



COMPETITION COMMISSION OF INDIA

Case No. 11 of 2016

In Re:

1. **Sh. R. S. Malik**
C-77, Sector-56, Noida **Informant No. 1**
2. **Sh. Hemant Rana**
Khera Kalan, Delhi **Informant No. 2**

And

1. **Sh. Inder Singh** **Opposite Party No. 1**
2. **Sh. Satte Singh** **Opposite Party No. 2**
3. **Sh. Jaipal Singh** **Opposite Party No. 3**
4. **Sh. Gulab Singh** **Opposite Party No. 4**
5. **Sh. Mijan Singh** **Opposite Party No. 5**
6. **Sh. Pappu Singh** **Opposite Party No. 6**

All are Residents of Village: Kiyarkuli Batta, Central Doon

Distt.: Dehradun, Uttarakhand

CORAM

Mr. Devender Kumar Sikri
Chairperson

Mr. S. L. Bunker
Member

Mr. Sudhir Mital
Member

Mr. Augustine Peter
Member

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Mr. U. C. Nahta
Member

Mr. M. S. Sahoo
Member

Justice G. P. Mittal
Member

Order under Section 26(2) of the Competition Act, 2002

1. The present information was filed by Sh. R. S. Malik (**‘Informant No.-1’**) and Sh. Hemant Rana (**‘Informant No.-2’**) [collectively, **‘Informants’**] under the provisions of Section 19(1)(a) of the Competition Act, 2002 (the **‘Act’**) against Sh. Inder Singh (**‘OP-1’**), Sh. Satte Singh (**‘OP-2’**), Sh. Jaipal Singh (**‘OP-3’**), Sh. Gulab Singh (**‘OP-4’**), Sh. Mijan Singh (**‘OP-5’**), and Sh. Pappu Singh (**‘OP-6’**) [collectively **‘Opposite Parties’**] alleging, *inter alia*, contravention of the provisions of the Act.
2. As per the information, OP-1 is stated to be a reputed property dealer in the village Kiyarkuli Batta, Hathi Paon Road at Dehradun and is the general attorney for OP-2 to OP-6, who are brothers and residents of the same village. Persuaded by the road side hoardings for sale of land, Informants had purchased a piece of land measuring 10 bigha, 5 bigha in the name of Informant No.-1 and another 5 bigha in the name of Informant No.-2 from OP-1 to OP-4 in the said village. It is stated that OP-1, being the power of attorney of the owners of the said land, had executed the agreement with the Informants on 22nd April, 2006, mentioning the location of the land and OP-1 to OP-4 had executed sale deeds in favour of the Informants on 12th June, 2006. Informants have spent Rs. 17,63,200/- (Rupees seventeen lakhs sixty three thousand and two hundred only) for purchase of the said land which includes sale consideration, stamp duty, and miscellaneous charges. Since then, the Informants have been enjoying the peaceful possession of the said land.



3. Thereafter, Informants decided to dispose of the aforementioned land due to their personal problems and accordingly arranged a prospective buyer for the said land in October, 2015 and gave him the photostat copy of the sale deeds for enquiring about the details of the land. It is averred that OP-1 has dishonestly reported to the said buyer that while there is no doubt about the authenticity of the sale deeds but, the land shown in the agreement is not the same as in the site plan. It is alleged that due to such false reporting of OP-1, the said prospective buyer decided not to proceed with the deal.
4. Informants have alleged that the Opposite Parties have violated the terms and conditions of the agreement, sale deeds, played fraud and cheated the Informants, committed offence of breach of trust, did not abide by the contractual obligations, and did not get the mutation of the land in the name of the Informants.
5. The Informants have prayed that the Opposite Parties be directed to pay Rs. 17,63,200/- along with the interest @ 2% p.m. plus damages to the tune of Rs. 10,00,000/- in the interest of justice, equity and circumstances of the case. Further, the cost of the complaint may also be awarded in favour of Informants besides any other relief the Commission may deem fit and proper.
6. The Commission has perused the information on record and observes that Informants had purchased 10 Bighas of land located at Hathi Paon Road in Dehradun from OP-1 to OP-4 and had wanted to sell the same for which OP-1 had created obstructions by misleading a potential buyer. Informants' grievance is that they had lost out on a potential buyer for the said land due to false reports/ information given by OP-1 to the buyer.
7. In this regard, it is observed that the issues raised by Informants is primarily an individual dispute with another individual and does not raise any competition concerns. Further, Informants have not raised any kind of allegations pertaining to anti-competitive behavior/ conduct by Opposite Parties. In the absence of which there is no need to examine the matter in



terms of either the provisions of Section 3 or Section 4 of the Act. Thus, the Commission is of the view that no case of contravention of any provisions of the Act is made out against the Opposite Parties.

8. In view of the foregoing, the Commission decides to close the matter under the provisions of Section 26(2) of the Act.
9. The Secretary is directed to inform all concerned accordingly.

Sd/-
(Devender Kumar Sikri)
Chairperson

Sd/-
(S. L. Bunker)
Member

Sd/-
(Sudhir Mital)
Member

Sd/-
(Augustine Peter)
Member

Sd/-
(U. C. Nahta)
Member

Sd/-
(M. S. Sahoo)
Member

Sd/-
(Justice G. P. Mittal)
Member

New Delhi
Dated: 16.03.2016