



# ANNUAL REPORT 2013-14



Competition Commission of India

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

## CHAIRPERSON'S STATEMENT

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It is my privilege to present the Annual Report of the Competition Commission of India for the year 2013-14.

This year, apart from maintaining focus on expeditious disposal of cases, expanding our global engagement, and focusing advocacy and outreach towards government - both Central and States - were key initiatives.

An important milestone was the hosting of the 3rd BRICS International Competition Conference by CCI. The theme of the conference was "Competition Enforcement in BRICS Countries: Issues and Challenges". A unique feature was a special session on experience sharing by mature jurisdictions on the role of competition law in encouraging innovation and economic development. With participation from over forty countries, this dialogue paved the way for greater cooperation and understanding.



Our global presence was also strengthened by active participation at various international forums including the OECD Competition Committee and Global Forum on Competition in Paris in February, 2014. CCI contributed two papers on 'Competition and Corruption' and 'Competition Concerns in Pharmaceutical Sector'.

During the year 102 informations were filed in the Commission. These spanned diverse sectors of the economy including, infrastructure, public sector, hi-tech, real estate etc. The Commission took suo-moto notice in 05 cases and 07 statutory references from various wings of Government were received. The Commission directed the Director General to undertake investigation in 66 cases. By the end of the reporting period, the investigation process was completed in 30 cases (including cases referred in previous year).

On the Combination side, the Commission cleared 44 notices of the 53 received. Based on feedback and experience, the Regulations pertaining to the Combination provisions were amended to institutionalize pre-merger consultations in both procedural and substantive issues. This demonstrates our commitment to support Indian industry in its compliance with the evolving Indian merger-control jurisprudence.

With advocacy efforts mandated under section 49 of Competition Act, outreach was done with various stakeholders. In our country, emerging slowly from the shadows of a statist regime, advocacy with governments is crucial. This year our advocacy efforts focused on Government -both Central and States. With a view to making optimum use of limited resources, 12 key economic Central Ministries and 12 States where economic activity is relatively more robust were addressed. The hope is that these initiatives would mature into a long term engagement and partnership to foster a competition culture.

The Commission celebrated the 4th Annual Day Lecture on 20th May, 2013. On the occasion

a comprehensive lecture on importance, necessity and role of competition in an economy was delivered by the then Hon'ble Finance Minister Mr. P. Chidambaram. The occasion was also graced by the then Minister of State for Corporate Affairs Mr. Sachin Pilot. Four significant developments marked the day: Delivery of the Annual Day Inaugural Lecture; release of a primer entitled "Competition Commission of India; unveiling of "Vision and Mission 2020" of CCI, and; release of a "Special Cover" on CCI issued by the Department of Posts.

The Commission adopted the tagline "Fair competition for greater good" as part of its logo encapsulating the spirit and vision of the Competition Act 2002.

Looking forward, we hope to promote cooperation and mutual learning with other competition jurisdictions on the one hand and develop synergies with various sectoral regulators in the country to lay a strong foundation for a robust and enabling competition culture.

Ashok Chawla  
Chairperson  
Competition Commission of India



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## A. INTRODUCTION

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The current economic thinking comprising the post 1991 liberalisation and reforms paradigm has given birth to the new Act, the Competition Act, 2002 which replaced the archaic Monopoly and Restrictive Trade Practices Act, 1969. The changed and changing economic scenario in India and rest of the world has shifted the focus on promoting competition rather than on curbing monopolies. Accordingly, the Competition Commission of India (CCI) was constituted to eliminate practices having adverse effect on competition; promote and sustain competition; protect interests of consumers and to ensure freedom of trade in markets through enforcement of Competition Law.

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

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

## 1. Objectives

### **VISION**

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

### **MISSION 2020**

Competition Commission of India aims to establish robust competitive environment through

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

## 2. Important Achievements

During the reported period, 102 informations were filed with the Commission under Section 19(1) (a) which was from diverse sectors of economy viz. real estate, airlines, pharmaceuticals, chemical industry, software, coal, financial sector, public procurement and manufacturing sector alleging infringement of the provisions related with anti-competitive agreements and abuse of dominant position of the Act. After forming a prima facie opinion, the Commission directed the Director General to undertake investigation in 66 cases. By the end of the year, the investigation process was completed for 30 cases (including cases referred in previous year). The disposal rate was 45.45 %. The Commission has also ordered for closure of those cases where in its opinion, no prima facie infringement of the Act was found and has imposed hefty penalty where the infringement has been proved. During the period 53 notices of combinations were received. The Commission made its final decision on all cases within the stipulated timeframe.

CCI has a mandate to create awareness of competition law and benefits of competition among various stakeholders such as government, trade associations, judiciary etc. and conducted a number of workshops, conferences, seminars and interactive sessions. Capacity building events for the staff such as in-house induction training, advanced training on competition law and workshops on leadership and team building were organized during the reported period. As an endeavour of the Commission to become knowledge based organization, various Peer to Peer (P2P) sessions, lectures under “Distinguished Visitor Knowledge sharing series” were organized to share knowledge and build capacity. The Commission has also constituted sectoral study groups in Agriculture, Energy, Finance, Transport, Pharmaceuticals and High technology to study various anti-competitive issues in the given sectors of the economy.

CCI successfully organised 3rd BRICS International Competition Conference. CCI and the Director General of Competition for the European Commission (DG, COMP) signed a Memorandum of Understanding (MOU) on cooperation in the field of Competition laws, on the sidelines of the 3rd BRICS International Competition conference on 21st November, 2013. Also, The Heads of Competition Authorities of BRICS countries signed a Joint Accord namely ‘Delhi ACCORD’ on 22nd November, 2013.

In recognition of its achievements, CCI was nominated for ‘Global Competition Review (GCR) Award’ (GCR) under the category of “Agency of the Year-Asia-Pacific, Middle East & Africa”.

### **RECRUITMENT:**

- In the first round of the direct recruitment, 18 professionals and 08 support staff were appointed. In the second round of direct recruitment, 05 professionals were appointed. In the third round of direct recruitment, one professional and two support staff were appointed. In pursuance of 4th round of Direct Recruitment, conducted

during the year , 22 candidates ( 20 Professionals & 02 Support Staff) were selected for appointment. As on 31.03.2014, 12 of them in the Professional stream joined CCI up. The 4th round of Direct Recruitment has been very successful since the Commission has been able to select candidates against almost all the available vacant posts of professionals pertaining to the Direct Recruitment quota.

During the year 06 posts were filled up in CCI on deputation basis. For filling up the remaining vacant posts on deputation basis, a vacancy circular was issued on 31.12.2013.

During the year 08 posts were filled up in the office of DG, CCI on deputation basis. The post filled included the post of DG CCI. For filling up the remaining vacant posts on deputation basis, a vacancy circular was issued on 31.01.2014.

During the year 29 Research Associates (12 in Law, 14 in Economics and 03 in Financial Analysis streams) were engaged in the CCI and DG Office on contract basis.

## 3. The Year in Review

### (i) Landmark Decisions

(I) Landmark decisions given by the Commission during financial year 2013-14 are as under:

**(1) Suo Moto 1/2012 - Reference Case filed by DGS&D, Department of Commerce, Ministry of Commerce & Industry, Govt. of India**

In this case DGS&D had filed a reference u/s 19 (1) (b) of the Competition Act against 11 Opposite Parties alleging bid rigging and market allocation in contravention of the provisions of Section 3 of the Act while bidding against a tender enquiry floated by them for calling rate contract of polyester blended duck ankle boot rubber sole for the period 1.12.2011 to 30.11.2012. The Commission after investigation found that all Opposite Parties by quoting identical/ near identical had indirectly determined prices in the rate contracts finalised by DGS&D and had contravened Sec. 3(1) read with 3(3)(a) and 3(3)(d). The Commission imposed a penalty on each of the contravening parties at the rate of 5% of the average turnover of last 3 years. Penalties of Rs.6,25,43,000/- were imposed on 11 Opposite Parties.

**(2) 78/2012 - Reliance Big Entertainment Pvt. Ltd. Vs. Tamil Nadu Film Exhibitors Association**

In this case, Reliance Big Entertainment Pvt. Ltd. filed an information u/s 19(1) (a) of the Competition Act against Tamil Nadu Film Exhibitors Association (later on known as Tamil Nadu Theatre Owners Association), alleging contravention of Section 3 & 4 of the Act.

The Commission got the matter investigated and found that the conduct of the Opposite Party Association was in contravention of Sec. 3(3)(b) read with 3(3)(1) of the Act and imposed a penalty on the Association of 10% of its average turnover for the last 3 years. Accordingly, a penalty of Rs.41,393/- was imposed on the Association.

**(3) Case No.3, 11 & 59 of 2012 - Coal India Ltd. vs. Competition Commission of India**

In this case, 2 sets of information were received from Maharashtra State Power Generation Co. and one set of information was received from Gujarat State Electricity Corporation against Coal India Ltd. and its subsidiaries. The informants alleged contravention of Section 4 of the Competition Act.

The Commission after investigation found that Coal India Ltd through its subsidiaries operates independently of market forces, enjoyed undisputed dominance in the relevant market of production and supply of non coking coal in India. The Commission held the

Opposite Party to be in contravention of provision of Sec. 4(2)(a) (i) of the Competition Act for imposing unfair/ discriminatory conditions and indulging in unfair practices in the matter of supply of non coking coal to power producers.

The Commission imposed a penalty on Coal India Ltd. of 3% of the average turnover for the last 3 years. The total amount of penalty imposed was Rs.1773.05 crores.

**(4) 41/2011 - Sandhya Drug Agency vs. Barpeta Drug Dealers Association (BDDA), All India Organisation of Chemists & Druggists (AIOCD), Assam Drug Dealers Association (ADDA) Alkem Laboratories & Ors.**

In the above case filed by Sandhya Drug Agency, it was alleged that Barpeta Drug Dealers Association (BDDA), Assam Drug Dealers Association (ADDA), All India Organisation of Chemists & Druggists (AIOCD), and Alkem Laboratories Ltd. had abused their dominant position. The Commission after investigation found the conduct of AIOCD, ADDA, BDDA to be in violation of the provisions of Sec.3(3)(a) and 3(3)(b). The Commission imposed a penalty of 10% of the average receipt of ADDA. Accordingly the Commission imposed a penalty of Rs.5,61,097 was imposed on ADDA. No penalty was imposed on AIOCD as the facts of the case were similar to that of case No.20/2011 in which AIOCD had been found guilty of the same violation. No penalty was imposed on BDDA as it did not file any financial statements. The Commission has filed a case of prosecution against BDDA for non-supply of financial statements in the court of Chief Metropolitan Magistrate, New Delhi.

**(5) Suo moto 3/2012 - Senior Manager, Materials Manager, Diesel Loco Modernisation Works, Patiala, Punjab Vs. Stone India Ltd., Faiveley Transport Rail Technologies India Ltd. and Escorts Ltd**

In this case, information was registered as suo moto based on a reference from Senior Materials Manager, Diesel Loco Modernisation Works, Patiala, Punjab alleging cartelization of Stone India Ltd., Faiveley Transport Rail Technologies India Ltd. and Escorts Ltd in the supply of spares to Diesel Loco Modernisation Works. The Commission after investigation found all Opposite Parties to be guilty of bid rigging and collusive bidding in contravention of provisions of Sec. 3(1) read with Sec. 3(3)(a) and 3(3) (d). The Commission decided to impose a penalty of 2% of the average turnover on each company. Accordingly, a penalty of Rs.1.91 crores was imposed on M/s Stone India Limited, Rs.5.70 crores on Faiveley Transport Rail Technologies India Ltd. and Rs.54.70 crores on Escorts Ltd.

**(6) 60/2012 - Arora Medical Hall, Ferozepur vs. Chemists & Druggists Association, Ferozepur & Ors.**

In the above case, the information filed by Arora Medical Hall, Ferozepur against Chemists & Druggists Association and its office bearers alleging that Chemists & Druggists Association, Ferozepur had made it mandatory for any chemist/ druggist who wishes to



take distributorship for medicines of a company in Ferozepur City, to take an NOC from it by making a payment of Rs.2100/- per company. The informant alleged that the conduct of the Opposite Party and its office bearers were in violation of Sec. 3 & 4 of the Competition Act.

The Commission after investigation found that the acts of the Opposite Party and office bearers were in contravention of the provisions of Sec. 3(3)(b) read with 3(3)(i). The Commission decided to impose a penalty of 10% of the average turnover as per financial statements of income/receipts filed by the Association/ office bearers. The Commission accordingly imposed a penalty of Rs.55,42,993/- on Chemists & Druggists Association, Ferozepur.

**(7) 39/2012 - Ramakant Kini vs. Dr. L.H. Hiranandani Hospital**

In the captioned case, the information was filed by Shri Ramakant Kini against Dr. L.H. Hiranandani Hospital, Mumbai u/s 19(1)(a). As per information, it was alleged that the hospital does not allow stem cell banks other than Cryobank to enter into the hospital with which it has an arrangement. The informant alleged violation of Sec. 3(4) and 4(2)(a) (i) & 4(2)(c) of the Act by the hospital.

The Commission after investigation found the agreements between the Hospital and Cryobank to be anti-competitive and in violation of Sec. 3(1) of the Competition Act. The Commission declared this agreement with Cryobank for the years 2011-12 and 2012-13 to be null and void and directed that the hospital shall not enter into similar agreement with any stem cell bank in future.

The Commission decided to impose a penalty of 4% of the average turnover of the last 3 years of the hospital. Accordingly, a penalty of Rs.3,81,58,303/- was imposed on the hospital.

**(8) 67/2010 - Magnolia Flat Owners Association & Rahul Kapoor vs. DLF Universal Limited & Ors.**

In the captioned case, the Commission disposed of application filed u/s 42 of the Competition Act by the informant as well as Shri Brij Raj Singh u/s 33 & 42 of the Act. The Commission after inquiry noted that DLF was in contravention of the order dated 31.1.2012 of the Commission by issuing demand letters dated 28.11.2012 and the contravention started w.e.f. 28.11.2012.

The Commission decided to impose a fine of Rs.50,000/- per day and the period was to be reckoned from 28.11.2012 till the passing of order totaling Rs.2,41,50,000/- which DLF was directed to pay within 60 days from the date of the order.

It was further directed that if the non-compliance continues beyond the date of the

order, a fine of Rs.1,00,000/- shall be payable per day till the fine reached the maximum limited of Rs.10,00,00,000/-

**(9) 7 & 30 of 2012 - Consim Info Private Limited vs. Google Inc., USA & Google India Private Limited**

In the captioned case, Competition Commission of India had received a reference from the office of Director General, CCI stating that the Opposite Parties, Google Inc., USA & Google India Private Limited did not furnish the information requisitioned by the office of DG. Accordingly, DG reported the matter to the Commission seeking initiation of proceedings against them in terms of provisions u/s 43 & 45 of the Act. The Commission after issue of show cause notice and hearing noted that the Opposite Parties have rendered them liable to be proceeded in terms of Sec. 43 of the Act.

The Commission imposed a penalty of Rs.1,00,00,000/- on the Opposite Parties payable within 60 days of the receipt of the order.

## (ii) Legislative Work

Under Section 64 of the Competition Act, 2002, the Commission is empowered to make regulations consistent with the Act and Rules made there under to carry out the purposes of the Act. The Commission has notified the following regulations which have been published in the extra ordinary issue of the Gazette of India, Part-III, Section 4 on the dates mentioned against each:

**Table 1: Regulations notified by the Commission**

Sl. No.	Regulations	Date of Issue
1.	The Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Amendment Regulations, 2013.	04th, April, 2013.
2.	The Competition Commission of India (General) Amendment Regulations, 2103	07th, October, 2013.
3.	The Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Amendment Regulations, 2014.	28th, March, 2014.

### (iii) Outreach Programme

With applicability across the various sectors of economy, it becomes imperative that awareness about the competition law is created and acceptability be promoted among various stakeholders viz. Industries, educational/ professional institutes, training academies, trade/industry associations, chambers of commerce & industry etc. Commission has been undertaking adequate measures to sensitize & train these stake holders by holding workshops/seminars/ conferences with them.



*Chairperson CCI Mr. Ashok Chawla speaking at event on “Competition Compliance”*

Notably, central and state governments are equally important stakeholders and addressing them about competition law is equally important. This is so as Government is a major procurer and have plethora of policies which may inadvertently be anti-competitive. With this aspect in view, preliminary meetings with senior officials of various central government ministries/ departments viz. Ministries of HRD (Higher Education), Civil Aviation, Agriculture, Defence (DRDO), Health, Railways, Petroleum, Chemical & Fertilizers (Pharmaceutical) and Transport were organised during the year.

These meetings were organised with a purpose to highlight competition related issues/policies, if any, concerning respective ministry/ department on one hand and how CCI and government

departments together can create a competitive culture in country by evolving competition coherent policies on the other.

As regards State Governments various meetings, seminars and workshops were organised with senior officers/functionaries of state government departments particularly those involved in procurement/ commercial activities.

Keeping in view that trainee officers take mantle in government and frame policies, a number of advocacy programmes were organised with Training Academies and efforts are underway to get the competition law included in their curriculum.

Students, being future torch bearers, various law universities, colleges and management institutes were visited by CCI resource persons to create awareness about competition law & policy.

## (iv) Capacity Building

With the objective to build a strong knowledge base in the field of competition law and promoting competition law compliance, CCI sourcing persons with special knowledge and professional experience in varied areas of business and economy. To further enhance their knowledge and skills, CCI has organized various capacity building events for the staff such as in-house induction training, advanced trainings on competition law and economics and workshops on leadership and team building. Several other initiatives such as constitution of Eminent Persons Advisory Group (EPAG), launching Knowledge Partner Initiative (KPI) shows the endeavour of the Commission to become Knowledge based organization.

Following activities were undertaken by the Commission during the period.

- Workshop on Antitrust/Merger Issues held on 30th - 31st July and 1st August 2013 at CCI organized by United States Federal Trade Commission (USFTC).
- Workshop on High-Technology and Competition Issues held on 17th- 19th December 2013 at CCI organized by United States Federal Trade Commission (USFTC).
- Workshop on Leadership and Team Building held on 21st - 23rd March 2014 at Mussoorie organized by Lal Bahadur Shastri National Academy of Administration (LBSNAA).
- Workshop on Intellectual Property and Competition Law held on 17th- 19th April 2013 at Jeju Island, Korea organized by OECD-Korea Policy Center and World Intellectual Property Organization (WIPO).
- Unilateral Conduct Workshop on Assessing Dominance/Substantial Market Power and Evaluating Unilateral Conduct held on 17th - 18th September 2013 at Stockholm, Sweden organized by International Competition Network (ICN).
- 17th International Workshop on Competition Policy held on 9th- 10th December 2013 in Seoul, Korea organized by Korea Fair Trade Commission (KFTC).
- Workshop on Complex Mergers held on 11th-13th December 2013 at Busan, South Korea organized by OECD-Korea Policy Center.
- 2014 Global Antitrust Colloquium for International Competition Agency Official held on 13th-14th February 2014 at Virginia, USA organized by George Mason University School of Law & US Federal Trade Commission.
- International Cartel Workshop 2014 held on 19th- 21st February 2014 at Rome, Italy organized by American Bar Association (ABA) - International Bar Association (IBA).
- 4th Joint Session of the International Working Group for studying Competition

Problems in Pharmaceuticals Sector held on 11th - 12th March 2014 at Moscow, Russia organized by Federal Antimonopoly Services (FAS), Russia.

Under the “Distinguished Visitor Knowledge Sharing Series”, CCI organized following lectures which played an instrumental role in capacity building of CCI officials.

- Tenth “Distinguished Visitor Knowledge Sharing Series” lecture by Mr. Vikram Singh Mehta, Chairman, Brookings India on “Competition concerns in energy sector in India” on 20th March 2014.
- Ninth “Distinguish Visitor Knowledge Sharing Series” Lecture was delivered Shri. Nayan Chanda, Director of Publications, Yale Center for the Study of Globalization on “Globalization: Riding the Wave of Competition” on 6th August 2013.
- Eighth “Distinguish Visitor Knowledge Sharing Series” Lecture was delivered by Dr. Ashok Gulati, Chairman, Commission for Agricultural Costs and Prices on “Building Competitive Agriculture in India” on 26th July 2013.



## (v) International Engagements

Competition authorities are confronted with several cross border anti-trust issues emerged due to rapid globalization of businesses. The limitation of national competition law to arrest actions and decisions taken beyond the borders of a nation have made it imperative that competition jurisdictions cooperate with each other. With an objective to get exposure to global best practices dealing with these concerns, share knowledge and build capacity, CCI have been pro-actively engaging with International Competition agencies viz. ICN, OECD, UNCTAD, Global Competition Forum, BRICS etc. It has been regularly participating in the competition policy deliberations at global level.

The third BRICS International Competition Conference was organized by CCI in New Delhi during November 21-22, 2013. The BRICS Competition Authorities signed the “Delhi Accord” during the Conference which reiterates the commitment of the BRICS countries to enhance cooperation among them to meet the challenges of competition enforcement. On the sidelines of this Conference, the CCI and Director General for Competition of the European Commission (DG COMP) signed a MOU on cooperation between the EU and Indian Competition Authority i.e. CCI. CCI also signed a MOU on cooperation with Australian Competition and Consumer Commission (ACCC).



*Hon'ble Prime Minister Dr. Manmohan Singh delivering inaugural address on 3<sup>rd</sup> BRICS International Competition Conference, New Delhi.*





*A Technical Session during the 3<sup>rd</sup> BRICS International Competition Conference, New Delhi.*

Besides, CCI is also involved in negotiation of 'Competition Chapter' in trade agreements such as Regional Comprehensive Economic Partnership (RCEP) and Free Trade Agreements (FTAs) negotiated by the Government of India.

Shri Ashok Chawla, Chairperson, CCI India attended (a) 12th Annual Conference of International Competition Network (ICN) during 23rd-26th April, 2013 in Warsaw, Poland; (b) Fordham Competition Law Institute Annual Conference and 7th Workshop for Heads of Competition authorities during 25th- 27th September, 2013 in New York, USA; (c) OECD Competition Committee and Global Forum on Competition meetings during 24th -28th February, 2014 in Paris, France. CCI Members and officials also participated in various workshops, seminars, meetings and conferences. Shri Anurag Goel, Member, CCI attended OECD's Working Party and Competition Committee Meeting during 28th - 31st October, 2013 in Paris, France. Shri S.L. Bunker, Member, CCI participated in the OECD Korea Policy Centres 10th anniversary celebrations during 19th - 21st March, 2014 in Seoul, South Korea.

International delegation from Foreign Governments, Foreign Competition authorities, Multilateral Institutions and others also visited the Commission. CCI held bilateral meetings with competition authorities of Brazil (CADE), Russia (FAS), China (SAIC) and South Africa (CCSA) during 21st- 22nd November, 2013. CCI also had bilateral meeting with DG Competition, EU. The Lord Mayor of City of London, Rt Hon Alderman Fiona Woolf along with delegation, visited the Commission on 20th January, 2014 and discussed issues of mutual interest with the Commission.

## (vi) Impact on Consumers and Economy

The preamble to Competition Act, 2002 (the Act) enunciates clearly that the Competition Law in India is focused on economic development and protecting interests of consumers. A robust and fair competition culture accelerates economic growth, which in a liberalized economy in turn benefits the consumers. An effective competition law and policy promotes both allocative and productive efficiencies. This results in continuing incentives for innovation to increase productivity, and consumers benefit from lower prices, better quality and a greater variety of goods and services.

Adopting the twin strategies of enforcement and proactive advocacy the Commission has endeavored to create a competition culture by curbing anti-competitive practices and disseminating information and imparting training to various stakeholders.

To infuse the confidence in consumers Commission has imposed penalties in cases/ information filed before it and has also taken suo moto cognizance where it found consumers' interest have been undermined through anti-competitive practices.

During the year the Commission has decided various matters relating to cartelization and abuse of dominance that impact consumers and the economy in diverse sectors viz. drug & pharmaceuticals, entertainment, hospitals, health, real estate etc..

While deciding upon matters before it, the Commission, as provided in the Act, has maintained a level playing field for the private and public sector. This was evident in the levy of a penalty of Rs.1773.05 Crores on Coal India Ltd.

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

Compliance with the competition law is beneficial to the entire economic system. All sections society - consumers, businesspeople, and the government benefit from a robust competition culture.

## B. INVESTIGATIONS AND INQUIRIES ORDERED BY THE COMMISSION

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

The Commission received 102 cases u/s 19(1)(a) of the Competition Act, 2002 from various informants during the year 2013-2014. The Commission has also received 8 reference cases u/s 19(1)(b) from Central/State Government/Statutory Authority. Cases were received from real estate, airlines, pharmaceuticals, chemical industries, software, coal, financial sector, public procurement and manufacturing sector. The allegation made in the information received related to violation of section 3 & 4 of the Act. The Commission ordered investigation by the Director General in 48 cases under section 26(1) of the Act including 5 Suo Moto cases initiated its own.

The Commission also decided to close 73 cases under section 26(2) of the Act, after considering all facts and evidences.

**Table 2: Cases before the Commission during the year 2011-12**

Description	Information Received u/s 19	Cases Received from MRTPC On transfer	Suo moto cog nizance	References received from Central Govt.	References received from State Govt.	References received from Local Authorities	Total
Number of matters pending at the beginning of the year	72	2	6	2	-	-	82
Number of matter received during the year	102	-	5	7	1	-	115
Total number of matters	174	2	11	10	-	-	197
Number of matters in which prima facie violations noticed	38	-	5	5	-	-	48
Number of matters in which no prima facie violations noticed	72	-	-	1	-	-	73

<b>Investigation reports received on prima facie matters ordered for investigation</b>	25	1	3		-	1	30
<b>Inquiries conducted</b>	1	-	-	-	-	1	-

Besides receiving information filed under Section 19(1)(a) of the act, a large number of complaints are also received in the Commission raising some competition concerns. These complaints are processed in the Commission to know whether any substantial and valid competition concerns have been raised. The Commission also gathers information from various sources e.g., studies conducted both inside and outside the Commission, news reports, published articles, journals etc. to develop cases of anti-competitive conduct affecting the consumers at large on its own motion as prescribed under Section 19(1)(a) of the Act.

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

During the year 2013-14, 55 cases were sent to DG for investigation by the Commission u/s 26(1) and 11 cases were sent u/s 26(7) & 26(8). The table given below summarizes the total number of cases received from Commission for investigation vis-à-vis the number of cases in which report has been submitted to the Commission.

**Table 3: Status of Investigations by Director General**

Status of Investigations by Director General	Nos.
Number of matters pending at the beginning of the year	25 #
Number of matters received during the year	66 ##
Total number of matters report submitted	30 @
Number of matter pending at the end of the year	61 @@
Disposal Rate	32.96%

- # including two supplementary reports
- ## including eleven supplementary reports
- @ including six supplementary reports
- @@ including seven supplementary reports

## C. ORDERS PASSED BY THE COMMISSION

The Commission found that there is no violation of the Act in 73 cases and closed these cases u/s Section 26(2) of the Act. In 08 cases the Commission after considering objections and submissions made before it closed the cases and passed orders u/s 26(6). The table below summarizes the orders passed by the Commission.

**Table 4: Orders Passed by the Commission**

Category		Total	Section under which the order was passed
Cases where no offence is made out	Cases where offence is proved		
73	-	73	Under Section 26(2)
8	-	8	Under Section 26(6)
-	13	13	Under Section 27

## D. EXECUTION OF ORDERS OF COMMISSION AND PENALTIES

**Table 5: Monetary Penalties**

	<b>Description</b>	<b>Nos.</b>
i.	Details on recovery of penalty levied under section 27, 42/43/43A, 44 and 45 (Separately and combined)	Orders under Section 27 during 2013-14 were passed in 14 cases (details at Table 8) and orders u/s 43 were passed in 2 cases (details at Table 9). Orders u/s 43A were passed in 3 cases.
ii.	Total number of matters and total amount of monetary penalties levied	The Commission has till date levied penalty in 35 cases. The amount of penalty levied is Rs. 9886.96 Crores
iii.	Total amount realized without restoring to Section 39(2):	Rs. 72,74,53,618/-
iv.	Total number of matters and amount therein referred to income-tax authorities for collection as arrears of Income tax under Section 39(2)	Nil
v.	Total number of matters and amount therein referred by income-tax authorities as Arrears of income tax	Nil

**Table 6: Matter Referred to Chief Metropolitan Magistrate, New Delhi u/s 42**

	<b>Description</b>	<b>Nos.</b>
i.	Details of matters referred to Chief Metropolitan Magistrate, Delhi under Section 42	4
ii.	Number of matters pending at the beginning of the year	Nil
iii.	Number of references made during the year	4
iv.	Total number of matters	4
v.	Number of references disposed of out of (i) above	Nil
vi.	Number of references disposed of out of (ii) above	Nil
vii.	Total number of references disposed of during the year	Nil
viii.	Number of references pending at the end of the year	4

**Table 7: Imposition of Lesser Penalties under Section 46**

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

**Table 8: Penalty imposed under Section 27 of the Act**

<b>S. No</b>	<b>Case No. &amp; Brief head</b>	<b>Date of the order of the Commission</b>	<b>Amount of monetary penalty</b>	<b>The recovery status at present</b>
1.	01/2009 (Information filed by FICCI-Multiplex Association of India against United Producers Distributors Forum (UPDF) & Others)	25.5.11	Rs. 27,00,000/- (Rs.1,00,000 each on 27 Opposite Parties)	Rs.26,88,481/- has been received alongwith interest of Rs.1,83,278/- Rs. 3847/- each has not been paid by Shri Sunil Lulla, Shri Nandu Ahuja & Ms. Jyoti Deshpande, who filed appeal before COMPAT which was dismissed.
2.	13/2009 (Filed by MCX Stock Exchange Ltd. against National Stock exchange.)	23.6.11	Rs.55,50,00,000/-	National Stock Exchange filed an appeal in COMPAT and after hearing stay was granted on 8.9.11 for realization of the penalty till disposal of appeal subject to the Appellant filing an undertaking to pay interest @ 9% on the said amount or any reduced amount on the basis of decision in the appeal. The matter is pending before COMPAT.
3.	19/2010 (Information filed by Bel Aire Owners' Association against DLF Ltd. and Others)	12.8.11	Rs.6,30,00,00,000/-	DLF Ltd has filed an appeal in COMPAT who has directed a stay of penalty subject to the condition that appellant file an undertaking to pay 9% interest on the amount imposed as penalty of such amount as may be determined by this forum for the period from the date or order by CCI till date of payment. Matter pending before COMPAT.



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4.	03/2009 (Information filed by Uniglobe Travels Pvt.Ltd. against Travel Agent Association of India (TAFI), IATA Agents Association of India (IAAI), Travel Agents Federation of India (TAFI))	4.10.11	Rs.3,00,000 /- (Rs.1,00,000 each of TAFI, TAAI & IATA)	TAAI has deposited Rs 1,00,366 (inclusive of interest of Rs 366) and TAFI has also deposited Rs 1,00,000/-.  IAAI had filed an appeal in COMPAT which has been dismissed on 10.7.13. Penalty not deposited by them.
5.	56/2010 (Information filed by Sunshine Pictures Pvt. Ltd. against Motions Pictures pvt. Ltd., Mumbai & Ors.	16.2.12	Rs.2,27,718/-	Film Distributor Association Kerala had filed an appeal in COMPAT which has been dismissed on 03.01.2013. They deposited Rs 1,66,034 on account of penalty including interest of Rs 38,316)  Telengana Film Distributors Association has not paid the penalty of Rs. 1,00,000/-.
6.	25/2010(along with 41/2010, 45/2010, 47/2010, 48/2010, 50/2010, 58/2010 & 69/2010)	16.2.12	Rs.46,17,154/-	Penalty has been paid by all parties.
7.	Suo Moto 03/2011 LPG Cylinder Manufacturers (Suo-Moto case)	24.2.12	Rs.16,58,60,749 /- on 48 cylinder manufacturers	The Opposite Parties had filed an appeal in COMPAT which vide order dated 20.12.13 upheld the order of the Commission but remanded back the matter to the Commission on the question of penalties and directed that the parties were directed to report to Commission before 1.2.14 and the Commission was directed to decide the matter before 1.5.14. The findings u/s 3(3)(d) were confirmed and the penalties ordered by the Commission stayed till such time the Commission takes the final decision after hearing the parties.
8.	22/2010 (Information filed by Kapoor Glass Pvt. Ltd. against Schott Glass India Pvt. Ltd.)	29.3.12	Rs.5,66,00,000/- on Schott Glass Pvt. Ltd.	Schott Glass India Pvt.Ltd.(Opposite Party) had filed an appeal in COMPAT which has vide order dated 22.08.012 directed them to pay 25% of the penalty imposed in the name of Registrar COMPAT. Order of COMPAT has been reserved on 31.1.2014.

9.	43/2010 (Information filed by Foundation for Common Cause & People Awareness) against PES Installation Ltd. (PES) MDD Medical Systems Pvt. Ltd. (MDD) & Medical Products Services (MPS)	16.4.12	Rs.3,00,95,218/-	<p>COMPAT vide Order dated 25.2.13 reduced the penalty imposed on Opposite Parties viz .PES,MDD &amp; MPS from 5% of the average turnover of last three years to 3% of average turnover of last three years and directed them to deposit the penalty with 90 days of the receipt of the order.</p> <p>The penalty on the three opposite parties has been reduced to Rs. 1,80,57,139/-.</p> <p>The opposite parties applied to the Commission to pay the penalty in eight installments with interest. The Commission allowed the payments of penalty in 8 installments with interest. An amount of Rs 21,52,890 has been realized from MPS, Rs 25,62,500 from PES and Rs 88,31,345 from MDD during 2013-14. The amount realized is subject to adjustment towards the interest payable under the CCI (Manner of Recovery of Monetary Penalty Regulations) 2010.</p>										
10.	06/2011 – (Information filed by Coal India Ltd. regarding Cartelization by Suppliers of Explosives	16.4.12	Rs.58,82,65,713/-	<p>COMPAT vide order dated 18.4.13 upheld the order of the Commission on merits but reduced the penalty to 10 % of the amount imposed by the Commission against each of the 10 opposite parties. The penalty on the opposite parties stands reduced to Rs. 5,88,26,571/-.</p> <p>The following parties have deposited the penalty as per the order of COMPAT</p> <table border="1" data-bbox="1040 1598 1414 1879"> <thead> <tr> <th data-bbox="1040 1598 1295 1654">Name</th> <th data-bbox="1295 1598 1414 1654">Amount (in Rs)</th> </tr> </thead> <tbody> <tr> <td data-bbox="1040 1661 1295 1724">M/s Black Diamond Explosives (P) Ltd</td> <td data-bbox="1295 1661 1414 1724">9,30,903</td> </tr> <tr> <td data-bbox="1040 1730 1295 1793">M/s Ideal Industrial Explosives Ltd</td> <td data-bbox="1295 1730 1414 1793">16,54,648</td> </tr> <tr> <td data-bbox="1040 1799 1295 1862">M/s Blastec India Pvt Ltd</td> <td data-bbox="1295 1799 1414 1862">8,49,100</td> </tr> <tr> <td data-bbox="1040 1869 1295 1890">M/s Emul Tek Pvt Ltd</td> <td data-bbox="1295 1869 1414 1890">2,860</td> </tr> </tbody> </table>	Name	Amount (in Rs)	M/s Black Diamond Explosives (P) Ltd	9,30,903	M/s Ideal Industrial Explosives Ltd	16,54,648	M/s Blastec India Pvt Ltd	8,49,100	M/s Emul Tek Pvt Ltd	2,860
Name	Amount (in Rs)													
M/s Black Diamond Explosives (P) Ltd	9,30,903													
M/s Ideal Industrial Explosives Ltd	16,54,648													
M/s Blastec India Pvt Ltd	8,49,100													
M/s Emul Tek Pvt Ltd	2,860													

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				<p>M/s Regenesis Industries Pvt Ltd 9,60,440</p> <p>M/s Techno Blasts India Ltd 1,77,919</p> <p>M/s Keltech Energies Ltd 31,17,708</p> <p>M/s Indian Explosives Ltd 1,08,42,312</p> <p>M/s Solar Industries Ltd 56,71,530</p> <p>M/s Gulf Oil Co Ltd has not paid the penalty and has filed an appeal in the Supreme Court. The Commission has also filed an appeal in the Supreme Court which has been admitted.</p>										
11.	Suo Moto No,2/2011 – Cartelization between United Phosphorous Ltd., Sandhya Organic chemicals Ltd., Excel Crop Care Ltd. & Agrosynth Chemicals Ltd. (Manufacturers of Aluminium Phosphide tablets)	23.4.12	Rs.317,91,00,000/-	<p>COMPAT vide order dated 18.7.13 upheld the order of the Commission on merits but reduced the penalty to the following against the three parties against whom penalties were levied as under.</p> <table border="1"> <thead> <tr> <th>Name</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>M/s Sandhya Organic Chemicals Ltd</td> <td>15,70,000</td> </tr> <tr> <td>M/s United Phosphorous Ltd</td> <td>6,94,26,000</td> </tr> <tr> <td>M/s Excel Crop Care Ltd</td> <td>2,91,69,000</td> </tr> <tr> <td>Total</td> <td>10,01,65,000</td> </tr> </tbody> </table> <p>The Commission has filed an appeal in Supreme Court against the aforesaid COMPAT order on the issue of relevant turnover and all the above opposite parties have filed appeal on merits challenging the aforesaid order of COMPAT.</p>	Name	Amount	M/s Sandhya Organic Chemicals Ltd	15,70,000	M/s United Phosphorous Ltd	6,94,26,000	M/s Excel Crop Care Ltd	2,91,69,000	Total	10,01,65,000
Name	Amount													
M/s Sandhya Organic Chemicals Ltd	15,70,000													
M/s United Phosphorous Ltd	6,94,26,000													
M/s Excel Crop Care Ltd	2,91,69,000													
Total	10,01,65,000													
12.	MRTP Case No. C-127/2009/ DGIR/4/28 - (Information filed by Varca Druggist & Chemists and Others against Chemists and Druggist Association, Goa (CDAG))	11.6.12	Rs. 2,00,000/-	Rs 2,00,000 has been deposited on 14.11.2013 by CDAG which is subject to adjustment of interest as per CCI (Manner of Recovery of Monetary Penalty) Regulations 2011.										

13.	29/2010 – Information filed by Builders Association of India against manufacturers of Cement.	20.6.12	Rs. 63,17,32,00,000/-	<p>All Opposite Parties had filed appeal and COMPAT vide order dated 17.5.13 directed that 90% penalty be stayed and 10% be deposited with COMPAT by them. All except Cement Manufacturer Association filed appeal in Supreme Court against the order of COMPAT. Supreme Court modified the order of COMPAT to the extent that 10% amount towards penalty be deposited with COMPAT by each opposite party and COMPAT will in ensure that a separate account is opened with a Nationalized bank with a provision that the said amount is kept in a short term fixed deposit in the name of company, initially for a period of six months renewable after the end of its expiry.</p> <p>Cement Manufacturer Association deposited Rs 7,30,000 as per direction of COMPAT.</p> <p>Matter pending before COMPAT</p>
14.	36/2011 (Information filed by Kansan News Pvt. Ltd.)	3.7.12	Rs. 8,04,01,141/-	All parties have filed appeals in COMPAT who has directed the parties to deposit 5% penalty imposed with Registrar, COMPAT. Order of COMPAT has been reserved on 26.3.14.
15.	RTPE 52/2006 – Case referred on transfer from Office of DGI(R) of the erstwhile MRTP Commission u/s 66(b) of the Act. against cement companies.	30.7.12	Rs.397,51,00,000/-	Shree Cement, the Opposite Party has filed appeal in COMPAT which is pending.
16.	C-87/ 2009 (Information filed by Vedant Bio Sciences against Chemists & Druggist Association of Baroda)	5.9.12	Rs. 53,837/-	Penalty imposed on Chemists & Druggist Association of Baroda has been paid on 14.2.13.

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17.	56/2011 – (Information filed by Cinergy Independent Film Services Pvt. Ltd.)	10.1.13	Rs.12,89,735 /-	Penalty of Rs 12,89,735 has not been paid by Andhra Pradesh Film Chamber of Commerce( APFCC). COMPAT had dismissed their appeal vide their order dated 4.7.13.
18.	61/2010 –(Information filed by Surinder Singh Barmi against Board for Control of Cricket in India	8.2.13	Rs. 52,24,00,000 /-	Penalty imposed on Board for Control of Cricket in India. As per COMPAT order dated 9.5.13 75% of penalty has been stayed. Rs 13,06,00,000 has been deposited.
19.	Case No.20/2011 (Information filed by Santuka Associates Pvt. Ltd.)	19.2.13	Rs.47,40,613/-	Rs 47,40,613 deposited by All India Organization of Chemists & Druggist on 29.10.13 subject to adjustment towards interest payable under CCI (Manner of Recovery of Monetary Penalty) Regulations 2011.
20.	[Ref 01/2012 Referred by Director General (Supplies & Disposals)]	6.8.2013	Rs. 6,25,43,000/-	Penalty imposed has not been paid by eleven opposite parties.
21.	78/2011 information filed by M/s Reliance Big Entertainment Pvt. Ltd. against Tamil Nadu Theatre Owners Association (TNTOA) (earlier known as Tamil Nadu Film Exhibitors Association (TNFEA)	5.11.2013	Rs. 41,393/-	The penalty imposed has not been paid by TNTOA/TNFEA.
22.	[ 03/2012, 11/2012 and 59/2012 ] Information filed by M/s Maharashtra State Power Generation & M/s Gujarat State Electricity Corporation Ltd Company Ltd.] against M/s Coal India Ltd and subsidiaries	9.12.2013	Rs.17,73,05,00,000/-	The Opposite party (Coal India Ltd.) filed an appeal against the order dated 9.12.2013 and COMPAT vide order dated 26.2.2014 directed that stay be granted on the condition that Rs. 50,00,00,000/- is deposited within three weeks. On 18.3.2014 Coal India Ltd. deposited Rs. 50,00,00,000/- as per direction of COMPAT.

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23.	[41/2011 Information filed by M/s Sandhya Drug Agency against Assam Drug Dealers Association, Barpeta Drug Dealers Association & All India Organization Chemist and Druggist (AIOCD)	9.12.2013	Rs.5,61,097/-	Penalty of Rs 5,61,097 imposed on Assam Drug Dealers Association has been paid.
24.	[Suo Moto 03/2012 Information filed by Indian Railways against Escorts Ltd., Stone India Ltd. & Faiverly Transport Rail Technologies India Ltd.	5.2.2014	Rs.62,31,00,000/-	Penalty imposed has not been paid by opposite parties.
25.	[60/2012 information filed by M/s Arora Medical Hall, Ferozepur against Chemists & Druggists Association, Ferozepur & Ors.	5.2.2014	Rs.55,42,993/-	Penalty imposed has not been paid by opposite parties.
26.	[39/2012 information filed by Shri Ramakant kini against Dr. L H Hiranandani Hospital, Powai, Mumbai	5.2.2014	Rs.3,81,58,303/-	Penalty imposed has not been paid by opposite parties.
27.	Suo Moto 2/2012 & 1/2013 (Reference received from Directorate of Drugs and Suo Moto Cognizance of case)	11.3.2014	Rs. 18,38,56,470/-	Penalty imposed on Bengal Chemists & Druggists Association & Members of Executive Committee.  Penalty has not been paid.

**Table 9: Penalty imposed under Section 43 of the Act**

S. No.	Case No. & Brief head	Date of the order of the Commission	Amount of monetary penalty	Remarks
1.	1/2009 - FICCI Multiplex Assn. Vs. UPDF &Ors.	25.10.11	Rs.100,000/-	Penalties have been paid by Sh. Rattan Jain, Sh.Sunil Lulla, Sh.Nandu Ahuja and Ms.Jyoti Deshpande of Rs. 25,000/- each.
2.	20/2011 - Santuka Associates Pvt. Ltd. Cuttack Vs. All India Organization of Chemists & Druggists Association, Mumbai	25.10.11	Rs. 25,000/- per day on AIOCD from 02.09.11 till date before which they were to file the requisite information with DG.	Order u/s 43 imposing penalty of Rs.25,000/- per day, on All India Organization of Chemists and Druggists (AIOCD), from 02.09.11 onwards, the date before which they were to file the requisite information with DG. Penalty will continue to be levied till the party provides the requisite information to DG. Copy of the Order was sent to the party on 03.11.11, followed by issuance of Demand Notice on 29.12.11 and 31.10.2012.  Rs. 50,00,000/- was deposited on 6.1.2014 and Rs. 50,00,000/- was deposited on 4.2.2014. These amounts are subject to adjustment on account of interest payment as per CCI (Manner of Recovery of Monetary Penalty) Regulations 2011.
3.	17/2011- Manju Tharad Vs. EIMPA	27.3.12	Rs.11,50,000/-	Order u/s 43 on 27.3.2012 imposing penalty of Rs.11,50,000 for non-furnishing of information in respect of Shr. Ramashankar Khemka and other 03 Members office bearers of Eastern India Motion Pictures Association (EIMPA). COMPAT vide order dated 14.12.12 allowed the appeal filed.
4.	41/2010 Karnataka Film Chamber of Commerce (Information filed by UTV Software Communication Ltd.)	12.6.12	Rs.13,00,000/-	Sh. K Manju, Vice President & Sh. A.Ganesh, Hon. Secretary of Karnataka Film Chamber of Commerce (KFCC) were ordered vide order dated 12.6.12 to pay a penalty of Rs.6,50,000 each for 26 day delay in furnishing of individual financial statements and balance sheet of their enterprises. Penalty has not been paid.
5.	45/2010 Karnataka Film Chamber of Commerce (Information filed by Reliance Media Works Ltd.)	12.6.12	Rs.13,00,000/-	-do-

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6.	47/2010 Karnataka Film Chamber of Commerce (Information filed by Reliance Big Entertainment Pvt.Ltd.)	12.6.12	Rs.13,00,000/-	-do-
7.	48/2010 Karnataka Film Chamber of Commerce (Information filed by FICCI Multiplex Association of India)	12.6.12	Rs.13,00,000/-	-do-
8.	56/2010 Motion Pictures Association (MPA),Northern India Motion Pictures Association (NIMPA), Central Circuit Cine Association, Indore (CCCA), Telengana Telugu Film Distributors Association (TTFDA), Film Distributors Association, Kerala (FDA), Karnataka Film Chamber of Commerce (KFCC) (Information filed by Sunshine Pictures Pvt. Ltd.)	12.4.2012 read with 12.6.2012	Rs.13,00,000/-	-do-
9.	Misc. 1/2010 (in Case No. 4/2009) - Kingfisher Airlines	29.8.12	Rs.72,50,000/-	On 09.1.12, the Commission imposed penalty of Rs.72,50,000/- on Kingfisher Airlines, u/s 43 of the Act. The party filed an appeal in COMPAT order which has been upheld on 29.8.12.



10.	MRTPC-127/DGIR (4/28)-Varca Drugs Vs. Chemists & Druggists Association of Goa.	13.12.11 & 29.1.2013	Rs. 1,00,00,000/-	Order dated 13.12.2011 imposing a penalty u/s 43 passed. Demand notice for Rs.1,00,00,000 sent on 23.5.12 and Recovery notice sent on 18.7.12 but penalty has not been paid. As there was no Compliance of the order dated 13.12.2011 of the Commission the COMPAT vide order 29.1.2013 imposed a penalty of Rs. 25,000/- per day on opposite penalty for non-compliance of directions of the Commission w.e.f. 29.1.2013.
11.	7/2012 & 30/2012 Information filed by M/s Consim Info Pvt. Ltd. and M/s Consumer Unity & Trust Society (CUTS) against M/s Google India Pvt. Ltd.	26.3.2014	Rs. 1,00,00,000/-	Penalty not deposited.

**Table 10: Status of Cases where penalty was imposed u/s 43A of the Act**

S. No.	Case No. & Brief head	Date of the order of the Commission	Amount of monetary penalty	Remarks
1.	C-2012/11/92 Notice filed by Dewan Housing Finance Corporation Ltd., First Blue Home Finance Ltd. and DHPL Holdings Pvt. Ltd.	3.1.2013	Rs. 5,00,000/-	Penalty deposited by First Blue Home Finance Ltd.
2.	C-2013/02/109 Notice filed by Khaitan & Co. Vs. Titan International & ors.	2.4.2013	Rs.1,00,00,000/-	Penalty deposited by Titan International Ltd.
3.	C-2013/06/124 Notice filed by Zulia Investments Pte. Ltd., Kinder Investments Pte. Ltd. and Temasek Holdings Pvt. Ltd.	1.8.2013	Rs. 50,00,000/-	Penalty deposited by parties.
4.	C-2013/05/122- Notice filed by Jet Etihad Airways PJSC and Jet Airways (India) Ltd.	19.12.2013	Rs.1,00,00,000/-	Penalty deposited by Etihad Airways.

## E. APPEALS

### 1. Number of Appeals filed against Commission's orders

Table 11

	Description	Nos.
i.	Number of appeals pending at the beginning of the year	135
ii.	Appeals filed during the year	46
iii.	Total	181

### 2. Number of Appeals allowed by the Appellate Tribunal

Table 12

	Description	Nos.
i.	From appeals pending at the beginning of the year	Nil
ii.	From appeals filed during the year	Nil
iii.	Total	Nil

### 3. Number of Appeals disallowed by the Appellate Tribunal

Table 13

	Description	Nos.
i.	From appeals pending at the beginning of the year	47
ii.	From appeals filed during the year	17
iii.	Total	64

**4. Number of Appeals partially allowed by the Appellate Tribunal**

**Table 14**

	<b>Description</b>	<b>Nos.</b>
i.	From appeals pending at the beginning of the year	44
ii.	From appeals filed during the year	Nil
iii.	Total	44

**5. Brief write-up on the Appeals decided by the Appellate Tribunal**

**Appeal No.21/2012 to 44/2012 and 46/2021 to 65/2012- LPG Cylinder matter**

The Competition Commission of India (the Commission) in the suo moto Case No. 03/2011, in Re: LPG Gas Cylinder Manufacturers passed an order dated 24.02.2012 under section 27 of the Competition Act, 2002 thereby imposing a penalty at the rate of 7% of the average turnover on each contravening party. The Commission further directed the contravening parties to cease and desist from indulging in the anti-competitive practices of bid rigging in future. The parties (opposite parties before the Commission) filed appeals before the Competition Appellate Tribunal (the Tribunal) against the said order of the Commission. The Tribunal disposed of said appeals vide judgment dated 20.12.2013 whereby the Tribunal confirmed and upheld the findings of the Commission on contravention of Section 3(3)(d) of the Act while allowing an opportunity to the parties to address the Commission on the question of penalties which could be decided by the Commission after consideration of submissions by the parties. As such, the matter is pending before the Commission on the issue of penalties.

## F. COMBINATION MATTERS -FUNCTIONAL STRUCTURE

As on 31st March, 2013, assessment on 6 notices filed under sub-section (2) of Section 6 of the Competition Act, 2002 (Act) was being carried out in terms of the provisions of the Act. Further, during the period 1st April, 2013 - 31st March, 2014, the Competition Commission of India (CCI) received 47 notices under sub-section (2) of Section 6 of the Act. Out of the total 53 notices, the CCI made its final decision on 46 notices till 31st March, 2014.

The details regarding the notices received under sub-section (2) of Section 6 of the Act during the period 1st April, 2013 till 31st March, 2014 is listed in table below.

**Table 15: Notices received under sub-section (2) of Section 6 of the Act**

Number of matters pending at the beginning of the year	Number of combination notifications received during the year	Total number of combinations notifications under consideration at the end of the year	Number of combinations approved by the Commission				Number of combination notifications ordered for enquiry	Number of combination notifications not disposed of within 210 days with brief reasons therefor, and combinations deemed to have been approved	Number of combinations not approved by the Commission with brief reasons* therefor.
			Within 30 days of receipt	From 31 to 60 days	From 61 to 120 days	From 121 to 210 days			
06	47	07	44	Nil	Nil	Nil	Nil	Nil	02*

\* In one of the notices, the long stop date in the share purchase agreement was not extended by the parties and parties withdrew their notice. Therefore, the Commission vide its final decision dated 01.08.2013 noted the said development. In respect of another notice the value of the assets and turnover does not meet the threshold prescribed u/s 5 of the Act. Hence the Commission vide its order dated 09.04.2013 decided that the said amalgamation was not a Combination u/s 5 of the Act and the notice was not required to be filed.

## G. REFERENCES FROM CENTRAL GOVERNMENT OR STATE GOVERNMENTS

**Table 16: References from Central Government under section 49(1) of the Act**

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

**Table 17: References from State Governments under section 49 (1) of the Act**

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

**Orders of Central Government received under Section 54 of the Act. — Nil**

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

## H. REFERENCES FROM AND TO THE STATUTORY AUTHORITIES

Table 18: References from and to Statutory Authorities

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

## I. COMPETITION ADVOCACY

One unique feature of Competition Act is that it, unlike other statutes, provides specific mandate u/s 49 for promotion of Competition Advocacy to create awareness among and imparting training about competition issues to various stakeholders viz. consumers, students, academicians, lawyers, professionals, trade organizations and chambers of commerce, centre and state governments and sectoral regulatory authorities etc.

Promotion of Competition Advocacy aims at dual purpose of dissemination of relevant information to each stakeholder group and ensuring compliance of Competition Act thereby creating a pro competition culture in the economy/ country.

While falling foul of Competition Law mobilizes enforcement mechanism, competition advocacy acts as friendly forewarning and advises on formulation of competition coherent policies with competitive neutrality.

Creating awareness about a particular law serves as a catalyst in its implementation. Competition Advocacy constitutes all the activities conducted by the competition authorities relating to the promotion of competitive environment through non-enforcement mechanisms.

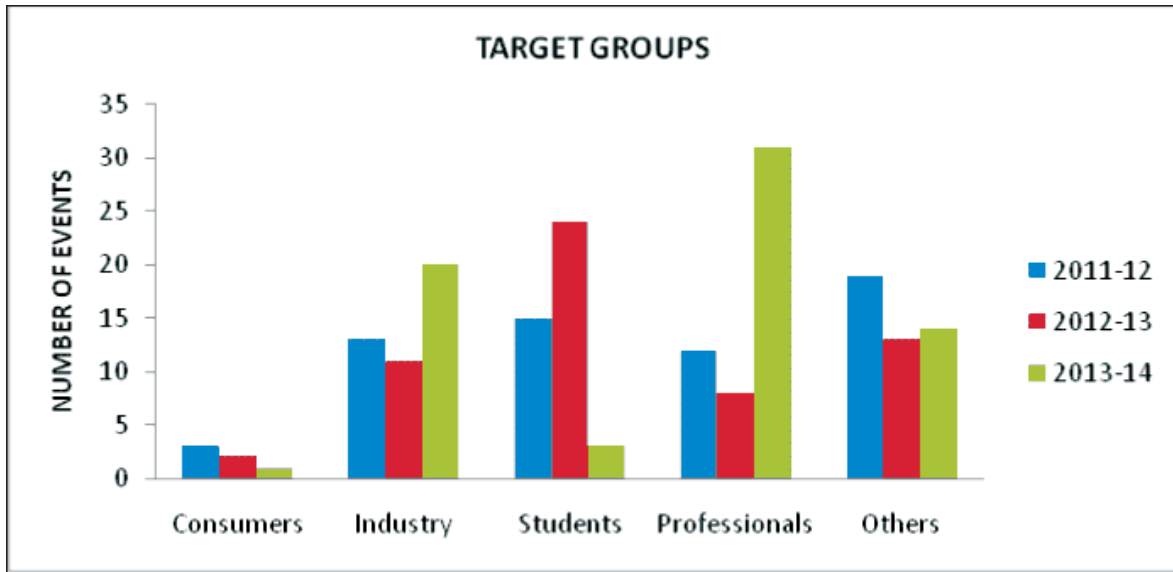
A summary of various advocacy initiatives and measures taken by the Competition Commission of India during preceding three years is shown in table below.

**Table 19: Advocacy initiatives**

Year	Consumers	Industry	Students	Professionals©	Others	Total
<b>2011-12</b>	3	13	15	12	19*	62
<b>2012-13</b>	2	11	24	8	13*	58
<b>2013-14</b>	1	20	3	31	14*	69

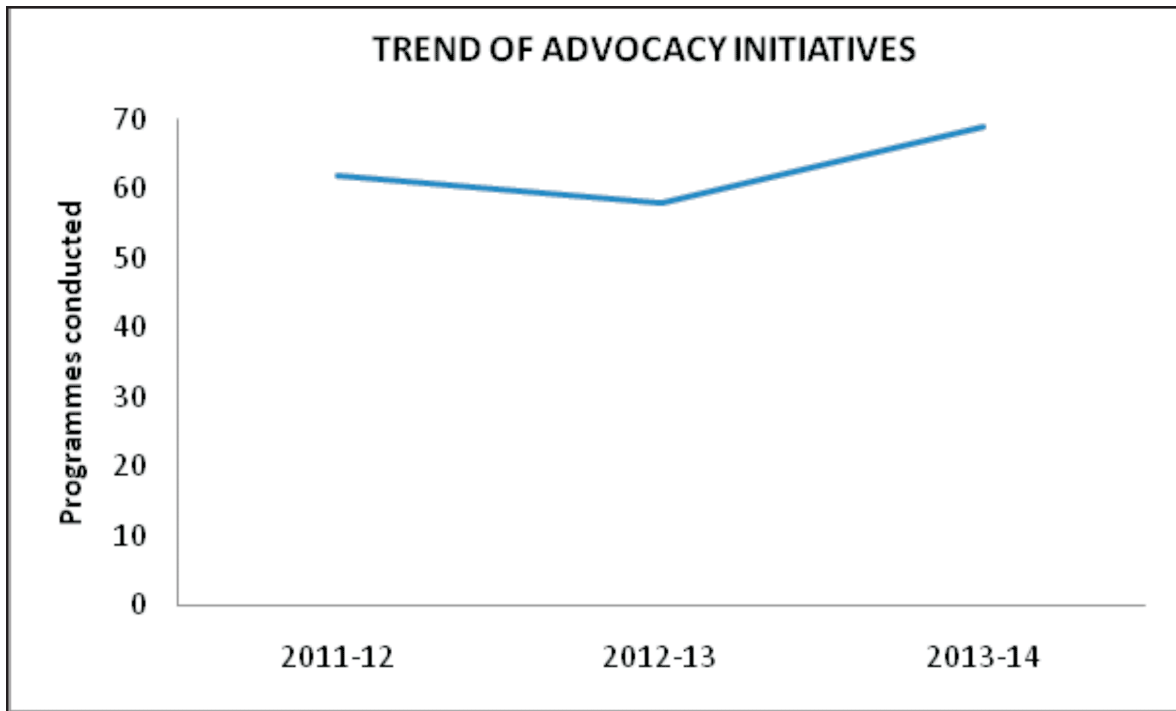
©Professionals including bar associations and government officials.

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



*Advocacy Programme under State Government advocacy initiatives in progress*





*An Advocacy Programme under advocacy initiatives in progress.*

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

Table 20

<b>Subject matter of the workshop/ Seminar</b>	<b>Number of Participants</b>	<b>Dates during which held</b>	<b>Beneficiaries, i.e. government officials, industry, academicians, professionals and others to be specified</b>
Lecture at a seminar on 'New Avenues for Professionals - Competition Law' at Hyderabad organised jointly by A.P. Chapter of Institute of Cost Accountant of India and the Institute of Company Secretaries of India, Hyderabad Chapter	50-60	06 <sup>th</sup> April, 2013	Representatives of ICAI and ICSI and Lawyers.
Preliminary meeting with officers of Ministry of Road Transport & Highways on competition assessment of Govt. Policy in Delhi	10-12	09 <sup>th</sup> April, 2013	Officers of Ministry of Road Transport & Highways
'National Orientation Programme on Competition Law for District Judges / Additional District Judges' at National Judicial Academy, Bhopal	40 Appx.	12 <sup>th</sup> April, 2013	District Judges / Additional District Judges
Lecture on 'Competition Law & Policy' at Patna Law College, Patna.	55-60	13 <sup>th</sup> April, 2013	Students of Patna Law College, Patna
Presentation on 'Overview of Competition Law' and Public Procurement & Competition Law' at Department of Industry, Govt. of NCT Delhi	40	25 <sup>th</sup> April, 2013	Officers of Govt. of NCT Delhi.

Presentation on 'Competition Law & Trade Associations' and 'Competition Compliance Programme for Trade Associations' at executive meeting organised by All India Organisation of Chemists & Druggists (AIOCD), New Delhi.	45	26 <sup>th</sup> April, 2013	Representatives and members of AIOCD
A workshop on 'Competition Law & Public Procurement' organised by Deptt. Of Industry, Govt. of NCT Delhi.	40	02 <sup>nd</sup> May, 2013	DANICS Probationers and Officers of Delhi Govt.
Lecture on 'Competition Law & Trade Association' at Executive Committee Meeting of Association of (ATMA) in Gurgaon	30	03 <sup>rd</sup> May, 2013	Executive Members of ATMA
Lecture at Regional Conference of Consumer Coordination Council on 'Competition Law & Consumer' in Lucknow.	50	11 <sup>th</sup> May, 2013	Members of consumer organisations
Preliminary meeting with Department of Pharmaceuticals (GOI) on competition assessment of Govt. Policy in Delhi	05	15 <sup>th</sup> May, 2013	Officers of Department of Pharmaceuticals
Lecture of 'Competition Law' at Executive Committee meeting of ACMA in Kolkata.	35	17 <sup>th</sup> May, 2013	Executive Members of ACMA
Preliminary meeting with Department of Higher Education, GOI on competition assessment of Govt. Policy in Delhi	18-20	21 <sup>st</sup> May, 2013	Officers of Department of Higher Education, GOI

Preliminary meeting with Officers of DRDO, Directorate of Materials Management on competition assessment of Govt. Policy in Delhi	15-20	04 <sup>th</sup> June, 2013	Officers of DRDO, Directorate of Materials Management GOI
Lecture on 'Competition Law & Trade Associations' at Executive Committee of Glass Manufacturers' Federation, New Delhi	45	07 <sup>th</sup> June, 2013	Representatives and members of Glass Manufacturers' Federation
Participation in advocacy programme on the topic "Competition Law and its impact on India" at Ahmedabad	30-40	28 <sup>th</sup> June, 2013	Govt. Officials, Industry, Professionals
Preliminary meeting with Officers of Ministry of Health & Welfare competition assessment of Govt. Policy in Delhi	17-20	27 <sup>th</sup> June, 2013	Officers of Ministry of Health & Welfare Management GOI
Meeting with Chief Secretary and Sr. Officers, Govt. of Kerala on competition related issues and role of State Govt. in promoting Competition, held in Trivandrum.	22 appx.	16 <sup>th</sup> July, 2013	Officers of State of Kerala
Preliminary meeting with Ministry of Petroleum & Natural Gas, Govt. of India on overview of competition law in Delhi	20 appx	17 <sup>th</sup> July, 2013	Officers of Ministry of Petroleum & Natural Gas, GOI
Presentation on Competition Law by Shri S.N. Dhingra, Member, CCI and Shri Sukesh Mishra, Jt. Director(Law) for Chief Justice and Judges of Bombay HC, held in Mumbai	40	22 <sup>nd</sup> July, 2013	Chief Justice and Judges of Bombay HC

Preliminary meeting with Civil Aviation, Gol, on exploring and exploiting potential of competition in Delhi	17	25 <sup>th</sup> July, 2013	Officers of Ministry of Civil Aviation
Meeting with Chief Secretary and Sr. Officers, Govt. of U.P. on competition related issues and role of State Govt. in promoting Competition, held in Lucknow.	20	26 <sup>th</sup> July, 2013	Officers of State of UP
Presentation on 'Inter-active Advocacy Event on Competition Law' - organized by FICCI	50 appx.	26 <sup>th</sup> July, 2013	FICCI representatives (Industrialists, Advocates & Law Officers)
Lecture/Presentations on 'Competition Law & Its impact on Industry' at seminar organized by FICCI in Chandigarh.	50-55	26 <sup>th</sup> July, 2013	Representatives of Industry
A presentation on ' Overview of Competition Law: Section 3 & 4' at a seminar organized by Bombay Chambers of Commerce and Industry (BCCI) in Mumbai	45 appx	01 <sup>st</sup> August, 2013	Representatives of BCCI
Interactive Session with Madras Bar Association held in Chennai	100	07 <sup>th</sup> August, 2013	Advocates
Presentations on Overview of Competition Law: Section 3 & 4' and Powers & Duties of CCI, Trade Association and Competition Compliances at a seminar organized by CII in Chennai	40-45	21 <sup>st</sup> August, 2013	Representatives of CII

Presentations on 'Combination Regulations' and Powers & Duties of CCI, Trade Association and Competition Compliances at a seminar organized by FICCI in Bangalore.	45 appx.	23 <sup>rd</sup> August, 2013	Representatives of FICCI
Meeting with Chief Secretary and Sr. Officers, Govt. of Maharashtra on competition related issues and role of State Govt. in promoting Competition, held in Mumbai	20-22	26 <sup>th</sup> August, 2013	Sr. Officers of State of Maharashtra
Participation in advocacy programme : Meeting with the Chief Secretary of Maharashtra at Mumbai	15-20	26 <sup>th</sup> August, 2013	Sr. Officers of State of Maharashtra involved in Policy making
Meeting with the Chairman and the officers of the Rajasthan Electricity Regulatory Commission on Competition issues	10-15	30 <sup>th</sup> Aug, 2013 to 01 <sup>st</sup> Sept, 2013	Senior Govt. Officers involved in Policy making
Presentation to the participants of workshop on "The Competition Act" at Shimla	50 appx.	04 <sup>th</sup> Sept, 2013	Distt. Judges of Himachal Pradesh
Presentation to Heads of PSUs and State Govt. of H.P. at Shimla	40 appx.	05 <sup>th</sup> Sept, 2013	Government officials of H.P. Govt.
Presentation on 'Trade Association and Indian Competition regime- compliance issues' at PHDCCI in Delhi	75	06 <sup>th</sup> Sept, 2013	Representatives of PHDCCI
Sharing of experiences on regulatory mechanisms in power sector and functioning of regulatory authorities in 14th Finance Commission in Delhi	25	20 <sup>th</sup> Sept, 2013	Officers of GOI / Members of Finance Commission

Presentations on Competition Law and Benefits to Government' at Dr MCR Human Resource Development Institute of Andhra Pradesh in Hyderabad	45-50	23 <sup>rd</sup> Sept, 2013	Probationers
Delivery of a talk on Corporate Boards: Lessons from Competition and Regulation at IPE Board orientation Programme in Delhi	50 appx.	26 <sup>th</sup> Sept, 2013	Industry members
Presentation at Bihar Judicial Academy, Patna on Competition Law	30 appx.	28 <sup>th</sup> Sept, 2013	District Judges, Advocates and Law Officers
Meeting with the Principal Secretary, Industries, Government of Maharashtra, at Mumbai	10-15	30 <sup>th</sup> Sept, 2013	Sr. Officers of State of Maharashtra involved in Policy making
A workshop on 'Application of Competition Law' was organized with Government of Maharashtra in Mumbai	35-40	01 <sup>st</sup> Oct, 2013	Senior officers of Government of Maharashtra
A workshop on Competition Law with the District Judges of Hyderabad was organized under the aegis of Andhra Pradesh Judicial Academy, Secundrabad in Hyderabad	45-50	05 <sup>th</sup> Oct, 2013	District Judges
A presentation in 'Competition Compliance Issues for Industry Associations' in Oil Industry Performance Review Meeting' in Ernakulum, Kochi	50 appx.	11 <sup>th</sup> Oct, 2013	Industry members
A presentation on 'Competition Law, Trade Association & Competition Compliance Programme' at CII's 4th Interactive Meeting with Industry Members in Bhavnagar	45	17 <sup>th</sup> Oct, 2013	Industry Members

Participation as Judge in the semi-final round of 06th Justice Hidayatullah Memorial National Moot Court Competition, 2013 held in Raipur	50 appx	18 <sup>th</sup> Oct, 2013	Students
A presentation on 'Competition Law and Benefits to Government' at Dr RCVP Noronha Academy in Bhopal	40	31 <sup>st</sup> Oct, 2013	Probationers
A meeting between Health Secretary & Senior Officers of the Ministry of Health & Family Welfare and team of Officers from CCI in New Delhi	30	06 <sup>th</sup> Nov, 2013	Senior Government Officers
Represented as panelist in a session 'Enhancing Coal Production- Advent of Real Competition' organised by FICCI, New Delhi.	20-30	12 <sup>th</sup> Nov, 2013	Industry Members
A special address on the competition policy with respect to real estate sector at the 10th International Real Estate Summit 2013 in Mumbai	60 appx.	15 <sup>th</sup> Nov, 2013	Industry Members
Meeting with Director of Industries Punjab Govt. and Chandigarh on Competition Law	10 appx.	27 <sup>th</sup> Nov, 2013	Senior Officials of Punjab & Haryana Govt.
A presentation in a workshop organized by Delhi Judicial Academy in New Delhi	30	28 <sup>th</sup> Nov, 2013	District Judges



Session on 'Nurturing Competition Culture in Indian Economy' during Legal Era General Council Forum 2013 at Hotel Vivanta by Taj, Gurgaon	50	29 <sup>th</sup> Nov, 2013	Govt. officials, Industry, Professionals
A session on 'Competition law and benefits to Government' was organized at National Academy of Direct Taxes in Nagpur	55 appx.	29 <sup>th</sup> Nov, 2013	Probationers
A lecture on 'Competition Law and Policy' at RCVP Noronha Academy of Administration, Bhopal	35	30 <sup>th</sup> Nov, 2013	Probationers
The presentations on 'Competition Law, Trade Association & Section 3 & 4 of the Competition Act' were made in an advocacy event organized by FICCI in Mumbai	58	06 <sup>th</sup> Dec, 2013	Industry Members of FICCI
An 'Interactive Session' on 'Competition Laws' was organized at Chandragupt Institute of Management in Patna	55 appx	12 <sup>th</sup> Dec, 2013	Students
Meeting with Chief Secretary and Sr. Officers, Govt. of Gujarat on competition related issues and role of State Govt. in promoting Competition held in Gandhinagar	20-25	23 <sup>rd</sup> Dec, 2013	Officers of State of Gujarat
Two workshops on Competition Issues in Thiruvananthapuram and Kochi.	30-35	07 <sup>th</sup> & 08 <sup>th</sup> Jan, 2014	Government of Kerala
Presentation on 'Competition Act-2002 & Public Procurement System-Competition Issues' at NPC, Bhubaneswar, Puri	55	14 <sup>th</sup> Jan, 2014	National Productivity Council, Bhubaneswar

Overview of Competition Law' and 'Competition Law and Government' at NADT in Nagpur	70 appx.	17 <sup>th</sup> Jan, 2014	National Academy of Direct Taxes
Preliminary meeting on Govt. Advocacy with Ministry of Agriculture at Krishi Bhawan, New Delhi.	15-18	20 <sup>th</sup> Jan, 2014	Sr. officers of Ministry of Agriculture
Presentation on Overview of Competition Act-2002' in Lucknow	35	22 <sup>nd</sup> Jan, 2014	Judicial Training & Research Institute, Lucknow
Workshop On 'Exploiting Benefits Of Competition' at Lucknow, Uttar Pradesh	40	24 <sup>th</sup> Jan, 2014	Government of Uttar Pradesh
'Scope for Chartered Accountants under the Competition Act' in Bhubaneswar (EIRC)	45 appx.	08 <sup>th</sup> Feb, 2014	Representatives of The Institute of Chartered Accountants of India, Bhubaneswar
Workshop at Kerala High Court on Competition Law in Kochi	25-30	13 <sup>th</sup> Feb, 2014	Judges of High Court of Kerala.
A meeting between Director General, Uttar Pradesh Academy of Administration and Management and CCI Officers to discuss the roadmap for effective implementation of competition law in the state of Uttar Pradesh.	15-20	12 <sup>th</sup> March, 2014	Representatives of Uttar Pradesh Academy of Administration and Management
Workshop on "Drug Regulatory Reforms in India" organised by Indian Council for Research on International Economic Relations (ICRIER), at New Delhi.	25	31 <sup>st</sup> March, 2014	Industry representatives and professionals

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

Competition regulatory process cannot achieve desired results if various stakeholders viz. students, research community, regulators, legal fraternity, industries, Trade Associations, Central

& State Governments are not adequately trained to understand and implement the provision of the Competition Act to develop a competition culture in the country. To this end commission undertook the following capacity building measures during the relevant period.

**Table 21: Capacity building of stakeholders to participate in competition regulatory process**

<b>Subject matter of the training programme</b>	<b>Number of participants</b>	<b>Dates during which held</b>	<b>Brief intent and the purpose</b>
Interactive Session of Chairperson CCI & Sr. Officers of CCI with Sr. Officers of Financial Investigative Agencies in Delhi.	35	18 <sup>th</sup> July, 2013	Capacity building of Officers of Investigative Agencies with respect to Competition Issues.
A workshop on 'Public Procurement and Competition Law' was organized in collaboration with SCOPE at SCOPE Convention Centre in New Delhi.	53	20 <sup>th</sup> Dec, 2013	Capacity building of Senior Executives from Central PSUs
A Webcast on "Application of knowledge of Competition Law during Audit of Stakeholders" in New Delhi	60	13 <sup>th</sup> Feb, 2014	Capacity building of officers of Comptroller & Auditor General of India
Presentation on "Procurement in PSE" at a seminar organized by ONGC at SCOPE Minar, Delhi.	45	28 <sup>th</sup> Feb, 2014	Capacity building of Senior Executives from ONGC

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

**Table 22: Competition related sectoral / regulatory impact assessment; market studies and research projects carried out by the commission**

<b>Title of the market study/research project</b>	<b>Purpose</b>	<b>Date of initiation</b>	<b>Date of completion</b>	<b>Remarks, if any</b>
Primer on “Assessment of Market Power in case of High-Technology Industries” prepared and submitted by Dedicated Research Unit (DRU) established by CCI in IDF, Gurgaon.	To enhance research capacity of the Officers of CCI in the field of High-Technology Industries to ensure cohesive and systematic integration of economic analysis into the enforcement of the Competition Act, 2002	April, 2013	September, 2013.	
Primer on “Role of Intellectual Property Rights in Antitrust Analysis” prepared and submitted by Dedicated Research Unit (DRU) established by CCI in IDF, Gurgaon.	To understand the role of Intellectual Property Rights in Antitrust Analysis.	April, 2013	October, 2013.	
Primer on “Collective Dominance and Tacit Collusion” prepared and submitted by Dedicated Research Unit (DRU) established by CCI in IDF, Gurgaon.	To understand the economics concepts and their uses in determining the Collective Dominance and Tacit Collusion keeping in view Section 3 and 4 of the Competition Act, 2002.	April, 2013	December, 2013.	

Primer on “Vertical Restraints and Competition Law” prepared and submitted by Dedicated Research Unit (DRU) established by CCI in IDF, Gurgaon.	To understand the economics concepts and their uses while dealing with Vertical Restraints [Section 3(4) of the Competition Act].	August, 2013	February, 2014.	
Primer on “The Use of Economic Tools to Detect Cartels” prepared and submitted by Dedicated Research Unit (DRU) established by CCI in IDF, Gurgaon.	To understand the uses of economics tools in detecting Cartels.	August, 2013	March, 2014.	

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

Following Concept Papers/Notes have been placed on CCI Intranet during the year:

- i. Presentation on “Competition Issues in the Indian Pharmaceutical Industry” by Kensuke Kubo, ISI;
- ii. Indian Pharmaceutical Industry: Competition issues;
- iii. Presentation on “Use of econometric tools for merger analysis: Case Studies from the UK and EU” by Dr. Jozsef Molnar, European Commission, DG-Competition, Chief Economist Team
- iv. Procurement by Food Corporation of India and the Competition issues;
- v. Some Economics of Abuse of Dominance;
- vi. Comments on Telecom Regulatory Authority (TRAI), Consultation Paper on Monopoly/ Market dominance in Cable TV services;
- vii. Presentation on Impact of cartels on poor Competition Law, Poverty Reduction and India” by a Senior Officer of Commission made at Intergovernmental Group of Experts on Competition Law and Policy Thirteenth session, Geneva, 8-12 July 2013
- viii. Excessive Pricing
- ix. Primer on “Assessment of Market Power in case of High-Technology Industries” prepared by DRU, established by CCI in IDF Gurgaon.
- x. Primer on “Role of Intellectual Property Rights in Antitrust Analysis”.
- xi. Conceptual notes on the aspects of dominance in general and competition assessment in sports industry.

- xii. An article for CIRC Policy Document & Souvenir on the theme - The Interface between Business Strategy & Competition Law.
- xiii. Primer on “Collective Dominance and Tacit Collusion” prepared by DRU.
- xiv. Cartel Fine Guidelines
- xv. Analysis of conduct for a firm not dominant
- xvi. Assessment of dominance
- xvii. Defining Relevant Markets for Residential Real Estate
- xviii. Indian Manufacturing Sector
- xix. Inflation
- xx. Market structure of Health Care Industry
- xxi. Two Sided Markets
- xxii. Why is Business afraid of competition reforms.
- xxiii. Competition Law & Benefits to Government
- xxiv. Standard Essential Patents and FRAND

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

**VI. Other Advocacy Initiatives**

1. Publishing Quarterly Newsletter “Fair Play”
  - (i) Fifth edition of Quarterly Newsletter “Fair Play” for the quarter April-June, 2013 has been published. Newsletter covers the activities during the quarter with a special focus on “4th Annual Day Commemoration Public Procurement and Competition Concerns”.
  - (ii) Sixth edition of Quarterly Newsletter “Fair Play” for the quarter July-September, 2013 has been published. Newsletter covers the activities during the quarter with a special focus on “BRICS Competition Regimes and Cooperation”.
  - (iii) Seventh edition of Quarterly Newsletter “Fair Play” for the quarter October-December, 2013 has been published. Newsletter covers the activities during the quarter with a special focus on “BRICS way to Competition Cooperation”.
2. Annual Day

CCI celebrated its “Annual Day” (the day of commencement of enforcement of the Act) on 20th May 2013 at Hotel Ashok. Hon’ble Minister of State (IC) for Corporate Affairs, Shri Sachin Pilot delivered key note address and Hon’ble Finance Minister; Shri P. Chidambaram delivered the inaugural Annual Day lecture.





*Hon'ble Finance Minister Shri P. Chidambaram delivering "CCI Annual Day Inaugural Lecture, 2013, New Delhi.*



*Guests attending "CCI Annual Day Inaugural Lecture, 2013, New Delhi.*

3. CCI Tagline

CCI adopted a tagline “Fair Competition for Greater Good” to be used as a part of CCI logo. Necessary notification to this effect was also issued.

4. Internship

With a view to familiarize and enable the students of various streams viz. Economics, Management, Law & Finance, about competition law & policy, Commission has well designed internship programme for eligible and interested students from said streams. In this pursuit during report period 75 students have undergone internship on various competition related issues.



## J. ADMINISTRATION AND ESTABLISHMENT MATTERS

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### (1) Report of the Secretary

#### Introduction

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

The recruitment rules for the 146 posts (90 professionals + 55 support staff) in the Commission were promulgated by MCA vide notification date 14th September, 2009, which stipulated certain percentage of posts to be filled in by direct recruitment and deputation/absorption basis. 46 out of the 91 posts of professionals and 23 out of 55 posts of support staff are to be filled in by direct recruitment. The balance posts (45 professionals and 32 support staff) are to be filled in by deputation besides 10 Posts of support staff (Sr.PPS/PPS/PS) sanctioned by MCA vide notification dated 22nd April, 2010.

#### 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 no. of posts filled on deputation basis as on 31.03.2014 is 46. This includes 17 deputationists who have been permanently absorbed. The process to fill the remaining vacant posts is in progress.

#### Filling of posts by Direct Recruitment

In the first round of the Direct Recruitment, 18 professionals and 8 support staff were appointed. In the second round of the Direct Recruitment, 5 professionals were appointed. In the third round of the Direct Recruitment one professional and two support Staff were appointed. For the 4th round of Direct Recruitment, 22 Candidates (20 Professionals & 02 Support Staff) were selected for appointment. 12 of them in the Professional stream also joined CCI upto 31.03.2014.

#### Director General's Office

While the Recruitment Rules for the post of Director General, CCI were notified on 04.08.2009, the Recruitment Rules in respect of 40 other posts (32 Professionals and 8 Support Staff) sanctioned

for the DG's office were promulgated by MCA, Government of India vide notification dated 31st December, 2009. As per the rules, all the posts have to be filled by deputation by the Central Government. As on 31.3.2014, total 15 posts (07 professional and 08 support staff) are filled on deputation basis. 26 posts of professionals are still vacant and applications have been invited by the Commission, on behalf of MCA, from eligible officers for deputation against these posts. The process to fill these posts is in progress.

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

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

**Table 23: Composition of the Commission as on 31.03.2014**

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

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

During the year, the Commission held 129 ordinary meetings to discuss information received by it. The Commission also held 26 special meetings during the year to discuss important issues before it with regard to functioning and operationalisation of the Commission.

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

During the year, Shri H.C. Gupta, Member, CCI demitted the office on 13.06.2013 by resignation.

## **(5) Organizational structure**

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

**Table 24**

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

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

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

**Table 25: Position of staff in CCI as on 31.03.2014**

Name of the post	No. of Posts sanctioned	Name of the officer	No. of posts vacant
Secretary	1	Ms. Smita Jhingran	-
<b>PROFESSIONALS</b>			
Adviser (Law)	3	Shri Pramod Kumar Singh Shri Yogender Chaudhary Dr. Sadhna Shanker	0
Adviser (Eco)	3	Shri R.N. Sahay Dr. Seema Gaur Ms. Payal Malik	0
Adviser (FA)	2	Vacant	2
		Vacant	
Director (Law)	5	Dr. Satya Prakash	4
Director (Eco)	5	Shri Shyamal Misra	3
		Smt. Jyoti Jindgar #	
Director (FA)	2	Shri Rakesh Bhanot	1
Joint Director (Law)	10	Shri Ajay Goel	5
		Shri Shiv Ram Bairwa	
		Shri Ved Prakash Mishra	
		Dr. Sanjay Kumar Pandey	
		Shri Sukesh Misra	
Joint Director (Eco)	10	Shri Rakesh Kumar	8
		Shri Bidyadhar Majhi	

Competition Commission of India

Joint Director (FA)	4	Shri Alok Tripathi# Shri Kapil Aggarwal	2
Deputy Director (Law)	18	Smt. Shabista Aquil Ms. Neha Raj Smt. Prachi Mishra Shri Amit Tayal Dr. Vijay Kumar Singh Shri Kuldeep Kumar Shri K.D.Singh Shri V. Sriraj Ms. Bhawna Gulati Ms. Sunaina Dutta Shri Kamal Sultanpuri Shri K.P. Anand	6
Deputy Director (Eco)	18	Shri Rajinder Kumar# Smt. Sayanti Chakrabarti Shri Mukul Sharma Shri Nilotpal Bal Shri Ashutosh Kumar Shri Saurabh Shri Pranav Satyam Shri Arun Dhall Shri Arvind Kumar Anand Shri Anil	08
Deputy Director (FA)	10	Shri Shekhar Shri Pankaj Kumar Shri Bhupendra Singh Shri Vipul Puri Shri Sachin Goyal Ms. Jyotsna Yadav	04

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

SUPPORT STAFF			
Joint Director (F&A)	1	Shri S. Sathichandran	0
Joint Director (IT)	1	-Vacant -	1
Deputy Director (CS)	5	Shri Shive Rattan Sharma Shri Joy Kuriakose	3

Competition Commission of India

Deputy Director (F&A)	1	- Vacant -	1
Deputy Director (IT)	1	Smt. Vandana Shukla	1
Assistant Director (CS)	14	Shri. S.P. Gahlaut	1
		Shri Ramesh Chand	
		Shri Balraj Singh	
		Shri U.S. Vidyarthi	
		Shri Anil Kumar	
		Shri Umesh Kumar Jain	
		Shri Sulabh Rastogi	
		Shri Mukesh Kumar	
		Shri Manoj Kumar Tiwari (#)	
		Shri Ashok Raj Gupta	
		Shri Gautam Singh Sambyal	
		Shri Ravi K. Dobriyal	
Shri Sanjeev Kumar			
Assistant Director (LS)	02	Dr. Anil Singh	0
		Dr. Saurabh Shukla	
Assistant Director(IT)	03	Shri Avadh Narayan	0
		Smt Kanupriaya Kushwaha	
		Shri Aashwin Malik	
Assistant Director (F&A)	02	Shri M.K. Nair	0
		Smt. Deepa Ramesh	
Office Manager (CS)	20	Shri Anil Kr. Vashist	12
		Ms. Manisha Gupta	
		Smt. Aishwarya Rao	
		Shri Sudhir Khare	
		Shri Nitin Kumar	
		Shri Ranjeet Kumar	
		Shri O.P. Bagasi	
		Shri V.S. Chary	
<b>SUPPORT STAFF</b>			
Office Manger (F&A)	4	Shri Simardeep Singh Ahuja	2
		Shri Milanjyoti Sonowal	
Office Manger (LS)	1	Vacant	1
Sr.PPS	1	Smt. Usha Nair	0

PPS	6	Shri Vijay Kumar Juneja	0
		Shri D. Radhakrishnan	
		Smt. Philomina Joseph	
		Smt. N. Vijaylakshmi	
		Smt. M. Jayalakshmi	
		Shri Inder Ahuja	
PS	3	Smt. Poonam Kohli	2

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

**Table 26: Position of Staff in DG's Office as on 31.03.2014**

S.No.	Name of the Post	No. of Posts	Name of the Officer	No. of post vacant
1.	Director General	1	Shri L.Raja Sekhar Reddy	0
2.	Addl. DG(Law)	2	Shri Sunil Kumar	1
3.	Addl. DG(FA)	1	Vacant	1
4.	Addl. DG(Eco)	1	Vacant	1
5.	Jt. DG(Law)	3	Vacant	3
6.	Jt. DG(FA)	2	Shri Manoj Saksena	0
			Shri Raj Kumar Badde	
7.	Jt. DG(Eco)	3	Dr.O.P. Mehta	2
8.	Dy. DG(FA)	4	Vacant	4
9.	Dy. DG(Eco)	8	Vacant	8
10.	Dy. DG(Law)	8	Shri Saroj Kumar Gupta	6
			Smt. Sunita Anand	
11.	Dy. DG(CS)	1	Shri L.D. Joshi	0
12.	Asstt. DG(CS)	3	Shri Ashish Kumar Singhal	0
			Shri R.S. Rawat	
			Smt. Pushpa Rawat	
13.	Office Manager (CS)	4	Shri B.P.Pokhriyal	2
			Shri K.P. Raghunathan	
			Shri Lalit Kumar Passi	
			Shri S.K. Tiwari	

**(7) Reservation Status**

Reservation of posts for various categories under the reservation policy of the Government of India is applicable for direct recruitment. Accordingly, out of 69 vacancies in different posts for

direct recruitment, 21 vacancies were earmarked for reserved categories. The details of reserved vacancies and posts filled up on direct recruitment basis are given as under:

**Table 27: Reserved vacancies and posts filled up on Direct Recruitment basis**

S. No.	Name & No. of Posts	Total No. of Posts	Reserved Posts	Number of Candidates appointed	Carried forward
1	1.ADVISER (FA) - 1 2.ADVISER (ECO) - 1 3.ADVISER (LAW) - 1	3	NIL	Nil	UR - 3 <sup>^</sup>
2	1.DIRECTOR (ECO) - 1 2.DIRECTOR (LAW) - 1 3.DIRECTOR (FA) - 1	3	NIL	Unreserved - 2	UR - 01 <sup>^^</sup>
3	1.JOINT DIRECTOR (LAW) - 3 2.JOINT DIRECTOR (ECO) - 3 3.JOINT DIRECTOR (FA) - 1	7	1 for OBC 1 for SC	Unreserved - 5 SC - 1	OBC - 01 <sup>^^</sup>
4.	1. DEPUTY DIRECTOR (LAW)	13	3 for OBC 1 for SC	Unreserved - 7 OBC-3 SC- 1	UR - 2 <sup>^^</sup>
	2. DEPUTY DIRECTOR (FA)	7	1 for OBC 1 for SC	Unreserved - 4 SC - 1 OBC - 1	UR - 1 <sup>^^</sup>
	3. DEPUTY DIRECTOR (ECO)	13	3 for OBC 1 for SC	Unreserved - 8 (including-1(PH)) OBC - 1 SC - 1	UR - 1 <sup>^^</sup> OBC - 2 <sup>^^</sup>
5	ASSISTANT DIRECTOR (IT)	3	Nil	Unreserved - 3 (including-1 PH)	Nil
6.	1. OFFICE MANAGER (FINANCE & ACCOUNTS) - 4 2. OFFICE MANAGER (Corporate Service) - 15 3. OFFICE MANAGER (Library Services) - 1	20	5 for OBC 3 for SC 1 for ST	Unreserved - 3 SC - 2 ST - 1 OBC - 1	UR - 8 SC - 1 ST - 1 OBC - 4

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

<sup>^^</sup> Selection had been made. However, pre-appointment formalities were underway during the period.

**(8) Experts and Professionals engaged under Section 17(3) and experts called upon under Section 36 (3)**

To facilitate engagement of adequate number Research Associates and professional, Competition Commission of India promulgated Regulation No. R-40007/6/REG-Expert/Noti/04-CCI dated 15th May, 2009, called the Competition Commission of India (Procedure for engagement of Experts & Professional) Regulations, 2009. In terms of the Regulation, 29 Research Associates (12 in Law, 14 in Economics and 3 in FA stream) were engaged during the year.

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

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

No delegation of power was made in the year by Chairperson to any other Member or the officer of the Commission under Section 13 of the Act. However, under sub-section (3) of Section 51 of the Competition Act, 2002, the Chairman CCI, nominated Shri M.L. Tayal, Member, CCI as well as Shri Bunker Member, Member, CCI as Members of Fund Administering Committee.

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

The terms and conditions of employment of officers and employees of CCI and DG's Office were notified by Ministry of Corporate Affairs vide GSR No. 670(E) dated 14.09.2009, GSR No.338 (E) dated 15.05.2009 and GSR No. 934 (E) dated 31.12.2009. To provide medical advice /consultation during office hours, a part time Medical Officer was earlier engaged and his term has been extended upto 31.03.2015.

**(11) Other Activities**

- (i) In order to encourage the use of Hindi language in official working of the Commission and also to promote awareness regarding the official language, 'Hindi Pakhwara' was organized.
- (ii) In order to provide a safe working environment to the women employee, the Commission has re-constituted a Complaints Committee for dealing with the cases of sexual harassment of working women in the Commission.

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## K. BUDGET AND ACCOUNTS

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

Budgetary support to Competition Commission of India (CCI) is given by Government of India in the form of Grants in Aid through Ministry of Corporate Affairs (MCA). A budgetary provision of Rs 4400.00 lakh was made by the Ministry as BE 2013-14, which was reduced to Rs 3960.00 lakh in October 2013 by Ministry of Finance with the mandatory 10 percent cut. The Ministry allocated Rs 4200.00 lakh as RE 2013-14. The Budget Estimate, Revised Estimate and the Actual Expenditure for the year 2013-14 are detailed below:

Table 28

(₹ in lakh)

Budget Estimate	Revised Estimate	Actual Expenditure
4400.00	4200.00	4619.75

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

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

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

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

#### Receipts:

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

Grants in Aid	-	Rs 4200.00 lakh
Fees (including application fee)	-	Rs 553.88 lakh
Bank Interest	-	Rs 199.41 lakh
Other receipts	-	Rs 1.58 lakh
Total	-	<u>Rs 4954.87 lakh</u>

### 3. Actual Expenditure under Broad Categories

The Commission incurred an expenditure of Rs 4619.75 lakh during the year 2013-14. The break-up of expenditure in broad heads is given here under:

Details		Rs in lakh
Salaries	-	1565.93
Travel Expenses	-	113.58
Training/ Seminar	-	156.27
Professional charges	-	306.17
Rent	-	1501.77
Administrative expenses	-	762.63
Advertisement and Publicity	-	165.41
Fixed Assets	-	42.59
Loans and advances to staff	-	5.40
<b>Total</b>		<b>4619.75</b>

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

The balance available in the Competition Fund as on 31st March 2014 and Rs 18.98 crore on account of accumulated fee and interest.

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

The CCI is maintaining its accounts in the format prescribed in the Notification dated 27th March 2009. The annual accounts of the Commission for 2013-14 have been approved by the Commission and the approved accounts have been forwarded to Comptroller & Auditor General of India (C&AG) for the purpose of audit. The annual accounts of the Commission for 2013-14, as certified by the C&AG or any other person appointed by him on his behalf, together with the audit report thereon, shall be forwarded to the Central Government for laying before both the Houses of Parliament.

## L. INTERNATIONAL CO-OPERATION

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

- a) A Memorandum of Understanding (MOU) on Cooperation was signed between Competition Commission of India (CCI) and Australian Competition and Consumer Commission (ACCC) at Canberra, Australia on 3rd June 2013. The MOU was signed by Mr. Ashok Chawla, Chairperson, CCI and Mr. Rod Sims, Chairman, ACCC in the presence of Mr. Sachin Pilot, Minister of State of Corporate Affairs (Independent Charge).
- b) CCI and the Directorate General for Competition of the European Commission (DG, Competition) signed a Memorandum of Understanding (MoU) on cooperation in the field of Competition Laws, on the sidelines of the 3rd BRICS International Competition Conference on 21st November 2013. Mr. Joaquin Almunia, Vice President for Competition, EU and Mr. Ashok Chawla, Chairperson, CCI, signed the MoU.
- c) The Heads of the 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 signed a Joint Accord namely 'DELHI ACCORD' on 22nd November 2013 during the 3rd BRICS ICC in New Delhi.

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

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

### 3) Details of memberships of international organizations

#### *i. International Competition Network*

Competition Commission of India (CCI) is a member of International Competition Network (ICN), a virtual international organisation of competition authorities of various jurisdictions. CCI has been an official invitee to all the meetings, seminars, conferences, and workshops etc. organized by the ICN. CCI is also a member of our Working Groups of ICN viz. Advocacy, Agency Effectiveness, Unilateral Conduct and Mergers. CCI is Co- Chair of Merger Working Group of ICN and in this capacity CCI is a member of ICN Steering Committee. CCI is organising meeting of ICN Merger Working Group in 2014 at New Delhi.

#### *ii. BRICS*

India is a member of BRICS; the group of emerging economies Brazil, Russia, India, China and South Africa. CCI organized the 3rd BRICS International Competition Conference (ICC) at New Delhi during 20th -22nd November 2013. The conference was attended by around 100 foreign delegates & 200 Indian Delegates. The 3rd BRICS International Competition

Conference was inaugurated by Hon'ble Prime Minister Dr. Manmohan Singh on 21st November 2013.



*Prime Minister Dr. Manmohan Singh, Mr. Sachin Pilot, Minister, MCA and Mr. Ashok Chawla, Chairperson, CCI at the 3rd BRICS International Competition Conference, New Delhi.*



*Delegates attending the 3rd BRICS International Competition Conference, New Delhi.*





*Delegates and Senior Officers of CCI attending the 3rd BRICS International Competition Conference, New Delhi.*

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

- a. Chairperson/Members of CCI have been regularly attending meetings of Competition Committee and Working parties as well as those of Global Competition Forum. CCI has been making regular contributions (including written papers) at various roundtables during these conferences/meetings. CCI submitted papers on “Ex-Officio Cartel Investigations and the Use of Screens to Detect Cartels”, “Competition Issues In Food Chain Industry”, “Annual Report On Competition Policy Developments In India” for the meeting of OECD Competition Committee during 28th- 31st October 2013 in Paris, and papers on “Fighting corruption and promoting competition” and “Competition issues in the distribution of pharmaceuticals” for the OECD Global Forum on Competition during 24th -28th February 2014 in Paris, France. Interaction with OECD facilitates capacity building activities/initiatives of CCI.
- b. Further, two nominees from CCI have been generally invited with full financial support for participating in various Competition related Workshops/Seminars organized by OECD - Korea Policy Centre from time to time. The discussions and deliberations at these conferences/workshops have helped in capacity building of CCI officers. During 2013-14, the following programs were attended by CCI officers :-

- Workshop on Intellectual Property and Competition Law during 17th - 19th April 2013 in Jeju Island, South Korea attended by two officers.
- Workshop on Fighting Bid Rigging during 25th - 27th June 2013 in Kuala Lumpur, Malaysia attended by two officers.
- Workshop on use of Indirect Evidence in Cartel Investigation during 4th -6th September 2013 in Seoul, South Korea attended by two officers.
- Workshop on Complex Mergers during 11th -13th December 2013 in Busan, South Korea attended by one officer

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

- a) A meeting with delegation from Ministry of Commerce of China (MOFCOM) headed by Mr. Wu Zhenguo, Deputy Director General of Anti- Monopoly Bureau was held on 8th April 2013 in CCI and possibilities of signing of MOU were discussed.
- b) Ms. Julie Carlson, Economist, the USFTC interned with Antitrust Division, Combination Division & Economics Division of the Commission, and shared her experience and expertise during 29th July- 17th August 2013 in CCI.
- c) Bilateral meeting with Australia (ACCC) under ACCC-CCI MoU was held in New Delhi on 20th November 2013.
- d) During 21st - 22nd November, CCI held bilateral meetings with competition authorities of Brazil (CADE), Russia (FAS), China (SAIC) & South Africa (CCSA).CCI also had bilateral meeting with DG Competition, EU.
- e) The Lord Mayor of City of London, Rt Hon Alderman Fiona Woolf along with delegation, visited the Commission on 20th January 2014, and had meeting with the Commission.
- f) American Bar Association (ABA) delegation, visited the Commission on 13th February 2014, and had meeting with the Chairperson, Member & Secretary CCI.

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

**Table 29**

<b>S.No</b>	<b>Name of the Officer &amp; Designation</b>	<b>Purpose of the Visit</b>	<b>Duration of the visit , place / country</b>	<b>Outcome</b>
<b>1</b>	Mr. Ashok Chawla, Chairperson	To attend 12th Annual Conference of the International Competition Network	23rd - 26th April 2013, Warsaw, Poland	Exposure to global best practices, capacity building and networking
<b>2</b>	Dr. Seema Gaur, Advisor (Eco)	To attend 12th Annual Conference of the International Competition Network	23rd - 26th April 2013, Warsaw, Poland	Exposure to global best practices, capacity building and networking
<b>3</b>	Mr. P.K. Purwar, Advisor (FA)	To attend 12th Annual Conference of the International Competition Network	23rd - 26th April 2013, Warsaw, Poland	Exposure to global best practices, capacity building and networking
<b>4</b>	Mr. Anurag Goel, Member	To attend 6th Astana Economic Forum Conference by Agency of the Republic of Kazakhstan for Competition Protection (Antimonopoly Agency)	22nd -24th May 2013, Astana, Kazakhstan.	Exposure to global best practices, capacity building and networking
<b>5</b>	Mr. R.N.Sahay, Advisor (Eco)	To attend 3rd International Conference on Role of competition in fostering trade and investment	29th- 30th May 2013, Islamabad, Pakistan	Exposure to global best practices, capacity building and networking
<b>6</b>	Mr. M.L.Tayal, Member	To attend meeting of OECD Competition Committee and working parties	17th -19th June 2013 , Paris, France	Exposure to global best practices, capacity building and networking
<b>7</b>	Ms. Payal Malik, Advisor (Eco)	To attend 13th Session of Intergovernmental Group of Experts (IGE) on Competition Law and Policy	8th- 10th July 2013, Geneva, Switzerland	Exposure to global best practices, capacity building and networking

<b>8</b>	Dr. Vijay Kumar Singh, Deputy Director (Law)	To attend China Competition Policy Forum - Transformation of Competition Policy	31st July - 2nd August 2013, Beijing, China	Exposure to China Competition Policy and systems.
<b>9</b>	Mr. S.N.Dhingra, Member	To attend Annual International event "Russian Competition Day"	9th -12th September 2013 in Irkutsk, Russia	Exposure to global best practices, capacity building and networking
<b>10</b>	Dr. Seema Gaur, Advisor (Eco)	To participate as a member of Government of India delegation in the preparatory meeting on Regional Comprehensive Economic Partnership (RCEP)	26th- 27th September 2013 , Brisbane, Australia	Trade negotiations and networking with competition jurisdictions
<b>11</b>	Mr. Ashok Chawla, Chairperson	To attend 2013 Fordham Competition Law Institute Annual Conference and Seventh Workshop for Heads of Competition Authorities	25th- 27th September 2013 in New York, USA.	Exposure to global best practices, capacity building and networking
<b>12</b>	Mr. Anurag Goel, Member	To attend meeting of OECD Competition Committee and working parties	28th- 31st October 2013 ,Paris, France	Exposure to global best practices, capacity building and networking
<b>13</b>	Mr. Ashok Chawla, Chairperson	OECD Competition Committee meetings and Global Forum on Competition	24th -28th February 2014, Paris, France	Exposure to global best practices, capacity building and networking
<b>14</b>	Mr. S.L.Bunker , Member	To attend OECD/ KPC marking its 10th Anniversary	19th -21st March 2014 ,Seoul, South Korea	Exposure to global best practices, capacity building and networking

## 6) Others

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



## M. CAPACITY BUILDING

To impart dynamism to an organization it is imperative that capabilities of its people are enhanced and talents honed. In this perspective and CCI being a market regulator having overarching powers cutting across various sectors of economy, capacity building of personnel is indispensable. In this pursuit CCI during 2013-14 adopted a slew of measures to enhance, inter-alia, analytical and investigative skills of people working in the Commission.

The following capacity building initiatives were undertaken for the year 2013 -2014.

### (i) Trainings In- house

Table 30

S.no	Training	Duration	Faculty/Institute	Venue
1	Half day workshop on Competition Assessment	12th April 2013	CCI	CCI
2	Induction training for Research Associates (Law/Economics/Finance)	1st November 2013	CCI	CCI
3	One full day orientation program	3rd February 2014	CCI	CCI

#### 1. Half day workshop on Competition Assessment - 12th April 2013

Half day workshop on competition assessment was conducted by the officers of CCI.

Designation	Number
Adviser	2
Joint Director	4
Deputy Director	3
Assistant Director	2
<b>Total</b>	<b>11</b>

Field	Number
CS	2
Economics	4
FA	1
Law	4
<b>Total</b>	<b>11</b>

Division	Number
Advocacy	2
Anti Trust	2
Capacity Building	2
Combinations	2
Economics	2
Legal	1
<b>Total</b>	<b>11</b>

## 2. Induction training for Research Associates - 1st November 2013

One day induction training was organized for Research Associates (Law/Economics/Finance).

Designation	Number
Research Associate	21
<b>Total</b>	<b>21</b>

Field	Number
Economics	9
FA	4
Law	8
<b>Total</b>	<b>21</b>

Division	Number
Anti Trust	3
Capacity Building	2
Combination	4
D.G. Office	5
Economics	3
Investigation	2
Legal	2
<b>Total</b>	<b>21</b>

## 3. Orientation program - 3rd February 2014

One full day orientation program was organized for newly recruited officers.

Designation	Number
Deputy Director	10
<b>Total</b>	<b>10</b>

Field	Number
Economics	6
FA	1
Law	3
<b>Total</b>	<b>10</b>

Division	Number
Anti Trust	3
Capacity Building	1
Combination	2
Economics	1
Investigation	1
Secretariat	2
<b>Total</b>	<b>10</b>

### (ii) Trainings by outside institutions

a) Within India

**Table 31**

S. No	Training	Duration	Faculty/Institute	Venue
1	Workshop on Presentation Skills	26th April 2013	Mr. Sreeram Ananthasayanam, Industry Executive-Government & Education GD India, Global Consultant - Smarter Cities Initiative, IBM	CCI
2	Conference on Competition Issues in Pharmaceutical Sector	19th July 2013	Experts from Industry	CCI

3	Short workshop on Antitrust /Merger Issues	30th-31st July & 1st August 2013	United States Federal Trade Commission (USFTC)	CCI
4	Workshop Cartel Investigation	20th November 2013	United States Department of Justice(US DoJ)	CCI
5	Workshop on High-Technology and Competition Issues	17th-19th December 2013	United States Federal Trade Commission (USFTC)	CCI
6	Workshop on Presentation Skills	20th December 2013	Mr. Mohit Chabbra, CMO of Petro IT Limited	CCI
7	Offsite workshop on Leadership & Team Building 2014	21st -23rd March 2014	Lal Bahadur Shastri National Academy of Administration (LBSNAA)	Mussoorie
8	In House training courses by ISTM	April 2013 -March 2014	Institute of Secretariat Training and Management (ISTM)	ISTM, New Delhi



*A workshop on 'High-Technology and Competition Issues' in collaboration with US Federal Trade Commission at New Delhi.*

### 1. Workshop on Presentation Skills - 26th April 2013

One day training on Presentation Skills was conducted by Mr. Sreeram Ananthasayanam, Industry Executive-Government & Education GD India, Global Consultant - Smarter Cities Initiative, IBM.

Designation	Number
Adviser	1
Director	2
Joint Director	4
Joint D.G	1
Deputy Director	6
Deputy.D.G	1
Assistant Director	1
<b>Total</b>	<b>16</b>

Field	Number
CS	1
Economics	5
Law	10
<b>Total</b>	<b>16</b>

Division	Number
Advocacy	2
Anti Trust	3
Capacity Building	2
Combinations	1
D.G. Office	2
Economics	1
Legal	3
Secretariat	2
<b>Total</b>	<b>16</b>

### 2. Conference on Competition Issues in Pharmaceutical Sector - 19th July 2013

One day conference on pharmaceutical sector was organized for the officers of CCI. The speakers for the conference were from Ministry of Chemicals & Fertilizers, National Pharmaceutical Pricing Authority, IIM-Bangalore, Dr. Reddy's Laboratories, IIM- Ahmedabad, IIT- Kharagpur etc.

Designation	Number
Adviser	3
Director	2
Joint Director	6
Deputy Director	8
Deputy. D.G	1
Assistant Director	2
Research Associate	2
<b>Total</b>	<b>24</b>

Field	Number
CS	2
Economics	6
FA	4
Law	12
<b>Total</b>	<b>24</b>

Division	Number
Advocacy	2
Antitrust	3
Capacity Building	3
Combinations	4
D.G.Office	1
Economics	4
Investigation	1
Legal	2
Secretariat	4
<b>Total</b>	<b>24</b>



*A Capacity Building Programme in progress.*

### 3. Short workshop on Antitrust /Merger Issues - 30th July -1st August 2013

United States Federal Trade Commission (USFTC) conducted short workshop on Antitrust /Merger issues involving competitive effects in horizontal merger investigations, primer on analysis of unilateral conduct and primer on analyzing competitor collaboration agreements etc.

Designation	Number
Director General	1
Director	1
Joint Director	2
Joint D.G	1
Deputy Director	8
Deputy D.G	1
Assistant Director	2
<b>Total</b>	<b>16</b>

Field	Number
D.G	1
CS	2
Economics	2
FA	4
Law	7
<b>Total</b>	<b>16</b>

Division	Number
Advocacy	3
Anti Trust	5
Combinations	3
D.G. Office	3
Economics	1
Legal	1
<b>Total</b>	<b>16</b>

### 4. Workshop on Cartel Investigation - 20th November 2013

The United States Department of Justice (US-DOJ) conducted workshop on Cartel Investigation covering procedures and practices adopted for cartel investigation, challenges faced, and relevance of international cooperation in tackling international cartels by the US-DOJ.



Designation	Number
Director General	1
Additional. DG	2
Joint Director	2
Joint D.G	3
Deputy Director	1
Deputy D.G	4
Assistant. DG	5
Research Associate	4
<b>Total</b>	<b>22</b>

Field	Number
DG	1
CS	5
Eco	6
FA	4
Law	6
<b>Total</b>	<b>22</b>

Division	Number
Anti Trust	2
DG office	15
Economics	2
Investigation	3
<b>Total</b>	<b>22</b>

### 5. Workshop on High- Technology and Competition Issues - 17th -19th December 2013

The United States Federal Trade Commission (US FTC) conducted workshop on High- Technology and Competition Issues covering the role of anti-trust agencies and competition policy in high-tech industries etc.

Designation	Number
Adviser	3
Joint Director	2
Joint D.G	1
Deputy Director	5
Deputy D.G	1
Assistant Director	2
Assistant. D.G.	1
Research Associate	7
<b>Total</b>	<b>22</b>

Field	Number
CS	4
Eco	9
FA	4
Law	5
<b>Total</b>	<b>22</b>

Division	Number
Advocacy	3
Anti Trust	4
Capacity Building	5
Combination	2
DG office	2
Economics	3
Investigation	3
<b>Total</b>	<b>22</b>

### 6. Workshop on Presentation Skills - 20th December 2013

One day training on Presentation Skills was conducted by Mr. Mohit Chhabra, CMO of Petro IT Limited.

Designation	Number
Joint Director	5
Deputy Director	7
<b>Total</b>	<b>12</b>

Field	Number
Economics	3
FA	3
Law	6
<b>Total</b>	<b>12</b>

Division	Number
Anti Trust	3
Capacity Building	1
Combination	4
Legal Division	1
Secretariat	3
<b>Total</b>	<b>12</b>

### 7. Off-site workshop on Leadership & Team Building 2014- 21st -23rd March 2014

A three day off-site workshop on Leadership & Team Building along with exercises/activities for the officers of CCI was organized in Mussoorie during 21st- 23rd March 2014. Trainers/resource persons comprised faculty of Lal Bahadur Shastri National Academy of Administration (LBSNAA), Mussoorie.

Designation	Number
Secretary	1
Director General	1
Adviser	6
Director	2
Joint Director	6
Joint D.G	4
Deputy Director	21
Deputy D.G	3
Assistant Director	3
<b>Total</b>	<b>47</b>

Field	Number
Secretary	1
D.G	1
CS	4
Eco	13
FA	8
Law	20
<b>Total</b>	<b>47</b>

Division	Number
Advocacy	2
Anti Trust	8
Capacity Building	4
Combination	5
D.G. Office	8
Economics	3
Investigation	3
Legal	5
Secretariat	8
Services	1
<b>Total</b>	<b>47</b>

### 8. Training courses by ISTM -April 2012 - March 2013

The Institute of Secretariat Training and Management (ISTM), Department of Personnel and Training, GOI is a multi-disciplinary organization specializing in capacity building, consultancy and research support particularly for the central government employees. Officers of CCI have undergone trainings on Knowledge Management, Outcome Budget, and on Communications Skills.

Designation	Number
Deputy Director	2
Assistant Director	1
<b>Total</b>	<b>3</b>

Field	Number
Economics	2
F & A	1
<b>Total</b>	<b>3</b>

Division	Number
Accounts	1
Advocacy	1
Secretariat	1
<b>Total</b>	<b>3</b>

#### b) Outside India

Table 32

S. no	Training	Duration	Faculty/Institute	Venue
1	Workshop on Intellectual Property and Competition Law	17th - 19th April 2013	OECD- Korea Policy Center and World Intellectual Property Organization (WIPO)	Jeju Island, Korea

Competition Commission of India

<b>2</b>	Competition Law & Policy for Asian Countries	3rd - 7th June 2013	Japan Trade Fair Commission & Asian Development Bank Institute	Tokyo, Japan
<b>3</b>	Workshop on Fighting Bid Rigging	25th - 27th June 2013	OECD-Korea Policy Center	Kualalumpur, Malaysia
<b>4</b>	Course for competition authority economist	24th - 28th June 2013	Fordham Competition Law Institute (FCLI)	New York, USA
<b>5</b>	Workshop on Use of Indirect Evidence in Cartel Investigation	4th -6th September 2013	OECD-Korea Policy Center	Seoul, Korea
<b>6</b>	Unilateral Conduct Workshop on Assessing Dominance/Substantial Market Power and Evaluating Unilateral Conduct	17th -18th September 2013	International Competition Network (ICN)	Stockholm, Sweden
<b>7</b>	Workshop on Cartel 2013	15th-18th October 2013	International Competition Network (ICN)	Cape Town, South Africa
<b>8</b>	17th International Workshop on Competition Policy	9th -10th December 2013	Korea Fair Trade Commission (KFTC )	Seoul , Korea
<b>9</b>	Workshop on Complex Mergers	11th -13th December 2013	OECD-Korea Policy Center	Busan, South Korea
<b>10</b>	2013 Advocacy Workshop: Advocacy: a driver for change	12th -13th December 2013	International Competition Network (ICN)	Rome, Italy
<b>11</b>	2014 Global Antitrust Colloquium for International Competition Agency Official	13th -14th February 2014	George Mason University School of Law & US Federal Trade Commission	Virginia, USA
<b>12</b>	2014 International Cartel Workshop	19th -21st February 2014	American Bar Association (ABA) - International Bar Association (IBA)	Rome, Italy
<b>13</b>	4th Joint Session of the International Working Group for Studying Competition Problems in Pharmaceutical Sector	11th -12th March 2014	Federal Antimonopoly Services (FAS), Russia	Moscow, Russia



### 1. Workshop on Intellectual Property and Competition Law - 17th - 19th April 2013

OECD- Korea Policy Center and World Intellectual Property Organization (WIPO) organized three day workshop in Jeju Island, Korea.

Designation	Field	Division	Number
Director	Law	Legal	2
Deputy Director	Law	Combination	

### 2. Competition Law & Policy for Asian Countries- 3rd - 7th June 2013

Japan Trade Fair Commission & Asian Development Bank Institute organized five day workshop in Tokyo, Japan.

Designation	Field	Division	Number
Joint Director	Law	Secretariat	2
Joint Director	Law	Combination	

### 3. Workshop on Fighting Bid Rigging - 25th - 27th June 2013

OECD- Korea Policy Center organized three day workshop in Kuala Lumpur, Malaysia.

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

### 4. Course for competition authority economist - 24th - 28th June 2013

Fordham Competition Law Institute (FCLI) organized one week course for competition authority economist in New York, USA.

Designation	Field	Division	Number
Deputy Director	FA	Economics	1

### 5. Workshop on Use of Indirect Evidence in Cartel Investigation - 4th-6th September 2013

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

Designation	Field	Division	Number
Director	FA	Secretariat	2
Assistant .D.G	CS	D.G. Office	

### 6. Unilateral Conduct Workshop on Assessing Dominance/Substantial Market Power and Evaluating Unilateral Conduct - 17th -18th September 2013

International Competition Network (ICN) organized two day workshop on assessing dominance/substantial market power and evaluating unilateral conduct in Stockholm, Sweden.

Designation	Field	Division	Number
Adviser	Law	Anti Trust	1

### 7. Workshop on Cartel 2013 - 15th -18th October 2013

International Competition Network (ICN) organized two day Cartel Working Group workshop in Cape Town, South Africa during October 15-18, 2013.

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

### 8. 17th International Workshop on Competition Policy- 9th -10th December 2013

Korea Fair Trade Commission (KFTC) organized two day workshop in Seoul, Korea.

Designation	Field	Division	Number
Deputy Director	Law	Legal	1

### 9. Workshop on Complex Mergers- 11th -13th December 2013

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

Designation	Field	Division	Number
Deputy Director	FA	Combination	1

### 10. 2013 Advocacy Workshop: Advocacy: a driver for change - 12th -13th December 2013

International Competition Network (ICN) organized two day workshop in Rome, Italy.

Designation	Field	Division	Number
Adviser	Law	Advocacy	1

### 11. 2014 Global Antitrust Colloquium for International Competition Agency Official - 13th -14th February 2014

George Mason University School of Law in cooperation with the US Federal Trade Commission organized two day Colloquium in Virginia, USA.

Designation	Field	Division	Number
Adviser	Law	Anti Trust	1

**12. 2014 International Cartel Workshop - 19th -21st February 2014**

American Bar Association (ABA) - International Bar Association (IBA) organized three day workshop in Rome, Italy.

Designation	Division	Number
Director General	D.G. Office	1

**13. 4th Joint Session of the International Working Group for Studying Competition Problems in Pharmaceutical Sector - 11th -12th March 2014**

Federal Antimonopoly Services (FAS), Russia organized two day session in Moscow, Russia.

Designation	Field	Division	Number
Deputy Director	FA	Combination	1

## N. ONGOING PROGRAMMES

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- As market distortions caused by government may emanate from policies in the area of trade, labour market, procurement, infrastructure development etc., Section 49 of the Competition Act, 2002 (the ACT) mandates Competition Commission of India (CCI) to create awareness and impart training on competition issues, inter-alia, for Government and policy makers. In the pursuit the State Governments and state owned enterprises (SOE) are being engaged in advocacy interventions and as many as 12 economically vibrant states are in focus with which various advocacy efforts are underway aiming assessment of existing policies, regulations and legislations in states that imminently impact the markets adversely.
- To sink the roots of Competition Law deeper in society Commission, apart from holding various lectures/ workshops in educational institutions, has been conducting Internship Programme on each calendar month basis round year. The programme affords students from streams of Law, Economics, and Finance research on competition related issue under a mentor from the Commission.
- Efforts are being made to fill up all vacant posts in CCI and DG office by Deputation/ Direct Recruitment.
- The Commission continues to infuse IT in its operations for which adequate steps are being taken to formulate a robust e-governance strategy.

## O. RIGHT TO INFORMATION ACT, 2005

**Table 33: Status of RTI Applications during 2013-14**

<b>a.</b>	Number of application received by CPIO/CAPIO seeking information under RTI Act, 2005	107
<b>b.</b>	Number of applications for which information has been provided by CPIO	107
<b>c.</b>	Number of applications pending with CPIO	00
<b>d.</b>	Number of Appeals filed before First Appellate Authority against the order of CPIO	15
<b>e.</b>	Number of Appeals which have been disposed of by the First Appellate Authority.	15
<b>f.</b>	Number of Appeals pending with First Appellate Authority	NIL
<b>g.</b>	Number of applications / Appeals not disposed of in the stipulated time frame.	N.A.

# NOTES

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**Fair Competition  
For Greater Good**

## **Competition Commission of India**

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