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

+ LPA 57/2020

SAURABH TRIPATHY

.....Appellant

Through: Mr. Tarun Gulati, Sr. Advocate with Mr Arunav Patnaik, Mr Naveen Kumar, Ms Stuti Bisht, Mr Nitesh Bhandari, Ms Bhabhna Das, Mr Prabhat K. Rai, Mr Shourajeet Chakravarty, Ms Aprajita Bhardwaj and Mr Aditya K. Singh, Advs.

Versus

COMPETITION COMMISSION OF INDIA & ANR

.....Respondents

Through: Mr. Manish Vashisht, Sr. Advocate with Ms. Manu Chaturvedi and Ms Devika Singh Roy Chowdhury, Advs. for R-1.

Mr Raj Shekhar Rao, Sr Advs. with Mr Ajay Bhargava, Mr Aseem Chaturvedi, Mr Milind Sharma and Mr Arpit Kumar Singh, Advs. for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

12.11.2024

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CM APPL. 3882/2020-Stay

1. After some arguments, learned Senior Counsel for the appellant does not press the present application at this stage but seeks liberty to move a similar application at a later stage, if so required.
2. The application is, accordingly, disposed of as not pressed with liberty to the appellant to file a similar application at a later stage, if the need arises.

CM APPL. 3886/2020-Addl.doc.

3. This is an application filed by the appellant seeking to place on record a copy of the order dated 29.12.2014 passed by any of the respondent no.1. Despite opportunities, no reply thereto has been filed by the respondents. In these circumstances, the application is for the reasons therein, allowed and consequently the copy of the order dated 29.12.2014 passed by the respondent no.1 is taken on record.
4. The application is accordingly, disposed of.

CM APPL. 46164/2022-Order I Rule 10, CPC

5. This is an application filed by the appellant seeking impleadment of M/s. SRMB Srijan Private Limited (SRMB SPL) as a respondent.
6. The application is vehemently opposed by the respondents on the ground that the aforesaid company having not been arrayed as a party either before the respondent no.1-Commission or before the learned Single Judge, cannot be impleaded at the appellate stage. It is contended that merely because the aforesaid company was summoned to tender evidence during the enquiry before respondent no.1, would in itself not be a ground to permit its impleadment.



7. After some arguments, learned Senior Counsel for the appellant on instructions seeks leave to withdraw the present application. The same is accordingly, dismissed as not pressed.

8. Needless to say, it is made clear that this Court has not expressed any opinion on the grounds raised in the present application.

CM APPL. 31044/2024-Addl.doc.

9. This is an application filed by the appellant to place on record the confidential version of the Directorate General's investigation report dated 28.12.2015 in Case No.63/2014 before the respondent no.1.

10. Learned Senior Counsel for the appellant submits that this report which was considered by respondent no.1 while passing the impugned order has been obtained by the appellant vide an appropriate application filed under the Right to Information Act, 2005. He, therefore, prays that the said report which is germane to the issue being considered by this Court, be permitted to be taken on record.

11. The application is opposed by the learned Senior Counsel for the respondent no.2, who submits that even though the said respondent has no objection to this Court examining the said report and taking it into account that while hearing the appeal finally, the continued retention of the said report on the record of this Court is likely to harm the commercial interest of the respondent no.2. He therefore prays that the respondent no.1 be directed to produce the same at the time of hearing and the copy of this confidential report filed alongwith the application be directed to be taken off the record.

12. Learned Senior Counsel for the respondent no.1 on instructions, assures this Court that a copy of the said report will be produced for perusal of this Court at the time of final hearing.



13. In the light of this assurance given by the respondent no.1, the learned Senior Counsel for the appellant does not press the present application, which is accordingly, disposed of with directions to the Registry to take off the record Annexure-a/1 filed alongwith the present application.

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14. Learned Senior Counsel for the appellant seeks accommodation on account of a personal difficulty. The request for adjournment is not opposed.

15. List on 19.02.2025.

REKHA PALLI, J

SAURABH BANERJEE, J

NOVEMBER 12, 2024/So