

Arbitration Court: FAS Russia made a reasonable decision on the case against “Mosenergosbyt” OJSC

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On 17th August 2010, the Moscow Arbitration Court confirmed legitimacy and reasonableness of the decision and determination issued by the Federal Antimonopoly Service (FAS Russia) regarding “Mosenergosbyt” OJSC.

On 18th November 2009, FAS Russia found that “Mosenergosbyt” OJSC abused market dominance (a violation of Part 1 Article 10 of No.135-FZ Federal Law “On Protection of Competition”).

“Mosenergosbyt” OJSC evaded an energy supply contract with the Institute of Business Economics (Clause 5 Part 1 Article 10 of No.135-FZ Federal Law “On Protection of Competition”), and prevented entry of the Institute of Business Economics to the energy supply market (Clause 9 Part 1 Article 10 of No.135-FZ Federal Law “On Protection of Competition”).

FAS Russia requested “Mosenergosbyt” OJSC not to violate the law of the Russian Federation on electric power industry in terms of unreasonable refusal to enter into energy supply contracts justifying it by lack of technological connection of power grid facilities to electric networks.

“Mosenergosbyt” OJSC should not exercise actions that result in unreasonable termination of energy supply. Concluding power supply contracts with the Institute of Business Economics, the company must not exercise actions (omissions) referring to lack of proper connections, provided “Infocom” CJSC reestablished possibility of power supply to the Institute of Business Economics.

FAS Russia issued a determination to eliminate the antimonopoly violations. “Mosenergosbyt” OJSC disagreed with the decision and determination of the antimonopoly authority and filed a lawsuit.

The Moscow Arbitration Court dismissed the claim of “Mosenergosbyt” OJSC.