



सत्यमेव जयते



Fair Competition
For Greater Good

COMPETITION COMMISSION OF INDIA
Case Nos. 67-73 of 2017

Case No. 67 of 2017

In Re:

Bharat Burman and others
3D/6, Sector-NIT, Faridabad,
Haryana

Informant

And

Sri Ram Housing Finance & Investment of India Ltd.
27, Ishwar Nagar,
Opposite Surya Crown Plaza Hotel,
New Delhi-110025

Opposite Party

With

Case No. 68 of 2017

In Re:

Harsh Vardhan
1D/11B, NIT, Faridabad,
Haryana

Informant

And

Sri Ram Housing Finance & Investment of India Ltd.
27, Ishwar Nagar,
Opposite Surya Crown Plaza Hotel,
New Delhi-110025

Opposite Party

With

Case No. 69 of 2017

In Re:

Anuradha and others
1D/11B, NIT, Faridabad,
Haryana

Informant

And

Sri Ram Housing Finance & Investment of India Ltd.
27, Ishwar Nagar,

Opposite Party



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Opposite Surya Crown Plaza Hotel,
New Delhi-110025

With

Case No. 70 of 2017

In Re:

Man Mohan
3C/107, NIT, Faridabad,
Haryana

Informant

And

Sri Ram Housing Finance & Investment of India Ltd.
27, Ishwar Nagar,
Opposite Surya Crown Plaza Hotel,
New Delhi-110025

Opposite Party

With

Case No. 71 of 2017

In Re:

Harsh Vardhan and others
1D/11B, NIT, Faridabad,
Haryana

Informant

And

Sri Ram Housing Finance & Investment of India Ltd.
27, Ishwar Nagar,
Opposite Surya Crown Plaza Hotel,
New Delhi-110025

Opposite Party

With

Case No. 72 of 2017

In Re:

Krishan Arora
1D/11B, NIT, Faridabad,
Haryana

Informant

And



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Sri Ram Housing Finance & Investment of India Ltd.
27, Ishwar Nagar,
Opposite Surya Crown Plaza Hotel,
New Delhi-110025

Opposite Party

With

Case No. 73 of 2017

In Re:

Sangeeta Arora and others
3C/107, NIT, Faridabad,
Haryana

Informant

And

Sri Ram Housing Finance & Investment of India Ltd.
27, Ishwar Nagar,
Opposite Surya Crown Plaza Hotel,
New Delhi-110025

Opposite Party

CORAM

Mr. Devender Kumar Sikri
Chairperson

Mr. Sudhir Mital
Member

Mr. Augustine Peter
Member

Mr. U.C. Nahta
Member



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

1. This common order shall dispose of the information in instant cases as they involve substantially similar allegations.
2. The information in instant cases have been filed under section 19(1)(a) of the Competition Act, 2002 (hereinafter, the “Act”) against Sri Ram Housing Finance & Investment of India Ltd. (hereinafter, the “OP”) alleging contravention of the provisions of Section 4 of the Act.
3. Facts and allegations, in brief, are as under:
 - 3.1. In 1987, the OP invited applications for sale of shop/office space in a commercial complex developed by it at Mathura Road, New Delhi. In pursuance thereof, the Informants or their predecessors purchased shops/flats from the OP. The OP represented that the commercial complex being developed by it was duly authorised by requisite authorities.
 - 3.2. The Hon’ble Supreme Court, *vide* its order dated 26th September, 2003, held the commercial complex to have been illegally constructed and therefore directed demolition of the same. Accordingly, the Municipal Authorities demolished the commercial complex.
 - 3.3. Under the aforesaid circumstances, various aggrieved buyers filed petitions against the OP before the erstwhile Monopolies and Restrictive Trade Practices Commission (hereinafter, the “MRTP Commission”) by filing petitions against the OP. However, the Informants were not a party to these proceedings. The erstwhile MRTP Commission, *vide* its orders dated 24th April, 2007 and 2nd August, 2007, directed the OP to refund



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- the principal amount. But there was no decision with respect to interest, if any, payable to the buyers.
- 3.4. The OP issued a letter dated 18th September, 2007 to the Informants or their predecessors, as the case may be, stating that the principal amount was already paid and that they are only entitled to get/receive their interest on principal amount and decision on the same was pending in the erstwhile MRTP Commission. The OP agreed to pay interest on the principal amount at the rate decided by the erstwhile MRTP Commission. Accordingly, the Informants approached the OP *vide* application dated 20th November, 2007. Although, the OP paid the principal amount, no interest was paid to the Informants.
- 3.5. Thereafter, the aggrieved parties filed applications under Section 12B of the erstwhile Monopolies and Restrictive Trade Practices Commission, 1969, which was decided by the erstwhile Hon'ble Competition Appellate Tribunal (hereinafter, the "**CompAT**") being the successor of erstwhile MRTP Commission. The Hon'ble CompAT, while disposing of the 35 applications filed in terms of Section 12-B of the MRTP Act, 1969, *vide* its order dated 29th March, 2010, directed the OP to pay interest @15% from the date of deposit of principal amount till the date the principal amount was to be refunded by the OP.
- 3.6. Even after the order dated 29th March, 2010 of the Hon'ble CompAT, the OP did not pay interest to the Informants.
4. The Informants have alleged that the interest was paid to other buyers but the same was not paid to them. This has been alleged to be unfair and in contravention of the provisions of Section 4 of the Act. The Informants have prayed the Commission to direct the OP to pay interest at the rate of fifteen



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percent for the period between the date of deposit of principal amount by them and the refund of the same by OP as well as interest at the same rate for the subsequent period also.

5. The Commission has perused the information and other material available on record. The Informants are primarily aggrieved by the non-payment of interest amount by OP. Apart from such allegation, no material, whatsoever, has been brought on record to suggest the dominance of the OP in any of the potential relevant market, which are relevant considerations under the Act. Based on the material available on record, the Commission finds no *prima-facie* case of contravention of Section 4 of the Act. Further, the mere issue of non-payment of interest and the remedies sought by the Informants are beyond the purview of the Commission.
6. Accordingly, the case is ordered to be closed in terms of Section 26(2) of the Act.
7. The Secretary is directed to communicate to the Informants, accordingly.

Sd/-
(Devender Kumar Sikri)
Chairperson

Sd/-
(Sudhir Mital)
Member

Sd/-
(Augustine Peter)
Member

New Delhi
Dated: 27.02.2018

Sd/-
(U.C. Nahta)
Member