

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Competition Appeal (AT) No. 13 of 2017

IN THE MATTER OF:

Vinod Kumar Gupta

...Appellant

Versus

Competition Commission of India & Anr.

...Respondents

Present:

For Appellant :

**Shri K. K. Sharma and Shri Bunmeet Singh,
Advocates**

For Respondent No. 1:

Shri Kunal Sharma and Shri Shray, Advocates

For Respondent Nos. 2 & 3:

**Shri Amit Sibal, Senior Advocate assisted by
Shri Tejas Karia, Shri Yaman Verma, Ms. Richa
Srivastava, Ms. Nitika Dwivedi, Ms. Akkriti
Bhat, Shri Aditya Gupta and Shri Avinash
Amarnath, Advocates**

O R D E R

25.10.2017 An application has been preferred by 'Facebook, Inc.' and 'Facebook India Online Services Pvt. Ltd.' for deleting them from the array of the respondents as both of them are arrayed as Respondent No. 3 to the appeal. According to them, they were not party before the Competition Commission of India (hereinafter referred to as the '**Commission**') and they have been wrongly impleaded as party respondent to the present appeal.

Learned counsel for the appellant referring to the rejoinder filed before the Commission submits that certain allegations had also been made against the 'Facebook Inc.', but the Commission has not dealt with such allegations in the impugned order.

We have heard the learned counsel for the parties and perused the record. We find that the Facebook, Inc. and Facebook India Online Services Private Limited were not the party-respondent before the Commission and they were not even heard nor any decision taken with regard to them. For the said reason we also do not want to hear them at the stage of appeal. Hence, we allow the prayer to delete their names from the array of the respondents. Accordingly, it is ordered to delete the names of Facebook, Inc. and Facebook India Online Services Private Limited from the array of the respondents.

However, it is made clear that if the case is remanded, it will be open to the appellant to agitate the matter against the aforesaid parties before the Commission if there is any allegation against them. With the aforesaid observations, I.A. Nos. 52 and 53 of 2017 stands disposed of.

Post the appeal on 15th November, 2017. The appeal may be disposed of at the stage of admission.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/ns/gc