



COMPETITION COMMISSION OF INDIA

Case No. 73 of 2016

In re:

Mathew K. P.

Kilikoodayil House, Aroor P.O.,

Alappuzha District, Kerela

Informant

And

1. Mr. Joy Alukas

Joy Alukas India Pvt. Limited,

Triton Apartments,

Marine Drive, Cochin

Opposite Party No. 1

2. Mrs. Jolly Joy Alukas

Joy Alukas India Pvt. Limited,

Triton Apartments,

Marine Drive, Cochin

Opposite Party No. 2

3. Mr. Ravi Puravankara, Chairman,

Puravankara Project Private Limited,

130/1 Ulsoor Road, Yellappachetty Layout,

Halasurru, Bangloour, Karnataka

Opposite Party No. 3

4. Mr. Renjith Thomas, General Manager,

Puravankara Project Private Limited,

G-261, Panampally Nagar, Cochin

Opposite Party No. 4

5. Mr. Josekuttan, Director,

Link India Homes Private Limited,

Presteges Palm Green Villas, Ponnurunny,

Kunjanvava Road, Cochin

Opposite Party No. 5



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CORAM

Mr. Devender Kumar Sikri
Chairperson

Mr. Sudhir Mital
Member

Mr. U. C. Nahta
Member

Justice G. P. Mittal
Member

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

1. The present information has been filed by Mr. Mathew K. P. (the ‘**Informant**’) under Section 19(1)(a) of the Competition Act, 2002 (the ‘**Act**’) against Mr. Joy Alukas (‘**OP-1**’), Mrs. Jolly Joy Alukas (‘**OP-2**’), Mr. Ravi Puravankara (‘**OP-3**’), Mr. Renjith Thomas (‘**OP-4**’) and Mr. Josekuttan (‘**OP-5**’) [collectively, hereinafter, ‘**OPs**’] alleging, *inter alia*, contravention of the provisions of the Section 3 of the Act.
2. As per the information, the Informant is a broker of property and OP-1 is stated to be the proprietor of Joy Alukas India Pvt. Ltd. and is *inter-alia* engaged in various businesses including real estate, gold, textile, air services, money exchange *etc.* in India and abroad. OP-2 is stated to be the business partner of OP-1. OP-3 is the Chairman of Puravankara Projects Ltd. which deals with real estate business and OP-4 is its General Manager. OP-5 is the Managing Partner of Link India Homes Pvt. Ltd., another real estate company in Kerala.
3. It is stated that OP-1 and OP-2 wanted to sell their 5 acres of land and 11 acres of paddy field in Vazhakkala and Edappally, South Village, Ernakulam for



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which OP-5 (as the representative of OP-1 and OP-2) approached the Informant to facilitate the sale/ transfer of the said properties with the promise of payment of 3% commission for his services. For the purpose of the said transaction, the Informant approached OP-3 (through OP-4) who is stated to be the buyer of the said properties. It is stated that the buyer *i.e.* OP 3 and its representative *i.e.* OP 4 also promised the Informant a commission of 3% for facilitating the aforesaid transaction. After negotiations, the properties were transferred in 2006. It is the case of the Informant that after the transaction of the said properties, both the parties *i.e.* the seller and its representative (OP-1, OP-2 and OP-5) and the buyer and its representative (OP-3 & OP-4) did not give the promised 3% (of the value of transaction) commission to him. It is averred that later the OPs entered into an agreement dated 21.11.2006 with the Informant pursuant to which they paid only Rs. 22 lakhs as commission for the aforesaid transaction instead of Rs. 2.88 crores as promised. The Informant has alleged that since the OPs have violated the terms of oral agreement; therefore, their acts are in contravention of the provisions of Sections 3(1) and 3(2) of the Act.

4. The Informant has also alleged that the OPs have turned the said paddy field of 11 acres into a 'landed property' illegally without any permission from the government. It is averred that the OPs have also earned profits out of the aforesaid transaction by cheating the revenue and income tax departments. It is also averred that the OPs have not executed documents in accordance with the actual amount they received from the above said transaction and submitted forged documents before the government authorities.
5. Aggrieved by the above said conduct of the OPs, the Informant, *inter alia*, prayed the Commission to direct the OPs to pay fine to the tune of Rs. 861 crores and pass an order directing the OPs to legalise the documents registered with regard to the said transaction.
6. The Commission has perused the information and other materials available on record. From the information, it is observed that the Informant appears to be



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aggrieved by the conduct of the OPs of not giving him the agreed commission of 3% of the value of transaction with respect to sale/ purchase of 16 acres of land in Vazhakkala and Edappally, South Village of Ernakulam. The Informant has alleged contravention of Section 3 of the Act in the matter. However, the Commission is of the view that the said allegations of the Informant relate to a personal money dispute between the Informant and the OPs and as such do not raise any competition concern. Further, it is observed that nothing is stated in the information or available in the public domain which can disclose that there exists an agreement amongst the OPs which can be considered as anti-competitive in terms of Section 3 of the Act.

7. Thus, the Commission is of the view that no case of contravention of any of the provisions of Section 3 of the Act is made out against the OPs in the instant matter. Accordingly, the matter is closed under the provisions of Section 26(2) of the Act.
8. The Secretary is directed to inform all concerned accordingly.

Sd/-
(Devender Kumar Sikri)
Chairperson

Sd/-
(Sudhir Mital)
Member

Sd/-
(U. C. Nahta)
Member

Sd/-
(Justice G. P. Mittal)
Member

New Delhi
Dated: 09.11.2016