**IN THE SUPREME COURT OF INDIA**
**CIVIL APPELLATE JURISDICTION**
**I.A. No. ____ of 2026**
**IN**
**SPECIAL LEAVE PETITION (C) NO. 022525-022527 OF 2026**

**IN THE MATTER OF:**
KONINKLIJKE PHILIPS ELECTRONICS N.V
.... PETITIONER
VERSUS
RAJESH BANSAL & ORS.
... RESPONDENTS

**And IN THE MATTER OF:**

Association for Competitive Technology (ACT)

.... APPLICANT

**INTERVENTION APPLICATION ON BEHALF OF ASSOCIATION FOR COMPETITIVE TECHNOLOGY**

**FILING INDEX**

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| 1. | Application for Intervention on behalf of Association for Competitive Technology (ACT) with affidavit | |
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Swikriti Singhania
(Swikriti Singhania)
Advocate for the Applicant
Code No. 2622
M. No. 9718156191

Date: 17.07.2026

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**PAPERBOOK**

**ADVOCATE FOR APPLICANT: SWIKRITI SINGHANIA**

## INDEX



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Association for Competitive Technology (ACT)

1401 K St NW, Suite 501,

Washington, D.C. 20005

Through its Authorised Signatory

.... APPLICANT

**APPLICATION FOR INTERVENTION**

TO

THE HON'BLE CHIEF JUSTICE OF INDIA AND

HIS COMPANION JUSTICES OF

THE HON'BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF
THE APPLICANT ABOVE-NAMED

**MOST RESPECTFULLY SHOWETH:**

## I. ABOUT THE APPLICANT:

1. The present intervention application is being filed by the Applicant, i.e., The Association for Competitive Technology (ACT) (hereinafter, **"ACT"**) (formerly, "ACT | The App Association"), referred to as "**Applicant**", in the present Special Leave Petition (C) No. 022525/2026 ("SLP"). The present application is being filed by Mr. R. Venu, who is the authorised signatory of the Applicant herein by virtue of the Board Resolution dated 18.02.2026 as filed herewith.

2. The Applicant represents micro, small, and medium-sized technology development companies (across various sectors including original equipment manufacturers [OEMs], automation etc.) from around the world, including from India, like Business Amoeba and KStar Holdings. It supports Indian leadership in competition policy, as well as in a regulatory environment that promotes innovation and job growth. The value of the ecosystem that the Applicant represents facilitated approximately ₹ 49 lakhs crore in developer billings and sales during calendar 2025 globally and in India ₹ 88,000 crore, and is expected to reach ₹ 73–

74 lakhs crore globally by 2031. The Applicant's members include micro, small, and medium-sized enterprises ("**MSMEs**") that own and license patented technologies.

3. **Previous intervention before this Hon'ble Supreme Court:** Pertinently, the present Applicant had previously sought to intervene before this Hon'ble Court in SLP (C) No. 25026 of 2023, titled *Competition Commission of India v. Monsanto Holdings Pvt. Ltd. & Ors.*, wherein the Applicant had filed an Intervention Application, I.A. 115518 of 2025, as well as its written submissions in support of the Competition Commission of India ("CCI"). The Applicant was constrained to seek intervention due to (i) the significant question of law that had arisen for consideration in the said matter, (ii) its consequent impact on the public interest at hand, (iii) the need to sustain competitiveness of India's micro, small, and medium enterprises, and (iv) the need to prevent Indian industry, consumers, and the relevant markets from abusive practices by patentees. This Hon'ble Court, *vide* its order dated 2nd September 2025, had disposed of the said special leave petition along with connected matters while keeping *"any questions of law"* therein as "*open*". A true copy of the order dated 2nd September 2025 passed by this Hon'ble Court in SLP (C) No. 25026 of 2023 is annexed herewith and marked as Annexure A Pages 25 to 29. By way of disclosure: (i) this Hon'ble Court had passed the order dated 25th March 2025 whereby this Hon'ble Court had allowed

the intervenors to file their written submissions; (ii) the Applicant's I.A. 115518 of 2025 and written submissions came to be filed after the said order and were pending consideration; and (iii) prior to the Applicant getting an opportunity to present its submissions, the order dated 2nd September 2025 disposing of the SLP came to be pronounced.

4. The Applicant has also sought intervention before this Hon'ble Court in *Competition Commission of India v. Swapan Dey & Anr.,* Civil Appeal No. 519/2026, *vide* I.A. 59879 /2026. As such, the Applicant herein is well versed in the subject matter of the present proceedings, and in matters of patent licensing and enforcement on which the Impugned Judgment bears a direct impact.

5. The Applicant had previously also filed amicus briefs in many jurisdictions on patent and competition related issues, including before the Supreme Court of the United States of America, and is well versed with the subject matter and the global position on the subject of standard-essential patent licensing and enforcement.

6. **Industries impacted by SEP licensing and enforcement practices extend across the entire modern technology ecosystem, raising questions of public and national interest:** The Applicant represents its members who are *inter alia* small business innovators that rely on fair,

reasonable, and non-discriminatory ("**FRAND**") licensing terms to license standard-essential patents ("**SEP**"). SEPs are patents which are voluntarily encumbered by an SEP holder, to be licensed to all implementers on FRAND terms. This is because, once a standard is adopted, implementers or prospective licensees may be locked into the standard and must pay royalties for use of portions of the standard that are protected by patents. Such patents therefore become essential to the performance or incorporation of the standard and are termed as "standard-essential" patents. Thus, to ensure fair and equal market access and prevent monopolies and dominance, SEP holders voluntarily undertake to license the claimed SEPs on FRAND terms. These standards extend across a plethora of industries including cellular, Wi-Fi, automotive, streaming services, smart meter businesses and even medical technology or any business connected by the internet of things (IoT). It is submitted that the standards applied by courts while adjudicating SEP enforcement actions, including the burden and standard of proof of essentiality and infringement, and the manner of determination of FRAND royalties, directly determine whether the FRAND offer is upheld or defeated. If SEP holders are permitted to obtain decrees and royalty awards without strict proof that the asserted patent is in fact essential to the standard and is in fact infringed, or at rates not established on evidence to be FRAND, implementers, particularly MSMEs, across all of these industries would stand exposed to unverified and excessive royalty demands.

The questions arising in the present SLP therefore have a direct bearing on the legitimate businesses of the thousands of members of the Applicant's association.

7. **Abuses of patent rights can thwart government policies:** Indian MSMEs are largely technology-focused entities, often relying on standards for their products and services. Abusive SEP licensing practices particularly harm these MSMEs and emerging businesses in developing economies like India, since such MSMEs lack the resources and in-house experience and expertise to negotiate effectively or legally challenge major SEP holders. Such businesses face impossible choices of financially crippling litigation, or accepting excessive royalty demands, or abandoning their ventures altogether. SEP abuse thus threatens to undermine government initiatives like Atmanirbhar Bharat, Digital India and Make in India, and also the India AI Mission, through which startups and MSMEs are developing their products. If such startups and MSMEs are forced to pay exorbitant above-FRAND royalties, it would devastate India's thriving startup ecosystem and disincentivise or obstruct follow-on innovation as well as development of products that implement standards. It is therefore vital that SEP enforcement actions in India are adjudicated in a rigorous and balanced manner, under which a patentee receives fair, FRAND-consistent compensation for what it actually proves, while implementers are protected against unproven, excessive, or discriminatory claims.

8. In the context of the aforesaid, the standards governing proof of essentiality and infringement of SEPs, and the determination of FRAND royalties, are of paramount importance to ensure equitable access to standardised technology and to ensure that implementers are not made to bear royalty burdens which the patentee has not proved its entitlement to. Considering the seminal issues, the public interest as well as the national interest involved in the present dispute, and given the experience, expertise and interest of the present Applicant and its members, this intervention becomes crucial. The Applicant has placed emphasis on the principles governing SEP enforcement and FRAND licensing in general, while focusing on why rigorous standards of proof and evidence-based FRAND royalty determination are imperative in the adjudication of SEP disputes.

## II. BRIEF PROCEDURAL BACKGROUND

9. The present SLP arises out of two civil suits instituted by the Petitioner, Koninklijke Philips Electronics N.V. **("Philips"),** in the year 2009 before the Hon'ble High Court of Delhi ("**High Court**"), being CS(COMM) 24/2016 (earlier CS(OS) No. 1034/2009) against Mr. Rajesh Bansal (proprietor of Mangalam Technology) and CS(COMM) 436/2017 (earlier CS(OS) No. 1082/2009) against Bhagirathi Electronics & Ors. (proprietorship of Mr. K.K. Bansal), alleging infringement of Indian Patent No. 184753

titled *"Decoding device for converting a modulated signal to a series of M-bit information words"* (**"Suit Patent"**), which Petitioner claimed to be a standard-essential patent in respect of the DVD player which was being manufactured and sold by the Respondents in India. The Suit Patent expired on 12.02.2015 during the pendency of the suits, whereupon the suits stood confined to the reliefs of damages and costs.

10. *Vide* a common judgment dated 12.07.2018, the Ld. Single Judge of the Hon'ble High Court decreed both suits in favour of Philips, holding, *inter alia*, that the Suit Patent was an essential patent in respect of DVD players and that the Respondents had infringed it, and directed the Respondents to pay royalty at the rates claimed by Philips as FRAND, i.e., USD 3.175 per DVD player manufactured/sold from the date of institution of the suits till 7.05.2010 and USD 1.90 thereafter till 12.02.2015, with interest at 10% per annum, along with punitive damages of ₹ 5 lakhs against Mr. Rajesh Bansal and actual costs.

11. Aggrieved by the said judgment, the Respondents preferred regular first appeals under Section 96 of Code of Civil Procedure, 1908 (CPC), being RFA(OS)(COMM) 17/2018 and RFA(OS)(COMM) 18/2018, before the Ld. Division Bench of the Hon'ble High Court.

12. *Vide* the common judgment dated 18.05.2026 (**"Impugned Judgment"**), the Ld. Division Bench allowed the appeals and set aside the judgment and decree dated 12.07.2018 of the Ld. Single Judge, holding, *inter alia,* that: (i) patent protection is confined to what is claimed in the claims; (ii) the essentiality certificates, being in the nature of expert evidence, had not been proved in accordance with law, and no claim charts mapping the claims onto the standard were produced, whereby Petitioner failed to discharge its burden of proving that the Suit Patent is an SEP; (iii) infringement was not established either by the indirect test or by the direct test, as no product-to-claim mapping was undertaken, the technical affidavit relied upon by Petitioner was of a person who never entered the witness box, and the witness who claimed to have independently tested the Respondents' products never produced his test logs, warranting an adverse inference under Section 114 of the Evidence Act, 1872; (iv) the Suit Patent is a product patent for a decoding device which resides in a chip/printed circuit board ("PCB") within the DVD player; (v) Petitioner's rights in the Suit Patent stood exhausted under Section 107A(b) of the Patents Act, 1970, the Respondents having purchased the PCBs from vendors duly authorised under the law; (vi) royalty could not, in any event, have been computed on the value of the entire DVD player when the Suit Patent resided only in the chip/PCB; (vii) there was no evidence that the royalty rates offered by Philips were FRAND as Philips did not place on record the comparable licence agreements admittedly in its

possession; (viii) the award of punitive damages was unsustainable. Further, *vide* order dated 26.05.2026, the Ld. Division Bench dismissed Philips' application seeking to keep the Impugned Judgment in abeyance, and directed the refund to the Respondents of the amount of ₹ 4.5 crores withdrawn by Philips against bank guarantees.

13. Aggrieved by the Impugned Judgment, the Petitioner has preferred the present SLP before this Hon'ble Court.

14. The Applicant supports the Respondents and the Impugned Judgment, which accords with the settled principles governing the proof and enforcement of SEPs that are now judicially accepted in India and globally.

## III. GROUNDS FOR INTERVENTION:

15. The Applicant seeks the leave of this Hon'ble Court to intervene in the present SLP in support of the Respondents and the Impugned Judgment. The substantial questions of law that have arisen for consideration before this Hon'ble Court would substantially affect the rights of members of the Applicant association, who are affected by SEP licensing. As the present SLP would have a direct impact on the standards of proof applicable in SEP enforcement actions in India, the manner of determination of FRAND royalties, the component for FRAND determination and consequently on the licensing practices undertaken by the members of the Applicant, it would be apposite to consider

the Applicant's submissions in adjudicating the present matter.

16. The Impugned Judgment correctly proceeds on the settled position that it is for the patentee alone to prove essentiality and infringement by cogent evidence, and that royalty and damages must be established on evidence consistent with the patentee's FRAND commitment. In particular, the Ld. Division Bench has held that essentiality certificates, issued by private third parties, which were not proved in accordance with the law cannot substitute for claim charts mapping the asserted claims onto the standard. The Ld. Division Bench held that infringement must be established by product-to-claim mapping (direct) or by a properly proved indirect infringement analysis (law of transitivity); that an offered royalty rate cannot be determined to be FRAND in the absence of evidence, such as production of all the SEP holder's license agreements, which the patentee withheld despite admittedly possessing the same, that the conduct of a licensee is only relevant when the SEP holder has first established its "willingness", that royalty cannot be computed on the value of the entire end product where the invention resides in a single component thereof and that exhaustion can take place so long as the product is purchased from persons duly authorized under law. These findings accord with the legal principles regarding SEP conduct and licensing practices that are now accepted judicially in India and globally. Any dilution of these

principles would have a direct adverse impact on the members of the Applicant, as also on the general populace of India, who would ultimately bear the burden of unverified and excessive royalty demands.

17. It is thus submitted that the Applicant is seeking leave to intervene in the present SLP, as the challenge laid by the Petitioner to the Impugned Judgment, if accepted, would unsettle the balanced framework governing SEP enforcement and FRAND licensing in India.

18. It is respectfully submitted that if the Impugned Judgment is set aside, it would lead to the consequence wherein SEP holders may obtain decrees and royalty awards without discharging their burden of proving essentiality and infringement, and without establishing that the rates claimed are FRAND. Implementers, particularly MSMEs, which lack the resources to test portfolio-wide assertions in prolonged litigation, would be left without any practical protection against unverified and excessive royalty demands.

19. The Applicant, being a representative body comprising of stakeholders who are implementers as well as innovators, is uniquely positioned to assist this Hon'ble Court on the issues arising in the present SLP, which raise substantial questions of law critical to national and public interests,

particularly in relation to SEP licensing practices, FRAND compliance, and market access.

20.The Applicant, therefore, respectfully prays for permission to intervene in the present proceedings in the interest of justice on the grounds as below:

**A. The burden of proving essentiality and infringement rests solely on the SEP holder and must be discharged by cogent evidence**

21.It is humbly submitted that an infringement action founded upon an SEP proceeds on two necessary steps of proof: first, that the claims of the asserted patent map onto the mandatory portions of the relevant standard (essentiality); and second, that the accused products implement those portions of the standard (infringement). Both steps must be established by the patentee through cogent technical evidence, including claim charts mapping the claims of the asserted Indian patent, as granted, to the standard and to the accused products—as rightly held in the Impugned Judgment. Neither step can be presumed, and the burden never shifts to the implementer to disprove essentiality or infringement. This is in accordance with Section 104 of the Bharatiya Sakshya Adhiniyam, 2023 (earlier Section 101 of the Indian Evidence Act, 1872).

22.It is further submitted that a voluntary self-declaration of essentiality made by a patentee to a standard setting organisation ("**SSO**") is not a proof of essentiality. Such declarations are made unilaterally, and are not verified by the SSO or any independent organisation. It is well documented that a substantial proportion of patents declared as essential are, upon independent scrutiny, found not to be essential. Equally, essentiality certifications or findings rendered in respect of corresponding foreign patents cannot substitute for proof of essentiality of the Indian patent as granted, since the claims of corresponding patents frequently differ on account of prosecution history and differences in national law.

23.If decrees and royalty awards could be obtained on the strength of unverified, voluntary, and self-declarations or foreign certifications, without strict proof of essentiality and infringement, then implementers, the overwhelming majority of whom are MSMEs, would stand exposed to portfolio-wide royalty demands which they lack the resources to test. The rigorous approach to proof adopted in the Impugned Judgment, in particular in its findings on essentiality and on infringement, is therefore not a mere technicality, but the essential safeguard which preserves the FRAND bargain.

**B. <u>The FRAND commitment is a voluntary undertaking by which the SEP holder agrees to the determination of royalty</u>**

**on FRAND terms and limiting of the remedies available to an SEP holder**

24. It is submitted that a FRAND commitment is a **voluntary** undertaking given by an SEP holder to the SSO in exchange for the incorporation of its technology into the standard. This undertaking is given because once a standard is adopted, implementers may be locked into the standard placing the SEP holder in a dominant position by being able to extract royalty from each and every player in the market. Consequently, the SEP holder, *sans* a FRAND commitment, would possess the power to prevent entities from practicing standards by claiming infringement and seeking injunctions that can enable them to demand royalties far in excess of the value of their inventions. In order to prevent such a hold up, SEP holders have to, in exchange for consideration of their contribution to standard, undertake to license their patents to **all** on **fair, reasonable and non-discriminatory (FRAND) terms** and not seek an injunction in lieu of a FRAND license, unless the licensee is unwilling to take a license on Court determined FRAND terms. Pertinently, the question of the willingness of the licensee should only arise once the licensor establishes its willingness by demonstrating that the offered rate was FRAND, as the Impugned Judgment correctly held. As SSOs do not determine FRAND, this exercise has been left to Courts of national jurisdiction. Therefore, no injunction can be sought against an implementer who undertakes to take a license on

court determined FRAND terms. The FRAND commitment is thus the only safeguard against the exercise of the hold-up power which standardisation confers. Accordingly, a royalty awarded in an SEP enforcement action particularly post-trial must itself be established, on evidence, to be FRAND (i.e. that it is fair): it must reflect the value of the claimed invention, and not the value created by standardisation itself or by unrelated components and features of the end product, Reasonable: royalty sought takes into account the nature of the industry, the player and the economics of the market, and Non-Discriminatory: that similarly situated parties are paying similar royalties.

25. It is further submitted that damages in an SEP action cannot be a mechanical adoption of the rates unilaterally quoted by the SEP holder in its licensing programme. The determination of a FRAND royalty requires an evidentiary foundation, such as genuinely comparable licences which are disclosed and tested in evidence, and an appropriate apportionment of value to the claimed invention. Courts globally, including the UK Supreme Court in *Unwired Planet International Ltd. v. Huawei Technologies (UK) Co. Ltd. [2020] UKSC 37,* have undertaken FRAND royalty determination only upon a rigorous, evidence-based analysis.

26. Moreover, remedies inconsistent with the FRAND framework, such as punitive or aggravated damages in the

absence of proven bad faith, or the grant of injunctive relief against a willing licensee, are contrary to the very object of the FRAND commitment, and would convert a promise of accessibility into an instrument of hold-up.

## C. Dilution of the standards of proof in SEP enforcement would harm MSMEs, Indian manufacturing, and the public interest

27. As set out hereinabove, Indian MSMEs lack the resources to negotiate effectively with, or to litigate against, major SEP holders. If the standards of proof in SEP enforcement actions are diluted, this asymmetry would be aggravated multifold: faced with portfolio-wide assertions backed by the threat of injunctions and damages, MSMEs would rationally capitulate to unverified royalty demands rather than litigate, regardless of the merits. This would lead to unequal playing field, anti-competitive practices and possibly bankruptcy for these nascent and growing organisations.

28. Excessive and unverified royalty burdens on standard-implementing products would directly undermine the government initiatives such as Atmanirbhar Bharat, Start-up in India, Make in India and Brand in India and would disincentivise follow-on innovation as well as the growth of Indian manufacturing. The ultimate burden of such royalties

would invariably be passed on to, and borne by, Indian consumers in the form of higher prices.

**D. The Impugned Judgement has correctly applied the test of exhaustion and royalty calculation on the basis of the smallest saleable patent practicing unit (SSPPU)**

29. The Ld. Division Bench has correctly held that where the asserted patent is directed to only a specific component or functionality within a multi-component product, the royalty base must be confined to the value of the patented invention and cannot be determined by reference to the value of the downstream product. Rejecting the Ld. Single Judge's award of royalties on a per-DVD-player basis, the Hon'ble Court observed that the suit patent was confined to the decoding device/chip and did not extend to the remaining components of the DVD player. It therefore held that Philips' commercial decision to license on a device basis could not, by itself, justify computing royalties on the entire DVD player in patent litigation, as doing so would compensate Philips for components and technologies beyond the scope of its patent monopoly. The approach of the Impugned Judgment is in accordance with fundamental principles of patent law—that a patentee cannot reap what it did not sow or that the patent protection—and the consequent reward—can only be limited to what is actually claimed in the patent and the damages cannot extend beyond the scope of the patented invention. This embodies the

principle underlying the SSPPU, namely that royalties for a patent should be appropriately apportioned to the value of the patented technology rather than the value contributed by unpatented components or the end product as a whole. The Ld. Division Bench has thus correctly applied principles of apportionment and proportionality in patent damages and FRAND royalty determination, recognising that a royalty framework divorced from the actual scope and technical contribution of the patented invention risks over-compensation and royalty stacking, particularly in standards-based industries where products incorporate numerous patented and unpatented technologies.

30. The Hon'ble High Court further correctly applied Section 107A(b) of the Patents Act, 1970, holding that once a patented article has been lawfully sold by, or with the consent of, a **person duly authorised under the law** to produce and sell it, the patentee's exclusive rights in respect of that article stand exhausted. Accordingly, where patented chips or decoding devices are sourced through authorised supply chains, downstream purchasers or assemblers cannot ordinarily be required to obtain a further licence or pay royalties in respect of the same patented component. Consequently, the Ld. Division Bench has recognized that implementers should not have to repeatedly pay for technology where the royalties have already been provided. The Impugned Judgement, in line with FRAND principles

thus guards against over-compensation and multiple recoveries for the same patented technology.

## E. <u>The Impugned Judgment accords with global best practices and comparative jurisprudence</u>

31. Courts and authorities across jurisdictions have consistently required SEP holders to strictly prove validity, essentiality, and infringement, and to establish FRAND terms on evidence. Courts globally, including in the UK and the United States require the SEP holders to prove validity, essentiality, and infringement prior to grant of any relief whatsoever. The Courts have recognized that SEP holders must first establish validity, essentiality, and infringement and FRAND compliance prior to any relief. In fact, the said practice has also been noticed and adopted in Indian jurisprudence [***see Intex Technologies (India) Ltd. v. Telefonaktiebolaget L.M. Ericsson***, 2023 SCC OnLine Del 1845 (DB)]. Moreover, the Impugned Judgement, has also acknowledged, in line with global practices, that the SSPPU model ought to be used for royalty computation since FRAND royalty should reflect value of the invention and not the value of the standard.

32. India would run the risk of becoming an outlier if SEP holders could obtain decrees and royalty awards in India on standards of proof lower than those applied in comparable

jurisdictions. In fact, to do so would be to discriminate against regular patent holders who are subject to the same rigorous burden. Such a course would render Indian implementers, particularly MSMEs exporting standard-compliant products, uniquely vulnerable to portfolio-wide, unverified royalty demands by international SEP holders, and would not augur well for Indian industry and consumers in an increasingly protectionist era.

33. The submissions set out hereinabove are illustrative and have been set out briefly. The Applicant craves leave of this Hon'ble Court to raise additional grounds and to file detailed written submissions at the appropriate stage.

34. The present application is being made *bonafide* and in the interest of justice.

**PRAYER:**

35. In view of the aforementioned facts and circumstances, this Hon'ble Court may be pleased to:

(a) Allow the present application and permit the Applicant to intervene in the present SLP (C) No. 022525-022527 of 2026;

(b) Permit the Applicant to make written and oral submissions in support of the Respondents and the Impugned Judgment; and

(c) Pass such other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

**DRAWN AND FILED BY:**

Swikriti Singhania

**SWIKRITI SINGHANIA**
**ADVOCATE FOR THE APPLICANT**

**DRAWN ON:** 09.07.2026
**FILED ON:** 17.07.2026

**IN THE SUPREME COURT OF INDIA**

**CIVIL APPELLATE JURISDICTION**

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VERSUS

**RAJESH BANSAL & ORS.** ....... RESPONDENTS

**IN THE MATTER OF:**

Association for Competitive Technology (ACT)

.... APPLICANT

AFFIDAVIT

I, Mr. R Venu, S/O Mr. Raman Nayar, aged about 58 years, having office at 57, Jor Bagh, New Delhi – 110006, the authorised representative of the aforesaid Applicant, do hereby solemnly affirm and state as under:

1. That I am the Authorised Representative of the Applicant. I am conversant with the facts and circumstances of the case and competent to swear this affidavit.

NOTARY
GOVT. OF INDIA
Debajyoti Behuria
Advocate
Enrl. No. D/139/2000
Regn. No. 19716
Period: 24-02-2025
to 24-02-2030
Central Delhi

2. That I have read and understood the contents of the accompanying Application and I say that the facts stated therein are true and correct to my knowledge.

3. That the Annexures filed with the Petition are true and correct copies of the originals.

**DEPONENT**

Vivekumar
I identified the deponent who has signed in my presence

## VERIFICATION

Verified that the contents of the above-mentioned affidavit are true and correct to the best of my knowledge and belief. Nothing false has been stated therein, and no material fact has been concealed therefrom.

09 JUL 2026

Verified at New Delhi on this __ July 2026

**DEPONENT**

NOTARY
Debajyoti Behuria
Advocate
Enrl. No. D/139/2000
Regn. No. 19716
Period: 24-02-2025
to 24-02-2030
Central Delhi
GOVT. OF INDIA

CERTIFIED THAT THE DEPONENT
Shri/Smt./Km...
S/o, W/o R/o...
...
Identified by Shri/Smt...
Has solemnly affirmed before me at
Delhi on..................as Sl. No. 39
That the contents of the affidavit which
have been read & explained to him/her
are true & correct to his/her knowledge

09 JUL 2026

NOTARY

ANNEXURE - A

25

SLP(C) No.25026/2023

ITEM NO.13 COURT NO.6 SECTION XIV

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

Petition for Special Leave to Appeal (C) No.25026/2023

[Arising out of impugned final judgment and order dated 13-07-2023 in LPA No. 150/2020 passed by the High Court of Delhi at New Delhi]

COMPETITION COMMISSION OF INDIA Petitioner(s)

VERSUS

MONSANTO HOLDINGS PRIVATE LIMITED & ORS. Respondent(s)

(IA No. 232040/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT,IA No. 98146/2024 - INTERVENTION APPLICATION, IA No. 115518/2025 - INTERVENTION APPLICATION,IA No. 111470/2024 - INTERVENTION APPLICATION, IA No. 111431/2024 - INTERVENTION APPLICATION, IA No. 111423/2024 - INTERVENTION APPLICATION
IA No. 109205/2024 - INTERVENTION APPLICATION, IA No. 104576/2024 - INTERVENTION APPLICATION, IA No. 104575/2024 - INTERVENTION APPLICATION, IA No. 98158/2024 - INTERVENTION APPLICATION)

WITH

SLP(C) No. 12209/2024 (XIV)

IA FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 112559/2024, IA No. 112559/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

SLP(C) No. 6934/2024 (XIV)

IA FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 54456/2024 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 59756/2024 FOR CONDONATION OF DELAY IN FILING ON IA 70170/2024 IA No. 70170/2024 - CONDONATION OF DELAY IN FILING IA No. 54456/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 59756/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 5871/2024 (XIV)
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 43994/2024, FOR CONDONATION OF DELAY IN FILING THE SPARE COPIES ON IA 70228/2024, IA No. 70228/2024 - CONDONATION OF DELAY IN FILING THE SPARE COPIES IA No. 43994/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

SLP(C) No. 5870/2024 (XIV)
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 40413/2024,FOR CONDONATION OF DELAY IN FILING ON IA 70054/2024, IA No. 70054/2024 - CONDONATION OF DELAY IN FILING,IA No. 40413/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 02-09-2025 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) :Mr. N Venkataraman, A.S.G.
Mr. Balbir Singh, Sr. Adv.
Mr. Samar Bansal, Adv.
Mr. Avinash Sharma, AOR
Ms. Akanksha Kapoor, Adv.
Mr. Jayender S. Chandail, Adv.
Mr. Gaurav Kumar, Adv.

For Respondent(s) :Mr.Mukul Rohatgi, Sr. Adv.
Mr. C S Vaidyanathan, Sr. Adv.
Mr. Navin Pahwa, Sr. Adv.
Mr. Abhishek Yadav, AOR
Mr. Mr Ashutosh Kumar, Adv.
Mr. Ashutosh Kumar, Adv.
Mr. Saurabh Yadav, Adv.
Ms. Saya Choudhary Kapur, Adv.
Mr. Devanshu Khanna, Adv.
Mr. Vinod Chauhan, Adv.
Mr. Sajan Shankar Prasad, Adv.

Ms. Radhika Pareva, Adv.
Mr. Anand Pathak, Adv.
Mr. Ravishekhar Nair, Adv.
Mr. Shashank Gautam, Adv.
Ms. Sreemoyee Deb, Adv.
Mr. Param Tandon, Adv.

Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Vibha Dutta Makhija, Sr. Adv.
Mr. Raj Shekhar Rao, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. Adarsh Ramanujan, Adv.
Mr. Ankur Saigal, Adv.
Ms. S.lakshmi Iyer, Adv.
Ms. Shruti Arora, Adv.
Mr. Himanshu Saraswat, Adv.
Mr. Parth Singh, Adv.
Ms. Divyanshi Bansal, Adv.
Ms. Ira Mahajan, Adv.
Mr. E. C. Agrawala, AOR

Mr. Sravan Kumar Karanam, AOR
Mr. P. Venkatraju, Adv.
Ms. M. Harshini, Adv.

Mr. Amit Sibal, Sr. Adv.
Mr. M. T. George, AOR
Dr. Victor Vaibhav Tandon, Adv.
Ms. Mehr Sidhu, Adv.
Ms. Subhoshree Sil, Adv.

Mr. Rajiv Kumar Choudhry, AOR

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

1. Since the issues involved in the captioned Petitions are

the same and the challenge is also to the self-same judgment and order passed by the High Court of Delhi those were taken up for hearing analogously and are being disposed of by this common order.

2. We treat the matter at Serial No.13.1 i.e.SLP(C) 12209 of 2024 as the lead matter for the sake of convenience.

3. This petition arises from the judgment and order passed by the High Court of Delhi dated 13th July, 2023 in the Letters Patent Appeal No. 247 of 2016, by which the LPA filed by the respondent-Telefonaktiebolaget LM Ericsoon (Publ), came to be disposed of, with the following observations recorded by the High Court in paragraph 58. Paragraph 58 reads thus:-

> *"For the above reasons, the 2015 Judgement is sustained. The CCI's proceedings deserve to be quashed for want of power. The Court is of the view that once a settlement has been reached between the informant and person against whom the information is filed, the very substratum of the proceedings by CCI is lost and the 2015 Judgement has rightly quashed the same. The question of liberties granted by the 2015 Judgement being sustainable do not arise, given as this Court has already held that CCI has no power to conduct the investigation that was impugned."*

3. The Competition Commission of India being dissatisfied with the impugned judgment and order passed by the High Court is here before us with five appeals arising from the common judgment and order passed by the High Court.

4. We heard Mr. Samar Bansal the learned counsel appearing for the Competition Commission of India and on the other hand Mr. Mukul Rohatgi, Mr. Navin Pahwa, Ms. Vibha Datta Makhija and Mr. C S Vaidyanathan, the learned senior counsel appearing for the respective respondents.

5. In the peculiar facts and circumstances of the case, more particularly, keeping in mind what has been observed by the High Court in Paragraph 58 of its impugned judgment, referred to above and also taking into consideration the fact that the original complainants/informants have nothing further to say in the matter, we should not interfere with the impugned judgment passed by the High Court.

6. If there are any questions of law involved in this litigation, the same are kept open to be agitated in some other appropriate case.

7. In view of the aforesaid, the petitions stand disposed of.

8. Pending applications including the application(s) for intervention stand disposed of.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)

True Copy

**VAKALATNAMA**
**IN THE SUPREME COURT OF INDIA**
**CIVIL APPELLATE JURISDICTION**
**SLP (C) No. 022525 – 022527 of 2026**

**KONINKLIJKE PHILIPS ELECTRONICS N.V**
**PETITIONERS**

**VERSUS**

**RAJESH BANSAL & ORS** **RESPONDENTS**

**AND**

**IN THE MATTER OF:**

**ASSOCIATION FOR COMPETITIVE TECHNOLOGY (ACT)**
**.... APPLICANT**

I/We, Mr. R Venu, Authorized Signatory of ASSOCIATION FOR COMPETITIVE TECHNOLOGY (ACT) **UNDERSIGNED** (s) in the above petition do hereby appoint & retain

**SWIKRITI SINGHANIA**
**Advocate on Record**
**57, Jor Bagh, New Delhi - 110003**

to act and appear for me/us in the Suit/Appeal/Reference/Application on my/our behalf to conduct and prosecute or (defend) the same and proceedings that may be taken in respect of any decree or order passed their in, including in taxation and application for Review to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Suit/Appeal/Petition/Reference and in applications or Review and to represent we/us and to take all necessary steps on my behalf in the above matter. I/We agree to ratify all acts done on by the aforesaid advocate in pursuance of this authority.

Date this the ______ day of July 2026

Swikriti Singhania

Signature of the Client(s)/ Applicant

ACCEPTED, IDENTIFIED & CERTIFIED
The address for service of the said advocate is:
**57, Jor Bagh,**
**New Delhi - 110003**

## MEMO OF APPEARANCE

**To**
**The Registrar,**
**Supreme Court of India**
**New Delhi**

Please enter my appearance on behalf of Applicant in the above matter.

**Yours faithfully,**
Swikriti Singhania
**(Swikriti Singhania)**
**Advocate for the Applicant**
**Date:_____.07.2026**
**Code No. 2622**
**M. No. 9718156191**

**ACT | The App Association**
**1401 K St NW (Ste 501)**
**Washington, DC 20005**
**United States of America**

**<u>HELD ON 18TH FEBRUARY 2026</u>**

"**RESOLVED THAT** Association for Competitive Technology doing business as ACT | The App Association ("Company"), authorizes Mr. R Venu, Admin Manager, having office at 57, Jor Bagh, New Delhi-110003 to do and perform all and any of the several acts, deeds and things as hereinafter mentioned, hereinbelow:-

1. To file, institute, prosecute, represent, defend all civil, criminal, legal, judicial, quasi-judicial proceedings in all forums courts tribunals in India as may be required to be filed on behalf of the Company or are filed against the Company, as they may deem fit and proper in the interest of the Company;
2. To sign, verify and affirm all pleadings, plaint, written statement, counter claim, applications, affidavits, petition, objection, complaints: vakalat, appeals, applications, revisions, documents, caveats, petitions, write, special leave petitions, etc.; to give evidence or render sworn statements on behalf of the Company; to compromise, compound such proceedings and in this regard to sign, verify and pleadings, affidavits, declarations, vakalat, appeals, applications, revisions, reference,· review, petitions, caveats etc.; to withdraw, settle, mediate or compound any such legal proceedings;
3. To appoint any advocate, vakil, pleader, mukhtar, revenue agent or any other legal practitioner in respect of any matters related to the Company;
4. To do all other lawful acts and deeds as may be necessary for the proper and effectual prosecution of all cases, suits, writs, appeals petitions, special leave petitions and proceedings, and all proceedings arising therefrom; and
5. To sub-delegate any of the aforementioned powers to any other officer(s) of the Company, as he may deem fit from time to time.

The company hereby agrees that all the acts and things lawfully done and performed by Mr. R Venu in terms of the presents shall be construed as the acts and things done by the Company.

FURTHER RESOLVED THAT the Company hereby ratifies all acts done and performed by Mr. R Venu in relation to any proceedings before Courts, Tribunals or any other authority/authorities in India, whether filed by, on behalf of, or against, the Company, including signing, verifying and affirming all pleadings, applications, affidavits, documents, etc., filed on behalf of the Company.

For Association for Competitive Technology doing business as ACT | The App Association.

Brian Scarpelli
Senior Global Policy Counsel

**ACT | The App Association**
1401 K St NW (Ste 501)
Washington, DC 20005

SAIKRISHNA & ASSOCIATES
ADVOCATES

Vivek Kumar <v.kumar@saikrishnaassociates.com>

# KONINKLIJKE PHILIPS ELECTRONICS N.V vs RAJESH BANSAL & ORS, SPECIAL LEAVE PETITION (C) NO. 022525-022527 OF 2026

1 message

**Vivek Kumar** <v.kumar@saikrishnaassociates.com> Fri, Jul 17, 2026 at 12:44 PM
To: filing@lzafeer.in, naveen@nnchambers.in, ar@g10.in
Cc: Swikriti Singhania <swikriti@saikrishnaassociates.com>, Aniruddh <aniruddh@saikrishnaassociates.com>, Shruti Jain <shruti.j@saikrishnaassociates.com>, Sidharth Chopra <sidharth@saikrishnaassociates.com>, Sneha Jain <sneha@saikrishnaassociates.com>

Dear Ma'am/ Sir,

We write to you on behalf of our client, Association For Competitive Technology ("Applicant").

Please find attached by way of advance service a copy of the Intervention Application to be filed on behalf of the afore-said Applicant in the captioned SLP.

Please acknowledge receipt of the same.

Sincerely,
Vivek Kumar

**Vivek Kumar | Associate | Saikrishna & Associates, 57 Jor Bagh, Delhi - 110003, India|**
**Tel:+91-11-40244360 (100 Lines) | Mobile: +91-9667960678**
**[Enrolment No.: D/7260/2023, Patent Agent: IN/PA-5974]**

- WTR 1000 – Gold Ranked Firm- Enforcement & Litigation – 2015, 2016, 2017 & 2018
- CHAMBERS - ASIA PACIFIC 2015, 2016 & 2017 - Leading Firm- IP & TM
- INDIAN BUSINESS LAW JOURNAL – Law Firm Awards- Winner- Intellectual Property – India- 2015
- INDIAN BUSINESS LAW JOURNAL – Law Firm Awards- Winner- Technology Media & Telecommunication-India – 2015
- INDIAN NATIONAL BAR ASSOCIATION – IP Practice-Law Firm of the Year 2015
- MANAGING IP- Global Awards 2014- Firm of the Year- India- Contentious



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