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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 17348/2025&CM APPL. 71390/2025 (interim injunction)
MAHARASHTRA SEAMLESS LIMITED & ANR.

.....Petitioners

Through: Mr. Amit Sibal, Sr. Adv. with Mr. Ajay Bhargava, Mr. Manas Kumar Chaudhuri, Mr. Pranjal Prateek, Mr. Risbhabh Vohra, Ms. Phalguni Nigam, Ms. Toshika Soni & Mr. A. Maken, Advs.

versus

COMPETITION COMMISSION OF INDIA & ANR.

.....Respondents

Through: Mr. Tarun Gulati, Sr. Adv. with Ms. Mehrussisa Anad Jaitley & Mr. Dev Pratap Shahi, Advs.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
19.11.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India seeks the following prayers:

“(a) Issue a writ of certiorari or any other appropriate writ, order or direction quashing the search and seizure conducted on 15 September 2025 and 16 September 2025 and consequently declare the same as illegal, arbitrary and violative of the mandate prescribed under the Statutes and set aside all consequential proceedings, including any investigation or actions based upon the illegal raid and seizure (Annexure P-4 and P-6);

(b) Quash and set aside the Respondent No. 2's / the DG's



Notice dated 01 October 2025 as excessive, arbitrary and ex-facie bad in law (Annexures P1);

(c) Quash and set aside summons dated 04 November 2025 issued on Petitioner No. 2 by Respondent No. 2 / the DG (other any further summons) calling upon the Petitioner No.1 Company's witness, as unlawful (Annexures P2);

(d) Direct the Respondents to forthwith return all documents, data, records, and materials seized from the Petitioner No.1 Company's premises pursuant to the said search and strike the same from their records;

(e) Direct Respondents to not take any coercive steps against the present Petitioners, in any manner, during the pendency of this present Petition; and/ or

(f) Issue such further or other orders as this Hon'ble Court may deem fit in the facts and circumstances of the case and in the interest of justice."

3. Learned Senior Counsel on behalf of the petitioners, submits that in pursuance of order dated 26.08.2025 passed by the learned Chief Judicial Magistrate, New Delhi, issuing warrants of search and seizure against the petitioner in terms of Section 41 (8) and Section 41 (10) of the Competition Act, 2002, a search was conducted at the petitioner no. 1's premises in the intervening night of 15th and 16th September, 2025. Learned Senior Counsel further submits that the respondent's officials were present at the petitioner no. 1's premises overnight and during the said process, summons were issued to the petitioner no. 2 to appear at the 'camp office' situated in the petitioner's premises. Thereafter, learned Senior Counsel draws the attention of this Court to the following averments made in the present petition:-

"(vi) That, during the said search and seizure operation, the officials of the Respondent No. 2 / the DG examined two employees of the Petitioner No.1 Company i.e., Mr. Thokchom Gunel Singh, GM (Marketing) and Mr. Hemant Kumar Matreja, DGM (Marketing) (Petitioner No. 2) on oath, without



allowing any legal representation /assistance to the aforementioned employees. It is pertinent to note that the officials of the Respondent No. 2 / the DG kept the aforementioned employees of the Petitioner No.1 Company captive overnight at the premises of the Petitioner No.1 Company in the presence of police officials. Copy of the summons issued to the Petitioners employees on 15 September 2025 is annexed herewith and marked as Annexure P-4.

(vii) With utter disregard to the established principles of due process and natural justice and specifically in the absence of any legal representation, such statements were recorded under threats by Respondent No. 2 / the DG officials to Mr. Thokchom Gunel Singh and Mr. Hemant Kumar Matreja (Petitioner No. 2) under duress and in the presence of armed police officials, stating that any non-cooperation or failure to provide responses would lead to imposition of hefty fine to the tune of INR 1,00,00,000 or jail term of 7 years, despite there being no provision under the Competition Act authorizing Respondent No. 2 / the DG to impose the same.”

4. Attention of this Court was also drawn to an affidavit dated 10.11.2025 filed by Mr. Anunay Kumar Sharma, Advocate to the effect that his request to access the petitioner’s office to provide legal assistance to his client was denied and the same is contrary to principles of natural justice as well as Regulation 47 of the CCI General Regulations, 2024 which reads as under:-

“47. Authorizing an Advocate to accompany any person summoned by the Director General.

An Advocate may accompany any person summoned by the Director General to appear before him, subject to the following conditions, namely –

- (a) The Advocate shall not be allowed to accompany such person, unless a request in writing accompanied by an authorisation letter or vakalatnama is duly submitted to the Director General, prior to commencement of the proceedings.
- (b) The Advocate shall not sit in front of the person so



summoned.

(c) The Advocate shall not be at a hearing distance and shall not interact, consult, confer or in any manner communicate with the person, during his examination on oath.”

5. Learned Senior Counsel for the petitioner further draws the attention of this Court to an order passed by the Hon’ble Supreme Court in **Paramjeet Singh Gahlaut & Anr. v. Union of India & Ors., in SLP (Civil) Diary No. 5643/2025 on 24.02.2025**, which reads as under:-

“Heard the learned senior counsel appearing for the petitioners.

Our attention is invited to clause (3) of Regulation 46 of the Competition Commission of India (General) Regulations, 2024 as well as clause (c) of Regulation 47. By filing an Interlocutory Application, our attention is invited to the Notice dated 18th February, 2025 issued by the Deputy Director General of the Competition Commission of India addressed to the first petitioner calling upon him to appear on 25th February, 2025 pursuant to the Summons under Section 41(2) read with Section 36(2) of the Competition Act, 2002.

By way of interim order, we direct that no proceedings shall be conducted on the basis of the said Notice dated 18th February, 2025.

Issue notice returnable on 24th March, 2025.

We make it clear that, in the meanwhile, it will be open for the Delhi High Court to proceed with the hearing of the pending petition. The impugned order records that the High Court has declined to grant ad-interim order. However, the High Court is free to hear the parties on the prayer for interim relief as well.”

6. It is pointed out that the aforesaid order was confirmed by the Hon’ble Supreme Court on 24.03.2025.

7. Learned Senior Counsel on behalf of the petitioner submits that the



manner in which the search and seizure has taken place, is contrary to the provisions of law, and therefore, the aforesaid prayer has been sought to the effect that the entire proceedings should be quashed on the ground that such a procedure is *non-est* and is in violation of the “*procedure established by law*”.

8. *Per contra*, learned Senior Counsel appearing on behalf of the respondents submits that the search and seizure was done in pursuance of the order passed by learned CJM and in accordance with the provisions of the Competition Act, 2002. It is further submitted that there is no provision requiring presence of an advocate at the time of the search and seizure. For the same, reliance was placed upon Section 41(12) of the Competition Act, 2002, which provides that during the search and seizure, provisions of Code of Criminal Procedure, 1973 would be applicable.

9. Issue notice.

10. Learned Senior Counsel for the respondents accepts notice.

11. Let a counter affidavit to the present petition be filed on behalf of the respondents within a period of three weeks, with an advance copy to the learned counsel for the petitioner, who may file rejoinder thereto, within a period of one week thereafter.

12. Learned Senior Counsel for the respondents, on instructions in peculiar facts and circumstances of the present case, submits that the petitioner no. 2 would be permitted to be accompanied by an advocate and during his examination, the said advocate would be present at a hearing distance.

13. Learned Senior Counsel on behalf of the respondents, on instructions, further submits that respondents have already given an opportunity to the



petitioner for necessary inspection on 20.11.2025. He further submits that notice for necessary documents and fresh summons for appearance would be given after the inspection.

14. List on 07.01.2026.

15. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

NOVEMBER 19, 2025/nk/sg