

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.4209 OF 2008

Adlabs Ltd. Appellant

Vs.

Rajasthan Patrika P. Ltd. Respondent

ORDER

This appeal is by a complainant before the Monopolies and Restrictive Trade Practices Commission, aggrieved by non-grant of interim-relief. The appellant is a Radio Broadcaster. It wanted its advertisement to be published in the respondent's newspaper. The respondent refused to publish appellant's advertisement. The appellant therefore approached the Commission alleging that respondent's refusal amounted to a restrictive trade practice which resulted in loss to the appellant. The appellant also sought an interim direction to the respondent under section 12A of Monopolies and Restrictive Trade Practices Act, 1969 ('Act' for short) to publish its advertisements.

: 2 :

2. The Commission considered the interim prayer and rejected the same by the impugned order dated 25.4.2008. On the facts and circumstances, it was not inclined to grant the interim order sought.

3. We find that this is not a fit case for interference with the discretion exercised by the Commission in refusing interim direction. Granting the interim relief sought would virtually amount to allowing the complaint even before the matter is considered on merits. No irreparable injury or loss is made out on account of the refusal.

4. The appeal is therefore dismissed. We however request the Commission to dispose of the matter expeditiously as it raises an important issue and decision thereon may have a bearing on similar questions that may arise in future.

.....J
[R. V. Raveendran]

.....J
[D. K. Jain]

New Delhi;
November 17, 2008.