



**COMPETITION COMMISSION OF INDIA**

**Case No. 16 of 2014**

**In Re:**

**M/s. Crown Theatre  
Through its Managing Partner,  
Mr. A.R. Vinod, Calicut, Kerala**

**Informant**

**And**

**Kerala Film Exhibitors Federation (KFEF)  
41/2253, A 1 Cee Pee Building,  
Kala Bhavan Road, Kochi, Kerala**

**Opposite Party**

**CORAM**

**Mr. Ashok Chawla  
Chairperson**

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

**Mr. Augustine Peter  
Member**

**Mr. M. S. Sahoo  
Member**

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



## **Appearances:**

For the Informants : Mr. Amit Gupta, Advocate  
Mr. Sumati Jumrani, Advocate  
Mr. Anant A Pavgi, Advocate  
Mr. A. R. Vinod

*For the OP, Mr. Basheer* Mr. Harshad V Hameed, Advocate  
*Ahmed & Mr. M.C. Bobby:* Mr. P.V. Basheer Ahmed

## **Order under Section 27 of the Competition Act, 2002**

The present order shall dispose of the information filed by M/s Crown Theatre (hereinafter, the '**Informant**') under section 19(1)(a) of the Competition Act, 2002 (hereinafter, the '**Act**') against Kerala Film Exhibitors Federation (hereinafter, the '**Opposite Party**'/ '**OP**'), alleging *inter alia* contravention of the provisions of the Act.

### 2. **Facts**

2.1 The Informant, a partnership concern, is stated to be a single screen theatre established in the 1930s in Calicut, Kerala. It has been engaged in release/ exhibition of English and Hindi movies for the last 80 years. In April 2012, the Informant converted itself from a single screen theatre to a theatre with two screens, equipped with state of the art facilities including seating and projection systems. The Informant claims to have started screening Tamil and Malayalam films in its theatre thereafter.

2.2 OP *i.e.*, Kerala Film Exhibitors Federation ('**KFEF**') is registered under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955. It is stated to be an association representing film theatres in Kerala



and about 315 film theatres in the State of Kerala are its members. Membership of OP is subject to recommendation from one of its executive committee member and two other members as well as approval by its executive committee and working committee.

2.3 The allegations of the Informant are largely directed towards anti-competitive practices and abuse of dominant position by OP in preventing screening of Malayalam and Tamil films in theatres in Kerala. As per the Informant, OP has been controlling and restricting the exhibition of new movies across Kerala. In September 2012, OP directed its members to strike/ stop screening films in their theatres as a mark of protest against an increase in service charge and certain policies of the State Government of Kerala towards film industry. In October 2012, it was decided to indefinitely close down the cinema halls w.e.f. 02.11.2012. The Informant apprehended that this move will lead to huge losses as an upcoming English movie 'Skyfall' was due to be released shortly. As per the Informant, while the producers of vernacular movies could postpone the release of their movies till the duration of the strike, in case of English/ Hindi movies which are released all over India simultaneously, the strike would cause huge loss to the Informant.

2.4 Due to differences with OP, the Informant resigned from its membership in November 2012. For a few months after resignation of its membership, the Informant continued getting new Tamil and Malayalam films for release and exhibition at its theatre. However, sometime around May 2013, OP started directing the distributors in the State of Kerala to abstain from giving films to the Informant. The Informant has alleged that such conduct of OP amounts to abuse of dominant position as it has denied/restricted the exhibition of films to non-members in the State of Kerala.

2.5 The Commission, after examining the facts and material on record, passed a *prima facie* order dated 08.05.2014, observing violation of the provisions of section 3(1) read with section 3(3) of the Act in the matter. The Director



General (hereinafter, the 'DG') was directed to conduct an investigation into the matter and to submit a detailed investigation report to the Commission.

### 3. DG's Investigation

3.1 In terms of section 26(3) of the Act, the DG submitted the investigation report to the Commission on 25.05.2015. The primary issue that was investigated by the DG was whether there was denial of distribution of Malayalam and Tamil films to the Informant after May 2013 at the behest of or under the pressure of OP in contravention of section 3(1) read with section 3(3)(b) of the Act.

3.2 The DG has largely relied on the submissions and evidence provided by the parties, including third parties, and also the findings of investigation in an earlier similar case (Case No. 45 of 2012) against the same OP to conclude that OP has infringed the provisions of section 3(1) read with section 3(3)(b) of the Act. The subsequent paragraphs highlight the submissions/evidence provided by different parties which were relied upon by the DG.

3.3 Mr. Roopesh G. Makhija, Manager of R. M. Films (a distributor), Calicut (hereinafter, 'Mr. Makhija'), *vide* an affidavit dated 15.04.2015 before the DG, has submitted that OP has been indulging in the practice of boycotting theatre owners in case they do not agree to its actions/ diktats. With regard to the dispute between the Informant and OP, Mr. Makhija has submitted that OP had some issues with the Informant since the Informant's partners disregarded the demands of OP. As a result, distributors were asked not to supply Malayalam and Tamil films to the Informant. Mr. Makhija further stated that, in case a distributor does not agree with the diktats/ instructions of OP, that distributor is also boycotted and OP does not allow the said distributor's movies to be screened in Kerala. Therefore, distributors and theatre owners generally succumb to the directives of OP apprehending that such boycott may lead to huge financial loss to them. When provided an opportunity to rebut, Mr. P.V. Basheer Ahmed, President of OP has stated that Mr. Makhija is not



in the field of distribution for last 10 years. The same, however, was found to be incorrect by the DG.

3.4 The DG has also relied on the submissions of Mr. Mukesh Mehta of M/s E4 Entertainment, sub-distributor of 20<sup>th</sup> Century Fox (producer for the film '*Raja Rani*'). Mr. Mukesh Mehta has stated that Mr. Basheer Ahmed had called him to stop screening of the film '*Raja Rani*' and asked him to support only those theatres which were regularly screening Tamil and Malayalam films. He further stated that there is an understanding between the distributors, producers and OP that the distributors would release films only in agreed theatres which the distributors normally consent to. It is also submitted that Mr. Basheer Ahmed is following/ enforcing this agreement and as a distributor, M/s E4 Entertainment can release movies only in mutually agreed centres. The DG provided an opportunity to Mr. Basheer Ahmed to contest the submissions made by Mr. Mukesh Mehta. He accepted the fact of premature withdrawal of the movie '*Raja Rani*' from the Informant theatre but stated that the movie was withdrawn due to pressure from government theatres. However, he failed to produce any evidence to show that any pressure was exerted by the government theatres.

3.5 It has been alleged by the Informant that M/s Friday Tickets, a film distribution company, has denied the distribution of the movies "*Philips and the Monkey Pen*" and "*Zachariyayude Garbhinikal*" to the Informant. M/s Friday Tickets, before the DG, has accepted that it did not distribute the above two films to the Informant because of the ban imposed by OP on the Informant. It is further stated that going against the ban would lead to serious financial repercussions on its business and it would not be able to exhibit its movies in any other theatre across Kerala. Ms. Sandra Thomas, Managing Partner of M/s Friday Tickets has confirmed that a ban was imposed on the Informant because of OP's threats and has submitted that not following the directions of OP would endanger their business relationship with other



members of OP. When given an opportunity to defend, Mr. Basheer Ahmed merely denied the statement of Ms. Sandra Thomas as baseless.

3.6 M/s Lal Jose Film Private Ltd. is another distributor which refused Malayalam movies to the Informant. M/s Lal Jose Film Private Ltd. *vide* its letter dated 30.07.2014 confirmed that though they approached the Informant for the film ‘*Pullipulikalum Attinkuttiyum*’, ten days before the release of the said film they received information of the ongoing dispute between the Informant and OP, due to which they did not release the said film in the Informant’s theatre fearing financial repercussions. Further, *vide* its letter dated 11.03.2015, M/s Lal Jose Film Private Ltd. has stated that if they screen the movies against the diktat of OP, it would create problems with other theatres in the Malabar area.

3.7 From the response received from M/s Murali Films, the DG observed that though it has supplied the film “*Nee Ko Njaa Chaa*” to the Informant, it did not supply the movie “*Celluloid*” owing to the problems between OP and the Informant. Further, the statement given by M/s Murali Films reaffirmed the allegations of the Informant that due to pressure of OP, the distributors were not offering fresh release of Malayalam and Tamil movies to the Informant. When provided an opportunity to counter the statement made by M/s Murali Films, Mr. Basheer Ahmed submitted that movie ‘*Celluloid*’ was banned by Film Distributors Association and the Informant did not screen it due to the above said ban.

3.8 The DG also relied on its findings against KFEF (*i.e.*, OP) in Case no. 45/2012. The DG, in that case, found that OP indulged in anti-competitive conduct by restricting new releases to take place in the theatres other than its members. OP threatened and prohibited the producers/ distributors also from giving new releases to the non-members. Further, OP banned several movies of producers/ distributors which disregarded its mandate and ventured out to release their movies in theatres of non-members of OP. As such, because of



its economic clout, OP apparently has a stronghold over the Malayalam and Tamil film industries of Kerala and, resultantly, producers/ distributors are hesitant to release movies to any theatre other than the members of OP.

3.9 During the investigation, the DG found that the Informant ceased to be a member of OP after its resignation *vide* letter dated 01.11.2012. After May 2013, the Informant received only one Tamil movie in its theatre namely 'Raja Rani'. However, even this film was withdrawn after three days because of the direct interference of Mr. Basheer Ahmed through a phone call made to the sub-distributor of 'Raja Rani' i.e., Mr. Mukesh Mehta of M/s E4 Entertainment. Thereafter, no Tamil/ Malayalam film was exhibited in the theatre of the Informant in spite of it having two screens and sufficient screen time for vernacular movies. Thus, the DG has noted that the issue involved in both the cases, i.e. Case No. 45 of 2012 and the instant case, are analogous. In both these cases there has been denial of new releases to the theatres of non-members of OP because of the economic clout and threat posed by OP.

3.10 In response to the above submissions, OP has not been able to counter the allegations and evidence gathered against it. OP has merely denied the allegations without producing any cogent evidence whatsoever to show that after the resignation of the Informant and more specifically after May 2013 (when the last vernacular movie was displayed in the Informant theatre), any Malayalam/ Tamil movie was distributed to the Informant. OP has only mentioned that a Malayalam movie was released in the Informant theatre in the year 2006.

3.11 Based on the above, the DG reported that the Informant has been denied Malayalam & Tamil movies since May 2013 because of the intervention of OP in violation of the provisions of section 3(1) read with section 3(3)(b) of the Act.



3.12 The DG has also identified two key persons involved in the functioning of OP *i.e.*, its President Mr. Basheer Ahmed and General Secretary Mr. M.C. Bobby.

#### 4. **Reply/ Objections of OP**

4.1 OP has filed its objections to the DG report *vide* its response dated 14.07.2015.

It is submitted that the Informant theatre was established in the year 1930 and has been screening only English and Hindi films from the time it commenced its operations, except one or two Malayalam films. It is submitted that 95% of English or Hindi films that have been released in India were screened by the Informant and since it screens Malayalam films only during noon shows (non regular shows), the distributors are not willing to give regular release of Malayalam movies to the Informant.

4.2 It is submitted that on 02.11.2012, a strike was scheduled by OP in protest against the increase in service charge on theatres and also with respect to the policies of the government. The strike was withdrawn within 8 days after meeting with Ministers. OP has submitted that the Informant's allegation is only with respect to the year 2013. OP has stated that it never interfered in any matter relating to the Informant theatre being a non member. It is submitted that the Informant resigned from membership of OP on 01.11.2012 and in its resignation letter the Informant has clearly stated that it screens mostly Hindi and English films, the release dates of which would not possibly be postponed till the end of the strike.

4.3 Further, OP has stated that none of the shows were cancelled in the Informant theatre. With respect to submissions of M/s R.M. Films of Calicut, it is stated that M/s R.M. Films has not distributed any films for the past 10 years and even when it was doing business, it never screened any Malayalam movies in the Informant theatre. OP has also highlighted the statement of Ms. Sandra Thomas (M/s Friday Tickets) that they were not aware of the exact reason for



the ban of Informant theatre by OP and has submitted that M/s Friday Tickets unilaterally decided not to screen their films in the Informant theatre. OP has also contended that third parties/distributors have been erroneously relied upon by the DG as it is clear from their statements that, irrespective of the ban, such distributors had no intent to screen their films in the Informant theatre.

4.4 OP has also pointed out the statement given by Mr. Mukesh Mehta of M/s E4 Entertainment whereby Mr. Mukesh Mehta stated that the film '*Raja Rani*' was not withdrawn, rather it was mutually decided with the Informant to stop the screening of the film after three days due to apprehension that other exhibitors may refuse to screen the movie. In the context of Mr. Mukesh Mehta's conversation with Mr. Basheer Ahmed, it is stated that OP had never asked Mr. Mukesh Mehta to stop the movie '*Raja Rani*' in the Informant theatre. It is submitted that the film '*Raja Rani*' was screened in Government theatres and also at Ganga Theatre, Calicut. The Informant had license for 28 shows but it only screened 12 shows. So it was apparently because of some arrangement between the government theatres and the distributor.

4.5 It is further submitted that Mr. Lal Jose, whose statement has been relied upon by the DG, categorically stated that he did not get timely confirmation from the Informant for release of his film. As per OP, it never banned any films distributed by M/s Lal Jose Film Private Ltd. and highlighted that the film '*Neram*' was screened by the Informant.

4.6 OP has also submitted that no action has been taken against any of its members or any exhibitor in the State of Kerala. All the theatres in Kerala are screening films of all languages as per their wishes and no restriction/ ban has been imposed against any of these theatres. It is alleged that since Mr. Basheer Ahmed filed a case against the Kerala Film Distributor Association before the Commission, the distributors persuaded the Informant to submit the present case against OP and its office bearers. It is submitted that M/s Murali Films has released the film '*Nico Nan Chaa*' which was screened all over Kerala, including the Informant theatre and no ban or restriction was imposed against



it. Citing these instances, OP has requested the Commission to dismiss the findings of the DG as elucidated in the investigation report.

## 5. Submissions of the Informant

5.1 Though no written reply/response was filed to the DG report by the Informant, yet the Informant supported the findings of the DG and urged that the same be accepted by the Commission. It was further highlighted that OP could not demolish any of the evidence recorded by the DG during the investigation. The Informant has contended that the film 'Raja Rani', though screened only for three days in its theatre, received a very good response. Therefore, the Informant urged that the contention of OP that the film was withdrawn due to Informant being a non-regular Tamil/ Malayalam releasing theatre does not hold water and is liable to be rejected. It was further urged that the standard of evidence for proving an understanding/ agreement is preponderance of probabilities and the same is established from the evidence collected by the DG. The Informant, therefore, pleaded that the DG's findings need to be accepted in totality.

## 6. Findings of the Commission

6.1 On a perusal of the investigation report submitted by the DG, the replies/ objections/submissions filed by the parties and other materials available on record, the Commission feels that the primary issue that needs to be determined is: Whether OP interfered with the distribution of Malayalam and Tamil films to the theatre of the Informant in contravention of the provisions of section 3(3) of the Act?

6.2 The Informant's case is that the denial of Tamil and Malayalam language movies to be screened at its theatre is due to the interference of OP which is alleged to be in contravention of section 3(1) read with section 3(3)(b) of the Act. The DG has found evidence to conclude that because of OP's



intervention, regional language films *i.e.*, Tamil and Malayalam movies were denied to the Informant theatre and the same has adversely affected the competition in the said market.

6.3 The Commission has considered the evidence relied upon by the DG which *inter alia* comprises of statements furnished during the course of investigation in form of letters from distributors, their statements on oath, the affidavit of the Informant, submissions and affidavits of third parties *etc.*

6.4 Mr. Makhija, Manager of R. M. Films, Calicut has submitted that the distributors have been directed by OP not to supply movie prints of Malayalam and Tamil language movies to the Informant. It is also submitted that if a distributor does not agree to the instructions of OP, that distributor is also boycotted and the OP does not allow that distributor's movies to be screened in the State of Kerala in its members' theatres. As such, it is quite clear that the Informant was not given Tamil and Malayalam movies by distributors because of the directions issued by OP. The evidence clearly brings out that exhibition of Tamil and Malayalam films to the Informant theatre were denied at the behest of OP.

6.5 Further, the statement of Mr. Mukesh R. Mehta of M/s E4 Entertainment, a distributor, makes it abundantly clear that the movie '*Raja Rani*' was withdrawn from theatre of Informant due to the pressure exerted by Mr. Basheer Ahmed, President of OP. The DG investigation has revealed that it is only after Mr. Basheer Ahmed's call that Mr. Mukesh R. Mehta intimated Mr. A. R. Vinod, partner in the Informant theatre, to stop screening the film '*Raja Rani*' owing to the pressure exerted by OP. The circumstances also support the allegation of the Informant in this regard. As per the Informant, the screening of the film '*Raja Rani*' in the Informant theatre was doing quite well for the three days after which it was withdrawn by the distributor *i.e.*, M/s E4 Entertainment, due to the interference of the President of OP directing the distributor to withdraw the movie from the Informant theatre. The



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Commission is convinced that the said film was withdrawn from the Informant theatre only at the instance of OP.

6.6 Further, as per the statement made by Ms. Sandra Thomas, Managing Partner of M/s Friday Tickets, before the DG, they have denied distribution of two films to the Informant because of the ban placed by OP due to the fear of financial repercussions in case they violated this ban. Similarly, M/s Lal Jose Films Pvt. Ltd. also confirmed that the only reason it did not release its films with the Informant was the dispute between the Informant & OP. It is evident from the statements of M/s Lal Jose Films Pvt. Ltd that it feared retaliation by OP and its member theatres in case it chose to release Malayalam/ Tamil movies in the Informant theatre. M/s Murali Films also accepted that it did not supply films to the Informant due to the differences between the Informant and OP.

6.7 All the above statements provided by the third parties before the DG are of utmost relevance as they show how much strength OP possesses in the film industry in Kerala. As most of the big theatres are OP's members, every film distributor has inhibitions to release its film in any theatre which is experiencing differences with OP. Dealing with any theatre which is boycotted/ banned by OP (*e.g.*, Informant theatre in the instant case) would entail financial repercussions to the distributor as its film would not be able to do good business in the State of Kerala if OP did not allow the same to be released in its member theatres.

6.8 The Commission notes, as also recorded by the DG during its investigation, that the conduct of the present OP has also been examined by this Commission in an earlier case *i.e.*, Case no. 45/2012 (*Kerala Cine Exhibitors Association and KFEF & others*). While holding the conduct of KFEF *i.e.*, the present OP, along with some other Opposite Parties in that case, to be anti-competitive, the Commission had imposed penalty on OP.



6.9 The findings of the DG in the present case, which are well supported by convincing evidence, further reaffirm that OP has been indulging in and perpetuating anti-competitive practices. It is clear from the submissions of various film distributors that because of the diktats of OP, release of Malayalam and Tamil films were denied to the Informant. It is observed that OP was provided with adequate opportunities, during DG investigation and also before the Commission, to refute the submissions made by various distributors/ theatres but no sufficient explanation was tendered by OP. The OP has not been able to furnish any cogent evidence or reason to counter the allegations or the statements of the witnesses examined by the DG. The conduct of OP, is therefore, found to be anti-competitive amounting to controlling and limiting the supply of Malayalam and Tamil films in the State of Kerala, in contravention of section 3(1) read with 3(3)(b) of the Act. Since the said conduct falls under the presumptive rule of section 3(3) of the Act, a presumption is raised against OP that the said conduct has caused an appreciable adverse effect on the competition in the film exhibition industry in Kerala.

6.10 In view of the foregoing, the Commission is of the view that the conduct of OP amounts to contravention of section 3(1) read with section 3(3)(b) of the Act.

6.11 With regard to the liability of the office bearers of OP under section 48 of the Act, the DG has identified Mr. Basheer Ahmed and Mr. M. C. Bobby, President and General Secretary of OP, respectively, to be the key decision makers of OP. Section 48(1) of the Act provides that where a person committing contravention of any of the provisions of this Act is a company (including a firm or an association), every person who, at the time the contravention was committed, was in charge of, and was responsible for the conduct of the business of the company/ association, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly. Further the proviso to that sub-section entails that such



person shall not be liable to any punishment if he proves that the contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such contravention. As such the Commission notes that Mr. Basheer Ahmed and Mr. M.C. Bobby, being the President and General Secretary of OP, respectively, are responsible for the conduct of OP. It is evident that they were involved in the key decisions of OP. Mr. Mukesh Mehta of M/s E4 Entertainment had also categorically stated he was directed by Mr. Basheer Ahmed over the phone to stop providing Tamil movies to the Informant. As a result, a movie namely, '*Raja Rani*' which was released at the Informant's theatre was taken down after three days. As such, it is evident that Mr. Basheer Ahmed played an active role in enforcing the directives of OP in controlling and restricting the exhibition of new movies across Kerala. Further, Mr. M.C. Bobby, General Secretary of OP, is also responsible for the conduct of OP being in a key position. Moreover, in spite of ample opportunity given to them, they failed to adduce any evidence to establish that the anti-competitive decisions were made without their knowledge or that they had exercised all due diligence to prevent their commissioning.

6.12 In view of the foregoing, the Commission is of the view that both Mr. Basheer Ahmed and Mr. M.C. Bobby, being in-charge of and responsible for the conduct of business of OP under section 48 of the Act, are liable to be penalised.

6.13 It is relevant to mention that in Case no. 45/2012, *Kerala Cine Exhibitors Association vs. Kerala Film Exhibitors Federation and Others*, the Commission had already found these two office bearers responsible under section 48 of the Act and imposed a penalty @ 7% of their average income accordingly.



## ORDER

7. Considering the findings elucidated in the earlier part of this order, the Commission finds that OP has indulged in anti-competitive conduct in violation of the provisions of section 3 of the Act. Further, two of its office bearers, namely, Mr. P.V. Basheer Ahmed and Mr. M.C. Bobby have continued with the said anti-competitive conduct despite the on-going investigation by the DG in Case no. 45 of 2012. It is thus clear that these persons have been repeatedly indulging in anti-competitive conduct to the detriment of competition in the market.
8. Section 27 of the Act empowers the Commission to pass all or any of the orders enumerated therein, and issue such other order or direction as it may deem fit in case of contravention of the provisions of section 3 or 4 of the Act. Further, in case of an anti-competitive conduct committed by a company, including a firm or other association of individuals, the Commission may proceed under section 48 of the Act to penalise the individuals responsible for the anti-competitive conduct on the part of such company. The Commission observes that OP has been penalised in Case no. 45/2012, *Kerala Cine Exhibitors Association vs. Kerala Film Exhibitors Federation and Others* for indulging in anti-competitive conduct which was of similar nature. Further, in various earlier cases pertaining to anti-competitive conduct by film associations, this Commission has taken a stern view that such activities are antithetic to competition and fair-play in the market.
9. With regard to the penalty, it may be noted that the objective of imposing a penalty under section 27 of the Act is two-fold. Firstly, to discipline the erring party for its anti-competitive conduct and, secondly, as a deterrence to stall future contraventions. Such deterrence is not only for the concerned erring entity which has been found guilty of contravention, but also for all other entities which are operating under similar circumstances and are indulging in similar anti-competitive conduct. As spelt out earlier, in numerous cases



pertaining to anti-competitive conduct by film associations, the Commission has imposed heavy financial penalties. As a matter of record, information in one such case was filed by the present OP against Film Distributors Association, Kerala. Further, the allegations against the anti-competitive conduct by OP was first reported to the Commission in mid-2012 in Case no. 45 of 2012 wherein the Commission directed the DG to initiate an investigation *vide* its prima facie order 09.01.2013. The Commission was seized of the matter in Case no. 45 of 2012 when OP further indulged in the similar anti-competitive conduct. However, it appears that OP has turned a blind eye to the past orders of the Commission against like film associations in other states for similar anti-competitive conduct as well as the on-going investigation against it in Case No. 45 of 2012. In view of these, the Commission issues the following directions under section 27 of the Act:

- a. OP and its office bearers, namely, Mr. P.V. Basheer Ahmed and Mr. M.C. Bobby shall immediately cease and desist from indulging in anti-competitive conduct which they have been found to be indulging in contravention of section 3 of the Act, as explained in earlier paragraphs. This shall come into effect immediately, i.e., on the day of receipt of this order by them.
- b. OP shall pay penalties as worked out hereunder and deposit the penalties calculated at the rate of 10% of its average income within 60 days from the receipt of the order by them:

<b>Year</b>	<b>Turnover /Income during the Year (in rupees)</b>
2011-2012	824145.24
2012-2013	Not submitted
2013-2014	Not submitted
<b>Total</b>	824145.24
<b>Average</b>	824145.24
10% of Average Turnover (Penalty Amount)	82414.52



- c. Further, Mr. P.V. Basheer Ahmed and Mr. M.C. Bobby shall pay penalties calculated at the rate of 10% of their average income as worked out hereunder and deposit the penalties within 60 days from the receipt of the order by them:

<b>Year</b>	<b>P.V. Basheer Ahmed</b>	<b>M. C. Bobby</b>
2011-2012	920227	-
2012-2013	771685	490490
2013-2014	0	683510
<b>Total</b>	1691912	1433358
Average	563970.67	477786
10% of Average Income(Penalty Amount)	56397.07	47778.6

- d. OP shall not associate Mr. P.V. Basheer Ahmed and Mr. M.C. Bobby with its affairs, including administration, management and governance, in any manner for a period of two years. This shall be complied with before expiry of 60 days from the receipt of the order by OP.
- e. Mr. P.V. Basheer Ahmed and Mr. M.C. Bobby shall not associate with OP, including its administration, management and governance, in any manner for a period of two years. This shall be complied with before expiry of 60 days from the receipt of the order by them.
- f. OP shall organize, in letter and spirit, at least five competition awareness and compliance programmes over next six months in the State of Kerala for its members. The compliance of this shall commence before expiry of 60 days from the receipt of the order by OP.
10. The OP and the office bearers of the OP, namely, Mr. P.V. Basheer Ahmed and Mr. M.C. Bobby shall file with the Commission a report of compliance



each with the above directions, pertaining to them, within 90 days of receipt of this order by them.

11. Secretary is directed to inform the parties accordingly.

**Sd/-**

**(Ashok Chawla)**  
**Chairperson**

**Sd/-**

**(S. L. Bunker)**  
**Member**

**Sd/-**

**(Augustine Peter)**  
**Member**

**Sd/-**

**(M. S. Sahoo)**  
**Member**

**Sd/-**

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

**New Delhi**

**Dated: 08.09.2015**