

D/L 06
13.08.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 18458 of 2025

Dhansar Engineering Company Pvt. Ltd.
Vs.
Competition Commission of India & Ors.

Ms. Amrita Panda
Mr. Dwaipayan Basu Mallick
Mr. Avraprava Sen
Mr. Sayantan Kar

...for the Petitioner.

Ms. Madhavi Diwan, Sr. Adv.

...for the Respondent no.1.

1. Affidavit of service filed in Court today is taken on record.
2. The matter relates to case nos. 48 of 2020 and 49 of 2020 under the Competition Act, 2002.
3. The petitioner claims to be aggrieved by order dated 1st July, 2025 passed by the Competition Commission of India.
4. Learned counsel for the petitioner submits that out of the nineteen witnesses, fourteen witnesses have been permitted to be cross-examined by the petitioner but the cross-examination of the other witnesses has been closed.
5. According to the petitioner, the delay in concluding the cross-examination was not attributable to the petitioner. One of the witnesses was in prison for which cross-examination could not be conducted.
6. After conclusion of the submission by the learned counsel for the petitioner it has been brought to the

notice of the Court by the learned counsel representing the Competition Commission of India that there is no prayer in the writ petition challenging the validity of the said order dated 1st July, 2025.

7. Further challenge is that the entire investigation is being conducted by the Deputy Director General. Reference has been made to the Office Order dated 20th August, 2015 issued by the Director General, Competition Commission of India which mentions about the investigation to be headed by the Joint or the Additional Director General. Jurisdiction of the investigating officer has been challenged.
8. It appears that the issue of jurisdictional error of the investigating officer was never raised before the Competition Commission of India.
9. Further issue is that the principle laid down in Section 145 of the Evidence Act has not been followed.
10. It appears that the said issue was also not raised before the Commission.
11. Learned senior counsel representing the Competition Commission of India submits that the sole intention of the petitioner in filing the instant writ petition is to delay the proceedings.
12. It has been submitted that the Commission will consider any grievance if the same is raised by the petitioner.
13. Upon hearing the parties in details, it appears that the petitioner has not made any specific challenge to the order closing the cross-examination of the witnesses who have not been examined. The petitioner has other issues also as mentioned hereinabove.

14. As the petitioner has not highlighted his grievances before the authority for redressal, accordingly, the Court is not inclined to pass any direction upon the authority.
15. It will be open for the petitioner to raise all issues before the Competition Commission of India. In the event such issues are raised, the Commission shall take steps to consider the same in accordance with law at the earliest.
16. The writ petition stands disposed of.
17. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)