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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

CrI.O.P. No.6153 of 2021

Coimbatore Corporation Contractors  
Welfare Association,  
Registration No.81/2012,  
Dynasty Apartment,  
A-7, Sundaresa Iyer Layout,  
Trichy Road, Coimbatore - 641 018.  
Rep. by its President  
R. Udayakumar

...Petitioner

Vs.

1. The Central Bureau of Investigation,  
Plot No.5-B, 6th Floor, CGO Complex,  
Lodhi Road,  
Jawaharlal Nehru Stadium Marg,  
New Delhi - 110 003.
2. The Deputy Superintendent of Police,  
Central Bureau of Investigation,  
Shastri Nagar, Adayar,  
Chennai - 600 020.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondents to register the case on the complaint given by the petitioner dated 06.03.2021 and proceed with the investigation in accordance with law.

For Petitioner : Mr. S. Doraiswamy

For Respondents : Mr. K. Srinivasan  
(Spl. Public Prosecutor for CBI)

O R D E R

This Criminal Original petition has been filed under Section 482 Cr.P.C., to direct the respondents to register the



2. The learned counsel for the petitioner submitted that the petitioner association was registered as Registration No.81 of 2012 under the Societies Registration Act. The petitioner's Association members are engaged in executing several Government contracts viz., Road works, Construction works etc. in various departments viz., Public Works Department, Highways Departments viz., Major Corporations, Water Board etc. The petitioner's association contractors are executing all kind of works in Southern Region of India especially in Tamil Nadu and other States and Union Territories. More than 500 contractors and nearly 100 thousand of employees are surviving in the above field by executing Government project works. Nearly Rs.1 Lakh crores of worth of Government project and Rs.90 crores of Private projects were executed by the petitioner's association members. While so, the steel manufacturers, forming a syndicate for profiteering, resulting in 55% hike in steel prices, the Steel owners during the past six months, making project unviable. Further, the steel companies have hiked price by Rs.2500/- to Rs.2700/- per tonne of both flat and long products for December on the back of rising iron ore prices and strong demand for steel. With the recent hike, the hot rolled coil price Ex-Mumbai have hit a record high of Rs.47000/- a tonne, in line with the firm price trend in the international market.

4. The learned Special Public Prosecutor for CBI would submit that It is also alleged that the aforesaid steel companies had indulged in various anti-competitive activities and have collectively sought to control the supply of steel with the intention to control the supply of steel. In order to create artificial scarcity, the steel manufacturers through their concerted actions, had resorted to the practice of restricting the supply of steel to builders and consumers causing artificial increases in the price of steel. In this regard, the petitioner association has forwarded the complaints against the aforesaid steel manufacturers to the respondents 1 and 2. However, in this case though there are incriminating materials available to register the case, the respondents has



not taken any action to register the case on the complaint given by the petitioner association. Hence, the petitioner association has filed this Criminal Original petition for appropriate direction to the respondent police.

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5. When the matter came up on the previous occasion, ie. 15.04.2021, the learned Special Public Prosecutor sought for some accommodation to get instruction and the matter was posted on 04.06.2021.

7. Today, the learned Special Public Prosecutor has produced the letter dated 25.06.2021 in reference No.C-12/Crl. OP. No.6153/2021/CBI/ACB/CHN/2767/2618 wherein it is stated as follows:

"5. Since, the complaint dated 06.03.2021 of the petitioner has already been forwarded to the Director General (Investigation), Competition Commission of India, New Delhi vide letter dated 30.04.2021 for taking necessary action as CBI has no jurisdiction to take up the matter.

6. Hence, the Hon'ble High Court may be apprised, accordingly."

8. In view of the above, as the said complaint has already been forwarded to the Director General (Investigation), Competition Commission of India, New Delhi by letter dated 30.04.2021 for taking necessary action, the Director General (Investigation), concerned is hereby directed to proceed further in this regard and take necessary and appropriate action on the complaint dated 06.03.2021 filed by the petitioner herein in accordance with law within a period of four weeks from the date of receipt of copy of this order.

9. In the result, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is also closed if any.

Sd/-

Assistant Registrar (CS-VIII)

// True Copy//

Sub Assistant Registrar

Lbm



To:

1. The Central Bureau of Investigation,  
Plot No.5-B, 6th Floor, CGO Complex,  
Lodhi Road,  
Jawaharlal Nehru Stadium Marg,  
New Delhi - 110 003.
2. The Deputy Superintendent of Police,  
Central Bureau of Investigation,  
Shastri Nagar, Adayar,  
Chennai - 600 020.
3. The Director General (Investigation),  
Competition Commission of India,  
New Delhi.
4. The Special Public Prosecutor,  
CBI Cases.
5. The Additional Public Prosecutor,  
High Court of Madras,  
Chennai.

+1cc to M/s.S.Doraisamy, Advocate, S.R.No.36611

Cr1.O.P. No.6153 of 2021

PMK(CO)  
SU(01/09/2021)