



ANNUAL REPORT 2014-15



Competition Commission of India

This report has been prepared in the format provided in the Competition Commission of India (Form and Time of Preparation of Annual Report) Rules, 2008.

Commission as on 31st March, 2015



Left to Right:

Shri U. C. Nahta, Member; **Shri Augustine Peter**, Member; **Shri Sudhir Mital**, Member;
Shri Ashok Chawla, Chairperson; **Shri S. L. Bunker**, Member and
Shri M. S. Sahoo, Member.

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Abbreviations

AAEC	Appreciable Adverse Effect on Competition
ADB	Asian Development Bank
ASSOCHAM	The Associated Chambers of Commerce & Industry
BHU	Banaras Hindu University
BPST	Bureau of Parliamentary Studies and Training
BRICS	Brazil, Russia, India, China and South Africa
CA&G	Comptroller and Auditor General of India
CAPIO	Central Assistant Public Information Officer
CB	Competition Bureau, Canada
CDAG	Chemists and Druggists Association of Goa
CII	Confederation of Indian Industry
CIMP	Chandragupta Institute of Management, Patna
CITD	Capacity Building Initiative for Training and Development
CMM	Chief Metropolitan Magistrate
COMPAT	Competition Appellate Tribunal
CPIO	Central Public Information Officer
CPSU	Central Public Sector Undertaking
CREDAI	Confederation of Real Estate Developers' Association of India
CUSAT	Cochin University of Science and Technology
DeitY	Department of Electronics and Information Technology
DG	Director General
DMEP	Domestically Manufactured Electronic Products
EU	European Union
FDA	Film Distributors Association, Kerala
FICCI	Federation of Indian Chambers of Commerce and Industry
FTAs	Free Trade Agreements
IAS	Indian Administrative Service
IBA	International Bar Association
ICAI	Institute of Chartered Accountants of India
ICN	International Competition Network
IGE	Intergovernmental Group of Experts
IIM	Indian Institute of Management
IIPA	Indian Institute of Public Administration
ISTM	Institute of Secretarial Training and Management
JFTC	Japan Fair Trade Commission
KPI	Knowledge Partner Initiative

KSTOCTSL	Kiratpur Sahib Truck Operators Cooperative Transport Society Ltd.
MCA	Ministry of Corporate Affairs
MCC	Minimum Commitment Charges
MOU	Memorandum of Understanding
MRP	Maximum Retail Price
MRTPC	Monopolies and Restrictive Trade Practices Commission
NADP	National Academy of Defence Production
NATRSS	National Academy for Training and Research in Social Security
NJA	National Judicial Academy, Bhopal
NLU	National Law University
NOC	No Objection Certificate
NUJS	National University of Juridical Sciences, Kolkata
OECD	Organisation for Economic Cooperation and Development
OEM	Original Equipment Manufacturer
OES	Original Equipment Supplier
ONGC	Oil & Natural Gas Corporation Limited
OP	Opposite Party
P2P	Peer to Peer
PHDCCI	PHD Chamber of Commerce and Industry
RCEP	Regional Comprehensive Economic Partnership
RMNLU	Ram Manohar Lohia National Law University
RTI	The Right to Information Act, 2005
SCIL	Super Cassettes Industries Limited
SCOPE	Standing Conference of Public Enterprises
SITC	Society for International Trade and Competition
THE COMMISSION	The Competition Commission of India
THE ACT	The Competition Act, 2002
UNCTAD	United Nations Conference on Trade and Development
UNODC	United Nations Office on Drugs & Crime
UPAAM	Uttar Pradesh Academy of Administration and Management
USFTC	United States Federal Trade Commission
YASHADA	Yashwantrao Chavan Academy of Development Administration

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Chairperson's statement

It is my privilege to present the Annual Report of the Competition Commission of India (the Commission) for the year 2014-15.

India adopted a new economic order in the early 1990s. This empowers the invisible hands of the market, namely, demand for and supply of goods and services to determine two major outcomes, namely, quantities to be produced in the economy and prices at which these are to be exchanged. It has been the endeavour of the Commission to strengthen these invisible hands. This unleashes rivalry, known as competition in common parlance, among the enterprises to do better than others and thereby harnesses allocative efficiency, productive efficiency and dynamic efficiency (innovation) for economic growth. The outcome of this approach has been obvious as seen in terms of growth rate since 1990s.



The invisible hands may occasionally malfunction in the presence of information asymmetry or externalities. State usually intervenes to address these concerns. However, two sets of visible hands may also interfere in the working of the invisible hands. The first set is the enterprises themselves: one or a few of them, rather than the invisible hands, use market power to influence either the quantity and / or the price of goods or service. The second is the State: the authorities pursue public interest through various policies and legislation which, if not carefully crafted and implemented, restrict the economic liberty of enterprises. These visible hands need to be guided to ensure that they inadvertently don't become a hindrance to free and fair rivalry and do not come in the way of doing business. Competition policy and competition law guide and moderate the influence of visible hands and thereby strengthen the invisible hands.

Competition law in India aims at preventing practices having adverse effect on competition, promoting and sustaining competition in markets, protecting the interests of consumers and ensuring freedom of trade carried on by other participants in markets. It does so by two sets of measures: advocacy and sanctions targeted at enterprises. While these two measures are complementary, advocacy 'ex ante' ensures freedom of trade by enterprises that brings in economic prosperity. Sanctions serve as deterrent for potential offenders. However, excessive reliance on sanctions may not always help foster competition. Given the complex nature of competition issues, if there is a wrong determination, one ends up deterring an efficient business, the cost of which is very high. The law also provides for remedial measures, including compensation for consumers, in certain circumstances. A judicious mix of proactive, punitive, and remedial measures is necessary to promote the ultimate objective of 'fair competition for greater good'.

It is the endeavour of the Commission to engage with Governments and regulators through advocacy initiatives to enable them to avoid stifling competition in the market place. It engages with enterprises to protect them from becoming victims of anti-competitive designs of others, while investing in provision of goods or services, or producing, supplying or procuring goods or services. It also

engages with them to prevent bad days in terms of conviction, penalty, loss of reputation of the person concerned on the one hand, and loss of business and productivity of the economy on the other. The functionaries of the Commission participated in 49 events during 2014-15 all over the country to create awareness among and building capacity of the stakeholders. While doing so, it urged them to have an institutional mechanism to ensure competition law compliance.

Notwithstanding the proactive efforts which endeavour at preventing contraventions of the competition law, the Commission deals with any contravention that comes to its notice with objectivity and issues appropriate directions to address competition concerns. It received 110 informations in 2014-15 alleging contraventions of the competition law spanning diverse sectors of the economy. It also received 07 references from various departments of Government and took suo moto notice of 11 matters of alleged anti-competitive conduct. It directed the Director General (DG), on forming a prima facie opinion, to undertake investigations in 41 matters and closed the balance 73 matters. After considering the report of investigation by the DG and following the principles of natural justice, it issued final orders in 22 matters during the year. These orders contain various kinds of directions, including imposition of monetary penalties aggregating Rs.26 billion.

The law needs to be dynamic to meet the emerging needs of the business on a continuous basis. It also needs to factor in the concerns and challenges of the business. It has to necessarily facilitate ease of doing business in the country. The combination of enterprises is one of the key means for the business to amplify their capacity to serve the market with higher efficiency. The Commission amended the Regulations relating to combinations based on its own experience of administration of the regulations, learning from international experience, evolving best practices in other jurisdictions and consultation with the stakeholders. The amendments provide greater clarity and certainty to filing requirements and help in avoiding undue delays in assessment of potential appreciable adverse effect on competition and consequent approval. The Commission received 94 notices of proposed combinations in 2014-15 and approved 87 notices of combinations during the year.

The Commission celebrates its annual day on 20th May every year to commemorate the enforcement of the substantive provisions of the Act which began on May 20, 2009. The 2014 celebration included a lecture by Dr. Raghuram Rajan, Governor of Reserve Bank of India on ‘Competition in the Banking Sector: Opportunities and Challenges’. It also included release of eight Advocacy Booklets. The event witnessed presence of many distinguished and eminent thought leaders, both from the industry and the Government.

The Commission is engaging with similar agencies in other jurisdictions to collaborate in enforcement of competition law and learn from each other’s experiences. The International Competition Network (ICN) provides a forum for high level exchange of idea and approaches among the competition authorities all over the world. The Commission was fortunate to host ICN Merger Workshop in India on December 1-2, 2014 and for its inauguration by Shri Arun Jaitley, the Hon’ble Union Minister of Finance, Defence and Corporate Affairs. This focused on the role of international cooperation in merger enforcement and deliberated on building an effective framework for international cooperation in the area of merger remedies as well as outreach initiatives for merger enforcement.

The Commission has been building its human resources over the years to address the complex issues of competition regulation. At the end of March 31, 2015, it had 109 employees with the Commission and 20 in the Office of the Director General, in addition to 28 experts and research associates. I am extremely thankful to the employees for making the Commission a vibrant and professional work place which inspires confidence of stakeholders.

Three of my learned colleagues in the Commission demitted their offices during the year as Members of the Commission on completion of their respective tenures after leaving their imprint on competition in markets in India. Four others assumed the office as Members of the Commission during 2014-15. The Commission would not be what it is today but for the wisdom and contribution of Members, past and present.

The Commission continued to receive unstinted support from the Ministry of Corporate Affairs in 2014-15 and I am grateful to Shri Arun Jaitley, the Hon'ble Minister as also the officers of the Ministry.

(Ashok Chawla)
Chairperson
Competition Commission of India

A. Introduction

(i) Objectives

The recent years have witnessed renewed interest in institutional economics. The institutions are deeper determinants of economic growth. These determine which country will innovate and, therefore, develop, while another, similarly endowed, will not. Every enquiry into causes of wealth has revealed that competition is a key institution of growth. Several studies have established linkage between competition and growth. It is reported that Australian Government in mid 1990s launched competition impact assessment of its economic policies and found about 1800 instances of competition distortions. Removal of these distortions eventually allowed the economy to grow faster and benefitted the consumers substantially.

The competition regime consists of competition policy and competition law. The competition policy addresses competition distortions in policies relating to trade, commerce, industry, business, investment, disinvestment, fisc, taxation, IPR, procurement, etc. and endeavours to provide competitive neutrality and level playing field. The competition law addresses anti-competitive conduct of the enterprises by a mix of preventive, punitive and remedial measures. In sync with the contemporary economic thought, India embraced a very potent competition regime. It enacted the Competition Act, 2002 (the Act) to establish the Competition Commission of India, keeping in view the economic development of the country, with the objectives to:

- (a) prevent practices having adverse effect on competition;
- (b) promote and sustain competition in markets;
- (c) protect the interests of consumers; and
- (d) ensure freedom of trade carried on by other participants in markets, in India.

The Act prohibits, up front, all anti-competitive conduct and practices. It prescribes that any agreement in respect of production, supply, distribution, storage, acquisition or control of goods or provision of services is void if it causes or is likely to cause an appreciable adverse effect on competition (AAEC). It prohibits all kinds of cartels, vertical or horizontal, including bid rigging. While it does not prohibit dominance per se, it prohibits abuse of dominant position. It also prohibits any combination which causes or is likely to cause AAEC in the relevant market in India. It requires prior approval of the Commission for the combinations above prescribed thresholds. These prohibitions aim to ensure, ex ante, that no enterprise or a group of enterprises has control over either the quantity and or the price, and only the invisible hands of the market should determine these. This would ensure economic liberty and consequently freedom of trade.

Realising limited awareness of benefits of competition among the stakeholders, the Act mandates the Commission, inter alia, to take suitable measures for the promotion of competition advocacy, and to create awareness and impart training about competition issues. Given the fact that the Commission is a part of the eco system and determination of competition issues is very complex, the Act encourages two way consultation between sectoral regulators and Government on one hand and the Competition Commission of India on the other. The Central Government or a State Government

may, in formulating a policy on or any other matter, make a reference to the Commission for its opinion on possible effect of such policy on competition and on the receipt of such a reference, the Commission is obliged to give its opinion to the Central Government, or the State Government, as the case may be. The Act also provides that whenever an issue is raised by a party before a statutory authority that a decision which the statutory authority has taken or proposes to take would be contrary to the provisions of the Competition Act, the statutory authority may make a reference to the Commission for an opinion. The statutory authority may also suo motu make a reference to the Commission. The Commission gives its opinion within 60 days of receipt of the reference and the statutory authority is obliged to consider such opinion. The Act also contains similar provisions for reference by the Commission to statutory authorities.

Keeping the above objectives in view, the Commission has adopted the 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. It has adopted the MISSION 2020 which aims to establish robust competitive environment through: (a) pro-active engagement with all stakeholders, including consumers, industry, government and international jurisdictions, (b) being a knowledge intensive organization with high competence levels, and (c) professionalism, transparency, resolve and wisdom in enforcement. Its MOTTO is: Fair Competition for Greater Good.

(ii) Important achievements

Table No. A1 presents performance of the Commission on select parameters in 2014-15 vis-a-vis 2013-14. It took notice of 128 allegations of infringement of the provisions related to anti-competitive agreements and abuse of dominant position of the Act. After forming a prima facie opinion, the Commission directed the DG to undertake investigations in 41 cases and closed 73 cases. The DG completed 34 investigations despite severe staff crunch. The Commission passed a total of 95 appellable orders (73 under section 26(2), 02 under section 26(6) and 20 under section 27), imposing an aggregate penalty of Rs. 2,592 crore on wrongdoers, in addition to eight interim orders under section 33 of the Act. The persons aggrieved by orders of the Commission challenged 30% of its orders by appeals to the Hon'ble Competition Appellate Tribunal (the COMPAT). In sync with take-off of the economy, the number of combinations increased by more than 100% during the year. The Commission received 94 (excluding 4 invalidated / withdrawn notices) notices of proposed combinations in 2014-15. It approved a record number of 87 combinations, with 84 of these approved in less than 30 days. It may be noted that the data presented in this report may differ marginally from those provided in earlier reports as there has been re-grouping and reconciliation of the same in a few cases.

Having a mandate to create awareness of competition law and benefits of competition, the Commission conducted 49 advocacy workshops, conferences, seminars and other interactions among the stakeholders, such as, government, trade associations, judiciary, etc. Any kind of manipulation in the bids for procurement is condemned world over as it is harmful to the economy and consumers. Manipulation in public procurement is considered the most heinous offence against the economy and society as it is funded from tax payers' money. In order to professionalize public procurement and protect the interests of public procurers, the Commission in collaboration with the World Bank, organised a workshop on 'Competition Law and Public Procurement' in March 2015 which had participation of 130 senior delegates from leading Central Public Sector Undertakings (CPSUs) and officers from the Central and State Governments.

Table No. A1: Select Performance Parameters: 2014-15 vs. 2013-14

Sl. No.	Particulars	2013-14	2014-15
1	No. of alleged anti-competitive conduct noticed	115	128
2	No. of prima facie orders passed in respect of alleged anti-competitive conduct	121	114
3	No. of Investigations completed by DG	24	34
4	No. of orders [under Sections 26(2), 26(6) and 27] passed in respect of anti-competitive conduct	93	95
5	Amount of penalty levied (Rs. crore)	1,870	2,592
6	Percentage of orders appealed against (%)	32	30
7	No. of proposed combinations approved	44	87
8	Average no. of days taken to dispose of a combination notice	18	25
9	No. of advocacy programmes	69	49
10	No. of employees as on 31 st March		
	Commission	88	109
	DG Office	13	20
11	No. of employees trained (where an employee has participated in two training programmes, the number of employees is counted as two)	223	306

With an aspiration to be a knowledge intensive organization to meet the challenges of the competition in markets, the Commission organised several capacity building programmes and trained 306 employees during the year. A unique feature of learning in the Commission is regular Peer-to-Peer (P2P) sessions, where one officer shares the special skills or knowledge she possessed/gained with others. To meet the growing workload, the Commission augmented its manpower to 129 at the end of March 2015. It additionally engaged 28 Research Associates on contract basis to avail expertise of various professional streams. A significant feature of its human resources is that about one fourth of its employees are women and six out of eight positions at the highest level of employees are occupied by women.

The Commission successfully organized ICN Merger Workshop during December 1-2, 2014. Its theme was “International Cooperation and Remedies in Merger Review”. It was inaugurated by Shri Arun Jaitley, the Hon’ble Union Minister of Finance, Defence and Corporate Affairs. These and other achievements have been detailed in respective sections in this report.

(iii) The year in review

(a) Landmark decisions

The following presents a gist of allegations, findings of the Commission and its direction in important matters disposed of by the Commission during 2014-15.

1. Shri Shamsher Kataria And Honda Siel Cars India Ltd. & Ors. (No. 03 of 2011)

Allegation: It was alleged that the Original Equipment Manufacturers (OEMs) were restricting access to their brand of spare parts and diagnostic tools and were thereby: (a) creating a monopoly-like situation wherein they became the sole suppliers of the spare parts/components of their respective brands of automobiles; and (b) allowing the car companies to influence and determine the prices of the spare parts/components used to repair and maintain the respective brands of automobiles.

They were thus imposing unfair conditions upon the authorized dealers and denying market access to lakhs of independent repairers and garages in India.

Finding: The Commission identified two separate relevant product markets, namely, (a) the primary market consisting of the manufacturing and the sale of the passenger vehicles; and (b) the secondary or after-sales market comprising of the complimentary products such as spare parts for passenger vehicles. It divided the after-sales market into two further segments, namely, (i) supply of spare parts, including the diagnostic tools, technical manuals, catalogues, etc. for the after-sales market usage; and (ii) provision of after-sale services, including servicing of vehicles, maintenance and repair services. It concluded that the agreements between the OEMs and the local Original Equipment Suppliers (OESs) and their authorized dealers cause AAEC in the Indian automobile market, since consumers do not have access to any competitive products because of: (a) the limited inter-brand interchangeability of spare parts; and (b) the fact that each OEM, pursuant to its agreement with their local OESs, has established itself as the sole supplier of its brand of spare parts. Further, such agreements allow the OEMs to be dominant under section 4 of the Act, since they can ‘operate independently of competitive forces prevailing in the relevant market’ after creating barriers and foreclosing competition in the secondary market for spare parts and maintenance services. Therefore, the Commission found that the restrictive clauses of the OEM’s agreements with authorized dealers and OESs are having AAEC. Thus the conduct of OEMs were found to be violative of section 3(4) and section 4 of the Act.

Direction: The Commission imposed a penalty Rs.2,545 crore on 14 OEMs. It also imposed behavioural remedies to structurally alter the competitive nature of the Indian automobile market. These remedies aimed to strengthen the (a) ability of the consumers to freely choose between an independent repairer and an authorized dealer without facing any adverse financial consequences; and (b) ability of independent repairers to access the after-sales market and provide services in a competitive manner and to have access to essential inputs such as spare parts and other technical information for this purpose. The behavioural remedies required OEMs to: (i) allow OESs to sell spare parts in the open market after contractually charging necessary royalty fees, without imposing any conditions, including those on prices; (ii) devise appropriate mechanisms of providing adequate training to the independent repairers and garage personnel; (iii) not cancel their warranties entirely if the consumer approaches an independent repairer; and (iv) provide more information on their websites regarding spare parts, their MRPs, arrangements for availability over the counter, details of matching quality alternatives, maintenance costs, etc. The Commission advised the Government to introduce appropriate ‘matching quality’ legislation.

2. Shri Jyoti Swaroop Arora And Tulip Infratech Ltd. & Ors. (No. 59 of 2011)

Allegation: It was alleged that Confederation of Real Estate Developers' Association of India (CREDAI) has advised all its constituent members to sign a Code of Conduct. The Code requires members to include in the buyer’s agreements clauses relating to the actual usage area to the buyers, compensation in case of project delays, etc. It indicates collusion amongst the members of CREDAI. It was also alleged that various enterprises engaged in real estate development business have agreements/ understanding amongst themselves on the marketing front and all of them sell

the Floor Area Ratio (FAR) over and above the permitted/ sanctioned limits.

Finding: Though the DG found contravention of the provisions of section 3(3)(a) and (b) of the Act, the Commission did not find sufficient evidence to that effect. It did not accede to the allegation that the Code of Conduct requiring inclusion of the clauses relating to booking, agreement to sell and forfeiture, etc. contravenes the provisions of the Act. It, however, noted that there appears to be no market pressure which can prod the players to improve their services.

Decision: The Commission highlighted the various hardships faced by the consumers in the real estate market and recommended the players to take appropriate voluntary measures to address the same.

3. Collective boycott/refusal to deal by the Chemists & Druggists Association, Goa (CDAG), M/s Glenmark Company, and M/s Wockhardt Ltd. (No. 05 of 2013)

Allegation: It was alleged that CDAG was insisting the pharmaceutical companies to deal with only its authorized stockists.

Finding: The Commission found that CDAG was continuing to exercise control on the supply chain through which drugs and medicines are made available in the market by mandating the requirement of NOC prior to appointment of stockists by pharmaceutical companies even though CDAG has no legal or statutory authority to do so. It found the conduct of CDAG to be violative of section 3(3)(b) of the Act.

Direction: The Commission directed CDAG and its office bearers and other executive committee members to cease and desist from indulging in the practices which are found to be anti-competitive in terms of the provisions of section 3 of the Act. It also imposed a penalty of Rs.10.62 crore on CDAG.

4. Shivam Enterprises And Kiratpur Sahib Truck Operators Co-operative Transport Society Ltd. (KSTOCTSL) and Members of KSTOCTSL (No. 43 of 2013)

Allegation: It was alleged that KSTOCTSL allows only the trucks owned by its members to engage in freight transport of goods of industrial units in the area of Kiratpur in Punjab and non-members are prohibited from operating within 50 villages in their territory.

Finding: The Commission found that KSTOCTSL takes contracts in its own name and gets them executed through its members according to its own internal procedure/management and the customers had no choice or control over the members. The customer make payment for services to KSTOCTSL who then passes the payment to the concerned member after retaining a commission/ its own administrative charges for each trip taken by truck operator/members. This arrangement enabled KSTOCTSL to exercise control over supply of freight transport services. The Commission identified the relevant market as provision of services of goods transportation by trucks in and around Kiratpur area in Punjab. KSTOCTSL is the only enterprise that operates within the Kiratpur region and there were no other competitors within the relevant geographic market. The Commission found that KSTOCTSL imposed unfair prices for transportation services in contravention of the provisions of section 4(2)(a)(ii) of the Act. Members of KSTOCTSL had also agreed with each other to limit supply of the service of freight transport by trucks in Kiratpur region by prohibiting any independent

transporter from operating in the market, in violation of sections 3(3)(a) and 3(3)(b) of the Act.

Direction: The Commission directed the opposite parties to cease and desist from the practices that were found to be in contravention of the provisions of the Act. It imposed a penalty of Rs.2.29 lakh on KSTOCTSL and Rs.1.12 lakh on its officer bearers who were identified as persons responsible under section 48 of the Act.

5. HT Media Ltd. And M/s. Super Cassettes Industries Ltd. (SCIL) (No. 40 of 2011)

Allegation: It was alleged that SCIL, which is the largest private publisher of Indian music, abused its dominant position in contravention of section 4 of the Act by: (i) charging excessive amount as license fees/ royalty for grant of rights for the broadcast of its music content on Fever 104 radio station; and (ii) imposing minimum commitment charges ('MCC') per month irrespective of actual needle hour. This limits the choice of music for the end consumers to only SCIL's music content and results in denial of market access for other music companies with less market share and bargaining power. It was also alleged that SCIL infringed section 3 of the Act by requiring radio stations, including Fever 104, to enter into a license agreement which permits the licensees to broadcast music subject to acceptance of onerous conditions.

Finding: The Commission defined relevant market as 'market for licensing of Bollywood music to private FM radio stations for broadcast in India' and found SCIL in a position of strength to operate independently of competitive forces and hence dominant in the relevant market. It found that the MCC on private FM radio stations was unfair as it forced the customers to pay for music that it may not play and foreclosed other competitors from a substantial share of the market. Since the private radio station was contractually bound to pay SCIL a minimum guarantee, they were likely to broadcast the amount of music that they have already paid for. Therefore, a certain amount of music playout on private FM radio stations was already fixed for SCIL. The imposition of MCC on private FM radio stations was an abuse by SCIL under section 4(2)(a)(i) of the Act. The Commission, however, observed that in the absence of the cost data, it would be difficult to term the price charged by SCIL at Rs.661 per needle hour as such being excessive solely on the basis that it is higher than the price charged by the competitors of SCIL.

Direction: The Commission directed SCIL to cease and desist from imposing the unfair condition of MCC in its agreements with private FM radio stations in India and to suitably modify the conditions in the agreements within 3 months. It also imposed a penalty of Rs. 2.83 crore on SCIL.

(b) Legislative work

Under section 64 of the Act, the Commission is empowered to make regulations consistent with the Act and the Rules made thereunder to carry out the purposes of the Act. The Commission notified amendments to two regulations during 2014-15 as indicated in Table No. A2.

Table No. A2: Regulations notified by the Commission

Sl. No.	Regulations	Date of Issue
1	The Competition Commission of India (Manner of Recovery of Monetary Penalty) Amendment Regulations, 2014	25 th June, 2014
2	The Competition Commission of India (Procedure for Engagement of Experts and Professionals) Amendment Regulations, 2014	21 st November, 2014

(c) Outreach programme

Keeping in view the fact that the competition law is a relatively new economic legislation in the country and the institution of competition is fledgling, the Commission has the legal mandate to undertake competition advocacy. It is making an all-out effort to maximize its outreach to all the stakeholders through multifarious awareness measures such as workshops/seminars/ conferences. Government and other governmental agencies are key stakeholders as they enact legislations and other laws to prescribe the rules of the game and the norms of behaviour of the economic agents and formulate economic policies. These interventions may inadvertently carry potential to restrict the ability of economic agents to effectively compete at the market place by distorting level playing field or competitive neutrality. With a view to reduce such a possibility, the Commission engaged with key economic ministries of Central Government and some State Governments to encourage them to make competition conducive policies. It engaged with the agencies and officers dealing with public procurement of goods and services to alert them of potential anti-competitive designs of other enterprises. It also undertook sensitisation programmes for higher judiciary and audit agencies and regulatory agencies to enable better appreciation of matters germane with the competition issues. Its pro-active approach is based on the philosophy that it does not help much if somebody is condemned for non-compliance, it helps more if the enterprises conduct themselves well and serve the economy.

(iv) Capacity building

With an objective to build institutional capacity to implement the competition law and culture in the markets in India, the Commission has been sourcing persons with special knowledge and professional experience in varied areas of business and economy. To further enhance their knowledge and skills, it organized eight in-house, 12 other domestic and seven overseas training programmes for them. It organized a few high end programmes in association with the Bureau of Parliamentary Studies and Training (BPST), European Union (EU), Capacity Building Initiative for Trade and Development (CITD), Japan Fair Trade Commission (JFTC), Asian Development Bank (ADB), National Academy for Training & Research in Social Security (NATRSS), Indian Institute of Public Administration (IIPA), United States Federal Trade Commission (USFTC), Organization for Economic Cooperation and Development (OECD) and International Competition Network (ICN).

(v) International engagements

Business cycles connect the economies. With the rapid globalization of businesses across the world,

issues of cross border anti-competitive practices surface more often. These need to be addressed with mutual cooperation and understanding among the various competition jurisdictions. With an objective to get exposure to best global practices in competition enforcement as well as to share knowledge and build capacity, the Commission has been pro-actively engaging with international competition related fora, such as, ICN, OECD, UNCTAD as well as key competition jurisdictions. It has also been regularly participating in the competition policy deliberations at the global level.

The Commission organized ICN Merger Workshop, 2014 under the auspices of International Competition Network during December 1-2, 2014. This two-day workshop was a sequel to earlier ICN Merger Workshops held at Washington, Brussels, Dublin, Rome, and Bogota. The focus of this workshop was on challenges faced in international cooperation while designing merger remedies in multi-jurisdictional merger cases. Several dignitaries from all around the world participated in this workshop.

Officers of the Commission have been participating in various competition related workshops and seminars organized by OECD, International Bar Association (IBA), ICN and other international organizations. Besides, the Commission is involved in the negotiation of 'Competition Chapter' in trade agreements, such as, Regional Comprehensive Economic Partnership (RCEP) and other Free Trade Agreements (FTAs) being negotiated by the Government of India.

The Members of the Commission participated in various international events relating to competition law, such as, Inter-governmental Group of Experts (IGE) on competition law and policy of UNCTAD, anniversary of Competition Commission of South Africa, etc. The Commission received delegations from advanced competition authorities during the year. Mr. Daniel Ducore and Mr. Paul O'Brien from US Federal Trade Commission and Ms. Patty Brink and Ms. Michelle Rindone from US Department of Justice shared their experiences on US agencies' procedures and structures for negotiating effective relief and assuring compliance with their orders with the Commission and officers of the Commission on 3rd December 2014. In pursuance of the MOU signed between the Commission and the Competition Bureau, Canada, Canadian Officials visited the Commission for developing roadmap for future cooperation during 28th March - 1st April, 2015. A workshop on merger issues was also organized during this period.

(vi) Most active sector

The Commission deals with two kinds of matters, namely, anti-competitive conduct such as cartel or abuse of dominance, and combinations. The sectoral distribution of these matters alerts the Commission of the potential areas for its focused attention and advocacy initiatives. In terms of allegations of anti-competitive conduct, the real estate sector tops the list every year since the law came into force. Other prominent sectors with relatively more reports of anti-competitive conduct are financial sector, films, and pharmaceuticals. The sectoral distribution of anti-competitive conduct reported to/noticed by the Commission is presented in Table No. A3.

Table No. A3: Sector-wise Distribution of Information received

(No.)

Sl. No	Sector	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	Total
1	Real Estate	0	17	28	21	25	43	134
2	Financial Sector	17	9	5	4	8	7	50
3	Film/Entertainment/TV	4	15	11	10	4	3	47
4	Health/ Pharmaceuticals	3	3	3	6	9	9	33
5	Automobiles	4	1	3	3	7	8	26
6	Information Technology	2	3	4	4	6	4	23
7	Petroleum/Gas	4	3	3	5	3	5	23
8	Railways	2	3	2	1	6	8	22
9	Civil Aviation	6	3	1	3	3	1	17
10	Power	3	1	4	0	3	5	16
11	Chemicals & Fertilizers	3	0	0	2	6	4	15
12	Iron & Steel	3	1	3	2	2	1	12
13	Coal	0	1	1	5	3	1	11
14	Miscellaneous	30	16	24	28	30	29	157
Total		81	76	92	94	115	128	586

Table No. A4 presents sector-wise distribution of combination notices received by the Commission. The real estate sector, which is prominent in anti-competitive matters, is almost absent in terms of combinations. As expected, the financial markets leads the pack with 45 combinations notices received till the end of March, 2015. The pharmaceuticals sector has been the most favourite for combinations in 2014-15. Other prominent sectors are information technology, mining and metals and PVC and chemicals. The distributions presented in Tables No. A2 and A3 may not be exact as a transaction may relate to a party which is having business in more than one sector.

(vii) Impact on consumers and economy

The Commission is mandated under the Act to ensure fair competition in Indian markets by prohibiting anti-competitive practices in all spheres of commercial and economic activities barring sovereign functions of the Government. This is based on the premise that an economy, which is an amalgam of enterprises, performs the best only if every enterprise performs the best. This is possible only if it has full economic freedom, it pursues its own interest aggressively, and it does not hinder freedom of other enterprises. This promotes entrepreneurship and unleashes fierce rivalry among the enterprises to do better than others from the perspective of the customers.

The enterprises use merger as a business strategy to grow and consolidate in the markets. However, when the enterprises gains market power from mergers and acquisitions, it is emboldened to raise price above the competitive level or reduce the size of production which would affect the competition in the relevant market adversely. The Commission, therefore, reviews proposed combinations above a threshold and does not approve such combinations that may substantially lessen competition or approves with structural remedies to address AAEC.

**Table No. A4: Sector-wise Distribution of Combination Notices
(excluding invalidated / withdrawn) Filed**

(No.)

Sl. No.	Sector	2011	2012	2013	2014	2015 (1 st Quarter)	Total
1	Finance and Markets	3	18	5	14	5	45
2	Pharmaceuticals & Health Care	1	5	4	15	3	28
3	Information Technology and Services	0	9	3	5	2	19
4	PVC & Chemicals	2	2	2	10	3	19
5	Auto & Auto Components	3	5	6	2	1	17
6	Mining & Metals	3	6	2	5	1	17
7	Power & Power Generation	0	5	3	5	2	15
8	Media & Entertainment	1	7	2	1	1	12
9	Food & Refined Oil	0	3	3	4	0	10
10	Miscellaneous	3	23	14	22	6	68
Total		16	83	44	83	24	250

Over the years, the Commission has made considerable efforts in propagating the benefits of competition and encouraging stakeholders to eschew anti-competitive conducts. It regularly holds seminars, workshops, national and international conferences, interactive sessions and organizes talks on relevant competition issues with diverse range of stakeholders generating wider understanding and appreciation for the competition law and creating a culture of competition compliance.

Competition regulation being nascent in India, there has not been a systematic assessment of the impact of the measures taken by the Commission on consumers and economy. However, the numbers of measures / initiatives taken, orders passed, and combinations approved roughly proxy the ultimate outcome. These numbers have been increasing over the years. Anecdotal evidences indicate sharp rise in quality of interventions by the Commission. There is all-round confidence that the anti-competitive conduct is not tolerated in India.

B. Investigations and inquiries ordered by the Commission

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

The Commission inquires into any alleged contravention of the provisions of sections 3 and 4 of the Act either on its own motion or (a) on receipt of any information from any person, consumer or their association or trade association under section 19(1)(a) of the Act, or (b) from a reference made to it by the Central Government or a State Government or a statutory authority under section 19(1)(b) of the Act. On coming to know of an alleged contravention, it forms an opinion if there exists a prima facie case to proceed further into the matter. If it finds that there exists a prima facie case, it directs the DG to cause an investigation to be made into the matter under section 26(1) of the Act. If it finds that there exists no prima facie case, it closes the matter by passing an order under section 26(2) of the Act. The details of receipt of matters relating alleged contraventions of sections 3 and 4 of the Act and their disposal under section 26(1) and 26(2) of the Act after taking prima facie view are presented in Table No. B1. It is observed that the number of cases coming to the notice of the Commission has been increasing over the years reflecting increasing confidence of the stakeholders in competition regime. It is also noted that the Commission closes relatively more cases under section 26(2) reflecting improved scrutiny by the Commission and relatively more cases being filed with non-competition issues.

Table No. B1: Year-wise Disposal of Alleged Contraventions of Sections 3 and 4 of the Act

Year	Opening Balance	No. of Cases Noticed					Disposed of by Order u/s		Balance at the end of year
		MRTPC	19(1)(a)	19(1)(b)	Suo-Moto	Total	26(1)	26(2)	
2009-10	-	50	31	-	-	81	23	6	52
2010-11	52	-	71	0	5	76	70	46	12
2011-12	12	-	89	3	-	92	38	51	15
2012-13	15	-	86	2	6	94	32	51	26
2013-14	26	-	102	8	5	115	50	72	19
2014-15	19	-	110	7	11	128	41	73	33
Total	-	50	489	20	27	586	254	299	-

The Commission received 110 informations and seven references respectively under section 19(1) (a) and 19(1)(b) of the Act during 2014-15. It ordered investigation by the DG in 41 cases under section 26(1) of the Act. It closed 73 cases under section 26(2) of the Act. The receipt and disposal of cases during 2014-15 is presented in Table No. B2.

The DG conducts investigations into the alleged contraventions of the Act, or any rules or regulations made there under as and when directed by the Commission. Based on the findings of the investigation and in compliance with the principles of natural justice, the Commission passes final orders under section 27 of the Act. The disposal of cases of alleged contraventions of sections 3 and 4 of the Act till 31st March 2015 is presented in Table No. B3.

Table No. B2: Alleged Contraventions of Sections 3 and 4 of the Act Noticed in 2014-15

Sl. No.	Cases	No. of Cases received from / under						Total
		Section 19	MRTPC	Suo Moto	Central Government	State Governments	Statutory Authorities	
1	Pending at the beginning of the year*	17	-	-	01	-	01	19
2	Received during the year	110	-	11	06	01	-	128
3	Total	127	-	11	07	01	01	147
4	Where prima facie violations noticed	25	-	11	05	-	-	41
5	Where no prima facie violations noticed	69	-	-	02	01	01	73
6	Pending at the close of the year	33	-	-	-	-	-	33

* Cases where neither 26(1) nor 26(2) was passed at the beginning of the year

Table No. B3: Disposal of Alleged Contraventions of Sections 3 and 4 till 31st March, 2015

Sl. No.	Matters	No.
1	Matters taken note of through Information/Reference/Suo Moto/MRTPC	586
2	Closed without Investigations under Section 26(2)	299
3	Investigations Ordered under Section 26(1)	254
4	Investigations Completed	193
5	Orders passed after Investigations	150
6	Orders passed Holding Parties Guilty under Section 27	80
7	Orders passed Closing the Matter under Section 26(6)	70

Section 42 of the Act empowers the Commission to impose monetary penalty on a person who fails to comply with its directions or orders. The Commission passed 3 orders in exercise of this provision, the details of which are given in Table No. D4.

In addition to the above, the Commission receives a large number of complaints raising competition issues and concerns. It received 1,414 complaints during 2014-15. These complaints provide valuable inputs in terms of competition issues and concerns that need to be looked into by the Commission. It also gathers information from various sources such as studies conducted both inside and outside the Commission, news reports, published articles, journals, etc. to identify possible anti-competitive conduct affecting the consumers at large.

(2) Investigations and enquiries undertaken by Director General

The year-wise details of investigations ordered by the Commission and disposed of by the DG are presented in Table No. B4. It is observed that the investigations are taking increasingly more time

Table No. B4: Investigations Ordered and Completed till 31st March, 2015

Year	Opening Balance	No. of Investigation Ordered	No. of Investigations Completed	Closing Balance
2009-10	0	23	6	17
2010-11	17	70	66	21
2011-12	21	38	38	21
2012-13	21	32	25	28
2013-14	28	50	24	54
2014-15	54	41	34	61
Total	-	254	193	-

for completion. This partly reflects inadequate staff strength in the office of the DG and partly reflects increasing complexity of cases coming to notice of the Commission. It may be noted that in some cases, the Commission orders supplementary investigations. This report presents the data and analysis of original investigations and not supplementary investigations, unless indicated otherwise. During 2014-15, DG received 41 matters for investigation under section 26(1) of the Act and submitted investigation reports in 34 matters. Table No. B5 summarizes the receipt and disposal of matters by the DG in 2014-15

Table No. B5: Investigations by Director General in 2014-15

Sl. No.	Particulars	No. of Investigations		
		Original	Supplementary	Total
1	Matters pending at the beginning of the year	54	07	61
2	Matters received during the year	41	02	43
3	Matters Disposed of during the year	34	08	42
4	Matter pending at the end of the year	61*	01	62

* Includes 2 cases where DG submitted confidential version of report, but not the public version.

C. Orders passed by the Commission

On noticing an alleged contravention of section 3 or 4 of the Act, the Commission takes a view if there exists a prima facie case. In case it exists, it passes an order under section 26(1) for investigation. If it does not, it closes the matter by an order under section 26(2) of the Act. The orders under section 26(1) and 26(2) are called prima facie orders. If no case is made out on completion of the investigation, it closes the matter by an order under section 26(6) of the Act. If there is any contravention, it passes an order under section 27 of the Act. Occasionally, a matter may warrant interim directions. In such cases, the Commission issues interim orders under section 33 of the Act. It is possible that all the members of the Commission may not hold the same view in a matter. In such cases, an order is passed with dissent. A fair share of orders with dissent reflects the rule of reason and complications in application of the rule in competition matters. The details of orders passed by the Commission till 31st March, 2015 are presented in Table No. C1.

Table No. C1: Orders Passed by the Commission in Sections 3 and 4 Cases

Year	Number of Cases Disposed of by Orders under				
	Sections 26(1) and (2)	Section 26(6)	Section 27	Section 33	Total
2009-10	29	0	0	0	29
2010-11	116	8	1	18	143
2011-12	89	37	29	13	168
2012-13	83	15	17	04	119
2013-14	122	8	13	10	153
2014-15	114	2	20	08	144
Total	553	70	80	53	756

The Commission did not find any violation of the Act in 73 cases and closed them under section 26(2) of the Act. After considering the objections and submissions made by the parties, the Commission closed two matters under section 26(6) of the Act. On completion of investigation and after following the principles of natural justice, it found contraventions in 20 matters and accordingly passed orders under section 27 of the Act. Table No. C2 presents these details. The brief details of orders passed under section 27 are presented in Part D of this report.

Table No. C2: Orders Passed by the Commission in Sections 3 and 4 Cases in 2014-15

Description	Section of the Act	No. of Cases
Where no prima facie case found	26 (2)	73
Where no case was found after investigations	26 (6)	02
Where contravention was finally proved	27	20

D. Execution of orders of the Commission and penalties

(a) Monetary penalties

The rule of law requires that the State must compel observance of or compliance with the applicable laws, if it not voluntarily done, to induce the desired conduct on the part of participants at market place. The law empowers the authorities to take a variety of measures for this purpose. The Act enables the Commission to take a number of measures, including monetary penalty. Section 27 of the Act enables the Commission to levy monetary penalty in case of contraventions of Sections 3 or 4 of the Act in addition to other appropriate directions such as cease and desist. Sections 42, 43 and 43A empower the Commission to levy monetary penalty in case a party fails to comply with its directions or orders or to provide the required information. Sections 44 and 45 empower the Commission to levy penalties in case a party makes a false statement or furnishes false document.

The amount of monetary penalty imposed and realised till 31st March, 2015 is presented in Table No. D1. The Commission has levied an aggregate penalty of Rs.12,479 crore in 78 cases. No penalty has been levied so far for non-compliance with provisions of Sections 44 and 45 of the Act. However, the recovery is not encouraging as most of the matters are under appeal at the higher fora. No case has yet been referred to Income Tax Department under section 39(2) of the Act for recovery of penalty.

Table No. D1: Monetary Penalties Imposed and Realised by the Commission

Year	No. of Cases Where Monetary Penalty was Imposed	Penalty Imposed (Rs. crore)	Penalty Realised as on 31 st March, 2015 (Rs. crore)*		
			Realised without resorting to Section 39(2)	Referred to Income Tax Authorities for Realisation	Realised by Income Tax Authorities
2011-12	22	854.13	1.77	-	-
2012-13	17	7,162.44	18.63	-	-
2013-14	18	1,870.40	55.41	-	-
2014-15	21	2,592.39	16.80	-	-
Total	78	12,479.36	92.61	-	-

* Excludes the amount of penalty deposited with COMPAT in respect of orders on appeal

The distribution of penalties levied under various sections of the Act over the years is presented in Table No. D2. An aggregate penalty of Rs.12,458 crore has been levied under section 27 of the Act, that is, for anti-competitive conduct.

During 2014-15, the Commission imposed monetary penalty in 21 matters, as indicated in Table No. D3. Of these, 12 are section 27 cases with an aggregate penalty of Rs.2,581 crore. An amount of Rs.16.8 crore has been realised by the end of March, 2015.

Table No. D2: Break up of Monetary Penalties for Various Contraventions

(Cases in number; Penalty in Rs. crore)

Section of the Act	2011-12		2012-13		2013-14		2014-15		Total	
	Cases	Penalty	Cases	Penalty	Cases	Penalty	Cases	Penalty	Cases	Penalty
27	15	851.87	13	7,161.14	11	1,864.43	12	2,580.75	51	12,458.19
42	-	-	-	-	01	2.42	03	1.90	04	4.32
43	07	2.26	03	1.25	03	1.05	02	0.74	15	5.30
43A	-	-	01	0.05	03	2.50	04	9.00	08	11.55
44	-	-	-	-	-	-	-	-	-	0.00
45	-	-	-	-	-	-	-	-	-	0.00
Total	22	854.13	17	7,162.44	18	1,870.40	21	2,592.39	78	12,479.36

Table No. D3: Monetary Penalties Imposed by the Commission in 2014-15

Sl. No	Section of the Act	No. of Cases	Penalty Imposed (Rs. crore)	Penalty Realised as on 31 st March, 2015 (Rs. in crore)		
				Realised	Referred to Income Tax Authorities for Realisation	Realised by Income Tax Authorities
1	27	12	2,580.75	13.68	-	-
2	42	03	1.90	0.12	-	-
3	43	02	0.74	-	-	-
4	43A	04	9.00	3.00	-	-
5	44	-	-	-	-	-
6	45	-	-	-	-	-
	Total	21	2,592.39	16.80	-	-

Brief details of monetary penalty imposed by the Commission in 2014-15 are presented in Table No. D4.

(b) Matters referred to Chief Metropolitan Magistrate

Section 42(3) of the Act enables the Commission to file a complaint with the Chief Metropolitan Magistrate, New Delhi if any person fails to comply with the orders or directions issued, or fails to pay the fine imposed. In such cases, he is punishable with imprisonment for a term which may extend to three years, or with fine which may extend to rupees twenty-five crore, as the Chief Metropolitan Magistrate may consider fit. The Commission filed nine complaints with the Chief Metropolitan Magistrate during 2014-15. The disposal of complaints filed with the Chief Metropolitan Magistrate is presented in Table No. D5.

Table No. D4: Details of Orders Passed in 2014-15 imposing Monetary Penalty

Sl. No.	Date of Order	Case No.	Parties to the Case	Amount of Penalty (Rs. lakh)	Recovery Status as on 31 st March 2015
Under Section 27 of the Act					
1	03.04.2014	74/2012	Indian Exhibition Industry Association <u>And</u> Ministry of Commerce & Industry & Indian Trade Promotion Organization	675.04	Rs.33.75 lakh deposited, as per direction of the COMPAT
2	03.07.2014	71/2012	Faridabad Industries Association <u>And</u> M/s. Adani Gas Limited	2567.28	Order stayed by the COMPAT
3	25.08.2014	03/2011	Shri Shamsher Kataria <u>And</u> Honda Siel Cars India Ltd. & Ors.	254465.00	Two parties have deposited Rs.13.32 crore, which is 10% of penalty, as directed by the COMPAT. One party has deposited 10% of penalty, as directed by the COMPAT. Recovery stayed by the COMPAT and High Court in respect of other parties.
4	01.10.2014	40/2011	M/s. HT Media Limited <u>And</u> M/s. Super Cassettes Industries Limited	283.28	Order stayed on the condition that within four weeks, the party would deposit 1/4 th of the amount with the COMPAT.
5	27.10.2014	05/2013	Collective boycott/ refusal to deal by the Chemists & Druggists Association, Goa (CDAG), M/s Glenmark Company and M/s. Wockhardt Ltd.	10.62	Demand Notice dated 8 th January 2015 and Recovery Certificate dated 04 th March 2015 issued.
6	31.10.2014	38/2011	Indian Sugar Mills Association & Ors. <u>And</u> Indian Jute Mills Association & Ors.	47.94	20 parties have been granted stay by the COMPAT subject to deposit of penalty with the Registrar of COMPAT. Six have paid the penalty. Recovery Certificate dated 25 th March 2015 issued to the remaining 19 OPs.
7	23.12.2014	62/2012	M/s. Cinemax India Limited <u>And</u> M/s. Film Distributors Association, Kerala	0.75	Demand Notice dated 26 th March 2015 issued.
8	23.12.2014	32/2013	Shri P.V. Basheer Ahamed <u>And</u> M/s. Film Distributors Association, Kerala	0.75	Demand Notice dated 26 th March 2015 issued.
9	21.01.2015	42/2012	M/s. Swastik Stevedores Private Limited <u>And</u> M/s. Dumper Owner's Association & Ors.	3.86	Demand notice to be issued.
10	29.01.2015	78/2012	M/s. Rohit Medical Store <u>And</u> Macleods Pharmaceuticals Ltd. & Ors.	2.94	
11	04.02.2015	43/2013	M/s. Shivam Enterprises <u>And</u> Kiratpur Sahib Truck Operators Co-operative Transport Society Ltd. & Ors.	3.41	
12	16.02.2015	61/2012	Indian Foundation of Transport Research & Training <u>And</u> Shri Bal Malkait Singh & Ors.	14.24	

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Sl. No.	Date of Order	Case No.	Parties to the Case	Amount of Penalty (Rs. lakh)	Recovery Status as on 31 st March 2015
Under Section 42 of the Act					
1	30.07.2014	60/2012	M/s. Arora Medical Hall, Ferozpur <u>And</u> Chemists & Druggists Association, Ferozpur & Ors.	150.00	Order made in-operative by the COMPAT till disposal of appeal
2	06.08.2014	01/2012	Rajkumar Dyeing & Printing Works Pvt. Ltd., R. S. Industries and others	27.75	Order set aside.
3	22.12.2014	52/2006	Shree Cements Ltd.	12.25	12.25
Under Section 43 of the Act					
1	31.10.2014	62/2012	Cinemax <u>And</u> FDA, Kerala	54.45	Order stayed by the COMPAT in respect of FDA, Kerala. Demand notices served to Shri Jose C. Mundadan.
2	11.12.2014	32/2013	Shri P. V. Basheer Ahamed <u>And</u> M/s. Film Distributors Association, Kerala	19.40	
Under Section 43A of the Act					
1	21.05.2014	C2014/02/153	Notice filed by Thomas Cook (India) Ltd. & Ors.	100.00	Rs.20 lakh deposited as per direction of the COMPAT.
2	27.05.2014	C2014/03/162	Notice filed by Tesco Overseas Investments Ltd.	300.00	300.00
3	10.02.2015	C2014/05/175	Notice filed by SCM Soilfert Limited	200.00	Demand notice to be issued.
4	10.02.2015	C2014/06/181	Notice filed by Zuari Fertilisers and Chemicals Limited and Zuari Agro Chemicals Limited	300.00	

Table D5: Matters Referred to Chief Metropolitan Magistrate, New Delhi

Sl. No.	Complaints	Number
(i)	Complaints pending at the beginning of the year	04
(ii)	Complaints made during the year	09
(iii)	Total number of complaints	13
(iv)	Complaints disposed of out of (i) above	00
(v)	Complaints disposed of out of (ii) above	00
(vii)	Complaints disposed of during the year	00
(vii)	Complaints pending at the end of the year	13

(c) Imposition of lesser penalties

Section 46 of the Act enables the Commission to impose a lesser penalty than leviable under the Act on a person included in any cartel which is alleged to have violated section 3 of the Act, if he makes a full, true and vital disclosure in respect of the alleged violations. During 2014-15, the Commission did not impose lesser penalty in any matter or on any person. It did not grant either full or partial leniency in any matter, as evident from Table No. D6.

Table D6: Imposition of Lesser Penalties under Section 46

Sl. No.	Description	Number
(i)	Number of matters in which lesser penalty imposed	0
(ii)	Number of persons or enterprises on whom lesser penalty imposed	0
(iii)	Number of persons granted full leniency and partial leniency in each matter.	0

E. Appeals

Any person aggrieved by any direction issued or decision made or order passed by the Commission under sub-sections (2) and (6) of section 26, section 27, section 28, section 31, section 32, section 33, section 38, section 39, section 43, section 43A, section 44, section 45 or section 46 of the Act may prefer an appeal to the Hon'ble Competition Appellate Tribunal (the COMPAT). The scrutiny of orders by the Tribunal is a key accountability mechanism which ensures that the Commission is fair and equitable to the parties before it. A person aggrieved by an order of the COMPAT may prefer an appeal to the Hon'ble Supreme Court.

(1) Appeals received and disposed of by Appellate Tribunal

The incidence of orders of the Commission being appealed against is presented in Table No. E1. About one third of the orders passed by the Commission are appealed.

Table E1: Appeals against Orders* of the Commission

Year	No. of Orders Passed by Commission	No. of Orders, which were Passed by the Commission during the year, is Appealed against	Percentage of Orders Appealed (%)
2009-10	06	02	33.33
2010-11	73	12	16.44
2011-12	130	40	30.77
2012-13	87	38	43.68
2013-14	103	33	32.04
2014-15	103	31	30.10
Total	502	156	31.08

* Issued under Section 26(2), 26(6), 27 and 33 of the Act.

The disposal of appeals by the COMPAT over the years is presented in Table No. E2. It is observed that the COMPAT has disposed of appeals against 224 orders of the Commission till 31st March, 2015. It has set aside about 4.5% of the orders, that is, 10 orders out of 224, of the Commission.

Table No. E2: Disposal of Appeals by the COMPAT

Year	No. of Orders* Passed by the COMPAT			Total
	Upholding Commissions' Order	Setting Aside Commissions' Orders	Remanding Commission's Orders	
2009-10	00	01	00	01
2010-11	08	00	00	08
2011-12	15	00	01	16
2012-13	35	05	00	40
2013-14	64	00	44	108
2014-15	45	04	02	51
Total	167	10	47	224

* The data in Table E2 and E1 are not comparable. It is possible that there are more than one order passed by COMPAT in disposal of appeals against an order of the Commission.

The details of disposal of appeals by the COMPAT during 2014-15 are presented in Table No. E3. It allowed appeals in six cases and disallowed in 45 cases. Of the appeals disposed, the COMPAT allowed appeals in 12% of the cases.

Table No. E3: Receipt and Disposal of appeals by the COMPAT in 2014-15

Description	Opening Balance	Added during 2014-15	Total
Appeals	73	124	197
Appeals Allowed	05	01	06
Appeals Disallowed	24	21	45
Appeals Partially Allowed	00	00	00
Appeal Pending	44	102	146

(2) Brief write-up on the appeals allowed by the Appellate Tribunal

A brief write-up on the appeals allowed by the COMPAT in 2014-15 are as under:

1. Board of Control for Cricket in India Vs. Competition Commission of India (Appeal No. 17/2013)

The Commission found that the appellant had abused its dominant position in contravention of section 4(2)(c) of the Act and levied a penalty of Rs.52.24 crore under section 27 of the Act. The COMPAT allowed the appeal inter alia on the ground of violation of principles of natural justice and remitted the matter to the Commission for fresh disposal.

2. Pan India Infraprojects Private Limited Vs. Competition Commission of India (Appeal No. 31/2014)

The Commission passed order under Section 26(2) of the Act closing the matter as the informant had not been able to establish prima facie case warranting investigation. The COMPAT had earlier tagged this matter with appeal no. 17/2013 as similar issues arose in both the appeals. Since the matter (appeal No.17/2013) had been remanded back, this matter too was remanded back to the Commission to be decided afresh.

3. M/s. DLF Limited Vs. Competition Commission of India (Appeal No. 20/2011)

The Commission found the appellant to be in a dominant position and violating section 4(2)(a) (i) and 4(2)(a)(ii) of the Act. It imposed a penalty of Rs.630 crore, which is 7% of the turnover of the appellant. The COMPAT confirmed the findings and penalty except the findings with respect to agreements signed prior to the Act coming into force. The Commission has challenged the aforesaid order of the COMPAT before the Hon`ble Supreme Court, inter alia, on the ground that the agreements signed prior to 20th May, 2009 perpetuates the abuse of dominance at the hands of a dominant entity even after that date.

4. M/s. Schott Glass India Pvt. Ltd. & Anr. Vs. Competition Commission of India (Appeal No. 91/2012)

The Commission imposed a penalty of Rs.5.66 crore on the appellant for abusing its dominant position in the industry by imposing unfair and dissimilar discounts which has caused adverse impact on the market for converters in the downstream. It also imposed a cease and desist order on the appellant so as not to abuse its dominant position further. The COMPAT observed that the functional discount policy adopted by the appellant has been applied uniformly to all the converters at the same flat rate since its inception and was nondiscriminatory. Therefore, it set aside the order and penalty awarded by the Commission, including the cease and desist order. The Commission has challenged the aforesaid order before the Hon`ble Supreme Court inter alia on account of special responsibility of dominant enterprise/s.

5. M/s. Fastway Transmission Private Limited Vs. Competition Commission of India (Appeal No. 116/2012)

The Commission found that the informant has been denied market access and effectively wiped out from the relevant market by the conduct of the appellant in violation of the provisions of section 4(2)(c) of the Act and imposed a penalty of Rs.8.04 crore. The COMPAT observed that the fact that the broadcaster and the MSO (appellant) provide two different services in the gamut of the supply chain in the market of cable TV services is a relevant consideration. The two services are separate services and are not in competition with each other. The COMPAT allowed the appeal and held that no violation of section 4(2)(c) was found. The Commission has challenged the aforesaid order inter alia on the ground that abuse of dominant position as specified in section 4 of the Act is not dependent on the existence of or effect on competitors but is based on the abuse that the enterprise may indulge in on the basis of its dominant position in the relevant market in any manner.

6. Co-ordination Committee of Artist and Technicians of West Bengal Film and Television Industry Vs. Sajjan Khaitan and Ors. (Appeal No. 131 of 2012)

The Commission found conduct of the opposite parties as violative of section 3(3) (b) read with section 3(1) of the Act since they limit and control the distribution and exhibition of dubbed TV serials in their areas of operations. Their acts and conduct are anti-competitive and against the spirit of free competition in the market. The COMPAT set aside the order of Commission and held, inter alia, that the relevant market was not correctly defined as it was too broad to be accepted. Further, it was held that essentially, section 3(3)(b) applies to the competitors. The action as contemplated in section 3(3)(b) of the Act should result in limiting or controlling the production, supply by the competitors or should at least limit or control the market or the technical development, or investment or provision of services. This has not happened in this case. The Commission has challenged the order of the COMPAT before Hon`ble Supreme Court, inter alia, on the grounds that the impugned order had introduced the concept of locus standi to the Act which the legislature had consciously avoided, and that the actions of opposite party had led to harm to consumers and foreclosure of the market.

F. Matters received regarding combinations

The Act defines combination to mean acquisition of one or more enterprises by one or more persons or merger or amalgamation of enterprises. It prohibits any combination above a certain threshold of assets / turnover, which causes or likely to cause an appreciable adverse effect on competition within the relevant market in India. A person proposing to enter into a combination is, therefore, required to give a notice of such combination along with relevant details to the Commission under section 6(2) of the Act to enable the latter to assess the proposal from competition perspective and approve it with or without modifications. These provisions came into force on 1st June 2011. Table No. F1 presents receipt of notices under section 6(2) of the Act and disposal of such notices till March, 2015.

Table No. F1: Receipt and Disposal of Notices under Section 6(2) of the Act, 2011-15

(Number*)

Year	Notices				Disposed of by			Closing Balance	Average No. of days for Disposal
	Opening Balance	Received	Suo Moto	Total	Without Modification	With Modification	Rejection		
2011-12		47	00	47	40	00	00	07	16.5
2012-13	07	64	00	71	65	00	00	06	17.2
2013-14	06	45	00	51	44	00	00	07	18.0
2014-15	07	94	00	101	85	02	00	14	24.8
Total	--	250	00	--	234	02	00	--	--

* Excludes notices invalidated/ withdrawn.

Seven notices received under section 6(2) of the Act were pending for assessment as on 31st March 2014. During 2014-15, the Commission received 94 notices under section of Section 6(2) of the Act. It took a final decision on 87 notices during 2014-15. The details regarding the notices received and disposed in 2014-15 are presented in Table No. F2.

Table No. F2: Receipt and Disposal of Notices under Section 6(2) of the Act, 2014-15

Sl. No.	Description	Number
1	Number of Notices pending at the beginning of the year	07
2	Number of Notifications received during the year#	94
3	Total Number of Notices under consideration at the end of the year	14
4	Number of Combinations approved by the Commission#	87
	Approved in ≤ 30 days	84
	Approved $31 \leq 60$ days	Nil
	Approved $61 \leq 120$ days	Nil
	Approved $121 \leq 210$ days	3*
5	Number of Combination Notices ordered for enquiry	Nil
6	Number of Combination Notices not disposed of within 210 days	Nil
7	Number of Combinations Notices not approved by the Commission	Nil

Excludes notices invalidated / withdrawn.

* The Commission formed its prima facie opinion within the prescribed period of 30 days that the proposed combination is likely to result in appreciable adverse effect on competition in India. Accordingly, it issued a show cause notice under section 29(1) of the Act to the parties to the combination as to why investigation in respect of such combinations should not be conducted. Of these three, the commission accepted the modification proposed by the parties to the combination in one case and approved the same under section 31(1) of the Act. In the remaining 2 cases, the Commission proposed the modification under section 31(3) of the Act and thereafter approved the combination with modifications under section 31(7) of the Act.

G. References by Central Government or State Governments

The State intervenes in the market and the economy by (a) enacting legislations to prescribe the rules of the game and the norms of behaviour of the economic agents and (b) formulating economic policies relating to trade, commerce, industry, business, investment, disinvestment, fisc, taxation, IPR, procurement, etc. These interventions usually strengthen the invisible hands of the market and promote competitive neutrality as well as the competition. However, despite best intentions and exercise of the best skills, care and due diligence, these may inadvertently carry potential to restrict the ability of economic agents to effectively compete at the market place. With a view to reduce such a possibility, the Act enables Central Government as well as the State Governments, while formulating a policy on competition, including review of laws related to competition, or any other matter, to make a reference to the Commission for its opinion on possible effect of such policy on competition. On the receipt of such a reference, the Commission is obliged, within sixty days of making such reference, to give its opinion to the Central Government, or the State Government, as the case may be, though such opinion of the Commission is not binding.

(1) References from Central Government

The details of references received from Central Government are presented in Table No. G1.

Table No. G1: Reference received from Central Government

Sl. No.	Description	Number				
		2010-11	2011-12	2012-13	2013-14	2014-15
(i)	Number of references pending at the beginning of the year	-	-	-	-	-
(ii)	Number of references received during the year	-	01	-	-	01
(iii)	Total	-	01	-	-	01
(iv)	Number of references disposed of out of (i)	-	-	-	-	-
(v)	Number of references disposed of out of (ii)	-	01	-	-	01
(vi)	Total number of references disposed of during the year	-	01	-	-	01
(vii)	Number of references pending at the end of the year	-	-	-	-	-
(viii)	Brief write-up on opinions of the Commission accepted or not by the Central Government	NA	NA	NA	NA	NA

Department of Electronics and Information Technology (DeitY) had issued a revised policy for providing preference to domestically manufactured electronic products (DMEPs) in Government procurement, vide notification dated 23rd December 2013. Clause 5.3 of the DeitY Guidelines dated 12th June, 2013 had, however, stated: “In case the domestic bidders fail to match the bid, the L1 bidder will secure the full order procurement. Only those domestic manufacturers whose bids are within 20% of the L1 bid will be allowed to match the L1 bid”. Several requests for re-examination of this restrictive condition in clause 5.3 prompted Deity to seek the views of the Commission. The

Commission, after careful examination, vide its letter dated 14th August, 2014, opined that the policy of providing 30% reservation to domestic manufacturers is itself against the spirit and philosophy of free and fair competition. It further added that there should not be any policy of bias/reservation towards any type of manufacturers.

(2) References from State Governments

No reference has been received from State Governments so far, as is evident from Table No. G2.

Table No. G2: Reference received from State Governments

Sl. No.	Description	Number				
		2010-11	2011-12	2012-13	2013-14	2014-15
(i)	Number of references pending at the beginning of the year	-	-	-	-	-
(ii)	Number of references received during the year	-	-	-	-	-
(iii)	Total	-	-	-	-	-
(iv)	Number of references disposed of out of (i)	-	-	-	-	-
(v)	Number of references disposed of out of (ii)	-	-	-	-	-
(vi)	Total number of references disposed of during the year	-	-	-	-	-
(vii)	Number of references pending at the end of the year	-	-	-	-	-
(viii)	Brief write-up on opinions of the Commission accepted or not by the State Governments	NA	NA	NA	NA	NA

(3) Orders of Central Government

The Central Government is empowered to exempt, by notification, from the application of this Act, or any provision thereof, and for such period as it may specify in such notification (a) any class of enterprises if such exemption is necessary in the interest of security of the State or public interest; (b) any practice or agreement arising out of and in accordance with any obligation assumed by India under any treaty, agreement or convention with any other country or countries; or (c) any enterprise which performs a sovereign function on behalf of the Central Government or a State Government. In exercise of this power, Central Government issued a notification on 5th February 2015 exempting the Vessels Sharing Agreements of Liner Shipping Industry from certain provisions of section 3 of the Act, for a period of one year from the date of publication of notification.

(4) Directions of Central Government

The Act obliges the Commission, in exercise of its powers or the performance of its functions under the Act, to abide by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time. However, no such direction was issued by the Central Government during 2014-15 to the Commission.

H. References from and to statutory authorities

It is possible that a sectoral regulator is pursuing an objective, such as, investor protection or systemic risk, and comes up with a measure or a decision which may have competition concerns. Similarly, the Commission, while promoting competition in markets, may come up with a measure or decision which may have concerns relating to systemic risk or investor protection. A measure or a decision may not always promote the objectives of the sectoral regulator and the Commission simultaneously. In recognition of this, the Act provides for mutual consultation. Where in the course of a proceeding before any statutory authority an issue is raised by any party that any decision which such statutory authority has taken or proposes to take is or would be contrary to any of the provisions of the Act, then such statutory authority may make a reference in respect of such issue to the Commission. It may also make a reference on its own. On receipt of such a reference, the Commission is obliged to give its opinion, within sixty days of receipt of such reference, to such statutory authority which shall consider the opinion of the Commission. The Act also provides for similar reference from the Commission to any statutory authority. The details of references received from and made to statutory authorities are presented in Table No. H1 and H2 respectively. It is observed that this provision has hardly been used either by a statutory authority or by the Commission.

Table No. H1: References received from Statutory Authorities

Sl. No.	Description	Number				
		2010-11	2011-12	2012-13	2013-14	2014-15
(i)	Number of references pending at the beginning of the year	-	-	-	-	0
(ii)	Number of references received during the year	01	-	-	-	0
(iii)	Total	01	-	-	-	0
(iv)	Number of references disposed of out of (i)	-	-	-	-	0
(v)	Number of references disposed of out of (ii)	01	-	-	-	0
(vi)	Total number of references disposed of during the year	01	-	-	-	0
(vii)	Number of references pending at the end of the year	-	-	-	-	0

Table No. H2: References made to Statutory Authorities

Sl. No.	Description	Number				
		2010-11	2011-12	2012-13	2013-14	2014-15
(i)	Number of references pending at the beginning of the year	-	-	-	-	0
(ii)	Number of references made during the year*	-	-	-	-	4
(iii)	Total	-	-	-	-	4
(iv)	Number of references disposed of out of (i)	-	-	-	-	0
(v)	Number of references disposed of out of (ii)	-	-	-	-	0
(vi)	Total number of references disposed of during the year	-	-	-	-	0
(vii)	Number of references pending at the end of the year	-	-	-	-	4

* During 2014-15, the Commission sought the opinion of four electricity regulatory commissions, viz., Delhi Electricity Regulatory Commission, Haryana State Electricity Regulatory Commission, Himachal Pradesh Electricity Regulatory Commission and Punjab State Electricity Regulatory Commission, on the allegations made in Case No. 91/2014. The allegations primarily concerned certain DISCOMS (electricity distribution companies) influencing their respective state electricity regulatory commissions in fixing open access charges.

I. Competition advocacy

The Commission has been entrusted with the task of undertaking competition advocacy, creating awareness, and imparting training about competition issues under section 49 of the Act. It encourages and facilitates voluntary compliance of the competition law with the objective to prevent anti-competitive conduct or policy. It creates awareness to nip the anti-competitive practices in the bud using various competition advocacy measures/ tools. It conducts advocacy programmes to ingrain competition principles in the minds of the stakeholders in the market, strengthen the awareness of competition law, inculcate competition culture, and thereby encourage self-compliance and reduce the need for action against erring enterprises. A summary of various advocacy initiatives undertaken by the Commission during the last five years is shown in Table No. II.



Dr. Raghuram Rajan, Hon'ble Governor of Reserve Bank of India (RBI) delivering the Annual Day Lecture

Table No. II: Advocacy Initiatives

Year	No. of					
	Advocacy Programmes	Interns	Issues of Fair Play	Competition Tracker	Annual Day	Advocacy Booklets
2010-11	46	25	-	-	-	10
2011-12	62	48	-	-	-	Reprint with updation
2012-13	58	70	4	-	-	Reprint with updation + Booklet on Understanding Competition Law
2013-14	69	75	4	-	1	Reprint with Amendments
2014-15	49	79	4	1	1	Reprint with updation + Booklet on Provisions relating to Public Procurement



Chairperson and Members CCI at meeting with Sectoral Regulators

(i) Workshops, seminars and other interactions

The details of workshops, seminars and other interactions the Commission had with various stakeholders during 2014-15 are presented in Table No. 12.

Table No. 12: Workshop, Seminars, and other Interactions in 2014-15

Sl. No.	Brief Description of the Event	No. of Participants	Venue / Date of Event	Beneficiaries
1	Road map for implementation of competition regulation in Uttar Pradesh	22	Lucknow / 04.04.2014	Officers of Government of Uttar Pradesh
2	Interaction with Government of West Bengal	15	Kolkata / 02.04.2014	Chief Secretary and Secretaries of various Departments of Government of West Bengal
3	Interaction with Yashwantrao Chavan Academy of Development Administration (YASHADA), Pune	35	New Delhi / 22.04.2014	Officers of YASHADA
4	Annual Day with lecture on "Competition in the Banking Sector: Opportunities and Challenges"	300	New Delhi / 20.05.2014	Government Officers, Professionals of Delhi
5	Interaction with Department of Consumer Affairs, New Delhi	07	New Delhi / 23.05.2014	Officers of Department of Consumer Affairs
6	Workshop on 'Understanding Competition Law & Policy'	45	Lucknow / 23.05.2014	Officers of Government of Uttar Pradesh
7	Lecture on "Competition Policy in India" at IIM, Lucknow	60	Noida / 27.05.2014	Academicians and students of IIM, Lucknow
8	Workshop on Competition Act at YASHADA	50	Pune / 30.05.2014	Officers of Government of Maharashtra

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9	ICAI Seminar on 'Scope for Chartered Accountants under the Competition Act'	55	Kolkata / 07.06.2014	Chartered Accountants
10	ASSOCHAM Seminar on 'Compliance & Complications under Companies Act, 2013'	80	New Delhi / 26.06.2014	Members from Industry
11	CII Conference on 'Boosting Competition Compliance'	60	Mumbai / 27.06.2014	Members from Industry
12	Workshop on 'Competition Law and Policy' at Administrative Training Institute, Kolkata	45	Kolkata / 30.06.2014	Officers of Government of West Bengal
13	Brainstorming session on Public Procurements	35	New Delhi / 02.07.2014	Officers of the Commission
14	Technical session on "Abuse of Dominance: Law and Economics" at IMT, Manesar	35	Manesar / 03.07.2014	Students of IMT, Manesar
15	Talk on 'Competition Law' at Society for International trade and Competition, West Bengal	120	Kolkata / 26.07.2014	Students of NUJS, Kolkata
16	UNODC workshop on 'Probity in Public Procurement and Business Integrity'	55	New Delhi / 20.08.2014	Multiple stakeholders
17	Interaction with Ministry of Coal	12	New Delhi / 21.08.2014	Officers of Ministry of Coal
18	SCOPE-IIM, Calcutta programme on 'Strategic Dimensions of the Competition Law'	75	New Delhi / 28.08.2014	Students of IIM, Calcutta
19	ASSOCHAM's International Conference on 'Interface between Intellectual Property & Competition Law'	110	New Delhi / 29.08.2014	Industry Members
20	Orientation Module on 'Competition Law & Policy' at UPAAM	50	Lucknow / 08.09.2014	Officers of Government of Uttar Pradesh
21	Presentations on Competition Law at Ram Manohar Lohia National Law University (RMNLU)	85	Lucknow / 08.09.2014	Students of RMNLU
22	Interaction with International Spirits & Wines Association of India	45	New Delhi / 10.09.2014	Members of Industry
23	PHDCCI Summit on 'Challenges in Competition Law Enforcement in India'	75	Noida / 27.09.2014	Members of Industry
24	FICCI Seminar on Competition Issues	110	Mumbai / 31.10.2014	Members of Industry
25	IIM, Kashipur Seminar on Competition Issues	125	New Delhi / 03.12.2014	Students and faculty
26	Lecture on Competition Issues at Chandragupt Institute of Management (CIMP)	60	Patna / 12.12.2014	Academicians, professionals and students of CIMP, Patna

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27	World Bank Review of Operational Procurement Policy Consultation with Stakeholders	45	New Delhi / 12.12.2014	World Bank Officials and other stakeholders
28	Legal Era Competition Law Summit, 2014	110	New Delhi / 13.12.2014	Media persons and professionals
29	Interaction with Department of Civil Supplies and Consumer Affairs	25	Chennai / 12.01.2015	Officers of Government of Tamil Nadu
30	95 th ASSOCHAM Foundation Day Lecture on Economy, State and Society in a Changing India	150	New Delhi / 19.01.2015	Members of Industry
31	Lecture on Competition Law at National Law University, Cuttack	85	Cuttack / 24.01.2015	Students and faculty of the University
32	National Conference for Newly elevated Judges at National Judicial Academy, Bhopal	30	Bhopal / 24-25.01.2015	High Court Judges
33	Panel discussion on Competition Law in India with a focus on abuse of dominance and mergers and acquisitions organised by IIM, Ahmedabad	140	New Delhi / 30.01.2015	Members of Industry
34	Programme on Competition Law at National University of Juridical Sciences, Kolkata	100	Kolkata / 31.01.2015	Students and faculty of NUJS, Kolkata
35	Talk on 'Overview of Competition Law' at IIM, Lucknow	75	Noida / 06.02.2015	Students and faculty of IIM, Lucknow
36	Consumer Unity and Trust Society-ITEC special course on Competition Policy and Law	140	New Delhi / 16.02.2015	Students and faculty
37	Guest lecture on Economics of Competition Law at Lady Shriram College for Women	150	New Delhi / 26.02.2015	Students and faculty
38	Lecture on Overview of Competition Law, Indian Institute of Management, Indore	30	Indore / 27.02.2015	Academicians, professionals and students
39	Lecture on Competition Law at Hidayatullah National Law University	55	Raipur / 13.02.2015	Students and faculty
40	Workshop on Competition Law at Banaras Hindu University	65	Varanasi / 26.02.2015	Students and faculty
41	Introduction to Competition Law with a focus on Anticompetitive Agreement at Damodaram Sanjivayya NLU, Visakhapatnam	60	Visakhapatnam / 28.02.2015	Academics and students
42	Key Note Address on Protection of Consumer Welfare in India: The Role of Competition Law and Consumer Law at CUSAT, Cochin	80	Cochin / 28.02.2015	Academics and students
43	A workshop on Public Procurement in association with World Bank	125	New Delhi / 09.03.2015	Senior officers of Central Government, State Governments and PSUs
Total		3231	--	--



CCI Internship Programme in progress

(ii) Capacity building of stakeholders

Competition laws and regulations cannot achieve desired results if various stakeholders, viz., students, research community, regulators, legal fraternity, industry, trade associations, officers of Central and State Governments are not adequately trained to understand and implement the provision of the Competition Act, 2002 to develop a competition culture in the country. To this end, the Commission undertook six capacity building programmes in 2014-15 as indicated in Table No. 13.

Table No. 13: Capacity Building Programmes for Stakeholders in 2014-15

Sl. No.	Description of Programme	Number of Participants	Venue / Date of Programme	Purpose of Programme
1	'The Introduction of the Competition Act, 2002' and 'Competition Concerns in Public Procurement' at NADP	45	Nagpur / 04.07.2014	Capacity building of Officers of Ordnance Services with reference to competition law and role of the Commission
2	'The Competition Act' at Direct Tax Regional Training Institute, Kolkata	55	Kolkata / 16.09.2014	Capacity building of Income Tax Officers with reference to competition law and role of the Commission
3	Interactive Meeting on 'Competition Law and Interface with Sectoral Regulators'	20	New Delhi / 19.9.2014	Understanding interface between the Commission and the sectoral regulators and mutual capacity building
4	Workshop for the Officer Trainees of All India Services and Group-A Central Services on Competition Law	75	Mussoorie / 26.09.2014	Advocacy and awareness about competition law and role of the Commission among IAS and Central Services Probationers
5	Overview of the Competition Act, 2002 and Public Procurement	95	New Delhi / 21.11.2014	Capacity building of ONGC Officers with reference to competition law and role of the Commission
6	Introduction of Competition Law	55	New Delhi / 24.03.2015	Capacity building of Senior Officials of Power Grid Corporation with reference to competition law and role of the Commission
Total		345	--	--

(iii) Competition related Sectoral/Regulatory impact assessment

The Commission carried out internally six sectoral studies covering sectors (a) Agriculture, (b) Energy, (c) Finance, (d) High Technology, (e) Pharmaceutical, and (f) Transport.

(iv) Consultation papers published

The following concept papers /notes were published on the Commission's Intranet during 2014-15:

- a. Vertical Restraints in Online Markets,
- b. Evidentiary Issues in Cases of Abuse of Dominant Position,
- c. Abuse of Dominance, Per-se vs. Rule of Reason,
- d. Defining Relevant Market for Real Estate sector,
- e. Exemption of Bank Mergers,
- f. Demystified World of Merger Remedies,
- g. So Many Regulators,
- h. Strong Competition as a Reform,
- i. Competitiveness of the Indian Industry, and
- j. Systems of Drug Classification.



Representatives from Sectoral Regulators

(v) Analytical papers prepared and examined

A paper titled “Quantitative Techniques in Anti-Trust” was published during the year under review.

(vi) Any other initiative

The Commission undertook the following other advocacy initiatives during 2014-15:

1. **Fair Play:** The Commission published 9th, 10th and 11th Editions of Quarterly Newsletter “Fair Play” and distributed among the stakeholders.
2. **Advocacy Booklets:** The Commission added one more Booklet ‘Provisions relating to Public Procurement’ to the Advocacy Series Booklets.
3. **Competition Tracker, 2013:** The Commission brought out a compendium of the Orders of the Commission issued under Section 26(2), 26(6), 26(7), 27 and 31 (1) of the Competition Act, 2002. It was released by the Hon’ble Finance Minister, Shri Arun Jaitley during ICN Workshop in New Delhi.
4. **Annual Day:** The Commission celebrated its 5th Annual Day (the day of commencement of the Act) on 20th May, 2014 at New Delhi. Dr. Raghuram Rajan, Governor of Reserve Bank graced the occasion as the Chief Guest, and delivered a lecture on “Competition in the Banking Sector: Opportunities and Challenges”. He also released seven Advocacy Booklets on the occasion.
5. **Internship:** In order to engage early with stakeholders, the Commission provided internship to 79 students from the streams of Law, Economics, etc.



CCI officials and interns at CCI Internship Programme

J. Administration and establishment matters

(1) Report of the Secretary

Introduction

Government, vide notification dated 20th January, 2009, sanctioned 187 posts under the Act, in lieu of the posts sanctioned earlier. The 187 posts included one Secretary, one Director General and 122 posts of professionals (90 for the Commission and 32 for DG's office) and 63 posts of support staff (55 for the Commission and 8 for DG's office). Government, vide notification dated 22nd April, 2010, sanctioned 10 additional posts of support staff (Sr.PPS/PPS/PS). The recruitment rules notified by Government require these posts to be filled up by direct recruitment, deputation, absorption and promotion. 46 out of the 91 (including Secretary) posts of professionals and 23 out of 55 posts of support staff of the Commission are to be filled in by direct recruitment. The balance posts (45 professionals and 42 support staff) are to be filled in by deputation / promotion. The sanctioned strength is as under:

Category	Commission	DG's Office	Total
Secretary	01	00	01
DG	00	01	01
Professional	90	32	122
Support Staff	65	08	73
Total	156	41	197

Filling of posts by Deputation

Applications were invited from time to time from eligible officers of various departments of the Government of India, State Governments, Judiciary, other Regulatory bodies, Autonomous bodies, etc. to fill up vacant posts of professionals from the level of Adviser to Deputy Director and of support staff from the level of Joint Director to office Manager. The number of posts filled on deputation basis as on 31st March, 2015 is 59. This includes 15 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, 05 professionals were appointed. In the third round, 01 professional and 02 support staff were appointed. In the 4th round, 22 candidates (20 professionals and 02 support staff) were selected for appointment. All the 20 candidates in the professional stream and 01 candidate in the support staff stream joined the Commission by to 31st March, 2015.

Director General's Office

While the Recruitment Rules for the post of Director General were notified on 4th August, 2009, the Recruitment Rules in respect of 40 other posts (32 professionals and 08 support staff) sanctioned for the DG's office were notified by the Government vide notification dated 31st December, 2009. As per the Rules, all the posts have to be filled by deputation by the Central Government. As on 31st March, 2015, a total of 20 posts (12 professional and 08 support staff) are filled on deputation basis.

21 posts of professionals 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, 2002. It became operational with effect from 1st March, 2009 on joining of the Chairperson and two Members. Subsequently, four more Members joined the Commission.

During the year, Dr. Geeta Gouri, Shri Anurag Goel and Shri M. L. Tayal, Members of the Commission demitted their respective offices on 15th April, 2014, 2nd September, 2014 and 2nd November, 2014 respectively on completion of their tenure. Shri Sudhir Mital, Shri Augustine Peter, Shri U. C. Nahta and Shri M. S. Sahoo joined as Members of the Commission on 11th April 2014, 11th April 2014, 12th August 2014 and 27th March 2015 respectively in 2014-15. The composition of the Commission as on 31st March, 2015 is presented in Table No. J1.

Table No. J1: Composition of the Commission as on 31.03.2015

Sl. No.	Name	Position	Date of Joining
1	Shri Ashok Chawla	Chairperson	20.10.2011
2	Shri S. L. Bunker	Member	25.03.2013
3	Shri Sudhir Mital	Member	11.04.2014
4	Shri Augustine Peter	Member	11.04.2014
5	Shri U. C. Nahta	Member	12.08.2014
6	Shri M. S. Sahoo	Member	27.03.2015

(3) Meetings of the Commission

During the year, the Commission held 120 ordinary meetings to discuss and take a view on informations received through various sources. It also held 28 special meetings during the year to discuss important issues before it with regard to its functioning and administration.

(4) Organizational structure

The work of the Commission is organised into eight functional Divisions, in addition to Secretariat, as presented in Table No. J2.

Table No. J2: Organization Structure of the Commission

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

(5) Personnel in the Commission

The details of personnel at various levels in the Commission as on 31st March, 2015 along with vacancy are presented in Table No. J3.

Table No. J3: Incumbency Position in the Commission

Sl. No.	Designation	No. of Sanctioned Positions	No. of Vacant Positions
Professionals			
1	Secretary	01	00
2	Adviser (Law)	03	00
3	Adviser (Eco)	03	00
4	Adviser (FA)	02	00
5	Director (Law)	05	03
6	Director (Eco)	05	01
7	Director (FA)	02	01
8	Joint Director (Law)	10	07
9	Joint Director (Eco)	10	09
10	Joint Director (FA)	04	02
11	Deputy Director (Law)	18	04
12	Deputy Director (Eco)	18	05
13	Deputy Director (FA)	10	04
Support Staff			
14	Joint Director (F&A)	01	00
15	Joint Director (IT)	01	01
16	Deputy Director (CS)	05	03
17	Deputy Director (F&A)	01	00
18	Deputy Director (IT)	01	00
19	Sr. PPS	01	00
20	Assistant Director (CS)	14	00
21	Assistant Director (LS)	02	00
22	Assistant Director (IT)	03	00
23	Assistant Director (F & A)	02	01
24	Principal Private Secretary	06	02
25	Office Manager (CS)	20	00
26	Office Manager (F&A)	04	01
27	Office Manager (LS)	01	01
28	Private Secretary	03	02

The details of personnel at various levels in the office of DG as on 31st March, 2015 along with vacancy are presented in Table No. J4.

Table No. J4: Incumbency Position in the Office of DG

Sl. No.	Designation	No. of Sanctioned Positions	No. of Vacant Positions
1	Director General	01	00
2	Additional Director General	04	01
3	Joint Director General	08	04
4	Deputy Director General	20	16
5	Deputy Director General (CS)	01	00
6	Assistant Director General (CS)	03	00
7	Office Manager (CS)	04	00

Reservation of posts for various categories under the reservation policy of the Government of India is applicable for direct recruitment by the Commission. 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 in Table No. J5.

Table No. J5: Details of Reservations in Direct Recruitment

Sl. No.	Name of Post	No. of Posts	Reserved for	No. of Posts Filled in	No. of Posts Carried Forward
1	Adviser (FA)	01	Unreserved	0	Unreserved - 3
2	Adviser (Eco)	01			
3	Adviser (Law)	01			
4	Director (Eco)	01	Unreserved	Unreserved - 3	0
5	Director (Law)	01			
6	Director (FA)	01			
7	Jt. Director (Eco)	03	OBC - 1 SC - 1	Unreserved - 5 OBC - 1 SC - 1	0
8	Jt. Director (Law)	03			
9	Jt. Director (FA)	01			
10	Dy. Director (Eco)	13	OBC - 3 SC - 1	Unreserved - 9 (includes 1 for PH) OBC - 3 SC - 1	0
11	Dy. Director (Law)	13	OBC - 3 SC - 1	Unreserved - 9 OBC - 3 SC - 1	0
12	Dy. Director (FA)	07	OBC - 1 SC - 1	Unreserved - 5 SC - 1	OBC - 1
13	Asst Director (IT)	3	Unreserved	Unreserved - 3 (includes 1 for PH)	0
14	Office Manager (F&A)	04	OBC - 5 SC - 3 ST - 1	Unreserved - 3 OBC - 1 SC - 2 ST - 1	Unreserved - 8 OBC - 4 SC - 1
15	Office Manager (Corporate Services)	15			
16	Office Manager (Library Services)	01			

(6) Experts and professionals engaged

In order to augment its capacity to analyse complex issues spanning over various markets, the Commission has notified the Competition Commission of India (Procedure for Engagement of Experts and Professional) Regulations, 2009 to avail the services of experts and professionals. In terms of the said Regulations, 28 Research Associates (19 in Law, 07 in Economics and 02 in FA stream) were engaged as on 31.03.2015. An Advocate of the Supreme Court of India was engaged under Section 36(3) as Legal Retainer for three months to advise DG office on certain complex legal issues.

(7) Delegation of power

No delegation of power was made in the year by Chairperson to any other Member or officer of the Commission under section 13 of the Act. However, under section 51(3) of the Act, the Chairperson has nominated Shri S. L. Bunker and Shri Sudhir Mital, Members of the Commission as Members of Fund Administering Committee.

(8) Employee welfare measure

The terms and conditions of employment of officers and employees of the Commission and DG's Office have been notified by the Central Government. To provide medical advice/consultation during office hours, two part time Medical Consultants (Allopathic and Homeopathic) have been engaged.

(9) Other Activities

In order to encourage the use of Hindi language in the official working of the Commission and also to promote awareness regarding the official language, 'Hindi Pakhwara' was organized.

The Commission organized various activities from 27 September to 2nd October, 2014 as a part of the 'Swachh Bharat Abhiyan'

K. Budget and accounts

(1) Budget estimate and revised estimates

The Central Government extends budgetary support to the Commission in the form of Grants - in - Aid. Initially a budget estimate of Rs. 4500.00 lakh was provided for 2014-15, which was reduced to Rs. 4220.00 lakh in November 2014 due to mandatory 10 percent cut imposed by the Ministry of Finance. However, it was restored in the revised estimate.

(2) Receipts under broad categories

The Commission has the Competition Fund which is credited by (a) all Government Grants received by the Commission, (b) the Fees received under the Act, and (c) the Interest accrued on these receipts. The Fund is administered by the Fund Administering Committee constituted under section 51(3) of the Act. The Committee reviews the position of actual expenditure and requirement of funds for the Commission every month. The receipts under broad categories in the Competition Fund under in 2014-15 have been as under:

Sl. No.	Category	Amount (Rs. lakh)
1	Grants in Aid	4500.00
2	Fees	1665.65
3	Bank Interest	283.12
4	Other receipts	2.59
Total		6451.36

(3) Actual expenditure under broad categories

The Commission incurred an expenditure of Rs.5220.08 lakh during the year 2014-15. The break-up of expenditure in broad categories is as under:

Sl. No.	Category	Amount (Rs. lakh)
1	Salaries	1886.36
2	Travel Expenses	67.77
3	Training/ Seminar	101.92
4	Professional Charges	427.64
5	Rent	1754.89
6	Administrative Expenses	897.68
7	Advertisement and Publicity	20.97
8	Fixed Assets	58.95
9	Loans and Advances to Staff	3.90
Total		5220.08

(4) Balance available in the Competition Fund

The balance available in the Competition Fund as on 31st March 2015 is Rs.31.29 crore.

(5) Any other information

While incurring the expenditure, the Commission 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 Commission is maintaining its accounts in the format as prescribed by the Central Government. The annual accounts of the Commission for 2014-15 have been approved by the Commission and the approved accounts have been forwarded to the Comptroller & Auditor General of India (C&AG) for audit. The annual accounts of the Commission for 2014-2015, 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 it before both the Houses of Parliament.

L. International Co-operation

(1) Memorandums or arrangements signed with agencies of foreign countries

A Memorandum of Understanding (MOU) regarding Cooperation in the application of competition laws was signed between the Competition Commission of India and the Competition Bureau Canada (CB) on the sidelines of the ICN Merger Workshop on 1st December 2014 in New Delhi. The MOU was signed by Shri Ashok Chawla, Chairperson of the Commission and Mr. John Pecman, Commissioner, CB. The MOU will facilitate cooperation between the Commission and the Bureau in all the competition related matters including cooperation and coordination in their enforcement activities when investigating the same or related competition matters. The cooperation as envisaged in the MOU is expected to benefit business entities in both the countries.



MOU signing ceremony with Competition Bureau Canada



Mr. Arun Jaitley, Hon'ble Union Minister of Finance, Corporate Affairs and Information & Broadcasting inaugurating ICN Merger Workshop 2014. Also seen in picture (L to R) are Dr. J. Luebkings, Head of Merger Division, DG COMP, EC, Mr. John Pecman, Commissioner, Canada Competition Bureau, Mr. Ashok Chawla Chairperson CCI. Ms. Bhawana Gulati, Deputy Director CCI assisting the dignitaries

(2) Overseas projects undertaken

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

(3) Memberships of international organizations

i. International Competition Network

The Competition Commission of India is a member of the International Competition Network, a virtual international organisation of competition authorities of various jurisdictions. It has been an official invitee to all the meetings, seminars, conferences and workshops organised by the ICN. It co-chaired the Merger Working Group along with the Canadian Competition Bureau, the European Commission, DG Competition during the year. It hosted the recent ICN Merger Workshop during December 1-2, 2014. The theme of the workshop was “International Cooperation in Merger Enforcement”. It was inaugurated by Shri Arun Jaitley, Union Minister of Finance, Corporate Affairs and Information & Broadcasting.

ii. BRICS

India is a member of the BRICS, a group of emerging economies, viz., Brazil, Russia, India, China and South Africa. The heads of the Competition Authorities of Brazil, Russia India, China and South Africa signed a joint accord, namely, 'DELHI ACCORD' in 2013. In continuation of this, these authorities are working for creation of BRICS Working Group for research on competition issues in the field of the "markets for social importance". They are also working towards finalising the MOU amongst BRICS competition authorities. The Commission has been entrusted with the responsibility to bring out the first issue of BRICS Competition Newsletter.

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

The Commission has an observer status with the Competition Committee of OECD. It participated in the following activities of the OECD:

- (a) Chairperson and Members of the Commission attended meetings of Competition Committee and Working Parties as well as those of Global Competition Forum. The Commission submitted papers on "Airline Competition" in the meeting of OECD Competition Committee in June 2014. OECD facilitated the Commission in its capacity building activities/initiatives by organising workshops on competition assessment during 15th -16th October 2014 for the officers of the Commission.
- (b) Two nominees from the Commission are normally 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 help in capacity building of the Commission. During 2014-15, two officers attended each of the following programmes:
 - Workshop on Evidentiary Issues in Establishing Abuse of Dominance during 3-5 June, 2014 held in Jeju Island, Korea;
 - Workshop on Competition Issues in Retail during 3-5 December, 2014 in Busan, Korea; and
 - Workshop on Practical Aspects of Effective Merger Control during 24-26th March, 2015 in Jeju Island, Korea.

(4) International delegations received

Mr. Daniel Ducore and Mr. Paul O Brien from US Federal Trade Commission and Ms. Patty Brink and Ms. Michelle Rindone from US Department of Justice shared their experiences on US agencies' procedures and structures for negotiating effective relief and assuring compliance with their orders with the Commission and its officers on 3rd December, 2014.

In pursuance of MOU signed between the Commission and the Competition Bureau, Canada, Canadian Officials visited the Commission for developing roadmap for future cooperation during 28th March - 1st April 2015. A workshop on merger issues was also organized during this period.

(5) Foreign visits

The details of the foreign visits by functionaries of the Commission are presented in Table No. L1.

Table No. L1: Details of Foreign Visits

Sl. No.	Name of the Functionary and Designation	Purpose of Visit	Duration, Place and Country	Outcome
1	Shri Ashok Chawla, Chairperson	13 th ICN Annual Conference	22-25 April, 2014, Marrakech, Morocco	Exposure to global best practices, capacity building and networking
2	Ms. Smita Jhingran, Secretary			
3	Dr. Sanjay K. Pandey, Joint Director (Law)			
4	Dr. Seema Gaur, Adviser (Eco)	5 th Meeting of the Regional Comprehensive Economic Partnership (RCEP) Trade Negotiating Committee	23-27 June, 2014, Singapore	Developing consensus on various issues in the Working Group on Competition
5	Shri M. L. Tayal, Member	14 th Intergovernmental Group of Experts (IGE) on Competition Law & Policy of UNCTAD	7-11 July, 2014, Geneva, Switzerland	Exposure to global best practices, capacity building and networking
6	Shri P. K. Singh, Adviser (Law)			
7	Shri Augustine Peter, Member	8 th Annual Competition Conference and 15 th Anniversary of Competition Commission of South Africa	4-5 September, 2014, Johannesburg, South Africa	Exposure to global best practices, capacity building and networking
8	Shri R. N. Sahay, Adviser (Eco)	8 th Seoul International Competition Forum	4 th September 2014, Seoul, Korea	Exposure to global best practices, capacity building and networking
9	Shri Ashok Chawla, Chairperson	Annual International Russian Competition Day 2014	8-10 September, 2014, St. Petersburg, Russia	Exposure to global best practices, capacity building and networking
10	Shri Ashok Chawla, Chairperson	International Bar Association (IBA) Conference and Roundtable of Asian Enforcers	20-21 October, 2014, Tokyo, Japan	Exposure to global best practices, capacity building and networking
11	Shri S. L. Bunker, Member	2014 ICN Advocacy Strategies & Assessment	6-7 November, 2014, Port Louis, Mauritius	Exposure to global best practices, capacity building and networking
12	Shri Ashok Chawla, Chairperson	OECD Competition Committee and its working party meeting	15-18 December, 2014, Paris, France	Exposure to global best practices, capacity building and networking
13	Dr. Seema Gaur, Adviser (Eco)	7 th Meeting of the Regional Comprehensive Economic Partnership (RCEP) & Trade Negotiating Committee	9-13 February, 2015, Bangkok, Thailand	Exposure to global best practices, capacity building and networking
14	Ms. Archana G. Gulati, Adviser (FA)	Roundtable -Pharmaceutical Market: creation of Fair play rules on the pharmaceutical markets of the BRICS countries	12-13 March, 2015, Moscow, Russia	Exposure to global best practices, capacity building and networking

15	Shri P. K. Singh, Adviser (Law)	International Conference on Intellectual Property and Competition in the Pharmaceutical Industry by WIPO and Italian Competition Authority	19-20 March, 2015, Rome, Italy	Exposure to global best practices, capacity building and networking
16	Shri Ashok Chawla, Chairperson	17 th International conference on competition	25-27 March, 2015, Berlin, Germany	Exposure to global best practices, capacity building and networking

(6) Others

The Commission is involved in negotiation of ‘Competition Chapter’ in trade agreements such as Regional Comprehensive Economic Partnership (RCEP) and Free Trade Agreements (FTAs) negotiated by the Government of India.

M. Capacity Building

To impart dynamism to an organization, it is imperative that capabilities of its people are continuously enhanced and talents honed. Being a market regulator having overarching powers cutting across various sectors of economy, the Commission adopted a slew of measures to enhance, inter-alia, analytical and investigative skills of people working in the Commission.

(i) Employees trained in-house

Tables No. M1 through M3 presents in-house capacity building initiatives undertaken during the year 2014-15. There were in all eight in-house programmes and in all 77 employees benefitted from these.

Table No. M1: In-house Training Initiatives

Sl. No.	Duration	Name of Programme	Faculty	Coverage of Programme
1	07, 09, 11, 15 and 16 April, 2014	Fifth in-house Induction Training	Commission	Competition law, laws and economics, anti-competitive agreements, abuse of dominance, combination regulations, advocacy mandate, etc.
2	04 July, 2014	Workshop on Financial Analysis	Commission	Basics of accountancy, accounting procedure and records, financial transactions, etc.
3	14 July, 2014	Orientation Programme	Commission	Familiarization with the competition law and its administration.
4	31 July, 2014	Workshop on Constitutional & Administrative Law	Commission	Constitution and its architecture, Nature and scope of administrative law.
5	15 September, 2014	Workshop on Industrial Organization and Micro Economics	Commission	Micro and macro economics
6	10 October, 2014	Workshop on Reading and Analysis of Orders/Judgment	Commission	Order and judgment, rule of precedent, reading and searching law report, etc.
7	29-31 October, 2014	Sixth In-House Induction Training Programme	Commission	Competition law, laws and economics, anti-competitive agreements, abuse of dominance, combination regulations, advocacy mandate, etc.
8	02 March, 2015	Workshop on HR Practices and Conduct Rules	Commission	Constitutional provisions regarding government servants, fundamental and supplementary rules.



Offsite workshop on Team Building & Leadership 2015 was organized for the professional officers of CCI during 20th – 22nd February 2015.

Table No. M2: Participation in In-house Training Programmes by level of Officers

Sl. No.	Name of Programme	No. of Officers at the level of					Total
		Secy/ DG / Adviser	Additional DG / Director	Jt. DG / Joint Director	Dy. DG / Dy. Director	Assistant Director	
1	Fifth in-house Induction Training	-	-	1	13	-	14
2	Workshop on Financial Analysis	-	-	1	8	1	10
3	Orientation Programme	-	2	2	-	-	4
4	Workshop on Constitutional & Administrative Law	1	1	2	4	2	10
5	Workshop on Industrial Organization and Micro Economics	-	-	1	10	1	12
6	Workshop on Reading and Analysis of Orders/Judgment	-	-	-	9	-	9
7	Sixth In-House Induction Training Programme	-	2	2	5	-	9
8	Workshop on HR Practices and Conduct Rules	-	1	-	8	-	9
Total		1	6	9	57	4	77

Table No. M3: Discipline-wise Participation of Officers in In-house Training Programmes

Sl. No.	Name of Programme	No. of Officers from the Disciplines of					Total
		Corporate Services	Economics	Financial Analysis	Law	Others	
1	Fifth in-house Induction Training	-	8	2	4	-	14
2	Workshop on Financial Analysis	1	3	1	5	-	10
3	Orientation Programme	-	-	-	-	4	4
4	Workshop on Constitutional & Administrative Law	2	4	1	-	3	10
5	Workshop on Industrial Organization and Micro Economics	1	2	3	6	-	12
6	Workshop on Reading and Analysis of Orders/Judgment	1	6	2	-	-	9
7	Sixth In-House Induction Training Programme	-	4	-	3	2	9
8	Workshop on HR Practices and Conduct Rules	-	7	-	2	-	9
Total		5	34	9	20	9	77



Offsite workshop on Team Building & Leadership 2015 was organized for the non-professional officers of CCI during 13th – 15th March 2015

(ii) Employees trained by outside institutions

(a) Training by domestic institutions

Tables No. M4 through M6 presents capacity building initiatives undertaken within India during the year 2014-15. There were in all 12 such programmes and in all 219 employees benefitted from these.

Table No. M4: Training Initiatives in India

Sl. No.	Name of Programme	Coverage of Programme	Faculty/Institute	Venue / Duration
1	Training on Parliamentary Processes and Procedures	Parliamentary processes and procedure	Bureau of Parliamentary Studies and Training (BPST)	BPST / 22-25 April, 2014
2	Workshop on Prima Facie Investigations	Prima facie investigations, drafting orders in conduct cases	EU- Capacity Building Initiative for Trade and Development (CITD)	Commission / 15-17 May, 2014
3	Workshop on Drafting	Draft combination orders		Commission / 19-20 May, 2014
4	Workshop on Advocacy	Public access to Commissions' orders		Commission / 21 May, 2014
5	Information Request And Case Analysis	Anatomy of margin squeeze and predatory behavior		DG Office / 31 July-02 August, 2014
6	Trainers Development Programme	Mentoring skills		National Academy for Training & Research in Social Security (NATRSS)
7	Training on Presentation and Communication Skills	Making effective presentation	Indian Institute of Public Administration (IIPA)	IIPA / 27-29 August, 2014
8	Workshop on Competition Investigations and Merger Review in the Healthcare Industry	Healthcare market, pharmaceutical mergers, analysis of collaboration	United States Federal Trade Commission	Commission / 22-24 September, 2014
9	Workshop on Competition Assessment	Regulations that limit the number or range of suppliers and the choice and information for consumers	Organization for Economic Cooperation and Development	Commission / 15-16 October, 2014
10	Offsite workshop on Leadership & Team Building: I	Team building exercises	Professional Management Game Expert and Professional Naturalist	Jim Corbett / 20-22 February, 2015
11	Offsite workshop on Leadership & Team Building : II			Jim Corbet / 13-15 March, 2015
12	In House Training Courses	Emotional intelligence, establishment rules, etc.	Institute of Secretariat Training and Management (ISTM)	ISTM / April 2014 –March 2015



Participation of CCI official at training course organized by Japan Fair Trade Commission (JFTC) and Asian Development Bank (ADB)

Table No. M5: Participation in Domestic Training Programmes by level of Officers

Sl. No.	Name of Programme	No. of Officers at the level of						Total
		Secy/DG /Adviser	Addl DG / Director	Jt. DG / Joint Director	Dy. DG / Dy. Director	Asst. DG / Asst. Director	Others	
1	Training on Parliamentary Processes and Procedures	-	-	1	8	2	2	13
2	Workshop on Prima Facie Investigations	-	-	4	11	-	1	16
3	Workshop on Drafting	-	-	4	12	-	-	16
4	Workshop on Advocacy	-	-	2	3	3	-	8
5	Information Request And Case Analysis	1	4	5	9	2	-	21
6	Trainers Development Programme	-	-	-	1	-	-	1
7	Training on Presentation and Communication Skills	2	2	5	15	1	-	25
8	Workshop on Competition Investigations and Merger Review in the Healthcare Industry	1	2	6	14	-	1	24
9	Workshop on Competition Assessment	2	1	4	8	1	-	16
10	Offsite workshop on Leadership & Team Building: I	6	6	1	23	-	-	36
11	Offsite workshop on Leadership & Team Building : II	-	-	-	2	17	20	39
12	In House Training Courses	-	-	-	2	1	1	4
	Total	12	15	32	108	27	25	219



Participation of CCI official at training course organized by Japan Fair Trade Commission (JFTC) and Asian Development Bank (ADB)

Table No. M6: Discipline-wise Participation of Officers in Domestic Training Programmes

Sl. No.	Name of Programme	No. of Officers from the Disciplines of					Total
		Corporate Services	Economics	Financial Analysis	Law	Others	
1	Training on Parliamentary Processes and Procedures	4	6	-	3	-	13
2	Workshop on Prima Facie Investigations	1	8	1	6	-	16
3	Workshop on Drafting	-	7	5	4	-	16
4	Workshop on Advocacy	2	1	-	2	3	8
5	Information Request And Case Analysis	3	3	3	3	9	21
6	Trainers Development Programme	1	-	-	-	-	1
7	Training on Presentation and Communication Skills	2	10	2	11	-	25
8	Workshop on Competition Investigations and Merger Review in the Healthcare Industry	-	7	5	9	3	24
9	Workshop on Competition Assessment	1	8	2	5	-	16
10	Offsite workshop on Leadership & Team Building: I	-	12	8	14	2	36
11	Offsite workshop on Leadership & Team Building : II	31	-	--	-	8	39
12	In House Training Courses	1	-	1	1	1	4
Total		46	62	27	58	26	219

(b) Training by foreign institutions

Tables No. M7 through M9 presents capacity building initiatives undertaken outside India during the year 2014-15. There were in all seven such programmes and in all 10 employees benefitted from these.

Table No. M7: Training Initiatives outside India

Sl. No.	Name of Programme	Faculty/Institute	Venue / Duration
1	Workshop on Evidentiary Issues in Establishing Abuse of Dominance	OECD-Korea Policy Centre	Jeju Island, Korea / 3-5 June, 2014
2	2 nd Training Course on Competition Law and Policy for Asian Countries	Japan Fair Trade Commission (JFTC) & Asian Development Bank (ADB)	Tokyo, Japan / 9-13 June, 2014
3	International Fellowship	United States Federal Trade Commission (USFTC)	Washington. D.C, U.S.A / September - October, 2014
4	SAFE WEB Internship	United States Federal Trade Commission (USFTC)	Washington. D.C, U.S.A / 22-26 September, 2014
5	2014 Cartel Workshop	International Competition Network (ICN)	Taipei, Taiwan / 1-3 October, 2014
6	Workshop on Competition Issues in Retail	OECD-Korea Policy Centre	Busan, Korea / 3-5 December, 2014
7	Workshop on Practical Aspects of Effective Merger Control	OECD-Korea Policy Centre	Jeju Island, Korea / 24-26 March, 2015

Table No. M8: Participation in Foreign Training Programmes by level of Officers

Sl. No.	Name of Programme	No. of Officers at the level of						Total
		Secy/ DG / Adviser	Addl DG / Director	Jt. DG / Joint Director	Dy. DG / Dy. Director	Asst. DG / Asst. Director	Others	
1	Workshop on Evidentiary Issues in Establishing Abuse of Dominance	1	-	-	1	-	-	2
2	2 nd Training Course on Competition Law and Policy for Asian Countries	-	-	1	-	-	-	1
3	International Fellowship	-	-	-	1	-	-	1
4	SAFE WEB Internship	-	-	-	1	-	-	1
5	2014 Cartel Workshop	-	-	-	1	-	-	1
6	Workshop on Competition Issues in Retail	-	-	1	1	-	-	2
7	Workshop on Practical Aspects of Effective Merger Control	-	-	-	2	-	-	2
Total		1	-	2	7	-	-	10

Table No. M9: Discipline-wise Participation of Officers in Foreign Training Programmes

Sl. No.	Name of Programme	No. of Officers from the Disciplines of					Total
		Corporate Services	Economics	Financial Analysis	Law	Others	
1	Workshop on Evidentiary Issues in Establishing Abuse of Dominance	-	1	-	1	-	2
2	2 nd Training Course on Competition Law and Policy for Asian Countries	-	-	1	-	-	1
3	International Fellowship	-	-	-	1	-	1
4	SAFE WEB Internship	-	1	-	-	-	1
5	2014 Cartel Workshop	-	-	-	1	-	1
6	Workshop on Competition Issues in Retail	-	-	-	1	1	2
7	Workshop on Practical Aspects of Effective Merger Control	-	1	-	1	-	2
Total		-	3	1	5	1	10

N. Ongoing Programmes

Advocacy: The competition law provides level playing field to both public and private enterprises. The competition requires policy neutrality so as not to distort choice of consumers or producers. It also requires ease of doing business and free entry and free exit, perfect symmetry of information, etc. To this end, the Commission has been engaging with various key functionaries in Central and State Governments and PSUs continually through seminars, workshops and interactive sessions.

Internship programme: The Commission had initiated the internship programme in 2005. Under this programme, it imparts training to students from Economics, Law, Management and Finance from institutes of repute on competition and related issues. The guidelines containing eligibility criteria, educational qualifications, scope and other modalities required along with application for pursuing internship training are available on the website.

Technology: Technology drives business and competition in business. The Commission needs to harness technology for its use to provide efficient and seamless service to its stakeholders. It has undertaken a massive technology upgradation so as to provide e-services to stakeholders.

Capacity Building: Since competition law is complex and based on behavior, it has been an ongoing endeavor of the commission to attract the best talent and groom it continuously so that its human resources is commensurate with the challenges before the Commission.

O. The RTI Act

The Competition Commission of India is committed to establish a competitive environment through fairness, objectivity and transparency. In addition to accountability measure under the Act, it provides information to any citizen under the Right to Information Act, 2005 (the RTI). Table No. O1 presents receipt and disposal of applications under the RTI.

Table O1: Receipt and Disposal of RTI Applications

Sl. No.	Description	Number	
		2013-14	2014-15
(a)	Number of Applications received by CPIO/CAPIO seeking information under the RTI	107	115
(b)	Number of Applications for which information has been provided by CPIO	107	112
(c)	Number of Applications pending with CPIO	00	03
(d)	Number of Appeals filed before First Appellate Authority against the order of CPIO	15	11
(e)	Number of Appeals which have been disposed of by the First Appellate Authority	15	11
(f)	Number of Appeals pending with First Appellate Authority	00	00
(g)	Number of Applications / Appeals not disposed of in the stipulated time frame	00	00



**Fair Competition
For Greater Good**

Competition Commission of India

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