

ANNUAL REPORT 2018-19



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, 2019



Left to Right:

Shri U C Nahta, Member, Shri Ashok Kumar Gupta, Chairperson and Ms Sangeeta Verma, Member

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Abbreviations

A

- AAEC - Appreciable Adverse Effect on Competition
ASSOCHAM - Associated Chambers of Commerce & Industry

B

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

C

- C&AG - Comptroller and Auditor General of India
CB - Competition Bureau, Canada
CBD - Capacity Building Division
CCI - Competition Commission of India
CII - Confederation of Indian Industry
COMPAT - Competition Appellate Tribunal
CPIO - Central Public Information Officer

D

- DG - Director General, CCI
DOJ - Department of Justice, USA
DVKS - Distinguished Visitors Knowledge Sharing Series

E

- EU - European Union

F

- FAA - The First Appellate Authority
- FTC - Federal Trade Commission, USA

I

- ICN - International Competition Network
- ICSI - Institute of Company Secretaries of India
- IICA - Indian Institute of Corporate Affairs
- IIM - Indian Institute of Management
- IOCL - Indian Oil Corporation Limited

K

- KPC - Korea Policy Centre (of OECD)

M

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

N

- NACIN - National Academy of Customs, Indirect Taxes and Narcotics
- NCLAT - National Company Law Appellate Tribunal
- NIFM - National Institute of Financial Management
- NLU - National Law University
- NOC - No Objection Certificate

O

- OECD - Organisation for Economic Cooperation and Development
- OMC - Public Sector Oil Marketing Companies
- OP - Opposite Party

R

- RA - Research Associate
- RBI - Reserve Bank of India
- RTI - The Right to Information Act, 2005

S

- SCOPE - Standing Conference of Public Enterprises

T

- The Act - Competition Act, 2002

U

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

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Chairperson's Statement

It is my privilege to present the Annual Report of the Competition Commission of India for the year 2018-19.

Though the Competition Act was passed in 2002, the Commission started discharging its enforcement functions from 2009 onwards after notification of the anti-trust enforcement provisions of the Act, followed by the notification of provisions relating to regulation of combinations in 2011. In the year 2018-19, the Commission reached a landmark figure of 1000 anti-trust cases.



During 2018-19, the Commission received 68 information for anti-trust cases and 94 notifications for combination cases. The Commission passed final orders in 90 cases of antitrust and found contravention in 21 cases. It also decided 89 combination cases.

Antitrust

The Commission's enforcement priority has always been to take action against cartels. As it is not always possible to get smoking gun evidence in cartel cases, competition authorities the world over rely on leniency applications filed by parties who have been actively involved in cartels and want to come out clean. During the year, the Commission passed orders in six matters where lesser penalty applications were filed under CCI (Lesser Penalty) Regulations 2009 and the applicants got either 100% or significant waiver of penalty. These included 3 cases of bid-rigging in tenders issued by a municipality and another 3 cases of dry cell batteries. It is hoped that with passage of time, this mode will be increasingly successful in busting bid rigging and cartels.

The Commission also decided on other cases of anti-trust such as those on abuse of dominance. One of the cases involved a sports federation where the players were restricted from participating in tournaments not authorised by the federation and the federation also denied market access to other organisers of tournaments.

In a case relating to the petroleum sector, the Commission stated that a dominant entity under the garb of safety, efficiency and business justifications cannot justify what is in reality an abuse of its dominant position in the market.

In a case involving pharmaceutical companies and their distributors, the Commission held that the prevailing practice requiring no objection certificate by chemist & druggist associations prior to supply of drugs to distributors was anticompetitive.

In another case an association of film producers was penalised for anticompetitive conduct in preventing release of dubbed content in local language.

Combination

The Commission reviewed important combination cases in various sectors such as telecom, entertainment, pharmaceuticals, healthcare and e-commerce during the year. The Commission modified the Combination regulations to allow the parties to the Combination to withdraw their notice and refile in case of significant information gaps. It also provided for voluntary remedies to be proposed by parties in response to the notice issued under section 29(1) of the Act for acceptance by Commission. During the year, in two cases the Commission directed structural as well as behavioural remedies. In three cases the Commission agreed to the voluntary remedies proposed by the parties. It is noteworthy that the average number of working days taken for disposal of Combination cases reduced from 23 days in 2017-18 to 18 days in 2018-19.

Advocacy

The Commission during the year organised Road shows at Mumbai, Delhi, Ahmedabad and Hyderabad to spread awareness about Competition Law. At the road show in Delhi, on the subject of “*Public Procurement and Competition Law*”, Shri Arun Jaitley, Hon’ble Minister of Finance & Corporate Affairs emphasised that procurement based on principles of fairness, transparency and public interest will protect the revenues of the State. Shri Vijay Rupani, Hon’ble Chief Minister of Gujarat, in his inaugural address during the Ahmedabad Road Show, stated that competitiveness achieved by Gujarat has been possible only due to strong competition amongst the businesses.

The advocacy initiatives by the Commission were stepped up during the year and besides the four road shows, the Commission participated in 123 workshops/seminars, sponsored 9 moot court events at law colleges, launched a Radio Advertisement Campaign and enhanced presence in social media.

Legal Developments

A number of landmark judgements were delivered by the appellate courts setting the ground for jurisprudential development that is imperative for an authority stepping towards the completion of its first decade of enforcement.

Hon'ble Supreme Court, vide its order dated January 15, 2019 ratified the power of the Office of Director General (DG) during investigation to conduct 'search and seizure' operations.

In another case, vide order dated December 5, 2018, the Supreme Court observed that the Competition Act is a special statute and if there is an anti-competitive conduct, it is within the exclusive domain of the Commission to examine and rule upon it.

The Division Bench of the Delhi High Court also clarified some important procedural issues pertaining to the inquiry by the Commission under the Act vide its order dated September 12, 2018 whereby it held that :-

- a) Procedure by DG who investigated the complaint as a matter without the Commission recording its prima facie opinion against the appellant cannot be termed as an illegality.
- b) The Commission can hold simultaneous inquiry under section 48 of the Act against the Directors and other officials of the company without first arriving at a finding of violation of anti-competitive conduct against the company;
- c) After the DG investigation report is received there is no power with the Commission to recall its prima facie order under section 26(1) of the Act.

Other developments

Having spent almost a decade in rented premises in Central Delhi, the Commission moved into its new office in East Kidwai Nagar during 2018-19. The office was inaugurated on August 30, 2018 by Shri Arun Jaitley. The office has state of the art facilities including meeting rooms, inspection rooms, library, canteen and cordoned off areas to maintain confidentiality.

During the year, Competition Law Review Committee (CLRC) was set up by the Ministry of Corporate Affairs to review and suggest amendments to the Competition Act, 2002. The Committee formed 4 working groups, namely, working group on Regulatory Structure, working group on Amendments to Competition Law, working group on Competition Policy, Advocacy and Advisory functions and working group on New Age Markets & Big Data. Numerous meetings took place within these groups and among the groups *inter-se*. The outcome of those discussions will play an important role in changing the regulatory environment and the competition law enforcement practices in years to come.

To face the challenges of future, the Commission is undertaking research studies in areas of economic importance to understand the intricacies and to make our interventions less abstract and more driven by practical insights. In pursuance thereof, the Commission has commissioned a market study in 2018-19 on the e-commerce sector in India to develop a better understanding of the functioning of e-commerce in the country and its implications for markets and competition. Further, the Commission has also decided to undertake a research study on the competition and regulatory issues related to cab-aggregator industry.

The Commission entered into a bipartite MoU with Government e-Marketplace on February 6, 2019 with the object to set-up an institutional mechanism for formal interaction wherein both the parties will share information, intelligence and pool their knowledge to develop digital screens for cartel detection.

As a lot of evidence gathered by the Director General during investigation is in digital form, the Commission is actively pursuing the set-up of a full-fledged forensic lab to help in analysing the vast amount of data, e-mails, documents etc. recovered during investigation.

Finally on behalf of the Commission, I take this opportunity to thank Shri D.K. Sikri, who demitted office on July 12, 2018 as Chairperson on completion of his term and also Shri Sudhir Mital who was Member and then acting Chairperson demitted office on the completion of his term on November 9, 2018, for their valuable contribution.

Shri G.P. Mittal and Shri Augustine Peter, who were Members, also demitted office during the year after completion of their terms. On behalf of the Commission, I also thank them for their contribution. This year the Commission welcomed a new member Dr Sangeeta Verma from the Indian Economic Service.

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

Ashok Kumar Gupta
Chairperson
Competition Commission of India

A. Introduction

(i) Objectives

Competition is the life force of markets that creates the best incentives for businesses to increase efficiency, drives their productivity and fuels innovation. Despite its all-embracing benefits, healthy competition may not emerge on its own. Even the most ardent votaries of a market economy recognise that liberalised markets cannot be presumed to be competitive and efficient. Economy can still be fraught with distortions caused by large monopolistic firms or groups of firms acting in concert. Without oversight and necessary intervention, we could be witness to a chaotic environment, where dominant firms misuse their market power to fence out competition or cartels drive up prices or anti-competitive mergers weaken competitive structure of markets, businesses get affected and consumers are deprived of value for money. Such distortions break the link between liberalised markets and the productivity and innovation gains that they are believed to yield. Thus, governments around the world have found it necessary to prescribe ground rules for competition in the market place. Today, more than 130 countries have a competition law.

Post liberalization in the early nineties there was a paradigm shift from a regime of command and control to a facilitating regime with increased reliance on market forces. In keeping with this change, it was imperative that the competition law underwent a change in line with the needs of a market-based economy. For this new economic order to achieve its intended goals, a legal architecture was needed that ensures protection and promotion of competition and fair play in the marketplace, which led to the enactment of the Competition Act 2002 and establishment of the Competition Commission of India to lay the foundation of a competition ecosystem in the country. Though it replaced its predecessor the Monopolies and Restrictive Trade Practices Act, 1969, the Competition Act was a new law in many respects. Besides the power to impose stricter sanctions, the Act empowered the Commission to bring within its ambit the state-owned enterprises and to regulate the mergers & acquisitions using a forward-looking assessment. The intent was unambiguously clear to ensure Indian markets a regulator that not only protects the process of competition from unilateral and coordinated anti-competitive conduct of the private entities/firms but also from the distortions caused by state owned entities and government departments while discharging their economic functions.

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

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

(ii) Important achievements

Table A1 presents the performance of the Commission on select parameters in 2018-19 *vis-à-vis* 2017-18. During 2018-19, the Commission received sixty-eight cases related to anti-competitive agreements and abuse of dominant position.

On the basis of existence of *prima-facie* case, the Commission directed the Director General to undertake investigation into twenty-two matters and closed forty-three. The DG completed investigation in fifty-one matters during the year 2018-19.

The Commission received ninety four notices of proposed combinations in 2018-19, besides seven notices which were pending at the beginning of the year and approved eighty-nine combination notices during the year. The Commission imposed an aggregate penalty of Rs. 357.85 crore *vis-à-vis* Rs. 436.65 crore in 2017-18.

Table A1: Select Performance Parameters: 2018-19 and 2017-18

No.	Particulars	2018-19	2017-18
1	Alleged anti-competitive conduct noticed	68	72
2	<i>Prima facie</i> orders passed in respect of alleged anti-competitive conduct	65	74
3	Investigations completed by DG	51	36
4	Orders [under Sections 26(2), 26(6), 27 and Other/Misc. Order] passed in respect of anti-competitive conduct	90	72
5	Amount of penalty levied (Rs. crore)	357.85	436.65*
6	Percentage of orders appealed against (%)	51.11	56.06
7	Proposed combinations approved	89	69
8	Average no. of days taken to dispose of a combination notice	18	23
9	Advocacy programmes	123	101
10	Employees as on 31st March, 2019		
	Commission	110	102
	DG Office	23	21
11	Trainings organized for capacity building of officers (including overseas training)	36	35

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

(iii) The year in review

(a) Landmark decisions of the Commission

The following presents a gist of allegations, findings and directions in important matters disposed of by the Commission during 2018-19.

1. Cartelisation by Indian Zinc-Carbon Dry Cell Battery Manufacturers (*Suo Motu* Case No. 02 of 2017)

Allegation: The case was initiated by the Commission *suo motu* upon disclosure by Panasonic Corporation and Panasonic Energy India Co. Limited (Panasonic) under Section 46 of the Competition Act, that there existed a bi-lateral ancillary cartel between Panasonic and Geep Industries (India) Private Limited (Geep) in the institutional sales of Dry Cell Batteries in the market. It was disclosed that Panasonic had a primary cartel with Eveready Industries India Ltd. and Indo National Limited and hence, had the fore-knowledge about the time of price increase to be affected by this primary cartel. This fore-knowledge was leveraged by Panasonic to negotiate and increase the basic price of batteries being sold by it to Geep.

Finding: Following a detailed investigation by the DG, the Commission found that Panasonic and Geep had entered into a Product Supply Agreement, Clause 4.3 of which imposed a mutual obligation on both of them not to take any step detrimental to each other's market interests with respect to the market prices of Dry Cell Batteries. Such prices were to be reviewed and maintained at agreed levels. Further, multiple communications between Panasonic and Geep were found regarding the prices of Geep's products being jointly decided by Panasonic and Geep keeping in line the prices decided collectively by Panasonic Eveready and Indo National.

Decision: The Commission, *vide* order dated August 30, 2018, held Panasonic and Geep guilty of contravention of Section 3(3)(a) read with Section 3(1) of the Competition Act from October 1, 2010 till April 30, 2016. Further, penalty @ 1.5 times the profit for each year of continuance of cartel was calculated for Panasonic and for Geep, penalty @ 4% of its turnover for each year of the continuance of the cartel was calculated. Further, penalty @ 10 % of the average income of the preceding three FYs, was also decided to be imposed upon the individuals of both the parties. Thus, penalty of Rs. 9,64,06,682 was imposed upon Geep. However, in view of the fact that Panasonic was a lesser penalty applicant in the matter and had provided full, true and vital disclosures as well as extended full co-operation in the matter, Panasonic and its individuals were granted 100 % reduction in the penalty amount.

2. Cartelisation by Zinc-Carbon Dry Cell Battery Manufacturers in India (*Suo Motu* Case No. 03 of 2017)

Allegation: The case was initiated by the Commission *suo motu* upon disclosure by Panasonic Corporation and Panasonic Energy India Co. Limited (Panasonic) under Section 46 of the Competition Act, that there existed a bi-lateral ancillary cartel between Panasonic and Godrej and Boyce Manufacturing Co. Ltd. (Godrej) in the institutional sales of Dry Cell Batteries in the market. It was disclosed that Panasonic had a primary cartel with Eveready Industries India Ltd. and Indo National Limited and hence, had the fore-knowledge about the time of price increase to be affected by this primary cartel. This fore-knowledge was leveraged by Panasonic to negotiate and increase the basic price of batteries being sold by it to Godrej.

Finding: Following a detailed investigation by the DG, the Commission found that Panasonic and Godrej had entered into a Product Supply Agreement, Clause 8.2 of which imposed a mutual obligation on both of them not to take any step detrimental to each other's market interests with respect to the market prices of Dry Cell Batteries. Further, multiple communications between Panasonic and Godrej were found which revealed that commercially sensitive information about prevailing and desired market prices of Dry Cell Batteries was exchanged between them and they had a price monitoring system in place.

Decision: The Commission, *vide* order dated January 15, 2019, held Panasonic and Godrej guilty of contravention of Section 3(3)(a) read with Section 3(1) of the Competition Act from January 13, 2012 till November 2014. Further, penalty @ 1.5 times the profit for each year of continuance of cartel was calculated for Panasonic and for Godrej, penalty @ 4% of its turnover for each year of the continuance of the cartel was calculated. Further, penalty @ 10 % of the average income of the preceding three financial years was also decided to be imposed upon the individuals of both the parties. Thus, penalty of Rs. 85,01,364 was imposed upon Godrej. However, in view of the fact that Panasonic was a lesser penalty applicant in the matter and had provided full, true and vital disclosures as well as extended full co-operation in the matter. Panasonic and its individuals were granted 100 % reduction in the penalty amount.

3. Nagrik Chetna Manch and Fortified Security Solutions and others (Case No. 50 of 2015)

Allegation: In an information filed by Nagrik Chetna Manch, it was brought to the notice of the Commission that six entities namely Fortified Security Solutions, Ecoman Enviro Solutions Pvt. Ltd., Lahs Green India Pvt. Ltd., Sanjay Agencies, Mahalaxmi Steels and Raghunath Industry Pvt. Ltd. had indulged in bid rigging/ collusion in five tenders floated by the Pune Municipal Corporation during December 2014 to March 2015 for Design, Supply, Installation, Commissioning, Operation and Maintenance of Municipal Organic and Inorganic Solid Waste Processing Plant(s).

Finding: During investigation by the DG, all six firms approached the Commission as lesser penalty applicants. After detailed investigation by the DG, the Commission found evidence that there was bid

rigging/ collusive bidding by the above six firms in the aforesaid five tenders. Thus, the Commission held all six firms liable for contravention of Section 3(3)(d) read with Section 3(1) of the Competition Act, 2002.

Decision: The Commission, *vide* order dated May 1, 2018, calculated penalty amounts @ 10% of the average turnover for the preceding three FYs to be imposed upon the contravening six firms. Also, penalty @10 % of the average income for the same three years was calculated for the individual officials of four firms *namely* Ecoman Enviro Solutions Pvt. Ltd., Lahs Green India Pvt. Ltd., Sanjay Agencies and Raghunath Industry Pvt. Ltd. No penalty however, was calculated to be imposed on the individuals of Fortified Security Solutions and Mahalaxmi Steels as these were proprietorship firms. Then, keeping in view the stage at which the lesser penalty applications were filed and the extent to which co-operation was extended in conjunction with the value addition provided by each firm in establishing the existence of cartel, the Commission granted reduction of penalty by 50% to Lahs Green India Pvt. Ltd. and Mahalaxmi Steels and their individuals, by 40% to Sanjay Agencies and its individuals and by 25% to Ecoman Enviro Solutions Pvt. Ltd. and its individuals. After reduction, penalties of Rs. 13,07,240, Rs. 33,90,500, Rs. 21,00,258, Rs. 90,63,874, Rs. 1,68,10,166 and Rs. 30,54,943 were imposed on Fortified Security Solutions, Ecoman Enviro Solutions Pvt. Ltd., Lahs Green India Pvt. Ltd., Sanjay Agencies, Mahalaxmi Steels and Raghunath Industry Pvt. Ltd., respectively.

4. House of Diagnostics LLP and Esaote S.p.A, Esaote Asia Pacific Diagnostic Pvt. Ltd. (Case No. 09 of 2016)

Allegation: The Informant *i.e.* House of Diagnostics LLP ('HoD'), engaged in the business of medical diagnostic imaging services, filed an information before the Commission against Esaote S.p.A and Esaote Asia Pacific Diagnostic Pvt. Ltd. ('Esaote') alleging inter alia supply of old machines with various manufacturing and other defects, when the agreement was for brand new machines. The Informant also alleged that Esaote charged huge sum of money for supplying spare parts and refused to perform its obligations under the contract. In addition, essential terms of the contract were also alleged to have been changed unilaterally by Esaote.

Finding: Following a detailed investigation by the DG, the Commission found Esaote to be the only manufacturer supplying standing/ tilting MRI machines in India and thus, held Esaote to be dominant in this market. The Commission further found Esaote to have misled HoD by supplying old machines instead of new machines as ordered by the Informant. The Commission also held that Esaote acted unfairly and thereby abused its dominant position by refusing to provide Head Coils with the machines to the Informant. The Commission also noted that Esaote S.p.A had given exclusive distribution rights to its Indian subsidiary in respect of G-Scan MRI machines which was found to limit provision of services in after sale support market, besides denying market access to third party service providers.

Decision: The Commission *vide* its order dated September 27, 2018 imposed a penalty of Rs. 9.33 lakh upon Esaote. Besides, a cease and desist order was also issued.

5. India Glycols Limited & Ors. and Indian Sugar Mills Association & Ors. (Case Nos. 21, 29, 36, 47, 48 & 49 of 2013)

Allegation: India Glycols Limited alleged that Indian Sugar Mills Association (ISMA) and Ethanol Manufacturers Association of India (EMAI) persuaded oil marketing companies (OMCs) to come out with a joint tender in the year 2013 for the purpose of procuring ethanol. It was *inter alia* alleged that the sugar manufacturers who had participated in the joint tender manipulated the bids by quoting similar rates and in some cases identical rates through an understanding and collective action in violation of the provisions of Section 3 of the Competition Act, 2002.

Finding: Following detailed investigation by the DG, the Commission found that the sugar manufacturers who were suppliers of ethanol had contravened the provisions of Section 3(3)(d) read with Section 3(1) of the Competition Act, 2002 by acting in a collusive and concerted manner which eliminated and lessened competition besides manipulating the bidding process in the impugned tender. The suppliers, who participated in respect of the depots located in UP, Gujarat and Andhra Pradesh, in response to the joint tender floated by the OMCs, were found to have acted in a concerted and collusive manner in submitting their bids. This was evidenced from the prices quoted, quantities offered and the explanations given by the parties. Such collusion was further strengthened from the fact that these suppliers utilised the platform of ISMA and also acted on the signals emitted by EMAI which influenced their bidding behaviour.

Decision: The Commission, *vide* its order dated September 18, 2018, imposed a total penalty of Rs. 38.05 crore upon the eighteen sugar mills and their trade associations (ISMA/ EMAI). Further a cease and desist order was also issued against them.

6. Bid-Rigging by Broadcasting Service Providers in Tenders of Sports Broadcasters (Suo Motu Case No. 02 of 2013)

Allegation: The case was initiated by the Commission *suo motu* upon disclosure by Globecast India Private Limited and Globecast Asia Private Limited (Globecast) under Section 46 of the Competition Act that Globecast and Essel Shyam Communication Limited (ESCL) (now Planetcast Media Services Limited) had indulged in bid-rigging in tenders floated by sports broadcasters for procurement of end-to-end broadcasting services *i.e.* ground segment services as well as satellite bandwidth services, for various sporting events during July 2011- May 2012.

Finding: During investigation by the DG, ESCL also approached the Commission as a lesser penalty applicant. Following a detailed investigation by the DG, the Commission found that ESCL and Globecast had operated a cartel amongst themselves in various sporting events held during the years 2011-12 including the Indian Premier League 2012.

Decision: The Commission, *vide* order dated July 11, 2018, held Globecast and ESCL liable for contravention of the provisions of Section 3(3)(d) read with Section 3(1) of the Competition Act and

accordingly calculated penalties to be imposed upon them @ 1.5 times of their profit during the period July 2011-May 2012. Additionally, the penalty to be levied on the individual officers of Globecast and ESCL was computed @ 10% of their average income for the preceding three FYs. Thereafter, keeping in view the stage at which the lesser penalty applications were filed, the Commission granted reduction in penalty by 100% to Globecast and its individuals and by 30% to ESCL and its individuals. Thus, penalty of Rs. 22.36 crore was imposed upon ESCL and no penalty was imposed on Globecast.

7. Cartelisation by Zinc-Carbon Dry Cell Battery Manufacturers in India (*Suo Motu* Case No. 02 of 2016)

Allegation: The case was initiated by the Commission *suo motu* upon disclosure by Panasonic Energy India Co. Limited (Panasonic) under Section 46 of the Competition Act, that Panasonic, Eveready Industries India Limited (Eveready) and Indo National Limited (Nippo) through the platform of Association of Indian Dry Cell Manufacturers (AIDCM) had cartelised to raise the prices of Zinc-Carbon Dry Cell Batteries in the Indian market. It was disclosed by Panasonic that the employees of Panasonic, Eveready and Nippo used to meet and agree on the price increase to be effected in the market, which was led by one manufacturer and followed by the others under the pretext of following the market leader.

Findings: During investigation by the DG, Eveready and Nippo also approached the Commission as lesser penalty applicants. Following a detailed investigation by the DG, the Commission found that Panasonic, Eveready and Nippo had indulged in anti-competitive conduct of price coordination, limiting production/ supply of Dry Cell Batteries as well as market allocation which was facilitated by AIDCM. Thus, the Commission held them along with their respective individuals who were actively involved in the cartelisation in the domestic market, liable under the provisions of Section 3(3)(a), 3(3)(b) and 3(3)(c) read with Section 3(1) of the Competition Act.

Decision: The Commission, *vide* order dated April 19, 2018, calculated penalty @ 1.25 times of their profit for each year from 2009-10 to 2016-17 to be imposed upon the three battery manufacturers. Further, penalty @ 10 % of its average receipts for the preceding three FYs was calculated to be imposed upon AIDCM. Additionally, penalty @ 10 % of the average income for the preceding three FYs was also calculated for the individual officers/ office-bearers of the three battery manufacturers and AIDCM. Keeping in view the stage at which lesser penalty applications were filed, co-operation extended, in conjunction with value addition provided in establishing the existence of cartel, the Commission granted reduction of penalty by 100 % to Panasonic and its individuals, by 30 % to Eveready and its individuals, and by 20 % to Nippo and its individuals. Pursuant to reduction, the penalty imposed on Eveready was Rs 171.55 crore and on Nippo was Rs 42.26 crore. No penalty was however, imposed on Panasonic.

8. Cartelisation intender Nos. 21 and 28 of 2013 of Pune Municipal Corporation for Solid Waste Processing (*Suo Motu* Case No. 03 of 2016)

Allegation: In an information received by the Commission in another case *i.e.* Case No. 50 of 2015 (*Nagrik Chetna Manch v. Fortified and Others*), it was disclosed that Saara Traders Private Limited, Ecoman Enviro Solutions Private Limited, Fortified Security Solutions and Raghunath Industry Private Limited had indulged in bid rigging/collusion in Tender Nos. 21 and 28 of 2013 floated by Pune Municipal Corporation for Design, Supply, Installation, Commissioning, Operation and Maintenance of Municipal Organic and Inorganic Solid Waste Processing Plant(s). Such tender was not investigated as part of Case No. 50 of 2015, but was initiated *suo motu* by the Commission.

Finding: During investigation by the DG, all the four firms approached the Commission as lesser penalty applicants. After detailed investigation by the DG, the Commission found evidence in the form of sequentially numbered demand drafts being used for submission of bids, same IP address being used for uploading tender documents, oral statements admitting exchange of price information *etc.* proving that there was bid rigging/ collusive bidding by the above four firms in the aforesaid two tenders. Thus, the Commission held all four firms liable for contravention of Section 3(3)(d) read with Section 3(1) of the Competition Act, 2002.

Decision: The Commission *vide* order dated May 31, 2018, calculated penalty amounts @10% of the profit for the preceding three FYs to be imposed upon the contravening four firms. Also, penalty @10% of the average income for the same three years was calculated for the individual officers of Saara Traders Private Limited, Ecoman Enviro Solutions Private Limited and Raghunath Industry Private Limited. No penalty however, was calculated to be imposed on the individuals of Fortified Security Solutions as it was a proprietorship firm. Further, keeping in view the stage at which the lesser penalty applications were filed and the extent to which the co-operation was extended in conjunction with the value addition provided in establishing the existence of cartel, the Commission granted reduction of penalty by 50% to Saara Traders Private Limited and its individuals. However, no reduction in penalty was granted to other lesser penalty applicants. Thus, a penalty of Rs. 23,22,631, Rs. 33,00,078, Rs. 11,00,541 and Rs. 26,40,940 was levied on Saara Traders Private Limited, Ecoman Enviro Solutions Private Limited and Raghunath Industry Private Limited respectively.

9. Cartelisation in Tender No. 59 of 2014 of Pune Municipal Corporation for Solid Waste Processing (*Suo Motu* Case No. 04 of 2016)

Allegations: In an information received by the Commission in another case *i.e.* Case No. 50 of 2015 (*Nagrik Chetna Manch v. Fortified and Others*), it was disclosed that Lahs Green India Private Limited, Ecoman Enviro Solutions Private Limited, Fortified Security Solutions and Raghunath Industry Private Limited had indulged in bid rigging/collusion in the Tender No. 59 of 2014 floated by Pune Municipal Corporation for Design, Supply, Installation, Commissioning, Operation and Maintenance of Municipal

Organic and Inorganic Solid Waste Processing Plant(s). Such tender was not investigated as part of Case No. 50 of 2015, but was initiated *suo motu* by the Commission.

Findings: During investigation by the DG, all the four firms approached the Commission as lesser penalty applicants. After detailed investigation by the DG, the Commission found evidence in the form of sequentially numbered demand drafts being used for submission of bids, same IP address being used for uploading tender documents, call data records showing contacts between competitors, oral statements admitting exchange of price information *etc.* proving that there was bid rigging/ collusive bidding by four firms in the aforementioned tender floated by Pune Municipal Corporation as mentioned above. Thus, the Commission held all four firms liable for contravention of Section 3(3)(d) read with Section 3(1) of the Competition Act, 2002.

Decision: The Commission *vide* order dated May 31, 2018 directed all the four firms to cease and desist from indulging in such anticompetitive conduct in future. However, considering that Tender No. 59 of 2014, which is subject matter of this case, pertained to the same period to which the tenders in Case No. 50 of 2015 belonged and that the penalty was already levied on the OPs in Case No. 50 of 2015, the Commission decided not to again impose penalty on the OPs for the same period.

10. G. Krishnamurthy and Karnataka Film Chamber of Commerce (KFCC) and Others (Case No. 42 of 2017)

Allegations: Information was filed by Shri G. Krishnamurthy against Karnataka Film Chamber of Commerce (KFCC) and its president, Kannada Okkuta and its president and Shri Jaggesh, a veteran actor of Kannada Film industry, alleging that these opposite parties created a hostile environment through press meet, news reports, tweets *etc.* against the release of dubbed movies in general and the Informant's movie "*Sathyadev IPS*" in particular, in the State of Karnataka. It was also alleged that KFCC was indulging in such anti-competitive conduct despite being penalised in the past by the Commission *vide* order dated July 27, 2015 passed in Case No. 58 of 2012 (*Kannada Grahakara Koota & Anr. v. KFCC and Others*) for restricting the exhibition of dubbed content in the State of Karnataka. The said order of the Commission was upheld by erstwhile Competition Appellate Tribunal. The Informant also relied on the judgment dated March 7, 2017 passed by the Hon'ble Supreme Court in Civil Appeal No. 6691/2014 titled, *Competition Commission of India v. Coordination Committee of Artists and Technicians of WB Film and Television Industry*, AIR 2017 SC 1449 to emphasise that restriction of dubbed content was anti-competitive. The Commission was *prima facie* of the view that the matter be referred to the DG to cause an investigation into the matter.

Findings: The DG found the conduct of the opposite parties of entering into tacit arrangements, taking decisions for mass boycott and adopting practices of calling press meets, in furtherance of their common object of obstructing the exhibition of dubbed content, which caused appreciable adverse effect on competition in the State of Karnataka. Based on the evidence collected by the DG, oral and written

submissions of the parties and all other material available on record, the Commission observed the opposite parties have been in tacit understanding to create entry barriers for the producers, distributors and theatre owners by protesting against and threatening the distributors and theatre owners, which has appreciable adverse effect on competition, in the market of State of Karnataka and these actions on the part of the OPs are in clear contravention of Section 3(3)(b) of the Act read with Section 3(1) of the Act. This severely impacted Informant's dubbed movie and interfered with the free play of market forces and each of the opposite parties played their part in thwarting the screening of dubbed movies in the State of Karnataka, much to the detriment of the principles of competition. The Commission observed that in Coordination Committee judgment, *supra*, the Hon'ble Supreme Court recognised that any restrictions imposed on screening of dubbed content, falls foul of the provisions of Section 3 of the Act. The Commission also found OP-1 guilty of recidivism for continuing the anti-competitive conduct, despite strict and unambiguous order to cease and desist from such anti-competitive conduct in the previous order of the Commission.

Decision: The Commission directed KFCC and its members, as well as other opposite parties to cease and desist from indulging in practices which were found to be anti-competitive. The Commission, in exercise of its power under Section 27 of the Act, imposed a penalty on KFCC of Rs. 9.73 lakh, on its President viz. Shri Sa. Ra Govindu of Rs. 15,121/- and Shri Jaggesh of Rs. 2.71 lakh @ 10 % of the average income for preceding three years. Besides imposing pecuniary penalty, the Commission directed KFCC to bring in place a 'Competition Compliance Manual' to educate its members about the basic tenets of competition law principles and to file a compliance report.

11. M/s Alis Medical Store & Ors and Federation of Gujarat State Chemists & Druggists Associations (FGSCDA) and Ors. (Case Nos. 65, 71 & 72/2014 and 68/2015)

Allegation: In 4 separate cases, but entailing similar issues, filed by M/s Alis Medical Agency, M/s Stockwell Pharma, M/s Apna Dawa Bazar and M/s Reliance Medical Agency, it was brought to the notice of the Commission that the chemists and druggists associations operating in the State of Gujarat had restrained pharmaceutical companies from appointing new stockists in the said State unless a No Objection Certificate ('NOC') was obtained from them. It was also alleged that certain pharmaceutical companies refused to supply drugs to the aggrieved parties on account of not having obtained NOC from the aforesaid associations.

Findings: Based on the evidence collected by the DG during investigation, the Commission concluded that the FGSCDA and the aforesaid district level associations were indulging in the practice of mandating NOC prior to the appointment of stockists by pharmaceutical companies, which was leading to limiting and controlling of the supply of drugs in the market, and is in contravention of the provisions of Section 3(3)(b) read with Section 3(1) of the Act. The Commission also observed the conduct of pharmaceutical companies and the C&F Agent namely, Glenmark Pharmaceutical Ltd. ('Glenmark'),

Divine Saviour Pvt. Ltd. (**‘Divine Saviour’**) and Hetero Healthcare Ltd. (**‘Hetero’**) and Glenmark’s C&F Agent M/s B.M. Thakkar & Co. (**‘B.M. Thakkar’**), to be in contravention of the provisions of Section 3(1) of the Act, for facilitating the practice of NOC mandated by these associations. Further, the Commission held certain office bearers and officials of the erring associations and pharmaceutical companies, respectively, to be responsible under Section 48 of the Act, for their active involvement in the anti-competitive practice of the aforesaid entities and/or on account of the positions of responsibility held by them during the period of contravention.

Decision: The erring associations, pharmaceutical companies, the C&F agent and their respective office bearers/officials were directed to cease and desist from indulging in the practice of mandating NOC prior to stockist appointment. The Commission also imposed a monetary penalty at the rate of 10% of their average income of three financial years, on the erring associations and its office bearers; and a penalty at the rate of 1% of their average income of three financial years, on contravening pharmaceutical companies and its officials. Thus an aggregate penalty of Rs. 46.68 crore was imposed on the parties in the matter of which Rs. 45 crore was imposed on Glenmark Pharma alone.

12. Hemant Sharma & Ors. And All India Chess Federation (AICF) (Case No. 79 of 2011)

Allegation: This case was initiated on information filed by four chess players against AICF alleging several unfair stipulations in respect of organisation of chess tournaments, and rules and regulations in respect of nomination and participation *etc.* amounting to contravention of provisions of Section 4 of the Act. The Commission on finding a *prima facie* case under the provisions of Section 4 of the Act directed the DG to cause an investigation into the matter and submit a report.

Finding: After perusing the Investigation reports as submitted by DG, replies and arguments of parties and the material available on record, the Commission observed that AICF enjoys a dominant position in the markets for organization of professional chess tournaments/ events in India and services of chess players in India. Further, the Commission observed that AICF’s restriction on chess players to participate in unauthorised events and attendant punitive consequences restricted the movement of chess players and placed them and the potential organisers of chess tournaments in a disproportional disadvantage. Hence, such stipulation was held as an unreasonable restriction on chess players and denial of market access to organisers of chess events/ tournaments, in contravention of the provisions of Section 4(1) read with 4(2)(b)(i) and Section 4(2)(c) of the Act. The restrictions on chess players were further held to be in the nature of exclusive distribution and refusal to deal, in contravention of Section 3(4)(c) and Section 3(4)(d) of the Act.

Direction: A monetary penalty of Rs. 6.92 lakh was imposed on AICF to penalise such contravention and the following directions to AICF were issued:-

- i. AICF shall cease and desist from the conducts that is found anti-competitive;

- ii. AICF shall lay down the process and parameters governing authorisation/ sanctioning of chess tournaments. In doing so, AICF will ensure that they are necessary to serve the interest of the sport changes and shall be applied in a fair, transparent and equitable manner. Besides, AICF shall take all possible measure(s) to ensure that competition is not impeded while preserving the objective of development of chess in the country; and
- iii. AICF shall establish prejudice caused by a chess player before taking any disciplinary action against him. The disciplinary actions taken shall be proportional, fair and transparent. The disciplinary actions against the Informant and other similar players shall be reviewed by AICF on these lines; AICF shall file a report to the Commission on the compliance of the aforesaid directions from (a) to (c) within a period of 60 days from the receipt of the order.

13. Rico Auto Industries Limited & Others and GAIL (India) Ltd. (Case Nos. 16-20 & 45 of 2016, 2, 59, 62 & 63 of 2017)

Allegation: Ten separate informations were filed against GAIL by various customers of its Natural Gas located in and around National Capital Region (NCR), stating that Long Term Re-gasified Natural Gas (LTRNG) contracts, entered with such customers for a period of twenty years were anti-competitive in nature and certain clauses of agreement were unfair and one-sided. It was further contended that GAIL wrongly interpreted certain clauses of Gas Sale Agreement (GSA) pertaining to calculation of 'Take or Pay' liability for non-off take or under-drawl of gas by such Informants. The Commission on finding a *prima facie* case under the provisions of Section 4 of the Act, directed the Director General (DG) to cause an investigation into the matter and submit a report.

Findings: After perusing the information, the investigation report submitted by the DG and arguments of parties and the material available on record, the Commission passed final order dated November 8, 2018 in the matter wherein it found no contravention of provisions of Section 4 of the Act by GAIL. The Commission further held that LTRNG contracts was not anti-competitive in nature, given the fact and circumstances of the case.

Direction: The Commission however, directed GAIL to bring necessary rectifications/modifications in formats of LC, invoices, *etc* in conformity with the GSA, within a period of ninety days. GAIL was also directed to clearly reveal the available options of durations of contract to its customers, while entering into gas supply contracts, so that such customers could make an informed choice at the inception.

14. East India Petroleum Pvt. Ltd. and South Asia LPG Company Pvt. Ltd. (Case No. 76 of 2011)

Allegation: The case primarily concerned access to upstream LPG terminalling infrastructure at Vishakhapatnam Port, which comprised several components *viz.* unloading arms at the jetty, blender, heat exchanger and cavern (storage facility). This infrastructure being operated by South Asia LPG

Company Pvt. Ltd (SALPG) is used for handling imports of propane and butane and their blending into LPG. East India Petroleum Pvt. Ltd. (EIPL) filed an information with the Commission under Section 19(1)(a) of the Act alleging that while allowing it to use the blender, SALPG has been insisting on mandatory use of cavern. This resulted in paying significant charges to SALPG. The OMCs were thus not finding the LPG terminalling services offered by EIPL economically viable and were constrained to avail the terminalling services offered by SALPG only. To address this, EIPL first proposed to use the blender of SALPG and thereafter, take the output directly to the cross-country pipeline, bypassing the cavern. Since this was not agreeable to SALPG which allowed bypass of cavern to the extent of twenty five percent only, EIPL proposed to install its own blender, and sought a tap-out and tap-in from the propane and butane lines to discharge blended LPG, bypassing the cavern. This was also not acceptable to SALPG. Another proposal seeking tap-out from the propane and butane lines at jetty to EIPL's own blender and construction of its own infrastructure between the blender and storage facility, was also refused by SALPG. All this was alleged to be abuse of dominant position by SALPG.

Findings : After a detailed investigation by the Director General, the Commission conducted further inquiry in the matter and found that SALPG enjoys dominant position in the market for upstream terminalling services at Visakhapatnam Port. SALPG sought to justify its conduct on the grounds of safety as well as efficiency and business justification. However, after a detailed examination of claims made and after hearing the parties, the Commission held the impugned conduct of SALPG to be in contravention of the provisions of Section 4 of the Competition Act, 2002.

Directions : Accordingly, the Commission gave the following directions;-

- i. SALPG shall not insist mandatory use of its cavern and shall allow bypass of cavern for both pre-mixed and blended LPG, without any restrictions; and/or
- ii. SALPG shall allow access to its competitors, potential as well as existing, to the terminalling infrastructure at Visakhapatnam Port, subject to compliance with all safety integrity and other requirements under applicable laws and regulations framed thereunder. Such an access should avoid additional cost burden on SALPG, and the entity seeking access shall bear the cost, if any, towards necessary changes to the existing infrastructure. Under this option also, SALPG shall not insist on mandatory use of cavern and it shall allow bypass of cavern, without any restriction. SALPG shall extend full cooperation for the study/audit undertaken by VPT in relation to the remedies ordered herein. Needless to say, SALPG shall not do anything raising rival's cost. A penalty of Rs. 19.07 crore was also imposed on SALPG for indulging into the anticompetitive conduct.

(b) Legislative work

During the year 2018-19, the Commission inserted Regulation 46A to the Competition Commission of India (General) Regulations, 2009 ('General Regulation'). The new provision allowed presence of an advocate with any person summoned during proceedings before Director General, Competition

Commission of India (CCI). However, the presence of an advocate is subjected to the conditions that a request in writing accompanied by a *Vakalatnama* or Power of Attorney is to be duly submitted to the DG, prior to commencement of the proceedings; the advocate shall not sit in front of the person so summoned; and that the Advocate shall not be at a hearing distance and shall not interact, consult, confer or in any manner communicate with the person, during his examination on oath.

(c) Outreach programme

A prominent feature of Competition Act, 2002 is that it specifically provides (as per Section 49 of the Act), advocacy of competition law and its nuances among its wide spectrum of stakeholders. In deference to this the Commission has reached out to all the stakeholders which includes Central/ State Government, Academia, Industry, Trade Associations, Judiciary, PSUs, Educational & Research Institutions and Professional Bodies.

The Commission for the first time held a series of road shows in Mumbai, New Delhi, Ahmedabad, and Hyderabad. These road shows have spread awareness of the Competition Act among different trade associations, officials involved in public procurement and other stakeholders. The road show in Delhi was a National Conference on Public Procurement and Competition Law in which a number of PSUs had participated.

To further supplement advocacy efforts the following steps were also undertaken-

- Four issues of Commission's quarterly newsletter 'FAIR PLAY' were published.
- Translation of Advocacy Booklets was undertaken. Advocacy Booklets were published in Telugu and translation of Booklets in Bengali were completed.
- Training module on competition law was prepared for Administrative & Judicial Academies.
- Commission enhanced its presence on Social Media and actively engaged with its stakeholders through Twitter, YouTube, Facebook and LinkedIn.
- Launched FM Radio Campaign to reach out to general public and stakeholders in Delhi-NCR. A campaign of forty seconds was run daily for twelve spots per day for fifteen days in two prime FM radio channels (Radio City and Radio Mirchi) on the theme of Competition law awareness, cartels and leniency.

(iv) Capacity building

Employees are a key determinant of an organization's success and are often the "representative/ face" of the organization to its stakeholders. Hence, maintaining a well-trained, well-qualified workforce is a critical function for any organization to be successful. To spearhead this function, the Commission has a dedicated unit called Capacity Building Division (CBD) which develops innovative approaches and strategies for capacity enhancement of the employees and takes up programmes which help employees in improving their performance and achieve organizational objectives. Main activities of CBD are:

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

The Commission has also signed on February 6, 2019 a memorandum with Government e Marketplace (GeM) in order to pool their knowledge of the public procurement domain for detection of Anti-competitive practices.

(v) International engagement

The importance of international cooperation is well recognised by the Commission in developing strong linkages and networks 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 multilateral organisation such as Organization for Economic Co-operation and Development (OECD), International Competition Network (ICN), United Nations Conference on Trade and Development (UNCTAD) *etc.*

During the financial year 2018-19, 41 officers of the Commission participated in twenty seven programmes outside India.

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

In the year 2018-19, the Commission processed two MOUs *i.e.*, (i) MOU with Japan Fair Trade Commission (JFTC) (ii) MOU with Administrative Council for Economic Defense (CADE) Brazil. Government approval to sign the MOUs is awaited.

The Commission has been making regular contributions at various round tables during the conferences/ meetings of OECD. CCI is a member and has been an official invitee to all the meetings, seminars, conferences and workshops organized by the ICN.

(vi) Most active sectors

The Commission deals with two types of matters *viz.* anti-trust and combinations. The sector wise distribution points out the potential areas for focused attention of the Commission in terms of enforcement

and advocacy initiatives. In terms of allegations of anti-trust conduct, the real estate sector has been topping the list every year since the law came into force. Other prominent sectors with high incidence of alleged antitrust conduct are the Railways, Finance and Health & Pharmaceuticals. The sector wise distribution of anti-trust conduct noted by the Commission is presented in Table A2.

Table A2: Sector-wise Distribution of Anti-Trust Matters noted by the Commission (as on March 31, 2019)

No.	Sector	09-10	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19	Total
1	Real Estate	0	17	28	21	25	43	34	22	10	9	209
2	Financial Sector	17	9	5	4	8	7	3	3	8	5	69
3	I & B (Film/ Entertainment/ TV/Print Media)	4	15	11	10	4	3	5	7	7	2	68
4	Health/ Pharmaceuticals	3	3	3	6	9	9	9	7	2	4	55
5	Automobiles	4	1	3	3	7	8	2	72	4	2	106
6	Information Technology	2	3	4	4	6	4	7	5	3	3	41
7	Petroleum/Gas	4	3	3	5	3	5	13	2	4	2	44
8	Railways	2	3	2	1	6	8	1	3	1	8	35
9	Civil Aviation	6	3	1	3	3	1	6	-	1	-	24
10	Power	3	1	4	-	3	5	1	2	6	-	25
11	Chemicals & Fertilizers	3	-	-	2	6	4	1	-	-	-	16
12	Iron & Steel	3	1	3	2	2	1	-	-	-	1	13
13	Coal	-	1	1	5	3	1	4	4	2	2	23
14	Miscellaneous	30	16	24	28	30	29	35	34	24	30	280
	Total	81	76	92	94	115	128	121	161	72	68	1008

The sectoral distribution of combination notices received by the Commission is shown in Table A3

Table A3: Sector-wise Distribution of Combination Notices filed (as on March 31, 2019) (Excluding invalidated/withdrawn)

No.	Sector	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19	18-19	Total
1	Finance and Markets	8	16	4	16	25	12	9	14	16%	104
2	Pharmaceuticals & Health Care	3	4	7	15	11	14	2	9	10%	65
3	Information Technology and Services	3	6	3	5	12	6	5	11	13%	51

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No.	Sector	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19	18-19	Total
4	PVC & Chemicals	2	1	2	9	11	3	3	1	1%	32
5	Auto & Auto Components	5	5	3	6	4	8	0	6	7%	37
6	Mining & Metals	4	3	2	6	2	3	6	7	8%	33
7	Power & Power Generation	4	1	4	3	1	9	2	4	5%	28
8	Media & Entertainment	3	6	0	3	2	4	0	3	3%	21
9	Food & Refined Oil	0	3	2	2	5	6	3	6	7%	27
10	Miscellaneous	15	18	19	26	38	40	30	27	31%	213
	Total	47	63	46	91	111	105	60	88	100%	611

(vii) Impact on consumers and economy

Credible implementation of competition policy ensures products are available at optimum prices to the customers and also provides incentive for firms to improve quality of goods and services which in turn results in increased choices to customers. Having said that, consistently strong and credible implementation of law is achieved through a host of functions by the competition authorities. The Commission has strode this path by focusing on the twin pillars of enforcement and advocacy. While the enforcement function has ensured the preservation of fair competitive landscape in the markets, the proactive advocacy activities has helped the stakeholders to be engaged with the Commission and follow competition compliance thereby ensuring fair operations in the markets. All these activities have direct and indirect positive impact on the consumers and the economy as a whole.

On the enforcement side, in the year gone by, the Commission has reviewed mergers in sectors such as e-commerce, gas production, railways *etc.* that have wider impact on the economy. The Commission ensured there is fair competition in the market by not only enforcing the provisions of the Competition Act, but also by engaging with the respective departments of the Government when deemed necessary. By expeditiously completing the reviews of merger cases involving stressed assets in crucial sectors such as Steel, that were undergoing resolution process under the Insolvency and Bankruptcy Code, the Commission has enabled broader macro-economic impact through its enforcement.

B. Investigations and Inquiries ordered by the Commission

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

The Commission enquires into any alleged contravention of the provisions of Sections 3 and 4 of the Act either on its own motion or (a) on receipt of any information from any person, consumer or their association or trade association under Section 19(1)(a) of the Act, or (b) on receipt of a reference made to it by the Central Government or a State Government or a statutory authority under Section 19(1)(b) of the Act. Pursuant to 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 Disposal of Alleged Contraventions of Sections 3 and 4 of the Act (2018-19)

Year	Opening Balance	No. of Cases Noticed					Disposed of by Order u/s		Balance at the end of year
		MRTPC	19(1)(a)	19(1)(b)	Suo-Moto	Total	26(1)	26(2)& others	
2009-10	-	50	31	-	-	81	23	6	52
2010-11	52	-	71	-	5	76	70	46	12
2011-12	12	-	89	3	-	92	38	51	15
2012-13	15	-	86	2	6	94	32	51	26
2013-14	26	-	102	8	5	115	50	72	19
2014-15	19	-	110	7	11	128	41	73	33
2015-16	33	-	117	3	1	121	23	97	34
2016-17	34	-	84	4	73	161	100	68	27
2017-18	27	-	67	2	3	72	23	54	22
2018-19	22	-	55	8	5	68	22	48	20
Total	-	50	812	37	109	1008	422	566	-

The receipt and disposal of matters during 2018-19 is presented in Table B2.

Table B2: Alleged Contraventions of Sections 3 and 4 of the Act Noticed in 2018-19

No.	Case	No. of Cases received from/under						Total
		Section 19(1)(a)	MRTPC	Suo-Moto	Section 19(1)(b)			
					Central Government	State Government	Statutory Authorities	
1	Pending at the beginning of the year*	22	-	-	-	-	-	22
2	Received during the year	55	-	5	8	-	-	68
3	Total	77	-	5	8	-	-	90
4	Where <i>prima facie</i> violations noticed	14	-	4	4	-	-	22
5	Where no <i>prima facie</i> violations noticed	40	-	-	3	-	-	43
6	Pending at the close of the year 6=(3-4+5)	23- (5#)= 18	-	1	1	-	-	25- (5#)=20

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

In 5 cases miscellaneous order was passed.

The DG conducts investigations into the alleged contraventions of the Act, or any rules or regulations made there under, as and when directed by the Commission to do so. Based on the findings of the investigation and pursuant to proceedings conducted in compliance with the principles of natural justice, the Commission passes final orders under different sections of the Act. The disposal of cases of alleged contraventions of Sections 3 and 4 of the Act till 31st March, 2019 is presented in Table B3.

Table B3: Disposal of Alleged Contraventions of Sections 3 and 4 till March 31, 2019

No.	Matters	No.
1	Matters taken note of through Information/Reference/Suo-Moto/MRTPC	1008
2	Closed without Investigations under Section 26(2)	554
3	Misc./Other orders at <i>prima facie</i> stage	5
4	Investigations Ordered under Section 26(1)	422#
5	Investigations Completed	335*
6	Orders passed after Investigations	257\$
7	Orders passed under Section 27	135
8	Orders passed under Section 26(6)	99
9	Misc./Other orders after receipt of DG report	23

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

*This refers to investigation reports received u/s 26(3). However, in 8 cases the matters have been referred back to DG for supplementary investigation.

\$ In one case [93/2015] the order u/s 27 was passed as the facts were similar to another case [1/2014] for which DG report was already received.

(2) Investigations and Inquiries undertaken by 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 as on March 31, 2019

Year	Opening Balance	No. of Investigation Ordered	No. of Investigations Completed	Closing Balance
2009-10	-	23	6	17
2010-11	17	70	66	21
2011-12	21	38	38	21
2012-13	21	32	25	28
2013-14	28	50	24	54
2014-15	54	41	34	61
2015-16	61	23	32	52
2016-17	52	100	23	129
2017-18	129	23	36	112*
2018-19	112	22	51	83
Total	-	422	339	-

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

It may be noted that in some cases, the Commission also orders for supplementary investigations. This report presents the data and analysis of original investigations and not supplementary investigations, unless indicated otherwise. During 2018-19, DG received twenty two matters for investigation under Section 26(1) of the Act and submitted investigation reports in fifty one matters.

Table B5: Investigations by Director General in 2018-19

No.	Particulars	No. of Investigations		
		Original	Supplementary/ Remanded cases	Total
1	Matters pending at the beginning of the year	112	9	121
2	Matters received during the year	22	8	30
3	Matters Disposed of during the year	51	5	56
4	Matter pending at the end of the year	83	12	95

C. Orders passed by the Commission

While taking note of an alleged contravention of Section 3 or 4 of the Act, the Commission takes a view if there exists a *prima-facie* case for investigation. In case it exists, the Commission passes an order under Section 26(1) for investigation. If it does not, the Commission closes the matter by an order under Section 26(2) of the Act. If no case is made out on completion of the investigation, the Commission may close the matter by an order under Section 26(6). If there is any contravention, the Commission will pass an order under Section 27 of the Act if it agrees with the investigation. Occasionally, a matter may warrant interim directions. In such cases, the Commission issues interim orders under Section 33 of the Act. In case not all Members of the Commission hold the same view in the matter, an order may be passed with a dissent note by the dissenting Members. The details of orders passed by the Commission till March 31, 2019 are presented in Table C1.

Table C1: Orders Passed by the Commission in Anti Trust Cases

Year	Number of Cases Disposed of by Orders under				
	Sections 26(1) and (2)& other misc orders at <i>prima facie</i> stage (a)	Section 26(6)& other misc orders after receipt of DG Report (b)	Section 27	Section 33	Total
2009-10	29	-	-		29
2010-11	116	8	1	18	143
2011-12	89	37	29	13	168
2012-13	83	15	17	4	119
2013-14	122	8	13	10	153
2014-15	114	2	20	8	144
2015-16	119	17	14	3	153
2016-17	167	4	7	1	179
2017-18	77	6	12	1	96
2018-19	67	24	21	3	113
Total	981	122	135	61	1299

Orders under column (a) are those orders that are passed when the information is received e.g. under Section 26(1), under Section 26(2) or in a few cases miscellaneous orders e.g. informant given permission to file fresh information or withdraw the information. Orders under column (b) are those orders that are

proposed when the DG report has been received. Some are under Section 26(6) and other miscellaneous. During 2018-19, out of total sixty seven matters disposed of, the Commission did not find any violation of the Act at *prima-facie* stage in forty five matters and therefore, closed the said matter under Section 26(2) of the Act. In remaining twenty two matters, investigations were ordered under Section 26(1) of the Act. Table C2 presents these details. Brief details of orders passed under Section 27 of the Act are presented in Part D of this report.

Table C2: Orders Passed by the Commission in Section 3 and 4 in 2018-19

Description	Section of the Act	No. of Cases
Where no <i>prima facie</i> case found	26(2)& other orders	43 + 2 (other order) = 45
Where no case was found after investigations	26(6)& other orders	5 + 19 (other order) = 24
Where contravention was finally proved	27	21

D. Execution of Orders of the Commission and Penalties

(1) Monetary penalties

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

The monetary penalty imposed and realised till March 31, 2019 are presented in Table D1. The Commission has levied an aggregate penalty of Rs. 13,881.73 crore in one hundred and seventy seven cases. However, most of the orders of the Commission are under appeal before the National Company Law Appellate Tribunal (NCLAT) or under challenge before various High Courts or before the Hon'ble Supreme Court. In many cases, part of such penalties have been deposited by appellant before the appellate forum, pursuant to specific directions of such forum. No case has been referred to Income Tax Department for recovery of penalty as provided under Section 39(2) of the Act.

Table D1: Monetary Penalties Imposed and Realised by the Commission

Year	No. of cases	Penalty Imposed	Realised	Refunded	Being Refunded	Net Penalty Realised as on March 31, 2019 (Rs. Crore)		
						Realised without resorting to Section 39(2)	Referred to Income Tax Authorities for Realisation	Realised by Income Tax Authorities
2011-12	21	860.38	1.78	0.72	-	1.06	-	-
2012-13	17	7,156.18	28.49	13.61	-	14.88	-	-
2013-14	18	688.36	55.42	51.80	-	3.62	-	-
2014-15	21	2,592.39	22.96	0.39	-	22.57	-	-
2015-16	15	1,501.64	8.4	0.01	-	8.39	-	-
2016-17	17	288.28	5.92	-	-	5.92	-	-
2017-18	26	436.65	2.54	-	0.02	2.52	-	-
2018-19	42	357.85	1.41	-	-	1.41	-	-
Total	177	13881.73	126.92	66.53	0.02	60.37	-	-

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

(Cases in number; Penalty in Rs. in crore)

Section		27	42	43	43A	44	45	48	Total
Year									
2011-12	Case	16	-	5	-	-	-	-	21
	Penalty	857.53	-	2.85	-	-	-	-	860.38
2012-13	Case	11	-	5	1	-	-	-	17
	Penalty	7,155.48	-	0.65	0.05	-	-	-	7,156.18
2013-14	Case	11	2	2	3	-	-	-	18
	Penalty	682.39	2.47	1.00	2.50	-	-	-	688.36
2014-15	Case	12	3	2	4	-	-	-	21
	Penalty	2,580.75	1.9	0.74	9.00	-	-	-	2,592.39
2015-16	Case	10	-	1	3	-	-	1	15
	Penalty	1,495.20	-	0.38	6.05	-	-	0.01	1,501.64
2016-17	Case	4	-	1	10	-	-	2	17
	Penalty	208.39	-	0.16	6.70	-	-	73.03	288.28
2017-18	Case	12	1	3	7	1	1	1	26
	Penalty	432.22	1.76	1.65	0.46	0.50	0.02	0.04	436.65
2018-19	Case	21	-	6	9	-	-	6	42
	Penalty	356.46	-	0.37	0.65	-	-	0.37	357.85
Total	Case	97	6	25	37	1	1	10	177
	Penalty	13,768.42	6.13	7.80	25.41	0.05	0.02	73.45	13881.73

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

Table D3: Monetary Penalties Imposed and Realised by the Commission during 2018-19

No.	Section of the Act	No. of Cases	Penalty Imposed (Rs. Crore)	Penalty Realised as on March 31, 2019 (Rs. in crore)		
				Realised without resorting to Section 39(2)	Referred to Income Tax Authorities for Realisation	Realised by Income Tax Authorities
1	27	21	356.46	0.54	-	-
2	42	-		-	-	-
3	43	6	0.37	0.12	-	-
4	43A	9	0.65	0.65	-	-
5	44	-	-	-	-	-
6	45	-	-	-	-	-
7	48	6	0.37	0.10	-	-
Total		42	357.85	1.41	-	-

Summary details and status of the monetary penalty imposed as per orders of the Commission in 2018-19 are presented in Table D4.

Table D4: Details of Orders passed in 2018-19 imposing Monetary Penalty

No.	Date of Order	Case No.	Parties to the Case	Amount of Penalty (Rs. Lakh)	Recovery Status as on March 31, 2019
Under Section 27 of the Act					
1	Apr 19, 2018	Suo Motu 02/2016	In Re: Cartel in respect of zinc carbon dry cell batteries market in India	21,481.93	Out of twenty OPs, penalty realised from four OPs. Rest have obtained stay from NCLAT.
2	May 01, 2018	50/2015	Nagrik Chetna Manch Vs. Fortified Security Solutions & Others	360.88	Out of eleven OPs, penalty realised from one OP. Another OP has paid Rs. 10 lakh (out of imposed penalty of Rs. 21 lakh as the balance has been stayed). 9 OPs have obtained stay from NCLAT.
3	May 31, 2018	Suo Motu 03/2016	In re: Cartelization in Tender Nos. 21 and 28 of 2013 of Pune Municipal Corporation for Solid Waste Processing	96.61	Order stayed by NCLAT
4	Jul 11, 2018	76/2011	East India Petroleum Pvt. Ltd. (EIPL) Vs. South Asia LPG Company Pvt. Ltd. (SALPG)	1,920.70	Order stayed by NCLAT

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No.	Date of Order	Case No.	Parties to the Case	Amount of Penalty (Rs. Lakh)	Recovery Status as on March 31, 2019
5	Jul 11, 2018	Suo Motu 02/2013	In Re: Cartelisation by broadcasting service providers by rigging the bids submitted in response to the tenders floated by Sports Broadcasters. Vs. Essel Shyam Communication Limited & others	2,251.10	Order stayed by NCLAT
6	Jul 12, 2018	65, 71, 72/2014 and 68/2015	M/s Alis Medical Agency & Ors. Vs. Federation of Gujarat State Chemists & Druggists Association	4,651.61	Out of eight OPs, penalty realised from two OPs. Four OPs have obtained stay from NCLAT and proceedings are being initiated against two OPs.
	Nov 6, 2018				
7	Aug 30, 2018	79/2011	Hemant Sharma & Others Vs. All India Chess Federation (AICF)	6.92	Order stayed by NCLAT
8	Aug 30, 2018	Suo Motu 02/2017	In Re: Anticompetitive conduct in the Dry-Cell Batteries Market in India against Panasonic Corporation, Japan & Ors.	964.07	Order stayed by NCLAT
9	Aug 30, 2018	42/2017	Mr. G. Krishnamurthy Vs. Karnataka Film Chamber of Commerce (KFCC) & Others	12.59	Out of three OPs, penalty realised from two OPs and one has obtained stay from NCLAT.
10	Sep 18, 2018	21,29, 36,47,48 and 49/2013	India Glycols Limited Vs. Indian Sugar Mills Association & Ors.	3,805.19	Out of twenty OPs, penalty realised by one OP, rest nineteen OPs have obtained stay from NCLAT.
11	Sep 27, 2018	09/2016	House of Diagnostic LLP	9.33	Party has deposited the penalty.
12	Jan 15, 2019	Suo Motu 03/2017	Anticompetitive conduct in Dry Cell Batteries Market in India vs Panasonic Corporation, Japan & ors	85.01	Steps being taken for recovery of penalty as per the provisions of the Competition Act.
13	Jan 15, 2019	C-87/2009 /DGIR	Vedanta Bio Sciences, Vadodara vs Chemist and Druggist Association of Baroda	0.33	Steps being taken for recovery of penalty as per the provisions of the Competition Act.
Total				35,646.29	

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No.	Date of Order	Case No.	Parties to the Case	Amount of Penalty (Rs. Lakh)	Recovery Status as on March 31, 2019
Under Section 43 of the Act					
1	Jun 01, 2018 Jun 11, 2018	61/2016	In Re: India Laminate Manufacturers Association (ILMA) Vs. Sachin Chemicals & Ors.	2.00	Penalty deposited.
2	Aug 27, 2018 Oct 23, 2018	61/2015	Shri Nadie Jauhri vs Jalgaon District Dealer Association	10.00 0.10	Steps being taken for recovery of penalty as per the provisions of the Competition Act. Penalty Deposited
3	Aug 31, 2018	42/2017	Mr. G. Krishnamurthy Vs. Karnataka Film Chamber of Commerce (KFCC) & Others	10.00	Steps being taken for recovery of penalty as per the provisions of the Competition Act.
4	Aug 27, 2018	77/2016	Assam Real Estate and Infrastructure vs. Star Cement Ltd.	5.00	Order stayed by NCLAT
5	Jul 31, 2018	32/2016	Mrs. Shikha Roy vs. Jet Airways	5.00	Penalty deposited
6	Oct 25, 2018	Suo Motu 05/2016	Anticompetitive conduct in the Dry-Cell Batteries Market in India Vs. Panasonic Corporation, Japan & Ors.	5.00	Penalty deposited
Total				37.10	
Under Section 43A of the Act					
1	May 11, 2018	C-2016/04 /387	LT Foods & LT DMCC	5.00	Penalty deposited
2	May 07, 2018	C-2015/12 /348	IDAL	10.00	Penalty deposited
3	May 11, 2018	C-2017/05 /509	Bharti Airtel Ltd.	5.00	Penalty deposited
4	May 11, 2018	C-2017/05 /510	Bharti Airtel Ltd.	5.00	Penalty deposited
5	May 11, 2018	C-2017/06 /516	Reliance Jio Info Comm. Ltd.	5.00	Penalty deposited
6	Jul 03, 2018	Telenor	Telenor ASA	5.00	Penalty deposited
7	Jul 30, 2018	C-2018/01 /547	Adani Transmission Ltd.	10.00	Penalty deposited
8	Aug 30, 2018	C-2017/10 /531	Bharti Airtel Ltd.	10.00	Penalty deposited

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No.	Date of Order	Case No.	Parties to the Case	Amount of Penalty (Rs. Lakh)	Recovery Status as on March 31, 2019
9	Aug 30, 2018	C-2018/01 /544	Chhatwal Trust Group	10.00	Penalty deposited
Total				65.00	
Under Section 48 of the Act					
1	Jul 12, 2018	65, 71, 72/2014 and 68/2015	M/s Alis Medical Agency & Ors. Vs. Federation of Gujarat State Chemists & Druggists Association	16.49	Out of 12 OPs, penalty realised from 6 OPs, 5 OPs have obtained stay and steps are being taken for recovery of penalty as per the provisions of the Competition Act in respect of 1 OP.
	Aug 30, 2018				
	Nov 06, 2018				
2	Aug 30, 2018	Suo Motu 02/2017	In Re: Anticompetitive conduct in the Dry-Cell Batteries Market in India against Panasonic Corporation, Japan & Ors.	4.81	Order stayed by NCLAT
3	Jan 15, 2019	Suo Motu 03/2017	Anticompetitive conduct in Dry Cell Batteries Market in India vs Panasonic Corporation, Japan & ors	15.46	Steps being taken for recovery of penalty as per the provisions of the Competition Act.
Total				36.75	

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

Section 42(3) of the Act enables the Commission to file a complaint with the Chief Metropolitan Magistrate, New Delhi if any person fails to comply with the orders or directions issued, or fails to pay the fine imposed under sub section (2) of Section 42 of the Act. 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, Delhi may deem fit.

Table D5: Matters Referred to Chief Metropolitan Magistrate, New Delhi under Section 42

No.	Complaints	Number
(i)	Matters pending at the beginning of the year	22
(ii)	References made during the year	8
(iii)	Total number of matters	30
(iv)	References disposed of out of (i) above	-
(v)	References disposed of out of (ii) above	-
(vi)	Complaints disposed of during the year	-
(vii)	Complaints pending at the end of the year	30

Table D6: Imposition of Lesser Penalties under Section 46

No.	Cases in which LP imposed	No. of enterprises / persons granted 100% reduction in penalty	No. of enterprises/ persons granted less than 100% reduction in penalty
(i)	<i>Suo Motu Case No. 02 of 2016</i> In Re: Cartelisation in respect of zinc carbon dry cell batteries market in India	7	16
(ii)	<i>Case No. 50 of 2015</i> Nagrik Chetna Manch v. Fortified Security Solutions and Others	-	8
(iii)	<i>Suo Motu Case No. 03 of 2016</i> In re: Cartelisation in Tender Nos. 21 and 28 of 2013 of Pune Municipal Corporation for Solid Waste Processing	-	2
(iv)	<i>Suo Motu Case No. 02 of 2013</i> In Re: Cartelisation by broadcasting service providers by rigging the bids submitted in response to the tenders floated by Sports Broadcasters	6	2
(v)	<i>Suo Motu Case No. 02 of 2017</i> In Re: Anti-competitive conduct in the Dry-Cell Batteries Market in India	3	-
(vi)	<i>Suo Motu Case No. 03 of 2017</i> In Re: Anticompetitive conduct in the Dry-Cell Batteries Market in India	3	-

E. Appeals

Any person aggrieved by any direction issued or decision made or order passed by the Commission under sub-sections (2) and (6) of Section 26, Section 27, Section 28, Section 31, Section 32, Section 33, Section 38, Section 39, Section 43, Section 43A, Section 44, Section 45 or Section 46 of the Competition Act, 2002 (Act) may prefer an appeal to the National Company Law Appellate Tribunal (NCLAT). The scrutiny of orders by NCLAT is a key accountability mechanism which ensures that the Commission is fair and equitable to the parties before it. A person aggrieved by an order of the NCLAT may prefer an appeal to the Hon'ble Supreme Court of India.

(1) 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 Passed	No. of Orders Appealed Against	% age of Orders Appealed
2009-10	6	2	33.33
2010-11	73	12	16.44
2011-12	130	40	30.77
2012-13	87	38	43.68
2013-14	103	33	32.04
2014-15	103	31	30.10
2015-16	130	34	26.15
2016-17	79	31	39.24
2017-18	66	37	56.06
2018-19	90	46	51.11
Total	867	304	35.06

The disposal of appeals by the NCLAT over the year is presented in Table E2. It is observed that during 2018-2019, the NCLAT has disposed of twenty nine appeals against eight orders of the Commission till March 31, 2019.

Table E2: Disposal of Appeals by COMPAT/NCLAT

Year	No. of Orders Passed by NCLAT			Total
	Disallowed (Upholding Commissions' Orders)	Allowed (Setting Aside Commissions' Orders)	Out of Appeals allowed remanded to Commission	
2009-10	-	1	-	1
2010-11	8	-	-	8
2011-12	15	1	1	16
2012-13	35	5	-	40
2013-14	64	44	44	108
2014-15	45	6	2	51
2015-16	49	87	67	136
2016-17	47	69	19	116
2017-18	23	2	-	25
2018-19	27	2	-	29
Total	313	217	133	530

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

Out of the 29 matters disposed by the NCLAT during 2018-19, twenty three appeals were related to the Commission's order u/s 27, three appeals were related to orders u/s 26 (2), one appeal was related to orders u/s 26 (6), one appeal was related to order u/s 31(1) and one appeal was related to order u/s 43 as per the Table E3:

Table E3: Section-wise disposal of appeals during 2018-19

Section 27	23
Section 26 (2)	3
Section 26 (6)	1
Section 31 (1)	1
Section 43	1
Total disposed matters	29

The details of disposal of appeals by NCLAT during 2018-19 are presented in Table E4. NCLAT allowed appeals in two cases and disallowed in twenty seven cases.

Table E4: Receipt and Disposal of appeals by NCLAT - 2018-19

Description	Appeals	Appeals Disallowed	Appeals Allowed (set-aside Commissions order)	Appeals Partially Allowed/Remanded to Commission	Appeal Pending
Opening Balance as on April 1, 2018	81	24	1	-	56
Added during 2018-19	111	3	1	-	107
Total	192	27	2	-	163

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

a) Competition Appeal (AT) No. 06/2017; Hyundai Motor India Ltd. vs CCI & Others.

Competition Appeal (AT) No. 06/2017 arises from the Commission’s order dated June 14, 2017 under Section 27 passed in Case No 36 & 82/2014 where the Commission had found Hyundai Motor India Ltd. (HMIL) to be in contravention of the provisions of Section 3(4)(e) *i.e.* Resale Price Maintenance read with Section 3(1) of the Competition Act, 2002 (the Act) and in contravention of Section 3 (4)(a) of the Act *i.e.* Tie-in Arrangement read with Section 3(1) of the Act. Accordingly, cease and desist order was passed and a penalty of Rs. 87 crore was imposed upon it.

An appeal was preferred by HMIL before NCLAT wherein it was held by the NCLAT that the ‘Commission’ has failed to appreciate the evidence properly and has passed the order merely on the basis of opinion of DG. The DG as well as the Commission also failed to decide ‘relevant geographic market’ or a ‘relevant product market’ as required under Section 19(6) & (7) of the Competition Act, 2002. Further, it was held that the finding of the Commission was against the law laid down by the Hon’ble Supreme Court in the case of Coordination Committee of Artistes and Technicians of West Bengal Film and Television and Ors.; (2017) 5 SCC 17 (*i.e.* it is necessary to first and foremost determine the ‘relevant market’). NCLAT in the order also held that the Commission has contradicted its stand on tie-in arrangement as at one place (*i.e.* in Para 108 of the Commission’s Order) the Commission held that cancellation of warranty upon use of non-recommended oils/ lubricants does not amount to contravention of Section 3(4)(a) read with Section 3(1) of the Act. However, in the conclusion, the ‘Commission’ held that the Appellant has contravened the provisions of Section 3(4) (a) read with Section 3(1) of the Act.

Hon'ble NCLAT in judgment dated September 19, 2018 allowed the appeal filed by Hyundai Motor India Limited (HMIL) and set aside the order of the Commission dated June 14, 2017 whereby HMIL was found guilty of contravention of the provisions of the Act.

b) Competition Appeal (AT) No. 50/2018; AKMN Cylinder (P) Ltd. and Another vs CCI & Others

Competition Appeal (AT) No. 50/2018 arises from the Commission's Order dated June 21, 2017 passed under Section 43 of the Competition Act, 2002 (the Act) in *Suo Motu* Case No. 1/2014 where the Commission had found that Mr. N. Ravindran, Managing Director of AKMN Cylinder (P) Ltd. failed to comply with directions of Commission and the DG to appear before the DG for giving his statement. Accordingly, a penalty of Rs 10 lakh was imposed upon Mr. N. Ravindran, Managing Director of AKMN Cylinder (P) Ltd. AKMN Cylinder (P) Ltd. was one of the companies that was under investigation for cartelisation in the supply of LPG cylinders procured through the tenders floated by Hindustan Petroleum Corporation Ltd.

An appeal was preferred by AKMN Cylinder (P) Ltd. before Hon'ble NCLAT. Hon'ble NCLAT vide order dated July 20, 2018, to find out the bonafide on the part of the AKMN Cylinder (P) Ltd. and to consider whether the penalty of Rs 10 lakh should be reduced to certain extent, gave one opportunity to AKMN Cylinder (P) Ltd. to appear through its Director/Representative before the DG. Subsequently, Hon'ble NCLAT vide order dated August 20, 2018 set aside the penalty of Rs 10 lakh imposed by the Commission on Mr. N. Ravindran, Managing Director of AKMN Cylinder (P) Ltd taking cognizance of the Appellant's age and the fact that (i) no further information was sought for by the DG on August 13, 2018, when Mr. N. Ravindran, Managing Director of AKMN Cylinder (P) Ltd. appeared before it; and (ii) that he has already tendered his apology for not appearing on the earlier occasion.

F. Matters received regarding Combination

The provisions relating to combinations came into force on June 1, 2011. The Act defines combination to mean acquisition of one or more enterprises by one or more persons or merger or amalgamation of enterprises, whose value of asset or turnover meet the threshold specified under the Act. The Act prohibits any combination which causes or likely to cause an appreciable adverse effect on competition (AAEC) within the relevant market in India. In case, appreciable adverse effect can be addressed through suitable modifications, the Commission may accept and or propose suitable modifications to the parties. Parties proposing to enter into a combination shall give notice of such combination in the prescribed form along with the requisite fee to the Commission under Section 6(2) of the Act to enable the Commission to assess the proposal from perspective of competition analysis. 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 till March, 2019.

Table F1: Receipt and Disposal of Combination Notices - 2011-19

Year	Notices				Disposed of by				Closing Balance (Nos.)	Average No. of working days for Disposal
	Opening Balance	Received	<i>Suo Moto</i>	Total	Without Modification	With Modification	Rejection	Invalid / Withdrawn		
2011-12	-	48	-	48	40	-	-	1	7	16
2012-13	7	67	-	74	65	-	-	3	6	17
2013-14	6	47	-	53	44	-	-	2	7	18
2014-15	7	97	1	105	82	3	-	6	14	24
2015-16	14	117	8	139	107	-	-	12	20	26
2016-17	20	111	2	133	104	2	-	11	16	29
2017-18	16	61	3	80	63	6	-	4	7	23
2018-19	7	94	-	101	78	5	-	6	12	18
Total		642	14		583	16*		45		

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

* There are 7 modification of Phase –II.

During 2018-19, the Commission received ninety four notices under Section 6(2). Out of the ninety four notices, seventy four were filed in Form-I and twenty were filed in Form-II. As on March 31, 2019, twelve 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 (16 %); Pharmaceuticals and Health care (10%); Information Technology and Services (13%); PVC & Chemicals (1%); Auto & Auto Components (7%); Mining & Metals (8%); Power & Power Generation (5%); Media & Entertainment (3%); Food & Refined Oil (7%); and Miscellaneous (31%). The Commission disposed of/approved/took final decision on eighty nine notices during 2018-19. Details regarding the notices received and disposed of in 2018-19 are presented in Table F2.

Table F2: Receipt and Disposal of Combination Notices - 2018-19

No.	Particulars	Number
i	Number of matters pending at the beginning of the year	7
ii	Number of notices received during the year	94
iii	Total number of notices under consideration at the end of the year	12
iv	Number of combinations approved by the Commission**:	89*
	a) in ≤ 30 days	87
	b) in $31 \leq 60$ days	-
	c) in $61 \leq 120$ days	-
	d) in $121 \leq 210$ days	02
v	Number of combination notices ordered for enquiry:	Nil
vi	Number of combination notices not disposed of within 210 days, with brief reasons therefore, and combinations deemed to have been approved.	Nil
vii	Number of combinations not approved by the Commission with brief reasons therefore:	Nil

* There were 6 combination notices invalidated during the financial year 2018-19 which were filed during the same financial year (2018-19).

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

G. References by Central Government or State Governments

The State intervenes in the market and the economy by (a) enacting legislations to prescribe the rules of the game and the norms of behaviour of the economic agents, and (b) formulating policies relating to trade, commerce, industry, business, investment, disinvestment, taxation, IPR, procurement, *etc.* These interventions usually strengthen the invisible hands of the market and promote competitive neutrality as well as the competition. However, despite best intentions and exercise of the best skills, care and due diligence, some of the interventions by the State may inadvertently carry potential to restrict the ability of economic agents to effectively compete at the market place. With a view to reduce such a possibility, Section 49 of the Act enables Central Government as well as the State Governments, while formulating a policy on competition, including review of laws related to competition, or any other matter, to make a reference to the Commission for its opinion on possible effect of such policy on competition. On the receipt of such a reference, the Commission is obliged, within sixty days of making such reference, to give its opinion to the Central Government, or the State Government, as the case may be, though such opinion of the Commission is not binding.

(1) References from Central Government – Section 49(1) of the Act

No reference was received from Central Government during 2018-19 and there were no pending references at beginning of the year.

(2) References from State Governments – Section 49(1) of the Act

No reference has been received from State Governments so far.

(3) Orders of Central Government – Section 54 of the Act

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

In exercise of the power, during 2018-19 one notification dated July 4, 2018 was issued under Section 54. The Central Government, in public interest, exempted the Vessels Sharing Agreements of Liner Shipping Industry from the provisions of section 3 of the Act, for a period of three years from the date of publication of the notification in the Official Gazette, in respect of carriers of all nationalities operating ships of any nationality from any Indian port provided that the Central Government may withdraw the said exemption, if any complaint for fixing of prices, limitation of capacity or sales and allocation of markets or customers comes to its notice.

(4) Directions of Central Government – Section 55 of the Act

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

During 2018-19 no notification was passed under Section 55.

H. References from and to Statutory Authorities

It is possible that a sectoral regulator is pursuing an objective, such as, investor protection or systemic risk, and comes up with a measure or a decision which may have competition concerns. Similarly, the Commission, while promoting competition in markets, may come up with a measure or decision which may have concerns relating to systemic risk or investor protection. A measure or a decision may not always promote the objectives of the sectoral regulator and the Commission simultaneously. In recognition of this, the Act provides for mutual consultation. Where in the course of a proceeding before any statutory authority an issue is raised by any party that any decision which such statutory authority has taken or proposes to take is or could be contrary to any of the provisions of the Act, then such statutory authority may make a reference in respect of such issue to the Commission. It may also make a reference on its own. On receipt of such a reference under Section 21, 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 2018-19 no reference was received under Section 21 by the Commission and there was no reference pending at the beginning of 2018-19.

Further the Commission did not make any reference under Section 21A during the year and no reference made by Commission under Section 21A was pending at the beginning of 2018-19.

I. Competition Advocacy

Competition Act, 2002 mandates the Commission under section 49 to undertake competition advocacy with all stakeholders. Under this mandate the Commission reaches out to a wide spectrum of stakeholders to create awareness and impart training on nuances of competition law. The inherent objective, besides creating awareness, is to facilitate voluntary compliance of law. In this pursuit the Commission organises a wide array of seminars, conferences, workshops, interactive sessions with stakeholders prominently being Central /State Governments, Trade Chambers/Associations, PSUs, Universities/ Research Institutions. To supplement these, the Commission also publishes various advocacy material on various aspects/ provisions of competition law.

The Commission also operates a scheme of internship. Students across the country with due recommendation of their institute participate in month long internship gaining valuable insights into Competition Law and Competition Law Concerns in various sectors.

A summary of various advocacy initiatives taken by the Commission during last five years is shown in Table I1.

Table I1 : Advocacy Initiatives

Year	Number of					
	Advocacy Programme	Interns	Issues of Fair Play	Competition Tracker	Annual Day	Advocacy Booklets
2014-15	49	79	4	1	1	Reprinted with updation + Booklet on Provisions relating to public procurement
2015-16	73	78	4	-	1	All the Booklets (1 to 9) reprinted with modification/updating. A consolidated single volume comprising advocacy material printed.
2016-17	122	96	4	1	1	Prepared six booklets for Competition Resource Person.
2017-18	104	89	4	-	1	All the Booklets (1 to 9) printed in Hindi.
2018-19	123	85	4	-	1	Advocacy Booklets published in Telugu

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

The details of workshops, seminars and other interactions with public/experts/policy makers/regulatory bodies on Competition Advocacy and for creating awareness of competition issues are presented in Table I2.

Table I2 : Workshops, seminars and other interactions with public/experts/policy makers/ regulatory bodies in 2018-19

No.	Brief Description of the Event	Approximate Number of Participants	Dates	Beneficiaries
1	CCI sponsored and adjudged Moot Court Competition organised by Rajiv Gandhi National University of Law (RGNLU), Patiala	75	Mar 30 to Apr, 2018	Students and faculty of the college
2	Lecture was delivered during Workshop on Governance and Integrity Issues in Public Procurement organised by World Bank at New Delhi	40	Apr 3, 2018	Representatives of various stakeholders organisation.
3	Lecture was delivered in MDP programme at NIFM, Faridabad	37	Apr 13, 2018	Trainees from various Govt. Department.
4	Representative from CCI attended seminar to moderate the panel discussion on “Interplay of Competition Law and intellectual Property Law” held at New Delhi.	50	Apr 20, 2018	Representatives of various stakeholders organisation.
5	Chairperson, CCI delivered keynote address during a seminar on ‘Interplay of Competition Law and Intellectual Property Law’ held at Delhi	50	Apr 20, 2018	Representatives of various stakeholders organisation.
6	Representative from CCI attended Think Tank on “Framework for a National Policy on e-commerce” organised by Ministry of Commerce and Industry, Department of Commerce, New Delhi	15	Apr 24,2018, Jun 20, 2018	Representatives of various stakeholders organisation.
7	Lecture on Competition Law & Policies was delivered during workshop organised by National Law University and Judicial Academy, Assam at Guwahati	55	May 4, 2018	Trainee Judicial Officers

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No.	Brief Description of the Event	Approximate Number of Participants	Dates	Beneficiaries
8	Chairperson, CCI addressed Global Summit on “Data Protection, Privacy and Security” organised by ASSOCHAM at New Delhi as Chief Guest	62	May 11, 2018	Representatives of various stakeholders organisation.
9	CCI Annual Day Lecture was delivered by Shri Rajiv Mehrishi, Comptroller & Auditor General of India on “Competition Law 2.0: Way Forward”. Shri D.K. Sikri, Chairperson, CCI and Shri Injeti Srinivas, Secretary Ministry of Corporate Affairs also addressed the gathering at New Delhi	377	May 20, 2018	Senior Government functionaries, representatives from the corporate world, academicians and legal luminaries
10	Representative from CCI attended meeting of Sub-Groups on “Framework for a National Policy on E-Commerce” organised by Ministry of Commerce & Industry at New Delhi.	15	Jun 15, 2018	Representatives of various stakeholders organisation.
11	An interactive meeting and orientation session held with NALSAR Hyderabad for preparing Study Material for Administrative and Judicial Academies in India	7	Jun 23, 2018	Faculties from NALSAR
12	Lecture on Competition Law was delivered at VIT School of Law, Chennai	30	Jul 4, 2018	Students and faculty of the college
13	Lecture on Competition Law and related issues was delivered at Institute for Social Economic Change, Bengaluru	45	Jul 6, 2018	Students and faculty of the institute
14	Lecture on competition law was delivered at Administrative Training Institute, West Bengal, Kolkata	32	Jul 20, 2018	Trainees officers from various Govt. Department

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No.	Brief Description of the Event	Approximate Number of Participants	Dates	Beneficiaries
15	Guest of Honour Address was delivered during the Inaugural Session at ASSOCHAM 2nd Global Summit on “Data Protection, Privacy & Security – Reforms, Challenges & Opportunities-” at Bengaluru	55	Jul 27, 2018	Representatives of various stakeholders organisation.
16	Lecture on competition law was delivered at Amity University, Gurugram	45	Jul 30, 2018	Students and faculty of the college
17	Representative from CCI attended second meeting of the Think Tank to finalize the proposed framework for the policy on e-Commerce under the Chairmanship of Hon’ble Minister of Commerce & Industry and Civil Aviation.	15	Jul 30,2018	Representatives of various stakeholders organisation.
18	Organised a sensitization workshop with all empanelled Agencies / Institutions for conducting surveys and/or undertaking economic analysis of market at CCI New Delhi.	23	Aug 3, 2018	Representatives of various stakeholders organisation.
19	Guest of Honour Address was delivered during in the Inaugural Session of ASSOCHAM 3rd Global Summit on “Data Protection, Privacy & Security – Reforms, Challenges & Opportunities-” at Mumbai	45	Aug 24, 2018	Representatives of various stakeholders organisation.
20	Lecture on Competition Law was delivered at Geeta Institute of Law, Panipat	50	Aug 31, 2018	Students and faculty of the college
21	Session on Mergers and Acquisitions was taken at a program organized by CII at Mumbai	40	Aug 31, 2018	Representatives of various stakeholders organisation.
22	Officers of CCI adjudged Moot Court Competition organised by NIRMA University, Ahmedabad and sponsored by CCI	70	Sep 2, 2018	Students and faculty of the college

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No.	Brief Description of the Event	Approximate Number of Participants	Dates	Beneficiaries
23	A presentation on Competition Law was made at GeM : Legal Framework event at New Delhi	35	Sep 26, 2018	Representatives of various stakeholders organisation.
24	Lecture was delivered on Competition Law at KIIT University, Bhubaneshwar	70	Oct 5, 2018	Students and faculty of the college
25	Lecture on Competition Law was delivered during SCOPE-ICSI Training program at New Delhi	60	Oct 5, 2018	Representatives of various stakeholders organisation.
26	Lecture on Competition Law was delivered at Maharashtra National Law University, Aurangabad	65	Oct 6, 2018	Students and faculty of the college
27	Lecture on Competition Law was delivered at a program organised by Institute of Cost Accountant of India in Chandigarh	40	Oct 7, 2018	Representatives of various stakeholders organisation.
28	Lecture on Competition Law was delivered in a program organised by Government e-Marketplace (GeM) in New Delhi	30	Oct 9, 2018	Representatives of various stakeholders organisation.
29	Guest Lecture was delivered at program titled "Advance Level Course on Economics of Competition Law & Policy" organised by Consumer and Unity and Trust Society Jaipur	43	Oct 10, 2018	Representatives of various stakeholders organisation.
30	Representative from CCI delivered lectures on "Economics of Merger Analysis" and "Network Economics and Platform Markets" in Advanced Level Course on Economics of Competition Law & Policy organised by CIRC in collaboration with Department of Economic Affairs, Ministry of Finance at Jaipur.	50	Oct 12, 2018	Representatives of various stakeholders organisation.
31	Lecture on Competition Law was delivered at Dr. Ram Manohar Lohiya National Law University, Lucknow	55	Oct 13, 2018	Students and faculty of the college

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No.	Brief Description of the Event	Approximate Number of Participants	Dates	Beneficiaries
32	CCI organised 1st Road Show on Competition Law along with Indian Institute of Corporate Affairs (IICA), Manesar and Confederation of Indian Industry (CII) at Mumbai.	325	Oct 15 , 2018	Representatives of various stakeholders organisation.
33	Captains of industry were addressed by Secretary, MCA and Chairperson, CCI during an interactive session on Competition Law.	50	Oct 15, 2018	Representatives of various stakeholders organisation.
34	Lecture was delivered during a session on competition law lecture at National Telecommunications Institute for policy research innovation and training (NITPRITI) Ghaziabad	30	Oct 25, 2018.	Trainee officers
35	Lecture was delivered during a session on Competition Law at NIFM, Faridabad	25	Oct 26, 2018	Trainees officers from various Govt. Department
36	Competition Advocacy in the workshop titled "Andhra Pradesh: Building the Nation's First Justice City" organised by Govt. of Andhra Pradesh at New Delhi	45	Oct 30, 2018	Officials present at the workshop
37	Lecture on Competition Law at KR Manglam University Gurugram	50	Nov 2, 2018.	Students and faculty of the college
38	National Conference on Public Procurement and Competition Law was organised as a part of series of Road Show on Competition Law at New Delhi. Shri Arun Jaitley, Hon'ble Minister of Finance and Corporate Affairs delivered keynote address as Chief Guest. Shri Injeti Srinivas, Secretary, Ministry of Corporate Affairs addressed the gathering at the inaugural session.	350	Nov 5, 2018	Representatives of various stakeholders organisation.
39	Organised a meeting of "Think Tank on Digital Market" at CCI, New Delhi.	15	Nov 16, 2018	Representatives of various stakeholders organisation.

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No.	Brief Description of the Event	Approximate Number of Participants	Dates	Beneficiaries
40	Speaker from CCI spoke at the LES Asia Pacific Regional Conference in the Session on “Intellectual Property and Competition Law” at New Delhi	30	Nov 13, 2018	Representatives of various stakeholders organisation.
41	Speaker from CCI spoke at a Panel Discussion on topic Positioning India as a High Quality Global Manufacturing Hub for the Pharmaceutical Sector at CII 15th National Pharma Conclave, New Delhi	35	Nov 19, 2018	Representatives of various stakeholders organisation.
42	Organised meetings of the Working Group on “New Age Markets and Big Data” of Competition Law Review Committee at CCI, New Delhi.	20	Nov 22, 2018, Dec 4, 2018, Dec 7, 2018, Dec 11, 2018	Representatives of various stakeholders organisation.
43	CCI sponsored and adjudged Moot Court Competition organised by NLU Bhopal	55	Dec 9, 2018	Students and faculty of the college
44	Lecture on Competition Law and Indian Business was delivered at Ramanujan College, Delhi University, Delhi	35	Dec 14, 2018	Students and faculty of the college
45	A session on “Economics of Platform Market” and “Interface between IP Innovation and Competition Law” was delivered during 4th Winter School on Economics of Competition organised by CIRC at New Delhi	45	Dec 15, 2018	Representatives of various stakeholders organisation.
46	CCI organised Third Road Show on Competition Law at Ahmedabad. Shri Vijay Rupani, Hon’ble Chief Minister of Gujarat was the Chief Guest and Dr. J.N. Singh, Chief Secretary, Govt. of Gujarat was Guest of Honour at the event.	320	Dec 18, 2018	Representatives of various stakeholders organisation.
47	Lectures on Competition Law was delivered during a workshop organised by Nirma University at Ahmedabad	55	Jan 17, 2019	Students and faculty of the college

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No.	Brief Description of the Event	Approximate Number of Participants	Dates	Beneficiaries
48	Lecture on Competition Law was delivered during a workshop organised by TERI research institute at New Delhi	35	Jan 18, 2019	Students and faculty of the institute
49	Lecture on Competition Law was delivered during a workshop organised by National Academy of Human Resource Development at New Delhi	40	Jan 19, 2019	Trainees officers from various Govt. Department
50	Chairperson, CCI participated in a meeting of Forum of Indian Regulators (FOIR) at Vishakhapatnam	15	Jan 28, 2019	Representatives of various stakeholders organisation.
51	Lecture on Competition Law was delivered during a workshop organised by Ambedkar University at New Delhi	40	Jan 28, 2019	Students and faculty of the college
52	Lecture on Competition Law was delivered at Lloyd Law College, Noida	45	Feb 2, 2019.	Students and faculty of the college
53	Lecture on Competition Law was delivered at ASCON Meeting organised by CII at New Delhi	20	Feb 4, 2019	Representatives of various stakeholders organisation.
54	Lecture on Competition Law was delivered during a workshop organised by RBI Staff College, Chennai	25	Feb 8, 2019.	Trainees officers from RBI
55	Chairperson, CCI delivered a speech at American Bar Association's event held at New Delhi	32	Feb 8, 2019	Representatives of various stakeholders organisation.
56	Lecture on Competition Law was delivered at PGCIL Training Academy Manesar, Gurgaon	20	Feb 11, 2019.	Officers from PSUs
57	Lecture on Competition Law was delivered at a workshop organised by BCCL, Dhanbad	45	Feb 12, 2019	Officers from PSUs
58	Lecture on Competition Law was delivered at a workshop organised by Delhi Technological University, New Delhi	56	Feb 12, 2019.	Students and faculty of the college

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No.	Brief Description of the Event	Approximate Number of Participants	Dates	Beneficiaries
59	Lecture on Competition Law was delivered at a workshop organised by SVKM Pravin Gandhi College of Law, Mumbai	65	Feb 13, 2019	Students and faculty of the college
60	Lecture on Competition Law was delivered at a workshop organised by Ansal University, Gurugaon	40	Feb 14, 2019.	Students and faculty of the college
61	Lecture on Competition Law was delivered at a workshop organised by NIFM, Faridabad	35	Feb 18, 2019	Trainees officers from various Govt. Department
62	Lecture on Competition Law was delivered at a workshop organised by UPES, Dehradun	45	Feb 20, 2019	Students and faculty of the college
63	Lecture on Competition Law was delivered at a program organised by CII Southern Regional Council at Kochi	40	Feb 23, 2019	Representatives of various stakeholders organisation.
64	Lecture on Competition Law was delivered at a workshop organised by NAIR, Vadodara,	35	Feb 21, 2019.	Trainees officers
65	CCI sponsored and adjudged Moot Court Competition organised by DSNLU, Visakhapatnam	70	Feb 24, 2019.	Students and faculty of the college
66	Lecture on Competition Law was delivered at IFIM Law college, Bengaluru	25	Feb 25, 2019.	Students and faculty of the college
67	Lecture on Competition Law was delivered at a workshop organised by Faculty of Law, University of Delhi	60	Feb 25, 2019.	Students and faculty of the college
68	CCI organised 4th Road Show on Competition Law at Hyderabad. His Excellency Shri E.S.L. Narasimhan, Hon'ble Governor of Andhra Pradesh was the Chief Guest and Shri Shailendra Kumar Joshi, Chief Secretary, Govt. of Andhra Pradesh delivered Special Address at the event.	310	Feb 25, 2019	Representatives of various stakeholders organisation.

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No.	Brief Description of the Event	Approximate Number of Participants	Dates	Beneficiaries
69	Interactive meeting of Chairperson, CCI with Chief Secretary Telangana on Competition Issues	10	Feb 26, 2019	State Government officials
70	Interactive meeting of Chairperson, CCI with officials of Centre for Good Governance, Hyderabad on Competition Issues	7	Feb 26, 2019	Officials from Centre for Good Governance
71	Interactive meeting of Chairperson, CCI with Director, Administrative Staff College of India, Hyderabad on Competition Issues	15	Feb 26, 2019	Officials from Administrative Staff College of India
72	Interactive meeting of Chairperson, CCI with Director, National Police Academy, Hyderabad on Competition Issues	5	Feb 26, 2019	Officials from National Police Academy
73	Lecture on Competition Economics was delivered at IIT, Kanpur	20	Mar 1, 2019	Students and faculty of the college
74	National Conference on 'Economics of Competition Law' at India Habitat Centre, New Delhi. Chief Economic Adviser delivered the keynote address.	164	Mar 1, 2019	Representatives of various stakeholders organisation.
75	CCI sponsored and adjudged Moot Court Competition organised by Tamil Nadu National Law University, Tiruchirappalli	45	Mar 1-3, 2019	Students and faculty of the college
76	Representative from CCI addressed the Inaugural session of the Moot Court Competition organized by VIT School of Law, Chennai	47	Mar 2, 2019.	Students and faculty of the college
77	CCI sponsored and adjudged Moot Court Competition organised by VIT School of Law, Chennai	50	Mar 2-3, 2019.	Students and faculty of the college
78	Guest lecture on cartels was delivered at Amity School of Economics, Noida	40	Mar6, 2019.	Students and faculty of the college

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No.	Brief Description of the Event	Approximate Number of Participants	Dates	Beneficiaries
79	A Competition Law Advocacy Programme titled Competition Law in India: Economic Perspectives was conducted at Himachal Pradesh National Law University, Shimla.	45	Mar 6, 2019	Students and faculty of the college
80	Representatives from CCI addressed the Inaugural session of the CCI-NLUD Moot Court Competition jointly organised by CCI and NLU, Delhi	75	Mar 8, 2019	Students and faculty of the college
81	Officers of CCI sponsored and adjudged Moot Court Competition jointly organized by CCI and NLU, Delhi at Delhi	70	Mar 10, 2019	Students and faculty of the college
82	Representatives from CCI addressed the Valedictory session of the CCI-NLUD Moot Court Competition at Delhi	70	Mar 10, 2019	Students and faculty of the college
83	Lecture on the topic "Competition Act & Competition Economics" was delivered at School of Humanities and Social Science under the aegis of G D Goenka University, Gurgaon.	45	Mar 12, 2019	Students and faculty of the college
84	A workshop on Competition Law was organised at ICAFI Law School, ICAFI University, Dehradun.	40	Mar 13, 2019	Students and faculty of the college
85	Representative from CCI chaired the session titled "Industry initiative towards sustainability & CSR" in the 4th National Conference on "Consolidating SDGs to drive Socio-Economic Growth" at Amity School of Economics, Amity University, Noida	35	Mar 14, 2019	Students and faculty of the college

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No.	Brief Description of the Event	Approximate Number of Participants	Dates	Beneficiaries
86	A session named “Advocacy with Advocates” was held at the CCI’s office in Delhi.	17	Mar 15, 2019.	Advocates
87	CCI sponsored and adjudged Moot Court Competition organised by NLU, Jodhpur	55	Mar 15-17, 2019	Students and faculty of the college
88	CCI sponsored and adjudged Moot Court Competition organised by Faculty Law Centre, University of Delhi	105	Mar 16, 2019	Students and faculty of the college
89	Lecture on Competition Law was delivered at Faculty Law Centre, University of Delhi during Faculty Development Programme (FDP).	35	Mar 17, 2019	Faculty of the college
90	Lecture on Competition Law was delivered at a workshop organised by The West Bengal National University of Juridical Sciences	40	Mar 18, 2019.	Students and faculty of the college
91	Lecture on competition law was delivered at a workshop organised by Gujarat National Law University at Gandhi Nagar, Gujarat	45	Mar 18, 2019.	Students and faculty of the college
92	An Interactive meeting with Sr. Officers on Competition issues in Insurance Industry held at Agriculture Insurance Company, New Delhi	25	Mar 19, 2019.	Officers from PSUs
93	Lecture on competition law was delivered at a workshop organised by Kirori Mal College, University of Delhi	56	Mar 22, 2019.	Students and faculty of the college
94	Lecture on Competition Law was delivered at a workshop organised by National University of Advanced Legal Studies (NUALS), Kochi	45	Mar 23, 2019.	Students and faculty of the college
95	Lecture on Competition Law was delivered during Closing Ceremony of Certificate Course conducted by Kirori Mal College, University of Delhi	60	Mar 24, 2019.	Students and faculty of the college

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No.	Brief Description of the Event	Approximate Number of Participants	Dates	Beneficiaries
96	Chairperson, CCI delivered Guest Lecture at Central Vigilance Commission at New Delhi.	30	Mar 25, 2019	Officers from CVC
97	Lecture on Competition Law was delivered at a workshop organised by Exim Bank at New Delhi.	20	Mar 26, 2019	Officers from EXIM Bank
98	Lecture on Competition Law was delivered at a workshop organised by Amity School of Law at Noida.	45	Mar 26, 2019	Students and faculty of the college
99	Lecture on Competition Law was delivered at a workshop organised by Starex University at Gurugaon.	35	Mar 26, 2019	Students and faculty of the college
100	Lecture on Competition Law was delivered at a workshop organised by UDAIPUR Chamber of Commerce & Industry at Udaipur.	20	Mar 26, 2019	Representatives of various stakeholders organisation.
101	Lecture on Competition Law was delivered at a workshop organised by Maharaja Agrasen Mahavidyalaya at Jagadhri, Yamunanagar.	50	Mar 30, 2019	Students and faculty of the college
102	Lecture on Competition Law was delivered at a workshop organised by Mahirishi Law School at Noida	40	Mar 30, 2019	Students and faculty of the college
103	Representative from CCI participated in a Panel Discussion organised by NLU Jodhpur	50	Mar 30, 2019.	Students and faculty of the college

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

Table I3 : Capacity Building of Stakeholders

No.	Subject matter of the training programme	Approximate Number of participants	Dates during which held	Brief intent and the purpose
1.	Lecture was delivered in Training programme at National Academy of Audit and Accounts, Shimla	25	Apr 5, 2018	Capacity Building of Officers and Trainees from Indian Audit and Accounts Service (IA&AS)

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No.	Subject matter of the training programme	Approximate Number of participants	Dates during which held	Brief intent and the purpose
2.	Lecture was delivered in Training on Public Procurement and bid rigging National Academy of Customs Indirect Taxes and Narcotics (NACIN), Faridabad.	20	Apr 23, 2018.	Capacity Building of Officers and Trainees of the Academy
3.	Lecture on Competition Law was delivered at Institute of Economic Growth, New Delhi	25	Jul 11, 2018.	Capacity Building of Students and faculty of the institute
4.	Meeting cum Workshop regarding preparation of Study Material for Administrative and Judicial Academies at CCI, Delhi	17	Jul14, 2018	Capacity Building of Writers from NALSAR
5.	Lecture on Competition Law was delivered at GIPARD Goa	35	Aug 2 and 3, 2018	Familiarisation of Officers from various Govt. Departments about Competition Law
6.	Lecture on Competition Law was delivered at National Academy of Customs, Indirect Taxes & Narcotics, Faridabad	27	Aug 14, 2018	Capacity Building of Officers of Academy with respect to Competition Law and Policy
7.	Lecture on Competition Law during a workshop organised by Himachal Pradesh Institute of Public Administration(HIPA), Shimla	25	Sep 18, 2018	Capacity Building of Officers from various Government Departments in the field of Anti-Trust Law
8.	Lecture on competition law during an Orientation Program organised by Department of Public Enterprises at Mysuru	40	Sep 18, 2018	Orientation of Officers from various PSUs on Competition Law
9.	Lecture on Competition Law was delivered at National Academy of Customs, Indirect Taxes and Narcotics (NACIN), Faridabad	45	Oct 3, 2018.	Capacity Building of Officers with respect to Competition Law
10.	Lecture on Competition Law was delivered at Mahatma Gandhi State Institute of Public Administration MGSIPA, Chandigarh	35	Oct 10 2018.	Capacity Building of Officers from various Government Departments
11.	Lecture on Competition Law was delivered at Mahatma Gandhi State Institute of Public Administration, Chandigarh	25	Oct 18, 2018	Capacity Building of Officers from various Government Departments on Competition Law and Public Procurement

Competition Commission of India

No.	Subject matter of the training programme	Approximate Number of participants	Dates during which held	Brief intent and the purpose
12.	Lecture was delivered during a session on Competition Law at National Academy of Audit and Accounts (NAAA), Shimla	42	Oct 25, 2018.	Capacity Building of Senior Officers from Indian Audit and Accounts Service (IA&AS)
13.	Lecture on Public Procurement and Competition Issues was delivered at BHEL, Noida	25	Nov 2, 2018.	Capacity Building of Procurement Officers of BHEL
14.	Lecture on Competition Law was delivered in program organised by Department of Public Enterprises, Govt. of India at Dibrugarh	25	Dec 18, 2018.	Capacity Building of Officers from various PSUs with regard to Competition Law and Public Procurement
15.	Lecture on Competition Law was delivered during a training program organised by IOCL-IICA at Gurugram	25	Feb 25, 2019	Capacity Building of Officers from PSUs
16.	Lecture on Competition Law was delivered during a Training program on Public Procurement organised by Rashtriya Chemicals & Fertilizers, Chembur, Mumbai	30	Feb 25, 2019	Capacity Building of Officers from PSUs
17.	Lecture on Competition Law was delivered during a Training program on Public Procurement organised by Rashtriya Chemicals & Fertilizers, Thal, Alibaug, Maharashtra	40	Feb 26, 2019.	Capacity Building of Officers of Rashtriya Chemicals & Fertilizers with respect to competition issues in Public Procurement
18.	CCI in association with SIAM and ACMA organised a workshop on Competition issues in Automotive Sector at Delhi	250	Mar 8, 2019	Capacity Building of Representatives of various stakeholders organisation in auto sector
19.	A session on Competition Law was taken at Maharashtra Judicial Academy, Mumbai	25	Mar 15, 2019.	Capacity Building of Judicial Officers of academy
20.	A Workshop on Competition Law & Public Procurement was organised by jointly by SCOPE and CCI at New Delhi. Chairperson, CCI, Chairman, SCOPE, DG, SCOPE Secretary, DIPAM addressed the representatives of various PSUs.	120	Mar 27, 2019	Capacity Building of Officers from PSUs with focus on competition issues in Public Procurement

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

- (a) **Training Module for Judicial and Administrative Academies:** The Commission prepared a Training Module for Judicial and Administrative Academies to impart training on competition law for trainees at these academies. The Module will be published in financial year 2019-20.
- (b) **Diagnostic Toolkit for procurement officers:** The Commission has developed a diagnostic toolkit to help departments/organisations to review their tender processes with regard to competitiveness and to take appropriate remedial actions.
- (c) Flyers on Trade Association delineating Do's and Don't s was published.

(iv) Competition related Sectoral/Regulatory impact assessment; Market studies and research projects carried out by the Commission:-

During the year under review, the Commission has carried out “An Assessment of the Impact of Competition Commission of India and Its Advocacy Programs” through a team of IIM Ahmedabad.

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

No paper was published during the relevant period

(vi) Analytical Papers prepared and examined: -

An Advocacy Note on “Making Markets Work for Affordable Healthcare” for Pharmaceutical Sector was published by the Commission.

(vii) Other Initiatives:-

The combination of enforcement and advocacy activities of the Commission over the years have created a lasting impact at this crucial juncture of economic transition in India. The awareness created through the Commission's proactive engagement with stakeholders and the deterrence effect of its enforcement activities have checked anti-competitive conduct by enterprises that would have otherwise harmed the economy and consumer interest.

- a) The Commission celebrated its 9th Annual Day on May 20, 2018. Shri Rajiv Mehrishi, the CAG of India delivered the Annual Day Lecture on “*Competition Law 2.0 : Way Forward*”.
- b) The Commission also organised the fourth edition of ‘National Conference on Economics of Competition Law’ on March 1, 2019. Shri Krishnamurthy Subramanian, Chief Economic Adviser, Government of India delivered the Keynote Address. More than 200 participants including economists, legal experts, senior officers from government and experts from institutes of national and international eminence were actively involved in the deliberations and made valuable contributions.

- c) Another crucial initiative this year was the effort to resolve competition issues in the healthcare sector that is characterised by factors of market failure which makes interventions through enforcement a challenging task. The Commission organized on August 28-29, 2018 a 'Technical workshop on Competition issues in Healthcare and Pharmaceutical Sector' bringing together experts from a wide spectrum of fields including economists, doctors, journalists, and heads of government bodies related to healthcare. A report on the deliberations and policy recommendations that emerged from the workshop was submitted to the relevant Ministries.
- d) As a novel measure to interact with various sets of stakeholders in one go the Commission organised four Road Shows across India. The first Roadshow was organized in Mumbai on October 15, 2018, the second in Delhi on November 5, 2018, the third in Ahmedabad on December 18, 2018 and the fourth Roadshow on Competition Law was organised on February 25, 2019 in Hyderabad with a thematic focus on Public Procurement, Trade Associations, Cartels and Leniency. The Roadshows were attended by senior policy makers from Central Government, State Government, participants from the public sector enterprises, industry, legal and finance professionals, corporate lawyers, academics, and other relevant stakeholders. The event was graced by the Union Finance Minister at Delhi, Hon'ble Governor of Andhra Pradesh and Telangana at Hyderabad, Secretary, Ministry of Corporate Affairs at Mumbai and Chief Minister of State at Gujarat.
- e) The Commission brings out a competition newsletter named 'Fair Play' every quarter. During 2018-19, 24th, 25th, 26th and 27th editions of Fair Play were published and distributed among various stakeholders and uploaded on website of the Commission.
- f) Students being important stakeholders are offered internship by the Commission on calendar month basis. During the year 2018-19, 85 students from the prescribed streams of Law, Economics, Finance, Management and Professional Courses interned with CCI.
- g) To enhance its presence on social media forums the Commission has been on Twitter since April 15, 2015. During 2018-19, the Commission also started its Facebook and LinkedIn pages. The Commission also has a YouTube channel.
- h) For enhanced and effective reach to general public and Commission's stakeholders, Commission launched a FM Radio Advertisement Campaign. Wherein, a campaign of 40 seconds was run daily for 12 spots per day for 15 days in two prime FM radio channels (Radio City and Radio Mirchi) on the theme of Competition law awareness, cartels and leniency.



Shri Arun Jaitley, Hon'ble Minister of Finance and Corporate Affairs delivering keynote address as Chief Guest at National Conference on Public Procurement and Competition Law at New Delhi on November 5, 2018.



Shri Injeti Srinivas, Secretary, MCA addressing Captains of industry during an interactive session at the first Road Show on Competition Law at Mumbai on October 15, 2018.



Shri Vijay Rupani, Hon'ble Chief Minister of Gujarat addressing the representatives of various stakeholders' organisation at the third Road Show on Competition Law at Ahmadabad on December 18, 2018.



Shri Rajiv Mehrishi, Comptroller & Auditor General of India delivering the CCI Annual Day Lecture at New Delhi on May 20, 2018



Shri D.K. Sikri, Chairperson, CCI addressing senior Government functionaries, representatives from the corporate world, academicians and legal luminaries on the occasion of 9th Annual Day of the Commission at New Delhi on May 20, 2018



Shri E.S.L. Narasimhan, Hon'ble Governor of Andhra Pradesh was the Chief Guest at the fourth Road Show on Competition Law at Hyderabad on February 25, 2019. On this occasion Hon'ble Governor released telegu version of Competition Advocacy Booklet.



Left to Right : Shri Ashok Kumar Gupta, Chairperson, CCI, Shri Krishnamurthy Subramanian, Chief Economic Adviser, Government of India, Ms Sangeeta Verma, Member, CCI

J. Administration and Establishment Matters

(1) Report of the Secretary

Introduction

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

Category	Sanctioned Strength		Total
	Commission	DG's Office	
Secretary	1	-	1
Director General	-	1	1
Professionals	90	32	122
Support Staff	65	8	73
Total	156	41	197

Filling of posts by Deputation

Applications were invited from time to time from eligible officers of various departments of the Government of India, State Governments, Judiciary, other Regulatory bodies, Autonomous bodies, *etc.* to fill up vacant posts of professionals from the level of 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, 2019 is 43. This includes 22 officers, who have opted for permanent absorption later. As per the Recruitment Rules notified by the Government, all posts in DG office are to be filled up by deputation. Accordingly, a total of 23 posts (16 professionals and 7 support staff) have been filled up by deputation as on March 31, 2019 in the DG office. The process to fill the remaining vacant posts is ongoing.

Filling of posts by Direct Recruitment in CCI

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

(2) Composition of the Commission

Commission consists of one Chairperson and not less than two and not more than six other Members as per the Competition Act, 2002. The Commission as on March 31, 2019 comprises one Chairperson and two Members as given in Table J1.

During the year, Shri Ashok Kumar Gupta joined as Chairperson, CCI on November 12, 2018 and Ms. Sangeeta Verma joined as Member, CCI on December 24, 2018.

During the year, Shri D.K. Sikri demitted the office of Chairperson of the Commission on July 12, 2018 on completion of his tenure. During the year, Shri G.P. Mittal, Shri Sudhir Mital, and Shri Augustine Peter demitted the offices of the Member of the Commission on September 1, 2018, November 10, 2018 and January 15, 2019 respectively on completion of their tenure.

Table J1: Composition of the Commission as on March 31, 2019

No.	Name	Position	Date of Joining
1	Shri Ashok Kumar Gupta	Chairperson	Nov 12, 2018
2	Shri U. C. Nahta	Member	Aug12, 2014
3	Ms. Sangeeta Verma	Member	Dec 24, 2018

(3) Meetings of the Commission

During the year, the Commission held 139 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 90 orders under Sections 26(2), 26(6) & 27 of the Act and under miscellaneous/other category (both *prima facie* and final) during the year. It also held 32 special meetings during the year to discuss important issues with regard to its functioning, administration and other issues.

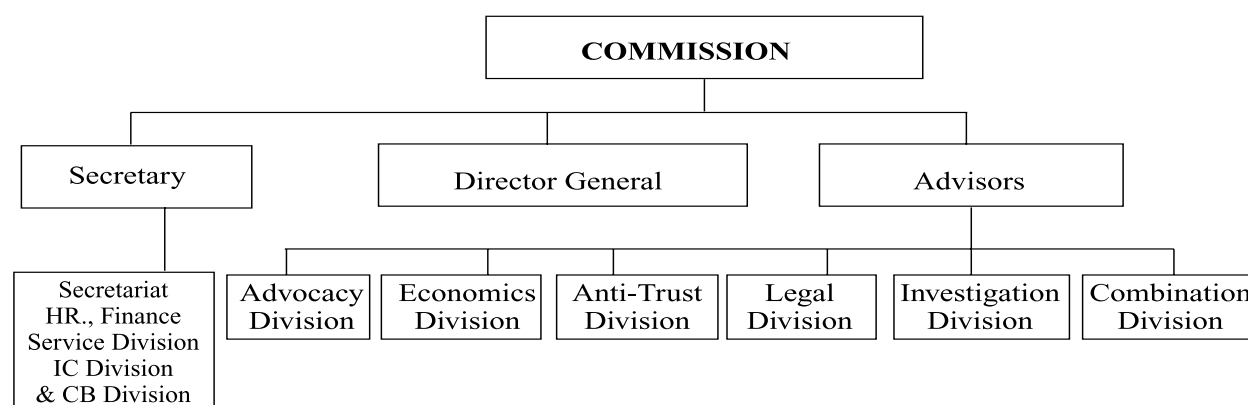
(4) Organisational structure

The work of the Commission as on March 31, 2019 was organised into ten functional Divisions, in addition to Secretariat, as presented in Table J2.

Table J2: Organisation Structure of the Commission

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

Organogram



(5) Personnel in the Commission

The details of personnel at various levels in the Commission as on March 31, 2019 along with vacancy are presented in Table J3.

Table J3: Incumbency Position in the Commission

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

No.	Designation	No. of Sanctioned Posts	No. of posts filled up	No. of Vacant Positions
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	20	-
26	Office Manager (F&A)	4	3	1
27	Office Manager (LS)	1	1	-
28	Private Secretary	3	1	2

The details of personnel at various levels in the office of Director General as on March 31, 2019 along with vacancy are presented in Table J4.

Table J4: Incumbency Position in the Office of DG

No.	Designation	No. of Sanctioned Posts	No. of posts filled up	No. of Vacant Positions
Professionals				
1	Director General	1	-	1
2	Additional Director General	4	2	2
3	Joint Director General	8	4	4
4	Deputy Director General	20	10	10
Support Staff				
5	Deputy Director General (CS)	1	1	-
6	Assistant Director General (CS)	3	3	-
7	Office Manager (CS)	4	3	1

Reservation of posts for various categories under the reservation policy of the Government of India is applicable for direct recruitment by the Commission. Accordingly, out of 69 vacancies in different posts for direct recruitment, 21 vacancies were earmarked for reserved categories. The details of reserved vacancies and posts filled up on direct recruitment basis are given in Table J5.

Table J5: Details of Reservation in Direct Recruitment

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

* 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.

(6) Experts and professionals engaged

In order to augment its capacity, the Commission has notified the Competition Commission of India (Procedure for Engagement of Experts and Professional) Regulations, 2009, to avail the services of experts and professionals. In terms of these Regulations, 36 Research Associates/Experts (26 in Law, 9 in Economics and 1 in IT stream) were engaged as on March 31, 2019.

(7) Delegation of power

As per Section 51 (3) of the Act, the 'Competition Fund' shall be administered by a Committee of such Members as appointed by the Chairperson. As per the nomination made by the Chairperson, the Fund Administering Committee (FAC) as on March 31, 2019 comprised Shri U.C. Nahta and Ms. Sangeeta Verma, Members of the Commission as Members of the Committee.

(8) Employee welfare measures

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

(9) Other Activities

In order to encourage the use of Hindi language in the official working of the Commission and also to promote awareness regarding the official language, 'Hindi Pakhwara' was organized from September 14-28, 2018.

K. Budget and Accounts

(1) Budget estimates and revised estimates under broad categories

The Central Government extends budgetary support to the Commission in the form of Grants-in-Aid. Initially, Budget Estimates of Rs. 13,300 lakh was provided for 2018-19, which was revised to Rs 16,081 lakh as Revised Estimates. This was further revised to Rs 15,156 lakh as Final Grants-in-Aid.

(2) Receipts under broad categories

The Commission has a Competition Fund which is credited by

- (a) all Government Grants received by the Commission,
- (b) the Fees received under the Act, and
- (c) the Interest accrued on these receipts.

The Fund is administered by the Fund Administering Committee (FAC) constituted under section 51(3) of the Competition Act 2002. The Committee reviews the position of actual expenditure and requirement of funds for the Commission every month. The receipts under broad categories in the Competition Fund during 2018-19 have been as under:

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.9,581 lakh)	15,156.00
2	Fees	1,987.10
3	Interest income	348.14
4	Other income	0.93
	Total	17,492.17

(3) Actual Expenditure under broad categories

The Commission incurred an expenditure of Rs 16292.83 lakh during the year 2018-19. The break-up of expenditure in broad categories is as under:

Table K2 : Expenditure under Broad Categories

No.	Category	Amount (Rs in lakh)
1	Establishment Expenses	2,854.10
2	Travel Expenses	197.82
3	Training/Seminar	98.27
4	Professional charges	456.45
5	Rent	805.80
6	Advertisement & Publicity	9.03
7	Other Administrative Expenses (excl. Depreciation)	1,443.67
8	Fixed Assets (including Capital W.I.P.)	10,427.69
	Total	16,292.83

(4) Balance available in the Competition Fund

The cumulative balance available in the Competition Fund as on March 31, 2019 is Rs 6,198 lakh.

(5) Any other information

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

The Commission maintains accounts and other relevant records and prepares an annual statement of accounts in accordance with Competition Commission of India (Form of Annual Statement of Accounts) Rules 2009. The Annual Accounts of the Commission for 2018-19 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 2018-19, as certified by the C&AG or any other person appointed by him on his behalf, together with the audit report thereon, shall be forwarded to the Central Government for laying in before both the Houses of Parliament.

L. International Co-operation

1) Memorandums or arrangements signed with agencies of foreign countries

As mandated under Section 18 of the Competition Act, 2002, the Commission has entered into Memorandum of Understanding (MOU), after obtaining approval from the Government of India, with the following competition authorities till March 2019:

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

In the year 2018-19, the Commission processed two MOUs i.e., (i) MOU with Japan Fair Trade Commission (JFTC) (ii) MOU with Administrative Council for Economic Defense (CADE) Brazil. The Commission is awaiting for the government approval to sign the MOUs.

2) Overseas projects undertaken

- a) As a project lead for ICN Unilateral Conduct Working Group (UCWG), the Commission has undertaken project on Self-Assessment Tool for the Recommended Practices on the Assessment of Dominance/Substantial Market Power.

The project is designed to –

- i) increase familiarity of the ICN Recommended Practices; and
 - ii) to promote greater conformity of unilateral conduct law and practice to the ICN standards.
- In this regard, questionnaires were sent to the UCWG member agencies and responses received were compiled. The findings of the project is under preparation in consultation with UCWG Co-Chairs.

- b) The Commission is the lead agency of the BRICS Working Group on Automotive Sector. In this regard, a scope paper has also been prepared on the topic “*Competition Issues in the Automotive Sector*”. For the purpose of this study, the Commission is also in the process of gathering information on practices and market conditions via questionnaire prepared by the Commission. Competition Commission of South Africa (CCSA) is the partner in this working group.

3. Memberships of international organisations

i. International Competition Network

The International Competition Network (ICN) is a virtual international organization working to improve and advocate for sound competition policy and its enforcement across the global antitrust community. It represents competition authorities across the globe.

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 work takes place in project-oriented working groups where members work together largely by teleconferences, teleseminars, webinars *etc.*

ICN holds workshops and an Annual Conference, which is hosted by one of its member agencies. The Commission is a member and has been an official invitee to all the meetings, seminars, conferences and workshops organized by the ICN.

During 2018-19, the Commission submitted replies to questionnaires on Lessons to Be Learnt from the Experiences of Young Competition Agencies by Younger Agencies and Regional Diversity of ICN and Merger Working Group survey on the Merger Cooperation Framework.

The Commission as Unilateral Working Group Project lead for the year 2018-19 has undertaken project on Self-Assessment Tool for the Recommended Practices on the Assessment of Dominance/Substantial Market Power.

ii. BRICS Competition Authorities

India is a member of the BRICS, a group of emerging economies, viz., Brazil, Russia, India, China and South Africa. The heads of the Competition Authorities of Brazil, Russia, India, China and South Africa signed an MoU on May 19, 2016, during the International Legal Forum held in St. Petersburg, Russia. In 2018-19, the BRICS Authorities met during the sidelines of St. Petersburg International Legal Forum in May 2018 and during the Russian Competition Week in September 2018 at Russia.

The first meeting of the BRICS Working Group on Digital Economy was held in October 2018 in Sao Paulo, Brazil. It comprised two panel discussions. First panel was a general public discussion on topic “Antitrust and Digital economy”. The other panel was for BRICS agencies delegations to discuss further steps of the Working Group. In order to explore the challenges and approaches of the BRICS countries regarding the Digital Economy, CADE Brazil had prepared a questionnaire to assess how each of the BRICS countries is approaching the matter. CCI submitted replies to the questionnaire.

The Commission as the lead agency of the BRICS Working Group on Automotive Sector is preparing for the topic on Competition Issues in the Automotive Sector, which will be presented during the VI BRICS International Competition Conference during September 2019 in Russia.

BRICS Competition Newsletter is a publication of the work of the BRICS Competition Authorities. The first online BRICS Competition Newsletter was published by the Commission in 2015. Second volume of BRICS Newsletter was prepared by FAS Russia and CCSA prepared the third volume.

iii. Organization for Economic Co-operation and Development

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

The Commission has been making regular written contributions at various roundtables during the conferences/meetings of OECD. In the year 2018-19 the Commission submitted papers on “Implications of E-Commerce for Competition Policy”, “Taxis, Ride Sourcing and Ride sharing services”, “Excessive Pricing in Pharmaceuticals” and “Suspensory Effects of Merger Notifications and Gun Jumping”. In addition, the Commission submitted replies to the questionnaire on OECD Competition Division: Survey on general statistics.

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

During 2018-19, officers of the Commission have participated in following programs organized by OECD:

- One officer attended workshop for Senior and Chief Economists organised by OECD-KPC and ICN during May 2-4, 2018 in Seoul, Korea.
- Member and Adviser attended OECD Competition Committee Meeting during June 4-8, 2018 in Paris, France.
- One officer attended Competition Law Workshop on Market Definition during September 5-7, 2018 in Kuala Lumpur, Malaysia.
- One officer attended first OECD Competition Open Day, workshop on Recent Challenges in Competition and IP in Pharmaceutical Markets & Competition in Publicly Funded Markets during February 26-28, 2019 in Paris, France.
- Two officers attended Competition Law Workshop on Competition Rules in the Transport Sector during March 26-28, 2019 in Busan, Korea.

iv. 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 responsible to deal with development issues, particularly international trade- the main driver of development. The Commission regularly participates in Intergovernmental Group of Expert (IGE) meeting every year. The Commission's engagement with UNCTAD in year 2018-19 is as follows:

- One officer participated in UNCTAD meeting of Intergovernmental Group of Experts on Competition Law and Policy during July 11- 13, 2018 in Geneva, Switzerland.

(4) & (5) International delegations received by the Commission from foreign governments and others / Overseas delegation received at the Commission:

In order to get exposure to best practices, the Commission invites foreign delegates from mature jurisdictions to share their experiences in the field of competition law and economics. In the year 2018-19, CCI has organized workshops/seminars. A brief of these capacity building programs are mentioned below:

- (a) In pursuance of the MoU, with United States Federal Trade Commission (FTC) & Department of Justice (DoJ) the following visits were organised:
 - Ms. Julie Carlson, Economist from USFTC was on secondment with the Commission during August,13-30 2018 in New Delhi, India. The purpose of the visit was to provide technical assistance under MoU between the Commission and USFTC.
 - One officer from the Commission was sent on secondment to USFTC during 17 September to 26 October 2018 in Washington D.C, USA. Officer was given exposure to the casework and best practices.
 - Training on Cartel was organized in collaboration with US DoJ during September 6-7, 2018 at the Commission.
- (b) Technical cooperation program with the EU-Competition Cooperation Project in Asia was started this year. 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 2018-19, the following two programs were organised :-
 - Competition Summer School, a two week course for CCI officials together with officials from other partner countries was organised during July 2-13, 2018 at Bruges, Belgium.
 - Competition Week was organised during December 10-13, 2018 at CCI, New Delhi, India.
- (c) In pursuance of MoU with Competition Bureau (CB), Canada, one officer from the Commission was sent on secondment to CB, Canada during October 1-30, 2018 at Gatineau, Quebec, Canada.

- (d) Bilateral meeting was held with the delegation from State Administration for Industry and Commerce (SAIC), China led by MsGan Lin, Vice Minister on April 12, 2018 at the Commission.
- (e) Bilateral meeting was held by the Commission with the delegation from Federal Antimonopoly Service (FAS), Russia led by Mr. Andrey Tsyganov, Deputy Head on February 18, 2019 at the Commission.

(6) Foreign visits

The details of the foreign visits by senior functionaries of the Commission are presented in following table:

Table L1 : Details of Foreign Visits

S. No.	Name of the Functionary	Purpose of Visit	Duration, Place and Country	Outcome
1	Mr. Augustine Peter, Member	66th Antitrust Spring Meeting of America Bar Association	Apr 10-13, 2018, Washington DC, USA	Exposure to global best practices, and networking
2	Mr. P.K.Singh, Adviser (Law)	8th St. Petersburg International Legal Forum	May 15-19, 2018, St. Petersburg, Russia	Exposure to global best practices, capacity building and networking
3	Mr. U.C.Nahta, Member	OECD Working party & Competition Committee Meeting	Jun 4-8, 2018, Paris, France	Exposure to global best practices, capacity building and networking
4	Ms. Jyoti Jindgar, Adviser (Eco)			
5	Mr. Manoj Pandey, Adviser (Law)	UNCTAD 17th meeting of Intergovernmental Group of Experts on Competition Law and Policy	Jul 11-13, 2018, Geneva, Switzerland	Exposure to global best practices, capacity building and networking
6	Ms. Smita Jhingran, Secretary	2018 China Competition Policy Forum	Jul 31- Aug1 2018, Beijing, China	Exposure to global best practices, and networking
7	Mr. Nitin Gupta, Director General	Russian Competition Week	Sep 25-27, 2018, Sochi, Russia	Exposure to global best practices, capacity building and networking
8	Mr. Ashutosh Kumar, Deputy Director (Eco)			

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S. No.	Name of the Functionary	Purpose of Visit	Duration, Place and Country	Outcome
9	Ms. Smita Jhingran, Secretary	5th Lisbon Conference on Competition Law and Economics	Oct 18-19, 2018, Lisbon, Portugal	Exposure to global best practices, capacity building and networking
10	Ms. Payal Malik, Adviser (Eco)	24th International Seminar on competition, organized by IBRAC and 1st BRICS Meeting of Working Group on Digital Economy by CADE, Brazil	Oct 24-26, 2018, Sao Paulo, Brazil	Exposure to global best practices, capacity building and networking
11	Ms. Jyoti Jindgar, Adviser (Eco)	1st OECD Competition Open Day, workshop on Recent Challenges in Competition and IP in Pharmaceutical Markets & Competition in Publicly Funded Markets	Feb 26-28, 2019, Paris, France	Exposure to global best practices, capacity building and networking
12	Mr. Ashok Kumar Gupta, Chairperson	19th International Conference on Competition by the Bundeskartellamt (German Competition Authority)	Mar 13-15, 2019, Berlin, Germany	Exposure to global best practices, and networking
13	Mr. P.K. Singh, Adviser (Law)	67th Antitrust Spring Meeting of America Bar Association	Mar 27-29, 2019, Washington DC, USA	Exposure to global best practices, and networking

(7) Others

The Commission responded to questionnaires administered by Global Competition Review (GCR) on Handbook of Competition Economics, GCR Rating Enforcement and Handbook of Competition Enforcement Agencies. The Commission also provided written contribution on GCR's Guide to E-Commerce and Digital Competition Law.

M. Capacity Building

The Commission is conceived as an expert body, administering and enforcing the Competition Act, 2002 (Act) which requires knowledge and skills traversing more than one discipline. A multi-disciplinary approach is needed for understanding concepts used in the Act and the same needs regular updating through capacity building programmes such as trainings / workshops *etc.* These programmes are conducted with the help of international experts from overseas multilateral agencies and competition authorities and also by domestic experts and organizations specialized in the field of law, economics, finance *etc.* In addition to that, the Commission also holds in-house trainings and Peer-to-Peer sessions where inter-division sharing of knowledge and information takes place.

The Commission also regularly invites distinguished speakers from various fields to address its employees. During the year 2018-19, Shri Junaid Kamal Ahmad, India Country Director, The World Bank, Shri Sanjeev Sanyal, Principal Economic Advisor, Ministry of Finance, Shri Amitabh Kant, CEO, Niti Aayog, Prof. Faizan Mustafa, Vice-Chancellor, Nalsar University of Law Hyderabad and Sir William Mark Tully, Journalist, Writer and Former Bureau Chief of the BBC New Delhi addressed the employees of CCI as part of the Distinguished Visitors Knowledge Sharing (DVKS) programme.

1) In-house Capacity Building Initiatives

During 2018-19, CBD organized 3 in-house training initiatives for its employees as per the details presented in Table M1 to M3.

Table M1: In-house Capacity Building Initiatives

No.	Duration	Name of Programme	Faculty	Coverage of Program
1	Apr 23, 2018	Short Induction Training for newly joined officers/ Research Associates	CCI Officers	Competition law and economics, anti-competitive agreements, abuse of dominance, DG Investigation-Overview, Combination regulations, Information filing <i>etc.</i>
2	Jul 16, 2018	Short Training Program on 'Analysis of Supreme Court Judgments in Competition Law Cases'	CCI Officer	Analysis/ discussion of 2 cases, Facts of the Cases, Decision of COMPAT, Issues before the Supreme Court, Relevant provisions of the Competition Act, Final order of Supreme Court <i>etc.</i>
3	Jan 10, 2019	Short Workshop on 'Basic Concepts of Economics'	CCI Officer	Introduction to Micro, Macro Economics, application of economics in competition law, Rule of demand-Supply & Anti-trust, Economic tools in Cartel Analysis, Multi-Sided Markets <i>etc.</i>

Table M2: Level-wise Participation of officers in In-house Capacity Building Initiatives

No.	Name of Program	No. of Officers at the level of						Total
		Secy/ DG/ Adviser	Additional DG / Director	Jt. DG/ Joint Director	Dy. DG/ Dy. Director	Assistant Director/ Office Manager	Others	
1	Short Induction Training for newly joined officers/ Research Associates	-	-	1	2	-	10	13
2	Short Training Program on 'Analysis of Supreme Court Judgments in Competition Law Cases'	-	1	-	8	-	10	19
3	Short Workshop on 'Basic Concepts of Economics'	4	2	2	19	2	9	38
	Total	4	3	3	29	2	29	70

Table M3: Discipline-wise Participation of Officers in In-house Capacity Building Initiatives

No.	Name of Program	No. of Officers from the Disciplines of					Total
		Economics	Financial Analysis	Law	CS/ F&A/ IT/LS	Others	
1	Short Induction Training for newly joined officers/ Research Associates	1	-	7	2	3	13
2	Short Training Program on 'Analysis of Supreme Court Judgments in Competition Law Cases'	4	2	13	-	-	19
3	Short Workshop on 'Basic Concepts of Economics'	13	4	16	2	3	38
	Total	18	6	36	4	6	70

2) Capacity Building Initiatives with the help of Outside Institutions

(a) Within India

Table M4 to M6 illustrates details of 17 domestic capacity building initiatives organized by outside institutions and attended by the Commission's officers during 2018-19.

Table M4: Domestic Capacity Building Initiatives by outside Institutions

No.	Name of Program	Coverage of Program	Faculty/Institute	Venue/Duration
1	1st Residential Induction Training Programme for newly joined officers of CCI	Overview of the Competition Act, 2002, Competition Law & economics, its importance in Indian Economy, Functions, Structure & Divisions of CCI, information filing, office procedure, conduct rules, Advocacy mandate <i>etc.</i>	Indian Institute of Corporate Affairs (IICA)	IICA Campus, Manesar, Haryana/ June 18-29, 2018
2	Training on Cartel	Antitrust Overview, Planning of the Investigation, Proactive Techniques, Behavioral Based Interview, Interview Techniques <i>etc.</i>	United States Department of Justice (US DoJ)	CCI/
3	Short Workshop on 'Drafting of Orders/ Legal Texts'	Purpose of writing orders/ judgments, distinction between judgment and orders, Judgment and Order writing style, Recording of finding of facts, Applying Law to the facts, writing Style <i>etc.</i>	Dr. B. T. Kaul, Ex-Chairperson, Delhi Judicial Academy	CCI/ October 5, 2018
4	e-Office Capacity Building Programme Level-1 (Users)	Overview, File Management System (FMS), Advance Search, MIS Reports, Hands-on training of e-Office, support mechanism, e-Office future, road ahead <i>etc.</i>	National Informatics Centre (NIC), Ministry of Electronics & Information Technology	NICSI Development Centre/ October 29-31, 2018
5	e-Office Capacity Building Programme Level-1 (Users)	Overview, File Management System (FMS), Advance Search, MIS Reports, Hands-on training of e-Office, support mechanism, e-Office future, road ahead <i>etc.</i>	National Informatics Centre (NIC), Ministry of Electronics & Information Technology	NICSI Development Centre/ November 14-16, 2018
6	Residential Workshop on 'Right to Information Act'	Provisions & procedure under RTI Act, 2005, Exemptions & Exclusions under the Act, Personal & third party information under the Act, Role & functions of various officials under the Act, drafting skills to minimize the number of appeals, handling of online RTI applications <i>etc.</i>	National Academy of Human Resource Development (NAHRD)	Phoenix Park Inn Resort, Goa November 19-21, 2018

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No.	Name of Program	Coverage of Program	Faculty/Institute	Venue/Duration
7	Competition Week	Mergers in Innovation Markets, Market Definition in the Agro-Chemical Sector, Defining Relevant Markets by Reference to Mergers in Multi-Sided Markets Online Platform, Welfare Standards in Competition Decision, Price Algorithms, Leniency, Use of Screens to Detect Cartels, Assessing the Competitive Effects of Rebate Schemes <i>etc.</i>	EU- India Competition Cooperation Project	CCI December 10-13, 2018
8	Short Term Training on 'Open Journal System (OJS) Software for Journal Publishing'	Overview & installation of OJS, managing journal sections, email templates, reviewers databases <i>etc.</i> , User Management, Publishing Issues, Statistics, reports, backup & Restore <i>etc.</i>	Council for Scientific & Industrial Research (CSIR)'s National Institute of Science Communication and Information Resources (NISCAIR), New Delhi	NISCAIR Campus December 10-14, 2018
9	e-Office Capacity Building Programme Level-1 (Users)	Overview, File Management System (FMS), Advance Search, MIS Reports, Hands-on training of e-Office, support mechanism, e-Office future, road ahead <i>etc.</i>	National Informatics Centre (NIC), Ministry of Electronics & Information Technology	NICSI Development Centre/ December 12-14, 2018
10	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 <i>etc.</i>	Bureau of Parliamentary Studies and Training (BPST)	BPST/December 18-20, 2018
11	Short Workshop on 'Rules of Interpretation of Statutes & Regulations'	Interpretation of Statues, Literal rules of construction of Statutes, Golden rule and illustrative case, Mischief rule of construction: Heydon's Case, Construction <i>Ut Res Magis Valeat Quam Pereat</i> , Rule of purposive construction, Rule of strict interpretation (Penal and Tax Statutes), Internal & Extrinsic aids <i>etc.</i>	Dr. B. T. Kaul, Ex-Chairperson, Delhi Judicial Academy	CCI/ January 14, 2019

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No.	Name of Program	Coverage of Program	Faculty/Institute	Venue/Duration
12	e-Office Capacity Building Programme Level-1 (Users)	Overview, File Management System (FMS), Advance Search, MIS Reports, Hands-on training of e-Office, support mechanism, e-Office future, road ahead <i>etc.</i>	National Informatics Centre (NIC), Ministry of Electronics & Information Technology	NICSI Development Centre/ January 21 – 23, 2019
13	e-Office Capacity Building Programme Level-1 (Users)	Overview, File Management System (FMS), Advance Search, MIS Reports, Hands-on training of e-Office, support mechanism, e-Office future, road ahead <i>etc.</i>	National Informatics Centre (NIC), Ministry of Electronics & Information Technology	NICSI Development Centre/ February 4 – 6, 2019
14	Residential Workshop on ‘Right to Information Act’	Provisions & procedure under RTI Act, 2005, Exemptions & exclusions under the Act, Personal & third party information under the Act, Role & functions of various officials under the Act, drafting skills to minimize the number of appeals, Handling of online RTI applications <i>etc.</i>	National Academy of Human Resource Development (NAHRD)	Hotel Marasa Sarovar Premiere, Tirupati, AP/ February 14 – 15, 2019
15	2nd Refresher Course Training Programme 2018-19	Addresses by Secretary - MCA, Secretary - Dept. of Fertilizers, Chairman - TRAI, CEO – GeM, Overview of Regulatory Framework in EU & US, Big-data revolution, Procedural fairness, Cyber Law, Conduct Rules and office procedure, public procurement, extra territorial jurisdiction & principles of Comity <i>etc.</i>	Experts from DG Competition-European Union, Competition Bureau-Canada & Fair Trade Commission, USA alongwith Indian Experts from different Sectors & CCI Officers.	CCI/ February 18– 20, (F/N) 2019
16	e-Office Capacity Building Programme Level-1 (Users)	Overview, File Management System (FMS), Advance Search, MIS Reports, Hands-on training of e-Office, support mechanism, e-Office future, road ahead <i>etc.</i>	National Informatics Centre (NIC), Ministry of Electronics & Information Technology	NICSI Development Centre/ February 25 – 27, 2019

No.	Name of Program	Coverage of Program	Faculty/Institute	Venue/Duration
17	e-Office Capacity Building Programme Level-1 (Users)	Overview, File Management System (FMS), Advance Search, MIS Reports, Hands-on training of e-Office, support mechanism, e-Office future, road ahead <i>etc.</i>	National Informatics Centre (NIC), Ministry of Electronics & Information Technology	NICSI Development Centre/ March 13 – 15, 2019

Table M5: Level-wise Participation of officers in Domestic Capacity Building Initiatives by outside Institutions

No.	Name of Programme	No. of Officers at the level of						Total
		Secy/ DG/ Adviser	Addl. DG / Director	Jt. DG/ Jt. Director	Dy. DG/ Dy. Director	Asst. Director/ Office Manager/ PPS	Others	
1	1st Residential Induction Training Programme for newly joined officers of CCI	-	-	-	12	5	-	17
2	Training on Cartel	1	1	1	17	-	-	20
3	Short Workshop on 'Drafting of Orders/ Legal Texts'	1	-	-	18	-	3	22
4	e-Office Capacity Building Programme Level-1 (Users)	-	-	-	3	1	-	4
5	e-Office Capacity Building Programme Level-1 (Users)	-	-	-	1	3	-	4
6	Residential Workshop on 'Right to Information Act'	-	-	1	-	-	-	1
7	Competition Week	2	3	6	25	1	-	37
8	Short Term Training on 'Open Journal System (OJS) Software for Journal Publishing'	-	-	-	-	1	-	1
9	e-Office Capacity Building Programme Level-1 (Users)	-	-	-	-	7	-	7
10	Appreciation Course on 'Parliamentary Process & Procedures'	-	1	-	5	4	-	10

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No.	Name of Programme	No. of Officers at the level of						Total
		Secy/ DG/ Adviser	Addl. DG / Director	Jt. DG/ Jt. Director	Dy. DG/ Dy. Director	Asst. Director/ Office Manager/ PPS	Others	
11	Short Workshop on 'Rules of Interpretation of Statutes & Regulations'	-	2	7	15	1	2	27
12	e-Office Capacity Building Programme Level-1 (Users)	-	-	1	4	3	-	8
13	e-Office Capacity Building Programme Level-1 (Users)	-	2	-	3	5	-	10
14	Residential Workshop on 'Right to Information Act'	-	-	1	-	-	-	1
15	2nd Refresher Course Training Programme 2018-19	-	2	6	9	-	-	17
16	e-Office Capacity Building Programme Level-1 (Users)	-	-	1	2	5	-	8
17	e-Office Capacity Building Programme Level-1 (Users)	-	-	2	3	-	-	5
Total		4	11	26	117	36	5	199

Table M6: Discipline-wise Participation of Officers in Domestic Capacity Building Initiatives by outside Institutions

No.	Name of Programme	No. of Officers from the Disciplines of					Total
		Economics	Financial Analysis	Law	CS/ F&A/ IT/LS	Others	
1	1st Residential Induction Training Programme for newly joined officers of CCI.	2	-	6	5	4	17
2	Training on Cartel	4	3	9	2	2	20
3	Short Workshop on 'Drafting of Orders/ Legal Texts'	9	2	9	-	2	22
4	e-Office Capacity Building Programme Level-1 (Users)	-	-	3	1	-	4
5	e-Office Capacity Building Programme Level-1 (Users)	-	-	1	3	-	4

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No.	Name of Programme	No. of Officers from the Disciplines of					
		Economics	Financial Analysis	Law	CS/ F&A/ IT/LS	Others	Total
6	Residential Workshop on 'Right to Information Act'	-	-	1	-	-	1
7	Competition Week	14	5	15	1	2	37
8	Short Term Training on 'Open Journal System (OJS) Software for Journal Publishing'	-	-	-	1	-	1
9	e-Office Capacity Building Programme Level-1 (Users)	-	-	-	7	-	7
10	Appreciation Course on 'Parliamentary Process & Procedures'	1	2	2	4	1	10
11	Short Workshop on 'Rules of Interpretation of Statutes & Regulations'	12	5	7	1	2	27
12	e-Office Capacity Building Programme Level-1 (Users)	2	-	3	3	-	8
13	e-Office Capacity Building Programme Level-1 (Users)	3	-	2	5	-	10
14	Residential Workshop on 'Right to Information Act'	-	-	1	-	-	1
15	2nd Refresher Course Training Programme 2018-19	5	4	7	-	1	17
16	e-Office Capacity Building Programme Level-1 (Users)	-	1	1	6	-	8
17	e-Office Capacity Building Programme Level-1 (Users)	1	3	1	-	-	5
Total		53	25	68	39	14	199

(b) Training Initiatives Outside India

Tables No. M7 to M9 present capacity-building initiatives undertaken outside India during 2018-19. There are 16 such initiatives and in all 28 employees have benefitted from these.

Table M7: Training Initiatives outside India

No.	Training Name	Faculty/ Institution	Duration/ Venue
1	Workshop for Senior and Chief Economists	Organization for Economic Cooperation and Development (OECD)- Korea Policy Centre (KPC)&International Competition Network (ICN)	May 2-4, 2018/ Seoul, Korea
2	Economic Institute for Competition Enforcement Officials	Global Antitrust Institute (GAI), George Mason University	June 24-29, 2018/ Santa Monica, California, USA
3	13th CRESSE Annual Conference	Competition and Regulation Summer School and Conference (CRESSE)	June, 29 - July 1, 2018/ Crete, Greece
4	Competition Summer School	EU- India Competition Cooperation Project	July 2-13, 2018/
5	Competition Law Workshop on Market Definition	OECD-KPC	September 5-7, 2018/
6	10th Seoul International Competition Forum	Korea Fair Trade Commission (KFTC)	September 13, 2018/ Seoul, Korea
7	Secondment at USFTC	United States Federal Trade Commission (USFTC)	September 17 – October 26, 2018/ Washington DC, USA
8	2018 Regional Antitrust Seminar on E-Commerce and Competition	Taiwan Fair Trade Commission (TFTC)	September 26-27, 2018/ Bali, Indonesia
9	Secondment CB Canada	Competition Bureau Canada (CB Canada)	October 1-30, 2018/ Gatineau, Quebec, Canada
10	Cartel Workshop	ICN	October 15-18, 2018/ Tel- Aviv, Israel
11	Global Antitrust Institute on the Digital Economy for Competition Enforcement Officials	GAI, George Mason University	October 21-24, 2018/ Tokyo, Japan
12	Unilateral Conduct Workshop	ICN	November 1-2, 2018/ Stellenbosch, South Africa
13	Merger Workshop	ICN	November 7-8, 2018/ Tokyo, Japan
14	Advocacy Workshop	ICN	February 28 – March 1, 2019/ Kyiv, Ukraine

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No.	Training Name	Faculty/ Institution	Duration/ Venue
15	Study Visit and a Meeting of the Working Group for the Research of Competition Issues in Pharmaceutical sector	Federal Antimonopoly Service (FAS), Russia	March 26-28, 2019/ Kazan, Russia
16	Competition Law Workshop on Competition Rules in the Transport Sector	OECD-KPC	March 26-28, 2019/ Busan, Korea

Table M8: Level wise participation of Officers in Foreign Training Programmes

No.	Name of Programme	No. of Officers at the level of						Total
		Secy/ DG / Adviser	Addl DG / Director	Jt. DG / Joint Director	Dy. DG / Dy. Director	Asst. DG /Asst. Director	Others	
1	Workshop for Senior and Chief Economists	-	-	1	-	-	-	1
2	Economic Institute for Competition Enforcement Officials	1	-	-	1	-	-	2
3	13th CRESSE Annual Conference	1	-	-	-	-	-	1
4	Competition Summer School	-	-	2	3	-	-	5
5	Competition Law Workshop on Market Definition	-	-	-	1	-	-	1
6	10th Seoul International Competition Forum	1	-	-	-	-	-	1
7	Secondment at USFTC	-	-	-	1	-	-	1
8	2018 Regional Antitrust Seminar on E-Commerce and Competition	-	-	1	1	-	-	2
9	Secondment CB Canada	-	-	1	-	-	-	1
10	Cartel Workshop	-	-	1	1	-	-	2
11	Global Antitrust Institute on the Digital Economy for Competition Enforcement Officials	-	1	1	-	-	-	2
12	Unilateral Conduct Workshop	-	-	1	1	-	-	2
13	Merger Workshop	1	-	-	2	-	-	3
14	Advocacy Workshop	-	1	-	-	-	-	1
15	Study Visit and a Meeting of the Working Group for the Research of Competition Issues in Pharmaceutical sector	-	-	1	-	-	-	1

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No.	Name of Programme	No. of Officers at the level of						Total
		Secy/ DG / Adviser	Addl DG / Director	Jt. DG / Joint Director	Dy. DG / Dy. Director	Asst. DG /Asst. Director	Others	
16	Competition Law Workshop on Competition Rules in the Transport Sector	-	-	1	1	-	-	2
Total		4	2	10	12			28

Table M9: Stream wise participation of Officers in Foreign Training Programmes

No.	Name of Programme	Subject					
		CS	Economics	FA	Law	Others	Total
1	Workshop for Senior and Chief Economists	-	1	-	-	-	1
2	Economic Institute for Competition Enforcement Officials	-	-	1	1	-	2
3	13th CRESSE Annual Conference	-	1	-	-	-	1
4	Competition Summer School	-	1	1	3	-	5
5	Competition Law Workshop on Market Definition	-	-	-	1	-	1
6	10th Seoul International Competition Forum	-	-	1	-	-	1
7	Secondment at USFTC	-	-	-	1	-	1
8	2018 Regional Antitrust Seminar on E-Commerce and Competition	-	1	-	1	-	2
9	Secondment CB Canada	-	-	-	1	-	1
10	Cartel Workshop	-	-	1	-	1	2
11	Global Antitrust Institute on the Digital Economy for Competition Enforcement Officials	-	1	-	1	-	2
12	Unilateral Conduct Workshop	-	2	-	-	-	2
13	Merger Workshop	-	-	2	1	-	3
14	Advocacy Workshop	-	1	-	-	-	1
15	Study Visit and a Meeting of the Working Group for the Research of Competition Issues in Pharmaceutical sector	-	-	-	1	-	1
16	Competition Law Workshop on Competition Rules in the Transport Sector	-	1	1	-	-	2
Total		-	9	7	11	1	28

N. Ongoing Programmes

Apart from its enforcement and advocacy functions, the Commission also undertakes research studies in areas of economic importance, in order understand the intricacies and issues of competition. In pursuance thereof, the Commission has commissioned a market study in 2018-19 into the e-commerce sector in India to develop a better understanding of the functioning of e-commerce in the country and its implications for markets and competition.

The Commission has also decided to undertake a research/ study on the competition and regulatory issues related to cab aggregator industry.

On February 6, 2019, the Commission and Government e-Marketplace (GeM) entered into a bipartite Memorandum of Understanding (MoU), the object of which is to set-up an institutional mechanism for formal interaction between the Commission and GeM, wherein both the Parties will share information, intelligence and pool their knowledge to develop digital screens for cartel detection.

O. The RTI Act

In addition to accountability measures under the Act and the rules there under, 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 Shri P.K. Singh, Secretary of the Commission 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

No.	Description	Number	
		2018-19	2017-18
(a)	Number of Application received by CPIO seeking information under the RTI Act.	118	153
(b)	Number of Application for which information has been provided by CPIO.	113	150
(c)	Number of Application pending with CPIO.	5	3
(d)	Number of Appeals filed before the FAA against the order of CPIO.	20	20
(e)	Number of Appeals which have been disposed of by the FAA.	20	20
(f)	Number of Appeals pending with the FAA.	-	-
(g)	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 Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act & Rules, 2013, an Internal Complaints Committee (ICC) has been constituted by the Commission for dealing with the cases pertaining to sexual harassment of women in the Commission and O/o the DG. The Committee is headed by Ms. Jyoti Jindgar (Adviser) with Sh. Ved Prakash Mishra (Director), Ms. Bhawna Gulati (Joint Director) and Ms. Manisha Gupta (Assistant Director) as its members. There is also a provision of an outside lady member, who can be nominated on a case to case basis.

Table P1: Receipt and Disposal of Complaints

No.	Description	Number
(a)	No. of Complaints received during the year	-
(b)	No. of complaints disposed off during the year	-
(c)	No. of cases pending for more than 90 days	-
(d)	No. of workshops/ awareness programs carried out*	-
(e)	Nature of Action taken by the employer	NA

*A workshop for sensitization of the professional as well as support staff is proposed during 2019-20 as per the deliberations that took place in the last quarter of the FY 2018-19.



**Fair Competition
For Greater Good**

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