



COMPETITION COMMISSION OF INDIA

Case No. 76 of 2016

In re:

Dr. S. K. Mittal, Advocate

Uttarakhand High Court, Chamber No. 9,

Idea Colony Shopping Complex, Kichha Road,

Lalpur-Rudrapur (Udham Singh Nagar),

Uttarakhand - 263148

Informant

And

HP Inc.

1st-4th Floor, Tower D & E, DLF Cyber Green,

DLF City, Phase-III, Gurgaon – 122022, Haryana

Opposite Party

CORAM

Mr. Devender Kumar Sikri

Chairperson

Mr. S. L. Bunker

Member

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. Dr. S. K. Mittal (**‘Informant’**) has filed the information in the instant case under Section 19(1) (a) of the Competition Act, 2002 (the **‘Act’**) against HP Inc. (**‘OP’**) alleging contravention of the provisions of Sections 3 and 4 of the Act.
2. OP is a company engaged in the business of development and supply of hardware such as personal computers and printers along with their after-sale services and the Informant is a buyer of one of the products of OP.
3. The allegations of the Informant relate to purchase of a HP Pavilion x360 Convertible 13-s102TU laptop from M/s Jai Shanti Infotech, a recognised dealer of OP at Rudrapur. It is stated in the information that from the date of purchase, the said laptop was creating operational problems for which the Informant approached the dealer, the service center and the management of OP several times, but the problems in the said laptop were not resolved. It is averred that even after replacement of the defective part by OP, the laptop continued to have the same operational snags. Further, it is averred that the said laptop was manufactured in China and the OP merely marketed the same in India in the garb of its brand value. It is also averred that the said laptop is not fulfilling the required specification of the model in question.
4. The Informant has alleged that OP, in connivance with its dealers, is indulging in anti-competitive practices by selling spurious and sub-standard products made in China which is causing serious damage to the consumers’ interests in India. It is also alleged that the warranty condition for the said laptop that is, *“All warranty claims are subjected to the terms laid down by our principal/ manufacturer and we take no responsibilities for any kind of error on their part”* amounts to imposition of unfair condition on the consumers. Accordingly, the Informant has alleged that OP is abusing its dominant position against the consumers in India.



5. Based on the above submissions, the Informant, *inter alia*, has prayed the Commission to investigate the matter to protect the consumers from the unfair anti-competitive practices of OP.
6. The Commission has perused the information and other material available on record. From the facts of the case, it appears that the Informant is essentially aggrieved by the alleged conduct of OP in selling a defective, spurious and sub-standard laptop to him and not providing the desired after-sale repair services for the said defective laptop.
7. At the outset, based on the facts and circumstances of the matter, the Commission observes that the dispute in question appear to be a purely consumer issue for which the Informant may approach the appropriate forum. It is observed that the allegations of the Informant relate to sale of a defective laptop and deficiency in the provision of after-sale repair services for the said laptop and there is no competition issue involved in the matter.
8. Further, based on the information available in the public domain, the Commission observes that the '*market for laptops including its spares and after-sale services in India*', which may be considered as the relevant market in the instant case, is a fragmented market wherein though OP is a major player, besides OP, many other leading players such as Dell, Lenovo, Apple, Sony, Acer *etc.* are also operating and exert competitive constraint on the OP. With presence of such prominent brands, the consumers have adequate choice in the relevant market and OP does not enjoy a position of strength required to operate independently of market forces. Therefore, the Commission is of the view that OP does not hold a dominant position in the above said relevant market. In the absence of dominance of OP, the question of abuse of dominant position by it under Section 4 of the Act does not arise at all.
9. The information also does not disclose any kind of agreement that can be considered as anti-competitive in terms of any of the provisions of Section 3 of the Act.



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10. Accordingly, the Commission finds that no case of contravention of the provisions of either Section 3 or 4 of the Act is made out against the OP in the instant case.
11. The matter is ordered to be closed under the provisions of Section 26(2) of the Act.
12. The Secretary is directed to inform all concerned accordingly.

Sd/-
(Devender Kumar Sikri)
Chairperson

Sd/-
(S. L. Bunker)
Member

Sd/-
(Sudhir Mital)
Member

Sd/-
(Augustine Peter)
Member

Sd/-
(U. C. Nahta)
Member

New Delhi
Dated: 10/11/2016