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Fair Competition
For Greater Good

COMPETITION COMMISSION OF INDIA

Case No. 21 of 2022

In re:

Indian Steel Association

Upper Ground Floor No. 4, Kanchenjunga Building
18, Barakhamba Road, New Delhi - 110001

Informant

And

Bhadrasahi/ Guali Truck Association

Bhadrasahi, Barbil, District: Keonjhar – 770048
Odisha

Opposite Party No. 1

Bonai Truck and Tipper Owners' Association

P.O.: Koira, District: Sundargarh – 770048
Odisha

Opposite Party No. 2

Keonjhar District Truck Owners' Association

P.P.: Keonjhar – 758001
Odisha

Opposite Party No. 3

Joda Truck Owners' Association

Joda Dist : Keonjhar – 758034
Odisha

Opposite Party No. 4

Coram:

Ms. Ravneet Kaur

Chairperson

Mr. Anil Agrawal

Member

Ms. Sweta Kakkad

Member



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Mr. Deepak Anurag

Member

Present:

- For Indian Steel Association
(**Informant**) : Mr. Naveen Kumar (on hearing dated 17.12.2025, 18.02.2026 and 18.03.2026) and Lakshay Singh (on hearing dated 17.12.2025, 18.02.2026, 11.03.2026 and 18.03.2026), Advocates
- For Bhadrasahi/ Guali Truck
Association (**OP-1**) : Eleena Dash (on hearing dated 17.12.2025) and P.S. Chandralekha (on hearing dated 17.12.2025 and 18.02.2026), Advocates
- For Bonai Truck and Tipper Owners'
Association (**OP-2**) : No one appeared
- For Keonjhar District Truck Owners'
Association (**OP-3**) : Eleena Dash (on hearing dated 17.12.2025) and P.S. Chandralekha (on hearing dated 17.12.2025 and 18.02.2026), Advocates
- For Joda Truck Owners' Association
(**OP-4**) : Eleena Dash (on hearing dated 17.12.2025) and P.S. Chandralekha (on hearing dated 17.12.2025 and 18.02.2026), Advocates

Order under Section 27 of the Competition Act, 2002

1. The Information in the present case has been filed by Indian Steel Association ('ISA'/'**Informant**'), under Section 19(1)(a) of the Competition Act, 2002 (the '**Act**') against Bhadrasahi/ Guali Truck Association ('**Opposite Party No.1**'/'**OP-1**'), Bonai Truck and Tipper Owners Association ('**Opposite Party No. 2**'/'**OP-2**') and Keonjhar District Truck Owner's Association ('**Opposite Party No. 3**'/'**OP-3**') alleging contravention of the provisions of Section 3 of the Act. Further, *vide* order dated 08.03.2024, the Commission decided to add Joda Truck Owners' Association as



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Opposite Party No. 4 ('OP-4') in the present matter. OP-1 to OP-4 are hereinafter collectively referred to as (**'Opposite Parties'/'OPs'**).

Facts in brief

2. As per the Information, the Informant is registered under the Societies Registration Act, 1860 and was founded in 2014. It has currently 8 executive members which are steel manufacturers across India and 10 affiliate members amounting to a total of 18 members.
3. As per the Information, the major raw materials like iron ore and other materials required by steel companies are supplied from the mines of the Odisha Mining Corporation (**'OMC'**) and other merchant mines, which are located within and outside the districts of Angul, Jajpur, Keonjhar, Sundargarh, and Jagatsinghpur in the State of Odisha. The raw materials from the mines can only be supplied by road, since there is a shortage of railway rakes in the vicinity of the mines. In some cases, where raw materials are transported by rail, a part-road movement from the mines is unavoidable.
4. The OPs are various truck associations operating in the mine areas in the State of Odisha which regulate the movement, freight rates, freight quantity etc. of trucks, transporting raw materials to and from the mines.
5. It is alleged that the OPs issue their own freight rate charts, fixing rates higher than the prevalent rates in the open market. Further, the OPs make it mandatory for truck owners to register their trucks with them for operating in the region and to charge freight rate as per their dictation, resulting in higher freight for the steel companies, thus increasing their input cost. This domino-effect affects the prices of products manufactured by the members of the Informant, ultimately increasing steel prices and causing losses for customers.
6. It is stated that the OPs have been imposing three major restrictions on the members of the Informant/steel companies:
 - (i) Fixing freight rates for transporting mineral-carrying goods carriages, even beyond the maximum freight fixed by the State Government;
 - (ii) Not allowing any independent transporter to transport raw materials from the mines;
 - (iii) Using only smaller trucks (6 and 10-wheeler trucks) for transportation, resulting in higher freights and limiting the quantity that can be dispatched in a truck.



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7. It is stated that the Commerce and Transport Department, Government of Odisha, *vide* its notification dated 07.09.2017 bearing No. LC-TR-80/2017, had issued directions for the maximum freight rate per ton/per kilometer for one-way loaded trip, including compensation for idle return journey, for goods carriages plying within and outside the districts of Angul, Jajpur, Koenjhar, Sundargarh and Jagatsinghpur. The notification provided for maximum prices for one-way distance above 50 kms and up to 50 kms. It authorised the Transport Commissioner, State Transport Authority, Odisha ('STA') to revise the rates on a monthly basis on revision of diesel price as per automatic mechanism and the freight rates mentioned in the notification were to be taken as the base price for automatic revision of freight rates.
8. It is stated that thereafter, the Transport Commissioner, STA, due to increase in diesel price from Rs. 58.99 on 07.09.2017 to Rs. 97.45 as on 06.07.2021, had set the maximum freight rates per ton/ per kilometer for one-way distance above 50 kms and up to 50 kms, *vide* its order dated 06.07.2021 bearing No. 6772/ IX-200/2019/TC/ Tech.
9. It is stated that due to increase in diesel price, the Office of the Transport Commissioner-cum-Chairman, STA, Odisha, Cuttack, *vide* its order dated 02.04.2022 bearing No. 4297/TC/Tech, had revised the maximum freight rates per ton/ per kilometer for one-way distance above 50 kms and up to 50 kms, for mineral carrying goods carriages plying within and outside the districts of Angul, Jajpur, Keonjhar, Sundargarh and Jagatsinghpur.
10. It is alleged that OPs had been increasing the freight charges in the meanwhile from time to time. For instance, OP-3 had sent a letter dated 04.03.2021 for increasing the price from Rs. 1,400/- PMT to Rs. 1,596/- PMT for 6-wheeler and Rs. 1,300/- PMT to Rs. 1,482/- PMT for 10-wheeler (toll fee extra) for transportation from OMC, Gandhamardan, Saukati to Jindal Steel and Power Limited ('JSPL'), Chhendipada, Angul. Furthermore, OP-3 sent a letter dated 12.06.2021 to the transporters for revision of transporting rate stating that on account of increased fuel prices and other expenditure, the association had decided to revise the transporting freight from Rs. 1,457/- PMT to Rs. 1,603/- PMT for 6-wheeler and Rs. 1,357/- PMT to Rs. 1,495 PMT for 10-wheeler (toll fee extra) for transportation work from OMC, Gandhamardan, Saukati to JSPL, Chhendipada, Angul. Subsequently, OP-3 addressed two letters dated 08.07.2021,



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confirming increase of freight charges by 5% from OMC, Gandhamardan, Saukati to JSPL plants at Raigarh and Angul.

11. Further, it is submitted that OP-1 had issued a freight rate chart on 01.09.2021. Similarly, OP-2 had issued a freight rate chart from Koira to various siding railway tracks as on 07.04.2021. OP-3 had issued a freight rate chart on 22.10.2021. It is stated that the rates fixed by the OPs are higher than the prevalent rates in the open market, which is evident from the sample invoices issued by transporters to JSPL.
12. It is also stated that the members of the Informant had also raised the issue of arbitrary increase in freight rates to the authorities and had requested them to ensure implementation of the directions regarding pricing, but no action was taken.
13. It is alleged that OPs make it mandatory for the truck owners to register their trucks with the union for operating in the region. Only the registered trucks are permitted by the associations to engage in transportation of mineral carrying goods. It is further stated that the communications in this respect are verbal and the OPs do not mandate the same on any document.
14. Further, it is alleged that the OPs do not allow heavy pay-load trucks and are still operating with 6 and 10-wheeler trucks within Odisha. It is also stated that the OPs are not following the Ministry of Road Transport and Highways ('**MoRTH**'), Government of India notifications, which *vide* notification dated 16.07.2018 and 06.08.2018 bearing S. No. 3467/E had notified that carrying capacity of 6, 10 and 12-wheeler trucks has been increased from 9.5, 15.5 and 20.5 tons to 11.8, 18.5 and 24.5 tons, respectively. This results in higher logistic costs for the members of the Informant which further adds to their input cost and has a domino effect on the price of steel being offered by the members of the Informant. Thereby, ultimately the prices of products manufactured using steel would increase and the consumers or customers would have to bear the loss. It is stated that aggrieved by the aforementioned conduct of the OPs, the Informant had also approached the MoRTH as well as the State Government of Odisha.
15. Based on the above, it is averred that the members of the Informant have no other option but to accept the terms imposed by the OPs. Aggrieved with the aforementioned anti-competitive conduct, the Informant has approached the Commission seeking investigation on the conduct of the OPs, which is alleged to be in violation of Sections 3(3)(a) and 3(3)(b) of the Act.



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Directions to the Director General

16. While forming a *prima facie* view of contravention of provisions of Section 3(3) read with Section 3(1) of the Act, the Commission noted that even though the government decides the maximum price from time to time considering several factors, the same are not being followed by the OPs and that the freight rates have been determined or fixed by the associations in a concerted and collusive manner by the members. It was observed by the Commission that every economic operator must independently determine the prices in the market, and any direct or indirect contact between market players by which a player conveys its decisions of price rise or fixing of prices to its competitors affects the normal conditions of competition. The Commission *prima facie* observed that in the instant matter, the OPs have acted as a platform to fix /decide prices on behalf of its members. Accordingly, *vide* order dated 05.07.2022 passed under Section 26(1) of the Act, the Commission directed the Director General ('DG') to cause an investigation into the matter.

Investigation by the DG

17. To examine the allegations, the DG issued notices to the OPs and third parties to collect relevant information/ data. The DG also recorded statements of office bearers of the OPs during the investigation.
18. The DG, pursuant to the directions of the Commission in the *prima facie* order, investigated the matter, and after seeking due extensions of time, submitted the Investigation Report dated 12.12.2023. The DG identified three issues for investigation:
Issue (i): Whether OPs by way of fixing freight rates for transporting mineral-carrying goods carriages, even beyond the maximum freight fixed by the State Government; have entered into an agreement which directly or indirectly determines purchase or sale prices and violated the provisions under Section 3(3)(a) of the Act?
19. It has been stated by the Joint Commissioner Transport (Tech.), STA, Odisha in his letter to the DG dated 15.10.2022 that Joint Secretary to Government of Odisha, Commerce & Transport (Transport) Department *vide* letter No LC-TR-661201512952/T dated 25.04.2017, has prescribed the details regarding the mechanism for determination and automatic revision of the freight rates for mineral carrying goods carriage based on revision of diesel prices within the State of Odisha. It authorized the Transport



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Commissioner, Odisha to issue the freight rate at his level on half yearly basis *i.e.* in January and July of every year, taking into account the rate fixed *vide* notification dated 26.09.2016 as the base rate.

20. It is further stated that the notification was issued by the Commerce & Transport (Transport) Department, Govt of Odisha *vide* letter No. LX-20012019-6772fiC dated 06.07.2021 and order No. 4297ITC dated 02.04.2022, in respect of mechanism for determining and revising the freight rates for mineral carrying goods carriage within the State of Odisha. It is stated that the freight rates fixed by the department are being circulated to all concerned and the freight fixed is the maximum freight. If the freight is demanded above the maximum freight so fixed, then the department can take action as per law. But no such case has come to the notice of the department.
21. In its response dated 29.12.2022, the Informant has submitted a chart showing the difference of the freight charges issues by the STA and all the three OPs, respectively. For instance, for a 10-wheeler trip from Guali to Deojhar, the prescribed rate by the STA is Rs. 240 per ton, however, the freight charged by OP-1 is Rs. 515 per ton which is more than twice the prescribed freight rate. Similarly, for a 12-wheeler trip from Guali to Deojhar, the prescribed rate by the STA is Rs. 209 per ton; however, the freight charged by OP-1 is Rs. 515 per ton.
22. The DG has stated that the STA had notified the freight rates in 2017 (*vide* notification dated 07.09.2017) and after that due to the increase in the price of diesel, the rates were revised three times in 2021 (*vide* orders dated 06.07.2021, 29.10.2021 and 02.12.2021) and later in 2022 *vide* order dated 02.04.2022. Thus, notifications regarding freight rates have been issued five times in the period of five years.
23. The DG, during the investigation found letters/freight rate charts issued by the OPs for revision of freight rates in variance of freight rates notified by the STA (letters/freight rate charts dated 10.09.2023, 06.09.2022 and 5th Resolution dated 06.07.2021 issued by OP-1, letter/freight rate chart dated 07.04.2021 issued by OP-2, letters dated 04.03.2021, 08.07.2021 and 12.06.2021 issued by OP-3 and letters/freight rate charts dated 25.06.2019, 07.09.2019, 12.09.2019, 19.09.2019, 23.09.2019, 24.09.2019, 30.09.2019, 01.10.2019, 10.10.2019, 23.10.2019, 03.12.2019, 26.12.2019, 18.01.2020, 23.01.2020, 24.01.2020, 07.02.2020, 08.02.2020, 21.03.2020, 29.06.2020, 25.07.2020, 06.08.2020,



11.08.2020, 05.09.2020, 30.09.2020, 10.10.2020, 15.10.2020, 21.11.2020, 07.02.2021, 26.02.2021, 23.03.2021, 21.02.2023 and 18.05.2023 issued by OP-4).

24. In its reply dated 11.09.2023, OP-1 enclosed three specific resolutions - 3rd resolution (dated 03.12.2020), 5th resolution (dated 06.07.2021) and 9th resolution (dated 17.05.2021) detailing fixed transportation rates and grievance handling. The DG has stated that the freight rates provided by OP-1 are much more than freight rates decided by STA. In this correspondence, OP-1 has also highlighted certain issues faced by the truck owners related to dispatch from various mines in their sector *i.e.*, Keonjhar district. It has stated that, due to damaged condition of road, loading is a big issue and sometimes it takes 2 to 3 days to load a truck, which results in great loss to the truck owners, having impact on the transport rate. Furthermore, OP-1 has outlined the difficulties encountered during the unloading process at various ports. It has also highlighted no revision of rate since 2017 despite significant rise in diesel prices.
25. OP-2, despite being given notices, summons and reminders, neither responded nor appeared to answer queries required for investigation. However, during the course of investigation, one rate chart dated 07.04.2021 on OP-2's letterhead prescribing increased rates from Koira to various sidings was gathered by the DG.
26. OP-3, in its letter dated 04.03.2021, addressed to transporters has stated that *"It is very much painful to intimate you that, due to the continue hike of HSD price as well as hike of other truck related expenditure. So it beyond of our control to manage the truck and transportation work in this present freight rate. So our association decided to revise your transporting freight rate from Rs 1400/- PMT TO Rs 1596/- PMT for 6 wheelers and Rs 1300/- PMT to Rs 1482/- PMT for 10 wheeler (toll fee extra) for your transportation work from OMC, Gandhamardan, Suakati to Jindal Steel & Power Limited, Chhindipada, Angul. Therefore, you are requested to give your willingness on or before 08.03.2021 from the date of issue of this letter to avoid our future course of action"*. It issued letters dated 08.07.2021 on the same lines.
27. Further on being confronted by the DG, Shri Ramakant Nayak, the ex-president of OP-3 in his statement to the DG has stated that *"It is admitted that the letters dated 04.03.2021 and 12.06.2021 issued by our association have been issued by authorised signatory i.e. Secretary Sh. Surya Narayan Kar) in order to revise the freight rates. However, I am unable to recall the signatures on one of the letters dated 08.07.2021"* In response to



another query in the statement, Shri Nayak has submitted that "*We are not satisfied with the freight charges notified by the govt. vide their notifications issued from time to time.*"

28. The DG has stated that in furtherance of the investigation, based on some reference received from a local miner, notice dated 03.07.2023 was issued to OP-4. OP-4, in its reply dated 31.08.2023, stated that " *...most of the time we finalised the govt rates which given by the govt authority through notification hence we are not concern for any meeting with any Mine owner or Companies*". However, it also submitted the copy of their letters regarding hike in freight rates were issued on different dates. The letters reflect the charges as decided by OP-4 on their own accord in the consecutive five (05) years from 2019 to 2023. The DG has stated that the changes in prices as determined by OP-4 have no justified reason as to the requirement for such frequent changes in the freight charges. Accordingly, taking note of the inconsistencies in the submissions and the investigation findings, OP-4 was also made OP in the present case.
29. In its reply, OP-4 has submitted an undated rate chart in which it has highlighted a joint meeting held on 17.03.2019, with OP-3 and the Barbil Truck Owners' Association, where the parties collectively finalized the transportation pricing specifically for the Paradeep port route. As per the DG, evidence shows that OP-4 admitted to periodically revising freight rates, while truckers associations met regularly to fix these rates.
30. Further, certain third parties such as ESL Steel Limited, Envirocare Infrsolution Private Limited, JSPL, JSW Steel Limited and Nayagarh Iron Ore Mine have submitted evidence before the DG in the form of letters issued by transport associations (in some cases associations other than OPs) in which revised freight rates/freight charts have been communicated to the buyers.
31. The DG in its analysis has stated that from November, 2021 to April, 2022 price of diesel decreased by Rs. 8.97 per litre. Similarly from May, 2022 to October, 2022 price of diesel decreased by Rs. 7.48 per litre, whereas from November, 2022 to May, 2023 there was no change in price of diesel. It has stated that the STA had revised the freight rate on 25.04.2017, 06.07.2021, 29.10.2021, 02.12.2021 and 02.04.2022. Despite the above decrease in price of diesel, the OPs revised the freight rate on their own.
32. Further, the DG has prepared a comparative chart of periodical Government notified revised rates and actual freight charged by the different associations. It shows the range of charging higher than prescribed freight, the difference ranging up to 500% in the



categories of 6/10/12 wheelers. For example, in the period of July, 2021 to March, 2023, for the route of Jajang Iron Ore Block to Jaroli/PTM/Siding, while the STA fixed the freight rate for 12 wheeler as Rs 4.20 per km, the freight rate charged by the associations was Rs. 25.29, being 502% more than the rate fixed by the STA.

33. In conclusion, the DG has stated that the data furnished by the third parties indicates that not only the freight rates are being decided by the OPs and certain other transport associations, such determined freight rates are substantially above those fixed by the STA. Further, such freight increases appear arbitrary, often issued in the time period where there was no increase in diesel price. For example, there was no change in price of diesel during the period from July, 2022 to November, 2023 whereas the freight has been revised by associations on different occasions without assigning any justification.

Issue (ii): Whether OPs, by not allowing any independent transporter to transport raw materials from the mines, have limited or controlled market or provision of services and violated the provisions under Section 3(3)(b) of the Act?

34. In this regard, the Informant alleged that the OPs do not allow outside parties (transporters) to ply their vehicles independently. The transporters have to register themselves with the OPs or need to pay an entry fee, depending upon the decision taken by the association, solely in an arbitrary and whimsical manner.
35. In its reply dated 11.09.2023, OP-1 has furnished certain resolutions – 2nd Resolution dated 11.10.2020, 10th Resolution dated 20.06.2022, 11th Resolution dated 11.07.2022, 17th Resolution dated 10.03.2023 and 18th Resolution dated 07.05.2023, which granted exclusivity or priority to association registered trucks in designated routes.
36. OP-3 and OP-4 have acknowledged that it is mandatory for truck owners to register for operating on specific routes (submission dated 31.08.2023 by OP-4 and statement dated 20.11.2023 by Shri Ramakant Nayak, ex-President of OP-3 stating that “...*We do not allow independent transporters to transport raw materials from the mines in our area. Even we do not allow the transporters registered under other associations. The reason of not allowing the new entrants are that we have already a fleet of about 8000 - 10000 trucks to operate and to cater local demand and to run the operations smoothly with the local truckers.*”).



37. Further, certain third parties have stated that the truck associations do not allow outside parties to ply vehicles independently, as they either have to be registered with the association or pay an entry fee (submission of JSPL dated 24.06.2023) and that the association demands that 20% of the total volume of transport should be compulsorily given to the association trucks with high freight (submission dated 06.06.2023 of ESL Steel Ltd.)
38. The DG has concluded that the issue regarding restriction on independent truck owners is not only a competition issue but also a social issue arising from the monopoly practiced by the OPs, which in effect is limiting or controlling the truck owners. The DG has further concluded that not allowing any independent transporter to transport raw materials from mines during the aforementioned period by the OPs also amounts to limiting or controlling market or provision of services in violation of the provisions of Section 3(3)(b) of the Act.
- Issue (iii): Whether OPs, by using only smaller trucks (6 and 10- wheeler trucks) for transportation, have limited or controlled production, supply, markets or provision of services and violated the provisions under Section 3(3)(b) of the Act?*
39. The Informant alleged that the OPs control the deployment and capacity of vehicles, often creating artificial scarcity to inflate freight rates, thereby restricting competition and reducing operational efficiency. In response, OP-1 and OP-4 denied these claims, stating that they do not deal with smaller vehicles like 6 and 10 wheelers and instead use only 12, 14, and 16-wheeler vehicles in accordance with permissible routes, while Shri Ramakant Nayak, ex-President of OP-3 asserted compliance with government-prescribed payload norms.
40. JSPL, vide its reply dated 24.06.2023, has also submitted certain letters of transporters addressed to the President/Secretary, OP-3 for deployment of high-capacity vehicles due to enhanced lifting of iron ore. It has also submitted letters dated 31.12.2022 & 13.02.2023 written by it to the Managing Director, OMC stating the losses incurred on account of the practice adopted by the OPs.
41. The DG has concluded that this allegation was not substantiated with any evidence. It has stated that except in the route between GIOM to Jhagram, no 12-wheeler vehicle has been used. However, the only exception of using 12-wheeler vehicle negates the scope of making any conclusion based on the fact that only smaller trucks were allowed by the



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- OPs. The DG has further concluded that the Informant never defined categorically what they meant by 'smaller vehicle'. No third party has submitted any dissent regarding use of smaller vehicle. Further, none of the minutes made available before investigation, revealed any diktat regarding non-allowance of heavier vehicles.
42. Thus, it has been concluded by the DG that during the period 2020 to 2023 (OP-1); during the period 2017 to 2023 (OP-2); during the period 2017 to 2022 (OP-3) and during the period 2017 to 2023 (OP-4), direct determination of freight rate/prices by different OPs resulted in violation of Section 3(3)(a) of the Act. The DG has further concluded that not allowing any independent transporter to transport raw materials from mines during the aforementioned period by the OPs also amounts to limiting or controlling market or provision of services in violation of the provisions of Section 3(3)(b) of the Act. Additionally, under Section 48 of the Act, the DG identified key individuals responsible for and in charge of the business conduct of the OPs, who played an active role in these contraventions.
43. The Commission, *vide* order dated 08.03.2024, forwarded an electronic copy of the Investigation Report submitted by the DG to the Informant, OPs, and the 12 (twelve) individuals of the OPs found liable by the DG for the respective conduct of their association, in terms of the provisions contained in Section 48 of the Act (collectively, the '**Parties**'), giving them an opportunity to file their objections/suggestions, if any, thereto, by 26.04.2024, with an advance copy to the other parties and thereafter file reply/rejoinder, if any, to the objections/suggestions filed by other parties, by 10.05.2024. *Vide* the said order, the Commission had also requisitioned certain financial details from the OPs and their individuals, to be provided by 26.04.2024. The Commission also directed that the individuals of the OPs shall also, within the above-stated stipulated period *i.e.* by 26.04.2024, furnish their income details including Income Tax Returns in terms of the Competition Commission of India (Determination of Turnover or Income) Regulations, 2024 and the Competition Commission of India (Determination of Monetary Penalty) Guidelines, 2024. The Commission also directed that the OPs shall ensure service of the present order along with the Investigation Report, and compliance of the directions contained therein, by their respective individuals under intimation to the Commission.
44. However, no objections/suggestions were received from the OPs and their individuals. The Commission, in the interest of justice, gave multiple opportunities *vide* orders dated



- 23.10.2024, 05.03.2025 and 13.08.2025 to the OPs and their respective individuals to file their objections/suggestions along with financial details as directed *vide* order dated 08.03.2024. *Vide* order dated 13.08.2025, the Commission *inter alia* also stated that the Commission will be compelled to initiate *ex-parte* proceedings against non-compliant OPs. The Informant filed its objections/suggestions *vide* its application dated 15.04.2025.
45. The Commission considered the matter in its ordinary meeting held on 26.11.2025 and noted that no objections/suggestions were received from any of the OPs or their respective individuals along with financial details as directed *vide* order dated 08.03.2024. The Commission decided to fix date for a hearing on the matter on 17.12.2025 at 2:30 PM.
46. The Commission heard the matter on 17.12.2025 in which respective counsels appeared on behalf of the Informant, OP-3, OP-4 and an individual of OP-4, Shri Susanta Kumar Barik. The Commission noted that the abovementioned parties had filed their objections/suggestions on 16.12.2025 *i.e.* one day prior to the hearing without providing a copy to the Informant. The Commission directed them to share the objections/suggestions with the Informant and file the financial details as directed *vide* order dated 08.03.2024 with the Commission within 01 (one) week from the date of the receipt of the order. The Commission further directed the Informant to file the rejoinder (if any) within 02 (two) weeks after the receipt of abovesaid objections/suggestions of the OPs and their respective individuals. The Commission decided to fix the next date for hearing on the matter on 18.02.2026 at 2:30 PM.
47. In the hearing held on 18.02.2026, the counsel representing OP-1, OP-3, OP-4 and the aforementioned individual of OP-4, sought an adjournment before the Commission on the ground that the main counsel was not able to attend the hearing due to personal reasons. The Commission considered the abovementioned request, and in the interest of justice adjourned the matter for hearing on 11.03.2026 at 2:30 PM. The Commission noted that OP-1, OP-3 and OP-4 and an individual of OP-4 Shri Susanta Kumar Barik have filed their objections/suggestions to the Investigation Report on 12.02.2026 and the Informant has filed the rejoinder on 17.02.2026. The Commission further noted that OP-2 and its individuals, and individuals of OP-1, OP-3 and OP-4, except Shri Susanta Kumar Barik, neither appeared for hearing on 17.12.2025 nor on 18.02.2026 and decided to proceed *ex-parte* against them. The Commission directed OP-1, OP-3 and OP-4 and



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their respective individuals to submit their financial details as directed *vide* order dated 08.03.2024 within 02 (two) weeks from the date of receipt of the order. The Commission also directed the said OPs to submit an Action Taken Report regarding serving of the Commission's order(s) to their respective individuals within 01 (one) week from the date of receipt of the order.

48. In the hearing held on 11.03.2026, the legal representatives of the Informant requested the Commission to grant an adjournment for one (1) week. No one appeared on the behalf of the OPs or their individuals. The Commission noted that three opportunities have already been given for final hearing in the matter and in the interest of justice, decided to give one last opportunity to the Parties to appear before the Commission either in person or through their duly authorised representative(s) as provided under Section 35 of the Act. The Commission fixed the next date for hearing in the matter on 18.03.2026 at 3:00 PM.
49. During the hearing held on 18.03.2026, the counsel on behalf of the Informant presented his arguments before the Commission and the Commission noted that none appeared on behalf of any of the OPs or their respective individuals. The Commission concluded the hearing in the present matter and in the interest of justice directed the Informant, OPs and their respective individuals to file their written submissions (if any) within one (1) week from the date of receipt of the order.
50. The matter was placed in the Commission's ordinary meeting held on 01.04.2026, with the permission of the Chairperson. The Commission noted that the Informant has filed its written submission on 25.03.2026 and none of the OPs or any of their individuals have filed their written submissions as directed *vide* order dated 18.03.2026. The Commission decided to pass an appropriate order in due course.

Objections/ Submissions of the Informant

51. In its objections/suggestions/written submissions to the Investigation Report, the Informant has *inter alia* stated that the findings of the DG establish that the OPs have engaged in a concerted practice of fixing freight rates for the transportation of mineral-carrying goods carriages beyond the maximum rates prescribed by the Government of Odisha, which has significantly increased the logistics costs for steel producers. It is stated that such coordination in fixing freight rates amounts to an anti-competitive agreement under Section 3 of the Act, as also affirmed in *M/s Shivam Enterprises v.*



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Kiratpur Sahib and Ors. Case No. 43 of 2013. Accordingly, the Commission may exercise its powers under Section 27 of the Act to direct cessation of such conduct and impose penalties.

52. It is submitted that the investigation further reveals that the OPs allowed mineral transportation to only those truck owners registered with their associations. It is submitted that such conduct not only violates Section 3 of the Act but also amounts to an abuse of dominant position under Section 4 of the Act, as the associations collectively function as an enterprise with complete control over the relevant market. The Informant has placed reliance on *Shivam Enterprises v. Kiratpur Sahib Truck Union & Ors.* and *National Association of Container Freight Stations, Chennai Chapter v. Trailer Owners Association & Ors. Case No. 04 of 2018*, where similar conduct was held to be anti-competitive and penalties were imposed. Accordingly, it is stated that the OPs and their individuals are liable for contravention of Sections 3 and 4 of the Act.
53. With respect to allegation of OPs only using smaller trucks, it is submitted that the DG has erred in concluding that no evidence substantiates the allegation as certain crucial materials were not adequately considered by the DG. It has been stated that JSPL, in its responses during the investigation furnished multiple communications highlighting the non-availability of higher-capacity vehicles and some independent transporters made representations seeking permission to deploy higher-capacity vehicles. Subsequent communications by JSPL to administrative authorities further demonstrate the continuing nature of these practices. It is stated that the DG could have independently verified the same during the investigation by calling for the records from the association and the third parties.
54. It is further stated that upon perusal of the Investigation Report, it is evident that there has been violation of Sections 3(3)(a) and 3(3)(b) of the Act, and such anti-competitive conduct is still ongoing. In light of the continuing contravention and until final adjudication of the present case, the Informant has submitted that an interim stay may be granted to prevent further adverse impact on competition in the relevant market

Objections/ Suggestions of the OPs

55. In their objections/suggestions to the Investigation Report, OP-1, OP-3, OP-4 and Shri Susanta Kumar Barik, an individual of OP-4 (collectively referred as ‘**named OPs**’) have *inter alia* stated that that the DG’s findings against the named OPs are based on



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presumptions and selective inferences rather than on legally sustainable proof of an anti-competitive agreement as contemplated under Section 3(3) read with Section 3(1) of the Act. It is submitted that adverse conclusions against named OPs are drawn primarily from – (i) a limited number of association communications/letters; and (ii) an isolated statement attributed to a former office bearer, without establishing essential ingredients of Section 3(3) of Act like meeting of minds, concerted conduct, enforcement mechanism, or market-wide cartel structure.

56. It is stated that the named OPs are not a price setting enterprise, but local welfare and coordination body of small truck owners operating in a constrained mining environment. Named OPs have submitted that mere references to “revision” of rates do not amount to cartelisation in the absence of essential elements such as concerted action between competing enterprises, a clear consensus to fix prices, monitoring or enforcement mechanisms, penalties for deviation and market-wide uniformity, none of which have been demonstrated. Further, the cited communications are, at best, project or destination-specific interactions accounting for factors like tolls and detention costs, and do not establish price fixation. Moreover, STA rates function only as a maximum ceiling, and any variation from such benchmarks, by itself, cannot be construed as evidence of collusion.
57. Further, no Appreciable Adverse Effect on Competition (‘AAEC’) has been demonstrated under Section 19(3) of the Act such as market foreclosure, barriers to entry, consumer harm or elimination of competition. Attribution of alleged conduct to the named OPs is overbroad and temporally incongruent as the DG itself has recorded the absence of a functioning executive body of the named OPs after August, 2022. Further, there is no clarity on who made the alleged decisions, when and under whose authority.
58. The named OPs have submitted that transport operations in the region are further shaped by statutory, administrative and physical constraints that materially affect trip economics such as mine-gate restrictions and dispatch scheduling, weighbridge congestion, permit requirements, forest and route permits, police-imposed no entry timings, poor road conditions, prolonged loading delays and unloading detention at ports and sidings which distinguish it from ordinary open-road haulage markets. Consequently, STA formulae, though regulatory benchmarks, do not always capture real world costs.



59. Named OPs have further submitted that registration with a local association in a mining belt is a compliance and queue-management mechanism rather than an exclusionary practice, involving token allocation, document verification, driver identification, and mine-pass integration. Further, since dispatch control substantially lies with mine operators/leaseholders, and local administration, without examining their role, market control cannot be solely attributed to the named OPs.
60. With respect to the allegation of OPs only using smaller trucks, the named OPs have stated that the DG has itself recorded that this allegation is not substantiated by evidence, and therefore no adverse finding survives.

Rejoinder by the Informant

61. Further, the Informant has filed a rejoinder to the replies of the named OPs on 17.02.2026. It is *inter alia* stated that the objections raised by the named OPs are merely general denials and are not supported by any documentary evidence. It is further submitted that despite clear directions by the Commission *vide* order dated 08.03.2024 and 26.11.2025, the named OPs have not furnished their income details and thus, are indulging in dilatory tactics.
62. It is submitted that the objection of the named OPs that they have not indulged in any anti-competitive practices is denied. It is stated that act of cartelization was committed by the named OPs as they arbitrarily fixed the freight rates, which exceed the maximum rates prescribed by the Government of Odisha.
63. It is submitted that the averments made by the named OPs pertaining to allegation of restricting independent transporters are misconceived and contrary to their own admissions, and are therefore denied. It is submitted that the evidence perused and analysis made by the DG conspicuously indicates that the conduct of the OPs is prohibiting independent transporters from lifting raw materials from the mines and is in direct violation of Section 3(3)(b) of the Act.
64. It is submitted that there exists a structured mechanism for fixation of freight rates by the STA. It is clarified that the said automatic mechanism exists for the purpose of freight revision through Government notifications published periodically on a time-to-time basis.



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65. Further, in its written submission dated 25.03.2026, the Informant has *inter alia* stated that the OPs indulged in cartelization by arbitrarily fixing the freight rates at variance with the freight rate fixed by the STA. It is submitted that the Joint Commissioner Transport (Tech.), STA, Odisha, *vide* letter dated 15.10.2022, has intimated that "*the freight rates fixed by the department are being circulated to all concerned and the freight fixed is the maximum freight. If the freight is demanded above the maximum freight so fixed, then the Department can take action as per law.*" It is further stated that *vide* letter dated 17.09.2023 of the Joint Commissioner Transport (Tech.), STA, Odisha to the DG, wherein it has been explicitly stated that it is not permissible for truck associations to fix the freight rates beyond the maximum limit set by the STA.
66. The Informant has submitted that by substituting their own freight rates for the statutorily mandated maximum rates, and by foreclosing the market to independent participants, the OPs have created a captive and exploitative practice. Further, the evidence on record, including their own admissions, leaves no manner of doubt that such conduct was deliberate, sustained, and calculated to extract arbitrary freight charges from the Informant and other steel manufacturers.

Analysis of the Commission

67. The Commission has carefully perused the material available on record, the Investigation Report, the objections/suggestions to the Investigation Report and the arguments put forth by the counsels of the Parties during the hearings conducted on 17.12.2025, 18.02.2026, 11.03.2026 and 18.03.2026.
68. The Commission notes that in the present matter the DG investigation concluded that the OPs were engaged in anti-competitive practices, including cartelization with affiliated transporters and truck owners. They were found to have arbitrarily fixed freight rates at variance with those prescribed by the STA, Government of Odisha, and restricted market access by preventing non-member transporters from operating in the mines, thus violating the provisions of Sections 3(3)(a) and 3(3)(b) of the Act during the specified periods for each OP between the years 2017 and 2023.
69. The OPs have refuted the findings of the investigation and stated that there exists no cogent or concrete evidence against them to be held liable for contravention of the provisions of the Act. Now, the Commission proceeds to analyse whether the OPs and their individuals are in contravention of the provisions of the Act.



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70. The first issue before the Commission is whether the OPs, by way of fixing freight rates for transporting mineral-carrying goods carriages, even beyond the maximum freight fixed by the State Government, have entered into an agreement which directly or indirectly determines purchase or sale prices and violated the provisions of Section 3(3)(a) read with Section 3(1) of the Act.
71. The Commission observes that the existence of an “agreement” under the Act need not be formal or written and may be inferred from the conduct of the parties and surrounding circumstances. In the present case, the evidence placed on record, including freight rate charts, circulars, resolutions, and admissions of the OPs, indicates that the associations were engaged in fixing and revising freight rates for transportation of mineral-carrying goods carriages. The Commission notes that such rate determination was not isolated but was undertaken through meetings, joint deliberations, and coordinated decisions among the associations. Such agreement to fix freight rates was enforced through member constituents of the OPs, which are competing enterprises falling under the definition of “enterprise” u/s 2(h) of the Act. These member constituents have agreed with each other to fix prices for supply of services of freight transport under the aegis of the OPs and had the effect of causing AAEC by raising the cost for steel manufacturers and the end consumer. Further, the fact that such diktats of similar nature were issued by multiple associations, establishes the market wide practice of rate determination being followed instead of allowing individual transporters to determine their freight rates. This also negates the contention of the OPs that they are not a price setting enterprise. The Commission observes that in practice, the OPs took upon the role of setting freight rates on behalf of individual transporters.
72. OPs have also submitted that it is not clear who took the decisions regarding determination of freight rates. The Commission observes that such circulars were issued on letterheads of the OPs, duly signed by their office bearers, establishing the fact that the determination of freight rates was done and communicated at the level of the associations.
73. With regard to the contention of the OPs that the freight rates set by the STA were the maximum freight rates and the same do not reflect real world costs, the Commission observes that the freight rates so determined by the OPs were consistently higher than those prescribed by the STA, in certain instances by a substantial margin. The periodic



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revision of such rates reflects a structured and systematic approach adopted by the OPs for price determination. Such conduct squarely falls within the ambit of “direct or indirect determination of prices” as contemplated under Section 3(3)(a) of the Act. Further, the decision of setting freight rates lies with the individual transporter, who may consider factors such as cost involved. The alleged non-reflection of the real world costs in the freight rates determined by the STA does not justify the collective determination of freight rates by the associations.

74. Regarding the submission of the OPs that no enforcement mechanism has been established by the DG, the Commission takes note of the evidence indicating enforcement of the determined rates by the OPs through collective means, including instances of threats to the member transporters to accept the rates fixed by them to avoid any future course of action. In some instances, the OPs noted cases of individual transporters charging freight above that determined by the association and threatened action against transporters who ignore the determined rates. This demonstrates that the rates fixed by the associations were not merely recommendatory in nature but were intended to be binding on market participants, not allowing any deviation above or below the determined rates, thereby limiting independent decision-making and competitive forces.
75. As regards the contention of the OPs that there is no explicit agreement or uniformity across the market, the Commission is of the view that the absence of a formal agreement or strict uniformity does not preclude a finding of contravention under Section 3(3) of the Act. The material on record sufficiently establishes a concerted practice by the OPs aimed at determining freight rates. Further, the justification advanced by the OPs regarding operational costs and inefficiencies does not negate the fact of coordinated price fixation, particularly in light of the presumption of AAEC applicable to agreements falling under Section 3(3) read with Section 3(1) of the Act.
76. In view of the foregoing, the Commission holds that the conduct of the OPs of fixing and revising freight rates for transportation of mineral-carrying goods carriages amounts to an agreement which determines prices, and is therefore in contravention of the provisions of Section 3(3)(a) read with Section 3(1) of the Act.
77. The second issue before the Commission is whether the OPs, by not allowing any independent transporter to transport raw materials from the mines, have limited or



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controlled market or provision of services and violated the provisions of Section 3(3)(b) of the Act.

78. In the present case, the material on record indicates that the OPs imposed conditions whereby independent transporters could not operate freely unless they were registered with the local association or had paid an entry fee. The Commission observes that such requirements, as evidenced from submissions of third parties and admissions of the OPs, were not merely procedural but had the effect of restricting market access. Resolutions and statements on record demonstrate that only member transporters were permitted to undertake transportation from mining areas, thereby excluding non-members from participating in the market, or placing them below the member transporters in priority.
79. The Commission further notes that the consistent practice of mandating registration, coupled with denial of operational freedom to independent transporters, reflects a concerted approach adopted by the OPs to control the supply of transportation services. The evidence, including statements of association representatives and communications issued by the OPs, indicates that such restrictions were systematically enforced, resulting in foreclosure of market access to non-member transporters.
80. As regards the contention of the OPs that such registration mechanisms were necessary for operational efficiency, including queue management and regulatory compliance, the Commission is of the view that while administrative coordination may be required in mining areas, such mechanisms cannot be used as a means to exclude competitors or restrict entry into the market. The mandatory nature of such requirements, along with the absence of any transparent or non-discriminatory framework, suggests that these practices went beyond mere facilitation and operated as barriers to entry.
81. The Commission also finds no merit in the submission that dispatch control rests with mine operators or authorities, as the evidence on record demonstrates that the OPs exercised significant control over which transporters could participate in the transportation process. The role of other stakeholders does not dilute the fact that the associations, through collective decisions, imposed restrictions that had the effect of limiting the provision of services in the relevant market.
82. In view of the foregoing, the Commission holds that the conduct of the OPs of not allowing any independent transporter to transport raw materials from the mines amounts to limiting and controlling the market for provision of transportation services. The



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constituent members of the OPs, which are competing enterprises, have agreed with each other to limit supply of the service of freight transport by trucks by prohibiting any independent transporter from operating in the market. Accordingly, such conduct is found to be in contravention of the provisions of Section 3(3)(b) read with Section 3(1) of the Act.

83. The third issue before the Commission is whether the OPs, by using only smaller trucks (6 and 10- wheeler trucks) for transportation, have limited or controlled production, supply, markets or provision of services and violated the provisions of Section 3(3)(b) read with Section 3(1) of the Act.
84. At the outset, the Commission notes that a finding under Section 3(3)(b) of the Act requires cogent evidence of a concerted practice among competitors resulting in limitation or control of production, supply, or services. In the present case, the allegation of the Informant is that the OPs deliberately restricted the deployment of higher-capacity vehicles so as to create artificial scarcity and inflate freight rates. In support of this allegation, the Informant has submitted certain letters from JSPL to the local authorities citing this issue. However, upon perusal of the DG's investigation, the Commission finds that such allegation has not been substantiated by credible evidence.
85. The Commission observes that the DG has categorically recorded that there is no consistent or systemic restriction on the use of higher-capacity vehicles across routes. Further, there is no documentary evidence, such as resolutions, circulars, or meeting records, indicating any agreement or decision among the OPs to restrict vehicle capacity. The absence of corroboration from third parties and the lack of clarity in defining "smaller vehicles" further weakens the Informant's case.
86. In such circumstances, the Commission is of the view that mere allegations, unsupported by evidence demonstrating concerted action or coordinated conduct, cannot form the basis of a finding of contravention under Section 3(3)(b) read with Section 3(1) of the Act. The essential element of an "agreement" leading to limitation or control of services remains unestablished in the present case.
87. Accordingly, the Commission holds that no contravention of the provisions of Section 3(3)(b) read with Section 3(1) of the Act is made out against the OPs on this issue.



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88. In view of the foregoing analysis, the Commission finds contravention against OP-1 to OP-4 in terms of the provisions of Section 3(3)(a) and Section 3(3)(b) read with Section 3(1) of the Act. It is also noted by the Commission that despite having got multiple opportunities from the Commission to submit their financial details as directed *vide* order dated 08.03.2024, neither any OP nor any of their individuals have submitted such details to the Commission. However, the Commission, given the socio-economic realities of the region and the specifics and peculiarities of the case, refrains, at this stage, from initiating any separate proceedings, in terms of the provisions of the Act, on the OPs and their individuals on this count.

Liability under Section 48

89. The Commission now proceeds to determine and analyse the role and liability of the respective individuals of the aforesaid OPs who can be held liable for such anti-competitive acts in terms of Section 48 of the Act.
90. As per the Investigation Report, the DG has found the following individuals of the OPs to be liable in terms of Sections 48(1) and 48(3) of the Act for the anti-competitive conduct of the OPs, which are also arrayed as OP-1 to OP-4:

OP	Persons
Bhadrasahi / Guali Truck Association (OP-1)	President - Shri Sunil Dutta (since 2020 to 2023)
	Secretary - Purusottam Barik (since 2020 to 2023)
Bonai Truck and Tipper Owners Association (OP-2)	President - Sh. Sanjay Dash
	Secretary - Sh. Bijay Thakur
Keonjhar District Truck Owner's Association (OP-3)	President - Shri Ram Chandra Bhuiyan (2016 to 2019)
	Secretary - Shri Pradeep Kumar Barik (2016 to 2019)
	President - Sh. Rama Kant Nayak (February 2019 – August 2022)
	Secretary - Sh. Surya Narayan Kar (August 2019 – February 2022)



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Joda Truck Owners Association (OP-4)	President - Shri Bhakta Bandhu Mahanta (2017-18 to Feb,2021)
	Secretary - Shri Rabinarayan Das (2017-18 to Feb., 2021)
	President - Shri Mata Prasad Jaiswal (March 2021 till date)
	Secretary - Shri Susanta Kumar Barik (March 2021 till date)

Shri Sunil Dutta, President from 2020 to 2023 and Purusottam Barik, Secretary from 2020 to 2023 of OP-1:

91. It is noted by the Commission that Shri Sunil Dutta served as President from 2020 to 2023, along with Shri Purusottam Barik, served as Secretary/General Secretary during the same period. The Memorandum of Association of OP-1 prescribes the role of the President as follows –

“1. There shall be one President who will be selected in the General meeting and will be the presiding officer of all the meetings of the general body as well as Executive body...3. He may check, verify, correct and suggest in the day to day management of the organisation...5. He is in overall charge of the Association and responsible for it with suggestion of Chairman/Chief Advisor.”

Similarly, the role of Secretary is prescribed in the said document as follows

– “1. There shall be one General Secretary of the Association who will be elected in the general body meeting. The General Secretary will keep the minutes of the meeting and shall be sole Administrator in the office as well as the field work of the Association.”

In light of the above, Shri Sunil Dutta and Shri Purusottam Barik were responsible for the conduct of the business of OP-1. Further, in their respective capacities, they arranged and attended meetings of OP-1 and played an active role in the fixation of freight rates by affixing their signatures on the letterheads and resolutions of OP-1 regarding the same. Further, they also signed the resolutions regarding permitting only trucks registered with the association to transport minerals/ores, while excluding non-member trucks. Accordingly, Shri Sunil Dutta and Shri Purusottam Barik are held liable under Section 48(1) of the Act.



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Shri Sanjay Dash, President and Shri Bijay Thakur, Secretary of OP-2:

92. It is noted by the Commission that Shri Sanjay Dash, President, and Shri Bijay Thakur, Secretary, were responsible for the conduct of the business of the association under Section 48(1) of the Act. Despite issuance of notices and summons, Shri Sanjay Dash failed to appear during the investigation, for which, based on the recommendation of the DG, separate proceedings in terms of the provisions of the Act have been initiated by the Commission. However, evidence gathered from other associations and third parties indicates that OP-2 actively participated in freight rate fixation at rates at variance with those prescribed by the STA. Therefore, it is concluded that the contravention of the Act by the association took place with the knowledge of the said office bearers, rendering them liable under Section 48(1) of the Act.

Shri Ram Chandra Bhuiyan, President from 2016 to 2019; Shri Pradeep Kumar Barik, Secretary from 2016 to 2019; Shri Rama Kant Nayak, President from February 2019 to August 2022 and Shri Surya Narayan Kar, Secretary from August 2019 to February 2022 of OP-3:

93. It is noted by the Commission that Shri Ram Chandra Bhuiyan (President from 2016 to 2019) and Shri Pradeep Kumar Barik (Secretary from 2016 to 2019), followed by Shri Rama Kant Nayak (President from February, 2019 to August, 2022) and Shri Surya Narayan Kar (Secretary/General Secretary from August, 2019 to February, 2022), were responsible for the conduct of the association's business. Further, Shri Rama Kant Nayak admitted to arranging and attending meetings and playing an active role in freight rate fixation contrary to the rates set by the STA, including issuing revised freight rates on the association's letterhead, which were signed by Shri Surya Narayan Kar. He further admitted that transportation of minerals/ores was restricted to member trucks, excluding non-members. Accordingly, Shri Ram Chandra Bhuiyan, Shri Pradeep Kumar Barik, Shri Rama Kant Nayak and Shri Surya Narayan Kar, are held liable under Section 48(1) of the Act.

Shri Bhakta Bandhu Mahanta, President from 2017-18 to February 2021; Shri Rabinarayan Das, Secretary from 2017-18 to February 2021; Shri Mata Prasad Jaiswal, President from March 2021 onwards and Shri Susanta Kumar Barik, Secretary from March 2021 onwards of OP-4:



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94. It is noted by the Commission that Shri Bhakta Bandhu Mahanta (President from 2017–18 to February, 2021) and Shri Rabinarayan Das (Secretary for the same period), along with Shri Mata Prasad Jaiswal (President from March, 2021 onwards) and Shri Susanta Kumar Barik (Secretary from March, 2021 onwards), were responsible for the conduct of the association's business. The re-constituted Bye-Law of OP-4 prescribes the role of the President as follows –

“There shall be one President who will be elected with secret ballots and will be the presiding officer of all the meetings of the General Body as well as Executive Body...3. He may check, verify, correct and suggest in the day to day management of the Association with due consultation with the Advisors.”

Similarly, the role of Secretary is prescribed in the said document as follows –

– “There shall be one Secretary who will be elected with secret ballots. The Secretary will keep the minutes of the meeting and shall be sole Administrator of the Association. He shall maintain all records, books of accounts and record the proceeding of the meetings and take action accordingly. He would look after the smooth management of the Association and arrange to maintain serial of trucks for loading of transport materials.”

Further, Shri Bhakta Bandhu Mahanta, Shri Rabinarayan Das and Shri Susanta Kumar Barik played an active role in fixing freight rates at variance with those prescribed by the STA including issuing revised freight rates on the association's letterhead, which were signed by them from time to time. It was also established that only trucks affiliated with the association were permitted to transport minerals/ores, thereby excluding non-member trucks. Accordingly, Shri Bhakta Bandhu Mahanta, Shri Rabinarayan Das, Shri Mata Prasad Jaiswal and Shri Susanta Kumar Barik, are held liable under Section 48(1) of the Act.

Order

95. The OPs and their identified individuals are found in contravention of Section 3(3)(a) and 3(3)(b) read with Section 3(1) of the Act by indulging in fixing and revising freight rates for transportation of mineral-carrying goods carriages, and not allowing any independent transporter to transport raw materials from the mines. Section 27 of the Act empowers the Commission to issue such other order or direction as it may deem fit in case of contravention of the provisions of Section 3 of the Act. Further, where a contravention of the Act is committed by a company, including association of



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- individuals, the Commission may proceed under Section 48 of the Act to hold and penalise the individuals guilty of the said contravention.
96. Accordingly, the Commission in terms of Section 27(a) of the Act, directs the OPs to cease and desist in future from indulging in any practice/conduct/activity that has been found in the present order to be in contravention of the provisions of Section 3 of the Act. The Commission will consider appropriate penalty to be imposed on the OPs and their individuals identified under Section 48 of the Act, upon receipt of financial details as sought *vide* order dated 08.03.2024.
97. It may, however, be noted that any continuation or recurrence of such conduct by the OPs would be construed as recidivism with attendant aggravated consequences not only for the OPs but their individuals in their personal capacity.
98. With regard to the interim relief sought by the Informant in the matter under Section 33 of the Act, the Commission observed that in view of the present order, there is no occasion to pass any other order in this regard.
99. The Secretary is directed to forward copies of this order to the Informant, OPs and their respective individuals, forthwith.

**Sd/-
(Ravneet Kaur)
Chairperson**

**Sd/-
(Anil Agrawal)
Member**

**Sd/-
(Sweta Kakkad)
Member**

**Sd/-
(Deepak Anurag)
Member**

New Delhi

Date: 09/06/2026