

Daily Orders for Case WP 9399/2022

Sl. No	Judge(s) Name	Date of Order	Daily Order
1	S.SUNIL DUTT YADAV	10/05/2022	<p>It is clarified that any observation made in this order is not be taken to be a conclusive or a definitive opinion and is subject to further orders to be passed. The Competition Commission of India in its order at Annexure-O dated 18.04.2022 has permitted divulging of confidential information to the 2nd respondent which has been objected to by the learned Senior Counsel Sri.Gopal Subramaniam appearing on behalf of the petitioner by relying on regulation 35.8 of the Competition Commission of India (General) Amendment Regulation, 2022. It is the submission that regulation 35.6 is to be read and harmoniously interpreted with 35.8 in a manner giving overriding effect to regulation 35.8. It is submitted that the Commission while passing the order ought to have applied its mind as regards to the requisites contained in the proviso to Regulation 35(8) before including the informant in the confidentiality ring. Learned counsel appearing for the respondent No.2 on the other hand would submit that the undertaking under regulation 35.7 is a solemn undertaking which given needs to be taken note on and would allay the apprehension of the petitioner. Learned Senior Counsel appearing on behalf of the Commission further submits that subsequent representation has been made on same lines and orders are to be passed by the Commission. After hearing the parties briefly, it would be appropriate to ensure that the confidential information is not shared to the informant - respondent No.2 pursuant to the order dated 18.04.2022 and this direction would be subject to further consideration. Obviously the Commission to stay its hands as regards further representations by the petitioner relating to the same aspect as being considered in the present petition. The interim order would be in force till the next date of hearing. It is further clarified that the petitioner is required to adhere to the time-lines that are applicable as regards to the proceedings pending before the Competition Commission of India. List the matter on 25.05.2022. Office objections to be complied with in the interregnum.</p>