



# ANNUAL REPORT 2012-13



*COMPETITION COMMISSION OF INDIA*

## CHAIRPERSON'S STATEMENT

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It is my privilege to present the Annual Report of the Competition Commission of India (CCI) for the year 2012-13.

During the year, we focussed on expeditious disposal of pending cases, building networks of knowledge, learning from best practices around the globe, and greater integration and cross divisional coordination within the organization.



From various sectors of the economy including real estate, broadcasting, film industry, finance, infrastructure and ancillary areas, 86 informations were filed in the Commission. The Commission took suo-moto notice in six cases, and two statutory references from other wings of government were received. In 28 cases Commission directed the Director General to undertake an investigation after forming a *prima facie* opinion. By the end of the reporting period, the investigation process was completed in 27 cases (including cases referred in previous year). On the combination side, the commission cleared 56 notices of the 61 received. Learning from the matters which came up, the Regulations pertaining to the Combination provisions were amended to simplify the process, achieve clarity and certainty.

To complement the enforcement measures of the Commission, advocacy initiatives were undertaken with a variety of stakeholders. Apart from media campaigns, workshops and seminars, there were outreach events with students. A national level essay competition was held across varying age groups. Basically the efforts were aimed at raising awareness and fostering compliance.

A knowledge based organization rests on robust partnerships that build capacity. In pursuance thereof Knowledge Partnership Initiative (KPI) has been launched with institutes of excellence in the field of law, management and economics. To draw on experience and diversity, the Eminent Persons Advisory Group (EPAG) consisting of corporate, academics, regulators and civil society met in July.

In an effort to build networks and learn from international best practices, the Commission has pursued a proactive role in the global arena. It has been conferred 'observer status' by the OECD Competition Committee and is an active member of International Competition Network (ICN). The Competition Commission of India (CCI) is one of the three Co-Chairs of the ICN Merger working group, and is also building synergies with other specialized groups of these bodies. The Commission also actively participated in the trade negotiations on Competition Chapter in Free Trade Agreements, Broad Based Trade and Investment Agreements (BTIA) with European Union

as well as European Free Trade Association (EFTA).

In an endeavor to build bilateral partnerships, the Commission has inked mutually beneficial Memorandums of Understanding with the Federal Antimonopoly Service of Russia and the Federal Trade Commission of the USA. These MOUs pave the way for cooperation and information sharing.

Acknowledging that team work and cooperation across the organization are imperative for a robust knowledge based organization; the year saw a “Workshop on Leadership and Team Building” being organized for the first time where all the professional staff of the Commission participated. It provided an opportunity for staff members to interact and express themselves in an informal setting.

Competition law is an evolving architecture and to better equip the organization for its future role, two projects were launched in the year. The E- governance project would install an IT architecture that would provide the foundation for a knowledge based organization. The “Organizational review and Business Plan development” being conducted by the Indian Institute of Management, Ahmedabad would define the contours of the organization as it grows as in the future.

I hope that the Commission’s efforts, along with the cooperation of its stakeholders, would work towards fulfilling its mandate to promote and sustain competition in the country and thereby contribute towards it becoming a vibrant economic entity in the global arena.

Ashok Chawla  
Chairperson  
Competition Commission of India

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## A. INTRODUCTION

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Economic reforms brought in a paradigm shift in the Indian Economy. As the economy opened, competition grew both within and far abroad. The economy march towards free market principles that required new rules.

Accordingly the Competition Act, 2002 was passed and is being implemented by the Commission to eliminate practices having adverse effect on competition; promote and sustain competition; protect interests of consumers and to ensure freedom of trade in markets.

The Competition Act provides a formal and legal framework to promote and sustain competition through its various provisions which, inter-alia, includes-

- Prohibition of anti-competitive agreements at horizontal and vertical level which restrict competition and are harmful to consumers by way of market allocation, limiting production, formation of cartels.
- Regulation of abusive behavior of dominant player in relevant market which may resort to unfair and discriminatory conditions, distort competitive structure of the market and compel consumers to accept their terms and conditions.
- Regulation of mergers and acquisitions that crossing the prescribed thresholds, to safeguard competition in markets.

## 1. Objectives

### **VISION**

To promote and sustain an enabling competition culture through engagement and enforcement that would inspire businesses to be fair, competitive and innovative; enhance consumer welfare; and support economic growth.

### **MISSION 2020**

Competition Commission of India aims to establish robust competitive environment through

- pro-active engagement with all stakeholders, including consumers, industry, government and international jurisdictions
- being a knowledge intensive organization with high competence levels
- professionalism, transparency, resolve and wisdom in enforcement

## 2. Important Achievements

During the reported period, 86 informations were filed with the Commission under Section 19(1) (a) which were from diverse sectors of economy viz. real estate, broadcasting, film industry, finance, infrastructure and ancillary areas alleging infringement of the provisions related with anti-competitive agreements and abuse of dominant position of the Act. After forming a *prima facie* opinion, the Commission directed the Director General to undertake investigation in 28 cases. By the end of the year, the investigation process was completed for 27 cases (including cases referred in the previous year). The disposal rate was 48.07%. The Commission also ordered closure of those cases where in its opinion, no prima facie infringement of the Act was found and has imposed appropriate penalty where infringement has been proved. During the period 67 notices for combinations were received. The Commission decided on all cases within the stipulated timeframe.

A Number of workshops, conferences, seminars and interactive sessions were conducted with various stakeholders and representative bodies. Significantly during the period sessions were organised with Government agencies and PSUs, customized to their needs and concerns regarding competition law. Realising that students shall be in vanguard in their various roles in future, about 20 schools were visited by the Commission's team to sensitize them about competition law. Students were also drawn in through organisation of a National Level Essay Competition.

Since leaders of corporate entities would play a crucial role in developing a conducive environment for healthy competition a Roundtable was organised to sensitize top CEOs as to how competition compliance is an essential part of good corporate governance.

In recognition of its effort and practices, the Commission has been conferred 'observer status' by the OECD Competition Committee and is an active member of International Competition Network (ICN). The Competition Commission of India (CCI) is one of the three Co-Chairs of the ICN Merger working group.

A Memorandum of Understanding (MOU) between India and the United States on competition law cooperation was signed on September 27, 2012 in Washington DC.



**Recruitment:**

- In the first round of the direct recruitment, 18 professionals and 8 support staff were appointed. In the second round of the direct recruitment, 5 professional were appointed. In the third round of the direct recruitment, one professional and two support staff were appointed. For the 4<sup>th</sup> round of direct recruitment, applications were called for from eligible candidates in January, 2013 against 20 posts of professionals and 11 posts of support staff. The written examination was scheduled to be held in 28<sup>th</sup> April, 2013 in which a total of 471 candidates appeared.
- 8 posts were filled up in CCI on deputation basis. Offers of appointment were issued to 02 more candidates.
- 5 posts were filled up in DG, CCI office, on deputation basis. Offers of appointment on deputation basis were issued to 02 more candidates.
- 17 experts were engaged in the CCI and 4 experts were engaged in the DG Office on contract basis.

### 3. The Year in Review

#### (i) Landmark Decisions

#### (I) Landmark decisions given by the Commission during financial year 2012-13 are as under:

1. **Coal India Limited (CIL) & Suppliers of Explosives** : Coal India Limited, as an Informant, had alleged that the explosive manufacturers had formed a cartel and consequently have violated Section 3 of the Act. The Commission vide its order dated 16.4.2012 found the act of boycott of e-reverse auction by the explosive suppliers to be in violation of Section 3(3)(b) and Section 3(3) (d) of the Act and imposed a penalty at the rate of 3% on the average of 3 years turnover on the 10 Opposite Parties named in the information filed. These Opposite Parties were also directed to 'cease & desist' from engaging in practices of manipulating process of bidding in any manner. Penalty of Rs.58,82,65,713 was imposed.
2. **Varca Druggist & Chemist & Others and Chemists & Druggists Association (CDAG), Goa**: In an information filed by Varca Druggist & Chemist it was alleged that the Chemists & Druggists Association, Goa is indulging in unfair practices. The Commission vide order dated 11.6.12 found the conduct and practices being followed by the Chemists & Druggists Association to be anti competitive and in violation of Section 3(3) (a) and Section 3(3) (b). CDAG and its members were directed to 'cease & desist' from indulging in such practices, to file an undertaking that restrictions on appointment of stockists and wholesalers from non members of CDAG were done away with and that restricted clauses in their Circulars, MoU and Guidelines were removed. Penalty of Rs. 2,00,000/- was also imposed on CDAG.
3. **M/s. Kansan News Pvt. Ltd. & M/s. Fast Way Transmission Pvt. Ltd. & Others** : The Informant, who is running a current affairs TV channel "Day & Night News" alleged that Sh. Gurdeep Singh is directly controlling the business of all Opposite Parties. It was further alleged that Opposite Parties have acted as cartel by denying broadcasting the channel of the Informant in the State of Punjab and Union Territory of Chandigarh in violation of Section 3. The Commission vide its order dated 3.7.2012 found that four of the Opposite Parties were part of the same group and were in contravention of Section 4(2)(c) of the Act. The Commission imposed a penalty on the Opposite Party Group at the rate of 6% of their average turnover of the three proceeding years. Penalty of Rs.8,04,01,141 was imposed on Opposite Parties.

4. **Shri Surinder Singh Barmi & Board for Control of Cricket in India (BCCI)** : The Commission in a majority order found BCCI to be in contravention of Section 4(2)(c) of the Act and directed it to 'cease & desist' from any practice denying market access to potential competitors. It was also directed to 'cease & desist' from using regulatory powers in any way in the process of considering and deciding on any matters relating to its commercial activities. The Commission directed that the clause 9.1(c)(i) be removed from the Media Rights Agreement. The Commission also directed a penalty at the rate of 6% of the average annual revenue of BCCI for the last 3 years be imposed. Penalty of Rs.52,24,00,000/- was imposed on BCCI.
5. **M/s. Santuka Associates Pvt. Ltd. Vs All India Organization of Chemists & Druggists (AIOCD) and Others (Case No.20/2011)** : M/s. Santuka Associates Pvt. Ltd. in their information before the Commission alleged that All India Organisation of Chemists & Druggists (AIOCD) had abused its dominant position by inter-alia limiting and restricting supply of pharmaceuticals and drugs in India. The Commission vide its order dated 19.2.2013 noted that AIOCD had violated Sect. 3(3)(a) and 3(3) (b) of the Act and imposed a penalty of 10% of their average receipt for three financial years. Penalty of Rs.47,40,613 was imposed on AIOCD.
6. **Cartelization by Cement Companies**:The Commission had received from DGI & R u/s 66(6) of the Act a suo-moto case initiated by the erstwhile MRTP Commission. The case pertained to alleged cartelization by cement companies. Further, Builder Association of India submitted information against cement manufacturers and Cement Manufacturers Association for alleged violation of Section 3 and 4 of the Act. The Commission vide order dated 20.6.2012 held that the Opposite Parties, as mentioned below, were in contravention of Section 3(3) (a) and 3(3) (b) read with 3(1) of the Act:
  1. Cement Manufacturers' Association
  2. Associated Cement Co. Ltd.
  3. Gujarat Ambuja Cement Ltd.
  4. Grasim Cement
  5. Ultratech Cement Ltd.
  6. Jaypee Cement
  7. The India Cements Ltd.

8. J.K. Cements
9. Century Textiles & Industries Ltd.
10. Madras Cement Ltd.
11. Binani Cement Ltd.
12. Lafarge India Pvt. Ltd.

The Commission decided to impose a penalty of 50% of net profit for 2009-10 and 2010-11 in case of each cement manufacturer.

In a separate order dated 30.7.2012, the Commission imposed a penalty of 50% of net profit for 2009-10 and 2010-11 on Shree Cements Ltd.

7. **Suo-moto Case No.02/2011 (Re. Aluminium Phosphide Tablets Manufacturers :**

CCI received information from Food Corporation of India (FCI) relating to increase in cost of procurement due to anti-competitive agreement amongst manufacturers of aluminium phosphate tablets (which is needed for preservation of central pool food grains of FCI).

The Commission found that the acts and conduct of three of the Opposite Parties (Excel Crop Care Ltd., Sandhya Organics Chemicals Pvt. Ltd. and United Phosphorus Ltd.) named in the information to be in violation of provisions of 3(3)(b) and 3(3)(d) of the Act.

The Commission decided to impose a penalty @ 9% of average of 3 years turnover on these Opposite Parties. The penalty aggregated to Rs.317.91 crore was imposed on the parties.

(ii) Legislative Work: NIL

(iii) Outreach Programme:

Competition Law is comparatively a new architecture in India in the realm of economic regulation. It aims to promote fair markets that would inspire innovation, ensure consumer welfare and support economic growth. With overarching applicability, the law covers the entire economic spectrum. To address and reach out to the wide variety of stakeholders encompassed, Section 49 of the Act mandates advocacy through various measures.

To supplement the enforcement efforts of the Commission, a large number of initiatives were undertaken in order to foster understanding on the benefits of competition and inculcate a competition culture. The Commission organized workshops, lectures, seminars, conferences, presentations and other interactive sessions with various stakeholders. The topics covered included public procurement, compliance, coherence of policy, and overview of the law.



Round Table on “Competition Compliance for Good Corporate Governance”  
on January 24, 2013 in New Delhi

A workshop on “Public Procurement & Competition Law” was jointly organised with SCOPE at Bangalore. A Round Table on “Government Coherent Policy” with Nodal Officers of Central

Ministries/ Departments was organized at New Delhi. A conference on “Curbing Deficit through Effective Competition in Public Procurement” was organised for Finance Advisers/ Nodal Officers of Central Ministries/ Departments at New Delhi. A workshop on “Audit of Procurement Transactions & Competition Law” was organised for CAG Officers at New Delhi. A Roundtable on “Competition Compliance: A key component of Good Corporate Governance” was organised for top leaders of the corporate sector at New Delhi. A conference was also organised with representatives of major trade associations to sensitize them about competition compliance programmes.

Reaching out to students at various levels was a key initiative. About twenty schools of repute were engaged with to sensitize the students on competition related aspects. This was followed up by a National Level Essay Competition, which saw participation from all over the country. In addition, a series of lectures at various law colleges, universities, professional institutes, administrative academies etc. were also organised to create awareness about the benefits of competition in the market place.

The Commission also provides internship opportunities to students from Law, Economics, Management and Professional streams. During the year 2012-13, 70 students from reputed institutes like NLU, NALSAR, JNU, ICAI etc. undertook internship with the Commission on various competition related subjects.

In order to study and understand in depth, the Commission undertakes market studies in specific sectors. During the year a study on the Agriculture sector was done to identify anti-competitive practices/ concerns in the sector.

#### (iv) Capacity Building:

It has been the endeavor of the Commission to become a knowledge based organization, sourcing personnel from various streams. This has helped CCI to build a team of competent officers in the realm of competition law. Their skills have continuously been honed and capacities enhanced through exposure to various fora at national and international level. In this pursuit, Knowledge Partnership Initiative (KPI) has been launched with the institutes of excellence in the field of law, management and economics. Notably CCI has set up an Eminent Persons Advisory Group (EPAG) with a view to have a pool of talent and expertise from various fields for advice and insight. The first meeting of EPAG took place on July 23, 2012.

#### **Following activities were undertaken by the Commission during the period.**

- Training on Competition Law and State-owned Enterprises held on 21<sup>st</sup> -22<sup>nd</sup> May 2012 at India Habitat Center organized by UNCTAD.
- Training on Handling in-depth merger investigations held on 23<sup>rd</sup>–24<sup>th</sup> May 2012 at CCI organized by DG Competition, European Union.
- Training on Advance issues in the analysis of Anticompetitive Agreements held on 24<sup>th</sup> –27<sup>th</sup> September 2012 at CCI organized by United States Federal Trade Commission (USFTC).
- Training on Cartel Enforcement and Technology and Antitrust held on 24<sup>th</sup> –27<sup>th</sup> September 2012 at CCI organized by American Bar Association (ABA)-International Bar Association (IBA).
- Workshop on Unilateral Conduct held on 24<sup>th</sup>-25<sup>th</sup> July 2012 at Singapore organized by ICN.
- Training on advanced economics held on 27<sup>th</sup> -31<sup>st</sup> August 2012 at Washington.DC, USA organized by USFTC.
- Seminar on Unilateral Conduct: Excessive Pricing and Anti-Competitive Practices held on 3<sup>rd</sup> – 4<sup>th</sup> October 2012 at Manila, Philippines organized by Taiwan Fair Trade Commission.
- Workshop on ICN Merger Working Group 2012 held on 7<sup>th</sup> – 9<sup>th</sup> November 2012 at Bogota, Columbia organized by International Competition Network (ICN).
- Workshop on Practice and Procedure in Competition Cases held on 6<sup>th</sup> – 8<sup>th</sup> March 2013 at Busan, Korea organized by OECD-Korea Policy Center.
- 16<sup>th</sup> International Conference on Competition and Workshop for Competition Authorities held on 20<sup>th</sup>-22<sup>nd</sup>, March, 2013 at Bundeskartellamt (German Competition Authority) in Berlin, Germany.

## (v) International Engagements:

In the contemporary era of globalization, cooperation and knowledge sharing among nations and international organizations has become indispensable. Competition regulatory bodies thus cannot be an exception. In the global competition fraternity CCI has assumed a place of reckoning by virtue of its activities and action as per the mandate of the Competition Act, 2002.

CCI has regularly been participating in various workshops, conferences, seminars meetings etc. organised by International Competition bodies viz. ICN, OECD, Global Competition Forum, UNCTAD, BRICS etc. Exposures at such platforms provides vital linkages and inputs and help developing synergies for participating countries



Chairperson CCI signing India-US MOU on Anti-Trust cooperation with US Anti-Trust Agencies on 27, September, 2012 in Washington DC.

Since CCI has an extra territorial mandate it has been an endeavor to strengthen the cooperation with various mature competition jurisdictions. In this direction MOUs with Russian and American Anti-Trust Agencies viz. Federal Antimonopoly Service and Federal Trade Commission respectively were signed. Besides CCI also actively participated in the trade negotiations on Competition Chapter in Free Trade Agreements. CCI is also involved in negotiations for Broad Based Trade and Investment Agreements(BTIA) with European Union as well as European Free Trade Association (EFTA).

Shri Ashok Chawla, Chairperson, CCI India attended (a) 11<sup>th</sup> Annual Conference of International Competition Network(ICN) during 17<sup>th</sup>-20<sup>th</sup> April, 2012 at Rio de Janeiro, Brazil; (b) 12<sup>th</sup> Intergovernmental Group of Experts session on Competition Law and Policy organised by OECD on 09<sup>th</sup>- 13<sup>th</sup>, July, 2012, Geneva, Switzerland; (c) 9<sup>th</sup> Annual India Investment Forum on 24<sup>th</sup>-25<sup>th</sup> September, 2012 at New York, USA; (d) 117<sup>th</sup> Competition Committee Meeting & 12<sup>th</sup> Global Forum



on Competition on 26<sup>th</sup> February to March, 2013 at Paris, France. Shri S.L. Bunker, Secretary, CCI participated in OECD's Working Party and Competition Committee Meeting and ICN Advocacy Workshop on 24<sup>th</sup>-27<sup>th</sup>, October, 2012 at Paris France. Shri A.K. Chauhan, Director General CCI, participated in 11<sup>th</sup> Annual Conference of International Competition Network(ICN) during 17<sup>th</sup>-20<sup>th</sup> April, 2012 at Rio de Janeiro, Brazil.

## (vi) Impact on Consumers and Economy

A cornerstone of a successful market economy is the existence of a “competition culture”. All sections of society – consumers, businesspeople, and the government benefit from a robust competition culture. The benefits in terms of more choices and better products for the consumers and greater innovation and competitiveness for the firms are well known. In economic terms, competition optimizes static and dynamic efficiency and maximizes consumer and producer surplus.

Since its enforcement provisions came into force, the Commission has been looking at cases of violation across many sectors. The violations may be due to anti-competitive agreements between enterprises, e.g. cartels, bid-rigging etc., or dominant players abusing their market power to the detriment of consumers and competitors.

The Commission’s findings in the case of cement cartel, leading to a penalty of nearly Rs. 6,700 crore, and the abuse of dominance by DLF Ltd. leading to a penalty of Rs. 630 crore, have been widely reported, but there have been many other important and noteworthy cases also. There have also been cases involving bid-rigging by bidders in a number of cases of procurements by governments, PSUs and institutions.

Enforcement supplemented by proactive advocacy has fostered an environment of competition compliance with most large entities actively adopting compliance regimes and sensitizing their employees. Compliance with the competition law is beneficial to the entire economic system. The international experience shows that economic growth comes through improvements in productivity and innovation. Both these flow from incentives arising out of fair markets and competition.

Government and markets are inextricably linked. Governments set the legal and institutional frameworks within which markets operate. They have an interest in market outcomes and the way these are distributed between different groups in society. When government policies are not harmonized or they are incoherent with competition law, the likelihood of achieving the desired results is hampered and the policies may be ineffective.

CCI through its advocacy interventions has reached out to government both Central and States to work towards policy coherence and effective public procurement. The effort has been to spread the message that policy makers should aim to protect and promote competition in markets in order to capture the benefits of competition for consumers and society as a whole.

## B. INVESTIGATIONS AND INQUIRIES ORDERED BY THE COMMISSION

### (I) Investigation and inquiry relating to Sections 3, 4 and 42 of the Act

The Commission has received 86 cases u/s 19(1)(a) of the Competition Act, 2002 from various informants during the year 2012-2013. The Commission has also received 2 reference cases u/s 19(1)(b) from Central/State Government/Statutory Authority. Maximum cases were received from Real Estate, Coal, Banking & Finance sectors. The allegation made in the information received related to violation of section 3 & 4 of the Act. The Commission ordered investigation by the Director General in 28 cases under section 26(1) of the Act including 6 Suo Moto cases initiated its own.

The Commission also decided to close 51 cases under section 26(2) of the Act, after considering all facts and evidences.

**Table 1: Cases before the Commission during the year 2012-13**

Description	Information Received u/s 19	Cases Received from MRTPC On transfer	Suomoto cognizance	References received from Central Govt.	References received from State Govt.	References received from Local Authorities	Total
Number of matters pending at the beginning of the year	61	07	02	01	-	-	71
Number of matter received during the year	86	-	06	02	-	-	94
Total number of matters	147	07	08	03	-	-	165
Number of matters in which prima facie violations noticed	21	-	06	01	-	-	28
Number of matters in which no prima facie violations noticed	51	-	-	-	-	-	51
Investigation reports received on prima facie matters ordered for investigation	24	-	01	02	-	-	27
Inquiries conducted	-	-	-	-	-	-	-

## (II) Investigations and enquiries undertaken by Director General

During the year 2012-13, Director General received 28 cases for investigation from the Commission. The Director General submitted investigation reports in 27 cases. The table given below summarizes the total number of cases received from Commission for investigation vis-à-vis the number of cases in which report has been submitted to the Commission.

**Table 2: Status of Investigations by Director General**

<b>Status of Investigations by Director General</b>	<b>u/s26(1)</b>	<b>u/s 26(8)</b>	<b>Nos.</b>
Number of matters pending at the beginning of the year	21	3	24
Number of matters received during the year	27	1	28
Total number of matters report submitted	25	2	27
Number of matter pending at the end of the year	23	2	25
Disposal Rate			51.92%

## C. ORDERS PASSED BY THE COMMISSION

The Commission found that there is no violation of the Act in 51 cases and closed these cases u/s Section 26(2) of the Act. In 14 cases the Commission after considering objections and submissions made before it closed the cases and passed orders u/s 26(6). The table below summarises the orders passed by the Commission.

**Table 3: Orders Passed by the Commission**

Category		Total	Section under which the order was passed
Cases where no offence is made out	Cases where offence is proved		
51	-	51	Under Section 26(2)
14	-	14	Under Section 26(6)
-	30	18	Under Section 27

## D. EXECUTION OF ORDERS OF COMMISSION AND PENALTIES

**Table 4: Monetary Penalties**

	Description	Nos.
i.	Details on recovery of penalty levied under section 27, 42/43/43A, 44 and 45 (Separately and combined)	11 Orders u/s 27, 5 u/s 43 and one order u/s 43 A were passed. Details given at Table 8. Recovery Details for orders passed during the period prior to 2011-12 is enclosed at Table 8A.
ii.	Total number of matters and total amount of monetary penalties levied	During the year, the Commission levied penalty in 17 cases which aggregating to  Rs7,157,05,46,257/-
iii.	Total amount realized without restoring to Section 39(2):	Rs41,68,000/-
iv.	Total number of matters and amount therein referred to income-tax authorities for collection as arrears of Income tax under Section 39(2)	Nil
v.	Total number of matters and amount therein referred by income-tax authorities as Arrears of income tax	Nil

**Table 5: Matter Referred to Chief Metropolitan Magistrate, New Delhi u/s 42.**

	Description	Nos.
i.	Details of matters referred to Chief Metropolitan Magistrate, Delhi under Section 42	Nil
ii.	Number of matters pending at the beginning of the year	Nil
iii.	Number of references made during the year	Nil
iv.	Total number of matters	Nil
v.	Number of references disposed of out of (i) above	Nil
vi.	Number of references disposed of out of (ii) above	Nil
vii.	Total number of references disposed of during the year	Nil
viii.	Number of references pending at the end of the year	Nil

**Table 6: Imposition of Lesser Penalties under Section 46**

	Description	Nos.
i.	Matters in which lesser penalty has been imposed under Section 46	Nil
ii.	Number of matters in which lesser penalty imposed	Nil
iii.	Number of persons or enterprises on whom lesser penalty imposed	Nil
iv.	Number of persons granted full leniency and partial leniency in each matter.	Nil

**Table 7: Penalty imposed during 2012-13**

S. No	Case No. & Brief head	Date of the order of the Commission	Amount of monetary penalty	Status of Recovery as of 31.3.13
Penalty Under Section 27				
1.	43/2010–PES Installation Ltd.(PES) MDD Medical Systems Pvt. Ltd. (MDD)& Medical Products Services (MPS) (Information filed by Foundation for Common Cause & People Awareness)	16.4.12	Rs.3,00,95,218	COMPAT vide Order dated 25.2.13 reduced the penalty imposed on Opposite Parties viz.PES,MDD & MPS from 5% of the average turnover of last three years to 3% of average turnover of last three years and directed them to deposit the penalty with 90 days of the receipt of the order. Penalty not deposited.
2.	06/2011 – Cartelization by Suppliers of Explosives (Information filed by Coal India Ltd.)	16.4.12	Rs.58,82,65,713	The Opposite Parties filed an appeal in COMPAT vide Order dated 16.8.12 directed that the parties to deposit 5% of the penalty amount in the name of Registrar COMPAT within one month. As per order dated 1.1.13 written arguments were to be filed in 2 weeks and order was reserved.
3.	Suo Moto No,2/2011 – Cartelization between United Phosphorous Ltd., Sandhya Organic Chemicals Ltd., Excel Crop Care Ltd. &Agrosynth Chemicals Ltd. (Manufacturers of Aluminium Phosphide tablets)	23.4.12	Rs.317,91,00,000	The Opposite Parties filed an appeal and COMPAT vide order dated 18.7.12 directed a stay on penalty on the condition that the appellant deposit 10% of the penalty amount in the name of Registrar of COMPAT by way of Fixed Deposit of Scheduled Banks which shall be in custody of Registrar, COMPAT. Matter pending before COMPAT.

4.	M RTP Case No. C-127/2009/DGIR/4/28 - Chemists and Druggist Association, Goa (CDAG) (Information filed by Varca Druggist & Chemists and Others)	11.6.12	Rs.2,00,000	Penalty remains unpaid despite despatch of demand notice dated 31.8.2012 and issue of recovery certificate dated 11.10.2012 to CDAG. No appeal filed by the party before COMPAT.
5.	29/2010 – Information filed by Builders Association of India against manufacturers of Cement.	20.6.12	Rs.63,17,32,00,00	Opposite Parties have filed appeal in COMPAT which has ordered that no coercive steps to be taken for recovery of penalty. Arguments concluded on 18.3.2013 and the order reserved by COMPAT.
6.	RTPE 52/2006 – Case referred on transfer from Office of DGI(R) of the erstwhile MRTP Commission u/s 66(b) of the Act.	30.7.12	Rs.397,51,00,000	Opposite Parties have filed appeal in COMPAT which has ordered that no coercive steps to be taken for recovery of penalty. Arguments concluded on 18.3.2013 and the order reserved by COMPAT.
7.	36/2011 – Fastway Transmission Pvt. Ltd. (Fastway), Hathway Sukhamjit Cable & Datacom Pvt. Ltd. (Hathway), Creative Cable Network Pvt. Ltd. (Creative), Wire & Wireless Pvt. Ltd. & Sh. Gurdip Singh (Information filed by Kansan News Pvt. Ltd.)	3.7.12	Rs.8,04,01,141	Three of the Opposite Parties viz. Fastway, Hathway & Creative have filed appeal in COMPAT and it has ordered stay of penalty subject to the condition that the appellants pay 5% of the penalty imposed and furnish security for the rest of the amount to the satisfaction of Registrar of COMPAT. Appeals pending before COMPAT.
8.	C-87/ 2009 Chemists and Druggist Association of Baroda (Information filed by Vedant Bio Sciences)	5.9.12	Rs.53,837 on Chemists & Druggist Association of Baroda	Penalty has been paid on 14.2.13.
9.	56/2011 – Telengana Film Distributors Association, Karnataka Film Chamber of Commerce, Indian Film Exporters Association, Andhra Film Chamber of Commerce and Big Bang Media Pvt. Ltd. (Information filed by Cinergy Independent Film Services Pvt. Ltd.)	10.1.13	Rs.12,89,735 on Telengana Telugu Film Distributors Association	Penalty not paid.



10.	61/2010 –Board for Control of Cricket in India (BCCI) (Information filed by Surinder Singh Barmi)	8.2.13	Rs.52,24,00,000 on BCCI	Penalty not paid
11.	Case No.20/2011 –All India Organization of Chemists & Druggist (AIOCD), Organization of Pharmaceutical Producers of India and Indian Drug Manufacturers Association and USV Ltd. (Information filed by Santuka Associates Pvt. Ltd.)	19.2.13	Rs.47,40,613 on AIOCD	Penalty not paid
Penalty Under Section 43A				
12	C-2012/12/92 Merger of Dewan Housing Corporation Ltd, First Blue Housing Finance Ltd & DHFL Private Ltd	3.1.13	Rs5,00,000	Penalty has been paid
Penalty Under Section 43				
13	41/2010 Karnataka Film Chamber of Commerce (Information filed by UTV Software Communication Ltd.)	12.6.12	Rs.13,00,000	Sh. K Manju, Vice President & Sh. A.Ganesh, Hon. Secretary of Karnataka Film Chamber of Commerce (KFCC) were ordered vide order dated 12.6.12 to pay a penalty of Rs.6,50,000 each for 26 day delay in furnishing of individual financial statements and balance sheet of their enterprises. Penalty has not been paid.
14	45/2010 Karnataka Film Chamber of Commerce (Information filed by Reliance Media Works Ltd.)	12.6.12	Rs.13,00,000	-do-
15	47/2010 Karnataka Film Chamber of Commerce (Information filed by Reliance Big Entertainment Pvt.Ltd.)	12.6.12	Rs.13,00,000	-do-

16	48/2010 Karnataka Film Chamber of Commerce (Information filed by FICCI Multiplex Association of India)	12.6.12	Rs.13,00,000	-do-
17	56/2010 Motion Pictures Association (MPA), Northern India Motion Pictures Association (NIMPA), Central Circuit Cine Association, Indore (CCCA), Telengana Telugu Film Distributors Association (TTFDA), Film Distributors Association, Kerala (FDA), Karnataka Film Chamber of Commerce (KFCC) (Information filed by Sunshine Pictures Pvt. Ltd.)	12.6.12	Rs.6,50,000	-do-

**Table 8 : Status of cases wherein penalty was imposed in previous years**

S. No	Case No. & Brief head	Date of the order of the Commission	Amount of monetary penalty	Recovery Status as of 31.3.13
Penalty Under Section 27				
1.	22/2010 Schott Glass India Pvt.Ltd. (Information filed by Kapoor Glass Pvt. Ltd.)	29.3.12	Rs.5,66,00,000 on Schott Glass Pvt.Ltd.	Opposite Party has filed an appeal in COMPAT which has vide order dated 22.08.012 directed them to pay 25% of the penalty imposed in the name of Registrar COMPAT. Matter pending before COMPAT.
2.	56/2010 Motion Pictures Association (MPA), Northern India Motion Pictures Association (NIMPA), Central Circuit Cine Association, Indore (CCCA), Telengana Telugu Film Distributors Association (TTFDA), Film Distributors Association, Kerala (FDA), Karnataka Film Chamber of Commerce (KFCC) (Information filed by Sunshine Pictures Pvt. Ltd.)	16.2.12	Rs.2,27,718/- (Rs.1,27,718 on FDA, Kerala and Rs.1,00,000 on TTFDA)	FDA, Kerala had filed an appeal in COMPAT which has been dismissed on 03.01.2013. Telengana Film Distributors Association (TFDA) has not paid the penalty.
3.	13/2009 National Stock Exchange of India Ltd. (NSE) (filed by MCX Stock Exchange Ltd.)	23.6.11	Rs.55,50,00,000	Opposite Party (NSE) has filed an appeal in COMPAT and after hearing stay was granted on 8.9.11 for realization of the penalty till disposal of appeals subject to the Appellant filing an undertaking to pay interest @ 9% on the said amount or any reduced amount on the basis of decision in the appeal.

4.	01/2009 United Producers & Others (Information filed by FICCI-Multi-plex Association of India)	25.5.11	Rs.27,00,000/- (Rs.1,00,000 each on 27 Opposite Parties)	Rs.22,84,634/- has been received. Three of Opposite Parties had filed appeal before COMPAT which vide order dated 29.08.2012 directed that payment shall be made without prejudice. However no payment made by parties. Matter pending before COMPAT. One party (Sh. Aamir Khan) has neither paid penalty nor filed an appeal before COMPAT.
5.	03/2009 Travel Agents Federation of India (TAFI, Travel Agent Association of India (TAAI), International Air Transport Association (IATA) & Others(Information filed by Uniglobe Travels Pvt.Ltd.	4.10.11	Rs.3,00,000 (Rs.1,00,000 each of TAFI, TAAI & IATA)	TAAI has filed appeal in COMPAT which was dismissed on 9.1.2013 as withdrawn. Rs.1,00,000 each paid by TAFI & IATA.
6.	25/2010 (along with 41/2010, 45/2010, 47/2010, 48/2010, 50/2010, 58/2010 & 69/2010)	16.2.12	Rs.46,17,154	All parties have penalty except for KFCC who has paid Rs.5,00,000/- and Rs.11,82,204 is outstanding.
7.	03/2011 LPG Cylinder Manufacturers (Suo-Moto case)	24.2.12	Rs.165,58,60,749 on 48 cylinder manufacturers	Opposite Parties have filed an appeal in COMPAT and it has directed vide order dated 10.10.12 that stay shall be granted subject to condition that the appellant deposit 10% of penalty and furnish security for 90% with concerned authority of Central Govt. to the satisfaction of Registrar of COMPAT. Matter pending before COMPAT.
8.	19/2010 DLF Ltd. and Others (Information filed by BelAire Owners' Association)	12.8.11	Rs.6,30,00,00,000 on M/s. DLF Ltd.	Opposite Party has filed an appeal in COMPAT who has directed a stay of penalty subject to the condition that appellant file an undertaking to pay 9% interest on the amount imposed as penalty of such amount as may be determined by this forum for the period from the date or order by CCI till date of payment. Matter pending before COMPAT.
Penalty Under Section 43				

9	1/2009 - FICCI Multiplex Assn. Vs. UPDF & Ors.	25.10.11	Rs.100,000/-	Order u/s 43 on 25.10.11, imposing penalty of Rs.25,000/-, each, on Sh. Rattan Jain, Sh.Sunil Lulla, Sh.Nandu Ahuja and Ms.Jyoti Deshpande, for their failure to provide information or in appearing before the DG, during the course of the investigation. Demand Notices were issued on 14.11.11 to them. In response only Sh. Rattan Jain paid the penalty. The other three parties have gone in appeal before COMPAT against the order of the Commission which is pending.
10.	Misc. 1/2010 (in Case No. 4/2009) – Kingfisher Airlines	29.8.12	Rs.72,50,000/-	On 09.1.12, the Commission imposed penalty of Rs.72,50,000/- on Kingfisher Airlines, u/s 43 of the Act. The party filed an appeal in COMPAT order which has been upheld on 29.8.12.
11.	MRTPC-127/DGIR (4/28)–Varca Drugs Vs. Chemists & Druggists Association of Goa.	13.12.11	Rs.25,000/- per day w.e.f. 13.12.11 for a period of 30 days; if information still not furnished, Rs50,000/- per day for next 30 days and Rs.1,00,000 per day there after till the penalty amount culminates to Rs 1.00 Cr.	Order u/s 43 passed. Demand notice for Rs.1,00,00,000 sent on 23.5.12 and Recovery notice sent on 18.7.12 but penalty has not been paid.
12	20/2011 – Santuka Vs. AIOCD	25.10.11	Rs.25,000/- per day on AIOCD from 02.09.11 till date before which they were to file the requisite information with DG.	Order u/s 43 imposing penalty of Rs.25,000/- per day, on All India Organization of Chemists and Druggists (AIOCD), from 02.09.11 onwards, the date before which they were to file the requisite information with DG. Penalty will continue to be levied till the party provides the requisite information to DG. Copy of the Order was sent to the party on 03.11.11, followed by issuance of Demand Notice on 29.12.11. No compliance or order as of 31.3.13.
13.	17/2011- Manju Tharad Vs. EIMPA	27.3.12	Rs.11,50,000/-	Order u/s 43 on 27.3.2012 imposing penalty of Rs.11,50,000 for non-furnishing of information in respect of Shr. Ramashankar Khemka and other 03 Members office bearers of Eastern India Motion Pictures Association (EIMPA). Parties filed an appeal in COMPAT which vide order dated 14.12.12 allowed the appeal.

## E. APPEALS

### (I) Number of Appeals filed against Commission's orders

Table 9

	Description	Nos.
i.	Number of appeals pending at the beginning of the year	34
ii.	Appeals filed during the year	142
iii.	Total	<b>176</b>

### (II) Number of Appeals allowed by the Appellate Tribunal

Table 10

	Description	Nos.
i.	From appeals pending at the beginning of the year	02
ii.	From appeals filed during the year	03
iii.	Total	<b>05</b>

### (III) Number of Appeals disallowed by the Appellate Tribunal

Table 11

	Description	Nos.
i.	From appeals at the beginning of the year	14
ii.	From appeals filed during the year	21
iii.	Total	<b>35</b>

Details of various appeals from 01-04-2012 from 01-04-2012 to 31-03-2013

**Appeals pending at the beginning of the year**

**Table 12**

S.No	Appeal No.	Name
1	Appeal No.21/2010	Travel Agents Association of India v. BalmerLawrie& Co. &Anr.
2.	Appeal No.08/2011	Consumer online Foundation v. CCI and Ors.
3.	Appeal No.09/2011	Paper Merchants Association, Delhi v. Vijay Gupta & Ors.
4.	Appeal No.11/2011	Nandu Ahuja v. CCI & Ors.
5.	Appeal No.12/2011	Sunil Arjan Lulla v. CCI & Ors.
6.	Appeal No.13/2011	Jyoti Deshpande v. CCI & Ors.
7.	Appeal No.14/2011	Kanazia Digital Systems Pvt. Ltd. v. CCI & Ors.
8.	Appeal No. 15/2011	The National Stock Exchange of India Ltd (NSE) v. CCI and Anr.
9.	Appeal No.17/2011	Singhania and Partners LLP v. M/s Microsoft Corporation India (P) Ltd
10.	Appeal No.18/2011	Pawan Kumar Aggarwal v. CCI & Ors.
11.	Appeal No.20 / 2011	M/s. DLF Ltd. v. CCI
12.	Appeal No.22 /2011	DLF Home Developers Ltd. v. CCI
13.	Appeal No.23 /2011	M/s. DLF Ltd. v. CCI
14.	Appeal No.24 /2011	Travel Agents Association v. Uniglobe Mad Travels (P) Ltd. & Ors.
15.	Appeal No.25/2011	Travel Agents Association of India v. Lufthansa German Airlines and Ors.
16.	Appeal No. 01/2012	Nandu Ahuja v. CCI & Ors.
17.	Appeal No. 02/2012	Sunil Arjan Lulla v. CCI & Ors.
18.	Appeal No. 03/2012	Jyoti Deshpande v. CCI & Ors.
19.	Appeal No. 04/2012	M/s Savitri Leasing & Finance Ltd. v. Punjab National Bank & Ors.
20.	Appeal No.05/2012	IFP Petro Products (P) Ltd. v. MSTC Ltd. & Ors.
21.	Appeal No.06/2012	M/s P-Tex Builders (P) Ltd. v. U.P. State Industrial Development Corporation and Ors.
22.	Appeal No.07/2012	Exim Corp India (P) Ltd. v. Google India (P) Ltd.
23.	Appeal No. 08/2012	IATA Agents Association of India (IAAI) v. Uniglobe Mod Travels (P) Ltd.
24.	Appeal No. 09/2012	IATA Agents Association of India (IAAI) v. FCM Travels Solution (India) Ltd. & Ors.
25.	Appeal No.10/2012	Consumer Guidance Society v. Hindustan Coca Cola Beverages Pvt. Ltd & Ors.
26.	Appeal No.11/2012	M/s ABIR Infrastructure (P) Ltd. v. CCI & Ors.
27.	Appeal No. 12/2012	M/s DLF Limited v. CCI
28.	Appeal No. 13/2012	M/s Technology Products v. Bangalore Electricity Supply Company Limited (BESCOM) & Ors.

29.	Appeal No.14/2012	M/s Pitambra Books Pvt. Ltd v. Andhra Pradesh Open School Society and Ors.
30.	Appeal No.15/2012	Kingfisher Airlines Limited v. CCI & Ors.
31.	Appeal No.16/2012	M/s South Gujarat Textile Processor Association v. CCI.
32.	Appeal No.17/2012	Eastern India Motion Picture Association & Ors. v. Ms.ManjuTharad, Kolkata & Ors.
33.	Appeal No.18/2012	Shri Manish singh v. Shri Roger Williams
34.	Appeal No. 45/2012	Jindal Steel and Power Ltd. (JSPL) v. Competition Commission of India

**Appeals filed during of the year**

**Table 13**

S.No.	Appeal No.	Name
1.	Appeal No. 19/2012	M/s DLF Limited v. CCI
2.	Appeal No. 20/2012	M/s DLF Limited v. CCI
3.	Appeal No. 21/2012	M/s International Cylinder (P) Ltd v. CCI & Ors.
4.	Appeal No. 22/2012	HIM Cylinders Ltd. v. CCI & Ors.
5.	Appeal No. 23/2012	OMID Engineering (P) Ltd. v. CCI
6.	Appeal No. 24/2012	S.M.Cylinder (P) Ltd. v. CCI
7.	Appeal No. 25/2012	Tirupati LPG Industries Ltd. v. CCI
8.	Appeal No. 26/2012	Tirupati Cylinders Ltd. v. CCI
9.	Appeal No. 27/2012	Balaji Pressure Vessel Ltd. v. CCI & Ors.
10.	Appeal No. 28/2012	R.M. Cylinders(P)Ltd. v. CCI
11.	Appeal No. 29/2012	Confidence Petroleum India Ltd. & Co. v. CCI
12.	Appeal No.30/2012	Singhvi Cylinders (P) Ltd. v. CCI
13.	Appeal No.31/2012	BTP Structural India Pvt. Ltd. v. CCI & Ors.
14.	Appeal No. 32/2012	Konark Cylinders and Containers (P) Ltd. v. CCI & Ors.
15.	Appeal No. 33/2012	SKN Industries Ltd. v. CCI & Ors.
16.	Appeal No. 34/2012	Surya Shakti Vessels (P) Ltd. v. CCI & Ors.
17.	Appeal No. 35/2012	GDR Cylinders (P) Ltd. v. CCI & Ors.
18.	Appeal No. 36/2012	Kurnool Cylinders (P) Ltd. v. CCI & Ors.
19.	Appeal No. 37/2012	M. M. Cylinders (P) Ltd. v. CCI & Ors.
20.	Appeal No. 38/2012	North India Wires Ltd. v. CCI & Ors.
21.	Appeal No. 39/2012	Krishna Cylinders Ltd. v. CCI & Ors.
22.	Appeal No. 40/2012	Shri Ram Cylinders Ltd. v. CCI & Ors.
23.	Appeal No.41/2012	MouryaUdyog Ltd. v. CCI & Ors.
24.	Appeal No. 42/2012.	Supreme Tecnofabs (P) Ltd. v. CCI & Ors.



25.	Appeal No. 43/2012.	Bhiwadi Cylinders (P) Ltd. v. CCI & Ors.
26.	Appeal No. 44/2012.	Faridabad MetelUdyog Ltd. v. CCI & Ors.
27.	Appeal No. 45/2012.	R. M. Cylinders (P) Ltd v. CCI & Ors.
28.	Appeal No. 46/2012.	Haldia Precision Engineering (P) Ltd. v. CCI & Ors.
29.	Appeal No. 47/2012.	Gopal Cylinders v. CCI & Ors.
30.	Appeal No. 48/2012.	Om Containers v. CCI & Ors.
31.	Appeal No. 49/2012.	Universal Cylinders (P) Ltd. v. CCI & Ors.
32.	Appeal No. 50/2012.	Super Industries. v. CCI & Ors.
33.	Appeal No. 51/2012.	Shri Shakti (P) Ltd. v. CCI & Ors.
34.	Appeal No. 52/2012.	Sarthak Industries Ltd. v. CCI & Ors.
35.	Appeal No. 53/2012.	Alampally Bros. Ltd. v. CCI & Ors.
36.	Appeal No. 54/2012.	ECP Industries (P) Ltd v. CCI and Ors.
37.	Appeal No. 55/2012.	Asia Fab Tech. Ltd. v. CCI & Ors.
38.	Appeal No. 56/2012.	M/s A. K. M. N. Cylinders (P) Ltd. v. CCI & Ors.
39.	Appeal No. 57/2012.	Lite Containers (P) Ltd. v. CCI & Ors.
40.	Appeal No. 58/2012.	Sahuwala Cylinders (P) Ltd. v. CCI & Ors.
41.	Appeal No. 59/2012.	Rajasthan Cylinders & Containers (P) Ltd. v. CCI & Ors.
42.	Appeal No. 60/2012.	Vidhya Cylinders (P) Ltd. v. CCI & Ors.
43.	Appeal No. 61/2012.	Mahaveer Cylinders (P) Ltd. v. & Ors.
44.	Appeal No. 62/2012.	Tee Kay Metels (P) Ltd. v. CCI & Ors.
45.	Appeal No. 63/2012.	Sanrays Engineers (p) Ltd. v. CCI & Ors.
46.	Appeal No. 64/2012.	Jesmajo International Fabrication Karnatak (P) Ltd. v. CCI & Ors.
47.	Appeal No. 65/2012.	Carbac Holdings Ltd. v. CCI & Ors.
48.	Appeal No.66/2012	Indian Motion Pictures Distributors v. Reliance Big Entertainment Pvt. Ltd.
49.	Appeal No.67/2012	Bihar & Jharkhand Motion Pictures Association. v. Reliance Big Entertainment Pvt. Ltd.
50.	Appeal No. 68/2012	Film Distributors Association of Kerala v. Eros International Media Ltd. & Ors.
51.	Appeal No. 69/2012	Motion Pictures Association, Delhi v. Reliance Big Entertainment Pvt. Ltd.
52.	Appeal No. 70/2012	Central Circuit Sine Association v. Reliance Big Entertainment Pvt. Ltd.
53.	Appeal No.71/2012	Northern India Motion Pictures Association v. Reliance Big Entertainment Pvt. Ltd.
54.	Appeal No. 72/2012	Karnataka Film Chambers of Commerce v. Reliance Big Entertainment Pvt. Ltd.
55.	Appeal No.73/2012	Motion Pictures Association, Delhi v. Eros International Media Ltd.

56.	Appeal No. 74/2012	Film Distributors Association v. Sunshine Pictures Pvt. Ltd.
57.	Appeal No. 75/2012	M/s MohanaduraiChithamvaram v. M/s Hirco Development Pvt. Ltd. & Ors.
58.	Appeal No. 76/2012	M/s GeogiKuruville v. M/s Hirco Development Pvt. Ltd. & Ors.
59.	Appeal No. 77/2012	Kolkata West International Buyers Welfare Association v. CCI& Ors.
60.	Appeal No.78/2012	Eastern India Motion Pictures Association v. Reliance Big Entertainment Pvt. Ltd. &Anr.
61.	Appeal no. 79/2012	M/s Excel Crop Care Limited v. CCI & Ors.
62.	Appeal No. 80/2012	M/s Sandhya Organic Chemicals (P) Ltd. v. CCI & Ors.
63.	Appeal No. 81/2012	M/s United Phosphorus Limited v. CCI & Ors.
64.	Appeal No. 82/2012	M/s Gulf Oil Corporation Limited v. CCI & Ors.
65.	Appeal No. 83/2012	M/s Ideal Industrial Explosives Ltd. v. CCI & Ors.
66.	Appeal No. 84/2012	M/s Solar Industries India Ltd. v. CCI & Ors.
67.	Appeal No. 85/2012	M/s Balastec India Pvt. Ltd. v. CCI & Ors.
68.	Appeal No. 86/2012	M/s Indian Explosives Ltd. v. CCI & Ors.
69.	Appeal No. 87/2012	M/s EmulTek India Pvt. Ltd. v. CCI & Ors.
70.	Appeal No. 88/2012	M/s Regenesi Industries Pvt. Ltd. M/s Techno Blast India Ltd. v. CCI & Ors.
71.	Appeal No. 89/2012	M/s Black Diamond Explosives Ltd. v. Coal India Limited & Ors.
72.	Appeal No. 90/2012	M/s Keltech Energies Limited v. Coal India Limited & Ors.
73.	Appeal No. 91/2012	M/s Schott Glass India Pvt. Ltd. v. CCI & Ors.
74.	Appeal No. 92/2012	M/s Kapoor Glass India (P) Ltd. v. CCI & Ors.
75.	Appeal No.93/2012	M. D. D. Medical System India (P) Ltd. v. A Foundation for Common Cause and Ors.
76.	Appeal No. 94/2012	PES Installation (P) Ltd. v. A Foundation for Common Cause & Ors.
77.	Appeal No. 95/2012	Medical Products Service (MPS) v. A foundation for common cause & Ors.
78.	Appeal No.96/2012	Northern India Motion Pictures Association v. Eros International Media Ltd.
79.	Appeal No.97/2012	Motion Pictures Association v. Sun Shine Pictures Pvt. Ltd.
80.	Appeal No.98/2012	M. D. D. Medical System India (P) Ltd. v. A foundation for common cause and Ors.
81.	Appeal No. 99/2012	Pes Installation (P) Ltd. v. A Foundation for Common Cause & Ors.
82.	Appeal No. 100/2012	Medical Products Service (MPS) v. A Foundation for Common Cause & Ors.
83.	Appeal No.101/2012	All Odisha Steel Federation v. Orissa Mining Corporation Ltd.

84.	Appeal No. 102/2012	Motion Pictures Association, Delhi v. UTV Software Communication Ltd.
85.	Appeal No. 103/2012	Cement Manufacturing Association v. CCI & Ors.
86.	Appeal No. 104/2012	Ultra Tech Cement Limited v. CCI & Ors.
87.	Appeal No. 105/2012	Lafarge India Limited v. CCI & Ors.
88.	Appeal No. 106/2012	India Cement Limited v. CCI & Ors.
89.	Appeal No. 107/2012	Jai Prakash Associates Ltd. v. CCI & Ors.
90.	Appeal No. 108/2012	Associated Cement Corporation v. CCI & Ors.
91.	Appeal No. 109/2012	Binani Cement Limited v. CCI & Ors.
92.	Appeal No. 110/2012	Ambuja Cement Limited v. CCI & Ors.
93.	Appeal No. 111/2012	Madras Cement Limited v. CCI & Ors.
94.	Appeal No. 112/2012	J.K.Cement Limited v. CCI & Ors.
95.	Appeal No. 113/2012	Century Textile Industries v. CCI & Ors.
96.	Appeal No. 114/2012	R.V. Ramgopal v. CCI and & Ors
97.	Appeal No. 115/2012	B Venkat Reddy v. CCI & Ors.
98.	Appeal No. 116/2012	Kansan News Private Ltd. v. M/s Fast Way Transmission Pvt. Ltd. & Ors.
99.	Appeal No. 117/2012	Owners and Occupants Welfare Association through its Secretary v. CCI & Ors.
100.	Appeal No. 118/2012	M/s Prints India v. M/s Springer (India) Private Ltd.& Ors.
101.	Appeal No.119/2012	M/s India Glycols Ltd. v. M/s India Sugar Mill Associates& Ors.
102.	Appeal No. 120/2012	Smt. Raj Rani Chandiook v. Senior Builders Ltd.&Anr.
103.	Appeal No.121/2012	M/s Shree Cement Ltd v. Builders Association of India
104.	Appeal No.122/2012	Cement Manufactures Association v. CCI & Ors.
105.	Appeal No.123/2012	M/s Madras Cement Limited v. CCI & Ors.
106.	Appeal No.124/2012	Century Textile Industries v. CCI & Ors.
107.	Appeal No.125/2012	Binani Cement Limited v. CCI & Ors.
108.	Appeal No.126/2012	Ultra Tech Cement Limited v. CCI & Ors.
109.	Appeal No.127/2012	Lafarge India Limited v. CCI & Ors.
110.	Appeal No.128/2012	J. K. Cement Limited v. CCI & Ors.
111.	Appeal No.129/2012	Jai Prakash Associates Limited v. CCI & Ors.
112.	Appeal No. 130/2012	Ajay Devgan Films v. yash Raj Films Pvt. Ltd.
113.	Appeal No.131/2012	Coordination Committee of Artist & Technicians of West Bengal Film & TV Industry v. SajjanKhaitan& Ors.
114.	Appeal No. 132/2012	Ambuja Cement Limited v. CCI & Ors.
115.	Appeal No. 133/2012	Associated Cement Corporation v. CCI & Ors.
116.	Appeal No. 134/2012	M/s India Cement Limited v. CCI & Ors

117.	Appeal No. 135/2012	M/s Big CDS Networks Pvt. Ltd. and Anr v. Tata Sky Ltd. and Anr.
118.	Appeal No. 136 / 2012	M/S. Arshiya Rail Infrastructure Ltd. v. CCI & Ors.
119.	Appeal No. 137/2012	Kansan News Pvt. Ltd. v. M/s Fastway Transmissions Pvt. Ltd. & Ors.
120.	Appeal No. 138/2012	M/s Telewings Communications Services Pvt. Ltd. v. CCI
121.	Appeal No. 139 /2012	R. Narayanasamy Naidu v. M/s. Reliance Big Entertainment & CCI
122.	Appeal No. 140/2012	Chemist and Druggist Association of Baroda v. Vedant Bio Sciences and Ors.
123.	Appeal No. 141/2012	A.A Wilson v. Eros International Media Ltd.
124.	Appeal No. 142/2012	Jose C Mundadan v. Eros International Medial Ltd.
125.	Appeal No. 143/2012	K.G. Ramesh v. Eros International Medial Ltd.
126.	Appeal No. 144/2012	V.C George v. Eros International Medial Ltd.
127.	Appeal No. 145/2012	A.A Wilson v. Sunshine Pictures Pvt. Ltd.
128.	Appeal No. 146/2012	Jose C Mundadan v. Sunshine Pictures Pvt. Ltd.
129.	Appeal No. 147/2012	K.G. Ramesh v. Sunshine Pictures Pvt. Ltd.
130.	Appeal No. 148/2012	V.C George v. Sunshine Pictures Pvt. Ltd.
131.	Appeal no. 01/2013	Exclusive Motors Pvt. Ltd. v. Automobili Lamborghini SPA Volkswagen Group Sales India Pvt. Ltd.
132.	Appeal no. 02/2013	All India Tyre Dealer Fedration v. CCI & Ors.
133.	Appeal No.03/2013	Accreditation Commission for Conformity Assessment Body Pvt. Ltd. v. Quality Council of India & Ors.
134.	Appeal No. 04/2013	Advertising Agencies Guild v. DTE. of Advertising & Visual Publicity &Anr.
135.	Appeal No. 05/2013	Mr. R. Paneerselvam v. CCI
136.	Appeal No. 06/2013	CA SreeramMushty v. CCI
137.	Appeal No. 07/2013	Shri A. K. Jain, Gurgaon, Haryana v. The Dwarkadhis Projects Pvt. Ltd., Delhi& Ors.
138.	Appeal No. 08/2013	DLF v. CCI
139.	Appeal No. 09/2013	DLF v. CCI
140.	Appeal No.10/2013	DGCOM Buyers & Owners Association v. M/S. DLF LTD. & ORS.
141.	Appeal No. 11/2013	M/S. DLF v. CCI
142.	Appeal No. 12/2013	Next tenders (INDIA) Private Ltd. v. Ministry of Communication & Information Technology & Ors.

**Appeals Allowed by the COMPAT from Appeals pending  
at the beginning of the year**

**Table 14**

S.No.	Appeal No.	Name
1.	Appeal No. 15/2012	Kingfisher Airlines Limited v. CCI & Ors.
2.	Appeal No. 17/2012	Eastern India Motion Picture Association & Ors v. Ms.ManjuTharad, Kolkata &Anr.

**Appeals Allowed by the COMPAT from Appeals filed during the year**

**Table 15**

S.No.	Appeal No.	Name
1.	Appeal No. 98/2012	M. D. D. Medical System India (P) Ltd. v. A foundation for common cause and Ors.
2.	Appeal No. 99/2012	Pes Installation (P) Ltd. v. A foundation for common cause & Ors.
3.	Appeal No. 100/2012	Medical Products Service (MPS) v. A foundation for common cause & Ors.

**Appeals disallowed by the COMPAT from Appeals pending  
at the beginning of the year**

**Table 16**

S.No.	Appeal No.	Name
1.	Appeal No. 21/2010	Travel Agents Association of India v. Balmer Lawrie & Co. &Anr.
2.	Appeal No. 8/2011	Consumer online Foundation Vs. CCI and Ors.
3.	Appeal No. 9/2011	Paper Merchants Association, Delhi v. Vijay Gupta & Ors.
4.	Appeal No. 14/2011	Kanazia Digital Systems Pvt. Ltd. v. CCI & Ors.
5.	Appeal No. 17/2011	Singhania ad Partners LLP v. M/s Microsoft Corporation India (P) Ltd
6.	Appeal No. 18/2011	Pawan Kumar Aggarwal Vs. CCI & Ors.
7.	Appeal No. 25/2011	Travel Agents Association of India v. Lufthansa German Airlines and Ors.
8.	Appeal No. 05/2012	IFP Petro Products (P) Ltd. v. MSTC Ltd. & Ors.
9.	Appeal No. 06/2012	M/s P-Tex Builders (P) Ltd. v. U.P. State Industrial Development Corporation and Ors.
10.	Appeal No. 07/2012	Exim Corp India (P) Ltd. v. Google India (P) Ltd.
11.	Appeal No. 10/2012	Consumer Guidance Society v. Hindustan Coca Cola Beverages Pvt. Ltd & Ors.
12.	Appeal No. 11/2012	M/s ABIR Infrastructure (P) Ltd. v. Competition Commission of India & Ors.
13.	Appeal No. 14/2012	M/s Pitambra Books Pvt. Ltd v. Andhra Pradesh Open School Society and Ors.
14.	Appeal No. 18/2012	Shri Manish singh v. Shri Roger Williams

Appeals disallowed by the COMPAT from Appeals filed during the year

Table 17

S.No.	Appeal No.	Name
1.	Appeal No. 68/2012	Film Distributors Association of Kerala v. Eros International Media Ltd. & Ors.
2.	Appeal No. 72/2012	Karnataka Film Chambers of Commerce vs. Reliance Big Entertainment Pvt. Ltd.
3.	Appeal No. 74/2012	Film Distributors Association v. Sunshine Pictures Pvt. Ltd.
4.	Appeal No. 75/2012	M/s Mohanadurai Chithamvaram v. M/s Hirco Development Pvt. Ltd. & Ors.
5.	Appeal No. 76/2012	M/s Geogi Kuruvilla v. M/s Hirco Development Pvt. Ltd. & Ors.
6.	Appeal No. 93/2012	M. D. D. Medical System India (P) Ltd. v. A foundation for common cause and Ors.
7.	Appeal No. 94/2012	PES Installation (P) Ltd. v. A foundation for common cause & Ors.
8.	Appeal No. 95/2012	Medical Products Service (MPS) v. A foundation for common cause & Ors.
9.	Appeal No. 114/2012	R.V. Ramgopal v. CCI and Ors.
10.	Appeal No. 115/2012	B Venkat Reddy v. CCI & Ors.
11.	Appeal No. 120/2012	Smt. Raj Rani Chandiook v. Senior Builders Ltd.
12.	Appeal No. 137/2012	Kansan News Pvt. Ltd. v. M/s Fastway Transmissions Pvt. Ltd. & Ors.
13.	Appeal No. 138/2012	M/s Telewings Communications Services Pvt. Ltd. v. CCI
14.	Appeal No. 141/2012	A.A Wilson v. Eros International Media Ltd.
15.	Appeal No. 142/2012	Jose C Mundadan v. Eros International Medical Ltd.
16.	Appeal No. 143/2012	K.G. Ramesh v. Eros International Medial Ltd.
17.	Appeal No. 144/2012	V.C George v. Eros International Medial Ltd.
18.	Appeal No. 145/2012	A.A Wilson v. Sunshine Pictures Pvt. Ltd.

19.	Appeal No. 146/2012	Jose C Mundadan v. Sunshine Pictures Pvt. Ltd.
20.	Appeal No. 147/2012	K.G. Ramesh v. Sunshine Pictures Pvt. Ltd.
21.	Appeal No. 148/2012	V.C George v. Sunshine Pictures Pvt. Ltd.

#### (IV) Brief write-up on the Appeals decided by the Appellate Tribunal

a. **Appeal No. 15/2012 [Kingfisher Airlines Limited v. CCI & Ors.]**

The Competition Appellate Tribunal (COMPAT) allowed the appeal on 29 August, 2012 and held that the CCI has acted clearly beyond its legitimate scope and therefore, the penalty of Rs.72.50 lakhs levied by CCI was not sustainable and was set aside.

b. **Appeal No. 17/2012 [Eastern India Motion Pictures Association v. ManjuTharad & Anr.]**

COMPAT in its order dated 14.12.2012 observed that the last words of clause of sub-section (4)(a) section 36 of the Competition Act, 2002 namely –‘the examination of which may be required for the purposes of this Act’ would entail and would require CCI to state at least *prima facie* as to why the examination of the books of accounts was required. It was also held that the said section is not meant to give an untrammelled and uncontrolled discretion to CCI to ask for any information from anybody. The appeal was allowed and the penalties inflicted in the impugned order were quashed.

c. **Appeal No. 98/2012 [MDD Medical Systems India Private Limited v. CCI & Ors.]  
**Appeal No. 99/2012 [PES Installations Pvt. Ltd. v. CCI & Ors. and Appeal No. 100/2012 [Medical Products Services (MPS) v. CCI & Ors.]****

COMPAT *vide* order dated 14.03.2013 allowed the appeals and set-aside the order of CCI and held that it was not proved that the three appellants had in any manner engaged themselves in cartelizing or bid rigging in contravention of Section 3(3)(d) of the Competition Act, 2002.



## F. COMBINATION MATTERS – FUNCTIONAL STRUCTURE

As on 31<sup>st</sup> March, 2012, assessment on 7 notices filed under sub-section (2) of Section 6 of the Competition Act, 2002 (Act) was being carried out in terms of the provisions of the Act. Further, during the period 1<sup>st</sup> April, 2012 - 31<sup>st</sup> March, 2013, the Competition Commission of India (CCI) received 67 notices under sub-section (2) of Section 6 of the Act. Out of the total 74 notices, the CCI made its final decision on 68 notices till 31<sup>st</sup> March, 2013 and 6 notices were cleared later on. In addition to the above, the CCI, during the period 1<sup>st</sup> April, 2012 - 31<sup>st</sup> March, 2013, has received 1 filing under sub-section (5) of Section 6 of the Act, which have been noted by the CCI.

The details regarding the notices received under sub-section (2) of Section 6 of the Act during the period 1<sup>st</sup> April, 2012 till 31<sup>st</sup> March, 2013 is listed in table 16.

**Table 18: Notices received under sub-section (2) of Section 6 of the Act**

Number of matters pending at the beginning of the year	Number of combination notifications received during the year	Total number of combinations notifications under consideration at the end of the year	Number of combinations approved by the Commission				Number of combination notifications ordered for enquiry	Number of combination notifications not disposed of within 210 days with brief reasons therefor, and combinations deemed to have been approved	Number of combinations not approved by the Commission with brief reasons* therefor.
			Within 30 days of receipt	From 31 to 60 days	From 61 to 120 days	From 121 to 210 days			
07	67	06	65	Nil	Nil	Nil	Nil	Nil	03*

- \* 1. In one of the notices given by the parties, the themselves withdrew the notice as the scheme of amalgamation, on the basis of which the notice was filed, could not be finalized. Therefore, the Commission vide its final decision dated 17.5.2012 noted the said development.
- \* 2. In respect of an another notice, the commission vide its final decision 6.6.2012 decision the notice to be not a valid notice in terms of Regulation 16 of the Combination regulations, following the change in the information provided was likely to affect significantly the factors for determination of appreciable adverse effect on competition.
- \*3. In one instance the parties had given the notice prior to triggering the relevant provision of sub-section (2) of Section 6 of the Act. Therefore, the Commission vide its final decision dated 14.8.2012 decided the notice to be not a valid notice.

## G. REFERENCES FROM CENTRAL GOVERNMENT OR STATE GOVERNMENTS

**Table 19: References from Central Government under section 49(1) of the Act**

	Description	Nos.
(i)	Number of references pending at the beginning of the year	Nil
(ii)	Number of references received during the year:	Nil
(iii)	Total:	Nil
(iv)	Number of references disposed of out of (i)	Nil
(v)	Number of references disposed of out of (ii)	Nil
(vi)	Total number of references disposed of during the year:	Nil
(vii)	Number of references pending at the end of the year:	Nil
(viii)	Brief write-up on opinions of the Commission accepted or not by the Central Government	Nil

**Table 20: References from State Governments under section 49 (1) of the Act**

	Description	Nos.
(i)	Number of references pending at the beginning of the year	Nil
(ii)	Number of references received during the year:	Nil
(iii)	Total:	Nil
(iv)	Number of references disposed of out of (i)	Nil
(v)	Number of references disposed of out of (ii)	Nil
(vi)	Total number of references disposed of during the year:	Nil
(vii)	Number of references pending at the end of the year:	Nil
(viii)	Brief write-up on opinions of the Commission accepted or not by the Central Government	Nil

**Orders of Central Government received under Section 54 of the Act.**-Central Government exempted banking companies from application of the provisions of Sections 5 & 6 of the Competition Act in public interest for a period of five years w.e.f. 8<sup>th</sup> January, 2013 vide Notification No.5/63/2011-CS dated 08.01.2013 issued by Ministry of Corporate Affairs, Government of India.

**Directions of Central Government under Section 55 of the Act, and the action taken thereon.** Nil

## H. REFERENCES FROM AND TO THE STATUTORY AUTHORITIES

**Table 21: References from and to Statutory Authorities u/s 21**

	<b>Description</b>	<b>Nos.</b>
<b>i</b>	Number of references pending at the beginning of the year	Nil
<b>ii</b>	Number of references received during the year	Nil
<b>iii</b>	Total	Nil
<b>iv</b>	Number of references disposed of out of (i)	Nil
<b>v</b>	Number of references disposed of out of (ii)	Nil
<b>vi</b>	Total number of references disposed of during the year	Nil
<b>vii</b>	Number of references pending at the end of the year	Nil

## I. COMPETITION ADVOCACY

Competition Advocacy constitutes all the activities conducted by the competition authorities relating to the promotion of a competitive environment through non-enforcement mechanisms. Enforcement and advocacy are mutually complementary. Enforcement is strengthened by an active advocacy, and advocacy cannot be truly effective in the absence of effective enforcement.

Competition advocacy encourages players across the various sectors of economy to not attract the penal provisions of competition law on one hand, and to have an effective compliance programs in place on the other.

Section 49 of the Competition Act lays responsibility on the Commission to take suitable measures for the promotion of competition advocacy. This mandate is carried out through measures that try and reach out to all stakeholders. The Commission has been carrying out advocacy activities in a strategic manner.

Apart from holding seminars/workshops and conferences with Trade Associations, Centre/ State Governments, Students, Professionals, Academicians and sectoral regulatory authorities etc., the Commission also undertook publicity in the print media. During the reported period the conferences/ workshops with senior government / PSU functionaries involved in policy making/ procurement and a conference with CEOs/ leaders of top 100 companies need special mention.

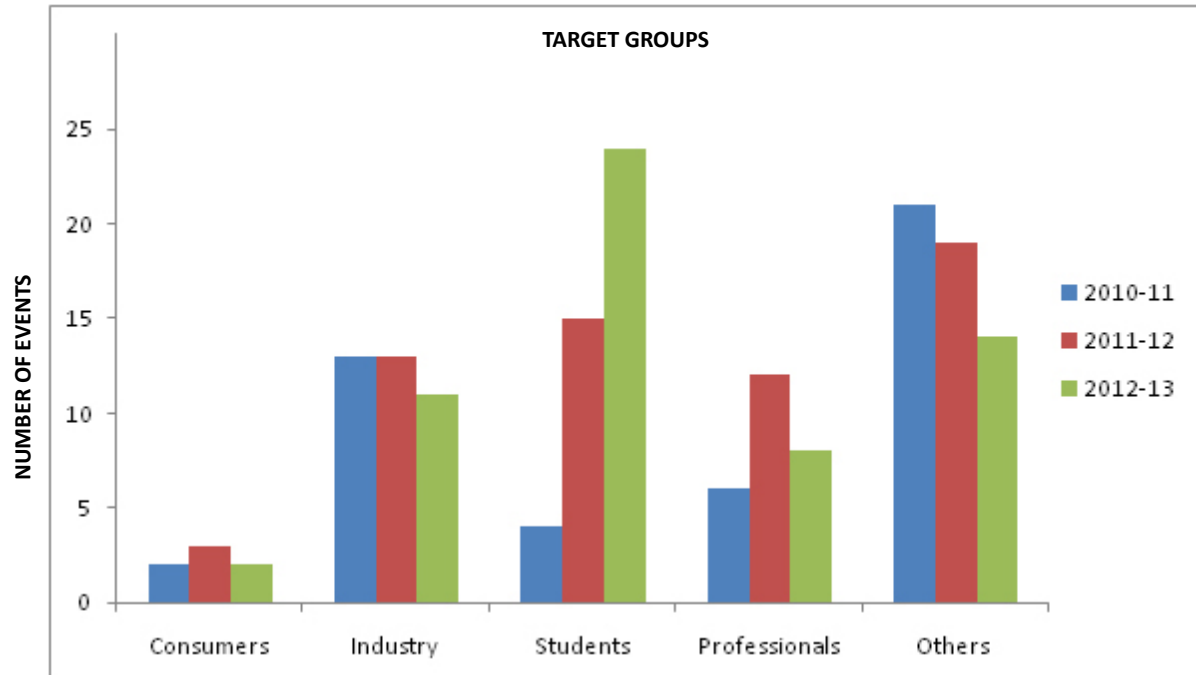
A summary of various advocacy initiatives taken by the Competition Commission of India during last three years is shown in table 22:

**Table 22: Advocacy initiatives**

Year	Consumers	Industry	Students	Professionals©	Others	Total
2010-11	2	13	4	6	21*	46
2011-12	3	13	15	12	19*	62
2012-13	2	11	24	8	14*	59

©Professionals including bar associations and government officials.

\*Initiatives for multiple stakeholders including market studies/sectoral/ regulatory impact assessment studies and capacity building initiatives etc.



Conference on "Curbing Deficit Through Competition in Public Procurement".



Interactive meeting with various Trade Associations, 17, December, 2012 in New Delhi



Interactive meeting with various Trade Associations, 17, December, 2012 in New Delhi

**I. Workshops, Seminars and other interactions with public/ experts/policy makers/regulatory bodies on Competition Advocacy and for creating awareness of competition issues.**

**Table 23**

Subject matter of the workshop/ Seminar	Number of Participants	Dates during which held	Beneficiaries, i.e. government officials, industry, academicians, professionals and others to be specified
“Mergers and Acquisition” Organized by Bangalore Chamber of Industry and Commerce	53	20 <sup>th</sup> April,2012	Industry Representatives
Lecture on “Competition Law” at Air Force School, Delhi.	77	25 <sup>th</sup> April,2012	Students
Lecture on “Competition and Regulation-Contemporary and Comparative Perspectives” organised by National Law School of India, Bangalore	115	30 <sup>th</sup> April, 2012	Students
Round Table Discussion on “ Fighting Bribery in International Business Transport” organised by FICCI and OECD	65	8 <sup>th</sup> May,2012	Industry Representatives
Panel discussion “Myth & Reality of Trial by Media” organised by Sardar Vallabhbhai Patel National Police Academy, Hyderabad	145	9 <sup>th</sup> May,2012	Trainees of Academy
Lecture on “Overview of Competition Law” at North Eastern Hill University, Umshing Mawkynroh, Shillong	52	25 <sup>th</sup> May, 2012	Students
Lecture on “Competition Law” at Ryan International School, VasantKunj, New Delhi	119	1 <sup>st</sup> May,2012	Students
Lecture on “Competition Law” at Army Public School, DhaulaKuan, New Delhi	89	2 <sup>nd</sup> May,2012	Students
Lecture on “Competition Law” at DPS , Dwarka, New Delhi	56	3 <sup>rd</sup> May,2012	Students
Lecture on “Competition Law” at DPS, RK Puram, New Delhi	105	4 <sup>th</sup> May,2012	Students



Lecture on “Competition Law” at Guru Harikishan Public School, New Delhi	55	4 <sup>th</sup> May,2012	Students
Lecture on “Competition Law” at Modern School, Barakhamba Road New Delhi	86	7 <sup>th</sup> May,2012	Students
Lecture on “Competition Law” at Rukmani Devi Public School, PitamPura, New Delhi	63	7 <sup>th</sup> May,2012	Students
Lecture on “Competition Law” at Bal Bharti Air Force School, Lodhi Road, New Delhi	75	8 <sup>th</sup> May,2012	Students
Lecture on “Competition Law” at DPS Mathura Road, New Delhi	60	14 <sup>th</sup> May,2012	Students
Lecture on “Competition Law” at Indian School, New Delhi	53	15 <sup>th</sup> May,2012	Students
Lecture on “Competition Law” at Vasant Valley School, New Delhi	46	15 <sup>th</sup> May,2012	Students
Lecture on “Competition Law”at DPS, Rohini, New Delhi	58	17 <sup>th</sup> May,2012	Students
Round Table on “Myriads competition issues being faced by participating Govt.” at New Delhi	41	21 <sup>st</sup> June,2012	Various Stakeholders
A lecture on “ Competition and the Consumer” at IIPA as part of Training for Faculty Member Training Institutions on Consumer Welfare	45	5 <sup>th</sup> June, 2012	Various Stakeholders
“Competition Law & Business” at Bihar Industries Association, Patna	24	9 <sup>th</sup> June, 2012	Industry Representatives
Publication of an article on “ Role of Chartered Accountant and Competition Law” in Annual issue ICAI’s Journal		June,2012	
A lecture on “ Marketing Decisions & Unfair practices” organised by CUTS at India International Centre, New Delhi	68	6 <sup>th</sup> July,2012	Various Stakeholders
Key Note Address on “ Cross Media Ownership” organised by ASSOCHAM Delhi	129	27 <sup>nd</sup> July,2012	Various Stakeholders
Lecture on “Competition Law & Policy” at BHU Law School, Varanasi	170	August, 2012	Students
“ Enforcement Experiences of Competition Law at CCI” organised by Society for International Trade & Competition (SITC)	75	22 <sup>nd</sup> September,2012	Various Stakeholders

A Lecture at IIM Ahmedabad as a part of PGPX Speaker Series	50	13 <sup>th</sup> October,2012	Students
A Lecture on “ Mega Trends: Socio-Political and Economic-Focus Areas for the Future” at Lal BhadurShastri Academy of Administration, Mussorie as a part of Mid Career Training Programme for IAS officers.	150	15 <sup>th</sup> October,2012	Trainees of Academy
Short term Course on Law & Economics and presentation on Role & Functions of CCI at IIT Kanpur	30	23 <sup>rd</sup> October,2012	Students
Lecture on “Competition Advocacy & Emerging issues of Competition Law” at Seminar organised by Amity Law School, NOIDA	150-160	7 <sup>th</sup> Nov,2012	Students
Lecture on “Competition Law Enforcement & Compliance in India”, organised by Vidarbha Industries Association Nagpur	75	23 <sup>rd</sup> Nov,2012	Industry Representatives
Roundtable on ‘Impact of Cartels on Poor’ at Constitution Club of India, New Delhi	45	05 <sup>TH</sup> Dec, 2012	Various Stakeholders
Lecture on “ Atypical Issues and Development in Merger Control” at New Delhi	50	04 <sup>th</sup> Dec, 2012	Various Stakeholders
Interactive Meeting on “Competition Law & Trade Associations” New Delhi	72	17 <sup>th</sup> December, 2012	Representatives of various Trade Associations
Lecture on “Competition Compliance Programme” at CII, New Delhi	40	18 <sup>th</sup> December, 2012	Various Stakeholders
Lecture on “Overview of Competition Law” at Mothers’ International School in Delhi	105	18 <sup>th</sup> ,December 2012	Students
Conference on ‘Making Integrity Work in Business’ by Transparency International India (TII) at Mumbai	55	19 <sup>th</sup> , December, 2012	Various Stakeholders
Discussion on ‘Power & Jurisdiction of CCI vis-a-vis other regulatory bodies’ by Madras Chamber of Commerce & Industry (MCCI)	Not Known	21 <sup>st</sup> , December, 2012	Industry Representatives

Workshop on 'Issues & Penalties under Competition Act' at West Bengal National University of Juridical Sciences	100	04 <sup>th</sup> , January, 2013	Students
Lecture on "Competition Regulation' at IIT Kharagpur	100 appx	07 <sup>th</sup> , January, 2013	Students
Meeting, of Member(AG), CCI with Agriculture Production Commissioner, U.P.	20 appx	11 <sup>th</sup> , January, 2013	Officers of Agriculture, Mandi Parishad & Horticulture Departments of Govt. of U.P.
Participated in "Sathe Memorial Annual National Moot Court Competition" organised by ILS Law College, Pune	125	11 <sup>th</sup> -13 <sup>th</sup> Jan, 2013	Students
Lecture on "Public Procurement System: Competition Issues" in 'Programme on Procurement & Contract Management' by NPC, Bhubaneswar.	Not Known	05 <sup>th</sup> , February, 2013	Various stakeholders
Lecture on 'Competition Law & Trade Associations' at Northern India Steamer Agents' Association(NISAA) in New Delhi	50	07 <sup>th</sup> , February, 2013.	Industry Representatives
Lecture on Competition Law & Policy organised by Builders' Association of India, Jamshedpur	100	10 <sup>th</sup> , Feb., 2013	Industry /Academics
Seminar on Competition Commission of India by American Chamber of Commerce at Mumbai.	75	14 <sup>th</sup> , Feb., 2013	Industry Representatives
Lecture on 'The Competition Act' at Kanpur Chambers of ICSI, Kanpur	150	16 <sup>th</sup> , Feb. 2013	ICSI Representatives
Lecture at conference on "Competition Law & its Impacts on Industry" at FICCI Chennai	100	20 <sup>th</sup> , Feb, 2013	FICCI, Representatives
Anti-Trust Moot Court at NLU, Jodhpur	75	08 <sup>th</sup> -10 <sup>th</sup> , March, 2013	Students of NLU Jodhpur
National Conference on "Competition Law" organised by ASSOCHAM.	110	16 <sup>th</sup> March, 2013	Trade/Industry Representatives.
Lecture on 'Salient Features of Competition Act & Competition Case Laws' at High Court of Uttrakhand, Nainital.	45	16 <sup>th</sup> March, 2013	Judges/ Members of High Court, Uttrakhand



Conference on “Curbing Deficit Through Competition in Public Procurement”  
10<sup>th</sup> October, 2012 in New Delhi

## II. Capacity building of stakeholders to participate in competition regulatory process.

Field of Competition Law being relatively new in the country calls for equipping adequately all the stakeholders viz. students, research community, regulators, legal fraternity, industries for implementation and enforcement of provisions of Competition Act to have desired effect of fair competition in the economy as a whole. To actualize this commission undertook the following capacity building measures during the relevant period.

**Table 24: Capacity building of stakeholders to participate in competition regulatory process**

Subject matter of the training programme	Number of participants	Dates during which held	Brief intent and the purpose
Workshop on “ Public Procurement & Competition Law” jointly organised with SCOPE , Bangalore	45	26 <sup>th</sup> April,2012	Capacity Building of PSU Officers
Round Table on ‘Competition Coherent Government Policies’ with nodal officers of Central Ministries/ Departments at IHC, New Delhi	51	21 <sup>st</sup> June, 2012	To create awareness about importance of competition coherent policies in Govt.
A Conference on “ Curbing Deficit through Effective Competition in Public Procurement “ Organised for Finance Advisers/ Nodal Officers of various central ministries/ Departments at Indian Habitat Centre	98	10 <sup>th</sup> October,2012	Capacity Building of Finance Officers and Procurement Officer of GOI
Workshop on ‘Audit of Procurement Transactions & Competition Law’ at CAG Seminar Hall, New Delhi	125	07 <sup>th</sup> December, 2012	Capacity Building of Senior Officers of CAG
Roundtable on “Competition Compliance: A key Component of Good Corporate Governance”, at Hotel Ashok, New Delhi	105	24 <sup>th</sup> January, 2013	Top Leaders of corporate sector

**III. Competition related sectoral / regulatory impact assessment; market studies and research projects carried out by the commission.**

**Table 25: Competition related sectoral / regulatory impact assessment; market studies and research projects carried out by the commission**

<b>Title of the market study/ research project</b>	<b>Purpose</b>	<b>Date of initiation</b>	<b>Date of completion</b>	<b>Remarks, if any</b>
Competitive Assessment of Onion Markets in India by Institute for Social and Economic Change (ISEC).	The key objective of the study is to have a comprehensive view of the agriculture industry as a whole and with specific focus on onion markets in the states of Maharashtra and Karnataka.	November, 2011	December, 2012	Competitive Assessment of Onion Markets in India by Institute for Social and Economic Change (ISEC).
In-house market study on 'Petrol price competition issues'	To understand and identify the competition issues in petroleum market.	June, 2012	September, 2012	Presented before the Commission on 10.09.2012.
Agriculture Sector	To carry out an in-depth study to identify anti-competitive practices/ concerns in the sector from competition compliance and enforcement perspective	25 <sup>th</sup> Feb, 2013	Going on	Agriculture Sector

**IV. Consultation papers published/ placed on website of the Commission.**

Following Concept Papers/Notes have been prepared and placed on CCI Intranet:

- i. Joint Ventures
- ii. Vertical Restraints
- iii. Agriculture Report with Special Emphasis on Onion.
- iv. Predatory Pricing
- v. Essential Facility Doctrine
- vi. Leveraging Dominant Position
- vii. Trade associations
- viii. Market definition.
- ix. Third degree price discrimination.
- x. Calculating Antitrust Damages.

- xi. Assessing Unilateral effects of Horizontal Mergers.
- xii. Demand system estimation.
- xiii. Pricing Strategies in the Airline Industry.
- xiv. Safeguarding Competition in the Online Markets.
- xv. Judicial Review of Policy Decisions.
- xvi. Interface between Competition and Sectoral Regulators.
- xvii. Public Private Partnership.
- xviii. Comp. law and game theory.
- xix. Contract theory.
- xx. Indo-US trade.

**V. Analytical papers prepared and examined. Nil**

**VI. Other Advocacy Initiatives**

- 70 students from Law, Economics, Management and Professional streams of reputed institutes like NLU, NALSAR, JNU, ICAI have undergone Internship training with the Commission on various competition related subjects.
- Essay Competition 2012: CCI organised its second National Level “Essay Competition” for which entries on various competition related topics/ issues were invited from students of schools and colleges across the country by email. There were approximately 500 entries received from three categories of students wherein a new category of students of class 11<sup>th</sup> & 12<sup>th</sup> was introduced this time in addition to existing Undergraduate and Post Graduate Students. Students spanning from remote corners of the country to the metro cities participated in the competition.
- Advocacy teams of Commission visited around 20 reputed schools of Delhi and made presentations/ delivered lectures for Senior Classes about role and functions of CCI and importance & benefits of competition in economy. On each such visit a specially designed booklet for students, on ‘Understanding the Competition Law’ was also distributed among them.
- Competition Commission of India has started its Quarterly Newsletter “Fair Play”. The first edition of the newsletter was released on 23<sup>rd</sup> July 2012 by Hon’ble Minister of Corporate Affairs covering period from April-June, 2012.

- The second edition of “Fair Play” for the quarter July-September, 2012 has been published in the month of October. Newsletter covers the activities during the quarter with a special focus on the competition issues pertaining to the activities “Trade Associations”.
- Third edition of Quarterly Newsletter “Fair Play” for the quarter October-December, 2012 has been published. Newsletter covers the activities during the quarter with a special focus on “Public Procurement and Competition Concerns”.

#### **VII. Press Note/ Release**

To enhance the outreach of the commission’s activities among the various stakeholders and to disseminate the information about the various orders passed by the commission press notes/ releases have been done regularly. The same are also being uploaded on the website of the Commission.



## J. ADMINISTRATION AND ESTABLISHMENT MATTERS

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### (1) Report of the Secretary

#### Introduction

One hundred and eighty seven posts were sanctioned by the Government of India vide Ministry of Corporate Affairs (MCA) order dated 20<sup>th</sup> January, 2009, in lieu of the posts sanctioned earlier. The 187 posts included one Secretary, one Director General and 122 posts of Professionals (90 for CCI and 32 for DG's office) and 63 posts of Support Staff (55 for CCI+8 for DG's office). With the appointment of Chairperson and 2 Members, the Commission became functional on 1<sup>st</sup> March, 2009.

At that time, the Commission had a core group of 24 officers and staff drawn on ad hoc deputation basis from various departments who were engaged in preparatory activities. Though the new posts had been sanctioned and the old ones abolished, regular recruitment to the new posts were not possible, for want of the recruitment rules which were to be promulgated by Ministry of Corporate Affairs under Section 16(1A) and 17 (2) of the Competition Act. As this process would have taken considerable time, to meet the urgent needs of establishing/operationalising the Commission, sanction of the Government was obtained and process initiated in April, 2009 for appointment on ad hoc deputation basis to 38 posts (18 Professionals and 20 Support Staff) for a period of one year. Accordingly, 29 officers were appointed on ad hoc deputation (13 Professionals + 16 Supports Staff) basis, by July 2009 to commence the work of the Commission.

The recruitment rules for the 146 posts (91 professionals + 55 support staff) in the Commission was promulgated by MCA vide notification date 14<sup>th</sup> September, 2009, which stipulated certain percentage of posts to be filled in by direct recruitment and deputation/absorption basis. 46 out of the 91 posts of professionals and 23 out of 55 posts of support staff are to be filled in by direct recruitment. The balance posts (45 professionals and 32 support staff) are to be filled in by deputation besides 10 posts of support staff (Sr.PPS/PPS/PS) sanctioned by MCA vide notification dated 22<sup>nd</sup> April, 2010.

#### Filling of posts by Deputation

Applications were invited from time to time from eligible officers of various departments of Government of India, State Governments, Judiciary, other regulatory bodies, autonomous bodies etc. to fill up vacant posts of professionals from the levels of Adviser to Deputy Director and of support staff from the level of Joint Director to Office Manager. As on 31.3.2013, 52 posts are filled on deputation basis. This includes 14 deputationists who have been permanently absorbed. The process to fill the remaining vacant posts is in progress.

### Filling of posts by Direct Recruitment

In the first round of the Direct Recruitment, 18 professionals and 8 support staff were appointed. In the second round of the Direct Recruitment, 5 professionals were appointed. In the third round of the Direct Recruitment one professional and two Support Staff were appointed. For the 4<sup>th</sup> round of Direct Recruitment, applications were called for from eligible candidates in January, 2013 against 20 posts of professionals and 11 posts of support staff.

### Selection process

The selection process consisted of a written examination (80% weightage) followed by interview (20% weightage). Only those candidates who qualify in the written examination will be invited for the interview. To ensure total objectivity and impartiality, the process of designing and conducting the written examination was entrusted again to National Law School of India University, Bangalore.

### Director General's Office

The recruitment rules for 41 posts (33 professionals and 8 support staff) sanctioned for the DG's office was promulgated by MCA, Government of India vide notification dated 31<sup>st</sup> December, 2009. As per the rules, all the posts have to be filled by deputation by the Central Government. As on 31/3/2013 total 17 posts (10 professional and 7 support staff) are filled on deputation basis. 23 posts of professional and 1 post of support staff are still vacant and applications have been invited by the Commission on behalf of MCA, from eligible officers for deputation against these posts. The process to fill these posts is in progress.

## (2) Composition of the Commission

The Commission consists of one Chairperson and six Members as per the Competition Act and has become functional with effect from 1<sup>st</sup> March, 2009 on joining of the Chairperson and two members. Subsequently, 4 more Members joined the Commission. The details of Chairperson and Members during the year are as under:

**Table 26**  
**Composition of the Commission as on 31.03.2013**

S. No.	Name	Designation	Date of joining
1.	Shri Ashok Chawla	Chairperson	20.10.2011
2.	Shri H. C. Gupta	Member	28.02.2009
3.	Smt. Geeta Gouri	Member	16.04.2009
4.	Shri Anurag Goel	Member	02.09.2009
5.	Shri M. L. Tayal	Member	03.11.2009
6.	Shri S.N. Dhingra	Member	18.10.2011
7.	Shri S.L. Bunker	Member	25.03.2013

### (3) Meetings of the Commission

During the year, the Commission held 128 ordinary meetings to discuss information received by it. The Commission also held 35 special meetings during the year to discuss important issues before it with regard to functioning and operationalisation of the Commission.

### (4) Details of Chairperson or Members appointed in the year and Members who demitted office, along with reasons for demitting office, in the year:

During the year, Shri S. L. Bunker was appointed as Member in the Commission and Shri R. Prasad, the then Member demitted office on 28.2.2013 consequent upon attaining the age of 65 years.

### (5) Organizational structure

With the joining of the Chairperson and 6 Members, the Commission has become fully functional and the process of recruitment of necessary officers and staff has also been initiated. The work of the Commission is being undertaken by the core group of officers, who have been grouped into 8 functional wings as given below:

Table 27

S. No.	Name of the Division
1.	Administration & Coordination Division
2.	Investigation Division
3.	Legal Division
4.	Economic Division
5.	Advocacy Division
6.	Capacity Building Division
7.	Combination Division
8.	Anti Trust Division

As more and more officers join, the structure would be refined for achieving optimum functional efficiency.

## (6) Information on personnel in the Commission, category-wise

Position of staff in CCI as on 31.03.2013

Table 28

Name of the post Secretary	No. of Posts sanctioned	Name of the officer	No. of posts vacant
	1	Ms. Smita Jhingran	-
<b>PROFESSIONAL STAFF</b>			
Adviser (Law)	3	Shri Pramod Kumar Singh	0
		Shri Yogender Chaudhary	
		Dr. Sadhna Shankar	
Adviser (Eco)	3	Shri R.N. Sahay	0
		Dr. Seema Gaur	
		Ms. Payal Malik	
Adviser (FA)	2	Shri P.K.Purwar	0
		Shri G.R.Wadhwa	
Director (Law)	5	Dr. Satya Prakash	4
Director (Eco)	5	Shri Shyamal Misra	4
Director (FA)	2	Shri Rakesh Bhanot	1
Joint Director (Law)	10	Shri Ajay Goel	5
		Shri Shiv Ram Bairwa	
		Shri Ved Prakash Mishra	
		Dr. Sanjay Kumar Pandey	
		Shri Sukesh Misra	
Joint Director (Eco)	10	Shri Rakesh Kumar	8
		Dr. Bidyadhar Majhi	
Joint Director (FA)	4	Shri Alok Tripathi	2
		Shri Kapil Aggarwal	
Deputy Director (Law)	18	Shri Mahesh Chandra Tiwari	6
		Smt. Arti Fauzdar	
		Smt. Shabista Aquil	
		Smt. Mita Singh	
		Smt. Neha Raj	
		Smt. Prachi Mishra	
		Shri Amit Tayal	
Shri Vijay Kumar Singh			

		Shri Kuldeep Kumar	
		Dr. K.D.Singh	
		Shri V. Sriraj	
		Ms. Bhawna Gulati	
Deputy Director (Eco)	18	Shri Nirmal Mehrotra	15
		Shri Rajinder Kumar	
		Smt. Sayanti Chakrabarti	
Deputy Director (FA)	10	Shri Shekhar	05
		Shri Pankaj Kumar	
		Shri Bhupendra Singh	
		Shri Vipul Puri	
		Shri Sachin Goyal	

SUPPORT STAFF			
Joint Director (F&A)	1	Shri S.Sathichandran	0
Joint Director (IT)	1	- Vacant -	1
Deputy Director (CS)	5	Shri Virendra Singh	3
		Shri Joy Kuriakose	
Deputy Director (F&A)	1	Vacant	1
Deputy Director (IT)	1	Vacant	1
Assistant Director (CS)	14	Shri. S.P. Gahlaut	0
		Shri Ramesh Chand	
		Shri Balraj Singh	
		Shri U.S. Vidyarthi	
		Shri Anil Kumar	
		Shri Umesh Kumar Jain	
		Shri Sulabh Rastogi	
		Shri Mukesh Kumar	
		Shri Manoj Kumar Tiwari (#)	
		Shri Ashok Raj Gupta	
		Shri Gautam Singh Sambyal	
		Shri Ravi K. Dobriyal	
		Shri Ved Prakash	
		Shri Sanjeev Kumar	
Assistant Director (LS)	02	Ms. Sangeeta Gupta	1
Assistant Director (IT)	3	Shri Avadh Narayan	0
		Smt Kanupriaya Kushwaha	
		Shri Aashwin Malik	

Assistant Director (F&A)	2	Smt. Deepa Ramesh	0
		Shri M.K. Nair	
Office Manager (CS)	20	Shri Anil Kr. Vashist	10
		Smt. Manisha Gupta	
		Smt. Aishwarya Rao	
		Shri Sudhir Khare	
		Shri Nitin Kumar	
		Shri Ranjeet Kumar	
		Shri O.P. Bagasi	
		Shri Ashish Kumar Agrawal	
		Shri V.S. Chary	
		Shri J.S.Negi	
Office Manger (F&A)	4	Shri Simardeep Singh Ahuja	2
		Shri Milanjyoti Sonowal	
Office Manger (LS)	1	vacant	1
Sr.PPS	1	vacant	1
PPS	6	Shri Vijay Kumar Juneja	0
		Shri D. Radhakrishnan	
		Smt. Philomina Joseph	
		Smt. N. Vijaylakshmi	
		Smt. M. Jayalakshmi	
		Shri. Inder Ahuja	
PS	3	Smt. Poonam Kohli	2

*(#) Officers of CCI working in the office of Director General*

**Table 29**

**Position of Staff in DG's Office as on 31.03.2013**

S.No.	Name of the Post	No. of Posts	Name of the Officer	No. of post vacant
1.	Director General	1	Shri Ajay Kumar Chauhan	-
2.	Addl. DG(Law)	2	Shri S.P. Deo	1
3.	Addl. DG(FA)	1	-----	1
4.	Addl.DG(Eco)	1	Ms. Jyoti Jindgar	-
5.	Jt.DG(Law)	3	Shri Sunil Kumar	2
6.	Jt.DG(FA)	2	Shri Manoj Saksena	1

7.	Jt.DG(Eco)	3	Shri I.S. Sain	1
			Dr.O.P. Mehta	
8.	Dy.DG(FA)	4	vacant	4
9.	Dy.DG(Eco)	8	Shri Sunil Garg	7
10.	Dy.DG(Law)	8	Shri Saroj Kumar Gupta	6
			Ms. Akali V. Konghay	
11.	Dy.DG(CS)	1	Shri L.D. Joshi	-
12.	Asstt.DG(CS)	3	Manoj Kumar Tiwari (#)	0
			Sh. Girish Chand Srivastava	
			Sh. Ashish Kumar Singhal	
			Shri R.S. Rawat	
13.	Office Manager (CS)	4	Shri Madan Lal	1
			Shri Shyamal Sil	
			Shri R.S. Nautiyal	

(#) Officers from CCI, working in DG office.

### Reservation Status:

Reservation of posts for various categories under the reservation policy of the Government of India is applicable for direct recruitment. Accordingly, out of 69 vacancies in different posts for direct recruitment, 21 vacancies were earmarked for reserved categories. The details of reserved vacancies and posts filled up on direct recruitment basis are given as under:

**Table 30**  
**Reserved vacancies and posts filled up on Direct Recruitment basis**

S . No.	Name & No. of Posts	Total No. of Posts	Reserved Posts	Number of Candidates appointed	Carried forward
1	1.ADVISER (FA) – 1 2.ADVISER (ECO) – 1 3.ADVISER (LAW) – 1	3	NIL	Nil	General – 3 <sup>^</sup>
2	1.DIRECTOR (ECO) – 1 2.DIRECTOR (LAW) – 1 3.DIRECTOR (FA) – 1	3	NIL	General – 2	General - 01
3	1.JOINT DIRECTOR (LAW) – 3 2.JOINT DIRECTOR (ECO) – 3 3.JOINT DIRECTOR (FA) - 1	7	1 for OBC 1 for SC	General – 5 SC – 1	OBC – 1

4.	1. DEPUTY DIRECTOR (LAW)	13	3 for OBC 1 for SC	General – 6 OBC-2	General – 3 SC – 1 OBC – 1
	2. DEPUTY DIRECTOR (FA)	7	1 for OBC 1 for SC	General – 4 SC – 1	OBC – 1 UR -1
	3. DEPUTY DIRECTOR (ECO)	13	3 for OBC 1 for SC	General – 2	General – 7 SC – 1 OBC – 3
5	ASSISTANT DIRECTOR (IT)	3	Nil	General – 3 (including – 1 PH)	Nil
6.	1. OFFICE MANAGER (FINANCE & ACCOUNTS) – 4 2. OFFICE MANAGER (Corporate Service) – 15 3. OFFICE MANAGER (Library Services) - 1	20	5 for OBC 3 for SC 1 for ST	General – 3 SC – 2, ST-1	General– 8* SC – 1 ST – 1 OBC –5^^

^ Three posts of Advisers temporarily diverted to deputation quota only for a period up to 30/06/2015.

\* Including two posts of OM(CS) temporarily diverted to deputation quota only for a period of one year.

^^ One OBC/PH candidate who joined the post of OM(LS) during the period has resigned and joined his previous office.

## (7) Experts and Professionals engaged under Section 17(3) and experts called upon under Section 36 (3).

To facilitate engagement of adequate number of experts and professionals, Competition Commission of India promulgated Regulation No. R-40007/6/REG-Expert/Noti/04-CCI dated 15<sup>th</sup> May, 2009, called the Competition Commission of India (Procedure for engagement of Experts & Professional) Regulations, 2009. In terms of Regulation, 21 experts - 09 in Law, 09 in Economics and 3 in FA streams were engaged during the year.

No experts were called upon under section 36(3), to assist the Commission in conduct of any enquiry during the period under report.

## (8) Details of delegation of power made in the year by Chairperson to any other Member or the officer of the Commission under Section 13 of the Act

No delegation of power was made in the year by Chairperson to any other Member or the officer of the Commission under Section 13 of the Act. However, under sub-section (3) of Section 51 of the Competition Act, 2002, the Chairman CCI, nominated Shri M.L. Tayal, Member CCI, as Member of Fund Administering Committee in place of Shri Ratneshwar Prasad, Member CCI who relinquished charge on 28/2/2013.



**(9) Employee welfare measure, if any, beyond the regular terms and conditions of employment, undertaken by the Commission**

The terms and conditions of employment of officers and employees of CCI and DG's Office were notified by Ministry of Corporate Affairs vide GSR No. 670(E) dated 14.09.2009, GSR No.338 (E) dated 15.05.2009 and GSR No. 934 (E) dated 31.12.2009. To provide medical advice /consultation during office hours, a part time Medical Officer was earlier engaged and his term has been extended upto 31.05.2014.

## K. BUDGET AND ACCOUNTS

### 1. Budget Estimate and Revised Estimates under Broad Categories

Budgetary support to Competition Commission of India (CCI) is given by Government of India in the form of Grants in Aid through Ministry of Corporate Affairs (MCA). A budgetary provision of ₹ 4308 lakh was made by the Ministry as BE 2012-13, which was reduced to ₹ 3877 lakh in July 2012 by Ministry of Finance with the mandatory 10 percent cut. The Ministry allocated ₹ 3677 lakh as RE 2012-13. The Budget Estimate, Revised Estimate and the Actual Expenditure for the year 2012-13 are detailed below:

Table 31

(₹ in lakh)		
Budget Estimate	Revised Estimate	Actual Expenditure
3877.00	3677.00	4186.00

### 2. Receipts under broad categories in the Competition Fund established under sub-section (1) of Section 51 of the Act.

In terms of Gazette Notification GSR No.204(E) dated 27 March 2009 {the Competition Commission of India (Form of Annual Statement of Accounts) Rules, 2009}, the Competition Fund was created w.e.f 1<sup>st</sup> May 2009. As per Section 51 (1) of the Competition Act, the Competition Fund consists of the following:

- All Government Grants received by the Commission
- The Fees received under the Act
- The Interest accrued on the amounts referred to in the above two clauses

The Competition Fund is administered by Fund Administering Committee (FAC) constituted under Section 51 (3) of the Competition Act, 2002. The position of actual expenditure and requirement of funds for CCI was reviewed every month by FAC.

## Receipts:

The receipts under broad categories in the Competition Fund under Section 51 (1) of the Act are as follows:

Grants in Aid	-	₹ 3677.00 lakh
Fees (including application fee)	-	₹ 753.58 lakh
Bank Interest	-	₹ 143.04 lakh
Other receipts	-	₹ 1.34 lakh
Total	-	₹ 4574.96 lakh

## 3. Actual Expenditure under Broad Categories

The Commission incurred an expenditure of ₹ 4186.00 lakh during the year 2012-13. The break-up of expenditure in broad heads is given here under:

Salaries	-	₹ 1426.64 lakh
Travel Expenses	-	₹ 95.08 lakh
Training/ Seminar	-	₹ 24.21 lakh
Professional charges	-	₹ 201.16 lakh
Rent	-	₹ 1326.33 lakh
Administrative expenses	-	₹ 806.64 lakh
Advertisement and Publicity	-	₹ 215.91 lakh
Furniture and Fixture	-	₹ 90.03 lakh
Total		₹ 4186.00 lakh

#### **4. Balance Available in the Competition Fund Established under Sub Section (1) of Section 51 of the Act**

The balance available in the Competition Fund as on 31<sup>st</sup> March 2013 was ₹ 1.56 crore on account of carry forward grants and ₹ 11.89 crore on account of accumulated fee and interest.

While incurring the expenditure, the CCI has been following the standard of financial propriety and the other provisions prescribed in General Financial Rules. The economy instructions and other orders issued by Ministry of Finance from time to time are also kept in view.

The CCI is maintaining its accounts in the format prescribed in the Notification dated 27<sup>th</sup> March 2009. The annual accounts of the Commission for 2012-13 have been approved by the Commission and the approved accounts have been forwarded to Comptroller & Auditor General of India (C&AG) for the purpose of audit. The annual accounts of the Commission for 2012-13, as certified by the C&AG or any other person appointed by him on his behalf, together with the audit report thereon, shall be forwarded to the Central Government for laying before both the Houses of Parliament.

## L. INTERNATIONAL CO-OPERATION

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### 1) Brief notes on Memorandums or arrangements signed by the Commission with Foreign agencies

A Memorandum of Understanding (MOU) between India and the United States on competition law cooperation was signed on September 27, 2012 in Washington DC. CCI Chairperson Mr. Ashok Chawla and the Ambassador of India signed for the Indian side and FTC Chairperson Mr. Jon Leibowitz and the US Department of Justice Acting Assistant Attorney General Mr. Joseph Wayland signed for the US side. The signing took place in the presence of senior officers from the Embassy of India as well as the US Department of State, the US Federal Trade Commission and the US Department of Justice. The MOU establishes a framework for voluntary cooperation between the US antitrust agencies and the Indian competition authorities. The signing of MOU is recognition on both the sides that the two countries can effectively cooperate for mutual benefit in the field of competition law enforcement and policy. Key provisions of the MOU address the following:

- Communication - The MOU establishes a framework for the Indian competition authorities and the US antitrust agencies to consult on matters of competition enforcement and policy. It also contemplates periodic meetings among officials to exchange information on policy and enforcement priorities.
- Cooperation – The MoU provides that the Indian competition authorities and the US antitrust agencies will work to keep each other informed of significant competition policy and enforcement developments in their jurisdictions, and establishes a framework for technical cooperation. The MOU also recognises that when the Indian and the US competition authorities are investigating related matters, it may be in their common interests to cooperate.

MOU is expected to strengthen the existing friendly relations between the Indian competition authorities and the US antitrust agencies by further facilitating cooperation on policy and enforcement. The Indian competition authorities and the US antitrust agencies also plan to evaluate the effectiveness of the cooperation under this memorandum on a regular basis to ensure that their expectations and needs are being met.

### 2) Brief notes on overseas projects undertaken by the Commission

No overseas project was undertaken by the Commission during the period of the report.



Workshop with US Federal Trade Commission, 24-27 september, 2012 in New Delhi

### 3) Details of memberships of international organizations

#### i. International Competition Network

Competition Commission of India (CCI) became member of International Competition Network (ICN) since its establishment in October, 2003. However, formal application for membership, after constitution of a full- fledged Commission, was made in the year 2009 which was accepted by the ICN. Since then, CCI has been an official invitee to all the meetings, seminars, conferences, workshops etc organized by the ICN. CCI representatives have participated in the events organized by ICN during the year. In addition, CCI is also a member of four Working Groups Advocacy, Agency Effectiveness, Unilateral Conduct and Mergers and has been actively participating in their activities

#### ii. BRICS

India is member of BRICS- the group of emerging economies of Brazil, Russia, India, China and South Africa. The competition authorities of Brazil, Russia, India, China and South Africa expressed their support to the Competition Commission of India for organizing the 3<sup>rd</sup> BRICS International Competition Conference during 20<sup>th</sup> - 22<sup>nd</sup> November 2013 in New Delhi.

### iii. Organization for Economic Co-operation and Development (OECD)

- a) Senior functionaries of CCI have been regularly attending meetings of Competition Committee and Working parties as well as those of Global Competition Forum. India has been making regular contributions (including written papers) at various roundtables during these conferences/meetings. Two papers on competition issues in TV & Broadcasting and Competition & Poverty Reduction were submitted for the OECD Global Forum on Competition 2013. During 2012-13, CCI representatives attended meetings of OECD Competition Committee.
- b) Apart from this, OECD has been one of the major supporters of CCI in the area of capacity building activities.
- c) Further, two nominees from CCI have been generally invited with full financial support for participating in various Competition related Workshops/Seminars organized by OECD – Korea Policy Centre from time to time. The discussions and deliberations at these conferences/workshops have been very useful in capacity building of CCI officers and have positively contributed to its role as competition enforcement authority. During 2012-13, the following programs were attended by CCI officers :-
  - Workshop on “Competition Programme on Merger Analysis” during 8<sup>th</sup> – 10<sup>th</sup> May 2012 in Jeju Island, Korea attended by two officers.
  - Workshop on “Vertical Restraints” during 27<sup>th</sup>– 29<sup>th</sup> June 2012 in Seoul, Korea attended by two officers.
  - Workshop on “Competition Issues in the Aviation Sector” during 17<sup>th</sup> – 19<sup>th</sup> October 2012 in Busan, Korea attended by one officer
  - Workshop on “Practice and Procedure in Competition Cases” during 6<sup>th</sup> – 08<sup>th</sup> March 2013 in Busan, Korea attended by two officer

### 4) Details of international delegations received by the Commission from Foreign Governments, Foreign Competition Authorities Multilateral Institutions, others including the purpose of the delegation and the outcome.

- 5 member Kenyan delegations led Mr. Edward Ngige, Senior Deputy Inspector General from the Inspectorate of State Corporations; Office of the Prime Minister visited CCI in July 2012.

- Mr. Bruno Lasserre, President – Autorite de la concurrence (French Competition Authority) visited CCI office for a meeting on 18<sup>th</sup> December 2012.
- Ms. Natalie Timan, Deputy Director, Office of the Chief Economist, Office of Fair Trading, UK had interactive meeting with officers of CCI on 12<sup>th</sup> March 2013.
- Mr. Matt Crooke, Minister-Counsellor (Economic), Australian High Commission gave presentation on “Access to essential infrastructure: Australian Experience” on 14<sup>th</sup> March 2013.



CCI Annual Day Workshop in collaboration with UNCTAD on May 21-22, 2012, in New Delhi

## 5) Foreign visits undertaken by Commission’s Chairperson or Members or Officials indicating the purpose and outcome.

Table 32

S.No	Name of the Officer & Designation	Purpose of the Visit	Duration of the visit, place / country	Outcome
1	Mr. Ashok Chawla Chairperson	To attend 11 <sup>th</sup> Annual Conference of International Competition Network (ICN)	17 <sup>th</sup> –20 <sup>th</sup> April 2012, Rio de Janeiro, Brazil	Exposure to global best practices, capacity building and networking



2	Mr. Ajay Kumar Chauhan, Director-General	To attend 11 <sup>th</sup> Annual Conference of International Competition Network (ICN)	17 <sup>th</sup> -20 <sup>th</sup> April 2012, Rio de Janeiro, Brazil	Exposure to global best practices, capacity building and networking
3	Dr. Seema Gaur, Advisor (Eco)	Meeting with officials of BRICS Competition Authorities regarding organization of 3 <sup>rd</sup> BRICS Competition Conference in New Delhi	17 <sup>th</sup> -21 <sup>st</sup> April 2012, Rio de Janeiro, Brazil	Networking
4	Mr. P.K. Purwar, Advisor (FA)	To attend meeting of Co- Chairs of the merger working group of OECD	11 <sup>th</sup> -14 <sup>th</sup> June 2012, Paris, France	Exposure to global best practices, capacity building and networking
5	Mr. Ashok Chawla Chairperson	To attend 12 <sup>th</sup> Intergovernmental Group of Experts session on Competition Law and policy organized by UNCTAD	9 <sup>th</sup> -13 <sup>th</sup> July 2012, Geneva, Switzerland	Exposure to global best practices, capacity building and networking
6	Mr. G.R.Wadhwa, Advisor (FA)	To attend 12 <sup>th</sup> Intergovernmental Group of Experts session on Competition Law and policy organized by UNCTAD	9 <sup>th</sup> -13 <sup>th</sup> July 2012, Geneva, Switzerland	Exposure to global best practices, capacity building and networking
7	Dr. Seema Gaur, Advisor (Eco)	To attend 12 <sup>th</sup> Intergovernmental Group of Experts session on Competition Law and policy organized by UNCTAD	9 <sup>th</sup> -13 <sup>th</sup> July 2012, Geneva, Switzerland	Exposure to global best practices, capacity building and networking
8	Mr. P.K.Singh, Advisor (Law)	To participate in Russian Competition Day by Federal Antimonopoly Service (FAS Russia)	11 <sup>th</sup> -13 <sup>th</sup> September 2012, Kazan, Russia	Exposure to global best practices, capacity building and networking
9	Mr. Ashok Chawla Chairperson	To participate in 9 <sup>th</sup> Annual India Investment Forum	24 <sup>th</sup> -25 <sup>th</sup> September 2012, New York, USA	Exposure to global best practices, capacity building and networking
10	Mr. Ashok Chawla Chairperson	To participate in Annual International Bar Association Conference 2012	30 <sup>th</sup> September - 2 <sup>nd</sup> October 2012, Dublin, Ireland	Exposure to global best practices, capacity building and networking
11	Mr. S.L.Bunker , Secretary	To participate in OECD's Working Party 3 Competition Committee Meeting and ICN Advocacy Workshop 2012	24 <sup>th</sup> -27 <sup>th</sup> October 2012 , Paris, France	Exposure to global best practices, capacity building and networking

12	Dr. Geeta Gouri, Member	To participate and lecture as distinguished guest at international symposium on the role of competition policy in emerging economies organised by Centre for Policy Research.	22 <sup>nd</sup> February, 2013, JFTC Tokyo, Japan	Exposure to global best practices, capacity building and networking
13	Mr. Ashok Chawla Chairperson	To participate in OECD's 117 <sup>th</sup> Competition Committee Meeting and to participate in 12 <sup>th</sup> Global Forum on Competition	26 <sup>th</sup> February -1 <sup>st</sup> March 2013, Paris, France	Exposure to global best practices, capacity building and networking



Workshop with US Federal Trade Commission in progress

## 6) Others

Competition Commission of India is organising the 3<sup>rd</sup> BRICS International Competition Conference during 20-22 November 2013 at The Ashok in New Delhi. Theme of conference is "Competition Enforcement in BRICS Countries: Issues and Challenges" which is in continuation of the agenda of earlier two conferences. Planning and preparation for the same is under process.

## M. CAPACITY BUILDING

Dynamics of economy and constant developments in global economic and political scenario necessitates corresponding updating and capacity building of personnel in Commission. To this end and to enhance their analytical and investigative skills and capacities following initiatives have been taken.

- In-house induction trainings for the newly recruited officer and officers on deputation.
- Specialized workshops with the assistance of international organizations like OECD, ICN, ASEAN, United States Federal Trade Commission and German Competition Authority.
- Deputation of officers abroad to participate in trainings, exposure visits etc. to gain from the experiences of other jurisdictions.

Details of various capacity building initiatives undertaken during the year 2011 -2012 are as follows:

### (i) Trainings In- house

**Table 33**

S.No	Training	Duration	Content	Faculty	Venue
1	Induction Training Program	6 <sup>th</sup> – 8 <sup>th</sup> August 2012	Introduction to Competition Law to New Joinees	Officers of Competition Commission of India	CCI

The above In-house Induction Training program was conducted for three days. The course material covered overview of salient features of Competition Act, 2002, economics concepts, financial concepts, anti competitive agreements, abuse of dominance, combinations regulation, enquiry and investigation, competition advocacy.

Designation	Number
Director	1
Joint.D.G	2
Deputy.D.G	1
Deputy Director	1
Assistant.D.G	1
Office Manager	1
<b>Grand Total</b>	<b>7</b>

Field	Number
Law	1
FA	2
Eco	1
CS	3
<b>Grand Total</b>	<b>7</b>

Division	Number
D.G.Office	5
Sevcretariat	1
Services	1
<b>Grand Total</b>	<b>7</b>



An off-site “Leadership & Team Building” workshop for CCI officials, 14-16, December, 2012 in Agra

**(ii) Trainings by outside institutions**

**a) Within India**

**Table 34**

S.No	Training	Duration	Faculty/Institute	Venue
1	Competition Law and State-owned Enterprises	21 <sup>st</sup> -22 <sup>nd</sup> May 2012	UNCTAD	India Habitat Center
2	Handling in-depth merger investigations	23 <sup>rd</sup> –24 <sup>th</sup> May 2012	DG Competition, European Union	CCI
3	Economics and Financial Analysis for Merger Review	16 <sup>th</sup> –19 <sup>th</sup> July 2012.	United States Federal Trade Commission (USFTC)	CCI
4	Systematic Approach to Training	22 <sup>nd</sup> -24 <sup>th</sup> August 2012	National Academy for Training & Research in Social Security (NATRSS)	NATRSS Institute
5	Direct Trainers Skills	3 <sup>rd</sup> – 7 <sup>th</sup> September 2012	National Academy for Training & Research in Social Security (NATRSS)	NATRSS Institute
6	Advance issues in the analysis of Anticompetitive Agreements	24 <sup>th</sup> –27 <sup>th</sup> September 2012	United States Federal Trade Commission (USFTC)	CCI
7	Cartel Enforcement and Technology and Antitrust	14th -15th February 2013	American Bar Association (ABA)-International Bar Association (IBA)	CCI
8	In House training courses by ISTM	April 2012 – March 2013	Institute of Secretariat Training and Management (ISTM)	ISTM, New Delhi

**1. Competition Law and State-owned Enterprises – 21<sup>st</sup> -22<sup>nd</sup> May 2012**

Workshop in collaboration with UNCTAD was organized for two days covering Overview of competitive neutrality, Competitive neutrality framework: Australian experience, the enforcement of competition law against SOEs: South Africa’s experience, the enforcement of competition law against SOEs and competition advocacy: Korean experience, competitive neutrality: EU’s experience, perspective from the experience of previously centrally planned economies with respect to SOEs and competition : Russia, etc.

Designation	Number
Secretary	1
Director General	1
Adviser	7
Director	2
Additional.D.G	3
Joint Director	8
Joint D.G	4
Deputy Director	12
<b>Grand Total</b>	<b>38</b>

Field	Number
Secretary	1
Director General	1
Law	17
FA	7
Eco	12
<b>Grand Total</b>	<b>38</b>

Division	Number
Advocacy	2
Antitrust	7
Capacity Building	3
Combination	4
D.G.Office	8
Economics	4
Investigation	2
Legal	5
Secretariat	3
<b>Grand Total</b>	<b>38</b>

## 2. Handling in-depth merger investigations – 23<sup>rd</sup> –24<sup>th</sup> May 2012

DG Competition, European Union conducted two day workshop covering investigative techniques, remedies etc.

Designation	Number
Adviser	3
Joint Director	3
Deputy Director	9
<b>Total</b>	<b>15</b>

Field	Number
Law	4
FA	6
Eco	5
<b>Grand Total</b>	<b>15</b>

Division	Number
Combination	9
Capacity Building	2
Economics	4
<b>Grand Total</b>	<b>15</b>

## 3. Economics and Financial Analysis for Merger Review – 16<sup>th</sup>–19<sup>th</sup> July 2012

The United States Federal Trade Commission (USFTC) conducted four day workshop covering basic micro economic theories on demand, supply, elasticities, market structure, product market definition and geographic market definition etc.

Designation	Number
Adviser	2
Director	2
Joint Director	3
Deputy Director	9
<b>Total</b>	<b>16</b>

Field	Number
Law	5
FA	6
Eco	5
<b>Grand Total</b>	<b>16</b>

Division	Number
Combination	10
Economics	4
Legal	2
<b>Grand Total</b>	<b>16</b>

#### 4. Systematic Approach to Training – 22<sup>nd</sup> -24<sup>th</sup> August 2012

National Academy for Training & Research in Social Security (NATRSS), New Delhi, a unit of Employees' Provident Fund Organization under the Ministry of Labour & Employment, Government of India conducted training on Systematic Approach to Training (SAT) which consists of cycle namely Training Needs Analysis (TNA), Design of Training (DoT), Direct Trainers Skills (DTS), Evaluation of Training (EoT) with individual & team exercises/activities.

Designation	Number
Office Manager	1
<b>Grand Total</b>	<b>1</b>

Field	Number
Corporate Services	1
<b>Grand Total</b>	<b>1</b>

Division	Number
Capacity Building Division	1
<b>Grand Total</b>	<b>1</b>

#### 5. Direct Trainers Skills – 3<sup>rd</sup>– 7<sup>th</sup> September 2012

National Academy for Training & Research in Social Security (NATRSS), New Delhi, a unit of Employees' Provident Fund Organization under the Ministry of Labour & Employment, Government of India conducted training on 2. Direct Trainer Skills (DTS) which was an intensive course on development of basic instructional skills, to create /manage learning environment.

Designation	Number
Deputy Director	1
<b>Grand Total</b>	<b>1</b>

Field	Number
Law	1
<b>Grand Total</b>	<b>1</b>

Division	Number
Capacity Building Division	1
<b>Grand Total</b>	<b>1</b>

#### 6. Advance issues in the analysis of Anticompetitive Agreements– 24<sup>th</sup> –27<sup>th</sup> September 2012

The United States Federal Trade Commission (USFTC) conducted four day workshop covering inferring antitrust agreements, antitrust implications of after markets, association etc.

Designation	Number
Adviser	1
Director	2
Joint Director	5
Joint D.G	1
Deputy Director	7
Deputy D.G	2
Assistant Director	2
<b>Total</b>	<b>20</b>

Field	Number
Law	12
FA	2
Eco	4
Corp Services	2
<b>Grand Total</b>	<b>20</b>

Division	Number
Advocacy	3
Antitrust	5
Capacity Building	2
D.G.Office	3
Economics	1
Legal	3
Secretariat	3
<b>Grand Total</b>	<b>20</b>

## 7. Cartel Enforcement and Technology and Antitrust – 14<sup>th</sup> -15<sup>th</sup> February 2013

American Bar Association (ABA)-International Bar Association (IBA) conducted two day workshop covering immunity and leniency programs, circumstantial evidence in the prosecution of cartels, market definition in technology markets, competition and standard essential patents etc.

Designation	Number
Secretary	1
Adviser	7
Director	2
Joint Director	6
Joint D.G	1
Deputy Director	7
Deputy D.G	1
<b>Grand Total</b>	<b>25</b>

Field	Number
Secretary	1
Law	12
FA	7
Eco	5
<b>Grand Total</b>	<b>25</b>

Division	Number
Advocacy	1
Antitrust	4
Capacity Building	3
Combination	3
D.G.Office	2
Economics	3
Investigation	1
Legal	4
Secretariat	4
<b>Grand Total</b>	<b>25</b>

## 8. In House training courses by ISTM –April 2012 – March 2013

The Institute of Secretariat Training and Management (ISTM), Department of Personnel and Training, GOI is a multi disciplinary organization specializing in capacity building, consultancy and research support particularly for the central government employees. Officers of CCI have gone for various trainings on Finance Mgt. for Non Finance Officer, Analysis of Financial Statements etc.

Designation	Number
Additional.D.G	1
Deputy Director	3
<b>Grand Total</b>	<b>4</b>

Field	Number
Eco	1
Law	3
<b>Grand Total</b>	<b>4</b>

Division	Number
Antitrust	2
Capacity Building	1
D.G.Office	1
<b>Grand Total</b>	<b>4</b>

Besides, following activities were also undertaken:

1. A Seminar was organised on 27.4.2012 for the officers of CCI on “Two Sided Markets and implications for Competition in the Smart phone and Broadband Wireless Environment”. The main speaker was Dr Varadharajan Sridhar, Research Fellow at Sasken Communication Technology Ltd.



2. A training programme on “Merger Analysis” was organised on 10-11 May, 2012 for the officers of CCI. The training was imparted by Prof. Sudip Gupta of Indian School of Business (ISB), Hyderabad.
3. A Seminar was conducted on “Competition Issues in the Indian Pharmaceutical Industry”. The main speaker was Dr. Kensuke Kubo, Prof. Economics and Planning Unit, Indian Statistical Institute, New Delhi. The Seminar was held on 4.10.2012 in CCI.
4. A Seminar was conducted on “Competition and Regulatory Issues in Gas Sector in India”. The main speaker at this seminar was ShriAnish De, CEO, AF Mercados EMI. The Seminar was held on 21.11.2012 in CCI.
5. A Seminar was conducted on “Use of econometric tools for merger analysis: Case Studies from the UK and EU”. The main speaker in the Seminar was Jozsef Molnar, Chief Economist Team, European Commission, DG-Competition. The Seminar was held on 11.12.2012 in CCI.
6. A Seminar on “Antitrust Laws in Financial Markets: How they Work” was organised on 13.2.2013. Dr. Samita Sareen, Principal Economist at Nathan Associates Inc. and an adjunct faculty at New York University was the main speaker.
7. A Seminar on “The Welfare Implications of Patent Protection, Pricing, and Licensing in the Indian Oral Anti-Diabetic Drug Market” was organised on 4.3.2013. Dr.Kensuke Kubo, Associate Senior Research Fellow at Institute of Developing Economies, Japan External Trade Organization was the main speaker.

**b) Outside India**

**Table 35**

S.No	Training	Duration	Faculty/Institute	Venue
1	Workshop on Competition Programme on Merger Analysis	8 <sup>th</sup> – 10 <sup>th</sup> May 2012	OECD-Korea Policy Center	Jeju Island, Korea
2	Workshop on Vertical Restraints	27 <sup>th</sup> – 29 <sup>th</sup> June 2012	OECD-Korea Policy Center	Seoul, Korea
3	Conference on Operationalising Roadmap for Competition Reforms in Bangladesh	1 <sup>st</sup> July 2012	Bangladesh Competition Commission	Dhaka, Bangladesh
4	Workshop on Unilateral Conduct	24 <sup>th</sup> -25 <sup>th</sup> July 2012	ICN	Singapore
5	Training on advanced economics	27 <sup>th</sup> -31 <sup>st</sup> August 2012	USFTC	Washington.DC, USA
6	16 <sup>th</sup> International Workshop on Competition Policy	4 <sup>th</sup> -6 <sup>th</sup> September 2012	Korea Fair Trade Commission & UNCTAD	Busan, Korea

7	Seminar on Unilateral Conduct: Excessive Pricing and Anti-Competitive Practices	3 <sup>rd</sup> – 4 <sup>th</sup> October 2012	Taiwan Fair Trade Commission	Manila, Philippines
8	Workshop on Competition Issues in the Aviation Sector	17 <sup>th</sup> – 19 <sup>th</sup> October 2012	OECD-Korea Policy Center	Busan, Korea
9	Workshop on Impact and Benefits of Competition Policy and Law on Business in ASEAN	7 <sup>th</sup> – 8 <sup>th</sup> November 2012	ASEAN	Brunei Darussalam
10	Workshop on ICN Merger Working Group 2012	7 <sup>th</sup> – 9 <sup>th</sup> November 2012	International Competition Network (ICN)	Bogota, Columbia
11	Workshop on Practice and Procedure in Competition Cases	6 <sup>th</sup> – 8 <sup>th</sup> March 2013	OECD-Korea Policy Center	Busan, Korea
12	16 <sup>th</sup> International Conference on Competition and Workshop for Competition Authorities	20 <sup>th</sup> -22 <sup>nd</sup> March 2013	Bundeskartellamt (German Competition Authority)	Berlin, Germany

### 1. Competition Programme on Merger Analysis– 8<sup>th</sup> – 10<sup>th</sup> May 2012

OECD- Korea Policy Center conducted three day workshop in Jeju Island, Korea.

Designation	Field	Division	Number
Joint Director	FA	Combinations	2
Deputy Director	Law	Combinations	

### 2. Vertical Restraints- 27<sup>th</sup> – 29<sup>th</sup> June 2012

OECD- Korea Policy Center conducted three day workshop in Seoul, Korea.

Designation	Field	Division	Number
Deputy Director	Law	Anti Trust	2
Assistant D.G	CS	D.G.Office	

### 3. Operationlising Roadmap for Competition Reforms - 1<sup>st</sup> July 2012

Bangladesh Competition Commission conducted one day conference in Dhaka, Bangladesh.

Designation	Field	Division	Number
Adviser	Eco	Investigation	1

#### 4. Unilateral Conduct - 24<sup>th</sup>-25<sup>th</sup> July 2012

International Competition Network conducted two day regional workshop in Singapore.

Designation	Field	Division	Number
Additional D.G	Eco	D.G.Office	1

#### 5. Advanced Economics- 27<sup>th</sup> -31<sup>st</sup> August 2012

US Federal Trade Commission (USFTC) conducted training for economists of the commission in Washington DC, USA

Designation	Field	Division	Number
Adviser	Eco	Economics	4
Joint Director	Eco	Economics	
Deputy Director	Eco	Combinations	
Deputy Director	Eco	Economics	

#### 6. 16<sup>th</sup> International Workshop on Competition Policy - 4<sup>th</sup> -6<sup>th</sup> September 2012

Korea Fair Trade Commission & UNCTAD conducted two day workshop in Busan, Korea.

Designation	Field	Division	Number
Director	Eco	Combinations	1

#### 7. Unilateral Conduct: Excessive Pricing and Anti-Competitive Practices- 3<sup>rd</sup> – 4<sup>th</sup> October 2012

Taiwan Fair Trade Commission conducted two day seminar in Manila, Philippines.

Designation	Field	Division	Number
Joint.D.G	FA	D.G.Office	1

#### 8. Competition Issues in the Aviation Sector- 17<sup>th</sup> – 19<sup>th</sup> October 2012

OECD- Korea Policy Center conducted three day workshop in Busan, Korea.

Designation	Field	Division	Number
Deputy Director	Law	Anti Trust	1

## 9. Impact and Benefits of Competition Policy and Law on Business in ASEAN 7<sup>th</sup> – 8<sup>th</sup> November 2012

ASEAN conducted two day workshop in Brunei Darussalam.

Designation	Field	Division	Number
Adviser	Law	Legal	1

## 10. ICN Merger Working Group 2012 - 7<sup>th</sup> – 9<sup>th</sup> November 2012

International Competition Network conducted three day workshop in Bogota, Columbia

Designation	Field	Division	Number
Adviser	FA	Combinations	2
Deputy Director	FA	Combinations	

## 11. Practice and Procedure in Competition Cases- 6<sup>th</sup> – 8<sup>th</sup> March 2013

OECD- Korea Policy Center conducted three day workshop in Busan, Korea

Designation	Field	Division	Number
Deputy Director	Law	Legal	2
Deputy D.G	Law	D.G.Office	

## 12. 16<sup>th</sup> International Conference on Competition AND Workshop for Competition Authorities- 20<sup>th</sup>-22<sup>nd</sup> March 2013

Bundeskartellamt (German Competition Authority) conducted two day conference and workshop in Berlin, Germany

Designation	Field	Division	Number
Adviser	Eco	Investigation	2
Joint Director	Law	Capacity Building	

## N. ONGOING PROGRAMMES

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In an effort to build a knowledge based organization that rests on team work and stakeholder participation, many new initiatives have been undertaken.

- Government interventions in the markets is critical from the efficacy point of view. Keeping this in view, the advocacy interventions have been focused primarily on Government. The effort is to institutionalize a long term engagement. In this pursuit a series of interactive meetings with key functionaries of central ministries/ departments involved in policy making are underway. The objective of such meetings is to identify the areas/ policies which need intervention from competition point of view without subverting their socio-economic objectives. The commission is also working on a module of training that would be made part of the curriculum of newly recruited civil servants.
- Knowledge Partnership Initiative (KPI) has been launched with institutes of excellence in the field of law, management and economics to build a robust knowledge based organization by constantly building and improving the capacity of human resource of the commission.
- Efforts are being made to fill up all vacant posts in CCI and DG office by Deputation/ Direct Recruitment. Supplemented by an organizational review being conducted, this would prepare the organization for role in the future.
- An e-governance road map is being crystallized that would support the evolution of the organization in terms of its vision and mission.

## O. RIGHT TO INFORMATION ACT, 2005

**Table 36: Status of RTI Applications during 2012-13**

<b>a.</b>	Number of application received by CPIO/CAPIO seeking information under RTI Act, 2005	97
<b>b.</b>	Number of applications for which information has been provided by CPIO	97
<b>c.</b>	Number of applications pending with CPIO	00
<b>d.</b>	Number of Appeals filed before First Appellate Authority against the order of CPIO	14
<b>e.</b>	Number of Appeals which have been disposed of by the First Appellate Authority.	14
<b>f.</b>	Number of Appeals pending with First Appellate Authority	NIL
<b>g.</b>	Number of applications / Appeals not disposed of in the stipulated time frame.	N.A.

## NOTES

**\* This Report has been prepared according to the report format provided in the Rule GSR 808(E) of the Government of India (Short Title: Competition Commission of India (Form and Time of Preparation of Annual Report) Rules, 2008).**





Fair Competition  
for Greater Good

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