

Commission Of India vs . Steel Authority Of India Ltd., (2010) ... on 13 May, 2026

COMPETITION COMMISSION OF INDIA

Case No. 15 of 2025

People For Animals (PFA)

Informant

And

Venkateshwara Hatcheries Pvt. Ltd.

Opposite Party No.1

Venky's (India) Ltd.

Opposite Party No.2

Venco Research & Breeding Farm Pvt.
Ltd.

Opposite Party No.3

Venkateshwara Research and
Breeding Farm Pvt. Ltd.

Opposite Party No.4

Uttara Foods and Feeds Pvt. Ltd.

Opposite Party No.5

Uttara Impex Pvt. Ltd.

Opposite Party No.6

Venkateshwara B.V. Biocorp Pvt. Ltd.

Opposite Party No.7

Venkateshwara Biofeed Private Limited

Opposite Party No.8

Anuradha Desai

Opposite Party No.9

Order under Section 33 of the Competition Act, 2002

1. The present Information has been filed by People for Animals ('Informant') under Section 19(1)(a) of the Competition Act, 2002 ('Act') against the abovementioned Opposite Parties ('OPs'), alleging contravention of the provisions of Sections 3(4) and 4 of the Act.

2. The Commission has directed Director General ('DG') to commence investigation under Section 26(1) of the Act vide its order dated 01.04.2026.

3. The Commission, in its ordinary meeting held today, considered an Interlocutory Application ('IA') No. 252A of 2025 in the present matter, wherein the following interim reliefs have been prayed for by the Informant:

- a. Direct the Opposite Parties to immediately cease and desist from collecting any and all mandatory contributions for industry associations such as the NECC (National Egg Co-ordination Committee) from poultry farmers by way of Agreements or otherwise;
- b. Direct the Opposite Parties and their members to cease and desist from forcing poultry farmers to exclusively deal in the Vencobb and Babcock breeds of broiler chicken and layer hens, respectively;

4. The Commission finds that the reliefs sought in IA No. 252A of 2025 are in the nature of final relief, which the Commission may order based on the outcome of the investigation presently before DG. Granting such interim reliefs will amount to pre-judging the issue which is being investigated by the DG. Thus, at this stage such interim reliefs cannot be granted.

5. The Commission further notes that the specific relief sought in the aforesaid IA, to direct OPs to stop seeking mandatory contributions from poultry farmers, is already covered vide order of the Commission dated 14.01.2022 in Case No. 09 and 36 of 2017 wherein it was observed:

"With regard to VHPL receiving Rs. 1/- as a contribution from farmers/buyers of chicks, which is subsequently transferred to NECC, the Commission finds that, till the time the said contribution is of a voluntary nature and the farmers/buyers are not compelled to pay the said sum in turn to buy the chicks, much of a concern is not observed, though the financing arrangement undoubtedly allows VHPL to exert influence over NECC. Also, if this sum is in the nature of a subscription towards membership, the same is being collected from all farmers regardless of whether such farmers are members or not of NECC, which seems to be incongruous. The collection also becomes linked with the volume of purchases; higher the volume, higher the monies collected from farmers based on their buys, which tends to distort equality amongst members. In this background, the Commission is of the view that NECC should take up the matter appropriately with VHPL to ensure that any payment by farmers remains voluntary and the farmers/ buyers are adequately apprised about it. The Commission also notes that there is no evidence that other industry participants, be it egg producers or chick producers are collecting amounts likewise."

6. The Commission notes that Civil Appeal No. 560 of 2023; People for Animals Vs Competition Commission of India is pending adjudication before the Hon`ble Supreme Court wherein the judgment dated 08.09.2022 of the Hon`ble NCLAT, confirming the order of the Commission in Case No. 09 and 36 of 2017, has been challenged.

7. The Commission, further notes that the Hon'ble Supreme Court in Competition Commission of India vs. Steel Authority of India Ltd., (2010) 10 SCC 744 ('SAIL judgment'), while interpreting Section 33 of the Act, has observed that where during an inquiry the Commission is satisfied that an act in contravention of the provisions of the Act has been committed and continues to be committed or that such act is about to be committed, it may issue an order temporarily restraining the party from carrying on such an act, until the conclusion of such inquiry or until further orders without giving notice to such party, where it deems it necessary. As observed by the Hon'ble Supreme Court, this power has to be exercised by the Commission sparingly and under compelling and exceptional circumstances. Further, it was observed by the Hon `ble Supreme Court that the Commission, while recording a reasoned order:

"a. Should record its satisfaction which has to be of much higher degree than formation of a prima facie view under Section 26(1) of the Act in clear terms that an act in contravention of the stated provisions has been committed and continues to be committed or is about to be committed;

b. It is necessary to issue an order of restraint; and c. From the record before the Commission, there is every likelihood of the party to the lis, suffering irreparable and irretrievable damage or there is definite apprehension that the conduct would have adverse effect on competition in the market."

8. Upon perusal of the material available on record, the Commission is of the view that, at this stage, when tested on the parameters of granting relief under Section 33 of the Act the Informant has not been able to make a case, warranting the issuance of such far- reaching interim directions.

9. In view of the foregoing, no case has been made out by the Informant for grant of interim relief in light of the dictum laid down in the SAIL judgment (supra) and the fact that interim relief prayers are closely connected with the outcome of the investigation, presently before DG. As such, the prayer of the Informant seeking interim relief under Section 33 of the Act, stands rejected. Consequently, IA No. 252A of 2025, stands disposed of.

10. It is clarified that nothing stated in this order shall tantamount to final expression of opinion on the merits of the case and the observations made herein shall not affect the investigation in any manner, whatsoever.

11. The Secretary is directed to communicate to the Informant and the DG, accordingly.

Sd/-
(Anil Agrawal)
Member

Sd/-
(Sweta Kakkad)
Member

Sd/-
(Deepak Anura)
Member

Sd/-
(Ravneet Kaur)
Chairperson

New Delhi

Date-13.05.2026