



COMPETITION COMMISSION OF INDIA

Case No. 31 of 2021

In Re:

**Mr. Manmohan Singh
R/o House No 1118 Sector 29-B, Chandigarh 160030**

Informant

And

**Chairman, Chandigarh Housing Board
through Advisor, U.T. CHD**

Opposite Party No. 1

**Chairman, Chandigarh Housing Board,
Chandigarh Housing Board/8 Janmarg,
Sector-9D, Chandigarh-160009**

Opposite Party No. 2

**Secretary, exercising the powers of real estate,
CHB, Chandigarh**

Opposite Party No. 3

**Secretary, CHB, through Finance Secretary,
UT, Secretariat, Sector-9 Chandigarh**

Opposite Party No. 4

**The Chief Account Officer/Chief Executive Officer,
CHB, Chandigarh**

Opposite Party No. 5

**The Account Officer-II,
CHB, Chandigarh**

Opposite Party No. 6

CORAM

**Mr. Ashok Kumar Gupta
Chairperson**

**Ms. Sangeeta Verma
Member**

**Mr. Bhagwant Singh Bishnoi
Member**



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

1. The present Information is filed by Mr. Manmohan Singh (hereinafter, the “**Informant**”) under Section 19(1)(a) of the Competition Act, 2002 (hereinafter, the “**Act**”) alleging contravention of the provisions of Sections 3 and 4 of the Competition Act, 2002 (“**Act**”) by Chairman, Chandigarh Housing Board (“**CHB**”), through Advisor, UT CHD (hereinafter “**OP-1**”), Chairman, CHB (hereinafter “**OP-2**”), Secretary, CHB, Chandigarh (hereinafter “**OP-3**”), Secretary, CHB, through Finance Secretary, UT, Secretariat, (hereinafter “**OP-4**”), the Chief Account Officer/Chief Executive Officer, CHB, Chandigarh (hereinafter “**OP-5**”), the Account Officer-II, CHB, Chandigarh (hereinafter “**OP-6**”), hereinafter collectively referred to as the Opposite Parties (“**OPs**”).
2. As stated, the Informant is the son of late Ajit Singh Walia, who was allotted a dwelling unit no.1118, Sector 29- B in Chandigarh *vide* allotment letter no. 8238 dated 01.11.1979. It has been stated that, after the demise of Mr. Ajit Singh Walia on 17.05.2006, the Informant applied (with all the requisite documents, such as joint affidavit of other legal heirs dated 03.08.2009) for the transfer of the said dwelling unit in his name *vide* application dated 25.08.2009 to CHB, as the other legal heirs Mrs. Mandip Kaur (daughter of Mr. Ajit Singh) and Mr. Amarjit Singh (son of Mr. Ajit Singh) had relinquished their respective rights in his favour.
3. The Informant avers that even after submitting the requisite documents in 2009, the said dwelling unit was not transferred in his name, and at a much later stage, the CHB apprised the Informant that, as per its latest policy (of 2018), that in cases of transfer of property in relation to intestate deaths, the property shall only be transferred in the name of all legal heirs and accordingly, requested the Informant to resubmit the requisite documents once again.
4. The Informant states that he made many requests to various authorities, such as Chairman, CHB and Advisor UT, Chandigarh, *etc.*, contending that the latest policy is not applicable in his case as he had made an application for mutation in the year 2009. However, CHB arbitrarily rejected his application *vide* its order dated 30.07.2019, and that in the absence of



the transfer of dwelling unit in his name, he has suffered irreparable loss, as he is unable to sell the said dwelling unit.

5. Thus, the Informant alleges that CHB has indulged in unfair and restrictive trade practices and abuse of dominant position thus violating the provisions of Sections 3 and 4 of the Competition Act, 2002.
6. The Informant has, *inter alia*, prayed to the Commission for immediate restoration of his application dated 25.08.2009 and transfer of dwelling unit in his name which is pending before CHB and grant of compensation/damages of upto ₹75 lakh as relief. Restoration of his application dated 25.08.2009 has also been sought as interim relief u/s 33 of the Act.
7. At the outset, the Commission notes that the Informant has stated that after the demise of his father, he applied for a transfer of the dwelling unit (allotted to his late father) in his own name *vide* application dated 25.08.2009 (to CHB), as the other legal heirs had relinquished their rights in favour of the Informant. However, CHB allegedly rejected his application.
8. The Commission notes that various correspondences have been enclosed with the Information. Upon conjoint reading of the enclosures, the Commission notes that the old citizens' charter of CHB required the submission of an affidavit of remaining legal heirs relinquishing their respective right/title/interest, and that the Informant was asked to file fresh affidavits by CHB owing to some inconsistency in the signature of one of the legal heirs, *viz.* Mrs. Mandip Kaur, in the previously filed joint affidavit.
9. The Commission notes that the Informant apparently approached CHB only in 2018 after a gap of six years, whereas CHB had asked the Informant to file a fresh affidavit of relinquishment way back in 2012 owing to inconsistency in the signature, as aforementioned. In 2018, the new citizens' charter was issued, subsequent to which, CHB sought submission of registered relinquishment deed from the Informant, in terms of the latest requirements.
10. Having considered the averments and allegations made in the Information, the Commission *prima facie* observes that the Informant has not been able to make out any case of contravention of the provisions of section 3 of the Act. Further, in relation to alleged



contravention of the provisions of section 4 of the Act, the Commission *prima facie* observes that no competition concern is noticed and therefore, the delineation of relevant market and subsequent assessment of dominance and abuse are dispensable in the instant case. Suffice to say in the facts and circumstances of the present matter that transfer of property has to take effect within the confines of the governing law for which the CHB may prescribe certain guidelines/policies from time to time, in consonance with the legal requirements, as it may deem appropriate. No abuse, *per se*, can be found in such circumstances. In any case, the alleged conduct of CHB has not resulted in foreclosure of the legal rights of the Informant to perfect his legal title, and he is free to act in accordance with the legal requirements in this regard. The Commission while holding the above has expressed nothing on the merits of the legal rights of the Informant and remedies available to the Informant, except a finding that no competition concern has been observed.

11. In view of the foregoing, the Commission is of the considered opinion that no *prima facie* case of contravention of any of the provisions of Section 3 and/or 4 of the Act is made out against CHB and other Opposite Parties, for causing an investigation into the matter, and therefore, the matter be closed under Section 26(2) of the Competition Act, 2002. Consequently, no case for grant for relief(s) as sought under Section 33 of the Act arises, and the same is also rejected.
12. The Secretary is directed to forward a certified copy of this order to the Informant accordingly.

Sd/-
Mr. Ashok Kumar Gupta
Chairperson

Sd/-
Ms. Sangeeta Verma
Member

Sd/-
Mr. Bhagwant Singh Bishnoi
Member

New Delhi
Dated: 10.11.2021