

Combination Registration No. C-2012/01/28

Order under Section 43A of the Competition Act, 2002

1. On 27th January, 2012, the Competition Commission of India (“**Commission**”) received a notice under sub-section (2) of Section 6 of the Competition Act, 2002 (“**Act**”) of the proposed combination between Alok Industries Ltd. (“**AIL**”) and Grabal Alok Impex Ltd. (“**GRAIL**”) given belatedly. The belated notice regarding the proposed combination between AIL and GRAIL was filed pursuant to the scheme of amalgamation under the provisions of Sections 391 to 394 of the Companies Act, 1956 approved by the board of directors of both AIL and GRAIL through separate resolutions dated 29th July, 2011 and 30th July, 2011 respectively. Along with the notice, AIL and GRAIL also filed an application dated 27th January, 2012 for condonation of delay in filing the said notice.
2. The Commission in its ordinary meeting held on 2nd February, 2012, in terms of the Competition Commission of India (Procedure in regard to transaction of business relating to combinations), Regulations, 2011 (“**Combination Regulations**”) admitted the belated notice with effect from 2nd February, 2012. Further, the Commission decided to initiate separate proceedings regarding imposition of penalty under Section 43A of the Act. Accordingly, a show cause notice dated 28th February, 2012 was sent to AIL and GRAIL under Section 43A of the Act read with Regulation 48 of the Competition Commission of India (General) Regulations, 2009.
3. On 19th March, 2012, the Commission received the reply of AIL and GRAIL to the said show cause notice.
4. Considering the facts and circumstances of the case coupled with the fact that this is the first year of implementation of enforcement provisions relating to combinations in the Act, the Commission is of the opinion that no penalty is required to be imposed on AIL and GRAIL in terms of Section 43A of the Act.
5. The Secretary is directed to communicate to AIL and GRAIL accordingly.



Certified True Copy

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23/4/12