

**BEFORE THE  
COMPETITION COMMISSION OF INDIA**

**CASE NO.67/2010**

**Dated: 10<sup>th</sup> January, 2013**

**IN THE MATTER OF:**

**MANGOLIA FLAT OWNERS' ASSOCIATION .... INFORMANT  
& ANOTHER**

**VS.**

**DLF UNIVERSAL LTD. .... OPPOSITE PARTY-I**

**HARYANA URBAN DEVELOPMENT ... OPPOSITE PARTY-2  
AUTHORITY(HUDA)**

**DIRECTOR, TOWN & COUNTRY PLANNING, ... OPPOSITE PARTY-3  
HARYANA**

**Through:- S/Shri Rakesh Khanna, Udit Kumar and Ms. Arzu Chimni,  
advocates for informant.  
Shri Ravindra Narayan, advocate for opposite party.**

**Supplementary Order u/s 27 of the Competition Act, 2002**

This Commission vide its order dated 31.01.2012 in the above case had held opposite party-I as a dominant enterprise in the geographic area of Gurgaon, Haryana in the relevant market. The Commission had relied upon the reasons given in the order dated 12<sup>th</sup> August, 2011 in case No.19/2010 for holding so since all the above cases involved similar facts and circumstances. Moreover, in all these cases, the opposite party was same. The orders of the Commission in case No.19/2010 and Case Nos.18, 24, 30, 31, 32, 33, 34, 35 and 67 of 2010 were assailed by the opposite party in appeals before the Competition Appellate Tribunal (COMPAT). COMPAT vide its order dated 29.3.2012 remitted some of the matters back to the Commission directing the Commission to pass an order under section 27(d) specifying the extent and manner in

which the terms and conditions of the agreement need to be modified. In appeal no.19 of 2012, the COMPAT vide its order dated 12.04.2012 directed that this appeal(related to case no.67/2010) shall also be governed by order dated 09.11.2011 in other appeal nos.20 and 22 of 2011. Further, COMPAT vide its order dated 18.07.2012 directed CCI to give top priority to the matter relating to modifications in the terms & conditions of the buyer's agreements relating to appeal nos.20/2011, 22/2011, 23/2011, 19/2012 and 20/2012. The Commission had considered the terms and conditions of the agreement between DLF Ltd. and the apartment allottees in cases remitted by COMPAT and passed a detailed order in case no.19/2010. The terms and conditions of agreement between allottees of different projects with DLF Ltd. and its subsidiary companies are also on the same lines as entered into with Belaire allottees in case No. 19/2010. The Commission after considering the abusiveness of different terms and conditions of the agreement in case No.19/2010, suggested modifications of the terms and conditions of the agreement vide its supplementary order under section 27 of the Act dated 3.1.2013 so as to remove abusiveness. The same modifications as suggested by the Commission in its order in case No.19/2010 shall be applicable to case No.67/2010. The detailed reasons given in the order of case No. 19/2010 dated 3.1.2013 shall be applicable to this case as well. The copy of the supplementary order dated 3.1.2013 passed by the Commission in case No. 19/2010 is attached herewith. These modified terms and conditions would also be applicable to the agreement between the parties of this case also.

The Secretary is directed to send a copy of this order to all concerned parties as well as to COMPAT.

sd/-  
**(H.C. Gupta)**  
Member

sd/-  
**(R.Prasad)**  
Member

sd/-  
**(Anurag Goel)**  
Member

sd/-  
**(Geeta Gouri)**  
Member

sd/-  
**(M.L.Tayal)**  
Member

sd/-  
**(Justice S.N.Dhingra)(Retd.)**  
Member

sd/-  
**(Ashok Chawla)**  
Chairperson

