**(2002) 02 NCDRC CK 0028**

**In the National Consumer Disputes Redressal Commission**

DIRECTOR GENERAL (INVESTIGATION AND REGISTRATION) APPELLANT

Vs

SINGER INDIA LIMITED RESPONDENT

**Date of Decision :** 28-02-2002

**Acts Referred:**

**Citation :** 2002 1 CPC 672 : 2002 2 CPJ 13 : 2003 2 CLT 133

**Hon'ble Judges :** C.M.Nayar , Moksh Mahajan J.

**Final Decision :** N.O.E. discharged

## Judgement

1. THE present proceedings arises out of an application filed by the Director General (Investigation and Registration) (for short the DG) under Section 10(a)(iii) read with Section 33(1) and Section 37 of the Monopolies and Restrictive Trade Practices Act, 1969 (hereinafter referred to as Act). THE main contention is with regard to the schemes, relating to incentives which are given by the respondent to its dealers and distributors. Paragraphs 4, 5 and 6 of the complaint read as under : "4. In the process of investigation, the respondent furnished Circulars dated 1st July, 2000 addressed to its dealers/distributors. THE copies of Circular dated 1st July, 2000 in respect of incentive schemes for II Semester and 3rd Quarter, 2000 are enclosed and marked as Annexure-III to this application. 5. That on perusal of aforesaid Circulars dated 1st July, 2000 (Annexure-III), it is noticed that respondent is offering bonus/special incentives during II Semester/3rd Quarter, 2000 to all dealers/distributors in respect of its different products on achievement of corporate budget/target on monthly basis. THE respondent is also providing differential incentives linked with quantum of off-take. Thus, the trade practice of providing differential incentive linked with quantum of off take (No. of units) is a deemed restrictive trade practice of providing discriminatory benefits by reason of dealing within the meaning of Section 33(1)(e) of the Act."

6. That the terms contained in the aforesaid documents as set out hereinbefore are acted upon by the respondent in the matter of sale and distribution of the products.

 

2. THE respondent has filed a reply wherein it is specifically pleaded that the application does not disclose the constituents of restrictive trade practice as defined under the Act and the discounts are uniform and there is no differential in the distribution. We, therefore, hold that no proceedings are maintainable under Section 33(1)(e) of the Act, which will require our inference and the same stands disposed of. THE Notice of Enquiry is accordingly discharged. THEre shall be no order as to the costs. N.O.E. discharged.

 