



2026:DHC:2335



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 6329/2021 & CM APPL. 20115/2021**Date of Decision: **12.03.2026****IN THE MATTER OF:**

GRASIM INDUSTRIES LTD

.....Petitioner

Through: Mr C. Aryama Sundaram, Sr Adv,
Ms Nisha Kaur Uberoi, Mr Sarthak
Pande, Ms Mehar Singh Dang, Mr
Abhishek Gupta, Advs.

versus

COMPETITION COMMISSION OF INDIA

.....Respondent

Through: Mr. Manu Chatirvedi alongwith
Mr.Ahmed Jamal Siddiqui & Mr.
Kshtiz Kishor Rai, Advocates for R-1.
Mr. MM Sharma, Advocate for R2.

CORAM:**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****JUDGEMENT****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The sole grievance of the petitioner seems to be against the order dated 03.06.2021 passed by the Competition Commission of India [hereinafter "**Commission**"] under Section 42 of the Competition Act, 2002 [**'Act'**], whereby, a total penalty of Rs.3.49 Cores at the rate of 1 Lakh per day for 349 days, was imposed on the petitioner for not complying with the earlier non-penalty component/market correction directions contained in its

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order dated 16.03.2020 [hereinafter “**Original Order**”].

2. Mr. C. Aryama Sundaram, learned senior counsel appearing for the petitioner, has taken this Court through the chronology of events, and highlighted that against the Original Order, an appeal was preferred by the petitioner before the National Company Law Appellate Tribunal [‘NCLAT’], along with an interim application for staying the operation of the said order.

3. *Vide* order dated 04.11.2020, the NCLAT granted an interim stay on the penalty component of the directions contained the Original order subject to the payment of 10% of the penalty amount. The material portion of the said order reads as under:

“After hearing the Learned Counsel for the Parties we are of the considered view that the recovery of penalty amount Rs. 301.61 Cr. may be stayed, during the pendency of this Appeal. Therefore, it is directed that subject to deposit 10% of penalty amount within 15 days i.e. till 19th November, 2020, the recovery of penalty shall remain stayed for six months or till disposal of this Appeal, whichever is earlier. Failing which the Commission may proceed further as per Law.”

4. It appears that in the interregnum, the Commission initiated proceedings for the contravention of a part of the Original Order. In furtherance of the same, the Commission issued a show cause notice. The petitioner, thereafter, appears to have moved an application bearing I.A. No. 1121/2021 before the NCLAT for staying the operation of the entire directions contained in the Original Order.

5. During the course of pendency of I.A. No. 1121/2021, the Commission proceeded to pass the Impugned Order under Section 42, which is impugned in the instant writ petition.

6. The solitary grievance raised by Mr. Sundaram, is that the



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Commission ought not to have proceeded under Section 42, when I.A. No. 1121/2022 was pending.

7. Various other submissions have also been made by Mr. Sundaram, however, at this stage, they are not found to be relevant. Mr. Manu Chaturvedi and Mr. M.M. Sharma, learned counsel, appearing for respondent no.1 and respondent no.2, respectively, opposed the submissions of the petitioner. They have drawn the attention of this Court to, what they contend, is the consistent approach being followed by the NCLAT in dealing with orders passed by the Commission. They jointly submit that generally, the NCLAT stays only the monetary/penalty component of an order and requires the remaining part of the Commission's order to be complied with. Mr. Sundaram, learned senior counsel, has strenuously opposed the said submissions.

8. Be that as it may, the Court is not required to delve into a substantive adjudication of the impugned order passed by the Commission, the same will have to be considered by the NCLAT.

9. Mr. Sharma, learned counsel, may also be correct in stating the general proposition of law that an appeal *ipso facto* does not amount to the original order being stayed but the fact remains that the interim application bearing I.A. No. 1121/2022, which sought a stay of the entirety of the Original Order, was pending before the NCLAT, when the Commission proceeded to pass the impugned order, for non-compliance of the Original Order, under Section 42 of the Act.

10. The Court, in the instant case, finds that if an application was filed by the petitioner, immediately after the issuance of a show cause notice by the Commission, the NCLAT should have decided the application with due

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expedition. Whether in law, the NCLAT should stay the operation of the entire Original Order or a part thereof, are questions which must first be left to the expert determination of the tribunal, which is presently seized of the matter. There ought not to be a pre-emptive indictment by the High Court through staying the operation of the impugned order.

11. The Court also takes note of the fact that neither the Original Order passed by the Commission on 16.03.2020, nor the impugned order dated 03.06.2021, were given effect to on account of the interim order passed by the NCLAT and this Court. The absence of a timely adjudication on the said application has resulted in the continued non-implementation of the Original Order. For more than five years, the order of the Commission has not been implemented, and the issue, thus, continues to hang fire for all these years without any adjudication.

12. In view thereof, instead of keeping this petition pending and dealing with each of the issues on their respective merits, the Court deems it appropriate to direct the NCLAT to adjudicate upon the petitioner's interim application bearing I.A. No. 1121/2022, after affording an opportunity of hearing to all the parties, and within a period of two months from the date of receipt of this order.

13. Till then, the arrangement made by this Court *vide* order dated 26.07.2021 shall remain in force.

14. Petition stands disposed of. All rights and contentions are left open on the merits of the case.

PURUSHAINDRA KUMAR KAURAV, J

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