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

+ W.P.(C) 10824/2021 & CM APPL. 33403/2021

GOOGLE LLC & ANR.

..... Petitioner

Through Dr.Abhishek Manu Singhvi, Sr.Adv.
with Mr.Avishkar Singhvi, Mr.Aman Sharma,
Advs for Petitioner no.1.

Mr.Arun Kathpalia, Sr.Adv. with Ms.Bani Brar,
Adv for Petitioner no.2.

Mr.Ravisekhar Nair, Mr.Parthsarathi Jha, Mr.Samir
Gandhi, Mr.Hemangini Dadwal, Mr.Roshit
Shandilya, Ms.Tanaya Sethi, Mr.Mohth, Ms.Ketki
Agrawal, Mr.Atish Ghosal, Mr.Param Tandon,
Ms.Arunima Chatterjee, Advs.

versus

COMPETITION COMMISSION OF INDIA AND ORS

..... Respondent

Through Mr.N. Venkataraman, ASG with
Mr.Manu Chaturvedi, Mr.Chandrashekara
Bharathi, Advs for R-1.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

27.09.2021

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1. The present petition has been preferred seeking a direction restraining the respondent no.1/Competition Commission of India from directly or indirectly making public the information submitted by the petitioners to the Director General during the investigation being carried out under Section 26 of the Competition Act, 2002. The petitioners also assail the order passed by the Commission on 08.09.2021, whereby its representation dated 02.08.2021 submitted against the Director

General's order passed on 25.06.2021 in respect of the petitioner's confidentiality request, was partially rejected.

2. On 24.09.2021, when the matter was taken up for preliminary consideration, the learned ASG appearing for the respondent no.1 had categorically submitted that the Commission was not leaking any information, much less any confidential information regarding the petitioner, to the Media or any other source. He, however, further submitted that since the petitioner had made a complaint in this regard, the Commission in its meeting held on 23.09.2021, taking note of the said incident had already directed that a fact finding inquiry panel be constituted at the earliest.
3. Since it had transpired that the petitioner had not placed on record a copy of the Director General's order dated 25.06.2021, the matter was adjourned for today to enable the Court to appreciate the petitioner's submission that the impugned order passed by the Commission on 08.09.2021 was liable to be set aside.
4. However, in the interregnum, the respondent no.1 has come up with certain suggestions, a copy whereof has been handed over in Court and is taken on record. A copy whereof has also been furnished to the petitioners.
5. The learned ASG submits that even though the Commission stands by the legality of the impugned order as also its stand that the Commission never breached the confidentiality, or leaked any information to the Media or any third party, however, in order to expedite the proceedings pending before the Commission, respondent no.1 is willing to recall the impugned order and accept the petitioners' request for maintaining

confidentiality in respect of all the claims of the petitioners, as specified in its application submitted to the Director General, as also in its representation dated 02.08.2021.

6. In the light of the aforesaid stand taken by the respondent no.1, nothing further survives for adjudication in the present petition. Needless to state, in case the petitioners still have a grievance about any confidential information about them being leaked, it will be open for them to seek legal recourse as permissible in law.
7. It is, however, made clear that this Court has not expressed any opinion on the claim of the petitioners regarding the respondent no.1/Commission's role in leaking of confidential information, which the petitioners claim has already taken place.
8. The petition, along with pending application, stands disposed of.

SEPTEMBER 27, 2021

sr/ab

REKHA PALLI, J