



## COMPETITION COMMISSION OF INDIA

Case No. 92 of 2014

**In Re:**

**XYZ.....**

**Informant**

**And**

**Shri Hiralal Sharma,  
Chairman,  
Ferozepur College of Engineering & Technology,  
Ferozeshah District,  
Ferozepur, Punjab.**

**Opposite Party**

**CORAM**

**Mr. Ashok Chawla  
Chairperson**

**Mr. Mr. S. L Bunker  
Member**

**Mr. Augustine Peter  
Member**

**Mr. U. C. Nahta  
Member**



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

1. The present information was filed under section 19(1)(a) of the Competition Act, 2002 (the “**Act**”) by the Informant against Ferozepur College of Engineering & Technology (hereinafter referred to as the “**Opposite Party/OP**”) alleging contravention of the provisions of Section 4 of the Act.
2. Opposite party is an Engineering and Technology institute which was established by Baba Amarnath Society in the year 2009. The official website of OP states that the said institute is duly approved by All India Council for Technical Education (AICTE), New Delhi & Govt. of Punjab.
3. It is stated that Dev Raj Institute of Management & Technology Society which is an information technology college situated in Ferozepur provides free bus services to its students. Informant alleged that the Opposite Party is sending messages and making calls to the students of Dev Raj Institute of Management & Technology Society provoking them to leave their college and join the Ferozeshah College since the buses of Dev Raj Institute of Management & Technology were not working. To elaborate on the same Informant submitted that on a particular day, a student received a text from a mobile phone asking him to leave Dev Raj College and join Ferozeshah College since the buses of Dev Raj college were not working and people were leaving the same.
4. Based on above allegations, Informant has prayed that the Commission issue direction to restrain the Opposite Party from sending such text which affects the reputation of the college and that a damage of Rs. 10,00,000/- be awarded along with litigation fees.



5. The Commission considered the matter in its meeting held on 18.12.2014 and after examining the matter decided to call upon the Informant to explain the same on 07.01.2014. However, the Informant failed to appear before the Commission to explain his case.
6. Informant has alleged violation of section 4 of the Act. It is noted from the facts of the case that the grievance of the Informant primarily pertains to the conduct of the Opposite Party inducing the students of Dev Raj Institute of Management & Technology Society to leave their college and join Ferozeshah College by way of sending text messages and making phone calls.
7. The Commission notes that since the allegation pertains to abuse of dominant position, it may be pertinent to first delineate the relevant market and then the dominant position of the Opposite Party. It appears that both the institutes in the instant matter are engaged in the provision of educational/ academic courses in the field of engineering and technology. Such courses require particular skills and expertise to educate and train the students and cannot be substituted by any other academic course. Therefore, the Commission is of the view that the relevant product market in the instant case would '*the market for the provision of educational/ academic courses in the field of engineering and technology*'. With respect to the relevant geographic market, it is noted that though both the institutes are situated in the district of Ferozepur, Punjab, students in general ,for the purpose of acquiring quality education, best of knowledge, training, skills, etc. in the field of engineering and technology may travel to any part of India to seek admission in the college which meet their objectives. Therefore, the Commission opines that the relevant geographic market for the market for *the provision of educational/ academic courses in the field of engineering and technology would be the whole of India*.



8. The next assessment is that of the dominant position of OP in the relevant market. It is noted that there are several engineering and technology institutes in India offering such courses presumably with better services. There is no dearth of such institutes even in and around the northern regions of India. Therefore, the Commission is of the view that OP is not in dominant position in the relevant market.
9. Since the Opposite Party, *prima facie*, does not appear to be in a dominant position in the relevant market, the question of abuse of dominant position by it within the meaning of the provisions of Section 4 of the Act does not arise.
10. In the light of the above analysis, the Commission finds that no *prima facie* case of contravention of the provisions of section 4 of the Act is made out against the Opposite Party in the instant matter. Accordingly, the matter is closed under the provisions of section 26(2) of the Act.
3. The Secretary is directed to inform all concerned accordingly.

Sd/-

(Mr. Ashok Chawla)

**Chairperson**

Sd/-

(Mr. S .L. Bunker)

**Member**



Sd/-

**(Mr. Augustine Peter)**

**Member**

Sd/-

**(Mr. U. C. Nahta)**

**Member**

**New Delhi**

**Date: 29-01-2015**