

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.592 OF 2014

CHEMISTS AND DRUGGISTS ASSOCIATION

THR. ITS GENERAL SECRETARY SHRI.

LYNDON D'SILVA AND ANR.,

... PETITIONERS

Versus

UNION OF INDIA THR. THE MINISTRY

OF CORPORATE AFFAIRS AND 2 ORS.,

... RESPONDENTS

Advs. Gaurish N. Agni and E. Usapkar for the Petitioners.

Adv. Agha Iftikhar for Respondent no. 2.

CORAM: C. V. BHADANG, J.

DATE: 23RD JUNE, 2016.

ORAL ORDER.:

The learned counsel for the petitioner has produced a copy of the final order passed by the Competition Commission of India in the matter on 27/10/2014, which is taken on record and marked "X" for identification.

2. The learned counsel for the petitioner states that the grounds of challenge i. e. Ground nos. 5 and 8 against the impugned order dated 21/8/2014 were that unless the final order is passed no penalty can be imposed. The Grounds read thus:

V

The impugned order/direction is bad in law as the same discloses the apparent bias of the Commission to impose penalty

even before the Commission has arrived at a finding that there is any contravention of the provisions of the Act.

VIII

The impugned order/direction is bad in law as the Commission could if at all call for the profit/loss accounts and income tax returns only in the event it had arrived at a finding that the petitioners had violated the provisions of the Act and only upon arriving at a finding that imposing a penalty was necessary in the facts and circumstances of the case.

3. The learned counsel in all fairness states that subsequent to the filing of this petition, the Competition Commission has passed the final order and therefore the aforesaid grounds of challenge do not survive and this Court may pass appropriate order disposing the petition.

4. The learned counsel for the respondent no.2 has no objection for the same.

5. In such circumstances without expressing any opinion on the merits of the contentions raised, the petition is disposed of with no order as to costs.

C. V. BHADANG, J.

ap/-