



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No:1144/4/8/09 (IR)

B E T W E E N

WM MORRISON SUPERMARKETS PLC

Proposed Applicant

-v-

COMPETITION COMMISSION

Proposed Respondent

ORDER

UPON reading the application by Wm Morrison Supermarkets plc (“Morrisons”) pursuant to rule 61 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) (“the Rules”) for interim relief to suspend the decision of the Competition Commission (“the Commission”), taken pursuant to an order made on 23 April 2009 in accordance with section 84 of the Enterprise Act 2002, to approve J Sainsbury plc (“Sainsbury”) as the Redevelopment Option Approved Purchaser of the site at 78 Uxbridge Road, Slough owned by Tesco plc (“Tesco”)

AND UPON reading the skeleton argument of the Commission and the witness evidence and other documents supplied by the Commission, Sainsbury and Tesco

AND UPON hearing the legal representatives of Morrisons, the Commission, Sainsbury and Tesco at a hearing on 4 December 2009

IT IS ORDERED THAT:

1. Morrisons’ application for interim relief pursuant to rule 61 of the Rules be refused.
2. Morrisons pay to the Commission, Sainsbury and Tesco their respective costs in relation to the application for interim relief, such costs to be subject to detailed assessment by a costs officer of the Supreme Court pursuant to rule 55(3) of the Rules, if not agreed.

The Honourable Mr Justice Barling
President of the Competition Appeal Tribunal

Made: 4 December 2009
Drawn: 8 December 2009