



COMPETITION COMMISSION OF INDIA
Case No. 96 of 2016

In Re:

Ms. Usha Roy
4/28, Vishal Khand, Gomti Nagar,
Lucknow- 226010, UP

Informant

And

ANS Developers Pvt. Ltd.
Regd. Office- 308, 3rd Floor,
Tulsiani Chambers,
Nariman Point, Mumbai-400021,
Maharashtra
Corporate Office- 11th Floor,
Shalimar Titanium, Vibhuti Khand,
Gomti Nagar, Lucknow-226010, UP

Opposite Party-1

Shalimar Corp. Ltd.,
Regd. Office- 308, 3rd Floor,
Tulsiani Chambers,
Nariman Point Mumbai-400021
Maharashtra
Corporate Office- 11th Floor,
Shalimar Titanium, Vibhuti Khand,
Gomti Nagar, Lucknow-226010, UP

Opposite Party-2

CORAM

Mr. Devender Kumar Sikri
Chairperson

Mr. S.L. Bunker
Member

Mr. Sudhir Mital
Member



सत्यमेव जयते



Order under Section 38 of the Competition Act, 2002

1. The present information was filed by Ms. Usha Roy (hereinafter, the “**Informant**”) under Section 19(1)(a) of the Competition Act, 2002 (hereinafter, the “**Act**”) against ANS Developers Pvt. Ltd. (hereinafter, “**OP-1**”) and Shalimar Corp. Ltd. (hereinafter, “**OP-2**”) (collectively referred as “**OPs**”/ “**Opposite Parties**”) alleging contravention of the provisions of Section 4 of the Act. The Commission passed an order under Section 26(2) of the Act in the matter on 4th October, 2017 (“**Order**”).
2. The Informant filed an application dated 22nd November, 2017 under Section 38 of the Act, seeking rectification of the Order. The details of rectification sought by the Informant are as under:
 - (a) In Para 5 of the Order, Clause 5 of the Agreement refers to payment of balance amount to the First Party/ Seller *i.e.* ‘OP-1’ instead of ‘Second Party/ Purchaser’;
 - (b) In Para 6 of the Order, the date of submission of DPR along with map to competent authority is stated as ‘03.12.2012’ instead of ‘03.12.2011’;
 - (c) In Para 8 of the Order, the date of legal notice sent by Informant to OP-1 is stated as ‘15.07.2015’ instead of ‘20.06.2015’;
 - (d) Para 14 of the Order states that “*The Informant claimed that the said relevant market is in conformity with the Commission’s order in Case No. 48 of 2016*”. However, the Informant was in conformity with



Commission's analysis and delineation of relevant geographic market only and not with the Commission's analysis and delineation of the relevant product market; and

- (e) Para 17 of the Order states selective reference to array of abuses against the OPs, which created misleading impression that this was the only dimension of abuse alleged.
3. The Commission considered the aforesaid application in its ordinary meeting held on 27th December, 2017, and directed as under:
- (a) The words '*OP-1*' mentioned in Para 5 of the Order shall be substituted with the words '*Second Party/ Purchaser*';
- (b) The date '*3rd December, 2012*' mentioned in Para 6 of the Order shall be substituted with the date '*3rd December, 2011*';
- (c) The date '*15th July, 2015*' mentioned in Para 8 of the Order shall be substituted with the date '*20th June, 2015*'; and
- (d) As regards rectification sought by the Informant mentioned in para 2(d) and (e) above, the Commission noted that the rectifications suggested do not appear to be mistakes apparent from the record for the purpose of Section 38 of the Act. While mistakes apparent on the record can be rectified under Section 38 of the Act, observation(s)/decision(s) of the Commission cannot be a subject matter of rectification. Therefore, the requests of rectification of Para 14 and Para 17 of the Order are not allowed.



4. The Secretary is directed to inform the learned counsel for the Informant accordingly.

**Sd/-
(S. L. Bunker)
Member**

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

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

New Delhi

Dated: 31.01.2018