

**IN BRIEF – COMPETITION LAW**



**I. Supreme Court – Admission of appeal filed by Competition Commission of India (CCI) against order of National Company Law Appellate Tribunal (NCLAT) for fresh order in the matter of alleged cartelization by tyre companies.**

*Competition Commission of India versus Ceat Limited & Ors - Civil Appeal No(s). 1559-1571/2023*

The Supreme Court on April 10, 2023 admitted CCI's appeal against the NCLAT's order which directed the CCI to issue a fresh order after hearing the parties in the matter of alleged cartelization by tyre companies. The NCLAT had set aside Rs. 1,788 crore penalty imposed by the CCI on certain tyre companies for indulging in cartelization. The Supreme Court has not stayed the NCLAT's order and therefore, the CCI will have to continue to reconsider the case.

**II. Delhi High Court - Proceedings before the Competition Commission of India (CCI) would not be invalidated because of any defect in the constitution of the CCI or because of any vacancy.**

*Alliance of Digital India Foundation Vs. Competition Commission of India and Ors. - 2023/DHC/002720*

The Delhi High court in its judgment dated April 24, 2023, disposed of the plea by the Alliance of Digital India Foundation against the CCI and other Respondents holding that CCI is validly constituted even with 2 members. The Petitioners had approached Delhi High court, praying for a writ of Mandamus to the CCI directing it to adjudicate upon the interim relief application and the application under section 42 of the Competition Act, 2002 ("Act") by invoking the doctrine of necessity.

The Delhi High Court interpreted Section 8 read with Section 15 of the Act and held that the proceedings cannot be held invalid even if there is a defect or vacancy in the constitution of the CCI and that any other interpretation of Section 15 of the Act cannot be the intention of the legislature.

**III. Gujarat High Court – The Court cannot interfere with the investigation order of the CCI regarding the cartel amongst paper mills.**

*J.K. Paper Ltd. Vs. Competition Commissioner of India)*  
*MANU/GJ/0383/2023*

The Gujarat High Court in its judgment dated April 3, 2023 dismissed a writ petition filed by J. K. Paper Ltd., challenging an order under Section 26 of the Act holding that the Court cannot interfere in an investigation ordered by the CCI under section 26 of the Act.

Earlier, the CCI had asked the Petitioner to submit audited financial statements balance sheets, profit and loss accounts and turnover from the financial years 2015-16 to 2017-18 and a certificate from a Chartered Accountant with further profit and revenue generated details arising from writing and printing papers during the financial years 2015-2016 to 2017-2018. Further, the Petitioner had raised the objection that the initial enquiry was regarding maplitho and art paper and that CCI had widened its scope of investigation.

## **Combination Orders**

### **IV. CCI- Approval for acquisition of 100% shareholding of Tower Vision India and Jaguar Advisory Services**

The CCI has granted approval for the acquisition of 100 percent shareholding of Tower Vision by Ascend Telecom Infrastructure and GIP EM Ascend 2 Pte. Ltd.

The CCI has approved the acquisition by Mr Sanjay Chamria of certain equity shares of Jaguar Advisory Services held by Poonawalla Fincorp Ltd and HDI Global SE.

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### **V. Intra-group transfer of shares in Bajaj Group**

The CCI had approved the transfer of 25,71,150 shares having face value of Rupees 10/- which constitutes 5.51% of the equity share capital of Mukand Sumi Special Steel Limited (“MSSSL”) to Jamnalal Sons Private Limited (“JSPL”) on 12-04-2023.

JSPL is an unregistered core investment company holding shares in various Bajaj Group Companies. JSPL is primarily an investment and lending company and is not engaged in the manufacturing or trading of any goods.

MSSSL is engaged in the business of manufacturing, marketing, selling, distribution etc of special and alloy steel hot rolled bars and hot rolled wire rods, It is a joint venture between Bajaj Group (51%) and Sumitomo corporation Japan (49%). Both JSPL and MSSSL are Bajaj Group companies. The relevant market is pan – India for finished long steel products, since JSPL will be acquiring the equity shares of MSSSL which is engaged in the business of long steel products.