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

+ **W.P.(C) 12443/2024**

APOLLO TYRES LIMITED

.....Petitioner

Through: Mr. Hrishikesh Baruah, Mr. Pranjal Prateek, Mr. Yatharth Vardham Singh, Mr. Utkarsh Dwivedi, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Arjun Krishnan, Mr. Garvish Jain, Advs.
Mr. Jivesh Tiwari (SPC) along with
Mr. Rudra Paliwal (GP).

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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06.05.2025

1. The petitioner in the present petition seeks the following prayers:

“[A] Issue a Writ, Order or Direction in the nature of Prohibition thereby directing the Respondent Nos. 2 & 3 to produce the order dated 03.11.2023 and thereby restrain the Respondent Nos. 2 & 3 from carrying out any further investigation or take any decision in relation to Reference Case No. 1 of 2019, which is pending investigation before the Respondent No 3 herein; and

[B] In the alternative, issue a Writ, Order or Direction in the nature of Certiorari thereby calling upon the Respondents to show cause and thereafter set aside/ quash the order dated 03.11.2023; and

[C] Issue a Writ, Order or Direction in the nature of Mandamus thereby declaring that the provision contained in Section 26(3A) of the Competition Act, 2002 is not applicable to the present case as the said provision has been introduced by the Competition (Amendment) Act, 2023 and notified with effect from 18.05.2023; and

[D] Issue a Writ, Order or Direction in the nature of Mandamus thereby directing the Respondent Nos. 2 & 3 to supply to the Petitioner a copy of the Investigation Report (for short 'DG Report') dated 31.07.2023; and



[E] In the alternative, issue a Writ in nature of Certiorari by quashing the order dated 26.08.2020 issued by the Respondent Nos. 2 in parity with MRF Limited and in consonance with the judgment and order dated 30.04.2024 passed by the High Court of Judicature at Madras in Writ Petition (C) No. 6493 of 2024 and other connected matters; and

[F] Pass such other and further Order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice."

2. The present petition has been filed in the backdrop of the order dated 01.11.2019 passed by the Competition Commission of India (hereinafter referred to as '*the CCI*') under Section 26(1) of the Competition Act, 2002, wherein it had formed a *prima facie* view about the presence of an arrangement/understanding amongst the tyre manufactures which was in contravention of the Competition Act, 2002. Accordingly, the CCI had directed the Director General (hereinafter referred to as '*the DG*') to investigate on the said matter.

3. It is pointed out by the learned counsel for the petitioner that pursuant to the said order, an investigation was carried out by the Director General, and an Investigation Report dated 28.07.2023 was submitted to the CCI. Subsequently, after considering the same, the CCI had directed the DG to investigate the matter further under Section 26(3A) of the Competition Act, 2002. Consequently, the DG had submitted a Supplementary Investigation Report on 09.12.2024. After considering the same, however, the CCI had again directed the DG for further investigation under Section 26(3A) of the Competition Act, 2002. Pursuant to this, a Supplementary Investigation Report dated 21.02.2025 was submitted by the DG.

4. It is submitted that the said investigation reports do not implicate the petitioner in any manner whatsoever. Attention is particularly drawn to the



order dated 12.03.2025 passed by the CCI taking cognizance of the said investigation reports. This order, *inter alia*, observes as under:-

“7. The Commission, vide PF order, had also directed the DG to investigate the role of the persons/officers who were in-charge of land were responsible for the conduct of the businesses of the Ops during the relevant period of contravention as well as the persons/officers with whose consent or connivance, the contravention, if any, was committed, under Section 48 of the Act. Accordingly, the Commission notes that the DG has identified the following concerned/ key officials of the OPs liable under Section 48(1) of the Act:

S.No	Name of contravening enterprise	Individuals
1	J.K. Tyre & Industries Limited	Shri Raghupati Singhania, Chairman and Managing Director
2	CEAT Limited	Shri Anant Vardhan Goenka, Managing Director
3	Rekha Agencies	Shri Vidya Sagar Ghadhok, Managing Director
4	SS Marketing	Shri Amit Agarwal, Co-owner of SS Marketing, Karnal

8. The Commission also noted that in the Supplementary Investigation Report dated 21.02.2025, the DG has recorded that the issues raised in the case were revisited and examined in greater detail, culminating in this report [under Section 26 (3B) of the Act], which subsumes and builds upon the findings of the earlier investigation reports.

9. The Commission hence, directs to forward an electronic copy of the non-confidential versions of the Investigation Report dated 28.07.2023 and Supplementary Investigation Report dated 21.02.2025 to the Ops who have been found by the DG to have contravened the provisions of the Act and their aforesaid respective individuals found to be liable by the DG under Section 48 of the Act.”

5. It is submitted that on the basis of the above order dated 12.03.2025 passed by the CCI, further proceedings in the said subject matter shall be only confined to those parties who were identified in the investigation reports as having contravened the provisions of the Competition Act, 2002. As mentioned, the same does not include the name of the petitioner in the



present case. In the aforesaid conspectus, the report has also not been forwarded to the petitioner.

6. In these circumstances, the petitioner does not wish to pursue the present petition, however, reserving its rights to take appropriate remedies if the occasion for the same arises in the future.

7. In the aforementioned circumstances, the present petition is dismissed as withdrawn with the liberty as prayed for.

SACHIN DATTA, J

MAY 6, 2025/uk