



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No.7119 of 2019

and

WMP. No.7845 of 2019

MRF Limited
represented by Mr.Ramesh Anirudha Varam,
Corporate Manager,
Commercial Accounts and Industrial Products,
114, Greams Road,
Chennai 600 006

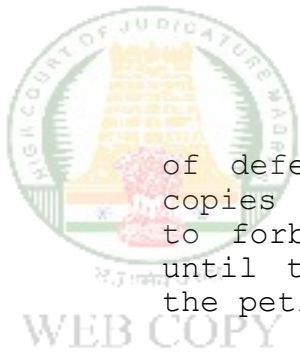
.. Petitioner

Versus

1. The Competition Commission of India
'B' Wing, 'HUDCO VISHALA',
No.14, Bhikaji Cama Place,
New Delhi 110 066.
2. The Director General,
Competition Commission of India,
'B' Wing, "HUDCO VISHALA"
No.14, Bhikaji Cama Place,
New Delhi 110 066.
3. The Joint Director General,
Competition Commission of India,
'B' Wing, "HUDCO VISHALA"
No.14, Bhikaji Cama Place,
New Delhi 110 066.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to allow the petitioner to inspect the files/information/documents/orders/ statements relating to the Suo-Moto case No. 6 of 2013 passed by the Competition Commission of India, the first respondent herein, which is under investigation with the Director General, the second respondent herein and to allow the petitioner to inspect the files/information/ documents/ orders/ statements protecting the right



of defence of the petitioner herein and to furnish certified copies of the files/information/documents/orders/statements and to forbear the respondents from directing personal appearance until the documents are inspected and copies are furnished to the petitioner.

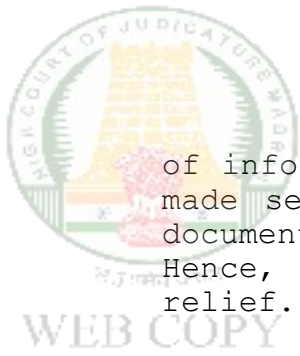
For Petitioner : Mr. T.R. Rajagopalan, Sr. Advocate
for Mr.Vijayan for M/s.King and Patridge

For Respondents : Mr. P. Mahadevan, CGSC

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus directing the respondents to allow the petitioner to inspect the relevant records relating to the Suo-Moto case No.6 of 2013 passed by the first respondent herein, which is under the investigation of the second respondent herein and to permit the petitioner to inspect the same in order to protect his right of defence and to furnish certified copies of such records and to forbear the respondents from directing personal appearance until the documents are inspected and copies are furnished to them.

2. According to the petitioner, the first respondent herein passed an order dated 06.11.2013 under Section 26 (1) of the Competition Act, 2002 stating that the Commission received information indicating existence of a bid rigging cartel in the Conveyor Belting Sector in India in contravention of section 3 (1) read with section 3(3) of the Competition Act, 2002. In this context, the Commission took up the matter suo-moto on the basis of credible information and directed the second respondent to investigate into the matter and to complete the same within 60 days from the date of receipt of the order. The second respondent commenced investigation on 27.05.2015 upon issuance of notice under Section 41(2) r/w 36 (2) of the Competition Act, seeking information/documents for the reference period from 2009-2010 to 2012-2013 from the petitioner. Thereafter, on 02.07.2015/08.07.2015, the petitioner submitted an application before the Competition Commission of India seeking permission to inspect the case files, orders and documents pertaining to the present case under section 36(1) of the Competition Act. However, the same was rejected by the Competition Commission of India by its letter dated 06.07.2015/10.07.2015 on the ground that the Commission is required to maintain confidentiality with respect to disclosure



of information of the case files. Even though the petitioner has made several representations to inspect the files, orders and documents, those representations did not elicit any response. Hence, the present writ petition is filed for the aforesaid relief.

3. Today, when the matter is taken up for hearing, the learned counsel appearing for the respondents, on instructions, submitted that respondents have no objection for the inspection of files/information relating to Suo Moto Case No.6 of 2013 and the petitioner shall be permitted for such inspection, besides furnishing copies of non-confidential documents, upon making appropriate application.

4. Recording the aforesaid submission made by the learned counsel for the respondents, this Writ Petition stands closed leaving it open to the petitioner to appear before the respondent concerned for inspection of documents and submit appropriate application for furnishing the copies of non confidential documents. On receipt of any such application from the petitioner, the respondents shall consider it and furnish the requisite documents. No costs. Connected WMP.7845/2019 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

msr/rsh

To

1. The Competition Commission of India,
'B' Wing, 'HUDCO VISHALA',
No.14, Bhikaji Cama Place,
New Delhi 110 066.
2. The Director General,
Competition Commission of India,
'B' Wing, "HUDCO VISHALA"
No.14, Bhikaji Cama Place,
New Delhi 110 066.



3. The Joint Director General,
Competition Commission of India,
'B' Wing, "HUDCO VISHALA"
No.14, Bhikaji Cama Place,
New Delhi 110 066.

+1cc to M/s.King & Partridge, Advocate, S.R.No.51658

+1cc to Mr.P.Mahadevan, Advocate, S.R.No.51690

W.P. No.7119 of 2019

NRJK(CO)
SU(01/12/2021)