expedient nor be justified to proceed further with the investigation or to conduct any other proceedings in this matter. At the most the prayer of the complainant appears to be for the redressal of a grievance which may be covered under the Consumers' Forum. Hence after considering the facts of this case, the Commission is of the view that no prima facie case is made out either under the provisions of MRTP Act or under the provisions of the Competition Act for conducting any investigation or for proceeding further into this matter. Hence the matter required to be closed at this stage.

6. In view of the above, the matter is closed and consequently the complaint is disposed of accordingly.

7. The Secretary is directed to inform all concerned accordingly.

Sd/ -
Member (G)

Sd/ -
Member (R)

Sd/ -
Member (P)

Sd/ -
Member (GG)

Sd/ -
Member (AG)

Sd/ -
Member (T)

Sd/ -
Chairperson