



**Case No. 58 of 2013**

**In re:**

Mr. Pankaj Bhardwaj  
R/o A-91, Second Floor,  
The Palladians, Sector-47,  
Mayfield Garden, Gurgaon

...

Informant

M/s. Media Video Limited  
Regd Office: B-86/1,  
Okhla Industrial Area,  
Phase II,  
New Delhi-110020

...

Opposite Party

**CORAM:**

Dr. Geeta Gouri  
Member

Mr. M.L. Tayal  
Member

Mr. Justice (retd.) S. N. Dhingra  
Member

Mr. S.L.Bunker  
Member

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

This information has been filed by informant Pankaj Bhardwaj under section 19(1) (a) of the Competition Act against Opposite Party, Media Video



Limited (MVL) alleging abuse of dominant position by Opposite Party and contravention of section 4 of the Act.

2. The informant had booked a flat at Bhiwadi with the Opposite Party and paid Rs.4,19,000/- being 15% of the total amount as advance. The informant alleged that he later on learnt that Opposite Party was not having approval/sanction for the project from relevant/competent authorities. The loan application of informant was rejected by LIC Housing Finance Ltd. on this ground. The OP did not respond to his e-mails and kept on sending debit notes for claiming balance amount. The informant alleged that terms and conditions of booking the flat given in advance Registration Agreement provided for an interest to be charged from the informant @ 18% for first 90 days and 24% thereafter whereas the interest payable by the Opposite Party on failure to deliver the possession of flat in time was only 10%. He submitted that the conditions of the agreement were highly one sided and the Opposite Party being a dominant entity in real estate segment abused its dominant position by booking flats without approval/sanction from the appropriate authorities putting onerous conditions and by not delivering possession in time and cancelling and forfeiting the amount paid by the informant.

3. The relevant product market in this case would be 'development and sale of residential apartments'. The relevant geographic market would be Bhiwadi, Rajasthan where the product of Opposite Party was launched and booking of flats were made. Thus, the relevant market in this case would be 'development and sale of residential apartments in Bhiwadi, Rajasthan'. It is to be assessed whether Opposite Party could be said to be a dominant entity in this relevant market. The informant has not provided data to arrive at dominant status of Opposite Party. However, the information in public domain shows that in Bhiwadi, Rajasthan several real estate developers were operating in the relevant market. The prominent developers being Ashiana (launched 9 housing projects in the region),



Avalon (launched 3 projects), Geneis Infratech Private Ltd. (launched 4 projects), Piyush Developers Pvt. Ltd. (launched 4 projects), BDI Group (launched 2 projects), Terra Realcon Pvt. Ltd. (launched 4 projects). There were other several players who launched one project each. Thus, it is apparent that there were many significant players in the relevant market and prima facie it appears that the Opposite Party was not a dominant player in the relevant market. Since Opposite Party was not a dominant player, the question of abuse of dominance would not arise.

4. In view of above discussions, the Commission finds that there was no case for referring to DG for investigation and it was a fit case for closure under section 26(2) of the Act. The matter is hereby closed.

5. The Secretary is directed to inform the parties accordingly.

New Delhi

Dated: 07/11/2013

Sd/-  
(Dr. Geeta Gouri)  
Member

Sd/-  
( M.L. Tayal)  
Member

Sd/-  
(Justice {retd.} S. N. Dhingra)  
Member

Sd/-  
(S.L.Bunker)  
Member