



सत्यमेव जयते



Fair Competition
For Greater Good

COMPETITION COMMISSION OF INDIA

Case No. 74 of 2016

In re:

1. **Shri Shiv Ram Sharma**
Pahlad Nagar, Lalsot, Dausa, Rajasthan **Informant No. 1**
2. **Ms. Mamta Devi Sharma**
Pahlad Nagar, Lalsot, Dausa, Rajasthan **Informant No. 2**
3. **Shri Kishan Khandelwal**
Aluda, Dausa, Rajasthan **Informant No. 3**
4. **Shri Shyam Sunder Dadhich**
Barundhan, Talera, Bundi, Rajasthan **Informant No. 4**
5. **Shri Narayan Lal Sharma**
Naya Bazar, Gangapur City, Rajasthan **Informant No. 5**
6. **Mrs. Guddi Devi Sharma**
Narauli Chod, Bamanbass,
Sawaimadhopur, Rajasthan **Informant No. 6**
7. **Shri Mukesh Kumar Jain**
Mandoli, K. Patan, Bundi, Rajasthan **Informant No. 7**
8. **Shri Surendra Kumar Bairwa**
Pachala, Uniara, Tonk, Rajasthan **Informant No. 8**



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- 9. Shri Babu Lal Saini**
Gandhipura Lakheri,
Bundi, Rajasthan **Informant No. 9**
- 10. Shri Badri Lal Saini**
Ganeshpura Lakheri, Bundi, Rajasthan **Informant No. 10**
- 11. Shri Surendra Kumar Gautam**
Sugar Mili Chauraha,
Keshav Rai Patan, Bundi, Rajasthan **Informant No. 11**
- 12. Shri Mohan Lal Goswami**
Charigaon Road, Baran, Rajasthan **Informant No. 12**
- 13. Shri Ganesh Yadav**
Manas Gaon, Ladpura, Kota, Rajasthan **Informant No. 13**
- 14. Shri Ramesh Goswami**
Shivaji School Ke Pass,
Keshav Rai Patan, Bundi, Rajasthan **Informant No. 14**
- 15. Shri Surendra Singh Chaudhary**
Nolada (Dharawan), Indergarh,
Bundi, Rajasthan **Informant No. 15**
- 16. Mrs. Madhu Dadhich**
Near Mandoli Tehsil, Bundi, Rajasthan **Informant No. 16**
- 17. Shri Shiv Ram Saini**
Near Tool Tax Masalpur Road,



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Karoli, Rajasthan

Informant No. 17

18. Shri Badri Lal Yadav

Manas Gaon, Ladpura, Kota, Rajasthan

Informant No. 18

19. Shri Hansraj Meena

H. No. 336, Santoshi Nagar,

Kota, Rajasthan

Informant No. 19

20. Shri Giriraj Sharma

Narauli Chod, Bamanbass,

Sawaimadhopur, Rajasthan

Informant No. 20

21. Shri Roop Chand Malav

Raithal, Tehsil Mangrol, Baran, Rajasthan

Informant No. 21

22. Shri Sunil Khandelwal

Aluda, Dausa, Rajasthan

Informant No. 22

And

1. Kalptaru Buildtech Corporation Limited

J. D. Business Centre,

Near Sachdeva Engineering College,

NH 2, Mathura, U.P.

Opposite Party No. 1

2. Shri Jai Krishana Singh Rana, Managing Director,

LAQ-1, Veterinary College, Mathura, U. P.

Opposite Party No. 2



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3. **Shri Bharat Jain, Director,**
E-46, Highway City, C/o M D Jain School,
Aurangabad, Nawada, Mathura, U. P. **Opposite Party No. 3**

4. **Shri Vishvanath Pratap Singh, Director,**
Kalptaru Food, Aurangabad,
Agra, Mathura, U. P. **Opposite Party No. 4**

5. **Shri Bipin Singh Yadav, Director,**
J. D. Business Centre,
Near Sachdeva Engineering College,
NH 2, Mathura, U. P. **Opposite Party No. 5**

CORAM

Mr. Devender Kumar Sikri
Chairperson

Mr. S. L. Bunker
Member

Mr. Sudhir Mital
Member

Mr. Augustine Peter
Member

Mr. U. C. Nahta
Member

Justice G. P. Mittal
Member



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

1. The information in the present case was filed by Mr. Shiv Ram Sharma and twenty one others as listed above (**'Informants'**) under Section 19(1)(a) of the Competition Act, 2002 (the **'Act'**) against Kalptaru Buildtech Corporation Limited (**'OP 1'**), Shri Jai Krishana Singh Rana (**'OP 2'**), Shri Bharat Jain (**'OP 3'**), Shri Vishvanath Pratap Singh (**'OP 4'**), and Shri Bipin Singh Yadav (**'OP 5'**) alleging contravention of the provisions of the Act.
2. It is stated that OP 1 is a public limited company engaged in real estate business and it collects money from the public through its appointed agents for further investment. It is stated that OP 1 runs Kalptaru Mega Mart Shopping Chain, Kalindi Green and Kalptaru multi-trade outlets through which it mobilises savings/ deposits from the public by signing an application form cum agreement. Further, it is stated that OP 2, OP 3, OP 4 and OP 5 are the directors of OP 1.
3. According to the Informant, as per the conditions laid down in the application form or agreement executed with the depositors, OP 1 is required to pay a guaranteed amount to its depositors on maturity of bond/ policy. It is averred that OP 1 is fooling and misleading the public by collecting money from them with a promise to pay them the amount on maturity with agreed returns or to allot them plots of land. It is stated that OP 1 has engaged marketing agents on commission basis to collect money from the public as per the scheme/ policy/ bond and deposit the same with OP 1 and in turn, it issues receipts to such depositors. To receive the final payment on maturity, the depositors have to produce the said receipts before OP 1.



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4. It is alleged that the cheques issued by OP 1 to many of its customers on maturity of their policy/ bond have been dishonored due to insufficiency of funds in its account. Further, it is alleged that since April, 2015, OP 1 is not paying to the Informants on maturity of their bond/ policy despite submitting the original receipt. Even though one of the directors of OP 1 *vide* letter dated 20.10.2015 has assured the Informants to pay all the sums due, till date no money has been received by the Informants. In this regard, the Informants have served a legal notice dated 27.06.2016 to the OPs, but of no avail. It is also alleged that OP 1 has not been paying salary to its employees for the last several months.
5. Based on the above, the Informants, *inter alia*, have requested the Commission to direct OPs to pay the total amount due to them along with an interest at the rate of 24% per annum. The Informants have also prayed for interim relief in the matter.
6. The Commission has perused the information and other materials available on record.
7. The Commission takes note of the fact that the main allegation of the Informants is that OP 1 and its officials are not paying them money on maturity of their policy/ bond as per the agreement. It is noted that OP 1 had allegedly collected money from the Informants and others by issuing policy/ bonds with a promise to pay the same on maturity along with an agreed rate of return and in some cases, money was collected from the people with the promise to allot land to them. The Commission observes that as per the allegations OP 1 cheated and defrauded the Informants. The Commission is of the view that the averments made by the Informants do not raise any competition issue and therefore, the case does not fall within the ambit of the Act.



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8. In view of the above, the Commission concludes that no case of contravention of any of the provisions of either Section 3 or 4 of the Act is made out against any of the OPs in the instant matter. Accordingly, the matter is closed 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/-
(Justice G. P. Mittal)
Member

New Delhi

Dated: 10.11.2016