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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 10135/2024 & CM APPL. Nos. 41512/2024 and 42199/2024**

VIJAY BISHNOI

.....Petitioner

Through: Mr. Nidhesh Gupta, Senior Advocate
with Mr. Sanjiv Kumar Saxena, Mr. Ramneek
Mishra, Mr. Tejendra Rajawat, Ms. Jhanvi Dubey
and Mr. Mukesh Tiwari, Advocates.

versus

**COMPETITION COMMISSION OF
INDIA & ORS.**

.....Respondents

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. Navesh Bhati, Ms. Rajdipa Behura, Mr.
Philomon Kani, Ms. Neha Dobriyal, Ms. Simrat
Kau Sareen, Ms. Aishwarya Gupta, Ms. Nandini
Sharma and Mr. Vikram Singh Dalal, Advocates
for CCI with Mr. Sukesh Mishra, Director, Law,
Mr. Devender Pratap, Deputy Director.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **26.07.2024**

1. This writ petition has been filed on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:

“a. Quash and set aside memo of charge no. C-14011/1/2023-Vig. dated 03.10.2023 (Annexure P-1) initiating disciplinary proceedings against the petitioner under Rule 14 of CCS CCA Rules, 1965;

b. Call for records of disciplinary proceedings initiated against petitioner vide memo of charge no. C-14011/1/2023-Vig. dated 03.10.2023 (Annexure P-1);

c. Quash and set aside orders/decision dated 14.06.2024 (Annexure P- 30) of Inquiring Authority Shri Rakesh Kumar whereby petitioner's defence has been closed and direction for general examination of the petitioner under Rule 14(18) has been directed.



d. Quash and set aside the decision dated 22.12.2023 (Annexure P-3) of disciplinary authority whereby petitioner's representation dated 29.11.2023 has been rejected with decision that Shri Rakesh Kumar would continue to be inquiring authority in the inquiry initiated in pursuance to memo of charge no. C-14011/1/2023-Vig. dated 03.10.2023;

e. Quash and set aside entire disciplinary proceedings initiated against the petitioner in pursuance to memo of charge no. C-14011/1/2023- Vig. dated 03.10.2023 being illegal, arbitrary, discriminatory and being conducted in violation of principle of fairness and principles of natural justice and further being in violation of CCS CCA Rules, 1965 and Article 311(2) of Constitution of India;

f. Issue writ of mandamus, direction or order of that nature directing the respondents to supply all defence documents requested by the petitioner under application dated 14.02.2024 (Annexure P-14);

g. Issue a writ of Prohibition against the respondents prohibiting the respondents from taking any other/further action or passing any further order in the case."

2. Mr. Nidhesh Gupta, learned Senior Counsel appearing on behalf of the Petitioner, after canvassing some arguments, seeks to withdraw the present writ petition with liberty to raise all objections, contentions and arguments raised in the present petition at the appropriate stage of the inquiry proceedings. He also seeks liberty to approach the Disciplinary Authority against the non-grant of defence documents inasmuch as Petitioner sought 132 documents, out of which the Inquiring Authority only allowed 37 documents but only 11 have been furnished on a frivolous plea that the remaining documents are not available. No reason is forthcoming as to why the documents are not available and significantly the non-availability certificate has not been furnished. Non-supply of the documents is adversely impacting the defence of the Petitioner.

3. Mr. Sunil Dalal, learned Senior Counsel appearing on behalf of the Respondents objects to the grant of liberty to approach the Disciplinary Authority on the ground that Petitioner can approach the Disciplinary



Authority ventilating his grievances only once the inquiry is concluded by the Inquiring Authority and not at this stage.

4. Present petition is dismissed as withdrawn with liberty to the Petitioner to take all objections and contentions raised in the present petition at the appropriate stage during the inquiry proceedings, making it clear that this Court has neither entered into nor expressed any opinion on the merits of the case. Insofar as the Petitioner seeks liberty to approach the Disciplinary Authority with regard to non-supply of documents, in my view, it is always open to the Petitioner to approach the Disciplinary Authority for any grievance during the pendency of the inquiry proceedings and no liberty is required. Needless to state, if any such representation is made to the Disciplinary Authority regarding the non-supply of documents, the same shall be decided expeditiously and in accordance with law.

5. Pending applications also stand disposed of.

JYOTI SINGH, J

JULY 26, 2024/shivam/kks