

# Annual Report 2019-20



Fair Competition  
For Greater Good

## Competition Commission of India

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

## Commission as on March 31, 2020



*Left to Right:*

**Dr. Sangeeta Verma, Member; Shri Ashok Kumar Gupta, Chairperson; Shri Bhagwant Singh Bishnoi, Member**



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# Abbreviations

## A

- AAEC - Appreciable Adverse Effect on Competition  
ACCC - Australian Competition and Consumer Commission  
AIOVA - All India Online Vendors Association  
AVR - Anti Vibration Rubber

## B

- BCDA - Bengal Chemists and Druggist Association  
BPST - Bureau of Parliamentary Studies and Training  
BRICS - Federative Republic of Brazil, the Russian Federation, the Republic of India, the People's Republic of China and the Republic of South Africa

## C

- CACP - Commission for Agricultural Costs and Prices  
CADE - Administrative Council for Economic Defense  
C&AG - Comptroller and Auditor General of India  
CAP - Competition Agency Procedures  
CB - Competition Bureau, Canada  
CBD - Capacity Building Division  
CCI - Competition Commission of India  
CCM - Competition Commission Mauritius  
CCSA - Competition Commission of South Africa  
CHA - Charter Hire Agreement  
CII - Confederation of Indian Industry  
COMPAT - Competition Appellate Tribunal  
CPGRAMS - Centralised Public Grievance Redress and Monitoring System  
CPIO - Central Public Information Officer  
CS - Corporate Service

- CSS - Competition Summer School
- CUSAT - Cochin University of Science and Technology
- CW - Competition Week
- CWG - Cartel Working Group

## **D**

- DESIDOC - Defence Scientific Information and Documentation Centre
- DG - Director General, CCI
- DR - Direct Recruitment
- DSNLU - Damodaran Sangivayya National Law University
- DVKS - Distinguished Visitors Knowledge Sharing

## **E**

- EPS - Electric Power Steering
- EU - European Union

## **F**

- FAA - First Appellate Authority
- FAC - Fund Administering Committee
- FAS - Federal Antimonopoly Service, Russia

## **G**

- GAI - Global Antitrust Institute
- GCR - Global Competition Review
- GIL - Grasim Industries Limited

## **H**

- HDC - Himalaya Drug Company
- HNLU - Hidayatullah National law University
- HPCL - Hindustan Petroleum Corporation Limited

## **I**

- IBBI - Insolvency and Bankruptcy Board of India
- ICA - Indore Chemists Association



ICC	- International Competition Conference
ICFAI	- Institute of Chartered Financial Analyst of India
ICN	- International Competition Network
ICLS	- Indian Corporate Law Services
IFIM	- Institute of Financial and International Management
IGE	- Intergovernmental Group of Experts
IICA	- Indian Institute of Corporate Affairs
IIM	- Indian Institute of Management
IIMM	- Indian Institute of Material Management
ILDR	- Institute of Legislative Drafting and Research
IND-AS	- Indian Accounting Standard
INSA	- Indian National Ship-owners Association
IPL	- Intas Pharmaceuticals Limited
ISB	- Indian School of Business
ISTM	- Institute of Secretariat Training and Management
<b>J</b>	
JAL	- Jaiprakash Associates Limited
JFTC	- Japan Fair Trade Commission
JSAI	- JTEKT Sona Automotive India Limited
<b>K</b>	
KPC	- Korea Policy Centre (of OECD)
<b>L</b>	
LP	- Lesser Penalties
LS	- Library Service
LOC	- Letter of Consent
<b>M</b>	
MCA	- Ministry of Corporate Affairs
MoU	- Memorandum of Understanding

MPCDA	- Madhya Pradesh Chemists and Druggist Association
MPCDF	- Madhya Pradesh Chemists and Distributors Federation
MRTPC	- Monopolies and Restrictive Trade Practices Commission
MSE	- Madras School of Economics
MWG	- Merger Working Group

## **N**

NAAA	- National Academy of Audit and Accounts
NACIN	- National Academy of Customs, Indirect Taxes and Narcotics
NADP	- National Academy of Defence Production
NAH	- Novartis Animal Health
NAHRD	- National Academy of Human Resource Development
NCLAT	- National Company Law Appellate Tribunal
NECC	- National Egg Co-ordination Committee
NICE	- Network of Indian Competition Experts
NIFM	- National Institute of Financial Management
NLSIU	- National Law School of India University
NLU	- National Law University
NOC	- No Objection Certificate
NPC	- National Productivity Council
NUJS	- National University of Juridical Sciences

## **O**

OECD	- Organisation for Economic Cooperation and Development
OEM	- Original Equipment Manufacturers
ONGC	- Oil and Natural Gas Commission
OP	- Opposite Party
OSV	- Offshore Support Vessels

## **P**

PAI	- Product Availability Information
PAL	- Provisional Allotment Letter

PRIDE - Parliamentary Research and Training Institute for Democracies

## **R**

RFQ - Request For Quotation

RNSS - Rane NSK Steering Systems Limited

RPS - Resource Person Scheme

RTI - The Right to Information Act, 2005

## **S**

SAI - Stock Availability Information

SAFIR - South Asia Forum for Infrastructure Regulation

SAPA - Stock and Asset Purchase Agreement

SCOPE - Standing Conference of Public Enterprises

SHW - Sexual Harassment of Women

SLS - Special Lecture Series

SRPS - State Resource Persons' Scheme

## **T**

The Act - Competition Act, 2002

## **U**

UNCTAD - United Nations Conference on Trade and Development

USDOJ - United States Department of Justice

USFTC - United States Federal Trade Commission

## **V**

VSF - Viscose Staple Fibre

## **W**

WRC - Western Regional Council

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# Chairperson's Statement

It is my proud privilege to present the Annual Report of the Competition Commission of India for the year 2019-20.

On May 20, 2019, Competition Commission of India completed 10 years of its establishment since the notification of the substantive provisions of Competition Act, 2002 relating to anticompetitive conduct.

In these ten years, the Commission has endeavoured to build a culture of competition in the markets through credible antitrust enforcement and regular engagement with stakeholders. So far, the Commission has reviewed over 1060 antitrust cases, 720 merger filings and held nearly 750 advocacy events.

Realising that competition is a means to achieve larger economic goals, the Commission has intervened in various sectors ranging from entertainment, pharma, aviation, agriculture, construction, cement, sports, real estate, wherein concerns of a large number of market players and consumers, both with respect to cartelisation and abuse of dominance, have been addressed. Besides the traditional economy sectors, Commission has also dealt with various cases in the new economy industries where abuse by digital players was alleged. The Commission's interventions in such markets, however, have been nuanced so as to preserve the incentives of innovation while correcting the anti-competitive conduct. Commission's interventions in cases involving cartels among members of trade associations have led to positive course corrections. In some cases, trade associations have revised their policies and practices to bring them in alignment with the principles of competition. On the combinations side, the Commission, being conscious of the need and significance of inorganic growth for enterprises to attain size, scale and efficiency, has focused on quick approval of mergers and acquisitions that do not cause appreciable adverse effect on competition in markets in India. In this endeavour, the Commission introduced 'Green Channel' route for filing a combination notice, wherein a proposed combination is deemed to be approved subject to fulfilling certain criteria. During 2019-20, from the inception of the 'Green Channel' route, the Commission has received 10 such notices.



During 2019-20, the Commission registered 60 information in respect of antitrust cases and received 82 notices in respect of combinations (including 10 green channel notices). It passed final orders in 93 matters of antitrust and found contravention in 10 such matters and also approved/ disposed of 81 combination cases.

## **Antitrust**

During 2019-20, the Commission had the occasion to examine various cases relating to anti-competitive agreements (including cartels) and abuse of dominant position. Also, some landmark judgements were delivered by the appellate courts setting the ground for jurisprudential development.

In a case relating to textile industry, the Commission imposed monetary penalty upon the dominant player for contravening the provisions of the Competition Act, 2002 for imposing unfair and discriminatory price practices upon the intermediate buyers of Viscose Staple Fibre. The Commission also directed the dominant player to put in place a transparent and non-discriminatory discount policy and to make it easily and publically accessible/available.

In a case relating to imposition of unfair standard terms and conditions by a dominant real estate player operating in the territory of Noida/ Greater Noida region, the Commission, apart from issuing cease and desist order, imposed monetary penalty upon it.

In the pharma sector, the Commission penalised one state association and its district associations for indulging in anti-competitive practice of insisting upon NOC/ LOC prior to the appointment of new stockists by pharmaceutical companies. Two pharmaceutical companies were also penalised for perpetrating the anti-competitive conduct. Further, the Commission also directed the associations to organise competition awareness programs across various districts of the state, besides directing the pharmaceutical companies to bring into place a Competition Compliance Program for awareness of its officials.

In another case, which was initiated *suo motu*, the Commission imposed penalties on 51 bidders for simultaneously withdrawing their bids, an act which was observed to be the result of coordinated efforts, more so as the reasons furnished by many of the bidders were identical, despite the bidders being located in different states and could not be said to have been faced identical circumstances.

In yet another case, the Commission imposed monetary penalty on three firms (including some of their Directors) for their involvement in bid rigging of a tender floated by Pune Municipal Corporation.



Additionally, during the period, the Commission also passed orders in Lesser Penalty matters which included cartelisation in supply of (i) Anti-Vibration Rubber Products and Automotive Hoses and (ii) Electric Power Steering Systems (EPS Systems), to automobile Original Equipment Manufacturers. The latter was an international cartel case in which the lesser penalty applicants got 100%/ significant waiver of penalty.

Besides, there were cases where, though no contravention was found, the observations are relevant from jurisprudential point of view.

Apart from the formal filings, the Commission receives a large number of general complaints from different stakeholders, including grievances received through Centralised Public Grievance Redress and Monitoring System and elected public representatives, inter alia, raising various issues pertaining to violation of competition law. These are analysed in-house and the fit complaints are converted into *suo motu* antitrust cases.

## **Combination**

Consequent to the introduction of 'Green Channel', the Commission revised its pre-filing consultation guidance note to include assistance to parties opting to use 'Green Channel' route. The Commission also revised Form I (and the respective Guidance Notes) in order to capture more relevant information about the proposed combination.

During 2019-20, the Commission reviewed some important combination cases in sectors such as Finance and Markets, Information and Technology, Auto Components, Pharmaceuticals, and e-commerce. In addition to voluntary notices filed by the parties, the Commission took *suo motu* cognisance in 2 cases, wherein the parties were directed to file notice of combination. In 3 cases, the Commission agreed to the voluntary remedies proposed by the parties (without undergoing detailed investigations) and in 1 case, remedies were imposed. As in the previous year, this year also the average number of working days taken for disposal of combination cases stood at 18.

## **Advocacy**

During 2019-20, the Commission organised more than 100 advocacy programs to reach out to various stakeholders and sponsored 8 moot court competitions on Competition Law in various law universities.

Significantly, the Commission organised a function themed 'Ten Years of Competition Law Enforcement' on August 23, 2019 to mark its decadal journey. The function was graced by

the Hon'ble Minister of Finance and Corporate Affairs, Smt. Nirmala Sitharaman and Hon'ble Minister of State for Finance and Corporate Affairs, Shri Anurag Singh Thakur, both of whom provided valuable suggestions for enforcement of competition law in ever increasing complex markets. To commemorate the occasion, a video titled "Ten Year Journey of Competition Commission of India" was unveiled.

Aiming to widespread the advocacy efforts among officers of state governments, the Commission launched "State Resource Persons' Scheme" to disseminate knowledge of competition law and train officers at state level to make competition coherent policies.

As important stakeholders, the Commission provided internship opportunities to over 100 students from various disciplines including Economics, Finance, Management and Law.

The Commission also organised a Road Show, in association with the Confederation of Indian Industries, at Mumbai to interact directly with various stakeholders.

## **Legal Developments**

The year saw some important legal developments in the Indian competition regime.

Hon'ble Supreme Court, *vide* its order dated November 19, 2019 held that the proceedings initiated before the Chief Metropolitan Magistrate under Section 42(3) of the Act for non-payment of penalty levied under Section 43 of the Act are maintainable. Earlier, in the same matter the Hon'ble Delhi High Court had upheld the actions of the Commission.

In another case, the Division Bench of Hon'ble Delhi High Court, *vide* judgement dated September 12, 2019, while ratifying the scope and power of the Director General, held that an order of the Commission passed under Section 26(1) of the Act and the powers of the Director General are not necessarily circumscribed to examine only such matters that formed the subject matter of the 'Information' filed.

In several other cases, orders of the Commission were upheld by the appellate body - National Company Law Appellate Tribunal (NCLAT). Hon'ble NCLAT *vide* a judgement dated March 12, 2020 held that the appeal(s) filed against the Commission's orders are not maintainable if the orders are not passed under the Sections specifically enumerated as appealable in Section 53A of the Competition Act, 2002.

Overall, during this year, in a number of cases, the Commission got more clarity from the courts on the interpretation of vexed legal issues involving competition law and the procedural nuances.

## Other Developments

In order to better appreciate the nuances of the e-commerce segment and to gather insights from market participants, a market study was launched by the Commission in May 2019 to discern the implications that it might have for markets and competition. The study helped identify emerging market trends, parameters of competition in digital trade, new business models, etc. It also brought forth a set of issues that may have bearing on competition. As part of the study, a multi-stakeholder workshop was also held and most of the issues raised were found to be underpinned by the bargaining power imbalance and information asymmetry between e-commerce marketplace platforms and their business users. The study not only helped ascertain the Commission's enforcement and advocacy priorities in the sector, but also sensitised the stakeholders of potential competition concerns, leading to self-correction in some cases. Further, the Commission, under its advocacy mandate, urged the marketplace platforms to put in place certain self-regulatory measures that could increase transparency.

In view of several cases involving alleged anti-competitive conduct on part of the concessionaires, the Commission interacted and engaged with the NITI Aayog by taking up five Model Concession Agreements for competition assessment. The idea behind this exercise was to assist the concessionary agency in embedding competition law principles in these agreements such that foreseeable competition concerns are addressed pre-empting competition intervention later.

As a knowledge-centric organization, the Commission provides various training and skill-developing opportunities to its officers and staff. In-house trainings coupled with intellectually stimulating programs such as Special Lecture Series, Distinguished Visitors Knowledge Series and Peer to Peer Group Talks enrich the training environment. For wider capacity building, the Commission has launched a Network of Competition Experts in India, which at present consists of 50 experts from 35 premier academic and research institutions of India.

International cooperation with foreign competition authorities and institutions has been a significant achievement for the Commission. CCI's presence has been recognized on international antitrust platforms such as International Competition Network (ICN), Organisation for Economic Cooperation and Development (OECD), BRICS, and United Nation's Conference on Trade and Development (UNCTAD). CCI has also been contributing to these international institutions on antitrust issues.

This year, the Commission welcomed Shri Bhagwant Singh Bishnoi from the Indian Foreign Service, who joined the Commission as Member on July 17, 2019. Also, the Commission bid farewell to Shri U.C. Nahta who demitted office as Member, Competition Commission of India on August 11, 2019, after completion of his tenure.

As during the previous years, the Commission continued to receive abundant support from the Ministry of Corporate Affairs. My sincere gratitude to Smt. Nirmala Sitharaman, Hon'ble Minister of Finance and Corporate Affairs, Shri Anurag Singh Thakur, Hon'ble Minister of State for Finance and Corporate Affairs as also Shri Injeti Srinivas, Secretary to Government of India and other officers of the Ministry of Corporate Affairs for their continuous cooperation.

**Ashok Kumar Gupta**

Chairperson

Competition Commission of India

# A. Introduction

## (i) Objectives

Antitrust and competition law are used interchangeably to refer to the legal regime that protects and promotes free and fair competition in the market. The stated objective of competition policy is to foster innovation, productivity and growth, all of which create wealth and reduce poverty. In this pursuit, competition law aims to control monopolistic, unfair and restrictive trade practices by creating a set of legislations that enhance competition or competitive outcomes in the markets and curb anti-competitive practices by way of sanctions. Furthermore, the strength of competition is likely to influence a country's competitiveness, that is, the ability of domestic firms to compete in export markets and/or against imports in the home market.

However, despite all best intents, markets do not always work well - it has been observed that barriers to competition are all pervasive that harm innovation, productivity and equitable growth. The tool to distort competition in the market can be categorised as being exploitative and exclusionary, both of which lead to sub-optimal outcome in the market not only in a static framework but also in the dynamic setting.

Competition laws have a long history. It is believed that the laws against anti-competitive practices date as far back as the middle ages, when cartels, the so-called guilds, were formed in most European cities. The English common law of the early fifteenth century prohibited contracts that restrained trade. In modern times, the United States passed the Sherman Act in 1890 and the Clayton Act in 1914. Today nearly 140 jurisdictions across the world have some form of legislation dealing in the subject matter of competition.

Modern competition law encompasses two broad categories of provisions. The first category aims at preventing restraints of competition through agreements or concerted practices such as trusts or cartels. The second category deals with undue acquisition of economic power through monopolization, abuse of dominant position or mergers.

India adopted its first competition law way back in 1969 in the form of Monopolies and Restrictive Trade Practices Act with the objective to prevent concentration of economic power, control of monopolies and prohibition of Monopolistic, Restrictive and Unfair Trade Practices. However, as the times changed, the need was felt for a new competition law with a

new stance. With introduction of new economic policy and opening up of the Indian market to the world, the focus shifted from curbing monopolies to promoting overall competition in the Indian market. This led to the passage of the Competition Act of 2002. The new Act is more proactive in terms of administration of competition in the market – the mandated functions of the Competition Commission of India include enforcement, regulation, legislation and advocacy. For the purpose of enforcement, the Act not only does not frown upon the dominance of an enterprise, it also makes no distinction between a state owned enterprise and an entity in the private sector.

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

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

## (ii) Important achievements

During 2019-20, the Commission received 60 Information related to anti-competitive agreement and abuse of dominant position. At the *prima facie* stage, the Commission directed the Director General (DG) to undertake investigation in 20 matters and closed 34 matters. The DG completed investigation in 37 matters during the year 2019-20. The Commission received 82 notices of proposed combination during 2019-20 and approved/ disposed of 81 combination notices during the year. The Commission imposed an aggregate penalty of Rs. 450.89 crore in 2019-20.

Table A1 presents the performance of the Commission on select performance parameters.

**Table A1: Select Performance Parameters**

Sl. No.	Particulars	2017-18	2018-19	2019-20
1	No. of alleged anti-competitive conduct noticed	72	68	60
2	No. of <i>prima facie</i> orders passed in respect of alleged anti-competitive conduct [orders passed under Section 26(1) and 26(2)]	74	65	54

Sl. No.	Particulars	2017-18	2018-19	2019-20
3	No. of Investigations completed by the DG	36	51	37
4	No. of matters in which orders passed under Sections 26(2), 26(6), 27 and Other/Misc. Orders passed in respect of anti-competitive conduct	72	90	93
5	Amount of penalty levied (Rs. crore)	436.65*	357.85	450.89
6	No. of proposed combinations approved/ disposed of	69	89	81
7	Average no. of days taken to dispose of a combination notice	23	18	18
8	No. of advocacy programs	104	123	105
9	No. of employees as on 31 <sup>st</sup> March			
	Commission	102	110	98
	DG Office	21	23	19
10	No. of trainings organised for capacity building of officers (including overseas training)	35	36	34

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

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

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

Gist of allegations, findings and directions given in some important matters disposed of by the Commission during 2019-20 is given in subsequent paragraphs.

#### **1. XYZ against Association of Man-Made Fibre Industry of India and Others (Case No. 62 of 2016)**

**Allegation:** The Information in the matter was filed against the Association of Man-Made Fibre Industry of India & Others, alleging contravention of the provisions of Section 4 of the Act. The Informant alleged that Grasim Industries Limited (GIL) is the sole producer of Viscose Staple Fibre (VSF) in India and is misusing its position in the domestic market to squeeze the textile industry consumers. It was averred that GIL is charging dissimilar prices from different customers in the domestic market and is following the same practice between domestic and foreign customers. It was also alleged that GIL is forcing its domestic customers to submit their monthly yarn production data before deciding on the discount rate applicable to them. The Informant further stated that GIL follows a non-transparent practice



while invoicing and refuses to disclose its discount policy to its customers. The Informant was, hence aggrieved by the fact that GIL was abusing its dominant position in the relevant market by following discriminatory pricing policy and imposing unfair conditions upon its customers. In addition to this, allegations were also made with respect to interfering with the trade of customers by forcing them to disclose their sales and production data and refusing to sell to traders and thereby not allowing competition in the market.

**Prima facie order:** The Commission passed an order dated November 10, 2016 under Section 26(1) of the Act opining a *prima facie* case of contravention of the provisions of Section 4 of the Act and directed the DG to cause an investigation to be made into the matter and submit a report.

**Finding:** In the investigation report dated March 27, 2018, the DG determined the relevant market as 'the market for supply of Viscose Stable Fibre (VSF) to spinners in India' and found that GIL was dominant on the basis of market share, size and resources and production capacity. Further, the DG found that GIL abused its dominant position in the said relevant market.

The Commission agreed with the definition of the relevant market identified by the DG and found GIL to be dominant therein. Further, the Commission found that GIL has been practicing price discrimination amongst its domestic customers. With respect to the pricing and discount policy adopted by GIL, the Commission observed that plethora of discount parameters coupled with non-transparency of the same to its buyers indicate unilateral and abusive behaviour by GIL in the relevant market in contravention of Section 4(2)(a)(ii) read with Section 4(1) of the Act. With respect to the allegation of seeking the details of production and exports from Indian spinners for sale of VSF by GIL, the Commission observed that seeking such details acted to prevent the resale and trading of its products and thereby hindered the emergence of an alternate source of competition in the market in contravention of Section 4(2)(d) read with Section 4(1) of the Act.

**Decision:** The Commission *vide* order dated March 16, 2020 directed GIL to cease and desist from indulging in such practices which were found to be in contravention of the provisions of the Act. Further, GIL was directed to refrain from adopting unfair and discriminatory pricing practices and also refrain from seeking the consumption details of VSF from its buyers. GIL was also directed to put in place a discount policy which is transparent and non-discriminatory to all the market participants, to make it easily and publically accessible/available and not place any undue restriction on the buyers of VSF. The Commission also imposed a penalty on GIL at the rate of 5% of the average relevant turnover for the period 2014-15 to 2016-17 amounting Rs. 301.61 crore.



## **2. Naveen Kataria against Jaiprakash Associates Limited (Case No. 99 of 2014)**

**Allegation:** The Information was filed by Smt. Naveen Kataria against Jaiprakash Associates Limited (JAL) alleging contravention of the provisions of Section 4 of the Act. Smt. Kataria, a buyer/allottee of a Villa developed by JAL, alleged that the terms and conditions in the Provisional Allotment Letter (PAL) were unfair, one-sided and loaded in favour of JAL.

**Prima facie order:** The Commission passed an order dated May 21, 2015 under Section 26(1) of the Act opining a *prima facie* case of contravention of the provisions of Section 4 of the Act and directed the DG to cause an investigation to be made into the matter and submit a report. Consequent upon submission of the investigation report by the DG, the Commission directed the DG to make further investigation and submit a supplementary report.

**Finding:** Based on the investigation and other evidence, the Commission was of the considered opinion that the JAL enjoys an undisputed dominant position in the relevant market of '*provision of services for development and sale of independent residential/dwelling units in Integrated Townships in the territory of Noida and Greater Noida*'. The Commission found that the standard terms and conditions imposed by JAL were one-sided and couched in a manner so as to unilaterally favour itself and be unfavourable to the consumers. Moreover, terms were vague and did not confer any substantive rights on the buyers. The conduct of JAL, such as collecting money/charges from the buyers without delivering the residential/dwelling unit on time, adding additional construction and amending/altering the layout plans, imposition of various charges, right to raise finance from any bank/financial institution/body corporate without consulting buyers was held to be abusive. Thus, the Commission concluded that such conduct of JAL to be in violation of Section 4(2)(a)(i) of the Act.

**Decision:** Resultantly, the Commission *vide* order dated August 09, 2019 directed JAL to cease and desist from indulging in the conduct which has been found to be in contravention of the provisions of the Act and also directed it to pay a penalty of Rs. 13.82 crore, which was calculated at the rate of 5% of the average relevant turnover of JAL from the sale of independent residential units in the relevant market.

## **3. Shri Suprabhat Roy, Proprietor, M/s Suman Distributors against Shri Saiful Islam Biswas, District Secretary of Murshidabad District Committee of Bengal Chemists and Druggists Association and Others (Case No. 36 of 2015)**

**Shri Sankar Saha, Branch Secretary, Pharmaceuticals Traders Welfare Association of Bengal against Shri Hitesh Mehta, Depot Manager of Alkem Laboratories Limited and Others (Case No. 31 of 2016)**

**Shri Joy Deb Das, Proprietor, M/s Maa Tara Medical Agency against Shri Rajeev Mishra, authorised signatory of Macleods Pharmaceuticals Ltd. and Others (Case No. 58 of 2016)**

**Allegation:** Three separate Information were filed by Shri Suprabhat Roy, Proprietor, M/s Suman Distributors, Murshidabad; Shri Sankar Saha, Branch Secretary, Pharmaceuticals Traders Welfare Association of Bengal – Burdwan Branch; and Shri Joy Deb Das, Proprietor, M/s Maa Tara Medical Agency, Murshidabad before the Commission alleging anti-competitive practices being followed by Bengal Chemists and Druggists Association (BCDA), its two District Committees, viz. Murshidabad District Committee and Burdwan District Committee and their office-bearers, in agreement with pharmaceutical companies Alkem Laboratories Ltd. (Alkem) and Macleods Pharmaceuticals Ltd. (Macleods).

**Prima facie order:** The Commission, upon finding a *prima facie* case of contravention of the provisions of Section 3 of the Act directed the DG on multiple dates to cause investigation in these matters and submit a consolidated report. The DG submitted its report finding contravention of the provisions of Section 3(3) of the Act read with Section 3(1) of the Act by BCDA and its office bearers and of Section 3(1) of the Act by Alkem and Macleods. The DG also identified several individuals of Alkem and Macleods to be liable in terms of Section 48 of the Act for the anti-competitive conduct of their respective companies.

**Finding:** The Commission found BCDA and its two District Committees, viz. Murshidabad District Committee and Burdwan District Committee and their office-bearers to be indulging in anti-competitive practices, in contravention of the provisions of Section 3(3)(b) read with Section 3(1) of the Act. Such anti-competitive practices were: (i) requiring pharmaceutical companies in at least some Districts of the State of West Bengal to have their new stockists obtain a prior Stock Availability Information (SAI)/ No Objection Certificate (NOC) from BCDA before the supply of drugs could be commenced to them; (ii) collecting monetary considerations from the prospective stockists against the issuance of SAI to them, through its District Committees; and (iii) requiring promotion cum distributor agents of pharma companies to obtain Product Availability Information (PAI) from BCDA after payment of monetary considerations to it in the form of donations, to start marketing drugs of their respective pharma companies in the State of West Bengal.

Further, the Commission found that pharmaceutical companies, namely Alkem and Macleods had an anti-competitive agreement with BCDA whereby these companies, after issuing the offer letter of stockistship to prospective stockists, demanded from them SAI/NOC/Approval Letter/Circulation Letter from BCDA, before supplies of drugs could be commenced to them. For their such conduct, the Commission found Alkem and Macleods liable for contravention of the provisions of Section 3(1) of the Act and their various officials have also been found liable by the Commission for such conduct in terms of Section 48 of the Act.

**Decision:** The Commission *vide* order dated March 12, 2020, in terms of Section 27(a) of the Act, directed BCDA, its District Committees of Murshidabad and Burdwan, their office bearers, pharmaceutical companies, viz. Alkem and Macleods, and their respective officials who were held liable in terms of the provisions of Section 48 of the Act, to cease and desist in future from indulging in practices which have been found in the present order to be in contravention of the provisions of Section 3 of the Act. However, no penalty was imposed on any party.

#### **4. In Re: Cartelisation in the supply of Anti-Vibration Rubber Products and Automotive Hoses to Automobile Original Equipment Manufacturers (*Suo Motu* Case No. 01 of 2016)**

**Allegation:** The case was initiated upon receipt of certain information under the provisions of Section 46 of the Act read with the Competition Commission of India (Lesser Penalty) Regulations, 2009 which disclosed cartelisation amongst certain parties in relation to Requests for Quotations (RFQs) issued by certain Automobile Original Equipment Manufacturers (OEMs) for the supply of (i) Anti-Vibration Rubber Products (AVR Products); and (ii) Automotive Hoses (Water and Fuel) (Hoses).

**Prima facie order:** After forming a *prima facie* opinion that certain companies have indulged into conduct which is in contravention of the provisions of Section 3(3)(a), 3(3)(b), 3(3)(c) and 3(3)(d) read with Section 3(1) of the Act, the Commission *vide* order dated January 06, 2016 directed the DG to cause an investigation into the matter and submit an investigation report. The Commission, *vide* order dated April 05, 2019 further directed the DG, under the provisions of Section 26 of the Act read with Regulation 20(6) of the Competition Commission of India (General) Regulations, 2009, to cause further investigation in respect of certain RFQs for AVR products floated by three OEMs as well as RFQs for Hoses floated by one OEM to ascertain the appreciable adverse effect on competition (AAEC), if any, caused in India, as a result of alleged cartelisation amongst the parties in respect of these RFQs. During investigation and supplementary investigation, the DG analysed multiple RFQs floated by the automobile OEMs for supply of AVR Products and Hoses and concluded that no contravention of the provisions of the Act by the parties in the matter was made out.

**Finding:** The Commission, after analysing the investigation as well as supplementary investigation reports and other material available on record, held that no contravention of the provisions of Section 3(3)(a), 3(3)(b), 3(3)(c) or 3(3)(d) read with Section 3(1) of the Act was established against the parties in the supply of AVR Products and/ or Automotive Hoses to the Automobile OEMs as the DG has failed to bring out sufficient material on record

wherefrom contravention of the provisions of Section 3 read with Section 32 of the Act by the parties could be established.

**Decision:** The Commission *vide* its order dated February 26, 2020 decided to close the matter under provisions of Section 26(6) of the Act.

**5. In Re: Cartelisation in the supply of Electric Power Steering Systems (EPS Systems) (Suo Motu Case No. 07 (01) of 2014)**

**Allegation:** The case pertains to alleged anti-competitive conduct by NSK Limited, Japan (NSK) and JTEKT Corporation, Japan (JTEKT), along with their Indian subsidiaries, namely Rane NSK Steering Systems Ltd. (RNSS) and JTEKT Sona Automotive India Ltd. (JSAI), respectively (hereinafter collectively referred to as the 'parties'), in the Electric Power Steering (EPS) Systems market. The case was initiated on the basis of an application received by the Commission under Section 46 of the Act read with the Competition Commission of India (Lesser Penalty) Regulations, 2009, from NSK/RNSS.

**Prima facie order:** After forming a *prima facie* opinion that the parties contravened the provisions of Section 3(3)(a) and 3(3)(d) read with Section 3(1) of the Act, the Commission *vide* an order dated September 17, 2014 directed the DG under Section 26(1) of the Act to cause an investigation into the matter. During the pendency of investigation before the DG, JTEKT/JSAI also approached the Commission by filing an application under Section 46 of the Act read with the Lesser Penalty Regulations.

**Finding:** The Commission found that NSK and JTEKT, upon receipt of Requests for Information/ Requests for Quotation from automobile Original Equipment Manufacturers for the supply of EPS systems to their subsidiaries situated in various regions including in India, had contacts/ interactions with each other through their employees and executives, during the period from 2005 to July 25, 2011, through meetings and/ or telephonic calls. Thus, the Commission held that NSK and JTEKT, and their Indian subsidiaries RNSS and JSAI, respectively, indulged in cartelisation in the EPS Systems market, from at least 2005 to July 25, 2011, by means of directly or indirectly determining the price, allocating markets, co-ordinating bid response and manipulating the bidding process of certain automobile OEMs, which had an appreciable adverse effect on competition in India. Such conduct of the parties was in contravention of the provisions of Section 3(3)(a), 3(3)(c) and 3(3)(d) read with Section 3(1) of the Act.

**Decision:** The Commission issued a direction *vide* order dated August 09, 2019 to NSK/RNSS and JTEKT/JSAI to cease and desist from indulging in cartel conduct with respect to EPS Systems and also decided to levy penalty, in terms of the *proviso* to Section 27 (b) of the Act,

upon NSK/RNSS at the rate of 4% of the relevant turnover of RNSS and upon JTEKT/JSAI, at the rate of one time of the relevant profit of JSAI. Also, penalty, in terms of Section 27 (b) of the Act, to be imposed on the individuals of NSK and JTEKT, held liable under Section 48 of the Act, was computed by the Commission at the rate of 10% of the average of their income for the preceding three years. However, the Commission granted a reduction in the penalty up to 100% to NSK/RNSS and its individuals and up to 50% to JTEKT/JSAI and its individuals. Pursuant to reduction, penalty to be paid by JTEKT/JSAI was Rs. 17.07 crore and no penalty was to be paid by NSK/RNSS.

**6. In Re: Alleged cartelisation in supply of LPG Cylinders procured through tenders by Hindustan Petroleum Corporation Ltd. (Suo Motu Case No. 01 of 2014)**

**Allegation:** The Commission took *suo motu* cognizance, based on an anonymous letter, of bid rigging in two tenders floated by Hindustan Petroleum Corporation Ltd. (HPCL) for supply of cylinders to its bottling plants in 18 states. It was alleged that there was a cartel operating in tenders floated by HPCL in contravention of the provisions of Section 3 of the Act. It was alleged that orders were placed on vendors at prices higher than the procurement price of the other oil companies with the same vendors during the same period. It was also alleged that cylinders continued to be procured at higher rates and HPCL may have incurred losses running into crores by placing orders at higher rates.

**Finding:** After examination of claims made and hearing the Opposite Parties after receipt of the Investigation Report from the DG, the Commission did not find a case of contravention of the provisions of Section 3 of the Act in relation to first tender. However, with respect to second tender, the Commission found 51 LPG Cylinder manufacturers and their respective office bearers to be in violation of provisions of Section 3(3)(d) read with Section 3(1) of the Act. The Commission noted that not one or two but 51 bidders simultaneously withdrew their bids out of which, 46 withdrew their bids on the same date, i.e. on March 04, 2013. This act was observed to be quite unusual more so as the reasons furnished by many of the Opposite Parties (OPs) were identical or many a time common, despite the fact that such bidders were located through the length and breadth of the country and had bid for different States and could not be said to have been faced with identical circumstances. The Commission noted that the evidence brought out by investigation strongly suggested a common intent that prevailed among the 51 OPs to act in concert in withdrawing their bids rather than acting independently. Accordingly, the Commission directed these LPG Cylinder manufacturers and their respective office bearers to cease and desist from indulging in such practices, in future which were found to be in contravention of the provisions of Section 3(3)(d) read with Section 3(1) of the Act.



**Decision:** A penalty of Rs. 39.75 crore on 51 LPG Cylinder manufacturers and a penalty of Rs. 45.26 lakh on the respective office bearers was imposed by the Commission for indulging in anti-competitive conduct.

#### **7. Meet Shah and Another against Union of India, Ministry of Railways and Another (Case No. 30 of 2018)**

**Allegation:** The case was filed by two individuals against the Union of India, Ministry of Railways and Indian Railway Catering and Tourism Corporation Ltd (Opposite Parties) alleging that the policy of the Opposite Parties pertaining to rounding off of base fares to the next higher multiple of Rs. 5 is unfair and discriminatory and thus is an abuse of dominant position by the Opposite Parties and in contravention of provisions of Section 4 of the Act.

**Finding:** Following a detailed investigation by the DG, the Commission noted that relevant market for the purpose of competition assessment in the present case was “*market for the sale of tickets by railways in India*”. The Commission also found that the Opposite Parties enjoy a dominant position in the market for the sale of tickets in India. As regards the allegations of abuse of dominant position, the Commission observed that rounding off of fares by the Ministry of Railways appeared to be its policy decision, which was even placed before the Parliament of India, by the then Railway Minister in the year 1995. The Commission observed that the facts as brought out in the investigation indicated that rounding off has efficiency parameters and helps the Opposite Parties to service their passengers better, especially those passengers who book tickets through offline mode, as many a time each minute saved helps the queue move faster at the ticket counter. The Commission found that rounding off of fares though on first blush may appear to be unfair *qua* passengers, but on a fair assessment and on weighing the scale evenly, does not seem to have potential to adversely affect the interest of consumers from a competition standpoint, particularly when there was no evidence that any of the passengers have been discriminated against *vis-à-vis* the others. One aspect that has weighed with the Commission in arriving at this decision is also that investigation has brought out that the number of offline tickets booked are substantial in comparison to online booking. With regard to allegations against the Indian Railway Catering and Tourism Corporation Ltd., there was no evidence of any specific contravention on its part as it merely followed the decision of the Ministry of Railways.

**Decision:** The Commission found no case of contravention of the provisions of Section 4 of the Act by the Opposite Parties.

## **8. Madhya Pradesh Chemists and Distributors Federation against Madhya Pradesh Chemists and Druggist Association and Others (Case No. 64 of 2014)**

**Allegation:** The Information was filed by Madhya Pradesh Chemists and Distributors Federation (MPCDF) against Madhya Pradesh Chemists and Druggist Association (MPCDA) and others including certain pharmaceutical companies alleging stifling of competition in the market by limiting access of consumers to various pharmaceutical products and controlling the supply of drugs in the market by mandating No Objection Certificate (NOC)/Letter of Consent (LOC) prior to the appointment of stockists.

**Prima facie order:** The Commission on finding a *prima facie* case under the provisions of section 3 of the Act, directed the DG to cause an investigation in the matter and submit a report.

**Finding:** After perusing the Information, the investigation report submitted by the DG, replies and arguments of the parties and the evidence on record, the Commission found the conduct of MPCDA, Indore Chemists Association (ICA) and some pharmaceutical companies to be in contravention of provisions of Section 3(3)(a) and 3(3)(b) read with Section 3(1) of the Act.

**Decision:** The Commission directed MPCDA, ICA and other OPs to cease and desist from indulging in practices, which were found to be anti-competitive. The Commission directed MPCDA to organise at least five competition awareness and compliance programs over a period of six months in the State of Madhya Pradesh for its members and ICA to organise one competition awareness program in the district of Indore. The Commission further directed two pharmaceutical companies, viz. Himalaya Drug Company (HDC) and Intas Pharmaceuticals Ltd. (IPL) to bring into place a Competition Compliance Program and file a compliance report with the Commission.

The Commission imposed penalties, under Section 27 of the Act, on MPCDA and ICA calculated at the rate of 10% of their respective average income and penalties on HDC and IPL calculated at the rate of 1% of their respective average revenue/turnover of the three years. The Commission also imposed penalties on the office bearers of MPCDA and ICA calculated at the rate of 10% of their respective average Gross Total Income and penalties on officials of HDC and IPL calculated at the rate of 1% of their respective average Gross Total Income.

## **9. Nagrik Chetna Manch against SAAR IT Resources Private Limited and Others (Case No 12/2017)**

**Allegation:** Nagrik Chetna Manch, a public charitable trust, through its President, viz. Maj. Gen. S. C. N. Jatar (Retd.), filed the Information under Section 19(1)(a) of the Act against

SAAR IT Resources Private Limited, CADD Systems and Services Private Limited, Pentacle Consultants (I) Private Limited and Pune Municipal Corporation alleging bid rigging in a tender floated by Pune Municipal Corporation in the year 2015 for 'Selection of agency for carrying out geo-enabled tree census using GIS & GPS Technology'.

**Prima facie order:** Upon considering the facts and allegations therein, and after hearing the Informant, the Commission directed the DG to cause an investigation into the matter and submit a report.

**Finding:** After perusing the Information, the investigation report submitted by the DG and arguments of parties and the material available on record, the Commission found that there was cogent evidence of bid rigging/collusive bidding by the aforementioned companies, in the tender process for selection of an agency to undertake geo-enabled tree census using GIS & GPS technology in contravention of Section 3(3)(d) read with Section 3(1) of the Act. Further, the Commission also found meeting of minds and co-ordination between various individuals which included the directors of the above-mentioned companies to rig the tender, by way of submitting proxy/cover bids.

**Decision:** The Commission *vide* order dated August 02, 2019, under Section 27 of the Act, directed the said companies to cease and desist from indulging in such anti-competitive conducts which were found to be in contravention of the provisions of the Act. Further, the Commission imposed penalties of Rs. 1.26 crore, Rs. 0.11 crore, and Rs. 1.33 crore on SAAR IT Resources Private Limited, CADD Systems and Services Private Limited, and Pentacle Consultants (I) Private Limited, respectively under Section 27(b) of the Act, calculated at the rate of 10% of their average turnover for last three financial years. The Commission also imposed penalties on certain directors of the said companies for their involvement in the anti-competitive conduct as aforementioned.

#### **10. Indian National Ship-owners Association against Oil and Natural Gas Corporation Limited (Case No. 01 of 2018)**

**Allegation:** Indian National Ship-owners Association (INSA) filed the information against Oil and Natural Gas Corporation Limited (ONGC) alleging imposition of unfair terms and conditions and unfair invoking of the termination clause by ONGC, in contravention of the provisions of Section 4 of the Act. For carrying out the drilling of oil rigs, ONGC used to procure the services of the offshore support vessels (OSVs) from the members of INSA. INSA claimed that ONGC held a dominant position in the hiring of OSVs and owing to such dominant position, it had been able to put one-sided clauses in the Charter Hire Agreements (CHAs) in the nature of boilerplate agreements, allegedly not open for negotiations. The CHAs between



ONGC and the respective member companies of INSA contained certain clauses which were onerous in nature and favourable to ONGC. Further, ONGC issued termination notices for few contracts with its member companies which was alleged to be indicative of abuse on its part owing to the dominant position held by it.

**Prima facie order:** The Commission was *prima facie* satisfied that the allegations raised by INSA had merit and accordingly, the DG was directed to carry out a detailed investigation into the matter under Section 26(1) of the Act.

**Finding:** The Commission noted that the CHA gave ONGC a unilateral right of termination without assigning any reasons to ONGC, which in itself is not abusive given the disproportionate risk that ONGC has to bear in case of such termination by the OSVs. Applying the reasonability test, the Commission found that though ONGC had a unilateral right of termination in its agreements with the ship vessel owners for the last 30 years, the said clause was invoked for the first time in an unprecedented market situation. Further, such clause was invoked in good faith and only in response to an exceptional change of circumstances.

**Decision:** The Commission found the conduct of ONGC to be objectively justified and the case was closed under the provisions of Section 26(6) of the Act.

## (b) Legislative work

To carry out the purposes of the Act, Section 64 empowers the Commission to make regulations consistent with the Act and the Rules made thereunder. In exercise of this power, during 2019-20, the Commission notified following amendments:

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, 2019	13.08.2019
2.	The Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Second Amendment Regulations, 2019	30.10.2019
3.	The Competition Commission of India (General) Amendment Regulations, 2019	20.11.2019
4.	The Competition Commission of India (General) Amendment Regulations, 2020	06.02.2020

### **1. The Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Amendment Regulations, 2019**

Keeping in view the needs of the market and the best practices in other jurisdictions, the Commission, *vide* notification dated August 13, 2019, amended Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Regulations, 2011, and introduced an automatic system of approval for combinations through a 'Green Channel' route. Under this process, a combination is deemed to have been approved upon filing the notice in the prescribed format and acknowledgement thereof, subject to Commission's finding that the combination falls under the 'Green Channel' scheme.

The 'Green Channel' is expected to sustain and promote speedy, transparent and accountable review of combination cases, strike a balance between facilitation and enforcement functions and create a culture of compliance and support economic growth.

### **2. The Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Second Amendment Regulations, 2019**

The Commission made amendments in Regulation 11 of the Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Regulations, 2011, wherein the amount of fees payable along with the notice in Form I and Form II, as the case may be, has been modified. Post amendment, fees of Rupees Twenty Lakh (Rs. 20,00,000/-) and Rupees Sixty-five Lakh (Rs. 65,00,000/-) is required to be paid while filing a notice in Form I and Form II, respectively.

### **3. The Competition Commission of India (General) Amendment Regulations, 2019**

The Commission amended Regulation 49(1) of the Competition Commission of India (General) Regulations, 2009 by revising the fees payable by any person, a consumer association, trust, firm, or a company, while filing any information under Section 19(1) of the Competition Act. Further, a new clause (da) has been inserted in Regulation 10(2) which requires an Informant to provide details of the pending litigation between the Informant and other parties before any court, tribunal, statutory authority or arbitrator in respect of the subject matter of information. Also, a proviso has been added to Regulation 35(1) which empowers the Commission to disclose the identity of the Informant wherever expedient to do so for the purposes of the Act after giving an opportunity to the Informant of being heard.

### **4. The Competition Commission of India (General) Amendment Regulations, 2020**

The Commission made an amendment in Regulation 20(4) of the Competition Commission of India (General) Regulations, 2009. After the amendment, the report of the Director General is

to contain findings in the matter together with all the evidences or documents or statements or analyses collected during the investigation.

### **(c) Outreach program**

To achieve the objectives as enunciated in the Act and the mandate enshrined under Section 49 of the Act, the Commission undertakes advocacy programs to reach out to a wide spectrum of stakeholders, including the government and public sector undertakings. As such, it has been the endeavour of the Commission to sensitize all stakeholders viz. Central & State Governments, PSUs, Trade Associations, Educational and Research Institutions, Professional Bodies etc. about the subtleties and nuances of competition law to promote competition in the economy.

During the year 2019-20, the Commission proactively engaged with various stakeholders by way of various advocacy programs including lectures, seminars, conferences, workshops, moot-courts, Resource Person program under Resource Persons' Scheme (RPS), Competition Assessment Exercise and other interactive sessions to inculcate the importance of fair competition in the economy and for establishing robust competition culture in the country.

In its endeavour to have competition coherent policies and practices in government and enterprises, to convince stakeholders about the innate advantages of competition regime, to build the capacity of stakeholders and to complement law enforcement activities of the Commission, 105 advocacy programs were conducted during 2019-20. This included 10 programs with State Resource Persons, 8 moot courts with various universities and educational institutions, 7 advocacy initiatives with trade associations, 7 programs with various training academies and a Lecture by Shri N.K. Singh, Chairperson, 15th Finance Commission on CCI Annual Day.

During the year 2019-20, following measures were also undertaken in order to supplement advocacy efforts of the Commission.

- To mark its Decadal Journey (2009-2019), the Commission organised a function with the theme 'Ten Years of Competition Law Enforcement' on August 23, 2019 at DRDO Auditorium, New Delhi.
- The Commission launched RPS wherein Resource Persons were appointed by the Nodal Officers to coordinate and facilitate advocacy awareness work and to undertake tender study alongwith review of Bills/ Legislations/ Policies of state government from competition law perspective.
- Four editions of Commissions' quarterly newsletter 'Fair Play' were published and distributed among various stakeholders and uploaded on website of the Commission.

- A Road Show was organised at Mumbai in association with CII.
- Around 119 students from the prescribed stream of Law, Economics, Finance, Management and Professional Courses interned with the Commission on calendar month basis.
- A “National Conference on Economics of Competition Law” was organised in March, 2020.
- Social Media: On Commission’s LinkedIn Page 5000 followers have subscribed to the page. The Commission also had over 7000 followers on its twitter handle.
- A video titled “Ten Year Journey of Competition Commission of India” was prepared and unveiled on Decadal Journey (2009-2019) celebration which was commemorated on August 23, 2019.

#### **(iv) Capacity building**

Employees are the key determinants of success of an organisation and are often its ‘representative/ face’. Hence, maintaining a well-trained, well-qualified workforce is a critical function for any organisation to be successful. Capacity Building Division of the Commission takes up this role. Objectives of the division include:

- a) Identifying the training needs of the officers and the employees;
- b) Organising domestic training programs such as induction training, in-house training, training in collaboration with premier academic institutions, etc.;
- c) Organising capacity enhancement activities such as conducting sessions under Peer-to-Peer Knowledge Sharing Series, organising lectures under Distinguished Visitors Knowledge Sharing Series (DVKS) and Special Lecture Series (SLS) etc.;
- d) Organising other activities aiming towards building organisational capacity, developing leadership and providing exposure to employees for preparing them for higher responsibilities.

The division identifies and nominates/ conducts such programs that help employees not only in improving performance but also in contributing to achieving organisational objectives.

#### **(v) International engagement**

The importance of International Cooperation is well recognised in developing strong linkages with relevant multilateral agencies and competition jurisdictions for capacity building, enforcement cooperation, networking and exposure to the global best practices.

The Commission is invited for meetings and conferences organised by the multilateral organisations such as Organisation for Economic Co-operation and Development (OECD), International Competition Network (ICN), United Nations Conference on Trade and Development (UNCTAD), etc.

The Commission has been making regular contributions at various round tables during the conferences/ meetings of the OECD. In the year 2019-20, the Commission submitted written contribution on “Licensing of IP Rights and Competition Law”, “Vertical Mergers in the Technology, Media and Telecom Sector”, “Questionnaire to Participate in the Digital Lab” and “Merger Control in Dynamic Markets”. Furthermore, the Commission is a member and an official invitee to all the meetings, seminars, conferences and workshops of the ICN. During 2019-20, the Commission joined ICN Framework on Competition Agency Procedures (CAP) which lays emphasis on transparency and due process of law by a Competition Agency.

Section 18 of the Competition Act provides that the Commission may, for discharging its duties or performing its functions under this Act, enter into any memorandum or arrangement with the prior approval of the Central Government, with any agency of any foreign country. In this pursuit, the Commission has entered into six Memorandums of Understanding so far.

#### **(vi) Most active sectors**

The Commission deals with two types of matters, viz. antitrust and combinations. The sector-wise distribution points out the potential areas for focused attention of the Commission in terms of enforcement and advocacy initiatives.

Sector-wise distribution of alleged antitrust conduct noted by the Commission is presented in Table A2.

**Table A2: Sector-wise Distribution of antitrust Information received**

Sl. No.	Sector	2017-18	2018-19	2019-20
1	Real Estate	10	9	1
2	Financial Sector	8	5	8
3	I & B (Film/ TV/ Media/ Print Entertainment)	7	2	2
4	Health/Pharmaceuticals	2	4	5
5	Automobiles	4	2	2
6	Information Technology	3	3	2

Sl. No.	Sector	2017-18	2018-19	2019-20
7	Petroleum/Gas	4	2	0
8	Railways	1	8	4
9	Civil Aviation	1	0	2
10	Power	6	0	1
11	Chemicals & Fertilizers	0	0	2
12	Iron & Steel	0	1	0
13	Coal	2	2	0
14	Miscellaneous	24	30	31
	<b>Total</b>	<b>72</b>	<b>68</b>	<b>60</b>

Sector-wise distribution of combination notices received by the Commission is presented in Table A3.

**Table A3: Sector-wise Distribution of Combination Notices filed  
(Excluding invalidated/withdrawn)**

Sl.No.	Sector	2017-18	2018-19	2019-20
1	Finance and Markets	9	14	19
2	Pharmaceuticals & Health Care	2	9	3
3	Information Technology and Services	5	11	5
4	PVC & Chemicals	3	1	0
5	Auto & Auto Components	0	6	6
6	Mining & Metals	6	7	5
7	Power & Power Generation	2	4	9
8	Media & Entertainment	0	3	0
9	Food & Refined Oil	3	6	2
10	Miscellaneous	30	25	30
	<b>Total</b>	<b>60</b>	<b>86</b>	<b>79</b>

**Note:** Till date 50 notices have been invalidated/withdrawn.

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

Implementation of the competition law has a positive impact on consumers and the economy as a whole. It ensures availability of an array of quality products and services at affordable prices for consumers, which in turn, results in increased consumer surplus/ welfare. Further, the competition law provides incentives to businesses to undertake innovation. This way competition is at the core of wider product choices and overall consumer welfare along with economic wellbeing. Interestingly, sellers respond competitively in their individual interest; however, it enhances welfare of consumers and overall economy as well. Thus, effective competition regime provides necessary conditions for maximising the interests of the consumers, fostering economic growth, and increasing GDP at a faster pace.

Sometimes producers try to distort competition in the market and increase their surplus at the cost of reduction in consumer welfare. Such anti-competitive practices may lead to a market failure (lower output and higher prices than competitive market) and lesser innovation influencing dynamism of the economy. Competition law seeks to prevent such anti-competitive practices and promotes healthy competition in the market.

On the enforcement front, the year 2019-20 has seen the Commission deciding on numerous matters of alleged anti-competitive conduct under Sections 3 and 4 of the Act. The decisions covered a wide set of sectors like pharmaceuticals, auto parts, IT, e-commerce, railways procurement, telecom, etc. During the year, the Commission also reviewed combinations and approved them with remedies whenever concerns of AAEC arose.



## B. Investigations and Inquiries ordered by the Commission

### (i) Investigation and Inquiry relating to Sections 3, 4 and 42 of the Act

The Commission enquires into any alleged contravention of the provisions of Sections 3 and 4 of the Act either on its own motion or (a) on receipt of any information from any person, consumer or their association or trade association under Section 19(1)(a) of the Act, or (b) on receipt of a reference made to it by the Central Government or a State Government or a statutory authority under Section 19(1)(b) of the Act.

Pursuant to the examination of such alleged contravention, the Commission forms an opinion if there exists a *prima facie* case in the matter. If it finds that there exists a *prima facie* case, it directs the DG to cause an investigation into the matter under Section 26(1) of the Act. On the other hand, if the Commission finds that there exists no *prima facie* case, it closes the matter by passing an order under Section 26(2) of the Act. The details of receipt of matters relating to alleged contraventions of Sections 3 and 4 of the Act and their disposal under Section 26(1) and 26(2) of the Act after forming of a *prima facie* view are presented in Table B1.

**Table B1: Year-wise Receipt and Disposal of Alleged Contraventions of Sections 3 and 4 of the Act**

Year	Opening Balance	No. of Cases Noticed u/s				Disposed of by Order u/s		Balance at the end of year
		19(1) (a)	19(1) (b)	<i>Suo Motu</i>	Total	26(1)	26(2) / Others	
2017-18	27	67	02	03	72	23	54	22
2018-19	22	55	08	05	68	22	48	20
2019-20	20	51	05	04	60	20	34	25*

Note: \* 01 Case has been clubbed with an ongoing matter.



The details of receipt and disposal of matters during 2019-20 are presented in Table B2.

**Table B2: Alleged Contraventions of Sections 3 and 4 of the Act Noticed in 2019-20**

Sl. No.	Case	No. of Cases received					Total
		u/s 19(1) (a)	Suo Motu	u/s 19(1)(b) from			
				Central Govt.	State Govt.	Statutory Authorities	
1	Pending at the beginning of the year	20	-	-	-	-	20
2	Received during the year	51	04	04	01	-	60
3	Total	71	04	04	01	-	80
4	Where <i>prima facie</i> violations noticed	14	04	01	01	-	20
5	Where no <i>prima facie</i> violations noticed	31	-	03	-	-	34
6	Pending at the close of the year (=3-4-5)	25*	-	-	-	-	25*

Note: \* 01 Case has been clubbed with an ongoing matter.

The DG conducts investigations into the alleged contraventions of the Act and any rules or regulations made thereunder, as and when directed by the Commission to do so. Based on the findings of the investigations and pursuant to proceedings conducted in compliance with the principles of natural justice, the Commission passes final orders under different sections of the Act. The disposal of cases of alleged contraventions of Sections 3 and 4 of the Act till March 31, 2020 is presented in Table B3.

**Table B3: Disposal of Alleged Contraventions of Sections 3 and 4 till March 31, 2020**

Sl. No.	Matters	No.
1	Matters taken note of through Information/Reference/Suo Motu/MRTPC	1068
2	Cases closed at <i>prima facie</i> stage under Section 26(2)	588
3	Cases closed at <i>prima facie</i> stage under Misc./Other orders	05
4	Investigations Ordered under Section 26(1)	442
5	Investigations Completed	376
6	Cases closed after Investigations	316
7	Cases closed through orders passed under Section 27	145
8	Cases closed through orders passed under Section 26(6)	145
9	Cases closed through Misc./Other orders	26

## (ii) Investigations and Inquiries undertaken by the Director General

Year-wise details of investigations ordered by the Commission and their disposal by the DG are presented in Table B4.

**Table B4: Investigations Ordered and Completed  
(excluding Supplementary & Remanded back cases)**

Year	Opening Balance	No. of Investigation Ordered	No. of Investigations Completed	Closing Balance
2017-18	129	23	40	112
2018-19	112	22	51	83
2019-20	83	20	37	66

In some cases, after receipt of the DG report, if the Commission is of the opinion that further investigation is called for, it may direct the DG to submit a supplementary report on specific issues.

Details of investigations by the DG in 2019-20 are given in Table B5.

**Table B5: Investigations by the Director General in 2019-20**

Sl. No.	Particulars	No. of Investigations			
		Original	Supplementary	Remanded	Total
1	Matters pending at the beginning of the year	83	08	04	95
2	Matters received during the year	20	03	-	23
3	Matters Disposed of during the year	37	08	02	47
4	Matter pending at the end of the year	66	03	02	71

## C. Orders passed by the Commission

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

**Table C1: Orders Passed by the Commission in Sections 3 and 4 Cases**

Year	Number of Cases Disposed of by Orders				
	At <i>prima facie</i> stage	After investigation		Section 33	Total
	Sections 26(1), 26(2) & other orders	Section 26(6)/ other orders	Section 27		
2017-18	77	06	12	01	96
2018-19	67	24	21	03	115
2019-20	54	49	10	01	114

During 2019-20, out of 54 matters disposed of, the Commission did not find any violation of the Act at *prima facie* stage in 34 matters and therefore, closed the said matters under Section 26(2) of the Act. In remaining 20 matters, investigations were ordered under Section 26(1) of the Act. Table C2 presents these details.

**Table C2: Orders Passed by the Commission in Sections 3 and 4 Cases in 2019-20**

Description	Section of the Act	No. of Cases
Where no <i>prima facie</i> case found	26(2) & other orders	34
Where <i>prima facie</i> case was found	26(1) orders	20
Where no case was found after investigations	26(6) & other orders	49
Where contravention was finally proved	27	10
Where interim relief was granted	33	01

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

### (i) Monetary penalties

Section 27 of the Act enables the Commission to levy monetary penalty, in addition to other appropriate directions such as cease and desist, in cases of contraventions of Sections 3 or 4 of the Act.

Sections 42, 43 and 43A of the Act empower the Commission to levy monetary penalty/ fine in case a party fails to comply with its directions or orders or fails to provide the required information.

Sections 44 and 45 of the Act empower the Commission to levy penalties in case a party makes a false statement or furnishes false document.

The monetary penalties imposed and realised are presented in Table D1.

**Table D1: Monetary Penalties Imposed and Realised by the Commission (Rs. crore)**

Year	No. of cases	Penalty Imposed	Penalty Realised	Penalty Refunded/ Being Refunded	Net Penalty Realised as on March 31, 2020		
					Realised without resorting to Section 39(2)	Referred to IT Deptt. for Realisation	Realised by IT Deptt.
2017-18	26	436.65	2.54	-	2.54	-	-
2018-19	42	357.85	1.44	-	1.44	-	-
2019-20	16	450.89	17.89	-	17.89	-	-

The distribution of penalties levied under various Sections of the Act over the years is presented in Table D2.

**Table D2: Break up of Monetary Penalties for Various Contraventions**

Year	Section	27	42	43	43A	44	45	48	Total
2017-18	No. of Cases	12	1	3	7	1	1	1	26
	Penalty (Rs. crore)	432.22	1.76	1.65	0.46	0.50	0.02	0.04	436.65
2018-19	No. of Cases	21	-	6	9	-	-	6	42
	Penalty (Rs. crore)	356.46	-	0.37	0.65	-	-	0.37	357.85
2019-20	No. of Cases	7	-	2	1	1	-	5	16
	Penalty (Rs. crore)	449.20	-	0.15	0.50	-	-	1.04	450.89

**Notes:** In 2019-20, in a case, a penalty of Rs. 0.50 crore was imposed u/s 43A & 44. Cases have been reflected 01 each in column 43A and 44, however, the amount has been shown at one place, i.e. in the column 43A.

The details of penalties imposed and realised by the Commission during the year 2019-20 are given in Table D3.

**Table D3: Monetary Penalties Imposed and Realised by the Commission during 2019-20**

Sl. No.	Penalty imposed under Section	No. of Cases	Penalty Imposed (Rs. crore)	Penalty Realised as on March 31, 2020 (Rs. crore)
1	27	7	449.20	17.07
2	42	-	-	-
3	43	2	0.15	-
4	43A	1	0.50	0.50
5	44	1	-	-
6	45	-	-	-
7	48	5	1.04	0.32
	<b>Total</b>	<b>16</b>	<b>450.89</b>	<b>17.89</b>

**Note:** In 2019-20, in a case, a penalty of Rs. 0.50 crore was imposed u/s 43A & 44. Cases have been reflected 01 each in column 43A and 44, however, the amount has been shown at one place, i.e. in the column 43A.

Summary details and status of monetary penalties imposed as per orders of the Commission in 2019-20 are presented in Table D4.

**Table D4: Details of Orders passed in 2019-20 imposing Monetary Penalties**

Sl. No.	Date of Order	Case No.	Parties to the Case	Amount of Penalty (Rs. lakh)	Recovery Status as on 31 <sup>st</sup> March, 2020
<b>Under Section 27 of the Act</b>					
1	03/06/19	64/2014	Madhya Pradesh Chemists and Distributors Federation (MPCDF) vs Madhya Pradesh Chemists and Druggist Association (MPCDA) and Ors	7,423.84	Order stayed by National Company Law Appellate Tribunal.
2	20/06/19	61/2015	Shri Nadie Jauhri vs. Jalgoan District Medicine Dealers Association	0.80	Order stayed by National Company Law Appellate Tribunal.
3	02/08/19	12/2017	Nagrik Chetna Manch vs SAAR IT Resources Pvt. Ltd and Ors	270.00	Order stayed by National Company Law Appellate Tribunal.
4	09/08/19	99/2014	Naveen Kataria vs. Jaiprakash Associates Ltd.	1,382.00	Order stayed by National Company Law Appellate Tribunal.
5	09/08/19	<i>Suo Motu</i> 01/2014	In Re: Alleged cartelisation in supply of LPG Cylinders procured through tenders by Hindustan Petroleum Corporation Ltd. (HPCL)	3,974.88	Penalty was imposed on 51 parties. Penalty has been deposited by 01 party. 48 parties have obtained stay from Hon'ble National Company Law Appellate Tribunal. 02 parties have not yet deposited the penalty amount.

Sl. No.	Date of Order	Case No.	Parties to the Case	Amount of Penalty (Rs. lakh)	Recovery Status as on 31 <sup>st</sup> March, 2020
6	09/08/19	<i>Suo Motu</i> 07 (01)/2014	In Re: Cartelisation in the supply of Electric Power Steering Systems (EPS Systems)	1,707.31	The party has deposited the penalty.
7	16/03/20	62/2016	XYZ vs. Association of Man-Made Fibre Industry of India	30,161.00	Time of 60 days granted to deposit the penalty not yet over.
<b>Total</b>				<b>44,919.83</b>	
<b>Under Section 43 of the Act</b>					
1	18/02/20	9/2017 and 36/2017	TR Chandran vs. National Egg Co-ordination Committee (NECC)	15.00	Time of 60 days granted to deposit the penalty not yet over.
<b>Total</b>				<b>15.00</b>	
<b>Under Sections 43A and 44 of the Act</b>					
1	21/11/19	C-2017/11/ 536	Proceeding against CPPIB & ReNew Power Ltd.	50.00	The party has deposited the penalty.
<b>Total</b>				<b>50.00</b>	
<b>Under Section 48 of the Act</b>					
1	03/06/19	64/2014	Madhya Pradesh Chemists and Distributors Federation (MPCDF) vs Madhya Pradesh Chemists and Druggist Association (MPCDA) and Ors	18.17	Order stayed by National Company Law Appellate Tribunal.
2	20/06/19	61/2015	Shri Nadie Jauhri vs. Jalgoan District Medicine Dealers Association	3.41	Order stayed by National Company Law Appellate Tribunal.

Sl. No.	Date of Order	Case No.	Parties to the Case	Amount of Penalty (Rs. lakh)	Recovery Status as on 31 <sup>st</sup> March, 2020
3	02/08/19	12/2017	Nagrik Chetna Manch vs SAAR IT Resources Pvt. Ltd. and Ors	5.47	Penalty was imposed on 04 parties. 03 parties have obtained stay from Hon'ble National Company Law Appellate Tribunal. 01 party has not yet deposited the penalty amount.
4	09/08/19	<i>Suo Motu</i> 01 of 2014	In Re: Alleged cartelisation in supply of LPG Cylinders procured through tenders by Hindustan Petroleum Corporation Ltd. (HPCL)	45.34	Penalty was imposed on 59 parties. Penalty has been deposited by 02 party. 56 parties have obtained stay from Hon'ble National Company Law Appellate Tribunal. 01 party has not yet deposited the penalty amount.
5	09/08/19	<i>Suo Motu</i> 07 (01)/2014	In Re: Cartelisation in the supply of Electric Power Steering Systems (EPS Systems)	31.38	The parties have deposited the penalty.
<b>Total</b>				<b>103.77</b>	

## (ii) Matters referred to Chief Metropolitan Magistrate, New Delhi

Section 42(3) of the Act empowers the Commission to file a complaint with the Chief Metropolitan Magistrate, New Delhi if any person fails to comply with the orders or directions issued, or fails to pay the fine imposed. In such cases, (s)he is punishable with imprisonment for a term which may extend to three years or with fine which may extend to rupees twenty-five crore or with both as the Chief Metropolitan Magistrate may deem fit.



Statement of complaints filed with the Chief Metropolitan Magistrate, New Delhi and its disposal status is shown in Table D5.

**Table D5: Matters referred to Chief Metropolitan Magistrate, New Delhi**

Sl. No.	Complaints	Number
1	Complaints pending at the beginning of the year	30
2	Complaints made during the year	0
3	Total number of complaints	30
4	Complaints disposed of out of 1 above	1
5	Complaints disposed of out of 2 above	0
6	Complaints disposed of during the year	1
7	Complaints pending at the end of the year	29

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

Sl. No.	Cases in which LP imposed	Number of enterprises/ persons granted 100% reduction in penalty	Number of enterprises/ persons granted less than 100% reduction in penalty
1	<i>Suo Motu</i> Case No <b>07(01) of 2014</b> ; In Re: Cartelisation in the supply of Electric Power Steering Systems (EPS Systems) against NSK Limited, Japan and Ors	13 (01 Enterprise and 12 individuals)	08 (01 Enterprise and 07 individuals)

## E. Appeals

Any person aggrieved by any direction issued or decision made or order passed by the Commission under Sub-sections (2) and (6) of Section 26, Section 27, Section 28, Section 31, Section 32, Section 33, Section 38, Section 39, Section 43, Section 43A, Section 44, Section 45 or Section 46 of the Act may prefer an appeal to the NCLAT under Section 53B of the Act. A person aggrieved by an order of the NCLAT may prefer an appeal to the Hon'ble Supreme Court under section 53T of the Act.

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

The incidence of orders of the Commission being appealed against is presented in Table E1.

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

Year	No. of orders appealed against
2017-18	37
2018-19	46
2019-20	16

The disposal of appeals by the NCLAT over the years is presented in Table E2. It is observed that during 2019-20, the NCLAT has disposed of 28 appeals against 20 orders of the Commission till March 31, 2020.

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

Year	No. of Orders Passed by NCLAT		
	Disallowed (Upholding Commission's Orders)	Allowed (Setting Aside Commission's Orders)	Out of Appeals allowed remanded to the Commission
2017-18	23	2	0
2018-19	27	2	0
2019-20	17	2	1

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

Table E3 presents Section-wise details of disposal of appeals during 2019-20.

**Table E3: Section-wise disposal of appeals during 2019-20**

Orders passed u/s	No. of Appeals
Section 27	12
Section 26(2)	7
Section 26 (6)	0
Section 31(1)	2
Section 33	1
Section 43	0
Section 43A	1
Other Orders	5
<b>Total</b>	<b>28</b>

Details of disposal of appeals by the NCLAT during 2019-20 are presented in Table E4. The NCLAT allowed appeals in 2 cases and disallowed in 26 cases.

**Table E4: Receipt and Disposal of appeals by NCLAT in 2019-20**

Sl. No.	Description	Appeals
1	Opening Balance as on April 1, 2019	163
2	Added during 2019-20	106
3	Sub- Total (pending for disposal)	269
4	Disposal Status:	
	(i) Appeals Disallowed	26
	(ii) Appeals Allowed	2
5	Sub- Total (disposed)	28
6	Pending Appeals as on March 31, 2020	241

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

### **(a) Appeal No. 03/2017, M/s Eli Lilly and Company Vs. Competition Commission of India**

M/s Eli Lilly and Company entered into a Stock and Asset Purchase Agreement (SAPA) with Novartis AG on April 22, 2014 to acquire the global veterinary pharmaceuticals business of Novartis Animal Health India (NAH India). The acquisition of NAH India was handled separately, with a separate binding agreement called the Slump Sale Agreement dated December 03, 2014 between the Parties' Indian subsidiaries. However, the said acquisition was not notified to the Commission as required under Sub-section (2) of Section 6 of the Act. The Commission observed that Eli Lilly and Company had effected the said acquisition before giving notice to the Commission and thereby contravened the provisions of Sub-section (2) read with Sub-section (2A) of Section 6 of the Act. Taking *suo motu* cognizance of the matter in its meeting dated December 03, 2015, the Commission decided to initiate proceedings under Section 43A of the Act. The Commission, by its order dated July 14, 2016, imposed a penalty of Rs.1,00,00,000/- (Rupees One Crore) on Eli Lilly and Company for contravening the provisions of Section 6 of the Act.

Hon'ble NCLAT, in its judgement dated March 12, 2020, set aside the order of the Commission and allowed the appeal. The NCLAT observed that the Parties did not notify the Indian transaction to the Commission because it was covered by the then-applicable De Minimis Exemption to the filing requirements of the Act, as set forth in the Ministry of Corporate Affairs' Notification dated March 04, 2011 and corrigendum dated May 27, 2011. The Court held that the Commission has failed to appreciate that the Notification dated March 04, 2011 of the Ministry of Corporate Affairs was squarely applicable to the present transaction. Therefore, the Appellant is exempted from the provisions of Section 5 of the Act and was not required to notify in terms of Section 6(2) of the Act.

### **(b) Appeal No. 16/2019, All India Online Vendors Association Vs. Competition Commission of India & Ors.**

The Information was filed before the Commission by All India Online Vendors Association (AIOVA) against Flipkart India Pvt. Ltd. (Flipkart India) and Flipkart Internet Pvt. Ltd. (Flipkart Internet) alleging abuse of dominance under Section 4 of the Act by Flipkart Internet regarding the online sale of goods in India using discount mechanism and by leveraging its position to penetrate the market of manufacturing products through private labels. It was alleged that Flipkart India was giving preferential treatment to certain sellers by selling their

goods to companies owned by founders of Flipkart Internet, at a discounted price till 2012 and thereafter. These goods were sold on the platform operated by Flipkart Internet.

The Commission, *vide* order dated November 06, 2018 passed under Section 26(2) of the Act, closed the case by holding that Flipkart India was not dominant in the relevant market and thus there was no violation of competition law by Flipkart India and Flipkart Internet.

The NCLAT *vide* its judgement dated March 04, 2020 held that AIOVA successfully proved the existence of a *prima facie* case which required the Commission to direct the DG to cause an investigation to be made into the matter. Thus, the Order of the Commission was set aside and the matter was remitted back to the Commission to direct the DG to cause an investigation to be made into the matter, considering the information submitted by the Appellant and observations made by the NCLAT in the judgement.

## F. Matters received regarding Combination

The Act defines combination to mean the acquisition of one or more enterprises by one or more persons or merger or amalgamation of enterprises, whose value of asset or turnover meet the threshold specified under the Act. In terms of the provisions of the Act, no person or enterprise shall enter into a combination which causes or likely to cause an appreciable adverse effect on competition (AAEC) within the relevant market in India.

Parties proposing to enter into a combination shall give a notice of such combination in the prescribed form along with the requisite fees to the Commission under Section 6(2) of the Act to enable the Commission to assess the proposal from the perspective of competition analysis.

In case, the appreciable adverse effect can be addressed through suitable modifications, the Commission may accept and/or propose suitable modifications to the parties.

Under Section 20(1) of the Act, the Commission may, upon its own knowledge or on receiving information relating to a combination inquire into whether such combination has caused or is likely to cause an appreciable adverse effect on competition in India (*Suo motu cases*). Table F1 presents the details of notices received and disposed of during last three years.

**Table F1: Receipt and Disposal of Combination Notices**

		2017-18	2018-19	2019-20
<b>Notices</b>	Opening Balance	16	7	12
	Received	61	94	80
	<i>Suo Motu</i>	3	0	2
	<b>Total</b>	<b>80</b>	<b>101</b>	<b>94</b>
<b>Approved/ Disposed of by</b>	Without Modification	63	78	72
	With Modification	6	5	4
	Rejection	0	0	0
<b>Notices</b>	Invalid / Withdrawn	4	6	5
	Closing Balance	7	12	13
Average No. of working days for Disposal		23	18	18

**Note:** Figures have been recast to include modifications in the Phase-I also.

During 2019-20, the Commission received a total of 82 notices under Section 6(2) and 20(1) of the Act and 12 notices were carried forward from the previous year. Out of the 82 notices received, 72 were filed in Form-I (including 10 notices filed under 'Green Channel') and 10 were filed in Form-II. As on March 31, 2020, 13 notices were pending for assessment. Sector-wise break-up of the combination notices (along with their respective shares in total notices filed) is as follows: Finance and Markets (24%), Power and Power Generation (11%), Auto and Auto Components (8%), Information Technology and Services (6%), Mining and Metals (6%), Pharmaceuticals and Healthcare (4%), Food and Refined Oil (3%) and Miscellaneous (38%).

The Commission approved/disposed of/took final decisions on 81 notices during 2019-20. Details regarding the notices received and disposed of in 2019-20 are presented in Table F2.

**Table F2: Receipt and Disposal of Combination Notices in 2019-20**

Sl. No.	Particulars	Notices
1	Number of matters pending at the beginning of the year	12
2	Number of notices received during the year	82
3	Total number of notices under consideration at the end of the year	13
4	Number of combinations approved by the Commission**:	81*
	a) Approved in $\leq 30$ days	80
	b) Approved $31 \leq 60$ days	-
	c) Approved $61 \leq 120$ days	-
	d) Approved $121 \leq 210$ days	1
5	Number of combination notices ordered for enquiry	Nil
6	Number of combination notices not disposed of within 210 days, with brief reasons therefor, and combinations deemed to have been approved	Nil
7	Number of combinations not approved by the Commission with brief reasons therefor	Nil

**Notes:** \*05 combination notices were invalidated during the year 2019-20 which were either filed during 2019-20 or 2018-19.

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

## **G. References by Central Government/ State Governments**

The State intervenes in the market either by enacting legislations to prescribe rules of the game or by formulating policies relating to trade, commerce, industry, business, investment, disinvestment, taxation, IPR, procurement, etc. These interventions usually strengthen the invisible hands of the market and seek to promote competition. However, despite best intentions and exercise of the best skills, care and due diligence, some interventions by the State may inadvertently restrict the ability of economic agents to effectively compete in the market place.

Section 49 of the Act enables the Central Government and as well as State Governments, while formulating a policy on competition, including review of laws related to competition, or any other matter, to make a reference to the Commission for its opinion on the possible effect of such policy on competition. On receipt of such a reference, the Commission shall, within sixty days of making such reference, give its opinion to the Central Government, or the State Government, as the case may be.

Under Section 54 of the Act, the Central Government may, by notification, exempt (a) any class of enterprises if such exemption is necessary in the interest of security of the State or public interest; (b) any practice or agreement arising out of and in accordance with any obligation assumed by India under any treaty, agreement or convention with any other country or countries; (c) any enterprise which performs a sovereign function on behalf of the Central Government or a State Government, from the application of the Act, or any provision thereof, and for such period as it may specify in such notification.

In terms of Section 55 of the Act, the Commission shall, in exercise of its powers or the performance of its functions under the Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time.

### **(i) References received from Central Government/ State Governments under Section 49(1) of the Act**

No such reference was received from the Central Government/ State Governments during 2019-20.



**Table G1: References received from Central Government**

Sl. No.	Description	Number		
		2017-18	2018-19	2019-20
(i)	Number of references pending at the beginning of the year	-	-	-
(ii)	Number of references received during the year	-	-	-
(iii)	Total	-	-	-
(iv)	Number of references disposed of out of (i)	-	-	-
(v)	Number of references disposed of out of (ii)	-	-	-
(vi)	Total number of references disposed of during the year	-	-	-
(vii)	Number of references pending at the end of the year	-	-	-
(viii)	Brief write up on opinions of the Commission accepted or not by the Central Government	NA	NA	NA

**Table G2: References received from State Governments**

Sl. No.	Description	Number		
		2017-18	2018-19	2019-20
(i)	Number of references pending at the beginning of the year	-	-	-
(ii)	Number of references received during the year	-	-	-
(iii)	Total	-	-	-
(iv)	Number of references disposed of out of (i)	-	-	-
(v)	Number of references disposed of out of (ii)	-	-	-
(vi)	Total number of references disposed of during the year	-	-	-
(vii)	Number of references pending at the end of the year	-	-	-
(viii)	Brief write up on opinions of the Commission accepted or not by the State Government	NA	NA	NA

**(ii) Notifications of Central Government under Section 54 of the Act**

*Vide* notification dated March 11, 2020, the Central Government exempted a banking company in respect of which the Central Government has issued a notification under Section 45 of the Banking Regulation Act, 1949 (10 of 49), from the application of the provisions of Sections 5 and 6 of the Act, in public interest for a period of five years.

**(iii) Directions issued by the Central Government under Section 55 of the Act**

During the year 2019-20, no such direction was issued by the Central Government.

## H. References from and to Statutory Authorities

It is possible that a sectoral regulator, while pursuing an objective, such as, investor protection or systemic risk comes up with a measure or a decision which may have competition concerns. Similarly, the Commission, while promoting competition in markets, may come up with a measure or decision which may have concerns relating to systemic risk or investor protection. A measure or a decision may not always promote the objectives of the sectoral regulator and the Commission simultaneously. In recognition of this, the Act provides for mutual consultation. Where in the course of a proceeding before any statutory authority, an issue is raised by any party that any decision which such statutory authority has taken or proposes to take is or could be contrary to any of the provisions of the Act, then such statutory authority may make a reference in respect of such issue to the Commission. It may also make a reference on its own. On receipt of such a reference under Section 21 of the Act, the Commission is obliged to give its opinion, within sixty days of receipt of such reference, to such statutory authority which shall consider the opinion of the Commission. Section 21A of the Act also provides for similar reference from the Commission to any statutory authority.

During 2019-20, no reference was received under Section 21 by the Commission and there was no reference pending at the beginning of 2019-20.

**Table H1: References received from Statutory Authorities**

Sl. No.	Description	Number		
		2017-18	2018-19	2019-20
(i)	Number of references pending at the beginning of the year	-	-	-
(ii)	Number of references received during the year	-	-	-
(iii)	Total	-	-	-
(iv)	Number of references disposed of out of (i)	-	-	-
(v)	Number of references disposed of out of (ii)	-	-	-
(vi)	Total number of references disposed of during the year	-	-	-
(vii)	Number of references pending at the end of the year	-	-	-

During 2019-20, the Commission made two references under Section 21A of the Act, one each to the Telecom Regulatory Authority of India and the Insurance Regulatory and Development Authority of India.

**Table H2: References made to Statutory Authorities**

Sl. No.	Description	Number		
		2017-18	2018-19	2019-20
(i)	Number of references pending at the beginning of the year	-	-	-
(ii)	Number of references made during the year	-	-	2
(iii)	Total	-	-	2
(iv)	Number of references disposed of out of (i)	-	-	-
(v)	Number of references disposed of out of (ii)	-	-	2
(vi)	Total number of references disposed of during the year	-	-	2
(vii)	Number of references pending at the end of the year	-	-	-

# I. Competition Advocacy

Under Section 49 of the Act, it is the mandate of the Commission to take suitable measures for the promotion of competition advocacy, creating awareness and imparting training about competition issues. Competition advocacy creates a long-term impact among stakeholders and supplements the enforcement of the law by the Commission. The long-term aim of competition advocacy is to create a culture of competition in the economy so that its effects get percolated down to grassroots of society and the benefits of competition can be reaped by the consumers.

For the purpose of competition advocacy, the Commission has been reaching out to stakeholders such as the Central and State Governments, the industries and their trade associations, chambers of commerce, legal community, academia and professional bodies, among others, through workshops, seminars and capacity building initiatives on regular basis (see Table I2 for details). The officers of the Commission have meaningfully engaged themselves in such advocacy programs. Apart from creating general awareness about the competition law, these stakeholders are also sensitised about the competition issues in their respective domain. In case of advocacy with governments, importance is given to competition issues in public procurement and the need for competition assessment of legislations. Advocacy programs with the industry, trade associations and professional bodies are focused to sensitise them about compliance aspects of the competition law. The stakeholders are also provided with various kinds of advocacy material so that they can acquaint themselves on various aspects of the competition law. A snap-shot of advocacy initiatives during the last three years is given in Table I1.

**Table I1: Advocacy Initiatives**

Year	Number of				
	Advocacy Programs (#)	Interns (\$)	No. of Issues of Fair Play (^)	Annual Day (~)	Advocacy Booklets (*)
2017-18	104	89	4	1	All the Booklets (1-9) were printed in Hindi.
2018-19	123	85	4	1	Advocacy Booklets published in Telugu.
2019-20	105	119	4	-	Advocacy Booklets were published in Marathi and Bengali.

**Notes:** (#) Programs conducted with various stakeholders for training and awareness about the Competition Law.

(\$) The Commission offers Internship, on calendar month basis, to students pursuing prescribed courses. Guidelines and format of internship are available at CCI webpage.

(^) 'Fair Play' is the quarterly Newsletter of the Commission.

(~) The Commission celebrates 20th May as its Annual Day every year.

(\*) Booklets published, for benefits of various stakeholders, on various aspects of Competition Law, viz. Cartels, Bid-Rigging, Abuse of Dominance, Combinations, Competition Compliance Program, How to File Information, Leniency Program, Public Procurement and FAQs.

**(i) Moot Courts, Workshops, Seminar and other interactions with public/experts/policymakers/regulatory bodies on Competition Advocacy and for creating awareness on competition issues**

**Table I2: Workshops, seminars and other interactions with public/experts/policymakers/regulatory bodies in 2019-20**

Sl. No.	Brief Description of the Event	Approximate Number of Participants	Date	Brief intent and the purpose
1	Awareness program on 'Competition Law' organised by Tezpur Law College, Tezpur, Assam	55	05.04.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
2	Lecture on 'Competition Law' at the 17 <sup>th</sup> SAFIR (South Asia Forum for Infrastructure Regulation) Core Course: Infrastructure Regulation Training Program for Regulatory Officers organised by IICA, Manesar	40	06.04.2019	To disseminate information & to create awareness about competition Law for participants/officers at Training program
3	Member of the Commission was a distinguished panelist at the 17 <sup>th</sup> SAFIR Core Course: Infrastructure Regulation Training Program for Regulatory Officers organised by IICA, Manesar	40	08.04.2019	To disseminate information & to create awareness about competition Law for participants/officers at Training program
4	Lecture on 'Competition Law' at JEMTEC School of Law, Greater NOIDA (UP)	50	15.04.2019	To disseminate information & to create awareness about competition Law For students and faculty of the college

<b>Sl. No.</b>	<b>Brief Description of the Event</b>	<b>Approximate Number of Participants</b>	<b>Date</b>	<b>Brief intent and the purpose</b>
5	Lecture on 'Competition Law' at Gita School of Law, Panipat (Haryana)	45	16.04.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
6	Session on 'Fundamentals of Economics for Competition Law' at Training Course conducted by IICA, at IIC Delhi	35	24.04.2019	To disseminate information & to create awareness about competition Law for participants officers at Training program
7	Half-day workshop on 'Policy and Practice of Merger Control in India' organised by IFIM School of Law, Bengaluru	50	26.04.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
8	Secretary, CCI delivered inaugural address at the Conference on Merger & Acquisitions organised by Delhi Metropolitan Education (IP University), NOIDA	60	27.04.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
9	Talk on 'Competition Law' during a brain storming meeting on 'Power Economics and Regulatory Courses' organised by IIT Roorkee at Greater NOIDA	45	03.05.2019	To disseminate information & to create awareness about competition Law for students and faculty of IIT Roorkee
10	Lecture on 'Competition Law & Emerging Trends' organised by Pendekanti Law College, Hyderabad	40	10.05.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
11	Online Lecture through skype on 'Mergers Review in India' for NLS Bangalore	25	17.05.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
12	Annual Day Lecture by Shri N.K. Singh, Chairperson, 15th Finance Commission	155	20.05.2019	To disseminate information & to create awareness about competition Law for members and Officers of CCI

<b>Sl. No.</b>	<b>Brief Description of the Event</b>	<b>Approximate Number of Participants</b>	<b>Date</b>	<b>Brief intent and the purpose</b>
13	Session on 'Competition Law' during Summer School - Consumer and Competition law organised by Cochin University of Science & Technology (CUSAT) and School of Legal Studies	65	14.06.2019	To disseminate information & to create awareness about competition Law for students and faculty of the university
14	Distinguished lecture by a Member of the Commission on 'IPRs and Competition Dimensions' organised by Cochin University of Science & Technology (CUSAT) and School of Legal Studies	50	21.06.2019	To disseminate information & to create awareness about competition Law for students and faculty of the university
15	Lecture on 'Implementation of Competition Law in India - journey so far' organised by IIM Ahmedabad during their Speaker Series Session of PGPX Program	35	21.06.2019	To disseminate information & to create awareness about competition Law for students and faculty of the institute
16	Lecture on 'Implementation of Competition Law in India - journey so far' organised by Christ University, Bengaluru	270	27.06.2019	To disseminate information & to create awareness about competition Law for students and faculty of the university
17	Lecture on 'Merger & Acquisition' organised by IIM Lucknow at NOIDA Centre	35	27.06.2019	To disseminate information & to create awareness about competition Law for students and faculty of IIM Lucknow
18	Discussion on 'Procedure for filing information before CCI and appeals to NCLAT' organised by IICA at Delhi	35	28.06.2019	To disseminate information & to create awareness about competition Law for participants/officers and students at training program
19	Lecture on 'Competition Law' during Practitioner Speak Series organised by Ambedkar University, Delhi	40	18.07.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college



<b>Sl. No.</b>	<b>Brief Description of the Event</b>	<b>Approximate Number of Participants</b>	<b>Date</b>	<b>Brief intent and the purpose</b>
20	Session on 'Interface of Competition Act and IBC 2016' organised by IICA, Manesar	50	25.07.2019	To disseminate information & to create awareness about competition Law for trainees at the Institute
21	Lecture on 'Competition Issues in Pharma and Medical Sector' organised by Aligarh Muslim University, Aligarh(UP)	55	17.08.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
22	Meeting with Regional Representatives of Western Regional Council (WRC) of CII held at Ahmedabad	20	28.08.2019	To disseminate information & to create awareness about competition Law for Regional Representatives of WRC, CII
23	Lecture on 'Competition Law' organised by ICAI, Jaipur	35	30.08.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
24	Lecture on 'Competition Law' at JIMS Institute of Management(IP University), NOIDA	70	23.09.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
25	Panel Discussion during CII Summit on 'M&A and Restructuring' at Mumbai	60	26.09.2019	To disseminate information & to create awareness about competition Law for representatives of various stakeholder organisations
26	Panel Discussion during NASSCOM session on 'Competition & Fairness in the digital economy' during Indian Data Leadership Summit held at NOIDA	65	27.09.2019	To disseminate information & to create awareness about competition Law for delegates from NASSCOM
27	Panel Discussion during Tech Law Conclave- 'Blockchain & Legal Implications' organised by Pravin Gandhi Law College, Mumbai	40	27.09.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
28	Lecture on 'Understanding recent changes in merger control regime in India' organised by IICA at Delhi	30	27.09.2019	To disseminate information & to create awareness about competition Law for trainees of the institute



<b>Sl. No.</b>	<b>Brief Description of the Event</b>	<b>Approximate Number of Participants</b>	<b>Date</b>	<b>Brief intent and the purpose</b>
29	Workshop on 'Competition Law in India and Consumer Welfare', at KKC Institute of PG Studies, Chittoor	43	27.09.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
30	Lecture on 'Competition Law & E. Commerce' at Vivekananda Institute of Professional Studies (IP University), Delhi	50	30.09.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
31	Lecture on 'Competition Law' organised at SASTRA University, Thanjavur(TN)	55	09.10.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
32	Session on 'Regulating the Gig Economy' during Indian School of Business (ISB)'s Annual Workshop on 'Digital Transformation' organised by ISB at its Hyderabad Campus	70-100	11.10.2019	To disseminate information & to create awareness about competition Law for students and faculty of the institute, industry professionals, etc.
33	Moot Court on 'Competition Law' organised by NIRMA University, Ahmedabad	75	11- 13.10.19	To disseminate information & to create awareness about competition Law for students and faculty of the college
34	Lecture on 'Competition Law' organised by UILS Chandigarh University during their program 'VAKTAVYA'	50	12.10.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
35	Lecture on 'Competition Law' at Bennett University, Greater NOIDA(UP)	45	15.10.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
36	Lecture on Competition Law at National Academy of Audit & Accounts (NAAA), Shimla	25	17.10.2019	To disseminate information & to create awareness about competition Law for trainees/ officers from various Govt. Departments

<b>Sl. No.</b>	<b>Brief Description of the Event</b>	<b>Approximate Number of Participants</b>	<b>Date</b>	<b>Brief intent and the purpose</b>
37	Moot Court Competition on 'Competition Law' organised by Hidayatullah National Law University(HNLU) Raipur, Chhattisgarh	65	18-20.10.2019	To disseminate information & to create awareness about competition Law for students of participant colleges and faculty thereof
38	Lecture on 'Competition Law' organised by Chhotu Ram Institute of Law, Rohtak	45	18.10.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
39	Panel Discussion on 'Competition Law' organised by National University of Advanced Legal Studies, Kochi (Kerala)	25	26.10.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
40	Lecture on 'Competition Law' organised by Bennett University, Greater NOIDA(UP)	35	05.11.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
41	Seminar on 'Competition Law' organised by Baba Mastnath University, Rohtak	55	09.11.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
42	Lecture on 'Competition Law' organised by Kanoria PG Mahila Mahavidyalaya, Jaipur	35	15.11.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
43	Workshop on 'Competition Law' organised by KIIT Law School Bhubaneswar	20	15.11.2019	To disseminate information & to create awareness about competition Law for representatives of various stakeholder organisations
44	CCI Roadshow at Mumbai	350	30.11.2019	To disseminate information & to create awareness about competition Law for representatives of Industry, Government Functionaries and Academia

<b>Sl. No.</b>	<b>Brief Description of the Event</b>	<b>Approximate Number of Participants</b>	<b>Date</b>	<b>Brief intent and the purpose</b>
45	Lecture on 'Competition Law' at Workshop on Competition Law at NLU, Mumbai	65	05.12.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
46	Lecture on 'Merger Control' at National Law School of India University (NLSIU), Bangalore	40-50	12.12.2019	To disseminate information & to create awareness about competition Law for students and faculty of the institute
47	Lecture on 'Contemporary Issues in Competition Law' at NUJS, Kolkata	50	13.12.2019	To disseminate information & to create awareness about competition Law for representatives of various stakeholder organisations
48	Lecture on 'Competition Law in India' at Gitarattan International Business School (IP University), Rohini, New Delhi	45	13.12.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
49	Lecture on 'Competition Law' organised for UG & PG Economics students of Sidho-Kanho-Birsha University, Purulia (WB)	55	20.12.2019	To disseminate information & to create awareness about competition Law for students and faculty of the college
50	Lecture on 'Competition Law' during training on 'Financial Management including Commercial Accounting, Costing & Marketing' at National Academy of Defence Production (NADP), Nagpur	35	20.12.2019	To disseminate information & to create awareness about competition Law for Trainees/Officers at NADP
51	Lecture on 'Competition Law' organised by Indian Institute of Materials Management (IIMM), Mumbai	40	10.01.2020	To disseminate information & to create awareness about competition Law for trainee officers from various Govt. Department
52	Chairperson, CCI was guest speaker at 'The Clash of Titans-Conference on Competition Law and Intellectual Property Rights' organised by PHD Chamber of Commerce, Delhi	55	11.01.2020	To disseminate information & to create awareness about competition Law for Representatives of Industry, Government and Academia

<b>Sl. No.</b>	<b>Brief Description of the Event</b>	<b>Approximate Number of Participants</b>	<b>Date</b>	<b>Brief intent and the purpose</b>
53	Lecture on Competition Law organised at Mahindra & Mahindra, Delhi	40	17.01.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
54	Lecture on Competition Law at IPEM Law Academy, Ghaziabad	45	31.01.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
55	Lecture on 'CCI- Experience of a Decade' at University School of Law & Legal Studies, GGSIP University, Delhi	60	03.02.2020	To disseminate information & to create awareness about competition Law for representatives of various stakeholder organisations
56	Lecture on 'Competition Law' at Geeta Institute of Law, Panipat (Haryana)	45	03.02.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
57	Panel discussion on 'New Age Competition & Regulatory Challenges and Way Forward' organised by CUTS International, Delhi	50	05.02.2020	To disseminate information & to create awareness about competition Law for representatives of various stakeholder organisations
58	Lecture on 'Competition Law' at National Conference on 'Latest trends in Corporate Law' organised by Amity School of Law, Gurgaon.	60	05.02.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
59	Lecture on 'Competition Law and Intellectual Property in the Age of Platforms and New Technology' at VIT School of Law, Vellore	45	07.02.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
60	Panel Discussion on 'Competition Law' organised by VIT School of Law, Vellore	30	07.02.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
61	Moot Court Semi Finals organised by Damodaram Sanjivayya National Law University (DSNLU) at Vishakhapatnam	40	14- 16.02.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college

<b>Sl. No.</b>	<b>Brief Description of the Event</b>	<b>Approximate Number of Participants</b>	<b>Date</b>	<b>Brief intent and the purpose</b>
62	Panel Discussion on 'Competition Law' organised by Damodaram Sanjivayya National Law University (DSNLU) at Vishakhapatnam	35	14- 16.02.2020	To disseminate information & to create awareness about competition Law for students, faculty and panellists of the college
63	Moot Court Finals organised by Damodaram Sanjivayya National Law University (DSNLU) at Vishakhapatnam	30	14- 16.02.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
64	Lecture on 'Competition Law Enforcement: Challenges and Issues' organised by Rajiv Gandhi National School of Law, Patiala	50	18.02.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
65	Lecture on 'Competition Law' at Sharda University, Greater NOIDA	35	21.02.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
66	Moot Court (semi-finals) on 'Competition Law' at WB National University of Juridical Sciences (NUJS), Kolkata	60	21- 23.02.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
67	Moot Court (finals) on 'Competition Law' at WB National University of Juridical Sciences (NUJS), Kolkata	45	21- 23.02.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
68	CCI-NLU Odisha Workshop on 'Competition Law' at Bhubaneshwar	55	22.02.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
69	Lecture on Competition Law at Gitarattan Institute of Professional Studies, Delhi	45	24.02.2020	To disseminate information & to create awareness about competition Law for representatives of various stakeholder organisations

Sl. No.	Brief Description of the Event	Approximate Number of Participants	Date	Brief intent and the purpose
70	Advocacy programme on 'Spectrum of Competition Law & Social Justice' organised by Amity University, NOIDA	50	27.02.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
71	Lecture on 'Competition Law' organised by Kautilya Foundation, Delhi	65	28.02.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
72	Lecture on 'Competition Law 2.0-Way Forward' organised by ICFAI, Hyderabad	55	28.02.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
73	Panel Discussion on 'Competition Law' organised by ICFAI, Hyderabad	40	29.02.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
74	Webinar on "Merger Review-Legislation & Procedure" with NUJS Kolkata	45	04.03.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
75	Webinar on "Merger Review-Aspects of Control, Gun-Jumping and Green Channel" with NUJS Kolkata	50	05.03.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
76	Webinar on 'Merger Review-Aspects of Control, Gun-Jumping and Green Channel' with NUJS Kolkata	50	05.03.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
77	Webinar on 'Merger Review-Case Studies' with NUJS Kolkata	50	05.03.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
78	Moot Court on 'Competition Law' organised by Tamil Nadu NLU, Tiruchirappalli (TN)	60	06- 08.03.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
79	Advocacy Programme on 'Merger & Acquisitions' organised by Amity University, Delhi	40	12.03.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college
80	Moot Court on 'Competition Law' organised by NLU Jodhpur (Rajasthan)	60	13-15.03.2020	To disseminate information & to create awareness about competition Law for students and faculty of the college



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

**Table I3: Capacity Building of Stakeholders**

<b>Sl. No.</b>	<b>Subject matter of the training program</b>	<b>Approximate Number of participants</b>	<b>Dates during which held</b>	<b>Brief intent and the purpose</b>
1	Lecture on 'Competition Law' organised by NIFM, Faridabad (Haryana)	35	05.07.2019	Capacity building of trainee officers from various Govt. Departments
2	Two-day Orientation Program for IAS Officers (Batch 2017) posted as Assistant Secretaries in the MCA on Central Deputation.	2	11-12.07.2019	Overview of Function & Structure of CCI, Rules and Regulations of CCI, Salient features of Competition Act, interaction with various divisions of CCI, discussion of major antitrust and combination cases handled by CCI, role and functions of O/o DG, CCI, visit to Library, etc.
3	Session on 'Competition Law and Role of CCI' organised by Orissa Judicial Academy, Cuttack (Odisha)	25	17.07.2019	Capacity building of Judges and trainee judicial officers
4	Lecture on 'Competition Law' organised by M.P. Judicial Academy, Bhopal (M.P.)	25	07.08.2019	Capacity building of Judges and trainee judicial officers
5	Half-day Workshop organised by Kerala Judicial Academy, Angamaly (Kerala)	17	09.08.2019	Capacity building of Judges and trainee judicial officers
6	Lecture on 'Competition Law' organised by Assam Judicial Academy, Dispur (Assam)	25	06.09.2019	Capacity building of Judges and trainee judicial officers
7	Lecture on 'Competition Law' at Defence Scientific Information and Documentation Centre (DESIDOC), DRDO at New Delhi	40	11.09.2019	Capacity building of officers of DESIDOC
8	Lecture on 'Competition Law' at National Academy of Customs Indirect Taxes and Narcotic (NACIN), Faridabad (Haryana)	25	17.09.2019	Capacity building of trainee officers of NACIN

Sl. No.	Subject matter of the training program	Approximate Number of participants	Dates during which held	Brief intent and the purpose
9	One-day Attachment Program with CCI & O/o DG, CCI for Indian Corporate Law Services (ICLS) Officer Trainees (9th batch, group-1)	4	19.09.2019	Overview of CCI and Competition Law, interaction with all the divisions of CCI, understanding their role in working of CCI, discussion of major antitrust, <i>suo motu</i> and combination cases settled by CCI, role and functions of O/o DG, CCI, visit to Library, etc.
10	One-day Attachment Program with CCI & O/o DG, CCI for Indian Corporate Law Services (ICLS) Officer Trainees (9th batch, group-2)	5	17.10.2019	Overview of CCI and Competition Law, interaction with all the divisions of CCI, understanding their role in working of CCI, discussion of major antitrust, <i>Suo motu</i> and combination cases settled by CCI, role and functions of O/o DG, CCI, visit to Library, etc.
11	Lecture on Competition Law and Public Procurement at NIFM Faridabad (Haryana)	35	25.10.2019	Trainees /officers from various Govt. Department
12	Lecture on 'Law relating to Motor Accident Claims & Competition Law' organised by H.P. Judicial Academy, Shimla (Himachal Pradesh)	30	09.11.2019	Capacity building of Judges and trainee judicial officers
13	Lecture on 'Competition Law and Public Procurement' at NIFM Faridabad (Haryana)	45	16.01.2020	Capacity building of trainee officers
14	Lecture on 'Competition Law and Public Procurement' at NIFM Faridabad (Haryana)	40	17.01.2020	Capacity building of trainee officers
15	Training Program on 'Advocacy for State Nodal Officers' at CCI Office, New Delhi	25	31.01.2020	Capacity building of state nodal officers



<b>Sl. No.</b>	<b>Subject matter of the training program</b>	<b>Approximate Number of participants</b>	<b>Dates during which held</b>	<b>Brief intent and the purpose</b>
16	Advocacy Program under Resource Persons Scheme of CCI at o/o DGP Hyderabad (Telangana)	15	05.02.2020	Capacity building of Resource Persons
17	Competition Advocacy Program by appointed Resource Persons at Police Housing Corporation, Hyderabad (Telangana)	20	12.02.2020	Capacity building of officers of Police Housing Corporation, Hyderabad.
18	Training Program on Advocacy for State Resource Persons at CCI Office New Delhi	35	14.02.2020	Capacity building of state Resource Persons
19	Advocacy program by State Resource Persons at Commissionerate of Industries, Hyderabad (Telangana)	20	20.02.2020	Capacity building of state officers
20	Lecture on 'Competition Law' at NIFM, Faridabad (Haryana)	35	25.02.2020	Capacity building of trainee officers from various Govt. Departments
21	Advocacy program under Resource Persons Scheme with Heads of various Departments, Orissa Govt., Bhubaneswar	20	27.02.2020	Capacity building of state govt. officers
22	Advocacy program under Resource Persons Scheme with Police Housing Corp., Assam, Guwahati (Assam)	25	29.02.2020	Capacity building of state govt. officers
23	Advocacy program under Resource Persons Scheme with Advocacy program under Resource Persons Scheme with Nalagarh Development Authority at Baddi, Himachal Pradesh	20	29.02.2020	Capacity building of state govt. officers
24	Advocacy program under Resource Persons Scheme with various Government functionaries at Puducherry	25	13.03.2020	Capacity building of state govt. officers
25	Lecture on 'Competition Law' at NIFM, Faridabad (Haryana)	45	19.03.2020	Capacity Building of Trainee Officers from various Govt. Departments

**(iii) Papers and studies published for competition advocacy and for creating awareness of competition issues**

- (a) To enhance awareness in various regions of country, Advocacy Booklets were published in Marathi and Bengali languages.
- (b) 'Diagnostic Toolkit for Public Procurement Officers' was published. The Toolkit has been prepared to train the officials handling public procurement at various government departments, PSUs, etc.
- (c) 'Competition Law Module for Administrative and Judicial Training Academies' has been designed to train and impart training about Competition Law to the Trainee Officers of the Judiciary and Administration so that they could implement the spirit of the Competition Law in the discharge of their respective duties.

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

- (a) The Commission conducted a market study on E-commerce in India during 2019-20. The purpose of the study was to better understand the functioning of e-commerce in India and its implications for markets and competition. The study was a combination of secondary research, questionnaire survey, focused group discussions, one-on-one meetings and a multi-stakeholder workshop.  
Key findings and observations of the study were released on the CCI website in January 2020.
- (b) Commission has undertaken competition study of Telecom Sector which is under progress.
- (c) Competition assessment exercise of various legislations is underway with the help of 17 empaneled institutions.

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

The Commission prepared a Draft Consultation Paper on "Competition & Block Chain" - the same is under review.

**(vi) Analytical papers prepared and examined**

A chapter on "Competition Law Enforcement in Digital Markets – Emerging Issues and Evolving Responses in India" was prepared for Competition Policy International's book on Digital Economy.

## **(vii) Other Initiatives**

- (a) The Commission organised the fifth edition of 'National Conference on Economics of Competition Law' on March 6, 2020 at New Delhi. Dr. Bibek Debroy, Chairman, Economic Advisory Council to the Prime Minister delivered the Keynote Address. More than 150 participants including economists, legal experts, senior officers from the Government and experts from institutes of national and international eminence were actively involved in the deliberations and made valuable contributions.
- (b) The Commission organised a function with a theme 'Ten Years of Competition Law Enforcement' on August 23, 2019 at DRDO Auditorium, New Delhi. The function was graced by Smt. Nirmala Sitharaman, Hon'ble Minister of Finance and Corporate Affairs and Shri Anurag Thakur, Hon'ble Minister of State for Finance and Corporate Affairs. The event was attended by a wide spectrum of stakeholders comprising government functionaries, industry, legal fraternity, academia and professional bodies.
- (c) The Commission organised a workshop on 'E-commerce: Changing Competition Landscape in India' on August 30, 2019 at New Delhi. The day long workshop was a part of CCI's market study on e-commerce. Dr. Rajiv Kumar, Vice Chairman, NITI Aayog, Government of India was the Keynote Speaker at the Conference. More than 200 participants including stakeholders, economists, legal experts, senior officers from the Government, representatives of related industry and trade associations and professionals from hospitality sector were actively involved in the deliberations and made valuable contributions.
- (d) To promote the implementation of the competition law among the States, the Commission launched State Resource Persons' Scheme (SRPS). Under the Scheme, 7 Resource Persons have been appointed in consultation with the State Governments to facilitate competition advocacy in State government departments and PSUs. In addition, Nodal Officers have been appointed in 17 states.
- (e) Four editions of Commission's quarterly newsletter 'Fair Play' were published, distributed among various stakeholders, and uploaded on the website of the Commission.

- (f) To enhance the visibility of the Commission and to interact directly with various stakeholders, a Road Show on Competition Law was organised in Mumbai in association with CII.
- (g) Students being important stakeholders are offered internship by the Commission on calendar month basis. During the year 2019-20,119 students from the prescribed stream of Law, Economics, Finance, Management and Professional Courses interned with CCI.
- (h) Social Media: Commission's LinkedIn Page has been subscribed by 5000 followers. There are nearly 7000 followers on Commission's Twitter handle.
- (i) A video in English and Hindi languages on "Ten Year Journey of Competition Commission of India" was prepared.
- (j) 'Diagnostic Toolkit for Public Procurement Officers' and Competition Law Module for Administrative and Judicial Training Academies were published.
- (k) Advocacy Booklets were translated in Bengali and Marathi and published.
- (l) 17 Institutions were empanelled and allocated 17 legislations/ sectors to carry out competition assessment of legislations.

## J. Administration and Establishment

### (i) Report of the Secretary

#### Introduction

The Commission along with its investigation arm, i.e. the DG had a combined sanctioned strength of 197. This included 124 posts of professionals from Economics, Finance and Law (including one post of Secretary and one post of DG) and 73 posts of support staff. Out of the total 124 posts of professionals, 91 posts were earmarked for the Commission and 33 posts are earmarked for DG office. Among the posts for support staff, 65 posts are earmarked for the Commission and 8 posts are for DG office.

As a result of the limited restructuring of the Professional Staff cadre of the Commission, the revised strength of the professional staff of the Commission is currently 89 and the overall revised staff strength of the Commission and DG office is 195. As per the Recruitment Rules, the posts in the Commission are required to be filled up by direct recruitment, deputation, absorption and promotion. The break-up of sanctioned posts is, as under:

Category	Sanctioned Strength		Total
	Commission	DG's Office	
Secretary	1	-	1
Director General	-	1	1
Professionals	88	32	120
Support Staff	65	8	73
<b>Total</b>	<b>154</b>	<b>41</b>	<b>195</b>

#### Filling of Posts by Deputation

Applications are 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 the vacant posts of professionals from the level of Deputy Director to Adviser and of support staff from the level of Office Manager to Joint Director. The number of posts filled on deputation basis as on March 31, 2020 is 36. This includes 19 officers, who have opted for permanent absorption later. As per the Recruitment Rules notified by the

Government, all posts in the DG office are to be filled up by deputation. Accordingly, 19 posts (13 professionals and 06 support staff) have been filled up by deputation as on March 31, 2020 in the DG office. The process to fill the remaining vacant posts is in progress.

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

Six rounds of Direct Recruitment (DR) in the Commission have been completed so far. The number of officers selected and appointed thereafter during each round is as under:

DR Rounds	No. of officers selected	
	Professional Staff	Support Staff
First	18	8
Second	5	-
Third	1	2
Fourth	20	1
Fifth	4	5
Sixth	12	8

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

As per the Act, the Commission consists of one Chairperson and not less than two and not more than six other Members. The Commission as on March 31, 2020 comprises one Chairperson and two Members as given in Table J1.

During the year 2019-20,

- a) Shri Bhagwant Singh Bishnoi joined the Commission as Member on July 17, 2019.
- b) Shri U.C. Nahta demitted the office of the Member of the Commission on August 11, 2019, on completion of his tenure.

**Table J1: Composition of the Commission as on March 31, 2020**

Sl. No.	Name	Position	Date of Joining
1	Shri Ashok Kumar Gupta	Chairperson	Nov 12, 2018
2	Dr. Sangeeta Verma	Member	Dec 24, 2018
3	Shri Bhagwant Singh Bishnoi	Member	July 17, 2019

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

During the year, the Commission held 114 ordinary meetings to discuss and take a view on information received through various sources and hear parties on the various issues raised on the investigation reports submitted by the DG. These meetings have helped the Commission in issuing orders in 93 matters under Sections 26(2), 26(6) & 27 of the Act and under miscellaneous/ other categories (both *prima facie* and final) during the year. It also held 17 special meetings during the year to discuss important issues with regard to its functioning, administration and other issues.

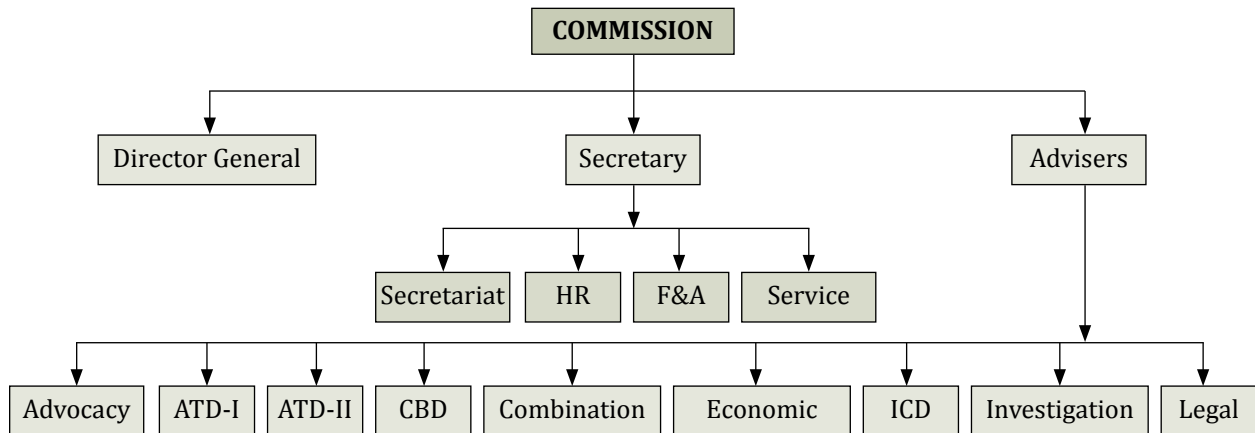
### **(iv) Organisational structure**

The work of the Commission as on March 31, 2020 was organised into ten functional Divisions, in addition to Secretariat, as presented in Table J2.

**Table J2: Organisation Structure of the Commission**

<b>Sl. No.</b>	<b>Name of the Division</b>
1	Secretariat
2	Administration & Coordination
3	Advocacy
4	AntiTrust -I
5	AntiTrust -II
6	Combination
7	HR & Capacity Building
8	Economic
9	International Cooperation
10	Investigation
11	Legal

## Organogram



### (v) Personnel in the Commission

The details of personnel at various levels in the Commission as on March 31, 2020 along with vacancy is presented in Table J3.

**Table J3: Incumbency Position in the Commission**

Sl. No.	Designation	No. of Sanctioned Posts	No. of posts filled up	No. of Vacant Positions
<b>Professionals</b>				
1	Secretary	1	-	1
2	Adviser (Law)	4	3	1
3	Adviser (Eco)	4	4	-
4	Adviser (FA)	1	1	-
5	Director (Law)	5	3	2
6	Director (Eco)	6	-	6
7	Director (FA)	3	-	3
8	Joint Director (Law)	11	8	3
9	Joint Director (Eco)	11	4	7
10	Joint Director (FA)	6	6	-
11	Deputy Director (Law)	15	9	6
12	Deputy Director (Eco)	15	8	7
13	Deputy Director (FA)	7	2	5



Sl. No.	Designation	No. of Sanctioned Posts	No. of posts filled up	No. of Vacant Positions
<b>Support Staff</b>				
14	Joint Director (F&A)	1	-	1
15	Joint Director (IT)	1	-	1
16	Deputy Director (CS)	5	4	1
17	Deputy Director (F&A)	1	1	-
18	Deputy Director (IT)	1	-	1
19	Sr. Principal Private Secretary	1	1	-
20	Assistant Director (CS)	14	12	2
21	Assistant Director (LS)	2	2	-
22	Assistant Director (IT)	3	2	1
23	Assistant Director (F&A)	2	2	-
24	Principal Private Secretary	6	5	1
25	Office Manager (CS)	20	17	3
26	Office Manager (F&A)	4	3	1
27	Office Manager (LS)	1	1	-
28	Private Secretary	3	-	3

The details of personnel at various levels in the office of Director General as on March 31, 2020 along with vacancy are presented in Table J4.

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

Sl. No.	Designation	No. of Sanctioned Posts	No. of posts filled up	No. of Vacant Positions
<b>Professionals</b>				
1	Director General	1	-	1
2	Additional Director General	4	2	2
3	Joint Director General	8	5	3
4	Deputy Director General	20	6	14
<b>Support Staff</b>				
5	Deputy Director General (CS)	1	1	-
6	Assistant Director General (CS)	3	3	-
7	Office Manager (CS)	4	2	2

Reservation of posts for various categories under the reservation policy of the Government of India is applicable for direct recruitment by the Commission. Accordingly, out of 65 vacancies in different posts for direct recruitment, 28 vacancies were earmarked for reserved categories. The details of reserved vacancies and posts filled up on direct recruitment basis are given in Table J5.

**Table J5: Details of Reservations in Direct Recruitment**

Sl. No.	Name of Post	No. of Posts under D.R. quota	No. of Posts Filled	No. of posts vacant
1	Director (Eco)	1	1	Unreserved -2
2	Director (Law)	1		
3	Director (FA)	1		
4	Jt. Director (Eco)	3	Unreserved - 4 OBC - 1	Unreserved - 1 OBC - 1
5	Jt. Director (Law)	3		
6	Jt. Director (FA)	1		
7	Dy. Director (Eco)	13	Unreserved -5 (includes 1 for PH) OBC - 2 SC - 1 ST - 1	Unreserved -3 OBC - 1
8	Dy. Director (Law)	13	Unreserved - 5 OBC - 2 SC - 1 ST - 1	OBC - 1 SC - 1 EWS - 1 Unreserved - 1
9	Dy. Director (FA)	7	Unreserved - 2 OBC - 1	Unreserved - 2 OBC - 1 ST - 1
10	Asst Director (IT)	2	Unreserved- 2 (includes 1 for PH)	-
11	Office Manager (Finance & Accounts)	4	Unreserved - 6 OBC - 3 SC - 2	Unreserved - 3 OBC - 2 SC - 1 ST - 1 EWS - 2
12	Office Manager (Corporate Services)	15		
13	Office Manager (Library Services)	1		

**Note:** Reservation to Economically Weaker Section (EWS) category has been implemented w.e.f. February 1, 2019 vide DoPT letter No.36039/1/2019-Estt. (Res.) dated January 31, 2019.

## **(vi) Experts and Professionals Engaged**

In order to augment its capacity, the Commission has notified the Competition Commission of India (Procedure for Engagement of Experts and Professionals) Regulations, 2009, to avail the services of experts and professionals. In terms of these Regulations, 52 Research Associates/ Experts (35 in Law, 10 in Economics, 4 in Financial Analysis and 3 in IT stream) were engaged as on March 31, 2020.

## **(vii) Delegation of power**

As per Section 51 (3) of the Act, the 'Competition Fund' shall be administered by a Committee of such Members as appointed by the Chairperson. As per the nomination made by the Chairperson, the Fund Administering Committee (FAC) as on March 31, 2020 comprised Dr. Sangeeta Verma and Shri Bhagwant Singh Bishnoi, Members of the Commission as Members of the Committee.

## **(viii) Employee welfare measure**

The terms and conditions of employment of officers and employees of the Commission and DG Office have been notified by the Central Government. To provide medical advice/ consultation during office hours, two part-time Medical Consultants (Allopathic and Homeopathic) have been engaged who provide onsite medical consultancy to the employees on select days every week.

## **(ix) Other Activities**

In order to encourage the use of Hindi language in the official working of the Commission and also to promote awareness regarding the official language, 'Hindi Pakhwara' was organised from September 16-30, 2019.

## K. Budget and Accounts

### (i) Budget estimates and revised estimates

The Central Government extends budgetary support to the Commission in the form of Grants-in-Aid. Initially, a Budget Estimate of Rs. 7,989.00 lakh was provided for 2019-20, which was revised to Rs. 5,549.00 lakh as Revised Estimates.

### (ii) Receipts under broad categories

The Commission has a Competition Fund which is credited by (a) all Government Grants received by the Commission, (b) the Fees received under the Act, and (c) the Interest accrued on these receipts. The Fund is administered by the Fund Administering Committee (FAC) constituted under Section 51(3) of the Act. The Committee reviews the position of actual expenditure and requirement of funds for the Commission every month. The receipts under broad categories in the Competition Fund during 2019-20 is presented in Table K1.

**Table K1: Receipts under Broad Categories**

Sl. No.	Category	Amount (Rs. in lakh)
1	Grants-in-Aid (including grants-in-aid for creation of Capital Asset of Rs. 1099 lakh)	5,549.00
2	Fees	1,882.98
3	Interest income	513.06
4	Other income	1.21
	<b>Total</b>	<b>7,946.25</b>

### (iii) Actual Expenditure under broad categories

The Commission incurred an expenditure of Rs. 5,619.84 lakh during the year 2019-20. The break-up of expenditure under broad categories is presented in Table K2.

**Table K2: Expenditure under Broad Categories**

<b>Sl. No.</b>	<b>Category</b>	<b>Amount (Rs. in lakh)</b>
1	Establishment Expenses	2,833.54
2	Travel Expenses	231.14
3	Training/Seminar	56.15
4	Professional charges	386.29
5	Rent	7.55
6	Advertisement & Publicity	10.63
7	Other Administrative Expenses (excl. Depreciation)	1,540.93
8	Fixed Assets: (a) Capitalised after adjustment of Opening CWIP - Rs. 236.69 lakh (b) Charged to Capital Grants of FY 2019-20 - Rs. 316.92 lakh	553.61
	<b>Total</b>	<b>5,619.84</b>

**(iv) Balance available in the Competition Fund**

The balance available in the Competition Fund as on March 31, 2020 is Rs. 8417.00 lakh.

**(v) Any other information**

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

The Commission maintains the accounts and other relevant records and prepares an annual statement of accounts in accordance with the Competition Commission of India (Form of Annual Statement of Accounts) Rules 2009. The Annual Accounts of the Commission for 2019-20 have been finalised and approved by the Commission. The approved Annual Accounts have been forwarded to the Comptroller & Auditor General of India (C&AG) for conducting audit and certification of the same. The Annual Accounts of the Commission for 2019-20, as certified by the C&AG or any other person appointed by him on his behalf, together with the audit report thereon, shall be forwarded to the Central Government for laying in before both the Houses of the Parliament.

## L. International Co-operation

### **(i) Memorandums or arrangements signed with agencies of foreign countries**

As mandated under Section 18 of the Act, the Commission has entered into Memorandum of Understanding (MoU), after obtaining approval from the Government of India, with the following competition authorities until March 2020:

- (i) Federal Trade Commission (FTC) and Department of Justice (DoJ), USA;
- (ii) Director General Competition, European Union (EU);
- (iii) Federal Antimonopoly Service (FAS), Russia;
- (iv) Australian Competition and Consumer Commission (ACCC);
- (v) Competition Bureau (CB), Canada; and
- (vi) Competition authorities of the Federative Republic of Brazil, the Russian Federation, the Republic of India, the People's Republic of China and the Republic of South Africa (BRICS).

During 2019-20, the Commission processed two MOUs, namely (i) MoU with Japan Fair Trade Commission (JFTC); and (ii) MoU with Administrative Council for Economic Defense (CADE), Brazil. The Commission is awaiting the government's approval for signing both MoUs.

### **(ii) Overseas Projects undertaken**

To develop wider cooperation on issues of mutual interest BRICS Competition Authorities have formed sector study groups to understand the competition concerns in various sectors. The Competition Commission of India is a project lead for Competition Issues in Automotive Markets and the Competition Commission of South Africa (CCSA) is co-lead for the project. The objective of the study is to identify existing and potential competition issues arising out of automotive industry w.r.t. BRICS countries and develop an understanding between the BRICS competition agencies of possible ways to deal with them.

CCI, in consultation with CCSA, prepared a concept paper based on the regulatory experience and related available literature. In addition, a broad framework containing descriptive

questions was circulated among the BRICS Competition Authorities. CCI also planned a meeting with the BRICS Competition Authority representatives in March 2020 to facilitate in-depth deliberation of the issues and help in deciding the future course of action for finalising the report. However, due to the Covid-19 pandemic the meeting has been postponed.

### **(iii) Memberships of International Organisations**

#### **(a) International Competition Network**

The International Competition Network (ICN) is a virtual international organisation and its members represent competition authorities across the globe. The work of ICN takes place in project-oriented Working Groups, where members work together largely by teleconferences, teleseminars, workshops, etc.

ICN provides a platform, which allows for a dynamic dialogue that serves to build consensus and convergence towards sound competition policy principles across the global antitrust community.

ICN holds workshops and an Annual Conference, which is hosted by one of its member agencies. CCI is a member and has been an official invitee to the conferences and workshops organised by the ICN.

During 2019-20, CCI joined the ICN Framework on Competition Agency Procedures (CAP). CAP's primary mission is to promote the implementation of the principles which establish minimum standards of procedural fairness and transparency within competition agencies. The co-chairs of the CAP Working Group are the Australian Competition and Consumer Commission (ACCC), the Bundeskartellamt (German Competition Authority) and the United States Department of Justice (USDOJ).

During the period, CCI also contributed to the ICN agency's new market study projects at the ICN Info Store by providing the details of the CCI's market study on E-commerce in India.

#### **(b) BRICS Competition Authorities**

Competition law and policy in BRICS countries have undergone modernisation and aligned with domestic and international economic developments. A MoU between the competition authorities of Brazil, Russia, India, China and South Africa was signed on 19 May 2016 during the International Legal Forum held in Saint Petersburg, Russia.

BRICS Competition Authorities organise International Competition Conference (ICC), biennially by one of the member competition authorities. ICC provides a platform for



the BRICS Competition Authorities and other authorities across the world to exchange views and learn from the experiences. So far, six ICCs have been organised. The 6<sup>th</sup> BRICS ICC was organised during September 16-19, 2019 in Moscow, Russia. The theme of the conference was “10 years of Cooperation between the BRICS Competition Authorities: Results and Prospects”. Heads of the BRICS Competition Authorities also signed a joint statement during the 6<sup>th</sup> BRICS ICC.

BRICS Competition Authorities have also shown interest to develop wider cooperation on issues of mutual interest, wherein Working Groups have been formed to study competition issues in various sectors. CADE Brazil released a report titled “BRICS in the Digital Economy: Competition Policy in Practice” during the 6<sup>th</sup> BRICS Competition Conference. The report provides a general view of competition policies and enforcement in BRICS countries in digital markets, presenting different experiences in the application of antitrust norms to explore common challenges and possible insights for each of the authorities.

### **(c) Organisation for Economic Co-operation and Development**

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

CCI has been making regular written contributions at various roundtables during the conferences/ meetings of the OECD. In the year 2019-20, the Commission submitted papers on “Licensing of IP Rights and Competition Law”, “Vertical Mergers in the Technology, Media and Telecom Sector”, “Questionnaire to Participate in the Digital Lab” and “Merger Control in Dynamic Markets”. In addition, CCI submitted replies to the questionnaire on OECD Competition Division: Survey on general statistics for the year 2018 and also provided a response to the OECD/ ICN monitoring the OECD International Cooperation Recommendation survey.

Officers of CCI are regularly invited to participate in various competition-related workshops/seminars organised by OECD-Korea Policy Centre (KPC). The discussions and deliberations at these conferences/ workshops help in capacity building of the officers and resultantly of the Commission.

During 2019-20, officers of CCI participated in the following workshops:

- Competition Law Workshop on 'Vertical Restraints' organised by OECD-KPC during September 4-6, 2019 in Ulaanbaatar, Mongolia.
- Competition Law Workshop on 'Competition Issues' in light of Digitalisation organised by OECD-KPC and Japan Fair Trade Commission during October 16-18, 2019 in Tokyo, Japan.
- Workshop on 'Abuse of Dominance' organised by OECD and the Italian Competition Authority (AGCM) during October 10-11, 2019 in Rome, Italy.

#### **(d) United Nations Conference on Trade and Development**

The Commission has been proactively engaging with United Nations Conference on Trade and Development (UNCTAD), a UN body which deals with development issues, particularly international trade.

CCI regularly participates in Intergovernmental Group of Expert (IGE) meeting every year. CCI's engagement with UNCTAD in the year 2019-20 was as follows:

- Two officers participated in UNCTAD e-Commerce Week during April 1-5, 2019 in Geneva, Switzerland.
- Two officers participated in the 18<sup>th</sup> Session of Intergovernmental Group of Experts (IGE) on Competition Law and Policy during July 10-12, 2019 in Geneva, Switzerland.

#### **(iv&v) International delegations received by the Commission from foreign governments and others / Overseas delegation received at CCI:**

In order to get exposure to best practices, CCI invites experts from foreign competition agencies/ mature jurisdictions to share their experiences in the field of competition law and economics. In the year 2019-20, CCI has organised the following:

- (a) In pursuance of the MoU with the United States Federal Trade Commission (USFTC) and the Department of Justice (DoJ), following visits were organised:
  - Mr. Paul O' Brien and Mr. Jon J Nathan, Counsels, USFTC were on secondment with CCI during September 23-27, 2019 under the US-India MoU on Antitrust Cooperation. USFTC officials also conducted a session on the topic "FTC in Digital Age" for CCI officials on September 27, 2019.

- Ms. Christine Wilson, Commissioner, USFTC called on Shri Ashok Kumar Gupta, Chairperson, CCI on November 13, 2019. Ms. Wilson also interacted with Commission Members and its Officers and shared her views on antitrust enforcement in high tech industries.
  - Mr. Jon J Nathan, Counsel, Office of International Affairs, USFTC visited CCI under the US-India MoU on Antitrust Cooperation on November 14, 2019.
  - An officer from CCI was sent on secondment to USFTC from November 12 to December 27, 2019 in Washington DC, USA.
  - Mr. Nathan Wilson, Economist, USFTC conducted sessions on “Working of Economics Bureau and Challenges faced by it” and “An Economist take on Digital Economy Enforcement” on March 05, 2020 at CCI Office.
- (b) Technical cooperation program with the EU-Competition Cooperation Project in Asia commenced in 2018. The Competition Cooperation Project aims to enhance cooperation between the European Commission Directorate-General for Competition (DG COMP) and its counterparts in Asia. In the year 2019-20, the following programs were organised:
- Competition Summer School (CSS): A two-week course for five CCI officials together with officials from other partner countries was organised during July 1-12, 2019 at Bruges, Belgium.
  - Second EU-India Competition Week (CW): The CW was organised during December 9-11, 2019 at CCI, New Delhi, India. The Competition Week commenced with opening remarks from Shri Ashok Kumar Gupta, Chairperson, CCI and Mr. Ugo Astuto, Ambassador of the European Union to India, Delegation of the European Union to India and Bhutan, New Delhi. The CW provided exposure to CCI officers with respect to international best practices and proved to be an important program under CCI’s capacity building initiatives. Dr. Sangeeta Verma, Member CCI and Mr Dirk Van Erps, Adviser Antitrust and Cartels, DG Competition, European Commission delivered the closing remarks
  - EU Visitors Program: An officer of CCI participated in the program at Director General, Competition, European Commission during October 1, 2019 - December 31, 2019 at Brussels, Belgium.

## (vi) Foreign Visits

Foreign visits by senior functionaries of the Commission provide exposure to global best practices, capacity building and networking. The details of these visits are presented in Table L1.

**Table L1: Details of Foreign Visits**

Sl. No.	Name of the Functionary	Purpose of the Visit	Duration, Place and Country
1	Shri Rakesh Bhanot, Adviser (FA)	UNCTAD E-Commerce Week	1-5 April 2019, Geneva, Switzerland
2	Dr. Bidyadhar Majhi, Director (Eco)		
3	Shri Ashok Kumar Gupta, Chairperson	2019 ICN Annual Conference	14-17 May 2019, Cartagena, Colombia
4	Shri Manoj Pandey, Adviser (Law)		
5	Shri U.C. Nahta, Member	Annual International Bar Association Competition Mid-Year Conference	6-7 June 2019, Tokyo, Japan
6	Shri Ved Prakash Mishra, Director (Law)		
7	Smt. Payal Malik, Adviser (Eco)	St. Petersburg International Economic Forum	6-8 June 2019, St. Petersburg, Russia
8	Shri Ansuman Pattnaik, Director General	18 <sup>th</sup> Session of UNCTAD Intergovernmental Group of Experts on Competition Law and Policy	10-12 July 2019, Geneva, Switzerland
9	Shri Kamal Sultanpuri, Deputy Director (Law)		
10	Shri Mukul Sharma, Deputy Director (Eco)	International Conference on Digital Economy & 2 <sup>nd</sup> meeting of the BRICS Working Group on Digital Economy	31 July-1 August 2019, Brasilia, Brazil
11	Dr. Sangeeta Verma, Member	Fordham Competition Law Institute's Heads of Authority Workshop & 46 <sup>th</sup> Annual Conference on International Antitrust Law and Policy	11-13 September 2019, New York, USA
12	Dr. K.D. Singh, Joint Director (Law)		

Sl. No.	Name of the Functionary	Purpose of the Visit	Duration, Place and Country
13	Shri Ashok Kumar Gupta, Chairperson	6 <sup>th</sup> BRICS International Competition Conference	16-19 September 2019, Moscow, Russia
14	Smt. Jyoti Jindgar, Adviser (Eco)		
15	Smt. Payal Malik, Adviser (Eco)		
16	Shri Pramod Kumar Singh, Secretary	Rabat International Conference on Policies and Competition Law, National Experiences and International Partnership	13-14 November 2019, Rabat, Morocco
17	Shri Ashok Kumar Gupta, Chairperson	OECD Competition Committee Meeting, Working Party Meeting & Global Forum on Competition	2-6 December 2019, Paris, France
18	Dr. Sanjay Kumar Pandey, Director (Law)		

**(vii) Others:**

The Commission responded to questionnaires administered by Global Competition Review (GCR) on “Rating Enforcement 2020” and “The Handbook of Competition Economics 2020”. The Commission also contributed an article to GCR’s e-Commerce Competition Enforcement Guide 2019 (2<sup>nd</sup> Edition).

## M. Capacity Building

The Commission is conceived as an expert statutory body, administering and enforcing the Competition Act, 2002 which requires knowledge and skills traversing more than one discipline. A multi-disciplinary approach is needed for understanding concepts used in the Act and framing regulations under it. Skill enhancement and regular updation through capacity building programs such as trainings/ workshops, etc., are primary for smooth functioning of a multi-disciplinary regulatory organisation like CCI. These programs are conducted with the help of international experts from overseas multilateral agencies and competition authorities and also by domestic experts and organisations specialised in the field of law, economics, finance, etc. In addition, the Commission holds in-house trainings and Peer-to-Peer sessions where inter-division sharing of knowledge and information takes place.

The Commission regularly invites eminent personalities from various fields as speakers to address its employees under Distinguished Visitors Knowledge Sharing Series (DVKS) and Special Lecture Series (SLS).

During the year 2019-20, the Commission organised seven lectures under DVKS. Details are presented in Table M1.

**Table M1: Lectures under DVKS**

Sl. No.	Speaker	Topic
1	Dr. Rathin Roy, Director, National Institute of Public Finance and Policy	Union Budget 2019-20
2	Dr. Ranbir Singh, Vice-Chancellor, National Law University Delhi	Artificial Intelligence and Competition Law: Challenges Ahead
3	Dr. M. S. Sahoo, Chairperson, Insolvency and Bankruptcy Board of India	Building Capacity for Economic Freedom
4	Prof. Vijay Paul Sharma, Chairman, Commission for Agricultural Costs and Prices	Emerging Trends in Indian Agriculture: Key Policy Issues and Options
5	Dr. Geeta Gouri, Former Member, Competition Commission of India	Standard Essential Patents (SEPs) and Standard Setting Organisations (SSOs): Competition Concerns, Public Interest and Competition Policy in India

<b>Sl. No.</b>	<b>Speaker</b>	<b>Topic</b>
6	Shri G. N. Bajpai, Former Chairperson, SEBI & Former Chairperson, LIC	Perspective of CCI as a Regulator
7	Shri T. V. Ramachandran, President, Broadband India Forum	Relevance of Competition Aspects in developing Digital Infrastructure

During the year 2019-20, the Commission organised nine lectures under SLS. Details are presented in Table M2.

**Table M2: Lectures under SLS**

<b>Sl. No.</b>	<b>Speaker</b>	<b>Topic</b>
1	Prof. Viswanath Pingali, Indian Institute of Management, Ahmedabad	Policy Uncertainty and Firm Response: Do Foreign Firms React Differently to Domestic Firm?
2	Dr. Sushanta K. Chatterjee, Joint Chief (Regulatory Affairs), Central Electricity Regulatory Commission	Wholesale Power Market Re-design Seeking to Promote Competition and Efficiency in the Sector
3	Prof. Sebastian Morris, Indian Institute of Management, Ahmedabad	Competition among Industries with Consumer Side Scale and Scope Economies
4	Shri Lalit Gupta, Former Jt. DG, Directorate of Civil Aviation	Slot Allocation at Indian Airports- Regulatory Perspective
5	Prof. Harpreet Kaur, National Law University, Delhi	Securities Market
6	Shri Kapil Kaul, CEO & Director, CAPA Advisory	Aviation Sector in general and Jet Airways Saga in particular
7	Shri Vikram Chandrasekhar, Principal, Bain & Co.  Smt. Nandini Chopra, Managing Director, Alvarez & Marsal	Presentation on Reports titled – 'India M&A Report 2019: M&A Trends and Lessons for Dealmakers' and 'India's M&A and Distressed Opportunity Landscape'
8	Shri Naveen Kumar, Advocate-on-Record, Supreme Court of India	Overview of Mining Sector in India and Competition Issues Involved Therein
9	Shri Amit Govil, Principal Commissioner, Tax Policy Research Unit, Department of Revenue	TPRU's study titled 'User Contribution in the Digital Economy in India'



## (i) In-house Capacity Building Initiatives

During 2019-20, no in-house capacity building initiatives were undertaken.

## (ii) Capacity Building Initiatives with the help of Outside Institutions

### (a) Training initiatives in India

Tables M3 to M5 illustrate details of domestic capacity building initiatives organised by outside institutions and attended by CCI employees during 2019-20.

**Table M3: Domestic Capacity Building Initiatives by outside Institutions**

Sl. No.	Name of Program	Coverage of Program	Faculty/ Institute	Venue / Duration
1	Workshop on 'Prevention of Sexual Harassment of Women (SHW) at Workplace'	Concept and Importance of prevention of SHW, Gender Issues, Dimensions & Types of SHW, Quid Pro Quo, Hostile Work Environment, Legal Framework, Vishakha Guidelines and other important judicial pronouncements, etc.	National Academy of Human Resource Development (NAHRD)	Gangtok, Sikkim/ 2 <sup>nd</sup> -4 <sup>th</sup> June 2019
2	Workshop on 'Right to Information Act'	Provisions & procedure under RTI Act, 2005, Exemptions & Exclusions, Personal & third party information, Role & functions of various officials in implementing the Act, Improvement in the drafting skills to minimise the number of appeals, Judgements passed by various courts & CIC, Handling of online RTI applications, etc.	National Academy of Human Resource Development (NAHRD)	Gangtok, Sikkim/ 5 <sup>th</sup> -8 <sup>th</sup> June 2019

<b>Sl. No.</b>	<b>Name of Program</b>	<b>Coverage of Program</b>	<b>Faculty/ Institute</b>	<b>Venue / Duration</b>
3	Short Workshop on 'Gender Sensitisation'	Awareness on the importance of a gender-just environment, forms of unconscious gender bias, stereotyping, discrimination at the workplace, ways to prevent the gender insensitivities, how to promote gender diversity and inclusion, etc.	Smt. Aparna Mittal, experienced corporate lawyer and Founder, Samāna Centre for Gender, Policy and Law	CCI/14 <sup>th</sup> June 2019
4	Management Development Program on 'Modern Management Practices for Improving Organisational Performance'	Introduction & Applicability of Establishment rules & CCS rules, Business Process Reengineering, Knowledge mgmt., Modern HR Practices, Balance Score card, Quality mgmt., time & stress mgmt., Motivation & team building, crisis & change mgmt., participative mgmt., etc.	National Productivity Council (NPC)	Goa/ 16 <sup>th</sup> -20 <sup>th</sup> September 2019
5	Management Development Program on 'Public Procurement'	Principles of Public Procurement, Procurement of goods with govt. fund, procurement of works with govt. fund, procurement of consultancy services, contract mgmt., GeM, e-procurement of goods and services, etc.	National Institute of Financial Management (NIFM)	NIFM campus, Faridabad/23 <sup>rd</sup> -28 <sup>th</sup> September 2019

Sl. No.	Name of Program	Coverage of Program	Faculty/ Institute	Venue / Duration
6	Training Program on 'Corporate Intelligence'	Corporate Intelligence through Business Analytics, Corporate Applications of Machine Learning, Analysing Financial Statements, Case study, actionable Insights through Big Data Analytics, information Forensics, Emerging Technologies for Data-centric Decision Making, etc.	Indian Institute of Corporate Affairs (IICA) for the Ministry of Corporate Affairs (MCA)	IIM Calcutta/30 <sup>th</sup> October-1 <sup>st</sup> November 2019
7	Management Development Program on 'Public Procurement'	Principles of Public Procurement, Procurement of goods with govt. fund, procurement of works with govt. fund, procurement of consultancy services, contract mgmt., GeM, e-procurement of goods and services, etc.	National Institute of Financial Management (NIFM)	NIFM campus, Faridabad/4 <sup>th</sup> -9 <sup>th</sup> November 2019
8	Team-building and Leadership workshop 'Pratishpardha Manthan 2019-20' for Professional officers	Team-building, Emotional Intelligence, Working in Team Effectively, team-building exercises and activities, etc.	Dr. Umesh Kumar, Faculty HRM & OB Area, IIM-Amritsar and team-building activities by M/s City-On-Pedals, Amritsar	Amritsar/8 <sup>th</sup> -10 <sup>th</sup> November 2019

<b>Sl. No.</b>	<b>Name of Program</b>	<b>Coverage of Program</b>	<b>Faculty/ Institute</b>	<b>Venue / Duration</b>
9	Training Program on 'Conflict Resolution Techniques'	Introduction and Understanding Conflicts, Introduction to Mediation, Laws Governing Commercial Mediation, Case Study: Ombudsman Schemes in India, Practices and Procedures for Institutionalisation of Mediation, Mock Mediation, etc.	Indian Institute of Corporate Affairs (IICA) for Ministry of Corporate Affairs (MCA)	National Law School of India University (NLSIU), Bangalore/14 <sup>th</sup> -15 <sup>th</sup> November 2019
10	Workshop on 'Right to Information Act'	Provisions & procedure under RTI Act, 2005, Exemptions & Exclusions, Personal & third party information, Role, functions of various officials in implementing the Act, Improvement in the drafting skills to minimise the number of appeals, Judgements passed by various courts & CIC, Handling of online RTI applications, etc.	National Academy of Human Resource Development (NAHRD)	Udaipur/18 <sup>th</sup> -20 <sup>th</sup> November 2019
11	Workshop on 'Preparing Cabinet Notes'	Importance and relevance of Cabinet Note for decision making, channel of submission, structure and procedure relating to Cabinet Note, circulation process, relevant exercises/ oral tests, etc.	The Institute of Secretariat Training & Management (ISTM)	ISTM Campus, New Delhi/29 <sup>th</sup> November 2019

<b>Sl. No.</b>	<b>Name of Program</b>	<b>Coverage of Program</b>	<b>Faculty/ Institute</b>	<b>Venue / Duration</b>
12	Team-building and Leadership workshop 'Pratispardha Manthan 2019-20' for Support officers	Team-building, Emotional Intelligence, Working in Team Effectively, team-building exercises and activities, etc.	Dr. Umesh Kumar, Faculty HRM & OB Area, IIM-Amritsar and team-building activities by M/s City-On-Pedals, Amritsar	Amritsar/ 30 <sup>th</sup> November-2 <sup>nd</sup> December 2019
13	2 <sup>nd</sup> Competition Week	Digital Markets, Big Data and Competition Law, Procedural Fairness and Transparency in Antitrust and Merger Investigations, Leniency Programmes and Settlements	EU- India Competition Cooperation Project	CCI/9 <sup>th</sup> - 11 <sup>th</sup> December, 2019
14	Short Workshop on 'HR & Service Matters'	Conduct Rules with special emphasis on Rule 18, Disciplinary Proceedings, etc.	Shri Arun Gaur, Former Director, UPSC	CCI, New Delhi/ 10 <sup>th</sup> January 2020
15	Residential Induction Training Program	Overview of the Competition Act, 2002, Structure of CCI, Jurisprudence of Competition Law, Information regarding filings, Economics of Competition Law, Mergers and Combinations, Relevant case studies, DG Investigation Procedure, etc.	Indian Institute of Corporate Affairs (IICA)	IICA Campus, Manesar, Haryana/ 27 <sup>th</sup> -31 <sup>st</sup> January 2020

<b>Sl. No.</b>	<b>Name of Program</b>	<b>Coverage of Program</b>	<b>Faculty/ Institute</b>	<b>Venue / Duration</b>
16	Workshop on 'Prevention of Sexual Harassment of Women at Workplace'	Concept and Importance of prevention of SHW, Gender Issues, Dimensions & Types of SHW, Quid Pro Quo, Hostile Work Environment, Legal Framework, Vishakha Guidelines and other important judicial pronouncements, etc.	National Academy of Human Resource Development (NAHRD)	Puducherry/30 <sup>th</sup> January-1 <sup>st</sup> February 2020
17	Training Program on 'Financial Technologies (Fintech) for Leadership in Digital World'	Digital transformation in financial services, digital disruption through FinTech, Business Model and valuation, risk in FinTech, Blockchain Revolution, Smart Contracts and Blockchains, generating early warning signals, etc.	Indian Institute of Corporate Affairs (IICA) for Ministry of Corporate Affairs (MCA)	IIM Calcutta/ 12 <sup>th</sup> -14 <sup>th</sup> February 2020
18	Appreciation Course on 'Legislative Drafting'	Historical background of legislative drafting, Structure of legislation, Preparation of principle & subordinate legislation, Principles of statutory interpretation, Allocation of business in Govt., delegation of legislative powers, General Clauses Act, Types of Statutes, Relevant Case Laws, etc.	Institute of Legislative Drafting and Research (ILDR), Legislative Department, Ministry of Law and Justice	ILDR, New Delhi/ 14 <sup>th</sup> -28 <sup>th</sup> February 2020

<b>Sl. No.</b>	<b>Name of Program</b>	<b>Coverage of Program</b>	<b>Faculty/ Institute</b>	<b>Venue / Duration</b>
19	Appreciation Course on 'Parliamentary Process & Procedures'	Committee System in Parliament, Parliamentary Questions and other procedural devices for raising matters, the Legislative Process, the Budgetary Process, Second Chamber: Role and Status of Rajya Sabha, information mgmt., system in Parliament, Parliamentary privileges, etc.	Parliamentary Research and Training Institute for Democracies (PRIDE) [erstwhile Bureau of Parliamentary Studies and Training (BPST)]	PRIDE, New Delhi/17 <sup>th</sup> -18 <sup>th</sup> February 2020
20	Training Program on 'Indian Accounting Standard (IND-AS)'	Introduction to IND-AS, financial instruments, disclosures, First time adoption of IND-AS, Interim financial reporting, financial reporting in hyperinflationary economies, etc.	Indian Institute of Corporate Affairs (IICA) for Ministry of Corporate Affairs (MCA)	Pune/24 <sup>th</sup> -26 <sup>th</sup> February 2020
21	Training Program on 'Provisions of Companies Act 2013 and Understanding Governance, Regulatory and Compliance Management w.r.t Goals & Functions of MCA'	Understanding the important provisions of the Companies Act, 2013, overview of information input sections, other related Acts, ease of doing business, overview of IBBI, LLP Act, Competition Act, role & function of NCLT & NCLAT, introduction to MCA-21 e-governance project, etc.	Indian Institute of Corporate Affairs (IICA) for Ministry of Corporate Affairs (MCA)	Goa/4 <sup>th</sup> -6 <sup>th</sup> March 2020

**Table M4: Level-wise Participation of officers in Domestic Capacity Building Initiatives by Outside Institutions**

Sl. No.	Name of Program	No. of Officers at the level of						Total
		Secy/ DG/ Adviser	Addl. DG / Director	Jt. DG/ Jt. Director	Dy. DG/ Dy. Director/ Sr. PPS	Asst. Director/ Office Manager/ PPS	Others	
1	Workshop on 'Prevention of Sexual Harassment of Women at Workplace'	-	-	1	-	1	-	2
2	Workshop on 'Right to Information Act'	-	-	-	-	1	-	1
3	Short Workshop on 'Gender Sensitisation'	-	-	4	13	13	6	36
4	Management Development Program on 'Modern Management Practices for Improving Organisational Performance'	-	2	-	-	-	-	2
5	Management Development Program on 'Public Procurement'	-	-	1	-	1	-	2
6	Training Program on 'Corporate Intelligence'	-	-	-	3	-	-	3



Sl. No.	Name of Program	No. of Officers at the level of						
		Secy/ DG/ Adviser	Addl. DG / Director	Jt. DG/ Jt. Director	Dy. DG/ Dy. Director/ Sr. PPS	Asst. Director/ Office Manager/ PPS	Others	Total
7	Management Development Program on 'Public Procurement'	-	-	-	-	1	-	1
8	Team-building and Leadership workshop 'Pratispardha Manthan 2019-20' for Professional officers	1	4	11	21	2	-	39
9	Training Program on 'Conflict Resolution Techniques'	-	-	-	3	-	-	3
10	Workshop on 'Right to Information Act'	-	-	-	-	2	-	2
11	Workshop on 'Preparing Cabinet Notes'	-	-	-	1	-	-	1
12	Team-building and Leadership workshop 'Pratispardha Manthan 2019-20' for Support officers	-	-	1	4	24	-	29
13	Competition Week		3	9	17			29

Sl. No.	Name of Program	No. of Officers at the level of						Total
		Secy/ DG/ Adviser	Addl. DG / Director	Jt. DG/ Jt. Director	Dy. DG/ Dy. Director/ Sr. PPS	Asst. Director/ Office Manager/ PPS	Others	
14	Short Workshop on 'HR & Service Matters'	4	2	6	9	22	-	43
15	Residential Induction Training Program	-	-	1	-	3	23	27
16	Workshop on 'Prevention of Sexual Harassment of Women at Workplace'	-	1	-	-	1	-	2
17	Training Program on 'Financial Technologies (Fintech) for Leadership in Digital World'	-	-	1	2	-	-	3
18	Appreciation Course on 'Legislative Drafting'	-	-	-	3	-	-	3
19	Appreciation Course on 'Parliamentary Process & Procedures'	-	-	1	4	4	-	9
20	Training Program on 'Indian Accounting Standard (IND-AS)'	-	-	2	-	-	-	2

Sl. No.	Name of Program	No. of Officers at the level of						Total
		Secy/ DG/ Adviser	Addl. DG / Director	Jt. DG/ Jt. Director	Dy. DG/ Dy. Director/ Sr. PPS	Asst. Director/ Office Manager/ PPS	Others	
21	Training Program on 'Provisions of Companies Act 2013 and Understanding Governance, Regulatory and Compliance Management w.r.t Goals & Functions of MCA'	-	-	-	1	-	-	1
	<b>Total</b>	<b>5</b>	<b>12</b>	<b>38</b>	<b>81</b>	<b>75</b>	<b>29</b>	<b>240</b>

**Table M5: Discipline-wise Participation of Officers in Domestic Capacity Building Initiatives by outside Institutions**

Sl. No.	Name of Program	No. of Officers from the Disciplines of					Total
		Economics	Financial Analysis	Law	CS/ F&A/ IT/LS	Others	
1	Workshop on 'Prevention of Sexual Harassment of Women at Workplace'	-	-	1	1	-	2
2	Workshop on 'Right to Information Act'	-	-	-	1	-	1
3	Short Workshop on 'Gender Sensitisation'	7	2	11	15	1	36
4	Management Development Program on 'Modern Management Practices for Improving Organisational Performance'	1	-	1	-	-	2

Sl. No.	Name of Program	No. of Officers from the Disciplines of					
		Economics	Financial Analysis	Law	CS/ F&A/ IT/LS	Others	Total
5	Management Development Program on 'Public Procurement'	-	-	-	2	-	2
6	Training Programme on 'Corporate Intelligence'	1	1	1	-	-	3
7	Management Development Program on 'Public Procurement'	-	-	-	1	-	1
8	Team-building and Leadership workshop ' <i>Pratispardha Manthan 2019-20</i> ' for Professional officers	11	4	12	2	10	39
9	Training Program on 'Conflict Resolution Techniques'	1	1	1	-	-	3
10	Workshop on 'Right to Information Act'	-	-	-	2	-	2
11	Workshop on 'Preparing Cabinet Notes'	1	-	-	-	-	1
12	Team-building and Leadership workshop ' <i>Pratispardha Manthan 2019-20</i> ' for Support officers	-	-	-	26	3	29
13	Competition Week	9	5	12		3	29
14	Short Workshop on 'HR & Service Matters'	7	1	9	25	1	43
15	Residential Induction Training Program	5	4	14	3	1	27
16	Workshop on 'Prevention of Sexual Harassment of Women at Workplace'	-	-	1	1	-	2
17	Training Program on 'Financial Technologies (Fintech) for Leadership in Digital World'	1	1	-	-	1	3
18	Appreciation Course on 'Legislative Drafting'	-	1	2	-	-	3

Sl. No.	Name of Program	No. of Officers from the Disciplines of					Total
		Economics	Financial Analysis	Law	CS/ F&A/ IT/LS	Others	
19	Appreciation Course on 'Parliamentary Process & Procedures'	1	1	2	4	1	9
20	Training Program on 'Indian Accounting Standard (IND-AS)'	-	-	2	-	-	2
21	Training Program on 'Provisions of Companies Act 2013 and Understanding Governance, Regulatory and Compliance Management w.r.t Goals & Functions of MCA'	-	-	1	-	-	1
	<b>Total</b>	<b>45</b>	<b>21</b>	<b>70</b>	<b>83</b>	<b>21</b>	<b>240</b>

**(b) Training Initiatives outside India**

Tables M6 to M8 present capacity building initiatives undertaken outside India during 2019-20. 13 such initiatives were undertaken and in all 23 employees have benefitted from these.

**Table M6: Training Initiatives outside India**

Sl. No	Training Name	Faculty/Institution	Duration/Venue
1	Economics Institute for Competition Enforcers	Global Antitrust Institute (GAI), George Mason University	23-28 June 2019/ Huntington Beach, California, USA
2	Competition Summer School	EU-India Competition Cooperation Project	1-12 July 2019/ Bruges, Belgium
3	Competition Law Workshop on Vertical Restraints	Organisation for Economic Cooperation and Development (OECD)-Korea Policy Centre (KPC)	4-6 September 2019/ Ulaanbaatar, Mongolia
4	Economics Institute on Platforms, Empirical Methods, and Due Process for Competition Enforcement Officials	Global Antitrust Institute (GAI), George Mason University	8-13 September 2019/ Kona, Hawaii, USA

Sl. No	Training Name	Faculty/Institution	Duration/Venue
5	Visitors Program	EU- India Competition Cooperation Project	1 October 2019-31 December 2019/ Brussels, Belgium
6	Cartel Workshop	International Competition Network (ICN)	7-10 October 2019/ Foz do Iguacu, Brazil
7	10 <sup>th</sup> Anniversary Workshop and Conference	Competition Commission of Mauritius (CCM)	9-10 October 2019/ Balaclava, Mauritius
8	Workshop on Abuse of Dominance	OECD/AGCM (Italian Competition Authority)	10-11 October 2019/ Rome, Italy
9	Competition Law Workshop on Competition Issues in light of Digitalisation	OECD-KPC & Japan Fair Trade Commission (JFTC)	16-18 October 2019/ Tokyo, Japan
10	Secondment at USFTC	United States Federal Trade Commission (USFTC)	12 November – 27 December 2019/ Washington DC, USA
11	Unilateral Conduct Workshop	ICN	14-15 November 2019/ Mexico City, Mexico
12	International Cartel Workshop	American Bar Association (ABA)	19-21 February 2020/ San Francisco, USA
13	Merger Workshop	ICN	27-28 February 2020/ Melbourne, Australia

**Table M7: Level-wise participation of Officers in Foreign Training Programs**

Sl. No.	Name of Programme	No. of Officers at the level of						
		Secy/ DG / Adviser	Addl DG/ Director	Jt. DG/ Joint Director	Dy. DG/ Dy. Director	Asst. DG /Asst. Director	Others	Total
1	Economics Institute for Competition Enforcers	-	1		1	-	-	2
2	Competition Summer School	-	1	2	2	-	-	5

Sl. No.	Name of Programme	No. of Officers at the level of						
		Secy/ DG / Adviser	Addl DG/ Director	Jt. DG/ Joint Director	Dy. DG/ Dy. Director	Asst. DG /Asst. Director	Others	Total
3	Competition Law Workshop on Vertical Restraints	-	-	1	1	-	-	2
4	Economics Institute on Platforms, Empirical Methods, and Due Process for Competition Enforcement Officials	-	1	-	1	-	-	2
5	Visitors Program	-	-	1	-	-	-	1
6	Cartel Workshop	-	-	1	-	-	-	1
7	10 <sup>th</sup> Anniversary Workshop and Conference	-	-	-	1	-	-	1
8	Workshop on Abuse of Dominance	-	1	-	-	-	-	1
9	Competition Law Workshop on Competition Issues in light of Digitalisation	-	-	-	2	-	-	2
10	Secondment at USFTC	-	-	1	-	-	-	1
11	Unilateral Conduct Workshop	-	1	-	1	-	-	2
12	International Cartel Workshop	-	-	1	-	-	-	1
13	Merger Workshop	1	-	1	-	-	-	2
	<b>Total</b>	<b>1</b>	<b>5</b>	<b>8</b>	<b>9</b>	<b>-</b>	<b>-</b>	<b>23</b>

**Table M8: Stream-wise participation of Officers in Foreign Training Programs**

Sl. No.	Name of Programme	Subject					
		CS	Economics	FA	Law	Others	Total
1	Economics Institute for Competition Enforcers	-	-	-	1	1	2
2	Competition Summer School	-	2	1	2	-	5
3	Competition Law Workshop on Vertical Restraints	-	-	-	2	-	2
4	Economics Institute on Platforms, Empirical Methods, and Due Process for Competition Enforcement Officials	-	-	-	1	1	2
5	Visitors Program	-	1	-	-	-	1
6	Cartel Workshop	-	-	-	-	1	1
7	10 <sup>th</sup> Anniversary Workshop and Conference	-	1	-	-	-	1
8	Workshop on Abuse of Dominance	-	-	-	1	-	1
9	Competition Law Workshop on Competition Issues in light of Digitalisation	-	1	-	1	-	2
10	Secondment at USFTC	-	-	-	1	-	1
11	Unilateral Conduct Workshop	-	1	-	1	-	2
12	International Cartel Workshop	-	-	-	1	-	1
13	Merger Workshop	-	1	-	1	-	2
	<b>Total</b>	-	<b>7</b>	<b>1</b>	<b>12</b>	<b>3</b>	<b>23</b>



## N. Ongoing Programs

With the objective of facilitating a multisided flow of knowledge and information in the field of competition law, economics and financial analysis, a network of experts named Network of Indian Competition Experts (NICE) has been constituted, under the aegis of the Commission, consisting of 50 experts from 35 premier academic and research institutions of India.

Under the NICE framework, a Cartel Working Group (NICE-CWG) for the year 2020-21 has also been constituted comprising 11 member institutions.

National University of Juridical Sciences (NUJS), Kolkata and Madras School of Economics (MSE) are being made the Co-chairs of the NICE-CWG.

Going forward, Combination/Merger Working Group (NICE-MWG) is also planned to be constituted.

## O. The RTI Act

In addition to accountability measures under the Act and Rules framed thereunder, the Commission provides information to any Indian citizen under the Right to Information Act, 2005 (the RTI Act).

Dr. K. D. Singh, Joint Director (Law) is the Central Public Information Officer (CPIO) and Smt. Jyoti Jindgar, Secretary (I/C) is the First Appellate Authority (FAA) under the RTI Act.

Table O1 presents receipt and disposal of applications under the RTI Act.

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

Sl. No.	Description	Number		
		2017-18	2018-19	2019-20
1	Number of Application received by CPIO seeking information under the RTI Act (including brought forward applications from last year)	153	118	111
2	Number of Application disposed of by CPIO	150	113	103
3	Number of Application pending with CPIO	3	5	8
4	Number of Appeals filed before the FAA against the order of CPIO	20	20	23
5	Number of Appeals which have been disposed of by the FAA	20	20	23
6	Number of Appeals pending with the FAA	-	-	-
7	Number of Application/Appeals not disposed of in the stipulated time frame	-	-	-

## P. Prevention of Sexual Harassment of Women at Workplace

As per Section 4(1) of the Prevention of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed thereunder, an Internal Complaints Committee (ICC) has been constituted at CCI for dealing with cases pertaining to sexual harassment of women in the Commission, including in the office of DG.

The Committee is headed by Smt. Jyoti Jindgar (Adviser) and its members comprise Shri Rahul Ravindran (Director), Smt. Bhawna Gulati (Joint Director) and Ku. Varsha Bisht (Office Manager). There is also a provision of an outside lady member, who can be nominated on a case to case basis.

Table P1 gives the status of complaints received/disposed of by the ICC.

**Table P1: Receipt and Disposal of Complaints**

Sl. No.	Description	Number
1	No. of Complaints received by ICC during the year	Nil
2	No. of complaints disposed of during the year	Nil
3	No. of cases pending for more than 90 days	Nil
4	Nature of Action taken by the employer	NA
5	No. of workshops/ awareness programs carried out	1
6	No. of training attended by members	2

## Q. Processing of General Complaints and CPGRAMS

Other than formal filings of antitrust and combination cases under Sections 19(1) and 6(2) of the Act, the Commission receives a large number of general complaints including complaints received through Centralised Public Grievance Redress and Monitoring System (CPGRAMS) and various elected public representatives, *inter alia* raising various grievances/ issues pertaining to the potential violation of the competition law. The Investigation Division of the Commission is entrusted with the responsibility of processing and disposal of such complaints. Based on the analysis of the Division, the Commission takes a decision to convert appropriate complaints into *suo motu* cases. Table Q1 gives details of general complaints received and processed in last three years.

**Table Q1: Receipt and Disposal of General Complaints**

Sl. No.	Description	2017-18	2018-19	2019-20
1	Number of General Complaints received	965	819	966
2	Number of CPGRAMS received	17	35	34
3	Number of General Complaints closed after processing	928	801	727
4	Number of CPGRAMS closed after processing	17	35	34
5	Number of General Complaints pending for processing	37	18	239
6	Number of CPGRAMS pending for processing	0	0	0
7	Number of <i>suo motu</i> cases developed	3	5	4

## Photo Gallery



Shri N.K. Singh, Chairman, 15<sup>th</sup> Finance Commission delivering a lecture on 10<sup>th</sup> Annual Day of the Competition Commission of India on May 20, 2019.



Smt. Nirmala Sitharaman, Hon'ble Minister of Finance and Corporate Affairs inaugurating the celebration of ten years of competition law enforcement in the presence of Shri Anurag Singh Thakur, Hon'ble Minister of State for Finance and Corporate Affairs and Shri Ashok Kumar Gupta, Chairperson, CCI on August 23, 2019.





Smt. Nirmala Sitharaman, Hon'ble Minister of Finance and Corporate Affairs, Shri Anurag Singh Thakur, Hon'ble Minister of State for Finance and Corporate Affairs, Shri Ashok Kumar Gupta, Chairperson, CCI and Shri Injeti Srinivas, Secretary, MCA releasing the 'Diagnostic Toolkit for Public Procurement Officers' on August 23, 2019.



Shri Rajiv Kumar, Vice Chairman, NITI Aayog delivering the keynote address at the Workshop on 'E-commerce: Changing Competition Landscape in India' on August 30, 2019.



CCI professional Officers participating in an Offsite Workshop held at Amritsar during November 8-10, 2019.



Dr. M.S. Sahoo, Chairperson, Insolvency and Bankruptcy Board of India addressing the audience at the 5<sup>th</sup> Roadshow on Competition Law and Practice held in Mumbai on November 30, 2019.





CCI Officers during Offsite Workshop held at Amritsar during Nov 30 to Dec 2, 2019.



Shri Ashok Kumar Gupta, Chairperson, CCI participating in a conference titled 'The Clash of Titans - Conference on Competition Law and Intellectual Property Rights' organised by the PHD Chambers of Commerce, New Delhi on January 11, 2020.



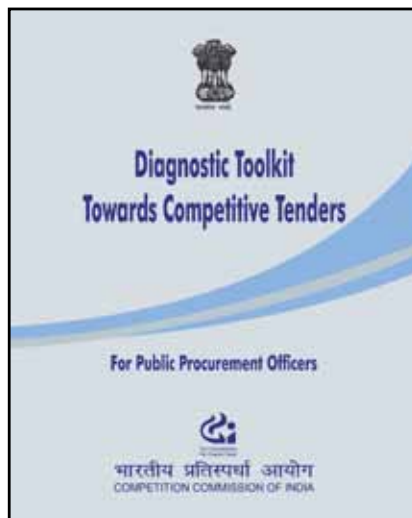
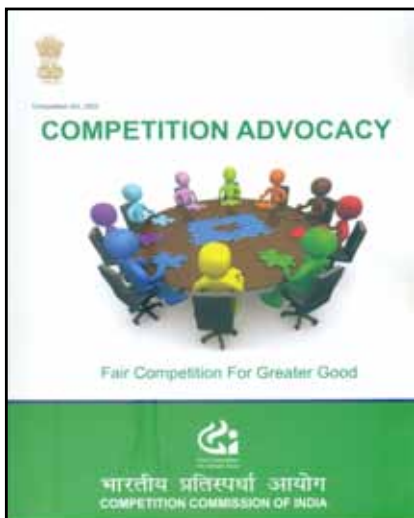
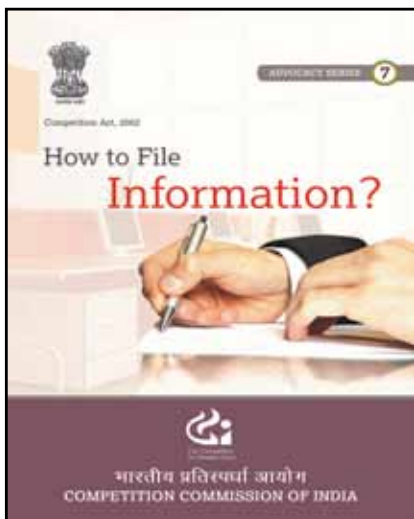


The Commission with State Nodal Officers after the successful conclusion of their training programme held on January 31, 2020.



Shri Bibek Debroy, Chairman, Economic Advisory Council to the Prime Minister delivering the keynote address at the 'National Conference on Economics of Competition Law' held on March 6, 2020.

## A few CCI Publications...









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