

Rangi International Ltd

v.

Nova Scotia Bank & Others

(Supreme Court Of India)

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR HON'BLE MR. JUSTICE PINAKI CHANDRA

Civil Appeal No. 253-253A Of 2012 | 06-05-2013

We have heard learned counsel for the parties.

We have perused the impugned order as well as the entire record. In our opinion, the appellants have raised substantial questions of law in the proceeding before the Monopolies and Restrictive Trade Practices Commission. However, the order passed by the Member on 2nd September, 2009 merely states that it is not a case of unfair trade practice within the provisions of the MRTP Act and appears to be a contractual matter between the parties.

Aggrieved by the aforesaid order, the appellants filed a review application No. 41 of 2010 under the Monopolies and Restrictive Trade Practices Act, 1969. However, upon the enforcement of the Competition Act, the review was required to be heard by the Competition Appellate Tribunal. The aforesaid review petition was duly heard and dismissed by the Competition Appellate Tribunal on 3.5.2011. It appears that even in the aforesaid order, the Appellate Tribunal merely restated what has been stated by the Member of the Commission in the earlier order.

The Competition Commission as well as the Competition Appellate Tribunal are exercising very important quasi judicial functions. The orders passed by the Commissions and the Appellate Tribunal can have far reaching consequences. Therefore, the minimum that is required of the Commission as well as the Appellate Tribunal is that the orders are supported by reasons, even briefly. However, the impugned orders are bereft of any reasons in support of the conclusions. We are, therefore, constrained to hold that the impugned orders challenged herein cannot be sustained. At this stage, we may, however take note of the submissions made by the learned counsel for the respondent as it would have some bearing on the proceedings that would now be reopened before the Competition Appellate Tribunal. Learned counsel has submitted that the appellants had willingly entered into a contractual relationship with the respondent-Bank and therefore, the Competition Commission as well as the Appellate Tribunal have rightly non suited the appellants.

Learned counsel has also submitted that the petition in fact, is not maintainable under Section 4(2) of the M.R.T.P. Act. He further submitted that the claims made by the appellants are even otherwise barred by Limitation.

We are not inclined to examine the issues raised by the parties on merits, in view of the order proposed. Without going into the merits of the issues involved, we deem it appropriate to set aside the orders impugned only on the ground that they do not disclose the reasons for the conclusions reached.

In view of the above, the appeals are allowed, the matters are remanded back to the Competition Appellate Tribunal for reconsideration of the entire issue on merits including the preliminary objections raised by the appellants.