



सत्यमेव जयते

# ANNUAL REPORT

## 2017-18



Fair Competition  
For Greater Good

# 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 March 31, 2018



*Left to Right:*

**Shri U C Nahta, Shri Sudhir Mital, Shri D K Sikri, Shri Augustine Peter, Justice Shri G P Mittal**



## Contents

	<b>Page No.</b>
<b>Abbreviations</b>	v
<b>List of Tables</b>	ix
<b>Chairperson’s Statement</b>	xi
<b>A. Introduction</b>	1
(i) Objectives	1
(ii) Important achievements	2
(iii) The year in review	3
(a) Landmark decisions of the Commission	3
(b) Legislative work	11
(c) Outreach programme	12
(iv) Capacity building	12
(v) International engagement	13
(vi) Most active sectors	14
(vii) Impact on consumers and economy	15
<b>B. Investigations and Inquiries ordered by the Commission</b>	16
(1) Investigation and inquiry relating to Sections 3 and 4 of the Act	16
(2) Investigation and enquiries undertaken by Director General	18
<b>C. Orders passed by the Commission</b>	19
<b>D. Execution of Orders of the Commission and Penalties</b>	21
(1) Monetary penalties	21
(2) Matters referred to Chief Metropolitan Magistrate, New Delhi u/s 42	26
<b>E. Appeals</b>	27
(1) Appeals received and disposed of by NCLAT/COMPAT	27
(2) Brief write-up on the appeals allowed by the NCLAT	29
(3) Jurisprudence evolved by Hon’ble Supreme Court of India	30
<b>F. Matters received regarding Combination</b>	32
<b>G. References by Central Government or State Governments</b>	34
(1) References from Central Government- Section 49 (1)	34
(2) References from State Governments- Section 49 (1)	35
(3) Notifications of Central Government- Section 54	35
(4) Directions of Central Government- Section 55	36
<b>H. References from and to Statutory Authorities</b>	37
<b>I. Competition Advocacy</b>	39

	<b>Page No.</b>
(i) Workshops, seminars and other interactions	40
(ii) Paper and studies published for competition advocacy	49
(iii) Capacity building of stakeholders	49
(iv) Competition related sectoral/regulatory impact assessment	50
(v) Consultation papers published	50
(vi) Analytical papers	50
(vii) Other initiatives	50
<b>J. Administration and Establishment Matters</b>	<b>52</b>
(1) Report of the Secretary	52
(2) Composition of the Commission	53
(3) Meetings of the Commission	53
(4) Organization structure	53
(5) Personnel in the Commission	54
(6) Experts and professionals engaged	57
(7) Delegation of power	57
(8) Employee welfare measures	58
(9) Other activities	58
<b>K. Budget and Accounts</b>	<b>59</b>
(1) Budget estimates and revised estimates	59
(2) Receipts under broad categories	59
(3) Actual expenditure under broad categories	59
(4) Balance available in the Competition Fund	60
(5) Any other information	60
<b>L. International Co-operation</b>	<b>61</b>
(1) Memorandums or arrangements signed by the Commission with agencies of foreign countries	61
(2) Overseas projects undertaken by the Commission	61
(3) Memberships of International Organizations	62
(4) International delegations received by the Commission from foreign governments, foreign competition authorities, multilateral institutions and others	68
(5) Overseas delegation received at CCI	69
(6) Foreign visits	69
(7) Others	70
<b>M. Capacity Building</b>	<b>71</b>
(1) In-house capacity building initiatives	71
(2) Capacity building initiatives with the support of outside Institutions	73
<b>N. Ongoing Programmes</b>	<b>83</b>
<b>O. The RTI Act</b>	<b>84</b>

## Abbreviations

---

### A

- AAEC - Appreciable Adverse Effect on Competition  
AEWG - Agency Effectiveness Working Group  
ASSOCHAM - Associated Chambers of Commerce & Industry

### B

- BPST - Bureau of Parliamentary Studies and Training  
BRICS - Brazil, Russia, India, China and South Africa

### C

- C&AG - Comptroller and Auditor General of India  
CB - Competition Bureau, Canada  
CBD - Capacity Building Division  
CCI - Competition Commission of India  
CII - Confederation of Indian Industry  
CITD - Capacity Building Initiative for Training and Development  
CMA - Cement Manufacturers' Association  
CMM - Chief Metropolitan Magistrate  
COMPAT - Competition Appellate Tribunal  
CPIO - Central Public Information Officer  
CREDAI - Confederation of Real Estate Developers' Association of India

### D

- DG - Director General, CCI

- DOJ - Department of Justice, USA  
DVKS - Distinguished Visitors Knowledge Sharing Series

**E**

- EU - European Union

**F**

- FAA - The First Appellate Authority  
FAC - Fund Administration Committee  
FGD - Focused Group Discussion  
FICCI - Federation of Indian Chambers of Commerce and Industry  
FSC - Fuel Surcharge  
FTC - Federal Trade Commission, USA

**I**

- ICAI - Institute of Chartered Accountants of India  
ICMAI - Institute of Cost Accountants of India  
ICAR - Indian Council for Agricultural Research  
ICN - International Competition Network  
ICSI - Institute of Company Secretaries of India  
IICA - Indian Institute of Corporate Affairs  
IIM - Indian Institute of Management  
IIPA - Indian Institute of Public Administration  
ILD - Institute of Leadership Development  
IOCL - Indian Oil Corporation Limited  
ISTM - Institute of Secretariat Training and Management

**K**

- KPC - Korea Policy Centre (of OECD)



**M**

- MCA - Ministry of Corporate Affairs
- MOU - Memorandum of Understanding
- MRTPC - Monopolies and Restrictive Trade Practices Commission

**N**

- NACIN - National Academy of Customs, Indirect Taxes and Narcotics
- NCLAT - National Competition Appellate Tribunal
- NEIPDA - North East India Petroleum Dealers Association
- NIFM - National Institute of Financial Management
- NISM - National Institute of Securities Markets
- NLU - National Law University
- NOC - No Objection Certificate

**O**

- OECD - Organisation for Economic Cooperation and Development
- OMC - Public Sector Oil Marketing Companies
- ONGC - Oil and Natural Gas Corporation Limited
- OP - Opposite Party

**P**

- P2P - Peer to Peer

**R**

- RA - Research Associate
- RBI - Reserve Bank of India
- RCEP - Regional Comprehensive Economic Partnership
- RTI - The Right to Information Act, 2005

**S**

- SCOPE - Standing Conference of Public Enterprises
- SEBI - Securities and Exchange Board of India

**T**

- The Act - Competition Act, 2002

**U**

- UNCTAD - United Nations Conference on Trade and Development
- USFTC - United States Federal Trade Commission

## List of Tables

	<b>Page No.</b>
Table No. A1 : Select Performance Parameters: 2017-18 vs. 2016-17	2
Table No. A2 : Sector-wise Distribution of Anti-Trust Matters noted by the Commission	14
Table No. A3 : Sector-wise Distribution of Combination Notices received by the Commission	14
Table No. B1 : Year-Wise Disposal of Alleged Contraventions of Section 3 and 4 of the Act (2017-18)	16
Table No. B2 : Alleged Contraventions of Section 3 and 4 of the Act noticed in 2017-18	17
Table No. B3 : Disposal of Alleged Contraventions of Section 3 and 4 till March 31, 2018	17
Table No. B4 : Investigations Ordered and Completed as on March 31, 2018	18
Table No. B5 : Investigations by Director General in 2017-18	18
Table No. C1 : Orders Passed by the Commission in Anti Trust Cases	19
Table No. C2 : Orders Passed by the Commission under Section 3 and 4 in 2017-18	20
Table No. D1 : Monetary Penalties Imposed and Realised by the Commission	21
Table No. D2 : Break up of Monetary Penalties for Various Contraventions	22
Table No. D3 : Monetary Penalties Imposed and Realised by the Commission during 2017-18	22
Table No. D4 : Details of Orders Passed in 2017-18 imposing Monetary Penalty	23
Table No. D5 : Matters Referred to Chief Metropolitan Magistrate, New Delhi under Section 42	26
Table No. D6 : Imposition of Lesser Penalties under Section 46	26
Table No. E1 : Appeals against Final Orders of the Commission	27
Table No. E2 : Disposal of Appeals by COMPAT/NCLAT	28
Table No. E3 : Section-wise disposal of appeals during 2017-18	28
Table No. E4 : Receipt and Disposal of appeals by COMPAT/NCLAT during 2017-18	29
Table No. F1 : Receipt and Disposal of Combination Notices during 2011-18	32
Table No. F2 : Receipt and Disposal of Combination Notices during 2017-18	33

	<b>Page No.</b>
Table No. G1 : References received from Central Government	34
Table No. G2 : References received from State Governments	35
Table No. H1 : References received from Statutory Authorities	37
Table No. H2 : References made to Statutory Authorities	38
Table No. I1 : Advocacy Initiatives	39
Table No. I2 : Workshops, seminars, capacity building initiatives and other interactions with stakeholders in 2017-18	40
Table No. I3 : Capacity Building of Stakeholders	50
Table No. J1 : Composition of the Commission as on March 31, 2018	53
Table No. J2 : Organisation Structure of the Commission	54
Table No. J3 : Incumbency Position in the Commission	55
Table No. J4 : Incumbency Position in the Office of DG	56
Table No. J5 : Details of Reservation in Direct Recruitment	57
Table No. K1 : Receipts under Broad Categories	59
Table No. K2 : Expenditure under Broad Categories	59
Table No. L1 : Details of Foreign Visits	69
Table No. M1 : In-house Capacity Building Initiatives	72
Table No. M2 : Level-wise Participation of officers in In-house Capacity Building Initiatives	72
Table No. M3 : Discipline-wise Participation of Officers in In-house Capacity Building Initiatives	73
Table No. M4 : Training Initiatives in India	74
Table No. M5 : Level wise participation of Officers in Domestic Training Programmes	76
Table No. M6 : Stream-wise participation of Officers in Domestic Training Programmes	79
Table No. M7 : Training Initiatives Outside India	80
Table No. M8 : Level wise participation of Officers in Foreign Training Programmes	81
Table No. M9 : Stream wise participation of Officers in Foreign Training Programmes	82
Table No. O1 : Receipt and Disposal of RTI Applications	84

## Chairperson's Statement

It is my privilege to be presenting the Annual Report of the Competition Commission of India for the year 2017-18.

A relatively young competition authority, the Commission, set up under the Competition Act 2002, got its enforcement and regulatory powers relating to antitrust provisions in 2009, followed by those relating to regulation of combinations in 2011. In these nine years of enforcement work, the Commission has received and



examined 940 cases of anti-competitive agreements and abuse of dominance and reviewed 548 merger filings. In the year gone by, the Commission passed final orders in 72 antitrust cases and in 69 combination notices. Sanctions in the form of monetary penalties for various contraventions of the Competition Act were imposed as well as structural and behavioural remedies directed in some combination matters.

Hidden behind these numbers is the hard work of the Commission and its officers to build a sound body of jurisprudence keeping in mind our country's economic development and market realities. We have strived to create a culture of competition in the markets through credible antitrust enforcement and regular engagement with stakeholders. Because of the all round efforts, a fair degree of awareness has been created amongst the stakeholders with respect to the provisions of the Act, its scope and the remedies that it can provide.

Cartel enforcement has been a priority area of the Commission this year. Our general approach has been to deter them through severe penalties on one hand and on the other to use the lesser penalty provisions to encourage the enterprises and individuals to come forward and cooperate in uncovering such anticompetitive agreements. The approach seems to have worked well as there are increased filings of leniency applications. The Commission has processed such applications many of which are in advanced stages of finalisation and relate

to public procurement as well as cartelization by manufacturing companies.

In addition to anti-competitive agreements, the conduct of enterprises found abusing their dominant position also came under scrutiny. The Commission found a major player in the digital space to have abused its dominant position in the market for ‘online general web search services and online advertising services in India’, and passed orders giving prescriptions to correct the distortion at the market place. Keeping in view the principle of competitive neutrality, a Development Authority was also found to have abused its dominant position in the market for ‘provision of services for development and sale of low cost residential flats under affordable housing schemes for the economically weaker sections by imposing unfair conditions on allottees’.

The Commission also reviewed several important combination cases, where there had been multijurisdictional filings. In such cases, the Commission proposed remedies in the agro and agro-chemical related cases having significant implications on the sector, consumers and economy on the whole. The competition assessments in such cases were facilitated by international co-operation.

Legal certainty and predictability form the foundation of effective implementation of any legislation. The year saw some important developments in terms of evolving jurisprudence in Indian competition regime. Hon’ble Supreme Court vide its Judgment dated May 08, 2017, advocated the criteria of ‘relevant turnover’ for the purpose of imposition of penalty bringing finality to determination of penalty on the parties guilty of anti-competitive behavior. Further, Supreme Court held that once the DG starts its investigation, if other facts also get revealed and are brought to light, the DG would be well within his powers to include those as well in his report. Also, the Hon’ble Supreme Court vide its judgment dated January 24, 2018 held that once a dominant position is made out on facts, whether both the parties are competitors or not is a factor that is irrelevant for the purpose of application of Section 4(2)(c) of the Act. Moreover, Apex Court vide its order dated May 07, 2018 clarified its earlier observations in the Judgment dated March 07, 2017 that the determination of ‘relevant market’ is not a mandatory pre-condition for making assessment

of the alleged violation under Section 3 of the Act. However, there are still issues relating to standard of proof, principles of natural justice and individual liability of the office bearers, which are currently sub judice before the Apex Court and in which jurisprudence is yet to be settled.

Going forward, in order to ensure fair competition for greater good, the Commission hopes to amplify the impact of enforcement through proactive outreach. The creation of a culture of competition becomes challenging when we work with markets having legacy issues and suffer from policy-induced distortions. We have, no doubt, made some progress. Several enterprises in India have voluntarily put in place internal competition compliance programmes. With this aim in mind, the Commission developed a Compliance Manual for Enterprises that was launched on the 8th Annual Day Function of the Commission on May 20, 2017 by Hon'ble Chief Justice of India Shri J S Khehar.

At the Commission, we are aware that there is a growing need to follow a phased, flexible and planned approach of global antitrust co-operation via soft law mechanisms. A lot of emphasis is placed on International cooperation. I am proud to inform that the Commission successfully hosted the International Competition Network (ICN) Annual conference during March 21-23, 2018 in New Delhi. More than 500 delegates from over 73 countries and 3 multilateral agencies participated in the Conference. This event is an affirmation of India's place in the global economic order. India presented the 'Special Project' on cartel enforcement and competition with focus on providing a detailed account of the issues that a young jurisdiction typically faces (taking India as a case study) in detection of cartels.

As we set our future goals and look to the road map ahead, we see challenges attributable to rapid changes in the markets. Technology and disruptive innovation in the digital economy are transforming the way of doing business. It has brought forth a gamut of novel questions before the regulators such as the CCI as they create a nuanced and sound analytical framework for digital markets.

Finally, on behalf of the Commission, I take this opportunity to thank Shri D.K. Sikri, the Chairperson during 2017-18, for his very positive contribution to the Commission. Shri S.L. Bunker, who was the Member, also demitted office during the year after completion of his term. I also thank him on behalf of the Commission. At the same time I would also like to thank my member colleagues Shri Augustine Peter, Shri UC Nahta and Justice (Retd) GP Mittal for their valuable support in conducting the work of the Commission.

My special thanks also to the Ministry of Corporate Affairs for their constant support and the employees of the Commission, for their continuous hard work and unfailing commitment to the cause of competition enforcement.

Sudhir Mital  
Chairperson  
Competition Commission of India  
September 1, 2018



## A. Introduction

---

### (i) Objectives

History is testimony to governments of the world adopting measures to stabilise prices and regulate markets. The earliest example of a modern Competition Law is *Lex Julia de Annona*, of the Roman Republic around 50 BC. In order to protect the corn trade, heavy fines were imposed on direct, deliberate and insidious attempts to stop supply ships. The study of competition began formally in the 18th century where the usage of different terms like restrictive practices, law of monopolies, combination acts and restraint of trade are found in works like Adam Smith's 'The Wealth of Nations'.

In India, Kautilya's Arthashastra which dealt with statecraft and economic policy also encompasses competition. More recently, the enactment of Monopolies & Restrictive Trade Practices Act 1969, aimed at the prevention of concentration of economic power, but it outlived its utility once India embarked on the path of liberation in 1991. It became imperative for India to enact a competition law which would facilitate the fruits of liberalisation and adoption of a market economy.

Liberalised markets cannot be presumed to be competitive per se. They can still be fraught with distortions caused by vested interest groups, large monopolistic firms or groups of firms in concert. Such distortions break the link between liberalised markets and the productivity and innovation gains that they are believed to yield. Hence the need for a robust competition law and policy. Fair and effective competition in markets is easier said than done. It does not come about by itself, but has to be created and enforced through public policy. Otherwise private barriers may simply substitute governmental barriers to trade and prevent improvements in social welfare. Thus a modern Competition Law was enacted in 2002, which provided for the establishment of the Competition Commission of India, which is a body corporate mandated to implement the objectives of the Act.

The Commission functions as a market regulator by preventing and regulating anti-competitive practices in the country. It also carries out advisory and advocacy functions. The objectives of the Commission as given under Section 18 of the Act are :

- 1) to prevent practices having adverse effect on competition,
- 2) to promote and sustain competition in markets,
- 3) to protect the interests of consumers, and
- 4) to ensure freedom of trade carried on by other participants in markets in India.

**(ii) Important achievements**

Table No. A1 presents the performance of the Commission on select parameters in 2017-18 *vis-à-vis* 2016-17. During 2017-18, the Commission received 72 cases related to anti-competitive agreements and abuse of dominant position.

On the basis of existence of *prima-facie* case, the Commission directed the Director General to undertake investigation into 23 matters and closed 51 matters. The DG completed investigation in 36 matters during the year 2017-18.

The Commission received 64 notices of proposed combinations in 2017-18, besides 16 notices which were pending at the beginning of the year and approved 69 combination notices during the year. The Commission imposed an aggregate penalty of Rs. 436.65 crore *vis-à-vis* Rs. 288.28 crore in 2016-17.

**Table No. A1: Select Performance Parameters: 2017-18 vs. 2016-17**

No.	Particulars	2017-18	2016-17
1	No. of alleged anti-competitive conduct noticed	72	161
2	No. of <i>prima-facie</i> orders passed in respect of alleged anti-competitive conduct	74	167
3	No. of Investigations completed by DG	36	23
4	No. of orders [under Sections 26(2), 26(6), 27 and Other/Misc. Order] passed in respect of anti-competitive conduct	72	78
5	Amount of penalty levied (Rs. in crore)	436.65*	288.28
6	Number of orders appealed against (%)	56.06	39.24
7	No. of proposed combinations approved	69	106
8	Average no. of days taken to dispose of a combination notice	23	29
9	No. of advocacy programme participated/conducted	101	122
10	No. of employees as on March 31, 2018		
	Commission	102	104
	DG Office	21	14
11	No. of trainings organized for capacity building of officers (including overseas training)	35	48

\*Excludes penalty of Rs. 52.24 crore imposed on Board of Control for Cricket in India through revised order dated November 29, 2017 in Case No. 61/2010.

### **(iii) The year in review**

#### **(a) Landmark decisions of the Commission**

The following presents a gist of allegations, findings, and directions in important matters disposed of by the Commission during 2017-18.

#### **1. Fx Enterprise Solutions India Pvt. Ltd. Vs. Hyundai Motor India Limited (Case no. 36/2014) & St. Antony's Cars Pvt. Ltd. Vs. Hyundai Motor India Limited (Case no. 82/2014)**

**Allegation:** The Informations were separately filed by Fx Enterprise Solutions India Pvt. Ltd. and St. Antony's Cars Pvt. Ltd. against Hyundai Motor India Ltd. (HMIL). HMIL had entered into an exclusive dealership agreement with its dealers according to which the dealers were required to obtain prior consent of HMIL before taking up dealership of another brand. It was further alleged that HMIL's dealers were bound to procure spare parts, accessories and all other requirements, either directly from the HMIL or through vendors approved by it. HMIL had imposed a "Discount Control Mechanism" through which dealers were only permitted to provide a maximum permissible discount and were not authorised to give discount which was above their recommended range. This was alleged to amount to "resale price maintenance" in contravention of Section 3(4)(e) of the Act. It was also alleged that HMIL was responsible for price collusion amongst competitors through a series of "hub - and - spoke" arrangements. It was also alleged that including certain clauses in the Dealership Agreement amounted to 'refusal to deal' in contravention of the provisions of Section 3(4)(d) of the Act. Finally, it was alleged that HMIL had control over the sources of supply for the dealer's products and tied the purchase of desired cars to the sale of high-priced and unwanted cars to its dealers and HMIL designated sources of supply for complementary goods for dealers as well, which resulted in a "tie-in" arrangement in violation of Section 3(4)(a) of the Act.

**Finding:** The Commission found Hyundai Motor India Limited (HMIL) to be in contravention of the provisions of Section 3(4)(e) read with Section 3(1) of the Competition Act, 2002 for imposing arrangements upon its dealers which resulted in Resale Price Maintenance in sale of passenger cars manufactured by it. Such arrangements also included monitoring of the maximum permissible discount levels through a Discount Control Mechanism. Further, HMIL was found to have contravened the provisions of Section 3(4)(a) read with Section 3(1) of the Act for mandating its dealers to use recommended lubricants/ oils and penalising them for the use of non-recommended lubricants and oils.

**Decision:** Decision: Apart from issuing a cease and desist order dated June 14, 2017 against HMIL, the Commission imposed a penalty of Rs. 87 crore upon HMIL for the anti-competitive conduct. The penalty was levied @ 0.3% of the average relevant turnover of HMIL for preceding three years. The Commission noted in its order that for the purposes of determining the relevant turnover for the impugned infringement, revenue from sale of motor vehicles alone had been taken into account.

**2. Delhi Jal Board Vs. Grasim Industries Ltd. & others (Ref. Case No. 03/2013) & Delhi Jal Board Vs. Grasim Industries Ltd. & others (Ref. Case No. 04/2013)**

**Allegation:** In Ref. Case No. 03/2013, Delhi Jal Board, the Informant had alleged that Grasim Industries Limited (GIL), Aditya Birla Chemicals (India) Limited (ABCIL), Gujarat Alkalies and Chemicals Limited (GACL) and Kanoria Chemicals and Industries Limited (KCIL) had indulged in collusive tendering/bid-rigging of the tenders floated by it for the procurement of Poly Aluminium Chloride (PAC) pertaining to the period from 2006-07 till the year 2012.

In Ref. Case No. 04/2013, Delhi Jal Board, the Informants' alleged bid-rigging/collusive tendering by the same companies as in Ref. Case No. 03/2013 (except for GACL) and Punjab Alkalies & Chemicals Ltd. (PACL) with respect to tenders for the procurement of liquid chlorine (LC) floated by the Informant for the period from 2006-07 till 2012.

**Finding:** While rejecting the plea of being single economic entity taken by GIL and ABCIL, the Commission noted in the order that these two companies were not only separate legal entities but also had participated in these tenders individually and separately. Further, the Commission noted that the concept of single economic entity had no application in the context of the proceedings initiated under Section 3(3) of the Act, especially in a case of bid-rigging/collusive bidding.

**Decision:** Apart from issuing a cease and desist order against the above companies, the Commission imposed a penalty of Rs. 2.30 crore, Rs. 2.09 crore and Rs. 1.88 crore upon GIL, ABCIL and GACL for the anti-competitive conduct. The penalty was levied @ 8 % of the average relevant turnover of GIL and ABCIL for preceding three years. In case of GACL, penalty was levied @ 6 % of the average relevant turnover of preceding three years. The conduct of GIL and ABCIL was noted by the Commission as egregious as these companies while apparently submitting separate bids, prepared and finalised the same through common channels creating a façade of competitive landscape.

Vide separate order dated October 05, 2017 passed in another reference filed by DJB in respect of alleged bid-rigging in the tenders floated for Liquid Chlorine- another chemical used for purification of water. The Commission found no contravention as no analysis was done by the Director General with respect to basic price, transportation cost, taxes and policy of profit margin of the parties as was done in the previous reference.

**3. Express Industry Council of India Vs. Jet Airways (India) Ltd. & others (Case No. 30/2013)**

**Allegation:** It was alleged that the Jet Airways India Ltd., Indigo Airlines, Spice Jet along with Air India Limited ("Air India") and Go Airlines (India) Limited ("Go Air") engaged in an act of cartelization by colluding to introduce and subsequently revise the fuel surcharge ("FSC") levied on cargo being transported through these airlines. It was claimed that FSC had been increased by the airlines by almost the same rate and from almost the same date on numerous occasions since 2008, and this was indicative of a concerted action.

**Finding:** The Commission found that the 3 airlines namely Jet Airways India Ltd., Indigo Airlines and Spice Jet acted in a concerted manner in fixing and revising the FSC rates and thereby contravened the provisions of Section 3(3)(a) of the Act.

**Decision:** The Commission imposed penalties of Rs. 39.81 crore, Rs. 9.45 crore and Rs. 5.10 crore upon Jet Airways (India) Ltd., Inter Globe Aviation Limited and Spice Jet Limited respectively. In addition, a cease and desist order was also issued against the Airlines.

The Commission deprecated the Airlines for using FSC as a pricing tool which was essentially introduced to mitigate the fuel price volatility.

The final order was passed by the Commission on March 7, 2018 pursuant to the directions issued by the erstwhile Competition Appellate Tribunal remanding the matter back while setting aside the original order dated November 11, 2015 of the Commission.

#### **4. Matrimony.com Limited Vs. Google LLC (Google) & others (Case no. 07/2012) & Consumer Unity & Trust Society (CUTS) Vs. Google LLC & others (Case no. 30/2012)**

**Allegation:** It was alleged in the information that Google runs its core businesses of search and search advertising in an unfair and discriminatory manner, causing harm to the publishers, advertisers and consumers. It was also alleged that Google was creating an uneven playing field by unduly favouring its own services. Google was leveraging its strong position in various online search market to enter into and enhance its position in ancillary markets. Not only does that cause direct harm to competitors in vertical markets, it also caused direct harm to other website owners, since their websites were moved down on Search Engine Result Page (SERP). Hence, they received less clicks as a result of lessened traffic. Further, this also harmed consumers as they no longer received the most relevant results at the top of SERP.

**Finding:** The Commission in its order dated January 31, 2018 noted that the allegations against Google in respect of search results essentially centred around the design of SERP. The Commission noted in its order that product design was an important and integral dimension of competition and an undue intervention in designs of SERP could affect legitimate product improvements. The Commission further observed in its order that Google, being the gateway to the internet for a vast majority of internet users due to its dominance in the online web search market, was under an obligation to discharge its special responsibility.

Against this backdrop, the Commission found prominent display of Commercial Flight Unit by Google on Search Engine Result Page (SERP) with link to Google's specialised search options/ services (Flight) in contravention of the provisions of Section 4(2)(a)(i) of the Act. The Commission noted in its order that Google through its search design has not only placed its commercial flight unit at a prominent position on SERP, it has also allocated disproportionate real estate thereof to such units to the disadvantage of verticals trying to gain market access. Besides, it was also found that Google has provided a further link in such commercial units which leads users to its specialised search result page (Google Flight) resulting into unfair imposition upon the users of general search services as well.

The Commission also noted in the order that ranking of Universal Results prior to 2010 were pre-determined to trigger at the 1st, 4th or 10th position on the SERP instead of by their relevance.

**Decision:** The aforesaid practices of Google were unfair to the users and thus were noted to be in contravention of the provisions of Section 4(2)(a)(i) of the Act. However, the Commission noted in its order that since October 2010, Google made display of such results on free floating basis. Accordingly, taking Google's submission on record, the Commission refrained from issuing any cease order and directed Google to desist from such a practice in future.

Further, prohibitions imposed under the negotiated search intermediation agreements upon the publishers have been held to be unfair as they restricted the choice of these partners and prevented them from using the search services provided by competing search engines. Imposition of unfair conditions on such publishers by Google has been held to be in contravention of the provisions of Section 4(2)(a)(i) of the Act.

Based on findings of contraventions against Google, the Commission imposed a penalty of Rs.135.86 crore upon Google after taking into account its revenue from its India operations only.

#### **5. Shri Satyendra Singh Vs. Ghaziabad Development Authority (GDA) (Case No. 86/2016)**

**Allegation:** Sh. Satyendra Singh was an allottee of a low cost residential flat under the Pratap Vihar residential housing scheme announced by GDA in 2008 for the Economically Weaker Sections. It was alleged that GDA arbitrarily increased the sale price of the flat from Rs. 2,00,000/- to Rs. 7,00,000/- without any enabling provision to that effect in the Brochure of the Scheme or in the allotment letter issued by it and thereby indulged in unfair and arbitrary practices and has misused its dominant position.

**Finding:** Subsequent to the investigation made by DG, the Commission found GDA to be in contravention of the provisions of Section 4(1) read with Section 4(2)(a)(i) of the Act for abusing its dominant position by imposing unfair condition on the allottees from economically weaker sections in its Pratap Vihar Residential Housing Scheme.

**Decision:** The Commission vide order dated February 28, 2018 imposed a penalty of Rs. 1,00,60,794/- on GDA for the said anti-competitive conduct. In addition, a cease and desist order was also issued against GDA.

#### **6. Shri Vipul A. Shah Vs. All India Film Employee Confederation & others (Case no. 19/2014)**

**Allegation:** The Informant Vipul Shah, approached the Commission alleging that some of the provisions of the Memorandum of Understanding (MoU) dated October 01, 2010 signed between Federation of Western India Cine Employees and Producer Associations, Indian Motion Picture Producers Association, Film and Television Producers Guild of India and Indian Film and Television Producers Council relating to member-to-member working, fixation of wages, charging for extra shift, etc. were anti-competitive.

**Finding:** Subsequent to the investigation made by DG, the Commission found All-India Film Employee Confederation, Federation of Western India Cine Employees (FWICE) & its affiliates and three producer associations i.e. Indian Motion Picture Producers Association (IMPPA), Film and Television Producers Guild of India (FTPGI) and Indian Film and Television Producers Council (IFTPC) to be in contravention of the provisions of Section 3 of the Act. The Commission found that Clause 6 of the said MoU which mandated that the producer can only engage with the members of FWICE and its affiliates and Clause 18 of the MoU which provided for the constitution of vigilance committee to enforce Clause 6 were in violation of Section 3(3)(b) read with Section 3(1) of the Act.

**Decision:** The Commission vide order dated October 31, 2017 issued a cease and desist order against the aforesaid associations in respect of the conduct found to be in contravention of the Act. However, no monetary penalty was imposed on any of the associations as the Commission, taking into account the peculiarity of facts and totality of circumstances, noted that some of the parties to the MoU are association of daily wage earners and practice was in existence since 1966.

#### **7. Sh. Surinder Singh Barmi vs Board of Control for Cricket in India (Case No 61/2010)**

**Allegation:** The informant Surinder Singh Barmi filed an information before the Commission against the Board of Control for Cricket in India (BCCI) for abusing its dominant position on account of its assurance to the broadcasters of Indian Premier League (IPL) that BCCI shall not organise, sanction, recognise, or support another professional domestic Indian T20 competition that is competitive to IPL, for a sustained period of ten years.

**Findings:** The Commission held that BCCI was having a dominant position in the relevant market for 'organisation of professional domestic cricket leagues/ events in India'. The Commission vide its order dated February 08, 2013, found the conduct of the Board of Control for Cricket in India to be in contravention of Section 4 of the Competition Act, 2002 (the Act). Aggrieved by the same, BCCI filed an appeal before the erstwhile Hon'ble Tribunal (COMPAT). The erstwhile Hon'ble COMPAT, vide its order dated February 23, 2015, had set aside the Commission's order dated February 8, 2013 on the ground of violation of principles of natural justice and remitted the matter to the Commission for fresh disposal. The matter was considered afresh by the Commission and after following the due procedures under the Act, the Commission passed its order on November 29, 2017. In its detailed order, the Commission observed that competition cases relating to sports associations/ federations usually arise due to the conflict between their regulatory functions and their economic activities.

The Commission also recognized the role of sports federation in taking measures to serve the integrity or development of the sport. However in the facts and circumstances of the case, the Commission found that the impugned restriction had no nexus to the legitimate interest of cricket in the country. Rather, the restriction was pursued by BCCI to enhance the commercial interest of the bidders of IPL broadcasting

rights and the consideration in turn received by BCCI. Such restriction, without any plausible justification, was held to be denial of market access for organization of professional domestic cricket leagues/ events in India, in contravention of the provisions of Section 4(1) read with Section 4(2)(c) of the Act.

**Decision:** In its order passed on November 29, 2017, the Commission imposed a penalty of Rs. 52.24 crore on BCCI for indulging into the anti-competitive conduct. Other directions with regard to cease and desist and corrective measures were also prescribed by the Commission in the said order.

#### **8. Cochin Port Trust Vs. CTOCC and others (Ref. Case No. 6 of 2014)**

**Allegation:** In a reference filed by Cochin Port Trust, it was brought to the notice of the Commission that Container Trailer Owners Coordination Committee (CTOCC) and its four participating associations, namely Cochin Container Carrier Owners Welfare Association (CCCOWA), Vallarpadam Trailer Owners Association (VTOA), Kerala Container Carrier Owners Association (KCCOA) and Island Container Carrier Owners Association (ICCOA) have indulged in unilateral fixation of prices, under the garb of 'Turn System'. It was alleged that, during the Turn System, the users and container trailers were obliged to book services only through this centrally controlled system and that CTOCC was restraining outside transporters from lifting the containers which was impeding the ability of the users to hire trailers of their choice.

**Finding:** Following a detailed investigation by the DG, the Commission found that CTOCC, along with the participating associations (namely, CCCOWA, KCCOA, ICCOA and VTOA), has resorted to price fixing under the garb of the Turn System. In terms of Section 3(3)(a) read with Section 3(1) of the Act, the presumption arose against the said arrangement leading to AAEC, which was not satisfactorily rebutted by these associations, despite being given ample opportunity. Thus, the Commission held them to be in contravention of the provisions of Section 3(3)(a) read with Section 3(1) of the Act.

**Decision:** The Commission vide order dated August 01, 2017 held CTOCC, CCCOWA, KCCOA, ICCOA and VTOA to be in contravention of the provisions of Section 3(3)(a) read with 3(1) of the Act. Further, the Commission has also found 10 office bearers of CTOCC, CCCOWA, KCCOA, ICCOA and VTOA, responsible under Section 48 of the Act, on account of the positions of responsibility held by them in these associations during the period of contravention. Accordingly, CTOCC, CCCOWA, KCCOA, ICCOA and VTOA and their office bearers were directed to desist from indulging in the anti-competitive conduct found to be in contravention of the provisions of the Act. But keeping into consideration certain mitigating factors, the Commission decided not to impose any monetary penalty on any of the parties.

#### **9. Sudeep P.M & Ors. Vs. All Kerala Chemist and Druggist Association (Case No. 54 of 2015)**

**Allegations:** Four stockists (wholesalers) in the State of Kerala had alleged that All Kerala Chemist and Druggist Association ('AKCDA') and its district level associations at Thrissur and Kasargod were insisting the requirement of a No Objection Certificate (NOC) prior to the appointment of any stockists, in



contravention of the provisions of Section 3 of the Act, despite cease and desist orders of the Commission in earlier cases involving similar issues. The Commission, *prima-facie*, found merit in the allegations and directed the Director General ('DG') to carry out investigation in the matter.

**Findings:** Based on the evidence collected by the DG during investigation in this case, the Commission concluded that AKCDA and its District Units at Thrissur and Kasargod have been indulging in the practice of NOC prior to the appointment of stockists by pharmaceutical companies, which was limiting and controlling the supply of drugs in the State of Kerala, in violation of the provisions of Section 3(1) read with 3(3)(b) of the Act. Further, the Commission has also found office bearers of AKCDA and its District Units at Thrissur and Kasargod, responsible under Section 48 of the Act, for their involvement in the anti-competitive practice.

**Decision:** Accordingly, AKCDA, its District Units at Thrissur and Kasargod, and their office bearers were directed vide order dated October 31, 2017 to cease and desist from indulging in the practice of insisting NOC prior to stockist appointment. Further, the Commission imposed a monetary penalty at the rate of 10 % of the average income of AKCDA and its district units under the provisions of Section 27 of the Act. In addition, monetary penalties were imposed on the office bearers of AKCDA and its District units, Thrissur and Kasargod, at the rate of 10% of their respective incomes.

#### **10. Reliance Agency Vs. Chemists and Druggists Association of Baroda and others (Case No. 97 of 2013)**

**Allegations:** One of the stockists based in Vadodara filed an information alleging that despite an earlier order of the Commission in the year 2012, Chemists and Druggists Association of Baroda ('CDAB'), through its practices, has continued to limit and control the supply of drugs and medicines in the market by mandating 'No Objection Certificate' ('NOC') prior to appointment of stockists and payment of 'Product Information Service' ('PIS') charges prior to introduction of new products in the market by pharmaceutical companies.

**Findings:** Investigation carried out by the DG revealed involvement of the State level association, i.e. the Federation of Gujarat State Chemists and Druggists Association ('Gujarat Federation'), besides CDAB, in the alleged conduct. After detailed enquiry, the Commission has found that CDAB and the Gujarat Federation were indulging in the anti-competitive practice of insisting NOC prior to the appointment of new stockists by pharmaceutical companies. Further, the Gujarat Federation was found to be carrying on the practice of allowing introduction of new products in the market subject to payment of PIS charge and its approval. These practices were held to be limiting and controlling supplies of drugs/medicines in the market, in contravention of Section 3 (3) (b) read with Section 3 (1) of the Act. Further, the Commission has held the office bearers of CDAB and Gujarat Federation, namely Shri V.T. Shah (President, CDAB), Shri Jashvant Patel (President, Gujarat Federation), to be responsible under Section 48 of the Act, for their involvement in the anti-competitive practices.

**Decision:** Accordingly, CDAB, Gujarat Federation and their office bearers, were directed vide order dated January 04, 2018 to cease and desist from indulging in the aforesaid anti-competitive practice. Further, the Commission imposed a monetary penalty of Rs. 1,08,588/- and Rs. 11,11,549/-, calculated at the rate of 10% of the average income of CDAB and the Gujarat Federation, respectively, under the provisions of Section 27 of the Act. Penalties were also imposed upon the respective Presidents of CDAB and Gujarat Federation, calculated at the rate of 10% of their respective average incomes.

This case is yet another example of how competitive markets and fair-play are being compromised by the persisting anti-competitive behaviour of the chemist and druggist associations at the regional as well as State level in the distribution of drugs/medicines. The Commission viewed it as a serious matter that despite various orders by the Commission in similar cases and specific directions through a press notice, chemist and druggist associations have not mended their ways and have continued to indulge in such anti-competitive conduct. Considering the larger public interest involved in the distribution of drugs/medicines, the Commission deprecated such a conduct and its perpetration in any form by those responsible, be it the associations, stockists/distributor/wholesaler/retailer and the pharmaceutical companies. Given the widespread and continuing indulgence in the anti-competitive practices, the Commission clarified that it intends to keep a close watch on the conduct by all such entities in various parts of the country and would not hesitate to take action, wherever deemed necessary.

**11. Western Coalfields Limited Vs. SSV Coal Carriers Private Limited & others (Case No. 34 of 2015)**

**Allegation:** The instant information was filed by Western Coal Fields Ltd. (WCL), one of the eight subsidiary companies of Coal India Limited (**‘Informant’**) pursuant to the quoting of identical prices by the ten transporters viz. SSV Coal Carriers Private Limited and Others (**OPs**), who were engaged in the business of providing transport services in colliery areas including sand and coal transportation. The Informant had approached the Commission upon noticing identical price quoted by bidders in four tenders floated for coal and sand transportation.

**Findings:** After a detailed investigation by the DG and hearing the parties on the investigation report, the Commission found that the OPs were in an agreement to fix prices resulting in bid-rigging in the tenders floated by Informant. Identical price quotes given by the OPs up to the second decimal for different jobs in the same tender, social and business relationship, financial dealings and identical price quotes given in earlier tenders were considered as circumstances indicating bid-rigging. The said conduct was found to be in contravention of the provision of Section 3(3)(d) read with Section 3(1) of the Act. Further, the Commission has also found eight officials of the bidders to be liable under Section 48 of the Act as responsible for running the business or for being a part of the impugned conduct.

In its order, the Commission noted that such conduct in public procurement besides defeating the tendering process, has an adverse impact on the process of competition resulting in deprivation of efficient outcomes

that would have followed otherwise.

**Decision:** The Commission vide order dated September 14, 2017 directed the OPs to cease and desist from indulging in such conduct. A total penalty of Rs. 11.85 crore was also imposed on the OPs and the individuals, calculated at the rate of 4% of their average turnover or income during the last three financial years.

**(b) Legislative work**

During the year 2017-18, the Commission amended its Competition Commission of India (Lesser Penalty) Regulations, 2009 commonly known as lesser penalty regulations in order to encourage market players, which are parties in any cartel to come forward and provide vital information to the Commission to bust cartel and in return avail the benefit of lesser penalty.

The Commission has increased the scope of leniency provisions by amending the definition of ‘applicant’ under of Regulation 2(1)(b). The amended definition has increased the scope of applicant by allowing an individual who has been involved in the cartel on behalf of an enterprise to submit an application for lesser penalty to the Commission. Earlier, the scope of ‘applicant’ was limited to only ‘enterprise’ who is or was a member of a cartel to submit application and avail the benefit of lesser penalty.

The Commission, in its orders passed under Section 27 of the Act, has imposed penalty on the enterprises as well as on its office bearers under Section 48 of the Act. However, since the benefit of lesser penalty was available only to the enterprises and not to the office bearers, the office bearers were unable to get the benefit of giving any information to the Commission relates to the cartel.

Another significant amendment in the regulations was related to the quantum of benefit which can be given to the applicant. The amended regulation provides that an applicant may be provided benefit of reduction in penalty up-to or equal to one hundred percent, if the applicant is the first to make a vital disclosure by submitting evidence of a cartel, enabling the Commission to form a *prima-facie* opinion regarding the existence of a cartel. Further, Regulation 4(c) provides that the applicant marked as second in the priority status may be granted reduction of monetary penalty up to or equal to fifty per cent of the full penalty leviable; and the applicant marked as third or subsequent in the priority status may be granted reduction of penalty up to or equal to thirty per cent of the full penalty leviable.

Moreover, amended Regulation 6 provides that the identity of the applicant as well as the information, documents and evidence furnished by the applicant shall be treated as confidential by the Commission or the Director General. It can be disclosed only if it is either required by the law or, the applicant has agreed to such disclosure in writing or, there has been a public disclosure by the applicant. Also, if the Director General considered it necessary to disclose the identity or the information furnished by the applicant then it can be done only by obtaining prior approval of the Commission in writing.

Lastly, the provision related to the Confidentiality is also applicable during inspection of file by the parties.

**(c) Outreach programme**

In pursuit of its objectives as enunciated in Competition Act, 2002 (the Act) and the mandate given under Section 49 of the Act, the Commission conducts advocacy programmes to enhance the outreach among a wide spectrum of stakeholders. This becomes imperative as competition law is applicable to all the entities engaged in economic/commercial activities. As such it has been the endeavour of the Commission to sensitize them about the nuances of competition law to promote competition in the economy.

As per mandate of the Act, the Commission, during the year 2017-18, has proactively engaged with various stakeholders viz. Central & State Governments, PSUs, Trade Associations, Educational and Research Institutions, Professional Bodies etc. by way of various advocacy programmes including lectures, seminars, conferences, workshops and other interactive sessions to inculcate the indispensability of fair competition in the economy and for establishing robust competition architecture in the country.

The aim of such advocacy programmes is to have competition coherent policies and practices in government and enterprises, to convince stakeholders about the innate advantages of competition regime, to build the capacity of stakeholders and to complement the law enforcement activities of the Commission.

In this endeavour, the Commission conducted 107 advocacy programmes, including 6 capacity building programmes with stakeholders, 41 advocacy initiatives with Central & State Governments and PSUs, 35 advocacy initiatives with Trade Associations and Institutions and 25 advocacy programmes with universities/institutes.

Notably, as a part of above programmes, a nationwide online Essay Competition was organised on topics of competition law for students pursuing Under Graduate courses and Post Graduate courses. Also, to create awareness among law students and to equip them to deal with intricacies of competition law, the Commission sponsored 7 Moot Court competitions in National Law Universities.

During the year under review, following measures were also undertaken in order to supplement advocacy efforts of the Commission.

- Four issues of Commission's quarterly newsletter '**Fair Play**' published.
- **Compliance Manual for Enterprises** (to have a comprehensive Competition Compliance Programme in their organisation) published.
- **"Diagnostic Tools- towards Competitive Tenders"** was brought out to help Departments/organisations in reviewing their tender processes with regard to competitiveness.
- Internship for 89 students (from various colleges and universities) on competition law.

**(iv) Capacity building**

As the Commission is conceived as an expert body, continuous updating and upgradation of employees'

skills and knowledge has always been a priority. It has a dedicated unit called, Capacity Building Division (CBD) which spearheads this initiative. CBD develops innovative approaches and strategies for capacity enhancement and takes up programmes which helps employees in improving their performance and achieving organizational objectives. Main activities of CBD are:

- (a) Organization of domestic training programs for employees such as induction training, in-house trainings, and trainings in collaboration with premier academic institutions
- (b) Knowledge Management activities such as peer-to-peer knowledge sharing, organization of lectures under Distinguished/ Special Visitors Knowledge Sharing Series (DVKS/SVKS), sector specific study etc., and
- (c) Other activities aiming towards building organizational capacity, developing leadership and providing exposure to employees for preparing them for higher responsibilities in their assignments.

**(v) International engagement**

The Commission recognizes the importance of international cooperation for exposure to best practices, capacity building and knowledge sharing for which it has been engaging with various competition authorities across the globe. The Commission has been attending meetings and conferences organised by multilateral organisations such as Organization for Economic Co-operation and Development (OECD), International Competition Network (ICN), United Nations Conference on Trade and Development (UNCTAD) etc.

During the financial year 2017-18, 17 officers of the Commission participated in 12 training programmes outside India.

Section 18 of the Competition Act provides that the Commission may, for the purpose of discharging its duties or performing its functions under this Act, enter into any memorandum or arrangement with the prior approval of the Central Government, with any agency of any foreign country. The Commission has entered into six MoUs (Memorandum of Understanding) until March, 2018. In the year 2017-18, the Commission processed two MoUs i.e., (i) MoU with Japan Fair Trade Commission (JFTC) (ii) MoU with Administrative Council for Economic Defense (CADE) Brazil for which Government of India approval is awaited.

The Commission has been making regular contributions at various round tables during the conferences/ meetings of OECD. The Commission submitted papers on “Cooperation between Competition Agencies and Regulators in Financial Sector” and “Safe Harbours and Legal Presumptions in Competition Law”. Also, the Commission, in collaboration with OECD-Korea Policy Centre, organised workshop on “Best Practices in Cartel Procedure” during October 24-26, 2017 in New Delhi.

The Commission is a member of International Competition Network (ICN) and has been an official invitee to all the meetings, seminars, conferences and workshops organized by it. The Commission successfully hosted the 17th ICN Annual Conference during March 21-23, 2018 at The Ashok, New Delhi.

**(vi) Most active sectors**

The Commission deals with two types of matters viz. anti-trust and combinations. The sector wise distribution points out the potential areas for focussed attention of the Commission in terms of enforcement and advocacy initiatives. In terms of allegations of anti-trust conduct, the real estate sector has been topping the list every year since the law came into force. Other prominent sectors with high incidence of alleged antitrust conduct are the Finance, Entertainment, Pharmaceuticals and Automobiles. The sectoral distribution of anti-trust conduct noted by the Commission is presented in Table No. A2.

**Table No. A2: Sector-wise Distribution of Anti-Trust Matters noted by the Commission (as on March 31, 2018)**

No.	Sector	09-10	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	Total
1	Real Estate	0	17	28	21	25	43	34	22	10	200
2	Financial Sector	17	9	5	4	8	7	3	3	8	64
3	I & B (Film/ Entertainment/TV/Print Media)	4	15	11	10	4	3	5	7	7	66
4	Health/Pharmaceuticals	3	3	3	6	9	9	9	7	2	51
5	Automobiles	4	1	3	3	7	8	2	72	4	104
6	Information Technology	2	3	4	4	6	4	7	5	3	38
7	Petroleum/Gas	4	3	3	5	3	5	13	2	4	42
8	Railways	2	3	2	1	6	8	1	3	1	27
9	Civil Aviation	6	3	1	3	3	1	6	0	1	24
10	Power	3	1	4	0	3	5	1	2	6	25
11	Chemicals & Fertilizers	3	0	0	2	6	4	1	0	0	16
12	Iron & Steel	3	1	3	2	2	1	0	0	0	12
13	Coal	0	1	1	5	3	1	4	4	2	21
14	Miscellaneous	30	16	24	28	30	29	35	34	24	250
	<b>Total</b>	<b>81</b>	<b>76</b>	<b>92</b>	<b>94</b>	<b>115</b>	<b>128</b>	<b>121</b>	<b>161</b>	<b>72</b>	<b>940</b>

The sectoral distribution of combination notices received by the Commission is shown in Table No. A3

**Table No. A3: Sector-wise Distribution of Combination Notices received by the Commission\* (as on March 31, 2018)**

No.	Sector	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	Total
1	Finance & Markets	8	16	4	16	25	12	9	90
2	Pharmaceutical & Health Care	3	4	7	15	11	14	2	56
3	IT & Services	3	6	3	5	12	6	5	40
4	Chemicals & Petrochemicals	2	1	2	9	11	3	3	31

No.	Sector	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	Total
5	Auto and Auto Components	5	5	3	6	4	8	0	31
6	Mining & Metals	4	3	2	6	2	3	6	26
7	Power & Power Generation	4	1	4	3	1	9	2	24
8	Media & Entertainment	3	6	0	3	2	4	0	18
9	Food & Refined Oil	0	3	2	2	5	6	3	21
10	Miscellaneous	15	18	19	26	38	40	30	25
	<b>Total</b>	<b>47</b>	<b>63</b>	<b>46</b>	<b>91</b>	<b>111</b>	<b>105</b>	<b>60</b>	<b>523</b>

\*excluding invalidated/withdrawn notices

### **(vii) Impact on consumers and economy**

Competition law aims to make markets work fairly for the market participants through enforcement and advocacy. Competition law enforcement deals with anti-competitive practices arising from the acquisition or exercise of market power by firms, unilaterally, or in concert, that result in consumer harm in the form of higher prices, lower quality, limited choices and lack of innovation. Effective enforcement supplemented by proactive advocacy fosters an environment of competition compliance and deters anti-competitive conduct by market participants, thereby ensuring well-functioning markets, which are vital for efficiency and economic growth.

During the year, the Commission has decided various matters relating to anti-competitive agreements and abuse of dominant position that impact consumers and the economy in traditional as well as new economic sectors. The Commission has levied monetary penalty on Hyundai Motor India Ltd., All Kerala Chemists and Druggists Association, Google etc.

## B. Investigations and Inquiries ordered by the Commission

### (1) Investigation and Inquiry relating to Sections 3 and 4 of the Act

The Commission enquires 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) on receipt of 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. Pursuant to examination of such alleged contravention, the Commission forms an opinion if there exists a *prima-facie* case in the matter. If it finds that there exists a *prima-facie* case, it directs the DG to cause an investigation into the matter under Section 26(1) of the Act. On the other hand, if the Commission 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.

**Table No. B1: Year-wise Disposal of Alleged Contraventions of Section 3 and 4 of the Act (2017-18)**

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)& others	
2009-10	-	50	31	-	-	81	23	6	52
2010-11	52	-	71	-	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
2015-16	33	-	117	3	1	121	23	97	34
2016-17	34	-	84	04	73	161	100	68	27
2017-18	27	-	67	02	03	72	23	54	22
<b>Total</b>	-	50	757	29	104	940	400	518	-

The receipt and disposal of matters during 2017-18 is presented in Table No. B2.



**Table No. B2: Alleged Contraventions of Section 3 and 4 of the Act noticed in 2017-18**

No.	Case	No. of Cases received from/under						Total
		Section 19(1)(a)	MRTPC	Suo-Moto	Section 19(1)(b)			
					Central Government	State Government	Statutory Authorities	
1	Pending at the beginning of the year*	26	-	-	01	-	-	27
2	Received during the year	67	-	03	01	01	-	72
3	Total	93	-	03	02	01	-	99
4	Where <i>prima-facie</i> violations noticed	18	-	03	02	-	-	23
5	Where no <i>prima-facie</i> violations noticed	50	-	-	-	01	-	51
6	Pending at the close of the year 6=(3-4+5)	25	-	-	-	-	-	22*

\*1 case was withdrawn by the informant and in 2 cases miscellaneous orders were passed for closing the matter.

The DG conducts investigations into the alleged contraventions of the Act, or any rules or regulations made thereunder, as and when directed by the Commission to do. Based on the findings of the investigation and pursuant to proceedings conducted in compliance with the principles of natural justice, the Commission passes final orders under different sections of the Act. The disposal of cases of alleged contraventions of Sections 3 and 4 of the Act till 31st March, 2018 is presented in Table No. B3.

**Table No. B3: Disposal of Alleged Contraventions of Section 3 and 4 till March 31, 2018**

No.	Matters	No.
1	Matters taken note of through Information/Reference/Suo-Moto/MRTPC	940
2	Closed without Investigations under Section 26(2)	512
3	Misc./Other orders at <i>prima-facie</i> stage	3
4	Investigations Ordered under Section 26(1)	400#
5	Investigations Completed	284*
6	Orders passed after Investigations	211**
7	Orders passed under Section 27	114
8	Orders passed under Section 26(6)	93
9	Misc./Other orders after receipt of DG report	4

# Does not include 2 cases which were clubbed with another cases and closed under section(s) 26(6) and 27 without referring to DG.

\*This refers to investigation reports received u/s 26(3). However, in 4 cases the matters have been referred back for supplementary investigation.

\*\* In one case [93/2015] the order u/s 27 was passed as the facts were similar to another case [01/2014] for which DG report was already received.

## (2) Investigations and Enquiries undertaken by Director General

Year-wise details of investigations ordered by the Commission and their disposal by the DG are presented in Table No. B4.

**Table No. B4: Investigations Ordered and Completed as on March 31, 2018**

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
2015-16	61	23	32	52
2016-17	52	100	23	129
2017-18	129	23	36	112*
<b>Total</b>	-	<b>400</b>	<b>288*</b>	-

\*After including 4 cases in which order u/s 26(1) has been set aside by High Courts.

It may be noted that in some cases, the Commission also orders supplementary investigations. This report presents the data and analysis of original investigations and not supplementary investigations, unless indicated otherwise. During 2017-18, DG received 23 matters for investigation under Section 26(1) of the Act and submitted investigation reports in 40 matters which included 4 cases which have been set aside by various courts.

**Table No. B5: Investigations by Director General in 2017-18**

No.	Particulars	No. of Investigations		
		Original	Supplementary	Total
1	Matters pending at the beginning of the year	129	8+5 (Remanded cases)=13	142
2	Matters received during the year	23	<b>8+1*=9</b>	32
3	Matters Disposed of during the year	36	<b>13</b>	49
4	Matter pending at the end of the year	116**	9	125**

\*Directions were received from the Competition Appellate Tribunal vide order dated 18.11.2016 to investigate a case in which Commission had passed final orders earlier.

\*\* This includes four cases which have been set aside by High Courts. Appeals have been made in the Hon'ble Supreme Court against these orders.

## C. Orders passed by the Commission

While taking note of an alleged contravention of Section 3 or 4 of the Act, the Commission takes a view if there exists a *prima-facie* case for investigation. In case it exists, the Commission passes an order under Section 26(1) for investigation. If it does not, the Commission closes the matter by an order under Section 26(2) of the Act. If no case is made out on completion of the investigation, the Commission may close the matter by an order under Section 26(6). If there is any contravention, the Commission will pass an order under Section 27 of the Act if it agrees with the investigation. Occasionally, a matter may warrant interim directions. In such cases, the Commission issues interim orders under Section 33 of the Act. In case not all Members of the Commission hold the same view in the matter, an order may be passed with a dissent note by the dissenting Members. The details of orders passed by the Commission till March 31, 2018 are presented in Table No. C1.

**Table No. C1: Orders Passed by the Commission in Anti Trust Cases**

Year	Number of Cases Disposed of by Orders				
	u/s 26(1) and 26(2) & other misc orders (a)	u/s 26(6) & other misc orders (b)	u/s 27	u/s 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	4	119
2013-14	122	8	13	10	153
2014-15	114	2	20	8	144
2015-16	119	17	14	3	153
2016-17	167	04	7	01	179
2017-18	77	6	12	01	96
<b>Total</b>	<b>916</b>	<b>97</b>	<b>113</b>	<b>58</b>	<b>1184</b>

Orders under column (a) are those orders that are passed when the information is received e.g. under Section 26(1), under Section 26(2) or in a few cases miscellaneous orders e.g. informant given permission to file fresh information or withdraw the information. Orders under column (b) are those orders that are proposed when the DG report has been received. Some are under Section 26(6) and other miscellaneous. During 2017-18, out of total 77 matters disposed of, the Commission did not find any violation of the Act at *prima-facie* stage in 51 matters and therefore, closed the said matter under Section 26(2) of the Act. In

remaining 26 matters, investigations were ordered under Section 26(1) of the Act. Out of which, 6 matters were closed by the Commission after investigation under Section 26(6) of the Act. The Commission found contravention in 12 matters and passed order under Section 27 of the Act. Table No. C2 presents these details. Brief details of orders passed under Section 27 of the Act are presented in Part D of this report.

**Table No. C2: Orders Passed by the Commission under Section 3 and 4 in 2017-18**

Description	Section of the Act	No. of Cases
Where no <i>prima-facie</i> case found	26(2)	51
Where no case was found after investigations	26(6) & other orders	6
Where contravention was finally proved	27	12

## D. Execution of Orders of the Commission and Penalties

### (1) Monetary penalties

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

The amounts of monetary penalty imposed and realised till March 31, 2018 are presented in Table No. D1. The Commission has levied an aggregate penalty of Rs. 13,523.88 crore in 135 cases. However, most of the orders of the Commission are under appeal before the National Company Law Appellate Tribunal (NCLAT) or under challenge before various High Courts or at the Supreme Court. In a few cases, such penalties have been deposited by appellant at such appellate forum. No case has been referred to Income Tax Department for recovery of penalty as provided under Section 39(2) of the Act.

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

Year	No. of cases	Penalty Imposed	Realised	Refunded	Being Refunded	Net Penalty Realised as on March 31, 2018 (Rs. Crore)		
						Realised without resorting to Section 39(2)	Referred to Income Tax Authorities for Realisation	Realised by Income Tax Authorities
2011-12	21	860.38	1.78	0.72	-	1.06	-	-
2012-13	17	7,156.18	28.49	13.13	0.48	14.88	-	-
2013-14	18	688.36	55.42	51.80	-	3.62	-	-
2014-15	21	2,592.39	19.96	0.37	0.02	19.57	-	-
2015-16	15	1,501.64	8.4	0.01	-	8.39	-	-
2016-17	17	288.28	5.89	-	-	5.89	-	-
2017-18	26	436.65	1.04	-	-	1.04	-	-
<b>Total</b>	<b>135</b>	<b>13,523.88</b>	<b>120.98</b>	<b>66.04</b>	<b>0.50</b>	<b>54.46</b>	-	-

The distribution of penalties levied under various Sections of the Act over the years is presented in Table No. D2

**Table No. D2: Break up of Monetary Penalties for Various Contraventions**  
(Cases in number; Penalty in Rs. Crore)

Section	2011-12		2012-13		2013-14		2014-15		2015-16		2016-17		2017-18		Total	
	Cases	Penalty	Cases	Penalty	Cases	Penalty	Cases	Penalty	Cases	Penalty	Cases	Penalty	Cases	Penalty	Cases	Penalty
27	16	857.53	11	7,155.48	11	682.39	12	2,580.75	10	1,495.20	4	208.39	12	432.22	76	13,411.97
42	-	-	-	-	2	2.47	3	1.9	-	-	-	-	1	1.76	6	6.13
43	5	2.85	5	0.65	2	1.00	2	0.74	1	0.38	1	0.16	3	1.65	19	7.43
43A	-	-	1	0.05	3	2.50	4	9	3	6.05	10	6.70	7	0.46	28	24.76
44	-	-	-	-	-	-	-	-	-	-	-	-	1	0.50	1	0.50
45	-	-	-	-	-	-	-	-	-	-	-	-	1	0.02	1	0
48	-	-	-	-	-	-	-	-	1	0.01	2	73.03	1	0.04	4	73.08
<b>Total</b>	<b>21</b>	<b>860.38</b>	<b>17</b>	<b>7,156.18</b>	<b>18</b>	<b>688.36</b>	<b>21</b>	<b>2,592.39</b>	<b>15</b>	<b>1,501.64</b>	<b>17</b>	<b>288.28</b>	<b>26</b>	<b>436.65</b>	<b>135</b>	<b>13,523.88</b>

In case No. 61/2010 revised order u/s 27 dated November 29, 2017 has been issued. However, the penalty has been shown in 2012-13.

**Table No. D3: Monetary Penalties Imposed and Realised by the Commission during 2017-18**

No.	Section of the Act	No. of Cases	Penalty Imposed (Rs. Crore)	Penalty Realised as on March 31, 2018		
				Realised without resorting to Section 39(2)	Referred to Income Tax Authorities for Realisation	Realised by Income Tax Authorities
1	27	12	432.22	0.73	-	-
2	42	1	1.76	-	-	-
3	43	3	1.65	-	-	-
4	43A	7	0.46	0.31	-	-
5	44	1	0.50	-	-	-
6	45	1	0.02	-	-	-
7	48	1	0.04	-	-	-
<b>Total</b>		<b>26</b>	<b>436.65</b>	<b>1.04</b>	-	-

Summary details and status of the monetary penalty imposed as per orders of the Commission in 2017-18 are presented in Table No. D4.

**Table No. D4: Details of Orders passed in 2017-18 imposing Monetary Penalty**

No.	Date of Order	Case No.	Parties to the Case	Amount of Penalty (Rs. Lakh)	Recovery Status as on March 31, 2018
<b>Under Section 27 of the Act</b>					
1	Jun 14, 2017	36/2014 & 82/2014	Fx Enterprise Solutions India Private Limited Vs. Hyundai Motor India Limited (36/2014) St. Antony's Cars Private Limited Vs. Hyundai Motor India Limited. (82/2014)	8700	Order stayed by National Company Law Appellate Tribunal.
2	Sep 14, 2017	34/2015	Western Coalfields Limited Vs. SSV Coal Carriers Private Limited & others	1181.71	Out of 10 OPs, Order stayed by National Company Law Appellate Tribunal in respect of 8 OPs. With respect to remaining 2 OPs steps being taken for recovery of penalty as per the provisions of the Competition Act.
3	Oct 5, 2017	Ref 03/2013 & Ref 04/2013	Delhi Jal Board Vs. Grasim Industries Ltd. & others (Ref. Case No. 03/2013) Delhi Jal Board Vs. Grasim Industries Ltd. & others (Ref. Case No. 04/2013)	627	Order stayed by National Company Law Appellate Tribunal.
4	Oct 31, 2017	54/2015	Sudeep P.M. & others Vs. All Kerala Chemists and Druggists Association	9.98	The parties have deposited the penalty.
5	Nov 29, 2017	61/2010	Board for Control of Cricket in India (BCCI)	5224	Fresh order issued. Stayed by National Company Law Appellate Tribunal
6	Jan 4, 2018	97/2013	Reliance Agency Vs. Chemists and Druggists Association of Baroda & others	13.16	Steps being taken for recovery of penalty as per the provisions of the Competition Act.
7	Jan 10, 2018	61/2013	Surendra Prasad Vs. Maharashtra State Power Generation Company Limited & others	13568	Order stayed by National Company Law Appellate Tribunal.
8	Jan 31, 2018	07/2012 & 30/2012	Matrimony.com Limited Vs. Google LLC & others (07/2012) Consumer Unity & Trust Society (CUTS) Vs. Google LLC & others (30/2012)	13586	Steps being taken for recovery of penalty as per the provisions of the Competition Act.

Competition Commission of India

No.	Date of Order	Case No.	Parties to the Case	Amount of Penalty (Rs. Lakh)	Recovery Status as on March 31, 2018
9	Feb 28, 2018	86/2016	Shri Satyendra Singh Vs. Ghaziabad Development Authority	100.6	Steps being taken for recovery of penalty as per the provisions of the Competition Act.
10	Mar 7, 2018	30/2013	Express Industry Council of India Vs. Jet Airways (India) Limited & others	5436	Steps being taken for recovery of penalty as per the provisions of the Competition Act.
		<b>Total</b>		<b>48446.45</b>	
<b>Under Section 42 of the Act</b>					
1	Jan 4, 2018	42/2012	Swastik Stevedores Private Limited Vs. Dumper Owners Association & others	176.10	Steps being taken for recovery of penalty as per the provisions of the Competition Act.
		<b>Total</b>		<b>176.10</b>	
<b>Under Section 43 of the Act</b>					
1	Jun 21, 2017	SM 01 of 2014	In Re: Cartel in supply of LPG cylinders	10	Steps being taken for recovery of penalty as per the provisions of the Competition Act.
2	Nov 14, 2017	107/2015	Nuziveedu Seeds Limited & others Vs. Mahyco Monsanto Biotech (India) Limited & others	150	Penalty to be enforced subject to the order of the Hon'ble High Court of Delhi.
3	Jan 31, 2018	62/2016 (Misc Appl 03/2017)	Informant against Association of Man made Fibre Industry of India & others	5	Steps being taken for recovery of penalty as per the provisions of the Competition Act.
		<b>Total</b>		<b>165</b>	
<b>Under Section 43A of the Act</b>					
1	Apr 13, 2017	C-2015/05/276	Cairnhill CIPEF Limited and Cairnhill CGPE Limited	5	The party has deposited the penalty
2	Jun 07, 2017	C-2015/09/312	Avago Technologies Limited	10	The party has deposited the penalty
3	Jun 09, 2017	C-2016/03/384	Future Consumer Enterprise Limited	10	The party has deposited the penalty



Competition Commission of India

No.	Date of Order	Case No.	Parties to the Case	Amount of Penalty (Rs. Lakh)	Recovery Status as on March 31, 2018
4	Apr 26, 2017	C-2015/07/293	Notice filed by EMC Limited - EMC/MKN	5	The party has deposited the penalty
5	Dec 11, 2017	C-2017/02/485	Notice given by ITC Limited	5	Order stayed by National Company Law Appellate Tribunal.
6	Jan 24, 2018	C-2017/05/508	Notice given by Akira Marketing Private Limited & others	1	The party has deposited the penalty
7	Mar 12, 2018	C-2015/02/246	Notice given by Ultra Tech Cement Limited	10	Steps being taken for recovery of penalty as per the provisions of the Competition Act.
<b>Total</b>				<b>46</b>	
<b>Under Section 44 of the Act</b>					
1	Mar 12, 2018	C-2015/02/246	Notice given by Ultra Tech Cement Limited	50	Steps being taken for recovery of penalty as per the provisions of the Competition Act.
<b>Total</b>				<b>50</b>	
<b>Under Section 45 of the Act</b>					
1	Jan 31, 2018	62/2016 (Misc Appl 01 and 02/2017)	Informant against Association of Man made Fibre Industry of India & others	2	Steps being taken for recovery of penalty as per the provisions of the Competition Act.
<b>Total</b>				<b>2</b>	
<b>Under Section 48 of the Act</b>					
1	Sep 14, 2017	34/2015	Western Coalfields Limited Vs. SSV Coal Carriers Private Limited & others	3.87	Out of 08 OPs, Order stayed by the National Company Law Appellate Tribunal in respect of 05 OPs. With respect to remaining 03 OPs, steps being taken for recovery of penalty as per the provisions of the Competition Act.
<b>Total</b>				<b>3.87</b>	

## (2) Matters Referred to Chief Metropolitan Magistrate, New Delhi under Section 42

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, (s)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 or with both as the Chief Metropolitan Magistrate may deem fit.

**Table No. D5: Matters Referred to Chief Metropolitan Magistrate, New Delhi under Section 42**

No.	Complaints	Number
(i)	Complaints pending at the beginning of the year	22
(ii)	Complaints made during the year	0
(iii)	Total number of complaints	22
(iv)	Complaints disposed of out of (i) above	0
(v)	Complaints disposed of out of (ii) above	0
(vi)	Complaints disposed of during the year	0
(vii)	Complaints pending at the end of the year	22

**Table D6: Imposition of Lesser Penalties under Section 46**

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 Competition Act, 2002 (Act) may prefer an appeal to the National Company Law Appellate Tribunal (NCLAT). The judicial review of orders passed by Commission by NCLAT 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 NCLAT may prefer an appeal to the Hon'ble Supreme Court.

It may be noted that in exercise of the powers conferred by Section 156 of the Finance Act, 2017, the Central Government notified May 26, 2017 as the date on which the provisions of PART XIV of Chapter VI of the Finance Act came into force. Consequently, erstwhile Tribunal that is Competition Appellate Tribunal (COMPAT) hearing Appeals from the orders of Commission stood merged with NCLAT and consequently any appeal, application or proceeding pending before COMPAT also stood transferred to NCLAT.

### (1) Appeals received and disposed of by NCLAT/COMPAT

The incidence of orders of the Commission being appealed against is presented in Table No. E1.

**Table E1: Appeals against Final Orders of the Commission**

Year	No. of Final Orders Passed by Commission	No. of Appeals filed against orders passed by the Commission	Percentage of Orders Appealed (%)
2009-10	6	2	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
2015-16	130	34	26.15
2016-17	79	31	39.24
2017-18	66	37	56.06
<b>Total</b>	<b>777</b>	<b>258</b>	<b>33.20%</b>

The disposal of appeals by the NCLAT/COMPAT over the year is presented in Table No. E2. It is observed that during 2017-2018, the NCLAT/COMPAT has disposed of 26 appeals against 20 orders of the Commission till March 31, 2018.

**Table No. E2: Disposal of Appeals by COMPAT/NCLAT**

Year	No. of Orders Passed by COMPAT/ NCLAT			
	Disallowed (Upholding Commissions' Order)	Allowed (Setting Aside Commissions' Orders)	Out of Appeals allowed remanded to Commission	Total
2009-10	0	1	0	1
2010-11	8	0	0	8
2011-12	15	1	1	16
2012-13	35	5	0	40
2013-14	64	44	44	108
2014-15	45	6	2	51
2015-16	49	87	67	136
2016-17	47	69	19	116
2017-18	24	2	0	26
<b>Total</b>	<b>287</b>	<b>215</b>	<b>133</b>	<b>502</b>

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

Out of the 26 matters disposed by the NCLAT/COMPAT during 2017-18, 18 appeals pertained to Commission's orders u/s 26(2) and 5 appeals pertained to Commission's orders u/s 27 as per the Table No. E3:

**Table No. E3: Section-wise disposal of appeals during 2017-18**

Section 26 (2)	18
Section 27	5
Others	3
<b>Total disposed matters</b>	<b>26</b>

The details of disposal of appeals by NCLAT/COMPAT during 2017-18 are presented in Table E4. NCLAT/COMPAT allowed appeals in 02 cases and disallowed in 24 cases.

**Table No. E4: Receipt and Disposal of appeals by COMPAT/NCLAT during 2017-18**

Description	(Number)		
	Opening Balance	Added during 2017-18	Total
Appeals	39	68	107
Appeals Disallowed	0	24	24
Appeals Allowed (setting aside Commissions order)	0	2	2
Out of Appeals allowed remanded to Commission	0	0	0
Appeal Pending	-	-	81

**(2) Brief write-up on the appeals allowed by the National Company Law Appellate Tribunal (NCLAT)**

**a) T.A. (AT) (Competition) No. 31/2017 (Old Appeal No 56/2016 before COMPAT); The Karnataka Chemists and Druggists Association & Others Vs Competition Commission of India and others**

T.A.(AT)(Competition) No. 31/2017 arises from Commission’s Order dated July 28, 2016 passed in Case 71/2013 under Section 27 of the Competition Act, 2002 (‘Act’) where it had found the opposite parties to have contravened the provisions of the Act. OP-1(Karnataka Chemist and Druggist Association/KCDA) was found to have contravened the provisions of Section 3(1) read with Section 3(3)(b) of the Act. OP-4 (Lupin) and OP-1(KCDA) entered into an anti-competitive arrangement/understanding/coordination in violation of the prohibition contained in Section 3(1) of the Act. Officials of OP-1 and OP-4 were also found guilty under Section 48(2) of the Act.

The Appeals were preferred by OP-1 (KCDA) as Appeal No. 56/2016 and by OP-4 (Lupin) as Appeal No 40/2016 separately before erstwhile COMPAT. In normal course, appeals arising against the same impugned order are tagged and decided together. However, COMPAT did not tag the matters and decided to hear the Appeals separately. It allowed Appeal No. 40/2016 on December 7, 2016. As COMPAT was not able to pass a final order in Appeal No. 56/2016, the matter stood transferred on May 26, 2017 to National Company Law Appellate Tribunal (NCLAT). It was renumbered as T.A. (AT) (Competition) No. 31/2017.

NCLAT vide its order dated September 9, 2017 allowed T.A. (AT) (Competition) No. 31/2017 in similar terms on the ground that the impugned order of the Commission has already been set aside by COMPAT vide order dated December 7, 2016 in Appeal No 40/2016. NCLAT also noted that since the aggrieved

persons have moved before the Hon'ble Supreme Court in appeal, the appellants and respondents both sides will be governed by the decision of the Hon'ble Supreme Court, as may be rendered.

**b) Competition Appeal (AT) No. 07/2017; DV Rajasekhar Vs Competition Commission of India**

Competition Appeal (AT) No. 07/2017 relates to alleged cartelisation in supply of LPG Cylinders procured through e-tenders dated October 28, 2011 and January 24, 2013 by Hindustan Petroleum Corporation Limited (HPCL). In this case, the Commission vide order dated January 2, 2014, directed the DG under Section 26(1) of the Act to cause an investigation and submit an investigation report.

In relation to the said investigation, DG issued summons as well as sent an email dated July 4, 2016 to the Appellant, Mr. D. V. Rajasekhar, Managing Director, Shri Shakti Cylinders Pvt. Ltd. to appear for examination and give evidence. Despite many opportunities granted in this regard, the Appellant/OP refused to provide any such information or cooperate. Consequently, the Commission imposed a penalty of Rupees Five Lakh on the Appellant under Section 43 of the Act for non-compliance of DG's directions.

An appeal against the aforesaid order of the Commission was filed before the NCLAT. NCLAT vide its order dated January 29, 2018 allowed the appeal wherein, NCLAT took note of the undertaking given by the Appellant that he would co-operate with the investigation and hand over the additional documents to the DG and set aside part of the impugned order dated March 21, 2018 whereby penalty of Rupees Five Lakh was imposed on the Appellant.

**(3) Jurisprudence evolved by Hon'ble Supreme Court of India**

a) Hon'ble Supreme Court in Excel Crop Care Ltd vs CCI & Anr vide its Judgment dated 08.05.2017, invoking the principle of proportionality, advocated the criteria of 'relevant turnover' for the purpose of imposition of penalty under Section 27(b) of the Act. It was held that in the absence of specific provision as to whether such turnover has to be product specific or entire turnover of the offending company, adopting the criteria of 'relevant turnover' for the purpose of imposition of penalty will be more in tune with ethos of the Act and the legal principles which surround matters pertaining to imposition of penalties. The Judgment has laid the foundation for penalty imposition under the Indian Competition Law regime, bringing finality to determination of penalty on the parties guilty of anti-competitive behavior.

Further, Supreme Court also held that the entire purpose of DG investigation is to cover all necessary facts and evidence in order to see as to whether there are any anti-competitive practices adopted by the persons complained against. For this purpose, no doubt, the starting point of inquiry would be the allegations contained in the information. However, while carrying out this investigation, if other facts also get revealed and are brought to light, revealing that the 'persons' or 'enterprises' had entered into an agreement that is prohibited by Section 3 which had appreciable adverse effect on the competition, the DG would be well within his powers to include those as well in his report.

b) Further, Hon'ble Supreme Court in CCI vs. Fast Way Transmission Pvt. Ltd. and others vide its judgment dated 24.01.2018 held that once a dominant position is made out on facts, whether both the parties are competitors or not is a factor that is irrelevant for the purpose of application of Section 4(2)(c) {Denial of Market Access} of the Act. The Hon'ble Supreme Court observed that the words "in any manner" under Section 4(2)(c) are of wide import and must be given their natural meaning.

c) Further, Hon'ble Supreme Court vide its order dated 07.05.2018 has clarified its earlier observations in the Judgment dated 07.03.2017 (CCI vs Coordination Committee of Artists & Technicians of WB Film and TV Industry & Ors), to the limited extent that the determination of 'relevant market' is not a mandatory pre-condition for making assessment of the alleged violation under Section 3 of the Act.

## F. Matters received regarding Combination

The provisions relating to combinations came into force on June 1, 2011. The Act defines combination to mean acquisition of one or more enterprises by one or more persons or merger or amalgamation of enterprises, whose value of asset or turnover meet the threshold specified under the Act. The Act prohibits any combination which causes or likely to cause an appreciable adverse effect on competition (AAEC) within the relevant market in India. Parties proposing to enter into a combination are 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 regulate it accordingly. Under Section 20(1) of the Act, the Commission may, upon its own knowledge or on receiving information relating to a combination inquire into whether the same has caused or is likely to cause an AAEC in India (*Suo moto cases*). Table No. F1 presents the details of notices received and disposed of till March, 2018.

**Table No. F1: Receipt and Disposal of Combination Notices during 2011-18**

Year	Notices				Disposed of by				Closing Balance (Nos.)	Average No. of working days for Disposal
	Opening Balance	Received	Suo Moto	Total	Without Modification	With Modification	Rejection	Invali-d / With-drawn		
2011-12	-	48	-	48	40	-	-	1	7	16
2012-13	7	67	-	74	65	-	-	3	6	17
2013-14	6	47	-	53	44	-	-	2	7	18
2014-15	7	97	1	105	82	3	-	6	14	24
2015-16	14	117	8	139	107	-	-	12	20	26
2016-17	20	111	2	133	104	2	-	11	16	29
2017-18	16	61	3	80	63	6	-	4	7	23
<b>Total</b>		<b>548</b>	<b>14</b>		<b>505</b>	<b>11</b>	<b>-</b>	<b>39</b>		

**Note:** Figures have been recast to include all notices received.

During 2017-18, the Commission received 61 notices under Section 6(2) and 3 notices pursuant to initiation of inquiry under section 20(1) of the Act. The Act and regulations framed thereunder provides for two types of forms (Form I & II) for notification. Form II is more detailed than Form I and is to be filed when the combined market shares of the parties who are competitors (i.e., horizontal combinations), is more than 15 per cent or is more than 25 per cent in vertically linked markets. Out of the 64 notices, 49 were filed



in Form-I and 15 were filed in Form-II. As on March 31, 2018, 7 notices were pending for assessment. Sector-wise break-up of the 64 notices (along with their respective shares in total notices filed) is as follows: Finance and Markets (15%); Mining & Metals (10%); Information Technology and Services (8%); PVC & Chemicals (5%); Food & Refined Oil (5%); Pharmaceuticals and Health care (3%); Power & Power Generation (3%); and Miscellaneous (50%). The Commission took final decision on 73 notices during 2017-18 and a number of these combinations were approved with modifications involving divestitures such as in the case of Dow - DuPont, Chemchina - Syngenta, Agrium – Potash and FMC – DuPont. Details regarding the notices received and disposed of in 2017-18 are presented in Table No. F2.

**Table No. F2: Receipt and Disposal of Combination Notices during 2017-18**

No.	Particulars	Number
i	Number of matters pending at the beginning of the year	<b>16</b>
ii	Number of notices received during the year	<b>64</b>
iii	Total number of notices under consideration at the end of the year	<b>07</b>
iv	Number of combinations decided by the Commission*:	<b>73*</b>
	a) in ≤ 30 days	<b>65</b>
	b) in 31-60 days	<b>06</b>
	c) in 61-120 days	<b>-</b>
	d) in 121-210 days	<b>02</b>
v	Number of combination notices ordered for enquiry:	<b>Nil</b>
vi	Number of combination notices not disposed of within 210 days, with brief reasons therefore, and combinations deemed to have been approved	<b>Nil</b>
vii	Number of combinations not approved by the Commission with brief reasons therefore:	<b>Nil</b>

\* 4 combination notices were invalidated during the financial year 2017-18 which were filed during the same financial year (2017-18).

\*\*Section 6(2A) of the Act prescribes a maximum of 210 days for examination of a notice of Combination. However, as per Regulation 19(1) of the Competition Commission of India (Procedure in regard to transaction of business relating to combinations) Regulations, 2011, the Commission has obligated itself to form the *prima-facie* opinion under Section 29(1) of the Act within 30 working days of the receipt of the Notice, thereby benefitting stakeholders.

In relation to combinations, the Central Government in exercise of the powers conferred by clause (a) of Section 54 of the Act, in public interest, has issued four notifications during the year, thereby exempting certain class (es) of enterprises. The details of such exemption notifications are given in Section G (3) of this report.

## 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 policies relating to trade, commerce, industry, business, investment, disinvestment, 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, some of the interventions by the State 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, Section 49 of 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 - Section 49(1)

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

**Table No. G1: References received from Central Government**

No.	Description	Number							
		2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
(i)	Number of references pending at the beginning of the year	-	-	-	-	-	-	-	-
(ii)	Number of references received during the year	-	1	-	-	1	-	-	-
(iii)	Total	-	1	-	-	1	-	-	-
(iv)	Number of references disposed of out of (i)	-	-	-	-	-	-	-	-
(v)	Number of references disposed of out of (ii)	-	1	-	-	1	-	-	-
(vi)	Total number of references disposed of during the year	-	1	-	-	1	-	-	-
(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	NA	NA	NA

## (2) References from State Governments - Section 49(1)

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

**Table No. G2: References received from State Governments**

No.	Description	Number							
		2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
(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 Central Government	NA	NA	NA	NA	NA	NA	NA	NA

## (3) Notifications of Central Government - Section 54

The Central Government is empowered to exempt, by notification, from the application of the Act, or any provision thereof, and for such period as it may specify in such notification:

- (i) any class of enterprises if such exemption is necessary in the interest of security of the State or public interest;
- (ii) 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
- (iii) any enterprise which performs a sovereign function on behalf of the Central Government or a State Government.

3.1 In exercise of this power, the Central Government issued four notification in 2017-18. Pursuant to these notifications the Central Government, in public interest, exempted:

- (a) Regional Rural Banks in respect of which the Central Government has issued a notification under sub-section (1) of section 23A of the Regional Rural Banks Act, 1976 (21 of 1976), from the application of provisions of sections 5 and 6 of the Competition Act, 2002 for a period of five years from the date of publication of this notification in the Official Gazette. (notification dated August 10, 2017).
- (b) all cases of reconstitution, transfer of the whole or any part thereof and amalgamation of nationalized banks, under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980), from the application of provisions of Sections 5 and 6 of the Competition Act, 2002 for a period of ten years (notification dated August 30, 2017).
- (c) all cases of combinations under section 5 of the Act involving the Central Public Sector Enterprises (CPSEs) operating in the Oil and Gas Sectors under the Petroleum Act, 1934 (30 of 1934) and the rules made thereunder or under the Oilfields (Regulation and Development) Act, 1948 (53 of 1948) and the rules made thereunder, along with their wholly or partly owned subsidiaries operating in the Oil and Gas Sectors, from the application of the provisions of sections 5 and 6 of the Act, for a period of five years (notification dated November 22, 2017).

3.2 The Central Government vide its notification dated 29th June, 2017 has done away with the requirement of filing notice within 30 days mentioned in sub-section (2) of section 6 of the said Act. However, the same is subject to the provisions of sub-section (2A) of section 6 and section 43A of the said Act.

#### **(4) Directions of Central Government- Section 55**

No directions were issued by the Central Government during the period under review.

## 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 could 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. Section 21A of 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 not been widely used either by statutory authorities or by the Commission.

**Table No. H1: References received from Statutory Authorities**

No.	Description	Number							
		2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
(i)	Number of references pending at the beginning of the year	-	-	-	-	-	-	-	-
(ii)	Number of references received during the year	1	-	-	-	-	-	-	-
(iii)	Total	1	-	-	-	-	-	-	-
(iv)	Number of references disposed of out of (i)	-	-	-	-	-	-	-	-
(v)	Number of references disposed of out of (ii)	1	-	-	-	-	-	-	-
(vi)	Total number of references disposed of during the year	1	-	-	-	-	-	-	-
(vii)	Number of references pending at the end of the year	-	-	-	-	-	-	-	-

**Table No. H2: References made to Statutory Authorities**

No.	Description	Number							
		2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
(i)	Number of references pending at the beginning of the year	-	-	-	-	-	4	-	-
(ii)	Number of references received during the year	-	-	-	-	4	1	-	-
(iii)	Total	-	-	-	-	4	5	-	-
(iv)	Number of references disposed of out of (i)	-	-	-	-	-	4	-	-
(v)	Number of references disposed of out of (ii)	-	-	-	-	-	1	-	-
(vi)	Total number of references disposed of during the year	-	-	-	-	-	5	-	-
(vii)	Number of references pending at the end of the year	-	-	-	-	4	-	-	-

## I. Competition Advocacy

Under Section 49 of the Act, the Commission has been specifically mandated to take suitable measures for the promotion of competition advocacy, creating awareness and imparting training about competition issues. Competition advocacy creates a long-term impact among stakeholders and supplements the enforcement of law by the Commission. The long-term aim of competition advocacy is to create a culture of competition in the economy so that the benefits of competition can be reaped by the consumers.

For the purpose of competition advocacy, the Commission has been targeting important stakeholders such as Central & State governments, industries & their associations, Chamber of Commerce, Legal Community academia including students and compliance professionals among others through workshops, seminars and capacity building initiatives on regular basis. The officers of the Commission, meaningfully engaged themselves in such advocacy programmes. Apart from creating general awareness about the competition law, these stakeholders are also sensitised about the competition issues in their respective domain. In case of advocacy with Government, importance is given to competition issues in public procurement and need for competition assessment of legislations. Advocacy programmes with industries or their associations or compliance professionals, are focused to sensitize them about compliance aspects of competition law. The stakeholders are also provided with various kinds of advocacy materials so that they can acquaint themselves on various aspects of competition law.

A summary of various advocacy initiatives taken by the Commission during last five years is shown in Table No. II:

**Table No. II: Advocacy Initiatives**

Year	Number of					
	Advocacy Programme	Interns	Issues of Fair Play	Competition Tracker	Annual Day	Advocacy Booklets
2013-14	69	75	4	-	1	Reprinted with amendments
2014-15	49	79	4	1	1	Reprinted with updation + Booklet on Provisions relating to public procurement was published.
2015-16	73	78	4	-	1	All the Booklets (1 to 9) reprinted with modification/updating. A consolidated single volume comprising of advocacy material printed.
2016-17	122	96	4	1	1	Prepared six booklets for Competition Resource Person.
2017-18	104	89	4	-	1	All the Booklets (1 to 9) were printed in Hindi.

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

The details of workshops, seminars, capacity building initiatives and other interactions undertaken during 2017-18 are presented in Table No. I2:

**Table No. I2: Workshops, seminars capacity building initiatives and other interactions with stakeholders in 2017-18**

No.	Brief Description of the Event	Number of Participants	Dates during which held	Beneficiaries
1	Lecture on Competition Law in Jaya Deva Institute of Management at Noida	50	Apr 1, 2017	Students and faculty of the college
2	The Commission sponsored and adjudged Moot Court Competition at the National University for Advanced Legal Studies (NUALS) Kochi*	40	Apr 8, 2017	Students and faculty of the college
3	Workshop on Competition Law and Policy in India University of Delhi.	35	Apr 10, 2017	Students and faculty of the college
4	Round Table conference on predatory pricing in the telecom sector was held at NIPFP, New Delhi	30	May 23, 2017	Representatives of various stakeholders organisation.
5	Workshop on Integrity and Governance aspects in Public Procurement” New Delhi organised jointly by the Commission and World Bank.	110	Jun 7, 2017	Officers from various PSUs
6	Chairperson and Member of the Commission had a meeting on State Advocacy with Chief Secretary, Himachal Pradesh followed by meeting by Chief Minister of Himachal Pradesh	10	Jun 23, 2017	Officers Himachal Pradesh Govt.
7	IGIDR-PayPal round table on payment systems organised by Indira Gandhi Institute of Development Research (IGIDR) in Mumbai	35	Jun 14, 2017	Representatives of various stakeholders organisation.
8	Economic Times Merger and Acquisition Summit 2017 Mumbai	120	Jun 28-29, 2017	Representatives of various stakeholders organisation.



Competition Commission of India

No.	Brief Description of the Event	Number of Participants	Dates during which held	Beneficiaries
9	Lecture on Competition Law and Public Procurement at Ordnance Factory, at Ambajhari, Nagpur	40	Jul 1, 2017	Officers from Ordnance Factory, Nagpur
10	Lecture on Competition Law and Public Procurement at National Academy of Defence Production, Nagpur	50	Jul 3, 2017	Officers National Academy of Defence Production, Nagpur
11	Panel discussion on Regulatory, Taxation, Finance and Technology Regimes at CII Mergers, Acquisitions and Restructuring Mumbai.	110	Jul 14, 2017	Representatives of various stakeholders organisation.
12	President, Institute of Cost Accountant of India (ICAI) had a meeting with Chairperson, CCI at latter's office.	5	Jul 18, 2017	Members and office bearers from ICAI
13	President Institute of Company Secretaries of India(ICSI) had a meeting with Chairperson, CCI at latter's office.	8	Jul 21, 2017	Members and office bearers from ICSI
14	Secretary, Law and Justice Committee, PHD Chamber of Commerce and Industry (PHDCCI) had a meeting Chairperson, CCI at latter's office.	7	Jul 21, 2017	Members and office bearers from PHDCCI
15	Secretary General Confederation of Indian Industry (CII) had a meeting with Chairperson, CCI at latter's office.	8	Jul 28, 2017	Members and office bearers from CII
16	Secretary General, Federation of Indian Chambers of Commerce and Industry (FICCI) had meeting with Chairperson, CCI at latter's office.	6	Jul 28, 2017	Members and office bearers from FICCI
17	Chairperson and Member CCI had a meeting with Chief Secretary, State of Punjab at Chandigarh followed by meeting with Chief Minister of Punjab	10	Jul 31, 2017	Officers from Punjab Govt.

Competition Commission of India

No.	Brief Description of the Event	Number of Participants	Dates during which held	Beneficiaries
18	Lectures on Competition Law before Committee of Secretaries and other senior officers of the Govt. at Shimla as part of the State Advocacy initiatives with Govt. of Himachal Pradesh.	30	Aug 1, 2017	Officers from HP Govt.
19	Chairperson, CCI took interactive session of Company Secretaries working as senior executives in various companies at Mumbai.	18	Aug 3, 2017	Representatives of various stakeholders organisation.
20	Chairperson, CCI was chief guest and delivered inaugural address at CII Annual Conference on Competition Law and Practices at Mumbai	120	Aug 4, 2017	Representatives of various stakeholders organisation.
21	Chairperson, CCI delivered welcome remarks and had a closed door interaction with the participants during 1st meeting of CII National Committee on Regulatory Affairs 2017-18 at Mumbai	12	Aug 4, 2017	Representatives of various stakeholders organisation.
22	Lectures on Competition Law for Members of Bihar Industry Association at Patna on organised by Department of Industry, Govt. of Bihar.	40	Aug 22, 2017	Officers from Govt of Bihar
23	Lecture on Advance global leadership program organised by Standing Conference of Public Enterprises (SCOPE) at New Delhi.	50	Aug 28, 2017	Officers from, various PSUs
24	Adviser(Advocacy), CCI delivered the Inaugural Address at the 'Train the Trainer' workshop organised by Institute of Cost Accountants of India at Kolkata.	10	Aug 31, 2017	Students and Members of ICSI.
25	Lecture on Competition Law at 14th Capital Markets Summit (CAPAM) Mumbai organised by FICCI	80	Sept 6, 2017	Representatives of various stakeholders organisation.
26	Meeting with Chief Secretary of Haryana State on issues relating to Competition Law at Chandigarh	10	Sept 8, 2017	Officers from Govt of Haryana

Competition Commission of India

No.	Brief Description of the Event	Number of Participants	Dates during which held	Beneficiaries
27	Program on competition law under Resource Person Scheme, Rajkot, Gujarat	70	Sept 9, 2017	Students & members of ICSI
28	CCI adjudged the 5th KIIT University National Moot Court Competition, 2017 Bhubaneswar	60	Sept 10, 2017	Students & faculty of the college
29	Lecture on Competition Act in training course for District Judges and Addl. District Judges Himachal Pradesh	25	Sept 15, 2017	Trainee District Judges and Addl. District Judges
30	Adviser, CCI took interactive session on competition law in Meeting of CII Consumer Electronics and Appliances Manufacturers' Association (CEMA) Members at Gurugram	20	Sept 19, 2017.	Representatives of various stakeholders organisation.
31	Workshop on Cartelisation and Cartel enforcement at New Delhi.	70	Sept 20, 2017	Students and members of ICSI
32	Workshop on competition law and competition issues in pharmaceutical sector, Mumbai	60	Sept 22, 2017.	Member of IDMA
33	Programme with ICSI on Competition Law on "Cartel Enforcement and Leniency"	70	Sept 23, 2017	Students and members of ICSI
34	Interactive session on competition law during Meeting of Steel Committee organised by FICCI in New Delhi	25	Sept 25, 2017	Representatives of various stakeholders organisation.
35	Lecture for RBI Grade B trainee officers at RBI Staff College in Chennai.	30	Oct 4, 2017	Officers from RBI
36	Presentation to IRS officers (40th batch) on "Competition Law an Overview" at National Academy of Direct taxes, Nagpur	40	Oct 13, 2017.	Trainee IRS officers
37	Workshop on "Competition Issues in Public Procurement" at NIFM Faridabad	50	Oct 25, 2017	Trainees officers from various Govt. Department

Competition Commission of India

No.	Brief Description of the Event	Number of Participants	Dates during which held	Beneficiaries
38	Workshop on “The Seminar on Competition Law” organised by University of Petroleum and Energy Studies (UPES), Dehradun	60	Oct 27, 2017	Students and Faculty of the university
39	Workshop on “Mergers & Acquisitions” organised by ASSOCHAM at Bengaluru.	40	Oct 27, 2017,	Representatives of various stakeholders organisation
40	Special session on “Emerging Trends in Consumer Law” organised by Smt. VD. Sidhartha law College, Vijayawada, Andhra Pradesh	30	Oct 28, 2017	Students and Faculty of the college
41	Lecture on Competition Law organised by ICSI in Kolkata	50	Oct 30, 2017	Students and members of ICSI
42	Lecture at ICSI on Cartel Enforcement and other issues at Bhubaneswar	60	Nov 1, 2017	Students and members of ICSI
43	Lecture at ICSI on Cartel Enforcement and other issues at Chandigarh.	70	Nov 2, 2017	Students and members of ICSI
44	Lecture at ICSI on Cartel Enforcement and other issues at New Delhi.	40	Nov 2, 2017	Students and members of ICSI
45	Lecture at ICSI on Cartel Enforcement and other issues organised by ICSI at New Delhi.	75	Nov 2, 2017	Students and members of ICSI
46	Lecture on Cartel Enforcement and other issues organised by ICSI at Coimbatore.	80	Nov 3, 2017	Students and members of ICSI
47	Lecture at ICSI on Cartel Enforcement and other issues at Pune	55	Nov 4, 2017	Students and members of ICSI
48	Lecture at ICSI on Cartel Enforcement and other issues at Bengaluru.	60	Nov 4, 2017	Students and members of ICSI
49	Lecture on “Competition Law in India : Problems and Prospects” organised by KIIT University, Bhubaneswar	70	Nov 10, 2017	Students and faculty of the university

Competition Commission of India

No.	Brief Description of the Event	Number of Participants	Dates during which held	Beneficiaries
50	Lecture on Cartel Enforcement and other issues organised by ICMAI at Ahmedabad	50	Nov 11, 2017	Students and member of IC-MAI
51	Workshop on public procurement organised by Administrative Staff College of India (ASCI) in Bengaluru.	60	Nov 13, 2017	Officer's from various PSUs
52	Workshop on Public Procurement Mumbai organised by ASCI	65	Nov 13, 2017	Officers from various PSUs
53	Workshop on Public Procurement New Delhi Organised by ASCI	55	Nov 15, 2017	Officers from various PSUs
54	Workshop of Public Procurement Organised by ASCI at New Delhi	45	Nov 16, 2017	Officers from various PSUs
55	Cartel Enforcement and other issues organised by ICSI, Ranchi	35	Nov 17, 2017	Members of ICSI
56	Session on competition law at South Region Convention, 2017 organised by ICMAI Madurai	25	Nov 19, 2017	Members of ICSI
57	Workshop on Competition Law, Public Procurement, Bid-rigging and Competition Compliance organised by Institute of Management in Government (IMG), Thiruvanthapuram	30	Nov 20, 2017	Trainees of IMG
58	Adviser, CCI had a meeting with senior officers of the State Government (Telengana) in Hyderabad on issues relating to competition law.	12	Nov 23, 2017	Government Officers
59	Adviser, CCI delivered lecture at Dr. MCR, HRD Institute of Telengana, Hyderabad to Trainee officers	35	Nov 23, 2017	Faculty and students of Institute
60	Workshop on competition law by All India Tyre Manufactures Association in New Delhi.	20	Nov 28, 2017	Representatives from various stakeholders
61	A Session on "Competition Issues in Public Procurement" organised by National Institute of Financial Management (NIFM) Faridabad	40	Dec 4, 2017	Trainees from various Govt. Department

Competition Commission of India

No.	Brief Description of the Event	Number of Participants	Dates during which held	Beneficiaries
62	A Session on trainee officers on competition law organised by National Academy of Defence Finance Management (NADFM) Pune	30	Dec 4-5, 2017	Trainee officers from NADFM
63	Meeting of Adviser (Advocacy), CCI with Adviser(PPP-infra), NITI Aayog on Competition Assessment of legislations New Delhi	5	Dec 5, 2017	Officers of NITI Aayog
64	Keynote address in the seminar on “Re-imagining Competition Policy and Law in the Era of Disruption” organised by CUTS Institute for Regulation & Competition (CIRC) at New Delhi	40	Dec 5, 2017	Members and invites of CUTS
65	Member, CCI addressed Confederation of Indian Industries (CII) Western Regional Council meeting at Ahmedabad	20	Dec 15, 2017	Representatives of various stakeholders organisation.
66	CCI sponsored and adjudged The West Bengal National University of Juridical Sciences (NUJS) National Competition Law Moot Court at Kolkata.*	25	Dec 18,2017	Students and faculty of the college
67	Lecture on “Role of CCI in Financial Sector” in Training programme organised by RBI Staff College in Chennai.	30	Dec 19, 2017	Trainee Officers from RBI
68	Awareness Workshop on Competition Law organised by Pondicherry University in Puducherry	35	Dec 20, 2017	Students and faculty of the college
69	Lecture on Competition Law on National Conference on Trade Facilitation in India – Progress and Way Forward organised by Confederation of Indian Industry New Delhi	40	Dec 20, 2017	Representatives of various stakeholder organisation

Competition Commission of India

No.	Brief Description of the Event	Number of Participants	Dates during which held	Beneficiaries
70	Lecture on Competition law and related Issues organised by All India Rubber manufacturers' Association New Delhi.	35	Dec 22, 17	Representatives of various stakeholders organisation
71	Meeting with Chief Secretary, Chhattisgarh and other senior officers of the State at Naya Raipur.	12	Jan 5, 2018	Officer's from Chhattisgarh Govt.
72	Lecture during MDP on Public Procurement organised by NIFM Faridabad	40	Jan 8, 2018.	Trainee from various Govt. Department
73	Lecture on competition law and other issues organised by FICCI Pune	70	Jan 09, 2018,	Representatives of various stakeholder organisation
74	Lecture during MDP on Public Procurement organised by NIFM Faridabad	30	Jan 11, 2018,	Trainee from various Govt. Department
75	Interactive meeting with Chief Secretary followed by meeting with Chief Minister, Goa at Panaji	8	Jan 12, 2018	Officers from Govt of GOA
76	Lecture on Competition law organised by Principal CDA (WC) Chandigarh.	20	Jan 19, 2018,	Officers of IDAS
77	Address to the participants in the Inaugural Session of 5th International Conference Competition Law & Tech Sector at Bengaluru organised by ASSOCHAM	40	Jan 19, 2018	Representatives of various stakeholders organisation
78	Lecture to District and Session Judges at Judicial Training Academy, Ranchi	25	Jan 28, 2018	Trainees of district and session judges at Training academy, Ranchi
79	The Commission sponsored and adjudged Tamil Nadu National Law School Moot Court Competition 2018 at Tiruchirapalli, Tamil Nadu*	20	Feb 4, 2018	Students and faculty of the college
80	Keynote Address during the Inaugural session of the Asia Pacific Workshop on Innovation, IP and Competition at New Delhi	60	Feb 5, 2018	Representatives of various stakeholders organisation

Competition Commission of India

No.	Brief Description of the Event	Number of Participants	Dates during which held	Beneficiaries
81	Presentation on “Contemporary IP and Competition Issues on Online Platforms” at Asia Pacific Workshop on Innovation, IP and Competition organised by Centre of Innovation, Intellectual Property and Competition (CIIPC), NLU, New Delhi	40	Feb 6, 2018	Students and faculty of the college
82	Program on competition law conducted by IICA at their campus for Industries in Manesar, Haryana	12	Feb 6, 2018.	Representatives of various stakeholders organisation
83	Lecture on ‘Advocacy of Competition Assessment in India: Role of CCI’ organised by ASCI at New Delhi	30	Feb 16, 2018	Officers from various PSUs
84	Lecture on Competition Law organised by All India Rubber manufacturers’ Association at Faridabad	40	Feb 16, 2018	Representatives of various stakeholders organisation
85	Workshop on “Corporate Governance & Regulatory Compliances” at Neyveli, Tamil Nadu.	30	Feb 17, 2018	Officers from various PSUs
86	CCI-NLUD Moot Court was organised in collaboration the NLU Delhi*	50	Feb 16-18, 2018	Students and faculty of the University
87	A lecture on “Competition Law” at National Academy of Customs Indirect Taxes and Narcotics (NACIN), Faridabad.	35	Feb 20, 2018	Trainee officers of NACIN
88	Meeting with Chief Secretary and other Senior Officers of Govt. of Uttarakhand	10	Feb 23, 2018	Officers from Govt of Uttarakhand
89	The workshop on competition law at Damodaram Sanjivayya National Law University (DSNLU), Vishakapatnam.	70	Feb 24, 2018.	Students and faculty of the college
90	A lecture on Competition issues in glass Industry organised by All India Glass Manufacture Association at Firozabad, Uttar Pradesh	60	Feb 24, 2018.	Representatives of various stakeholder organisation



Competition Commission of India

No.	Brief Description of the Event	Number of Participants	Dates during which held	Beneficiaries
91	CCI sponsored and adjudged the DSNLU - 4th Damodaram Sanjivayya National Moot Court Competition, Vishakapatnam.*	25	Feb 25, 2018	Students and faculty of the college
92	Interactive session during CII Eastern Regional Council Meeting at Kolkata.	20	Feb 27, 2017	Representatives of various stakeholder organisation
93	A lecture on “Competition Issues in Public Procurement” and “Competition Impact Assessment” at NIFM, Faridabad	40	Mar 5, 2018.	Trainees from various Govt. Department.
94	A lecture on “Competition Law” at NACIN, ZIT Saket	60	Mar 8, 2018	Officers of NACIN
95	CCI sponsored and adjudged Ninth NLU Antitrust Law Moot Court Competition, 2018 organised by NLU, Jodhpur*	80	Mar 16-18, 2018	Students and faculty of the college
96	Program conducted by IICA at Integrated Association of Micro Small and Medium Enterprises (IAMSME) Faridabad, Haryana	44	Mar 22, 2018.	Representatives of various stakeholders organisation
97	CCI sponsored and adjudged Moot Court Competition organised by Rajiv Gandhi National University of Law (RGNLU), Patiala*	50	Mar 30, 2018 to April 1, 2018	Students and faculty of the college
98	CCI adjudged Moot Court Competition organised by G.D. Goenka University, Gurgaon	70	Mar 25, 2018	Students and faculty of the college

\*Prize money was sponsored by the Commission

**(ii) Paper and studies published for competition advocacy and for creating awareness of competition issues :-**

During the year under report, no such paper was published

**(iii) Capacity building of stakeholders to participate in competition regulatory process.**

**Table No. I3 : Capacity Building of Stakeholders**

No.	Subject matter of the training programme	Number of participants	Dates during which held	Brief intent and the purpose
1.	Workshop for the State Nodal Officers” at HT, House, New Delhi	12	May 22, 2017	Capacity building of State Nodal Officers
2.	Workshop organised by Standing Conference of Public Enterprises (SCOPE) on competition law at New Delhi.	40	Aug 8-9, 2017	Capacity building of Officers from various PSUs
3.	Workshop on Competition Law and Public Procurement Delhi Organised jointly by CCI & World Bank.	110	Aug 11, 2017	Capacity building of Officers from various PSUs
4.	Workshop for senior officers of Himachal Pradesh Govt at Shimla	25	Sep 8, 2017	Capacity building of Officers from Himachal Pradesh Govt
5.	Induction Training Program for ICLS Probationers (7 <sup>th</sup> Batch) at ICLS Academy, Manesar	30	Oct 10-11, 2017	Capacity building of Trainee ICLS officers
6.	Orientation Workshop on Competition Assessment, New Delhi	45	Oct 16, 2017	Capacity building of Representatives from Empanelled institutes

**(iv) Competition related sectoral/regulatory impact assessment; Market studies and research projects carried out by the Commission.**

During the year under report, no such paper was published

**(v) Consultation papers published/placed on website of the Commission**

During the year under report, no consultation paper was published.

**(vi) Analytical papers**

During the year under report, no Analytical paper was published.

**(vii) Other initiatives**

**(A) Fair Play:** 4 Editions of Quarterly Newsletter “Fair Play” have been published and distributed among various stakeholders.

**(B) Compliance Manual for Enterprises:** A Competition Law Compliance Manual containing the basic principles of competition law that impact an enterprise’s relationship with competitors, agents, suppliers, distributors, customers and other third parties was published.

- C. **Diagnostic Tools** for procurement officers for detection of cartels has been published and uploaded on the CCI website.
- D. **Internship:** As a part of Advocacy with students who are important stakeholders, the Commission provides internship to students from the streams of Law, Economics etc. of various universities During the period, 89 students interned in the Commission on various subjects and topics of Competition Law. In addition to general internship, one student pursuing Ph.D. is interning under Internship for Ph.D. students.
- E. **Annual Day:** The Commission celebrated its 8th Annual Day (the day of commencement of the Act) on May 20, 2017. Hon'ble Mr Justice J.S. Khehar, Chief Justice of India, delivered the Annual Day Lecture.



*Hon'ble Mr Justice JS Khehar delivering the Annual Day address at the Hotel The Ashok, New Delhi on the occasion of 8<sup>th</sup> Annual Day of the Commission.*

## J. Administration and Establishment Matters

### (1) Report of the Secretary

#### Introduction

The Commission has a sanctioned strength of 197 posts. This includes 124 posts of professionals from Law, Economics and Finance (including one post of Secretary and one post of Director General) and 73 posts of support staff. Out of the total 124 posts of professionals, 91 posts are earmarked for the Commission and 33 posts are earmarked for DG office. Among the posts for support staff, 65 posts are earmarked for the Commission and 8 posts are for DG office. As per the Recruitment Rules, these posts in the Commission are required to be filled up by direct recruitment, deputation, absorption and promotion. The breakup of sanctioned posts is as under:-

Category	Sanctioned Strength		Total
	Commission	DG's Office	
Secretary	1	0	1
Director General	0	1	1
Professionals	90	32	122
Support Staff	65	08	73
<b>Total</b>	<b>156</b>	<b>41</b>	<b>197</b>

#### 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 Deputy Director to Adviser and of support staff from the level of Office Manager to Joint Director. The number of posts filled on deputation basis as on March 31, 2018 is 51. This includes 17 officers, who have opted later for permanent absorption. The process to fill up the remaining vacant posts in the Commission is ongoing. As per the Recruitment Rules notified by the Government, all the posts in DG office are to be filled up by deputation. Accordingly, a total of 21 posts (13 professionals and 08 support staff) have been filled up by deputation as on March 31, 2018 in the DG office. The process to fill the remaining vacant posts is ongoing.

### **Filling of posts by Direct Recruitment in the Commission**

Five rounds of direct recruitment in the Commission have been completed so far. In the first round of direct recruitment, 18 professionals and 8 support staff were appointed. In the second round, 5 professionals were appointed. In the third round, 1 professional and 2 support staff were appointed. In the fourth round, 20 professionals and 1 support staff were appointment. In the fifth round, 4 professionals and 5 support staff were appointed. In the recently conducted sixth round, 12 professionals and 8 support staff have been selected for appointment.

### **(2) Composition of the Commission**

The Commission consists of one Chairperson and six Members as per the Competition Act, 2002.

During the year, Shri S.L. Bunker, demitted the office of the Member of the Commission on January 31, 2018 on completion of his tenure.

The composition of the Commission as on March 31, 2018 is as per Table No. J1.

**Table No. J1: Composition of the Commission as on March 31, 2018**

No.	Name	Position	Date of Joining
1	Shri D.K. Sikri	Chairperson	Jan 11, 2016
2	Shri Sudhir Mital	Member	Apr 11, 2014
3	Shri Augustine Peter	Member	Apr 11, 2014
4	Shri U. C. Nahta	Member	Aug 12, 2014
5	Justice G.P. Mittal	Member	Jul 9, 2015

### **(3) Meetings of the Commission**

During the year, the Commission held 132 ordinary meetings to discuss and take a view on information received through various sources and hear parties on the various issues raised on the investigation reports submitted by the DG. These meetings have resulted in issuance of 72 orders under Sections 26(2), 26(6) and 27 of the Act (both *prima-facie* and final) during the year. It also held 33 special meetings during the year to discuss important issues with regard to its functioning, administration and other issues.

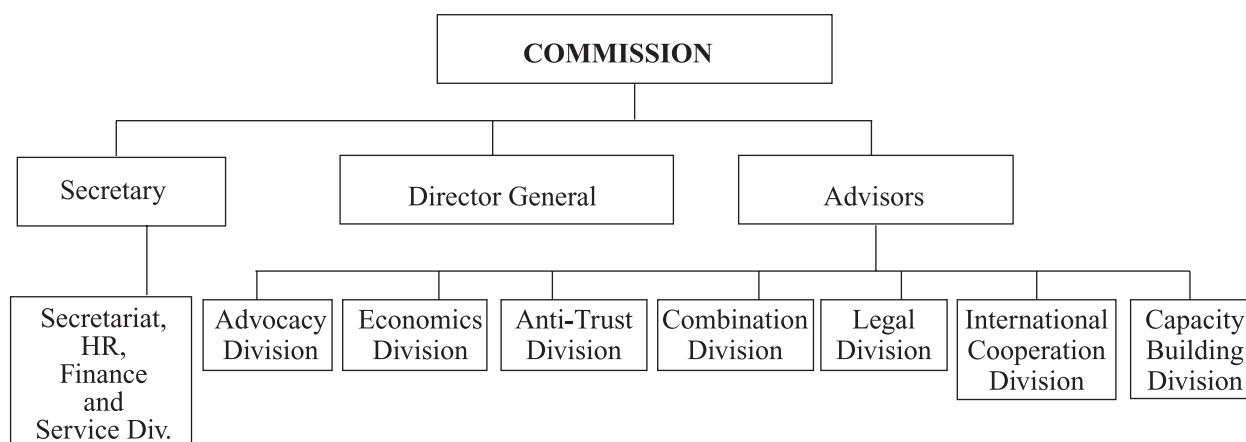
### **(4) Organizational structure**

The Commission's organizational structure was notified in 2010. To further streamline its functioning, the Commission reviewed and modified its organizational structure vide an order dated September 18, 2015. The work of the Commission as on March 31, 2018 is organised into eleven functional Divisions, in addition to Secretariat, as presented in Table No. J2.

**Table No. J2: Organization Structure of the Commission**

No.	Name of the Division
1	Secretariat
2	Administration & Coordination
3	Advocacy
4	Anti-Trust -I
5	Anti-Trust-II
6	Combination
7	Economic
8	Capacity Building
9	International Cooperation
10	Legal - I
11	Legal – II
12	HR

**Organogram**



**(5) Personnel in the Commission**

The details of personnel at various levels in the Commission as on March 31, 2018 along with vacancy are presented in Table No. J3.

**Table No. J3: Incumbency Position in the Commission**

No.	Designation	No. of Sanctioned Posts	No. of posts filled up	No. of Vacant Positions
<b>Professionals</b>				
1	Secretary	1	1	00
2	Adviser (Law)	3	3	00
3	Adviser (Eco)	3	3	00
4	Adviser (FA)	2	1	1
5	Director (Law)	5	2	3
6	Director (Eco)	5	3	2
7	Director (FA)	2	00	2
8	Joint Director (Law)	10	5	5
9	Joint Director (Eco)	10	4	6
10	Joint Director (FA)	4	4	00
11	Deputy Director (Law)	18	6	12
12	Deputy Director (Eco)	18	12	6
13	Deputy Director (FA)	10	4	6
<b>Support Staff</b>				
14	Joint Director (F&A)	1	00	1
15	Joint Director (IT)	1	00	1
16	Deputy Director (CS)	5	4	1
17	Deputy Director (F&A)	1	1	00
18	Deputy Director (IT)	1	00	1
19	Sr. PPS	1	1	00

Competition Commission of India

No.	Designation	No. of Sanctioned Posts	No. of posts filled up	No. of Vacant Positions
20	Assistant Director (CS)	14	12	2
21	Assistant Director (LS)	2	1	1
22	Assistant Director (IT)	3	3	00
23	Assistant Director (F&A)	2	2	00
24	Principal Private Secretary	6	5	1
25	Office Manager (CS)	20	19	1
26	Office Manager (F&A)	4	4	00
27	Office Manager (LS)	1	00	1
28	Private Secretary	3	2	1

The details of personnel at various levels in the office of Director General as on March 31, 2018 along with vacancy are presented in Table No. J4.

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

No.	Designation	No. of Sanctioned Posts	No. of posts filled up	No. of Vacant Positions
<b>Professionals</b>				
1	Director General	1	1	00
2	Additional Director General	4	3	1
3	Joint Director General	8	2	6
4	Deputy Director General	20	7	13
<b>Support Staff</b>				
5	Deputy Director General (CS)	1	1	00
6	Assistant Director General (CS)	3	3	00
7	Office Manager (CS)	4	4	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 are 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 Reservation in Direct Recruitment**

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

**(6) Experts and professionals engaged**

In order to augment its capacity, the Commission has notified the Competition Commission of India (Procedure for Engagement of Experts and Professionals) Regulations, 2009, to avail the services of experts and professionals. In terms of the said Regulations, 55 Research Associates/Experts (40 in Law, 11 in Economics, 02 in FA and 02 in IT stream) were engaged as on March 31, 2018.

**(7) Delegation of power**

As per Section 51 (3) of the Act, the ‘Competition Fund’ shall be administered by a Committee of such Members as appointed by the Chairperson. As per the nomination made by the Chairperson, the Fund

Administering Committee (FAC) during the year initially comprised Shri S. L. Bunker and Shri Sudhir Mital, Members of the Commission and thereafter it was reconstituted comprising of Shri Sudhir Mital and Shri U.C. Nahta, Members of the Commission, as Members of the 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 who provide onsite medical consultancy to the employees on select days every week.

**(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 from September 14-28, 2017.

## K. Budget and Accounts

### Budget estimates and revised estimates

The Central Government extends budgetary support to the Commission in the form of Grants-in-Aid. Initially, a Budget Estimates of Rs. 9418 lakh was provided for 2017-18, which was revised to Rs. 11926.75 lakh as Revised Estimates.

### Receipts under broad categories

The Commission has a 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 (FAC) constituted under Section 51 (3) of the Competition Act, 2002. 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 during 2017-18 have been as under:

**Table No. K1 : Receipts under Broad Categories**

No.	Category	Amount (Rs in lakh)
1	Grants-in-Aid (including grants-in-aid for creation of Capital Asset)	11926.75
2	Fees	1239.58
3	Interest income	482.42
4	Other income	0.82
	<b>Total</b>	<b>13649.57</b>

### Actual expenditure under broad categories

The Commission incurred an expenditure of Rs. 16552.62 lakh during the year 2017-18. The break-up of expenditure in broad categories is as under:

**Table No. K2 : Expenditure under Broad Categories**

No.	Category	Amount (Rs in lakh)
1	Establishment Expenses	2452.57
2	Travel Expenses	202.27
3	Training/Seminar	281.57

No.	Category	Amount (Rs in lakh)
4	Professional charges	731.75
5	Rent	1984.95
6	Advertisement & Publicity	19.87
7	Other Administrative Expenses (excl. Depreciation)	1213.81
8	Fixed Assets (including Capital W.I.P.)	9665.83
	<b>Total</b>	<b>16552.62</b>

### Balance available in the Competition Fund

The balance available in the Competition Fund as on March 31, 2018 is Rs. 5112 lakh.

### Any Other Information

While incurring the expenditure, the Commission follows standards of financial propriety and 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 maintains accounts and other relevant records and prepare an annual statement of accounts in accordance with Competition Commission of India (Form of Annual Statement of Accounts) Rules 2009. The Annual Accounts of the Commission for 2017-18 have been finalised and approved by the Commission. The approved Annual Accounts have been forwarded to the Comptroller & Auditor General of India (C&AG) for conducting audit and certification of the same. The Annual Accounts of the Commission for 2017-18, 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 in before both the Houses of Parliament.

## L. International Co-operation

---

### 1) Memorandums or arrangements signed by the Commission with agencies of foreign countries

As mandated under Section 18 of the Competition Act, 2002, the Competition Commission of India (CCI) has entered into Memorandum of Understanding (MOU), after obtaining approval from the Government of India, with the following competition authorities till March 31, 2018:

1. Federal Trade Commission (FTC) and Department of Justice (DOJ), USA,
2. Director General Competition, European Union (EU),
3. Federal Antimonopoly Service (FAS), Russia,
4. Australian Competition and Consumer Commission (ACCC), and
5. Competition Bureau (CB) Canada.
6. Competition authorities of the Federative Republic of Brazil, the Russian Federation, the Republic of India, the People's Republic of China and the Republic of South Africa (BRICS Countries)

In the year 2017-18, CCI processed two MOUs *i.e.*, (i) MOU with Japan Fair Trade Commission (JFTC); (ii) MOU with Administrative Council for Economic Defense (CADE) Brazil. CCI is waiting for the government approval to sign the MOUs.

### 2) Overseas projects undertaken by the Commission

As a host of the ICN Annual Conference (March 20-23, 2018) the Commission undertook special project on “**Cartel Enforcement and Competition**”. The findings of the project were presented during the conference.

The key role played by trade associations in facilitating cartels was found even in many small or micro enterprises, often in the informal sector. Besides the traditional hotspots of cartel activity, cartel infringements were found in non conventional sectors like pharmaceutical distribution and entertainment. The findings besides highlighting legacy issues, also reported low awareness amongst small and medium enterprises.

One of the key findings of the special report indicated high success rate in public procurement cases. Moreover, tender design was also found to undermine competition and facilitate collusion due to vendor-procurer nexus.

The study also suggested that as per the experiences of mature jurisdictions leniency is a major source of information and evidences. However, there is low awareness of leniency benefits in India. Thus, the focus is on amending regulations related to leniency and promoting advocacy. As highlighted, jurisprudence

had settled some critical issues. Nonetheless, enforcement without advocacy can limit effectiveness of the enforcement of law. The emphasis is on strong and focused advocacy initiative with stakeholders.

### **3) Memberships of International Organizations:**

#### **i. International Competition Network**

The International Competition Network (ICN) is a virtual international organization working to improve and advocate for sound competition policy and its enforcement across the global antitrust community. It comprises 138 competition authorities from 125 jurisdictions across the world. CCI is a member and has been an official invitee to all the meetings, seminars, conferences and workshops organized by the ICN.

The Commission has been Co-chair of the Agency Effectiveness Working Group for 2014-2017 and had led the project on “Competition Agency Staff Training Program” which was presented during the 2017 ICN Annual Conference in Porto, Portugal. CCI has been selected as Unilateral Working Group Project lead for the year 2018-19.

The ICN holds an Annual Conference each year, which is hosted by one of the member competition agencies. Commission successfully hosted the 17th ICN Annual Conference during March 21-23, 2018 in Hotel Ashok, New Delhi. Around 500 professionals attended the Conference from 70 plus countries, which included Heads of competition agencies, representatives and stakeholders consisting of the legal and economic professionals, international organizations and academia.

Shri P. P. Chaudhary, Minister of State for Law and Justice & Corporate Affairs, inaugurated the 2018 ICN Annual Conference and Shri Manoj Sinha, Hon’ble Minister of State for Telecommunications (I /C) and Minister of State for Railways gave the valedictory address.

Being the host of the conference, Commission had undertaken a special report on Cartel Enforcement and Competition that was presented by Shri Devender Kumar Sikri, Chairperson, CCI during the conference. The project involved a study on cartel enforcement in India and takeaways for young jurisdictions.

The ICN has five working groups namely Cartel (CWG), Merger (MWG) , Unilateral Conduct (UCWG), Advocacy(AWG) , Agency Effectiveness (AEWG) . Each of the working groups had plenary and breakout sessions. Each plenary and breakout session had speakers from various jurisdictions and countries providing their experiences. The deliberations during these sessions provided insights into various issues related to competition law and policy. This conference gave exposure to our officers and other participants about international best practices and opportunity to network with the delegates from various countries/competition authorities.

Shri Sudhir Mital spoke during the AWG plenary ‘Advocacy for the Good Times, the Bad Times or Any Time’ and Shri Augustine Peter spoke on the UCWG plenary ‘On-line Markets and Vertical Restraints: The Same Old Story?’

The conference concluded with Commission handing over the baton to the Superintendent of Industry and Commerce, Colombia for hosting the next ICN Annual Conference in 2019.



*Shri P.P. Choudhary, Hon'ble Minister of State for Law and Justice & Corporate Affairs inaugurating the ICN Annual Conference at the Hotel The Ashok in the presence of Shri D.K. Sikri, Chairperson, CCI and Mr Andreas Mundt, President of the Bundeskartellamt, ICN Chair.*



*Members of the Commission at the inaugural session of the conference  
(Left to Right - Shri Sudhir Mital, Shri Augustine Peter, Shri U.C. Nahta, Shri G.P. Mittal)*



*Shri D.K. Sikri, Chairperson, CCI speaking at the 'Special Project Plenary' at the ICN Annual Conference*



*Shri Sudhir Mital speaking at the 'AWG plenary : Advocacy for the Good Times, the Bad Times or Any Time' during the ICN Annual Conference, 2018*





*Shri Augustine Peter, Member CCI speaking at the UCWG plenary at the ICN Annual Conference, 2018*



*Shri Manoj Kumar Sinha, Hon'ble Minister of State (Independent charge) for Telecommunication and Railways at the closing plenary of the ICN Annual Conference*

**ii) BRICS Competition Authorities**

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 MoU on May 19, 2016 during the International Legal Forum held in Saint Petersburg, Russia. The BRICS Competition Authorities meet regularly during the side-lines of ICN & OECD meetings. In 2017-18, the Authorities met during the 5th BRICS International Competition Conference held in Brasilia, Brazil in November 2017 & ICN Annual Conference held during March 2018 in New Delhi.

BRICS Competition Newsletter is an annual publication of the work of the BRICS competition authorities. The first online BRICS Competition Newsletter was published by the Competition Commission of India in August 2015. Second volume of BRICS Newsletter was prepared by FAS Russia and the third volume is being published by Competition Commission of South Africa.

**iii. Organization for Economic Co-operation and Development**

The Commission has an observer status with the Competition Committee of Organization for Economic Co-operation and Development (OECD). Chairperson and Members of the Commission regularly participate in the meetings of OECD Competition Committee and the OECD Global Competition Forum to get exposure to global best practices in the field of competition law and policy.

The Commission has been making regular written contributions at various roundtables during the conferences/meetings of OECD. In the year 2017-18, the Commission submitted papers on “Cooperation between Competition Agencies and Regulators in Financial Sector” and “Competition Issues in Safe Harbour and Legal Presumption in Competition Law”. In addition, CCI submitted replies to the Questionnaire on “Particular Challenges faced by Young and Smaller Authorities” and the survey of “Regulations Affecting the Digital Economy”.

One or two officers of the Commission are regularly invited with financial support for participation in various competition related workshops/seminars organised by OECD- Korea Policy Centre (KPC). The discussions and deliberations at these conferences/ workshops help in capacity building of the officers and resultantly of the Commission.

During 2017-18, officers of the Commission participated in following programs:

- I. One officer attended workshop on “Competition law in Pharmaceutical Sector” from May 23-25, 2017 in Sydney, Australia.
- II. Two officers attended OECD Competition Committee Meeting from June 19-23, 2017 in Paris, France.
- III. One officer attended workshop on “Going After Bid-Rigging” from September 13-15, 2017 in Ulaanbaatar, Mongolia.

- IV. One officer attended 21st International Workshop on Competition Policy jointly organised by OECD KPC and Korea Fair Trade Commission from November 14-17, 2017 in Seoul, South Korea.
- V. Chairperson and an Advisor attended OECD Working Party meeting and Global Forum from December 4-8, 2017 in Paris, France.

OECD-KPC in collaboration with the Commission organised a workshop on “Best Practices in Cartel Procedure” from October 24-26, 2017 in New Delhi. The workshop was attended by 39 delegates from 13 countries of Asia Pacific Region like Hong Kong, Vietnam, Indonesia, Malaysia, and Philippines etc. including officers from the Commission.



*Participants of the OECD-KPC Competition Law Workshop Oct. 24-26, 2017, New Delhi*

#### **iv. United Nations Conference on Trade and Development**

The Commission has been proactively engaging with various International organizations; one such organization is United Nations Conference on Trade and Development (UNCTAD). UNCTAD is a UN body which is responsible to deal with development issues, particularly international trade- the main driver of development. The Commission regularly participates in Intergovernmental Group of Expert (IGE) meeting every year. The Commission’s engagement with UNCTAD in year 2017-18 is as follows:

- Two officers participated in UNCTAD meeting of Intergovernmental Group of Experts on Competition Law and Policy from 5-7 July 2017 in Geneva, Switzerland.
- Replies were submitted to Questionnaires & Survey's on capacity building and technical assistance in competition and consumer policies, competition issues in the sale of audio visual rights for major sports events, class actions in competition law, challenges faced by developing countries in competition and regulations in maritime transport sector, obstacles to international cooperation and developing countries experience with extraterritoriality in competition law

#### **4) International delegations received by the Commission from foreign governments, foreign competition authorities, multilateral institutions and others**

In order to get exposure to best practices, the Commission invites foreign delegates from mature jurisdictions to share their experiences in the field of competition law and economics. In the year 2017-18, the Commission has organized workshops/seminars/secondments. Brief of these capacity building programs are mentioned below:

- (a) In pursuance of the MoU with the US FTC & DOJ, the following visits were organised:
  - i. Mr. Arindam Ghosh, Economist from USFTC was on secondment with the Commission for three weeks from August 30 – September 20, 2017 in New Delhi, India. The purpose of the visit was to provide technical assistance under MoU between CCI and US FTC.
  - ii. One officer from the Commission was sent on secondment to US FTC from August 21- September 29, 2017 in Washington D.C, USA. He was given an exposure to their case work and best practices.
- (b) Technical cooperation under the MoU with EU, DG Competition is being implemented through Capacity Building Initiative for Trade and Development (CITD) program. The CITD program is executed with the help of resource persons from the competition authorities of EU member states. In the year 2017-18, following workshops have been organized at the Commission under the program:
  - ◆ Workshop on Selected Issues in Competition Law, September 11-13, 2017.
  - ◆ Workshop on Knowledge Management, January 15, 2018
  - ◆ Workshop on Procedural Fairness, January 16, 2018.
- (c) Besides the workshops organised at the Commission under the CITD program, four officers attended a training on the Intersection between antitrust and other policy areas during 17-21 July, 2017 in Rome, Italy.
- (d) In pursuance of MoU with Competition Bureau (CB), Canada, one officer from the Commission was sent on secondment to CB, Canada from 16 October - 14 November, 2017 at Gatineau, Quebec, Canada.

(e) Mr. Joseph Downie, Economic Adviser at the Competition and Markets Authority (CMA) was attached to the Commission for the period October 24 – November 24, 2017. Mr. Downie was selected under an exchange programme between officers of the Indian Economic Service (IES) and UK’s Government Economic Service (GES).

**5) Overseas delegation received at CCI**

Delegation from State Administration for Industry and Commerce (SAIC) led by Mr. Ma Zhengqi, Vice Minister and delegation visited the Commission on July 4, 2017.

**6) Foreign visits:** - The details of the foreign visits by senior functionaries of the Commission are presented in following table;

**Table No. L1 : Details of Foreign Visits**

No.	Name of the Functionary	Purpose of Visit	Duration, Place and Country	Outcome
1	Mr. D. K. Sikri, Chairperson	2017 ICN Annual Conference	May 9-12, 2017 Porto, Portugal	Exposure to global best practices, and networking
2	Mr. Sudhir Mital , Member			
3	Ms. Smita Jhingran, Secretary			
4	Mr. V.Sriraj Deputy Director (Law)			
5	Mr. U.C.Nahta, Member	7th St. Petersburg International Legal Forum	May 16-20, 2017 St. Petersburg, Russia	Exposure to global best practices, and networking
6	Ms. Payal Malik , Adviser (Eco)	OECD Competition Committee Meeting	June 19-23, 2017 Paris, France	Exposure to global best practices, capacity building and networking
7	Mr. K.D.Singh , Joint Director (Law)			
8	Ms. Sibani Swain, Adviser (Eco)	UNCTAD Intergovernmental Group of Experts (IGE) on competition Law & Policy	July 5-7, 2017 Geneva, Switzerland	Exposure to global best practices, capacity building and networking
9	Mr. Saurabh, Deputy Director (Eco)			
10	Mr. S.L.Bunker, Member	The Russian Competition Week	September 18-22, 2017 Veliky , Novgorod Russia	Exposure to global best practices, capacity building and networking
11	Mr. D. K. Sikri, Chairperson	5th BRICS International Competition Conference	November 8-10, 2017 Brasilia, Brazil	Exposure to global best practices, and networking
12	Mr. Augustine Peter, Member			

Competition Commission of India

No.	Name of the Functionary	Purpose of Visit	Duration, Place and Country	Outcome
13	Ms. Smita Jhingran, Secretary	5th BRICS International Competition Conference	November 8-10, 2017 Brasilia, Brazil	Exposure to global best practices, and networking
14	Mr. K.P. Anand Deputy Director (Law)			
15	Mr. D. K. Sikri, Chairperson	OECD Working Party meeting and Global Forum	December 4-8, 2017 Paris, France	Exposure to global best practices, and networking
16	Ms. Payal Malik , Adviser (Eco)			
17	Mr. Rakesh Kumar, Director (Eco)	Visit to FAS Russia to discuss the merger of agrochemical companies	February 12-14, 2018 Moscow, Russia	Exposure to global best practices and capacity building
18	Mr. Sachin Goyal , Deputy Director (FA)			

**7) Others**

The Commission responded to questionnaires administered by Global Competition Review (GCR) on “The Handbook of Competition Enforcement Agencies (HCEA) 2018” and “GCR Rating Enforcement 2018”. The Commission also provided written contribution on Article for Asia Pacific Antitrust Review-2018 and GCR Guide to e-commerce & Digital Competition Law.

## M. Capacity Building

---

The Commission is a knowledge based organization and has to ensure professional development and knowledge upgradation of its employees on a continuous basis. This is done by conducting regular training programmes & workshops, etc. These programmes are conducted by international staff/ experts from overseas multilateral agencies and competition authorities and also by domestic experts and organisations specialized in the field of law and economics. CCI also holds in-house training and peer-to- peer sessions where there is sharing of knowledge and information.

The Commission also regularly invites distinguished speakers from various fields to address its employees. During the year 2017-18, Dr. Rajiv Kumar, Vice-Chairman, NITI Aayog, Shri Manish Sabharwal, CEO & Founder, Teamlease Pvt. Ltd., Shri Pavan Duggal, Advocate-Supreme Court of India and President CyberLaws.Net addressed the employees of CCI as part of the Distinguished Visitors Knowledge Sharing (DVKS) programmes.



*Participants of the refresher course organised at the India Habitat Centre for its officers with overseas faculty from FTC, USA, EU&CB, Canada*

### 1) In-house capacity building initiatives

During 2017-18, the Commission organized 6 in-house training initiatives for its employees as per the details presented in Table No. M1 to M3

**Table No. M1: In-house Capacity Building Initiatives**

No.	Duration	Name of Program	Faculty	Coverage of Program
1	May 26 & Jun 2, 2017	Short In-house Training program on 'HR Matters & Conduct Rules'	CCI Officer	CCS Conduct Rules, Leave Rules, LTC rules, Office management & office procedure.
2	Sep1, 2017	In-house Induction Training for newly joined officers/ Research Associates- 2017-18 (Batch 1)	CCI Officers	Competition law and economics, anti-competitive agreements, abuse of dominance, DG Investigation-Overview, Combination regulations, Information filing etc.
3	Nov 23-24, 2017	In-house Induction Training for newly joined officers/ Research Associates- 2017-18 (Batch 2)	CCI Officers	Competition law and economics, anti-competitive agreements, abuse of dominance, DG Investigation-Overview, Combination regulations, Information filing etc.
4	Jan 17, 2018	In-house Training Workshop on 'Analysis of Financial Statements'	CCI Officer	Components of financial transactions, accounting procedure & records, Types of financial statements-their record and analysis, competition concerns and financial analysis etc.
5	Jan 24 & Feb 15, 2018	In-house Hands-on Training on 'MS-Excel'	CCI Officer	Key commands, formulas and functions in MS-Excel, Usage of Excel functions during case analysis & day to day working etc.
6	Feb 9, 2018	In-house Training Workshop on 'Understanding of Basic Law through Legal Phrases/ Terminologies'	CCI Officer	Key legal terms, phrases, terminologies, maxims and interpretation thereof.

**Table No. M2: Level-wise Participation of officers in In-house Capacity Building Initiatives**

No.	Name of Program	No. of Officers at the level of						Total
		Secy/ DG/ Adviser	Additional DG / Director	Jt. DG/ Joint Director	Dy. DG/ Dy. Director	Assistant Director/ Office Manager	Others	
1	Short In-house Training program on 'HR Matters & Conduct Rules'	-	-	-	4	6	-	10
2	In-house Induction Training for newly joined officers/ Research Associates- 2017-18 (Batch 1)	-	1	2	4	6	3	16
3	In-house Induction Training for newly joined officers/ Research Associates- 2017-18 (Batch 2)	-	1	-	1	6	14	22
4	In-house Training Workshop on 'Analysis of Financial Statements'	-	-	-	2	-	9	11



No.	Name of Program	No. of Officers at the level of						Total
		Secy/ DG/ Adviser	Additional DG / Director	Jt. DG/ Joint Director	Dy. DG/ Dy. Director	Assistant Director/ Office Manager	Others	
5	In-house Hands-on Training on 'MS-Excel'	-	-	-	5	3	11	19
6	In-house Training Workshop on 'Understanding of Basic Law through Legal Phrases/ Terminologies'	-	-	-	1	-	9	10
	<b>Total</b>	-	2	2	17	21	46	88

**Table No. M3: Discipline-wise Participation of Officers in In-house Capacity Building Initiatives**

No.	Name of Program	No. of Officers from the Disciplines of					Total
		Economics	Financial Analysis	Law	Corporate Services/F&A/ IT	Others	
1	Short In-house Training program on 'HR Matters & Conduct Rules'	3	1	-	6	-	10
2	In-house Induction Training for newly joined officers/ Research Associates- 2017-18 (Batch 1)	-	-	5	8	3	16
3	In-house Induction Training for newly joined officers/ Research Associates- 2017-18 (Batch 2)	5	1	9	6	1	22
4	In-house Training Workshop on 'Analysis of Financial Statements'	5	-	6	-	-	11
5	In-house Hands-on Training on 'MS-Excel'	8	1	7	3	-	19
6	In-house Training Workshop on 'Understanding of Basic Law through Legal Phrases/ Terminologies'	6	1	2	1	-	10
	<b>Total</b>	27	4	29	24	4	88

## 2) Capacity building initiatives with the support of outside Institutions

### (a) Training Initiatives in India

During 2017-18, total of 17 training programs/ workshops were organized by the Commission in collaboration with other institutions for its employees as per the details presented in Table No. M1 –M3

**Table No. M4: Training Initiatives in India**

No.	Name of Program	Coverage of Program	Faculty/Institute	Venue/Duration
1	20-hours Introductory training in 'R Software'	Introduction to R Software, creating dataset, data management, data analysis using 'R' Software etc.	Prof. Moonis Shakeel, Jaypee Business School	CCI/ April 7, 21& 28, May 5 & 12,2017 (2 sessions held in 2016-17)
2	1st Refresher Course Training Programme 2017-18	Market power & comp. law, tools for cartel investigation, anti-competitive agreements, competition issues in electricity & coal sector, analysis of potential competitive effects of a merger, case studies etc.	Experts from DG Competition-European Union, Competition Bureau-Canada & Fair Trade Commission, USA alongwith Indian Experts from different Sectors & CCI Officers.	ISTM Campus/ March 27, 2017
3	Training on 'Systematic Approach to Training (SAT)'	Stages in SAT, aim & objective, performance objective, training objective, enabling objective, Identifying training needs etc.	Pandit Deendayal Upadhyay National Academy of Social Security (PDUNASS)	PDUNASS /Aug 2-4, 2017
4	Distinguished Lecture on E-commerce & Antitrust	E-commerce and antitrust.	CITD <sup>1</sup>	India International Centre, Delhi/ Aug 29, 2017
5	Workshop on Selected Issues in Competition Law	Abuse of Dominance, Optimal fines in antitrust enforcement, public interest consideration & Antitrust law enforcement, Case study etc.	CITD	CCI/ Sep 11-13, 2017
6	Training on 'Modules of Public Financial Management System (PFMS) for Center Sector Schemes'	PFMS introduction, agency registration process, PFMS modules-such as flow monitoring, Direct Benefit Transfer (DBT) with practical training.	Institute of Govt. Accounts and Finance (INGAF)	INGAF Campus / Sep 21& 22, 2017

<sup>1</sup>CITD is Capacity Building Initiative for Trade and Development. CITD is a project between EU and India. The project aims to modernize and enhance the capacity of India's trade related regulatory institutions and enforcement systems in order to meet international standards and requirements.

Competition Commission of India

No.	Name of Program	Coverage of Program	Faculty/Institute	Venue/Duration
7	Workshop on Best Practices in Cartel Procedure	Cartels, Detecting cartel, Cartel experiences of Japan, Indonesia, India , Korea etc.	Organization for Economic Cooperation and Development (OECD)- Korea Policy Centre (KPC)	Hotel Lalit, New Delhi/Oct 24-26, 2017
8	Closed-room Workshop on 'Intellectual Property Rights and India's Innovation Landscape'	Session on Intellectual Property and its Interface with Competition Law	Centre for Intellectual Property (CIP) India in collaboration with Carnegie India	Claridges Hotel, New Delhi/Nov 2, 2017
9	Offsite Team-building Workshop for Professional Officers	Principal of Natural Justice, Moral Reasoning, decision making, team building exercises etc.	Shri Rakesh Kainthla, Director, H.P. Judicial Academy	Shimla / Nov 10-12, 2017
10	Offsite Team-building workshop for Support Officers	Fundamental Legal Concepts, Principal of Natural Justice, Moral Reasoning, decision making, team building exercises etc.	Shri Rakesh Kainthla, Director, H.P. Judicial Academy	Shimla / Dec 1-3, 2017
11	National Public Procurement Conclave	Technical session on GeM place & public procurement, master class on Art of uploading product details, MSME schemes for capacity building, Exhibition by sellers and buyers etc.	Confederation of Indian Industry (CII) in association with GeM	India Habitat Centre, Delhi/ Dec 11-12, 2017
12	Appreciation Course on 'Parliamentary Process & Procedures'	Parliamentary Process & Procedures	Bureau of Parliamentary Studies and Training (BPST)	BPST/ Dec 13-14, 2017
13	Capacity Building Programme on 'GFR, GeM, Noting & Drafting and Interpersonal Skill' for officers of Ministry of Corporate Affairs (MCA)	Overview of GeM's terms & conditions, Discussion on GFRs 2017, Bidding & Reverse auction, Interpersonal Communication– Understanding behaviour and Styles of Communication, Relationship Dynamics etc.	Indian Institute of Corporate Affairs (IICA)& National Institute of Financial Management (NIFM)	Kochi/ Dec27-29,2017

Competition Commission of India

No.	Name of Program	Coverage of Program	Faculty/Institute	Venue/Duration
14	Workshop on Knowledge Management	Presentation on the Knowledge Management system in DG Competition	CITD	EU delegation office, New Delhi/ Jan 15, 2018
15	Workshop on Procedural Fairness	Principles of procedural fairness & transparency and perspective from the private sector, procedural fairness & transparency at different stages of the investigation & decision making – how does it work in practice.	CITD	CCI/ Jan 16, 2018
16	Competition Impact Assessment for Policy Makers	Techniques and experiences of competition assessment, , Regulation drafting, OECD competition assessment toolkit, Case study on impact assessment etc	CITD	IIC, New Delhi/ Feb 15-16, 2018
17	Training Programme on 'Advanced Issues in Competition Law'	Competition Law in High Technology, Intellectual Property, Telecom, Agro-chemicals.	National Law School of India University (NLSIU)	India International Center (IIC)/ Feb 26-27, 2018

**Table No. M5: Level-wise participation of Officers in Domestic Training Programmes**

No.	Name of Programme	No. of Officers at the level of						
		Secy/ DG/ Adviser	Additional DG / Director	Jt. DG/ Joint Director	Dy. DG/ Dy. Director	Asst. Director/ Office Manager/PPS	Others	Total
1	20-hours Introductory training in 'R Software'	-	1	2	9	-	8	20
2	1st Refresher Course Training Programme 2017-18	3	4	7	16	-	-	30
3	Training on 'Systematic Approach to Training (SAT)'	-	-	-	1	1	-	2

Competition Commission of India

No.	Name of Programme	No. of Officers at the level of						
		Secy/ DG/ Adviser	Additional DG / Director	Jt. DG/ Joint Director	Dy. DG/ Dy. Director	Asst. Director/ Office Manager/PPS	Others	Total
4	Distinguished Lecture on E-commerce & Antitrust organised by CITD programme	-	1	-	3	-	-	4
5	Workshop on Selected Issues in Competition Law	2	-	1	1	-	-	4
6	Training on 'Modules of Public Financial Management System (PFMS) for Center Sector Schemes'	-	-	-	-	5	-	5
7	Workshop on Best Practices in Cartel Procedure	-	3	5	7	-	-	15
8	Closed-room Workshop on 'Intellectual Property Rights and India's Innovation Landscape'	-	-	-	1	-	-	1
9	Offsite Team-building Workshop for Professional Officers	2	4	8	19	-	-	33
10	Offsite Team-building workshop for Support Officers	-	-	-	2	26	5	33
11	National Public Procurement Conclave	-	-	-	1	1	-	2
12	Appreciation Course on 'Parliamentary Process & Procedures'	-	-	1	3	6	-	10

Competition Commission of India

No.	Name of Programme	No. of Officers at the level of						
		Secy/ DG/ Adviser	Additional DG / Director	Jt. DG/ Joint Director	Dy. DG/ Dy. Director	Asst. Director/ Office Manager/PPS	Others	Total
13	Capacity Building Programme on 'GFR, GeM, Noting & Drafting and Interpersonal Skill' for officers of Ministry of Corporate Affairs (MCA)	-	-	-	-	1	-	1
14	Workshop on Knowledge Management	-	-	2	5	3	1	11
15	Workshop on Procedural Fairness	-	-	2	4	-	-	6
16	Competition Impact Assessment for Policy Makers	-	-	2	1	-	-	3
17	Training Programme on 'Advanced Issues in Competition Law'	-	-	-	2	-	-	2
<b>Total</b>		<b>7</b>	<b>13</b>	<b>30</b>	<b>75</b>	<b>43</b>	<b>14</b>	<b>182</b>

**Table No. M6: Stream-wise participation of Officers in Domestic Training Programmes**

No.	Name of Programme	No. of Officers from the Disciplines of					Total
		Economics	Financial Analysis	Law	CS/ F&A/ IT/LS	Others	
1	20-hours Introductory training in 'R Software'	19	-	-	-	1	20
2	1st Refresher Course Training Programme 2017-18	13	3	8	-	6	30
3	Training on 'Systematic Approach to Training (SAT)'	1	-	-	1	-	2
4	Distinguished Lecture on E-commerce & Antitrust organised by CITD programme	2	1	1	-	-	4
5	Workshop on Selected Issues in Competition Law	1	1	2	-	-	4
6	Training on 'Modules of Public Financial Management System (PFMS) for Center Sector Schemes'	-	-	-	5	-	5
7	Workshop on Best Practices in Cartel Procedure	4	2	3	-	6	15
8	Closed-room Workshop on 'Intellectual Property Rights and India's Innovation Landscape'	1	-	-	-	-	1
9	Offsite Team-building Workshop for Professional Officers	11	7	7	1	7	33
10	Offsite Team-building workshop for Support Officers	-	-	-	28	5	33
11	National Public Procurement Conclave	-	-	-	2	-	2
12	Appreciation Course on 'Parliamentary Process & Procedures'	-	3	1	6	-	10
13	Capacity Building Programme on 'GFR, GeM, Noting & Drafting and Interpersonal Skill' for officers of Ministry of Corporate Affairs (MCA)	-	-	-	1	-	1
14	Workshop on Knowledge Management	4	-	3	3	1	11
15	Workshop on Procedural Fairness	2	1	3	-	-	6

No.	Name of Programme	No. of Officers from the Disciplines of					Total
		Economics	Financial Analysis	Law	CS/ F&A/ IT/LS	Others	
16	Competition Impact Assessment for Policy Makers	1	2	-	-	-	3
17	Training Programme on 'Advanced Issues in Competition Law'	2	-	-	-	-	2
<b>Total</b>		<b>61</b>	<b>20</b>	<b>28</b>	<b>47</b>	<b>26</b>	<b>182</b>

**(b) Training Initiatives Outside India**

Table no. M 4-6 present capacity-building initiatives undertaken outside India during 2017-18. There are 12 such initiatives and in all 17 employees have benefitted from these.

**Table No. M7: Training Initiatives Outside India**

No.	Training Name	Faculty/ Institution	Duration/ Venue
1	Workshop on Competition law in Pharmaceutical Sector	Organization for Economic Cooperation and Development (OECD)-Korea Policy Centre (KPC)	May 23-25, 2017/Sydney, Australia
2	Economic Institute for Competition Enforcement Officials	George Mason University	Jun 18-23, 2017/Melbourne, Australia
3	Training Programme On The Intersection Between Antitrust and Other Policy Areas	CITD	Jul 17-21, 2017/ Rome, Italy
4	ICN AEWG outreach Programme	ICN	Aug 18, 2017 /Singapore
5	Secondment at USFTC	United States Federal Trade Commission (USFTC)	Aug 21 – Sep 29,2017/ Washington. D.C., USA
6	Workshop on Going after Bid-Rigging	OECD-KPC	Sep 13-19, 2017/Ulaanbaatar, Mongolia
7	Antitrust Regional Seminar 2017 on Economics Analysis in Competition Enforcement	Taiwan Fair Trade Commission (TFTC)	Sep 26-27, 2017/Singapore
8	Cartel Workshop 2017	ICN	Oct 3-6, 2017/Ottawa, Canada
9	Secondment at CB Canada	Competition Bureau Canada (CB Canada)	Oct 16 –Nov 14, 2017/Gatineau, Quebec, Canada
10	Competition Law and its impact on Macroeconomic Growth	Turkish Competition Authority (TCA)	Oct 31 –Nov 03, 2017/ Istanbul, Turkey



No.	Training Name	Faculty/ Institution	Duration/ Venue
11	21st International Workshop on Competition Policy	OECD-KPC & Korea Fair Trade Commission (KFTC)	Nov 14-17, 2017/Seoul, South Korea
12	Workshop on Investigative Techniques	ICN	Dec 12-13, 2017/ Mexico City, Mexico

**Table No. M8: Level wise participation of Officers in Foreign Training Programmes**

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 Competition law in Pharmaceutical Sector	-	-	-	1	-	-	1
2	Economic Institute for Competition Enforcement Officials	-	1	-	-	-	-	1
3	Training Programme on The Intersection Between Antitrust and Other Policy Areas	2	-	1	1	-	-	4
4	ICN AEWG outreach Programme	-	-	-	1	-	-	1
5	Secondment at USFTC	-	-	-	1	-	-	1
6	Workshop on Going after Bid Rigging	-	-	1	-	-	-	1
7	Antitrust Regional Seminar 2017 on Economics Analysis in Competition Enforcement	-	-	2	-	-	-	2
8	Cartel Workshop 2017	1	-	1	-	-	-	2
9	Secondment at CB Canada	-	-	-	1	-	-	1
10	Competition Law and its impact on Macroeconomic Growth	1	-	-	-	-	-	1
11	21st International Workshop on Competition Policy	-	-	-	1	-	-	1
12	Workshop on Investigative Techniques	-	-	-	1	-	-	1
<b>Total</b>		<b>4</b>	<b>1</b>	<b>5</b>	<b>7</b>	<b>-</b>	<b>-</b>	<b>17</b>

**Table No. M9: Stream wise participation of Officers in Foreign Training Programmes**

No.	Name of Programme	Subject					Total
		CS	Economics	FA	Law	Others	
1	Workshop on Competition law in Pharmaceutical Sector	-	-	-	1	-	1
2	Economic Institute for Competition Enforcement Officials	-	-	-	-	1	1
3	Training Programme on The Intersection Between Antitrust and Other Policy Areas	-	1	1	2	-	4
4	ICN AEWG outreach Programme	-	-	-	1	-	1
5	Secondment at USFTC	-	1	-	-	-	1
6	Workshop on Going after Bid Rigging	-	-	1	-	-	1
7	Antitrust Regional Seminar 2017 on Economics Analysis in Competition Enforcement	-	2	-	-	-	2
8	Cartel Workshop 2017	-	-	-	1	1	2
9	Secondment at CB Canada	-	1	-	-	-	1
10	Competition Law and its impact on Macroeconomic Growth	-	-	-	1	-	1
11	21st International Workshop on Competition Policy	-	1	-	-	-	1
12	Workshop on Investigative Techniques	-	-	1	-	-	1
	<b>Total</b>	-	<b>6</b>	<b>3</b>	<b>6</b>	<b>2</b>	<b>17</b>

## **N. Ongoing Programmes**

---

### **Technical Workshop on Pharma Sector:**

Organisation of a Technical Workshop on “Competition Issues in the Healthcare and Pharmaceutical Sector” is proposed by the Commission, wherein representatives of all stakeholder groups, including pharmaceutical industry, healthcare service providers, civil society organisations, regulators, healthcare think tanks will be invited.

The Workshop aims to bring together representatives of all stakeholder groups in the Pharmaceutical/Healthcare sector to deliberate on the industry practices and regulations, which have a bearing on markets and competition from multiple perspectives. Further, this workshop intends to come up with certain policy recommendations to rectify certain anti-competitive and unethical practices prevailing in the pharma sector.

### **Do it Yourself Software:**

For better compliance of the merger related rules and regulations, the Commission is in the advanced stages of launching a tool (Do it Yourself – a Merger & Acquisitions notifiability check) to check the notifiability requirement of a M&A transaction for the benefit of the stakeholders. Under this platform, parties to the transaction would need to provide details of their proposed transactions in terms of their assets / turnover in India / Outside India. Based on the input given, the tool would assess the transaction and provide suitable result i.e. whether the transaction is notifiable to CCI or not.

### **New Office Premises:**

The Commission has been allotted 97,545 square feet of office space at NBCC Office Complex at Kidwai Nagar and was given the interim possession to carry out the fit out works and interiors. The contract for this work was awarded to NBCC Services Limited during the year and the work was underway.

### **Competition Assessment:**

Competition Assessment of legislations, rules and regulations is an ongoing activity at the Commission. The Commission had empanelled 7 institutions for conducting Competition Assessments. During the year another 4 institutions were empanelled for this area of work. Further, the Commission has initiated work on preparation of a Competition Assessment Toolkit which will provide a roadmap for comprehensive assessment of policies, legislation, rules and regulations in India. The toolkit will provide a checklist for all stakeholders to assess legislations and policies through a competition lens.

## O. The RTI Act

In addition to accountability measures under the Act and the rules thereunder, the Commission provides information to any Indian citizen under the Right to Information Act, 2005 (the RTI Act). Dr. K. D. Singh, Joint Director (Law) and Ms. Smita Jhingran, Secretary, CCI are Central Public Information Officer (CPIO) and the First Appellate Authority (FAA) respectively under the RTI Act.

Table No. O1 presents receipt and disposal of applications under the RTI Act.

**Table O1: Receipt and Disposal of RTI Applications**

No.	Description	Number	
		2016-17	2017-18
(a)	Number of Application received by CPIO seeking information under the RTI Act.	99	153
(b)	Number of Application for which information has been provided by CPIO.	95	150
(c)	Number of Application pending with CPIO.	4	03
(d)	Number of Appeals filed before the FAA against the order of CPIO.	18	20
(e)	Number of Appeals which have been disposed of by the FAA.	18	20
(f)	Number of Appeals pending with the FAA.	-	-
(g)	Number of Application/Appeals not disposed of in the stipulated time frame.	-	-



**Fair Competition  
For Greater Good**

## **Competition Commission of India**

Office Block-I, Kidwai Nagar (East)

New Delhi-110023, India

Phone : +91-11-24664100 Fax : +91-11-20815022

Website : [www.cci.gov.in](http://www.cci.gov.in)