

30th March 2012

To,
AK Singhal
Assistant Director General
Office of Director General
Competition Commission of India
The Hindustan Times House,
18-20, Kasturba Gandhi Marg,
New Delhi – 110007

Sub. : Notice under section 36(2) read with section 41(2) of the Competition Act, 2002

Dear Mr. Singhal,

Following your last letter dated 05/03/2012, received by email, I would like to take the liberty to address you, once again, on the issue of manufacturing/design failures of Mercedes Benz cars.

Due to the nature of vehicle electronics, the know how to analyze failures of parts, reconstruct accidents and many more issues related to customers fundamental rights, is a closely held secret by the manufacturers. Due to our experience as Mercedes Benz dealers, we were shocked by the secrecy around software updates. Even after our own cars brakes failed due to a design failure, which has been kept secret to this day, repeated software “Patches” called Add-ons were loaded onto our company provided and owned scanner (diagnostic computer) and the scanner was then used to alter the affected control units in a secret manner.

In this way organizations like ours helped in experimenting without any accountability with the property of our customers and that too **without knowing what we were doing** and knowing that no outsider had the **star diagnostic scanner or its software** which Mercedes had the excuse to claim is their **intellectual property**.

When we had a case of fatality in a Mercedes Benz vehicle and no airbag had inflated around the driver’s seat in Ahmedabad in 2007, the customer’s father and family requested a technical report on the airbag performance. We allowed the representative of Daimler AG to access the car’s electronics and awaited the report. However, for more than one year, no respectable report was produced and the customer had to request the data on a daily basis over the phone and letters for many months. Finally, an unexplained table of senseless (to a layman) data was provided to us to forward to the customer. We ourselves failed to see at the time that even some of the numbers in the table did not correspond to the car in question and it seems that the whole table was fabricated. Today after years, the customer Mr.

Mahendra Patel has no answers and in reply to his and our letters and notices to explain the data, we have only received severe threats of legal action such as defamation etc.

The problem, due to which companies like Daimler/Mercedes Benz are able to cover-up severe life threatening defects and much more is the keeping secret of diagnostic software and hardware.

In November 2011, Mr. Vimal Saraf in Jaipur lost his 22 year old son in the same way as Mr. Mahendra Patel had a few years ago. Even the un-believably mangled condition of the car was beyond explanation as well as the fact that the airbags failed to inflate. It became clear to us that any request for investigation/Data would be treated in the same way as before.

Due to our deep guilt at the previous case, where we unknowingly played a role in cheating Mr. Mahendra Patel out of the data downloaded from his car, we were keen to guide Mr. Saraf in the hope of preventing a repeat of the standard practice of Mercedes Benz. However, when we observed that Daimler AG had deputed the same analyst as in the case of Mr. Mahendra Patel, we were forced to raise objection to such a travesty. Now the so called expert who had previously provide a fake report as a "clean chit" of airbag performance has demanded that the vehicle of Mr. Saraf should be handed over to him because "IN EUROPE EVEN THE POLICE HAS TO COME TO DAIMLER". These were his exact words, which he has given in a video interview at the police station. **The confidence to carry out such grave manipulations comes from the monopoly over information!!!**

Having asked for answers, Mr. Saraf too became aware of the paradox, that if you want justice in the case of Mercedes Benz accident investigations, you have to first unconditionally hand over the car to Mercedes Benz themselves for UNSUPREVISED tampering. And even after that you have to beg them for whatever information they feel like giving, when they feel like it. To add to this there is no watch dog body worth mention in India for the consumer or even dealer who wishes to blow the whistle.

We, as Ex-dealers, have been insulted at the doorsteps of every authority in India and the press for complaining while the very ministries who are supposed to regulate such industries have passed the parcel as you can see from our representations and requests for feedback under RTI.

What is abundantly clear is that you can buy a car worth rupees five crores, the Government of India is happy to take more than half of that in taxes, but if the manufacturer has sold you a death trap, you have no real option even to ask for an investigation. The ARAI, who every other body has claimed is the relevant body, **is so backward and totally managed by the auto majors (by donations/favors etc.)** that they tried to help Mercedes Benz in their dispute against our dealership and issued written statements, refusing their power to even get involved. Mercedes Benz has had the audacity to repeatedly direct various customers including us to the ARAI, **saying they are the only persons who are "AUTHORISED"**. In this way they have even dragged-on court proceedings knowing that there is a total monopoly on their diagnosis know-how and equipment which the Indian Government has supported.

This combined with the monopoly on spare parts and arrest of prominent spare part dealers under IPR act (for trading in goods with the Mercedes Logo) has cornered the total repair business within their own closed doors, **where unspecified software and hardware changes are easily made without customer knowledge.**

As a result now for more than fifteen years, Daimler/Mercedes has been keeping known part and software failures secret and dealing with the few fatalities in a case to case fashion knowing that the diagnosis environment and legal systems can be pushed to the limit keeping the overall conspiracy hidden.

Today, Mr. Saraf faces a dilemma and his attempt at finding closure in the grave matter of loosing his son is unsupported by the provisions of the Automobile industry and Government of India.

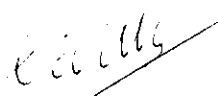

As time goes by, such cases will multiply and the need to regulate such companies and protect consumers will increase. We have been unsure of the role of the CCI in such matters and have failed to generate interest in any other body.

Demonstrating the two tragic cases mentioned above, we would like to highlight the need for change. In the case of Mr. Patel, the original data which was stolen from his car must be returned and a full disclosure of the failures needs to be made. In the case of Mr. Saraf, there is still time to disclose the data held in the memory of the car under fair conditions with transparency and accountability. The issue of **INDEPENDENT third party** crash analysis and reconstruction has still not even been conceived of in India.

Mr. Mahendra Patel, Mr. Vimal Saraf and the undersigned will be pleased to appear before the CCI in connection with the above cases if directed. The undersigned would like to discuss the material provided in this and previous communications with the relevant investigators due to the technical nature of issues raised. It would be a privilege if an early opportunity is provided to us.

Thanks and Best Regards,

Yours faithfully,
For, **Cama Motors Pvt. Ltd.**


Jehangir R J Cama
Chairman
Rusom Cama
Executive Director