

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2019

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THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.4648 of 2019

and

W.M.P.No5264 of 2019

Board of Control for Cricket in India,
(BCCI),
having its registered office at,
M.A.Chidambaram Stadium,
Chennai-600005
and having its Head Office at 2nd Floor,
Cricket Centre, "D" Road, Churchgate,
Mumbai-400020.
Rep. By its Chief Executive Officer,
Mr.Rahul Johri ...Petitioner

Vs.

1. The Competition Commission of India,
Competition Commission of India,
9th Floor, Office Block-1,
Kidwai Nagar (East), Opposite Ring Road
New Delhi-110023, India.
2. The Office of the Director General
Competition Commission of India,
9th Floor, Office Block-1,
Kidwai Nagar East, Opposite Ring Road,
New Delhi-110023, India. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of Respondent No.2's impugned notices dated 07.12.2018 (File No.DG/CCI/IW/1/14/2018) and 24.01.2019 (File No.DG/CCI/IW/1/14/2018) issued by Respondent No.2 (viz Impugned Notices) and quash the same as unlawful and consequentially forbear the respondents from taking any steps or measures against the petitioner, coercive or otherwise, including under Section 43 of the Competition Act, pursuant to and/or in implementation of and/or in furtherance of the Impugned Notices and grant such further and other reliefs as the nature of the circumstances of the case may require be granted to the petitioner.

For Petitioner: Mr.P.S.Raman
Senior Counsel
for Mr.Edward James

For Respondents: Mr.R.Thirunavukarasu
Standing Counsel for CCI & DG

O R D E R

This Writ Petition is filed challenging the notice dated 07.12.2018 and 24.01.2019 issued by the 2nd respondent. Consequently, the petitioner seeks to forbear the respondents from taking any steps or measures against the petitioner, coercive or otherwise, including under Section 43 of the Competition Act, pursuant to and/or in implementation of and/or in furtherance of the Impugned Notices.

2. Heard Mr.P.S.Raman learned Senior Counsel for Mr.Edward James, appearing for the petitioner and Mr.R.Thirunavukarasu, learned Standing Counsel appearing for the respondents.

3. The crux of the grievance of the petitioner before this Court against the impugned notices is that the 2nd respondent is not entitled to seek for furnishing audio recordings of all the meetings including the Annual General Meetings/Special General Meetings/Working Committee Meetings/or and any other special meetings held between January 2007 to December 2013, as required in those impugned proceedings.

4. The contention of the petitioner is that when the minutes of the meetings in writing are already placed before the 2nd respondent, there is no necessity for seeking to furnish audio recordings of such meetings.

5. When the matter was taken up for admission on 19.02.2019, this Court, after finding prima facie case in favour of the petitioner, granted an interim stay of the impugned proceedings for a period of four weeks. The said interim order reads as follows:-

"The petitioner is aggrieved against the proceedings of the 2nd respondent dated 07.12.2018 and 24.01.2019, wherein and whereby, the petitioner was called upon to furnish the audio recordings of all the meetings including Annual General Meetings/ Special General Meetings/ Working Committee Meetings or /and any other Special Meetings of the petitioner held between January 2007 to December 2013.

2. It is seen that the 2nd respondent is conducting investigation in pursuant to an information received under Section 19 of the Competition Act filed

before the 1st respondent by one Pan India Infraprojects Private Limited.

3. Mr.P.S.Raman, learned Senior Counsel appearing for the petitioner submitted that absolutely there is no necessity for the 2nd respondent to seek for furnishing the audio recordings of all the meetings, especially, when the petitioner has filed all the minutes of the meetings before the 2nd respondent for the purpose of conducting and completing the investigation. Thus, he submitted that the audio recordings of all the meetings cannot be sought for by the 2nd respondent, especially, when the minutes of the meetings in writing are placed before the 2nd respondent.

4. Perusal of the impugned communications, prima facie indicates that such request made by the 2nd respondent for furnishing audio recordings of all the meetings makes no meaning or shows any nexus to achieve the object sought to be, namely concluding the investigation, when the relevant minutes of the meetings in writing were said to have been placed before the 2nd respondent already. This prima facie view of this Court has to be considered once again, while deciding the main writ petition after hearing the respondents. Mr.R.Thirunavukarasu, learned Standing Counsel takes notice for 1st and 2nd respondents.

5. In view of the above prima facie view expressed by this Court, there will be an order of interim stay of the impugned proceedings for a period of four weeks.

Post the matter after four weeks for filing counter."

6. Accordingly, the matter is listed today for further hearing.

7. The learned Standing Counsel appearing for the respondents, based on instructions, submitted that the 2nd respondent is not insisting on furnishing audio recordings of all the meetings as required in the impugned notices. He has also made an endorsement to that effect. Therefore, he submitted that the petitioner cannot have any grievance in participating in the enquiry further.

8. In view of the above stated submissions made by the learned standing counsel for the respondents, I find that the petitioner cannot have any further grievance in participating in the enquiry.

9. Accordingly, by recording the above statement made by the learned standing counsel for the respondents, this Writ Petition is disposed of without expressing any view on the other merits and contentions raised in respect of the subject matter enquiry. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

sni/vri
To

1. The Competition Commission of India,
Competition Commission of India,
9th Floor, Office Block-1,
Kidwai Nagar (East), Opposite Ring Road
New Delhi-110023, India.
2. The Office of the Director General
Competition Commission of India,
9th Floor, Office Block-1,
Kidwai Nagar East, Opposite Ring Road,
New Delhi-110023, India.

+2 Ccs to Mr.R.Thirunavukarasu, Advocate sr 26519 & 26521.

W.P.No.4648 of 2019

MR (CO)
SP (23/04/2019)

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