



सत्यमेव जयते

ANNUAL REPORT

2016-17



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, 2017



Left to Right:

Justice G. P. Mittal, Member; **Mr. Sudhir Mital**, Member; **Mr. D. K. Sikri**, Chairperson;
Mr. S. L. Bunker, Member; **Mr. Augustine Peter**, Member; **Mr. U. C. Nahta**, Member

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Abbreviations

A

ABA	- American Bar Association
ACCC	- Australian Competition & Consumer Commission
AEWG	- Effectiveness Working Group
AIFTMA	- All India Flat Tape Manufacturers Association
AIMTC	- All India Motor Transport Congress
AIOCD	- All India Organization of Chemists & Druggists
ASSOCHAM	- The Associated Chambers of Commerce & Industry of India

B

BAI	- Builders Association of India
BCDA	- Bengal Chemists and Druggist Association
BPST	- Bureau of Parliamentary Studies and Training.
BRICS	- Brazil, Russia, India, China, South Africa

C

C&AG	- Comptroller & Auditor General
CADE	- Administrative Council for Economic Defense
CAPEXIL	- Chemical and Allied Products Export Promotion Council
CB	- Competition Bureau
CBD	- Capacity Building Division
CBI	- Central Bureau of Investigation
CDAG	- Chemists and Druggist Association, Goa
CHIS	- Comprehensive Health Insurance Scheme
CIL	- Coal India Limited
CIPO	- Chief Public Information Officer
CIRC	- CUTS Institute for Regulation and Competition
CITD	- Capacity Building Initiative for Trade Development
CMA	- Cement Manufacturers' Association

Commission or the CCI	- The Competition Commission of India
COMPAT	- Competition Appellate Tribunal
CRESSE	- Competition and Regulation European Summer School and Conference
CUTS	- Consumer Unity & Trust Society

D

DG	- Director General (as appointed under Section 16(1) of Competition Act, 2002)
DOJ	- Department of Justice
DPB	- Daily Price Bulletin
DPCO	- Drug Pricing Control Order
DVKS	- Distinguished Visitor Knowledge Series
SVKS	- Special Visitor Knowledge Series

E

EU	- European Union
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F

FAA	- First Appellate Authority
FAC	- Fund Administering Committee
FAS	- Federal Antimonopoly Service
FGD	- Focused Group Discussion
FOIR	- Forum of Indian Regulators
FRAND	- Fair, Reasonable and Non-discriminatory
FSAs	- Fuel Supply Agreements
FSC	- Fuel Surcharge

G

GDP	- Gross Domestic Product
GDS&D	- Directorate General of Supplies & Disposal
GGSIIP	- Guru Gobind Singh Indraprastha University
GMSD	- Government Medical Store Depot
GSA	- Gas Supply Agreement
GST	- Goods and Services Tax
GTA	- Gunny Trade Association

H

I

IATA	- International Air Transport Association
IBC	- Insolvency and Bankruptcy Code
ICN	- International Competition Network
ICSI	- Institute of Company Secretaries of India
IFTERT	- Indian Foundation of Transport Research & Training
IICA	- Indian Institute of Corporate Affairs
IIPA	- Indian Institute of Public Administration
IJMA	- Indian Jute Manufacturers Association
INET	- Institute for New Economics Thinking
INGAF	- Institute of Government Accounts & Finance
IPR	- Intellectual Property Right
ISID	- Institute for Studies in Industrial Development
ISMA	- Indian Sugar Mills Association
ISTM	- Institute of Secretarial Training & Management
ITPO	- India Trade Promotion Organization

J

JAM	- Jan Dhan Aadhar Mobile
JFTC	- Japan Fair Trade Commission
JIRICO	- Jindal Initiative on Research in IP and Competition

K

KCDA	- Karnataka Chemists & Druggists Association
KFTC	- Korea Fair Trade Commission
KPC	- Korea Policy Centre

L

M

MDP	- Management Development Programme
MOUs	- Memorandum of Understandings
MRP	- Maximum Retail Price
MRTP Act	- The Monopolies & Restrictive Trade Practices Act
MRTPC	- Monopolies & Restrictive Trade Practices Commission

N

NFCSE	- National Federation of Co-operative Sugar Factories Ltd.
NIACL	- New India Assurance Company Limited
NIFM	- National Institute of Financial Management
NIPFP	- National Institute of Public Finance and Policy
NIRC	- Northern India Regional Council
NLU	- National Law University
NOC	- No Objection Certificate
NTIPRIT	- National Telecommunication Institute for Policy Research Innovation & Training

O

OECD	- Organisation for Economic Cooperation & Development
OICL	- Oriental Insurance Company Limited

P

PFMS	- Public Financial Management System
PIS	- Product Information Service

Q

R

RCEP	- Regional Comprehensive Economic Partnership
RDSO	- Research Designs and Standards Organization
RSBY	- Rashtriya Swasthya Bima Yojna

S

SCOPE	- Standing Conference on Public Enterprises
SEP	- Standard Essential Patents

T

TERI	- The Energy and Resource Institute
TFTC	- Taiwan Fair Trade Commission

U

UIICL	-United India Insurance Company Limited
UNCTAD	-United Nations Conference on Trade and Development
USFTC	-United States Federal Trade Commission

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Chairperson's Statement

It is my privilege to present the Annual Report of the Competition Commission of India (the Commission/CCI) for the year 2016-17. The Commission was established in 2003 under the Competition Act, 2002 (the Act). The Commission got its enforcement and regulatory power after the substantive provisions of the Act relating to anti-trust enforcement and regulation of combinations came into force in the years 2009 and 2011 respectively.



During the last eight years, CCI has reviewed 868 antitrust cases, 498 merger filings and have conducted around 500 advocacy events. Being a relatively young jurisdiction, the Commission has effectively engaged itself with international community, consistently drawing upon their experience. At present, 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. The Commission has established itself as a credible institution for redressal of competition related concerns amongst the stakeholders.

The Indian economy has experienced a slew of pro-market reforms in the recent past. Enactment of IBC, 2016 and implementation thereof; passage of GST Bills and rolling out of GST in July this year; increasing use of JAM trinity etc. mark a new era in the history of Indian economic development. These measures are necessary, *inter-alia*, to facilitate timely exit of inefficient firms; reduce geographical entry barriers; encourage free movement of goods, labour and capital within India; and reinforce greater formalization, digitization and transparency in the economy. In other words, the ecosystem is geared up to strengthen necessary conditions for sustaining competition in the market.

There has been a number of important developments in the competition regime in India in the last one year, in terms of evolving jurisprudence, merger regulations and lesser penalty. These developments provide certainty and predictability to the stakeholders in the areas of competition law compliance. Summarising these briefly,

- (a) The two judgements of the Hon'ble Supreme Court dated 7th March and 8th May this year, have settled a few long standing issues. First, in a case decided on 7th March, 2017, the Apex court has taken cognizance of certain activities of trade union that are in contravention of the provisions of the Act. If the Members of a trade union take decision relating to production or distribution on behalf of the enterprises, who are engaged in the similar or identical business, that reflect collective intent, then the

matter is indefensible under the pretext of trade unionism. This observation has upheld the view of CCI that the welfare role of trade unions cannot absolve them of any anti-competitive conduct.

Second, on the critical issue relating to whether the basis for computation of penalty under Section 27(b) of the Act should be total/entire turnover of the enterprise or “relevant turnover” relating to the product in question, the Hon’ble Court, in its judgement dated May 08, 2017 invoking the principle of proportionality, has held that the penalty should be determined on the basis of the “relevant turnover”. The judgement has laid the foundation for penalty imposition under the competition law regime in India, leading to greater certainty on determination of appropriate penalty.

- (b) Two major notifications relating to regulation of combinations have been issued by the Government. Vide the first notification, the *de-minimus* exemption has been revised to relax the threshold requirement. The other notification has done away with the 30-days time-frame for notifying a transaction to CCI.
- (c) The Commission has issued its first order under leniency regulation laying down the criteria to determine the extent of reduction in penalty as also regarding the treatment of individual liability. To provide further impetus to the lesser penalty regime leniency regulations have been amended in March this year following an intensive consultation process.

It is the endeavour of the Commission to couple effective enforcement with a culture of compliance. It is important that the dynamics of competition are understood and fostered at the unit level of an enterprise. To help the enterprise in developing a competition culture at their premises, we have developed a “Compliance Manual for Enterprises”, which was launched on the occasion of eighth Annual Day function of CCI on May 20, 2017.

CCI has been an active member of International Competition Network (ICN) since 2009. ICN comprising of 132 competition authorities is an important platform for competition agencies to deliberate contextual issues in competition law enforcement, setting standards and best practices, and facilitate international cooperation amongst competition agencies. CCI is presently, a co-chair of the Agency Effectiveness Working Group under the aegis of ICN. I am pleased to share that CCI is all set to host the upcoming ICN Annual Conference in March 2018 in New Delhi.

(Devender K. Sikri)
Chairperson
Competition Commission of India

A. Introduction

(i) Objectives

The economic ideology adopted in India immediately after independence was characterised by a command and control regime with a strong emphasis on import substitution, economic interventionism, large public sector, elaborate licensing and regulations over businesses, and centralised planning. The Monopolies and Restrictive Trade Practices (MRTP) Act, 1969 was a product of this regime and was enacted with the objective to prevent concentration of economic power, restrict monopolies and protect consumer interest. It restricted the role of the private sector by imposing restriction on its expansion. In the early 1990s, India was faced with an economic crisis like situation and major economic reforms were ushered in. The reforms not only liberalised the economy substantially from state control, but also opened up the economy to foreign investment. Private sector began to play an important role in acceleration of economic growth.

The economic principle underlying the reforms is premised on neo-liberal philosophy that the economy performs best when the market players are allowed to freely respond to the forces of competition with minimal state interference. The post 1991 economic reform gave greater role to market forces and encouraged competition in the Indian economy. As India moved steadily on the path of reforms it did away with the MRTP Act, 1969 as it was realised that the MRTP Act had outlived its utility; and control of size of enterprises was no longer appropriate to support the growth aspirations of the Indian economy. The Competition Act, 2002 (herein after referred to as the Act) was enacted in 2003 as a modern economic law. The Act has since been amended thrice in the years 2007, 2009 and 2017.

The Amendment of 2007 provided for two separate institutions namely, a quasi-judicial body i.e. the Competition Commission of India (the Commission) for the administration of the Act and the Competition Appellate Tribunal (COMPAT) to hear and dispose of appeals against any direction issued or decision made or order passed by the Commission. Pursuant to the amendment of 2009, all pending cases and pending investigations with MRTP Commission were transferred to COMPAT and CCI respectively and the MRTP Act was repealed. An amendment was effected to the Act in 2017, vide Finance Act, 2017, and the National Company Law Appellate Tribunal (NCLAT) became the appellate tribunal in place of erstwhile COMPAT since 26th May, 2017.

The Commission functions as a market regulator for preventing and regulating anti-competitive practices in the country and to carry on the advisory and advocacy functions in its role as a regulator. Objectives

of the Commission as given in the Act are: (i) preventing practices having adverse effect on competition, (ii) promoting and sustaining competition in markets, (iii) protecting the interests of consumers and (iv) ensuring freedom of trade carried on by other participants in markets in India.

The substantive provisions of the Act, namely, Anti-competitive agreements (Section 3) and Abuse of dominant position (Section 4) came into force with effect from May 20, 2009. The provisions relating to 'Regulation of Combinations' (sections 5 and 6) came into force on June 01, 2011. Anti-competitive agreements and abuse of dominance are considered as potential impediments to free and fair competition in the markets and penalty is imposed wherever the Commission concludes that the enterprise has/ had indulged in anti-competitive practices resulting in Appreciable Adverse Effect on Competition. Regulation of combinations aim at ex-ante screening of mergers, amalgamations and acquisition of control for any possible anti-competitive effects.

Under Section 49 of the Act, the Commission is mandated to undertake competition advocacy. Competition advocacy is about sensitizing the market players and other market participants on the nuances of competition law; and creating awareness and imparting training about the benefits of competition to the stakeholders. Under Section 49(1) of the Act, the Central or the State Governments may make reference of any policy to the Commission for its opinion on matter related to competition. Similarly, the Act also provides for a reference by/to Statutory Authorities (Regulatory Institutions) under Sections 21 and 21A of the Act.

(ii) Important achievements

Table No. A1 presents the performance of the Commission on select parameters in 2016-17 vis-a-vis 2015-16. During 2016-17, the Commission took note of 161 allegations related to anti-competitive agreements and abuse of dominant position. On the basis of existence of a *prima-facie* case, the Commission directed the Director General to undertake investigations into 100 matters and closed 67 matters. The DG completed investigations into 23 matters during the year. The Commission has issued a total of 79 appealable orders imposing an aggregate penalty of Rs. 13,087 crore (Rs. 288 crore in 2016-17) on wrongdoers. The Commission received 113 notices of proposed combinations in 2016-17. It approved a record number of 106 combinations.

Having a mandate under the Act to create awareness of competition law and benefits of competition, the Commission conducted 122 advocacy workshops, conferences, seminars and other interactions among the stakeholders including Government, trade associations and judiciary.

Table No. A1: Select Performance Parameters: 2016-17 vs. 2015-16

Sl. No.	Particulars	2015-16	2016-17
1	No. of alleged anti-competitive conduct noticed	121	161
2	No. of <i>prima facie</i> orders passed in respect of alleged anti-competitive conduct	119	167
3	No. of Investigations completed by DG	32	23
4	No. of orders [under Sections 26(2), 26(6), 27, other orders] passed in respect of anti-competitive conduct	127	78
5	Amount of penalty levied (Rs. Crore)	1502	288*
6	Percentage of orders appealed against (%)	26.15	39.24
7	No. of proposed combinations approved	107	106
8	Average no. of days taken to dispose of a combination notice	26.4	29
9	No. of advocacy programmes	75	122
10	No. of employees as on 31st March		
	Commission	106	104
	DG Office	19	14
11	No. of trainings organized for capacity building of officers (including overseas training)	41	48

*In addition to this penalty amount there were two cases (coal and cement) that were remanded back by the COMPAT to CCI for fresh hearing. In Case no. 3, 11 & 59/2012, a penalty of Rs. 1,773.05 crore imposed on Coal India Ltd. u/s 27 of Competition Act, 2002 vide Commission order dated December 9, 2013 was reduced to Rs. 591.01 crores vide Commission's order dated March 24, 2017. In case no. 29/2010 and RTPE 52/2006 (cement cases) revised orders dated August 31, 2016 have been issued but the penalty amount i.e. Rs. 6,714.83 crore is the same as earlier orders passed in 2012.

(iii) The year in review

(a) Landmark decisions and evolution of jurisprudence

The following presents gists of allegations, findings of the Commission and its directions in important matters disposed of by the Commission during 2016-17.

1. M/s Maruti & Company Vs Karnataka Chemists & Druggists Association (KCDA) & Others (Case No. 71 of 2013)

Allegation: In a case filed by M/s Maruti & Co., it was brought to the notice of the Commission that KCDA restrains pharmaceutical companies from appointing new stockists in the State of Karnataka unless a 'No Objection Certificate' (NOC) is obtained from it. It was alleged that Lupin refused to supply drugs to M/s Maruti & Co. on account of not having obtained NOC from KCDA.

Finding: Following a detailed investigation by the DG, the Commission has found that KCDA was indulging in the anti-competitive practice of mandating NOC prior to the appointment of new stockists by pharmaceutical companies. This case highlights the obstinacy of chemists & druggist associations who, despite various orders by the Commission in similar cases in other parts of India with respect to this NOC

practice, have not abstained from indulging in such anti-competitive conduct. Instead of desisting from such activity, these associations are mandating the NOC requirement either verbally (in order to avoid any documentary evidence/proof) or under camouflaged congratulatory/intimation letters, with a view to hide their apparent anti-competitive behaviour behind these benign nomenclatures.

The Commission has unambiguously clarified that the use of benign nomenclatures by these associations will not absolve them of the legal consequences of their anti-competitive conduct. Based on the evidence collected by the DG during investigation, the Commission concluded that KCDA has been indulging in the practice of NOC prior to the appointment of stockists by pharmaceutical companies, which has the effect of limiting and controlling of the supply of drugs in the market, in violation of the provisions of Section 3(1) read with 3(3)(b) of the Act. KCDA was thus found to have contravened the provisions of Section 3(1) read with Section 3(3)(b) of the Act.

The Commission also observed that the pharmaceutical companies, without any resistance, cooperate with such associations to implement their anti-competitive decisions, thereby becoming equally complicit in the anti-competitive effect of such practice. Instead of approaching the Commission, these pharmaceutical companies cooperate with the NOC requirement of the associations, thus becoming perpetrators of such anti-competitive practice. The Commission has thus held the pharmaceutical company, Lupin, to be in contravention of the provisions of Section 3(1) of the Act for its anti-competitive arrangement/understanding with KCDA, which led to a refusal to supply of drugs to M/s Maruti & Co.

Further, the Commission has also found three office bearers of KCDA, namely Mr. K.E. Prakash, Mr. D.S. Guddodgi and Mr. A.K. Jeevan, responsible under Section 48 of the Act, for their active involvement in the anti-competitive practice of KCDA and also on account of the positions of responsibility held by them in KCDA during the period of contravention.

Two of the officials of Lupin, namely Mr. Amit Kumar Dhiman and Mr. Nishant Ajmera, were found to be actively involved in the anti-competitive arrangement/understanding of Lupin with KCDA during the relevant period.

Decision: KCDA, Lupin and their office bearers/officials have been directed to cease and desist from indulging in the practice of mandating NOC prior to stockist appointment. The Commission imposed a monetary penalty of Rs. 8, 60,321/-, calculated at the rate of 10 per cent of the average income of KCDA, under the provisions of Section 27 of the Act. While imposing penalty on Lupin, the Commission observed that the refusal to supply by it was for a brief period, after which Lupin resumed supplies to M/s Maruti & Co. Considering this as a mitigating factor, the Commission imposed a penalty at the rate of 1 per cent of Lupin's average turnover, amounting to Rs. 72.96 crores. In addition, monetary penalties were imposed on the office bearers of KCDA and officials of Lupin at the rate of 10 per cent and 1 per cent of their incomes, respectively.

2. Builders Association of India Vs Cement Manufacturers' Association (CMA) & Ors. (Case No. 29 of 2010) & In re: Alleged cartelisation by Cement Manufacturers. Vs Shree Cement Limited & Ors. (RTPE No. 52 of 2006)

Allegation: The information in this case was filed by Builders Association of India (“BAI”) under Section 19(1)(a) of the Act against the cement companies and CMA alleging contravention of the provisions of the Act.

Finding: The Commission held that cement companies used CMA as a platform for sharing details relating to prices, capacity utilisation, production and dispatch and thereby restricted production and supplies in the market. This was contravention of the provisions of Section 3(1) read with Section 3(3)(b) of the Act.

Further, CCI also found the cement companies were acting in concert in fixing prices of cement in contravention of the provisions of Section 3(1) read with Section 3(3)(a) of the Act.

Decision: The CCI has imposed penalties upon ten cement companies and their trade association i.e. Cement Manufacturers 'Association (CMA) for cartelisation in the cement industry in Case Nos. 29 of 2010 and RTPE 52 of 2016. The final order has been passed by the Commission pursuant to the directions issued by Competition Appellate Tribunal (COMPAT) remanding the matter back while setting aside the original order of CCI. Accordingly, penalties of Rs. 1,147.59 crores on ACC Ltd., Rs. 1,163.91 crores on Ambuja Company Ltd, Rs. 167.32 crores on Binani Cement Ltd., Rs. 274.02 crores on Century Textiles and Industries Ltd., Rs. 187.48 crores on The India Cements Ltd., Rs. 128.54 crores on J K Cement Ltd., Rs. 490.01 crores on Lafarge India Pvt. Ltd., Rs. 258.63 crores on The Ramco Cements Ltd., Rs. 1,175.49 crores on Ultra Tech Cement Ltd. and Rs. 1,323.60 crores on Jaiprakash Associates Limited was imposed by CCI. In addition, a penalty of Rs. 73 lakh was also imposed on the CMA. Cement is a critical input for infrastructure industry it is a vital commodity for the economic development. The cartelisation by cement companies not only causes consumers to suffer, it is also detrimental to economic growth.

The cement companies and the CMA have been directed to cease and desist from indulging in any activity relating to agreement, understanding or arrangement on prices, production and supply of cement in the market. The CMA has been further directed to disengage and disassociate itself from collecting wholesale and retail prices from member cement companies or otherwise. The CMA has also been restrained from collecting and circulating the details relating to production and dispatch by cement companies.

Vide a separate order; the CCI has also imposed a penalty of Rs. 397.51 crore upon Shree Cement Limited in RTPE No. 52 of 2006.

3. Director, Supplies & Disposals, Haryana vs Shree Cement Limited & Ors. (Ref. Case No. 05 of 2013)

Allegation: As per the information furnished, it was alleged that all the cement companies colluded with each other and attempted to rig the bid in the impugned tender which was for supply of cement to the Government Departments/Boards/Corporations in the State of Haryana.

Finding: CCI has held that the cement companies, through their impugned conduct, have engaged in bid-rigging, in contravention of the provisions of Section 3(3)(d) read with Section 3(1) of the Act, which eliminated and lessened competition and manipulated the bidding process in respect of the impugned tender. The bid-rigging has been established from quoting of unusually higher rates in the impugned tender (than rates quoted in tenders of previous years), determining different basic prices for supply of cement at the same destination through reverse calculation, quoting of quantities in the impugned tender such that the total bid quantity almost equalled the total tendered quantity, quoting of rates for the districts in a manner that all cement companies acquired L1 status at some of the destination(s) etc. The anti-competitive conduct was re-affirmed through SMSes exchanged and calls made amongst the officials of the cement companies.

Decision: The CCI has imposed penalties on seven cement companies for bid rigging of a tender floated by the Director, Supplies & Disposals, Haryana, in the year 2012, for procurement of cement to be supplied to Government Departments/ Boards/Corporations in the State of Haryana.

Accordingly, penalty of Rs. 18.44 crore, Rs. 68.30 crore, Rs. 38.02 crore, Rs. 9.26 crore, Rs. 29.84 crore, Rs. 35.32 crore and Rs. 6.55 crore has been imposed upon Shree Cement Limited, Ultra Tech Cement Limited, Jaiprakash Associates Limited, J.K. Cement Limited, Ambuja Cements Limited, ACC Limited Competition Commission of India and J.K. Lakshmi Cement Limited. The penalty has been levied @ 0.3 per cent of the average turnover of the cement companies of preceding three years. While imposing penalties, Commission took note of potential delay which would have occurred in the execution of public infrastructure projects due to cancellation of the impugned tender. At the same time, due consideration was given to factors such as peculiarity of the tender process which created uncertainty in procurement, total size of the impugned tender and competition compliance programmes put in place by some companies while determining the quantum of penalty.

The cement companies have been directed to cease and desist from indulging in the acts/conduct which have been held to be in contravention of the provisions of the Act.

4. Cartelization in respect of tenders floated by Indian Railways for supply of Brushless DC Fans and other electrical items (*Suo-Moto* Case No. 03 of 2014)

Allegation: This case was taken up by the Commission *suo moto*, based on the information received from the Superintendent of Police, Anti-Corruption HQ, Central Bureau of Investigation (CBI), New Delhi vide letter dated April 1, 2014 wherein it was stated that the CBI, during an inquiry into certain alleged misconduct by a public servant, had found that three firms i.e., M/s Pyramid Electronics, Parwanoo, M/s R Kanwar Electricals, Noida and M/s Western Electric and Trading Company, Delhi had cartelised in respect of the tenders floated by the Indian Railways and the Bharat Earth Movers Limited ('BEML') for the supply of Brushless DC fans and other electrical items.

Finding: CCI held that the firms had shared the market by way of allocation of tenders of Indian Railways for Brushless DC fans amongst themselves under an agreement/arrangement and indulged in bid rigging/

collusive bidding in contravention of the provisions of Section 3(3)(c) and 3(3)(d) read with Section 3(1) of the Act. The anti-competitive conduct of the firms has been established based on exchange of rates to be quoted in upcoming tenders amongst the errant firms, numerous calls amongst the key persons of these firms before and during the period of the tenders and admission by one of the firms which confirmed and revealed the existence and modus operandi of the cartel.

Decision: The Commission imposed penalties on three firms for bid rigging of tenders floated by Indian Railways for procurement of Brushless DC fans in the year 2013.

Accordingly, a penalty of Rs. 62.37 lakhs, Rs. 20.01 lakhs and Rs. 2.09 crores was imposed on M/s Pyramid Electronics, M/s R. Kanwar Electricals and M/s Western Electric and Trading Company, respectively in terms of proviso to Section 27 (b) of the Act. While imposing penalty, Commission took into consideration all the relevant factors including the duration of the cartel, volume of the tender affected by the cartel and value thereof.

Additionally, considering the totality of facts and circumstances of the case, penalty was also imposed on persons-in charge of the three firms i.e., Shri Sandeep Goyal of M/s Pyramid Electronics, Shri Ashish Jain of M/s R. Kanwar Electricals and Shri Ramesh Parchani of M/s Western Electric and Trading Company at the rate of 10 percent of the average of their income for the last three preceding financial years.

CCI had received an application under Section 46 of the Act read with Regulation 5 of the Competition Commission of India (Lesser Penalty) Regulations, 2009 from M/s Pyramid Electronics. This application was received when the investigation in the matter was in progress and the report from the DG was pending.

Considering the co-operation extended by M/s Pyramid Electronics in conjunction with the value addition provided by it in establishing the existence of cartel and the stage at which it had approached CCI, it was granted 75 percent reduction in the penalty than would otherwise have been imposed, had it not cooperated with the Commission. Accordingly, the penalty imposed on M/s Pyramid Electronics was reduced to Rs. 15.59 lakhs and penalty imposed on Shri Sandeep Goyal was reduced to Rs. 11,648 only.

5. Maharashtra State Power Generation Company Ltd. Vs. Mahanadi Coalfields Ltd. & other, Maharashtra State Power Generation Company Ltd. Vs. Western Coalfields Ltd. & other, Gujarat State Electricity Corporation Limited Vs. South Eastern Coalfields Ltd. & other (Case No. 03, 11 & 59 of 2012)

Allegation: The Commission in this batch of informations filed by the power utilities (Maharashtra State Power Generation Company Ltd. and Gujarat State Electricity Corporation Limited) vide its order dated December 09, 2013 found Coal India Ltd. (CIL) and its subsidiaries to operate independently of market forces and thus enjoying undisputed dominance in the relevant markets of supply of non-coking coal to the thermal power producers. The Commission also held the power utilities to be in contravention of the provisions of Section 4(2)(a)(i) of the Act for imposing unfair/discriminatory conditions and indulging in unfair/discriminatory conduct in the matter of supply of non-coking coal, as detailed in the said order.

The order has been passed by CCI pursuant to the directions issued by COMPAT remanding the matter back while setting aside the original order of CCI in which a penalty of Rs. 1,773.05 crore had been imposed upon CIL.

Finding: After hearing the parties afresh in terms of the directions issued by COMPAT, CCI held that CIL through its subsidiaries operates independently of market forces and enjoys dominance in the relevant market of production and supply of non-coking coal in India. CCI noted in the order that CIL did not evolve/draft/ finalize the terms and conditions of Fuel Supply Agreements (FSAs) through a bilateral process and the same were imposed upon the buyers through a unilateral conduct. CCI found CIL and its subsidiaries to be in contravention of the provisions of Section 4(2)(a)(i) of the Competition Act, 2002 for imposing unfair/discriminatory conditions in FSAs with the power producers for supply of non-coking coal.

Decision: The CCI has found Coal India Limited (CIL) and its subsidiaries to be in contravention of the provisions of Section 4(2)(a)(i) of the Act, for imposing unfair/ discriminatory conditions in Fuel Supply Agreements (FSAs) with the power producers for supply of non-coking coal.

Apart from issuing a cease and desist order against CIL and its subsidiaries, CCI has directed modification of FSAs in light of the findings and observations recorded in the order. The impugned clauses related to sampling and testing procedure, charging transportation and other expenses for supply of ungraded coal from the buyers, capping compensation for supply of stones etc. For effecting the modifications in FSAs, CIL has been ordered to consult all the stakeholders. CIL has also been directed to ensure uniformity between old and new power producers as well as between private and PSU power producers.

Further, CCI has imposed a penalty of Rs. 591.01 crore upon CIL for the abusive conduct. While reducing penalty, CCI noted the steps taken by CIL to improve the sampling procedure even post-passing of the original order by CCI. However, while holding the extant sampling procedure as unfair, CIL has been directed to incorporate suitable modifications in FSAs to provide for a fair and equitable sampling and testing procedure besides considering the feasibility of sampling at the unloading-end in consultation with power producers and adopting international best practices.

(b) Legislative Work

No legislative work was undertaken during period of reporting.

(c) Outreach programme

The Commission has the mandate to undertake competition advocacy as per Section 49 of the Act. In pursuance of this mandate, it has adopted a proactive approach to reach out to all the stakeholders through a set of diverse awareness measures such as workshops/seminars/conferences, competition advisory, internship etc. Its proactive stance is premised on the philosophy that it does not help much if somebody is condemned for non-compliance; it helps more if the enterprises conduct themselves well and serve the economy.

The State and its agencies intervene in the market and the economy, either to address an identified market failure or to pursue a public interest, through legislations and policies. Such interventions may inadvertently carry the potential to restrict the ability of economic agents to effectively compete at the market place either by restraining their freedom or distorting level playing field or competitive neutrality. With a view to reduce such a possibility, the Commission engaged with key economic Ministries of Central Government and a few State Governments to encourage them to formulate competition conducive interventions. It also engaged with the agencies and officers dealing with public procurement of goods and services to alert them of potential anti-competitive designs of other enterprises.

During the financial year 2016-17, the Commission engaged in an exercise for Competition Assessment. At the initial stage, the Commission has empanelled seven academic institutions on a pilot basis in pursuit of this. An initial competition assessment of seven economic legislations/policies has been prepared by these institutions together with the officers of CCI. These assessments have been subjected to extensive peer reviews, discussions and comments from external agencies like OECD and industry experts. The results of the assessments are shared with the concerned stakeholders. The objective of this exercise is to develop Indian expertise in this area.

(iv) Capacity building

The Commission is conceived as an expert body, given that it has to apply rule of reason to evolving and complex dynamics in relevant markets for goods and services. It is, therefore, always on a learning mode. Continuous updation and upgradation of employees' skills and knowledge has always been its priority area. 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 help employees in improving their performance and achieve organizational objectives. Main activities of CBD are: (a) Organization of domestic training programs for employees such as induction training, in-house trainings, trainings in collaboration with premier academic institutions (b) Knowledge Management activities such as peer-to-peer knowledge sharing, organizational lectures under Distinguished/ Special Visitors Knowledge Sharing Series (DVKS/SVKS), sectoral 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 engagements

The competition authorities are increasingly grappling with the cross-border anti-competitive issues due to rapid globalisation of businesses. This necessitates mutual cooperation and understanding among the competition authorities in various jurisdictions. Such cooperation also enables sharing of knowledge and results in capacity building. Therefore, the Commission has been proactively engaging with various international organizations, such as the International Competition Network (ICN), Organisation for Economic Cooperation and Development (OECD), UNCTAD as well as other competition authorities.

During the financial year 2016-17, officers of the Commission participated in 22 training programmes outside India and in all 37 officers have benefitted from these.

As per the mandate under Section 18 of the Act, the Commission has entered into Memoranda of Understanding (MOU) with six competition authorities till 31st March 2017. In the year 2016-17, MOU was signed with competition authorities of BRICS countries and CCI also initiated the process for signing three MOUs i.e., MOU with Korea Fair Trade Commission (KFTC), Japan Fair

Trade Commission (JFTC) and Administrative Council for Economic Defense (CADE) Brazil.

Having an observer status in the Competition Committee of OECD, CCI has been making regular contributions at various round tables during the conferences/meetings of OECD. It submitted a paper on Aftermarket issues faced by the CCI.

(vi) Most Active Sector

Here we discuss the sector-wise distribution of cases received. The Commission deals with two types of matters, namely, anti-trust (anti-competitive agreements, and abuse of dominance) and combinations. The sector-wise distribution of the matters alerts the Commission about the potential areas for focused attention 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 anti-trust 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

(Number)

Sl.No.	Sector	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	Total
1	Real Estate	0	17	28	21	25	43	34	22	190
2	Financial Sector	17	9	5	4	8	7	3	3	56
3	I & B (Film/ Entertainment/TV/Print Media)	4	15	11	10	4	3	5	7	59
4	Health/Pharmaceuticals	3	3	3	6	9	9	9	7	49
5	Petroleum/Gas	4	3	3	5	3	5	13	2	38
6	Information Technology	2	3	4	4	6	4	7	5	35
7	Automobiles	4	1	3	3	7	8	2	72*	100
8	Railways	2	3	2	1	6	8	1	3	26
9	Civil Aviation	6	3	1	3	3	1	6	0	23
10	Power	3	1	4	0	3	5	1	2	19
11	Chemicals & Fertilizers	3	0	0	2	6	4	1	0	16
12	Coal	0	1	1	5	3	1	4	4	19
13	Iron & Steel	3	1	3	2	2	1	0	0	12
14	Miscellaneous	30	16	24	28	30	29	35	34**	226
	Total	81	76	92	94	115	128	121	161	868

**Suo-Moto* Case No. 02/2015 is segregated in to 66 sub cases w.e.f. July 2016 to facilitate exploration of investigation by DG.-Automobile Sector.

***Suo-Moto* Case No. 07/2014 is segregated in to 02 sub cases w.e.f. August 2016 to facilitate exploration of investigation by DG.-Misc. Sector.

Table A3: Sector-wise Distribution of Combination Notices Received

Sl. No.	Sector	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	Total
1	Finance	8	16	4	16	25	12	81
2	Pharmaceuticals & Health Care	3	4	7	15	11	14	54
3	Information Technology and Services	3	6	3	5	12	6	35
4	Chemicals and Petro-Chemicals	2	1	2	9	11	3	28
5	Auto & Auto Components	5	5	3	6	4	8	31
6	Mining & Metals	4	3	2	6	2	3	20
7	Power & Power Generation	4	1	4	3	1	9	22
8	Media & Entertainment	3	6	0	3	2	4	18
9	Food & Refined Oil	0	3	2	2	5	6	18
10	Miscellaneous	15	18	19	26	38	40	156
	Total	47	63	46	91	111	105	463

(vii) Impact on consumers and economy

Competition law aims to make markets work for consumers through its core elements of enforcement and advocacy. Competition law enforcement deals with anticompetitive practices arising from the acquisition or exercise of market power by firms, unilaterally, or in concert, that result in consumer harm in the forms 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. Cartels are the most egregious form of competition law violation and their deleterious effect on markets, competition and consumer interest are well established. This year, the CCI levied penalties on eleven cement companies and their industry association for anti-competitive agreement in the cement sector, which has significant linkage with the construction industry and with overall economic growth.

Public procurement in India accounts for a significant share of the GDP. Substantial gains can accrue from promotion of competition in government procurement. On the contrary, anti-competitive practices in a procurement process, such as collusion, bid-rigging etc. lead to artificially raised procurement prices causing huge losses to the public exchequer. The Commission, since inception, has focused on promotion of competition in public procurement and has assessed and decided multiple cases involving bid rigging in public procurement. For example, this year, a penalty of over Rs. 206 Crores was imposed on seven cement

companies for rigging bids in a tender floated by the Director, Supplies & Disposals, Haryana in 2012 for procurement of cement to be supplied to Government Departments/ Boards/ Corporations in the State of Haryana.



Economic analysis plays a crucial role in competition law enforcement. The Commission has instituted the ‘National Conference on Economics of Competition Law’ as an annual feature. The idea is to better integrate knowledge of economics and law in implementation of the Act. The Conference is organized every year on the first Thursday and Friday of March. The second edition of the Conference was organized on March 2-3, 2017. It was a privilege to have the Conference inaugurated by Smt. Nirmala Sitharaman, the then Hon’ble Minister of State (Independent Charge) for Commerce & Industry, Government of India. Dr. Arvind Subramanian, Chief Economic Adviser, Government of India delivered the Keynote Address. More than 300 participants including economists, legal experts, government functionaries and experts from institutes of national and international repute were actively involved through the entire process of deliberation and made valuable contribution.

B. Investigations and Inquiries ordered by the Commission

(1) Investigation and inquiry relating to Sections 3, 4 and 42 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 an 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 to be made into the matter under Section 26(1) of the Act. On the other hand, if it finds that there exists no *prima facie* case, it closes the matter by passing an order under Section 26(2) of the Act. The details of receipt of matters relating alleged contraventions of Sections 3 and 4 of the Act and their disposal under Section 26(1) and 26(2) of the Act after taking *prima facie* view are presented in Table No. B1. It is observed that the number of information filed with the Commission has been rising over the years reflecting increasing confidence of the stakeholders in the competition regime. The higher ratio of cases being closed under Section 26(2) reflects improved scrutiny by the Commission. This spares the parties from avoidable pains of investigation. It also reflects that more number of information are being filed on issues that are not subject matters of the Act.

Table No. B1: Year-wise Disposal of Alleged Contraventions of Sections 3 and 4 of the Act (2016-17)

Year	Opening Balance	No. of Cases Noticed					Disposed of by Order u/s		Balance at the end of year
		MRTPC	19(1)(a)	19(1)(b)	Suo-Moto	Total	26(1)	26(2)	
2009-10	-	50	31	-	-	81	23	6	52
2010-11	52	-	71	-	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	4	73*	161	101**	67	27
Total	-	50	690	27	101	868	378	463	-

**Suo-Moto Case No. 07/2014* is segregated in to 02 sub cases w.e.f. August 2016 and *Suo-Moto Case No. 02/2015* is segregated in to 66 sub cases w.e.f. July 2016 to facilitate exploration of investigation by DG.

**Case No. 93/2015 decided along with Case No. 1/2014 which had been referred to DG.

The Commission received 84 references u/s 19(1)(a) and 4 references u/s 19(1)(b) of the Act during 2016-17. It ordered investigations by the DG in 100 matters under Section 26(1) of the Act. It closed 67 matters under Section 26(2) of the Act. The receipt and disposal of matters during 2016-17 is presented in Table No. B2.

Table No. B2: Alleged Contraventions of Sections 3 and 4 of the Act Noticed in 2016-17

SI. 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*	34	-	-	-	-	-	34
2	Received during the year	84	-	73	3	1	-	161
3	Total	118	-	73	3	1	-	195
4	Where <i>prima facie</i> violations noticed	24	-	73	2	1	-	100
5	Where no <i>prima facie</i> violations noticed	67	-	-	-	-	-	67
6	Pending at the close of the year 6=(3-4+5)	27	-	-	1	-	-	27

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

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 Section 27 of the Act. The disposal of cases of alleged contraventions of Sections 3 and 4 of the Act till March 31, 2017 is presented in Table No. B3.

Table No. B3: Disposal of Alleged Contraventions of Sections 3 and 4 till March 31, 2017

SI.No.	Matters	No.
1	Matters taken note of through Information/Reference/ <i>Suo-Moto</i> /MRTPC	868
2	Closed without Investigations under Section 26(2)	462
3	Investigations Ordered under Section 26(1)	377
4	Investigations Completed	248*
5	Orders passed after Investigations	192**
6	Orders passed under Section 27	101
7	Orders passed under Section 26(6) & other orders	91

*This refers to investigation reports received u/s 26(3). However, in 08 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 till March 31, 2017

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
Total	-	377	248	-

It is observed that the investigations are taking increasingly more time for completion. This partly reflects inadequate staff strength in the office of the DG and partly reflects increasing complexity of cases being referred to the DG by the Commission. It may be noted that in some cases, the Commission also orders for supplementary investigations. This report presents the data and analysis of original investigations and not supplementary investigations, unless indicated otherwise. During 2016-17, DG received 100 matters for investigation under Section 26(1) of the Act and submitted investigation reports in 23 matters. Table No. B5 summarizes the receipt and disposal of matters by the DG in 2016-17.

Table No. B5: Investigations by Director General in 2016-17

Sl. No.	Particulars	No. of Investigations		
		Original	Supplementary	Total
1	Matters pending at the beginning of the year	52	16	68
2	Matters received during the year	100	06+05* = 11	111
3	Matters Disposed of during the year	23	09 + 02** + 03*** =14	37
4	Matter pending at the end of the year	129	13	142

*05 Remanded cases 79/2012, 70/2014, 30/2015, 55/2015 & 96/2015 received during the year.

**02 Remanded cases 78/2012 & 61/2013 disposed of during the year &

***03 cases were received u/s 42 [41/2011-M/s. Mankind Pharma Ltd., 41/2011-Bishop Pharmaceuticals & 42/2012] disposed of during the year.

C. Orders passed by the Commission

The Commission passes order for contravention/alleged contravention of Section 3 and 4 under the following Sections of the Act:

- Section 26 (1)- It passes order under section 26 (1) to cause further investigation by DG if there exist a *prima facie* case.
- Section 26(2)- It passes order under section 26(2) to close the matter if there is no *prima facie* contravention.
- Section 26(6)- The Commission closes the matter under section 26(2) of the Act if no case of violation is established by the Commission after completion of investigation by DG.
- Section 27- If contravention is established by the Commission after investigation by DG, then order is passed under Section 27 which includes imposition of penalties, cease and desist order and other remedies.
- Section 33: The Commission is also empowered to issue interim orders under section 33 of the Act.

The details of orders passed by the Commission till March 31, 2017 are presented in Table No. C1.

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

Year	Number of Cases Disposed of by Orders under				
	Sections 26(1) and (2)	Section 26(6) & other orders	Section 27	Section 33	Total
2009-10	29	0	0	0	29
2010-11	116	8	1	18	143
2011-12	89	37	29	13	168
2012-13	83	15	17	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	4	07**	1	179
Total	839	91	101	57	1088

*In each year, one case has been clubbed with other in Commission's order under section 26(2), therefore number of orders become 839 instead of 841

**Case No. 93/2015 was clubbed with Case No. 01/2014 without sending to DG, vide order dated January 4, 2017 and decided u/s 27 as facts of both cases were similar. Hence, number of orders become 07 instead of 08.

During 2016-17, out of a total of 167 matters disposed of, the Commission did not find any violation of the Act in 67 matters and, therefore, closed these under Section 26(2) at the *prima facie* stage. In other 100 matters, investigations were ordered under Section 26(1). Four matters were closed under Section 26(6), after the investigation by the DG and considering the submissions made by the parties. The Commission found contravention of the provisions of the Act in 7 matters, after the investigation by the DG and consideration of the submissions (written as well as oral) by the parties with due procedures following the principles of natural justice. Table No. C2 presents these details. Brief details of orders passed under Section 27 are presented in Part D of this report.

Table No. C2: Orders Passed by the Commission in Sections 3 and 4 Cases during 2016-17

Description	Section of the Act	No. of Cases
Where no <i>prima facie</i> case found	26(2)	67
Where no case was found after investigations	26(6) & other orders	4
Where contravention was finally proved	27	7

D. Execution of Orders of the Commission and Penalties

(a) Monetary penalties

The rule of law requires that the State must compel compliance with the applicable laws, if it not voluntarily done by the parties concerned, to induce the desired conduct at 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 the 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 case 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 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, 2017 are presented in Table No. D1. The Commission has levied an aggregate penalty of Rs.13, 087 crore in 109 cases. However, most of the orders of the Commission are under appeal before the COMPAT, 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 where Monetary Penalty was imposed	Penalty Imposed (Rs. Cr.)	Realised	Refunded	Being Refunded	Net Penalty Realised as on 31 st March, 2017 (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	18.63	13.13	\$	0.48	\$	5.02	-	-
2013-14	18	688.36	# 55.42	51.80	¥	0.06	©	3.56	-	-
2014-15	21	2,592.39	19.97	0.37	∞	0.07	<>	19.53	-	-
2015-16	15	1,501.64	8.23	0.01	€	-	-	8.22	-	-
2016-17	17	288.28	5.68			-	-	5.68		
Total (Rounded off)	109~	13,087.23	109.71	66.04		0.60		43.07	-	-

<i>Excludes:</i>	
(i)	The net interest realised from the opposite parties amounting to Rs. 23,52,628/- on account of delay in making payment of penalty.
(ii)	The amount of penalty deposited with COMPAT in respect of orders on appeal. ~ Section wise breakup of penalty cases is given in Table D2.
2011-12	*Refund includes Rs. 72,25,000 in case No 20/2011 (u/s 43)
2012-13	\$ Refund includes Rs. 13,06,00,000/- and Rs. 7,30,000/- realised in case No 61/2010 and 29/2010 (u/s 27) respectively. Being refunded includes Rs. 47,40,613/- and Rs. 53,837/- realised in case No 20/2011 and MRTP/C-87/2009-DGIR (u/s 27) respectively.
2013-14	# In case No. 3, 11 & 59/2012, a penalty of Rs. 1773.05 Crore imposed on Coal India Ltd. u/s 27 of the Competition Act, 2002 vide Commission's Order dated 09.12.2013 has been reduced to Rs. 591.05 Crore vide Commission's Order dated 24.03.2017.
	¥ Refund includes Rs. 1,52,20,000/-, Rs. 50,00,00,000/- and Rs. 28,14,900/- realised in case No Suo Moto 3/2012, case No. 3, 11 & 59/2012 and case No. Ref 1/2012 (u/s 27) respectively.
	© Being refunded includes Rs. 5,61,097/- realised in case No. 41/2011 (u/s 27).
2014-15	∞ Refund includes Rs. 2,93,699/- realised in case No 78/2012 and Rs. 33,75,177/- realised in case No. 74/2012.
	<> Being refunded includes Rs. 6,76,003/- realised in case No 38/2011.
2015-16	€ Refund includes Rs. 1,04,175/- realised in case No 16/2014.

The distribution of penalties levied under various Sections of the Act over the years is presented in Table No. D2. An aggregate penalty of Rs. 13,052.70 crore has been levied under Section 27 of the Act, for anti-trust conduct.

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

Section of the Act	2011-12		2012-13		2013-14		2014-15		2015-16		2016-17		Total	
	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	281.35	64	13052.70
42	-	-	-	-	2	2.47	3	1.9	-	-	-	-	5	4.37
43	5	2.85	5	0.65	2	1.00	2	0.74	1	0.38	1	0.16	16	5.78
43A	-	-	1	0.05	3	2.50	4	9	3	6.05	10	6.70	21	24.30
44	-	-	-	-	-	-	-	-	-	-	-	-	-	0
45	-	-	-	-	-	-	-	-	-	-	-	-	-	0
48	-	-	-	-	-	-	-	-	1	0.01	2	0.07	3	0.08
Total	21	860.38	17	7,156.18	18	688.36	21	2,592.39	15	1,501.64	17	288.28	109	13,087.23

*2013-14 - In case No. 3, 11 & 59/2012, a penalty of Rs. 1773.05 crore imposed on Coal India Ltd. u/s 27 of the Competition Act, 2002 vide Commission's Order dated 09.12.2013 was reduced to Rs. 591.05 crore vide Commission's Order dated 24.03.2017.

During 2016-17, the Commission imposed monetary penalty in 17 matters, as indicated in Table No. D3. of these, 4 are Section 27 cases with an aggregate penalty of Rs. 281.35 crore. An amount of Rs. 5.68 crore out of total penalty of Rs 288.28 crores has been realised by the end of March, 2017.

Table No. D3: Monetary Penalties imposed and Realised by the Commission in 2016-17

Sl. No.	Section of the Act	No. of Cases	Penalty Imposed (Rs. Crore)	Penalty Realised as on 31st March, 2017		
				Realised without resorting to Section 39(2)	Referred to Income Tax Authorities for Realisation	Realised by Income Tax Authorities
1	27	4*	281.35			
2	42					
3	43	1	0.16			
4	43 A	10	6.70	5.68		
5	44					
6	45					
7	48	2	0.07			
Total*		17	288.28	5.68		

*Monetary penalty under Section 27 was imposed in 07 cases during 2016-17. Of these, 3 cases were earlier cases remanded to CCI by COMPAT. Penalty (either revised or maintained at the same level as under earlier order) imposed in these 3 cases are not included in the total above, since the same have been included in earlier years. The details of these 3 cases (Case Nos 29/2010, RTPE 52/2006 and 3,11 and 59/2012) are given in Table No D4 at S.No 2, 3 and 7. Summary details and status of the monetary penalty imposed as per orders of the Commission in 2016-17 are presented in Table No. D4.

Table No. D4: Details of Orders passed in 2016-17 imposing Monetary Penalty

Sl. No	Date of Order	Case No.	Parties to the Case	Amount of Penalty (Rs. Lakh)	Recovery Status as on 31 st March 2017
Under Section 27 of the Act					
1	July 28, 2016	71/2013	M/s Maruti & Company Vs Karnataka Chemists & Druggists Association & Others	7304.60	Order stayed by the Competition Appellate Tribunal
2	August 31, 2016	29/2010	Builders Association of India vs Cement Manufacturers' Association & Ors.	6,31,732.00	Fresh order issued. Order stayed by the Competition Appellate Tribunal
3	August 31, 2016	RTPE 52/2006	In re: Alleged cartelisation by Cement Manufacturers. Vs Shree Cement Limited & Ors.	39,751.00	Fresh order issued. Order stayed by the Competition Appellate Tribunal

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Sl. No	Date of Order	Case No.	Parties to the Case	Amount of Penalty (Rs. Lakh)	Recovery Status as on 31 st March 2017
4	January 18, 2017	SM 03 of 2014	Cartelization in respect of tenders floated by Indian Railways for supply of Brushless DC Fans and other electrical items.	247.86	The parties have not yet deposited the penalty
5	January 19, 2017	Ref. Case No. 05 of 2013	Director, Supplies & Disposals, Haryana vs Shree Cement Limited & Ors	20573.00	Out of 07 OPs, Order stayed by the Competition Appellate Tribunal in respect of 03 OPs namely Ambuja Cements Ltd., ACC Limited and J.K. Lakshmi Cement Ltd. Rest of the OPs have neither obtained stay nor deposited the penalty
6	March 24, 2017	98/2014	Shri T. G. Vinayakumar (also known as Vinayan) Vs. Association of Malayalam Movie Artists & others.	9.29	The parties have not yet deposited the penalty.
7	March 24, 2017	3, 11 and 59/2012	(03/2012) Maharashtra State Power Generation Company Ltd. Mahanadi Coalfields Ltd. & other, (11/2012) Maharashtra State Power Generation Company Ltd. Vs. Western Coalfields Ltd. & Other (59/2012) Gujarat State Electricity Corporation Limited Vs. South Eastern Coalfields Ltd. & Other	59101.00	Fresh order issued. Penalty of Rs. 177305 lakh imposed vide Order dtd. 09.12.13 reduced. The party has not yet deposited the penalty.
Total				751422.75	
Under Section 43 of the Act					
1	Mar 21, 2017 & Feb 9, 2017	SM 01 of 2014	In Re; Cartel in supply of LPG cylinders	16	The parties have not yet deposited the penalty.
Total				16	
Under Section 43A of the Act					
1	May 02, 2016	C-2015/02/249	Piramal Enterprises Limited	500.00	The party has deposited the penalty

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Sl. No	Date of Order	Case No.	Parties to the Case	Amount of Penalty (Rs. Lakh)	Recovery Status as on 31 st March 2017
2	Jul 14, 2016	C-2015/07/289	Eli Lilly	100.00	Order stayed by the Competition Appellate Tribunal
3	Aug 16, 2016	C-2015/12/347	SRF Ltd.	10.00	The party has deposited the penalty
4	Aug 16, 2016	C-2016/02/373	Clariant Chemicals India Ltd.	1.00	The party has deposited the penalty
5	Aug 31, 2016	C-2015/09/313	DiaSys Diagnostics India Pvt. Ltd.	2.00	The party has deposited the penalty
6	Sep 14, 2016	C-2015/08/299	Hindustan Colas	5.00	The party has deposited the penalty
7	Jan 13, 2017	C-2015/12/349	Shulke Germany	25.00	The party has deposited the penalty
8	Feb 02, 2017	C-2015/08/298	Reydel Automotive Holdings B.V.	25.00	The party has deposited the penalty
9	Feb 14, 2017	C-2015/12/344	Sarva Haryana Gramin Bank and Punjab National Bank	1.00	The party has not yet deposited the penalty.
10	Feb 14, 2017	C-2016/02/377	Rajasthan Marudhara Gramin Bank and State Bank of Bikaner and Jaipur	1.00	The party has not yet deposited the penalty.
Total				670.00	
Under Section 48 of the Act					
1	July 28, 2016	71/2013	M/s Maruti & Company Vs. Karnataka Chemists & Druggists Association & Others	5.21	Out of 04 OPs, Order stayed by the COMPAT in respect of 02 OPs namely Shri A.K. Jeevan and Shri D.S. Guddodgi. With respect to remaining 02 OPs, Competition Appellate Tribunal has set aside the impugned Order
2	March 24, 2017	98/2014	Shri T.G. Vinayakumar (also known as Vinayan) Vs. Association of Malayalam Movie Artists & Others.	1.97	The parties have not yet deposited the penalty.
Total				7.18	

(b) 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 extent to rupees twenty-five crore, as the Chief Metropolitan Magistrate is presented in Table No. D5.

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

Sl. No	Complaints	Number
(i)	Complaints pending at the beginning of the year	12
(ii)	Complaints made during the year	9
(iii)	Total number of complaints	21
(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	21

(c) Imposition of lesser penalties

In case a person/ party, who is one of the parties to a cartel, makes a full, true and vital disclosures in respect of such cartel, the Commission under Section 46 can decide to impose a lesser penalty. During 2016-2017, though the Commission received and processed a few applications for lesser penalty, one matter matured for decision. Hence, lesser penalty was imposed in one matter, as evident from Table No. D6.

Table D6: Imposition of Lesser Penalties under Section 46

Sl. No	Description	Number
(i)	Number of matters in which lesser penalty imposed	1
(ii)	Number of persons or enterprises on whom lesser penalty imposed	1
(iii)	Number of persons granted full leniency and partial leniency in each matter	1

E. Appeals

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

1. Appeals received and disposed of by COMPAT

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

Table E1: Appeals against Orders of Commission

Year	No. of Orders Passed by Commission	No. of Appeals filed against orders passed by the Commission	Percentage of Orders Appealed (%)
2009-10	06	02	33.33
2010-11	73	12	16.44
2011-12	130	40	30.77
2012-13	87	38	43.68
2013-14	103	33	32.04
2014-15	103	31	30.10
2015-16	130	34	26.15
2016-17	79	31	39.24
Total	711	221	31.08

The disposal of appeals by the COMPAT over the year is presented in Table No. E2. It is observed that the COMPAT has disposed of appeals against 476 orders of the Commission till March 31, 2017. It has set aside about 44.75 per cent (213 orders out of 466) of the orders of the Commission.

Table No. E2: Disposal of Appeals by COMPAT

Year	No. of Orders Passed by COMPAT			Total
	Disallowed (Upholding Commissions' Order)	Allowed (Setting Aside Commissions' Orders)	Out of Appeals allowed remanded to Commission	
2009-10	00	01	00	01
2010-11	08	00	00	08
2011-12	15	01	01	16
2012-13	35	05	00	40
2013-14	64	44	44	108
2014-15	45	06	02	51
2015-16	49	87	67	136
2016-17	47	69	19	116
Total	263	213	133	476

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

Out of the 116 matters disposed by the COMPAT during 2016-17, 29 appeals were related to CCI's orders u/s 26(2) and 77 appeals pertained CCI orders u/s (27) as per the Table No. E2 (a):

Table No. E2 (a): Section-wise disposal of appeals during 2016-17

Section 26(2)	29 (04 remanded)
Section 27	77 (12 remanded)
Others	10 (03 remanded)
Total disposed matters	116

The details of disposal of appeals by COMPAT during 2016-17 are presented in Table E3. COMPAT allowed appeals in 69 cases and disallowed in 47 cases. Of the appeals disposed, COMPAT allowed appeals in 59.48 per cent of the cases.

Table No. E3: Receipt and Disposal of appeals by COMPAT in 2016-17

(Number)

Description	Opening Balance	Added during 2016-17	Total
Appeals	96	59	155
Appeals Disallowed	00	47	47
Appeals Allowed (setting aside Commissions order)	00	69	69
Out of Appeals allowed remanded to Commission	00	19	19
Appeal Pending	-	-	39

2. Brief write-up on the Appeals Allowed by Appellate Tribunal

1. Appeal Nos. 01 /2014, 44-47/2014, 49/2014,70/2014 & 52/2015; Coal India Ltd Vs Competition Commission of India

The information before Competition Commission of India (CCI) alleged abuse of dominance by Coal India Ltd (CIL) through its one sided Fuel Supply Agreements by various power companies. CCI came to the conclusion after following the due process laid in the Competition Act, 2002 (Act) that CIL and its subsidiaries operated independent of market forces and enjoyed undisputed dominance in the relevant market. The Commission also held the Opposite Parties to be in contravention of the provisions of section 4 of the Act for imposing unfair/ discriminatory terms and conditions in the FSAs (Fuel Supply Agreements) and indulging in unfair/ discriminatory conduct in the matter of supply of non-coking coal.

COMPAT has set aside the order of the CCI in CCI Case 3, 11, 59/2012, Case Nos. 05, 07, 37 and 44 of 2013, 08/2014 on the singular question of the impugned order being vitiated due to violation of one of the facets of the principles of natural justice, i.e., one who hears must decide.

The matter was remitted back to CCI and order was directed to be passed within two months.

2. Appeal Nos. 73-78/2014, 83-88/2014 & 08-15/2015; Indian Jute Mills Association vs Competition Commission of India (tagged matters)

The information, before CCI, alleged an anti-competitive agreement by the members of Indian Jute Manufacturers Association (IJMA) and GTA (Gunny Trade Association) in fixation of sale price of jute packaging material by issuing of daily price bulletin (DPB) by GTA for jute bags for the members of the IJMA and the GTA to follow. The CCI had found after following the due process under the Act that IJMA and GTA were guilty of violating Section 3(1) read with Section 3(3)(a) and 3(3)(b). Consequently, it had

passed an order imposing cease and desist order, penalty, and also order under Section 48 against its office bearers.

COMPAT set aside the order of CCI passed by it in Case No 38/2011. It relied on its order passed in *Lafarge Cement Co vs Competition Commission of India* and *Coal India Ltd v Competition Commission of India* on the principle of one who hears must decide besides also delving on the issues that the evidence required to prove a cartel was not there amongst others.

3. Appeal No 88/2015; M/s Narendra Explosive Ltd. v. Competition Commission of India and tagged matters

CCI had taken *suo moto* cognizance against allegations of suspected cartelisation by 13 manufacturers/suppliers of CN containers to the three ordinance factories situated at Ammunition Factory, Khadki (Pune), Ordnance Factory, Dehu Road (Pune) and Ordnance Factory, Chandrapur on the basis of the CAG Report of 2010-2011 on defence sector. CCI held that ‘there exists a cartel in the supply of CN Containers with the disc’ and passed an order against manufacturers/suppliers of CN containers, also imposing penalty for contravention of the provisions of Section 3(3)(a) and 3(3)(d) read with sec 3(1) of the Act.

Hon’ble COMPAT vide its order dated 10.05.2016 set aside the order of CCI. COMPAT relied on its order passed in *Lafarge Cement Co vs Competition Commission of India* and *Coal India Ltd vs Competition Commission of India* on the principle of one who hears must decide besides, also delving on the issues that the evidence required to prove a cartel was not there amongst others and that DG had exceeded his jurisdiction while concluding that OP’s had acted in contravention of Section 3(3)(a) when it was clear from Section 26(1) order that investigation only of Section 3(3)(d) was to be done.

4. Appeal No 06-07/2016 & 21/2013; Interglobe Aviation Ltd. (Indigo Airlines) vs Competition Commission of India

The information before CCI alleged the violation of Section 3 by various Airline Companies through fuel surcharge imposed on transporting cargo. CCI held that the airlines companies have acted in a concerted manner in fixing and revising ‘Fuel Surcharge’ (FSC) and thereby contravened Section 3(1) read with Section 3(3)(a) of the Act and imposed penalty of Rs. 63.74 crores, Rs. 42.48 crores and Rs. 151.69 crores respectively on the three airlines i.e. Jet Airways, Indigo Airlines and Spicejet.

COMPAT allowed the appeals and remanded back the matter to the CCI, holding that the CCI’s failure to give notice to the appellants incorporating the reasons of its disagreement with the findings and conclusions recorded by the Jt. DG and giving them an effective opportunity to show that they had not formed any cartel for jacking-up fuel surcharge from time to time, has not only resulted in gross violation of principles of natural justice, but has also caused prejudice to them.

5. Appeal No. 09/2016, M/s Alkem Laboratories v. Competition Commission of India & Ors. and tagged matters

The information before CCI was that the Kerala Chemist and Druggist Association (KCDA) was insisting on No Objection Certificate for informant to be appointed as a stockist of Alkem Laboratories Ltd and thus was violating the provisions of Section 3 of the Act. CCI after following the due process under the Act in its final order directed the M/s Alkem Laboratories Ltd (Alkem) and KCDA and its office bearers to cease and desist from indulging in anti-competitive conduct. It also imposed penalties on them.

A total of five appeals were filed against order of CCI Case No. 28/2014 of which the Appeal filed by KCDA was dismissed while the others by Alkem and its office bearers, and office bearers of KCDA were allowed.

COMPAT while allowing the said appeals took the view that the deemed provisions contained in the two subsections of Section 48 can be invoked only after it is found that a company has contravened the provisions of the Act and also that in exercise of power vested in it under Section 27(g), CCI cannot make an order or issue a direction which would directly or indirectly impinge upon the provisions of other statutes.

6. Appeal No 06-07/2014 & 21/2013; All India Chemist and Druggist Association Vs Competition Commission of India

The information before CCI was related to limiting and restricting the supply of pharmaceutical drugs in India by All India Organisation of Chemists and Druggists (AIOCD) and its affiliates. CCI after following the due process under the Act found that AIOCD and its affiliates were guilty of contravening Section 3(3) (a) and Section 3(3)(b) read with Section 3(1) of the Act. Penalties were also imposed on them.

COMPAT set aside the order of CCI and held that the findings recorded by the DG about violation of Section 3(3)(b) read with Section 3(1) of the Act on various counts like NOC, PIS approval, trade margins and boycott, which have been approved by the CCI *albeit* without considering the objections filed by the AIOCD and others are self-contradictory and largely based on conjectures. Further it was held that the conclusion recorded by the majority of CCI that the trade margins to the 191 wholesalers and the retailers has the effect of determining the sale and price of the drugs in the market in contravention of Section 3(3) (a) of the Act, was legally unsustainable.

COMPAT also observed that in the absence of any cogent and legally admissible evidence, the DG and CCI were not at all justified in returning an affirmative finding on boycott by AIOCD and its affiliates. Thus, the appeal was allowed.

7. Appeal No 85-86/2015 & 88-91/2015; GlaxoSmithKline Pharmaceuticals Limited v. Competition Commission of India & Ors.

The information before CCI was with regard to alleged contravention of the provisions of sections 3 and

4 of the Act by pharmaceuticals companies *i.e.* GSK and Sanofi and by Ministry of Health and Family Welfare (MHFW) that introduced and modified the tender conditions without any reasonable rationale thereby abusing their dominant position respectively. CCI, after following the due process laid down in the Act found that GSK and Sanofi were colluding with each other to divide the entire tender quantity and therefore the provisions of Section 3(3)(d) read with Section 3(1) of the Act have been contravened. Penalty @ of 3 per cent of their turnover was also imposed.

COMPAT allowed the appeals *inter alia* on grounds that DG Investigation was *ex facie* erroneous and legally unsustainable, standard of proof required for a cartel did not exist, credibility of informant was dubious, and penalty was not imposed on relevant turnover.

8. Appeal Nos. 34 - 43/2013, M/s. A.R. Polymers Pvt Ltd. v. CCI etc.

The information was filed before CCI by Director General (Supplies & Disposals) / DGS&D against the opposite parties alleging *inter alia* bid rigging and market allocation in contravention of the provisions of section 3 of the Act while bidding against the Tender Enquiry dated 14.06.2011 floated by DGS&D for concluding Rate Contracts/ RC of product (Polyester Blended Duck Ankle Boot Rubber Sole) for the period from 01.12.2011 to 30.11.2012. CCI after following the due process laid down in the Act, held that the OPs were guilty of bid rigging, thus in contravention of the provisions of section 3(1) read with sections 3(3)(b), (c) and (d) of the Act.

COMPAT allowed the appeals and held that the conclusions of CCI are legally unsustainable as it failed to consider special features of the products in question and it also held that the CCI could not impose penalty on the total turnover of the appellants, it ought to have confined the penalty to relevant turnover.

9. Appeal No. 37/2014, Bengal Chemist & Druggists Assn. v. Competition Commission of India & Ors.

The information before CCI was with respect to activities and decision of Bengal Chemist and Druggist Association (BCDA) that directed its members to sell drugs only at their Maximum Retail Price (MRP). CCI initiated an investigation and after following the due process laid down in the Act, it found BCDA and its executive committee members in violation of the provisions of Section 3(3)(a) and (b) read with Section 3(1) of the Act and Section 48 respectively.

COMPAT partially allowed the appeal by upholding the order of Commission qua violation of Section 3(3) (a) and 3(3)(b) by BCDA. However, it reduced the penalty taking into consideration that BCDA had given an undertaking that it would not continue the anti-competitive practices while investigation was being done against it. The order against BCDA office bearers was also set aside on the ground that the appellants could not have been penalised under Section 27 of the Act without the help of Section 48 of the Act. Section 27 of the Act cannot be relied upon for penalising the office-bearers or the members of an association, unless the

ingredients of Section 48(1) or (2) of the Act are proved. Further, no evidence was produced to prove that they were incharge of and were responsible to BCDA for the conduct of its business.

10. Appeal No. 60/2015, M/s. All India Motor Transport Congress Vs. Indian Foundation of Transport Research & Training (IFTRT) TIN

The information before CCI came from the Indian Foundation of Transport Research and Training (IFTRT) alleging that M/s. All India Motor Transport Congress (AIMTC) had given directions to their member transporters to uniformly raise truck freight rates by 15 per cent across the country on account of the diesel price hike of INR 5 per litre. The CCI following the due process as laid down in the Act found AIMTC guilty of contravening the provisions of Section 3(3)(a) of the Act. Further, a penalty was also imposed on the Appellant.

COMPAT allowed the appeal holding that the report of DG was based on conjectures and surmises, and that the increase in freight rates was not evidenced by facts. It also held that opportunity of cross examination has not been provided to the appellants.

11. Appeal No. 99/2015, Kerala film Exhibitors Federation And Others Vs. CCI And another

The information before CCI was that Kerala Film Exhibitors Federation (KFEF) was taking action to prevent screening of Malayalam and Tamil films in theatres in Kerala and controlling and restricting the exhibition of new movies across Kerala. CCI after following the due process as laid down in the Act, held the same as anti-competitive and that KFEF acted in contravention of Section 3(1) read with Section 3(3) (b). Penalties were also imposed on KFEF and its office bearers.

COMPAT partly allowed the appeal and observed that the finding recorded by the CCI, that KFEF acted in contravention of Section 3(1) read with Section 3(3)(b) and imposing penalty upon it, was correct. However, the penalty imposed on its office bearers as also directions qua them in the impugned order were set aside on the grounds *inter alia* that CCI failed to issue any notice to office bearers proposing to debar them from discharging the functions as important functionaries of KFEF.

12. Appeal Nos. 02/2016, Ess Cee Securities Pvt. Ltd., Signature Sec. Pvt. Ltd. vs CCI, DLF Universal Ltd. and DLF Home Developers Ltd.

The information before CCI was that DLF Universal Ltd. and DLF Home Developers Ltd. were in contravention of Section 3 and 4 of the Act through the one sided apartment buyers agreement. CCI after following the due process as laid down in the Act, held that DLF *prima facie* does not appear to be dominant in the relevant market and thus, closed the case u/s 26(2) of the Act.

COMPAT held that the CCI erred in defining the relevant market in this case and opined that the relevant market should be ‘*the provision of services relating to development and sale of high-end luxury residential apartments in Delhi*’. COMPAT did not venture into determining the position of dominance as the same was a matter which needs to be examined by CCI. As a result, the case was remitted back to the CCI for deciding whether DLF was in a dominant position in the relevant market and whether it had abused its dominance.

13. Appeal No. 03/2016, Gujarat Industries Power Co. Ltd. vs. CCI and Anr.

The information before CCI was filed against M/s GAIL (India) Limited alleging, *inter alia*, contravention of the provisions of section 4 of the Act. CCI *prima facie* held under section 26(2) that the clause “Pay for, if not taken” liability under the Gas Supply Agreement (GSA) was not abusive and the behaviour of GAIL was rational and not arbitrary. CCI was unable to construe abusive conduct of GAIL from the material/letter/emails exchanged between the informants and OP. Thus, it closed the case u/s 26(2) of the Act.

COMPAT while allowing the appeal and remanding it to DG for investigation *inter alia* held that the CCI cannot make detailed examination of the allegations contained in the information or reference while passing an order under Section 26(2) of the Act.

14. Appeal No. 21/2016 & 34/2016, Shri Sunil Bansal and ors.Vs. M/s Jaiprakash Associates Limited (JAL) and anr.

The information before CCI was filed against the Jaypee group comprising of Jaiprakash Associates Limited (JAL) and Jaypee Infratech Limited (JIL) along with New Okhla Industrial Development Authority (NOIDA) for abusing their dominant position through imposition of highly arbitrary, unfair and unreasonable conditions in the agreements for allotment of residential apartments, which unilaterally favour the Jaypee group thereby violating S. 4(2)(a)(i) and 4(2)(e) of the Act. CCI after following due process as laid down under the Act, held that the Jaypee Group does not enjoy a position of dominance in the market for ‘provision of services for the development and sale of residential apartments in Noida and Greater Noida’. However, the dissent order passed by the CCI opined that the Jaypee Group have contravened the provisions of Section 4(2)(a)(i) of the Act in the relevant market for ‘provision of services for development and sale of residential/dwelling units in Integrated Townships in the territory of Noida and Greater Noida’.

COMPAT, allowed the appeal and remitted back the case to CCI for fresh consideration of DG Report on ground of violation of principles of natural justice. COMPAT held that CCI did not record its disagreement with the findings and conclusions recorded by the DG, till the passing of the final order which deprived the appellants an effective opportunity to controvert what the CCI had perceived and this amounted to clear violation of the principles of natural justice, which the CCI was bound to comply with in view of the mandate of section 36(1) of the Act.

15. Appeal No. 31/2016, Meru Travels Solutions Pvt. Ltd. vs. CCI & ors.

The information before CCI was that Uber had abused its dominant position by alluding to predatory pricing. CCI after following due process as laid down under the Act, held that the radio taxi services market in Delhi is competitive in nature and Uber does not appear to be dominant in the same. Accordingly the CCI closed the case vide its order dated u/s 26 (2) of the Act.

COMPAT allowing the appeal observed that it cannot be said definitively that there was an abuse inherent in the business practices adopted by the operators such as respondents but the size of discounts and incentives offered showed that, there were either phenomenal efficiency improvements which were replacing existing business models with the new business models or there could be an anti-competitive stance to it. It remanded the matter to Director General for investigation.

16. Appeal No. 42/2016, M/s. K Sera Sera Digital Cinema Pvt. Ltd. vs. Digital Cinema Initiatives, LLC and Others

The information before CCI was with regard to contravention of the provisions of Sections 3 and 4 of the Act by various Hollywood Studios that resulted, releasing movies in India in digital form only through Digital Cinema Initiative compliant servers and projectors (DCI-compliant). The matter was considered by the CCI and having found no *prima facie* case, it closed the matter under Section 26(2) of the Act.

COMPAT while allowing the Appeal held that the CCI in its reconsideration did not comply with the directions of this Tribunal in as much as it failed to order an investigation by the Director General. Further, it also held that CCI erred in not considering, among other issues, dominance and its abuse by the respondents in exhibiting Hollywood movies in India; the role played by private standards in foreclosing competition under different provisions of Section 3 and Section 4 of the Act. It remanded the matter to Director General for investigation.

17. Appeal No. 36/2014, India Trade Promotion Organisation (ITPO) Vs. Competition Commission of India & Ors.

The information before CCI was filed alleging *inter alia* contravention of the provisions of section 4 of the Act by ITPO in imposing time gap restrictions for trade shows and giving preferential treatment to its own fairs over competing fairs at Pragati Maidan. CCI after following due process as laid down in the Act found ITPO to have contravened the provisions of section 4(2)(a)(i), 4(2)(b)(i), 4(2)(c) and 4(2)(e) read with section 4(1) of the Act. A penalty was also imposed on ITPO for abusing its dominant position in the market for event and exhibition services.

COMPAT allowed the appeal and held that the DG failed to perform its duty by not conducting a proper investigation with reference to the relevant factors for the purpose of determination of the relevant market

and the CCI too decided the relevant market with pre-conceived notions, and that there was an economic rationale for the time gap policy. Further, it held that the CCI failed to lay down any criteria for imposing penalty hence, the same was quashed.

18. Appeal No. 40/2016, M/s. Lupin Limited and Others vs CCI and Others (KCDA)

The information before CCI was filed alleging that the Karnataka Chemists and Druggist Association (KCDA) restrained pharmaceutical companies from appointing new stockists in the State of Karnataka unless a 'No Objection Certificate' ('NOC') was obtained from it and that Lupin Ltd. refused to supply drugs to M/s Maruti & Co. on account of not having obtained NOC from KCDA. CCI after following due process under the Act held that the KCDA was indulging in the anti-competitive practice of mandating NOC prior to the appointment of new stockists by pharmaceutical companies and was thus acting in violation of Section 3(1) read with Section 3(3)(b) of the Act. The CCI imposed monetary penalties on the office bearers of KCDA and Lupin Ltd. at the rate of 10 per cent and 1 per cent of their incomes respectively

COMPAT held that the Jt. DG and the CCI committed a jurisdictional error by returning a finding that Lupin Limited had acted in violation of Section 3(1) read with Section 3(3)(b) of the Act and the finding recorded by the CCI that there was an arrangement/ understanding between KCDA and Lupin and that they are guilty of anti-competitive conduct in violation of Section 3(1) of the Act was also erroneous. COMPAT observed that, the view taken by the Commission in the present case was also contrary to its own order dated 27.10.2014 in *Suo-Moto Case No.05 of 2013* titled *Collective boycott/ refusal to deal by Chemists and Druggists Association, Goa (CDAG), M/s Glenmark Company and, M/s Wockhardt Ltd.*

19. Appeal Nos. 94/2015, National Insurance Company Ltd. Vs. CCI and tagged matters

The matter was taken up *suo moto* by the CCI on the basis of an anonymous letter that alleged that the public sector non life insurance companies *i.e.* National Insurance Company Limited (NIICL), New India Assurance Company Limited (NIACL), Oriental Insurance Company Limited (OICL), and United India Insurance Company Limited (UIICL), had manipulated the bidding process initiated by the Government of Kerala in regard to the *Rashtriya Swasthya Bima Yojna* [RSBY] / Comprehensive Health Insurance Scheme [CHIS]. Following due process as laid in the Act, CCI found the conduct of the PSU Insurers in contravention of the provisions of Section 3(1) read with Section 3(3)(d) of the Act. Resultantly, the Commission directed the Appellants to cease and desist from indulging in the practices found anti-competitive and also imposed a penalty on each of the Appellant at the rate of 2 per cent of its average turnover of the last three financial years.

While COMPAT upheld the order of CCI with regard to CCI finding on anti-competitive conduct of PSU insurance companies, it set aside the penalty imposed by CCI on the basis of total turnover and reduced it to 1 per cent of relevant turnover (*i.e.* premium received by each insurance company in the particular tender).

20. Appeal No. 98/2015, The Air Cargo Agents Association of India Vs. CCI and another

The information before CCI was filed alleging anti-competitive conduct under section 3 and section 4 of the Act by International Air Transport Association (“IATA”) in determining the rate of cargo agents’ commission in India through ‘Resolution 016aa’ and in implementation of CASS by IATA through ‘Resolution 851’ in India. CCI after following due process under the Act, passed an order under Section 26(6) of the Act and held that the IATA have not contravened the provisions of Section 3(3) read with Section 3(1) of the Act.

COMPAT held that the DG is duty bound to record findings on each of the allegations made in the information or reference. DG was required to deal with the allegation of abuse of dominant position and consequential violation of Section 4 of the Act levelled by the Air Cargo Agents Association of India.

Thus, the impugned order was set aside and the matter was remitted back for DG and the DG was directed to conduct fresh investigation into the allegations levelled by the Air Cargo Agents Association of India against IATA and submit a report to the CCI.

21. Appeal Nos. 60-62/2014, Toyota Kirloskar Motor Private Limited vs Competition Commission of India

The information before CCI was filed for alleged abuse of dominant position and anti-competitive agreement/practices adopted by certain car companies in providing after sales services and products. CCI after following due process under the Act, held that the named car companies’ distributions/sales agreements and practices were violative of Section 3(4)(b), 3(4)(c) and 3 (4)(d) & Section 4(2)(c) and 4(2)(e) of the Act while also imposing various penalties.

Aggrieved by the above decision of the CCI, three car companies Toyota Kirloskar Motor Private Limited, Ford India Private Limited and Nissan Motor India Private Limited, (Appellants), filed an appeal before COMPAT.

COMPAT approved the findings of the CCI against the named car companies. However, it did not agree with the CCI on the aspect of the penalty and it reduced the penalty to the extent of 2 per cent of average annual turnover of spare parts in the aftermarket of immediately preceding three years before the year of enquiry. Further, CCI had been directed to obtain relevant statistics and after verification determine the amount of penalty on the basis of this direction. COMPAT also modified the directions in the CCI order and the CCI was directed to review the progress and action taken by each party to the order including the Government Departments/Ministry, every three months and send a report to COMPAT for further directions.

F. Matters received regarding Combinations

The Act defines ‘combination’ to mean acquisition of one or more enterprises by one or more persons or merger or amalgamation of enterprises. It prohibits any combination above certain threshold of assets / turnover, which causes or is likely to cause an appreciable adverse effect on competition (AAEC) within the relevant market in India. A person proposing to enter into a combination is, therefore, required to give a notice of such combination, along with relevant details, to the Commission under Section 6(2) of the Act to enable the latter to assess the proposal from competition perspective and approve it with or without modifications. Under Section 20(1) of the Act, the Commission may, upon its own knowledge or on receiving information relating to acquisition referred to in clause (a) of Section 5 or acquiring of control referred to in clause (b) of Section 5 or merger or amalgamation referred to in clause (c) of that section, inquire into whether such a combination has caused or is likely to cause an AAEC in India (*suomoto cases*). The provisions relating to combinations came into force on June 1, 2011. Table No. F1 presents receipt of notices of combinations and disposal of such notices till March, 2017.

Table No. F1: Receipt and Disposal of Combination Notices 2011-17 (Actuals)

Year	Notices				Disposed of by				Closing Balance	Average No. of working days for Disposal
	Opening Balance	Received	Suo Moto	Total	Without Modification	With Modification	Rejection	Invalid / Withdrawn		
2011-12		48	00	48	40	00	00	01	07	16
2012-13	07	67	00	74	65	00	00	03	06	17
2013-14	06	47	00	53	44	00	00	02	07	18
2014-15	07	98	00	105	83	02	00	06	14	24
2015-16	14	118	07	139	107	00	00	12	20	26
2016-17	20	111	02	133	105	01	00	11	16	29
Total		489	09		444	03	00	35		

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

As on March 31, 2016, twenty notices were pending for assessment. Further, during 2016-17, the Commission received 111 notices under Section 6(2) and 02 notices pursuant to initiation of inquiry under section 20(1) of the Act. Out of the 113 notices received during 2016-17, 97 were Form-I and 16 were in Form-II. Sector-wise break-up of the 113 notices (along with their respective shares in total notices filed) is as follows:

Finance and Markets (11%); Pharmaceuticals and Healthcare (13%); Information Technology and Services (6%); PVC & Chemicals (3%); Auto & Auto Components (8%); Mining & Metals (3%); Power & Power Generation (9%); Media & Entertainment (4%); Food & Refined Oil (6%); and Miscellaneous (38%). The Commission took final decision in respect of 109 notices during 2016-17. Details regarding the notices received and disposed in 2016-17 are presented in Table No. F2.

Table No. F2: Receipt and Disposal of Combination Notices 2016-17

Sl. No.	Particulars	Number
i	Number of matters pending at the beginning of the year	20
ii	Number of notices received during the year	113
iii	Total number of notices under consideration at the end of the year	16
iv	Number of combinations approved by the Commission*:	106
	a) Approved in ≤ 30 days	11**
	b) Approved $31 \leq 60$ days	55**
	c) Approved $61 \leq 120$ days	35**
	d) Approved $121 \leq 210$ days	05**
v	Number of combination notices ordered for enquiry:	Nil
vi	Number of combination notices not disposed of within 210 days, with brief reasons there for, and combinations deemed to have been approved	NA
vii	Number of combinations not approved by the Commission with brief reasons there fore	NA

* 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.

** Calendar days

G. References by Central Government or State Governments

The State intervenes in the market and the economy by (a) enacting legislations to prescribe the rules of the game and the norms of behaviour of the economic agents, and (b) formulating economic policies relating to trade, commerce, industry, business, investment, disinvestment, 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

Sl. No.	Description	Number						
		2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
(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

(2) References from State Government - 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 Government

Sl. No.	Description	Number						
		2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
(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

(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 there of, 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.

In exercise of this power, the Central Government issued one notification in 2016-17. Pursuant to this notification the Central Government, in public interest, exempted the enterprises being parties to:

- (a) any acquisition referred to in clause (a) of section 5 of the Competition Act;
- (b) acquiring of control by a person over an enterprise when such person has already direct or indirect control over another enterprise engaged in production, distribution or trading of a similar or identical or substitutable goods or provision of a similar or identical or substitutable service, referred to in clause (b) of section 5 of the Competition Act; and
- (c) any merger or amalgamation, referred to in clause (c) of section 5 of the Competition Act, where the value of assets being acquired, taken control of, merged or amalgamated is not more than rupees three hundred and fifty crores in India or turnover of not more than rupees one thousand crores in India, from the provisions of section 5 of the said Act for a period of five years from the date of publication of this notification in the official gazette.

Paragraph 2 of the notification states that where a portion of an enterprise or division or business is being acquired, taken control of, merged or amalgamated with another enterprise, the value of assets of the said portion or division or business and or attributable to it, shall be the relevant assets and turnover to be taken into account for the purpose of calculating the thresholds under section 5 of the Act. The value of the said portion or division or business shall be determined by taking the book value of the assets as shown, in the audited books of accounts of the enterprise or as per statutory auditor's report where the financial statement have not yet become due to be filed, in the financial year immediately preceding the financial year in which the date of the proposed combination falls, as reduced by any depreciation, and the value of assets shall include the brand value, value of goodwill, or value of copyright, patent, permitted use, collective mark, registered proprietor, registered trade mark, registered user, homonymous geographical indication, geographical indications, design or layout-design or similar other commercial rights, if any referred to in sub-section (5) of section 3. The turnover of the said portion or division or business shall be as certified by the statutory auditor on the basis of the last available audited accounts of the company.

(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 would be contrary to any of the provisions of the Act, then such statutory authority may make a reference in respect of such issue to the Commission. It may also make a reference on its own. On receipt of such a reference, the Commission is obliged to give its opinion, within sixty days of receipt of such reference, to such statutory authority which shall consider the opinion of the Commission. Sections 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

Sl. No.	Description	Number						
		2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
(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

Sl. No.	Description	Number						
		2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
(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

Any law may not serve its intended purpose unless its existence and impact on society is not known to its stakeholders. Under Section-49 of the Act, the Commission has been mandated to take suitable measures for promotion of competition advocacy creating awareness and imparting training about competition issues. The Commission has been undertaking these measures to encourage voluntary compliance of competition law by the stakeholders before they fall on wrong side of law. The overall objective of competition advocacy is to create a culture of competition among stakeholders. The advocacy function of CCI compliments enforcement function to bring desired changes in conduct of enterprises.

A summary of various advocacy initiatives taken by the Commission during last five years is shown in Table No. 11:

Table No. 11: Advocacy Initiatives

Year	Number of					Advocacy Booklets
	Advocacy Programme	Interns	Issues of Fair Play	Competition Tracker	Annual Day	
2012-13	58	70	4			Reprint with updation + Booklet on Understanding Competition Law
2013-14	69	75	4		1	Reprint with Amendments
2014-15	49	79	4	1	1	Reprint with updation + Booklet on Provisions relating to Public Procurement
2015-16	73	78	4		1	All the Booklets (No. 1 to 9) Reprinted with modification/ updation. A consolidated single volume comprising of advocacy material printed
2016-17	122	96	4	1	1	Prepared six booklets for Competition Resource Person

(i) Workshops, seminars, capacity building initiatives and other interactions with stakeholders

The important stakeholders of competition law includes industry, central and state governments, legal fraternity, students, research community are not adequately sensitized, informed and trained. For reaching out to these stakeholders the Commission organises workshops, seminars, capacity building initiatives and other interactions with stakeholders.

The details of workshops, seminars, capacity building initiatives and other interactions where the Commission participated during 2016-17 are presented in Table No. I2.

Table No. I2: Workshops, seminars capacity building initiatives and other interactions with stakeholders in 2016-17

S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
1	Inaugural Conference of the Academic Forum and officially launching the NLU Jodhpur BRICS Law Institute	50	April 8, 2016 Jodhpur	Faculty and students of NLU Jodhpur
2	ICSI International Round Table Conference, Vigyan Bhawan, New Delhi.	120	April 15, 2016 New Delhi	Members and students of ICSI
3	A Session at the Institute of Secretariat Training and Management, New Delhi.	55	April 18, 2016 New Delhi	Officers from Govt. Departments/ Ministries
4	Global Procurement Summit, 2016 organised jointly by All India Management Association and the World Bank	90	April 22, 2016 New Delhi.	Representatives of various stakeholders organisations
5	A session on The Role of Competition Law in New Economy: Issues Challenges and Opportunities at Jagan Nath University, Bahadurgarh, Haryana	120	April 23, 2016 Bahadurgarh	Students and faculty of the university
6	A session on Competition Act and its Provisions during Management Development Programme (MDP) on Public Procurement at NIFM, Faridabad	38	April 26, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
7	4 th National Conference on Corporate Compliance Management organised by the ASSOCHAM	35	April 29, 2016 New Delhi	Stakeholders from industry and academia
8	Advocacy engagement with the Department of Defence Production, Ministry of Defence	20	May 4, 2016 New Delhi	Officers of Department of Defence Production, Ministry of Defence
9	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad	39	May 7, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad

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S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
10	A Session on Monopoly & Abuse of Dominance, Compliance Manual & Merger Filings during National Conference organised by ICAI at Guwahati.	52	May 14, 2016 Guwahati	Members of ICAI
11	A session on Competition Law & Public Procurement in MDP on Public Procurement at NIFM, Faridabad	42	May 14, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
12	National Conference on Make in India & IPR at India International Centre, New Delhi	35	May 18, 2016 New Delhi	Stakeholders from industry and academia
13	Two sessions on Using MCA 21 Data in the context of Competition Law Investigation during IICA training programme at India International Centre, New Delhi	45	May 26, 2016 New Delhi	Officers of Indian Economic Service
14	A session on Competition Law & Public Procurement in MDP on Public Procurement at NIFM, Faridabad	44	May 26, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
15	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad	41	June 01, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
16	A session on Competition Law and PSU at IIPA, New Delhi	55	June 06, 2016 New Delhi	Officers of Indian Economic Service
17	A session on Competition Law & Public Procurement in MDP on Public Procurement at NIFM, Faridabad	38	June 10, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
18	Capacity Development Programme for Corporate Laws at National Law University, Delhi.	40	June 13, 2016 New Delhi	Students and faculty of NLU, Delhi
19	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad	37	June 17, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad

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S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
20	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad, for the Finance Officers of Government of Chhattisgarh	43	June 17, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
21	A session on the provisions of the Competition Act at the Research Designs and Standards Organisation (RDSO)s premises in Lucknow.	40	June 20, 2016 Lucknow	Officers of RDSO
22	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	45	June 22, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
23	A Workshop of the Forum of Indian Regulators (FOIR)	15	June 24, 2016 Puducherry	Representatives of FOIR
24	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	44	June 28, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
25	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	40	July 04, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
26	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad, for the officers of Indian Statistical Service	37	July 05, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
27	A seminar on Payments Banks in India: Competition and Regulatory Bottlenecks organized by CUTS Institute for Regulation & Competition, Jaipur	55	July 07, 2016 New Delhi.	Stakeholders from industry and academia
28	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	40	July 13, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
29	A joint seminar on Laws and Economics of Competition by ICSI and CCI at Bhubaneswar	70	July 15, 2016 Bhubaneswar	Members and students of ICSI

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S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
30	A seminar on Emerging Trends in Laws and Governance at Utkal University, Bhubaneswar	50	July 15, 2016 Bhubaneswar	Students and faculty of Utkal University
31	A session on Competition Law & Public Procurement in MDP on Public Procurement at NIFM, Faridabad.	35	July 15, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
32	A Conference on Curbing Deficit through Effective Competition in Public Procurement, New Delhi	80	July 22, 2016 New Delhi	Stakeholders from industry and academia
33	Workshop on Competition issues in Telecom Sector organised by CCI in collaboration with National Institute of Financial Management (NIFM) at India Habitat Centre, New Delhi	150	July 22, 2016 New Delhi	Stakeholders from Telecom industry and academia
34	A session on Competition Law & Public Procurement in MDP on Public Procurement at NIFM, Faridabad.	44	July 22, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
35	One day Advocacy programme at Hindustan Aeronautical Limited (HAL), Bengaluru on Competition Law and Procurement Policy	45	July 29, 2016 Bengaluru	Officers of HAL.
36	A session on Competition Law & Public Procurement in MDP on Public Procurement at NIFM, Faridabad.	40	July 29, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
37	A session on Competition Law & Public Procurement in MDP on Public Procurement at NIFM, Faridabad.	36	August 05, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
38	Interactive session with Mr Solomon Arokiaraj, Secretary & CIP, Govt of Andhra Pradesh, in his chambers at North H Block, 3rd Floor, AP Secretariat, Hyderabad.	10	August 08, 2016 Hyderabad	Officers of Andhra Pradesh Government.
39	Half-a-day programme on Competition Law with Chemical and Allied Products Export Promotion Council (CAPEXIL)	120	August 09, 2016 New Delhi	Members of CAPEXIL

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S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
40	Workshop on Corporate Laws and Regulations, 2016 organised by PHD Chamber of Commerce	75	August 10, 2016 New Delhi	Stakeholders from industry and academia
41	National Conference of Practising Company Secretaries organised by the Institute of Companies Secretaries of India (ICSI) on PCS@Startup - Accelerate - Outspace	150	August 12-13, 2016 Kasauli, Himachal Pradesh	Students and Members of ICSI
42	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	40	August 12, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
43	End of Six-month Advanced Professional Course in Competition Law and Market Regulations, organised by Indian Institute of Corporate Affairs	40	August 13, 2016 Online	Students of Six-month Advanced Professional Course in Competition Law and Market Regulations
44	A Focused Group Discussion was held at Institute of Company Secretaries of India - Hyderabad Chapter, Hyderabad.	32	August 13, 2016 Hyderabad	Different stake holders
45	Interactive session with the Chief Secretary of Govt. of Himachal Pradesh at Shimla	12	August 16, 2016	Officers of State govt. of Himachal Pradesh
46	Interactive session with the Chief Secretary of Govt. of Punjab at Chandigarh	15	August 17, 2016	Officers of State govt. of Punjab
47	International Conference on Innovation for Shared Property organised by Jindal Initiative on Research in IP and Competition (JIRICO)	105	August 19-21, 2016 New Delhi	Stakeholder from industry
48	Roundtable discussion on Standard Essential Patents organised by CUTS Institute for Regulation and Competition (CIRC) at India Habitat Center	70	August 22, 2016	Stakeholders from industry and academia
49	A programme on Competition Law and Policy at India Habitat Centre, New Delhi.	122	August 24, 2016 New Delhi	Joint Secretaries, Directors and other officers of Central Government Ministries/Departments

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S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
50	A session on Competition Law organised by Ministry of Railways in the 3-day Workshop on Law for Railway Officers	40	August 24, 2016 Lucknow	Officers from Government departments/PSUs at NIFM Faridabad
51	Discussions on Economics in Competition Law held on 24.8.16, organised by Competition Law Bar Association at New Delhi	55	August 24, 2016 New Delhi	Members of Bar Association
52	CII Seminar on Corporate Governance, Business Ethics and Competition Law: Emerging Trends	90	August 26, 2016 Kolkata	Stakeholders from industry and academia
53	5 th Advanced Global Leadership Programme organised by Standing Conference of Public Enterprises (SCOPE) in collaboration with IIM, Calcutta held at	165	August 26, 2016 New Delhi	Officers of PSUs and other stakeholders
54	A Workshop on Responsible Business Practices organised by CCI with the support of IIM, Lucknow and World Bank	85	August 29, 2016 Lucknow	Stakeholders from industry and academia
55	Book Release function and High level Panel discussion organised by CUTS – CIRC on The Political Economy of regulation in India: Impact on investments and Economic growth.	65	September 01, 2016 New Delhi	Stakeholders from industry and academia
56	Training Programme for Indian Economic Service Officers held at Indian Institute of Corporate Affairs, Manesar	40	September 01, 2016 Manesar	Trainee Officers from Indian Economic Service
57	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	42	September 02, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
58	Training Programme for Indian Economic Service Officers held at Indian Institute of Corporate Affairs, Manesar	45	September 03, 2016 Manesar	Trainee Officers from Indian Economic Service
59	International Conference on Law & Economics at IIT Kanpur	90	September 3-4, 2016	Students and faculty at IIT Kanpur

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S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
60	4 th International Conference organised by ASSOCHAM on Competition Law – Opportunities and Challenges in India	155	September 9, 2016 New Delhi	Stakeholders from industry and academia
61	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	37	September 9, 2016 Faridabad	Mr. Saurabh, DD (FA) conducted the session
62	A half-day programme with two sessions on Competition Laws organised by ICSI	50	September 18, 2016 Thane	Members and students of ICSI
63	Guest Lecture in the event organised by NLU, Delhi	80	September 21, 2016 New Delhi	Students and faculty at NLU Delhi
64	Event on Competition Law at TERI University	75	September 21, 2016	Students and faculty at TERI University
65	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	41	September 21, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
66	IPPAIs Annual Flagship Initiative 17th Regulators & Policymakers Conference	85	September 22-25, 2016 Goa	Stakeholders from industry and academia
67	Programme on Competition Law at National Judicial Academy, Bhopal	35	September 23, 2016 Bhopal	Judicial offices/trainees at National Judicial Academy, Bhopal
68	1 st Law Economics Policy Conference organised by NIPFP and INET.	110	September 28-30, 2016 New Delhi	Stakeholders from industry and academia
69	A workshop on Public Procurement organised by Bharat Petroleum Corporation Ltd. (BPCL)	35	September 29, 2016 Mumbai	Officers of BPCL
70	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad	45	September 30, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
71	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	36	September 30, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad

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S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
72	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	40	October 6, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
73	A Conference organised by CII on Cartels and Leniency on 7.10.16 at Mumbai.	175	October 7, 2016 Mumbai	Stakeholders from industry and academia
74	A programme organised by Ghaziabad chapter of NIRC of ICSI	50	October 15, 2016 Ghaziabad	CS Students and professionals on Competition Law / Competition Compliance.
75	A Workshop on Competition Law and Assessment organised in National Law University, Odisha	80	October 18 2016 Cuttack	Faculty and students of Law
76	A programme organised by Vivekananda Law School / Vivekananda Institute of Professional Studies, GGSIP University,	105	October 19, 2016 New Delhi	Faculty and students of Law
77	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	44	October 20, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
78	A programme on Competition Law organised by Delhi Judicial Academy.	20	October 21, 2016 New Delhi	District Judges and higher Judiciary Officers
79	4 th International Conference organised by ASSOCHAM on Intellectual Property Rights Creative India: Innovative India.	180	October 21, 2016 New Delhi	Stakeholders from industry and academia
80	A programme organised by the Bengaluru chapter of ICSI for CS Students and professionals on Competition Law / Competition Compliance	65	October 22, 2016 Bengaluru	Members of ICSI
81	International Conference organised by ICAI for the	155	October 23, 2016 New Delhi	Members of ICAI
82	Half-Day Workshop organised by the Dept of Chemicals and Petrochemicals	50	October 24, 2016 New Delhi	Govt and PSU officials

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S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
83	A panel discussion on IP and Competition Law organised by Institute for Studies in Industrial Development (ISID).	80	October 25, 2016	Stakeholders from industry and academia
84	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	38	October 28, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
85	A National Seminar hosted by Central Vigilance Commission to mark the end of the Vigilance Awareness Week	75	November 7, 2016 New Delhi	Government officers from various departments
86	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	39	November 10, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
87	A session on Competition Law and PSUs organised by IIPA for	60	November 11, 2016 New Delhi	Middle level executives from State owned Enterprises
88	3rd International Law Conference organised by the Competition Law Bar Association at NDMC Convention Centre, New Delhi	110	November 12, 2016 New Delhi	Representatives from various stakeholders such as practitioners, industry etc.
89	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	40	November 17, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
90	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	41	November 25, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
91	10th Annual NLSIR Symposium on Regulating E-Commerce in India organised by National Law School of India University, Bangalore	85	November 27, 2016 Bangalore	Students and faculty of the institute
92	A Programme on Competition Law organised by ICSI at its Southern India Regional Office, Chennai, for Company Secretaries	25	November 29, 2016 Chennai	Stakeholders from industry and academia
93	A Winter School on Role of Economics in Competition Law organised by CUTS Institute for Regulation & Competition (CIRC) and NERA Consulting	140	November 30, 2016 New Delhi	Stakeholders from industry and academia

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S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
94	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	40	December 1, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
95	1st Regional Conference for Women being organized by ICSI.	55	December 3, 2016 New Delhi.	Women delegates invited by ICSI representing various stakeholders
96	1st Global Congruence to promulgate International Corporate Governance Day organised by ICSI.	300+	December 8– 9, 16 Hyderabad	Delegates from around the world
97	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	45	December 8, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
98	National Level Seminar on Best Practices in Tendering, Contracts Management and Disputes Resolution organised by NLC India Limited formerly Neyveli Lignite Corporation Limited	35	December 16–17, 2016 Neyveli Complex, Tamil Nadu	Officers of NLC India Limited
99	Workshop organised by Jindal Initiative on Research in IP and Competition (JIRICO) on Standard Essential Patents and existing debates in India : Busting myths or accepting reality through evidence	45	December 18, 2016 New Delhi	Stakeholder from industry, academia and practitioners
100	One week course on Regulation and Dispute settlement organised by NTIPRIT – National Telecommunications Institute for Policy Research, Innovation and Training, D/Telecommunications, Ministry of Communication and IT, for	40	December 21, 2016 Ghaziabad	Officers of ITS 2014 batch
101	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	40	December 22, 2016 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
102	An Advocacy programme on Public Procurement at Sena Bhawan	30	December 27, 2016 New Delhi	Officers of Master General of Ordnance Branch IHQ, Ministry of Defence (Army)

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S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
103	Two One-day Training Programmes on Nuances of the Principles of Competition at Odisha Judicial Academy	35	January 6-7, 17 Cuttack	Students i.e., newly recruited Judicial Officers and District Judges respectively, and faculty of the academy
104	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	44	January 12, 2017 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
105	An event organised by CUTS International on Competition Law	51	January 12, 2017 New Delhi	Various stake holders from industry and academia
106	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	38	January 13, 2017 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
107	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	41	January 19, 2017 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
108	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	38	February 3, 2017 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
109	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	43	February 10, 2017 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
110	Annual (4 th) International Conference on Competition Regulation & Competitiveness, organised by IIM, Kashipur, in collaboration with AZB & Partners	55	February 10, 2017 New Delhi	Various stake holders from industry and academia, practitioners
111	International Roundtable on Issues in Indian Competition Law: Reflections & Perspectives	52	February 11, 2017 New Delhi	Various stake holders from industry and academia
112	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	41	February 17, 2017 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad

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S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
113	2nd NLIU-Trilegal Mergers & Acquisitions Summit, 2017 at NLIU, Bhopal.	80	February 25-26, 2017	Students of NLU and members of legal fraternity
114	24 Hours Seminar on Companies Act 2013, Insolvency & Bankruptcy Code, Competition Act etc. organized by the Institute of Cost Accountants of India	55	February 24, 2017 at New Delhi.	Members and associates of Institute of Cost Accountants of India
115	of 3 rd edition of Damodaram Sanjivayya National Moot Court Competition (DSNMC) organised by Damodaram Sanjivayya National Law University, Visakhapatnam (DSNLU) on	120	February 26, 2017 Vishakhapatnam	Students and faculty of the institute
116	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	39	March 2, 2017 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
117	G.D. Goenka School of Law Moot Competition on Competition Law	110	March 4, 2017 Gurugram.	Students and faculty of the institute and participants of event
118	Eight NLU Antitrust Law Moot Court Competition 2017	98	March 5, 2017 Jodhpur	Students and faculty of the institute and participants of event
119	National Workshop on Intrinsic Competition of Indian Market organised by Sri Parasakthi College for Women	72	March 7, 2017 Courtallam, Tamil Nadu	Students and faculty of the college
120	A session on Competition Law & Public Procurement during MDP on Public Procurement at NIFM, Faridabad.	40	March 9, 2017 Faridabad	Officers from Government departments/PSUs at NIFM Faridabad
121	Forth Focused Group Discussion	35	March 16, 2017 Kolkata	Different stake holders
122	National Conference on Competition Law and Policy: Problems and Prospects organised by Indian Law Institute, New Delhi	160	March 18-19, 2017 New Delhi	Academicians, Judiciary, Students, Researchers and Industry members and practitioners



(ii) Papers and studies published for competition advocacy and for creating awareness of competition issues. –

During the year competition advocacy booklets were revised to incorporate the latest changes in the laws and practices. In order to create awareness, presentations made and lectures given by the Chairperson, Members and officers of the Commission are also placed on the website on regular basis.

Resource Material

As a measure to promote competition advocacy, that is, to disseminate the message of competition law, promote competition culture and competition compliance, the Commission completed the formalities of engaging a panel of “Competition Resource Persons” on pilot basis for six months. The Competition Resource Persons to organise competition advocacy programmes for groups of stakeholders to supplement its own efforts on competition advocacy. In order to provide training to the selected Resource Persons and to equip them with adequate knowledge of competition law, following six resource material was prepared.

- Basic Introduction
- Consumers, and Consumer Associations
- Trade/ Industry Associations

- Government Bodies
- Regulatory Bodies
- Compliance Professionals and Associations of Compliance Professionals

These material will be used as advocacy material by the Resource Persons for educating the different stakeholders.



(iii) Competition related sectoral/regulatory impact assessment, Market studies and research projects carried out by the Commission

During the year under review, the Commission has carried out a two staged capacity building exercise for competition assessment for seven empaneled institutions; namely; Indian Institute of Management, Ahmedabad, Indian Institute of Management, Lucknow, Indira Gandhi Institute of Development Research, Mumbai, National Institute of Public Finance and Policy, Delhi, CUTS International, Jaipur, National Law University, Delhi, The National Law Institute University, Bhopal.

As a part of capacity building exercise for competition assessment, these institutions along with officers of the Commission carried out competition assessment on following economic legislations:

1. The Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Bill, 2016
2. The Agriculture Produce and Marketing Committee Model Act, 2003
3. Public Procurement Bill, 2012
4. National Civil Aviation Policy, 2016
5. Payment and Settlement Systems Act, 2007 and RBI regulations there under
6. The Patents Act, including Intellectual Property Policy
7. Drug Pricing Control Order (DPCO) list, 2013 (under the Essential Commodities Act)

The assessment carried out have been shared with respective Ministries/Department for appropriate actions.

(iv) Consultation Papers published/placed on website of the Commission

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

(v) Analytical Papers

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

(vi) Other Initiatives

(A) Fair Play:

The Commission brings out a competition newsletter named 'Fair Play' every quarter. During the period under review, the 16th, 17th, 18th& 19th editions of Fair Play were published and distributed among various stakeholders. The Fair Play is also made available to various stakeholders by email. In addition, Fair Play is also available as free download on website of the Commission.

(B) Internship:

As a part of advocacy with students, who are important stakeholders, CCI provides internship to students from the streams of Law and Economics etc. During the year financial year 2016-17, 95 students interned with CCI on various subjects and topics of competition law. Under the Internship Scheme for the research students, one PhD scholar was given an opportunity to research on pharmaceutical sector.

(C) Focused Group Discussions:

With the objective of developing an advocacy strategy so as to cover the areas of (a) knowledge, perception and attitudes about competition law and (b) communication and engagement with external stakeholders, CCI has initiated Focused Group Discussions with competition stakeholders like consumers' associations, professionals, practitioners, academia and industry associations, etc. in select cities with the help of a facilitator. During the year two Focused Group Discussions held at Institute of Company Secretaries of India – Hyderabad and at Institute of Cost Accountants of India, Kolkata.

(D) Annual Day:

CCI celebrated its Seventh Annual Day (the day of commencement of the Act) on May 20, 2016. Shri Arun Jaitley, Hon'ble Minister for Finance, Corporate Affairs and I&B delivered the Annual Day Lecture on 'Creating a better India: Musings on Economic Governance ideas for India'.



(E) MoUs for Advocacy

The Commission, for conducting advocacy programmes, has signed MoUs with National Law University, Orissa, The Institute of Company Secretaries of India and The Institute of Cost Accountants of India.

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 DG) 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	01	00	01
Director General	00	01	01
Professionals	90	32	122
Support Staff	65	08	73
Total	156	41	197

Filling of posts by Deputation

Applications were invited from time to time from eligible officers of various departments of the Government of India, State Governments, Judiciary, other Regulatory bodies, Autonomous bodies, etc. to fill up vacant posts of professionals from the level of Adviser to Deputy Director and of support staff from the level of Joint Director to Office Manager. The number of posts filled on deputation basis as on March 31, 2017 is 53. This includes 16 officers, who have opted for permanent absorption later. 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 14 posts (10 professionals and 04 support staff) have been filled up by deputation as on March 31, 2017 in the DG office. The process to fill the remaining vacant posts is in progress.

Filling of posts by Direct Recruitment in CCI

Five rounds of direct recruitment have been completed so far. In the first round of direct recruitment, 18 professionals and 8 support staff were appointed. In the second round, 05 professionals were appointed. In the third round, 01 professional and 02 support staff were appointed. In the 4th round, 20 professionals and 01 support staff were appointment. In the fifth round, 04 professionals and 05 support staff were appointed. The process to fill the remaining vacant posts is being initiated.



(2) Composition of the Commission

The Commission consists of one Chairperson and six Members as per the Competition Act, 2002. It is fully operational since March 1, 2009 on joining of the Chairperson and two Members. Subsequently, four more Members joined the Commission.

During the year, Dr. M.S. Sahoo, Member, CCI relinquished the charge of office of Member, CCI w.e.f. 30.09.2016.

The composition of the Commission as on March 31, 2017 is as per Table No. J1.

Table No. J1: Composition of the Commission as on 31.03.2017

Sl. No.	Name	Position	Date of Joining
1	Shri D.K. Sikri	Chairperson	11.01.2016
2	Shri S.L. Bunker	Member	25.03.2013
3	ShriSudhirMital	Member	11.04.2014
4	Shri Augustine Peter	Member	11.04.2014
5	Shri U. C. Nahta	Member	12.08.2014
6	Justice G.P. Mittal	Member	09.07.2015

(3) Meetings of the Commission

During the year, the Commission held 149 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 helped the Commission in issuing 78 orders under Sections 26(2), 26(6) and 27 of the Act (both prima facie and final) during the year. It also held 39 special meetings during the year to discuss important issues with regard to its functioning, administration and other issues.

(4) Organizational structure

The Commission had notified its organizational structure 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 is now organised into 09 functional Divisions, in addition to Secretariat, as presented in Table No. J2.

Table No. J2: Organization Structure of the Commission

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

(5) Personnel in the Commission

The details of personnel at various levels in the Commission as on March 31, 2017 along with vacancy are presented in Table No. J3.

Table No. J3: Incumbency Position in the Commission

Sl. No.	Designation	No. of Sanctioned Posts	No. of posts filled up	No. of Vacant Positions
Professionals				
1	Secretary	01	01	00
2	Adviser (Law)	03	02	01
3	Adviser (Eco)	03	02	01
4	Adviser (FA)	02	00	02
5	Director (Law)	05	02	03
6	Director (Eco)	05	02	03
7	Director (FA)	02	01	01
8	Joint Director (Law)	10	02	08
9	Joint Director (Eco)	10	03	07
10	Joint Director (FA)	04	02	02
11	Deputy Director (Law)	18	10	08
12	Deputy Director (Eco)	18	13	05
13	Deputy Director (FA)	10	06	04
Support Staff				
14	Joint Director (F&A)	01	01	00
15	Joint Director (IT)	01	00	01

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Sl. No.	Designation	No. of Sanctioned Posts	No. of posts filled up	No. of Vacant Positions
16	Deputy Director (CS)	05	04	01
17	Deputy Director (F&A)	01	01	00
18	Deputy Director (IT)	01	00	01
19	Sr. PPS	01	00	01
20	Assistant Director (CS)	14	14	00
21	Assistant Director (LS)	02	02	00
22	Assistant Director (IT)	03	03	00
23	Assistant Director (F&A)	02	02	00
24	Principal Private Secretary	06	06	00
25	Office Manager (CS)	20	19	01
26	Office Manager (F&A)	04	04	00
27	Office Manager (LS)	01	00	01
28	Private Secretary	03	02	01

The details of personnel at various levels in the office of Director General as on March 31, 2017 along with vacancy are presented in Table No. J4.

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

Sl. No.	Designation	No. of Sanctioned Posts	No. of posts filled up	No. of Vacant Positions
Professionals				
1	Director General	01	01	00
2	Additional Director General	04	03	01
3	Joint Director General	08	02	06
4	Deputy Director General	20	04	16

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Sl. No.	Designation	No. of Sanctioned Posts	No. of posts filled up	No. of Vacant Positions
Support Staff				
5	Deputy Director General (CS)	01	00	01
6	Assistant Director General (CS)	03	00	03
7	Office Manager (CS)	04	04	00

Reservation of posts for various categories under the reservation policy of the Government of India is applicable for direct recruitment by the Commission. Accordingly, out of 69 vacancies in different posts for direct recruitment, 21 vacancies were earmarked for reserved categories. The details of reserved vacancies and posts filled up on direct recruitment basis are given in Table No. J5.

Table No. J5: Details of Reservations in Direct Recruitment

Sl. No.	Name of Post	No. of Posts	Reserved for	No. of Posts Filled in	No. of Posts Carried Forward
1	Adviser (FA)	01	Unreserved	0	Unreserved - 3
2	Adviser (Eco)	01			
3	Adviser (Law)	01			
4	Director (Eco)	01	Unreserved	2	Unreserved - 1
5	Director (Law)	01			
6	Director (FA)	01			
7	Jt. Director (Eco)	03	OBC - 3	Unreserved - 4 OBC - 1	OBC - 2
8	Jt. Director (Law)	03			
9	Jt. Director (FA)	01			
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

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Sl. No.	Name of Post	No. of Posts	Reserved for	No. of Posts Filled in	No. of Posts Carried Forward
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	OBC - 1 ST - 1	Unreserved – 11 OBC - 4 SC - 3
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 Professional) Regulations, 2009, to avail the services of experts and professionals. In terms of the said Regulations, 52 Research Associates/Experts (37 in Law, 14 in Economics and 01 in FA stream) were engaged as on 31.03.2017.

(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. The Chairperson has nominated Shri S. L. Bunker and Shri Sudhir Mital, Members of the Commission as Members of Fund Administering Committee (FAC).

(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, 2016 and ‘Hindi Workshops’ were organized on 08.09.2016 and 24.03.2017.

K. Budget and Accounts

1. Budget estimates and revised estimates

The Central Government extends budgetary support to the Commission in the form of Grants-in-Aid. Initially a Budget Estimate of Rs. 8037 lakh was provided for 2016-17, which was revised to Rs. 9210 lakh as Revised Estimate.

2. Receipts under broad categories

The Commission has the Competition Fund which is credited by (a) all Government Grants received by the Commission, (b) the Fees received under the Act, and (c) the Interest accrued on these receipts. The Fund is administered by the FAC constituted under section 51(3) of the Act. The Committee reviews the position of actual expenditure and requirement of funds for the Commission every month. The receipts under broad categories in the Competition Fund during 2016-17 have been as under:

Table No. K1 : Receipts under Broad Categories

Sl. No.	Category	Amount (Rs in lakh)
1	Grants-in-Aid	9210.00
2	Fees	2046.34
3	Bank Interest	582.17
4	Other receipts	0.94
	Total	11839.45

3. Actual expenditure under broad categories

The Commission incurred an expenditure of Rs. 8924.62 lakh during the year 2016-17. The break-up of expenditure in broad categories is as under:

Table No. K2 : Expenditure under Broad Categories

Sl. No.	Category	Amount (Rs in lakh)
1	Salaries	2303.95
2	Travel Expenses	137.66
3	Training/Seminar	52.49

Sl. No.	Category	Amount (Rs in lakh)
4	Professional charges	673.48
5	Rent	1851.07
6	Administrative Expenses	1018.27
7	Advertisement and Publicity	9.66
8	Fixed Assets (including Capital W.I.P)	2870.80
9	Loans and Advances to Staff	7.24
	Total	8924.62

4. Balance available in the Competition fund

The balance available in the Competition Fund as on March 31, 2017 is Rs. 8090 lakh.

5. Any other information

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

The Commission is maintaining its accounts in the format as prescribed by the Central Government. The Annual Account of the Commission for 2016-17 are being finalized and the same will be placed before the Commission for approval. After the approval of the Annual Accounts for the 2016-17 by the Commission, the Accounts will be sent to the Comptroller & Auditor General of India (C&AG) for conducting the Audit for certification of Annual Accounts 2016-17. The Annual Accounts of the Commission for 2016-17, as certified by the C&AG or any other person appointed by him on his behalf, together with the audit report thereon, shall be forwarded to the Central Government for laying it before both the Houses of Parliament.

L. International Co-operation

1. Memoranda or arrangements signed with agencies of foreign countries

As mandated under Section 18 of the Act, the Commission has entered into Memoranda of Understanding (MOU), after obtaining approval from the Government of India, with the following competition authorities till March 2017:

1. Federal Trade Commission (FTC) / 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 2016-17, CCI processed three MOUs i.e., MOU with Korea Fair Trade Commission (KFTC), Japan Fair Trade Commission (JFTC) and Administrative Council for Economic Defense (CADE) Brazil.

2. Overseas projects undertaken

As a co-chair of the ICN Agency Effectiveness Working Group (AEWG), CCI has undertaken to lead the project on "Competition Agency Staff Training Program. Objective of this project is to examine what agencies do to train their staff doing investigation. The project would be completed by May 2017. The findings will be presented during 2017 ICN Annual Conference in Porto, Portugal.

3. Memberships of international organizations

i) International Competition Network

CCI is a member of the International Competition Network (ICN), a virtual international organization of competition authorities of various jurisdictions. It has been an official invitee to all the meetings, seminars, conferences and workshops organized by the ICN.

Recognizing CCI's growing stature in the world, ICN has accepted the proposal and decided that CCI will host the 2018 ICN Annual Conference at New Delhi in March 2018. By virtue of being host of this event, CCI has also been inducted as an ex-officio member of the Steering Group of the ICN for a period of 3 Years. Being a Steering Group member of ICN, CCI guides, reviews and approves the work plan of ICN.

CCI co-chairs the Agency Effectiveness Working Group (AEWG) of ICN along with Finnish Competition and Consumer Authority, US FTC and Norwegian Competition Authority.

The mission of the AEWG is to identify key elements of a well-functioning competition agency and good practices for strategy and planning, operations, and enforcement tools and procedures. AEWG's mandate is to share experience among ICN members and NGAs and to develop and disseminate good practices for agency effectiveness.

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 joint accord, namely, 'Delhi Accord' in 2013 to enhance cooperation among them and to meet the challenges of competition enforcement. In pursuance of commitment of cooperation expressed in the "Delhi Accord", CCI published the first online BRICS Competition Newsletter on behalf of the BRICS Competition Authorities in the month of August 2015. The Second edition of BRICS Competition Newsletter is being prepared by FAS Russia. The BRICS Competition Newsletter was conceived to facilitate experience sharing of BRICS Competition Authorities in Competition law and policies with other Competition Authorities and Multilateral Agencies. The newsletter covers the areas of competition law and policy, enforcement actions, merger review and advocacy initiatives in BRICS countries.





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

The Commission has an observer status with the Competition Committee of OECD. Chairperson and Members of the Commission regularly participate in the meetings of OECD Competition Committee and the OECD Global Competition Forum to get the exposure to the global best practices in the field of competition law and policy.

CCI has been making regular written contributions at various roundtables during the conferences/meetings of OECD. In year 2015, the Commission submitted papers on “Serial offenders: why some industries seem prone to endemic collusion”. One or two officers of CCI are regularly invited with financial support for participation in various competition related workshops/seminars organised by OCED- Korea Policy Centre (KPC). The discussions and deliberations at these conferences/workshops help in capacity building of the Commission. During 2016-17, officers of CCI have participated in following programs:

- i) One officer attended OECD /KPC Workshop on ‘Abuse of Dominance’ during May 11-13, 2016 in Bali, Indonesia.

- ii) Chairperson CCI attended OECD Competition Committee Meeting, June 13-17, 2016 in Paris, France.
- iii) Two officers attended OECD/KPC Competition Law Workshop on ‘Competition Rules and Financial Sector’ during June 22-24, 2016 in Seoul, South Korea.
- iv) CCI delegation comprising Chairperson, Secretary and two Joint Directors participated in OECD’s ‘Competition Committee meeting and Global Forum on Competition’ commenced from 28 November to December 2, 2016 in Paris, France.
- v) CCI also submitted written contributions on “Sanctions in Competition Cases” and the ‘Annual Report on Competition policy 2015’
- vi) One officer attended OECD/KPC Workshop during December 06-08, 2016 in Seoul, South Korea.

iv) United Nations Conference on Trade and Development (UNCTAD)

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. CCI regularly participates in Intergovernmental Group of Expert (IGE) meeting every year. CCI’s engagement with UNCTAD in year 2015-16 is as follows:

- Chairperson along with one officer participated in UNCTAD meeting of IGE on Competition Law and Policy during October 19 – 21, 2016 in Geneva, Switzerland.
- Written contribution on “Strengthening private sector capacity for competition compliance” submitted to UNCTAD in October 2016.

4. International delegations received

In order to get exposure to best practices, CCI invites foreign delegates from mature jurisdictions to share their experiences in field of competition law and economics. In year 2016-17, CCI has organized workshops/ seminars in collaboration with Federal Trade Commission (FTC) & Department of Justice (DOJ) USA, DG Competition EU and OECD. Brief of these capacity building programs are mentioned below:

- a) In pursuance of MOU, officials from the US FTC & DOJ visited the Commission to organize following meetings/workshops/ seminars:
 - i) Meeting between the officials of US Embassy and international cooperation Division of CCI was held on June 1, 2016 to discuss future cooperation between USFTC and CCI.

- ii) Seminar on “Competition and Intellectual Property” in Collaboration with US DOJ at CCI on August 22, 2016 at CCI. Resource Persons were Dr. Anupama Sawkar, Attorney Advisor (USDOJ) and Mr. John E. Dubiansky Attorney Advisor (USFTC)
 - iii) Deputation of Mr. Jesse Bishop from USFTC who visited CCI for one month during August 31, 2016 - September 30, 2016. The purpose of the visit was to provide technical assistance under MoU between CCI and USFTC.
 - iv) Workshop on “Cartel Enforcement” in collaboration with US DOJ at CCI during September 28-29, 2016 at CCI. Resource Persons were Ms. Tappan Brinkley and Ms. Kelley Molly from US DOJ.
 - v) One officer from CCI sent on secondment to US FTC during October 24- November 30, 2016.
- b) The technical cooperation under the MOU with 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 2016-17, following workshops have been organized at CCI with the help of EU resource persons:
- Specialized workshop on Anti-Competitive Conduct on June 7, 2016.
 - Workshop on Economics Analysis in Competition Law Enforcement on June 8, 2016
 - Workshop on Advanced Topics in Competition Economics on June 9, 2016.
- As part of CITD foreign component, two officers sent on secondment to Competition and Markets Authority, UK and two officers to DG Competition, EU.
- c) A bilateral meeting with Competition Bureau (CB) Canada was held on January 13, 2017 at the office of CCI. CB was represented by Mr. John Pecman, Commissioner of Competition, CB Canada. Mr. Pecmen also gave a talk on “ Competition Law in Canada” One officer from CCI has been sent on secondment to CB Canada from March 06, - April 06, 2017 at Gatineau, Canada.
 - d) OECD helped CCI to organize customized workshops as per the needs of CCI by bringing experts from all over the world. Following workshops/seminars have been organized at CCI in collaboration with OECD:
 - (i) A seminar on “Economics for non-economists” was organized on February 8, 2016
 - (ii) Training on Competition Assessment in collaboration with OECD was organized on December 8– 9, 2016 at IICA Manesar. It was attended by empanelled institutions and CCI’s officers.

5. 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

S. No.	Name of the Functionary	Purpose of Visit	Duration, Place and Country	Outcome
1	Mr. G.P. Mittal, Member	Annual Spring Meeting of American Bar Association (ABA)	April 6-8, 2016, Washington DC, USA	Exposure to global best practices, capacity building and networking
2	Mr. D. K. Sikri, Chairperson	ICN Annual Conference	April 26-29 2016 Singapore	Exposure to global best practices, capacity building and networking
3	Ms. Smita Jhingran Secretary			
4	Mr. V.Sriraj Deputy Director (Law)			
5	Mr. S.L Bunker, Member	6th Saint Petersburg International Legal Forum	May 18-21, 2016 in St. Petersburg, Russia	Exposure to global best practices, capacity building and networking
6	Dr. K.D. Singh, Joint Director (Law)			
7	Mr.Sudhir Mittal, Member	St. Gallen International Competition Law forum	May 19-20, 2016 in St. Gallen, Switzerland	Exposure to global best practices, capacity building and networking
8	Mr. P.K. Singh, Adviser (Law)	ABA Hong Kong Conference	June 02-03, 2016 in Hong Kong	Exposure to global best practices, capacity building and networking
9	Mr. D. K.Sikri, Chairperson	OECD Competition Committee Meeting	June 13-17, 2016 at Paris, France	Exposure to global best practices, capacity building and networking
10	Mr. Ashutosh Kumar Deputy Director (Eco)	Inter-Session Meeting for the RCEP	June 12-17, 2016 in Auckland, New Zealand	Developing consensus on various issues in the Working Group on Competition
11	Mr. Augustine Peter, Member	3rd Anti-Trust in Asia Pacific Summit	June 23-24, 2016 in Hong Kong	Exposure to global best practices, capacity building and networking
12	Mr. Augustine Peter, Member	CRESSE Conference “Issues of Competition Law Enforcement in the BRICS and Developing Countries”	July 1-3, 2016 in Rhodes Island, Greece	Exposure to global best practices, capacity building and networking

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S. No.	Name of the Functionary	Purpose of Visit	Duration, Place and Country	Outcome
13	Mr. Ashutosh Kumar, Deputy Director (Eco)	RCEP Intercessional Meeting	August 15-19, 2016 in Ho-Chi-Minh-City, Vietnam	Developing consensus on various issues in the Working Group on Competition
14	Mr. G.P Mittal, Member	The Russian Competition Day	September 26-30, 2016 in Moscow, Russia	Exposure to global best practices, capacity building and networking
15	Mr. U.C.Nahta, Member	Annual Conference on Competition Law, Economics and Policy	October 05-07, 2016 in Cape Town, South Africa	Exposure to global best practices, capacity building and networking
16	Mr. Ashutosh Kumar, Deputy Director (Eco)	RCEP Intercessional Meeting	October 17-21, 2016 in Tianjin, China	Exposure to global best practices, capacity building and networking
17	Mr. D. K. Sikri, Chairperson	UNCTAD meeting of Intergovernmental Group of Experts on Competition Law and Policy	October 19–21, 2016 in Geneva, Switzerland	Exposure to global best practices, capacity building and networking
18	Mr. Saurabh, Deputy Director (Eco)			
19	Mr. D. K.Sikri, Chairperson	OECD Competition Committee meeting and Global Forum on Competition	November 28 – December 2, 2016 at Paris, France	Exposure to global best practices, capacity building and networking
20	Ms. SmitaJhingran Secretary			
21	Dr. K.D.Singh, Joint Director (Law)			
22	Ms. SayantiChakrabarti, Joint Director (Eco)			
23	Mr. Ashutosh Kumar, Deputy Director (Eco)	RCEP Intercessional Meeting	December 05-08, 2016 in Tangreng, Indonesia	Developing consensus on various issues in the Working Group on Competition
24	Mr. G.P Mittal, Member	65th Antitrust Spring Meeting of ABA	March 28-31, 2017 Washington, USA	Exposure to global best practices, capacity building and networking

M. Capacity Building

CCI 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 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 inter-division sharing of knowledge and information take place.

CCI also regularly invites distinguished speakers from various fields to address its employees. During the year 2016-17, Shri Bibek Debroy, Member, NITI Aayog, Dr. Pratap Bhanu Mehta, President & Chief Executive, Centre for Policy Research, Shri Arun Maira, Ex-Member, Planning Commission and Dr. Shyam Khemani, Ex-Chief, Canadian Competition Bureau and Ex-Advisor, Competition Policy, World Bank Group addressed the employees of CCI as part of the Distinguished/Special Visitors Knowledge Sharing (DVKS/SVKS) programmes.

i) Employees trained in-house

During 2016-17, Capacity Building Division organized five in-house training programs for its employees as per the details presented in Table No.M1 to M3.

Table No. M1: In-house Training Initiatives

S.No.	Duration	Name of Program	Faculty	Coverage of Program
1	3 rd June 2016	In-house Training on Understanding of Basic Economics through Economics Terminologies.	CCI Officers	Basic economic terminologies extensively used during analysis of competition cases.
2	26 th September 2016	In-house Induction Training for newly joined officers/ Research Associates- 2016-17 Batch 1	CCI Officers	Competition law and economics, anti-competitive agreements, abuse of dominance, combination regulations, Information filing etc.
3	26 th October 2016	In-house Training program on Basic Finance through Finance Terminologies.	CCI Officer	Structure of financial statements, basic financial terminologies used during analysis of competition cases.
4	15 th November 2016	In-house Induction Training for newly joined officers/ Research Associates- 2016-17 Batch 2	CCI Officers	Competition law and economics, anti-competitive agreements, abuse of dominance, combination regulations, DG Investigations, Information filing etc.
5	30 th March 2017	In-house training workshop on Understanding of Basic Law.	CCI Officer	Key legal terms and rules of interpretation of statutes.



Table No. M2: Participation in In-house Training Programs by Level-wise of Officers

Sl. 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	Expert/ Research Associate	
1	In-house Training on Understanding of Basic Economics through Economics Terminologies.	-	1	2	13	-	-	16
2	In-house Induction Training for newly joined officers/ Research Associates- 2016-17 Batch 1	-	-	1	-	7	12	20
3	In-house Training program on Basic Finance through Finance Terminologies.	-	-	1	3	-	22	26
4	In-house Induction Training for newly joined officers/ Research Associates- 2016-17 Batch 2	-	-	-	1	1	13	15
5	In-house training workshop on Understanding of Basic Law.	-	-	-	8	-	7	15
	Total	-	1	4	25	8	54	92

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

Sl. No.	Name of Program	No. of Officers from the Disciplines of					Total
		Economics	Financial Analysis	Law	Corporate Services/F&A/ IT	Others	
1	In-house Training on Understanding of Basic Economics through Economics Terminologies.	4	1	9	-	2	16
2	In-house Induction Training for newly joined officers/ Research Associates- 2016-17 Batch 1	-	1	11	8	-	20
3	In-house Training program on Basic Finance through Finance Terminologies.	6	2	18	-	-	26
4	In-house Induction Training for newly joined officers/ Research Associates- 2016-17 Batch 2	6	1	7	1	-	15
5	In-house training workshop on Understanding of Basic Law	10	2	3	-	-	15
	Total	26	7	48	9	2	92

ii) Employees trained by outside Indian institutions

(a) Trainings in India

During 2016-17, 21 training programs/workshops were organized by CCI in collaboration with other domestic training institutions for its employees as per the details presented in Table No.M4 to M6.

Table No. M4: Training Initiatives in India by Outside Indian Institute

Sl.No.	Name of Program	Coverage of Program	Faculty/Institute	Venue/Duration
1	Appreciation Course on Parliamentary Process & Procedures	Parliamentary Process & Procedures	Bureau of Parliamentary Studies and Training (BPST)	BPST/ March 21-23, 2017
2	Training on Right to Information Act, 2005	Introduction to provisions of the Act, effective implantation of the Act etc.	Institute of Secretarial Training & Management (ISTM)	ISTM Campus/ March 27, 2017
3	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/March 24 & 31, 2017 (to be continued in 2017-18)
4	Training on Using MCA-21 Data in Context of Competition Law Proceedings under Plan Scheme-Corporate Data Management of MCA	Introduction and usage of MCA-21 database in context of competition law proceedings	Indian Institute of Corporate Affairs (IICA)	India International Centre, Delhi/ May 26-27, 2016
5	Seminar (Online platforms/ e-commerce)	Key features of e-commerce, Competition concerns in online platform, Suitability of traditional market definition in high-tech sectors.	CITD ¹	CCI/ June 7, 2016
6	Seminar (When is economic analysis needed in particular competition law cases)	Use of economics to provide theoretical framework for cases, Gathering and using economic evidence in abuse of dominance cases.	CITD	CCI/June 8, 2016

¹CITD 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.

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Sl.No.	Name of Program	Coverage of Program	Faculty/Institute	Venue/Duration
7	Seminar (Analytical tools for market definition & Competition in the high tech /disruptive technology sectors)	Market definition: importance and limitations, Alternative tools used in defining market, Factors to take into account in defining market.	CITD	CCI/June 9, 2016
8	Training on Company Law	Overview of Company Act 2013, its new concepts, e-filing, accounts & audit, inspection and investigation etc.	Institute of Company Secretaries of India (ICSI)	ICSI /July 7-8, 2016
9	Management Development Program on Public Procurement	Principles of public procurement, procurement of goods/services/consultancy with govt. funds, control management, audit, e-procurement etc.	National Institute of Financial Management (NIFM)	NIFM Faridabad Campus /August 1-6, 2016
10	Training program on Organizational Behavior	Understanding individual behavior, socio-cultural human behavior, team development & leadership, inter-personal behavior, transactional analysis, public relation etc.	Institute of Secretarial Training & Management (ISTM)	ISTM Campus/ August 1-5, 2016
11	Workshop on Gender Budgeting	Description of gender budgeting, steps of gender budgeting, preparation/ analysis of gender budgeting etc.	Institute of Secretarial Training & Management (ISTM)	ISTM Campus/ August 22-24, 2016
12	Workshop on Competition and Intellectual Property	Recent developments in field of Competition and IP, Current SEP and FRAND related issues in India.	USFTC	CCI/August 22, 2016
13	Workshop on Cartel Enforcement	Designing an effective leniency program, Confidentiality in US cartel investigations, Identifying and proving an illegal agreement, Gathering Evidence & Presenting to a Decision Maker	US DoJ	CCI/September 28-29, 2016

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Sl.No.	Name of Program	Coverage of Program	Faculty/Institute	Venue/Duration
14	Training on Using RTI-MIS	Process/ procedure for receiving and processing RTI applications/ appeals on-line.	Department Personnel and Training (DoPT)	MCA/October 20, 2016
15	Workshop on Competition Law and Policy	Competition Law & Policy in Telecom, Transport, and Technology driven markets.	CITD	CCI/October 19-21, 2016
16	Winter School on Role of Economics in Competition Law.	Basic concepts of economics & econometrics, economics of horizontal & vertical agreements, economic tools for relevant market, market power, networks, platform markets, merger analysis, antitrust damages along with relevant case studies.	CUTS Institute of Regulation & Competition (CIRC) and NERA Economic Consulting	India Habitat Centre, Delhi/ November 28-30, 2016
17	Workshop for Liaison Officers for SCs & STs	Duties, responsibilities, powers of liaison officer, knowledge & skills required for implementation of instructions of reservations for SCs/STs/ OBs etc.	Institute of Secretarial Training & Management (ISTM)	ISTM Campus/ January 9-10, 2017
18	Training on Modules of Public Financial Management System (PFMS) by Ministry of Finance.	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, Delhi/January 16-17, 2017
19	Offsite Team-building workshop for Professional Officers	Decision making & team building exercises	IIM-Udaipur	Udaipur/February 10-12, 2017
20	Offsite Team-building workshop for Support Officers	Decision making & team building exercises	IIM-Udaipur	Udaipur/February 17-19, 2017
21	Seminar on Competition Law and Policy	Agreements that may appreciably restrict competition, Method of competitive assessment, Case law on Vertical and Horizontal restraints and on Joint ventures.	CITD	CCI/February 23-28, 2017

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

Sl. No.	Name of Programme	No. of Officers at the level of						Total
		Secy/ DG/ Adviser	Additional DG / Director	Jt. DG/ Joint Director	Dy. DG/ Dy. Director	Asst. Director/ Office Manager/PPS	Expert/ Research Associate	
1	Appreciation Course on Parliamentary Process & Procedures	-	1	-	6	4	-	11
2	Training on Right to Information Act, 2005	-	-	-	-	1	-	1
3	Introductory training in 'R Software'	-	2	1	12	-	10	25
4	Training on Using MCA-21 Data in Context of Competition Law Proceedings under Plan Scheme-Corporate Data Management of MCA	-	-	-	2	-	-	2
5	CITD seminar (Online platforms/ e-commerce)	-	-	5	11	1	-	17
6	CITD seminar (When is economic analysis needed in particular competition law cases)	-	-	4	9	-	-	13
7	CITD seminar (Analytical tools for market definition & Competition in the high tech /disruptive technology sectors)	-	1	3	13	1	-	18
8	Training on Company Law	-	1	4	12	-	-	17
9	Management Development Program on Public Procurement	-	-	-	-	1	-	1
10	Training program on Organizational Behavior	-	-	-	-	1	-	1

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Sl. 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	Expert/ Research Associate	Total
11	Workshop on Gender Budgeting	-	-	-	-	1	-	1
12	Workshop on Competition and Intellectual Property	-	3	2	15	-	-	20
13	Workshop on Cartel Enforcement	-	2	3	17	1	4	27
14	Training on Using RTI-MIS	-	-	-	-	1	-	1
15	CITD Workshop on Competition Law and Policy	-	2	3	4	-	1	10
16	Winter School on Role of Economics in Competition Law	-	-	-	2	-	-	2
17	Workshop for Liaison Officers for SCs & STs	-	1	-	-	-	-	1
18	Training on Modules of Public Financial Management System (PFMS) by Ministry of Finance.	-	-	1	-	2	-	3
19	Offsite Team-building workshop for Professional Officers	-	3	2	14	1	-	20
20	Offsite Team-building workshop for Support Officers	-	-	-	2	33	-	35
21	CITD Seminar on Competition Law and Policy	-	2	2	13	-	12	29
Total		-	18	30	132	48	27	255

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

Sl. No.	Name of Programme	No. of Officers from the Disciplines of					Total
		Economics	Financial Analysis	Law	CS/ F&A/ IT/LS	Others	
1	Appreciation Course on Parliamentary Process & Procedures	4	1	2	4	-	11
2	Training on Right to Information Act, 2005	-	-	-	1	-	1
3	Introductory training in 'R Software'	24	-	-	-	1	25
4	Training on Using MCA-21 Data in Context of Competition Law Proceedings under Plan Scheme-Corporate Data Management of MCA	1	-	-	-	1	2
5	CITD seminar (Online platforms/ e-commerce)	6	3	5	1	2	17
6	CITD seminar (When is economic analysis needed in particular competition law cases)	7	2	4	-	-	13
7	CITD seminar (Analytical tools for market definition & Competition in the high tech /disruptive technology sectors)	9	2	4	-	3	18
8	Training on Company Law	2	5	8	-	2	17
9	Management Development Program on Public Procurement	-	-	-	1	-	1
10	Training program on Organizational Behavior	-	-	-	-	1	1
11	Workshop on Gender Budgeting	-	-	-	1	-	1
12	Workshop on Competition and Intellectual Property	12	2	6	-	-	20
13	Workshop on Cartel Enforcement.	9	1	9	-	8	27
14	Training on Using RTI-MIS	-	-	-	1	-	1
15	CITD Workshop on Competition Law and Policy	4	2	3	-	1	10
16	Winter School on Role of Economics in Competition Law	2	-	-	-	-	2

Sl. No.	Name of Programme	No. of Officers from the Disciplines of					Total
		Economics	Financial Analysis	Law	CS/ F&A/ IT/LS	Others	
17	Workshop for Liaison Officers for SCs & STs	1	-	-	-	-	1
18	Training on Modules of Public Financial Management System (PFMS) by Ministry of Finance.	-	-	-	3	-	3
19	Offsite Team-building workshop for Professional Officers	7	6	5	1	1	20
20	Offsite Team-building workshop for Support Officers	-	-	-	30	5	35
21	CITD Seminar on Competition Law and Policy.	13	3	13	-	-	29
Total		101	27	59	43	25	255

Employees trained with the support of outside institution

International Cooperation Division of CCI took following capacity building measures in collaboration with various institutions in different countries.

(a) Training Initiatives outside India

Tables no. M5 to M7 present capacity-building initiatives undertaken outside India during 2016-17. There are 22 such initiatives and in all 37 employees have benefitted from these.

Table No. M7: Training Initiatives outside India

S.No	Training Name	Faculty/ Institution	Duration/ Venue
1	Kazan Study visit by FAS Russia Experience in Enforcement of Russian Competition Law	Federal Antimonopoly Service (FAS), Russia	5 - 7 April, 2016 / Kazan, Russia
2	OECD /KPC Workshop on Abuse of Dominance	Organization for Economic Cooperation and Development (OECD)/ Korea Policy Centre (KPC)	11 -13 May, 2016 / Bali, Indonesia
3	Competition Law Workshop on Competition Rules and the Financial Sector	OECD/KPC	22 - 24 June, 2016 / Seoul, South Korea
4	Economic Institute for Competition Enforcement Officials	George Mason University	31 July - 05 August, 2016 / Washington DC, USA

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S.No	Training Name	Faculty/ Institution	Duration/ Venue
5	Competition Law Workshop on Merger Control	OECD/KPC	5 - 7 September, 2016 / Seoul, South Korea
6	ICN Chief Economist Workshop	ICN	12 - 13 September, 2016 / Vancouver, Canada
7	Regional Seminar on “ The Competition Analysis of Vertical Restraints”	TFTC	28 - 29 September, 2016 / Jakarta, Indonesia
8	ICN Cartel Workshop	ICN	3- 5 October, 2016 / Madrid, Spain
9	Secondment at USFTC	United States Federal Trade Commission (USFTC)	24 October - 30 November, 2016 / Washington DC, USA
10	ICN Advocacy Workshop	ICN	3 - 4 November, 2016 / Mexico
11	Weekend Seminar at King’s College London for the P.G. Diploma Course	Competition and Markets Authority (CMA), UK	19 - 20 November, 2016 / London, U.K
12	Workshop on information Exchange: Efficiency enhancing or Cartel	OECD/KPC	6 - 8 December, 2016 / Seoul, South Korea
13	Secondment at CMA, UK	CMA, UK	16 January - 10 March, 2017 / London, U.K
14	Secondment at DG Comp., EU	DG Comp, EU	1 February - 30 April, 2017 / Brussels, Belgium
15	CITD Workshop-Foreign Component	Indian Institute of cooperate Affairs (IICA)	6 - 10 February, 2017 / Rome, Italy
16	2017 ICN merger workshop	ICN	15 - 17 February, 2017 / Washington DC, USA
17	Secondment at DG Comp., EU	DG Competition, EU	1 March - 31 May, 2017 / Brussels, Belgium
18	Secondment at CB Canada	Competition Bureau Canada (CB Canada)	6 March - 6 April, 2017 / Gatineau, Quebec, Canada
19	Economic Institute for Competition Enforcement Officials	George Mason University	12 - 17 March, 2017 / Dubai, UAE
20	10th Session of International Working Group for Research of Competition Issues in Pharmaceutical market	FAS, Russia	21 -22 March, 2017 / Moscow, Russia
21	King’s College London	CMA, UK	25 - 26 March, 2017 / London, U.K
22	Secondment at CMA, UK	CMA, UK	27 March - 26 May, 2017 / London, U.K

Table No. M8: Level-wise Participation of Officers in Foreign Training Programmes

Sl. No	Name of Programme	No. of Officers at the level of						Total
		Secy/ DG / Adviser	Addl DG / Director	Jt. DG/ Joint Director	Dy. DG/ Dy. Director	Asst. DG / Asst. Director	Others	
1	Kazan Study visit by FAS Russia Experience in Enforcement of Russian Competition Law	-	-	-	1	-	-	1
2	OECD /KPC Workshop on Abuse of Dominance	-	-	-	1	-	-	1
3	Competition Law Workshop on Competition Rules and the Financial Sector	-	-	-	2	-	-	2
4	Economic Institute for Competition Enforcement Officials	1	2	1	1	-	-	5
5	Competition Law Workshop on Merger Control	-	-	-	2	-	-	2
6	ICN Chief Economist Workshop	-	-	1	-	-	-	1
7	Regional Seminar on “ The Competition Analysis of Vertical Restraints “	-	-	1	1	-	-	2
8	ICN Cartel Workshop	-	-	-	1	-	-	1
9	Secondment at USFTC	-	-	-	1	-	-	1
10	ICN Advocacy Workshop	1	-	-	-	-	-	1
11	Weekend Seminar at King’s College London for the P.G. Diploma Course	-	-	1	1	-	-	2
12	OECD/ KPC Workshop on Information Exchange: Efficiency enhancing or Cartel	-	-	-	1	-	-	1
13	Secondment at CMA, UK	-	-	-	1	-	-	1
14	Secondment at DG Comp., EU	-	-	-	1	-	-	1
15	CITD Workshop-Foreign Component	1	1	-	2	-	-	4
16	2017 ICN merger workshop	-	1	-	1	-	-	2
17	Secondment at DG Comp., EU	-	-	-	1	-	-	1
18	Secondment at CB Canada	-	-	-	1	-	-	1
19	Economic Institute for Competition Enforcement Officials	-	-	-	2	-	-	2
20	10th Session of International Working Group for Research of Competition Issues in Pharmaceutical market	1	-	-	-	-	-	1
21	King’s College London	1	-	-	2	-	-	3
22	Secondment at CMA, UK	-	-	-	1	-	-	1
Total		5	4	4	24	0	0	37

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

Sl. No	Name of Programme	Subject					Total
		CS	Economics	FA	Law	Others	
1	Kazan Study visit by FAS Russia Experience in Enforcement of Russian Competition Law	-	-	-	1	-	1
2	OECD /KPC Workshop on Abuse of Dominance	-	1	-	-	-	1
3	Competition Law Workshop on Competition Rules and the Financial Sector	-	1	-	1	-	2
4	Economic Institute for Competition Enforcement Officials	-	2	-	2	1	5
5	Competition Law Workshop on Merger Control	-	1	-	1	-	2
6	ICN Chief Economist Workshop	-	1	-	-	-	1
7	Regional Seminar on “ The Competition Analysis of Vertical Restraints “	-	-	-	1	1	2
8	ICN Cartel Workshop	-	-	-	1	-	1
9	Secondment at USFTC	-	-	-	1	-	1
10	ICN Advocacy Workshop	-	1	-	-	-	1
11	Weekend Seminar at King’s College London for the P.G. Diploma Course	-	-	1	1	-	2
12	Workshop on Information Exchange: Efficiency enhancing or Cartel	-	-	-	-	1	1
13	Secondment at CMA, UK	-	-	1	-	-	1
14	Secondment at DG Comp., EU	-	-	-	1	-	1
15	CITD Workshop-Foreign Component	-	2	-	1	1	4
16	2017 ICN merger workshop	-	1	-	1	-	2
17	Secondment at DG Comp., EU	-	-	1	-	-	1
18	Secondment at CB Canada	-	-	1	-	-	1
19	Economic Institute for Competition Enforcement Officials	-	2	-	-	-	2
20	10th Session of International Working Group for Research of Competition Issues in Pharmaceutical market	-	1	-	-	-	1
21	King’s College London	-	-	1	2	-	3
22	Secondment at CMA, UK	-	-	-	1	-	1
	Total	0	13	5	15	4	37

N. Ongoing Programmes

Advocacy: The Commission has been engaging with various agencies which include trade/industry associations, industry chambers, autonomous institutions, professional institutes, viz., ICSI, ICAI and ICMAI etc. for organising events/conferences/seminars/ workshops/interactive meetings for creating awareness among their constituent members so as to disseminate the virtues of the competition. In order to institutionalise dissemination of the information, the Commission is in the process of entering MOUs with professional institutions.

Capacity Building for Competition Assessment: The Commission has initiated the process of capacity building for competition assessment of economic policies, legislations and bills etc. In this regard, the Commission empanelled seven academic institutions who along with CCI officers carried out the competition assessment of seven legislations/policies. The same has been shared with the concerned Ministries. In the current fiscal, the Commission is empanelling additional institutions and identifying legislations/policies for assessment.

Competition Assessment Toolkit: The Commission in the last fiscal decided to develop a Competition assessment toolkit to facilitate the stakeholders in carrying out competition assessment of legislations and policies. The Advocacy Division is in process of preparing the same.

Resource Person Scheme: As a measure to promote competition advocacy, the Commission is in the process of maintaining a panel of 'Competition Resource Persons', to organise competition advocacy programmes for groups of stakeholders, to supplement its own efforts on competition advocacy.

Competition Compliance: The Commission has released a Competition Compliance Manual to nudge enterprises to put in place a sound competition compliance programme (CCP). CCP should be robust so that it helps in identifying the boundaries of permissible conduct and develop in-built alarm systems at all levels to raise red flags in the event of possible transgression. It was decided during 2016-17 to develop a competition compliance manual for the enterprises to help them in complying with competition law. The compliance manual was released on the Annual Day of CCI i.e. May 20, 2017.

Internship: Under the internship programme, the Commission imparts one month training to students from streams of economics, law, management and finance on competition and related issues. Besides, Ph. D. students are taken as intern for a longer duration.

National Moot Court Competition: The Commission decided to engage with universities for conducting Moot Courts on Competition law. In this regard, it has collaborated with National Law University, Delhi for conducting National Moot court in the month of February, 2018.

National Level Essay Competition 2017-18: CCI conducted national level essay competition for students in 2011 and 2012 which received tremendous response from the student community. The Commission has revived and announced the National Level Essay Competition in this current financial year for students pursuing under-graduate and post-graduate degree.

Study on the Pharmaceutical and Health Care Sector: In the enforcement experience of the Commission, several anti-competitive practices in the Indian Pharmaceutical and Healthcare sector have come to the fore. In order to understand the nature and magnitude of such practices, the Commission has decided to conduct a Study on Pharmaceutical and Health Care Sector in Delhi & select districts of NCR.

ICN 2018 Annual Conference: International Competition Network (ICN) is a network comprising 132 competition authorities from 120 jurisdictions across the world. The ICN is an important platform for competition agencies to deliberate contextual issues in competition law enforcement, setting standards and best practices and facilitate international cooperation amongst competition agencies. The ICN holds an Annual Conference which is hosted by a member competition agency. The last Conference was hosted by Portuguese Competition Authority from May 09-12, 2017 at Porto, Portugal. The upcoming ICN Annual Conference will be hosted by Competition Commission of India from March 20-23, 2018 in New Delhi.

O. The RTI Act

The Commission is committed to establish a competitive environment through fairness, objectivity and transparency. In addition to accountability measure under the Act, it provides information to any citizen under the Right to Information Act, 2005 (the RTI). Dr. K. D. Singh, Joint Director (Law) and Ms. Smita Jhingran, Secretary, CCI are Chief Public Information Officer (CPIO) and the First Appellate Authority (FAA) respectively under the RTI. Table No. O1 presents receipt and disposal of applications under the RTI.

Table O1: Receipt and Disposal of RTI Applications

Sl. No.	Description	Number	
		2015-16	2016-17
(a)	Number of Application received by CPIO seeking information under the RTI	130	99
(b)	Number of Application for which information has been provided by CPIO	124	95
(c)	Number of Application pending with CPIO.	09	04
(d)	Number of Appeals filed before the FAA against the order of CPIO.	16	18
(e)	Number of Appeals which have been disposed of by the FAA.	15	18
(f)	Number of Appeals pending with the FAA.	01	00
(g)	Number of Application/Appeals not disposed of in the stipulated time frame	00	00



**Fair Competition
For Greater Good**

Competition Commission of India

Hindustan Times House, 18-20 Kasturba Gandhi Marg,

New Delhi-110 001, India

Phone : +91-11-23473400 Fax : +91-11-23704686,

Website : www.cci.gov.in