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Fair Competition
For Greater Good

COMPETITION COMMISSION OF INDIA

Case No. 83 of 2015

In Re:

1. **Taj Pharmaceuticals Ltd.**
B-134, Oshiwara Industrial Centre,
Link Road, Goregaon (W), Mumbai **Informant No. 1**
2. **Dr. Ranvir Kumar Singh**
Chairman, M/s Taj Pharmaceuticals Ltd.,
3-27, Juhu Vishal CHS Ltd., 5th Gulmohar Road,
JVPD Scheme, Mumbai, Maharashtra **Informant No. 2**
3. **Mr. Abhishek Ranvir Kumar Singh**
Director, M/s Taj Pharmaceuticals Ltd.,
3-27, Juhu Vishal CHS Ltd., 5th Gulmohar Road,
JVPD Scheme, Mumbai, Maharashtra **Informant No. 3**

And

1. **Facebook**
166, M.G. Road, Opp. Regal Cinema,
Colaba, Mumbai **Opposite Party No. 1**
2. **Google India Pvt. Ltd.**
10th Floor, 3 North Avenue, Maker Maxity,
Bandra Kurla Complex, Bandra East, Mumbai **Opposite Party No. 2**
3. **Shri Arjun Ramnath Chari**
D-902, Unique Height, Building No. 7,
Poonam Garden, Mira Road East, Thane **Opposite Party No. 3**



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4. **Shri Banwari Ramnath Chari**
D-902, Unique Height, Building No. 7,
Poonam Garden, Mira Road East, Thane **Opposite Party No. 4**

5. **www.consumercomplaints.in**
Through its owner Den is Beltukov, Mex Group,
Hipokrata 45-49, Riga, Postal Code LV-1079 **Opposite Party No. 5**

6. **ConsumerPatrol.in**
Through its owner Venkatesh Sekar
Shakti Online Services, M.G.R. Nagar,
Chennai, Tamil Nadu **Opposite Party No. 6**

7. **forum.indiaconsumercomplaints.com** **Opposite Party No. 7**

8. **www.complaintlists.com** **Opposite Party No. 8**

9. **www.caclubindia.com** **Opposite Party No. 9**

10. **www.tradeget.com** **Opposite Party No. 10**

CORAM

Mr. Ashok Chawla
Chairperson

Mr. S. L. Bunker
Member

Mr. Sudhir Mital
Member

Mr. U.C. Nahta
Member



Mr. M. S. Sahoo
Member



Justice (Retd.) Mr. G. P. Mittal
Member

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

1. The information in the present case has been filed by M/s Taj Pharmaceutical Ltd. along with two of its officials namely; Dr. Ranvir Kumar Singh, Chairman and Mr. Abhishek Ranvir Kumar Singh, Director (the '**Informant**') under section 19(1)(a) of the Competition Act, 2002 (the '**Act**') against Facebook ('**OP 1**'), Google India Pvt. Ltd. ('**OP 2**'), Mr. Arjun Ramnath Chari ('**OP 3**'), Mr. Banwari Ramnath Chari ('**OP 4**'), www.consumercomplaints.in ('**OP 5**'), ConsumerPatrol.in ('**OP 6**'), forum.indiaconsumercomplaints.com ('**OP 7**'), www.complaintlists.com ('**OP 8**'), www.caclubindia.com ('**OP 9**'), and www.tradeget.com ('**OP 10**') [collectively, '**OPs**'] alleging, *inter alia*, contravention of the provisions of section 4 of the Act in the matter.
2. The Informant is a company registered under the Companies Act, 1956 and has been engaged in the business of production of allopathic medicines. OP 1 is a social networking site; OP 2 is an online search engine company; OP 3 and OP 4 are individuals; OP 5- OP 8 and OP 10 are various online platforms providing opportunities to individuals for registering their grievances and spreading public awareness in a virtual platform; and OP 9 is an interactive platform for finance professionals.
3. It appears from the information that the Informant has agreed to purchase an industrial property from OP 3 and OP 4 in 2006 for the purposes of expanding its businesses in Mumbai. Prior to that, the Informant had contacted OP 3 and OP 4 in December, 2004 through a property consultant. Thereafter, on 01.01.2005, the Informant has entered into a Leave and License Agreement



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(‘**Lease Deed**’) for acquiring exclusive possession of the said property. The ‘Lease Deed’ was stated to be valid till 30.09.2007. The Informant has claimed that it had entered into a Memorandum of Understanding (‘**MOU**’) dated 25.07.2006 (before the expiry of the Lease Deed) which clearly provided that OP 3 and OP 4 would sell the said property to the Informant for an agreed consideration of Rs.42,09,000/-. The Informant has further claimed that they had made a part payment of Rs.2,00,000/- in pursuance of the said MOU. The Informant has also stated that a sum of Rs.3,15,000/- was paid to OP 3 and OP 4 at the time of execution of ‘Lease Deed’.

4. It is stated that a dispute arose between the Informant and OP 3 and OP 4 when the monthly rent for the said property was increased from Rs. 22,000/- to Rs. 36,000/- in May, 2008. The Informant has claimed that it had paid a sum of Rs.20,61,476/- to the OP 3 and OP 4 in accordance with the terms of MOU and the remaining sale consideration of Rs. 21,47,524/- was due and payable to them. It is alleged that after having received the afore-mentioned payments for the said property, OP 3 and OP 4 wanted to rescind the said MOU (as there was a sudden rise in the price of the property) and pursuant to which they filed a suit in the Court of Small Causes at Mumbai in 2007. This suit was dismissed by the said Court on 18.10.2011, passing an order in favour of the Informant.
5. The Informant has alleged that after having failed to secure a favourable order from the said Court, OP 3 and OP 4 filed a police complaint against the Informant for evicting it from the premises of the said property. Following this, the Informant has submitted that a series of police complaints were filed by both the parties implicating each other. Further, the Informant has alleged that on 08.11.2012, OP 3 and OP 4 resorted to illegal means and used physical force to evict the Informant from the said property. It is also alleged that the local police personnel also connived with OP 3 and OP 4 for coercing the Informant to leave the said property premises. Left with no other option, the Informant has stated to have engaged in a series of litigation (both civil and criminal) with OP 3 and OP 4. However, despite all its efforts, the Informant



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has claimed that, to date, it has failed to obtain any relief as the keys of the said property continue to still remain with OP 3 and OP 4.

6. Further, the Informant has alleged that in order to ruin the Informant's reputation, OP 3 and OP 4 have filed complaints against it in various electronic public fora such as www.cosumercomplaints.in, www.consumerpatrol.in, www.forum.indiaconsumercomplaints.com, www.complaintlists.com, www.caclubindia.com and www.tradeget.com. It is further alleged that OP 3 and OP 4 had also published defamatory material against the Informant on online platforms such as Google and Facebook. The Informant has also claimed that on account of the wide outreach of these websites, the search engine (*i.e.* Google) and the social media platform (*i.e.* Facebook), any publication of false/ defamatory statements/ adverse remarks may have wide ramifications on the parties/ persons whose image/ reputation is being tarnished. The Informant has claimed that on account the said conducts of OP 3 and OP 4, it has suffered reputational and monetary damage to the tune of Rs.100/- crores. Further, it has been stated that police complaints have also been filed against OP 3 and OP 4.
7. In addition, the Informant has submitted that OP 1, OP 2, OP 5 to OP 10 are enterprises within the meaning of section 2(h) of the Act. Further, the Informant has alleged that owing to false information published in the websites, its business has been damaged and that OP 1 and OP 2 enjoy dominant position and monopolistic power on the internet as the information contained in these websites can be viewed world wide and hence they have violated the provisions of section 4 of the Act. Accordingly, the Informant has prayed to the Commission, *inter alia*, to refer the matter to the Director General ('DG') for further investigation, direct OP 1 and OP 2 to pay a compensation of Rs.100/- crores with 24% interest from the date of publication of the defamatory information on their websites till the date of actual payment.



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8. The Commission has perused the Information filed by the Informant and material available on record. The Commission observes that the Informant is primarily aggrieved by the publication of defamatory materials/ false statements published on various websites.
9. The Commission is of the view that the genesis of the grievance in the present case can be traced to the dispute arising from a series of litigation (both civil and criminal) and police action between the Informant on the one hand and OP 3 and OP 4 on the other in relation to the said property. The Commission is of the considered opinion that the said property dispute between the Informant and OP 3 and OP 4 does not involve any competition concerns and as such, and is not covered under any of the provisions of the Act.
10. The Informant has alleged that OP 1 and OP 2 enjoy dominant and monopolistic power on the internet and they have used their position of dominance to the detriment of the Informant in contravention of section 4 of the Act which proscribes abusive conduct of a dominant enterprise in a relevant market. However, the Commission observes that the Informant has failed to make out a case against OP 1 and OP 2 for abuse of dominance under the provisions of section 4 of the Act.
11. Further, the Commission notes that the Informant has not made any specific allegation against OP 5 to OP 10. In any case, the Commission views these public fora as a platform for providing opportunities to individuals for registering their grievances and spreading public awareness. The general averments made by the Informant against these fora, including publication of defamatory materials on these websites allegedly maligning the Informant's reputation, do not raise any competition concern. Thus, the allegations in the present case do not involve any issue which contravenes the provisions of section 4 of the Act.
12. In the light of the above analysis, the Commission is of the opinion that no *prima facie* case of contravention of the provisions of section 4 of the Act is



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made out against the OPs in the instant matter. Accordingly, the matter is closed under the provisions of section 26(2) of the Act.

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

(Ashok Chawla)
Chairperson

(S. L. Bunker)
Member

(Sudhir Mital)
Member

(U. C. Nahta)
Member

(M. S. Sahoo)
Member

(Justice (Retd.) G. P. Mittal)
Member

New Delhi

Dated: 07.10.2015