



COMPETITION COMMISSION OF INDIA

26.09.2019

Suo Motu Case No. 01/2014

In Re: Alleged cartelisation in supply of LPG Cylinders procured through tenders by Hindustan Petroleum Corporation Limited (HPCL)

Order under Section 27 of the Competition Act, 2002

1. In the instant matter, the Commission passed an order dated 09.08.2019, under Section 27 of the Competition Act, 2002 (Act) imposing penalty on 51 Opposite Parties at the rate of 1% of their average relevant turnover for the financial years 2013-14, 2014-15 and 2015-16. *Vide* the said order, Commission also imposed penalty on individuals of 51 Opposite Parties found liable under Section 48 of the Act, at the rate of 1 percent of their average income of the financial years 2013-14, 2014-15 and 2015-16.
2. Out of the aforesaid individuals of the Opposite Parties, the amount of penalty with respect to one individual namely, Mr. Nishant Mittal, Director of Raghupati Synergy Pvt. Ltd. Opposite Party No. 26 could not be determined as Mr. Nishant Mittal had not furnished copies of his income tax returns for financial years 2013-14, 2014-2015 and 2015-16. With respect to imposition of penalty upon Mr. Nishant Mittal, the Commission in Para 131 of the order dated 09.08.2019, stated as under:

“With respect to imposition of penalty on Mr. Nishant Mittal, Director of Raghupati Synergy Pvt. Ltd., the Commission observed that appropriate orders would be passed in due course upon furnishing of copies of income tax returns for the financial years 2013-14, 2014-15 and 2015-16 by him.”
3. The Commission notes that in terms of the directions of the Commission contained in order dated 09.08.2019, Mr. Nishant Mittal has now furnished copies of his income tax returns for the financial years 2013-14, 2014-15 and 2015-16 (ITRs) on 28.08.2019.
4. Today the Commission having considered the said ITRs filed by Mr. Mittal, decided to impose a penalty upon him, in terms of provision of Section 27 of the Act, at the same rate at which it was imposed on other individuals in the order dated 09.08.2019



i.e. 1% of his average income of financial years 2013-14, 2014-15 and 2015-16. The same is provided in the table below:

(In Rupees)

S.No.	Party	2013-14	2014-15	2015-16	Total	Average Income	1% of average income
1.	Mr. Nishant Mittal, Director of Raghupati Synergy Pvt. Ltd.	9,36,382	5,27,295	8,84,979	23,48,656	7,82,885	7,829

5. Mr. Nishant Mittal is directed to deposit the amount of penalty within 60 days of the receipt of this order.
6. The Secretary is directed to send a copy of the order passed today alongwith copy of the order dated 09.08.2019 passed by the Commission under Section 27 of the Act, to Mr. Nishant Mittal.

Sd/-
(Bhagwant Singh Bishnoi)
Member

Sd/-
(Sangeeta Verma)
Member

Sd/-
(Ashok Kumar Gupta)
Chairperson