

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5.4.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.264 of 2017 and
C.M.P.Nos.4099 and 4100 of 2017

All India Chess Federation,
rep. by its Hony. Secretary,
Mr.Bharat Singh Chauhan,
Hall No.82, Jawaharlal Nehru Stadium,
Chennai, Tamil Nadu 600 003. ... Appellant/Petitioner

Versus

1. Competition Commission of India,
rep. by Secretary,
Hindustan Times House,
(3rd, 4th & 7th Floor),
18-20, Kasturba Gandhi Marg,
New Delhi 110 001.
2. The Union of India,
rep. by the Ministry of Youth,
Affairs and Sports,
"C" Wing, Shastri Bhavan,
Dr.Rajendra Prasad Road,
New Delhi 110 001.
3. The Government of Tamilnadu,
rep. by its Secretary to Govt.,
Youth Welfare and Sports Development,
Fort St. George, Chennai 600 009.
4. The Sports Development Authority
of Tamilnadu,
rep. by its Member Secretary,
Nehru Park, Egmore, Chennai 600 008.
5. Hemant Sharma
6. Devendra Bajpai
7. Gurpreet Pal Singh
8. Karun Duggal ... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order of this Court dated 5.1.2017 passed in WMP No.36417/2016 in W.P.No.34039 of 2012.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the interim stay granted in W.P.No.34039/2012 vide order dated 18/12/2012 (in WMP NO.36417/2016) pending in W.P.No.34039 of 2012.

ii) to stay the order dated 9/2/2012 in Case NO.79/2011 passed U/S.26(i) of the competition Act 2002, by the Ist respondent and all further proceedings in case No.79/2011 on the file of the Ist respondent (MP 2/12) pending disposal of the above W.P.No.34039/2012 respectively.

For appellant : Mr.P.S.Raman, Senior Counsel for
M/s.Ridhima Sharma
For R1 : Mr.M.Ravindran,
Senior Counsel for bearing
Mr.Krishna Ravindran
For R7 : Mr.Rahul Balaji
For R8 : Mr.Velmurugan

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties for some time at the stage of admission itself.

2. It is submitted that the Competition Commission of India, viz., the first respondent herein, pursuant to a direction given by the Delhi High Court on 4.11.2011 in a writ petition in W.P.No.5770 of 2011, filed by respondents 5 to 8 herein, conducted a detailed investigation with regard to the contraventions of certain provisions of the Competition Commission Act, 2002 by the appellant herein and filed a report and further enquiry is also scheduled to be conducted.

3. It appears that there is a prohibition for the players/members of the appellant Federation exclusively to play in separate clubs, etc., or to participate unauthorized tournaments and when action was sought to be initiated against

the players, who had indulged in such activities, the present situation has arisen. Therefore, the learned Senior Counsel appearing for the appellant would submit that their rights are curbed now if the enquiry is allowed to be conducted. However, we are of the view that there would not be any impediment to allow the enquiry to continue as the outcome of the enquiry so conducted would be subject to the result of the writ petition which is pending before the learned Single Judge.

4. In view of the interim order granted by this court, the enquiry could not be pursued. Now, after hearing both the parties and some of the players, who were aggrieved by the action of the writ petitioner/appellant, we are of the view that the interim order granted by this court should be vacated and accordingly, it stands vacated with a request to the learned Single Judge that the writ petition itself shall be taken up on 18.4.2017. All the parties are required to co-operate for disposal of the writ petition itself.

5. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssk.
To:

1. Competition Commission of India,
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4. The Sports Development Authority
of Tamilnadu,
rep. by its Member Secretary,
Nehru Park, Egmore, Chennai 600 008.

5. The Section Officer,
Writ Section, High Court, Madras.

+1cc to Mrs.Ridhima Sharma, Advocate Sr.20326
+1cc to Mr.Krishnaravindran, Advocate Sr.20668
+1cc to Mr.Satish Parasaran, Advocate Sr.20746

W.A.No.264 of 2017

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