
(2016) 03 SC CK 0024

In the Supreme Court Of India

Case No : Civil Appeal No(s). 10063-63A of 2011

Madhubai Rathod

APPELLANT

Vs

K.K. Savjani

RESPONDENT

Date of Decision : 01-03-2016

Acts Referred:

Competition Act, 2002 — Section 66

Monopolies and Restrictive Trade Practices Act, 1969 — Section 12B, 55

Citation : (2016) 03 SC CK 0024

Hon'ble Judges : Ranjan Gogoi;Prafulla C. Pant, JJ.

Bench : Division Bench

Advocate : Santosh Krishnan, Nikhil Goel, Advocates, for the Respondent

Final Decision : Dismissed

Judgement

1. The challenge in the present appeals is against the order dated 22nd February, 2006 passed by the Monopolies and Restrictive Trade Practices Commission, New Delhi (for short "the MRTP Commission") under Section 12B of the Monopolies and Restrictive Trade Practices Act, 1969 (for short "the MRTP Act"), as it then existed.

2. Section 55 of the MRTP Act which provides for appeal to this Court do not contemplate any challenge by way of an appeal against an order passed under Section 12B of the MRTP Act. The appeal to the aforesaid extent, therefore, is not maintainable.

3. The next limb of the challenge in the present appeal is against an order of the Competition Appellate Tribunal, New Delhi dated 16th August, 2011 refusing to review the aforesaid order dated 22nd February, 200 of the MRTP Commission. The power to review under Section 12B of the MRTP Act vested in the MRTP Commission does not appear to be so vested in the Competition Appellate Tribunal by virtue of the provisions contained in Section 66 of the Competition Act, 2002. Even otherwise, having perused the order passed by the Competition

Appellate Tribunal so far as refusal to exercise the review jurisdiction is concerned, we can find no infirmity.

4. The appeal, consequently, is dismissed.

5. The appeals are disposed of in the above terms.