

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Competition Appeal (AT) No. 01 of 2023

IN THE MATTER OF:

Google LLC & Anr.

...Appellants

Versus

CCI

...Respondent

Present:

For Appellant

: Dr. Abhishek Manu Singhvi, Mr. Arun Kathpalia, Mr. Maninder Singh, Sr. Advocates, with Mr. Toshit Shandilya, Mr. Hemangini Dadwal, Mr. Ravisekhar Nair, Mr. Parthsarathi Jha, Mr. Mohith Gauri, Mr. Atish Ghoshal, Mr. Deepanshu Poddar, Mr. Aditya Dhupar, Ms. Ketki Agrawal, Mr. Param Tandon, Mr. Bhaavi Agrawal, Mr. Thomas Bohnett, Ms. Aditi Goopalakrishnan, Mr. Aman Sharma, Ms. Bani Brar, Ms. Sayobani Basu, Ms. Vanya Chhabra, Advocates.

For Respondent

: Mr. Samar Bansal, Mr. Manu Chaturvedi, Advocates for CCI/R-1.
Mr. Jayant Mehta, Sr. Advocate with Mr. Abir Roy, Mr. Soham Goswami, Mr. Vivek Pandey, Mr. Aman Shankar, Ms. Sukanya Viswanathan, Advocates (Impleader for Map My India)
Mr. Mukul Rohatgi, Mr. Raj shekhar Rao, Sr. Advocates with Mr. Naval Chopra, Mr. Ajit Warriar, Ms. Shally Bhasin, Mr. Yaman Verma, Mr. Ritwik Bhattacharya, Ms. Chandni Anand, Mr. Prateek Yadav, Ms. Parnita Kare, Advocates (Impleader for Oslabs technology (India) Pvt. Ltd.)
Mr. Abir Roy, Advocate (Impleader for ADIF)

ORDER

04.01.2023: Heard Dr. Abhishek Manu Singhvi, Ld. Sr. Counsel, assisted by Mr. Toshit Shandilya, Ld. Counsel for the Appellant as well as Mr. Samar Bansal, Ld. Counsel who has appeared on advance notice on behalf of the CCI.

This appeal requires detailed hearing.

Admit.

The appeal is admitted subject to deposit of 10% of the penalty amount.

Issue notice to non-appearing Respondents. Notices to go through speed post for which requisites and process fee must be filed within a week.

Since, urgency has been shown for passing interim order, keeping in view voluminous record and long impugned order, instead of passing any interim order, we are of the opinion that the appeal can be finally decided at the earliest. Accordingly, the appeal is directed to be listed in the month of April.

Put up on **03.04.2023** for final hearing.

On the date of hearing, Ld. Counsel for the CCI must remain present with entire relevant documents.

So far as prayer for interim stay is concerned, it is evident that order impugned was passed on 20.10.2022 however the present appeal was filed on 20.12.2022, and today when the matter was taken up for the first time for hearing it was insisted to grant interim stay particularly, in respect of first part of the impugned order.

It was submitted by Ld. Sr. Counsel that immediately after the impugned order was passed the appellant started to collect the information and details and thereafter the appeal was filed within limitation period. Alternatively it was prayed to extend the period of implementation of the impugned order.

Be that as it may, once order was passed in the month of October, had there been any such urgency it was expected that the appellant would have approached this tribunal forthwith. However, in this case no such urgency was shown in filing of the appeal and as such the appellant may not be permitted to insist for interim order, that too once we are giving short date for final hearing of the appeal.

So far as in the second part of the order i.e. penalty is concerned, appellant is directed to deposit 10% of the penalty amount within three weeks. It should be in the nature of fixed deposit in the name of Registrar, NCLAT, New Delhi.

We are of the opinion that at the moment, considering the voluminous nature of the appeal and the fact that date of final hearing is fixed on 03.04.2023 there is no need to pass any interim order.

Mr. Jayant Mehta, Ld. Sr. Counsel assisted by Mr. Vivek Pandey, Ld. Counsel informs that an intervention/impleadment application on behalf of Map my India/ C.E. Infosystem Ltd. has been filed through e-filing, however, the Registry is not accepting filing of hard copy. Similarly, Mr. Mukul Rohatgi, Ld. Sr. Counsel assisted by Ms. Shally Bhasin, Ld. Counsel submits that an intervention/impleadment application on behalf of OSLabs Technology (India) Pvt. Ltd. has been filed through e-filing but the hard copy is not being entertained by the Registry. Mr. Abir Roy, Ld. Counsel submits that an intervention/impleadment application on behalf of ADIF has been filed through e-filing but the hard copy is not being entertained by the Registry. The Registry is directed to accept the filing of hard copy of intervention/impleadment applications and place it on record. The appellant may file objection to such applications, if intent to file.

Intervention/Impleadment Application may be considered at the time of final hearing of the appeal. It goes without saying that permission to file intervention/impleadment application may not be considered as if we have allowed the intervention/impleadment application.

Put up on **03.04.2023** for final hearing.

[Justice Rakesh Kumar]
Member (Judicial)

[Dr. Alok Srivastava]
Member (Technical)

sr/gc

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