

SUPREME COURT OF INDIA

Mysore Cement Ltd.

Vs.

Union of India (Uoi)

(B Kirpal and S Quadri JJ.)

23.04.1998

ORDER

1. The question involved in this appeal relates to the distribution of cement during the time when there was great scarcity in 1975-77. At that time, on suo motu action being taken, the MRTP Commission had come to the conclusion that the appellant herein was indulging in restrictive trade practice and even after the decontrol of cement, it should desist from doing so. This conclusion was arrived at on the basis that a major portion of cement meant for free sale was being sold only through three stockists.

2. As of today, the scarcity of cement is no longer there. The control on the sale of cement is gone. In view of the circumstances which have radically changed, the learned counsel for the appellant states that without going into the question whether the appellant was or was not indulging in restrictive trade practice in the past, the appellant will not indulge in any restrictive trade practice in future. Mr N.N. Goswami, learned Senior Counsel for the respondents, states that as long as the appellant does not violate the provisions of the Monopolies & Restrictive Trade Practices Act, no action will be taken against the appellant. This being so, no orders in this appeal are called for.

3. The appeal is disposed of in the aforesaid terms.