

Combination Registration No. C-2012/02/29

Order under Section 43A of the Competition Act, 2002

1. On 1st February, 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 Sasan Power Infrastructure Limited (“**SPIL**”) and Reliance Power Limited (“**RPL**”) given belatedly. The belated notice regarding the proposed combination between SPIL and RPL 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 SPIL and RPL through separate resolutions dated 28th September, 2011. Along with the notice, the RPL and SPIL have filed an affidavit dated 31st January, 2012 for condonation of delay in filing the said notice.
2. The Commission in its ordinary meeting held on 7th 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 7th 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 RPL and SPIL under Section 43A of the Act read with regulations 48 of the Competition Commission of India (General) Regulations, 2009.
3. On 14th March, 2012, the Commission received the reply of RPL and SPIL 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 SPIL and RPL in terms of Section 43A of the Act.
5. The Secretary is directed to communicate to SPIL and RPL accordingly.



Certified True Copy

[Handwritten Signature]
23/4/12
ANIL K. VASHISHT
Office Manager
Competition Commission of India
New Delhi