

Non-maintainability of writ petition against CCI to decide on jurisdiction prior to passing of orders on merit

The Delhi High Court held that the writ petition is not maintainable so as to settle a preliminary matter of jurisdiction. In DLF Home Developers Ltd v. Competition Commission of India & Ors. (W.P.(C) No. 6361/2014 & 6362/2014), the Petitioner has filed the writ petition under Article 226 of the Constitution of India seeking a direction to the Competition Commission of India to decide the issue of jurisdiction prior to passing of orders on merits. The matter was pertaining to agreements entered into prior to the enforcement of the Competition Act, 2002. The matter was first decided by the Competition Appellate Tribunal and then the Competition Commission of India. Both Competition Commission of India and the Competition Appellate Tribunal had held that the Petitioner was guilty of violation of Section 4 (abuse of dominant position) of the Competition Act, 2002. The Delhi High Court held that the present writ petitions have been filed to first have the issue of jurisdiction decided against the petitioners and then they can challenge it by way of writ petitions and ensure that matters are not heard on merits in the meantime. Moreover, the Delhi High Court also noted that the Competition Commission of India has the power to regulate its own procedure under Section 36 of the Act.

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