



WEB COPY



WP Nos.16079 and 16081 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP Nos.16079 and 16081 of 2023
and WMP No.15512 of 2023

Pricol Limited
Rep. by its Company Secretary,
Mr.T.G.Thamizhanban,
109, Race Course, Coimbatore 641 018.

.. Petitioner in
both WPs.

-VS-

1. Union of India,
Through Secretary, Ministry of Corporate
Affairs, 4th Floor, 'A' Wing, Shastri Bhawan,
New Delhi 110 001.
2. Competition Commissioner of India,
Through Secretary, 9th Floor, Office Block-1,
Kidwai Nagar (East), New Delhi, 110 023, India.
3. Minda Corporation Limited,
Rep. by its Director, A-15, Ashok Vihar,
Phase-1, Delhi, New Delhi 110 052.

.. Respondents
in both WPs.

Prayer: Petitions filed under Article 226 of the Constitution of India for issuance of (i) WP.16079 of 2023 - Writ of Declaration declaring Regulation 8 of the Competition Commission of India (Procedure in



WP Nos.16079 and 16081 of 2023

Regard to the Transaction of Business Relating to Combinations Regulations) 2011, as null and void to the extent that it would seem to empower in the teeth of Section 6(1) of the Act, acceptance of a notice under Section 6(2) of the Competition Act 2002 post-facto after combination of the enterprise has been effected; and (ii) WP.16081 of 2023 – Writ of Prohibition prohibiting 2nd respondent from entertaining or taking on file Form II issued by the 3rd respondent under the Competition Commission of India (Procedure in Regard to the Transaction of Business Relating to Combinations Regulations) 2011 in relation to the acquisition of equity shares of the petitioner.

For the Petitioner
in both WPs.

: Mr.Thriyambak J.Kannan

For the Respondents
in both WPs.

: Mr.R.Rajesh Vivekananthan
Deputy Solicitor General, for R-1
: Mr.Rohan K.George for R-2
: Mr.Muthucharan Sundresh for r-3

* * * * *

COMMON ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.Thriyambak J.Kannan, learned counsel for the petitioner, Mr.Rajesh Vivekananthan, learned Deputy Solicitor General for respondent No.1, Mr.Rohan K.George, learned counsel for respondent No.2 and Mr.Muthucharan Sundresh, learned counsel for respondent No.3.



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2. The learned counsel for the petitioner submits that the petitioner had filed the petitions challenging the regulations as respondent No.3 had purchased the first Tranche of shares. However, respondent No.3 has now sold the first Tranche of shares. The petitioner would raise the issue before the second respondent/CCI. The learned counsel for the petitioner submits that with liberty to the petitioner to raise the issue before the CCI, the writ petitions be closed.

In light of that, the writ petitions stand disposed of. The petitioner may raise the issue before the CCI as may be permissible. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(D.B.C., J.)

19.02.2024

Index : Yes/No

Neutral Citation : Yes/No

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

(sra)

To

1. The Secretary,
Union of India,
Ministry of Corporate Affairs,
4th Floor, 'A' Wing, Shastri Bhawan,
New Delhi 110 001.
2. The Secretary,
Competition Commissioner of India,
9th Floor, Office Block-1, Kidwai Nagar (East),
New Delhi, 110 023.
3. The Secretary,
Competition Commissioner of India,
Ministry of Corporate Affairs,
4th Floor, 'A' Wing, Shastri Bhawan,
New Delhi 110 001.

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