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W.P.Nos.14174, 14175 & 14176 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.Nos.14174, 14175 & 14176 of 2013

&

W.M.P.No. 11326 of 20018

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M.P.Nos. 1, 1, 1, 2, 2, 2, 3, 3 & 3 of 2013

1. Tamil Nadu Arasu Cable TV Corporation Ltd.,
Rep. by its General Manager,
11/22, Mangadu Samy Street,
Nungambakkam, Chennai-600 034.

... Petitioner in all the Writ Petitions

-Vs-

1. The Competition Commission Of India
Rep. by its Secretary,
Hindustan Times House
3rd, 4th And 7th Floors,
18-20, Kasturba Gandhi Marg
New Delhi-110 001.
2. The Joint Director General,
Office of the Director General,
The Competition Commission Of India,
B Wing, HUDCO Vishala,
14, Bhikaji Cama Place,
New Delhi-110 066.



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3. Mr.M.Rajendran

Proprietor, Kovai Cable Vision,
No.83, Theppakulam Street No.3,
Coimbatore-641 001

... Respondents in in all the Writ Petitions

Prayer in W.P.No.14174 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent in F.No.(23)/2012/Sectt dated 20.3.2013, issued on 25.4.2013, relating to examining the third party providers of information on oath and further permission to grant opportunity to cross examine them, quash the same and consequently direct the 1st Respondent to permit the petitioner to cross examine the third party providers of information on oath in Case No.23 of 2012.

Prayer in W.P.No.14175 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent in F.No.(23)/2012/Sectt dated 20.3.2013, issued on 25.4.2013, relating to the petitioner's application for (i) grant of opportunity to lead its own evidence including the permission to examine its own witnessess (ii) to furnish the names of the officials who conducted the investigation and permission to cross examine the officials and (iii) permission to cross examine the informant,. quash the same and consequently direct the 1st respondent to permit the petitioner to lead its own evidence including the



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permission to examine its own witnesses (ii) to furnish the names of the officials who conducted the investigation and permission to cross examine the officials and (iii) permission to cross examine the informant, in Case No.23 of 2012.

Prayer in W.P.No.14176 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent in F.No.(23)/2012/Sectt dated 20.3.2013, issued on 25.4.2013, relating to supply of information relied by the 2nd respondent and not furnished to the petitioner, quash the same and consequently direct the 2nd respondent to supply all the information relied upon by him including information deemed by it to be confidential in Case No.23 of 2012.

For Petitioner
in all the Writ Petitions : Mr. Abdul Saleem

For R-1 & R-2
in all the Writ Petitions : Mr. P.J.Rishikesh

For R-3
in all the Writ Petitions : Mr. S.Elambharathi

ORDER

These Writ Petitions are filed challenging the dismissal of the Interim Application filed by them wanting to cross-examine the witnesses, officials and the 3rd respondents ie. examine the providers of information.



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2. The three applications filed by them are as follows:

(a) to examine the providers of information on oath and grant the permission to the opposite party to cross examine them,

(b) to furnish the names of officials who conducted the investigation and permission to cross examine the officials, &

(c) permission to cross examine the informed.

3. All these three Applications were dismissed by the 1st respondent, against which the present writ petitions are filed after a lapse of a decade. The 3rd respondent filed a petition before the 1st respondent for withdrawal of the information filed by him. The said petition was dismissed by the 1st Respondent. Now both the writ petitioners and the 3rd respondent would submit that by the lapse of time, there has been a lot of developments in the field and the question of competition has become irrelevant. The claim of the writ petitioner monopolise in the field itself has become irrelevant and infructuous.

4. Now that the learned Counsel appearing for the 1st respondent would vehemently contend that the information provided by one of the victim of the competition is like a Public Interest Litigation. Being a



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statutory and regulatory body, the 1st respondent can conduct investigation as well as Suo-Moto find the facts, violation and the offences committed by the parties. Therefore, there is no provision for withdrawal.

5. However, when a proceeding is terminated by the Competition Commission, it automatically gets closed. When there is an inherent power to terminate the proceeding or close the proceeding, the 1st respondent has power to pass orders on the withdrawal petition also. Now that the counsel for the writ petitioner and the 3rd Respondent would produce the order passed by High Court of Bombay in W.P.No. 14277 of 2018 dated 06.08.2019 wherein the Hon'ble Division Bench of Bombay High Court, after finding that the matter has been mutually settled by both the parties, closed the entire proceedings which was pending before the Competition Commission.

6. Now that both the complainants as well as the so called Competitor have submitted that the complaint is irrelevant due to the subsequent developments and nothing survives for adjudication, this Court considered that the entire proceedings pending before the 1st



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respondent can be terminated as having become infructuous.

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7. The learned Counsel appearing for the 1st respondent would also submit that against the order passed by the Hon'ble Division Bench of Bombay High Court dated 06.08.2019, they filed a Review Petition vide No.25458 of 2019. However, liberty is granted to the 1st respondent to work out their remedy subject to the out come of the Review Petition. With the above observations, entire proceedings pending before the 1st respondent stand terminated as having become infructuous. The Writ Petitions stand disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

06.04.2022

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To

1. The Secretary
Competition Commission Of India
Hindustan Times House
3rd, 4th And 7th Floors,
18-20, Kasturba Gandhi Marg
New Delhi-110 001.
2. The Joint Director General,
Office of the Director General,
The Competition Commission Of India,
B Wing, HUDCO Vishala,
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M.GOVINDARAJ, J.

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