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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9044/2024 & CM APPL. 37002/2024
CAPTAIN DEEPAK KUMAR Petitioner

Through: None.

versus

COMPETITION COMMISSION OF INDIA AND ORS.

.....Respondents

Through: Mr. Manu Chaturvedi, Advocate for R-1.

Mr. Azeem S., Mr. Amit Mishra, Ms. S. Goyal, Mr. Akhil Kulshrestha and Ms. Yashika Nagpal, Advocates for R-2.

Ms. Anjana Gosain and Ms. Nippun Sharma, Advocates for R-3.

Mr. D. Prasand, Dy. Director, CCI.

Ms. Anjana Gosain and Ms. Nippun Sharma, Advocate for R-B/UOI.



LEGALERA
BY THE PEOPLE. FOR THE PEOPLE. OF THE PEOPLE.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

05.07.2024

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1. The matter was called twice but there is no appearance on behalf of the Petitioner. In such circumstances, with assistance of the counsel for the Respondents, the Court has perused the record and proceeded to adjudicate the present petition.

2. On 29th August, 2023, the Petitioner filed an application under Section

19(1)(a) of the Competition Act, 2002¹ challenging the approved merger between Tata SIA Airlines Limited and Air India Limited. Among other claims, the Petitioner alleged cartelization and bid rigging. However, the Competition Commission of India² dismissed the application, noting the absence of any substantive evidence to back these allegations. Consequently, through order dated 15th December, 2023,³ the application was closed under Section 26(2) of the Act by CCI.

3. The instant petition assails the Impugned Order rejecting the Petitioner's application. The Petitioner contends that Respondent No. 1 issued the Impugned Order without conducting any inquiry. Additionally, the petition includes numerous unsubstantiated, wild, and scandalous allegations against the Prime Minister and a former Chief Justice of India, none of which are supported by documentary evidence.

4. It has been apprised to this Court that the Petitioner had earlier filed a writ petition bearing No. W.P.(C) 8385/2024, challenging the same Impugned Order. That petition was dismissed as withdrawn, with the court granting liberty to approach the appropriate authority in accordance with law. The order disposing of the aforementioned petition reads as follows:

“The Petitioner, who appears in person, seeks permission to withdraw the present Writ Petition with liberty to approach the Appellate Authority in accordance with law.

Leave and liberty, as prayed for, is granted.

The Writ Petition is disposed of as withdrawn, along with the pending applications, if any.

It is made clear that this Court has not made any observations on the merits of the case.”

5. Despite the withdrawal of the afore-mentioned writ petition and the

¹ “the Act”

² “CCI”

³ “Impugned Order”

liberty to approach the appropriate authority, the Petitioner has filed the instant petition. In an attempt to establish its maintainability—which is questionable—the Petitioner has made scandalous allegations against the Judge who issued the order on 31st May 2024 by claiming that the Judge harboured personal animosity towards him and provided false information. The specific averments made in this regard are as follows:

“41. The said his Writ Petition no. W.P.(C) 8385/2024 & CM APPL. 34528/2024 came up for hearing on 31.05.2024 before Ld. Single Judge of HON'BLE Delhi High Court.

42. That the Ld. Single Judge of HON'BLE Delhi High Court seem to have developed his personal hatred toward the petitioner while providing false information to the schedule caste petitioner that Writ Petition no. W.P.(C) 8385/2024 & CM APPL. 34528/2024 is not maintainable in Hon'ble Delhi high Court. A copy can be provided if or as and when petitioner is directed to supply the same.

43. That the petitioner had filed another writ seeking filing Criminal Case against the said wrong done to him on account of his caste.

44. That the Schedule caste petitioner's legal remedy lies in Article 226 of Indian Constitution and hence this petition is maintainable before this Hon'ble high Court of Delhi and same is filed herewith.”

6. Further, the Petitioner continues to make unsubstantiated allegations against the Registry of this Court by stating that the Registry is curtailing his rights on account of his caste status.

7. Counsel for Respondent No. 2 has apprised the Court of a recent order of 03rd July, 2024 passed in an LPA 527/2024 preferred by the Petitioner which pertains to a decision rendered this Court on 30th May, 2024 in W.P.(C) 8320/2024. Although these two petitions are unrelated, the order from the Division Bench reflects this Court's opinion on the Petitioner's mental condition. Notably, the Division Bench has instructed the local

Station House Officer (SHO) to monitor the Petitioner. The order from the Division Bench is as follows:

“5. In the opinion of this Court, all the allegations in the appeal are a figment of appellant’s imagination, vague and bereft of any material particulars.

6. This Court is in agreement with the learned Single Judge that the petition is replete with unsubstantiated, disjointed, scandalous, incoherent and preposterous allegations.

7. This Court is further of the opinion that the appellant, if not suffering from delusional disorder, is certainly concocting stories. This Court offered medical help to the appellant. But the appellant insists that he is well and needs no medical help.

8. However, keeping in view the provisions of the Mental Healthcare Act, 2017 (in short ‘Act’) especially Section 100, this Court directs the local SHO to keep a watch on the appellant and, if required, may exercise his/her discretion conferred under the said Act.

9. Registry is directed to forward a copy of this order to the local SHO of the area where the appellant resides for necessary information and action.

10. With the aforesaid observations and directions, the present appeal is dismissed.”

8. This case presents no deviation from a pattern of making unsubstantiated and reckless allegations, similar to those observed in the in the afore-noted order. These allegations, which are not only unsupported by evidence but also seem to be driven by malice, undermine the integrity of the judicial process. The claims are made without any regard for truth and appear to be designed to manipulate or mislead. This approach not only discredits the Petitioner’s credibility but also burdens the legal system unnecessarily. Therefore, in the Court’s view, given the absence of any substantiated claims and the apparent malicious intent behind the allegations, the present petition lacks merit.

9. In light of the above, the present petition, along with all pending applications, is dismissed.

SANJEEV NARULA, J

JULY 5, 2024

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