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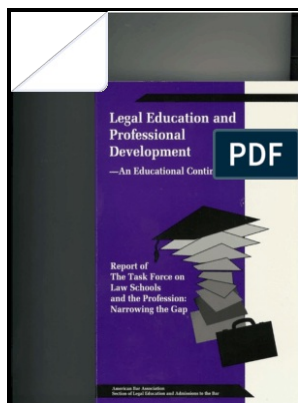
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As a consequence, it imposed penalty 9% on the average total turnover of these establishments for last three years.

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On reiteration of its earlier orders by the Commission, SAIL challenged the correctness of the directions before the Competition Appellate Tribunal. As a principle, ex parte injunction could be granted only under exceptional circumstances. The legal and factual arguments remained the same before COMPAT as well.

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Since submissions before us remain substantially the same, we are not pointing out the reasons given by the COMPAT which weighed with it after taking the aforesaid course of action, inasmuch as, while discussing the submissions of the parties, we shall be referring to the reasons adopted by the COMPAT.

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Thus, every such order passed by the Commission would have to be treated as appealable as per the contention raised by the respondent before us as well as the view taken by the Tribunal. Section 9 of the Act provides for the selection of the Chairperson and the other members as may be prescribed. Chapter II of the Act deals with 'prohibition of certain agreements, abuse of dominant position and regulation of combinations'.

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