

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Competition Appeal (AT) No.15 of 2017

IN THE MATTER OF:

Jawaharlal Nehru Post Trust

...Appellant

Versus

Competition Commission of India

...Respondent

Present: Shri K.K. Sharma, Advocate for the Appellant

**Shri Vaibhav Gaggar, Ms. Neha Mishra, Advocates for
Competition Commission of India**

**Shri Arun Kathpalia, Senior Advocate with Shri Ravisekhar Nair,
Ms. Deeksha Manchanda and Ms. Krushika Nayan Chaudhary,
Advocates for the Respondent Nos.2 to 5**

O R D E R

07.12.2017 Learned counsel for the appellant seeks to withdraw the appeal with liberty to file a fresh one for the same cause of action. Learned counsel for the Respondent Nos.2 to 5 submits that the impugned judgement has been upheld by this Appellate Tribunal in Company Appeal (AT) No.04 of 2017 decided on 5th December, 2017 with the observations that there is no substance in the appeal.

According to the learned counsel for Respondent Nos.2 to 5 this is a judgement in rem which cannot be questioned by anybody, more particularly the appellant herein who was not a party before the Competition Commission of India.

Keeping in view the nature of judgement rendered in Competition Appeal (AT) No.04/2017, this appeal is dismissed as withdrawn. Liberty to file fresh appeal founded on the same cause of action is declined.

[Justice Bansilal Bhat]
Member (Judicial)

/rs/uk