

Ref.No. UPAA/04/73-6-2012  
Date – 6<sup>th</sup> July 2012

To  
Chairman cum Managing Director  
Central Bank of India  
Central Office  
Mumbai-400005

**Sub: Unreasonable cost of empanelment application fees.**

Sir,

In the captioned matter with due regards we will like to draw your kind attention towards the advertisement by Etawah region of your bank in which they have demanded RS. 5000.00 (Rupees Five thousand only) as non refundable empanelment fees along with the completed application form.

In this regard we have submit as under –

1. Generally the cost of application is kept around rupees five hundred even in case of contractors to meet the stationary charges incurred in the preparation of tender documents which includes a set of drawings and detailed tender conditions and bill of quantities etc. when the tenders were called at hard copies supplied by the owner/department. Now a day's everything is on web sites and the tenders /application forms are being down loaded by the applicant at their own cost. But the bank has increased the cost of application form abnormally high as mentioned above.
2. It has lead to frustration among applicants/Architects to pay such high amounts without any justified cause. The members of our association are feeling that bank is imposing undue restriction to reduce the number of competitors.
3. We would like to draw your kind attention towards the section 4 of THE COMPETITION ACT 2002 which reads as under -

**“Abuse of dominant Position**

**4. [(1) No enterprise or group] shall abuse its dominant position.]**

(2) There shall be an abuse of dominant position  
[Under sub-section (1), if an enterprise or a group].—

(a) Directly or indirectly, imposes unfair or discriminatory—

- (i) Condition in purchase or sale of goods or service; or
- (ii) Price in purchase or sale (including predatory price) of goods or Service.

Explanation — for the purposes of this clause, the unfair or discriminatory Condition in purchase or sale of goods or service referred to in sub-clause (i) and Unfair or discriminatory price in purchase or sale of goods (including predatory Price) or service referred to in sub-clause (ii) shall not include such discriminatory

Condition or price which may be adopted to meet the competition; or

(b) Limits or restricts—

(i) Production of goods or provision of services or market therefore; or

(ii) Technical or scientific development relating to goods or services to the prejudice of consumers; or

(c) Indulges in practice or practices resulting in denial of market access [in any manner]; or

(d) Makes conclusion of contracts subject to acceptance by other parties of Supplementary obligations which, by their nature or according to Commercial usage, have no connection with the subject of such contracts;

Or

(e) uses its dominant position in one relevant market to enter into, or protect, Other relevant market.

Explanation.—for the purposes of this section, the expression—

(a) "Dominant position" means a position of strength, enjoyed by an enterprise, in the relevant market, in India, which enables it to—

(i) Operate independently of competitive forces prevailing in the relevant market; or

(ii) Affect its competitors or consumers or the relevant market in its favour. "

Hence we request you to kindly withdraw such conditions which are unfair in promoting the healthy competitions.

Seeking your co-operation in the matter and assuring our co-operation.

Thanking you.

Yours Sincerely

Hony. Jt. Secretary