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

+ **W.P.(C) 6793/2018**

EMCURE PHARMACEUTICALS LTD

..... Petitioner

Through Mr Prashanto Sen, Senior Advocate with
Mr Dhruv Malik, Mr Devashish, Mr Kamlendra
Pratap Singh, Mr Parth Kochatta, Mr Sarvesh,
Advocates.

versus

COMPETITION COMMISSION OF
INDIA & ORS

..... Respondents

Through Mr Udayan Jain, Advocate with
Mr Kamal Sharma, Advocate for R1/CCI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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03.07.2018

CM 25780/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 6793/2018 & CM 25778/2018 (stay), 25779/2018, 25800/2018

3. At the outset, Mr Jain, the learned counsel appearing for the Competition Commission of India (CCI) has handed over an order dated 20.06.2018 passed by this Court in W.P. (C) 6647/2018 captioned “*Abbott Healthcare Pvt Ltd v. Competition Commission Of India & Anr*”. By virtue of the said order, the order dated 08.05.2018 passed by the CCI, which is in similar terms to the order dated 16.05.2018 (hereafter ‘the impugned order’)

in the present petition, has been set aside and the matter has been remanded to the CCI to consider it afresh after affording the petitioner therein (Abbott Healthcare Pvt. Ltd.) an opportunity of being heard. The learned counsel appearing for the parties state that the issue involved in the present petition is identical one as agitated by Abbot Healthcare Pvt. Ltd. Mr Jain, the learned counsel for the CCI submits, on instructions, that the present petition be also disposed of in similar terms as the order dated 20.06.2018. This contention is also supported by Mr Sen, learned Senior Counsel who appears for the petitioner.

4. In view of the above, the impugned order is set aside and the matter is remanded to the CCI to consider it afresh after affording the petitioner full opportunity of being heard. Needless to state that this Court has expressed any opinion to the merits of the dispute or the legality of the order passed by the CCI.

5. The petition is disposed of in the aforesaid terms. All the applications are also disposed of.

VIBHU BAKHRU, J

JULY 03, 2018

pkv