

Gaikwad RD

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.20251 OF 2022
IN
WRIT PETITION NO. 3781 OF 2022**

Competition Commission of India & Anr ...Applicants
In the matter between
Trustees' Association of India ...Petitioner
Versus
Competition Commission of India & Anr ...Respondents

**WITH
WRIT PETITION NO. 3781 OF 2022**

Trustees' Association of India ...Petitioner
Versus
Competition Commission of India & Anr ...Respondents

**WITH
INTERIM APPLICATION NO.20250 OF 2022
IN
WRIT PETITION NO. 3791 OF 2022**

Competition Commission of India & Anr ...Applicants
In the matter between
IDBI Trusteeship Services Ltd ...Petitioner
Versus
Competition Commission of India & Ors ...Respondents

**WITH
WRIT PETITION NO. 3791 OF 2022**

IDBI Trusteeship Services Ltd ...Petitioner
Versus
Competition Commission of India & Ors ...Respondents

WITH
INTERIM APPLICATION NO.30620 OF 2022
IN
WRIT PETITION NO. 3847 OF 2022

Competition Commission of India & Anr ...Applicants
In the matter between
SBI Cap Trustee Company Ltd ...Petitioner
Versus
Competition Commission of India & Ors ...Respondents

WITH
WRIT PETITION NO. 3847 OF 2022

SBI Cap Trustee Company Ltd ...Petitioner
Versus
Competition Commission of India & Ors ...Respondents

WITH
INTERIM APPLICATION NO.30622 OF 2022
IN
WRIT PETITION NO. 3842 OF 2022

Competition Commission of India & Anr ...Applicants
In the matter between
Axis Trustee Services Ltd ...Petitioner
Versus
Competition Commission of India & Ors ...Respondents

WITH
WRIT PETITION NO. 3842 OF 2022

Axis Trustee Services Ltd ...Petitioner
Versus
Competition Commission of India & Ors ...Respondents

Mr Navroz H Seervai, Senior Advocate, with Farhad Sorabjee & Ms Shanaya Cyrus Irani i/b J Sagar Associates, for the Petitioner in WP 3791/2022.

Mr Farhad Sorabjee & Shanaya Cyrus Irani, i/b J Sagar Associates, for the Petitioners in WP WP/3781/2022, WP/3842/2022 & WP/3847/2022

Mr Somasekhar Sundaresan, with Manu Chaturvedi, Savani Gupte & Warisha Parkar, Sailee Dhayalkar, Abhishek Venkatraman & Viswajit P Deb i/b Samvad Partners, for the Respondents Nos.1 and 2 in WP/3781/2022, WP/3791/2022, WP/3842/2022 & WP/3847/2022.

Mr Mihir Nanivadekar, with Prasad Shenoy, Shashwat Rai & Anusha Guthi, i/b Keystone Partners, for the Respondent No.3 in WP/3781/2022 & WP/3791/2022.

Mr Prasad Shenoy, with Shashwat Rai & Anusha Guthi i/by Keystone Partners, for the Respondent No.3 in WP/3842/2022 & WP 3847/2022.

Mr Vishal Kanade, with Shivani Kumbhojkar i/by The Law Point for the Respondent No.4 (SEBI) in WP/3781/2022, WP/3791/2022, WP/3842/2022, WP/3847/2022 & in IA/20251/2022, IA/20250/2022, IA/30620/2022 & IA/30622/2022.

**CORAM G.S. Patel &
Neela Gokhale, JJ.
DATED: 21st February 2023**

PC:-

1. Mr Seervai has taken many instructions. He states on the basis of those several instructions, including from constituents of

the Trustees Association of India, the composition of which itself has changed during the course of these proceedings, that the Petitioners will, on the basis of the present record in the Writ Petitions as it stands today before us, proceed to a hearing before the Competition Commission of India (“CCI”) on all aspects including the jurisdiction of the CCI. It is self-evident that the jurisdictional issue will have to be decided first, one way or the other. We clarify that this does not mean that, should the CCI find that it indeed has jurisdiction, it should defer a consideration on the other aspects to a later date. The CCI will decide the issue of jurisdiction and will pass an order on that issue.

2. We keep open all contentions on merits. There are also rival contentions regarding the correct interpretation of the two competing statutes, one controlled or regulated by SEBI and the other by the CCI. Mr Sundaresan submits that there are submissions regarding the proper interpretation and meaning of the decision of the Supreme Court in *Competition Commission of India v Bharti Airtel Ltd.*¹ We have expressed no view on any of these matters. All contentions are expressly kept open.

3. The Petitions are disposed of in these terms. All pending Interim Applications also stand disposed of as such.

(Neela Gokhale, J)

(G. S. Patel, J)

1 (2019) 2 SCC 521.