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

+ W.P.(C) 4529/2017

ROCHE PRODUCTS (INDIA) PVT LTD & ORS ..... Petitioners

Through: Mr Gopal Subramaniam, Senior  
Advocate with Mr Darpan Wadhwa,  
Senior Advocate and Ms Ruby Singh  
Ahuja, Ms Deepti Sarin, Mr Siddhant  
Gupta, Mr Sameer Gandhi, Ms R.  
Shrivastava, Mr Pawan Bhushan, Mr  
N. Mahabi and Mr Vishal, Advocates.

versus

COMPETITION COMMISSION OF INDIA  
& ORS

..... Respondents

Through: Dr Vikrant Narayan Vasudeva,  
Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

% **21.11.2017**

**CM No. 42100/2017**

1. This is an application filed on behalf of the petitioners, *inter alia*, praying that the letter dated 09.11.2017 issued by the Director General, Competition Commission of India (hereafter 'CCI') be stayed till the final disposal of the present petition.

2. Mr Subramaniam, the learned Senior Counsel appearing for the petitioners/applicants has drawn the attention of this Court to the letter dated 09.11.2017 issued by the office of Director General, CCI, which is impugned herein. The DG, CCI has called upon the petitioner to provide various information which includes copies of all board meetings held since 18.01.2014, marketing arrangement entered into between the petitioners and



its parent company along with pricing structure etc.

3. The learned counsel appearing for CCI submitted that the said information was necessary to find out as to who is in control of the petitioners company.

4. *Prima facie*, it appears that the Director General, CCI is conducting a fishing and roving enquiry, which is of little relevance to the allegations made before the CCI. The principal allegation made against the petitioners are that by sending communications to various authorities, the petitioner and its parent company have indulged in a conduct aimed denial of market access. It is difficult to understand as to how the pricing structure of the petitioners' products will assist the DG in any manner considering that the allegation is not about pricing of products but regarding various sending communications to authorities.

5. The petitioners have also alleged that the exercise being conducted is *malafide*. This Court is refraining from making any further observations; however, proceeding before the Director General, CCI are stayed till the next date of hearing.

6. The reply, if any, be filed within a period of two weeks. Rejoinder be filed within a period of two weeks thereafter.

7. List on 21.12.2017.

**VIBHU BAKHRU, J**

**NOVEMBER 21, 2017/RK**