



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF JUNE, 2024

BEFORE

THE HON'BLE MR JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.13447 OF 2024 (GM-RES)

BETWEEN:

SWIGGY LIMITED
(EARLIER KNOWN AS BUNDL
TECHNOLOGIES PRIVATE LIMITED),
A COMPANY INCORPORATED UNDER
THE PROVISIONS OF THE COMPANIES ACT 2013
HAVING ITS REGISTERED OFFICE AT
NO 55, SY NO 8-14, GROUND FLOOR, I AND J BLOCK,
EMBASSY TECH VILLAGE, OUTER RING ROAD,
DEVARABISANAHALLI
BENGALURU – 560 103.
REPRESENTED BY ITS AUTHORIZED SIGNATORY
MR ABHISHEK SINGH
LEGAL COUNSEL

...PETITIONER

(BY SRI. SAJJAN POOVAYYA, SENIOR COUNSEL AND
SRI. DHYAN CHINNAPPA, SENIOR COUNSEL APPEARING FOR
MISS. ANANDI CHETAN RAMANI,
SRI. DHARMA TEJ KONERU,
SRI. GAUTHAM R., SRI VINUDEEP.R AND
SRI. ABHAY SHETTY, ADVOCATES)

AND:

1. COMPETITION COMMISSION OF INDIA
9TH FLOOR, OFFICE OPPOSITE RING ROAD,
BLOCK – 1, EAST KIDWAI NAGAR, KIDWAI NAGAR,
NEW DELHI, DELHI 110 023.
REPRESENTED BY ITS SECRETARY.
2. NATIONAL RESTAURANT ASSOCIATION OF INDIA
4, 2 AUGUST KRANTI MARG
SIRI INSTITUTIONAL AREA, BLOCK A,
NIPCCD CAMPUS, HAUZ KHAS,
NEW DELHI 110 016.
REPRESENTED BY ITS
AUTHORIZED REPRESENTATIVE.





3. ZOMATO LIMITED
GROUND FLOOR 12A, 94 MEGHDOOT,
NEHRU PLACE,
NEW DELHI 110 019
REPRESENTED BY ITS
AUTHORIZED REPRESENTATIVE

...RESPONDENTS

(BY SRI. N. VENKATARAMANA, ASG A/W
SMT. NAYANA TARA B.G., CGC FOR R-1,
SRI. ABHIR ROY, FOR SRI. GAUTHAMANDITYA.S.,
SMT. GEETHA M.S. AND SRI. VIVEK, ADVOCATES FOR R2)

THIS W.P IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 24 APRIL 2024 PASSED BY THE RESPONDENT NO.1 IN CASE NO.16 OF 2021 (AT ANNEXURE A) TO THE EXTENT IT HAS GRANTED RESPONDENT NO.2 RIGHT TO RECEIVE THE PETITIONER'S CONFIDENTIAL INFORMATION, BEING VIOLATIVE OF THE PROVISIONS OF THE COMPETITION ACT, 2002, THE PRINCIPLES OF NATURAL JUSTICE, AND BEING UNREASONED AND ARBITRARY.

THIS PETITION, COMING ON FOR *FURTHER HEARING*, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

In this petition, petitioner seeks quashing of the impugned order at Annexure-A dated 24.04.2024 passed by the 1st respondent in Case No.16/2021. By the impugned common order, the 1st respondent – Commission allowed the application filed by the petitioner requesting the Commission to create a confidentiality ring and also allowed the application filed by the 2nd respondent to include its authorised representatives in the said confidentiality ring.



2. After arguing the matter for some time, learned Senior counsel for the petitioner as well as the learned counsel for the 2nd respondent, on instructions, jointly submit that without prejudice to their rights and contentions and keeping / leaving open all contentions, the impugned order may be set aside and the matter be remitted back to the 1st respondent – Commission for reconsideration afresh of both the applications filed by the petitioner as well as the 2nd respondent afresh in accordance with law after providing an opportunity to both the petitioner and 2nd respondent and hearing them in this regard. The joint submission made on behalf of petitioner and 2nd respondent is placed on record.

3. In view of the aforesaid facts and circumstances and the joint submission made by both sides, though several contentions have been urged by both sides in support of their respective claims, without expressing any opinion on the merits / demerits of the rival contentions, I deem it just and appropriate to set aside the impugned order and remit the matter back to the 1st respondent – Commission for reconsideration of both the application filed by the petitioner as well as the application filed by the 2nd respondent in



accordance with law as expeditiously as possible, after providing an opportunity to both the petitioner and 2nd respondent and hearing them in this regard. It is made clear that this order is being passed in the special / peculiar facts and circumstances of the instant case and on the joint submission made by the petitioner and the 2nd respondent and consequently, the present order shall not be treated as a precedent nor shall have any precedential value for any other purpose including any other case under the provisions of the Competition Act and its Regulations or any other law.

4. Liberty is reserved in favour of petitioner and 2nd respondent to file additional pleadings, documents, etc., which shall be considered by the 1st respondent – Commission which shall proceed to pass appropriate orders in accordance with law.

5. All rival contentions on all aspects of the matter are kept open and no opinion is expressed on the same.

**Sd/-
JUDGE**

Srl.
List No.: 2 Sl No.: 1