



**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

Claimant

-v-

PRITESH SONPAL

Defendant

ORDER

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

AND UPON the application 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**”), by a Claim Form filed in the High Court on 27 August 2020 (“**the CDDA Application**”)

AND UPON the Order of Mr Justice Marcus Smith dated 15 September 2020 having transferred to the Tribunal (pursuant to section 16 of the Enterprise Act 2002 and regulation 2 of The Section 16 Enterprise Act 2002 Regulations 2015/1643) the determination in the CDDA Application of whether the “First Condition” as defined by section 9A(2) of the CDDA is satisfied, so that it may be heard and determined by the Tribunal alongside the Appeal (“**the Transferred Proceeding**”)

AND UPON the parties (including Mr Sonpal) consenting to an order by the Chairman of the Tribunal dated 17 September 2020 that:

- (a) the Transferred Proceeding be heard and determined together with the Appeal under the same case number, and by reference to the Decision; and
- (b) the evidence and arguments advanced by and on behalf of Lexon and the CMA in the Appeal should stand as evidence and arguments advanced by and on behalf of Mr Sonpal and the CMA respectively in the Transferred Proceeding.

AND UPON the Tribunal having delivered its Judgment on 25 February 2021 ([2020] CAT 5) upholding the Decision and unanimously dismissing the Appeal

AND UPON the Tribunal determining for reasons set out in its Judgment ([2020] CAT 5) that Lexon committed a “breach of competition law” as defined in section 9A(4) of the CDDA and the First Condition as defined by section 9A(2) of the CDDA being satisfied

AND UPON all remaining matters relevant to the CDDA Application apart from the First Condition falling to be determined by the High Court

IT IS ORDERED THAT:

1. The costs of the Transferred Proceeding shall be reserved to the High Court dealing with the CDDA Application.

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

Made: 23 March 2021
Drawn: 23 March 2021