



2026:DHC:3201-DB



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

Date of decision: 15th April, 2026

+ LPA 266/2026 & CM APPL. 24416/2026, CM APPL. 24417/2026

**INTERNATIONAL FLAVORS &
FRAGRANCES INC.**

THROUGH: ITS AUTHORIZED
SIGNATORY, STEPHEN LANDSMAN,
521 WEST 57th STREET, NEW YORK,
NY - 10019-2960, UNITED STATES OF
AMERICA

.....PETITIONER

Through: Mr. Rajiv Nayar, Mr. Harman
Singh Sandhu, Mr. Aashish
Gupta, Ms. Manika Brar, Ms.
Chandni Ghatak, Ms. Anshula
Sinha, Mr. Saii Siingh, Ms.
Manjira Dasgupta and Mr.
Shreyas, Advs.

Versus

**COMPETITION COMMISSION OF
INDIA**

THROUGH: ITS SECRETARY, MR.
INDER PAL SINGH BINDRA
HAVING ITS OFFICE AT: 9th FLOOR,
OFFICE BLOCK-1, KIDWAI NAGAR
(EAST), NEW DELHI-110023

...RESPONDENT



2026:DHC:3201-DB



Through: Mr. Vaibhav Gaggar, Sr. Adv.
with Mr. Danish Khan, Mr.
Aakrit Aditya Sharma and Mr.
Abhishek Nair, Adv.

CORAM:
HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE
HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

NITIN WASUDEO SAMBRE, J.

CHALLENGE

1. The appellant has invoked the appellate powers of this Court under the Letters Patent of Delhi High Court particularly of the clause 10 of the Delhi High Court, 1966, questioning the impugned judgment dated 23rd February, 2026, delivered by the learned Single Judge in W.P.(C) 2527/2026.
2. Consequent to the aforesaid, the petitioner has further sought for quashing and setting aside of the order passed by the respondent on 13th August, 2025, in *Suo Motu* Case No.02/2025 and consequential steps taken thereto, including notice dated 01st September, 2025.

FACTS

3. The necessary facts of the petition for deciding the appeal are as under:-
 - i. The respondent received an information under Section 46 of the Competition Act, 2002 (*hereinafter shall be referred to as 'Act'*)



for the sake of brevity) read with Competition Commission of India (Lesser Penalty) Regulations, 2024 ('LPR 2024') (*hereinafter shall be referred to as 'Regulation of 2024' for the sake of brevity*) in respect of alleged labour-related coordination in the appellant's industry.

- ii. After granting confidentially *qua* such information under Section 57 of the Act read with Regulation 8 of Regulations 2024, the respondent initiated *Suo Motu* Case No. 02/2025 in terms of the provisions contained in Section 26(1) of the Act.
- iii. On 13th August, 2025, in the aforesaid proceedings, the respondent passed an order thereby observing that a *prima facie* case of contravention of the provision of Section 3 of the Act has been made out, and directed the Director General ('DG') of the respondent to investigate the matter under Section 26(1) of the Act.
- iv. Accordingly, a notice came to be issued to the appellant on 01st September, 2025, calling upon to provide certain detailed information in respect of employees recruited. Followed by an inspection of the record of respondent, which was allowed by the respondent on 11th September, 2025. The certified copies which sought by the appellant were received on 24th September, 2025.
- v. The appellant, accordingly, preferred W.P. (C)2527/2026 on 16th February, 2026, before the learned Single Judge challenging the order dated 13th August, 2025.
- vi. The learned Single Judge dismissed the writ petition *vide* impugned order judgment dated 23rd February, 2026, as such this appeal has been filed questioning the order dated 13th August,



2025 passed by the respondent so also the judgment of the learned Single Judge dated 23rd February, 2026.

SUBMISSIONS

4. *Mr. Rajiv Nayar*, learned Senior Counsel for the appellant would strenuously urge that the learned Single Judge while dismissing the writ petition *in limine*, failed to appreciate the statutory mandate prescribed under the 1st and 2nd proviso of Section 19(1) of the Act, as the order of dismissal is passed in patent contravention of such provisions.

5. According to him, the 1st proviso in expressed terms provides that the respondent shall not entertain an information or reference unless it is filed within three years from the date on which “cause of action” has arisen. However, second proviso provides that the delay in filing of such information can only be condoned, in case, if there exists a satisfactory “sufficient cause” for the same.

6. According to *Mr. Rajiv Nayar*, learned Senior Counsel, the learned Single Judge has failed to appreciate the very object of the 1st and 2nd proviso to Section 19(1) of the Act, as it failed to appreciate that the respondent had failed to record the “sufficient cause” in support of order condoning the delay.

7. *Mr. Nayar*, learned Senior Counsel would claim that the order impugned passed by learned Single Judge is without any reasoning. The learned Single Judge has erroneously relied on the provision of Section 26(1) of the Act and the judgment of the Apex Court in the matter *CCI v. Steel Authority of India*, (2010) 10 SCC 744 (“*SAIL Judgement*”).



8. According to *Mr. Nayar*, learned Senior Counsel, the order of condonation of delay does not merely concern with the procedural part of the proceedings but has rather adversely affected the substantive rights of the appellant and that being so, the Tribunal as well as the learned Single Judge has erred in endorsing the findings in support of the condonation of delay.

9. So as, to substantiate the aforesaid contentions, *Mr. Nayar*, learned Senior Counsel has specifically relied on the provision of Section 19 (1) and proviso 1st and 2nd of the Section 19(1). He has taken us to the said provision which reads thus:-

"5. The two provisos to sub-section(1) of Section 19 of the Act provide as follows:

"19. Inquiry into certain agreements and dominant position -

(1)

Provided that the Commission shall not entertain an information or a reference unless it is filed within three years from the date on which the cause of action has arisen:

Provided further that an information or a reference may be entertained after the period specified in the first proviso if the Commission is satisfied that there has been sufficient cause for not filing the information or the reference within such period after recording its reasons for condoning such delay. "

10. *Mr. Nayar*, learned Senior Counsel thereafter has taken us through the judgment of the learned Single Judge so also that of the order passed by the Tribunal which is impugned herein.



11. According to him, the impugned order condoning the delay is liable to be quashed, thereby, setting aside the judgment of the learned Single Judge, so also, that of the Competition Tribunal.

12. As against the above, the learned counsel appearing for the respondent has opposed the prayer, as according to him not only the order of condonation of delay passed by the Tribunal is just and proper, but also according to him the view expressed by the learned Single Judge is quite justified.

ANALYSIS AND FINDING

13. Having appreciated the aforesaid submissions, we have gone through the impugned order passed by the Tribunal.

14. The Tribunal, in para 8 of its order, has considered the very statutory mandate provided under Section 19 (1) and the proviso 1st and 2nd, the Tribunal was sensitive to the fact that record pertains to the period older than three years. However, proceeded to analyze the issue of limitation with following observations:-

“8. At the outset, the Commission notes that the newly introduced proviso to sub-section (1) of Section 19 of the Act states that the Commission shall not entertain an information or a reference unless it is filed within three years from the date on which the cause of action has arisen. Further, the Commission notes that the newly introduced second proviso to subsection (1) of Section 19 of the Act states that an information or a reference may be entertained by the Commission after the period specified in the first proviso, if the Commission is satisfied that there had been sufficient cause for not filing the information or the reference within such period, after recording its reasons for condoning such delay.

9. In the present matter, the evidence placed on record pertains to a period older than three years, hence, it may



be argued that the Commission should not enter into this inquiry.

10. The Commission notes the submissions of the Applicant that subsequent to the dawn raids conducted by certain competition authorities in March 2023, the Applicant initiated its internal investigation in April 2023 and was first made aware by its legal advisers of the potential anti-competitive nature of labour-related coordination. The Applicant has submitted that they approached the Commission promptly i.e. within four days of notification of the Competition Commission of India (Lesser Penalty) Regulations (LPR) 2024, demonstrating its bona fide intent and willingness to cooperate.

11. The Commission also takes note of the submissions of the Applicant that labour-related co-ordination between the alleged entities may be still continuing, even though it is unable to produce more recent evidence in relation to the same, and hence the cause of action still persists.

12. It is noted from the Economic Survey 2024 that there is not only decline in the employment levels but also decline in earnings among all categories of workers, be it casual worker or regular worker, despite soaring inflation. For any worker, the ability to command reasonable wages on the labour market is a most important need. Apart from protecting the consumer from anti-competitive harm, it is the imminent need to protect such consumers in their role as workers, when their ability to earn is harmed by unfair and anti-competitive employer labour practices. Therefore, it becomes all the more crucial to examine potential labour-related coordination in order to prevent labour exploitation and to promote competitive remuneration. In light of the above position and considering the far reaching implications of labour-related coordination in a country like India, where large workforce is engaged in a thriving market economy for sustained economic development, the Commission finds the explanation provided by the Applicant sufficient for condoning the delay and hence, proceeds to inquire into the matter on its merits.”

15. After the aforesaid order, the Commissioner has proceeded to exercise powers under Section 26(1) of the Act, thereby directing the



Director General to investigate the matter and submit a report within 90 days.

16. The Learned Single Judge, while dealing with the aforesaid issue, was conscious of the nature of reasons recorded by the Tribunal in the matter of condonation of delay and as such, proceeded to record the findings that the facts and circumstance of the case in hand, does not warrant interference to be made in the impugned order of the Commission, whereby delay was condoned.

17. The learned Single Judge proceeded to evaluate the very scheme of Section 19(1) and 1st and 2nd provisos thereto, and also the fact that the proceedings and powers of the Commission in the given facts and circumstance, to condone the delay.

18. The learned Single Judge was sensitive to the reasons recorded by the Commission in the matter of condonation of delay which compelled it to maintain the order of condonation of delay.

19. Similarly, reference to Section 26(1) of the Act and also judgment of the Apex Court in the matter of **CCI v. Steel Authority of India, (2010) 10 SCC 744**, was referred to having regard to entire proceedings being administrative one and justifying the order of condonation of delay.

20. Even otherwise, from the judgment of the Apex Court in the matter of the **Collector Land Acquisition, Anantnag and Anr. v. Mst. Katiji & Ors., (1987) 2 SCC 107** so also, in **N. Balakrishnan v. M. Krishnamurthy, (1998) 7 SCC 123**, a consistent view is taken by the Apex Court that a liberal and justice-oriented approach should be adopted in the matter of prayer for condonation of delay.



21. It is a settled position of law that once an Authority or a Court condones the delay in positive exercise of its discretion, the superior courts are normally not required to disturb it, rather respect such view

22. In the aforesaid backdrop, having appreciated the submissions made by the learned Senior Counsel, we are not convinced to exercise appellate jurisdiction to upset the order of the Commission so also that of the learned Single Judge, particularly when we hardly see any error of law to cause such exercise of powers.

23. That being so, we dismiss the present appeal.

24. This Court had heard *Mr. Nayar*, learned Senior Counsel at length, and after he concluded the arguments, the Court expressed its view that it is not willing to exercise jurisdiction in favour of the appellant.

25. Such option was made available to the learned Senior Counsel for the appellant so as to enable him to have option, to invite an order from the Court or whether he intends to withdraw the present LPA by keeping his option open to approach the Court at an appropriate stage of the proceedings.

26. However, *Mr. Nayar*, learned Senior Counsel sought permission of this Court to continue his arguments, which this Court permitted.

27. *Mr. Nayar*, learned Senior Counsel, when reopened his arguments, started repeating the very same arguments and as such, this Court prompted him to stop from re-arguing the matter.

28. *Mr. Nayar*, learned Senior Counsel has stated that he is not granted fair opportunity of hearing to his satisfaction. The body language, tone and attitude towards the court of the learned Senior Counsel, in our opinion, was not befitting his stature. However,



considering the standing of learned Senior Counsel and his stature, we deem it appropriate to place the word of protest made by the learned Senior Counsel as a part of this Order, that he had made a grievance that he was not heard to his satisfaction.

29. In view of the aforesaid, the present appeal stands disposed of.
30. Pending applications, if any, also stand disposed of.
31. A copy of this Judgment be uploaded on the website of this Court.

**NITIN WASUDEO SAMBRE
(JUDGE)**

**AJAY DIGPAUL
(JUDGE)**

APRIL 15, 2026/sky/st