



COMPETITION COMMISSION OF INDIA

Case No. 33 of 2022

In Re:

**Shri. Nadie Jauhri
Medhraj Ambar,
D.K. Nagar,
Gangapur Road,
Nashik-422013
Maharashtra**

Informant

And

**Shri. Sanjay Mehrotra,
Chairman,
The Futkar Dawa Vyapar Mandal,
Kanpur**

Opposite Party No-1

**Shri. Rajendra Saini,
President,
The Dawa Vyapar Mandal,
Kanpur**

Opposite Party No-2

CORAM

**Mr. Ashok Kumar Gupta
Chairperson**

**Ms. Sangeeta Verma
Member**

**Mr. Bhagwant Singh Bishnoi
Member**



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

1. The instant information has been filed by Shri. Nadie Jauhri (**‘Informant’**) alleging contravention of provisions of Section 3 of the Competition Act, 2002 (**‘Act’**) by Shri Sanjay Mehrotra, Chairman, Futkar Dawa Vyapar Mandal, Kanpur (**‘Opposite Party No. 1’**) and Shri. Rajendra Saini, President, Dawa Vyapar Mandal, Kanpur (**‘Opposite Party No. 2’**).
2. The Informant is stated to be an activist in the field of pharma trade for more than 15 years and has always been against unfair trade practices and corruption.
3. The Opposite Party No.1 is the Chairman of Futkar Dawa Vyapar Mandal and the Opposite Party No. 2 is the President of Dawa Vyapar Mandal, which is a public trust but is not registered with any competent authorities.
4. It has been stated that Opposite Party No.1 issued a circular dated 10.07.2022, stating that no chemist shall buy or sell products of Macleods Pharmaceuticals Ltd. (**‘Macleods’**) w.e.f. 13.07.2022, till further information is received from Drug House and Srushti Drug House located at Birhana Road. It has been also stated that the said circular was circulated widely in the public domain, which is in contravention of provisions of Section 3(3) read with Section 3(1) of Act.
5. It has been stated that Shri. Sanjay Mehrotra and Shri. Rajendra Saini have not only influenced but also controlled the working and decision making of the Futkar Dawa Vyapar Mandal. It has been stated that boycott is an unfair trade practice and corruption, which was done under the influence of the Opposite Parties, and the same was also unlawful and arbitrary.
6. It has been further averred that boycott of medicines of Macleods is also in contravention of the Drugs and Cosmetics Act. Further, as per the Informant, the boycott of medicines of Macleods creates shortage and increases black market by reducing consumer choice and competition.



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7. It has also been stated that the Informant has been informed by many patients, along with photographs, that they are unable to buy their prescribed medicines of Macleods because the said company has been boycotted by the Futkar Dawa Vyapar Mandal.
8. The Informant has also sought interim relief by way of seeking a direction from the Commission to the Director General to conduct investigation into the matter. Based on the aforesaid facts and allegations, the Informant has prayed the Commission to impose penalty on the Futkar Dawa Vyapar Mandal, Kanpur, in terms of Section 27 of the Act.
9. The Commission in its ordinary meeting held on 13.09.2022 considered the Information and other material available on record and decided to pass an appropriate order in due course.
10. The Commission notes that the Informant has alleged that, through the circular dated 10.07.2022, the Opposite Party No.1 directed that no chemist shall buy or sell products of Macleods Pharmaceuticals Ltd with effect from 13.07.2022, till further information is received from Drug House and Srushti Drug House located at Birhana Road. The Informant has also alleged that the boycott of medicines creates shortages and increases black market by reducing consumer choice and competition. This has been alleged to be in contravention of provisions of Section 3(3)(b) read with Section 3(1) of the Act.
11. Upon perusal of the circular dated 10.07.2022 issued by Opposite Party No.1, annexed with the Information, the Commission notes that the Informant has rested his information on the strength of the said circular which, *ex-facie*, does not bear any indication of having originated from Opposite Party No.1. The Commission further notes that no credible evidence has been provided by the Informant to substantiate the allegations of boycott of products of Macleods except some photographs of certain retailers holding a banner stating that buying and selling medicines manufactured by Macleods Pharmaceuticals Limited has been banned. There is no information as to whether the same was brought to the knowledge of Macleods and if it was in its contemplation and what action, if any, followed.



12. In the facts and circumstances of the present case, the Commission is of the *prima-facie* view that the allegations raised by the Informant are not substantiated by any evidence on record, and thus, no case of contravention of provisions of Section 3 of the Act, warranting an investigation into the matter, is made out.
13. In view of the foregoing, the Commission is of the opinion that there exists no *prima facie* case, and the information filed is directed to be closed forthwith against the Opposite Parties under Section 26(2) of the Act. Consequently, no case for grant of relief as sought under Section 33 of the Act arises, and the same is also rejected.
14. The Secretary is directed to communicate to the Informant accordingly.

Sd/-
(Ashok Kumar Gupta)
Chairperson

Sd/-
(Sangeeta Verma)
Member

Sd/-
(Bhagwant Singh Bishnoi)
Member

New Delhi

Date: 15-09-2022