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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5824/2017**

VODAFONE GROUP PLC

..... Petitioner

Through Mr Rajiv Nayar, Senior Advocate with
Mr Balbir Singh, Senior Advocate with Mr Rishi
Agrawala, Mr Karan Luthra, Ms Niyati Kohli and
Mr Abhishek Singh, Advocates.

versus

COMPETITION COMMISSION OF INDIA
AND ORS

..... Respondents

Through Mr Sanjay Jain, ASG with Ms Manmeet
Arora, Mr Sarad, Mr Rhea Verma and Mr Vidur
Mohan, Advocates for CCI/R1.

Mr Ramji Srinivasan, Senior Advocate with
Mr Ritin Rai, Mr Sakshi Aggarwal, Mr Biju P.
Raman, Mr Aabhas Kshetrapal, Mr Hiten Sampath
and Mr Raghav Shankar, Advocate for R2/JIO.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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14.07.2017

CAV No.627/2017

1. Learned counsel for the respondent no.2 enters appearance. The caveat stands discharged.

CM No. 24291/2017 and

2. Allowed, subject to all just exceptions.

3. The application is disposed of.

W.P.(C) 5824/2017 & CM 24289/2017

4. The petitioner has filed the present petition, *inter alia*, praying as under:-

“Pass a writ of certiorari or any other writ or direction setting aside the order for investigation dated 21.4.2017 passed by the Competition Commission of India, New Delhi in Case No. 95 of 2016 qua the Petitioner i.e. Vodafone Group Plc along with the letter dated 16.06.2017 having F. No. DG/CCI/IW/1/2/2017 issued by the Respondent No.1.”

5. According to the petitioner, it is not a licensee, there is no allegation against it and it has no connection with the subject matter complaint before respondent no.1 (the CCI). The petitioner claims that it is not a necessary party to the proceedings before CCI and is not required to be subjected to any investigation, as it has no role to play. The petitioner points out that the petitioner had filed an application under Regulation 26 of the Competition Commission of India (General) Regulations, 2009, seeking discharge from the said proceedings; and, it is its grievance that the said application, although noted, has not been considered.

6. Mr Sanjay Jain, learned ASG appearing for the CCI (respondent no.1) states that the said application would be considered after hearing the parties on 26.07.2017 at 11:00 AM and a speaking order would be passed thereafter. Mr Jain, further states that the order dated 21.04.2017 will not be implemented *qua* the petitioner till the petitioner's application is decided and further proceedings will be subject to further order that may be passed by CCI in the petitioner's application.

7. In view of the above, no further notice of the hearing to be held on

21.04.2017 before the CCI is required to be given to the petitioner. Notice may be given to other parties, as considered necessary.

8. In view of the statement made on behalf of CCI, no further orders are required to be passed in the present petition. The writ petition and the pending application are disposed of.

9. Order *dasti* under signatures of the court master.

VIBHU BAKHRU, J

JULY 14, 2017

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