

ITEM NO.102

COURT NO.16

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 686/2008

**M/S ACC LTD. (FORMERLY KNOWN
 AS THE ASSOCIATED CEMENT COS. LIMITED)**

Appellant(s)

VERSUS

DIRECTOR GENERAL (I AND R) AND ORS. & ORS.

Respondent(s)

WITH

C.A. No. 876/2008 (XVII)

C.A. No. 1092/2008 (XVII)

C.A. No. 1262/2008 (XVII)

C.A. No. 1261/2008 (XVII)

C.A. No. 1294/2008 (XVII)
 (FOR STAY APPLICATION ON IA 1/2008
 IA No. 1/2008 - STAY APPLICATION)

C.A. No. 1306/2008 (XVII)

C.A. No. 1443/2008 (XVII)
 (FOR ON IA 56400/2008)

C.A. No. 4898/2008 (XVII)

C.A. No. 2467/2008 (XVII)

C.A. No. 3449/2008 (XVII)

C.A. No. 2792/2008 (XVII)

C.A. No. 2793/2008 (XVII)

C.A. No. 2794/2008 (XVII)
 (FOR ON IA 33915/2009
 FOR ON IA 68256/2011
 FOR ON IA 7288/2012)

C.A. No. 2802/2008 (XVII)

C.A. No. 3612/2008 (XVII)
 (FOR ON IA 28835/2009
 FOR ON IA 74825/2009)

C.A. No. 2933/2008 (XVII)

C.A. No. 2987/2008 (XVII)

C.A. No. 1336/2008 (XVII)

C.A. No. 899/2008 (XVII)

C.A. No. 953/2008 (XVII)

**C.A. No. 970/2008 (XVII)
(FOR ON IA 56395/2008)**

C.A. No. 957/2008 (XVII)

C.A. No. 962/2008 (XVII)

C.A. No. 1348/2008 (XVII)

C.A. No. 956/2008 (XVII)

**C.A. No. 975/2008 (XVII)
(FOR ADDITION / DELETION / MODIFICATION PARTIES ON IA 4/2016)**

C.A. No. 1003/2008 (XVII)

C.A. No. 1004/2008 (XVII)

C.A. No. 1084/2008 (XVII)

C.A. No. 1335/2008 (XVII)

C.A. No. 1055/2008 (XVII)

Date : 09-08-2023 This appeal was called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE MANOJ MISRA**

For Appellant(s)

**Mr. Sanjay Grover, Adv.
Mr. Shivrul Singh, Adv.
Mr. Shiv, Adv.
Mr. Rajesh Kumar, AOR
Mr. Siddharth Singh, Adv.
Mr. Praveen Agnihotri, Adv.
Mr. Keshav Sharma, Adv.
Mr. Devavrat Anand, Adv.**

=

Mr. Ujjwal A. Rana, Adv.
Mr. Himanshu Mehta, Adv.
M/S. Gagrath And Co, AOR

Mr. Sudhir Kumar Gupta, AOR
Mr. Manish Gupta, Adv.

Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. Ankur Saigal, Adv.
Ms. S. Lakshmi Iyer, Adv.
Ms. Anwesha Padhi, Adv.
Mr. E. C. Agrawala, AOR

Mr. Yash Pal Dhingra, AOR

Mr. Pawan Upadhyay, Adv.
Ms. Sharmila Upadhyay, AOR
Mr. Sarvjit Pratap Singh, Adv.

Mr. Kishan Rawat, Adv.
Ms. Mallika Joshi, Adv.
Mr. Ishan Narain, Adv.
Mr. Rajan Narain, AOR

Mr. O. P. Gaggar, AOR
Mr. Sachindra Karn, Adv.

Mr. Aakash Bajaj, Adv.
Mrs. Vanita Bhargava, Adv.
Mr. Ajay Bhargava, Adv.
Ms. Arushi Yadav, Adv.
Mr. Shantanu Chaturvedi, Adv.
Ms. Prerona Banerjee, Adv.
Ms. Nikhita Shenoy, Adv.
M/S. Khaitan & Co., AOR

Mr. Manu Nair, Adv.
Mr. Neelabh Shreesh, Adv.
Mr. Manik Sachdeva, Adv.
Ms. Simran Malhotra, Adv.
Mr. S. S. Shroff, AOR

Mr. Aditya Verma, AOR
Mr. K Rigved Prasad, Adv.
Mr. Samar Singh, Adv.

Mr. Pramod B. Agarwala, AOR

Mr. Pramod B. Agarwala, Adv.
Mr. Aayush Agarwala, Adv.

For Respondent(s)

Mr. Udayan Jain, Adv.
 Mr. Kajal Sharma, Adv.
 Mr. Raj Surana, Adv.

Mr. Balbir Singh, ASG
 Ms. Anu Sura, Adv.
 Mr. Annirudh Sharma II, Adv.
 Mr. Ishaan Sharma, Adv.
 Mr. Shaurya R. Rai, Adv.

Mr. Prem Prakash, AOR
 Mrs. Manik Karanjawala, AOR
 Mr. B. Krishna Prasad, AOR

Mr. Y. Raja Gopala Rao, AOR
 Ms. Y. Vismai Rao, Adv.
 Mr. Y. Ramesh, Adv.
 Mr. Dhuli Gopi Krishna, Adv.
 Mr. Aarsh Thakkar, Adv.

Mr. Jatin Zaveri, AOR
 Ms. Sushma Suri, AOR

Mr. Pramod B. Agarwala, AOR
 Mr. Aayush Agarwala, Adv.

Mr. Sudhir Kumar Gupta, AOR

Mr. Ujjwal A. Rana, Adv.
 Mr. Ujjwal A.rana, Adv.
 Mr. Himanshu Mehta, Adv.
 M/S. Gagrath And Co, AOR

**UPON hearing the counsel the Court made the following
 O R D E R**

1. These are the batch of 32 appeals arising out of the proceedings under the now repealed Monopoly and Restrictive Trade Practices Act, 1969 (for short "MRTP Act").
2. The matters are listed for final hearing. As there are number of civil appeals and many counsels are appearing, before commencing hearing, we desire that there must be written submissions, common compilation of documents,

statutory material and precedents. For this purpose, we nominate Ms. Anu Sura (anu.sura@bschambers.com), appearing on behalf of Mr. Balbir Singh, learned Additional Solicitor General of India and Mr. Aayush Agrawala (ayush@pba.net.in), appearing on behalf of the appellants, as nodal counsel. The *Nodal Counsels* will coordinate with the lawyers appearing in the matter and compile soft copies in the following format:

- 1.(i) Volume I: written submissions on behalf of the petitioners/appellants;
 - (ii) Volume II: written submissions on behalf of the respondents;
 - (iii) Volume III: common compilation of documents;
 - (iv) Volume IV: statutory material;
 - (v) Volume V: common compilation of case-law.
- Each of these shall be filed in the following prescription and format.

2. Volume 1 - Written Submissions of Petitioners/Appellants.

This Volume shall contain the written submissions on behalf of the Petitioners/Appellants.

This Volume shall be compiled and filed as per the following:

- i. Format: In *PDF* format only;
- ii. Font: Times New Roman, Size-12;
- iii. Margins: 2.54 cm on all sides ['Normal' Setting on MS Word];
- iv. Line spacing: 1.15;
- v. Pagination: The running pages and PDF pages must be the same;

- vi. The written submissions must be bookmarked;
- vii. The index must be hyperlinked;
- viii. Name of Counsel: The written submissions must highlight the name of the counsel and of the Senior Advocate filing it;
- ix. Additional written submissions will be subject to the permission of the Court. If the Court permits, the additional written submissions shall be given continuous page numbers and filed in this volume. The documents shall also be indexed and bookmarked accordingly.

3. Volume II - Written Submissions of the Respondents:

This volume shall contain the written submissions on behalf of the Respondents.

This volume shall be compiled and filed as per the following:

- i. Format: In *PDF* format only;
- ii. Font: Times New Roman, Size - 12;
- iii. Margins: 2.54 cm on all sides ['Normal' setting on MS Word];
- iv. Line spacing: 1.15;
- v. Pagination: The running pages and PDF pages must be the same:
- vi. The written submissions must be bookmarked;
- vii. The index must be hyperlinked;
- viii. Name of Counsel: The written submissions must highlight the name of the counsel and of the Senior Advocate filing it;
- ix. Additional written submissions will be subject to the permission of the Court. If the Court permits, the additional written submissions shall be given continuous page numbers and filed in this volume. The documents shall also be indexed and bookmarked accordingly.

4. Volume III - Documents: This volume shall contain common compilation of documents to be relied on by the petitioners/appellants as well as the respondents. This includes necessary pleadings, affidavits, orders etc., being part of the record, but selected and compiled for easy reference and to save time.

This Volume shall be compiled and filed by the *Nodal Counsels* as per the following:

i. If there is a need for physical copies and it becomes necessary to have more than one volume, the subsequent volumes will be numbered as volume III/A, volume III/B, etc. However, the page numbering will be continuous for all these volumes.

ii. Pagination: The running pages and PDF pages must be the same.

iii. The documents must be bookmarked.

iv. The index must be hyperlinked.

v. Additional documents will be subject to the permission of the Court. If the Court permits, the additional documents shall be given continuous page numbers and filed in this volume. The documents shall also be indexed and bookmarked accordingly.

5. Volume IV - Statutory Material: This volume shall contain Statutes, rules, regulations, legislative assembly debates, Commission Reports, research articles etc.

The *Nodal Counsels* shall compile and file this volume as per the following:

i. Pagination: The running pages and PDF pages must be the same.

ii. The documents must be bookmarked.

- iii. The index must be hyperlinked.
- iv. Additional documents will be subject to the permission of the Court. If the Court permits, the additional documents shall be given continuous page numbers and filed in this volume. The documents shall also be indexed and bookmarked accordingly.

6. Volume V - Case-Law: This volume shall contain common compilation of precedents to be relied on by the petitioner/appellant as well as respondent.

The *Nodal Counsels* shall compile and file this volume as per the following:

- i. The Judgments may be arranged topic-wise or chronologically as decided by the *Nodal Counsels*.
- ii. Counsels relying on foreign cases shall provide PDF copies of the decisions relied on by them to the *Nodal Counsels*.
- iii. Pagination: The running pages and PDF pages must be the same.
- iv. The cases must be bookmarked.
- v. The index must be hyperlinked.
- vi. Additional documents will be subject to the permission of the Court. If the Court permits, the additional documents shall be given continuous page numbers and filed in this volume. The documents shall also be indexed and bookmarked accordingly.

7. Tentative Time and Timelines

- i. The arguing counsels and Sr. advocates, through their AOR's, must inform the *Nodal Counsels* about the **tentative time** for their submissions.
- ii. The *Nodal Counsel* shall prepare and present to the Court a statement of proposed timeline of arguing

counsels/ Sr. advocates.

iii. The Court will finalize and prescribe the timelines for oral arguments. This prescription shall be adhered to and complied with by all the counsels.

4. Let these matters be listed for hearing after C.A. No. 13933 of 2015 titled as "Tata Sons Ltd. & Anr. Vs. State of Maharashtra", which is slated to be listed on 23.08.2023.

5. The Registry is directed to provide the soft copies of the appeal paperbooks to the learned counsel for both the sides.

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)