



COMPETITION COMMISSION OF INDIA

Case No. 18 of 2025

In Re:

M/s Universal Yarns & Tex Pvt. Ltd.

26/50, Birhana Road, Pheel Khana,

Kanpur Nagar, UP-208001

Informant

And

M/s Jupiter Rubber Pvt. Ltd.

70 Thakurpukur-Bibirhat-Bakhrabat-Raipur Road,

Village Banagram, PO Rasputja,

PS Bishnupur, Parganas, South Kolkata,

West Bengal, India -700104

Opposite Party No. 1

M/s Jupiter Coaters Pvt. Ltd.

Bakhrabat Road, Village Banagram,

PO Rasputja, Amgachi,

South-24, Parganas, Bishnupur-I,

West Bengal, India -700104

Opposite Party No. 2

CORAM

Ms. Ravneet Kaur
Chairperson

Mr. Anil Agrawal
Member

Ms. Sweta Kakkad
Member

Mr. Deepak Anurag
Member



Order under Section 33 of the Competition Act, 2002

1. This order shall dispose of the prayer of interim relief sought by M/s Universal Yarns & Tex Pvt. Ltd. (**‘Informant’**), under Section 33 of the Competition Act, 2002 (**‘Act’**), in its Information filed against M/s Jupiter Rubber Pvt. Ltd. (**‘Opposite Party No. 1’/ ‘OP-1’**) and M/s Jupiter Coaters Pvt. Ltd. (**‘Opposite Party No. 2’/ ‘OP-2’**), collectively referred to as the Opposite Parties (**‘OPs’**).
2. By way of background, the OPs are private limited companies, *inter alia*, in the business of manufacturing and sale of Thermoplastic Polyolefin (**‘TPO’**) coated fabrics. Both OPs participate in the tenders floated by Ordnance Equipment Factory (**‘OEF’**), Kanpur, a unit of M/s Troop Comforts Ltd. The Informant is also stated to be one of the bidders in the tenders floated by OEF, Kanpur.
3. It is averred by the Informant that the OPs having common management/shareholding, have resorted to repeated acts of collusive bidding/bid rigging by quoting identical bids in the tender floated by OEF, Kanpur and supplying the relevant goods at relatively higher prices, thereby impacting free and healthy competition in the market, in contravention of the provisions of Section 3(3)(a) and 3(3)(d) read with Section 3(1) of the Act.
4. *Vide* order dated 05.03.2026, the Commission passed an order under Section 26(1) of the Act, directing the Director General (**‘DG’**) to cause an investigation into the matter and submit an investigation report within 90 days from the date of receipt of the order.
5. In this backdrop, the Commission notes that the Informant has sought an interim relief under Section 33 of the Act, in the form of a direction that the OPs be restricted from submitting any bids in tenders floated by OEFs during the pendency of the inquiry.
6. The Commission, at the outset, notes that the Hon’ble Supreme Court in *Competition Commission of India vs. Steel Authority of India Ltd., (2010) 10 SCC 744* (hereinafter, called as the **‘SAIL judgment’**), while interpreting Section 33 of the Act, has observed that where during an inquiry the Commission is satisfied that an act in contravention of the provisions of the Act has been committed and continues to be committed or that such act is about to be committed, it may issue an order temporarily restraining the party from



carrying on such an act, until the conclusion of such inquiry or until further orders without giving notice to such party, where it deems it necessary. As observed by the Hon'ble Court, this power has to be exercised by the Commission sparingly and under compelling and exceptional circumstances. Further, it was observed that the Commission, while recording a reasoned order:

- a. Should record its satisfaction which has to be of much higher degree than formation of a *prima facie* view under Section 26(1) of the Act in clear terms that an act in contravention of the stated provisions has been committed and continues to be committed or is about to be committed;
 - b. It is necessary to issue an order of restraint; and
 - c. From the record before the Commission, there is every likelihood of the party to the *lis*, suffering irreparable and irretrievable damage or there is definite apprehension that the conduct would have adverse effect on competition in the market.
7. Upon perusal of the material available on record, the Commission is of the view that, at this stage, the Informant has not been able to establish a strong *prima facie* case warranting the issuance of such a far-reaching interim direction. The allegations raised by the Informant in the Information are yet to be examined in detail and are subject to investigation. Further, the Informant has failed to illustrate that any irreparable or irreversible harm would be caused if the OPs are permitted to participate in the tendering process during the pendency of the inquiry. Any potential injury that may arise can be adequately addressed upon final determination of the matter. As far as balance of convenience is concerned, the Commission is of the opinion that the same does not lie in the favour of granting the relief sought. Restraining the OPs from participating in ongoing and future tenders at this stage could have significant commercial and market implications which may affect the competition and the tendering process.
8. The Commission, in view of the SAIL Judgment, (*supra*) also observes that powers under Section 33 of the Act are to be exercised sparingly and under compelling and exceptional



circumstances. Therefore, the Commission is of the opinion that no such instance of exceptional circumstances has been brought on record by the Informant.

9. In view of the foregoing, no case has been made out by the Informant for grant of interim relief in light of the dictum laid down in the SAIL judgment (*supra*) and as such, the prayer of the Informant seeking interim relief under Section 33 of the Act, stands rejected.
10. It is clarified that nothing stated in this order shall tantamount to final expression of opinion on the merits of the case and the observations made herein shall not affect the investigation in any manner, whatsoever.
11. The Secretary is directed to communicate to the Informant and the DG, accordingly.

**Sd/-
Ravneet Kaur
(Chairperson)**

**Sd/-
Anil Agrawal
(Member)**

**Sd/-
Sweta Kakkad
(Member)**

**Sd/-
Deepak Anurag
(Member)**

**New Delhi
Date: 01.04.2026**