

**BEFORE THE
COMPETITION COMMISSION OF INDIA**

CASE NOs.18, 24, 30, 31, 32, 33, 34 and 35 of 2010

Dated : 10th January, 2013

IN THE MATTER OF :

DLF PARK PLACE RESIDENTS' WELFARE ASSOCIATION INFORMANT(in case No.18 of 2010)

Pushkar Dutt Sharma & Kiran Sharma INFORMANTS(in case Nos.24, 30, 31, 32, 33, 34 & 35 of 2010)

VS.

DLF HOME DEVELOPERS LTD & DLF Ltd. OPPOSITE PARTY-1

HARYANA URBAN DEVELOPMENT AUTHORITY(HUDA) OPPOSITE PARTY-2

DEPARTMENT OF TOWN & COUNTRY PLANNING, STATE OF HARYANA OPPOSITE PARTY-3

**Through:- Shri Vaibhav Gaggar, advocate for informant and
Shri Ravinder Narain, advocate for opposite party no.1**

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

This Commission vide its order dated 29.8.2011 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 12th 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 these 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. 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 Nos.18, 24, 30, 31, 32, 33, 34 and 35 of 2010. The detailed reasons given in the order of case No. 19/2010 dated 3.1.2013 shall be applicable to these cases 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 these cases also.

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

3. It is ordered accordingly.

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