

NATIONAL COMPANY LAW APPELLATE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

COMPETITION APPEAL (AT) NO.06 OF 2023

&

I.A. NO.1645 OF 2023

In the matter of:

Arrdy Engineering Innovations Pvt Ltd

Appellant

Vs

Competition Commission of India & Ors

Respondent

For Appellant: Mr. Harshit Goel, Advocate.

For Respondent: Mr. Davander Prasad, Dy. Director, CCI.

ORDER

27.04.2023: Heard Mr. Harshit Goel, learned counsel for the appellant.

2. The present appeal has been preferred under Section 53B of Competition Act, 2002 against an order dated 11.12.2020 passed in Case No.47/2020 by the Learned Competition Commission of India. The order was passed under Section 26(2) of the Competition Act, 2002. Meaning thereby that on an information filed by the appellant herein the CCI did not find prima facie case and rejected the case.

3. Since the CCI in the present case had passed impugned order on 11.12.2020 and the present appeal was presented on 14.03.2023, the appellant alongwith the appeal has filed an IA No.1645/2023 for condonation of delay of 763 days in filing the appeal. In the condonation of delay application it has been indicated that against the said impugned order the appellant had earlier filed an appeal. However, the said appeal was dismissed

as withdrawn on 19.10.2022. We are not reproducing the entire statement made in the limitation petition. On going through the statement made in condonation of delay application it is evident that no plausible explanation has been given. Normally in filing the condonation of delay petition it is expected that one may explain day to day delay in filing the appeal, however, in the appeal no such explanation has been stated. Moreover once again the same impugned order an appeal was filed and withdrawn, there is no reason to entertain the present appeal, which has been filed without recall of the order whereby appellants earlier appeal was dismissed as withdrawn.

In view of the above there is no reason to entertain the present appeal. Accordingly the appeal stands dismissed.

(Justice Rakesh Kumar)
Member (Judicial)

(Dr. Alok Srivastava)
Member (Technical)

Bm/gc