

ITEM NO.36

COURT NO.6

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 17121/2022

(Arising out of impugned final judgment and order dated 25-08-2022
in LPA No. 164/2021 passed by the High Court Of Delhi At New Delhi)

META PLATFORMS INC

Petitioner(s)

VERSUS

COMPETITION COMMISSION OF INDIA & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.144320/2022-PERMISSION TO FILE
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.144323/2022-
APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER
DOCUMENT)

WITH

SLP(C) No. 17332/2022 (XIV)

(FOR ADMISSION and I.R. and IA No.146848/2022-EXEMPTION FROM FILING
AFFIDAVIT and IA No.146849/2022-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 14-10-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Ms. Swati Agarwal, Adv.
Mr. Yaman Verma, Adv.
Ms. Supritha Protaduri, Adv.
Ms. Mitali Daryani, Adv.
Mr. Vaarish K. Sawlani, Adv.
Ms. Shruti Dutt, Adv.
Ms. Vani Kaushik, Adv.
Mr. Koshy John, Adv.
Mr. S. S. Shroff, AOR

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Tejas Karia, Adv.
Mr. Gauhar Mirza, Adv.
Ms. Nandita Chauhan, Adv.
Ms. Nitika Dwivedi, Adv.
Mr. Vishesh Sharma, Adv.
Mr. S.S. Shroff, AOR

For Respondent(s) Mr. N. Venkataraman, ASG
Mr. Samar Bansal, Adv.

Mr. Avinash Sharma, AOR
Ms. Akanksha Kapoor, Adv.
Mr. Siddhant Chaudhary, Adv.
Mr. V. Chandrasekhar Bharathi, Adv.
Mr. Madhav Gupta, Adv.
Mr. Vedant Kapur, Adv.
Mr. S. Ram Narayan, Adv.
Ms. Amritha Chandramouli, Adv.
Mr. Rahul Vijayakumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have heard Shri Kapil Sibal, learned Senior Advocate, appearing on behalf of the petitioner in SLP (C) No. 17332/2022 and Shri Mukul Rohatgi, learned Senior Advocate with Shri Tejas Karia, learned Advocate, appearing for the petitioner in SLP (C) No. 17121/2022 and Shri N. Venkataraman, learned ASG appearing on behalf of the Competition Commission of India [CCI] and having gone through the impugned judgment and order passed by the High Court, no interference of this Court is called for.

The CCI is an independent authority to consider any violation of the provisions of the Competition Act, 2002 (for short "the Act"). When having *prima facie* opined that it is a case of violation of the provisions of the Act and thereafter when the proceedings are initiated by the CCI, it cannot be said that the same are wholly without jurisdiction.

Under the circumstances and even considering the observations made by this Court in the case of Competition Commission of India vs. Steel Authority of India Limited and Another, (2010) 10 SCC 744 (para 10), the proceedings before the CCI are required to be disposed of at the earliest. In para 10, it is observed and held as under:

"10. The Act and the Regulations framed thereunder clearly indicate the legislative intent of dealing with the matters related to contravention of the Act, expeditiously and even in a time-bound programme. Keeping in view the nature of the controversies arising under the provisions of the Act and larger public interest, the matters should be dealt with and taken to the logical end of pronouncement of final orders without any undue delay. In the event of delay, the very purpose and object of the Act is likely to be frustrated and the possibility of great damage to the open market and resultantly, country's economy cannot be ruled out."

In view of the above, the CCI should not be restrained from proceeding further with the enquiry/investigation for the alleged violation of any of the provisions of the Act.

The Special Leave Petitions stand dismissed.

However, it is observed that all the contentions which may be available to the petitioners are kept open to be considered by the CCI in accordance with law and on its own merits and any observations made while initiating the proceedings recorded in para 43 and any observations made by the High Court be considered and treated as tentative/prima facie while initiating the proceedings under the Act and the proceedings shall be decided and disposed of in accordance with law and on its own merits.

Pending applications stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR