



W.P.No.11906 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11906 of 2023

1.Agni Steels Private Limited,
rep. by its Managing Director M.Chinnasami,
562, Kavandanur Road,
Ingur-638 058 Perundurai (TK)
Erode District, Tamil Nadu, India.

2.M.Chinnasami,
Managing Director,
Agni Steels Private Limited
562, Kavandanur Road,
Ingur-638 058 Perundurai (TK)
Erode District, Tamil Nadu, India.

.. Petitioners

Vs

1.Union of India,
through Secretary,
Ministry of Corporate Affairs,
4th Floor, A Wing, Shastri Bhawan,
New Delhi-110 001.



W.P.No.11906 of 2023

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2. Office of the Director General,
Competition Commission of India
"B" Wing, HUDCO Vishala,
14, Bhikaji Cama Place,
New Delhi-110 066.

3. Competition Commission of India
through Secretary,
9th Floor, Office Block-1,
Kidwai Nagar (East)
New Delhi-110 023, India.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration that Section 41(3) of the Competition Act, 2002 be read down as null and void to the extent that it relies on Section 240A of the Companies Act, 1956 which has since been repealed with effect from 30.01.2019.

For the Petitioners : Mr.Vijay Narayan
Senior Counsel
for Mr.Thriyambak J.Kannan

For the Respondents : Mr.K.Srinivasamoorthy
CGSC for respondent No.1

: Mr.N.Venkataraman
Addl. Solicitor-General
Mr.Rohan K.George,
Ms.Meera Moganasundaram,
Mr.R.Soundararajan
for M/s.Samvad Partners
for respondents 2 and 3



W.P.No.11906 of 2023

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ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Learned counsel for the petitioners submits that as the provision itself has undergone amendment, the challenge made to the provision would not survive.

2. In view of that, the writ petition stands disposed of. There will be no order as to costs. W.M.P.No.11789 of 2023 filed to permit the petitioners to file a single writ petition stands allowed and disposed of.

(S.V.G., C.J.)

(D.B.C., J.)

18.10.2023

Index : Yes/No
Neutral Citation : Yes/No
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W.P.No.11906 of 2023

To

WEB COPY

- 1.The Secretary,
Union of India,
Ministry of Corporate Affairs,
4th Floor, A Wing, Shastri Bhawan,
New Delhi-110 001.
- 2.The Director General,
Competition Commission of India
"B" Wing, HUDCO Vishala,
14, Bhikaji Cama Place,
New Delhi-110 066.
- 3.The Secretary,
Competition Commission of India
9th Floor, Office Block-1,
Kidwai Nagar (East)
New Delhi-110 023, India.



WEB COPY



W.P.No.11906 of 2023

THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY,J.

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W.P.No.11906 of 2023

18.10.2023



WEB COPY



W.P.No.11906 of 2023