

6th April 2012

To,
Shri A K 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

Sir,

With reference to your Notice under section 36(2) read with section 41(2) of the Competition Act, 2002 dt.30/03/2012 (File No. DG/CCI/IW/1/74/2011/0667), we would like to submit as follows:

- In your notice, you have specifically asked regarding the dealership of Indian Car Manufacturer, Hindustan Motors Ltd. held by us in the past. For this particular company, we hardly had any grievances **pertaining to the practices/malpractices listed in your above notice**. Hindustan Motor products were covered by sub departments including Mitsubishi products. Some of the spare part and diagnostic equipment of Mitsubishi products was exclusively available through dealerships like ours however Hindustan motor car parts like ambassador parts were sold through spare part dealers in the open market.
- Due to a lack of new products and growth and **rejection of the ambassador car by all sections including the government of Gujarat**, we were unable to sustain our dealership after more than five decades of relationship. We resigned amicably in 2003. Documents related to our resignation are enclosed.
- Hindustan Motors did not object to our having a Mercedes Benz dealership and from 1997 onwards we had an additional Mercedes Benz dealership. **In the past we were Authorised Dealers for Mahindra and Mahindra, DCM Toyota Ltd, Bajaj Auto Ltd. two and three wheelers also alongside with Hindustan Motors Ltd.** When we resigned from Hindustan Motors we were approached by Skoda Auto and took up their dealership in 2003. From 2003 we were dealers for Skoda Auto and Mercedes Benz. **Companies prohibit their dealers from specific competitor's dealerships.**

- Of the companies we have direct experience of, the **malpractices you have mentioned** can be found abundantly in the case of **Mercedes Benz** and **Skoda Auto** more than others.

we would like to submit that earlier we have submitted exhaustive material vide our letter dated 07/03/2012 and 30/03/2012, relating the various mal practices connected with the operations of car manufacturers Mercedes Benz India Pvt. Ltd. and their parent company. We have also submitted proof related with **various means adopted by the company to mislead and cheat the customers** and the various tactics by which their defective products endanger the safety and lives of the users and the issues raised in your subject notice are **all genuine ones** and are really faced by the Customers of the Passenger Cars and the Dealers.

At the same time, we would like to emphasis that the Hon'ble Competition Commission of India should thoroughly investigate the case against Mercedes Benz India Pvt. Ltd. and for that we have submitted enough back up material and are truly prepared to assist the Hon'ble Commission for further inquiry and investigation.

In general the allegations of malpractice and anti-competitive behavior apply to **all manufacturers** but the extent to which the monopoly over diagnostic technology and spare parts is used to violate customer's fundamental rights is most criminal in the case of Mercedes Benz who lost total control of their quality control since 1998 and are still continuing the practices we have alleged.

Should you require any additional material, documents or evidence, please direct us accordingly.

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


Rustom Cama
Executive Director