

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.03.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.877 of 2021
and
WMP No.960 of 2021

Manoj K.Sheth

... Petitioner

Vs

The Competition Commission of India,
Represented by its Chairperson,
9th Floor,
Office, Opposite Ring Road,
Block - 1,
East Kidwai Nagar,
Kidwai Nagar,
New Delhi
Delhi - 110 023.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondent to permit the petitioner to exercise its right of advancing oral submissions through video conferencing hearing prior to pronouncement of order under Section 26(1) of Competition Act, 2002 in Case No.35 of 2019 and in furtherance of petitioner / informant's Memo dated 22.12.2020 and in furtherance to petitioner's right of personal hearing and adherence to principles of natural justice before the respondent commission.

For petitioner
For respondents

... Mr.Nithyaesh Natraj
... Mr.Dhruva CGSC

WEB COPY
ORDER

The relief sought for in this writ petition is an innocuous one. The case of the petitioner is that he needs to advance oral submissions before the respondent in his application filed before the respondent under Section 19 of the Competition Act, 2002. It is the contention of the petitioner that sufficient opportunities were granted to the opposite parties, but whereas the petitioner has not been allowed to make his oral submissions

by the respondent in the enquiry proceedings. For this limited purpose this writ petition has been filed.

2. No prejudice will be caused to the respondent if the directions sought for in this writ petition is granted by this Court.

3. Without going into the merits of the matter and without going into the legal issues raised by the respondent in this writ petition, the following directions are issued :

i) The petitioner is permitted to submit his oral submissions through video conferencing through his counsel on 19.03.2021 at 11.00 a.m.

ii) The respondent is directed to pass final orders after considering the oral submissions as well as the documentary evidence placed by the petitioner before the respondent.

4. It is made clear that the order passed by this Court today shall not be treated as a precedent in other matters.

5. With the aforesaid direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vsi2

To

The Chairperson,
The Competition Commission of India,
9th Floor,
Office, Opposite Ring Road,
Block - 1,
East Kidwai Nagar,
Kidwai Nagar,
New Delhi
Delhi - 110 023.

+1cc to Mr.Anand Samy & Dhruva, Advocate SR.No. 15220

W.P. No.877 of 2021

A.SK(16.03.2021)