



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No: 1344/1/12/20

IN THE MATTER OF THE APPEAL

BETWEEN

LEXON (UK) LIMITED

Appellant

-v-

COMPETITION AND MARKETS AUTHORITY

Respondent

AND IN THE MATTER OF LEXON (UK) LIMITED

AND IN THE MATTER OF THE COMPANY DIRECTORS DISQUALIFICATION ACT 1986

BETWEEN

COMPETITION AND MARKETS AUTHORITY

LEXON (UK) LIMITED

Claimant

-v-

PRITESH SONPAL

Defendant

ORDER

UPON the appeal (“**the Appeal**”) by Lexon (UK) Limited (“**Lexon**”) against the decision (“**the Decision**”) of the Competition and Markets Authority (“**the CMA**”) dated 4 March 2020 in Case 50507.2: Nortriptyline Tablets being filed in the Competition Appeal Tribunal (“**the Tribunal**”) on 11 May 2020

AND UPON the Claim by the CMA for a competition disqualification order to be made against Mr Pritesh Sonpal (“**Mr Sonpal**”) pursuant to section 9A of the Company Directors Disqualification Act 1986 (“**CDDA**”), dated 27 August 2020 (“**the CDDA Claim**”)

AND UPON the Order of Mr Justice Marcus Smith dated 15 September 2020 having transferred, pursuant to regulation 2 of The Section 16 Enterprise Act 2002 Regulations 2015/1643, the determination in the CDDA Claim of the “First Condition” (as defined by section 9A(2) of the CDDA, namely whether Lexon, being a company of which Mr Sonpal was and is a director, has committed a breach of competition law, as defined by section 9A(4) of the CDDA) to the Tribunal, so that it may be heard and determined by the Tribunal (subject to such case management directions as the Tribunal shall think fit) alongside the above-numbered appeal by Lexon against the Decision (“**the Transferred Proceeding**”)

AND UPON Mr Sonpal confirming in correspondence that his position is that he disputes that the First Condition is satisfied in the CDDA Claim, for the same reasons and upon the same grounds advanced by Lexon in support of the Appeal

AND UPON the CMA and Mr Sonpal agreeing and confirming that the Tribunal should determine the First Condition by reference to the Decision and the evidence and the arguments advanced by and on behalf of Lexon and the CMA in the context of the Appeal

IT IS ORDERED BY CONSENT THAT:

1. The Transferred Proceeding shall be heard and determined by this Tribunal together with the Appeal, under the same case number, by reference to the Decision and the evidence and arguments advanced by and on behalf of Lexon and the CMA in the Appeal (which shall stand as evidence and arguments advanced by and on behalf of Mr Sonpal and the CMA respectively in the Transferred Proceeding).
2. The parties shall file and serve any written submissions related to the Transferred Proceeding on the dates set out in paragraphs 1(a) (in the case of Lexon) and 1(b) (in the case of the CMA) of the Order of the Tribunal dated 16 July 2020.
3. No further procedural directions being necessary in respect of the Transferred Proceeding, the requirement for a case management conference pursuant to Rule 72(3) of the Competition Appeal Tribunal Rules 2015 be dispensed with.
4. There be liberty to apply.

Peter Freeman CBE QC (Hon)
Chairman of the Competition Appeal Tribunal

Made: 17 September 2020
Drawn: 17 September 2020