

Commission as on March 31, 2016



Left to Right:

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

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Abbreviations

AAEC	Appreciable Adverse Effect on Competition
AEWG	Agency Effectiveness Working Group
AKCDA	All Kerala Chemists and Druggists Association
APFCC	Andhra Pradesh Film Chamber of Commerce
ASSOCHAM	The Associated Chambers of Commerce & Industry
BPST	Bureau of Parliamentary Studies and Training
BRICS	Brazil, Russia, India, China and South Africa
C&AG	Comptroller and Auditor General of India
CB	Competition Bureau, Canada
CBD	Capacity Building Division
CCI or the Commission	The Competition Commission of India
CII	Confederation of Indian Industry
CITD	Capacity Building Initiative for Training and Development
CMA	Cement Manufacturers' Association
CMM	Chief Metropolitan Magistrate
COMPAT	The Competition Appellate Tribunal
CPIO	Central Public Information Officer
CREDAI	Confederation of Real Estate Developers' Association of India
DG	Director General
DLF	DLF Gurgaon Home Developers Private Limited
DOJ	Department of Justice, USA
DVKS	Distinguished Visitors Knowledge Sharing Series
EU	European Union
FAA	The First Appellate Authority
FAC	Fund Administration Committee
FGD	Focused Group Discussion
FICCI	Federation of Indian Chambers of Commerce and Industry
FSC	Fuel Surcharge
FTC	Federal Trade Commission, USA
ICAI	The Institute of Chartered Accountants of India
ICMAI	The Institute of Cost Accountants of India
ICAR	Indian Council for Agricultural Research

ICN	International Competition Network
ICT	Information and Communication Technology
ICSI	The Institute of Company Secretaries of India
IICA	Indian Institute of Corporate Affairs
IIM	Indian Institute of Management
IIPA	Indian Institute of Public Administration
ILD	Institute of Leadership Development
IOCL	Indian Oil Corporation Limited
ISTM	Institute of Secretariat Training and Management
KPC	Korea Policy Centre (of OECD)
MCA	Ministry of Corporate Affairs
MOU	Memorandum of Understanding
MRTPC	Monopolies and Restrictive Trade Practices Commission
NATRSS	National Academy for Training and Research in Social Security
NEIPDA	North East India Petroleum Dealers Association
NISM	National Institute of Securities Markets
NLU	National Law University
NOC	No Objection Certificate
OECD	Organisation for Economic Cooperation and Development
OMC	Public Sector Oil Marketing Companies
ONGC	Oil & Natural Gas Corporation Limited
OP	Opposite Party
P2P	Peer to Peer
RA	Research Associate
RBI	Reserve Bank of India
RCEP	Regional Comprehensive Economic Partnership
RSBY	Rashtriya Swasthya Bima Yojna
RTI	The Right to Information Act, 2005
SCOPE	Standing Conference of Public Enterprises
SEBI	Securities and Exchange Board of India
SEP	Standard Essential Patents
SHRIL	Sterling Holiday Resorts (India) Limited
SIDBI	Small Industries Development Bank of India
The ACT	The Competition Act, 2002

TCIL	Thomas Cook (India) Limited
TCISIL	Thomas Cook Insurance Services (India) Ltd.
TIES	The Indian Econometric Society
UNCTAD	United Nations Conference on Trade and Development
USFTC	United States Federal Trade Commission

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Chairperson's Statement

It is my privilege to present the Annual Report of the Competition Commission of India (the Commission) for the year 2015-16.

The Competition Act, 2002 (the Act) provides for establishment of the Commission with the solemn objectives of preventing practices having adverse effect on competition, promoting and sustaining competition in markets, protecting the interests of consumers and ensuring freedom of trade carried on by other participants in markets, in India. Since its establishment, the Commission has been enforcing the Act and promoting the cause of competition by engaging with various stakeholders, keeping in view the economic development of the country.



The year gone by has been significant from the perspective of the evolving jurisprudence of competition law in India. The Competition Appellate Tribunal (COMPAT) has, while disposing of various matters, laid down the standards of principles of natural justice to be adhered to as well as the kind of evidence required for a finding of guilt. The High Court of Delhi in *Google Inc v. CCI* held that the Commission has powers to recall/review its direction issued under section 26(1) of the Act. It observed that the direction under section 26(1) being an administrative one, could be reviewed in light of the inherent powers of the Commission. In another landmark decision, the High Court of Delhi held that the Commission has the jurisdiction to investigate into abuse of dominance issues relating to licensing of Standard Essential Patents (SEP).

Technology, innovation and new business models are changing market dynamics across many sectors having implications for competition. This is reflected in the increasing number of information received by the Commission from sectors like e-commerce, app-based services, technology devices, etc. During the year, the Commission took cognizance of 121 alleged violations of sections 3 and 4 of the Act, which are otherwise known as anti-trust matters. These included 117 information received from informants, three references from the Government and one *suo moto* matter. It directed the Director General (DG), after forming a *prima facie* opinion, to undertake investigations into 23 anti-trust matters and closed the balance 96 matters. After considering the reports of investigation by the DG and following the principles of natural justice, it issued final orders in 31 matters during the year. Statistics indicate that 80% of the orders passed by the Commission at the *prima facie* stage were orders of closure. This underscores the judicious approach followed by the Commission in anti-trust scrutiny as well as the need for qualitatively better filings by informants relating to competition issues.

On the mergers and acquisitions, focus of the Commission has been on expeditious approval of combinations which do not cause or aren't likely to cause appreciable adverse effect on competition (AAEC). The Commission is conscious of the need and significance of inorganic growth for the enterprises to attain the size, scale and efficiency required for surviving and succeeding in a liberalised environment. During the year, it received 113 notices of combinations and approved 107 combinations. Based on the experience of administration of combination regulations and keeping in view international best practices and in consultation with stakeholders, regulations relating to combinations have been amended with a view to simplify the compliance requirements, enhance transparency of the review process, relax the verification norms and bring about certainty with respect to the trigger events.

Being a relatively young agency, competition advocacy is a priority for the Commission to build awareness about the Act and at the same time, help businesses comply with the Act. In addition to the regular advocacy measures that the Commission undertakes, some novel initiatives were introduced in this year to widen and strengthen the advocacy efforts. The Commission proposes to appoint Resource Persons (RPs) to disseminate knowledge about the competition law and policy among the stakeholders. Further, with a view to identify elements in various government enactments and policies that can potentially restrict the ability of economic agents to effectively compete at the market place, the Commission has framed 'The Competition Commission of India (Competition Assessment of Economic Legislations and Policies) Guidelines, 2016'. These would facilitate an objective and transparent assessment of existing and upcoming economic legislations and policies made both at the central and at the state level from competition perspective.

Another initiative taken by the Commission during this year was the holding of the first National Conference on 'Economics of Competition Law', on March 3-4, 2016. In view of the vital role that economic theories, principles and methods have in the enforcement of competition law, the Conference was an attempt to bring together scholars and practitioners from across the country and stimulate research as well as debate on contemporary issues in the field of the economics of competition law. The Hon'ble Minister of State for Finance, Government of India, Mr. Jayant Sinha, while inaugurating the conference, emphasised the need to build a community of experts in the field of economics of competition law. As a step in that direction, the Commission has decided to make this Conference an annual feature.

What drives a knowledge-based organisation is the skills, knowledge and attitude of the people working for it. The Commission's effort this year, as in the past, has been to ensure that its professional staff gain exposure and acquire skill sets for addressing the increasingly complex markets and competition issues. With this in mind, officers of the Commission were deputed to

overseas competition agencies. Besides, competition experts from abroad and from the country were invited to the Commission for exchange of ideas.

This year the Commission welcomed a new Member, Justice G. P. Mittal from the High Court of Delhi. It bid farewell to the Chairperson Mr. Ashok Chawla who was at the helm of affairs for the past four years. He contributed immensely in developing the Commission as a strong, professional and knowledge based institution.

The Commission continued to receive unstinted support from the Ministry of Corporate Affairs in 2015-16. I am grateful to Mr. Arun Jaitley, the Hon'ble Minister as also the Secretary and other officers of the Ministry for their cooperation.

(Devender K. Sikri)
Chairperson
Competition Commission of India

A. Introduction

(i) Objectives

Several studies have established that the nations that are economically free outperform nations that are not free, in indicators of economic wellbeing. The thrust of the reforms in India since 1990s has been provision and protection of economic freedom of enterprises, and building institutions that support, promote and protect such freedom. The protection of freedom requires a proactive regulatory regime that addresses the market failures arising from information asymmetry, externalities and abuse of market power. It also requires a level playing field that does not distort the freedom or choice of enterprises. The Competition Act, 2002, which establishes the Competition Commission of India (the Commission / CCI), provides a regulatory regime that prohibits abuse of market power, whether acquired through concert, dominance, or combination, and thereby protects freedom of enterprises at market place. This enables the enterprises to compete among themselves on merits on a level playing field for a larger share of the market. As a consequence, each enterprise tries to do better than others by improving its efficiencies: technological, productive, dynamic (innovation) and so on. Some enterprises thrive, others lose and may even have to exit, but the economy always gains, for it is only the most efficient ones that survive. The surviving enterprises generate the highest return on resources. The result of this approach has been astounding. From a largely controlled, state-owned and inward-looking economy, India has become a more liberal, more private sector led and more globalized economy. Importantly, the success of reforms reinforced faith in the market: a faith that demand for and supply of goods and services determine the two major economic outcomes, namely, quantities to be produced in the economy and prices at which these are to be exchanged, in a manner that is best for the economy.

The World Economic Forum brings out an annual Global Competitiveness Report. The latest edition of this Report (2015-16) classifies economies into five categories according to their stages of development. **The first stage** is mostly factor driven where weights for factors, efficiency (competition) and innovation are roughly in the ratio of 60:35:5. The economies in this stage have a per capita GDP of less than US\$ 2000. **The third stage** is efficiency driven where weights for factors, competition and innovation are roughly in the ratio of 40:50:10. The economies in this stage have a per capita GDP of US\$ 3000-8999. **The fifth stage** is innovation driven where weights for factors, competition and innovation are roughly in the ratio of 20:50:30. The economies in this stage have a per capita GDP of more than US\$ 17,000. There are two more stages - one between the stages one and three and the other between the stages three and five. This clearly brings out the role of competition in development of an economy.

The competition regime consists of competition policy and competition law. The competition policy addresses competition distortions in policies relating to trade, commerce, industry, business,

investment, disinvestment, fiscal taxation, IPR, procurement, etc. and endeavours to provide competitive neutrality and level playing field. The competition law addresses anti-competitive conduct of the enterprises by a mix of preventive, punitive and remedial measures. In sync with the contemporary economic thought, India embraced a very potent competition regime. It enacted the Competition Act, 2002 (the Act) to establish the Commission, keeping in view the economic development of the country, with the objectives to: (a) prevent practices having adverse effect on competition; (b) promote and sustain competition in markets; (c) protect the interests of consumers; and (d) ensure freedom of trade carried on by other participants in markets, in India. The Act prohibits, up front, all anti-competitive conduct and practices. It proscribes any agreement in respect of production, supply, distribution, storage, acquisition or control of goods or provision of services that causes or is likely to cause AAEC. It prohibits all kinds of cartels, vertical or horizontal, including bid rigging. While it does not prohibit dominance *per se*, it prohibits abuse of dominant position. It also prohibits any combination which causes or is likely to cause AAEC in the relevant market in India. It requires prior approval of the Commission for the combinations above prescribed thresholds. These prohibitions aim to ensure, *ex ante*, that no enterprise or a group of enterprises has control over either the quantity and or the price, and only the invisible hands of the market should determine these. This would ensure economic liberty and consequently freedom of trade.

In order to make the competition regime successful, in addition to strong enforcement, vigorous advocacy to promote competition awareness is also necessary. Competition advocacy is a process of outreach to influence the economic behavior of enterprises, elicit support for the principles of competition and convince stakeholders about the innate advantages of competition. The Act mandates the Commission, *inter alia*, to take suitable measures for the promotion of competition advocacy, and to create awareness and impart training about competition issues. Given the fact that the Commission is a part of the eco system and determination of competition issues is very complex, the Act encourages two way consultation between sectoral regulators and Government on one hand and the Commission on the other. The Central Government or a State Government may, in formulating a policy or any other matter, make a reference to the Commission for its opinion on possible effect of such policy on competition and on the receipt of such a reference, the Commission is obliged to give its opinion to the Central Government, or the State Government, as the case may be. The Act also provides that whenever an issue is raised by a party before a statutory authority that a decision which the statutory authority has taken or proposes to take would be contrary to the provisions of the Competition Act, the statutory authority may make a reference to the Commission for an opinion. The statutory authority may also *suo moto* make a reference to the Commission. The Commission gives its opinion within 60 days of receipt of the reference and the statutory authority is obliged to consider such opinion. The Act also contains similar provisions for reference by the Commission to statutory authorities.

In its endeavour to achieve the objectives of the Act, the Commission has adopted the VISION to promote and sustain an enabling competition culture through engagement and enforcement that would inspire businesses to be fair, competitive and innovative; enhance consumer welfare; and support

economic growth. It has adopted the MISSION 2020 which aims to establish robust competitive environment through: (a) pro-active engagement with all stakeholders, including consumers, industry, government and international jurisdictions, (b) being a knowledge intensive organization with high competence levels, and (c) professionalism, transparency, resolve and wisdom in enforcement. The MOTTO of the Commission is: Fair Competition for Greater Good.

(ii) Important achievements

Table No. A1 presents the performance of the Commission on select parameters in 2015-16 vis-a-vis 2014-15. During 2015-16, the Commission took note of 121 allegations related to anti-competitive agreements and abuse of dominant position. On the basis of existence of a prima-facie case, the Commission directed the DG to undertake investigations into 23 matters and closed 96 matters. The DG completed investigations into 32 matters during the year. The Commission issued a total of 130 appealable orders (96 under Section 26(2), 17 under Section 26(6), 14 under Section 27 and three under Section 33) imposing an aggregate penalty of Rs.1502 crore on wrongdoers.

The Commission received 113 notices of proposed combinations in 2015-16. It approved a record number of 107 combinations, with 85 of these approved in less than 30 days.

Having a mandate under the Act to create awareness of competition law and benefits of competition, the Commission conducted 73 advocacy workshops, conferences, seminars and other interactions among the stakeholders including Government, trade associations and judiciary.

Table No. A1: Select Performance Parameters: 2015-16 vs. 2014-15

Sl. No.	Particulars	2014-15	2015-16
1	No. of alleged anti-trust matters noted by the Commission	128	121
2	No. of <i>prima facie</i> orders passed in respect of alleged anti-trust matters	114	119
3	No. of investigations completed by DG	34	32
4	No. of orders [under Sections 26(2), 26(6) and 27] passed in respect of anti-trust-matters	95	127
5	Amount of penalty levied (Rs. crore)	2592	1502
6	Percentage of orders appealed against (%)	30	26.15
7	No. of combinations approved	84	107
8	Average no. of days taken to dispose of a combination notice	24.80	26.40
9	No. of advocacy programmes	49	75
10	No. of employees as on 31 st March Commission DG Office	109 20	106 19
11	No. of trainings organized for capacity building of officers (including overseas training)	27	41

Being a knowledge intensive organization and in order to further enhancement of capabilities of its officers, the Commission regularly undertakes several capacity building initiatives. During the year, a number of capacity building programmes were conducted; both in-house and at other training institutes. Trainings were also organized with the help of foreign competition authorities and multilateral agencies. A unique feature of learning in the Commission is regular Peer-to-Peer (P2P) sessions, where one officer shares the special skills or knowledge he/she possesses/gains with other officers.

(iii) The year in review

(a) Landmark decisions

The following presents a gist of allegations, findings of the Commission and its directions in important matters disposed of by the Commission during 2015-16.

1. M/s Bio-Med Private Limited And Union of India & Ors (Case No. 26 of 2013)

Allegation: The information filed by M/s Bio-Med Pvt. Ltd. alleged cartelization by M/s Glaxo Smith Kline Pharmaceutical Ltd. and M/s Sanofi through bid rotations and geographical allocations (international) in the tenders floated by the Ministry of Health & Family Welfare, Government of India for procurement of Quadrivalent Meningococcal Meningitis Vaccines (QMMV) from 2002 to 2012. After finding the existence of *prima facie* case, the Commission passed an order under Section 26(1) of the Act directing the DG to cause an investigation to be made into the matter.

Finding: After considering the DG investigation report, the materials available on record, and the oral arguments advanced by the parties, the Commission concluded that M/s Glaxo Smith Kline Pharmaceutical Ltd. and M/s Sanofi, through their collusive conduct, have contravened the provisions of Section 3(3) (d) read with Section 3(1) of the Act.

Direction: The Commission imposed penalties of Rs.60.50 crore and Rs.3.04 crore on M/s Glaxo Smith Kline Pharmaceutical Ltd. and M/s Sanofi respectively. It also directed them to cease and desist from indulging in the practices which were found to be in contravention of the provisions of the Act.

2. M/s DLF Gurgaon Home Developers Private Limited And Mr. Pankaj Aggarwal & Ors (Case No. 13 of 2010)

Allegation: In the matter, information was filed by Mr. Pankaj Aggarwal & Others against M/s DLF Gurgaon Home Developers Private Limited (DLF), alleging inter-alia imposition of unfair and onerous terms and conditions in the Buyer's Agreement by DLF. The Commission, *prima facie*, found merit in the allegations and directed the DG to carry out investigation.

Finding: Subsequent to detailed investigation by the DG, the Commission found that DLF was dominant in the relevant market of the provision of services for development/sale of residential

apartments in Gurgaon and it was found to be engaged in unfair and abusive conduct. It was found that some of the terms of the Buyer's Agreement, such as, unilateral increase in the number of floors, cancellation policy and forfeiture of booking amount, additional demands on account of increase in super area, financial pressure on the apartment buyers, etc. were unfair in terms of the provisions of Section 4(2) (a) (i) of the Act.

Direction: The Commission directed DLF and its group companies operating in the relevant market to cease and desist from indulging in abusive and unfair conduct. However, it did not impose any monetary penalty under Section 27 of the Act on DLF considering the fact that a penalty of Rs.630 crore had already been imposed on DLF in the case of Belaire Owners' Association And DLF Limited, HUDA & Ors. for the same time period to which contravention in the present cases belong.

3. P. K. Krishnan And All Kerala Chemists and Druggists Association (AKCDA) & Ors (Case No. 28 of 2014)

Allegation: The Informant alleged that M/s Alkem Laboratories, a pharmaceutical company refused to deal with him because of the interference of AKCDA imposing the condition of obtaining 'No Objection Certificate' (NOC) prior to the appointment of stockists in Kerala. On finding the existence of *prima facie* case, the Commission directed the DG to carry out detailed investigation into the matter.

Finding: Upon consideration of the investigation report in light of the submissions made by parties, the Commission found that AKCDA was indulging in anti-competitive practice of mandating a NOC prior to the appointment of stockists. It also found AKCDA and M/s Alkem Laboratories, along with some of their office bearers/officials to be in contravention of the provisions of the Act.

Direction: Apart from issuing a cease and desist order, the Commission imposed a penalty of Rs.4,35,778 calculated at the rate of 10% of average receipts on AKCDA under Section 27 of the Act. It also imposed penalty on the office bearers/officials responsible for the anti-competitive conduct.

4. Express Industry Council of India And Jet Airways (India) Ltd, Inter Globe Aviation Limited and Spice Jet Limited (Case No. 30 of 2013)

Allegation: The information was filed by Express Industry Council of India, an association of parcel transportation firms, against Jet Airways, IndiGo, SpiceJet, Air India and GoAir, alleging connivance by airline companies to introduce a fuel surcharge (FSC) without any legal basis.

Finding: On consideration of the investigation report of DG, the Commission found that the airlines acted in parallel in collusion in fixing FSC rates and their conduct resulted in indirectly determining the rates of air cargo transport in contravention of the provisions of Section 3(1) read with Section 3(3)(a) of the Act.

Direction: Accordingly, the Commission imposed penalties of Rs.151.69 crore, Rs.63.74 crore and Rs.42.48 crore upon Jet Airways (India) Ltd., InterGlobe Aviation Limited and Spice Jet Limited

respectively for the impugned conduct. Besides, it issued cease and desist order against the said Airlines. It did not, however, impose any penalty upon Air India Limited as its conduct was not found to be parallel with that of other Airlines. Similarly, it did not impose any penalty upon Go Airlines (India) Limited as the airline had given its cargo belly space to third party vendors with no control on any part of commercial/economic aspects of cargo operations done by vendors, including imposition of FSC.

5. TAM Media Research Private Limited And Prasar Bharti (Case No. 70 of 2012)

Allegation: In the information, it was alleged by Prashar Bharati that TAM has abused its dominant position by deliberately shrinking the relevant market of television audience measurement services and the said unfair practices led to limiting the scientific and technical development to the prejudice of consumers and broadcasters. It was also alleged that by not reflecting the viewing preferences of the rural market, TAM's actions have the consequence of the content produced being urban centric and thereby denying the market to those who seek to cater to rural areas.

Finding: In the DG's investigation, it was found that TAM is enjoying a position of strength in the '*market for provision of services for audience measurement for channels and programs on television in India*' and its conduct was abusive in terms of the provisions of Section 4 of the Act. In regards to dominance of TAM in the relevant market, the Commission was in concurrence with the findings of the DG. However, in regards to its alleged abusive conduct, the Commission found that by not factoring in rural viewership into its measurement, TAM has not imposed any discriminatory or unfair condition on broadcasters. The Commission observed that TAM has clearly disclosed to its stakeholders and has also stated on its website as well in every subscription contract entered between it and the advertisers/ broadcasters that its data is largely representative of viewing preferences of the urban and semi-urban population. In regards to unfair price, the Commission was of the opinion that the explanation offered by TAM for setting a higher price for broadcasters than for advertisers or advertising agencies appears plausible since the transactions negotiated between TAM and broadcasters are distinct and individually negotiated and thus, are offered to dissimilar and distinct group of consumers. On the issue of limiting scientific and technical development by using 'People Meters' only for the measurement of television viewership, the Commission was of the view that TAM is not limiting scientific and technical development in manufacturing of 'People Meters' and hence no competition concern arises in this aspect.

Direction: The Commission was of the opinion that no case of contravention of the provisions of Section 4 of the Act was made out against TAM. Accordingly, the matter was closed without any direction.

6. In Re National Insurance Company and Ors (Case No. 02/2014)

The Commission had ordered a *suo moto* investigation against the four public sector general

insurance companies, namely, National Insurance Co. Ltd., New India Assurance Co. Ltd., Oriental Insurance Co. Ltd. and United India Insurance Co. Ltd. pursuant to an anonymous complaint alleging contravention of the provisions of Section 3 of the Act. It was alleged that these four insurance companies had formed a cartel for increasing the premium for Rashtriya Swasthya Bima Yojna (RSBY) of Government of Kerala. After a detailed investigation by the DG, the Commission imposed a total penalty of Rs. 671.05 crore on the said four public sector insurance companies for manipulating the bidding process initiated by Government of Kerala for selecting insurance service provider for RSBY for the years 2010-11, 2011-12 and 2012-13. It noted that the impugned conduct of these companies resulted in manipulation of the bidding process in contravention of the provisions of Section 3(1) read with Section 3(3)(d) of the Act. It considered the bid rigging in public procurement for social welfare schemes, the beneficiaries of which were BPL and poor families, as an aggravating factor. Accordingly, it imposed penalties of Rs. 162.80 crore, Rs. 251.07 crore, Rs. 100.56 crore and Rs. 156.62 crore on National Insurance Co. Ltd., New India Assurance Co. Ltd., Oriental Insurance Co. Ltd. and United India Insurance Co. Ltd. respectively for the impugned conduct.

(b) Legislative work

Under Section 64 of the Act, the Commission is empowered to make regulations consistent with the Act and the Rules made thereunder to carry out the purposes of the Act. In exercise of this power, keeping in view the needs of the market and the best practices in other jurisdictions, and as a part of its ongoing and regular efforts to make combination filing requirements simpler and more transparent, the Commission notified amendments to the regulations relating to Combinations, twice during 2015-16, as indicated in Table No. A2.

Table No. A2: Regulations notified by the Commission

Sl. No.	Regulations	Date of Issue
1.	The Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) (Amendment) Regulations, 2015	July 1, 2015
2.	The Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) (Amendment) Regulations, 2016	January 7, 2016

The amendments are forward looking. These provide greater clarity and certainty with respect to combination filings and would help in avoiding undue delays in the approval process. These have reduced the scope of ‘other documents’ which trigger a notice within 30 days, to an announcement under the SEBI Takeover Code. These also provide that parties to a combination shall give notice in Form I or Form II in accordance with the notes to forms published on the website of CCI. The publication of detailed notes (introductory as well as notes to Form I) is a landmark for competition jurisprudence in India as it provides guidance on the information required by the Commission

while assessing a combination. In the interest of transparency, these regulations now provide for an opportunity of hearing to the parties before invalidating a notice, and publication of a summary of combinations on the web site of the Commission.

(c) Outreach programme

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

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

During the financial year 2015-16, the Commission framed guidelines and engaged in capacity building within and outside the Commission to undertake competition assessment of existing and upcoming legislations. It also conceptualized a scheme to empanel resource persons and groom them to supplement its efforts to disseminate the message of competition to the nook and corner of the country. In order to better strategize its advocacy endeavour, it engaged with various stakeholders through a series of Focused Group Discussions.

(iv) Capacity building

The Commission is conceived as an expert body, given that it has to apply rule of reason to evolving and complex dynamics in relevant markets for goods and services. It is, therefore, always on a learning mode. Continuous upgradation of employees' skills and knowledge has always been its priority. It has a dedicated unit called, Capacity Building Division (CBD), which spearheads this initiative. CBD develops innovative strategies for capacity enhancement and takes up programmes which help employees in improving their performance and achieve organizational objectives. Main activities of CBD are: (a) organization of domestic training programmes for employees such as induction training, in-house trainings, trainings in collaboration with premier academic institutions; (b) knowledge management activities such as peer-to-peer knowledge sharing, organizing lectures under Distinguished Visitors Knowledge Sharing Series (DVKS), sector specific study, etc.; and

(c) other activities aimed towards building organizing skills, developing leadership and providing exposure to employees for preparing them for higher responsibilities in their future assignments.

(v) International engagements

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

During the financial year 2015-16, officers of the Commission participated in eleven training programmes outside India which include workshops /seminars organized by OECD, ICN, USFTC, USDOJ and other International organizations. The Commission participated in Merger Workshop, 2015 organised by ICN during September 24-25, 2015 at Brussels, Belgium. Its officers participated in ‘Leadership Seminar on Advocacy’ organized by OECD in Singapore.

As per the mandate under Section 18 of the Competition Act, 2002, the Commission has entered into Memoranda of Understanding (MOU) with five competition authorities till 2015. During 2015-16, it processed two more MOUs – one with Japan and the other with BRICS competition authorities. It published the first online BRICS Competition Newsletter, on behalf of the BRICS competition authorities, in August, 2015. The Newsletter covers the areas of competition law and policy, enforcement actions, merger review and advocacy initiatives in the BRICS countries.

Having an observer status in the Competition Committee of OECD, CCI has been making regular contributions at various round tables during the conferences/meetings of OECD. It submitted a paper, ‘Serial offenders: why some industries seem prone to endemic collusion’ in 2015.

(vi) Most active sector

The Commission deals with two types of matters, namely, anti-trust (anti-competitive agreements, and abuse of dominance) and combinations. The sector-wise distribution of the matters alerts the Commission about the potential areas for focused attention and advocacy initiatives. In terms of allegations of anti-trust conduct, the real estate sector tops the list every year since the law came into force. Other prominent sectors with high incidence of alleged anti-trust conduct are the Financial sector, Entertainment, Pharmaceuticals and Automobiles. The sectoral distribution of anti-trust conduct noted by the Commission is presented in Table No. A3.

Table No. A3: Sector-wise Distribution of Anti-Trust Matters Noted under Sections 3 and 4

Sl. No.	Sector	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	Total
1	Real Estate	0	17	28	21	25	43	34	168
2	Financial Sector	17	9	5	4	8	7	3	53

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SI. No.	Sector	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	Total
3	Media & Entertainment	4	15	11	10	4	3	5	52
4	Pharmaceuticals & Health Care	3	3	3	6	9	9	9	42
5	Petroleum/Gas	4	3	3	5	3	5	13	36
6	Information Technology & Services	2	3	4	4	6	4	7	30
7	Automobiles & Components	4	1	3	3	7	8	2	28
8	Railways	2	3	2	1	6	8	1	23
9	Civil Aviation	6	3	1	3	3	1	6	23
10	Power	3	1	4	0	3	5	1	17
11	Chemicals & Fertilizers	3	0	0	2	6	4	1	16
12	Coal	0	1	1	5	3	1	4	15
13	Iron & Steel	3	1	3	2	2	1	0	12
14	Miscellaneous	30	16	24	28	30	29	35	192
	Total	81	76	92	94	115	128	121	707

Table No. A4 presents sector-wise distribution of combination notices received by the Commission. The Financial Sector leads the pack with 25 combinations notices. The Pharmaceuticals and the Information Technology & Services are the other prominent sectors. It may be noted that the distributions presented in Tables No. A3 and A4 may not be exact as a transaction may relate to a party which is having business in more than one sector.

**Table No. A4: Sector-wise Distribution of Combination Notices
(Excluding invalidated / withdrawn*) Filed**

SI. No.	Sector	2011-12	2012-13	2013-14	2014-15	2015-16	Total
1	Financial Sector	8	16	4	16	25	69
2	Pharmaceuticals & Health Care	3	4	7	15	12	41
3	Information Technology and Services	3	6	3	5	12	29
4	PVC & Chemicals	2	1	2	9	11	25
5	Automobiles & Auto Components	5	5	3	6	4	23
6	Mining & Metals	4	3	2	6	2	17
7	Power & Power Generation	4	1	4	3	1	13
8	Media & Entertainment	3	6	-	3	2	14
9	Food & Refined Oil	-	3	2	2	5	12
10	Miscellaneous	15	18	19	26	39	117
	Total	47	63	46	91	113	360

*Till date 25 notices have been invalidated /withdrawn

(vii) Impact on consumers and economy

An effective competition law promotes allocative, productive and dynamic efficiencies and thereby benefitting consumers and economy by way of lower prices, better quality and a greater choice of

goods and services. During the year the Commission decided matters related to various anti-trust practices relating to cartelization and abuse of dominance that impact consumers and the economy in traditional as well as new economy sectors like entertainment, hospitals, health, real estate, banking and e-commerce etc.



*Mr. Jayant Sinha, Hon'ble Minister of State for Finance inaugurating
1st National Conference on Economics of Competition Law at New Delhi*

Over the years, the Commission has been making considerable efforts in highlighting the benefits of competition and encouraging stakeholders to eschew anti-competitive conducts. It regularly conducts seminars, workshops, national and international conferences and interactive sessions. It also organizes talks/ discussions on competition issues with diverse range of stakeholders to engender wider understanding and appreciation for the competition law and creating a culture of competition compliance. It organized a National Conference on 'Economics of Competition Law' during March 3-4, 2016. The conference provided a forum to the scholars, practitioners and experts working in the area of competition law enabling exchange of ideas, views and research findings on various economic theories, tools and applications relevant to antitrust enforcement.

Competition regulation being nascent in India, there has not been a systematic assessment of the impact of the measures taken by the Commission on consumers and economy. However, the

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numbers of measures / initiatives taken, orders passed, and combinations approved roughly proxy the ultimate outcome. These numbers have been increasing over the years. Anecdotal evidences indicate sharp rise in quality of interventions by the Commission. There is all-round confidence that the anti-competitive conduct is not tolerated in India. Though the competitiveness of India and the level of competition in Indian markets are not the one and same thing, one may note that the Global Competitiveness Report of the World Economic Forum makes a comprehensive assessment of national competitiveness and ranks 140 economies in terms of the Global Competitiveness Index. In terms of this index, India ranks 55 in 2015-16 as compared to 71 in the previous year.

B. Investigations and Inquiries ordered by the Commission

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

The Commission enquires into any alleged contravention of the provisions of Sections 3 and 4 of the Act either on its own motion or (a) on receipt of any information from any person, consumer or their association or trade association under Section 19(1)(a) of the Act, or (b) on receipt of a reference made to it by the Central Government or a State Government or a statutory authority under Section 19(1)(b) of the Act. Pursuant to an examination of such alleged contravention, the Commission forms an opinion if there exists a *prima-facie* case in the matter. If it finds that there exists a *prima facie* case, it directs the DG to cause an investigation to be made into the matter under Section 26(1) of the Act. On the other hand, if it finds that there exists no *prima facie* case, it closes the matter by passing an order under Section 26(2) of the Act. The details of receipt of matters relating alleged contraventions of Sections 3 and 4 of the Act and their disposal under Section 26(1) and 26(2) of the Act after taking *prima facie* view are presented in Table No. B1. It is observed that the number of information filed with the Commission has been rising over the years reflecting increasing confidence of the stakeholders in the competition regime. The higher ratio of cases being closed under Section 26(2) reflects improved scrutiny by the Commission. This spares the parties from avoidable pains of investigation. It also reflects that more number of information are being filed on issues that are not subject matters of the Act.

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

Year	Opening Balance	No. of Matters Noted					Disposed of by Order u/s		Balance at the end of year
		MRTPC	19(1)(a)	19(1)(b)	Suo-Moto	Total	26(1)	26(2)	
2009-10	-	50	31	-	-	81	23	6	52
2010-11	52	-	71	-	5	76	70	46	12
2011-12	12	-	89	3	-	92	38	51	15
2012-13	15	-	86	2	6	94	32	51	26
2013-14	26	-	102	8	5	115	50	72	19
2014-15	19	-	110	7	11	128	41	73	33
2015-16	33	-	117	3	1	121	23	96*	34
Total	-	50	606	23	28	707	277	395	-

*Case No. 89/2014 was included in Opening Balance of 2015-16 (33) which was clubbed with Case No. 100/2013 without referring to DG under Section 26(1) and closed on the basis of DG report on Case No. 100/2013 vide order under Section 26(6) dated August 10, 2015, as contents of information under Case No. 89/2014 were similar to those of Case No. 100/2013.

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The Commission received 117 information and three references respectively under Section 19(1)(a) and 19(1)(b) of the Act during 2015-16. It ordered investigations by the DG in 23 matters under Section 26(1) of the Act. It closed 96 matters under Section 26(2) of the Act. The receipt and disposal of matters during 2015-16 is presented in Table No. B2.

Table No. B2: Alleged Contraventions of Sections 3 and 4 of the Act Noted in 2015-16

SI. No.	Matters	No. of Matters Noted under						Total
		Section 19	MRTPC	Suo-Moto	Central Government	State Government	Statutory Authorities	
1	Pending at the beginning of the year*	33	-	-	-	-	-	33
2	Received during the year	117	-	01	02	01	-	121
3	Total	150	-	01	02	01	-	154
4	Where <i>prima facie</i> violations noticed	19	-	01	02	01	-	23
5	Where no <i>prima facie</i> violations noticed	97	-	-	-	-	-	97
6	Pending at the close of the year 6 = (3-4+5)	34	-	-	-	-	-	34

* where neither 26(1) nor 26(2) was passed in the previous year.

The DG conducts investigations into the alleged contraventions of the Act, or any rules or regulations made thereunder, as and when directed by the Commission to do. Based on the findings of the investigation and pursuant to proceedings conducted in compliance with the principles of natural justice, the Commission passes final orders under Section 27 of the Act. The disposal of cases of alleged contraventions of Sections 3 and 4 of the Act till March 31, 2016 is presented in Table No. B3.

Table No. B3: Disposal of Alleged Contraventions of Sections 3 and 4 till March 31, 2016

SI. No.	Matters	No.
1	Matters noted of through Information/Reference/Suo-Moto/MRTPC	707
2	Closed without Investigations under Section 26(2)	395
3	Investigations Ordered under Section 26(1)	277
4	Investigations Completed	225
5	Orders passed after Investigations	181
6	Orders passed under Section 27	94
7	Orders passed Closing the Matter (including those under Section 26(6))	87

Section 42 of the Act empowers the Commission to impose monetary penalty on a person who fails to comply with its directions or orders. The Commission did not pass any order under Section 42 of the Act during the year.

In addition to above, the Commission receives a large number of complaints raising competition issues and concerns. It received about 1200 complaints in 2015-16. These complaints provide valuable inputs on competition issues and concerns that need to be looked into, by the Commission. The Commission also gathers information from various sources such as market/sector studies, conducted both inside and outside the Commission, news reports, published articles, journals, etc. to identify possible anti-competitive conduct affecting the consumers at large.

(2) Investigations and enquiries undertaken by Director General

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

Table No. B4: Investigations Ordered and Completed till March 31, 2016

Year	Opening Balance	Investigations Ordered	Investigation Reports Received	Closing Balance
2009-10	0	23	6	17
2010-11	17	70	66	21
2011-12	21	38	38	21
2012-13	21	32	25	28
2013-14	28	50	24	54
2014-15	54	41	34	61
2015-16	61	23	32	52
Total	–	277	225	–

It is observed that the investigations are taking increasingly more time for completion. This partly reflects inadequate staff strength in the office of the DG and partly reflects increasing complexity of cases being referred to the DG by the Commission. It may be noted that in some cases, the Commission also orders for supplementary investigations. This report presents the data and analysis of original investigations and not supplementary investigations, unless indicated otherwise. During 2015-16, DG received 23 matters for investigation under Section 26(1) of the Act and submitted investigation reports in 32 matters. Table No. B5 summarizes the receipt and disposal of matters by the DG in 2015-16.

Table No. B5: Investigations by Director General in 2015-16

Sl. No.	Particulars	No. of Investigations		
		Original	Supplementary	Total
1	Matters pending at the beginning of the year	61	01	62
2	Matters received during the year	23	23	46
3	Matters disposed of during the year	32	08	40
4	Matters pending at the end of the year	52	16	68

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. In case it exists, it passes an order under Section 26(1) for investigation. If it does not, it closes the matter by an order under Section 26(2) of the Act. The orders under Section 26(1) and 26(2) are called *prima facie* orders. If no case is made out on completion of the investigation, it closes the matter by an order under Section 26(6) of the Act. If there is any contravention, it passes an order under Section 27 of the Act. Occasionally, a matter may warrant interim directions. In such cases, the Commission issues interim orders under Section 33 of the Act. It is possible that all the Members of the Commission may not hold the same view in a matter. In such cases, an order is passed with dissent. A fair share of orders with dissent reflects the higher order of analysis under the ‘rule of reason’ doctrine in the complex competition matters. The details of orders passed by the Commission till March 31, 2016 are presented in Table No. C1.

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

Year	Number of Matters Disposed of by Orders under				
	Sections 26(1) and (2)	Section 26(6)	Section 27	Section 33	Total
2009-10	29	00	00	00	29
2010-11	116	08	01	18	143
2011-12	89	37	29	13	168
2012-13	83	15	17	04	119
2013-14	122	08	13	10	153
2014-15	114	02	20	08	144
2015-16	119	17	14	03	153
Total	672	87	94	56	909

During 2015-16, out of a total of 119 matters disposed of, the Commission did not find any violation of the Act in 96 matters and, therefore, closed these under Section 26(2) at the *prima facie* stage. In other 23 matters, investigations were ordered under Section 26(1). 17 matters were closed under Section 26(6), after the investigation by the DG and considering the submissions made by the parties. The Commission found contravention of the provisions of the Act in 14 matters, after the investigation by the DG and consideration of the submissions (written as well as oral) by the parties with due procedure following the principles of natural justice. Table No. C2 presents these details. The brief details of orders passed under Section 27 are presented in Part D of this report.

Table No. C2: Orders Passed by the Commission in Sections 3 and 4 Matters in 2015-16

Description	Section of the Act	No. of Matters
Where no <i>prima facie</i> case found	26(2)	96
Where no case was found after investigations	26(6)	17
Where contravention was finally found	27	14

D. Execution of Orders of the Commission and Penalties

(a) Monetary penalties

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

The amount of monetary penalty imposed and realised till March 31, 2016 is presented in Table No. D1. The Commission has levied an aggregate penalty of Rs.13,981 crore in 92 cases. However, most of the orders of the Commission are under appeal before the Competition Appellate tribunal (COMPAT), or under challenge before various High Courts or at the Supreme Court. In quite a few cases, such penalties have been deposited by appellant at such appellate forum. No case has been referred to Income Tax Department for recovery of penalty under Section 39(2) of the Act.

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

Year	No. of cases where Monetary Penalty was imposed	Penalty (Rs. In Cr.)			Net Penalty Realised as on 31 st March, 2016 (Rs. Crore)*		
		Imposed	Realised	Refunded	Realised without resorting to Section 39(2)	Referred to Income Tax Authorities for Realisation	Realised by Income Tax Authorities
2011-12	21	860.38	1.78	0.72	1.06	-	-
2012-13	17	7,156.18	18.63	13.13	5.5	-	-
2013-14	18	1,870.40	55.41	1.52	53.89	-	-
2014-15	21	2,592.39	19.92	0.03	19.89	-	-
2015-16	15	1,501.64	0.13	0	0.13	-	-
Total	92	13,980.99	95.87	15.4	80.47	-	-

*Excludes:

- (i) The net interest realised from the opposite parties amounting to Rs. 20,72,697/- on account of delay in making payment
- (ii) The amount of penalty deposited with COMPAT in respect of orders on appeal

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2011-12	Refund includes Rs. 72,25,000 in case No 20/2011 (u/s 43)
2012-13	Refund includes Rs. 13,06,00,000 in case No 61/2010 (u/s 27) and Rs. 7,30,000 in case No 29/2010
2013-14	Refund includes Rs. 1,52,20,000 in case No <i>Suo Moto</i> 3/2012
2014-15	Refund includes Rs. 2,93,699 in case No 78/2012

The distribution of penalties levied under various Sections of the Act over the years is presented in Table No. D2. An aggregate penalty of Rs.13,953.39 crore has been levied under Section 27 of the Act, for anti-trust conduct.

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

Section of the Act	2011-12		2012-13		2013-14		2014-15		2015-16		Total	
	Cases	Penalty	Cases	Penalty	Cases	Penalty	Cases	Penalty	Cases	Penalty	Cases	Penalty
27	16	857.53	11	7,155.48	11	1,864.43	12	2,580.75	10	1,495.20	60	13,953.39
42	-	-	-	-	2	2.47	3	1.90	-	-	5	4.37
43	5	2.85	5	0.65	2	1.00	2	0.74	1	0.38	15	5.62
43A	-	-	1	0.05	3	2.50	4	9	3	6.05	11	17.60
44	-	-	-	-	-	-	-	-	-	-	-	-
45	-	-	-	-	-	-	-	-	-	-	-	-
48	-	-	-	-	-	-	-	-	1	0.01	1	0.01
Total	21	860.38	17	7,156.18	18	1,870.40	21	2,592.39	15	1,501.64	92	13,980.99

During 2015-16, the Commission imposed monetary penalty in 15 matters, as indicated in Table No. D3. Of these, 10 are Section 27 cases with an aggregate penalty of Rs.1,495 crore. An amount of Rs.0.12 crore has been realised by the end of March, 2016.

Table No. D3: Monetary Penalties Imposed and Realised by the Commission in 2015-16

Sl. No.	Section of the Act	No. of Cases	Penalty Imposed (Rs. crore)	Penalty Realised as on March 31, 2016 (Rs. crore)		
				Realised without resorting to Section 39(2)	Referred to Income Tax Authorities for Realisation	Realised by Income Tax Authorities
1	27	10	1,495.20*	0.12	-	-
2	42	-	-	-	-	-
3	43	1	0.38	-	-	-
4	43A	3	6.05*	-	-	-
5	44	-	-	-	-	-
6	45	-	-	-	-	-
7	48	1	0.01	0.01	-	-
Total		15	1,501.64	0.13	-	-

* Penalty is either deposited as Bank Guarantee at the COMPAT or covered by a stay order as the parties exercise their right to appeal against the orders of the Commission.

Summary details and status of the monetary penalty imposed as per orders of the Commission in 2015-16 are presented in Table No. D4.

Table No. D4: Details of Orders Passed in 2015-16 imposing Monetary Penalty

Sl. No	Date of Order	Case No.	Parties to the Matter	Amount of Penalty (Rs. lakh)	Recovery status as on March 31, 2016
Under Section 27 of the Act					
1	April 10, 2015	56/2012	M/s Atos Worldline India Pvt. Ltd. and M/s Verifone India Sales Pvt. Ltd. and Ors.	448.40	Parties have obtained stay-order from the COMPAT.
2	June 4, 2015	26/2013	M/s Bio-Med Private Limited And Union of India & Ors.	6353.25	Parties have obtained stay-order from the COMPAT.
3	June 10, 2015	<i>Suo Moto</i> 04/2013	In Re: M/s Sheth & Co. & Ors..	303.78	Penalty imposed on 12 parties, 4 have paid the penalty and 6 parties have obtained stay-order from the COMPAT. Against the remaining 2 parties, prosecution proceedings have been initiated.
4	June 23, 2015	45/2012	M/s Kerala Cine Exhibitors Association & Ors and Kerala Film Exhibitors Federation & Ors.	1.01	Penalty received.
5	July 10, 2015	<i>Suo Moto</i> 02/2014	In Re: Cartelization by public sector insurance companies in rigging the bids submitted in response to the tenders floated by the Government of Kerala for selecting insurance service provider for Rashtriya Swasthya Bima Yojana And. National Insurance Co. Ltd. and Others	67105.00	Parties have obtained stay-order from the COMPAT.
6	July 27, 2015	03/2011	In Re: Mr. Shamsheer Kataria And. Honda Sael Cars India Ltd. & Ors.	42026.05	Order passed against Hyundai Motors Pvt. Ltd. However the same can't be executed as per the directions of the Madras High Court.
7	July 27, 2015	58/2012	M/s Kannada Grahakara Koota Mr. Ganesh Chetan And M/s Karnataka Film Chamber of Commerce & Others.	20.25	Prosecution proceedings have been initiated to recover the penalty.
8	September 8, 2015	16/2014	In Re: M/s Crown Theatre And Kerala Film Exhibitors Federation (KFEF)	1.86	Penalty received.
9	November 17, 2015	30/2013	Express Industry Council of India And Jet Airways (India) Ltd. & Others	25791.00	Parties have obtained stay-order from the COMPAT.

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Sl. No	Date of Order	Case No.	Parties to the Matter	Amount of Penalty (Rs. lakh)	Recovery status as on March 31, 2016
10	December 1, 2015	28/2014	Mr. P. K. Krishnan Proprietor, Vinayaka Pharma And Mr. Paul Madavana, Divisional Sales Manager, M/s Alkem Laboratories Limited. & Others.	7469.02	Penalty imposed on four parties. Three parties have obtained stay-order from the COMPAT. Demand Notice has been served to sole remaining party on March 30, 2016.
Total				149519.62	
Under Section 43 of the Act					
1	June 24, 2015	45/2012	Kerala Cine Exhibitors Association And Kerala Film Exhibitors Federation and Others	38.00	Parties have obtained stay-order from the COMPAT.
Total				38.00	
Under Section 43A of the Act					
1	December 30, 2015	C-2015/06/283	Johnson and Johnson Innovation, Inc., Ethicon Endo-surgery Inc. And Google Inc.	5.00	Penalty not received*
2	February 16, 2016	C-2015/01/241	General Electric Company, GE Industrial France SAS and GE Energy Europe B.V.	500.00	Penalty not received*
3	March 8, 2016	C-2015/07/297	Baxalta Incorporated	100.00	Penalty not received*
Total				605.00	
*Penalty has been received after March 31, 2016					
Under Section 48 of the Act					
1	June 23, 2015	45/2012	Kerala Cine Exhibitors Association vs Kerala Film Exhibitors Federation and Others	1.28	Penalty received
Total				1.28	

(b) Matters Referred to Chief Metropolitan Magistrate

Section 42(3) of the Act enables the Commission to file a complaint with the Chief Metropolitan Magistrate, New Delhi if any person fails to comply with the orders or directions issued, or fails to pay the fine imposed. In such cases, (s)he is punishable with imprisonment for a term which may extend to three years, or with fine which may extend to rupees twenty-five crore, as the Chief Metropolitan Magistrate may consider fit. The disposal of complaints filed with the Chief Metropolitan Magistrate is presented in Table No. D5.

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

Sl. No	Complaints	Number
(i)	Complaints pending at the beginning of the year	13
(ii)	Complaints made during the year	0
(iii)	Total number of complaints	13
(iv)	Complaints disposed out of (i) above	1
(v)	Complaints disposed out of (ii) above	0
(vi)	Complaints disposed during the year	0
(vii)	Complaints pending at the end of the year	12

(c) Imposition of lesser penalties

In case a person/ party, who is one of the parties to a cartel, makes a full, true and vital disclosures in respect of such cartel, the Commission under Section 46 can decide to impose a lesser penalty. During 2015-16, though the Commission received and processed a few applications for lesser penalty, no matter matured for decision. Hence, lesser penalty was not imposed in any matter or on any person. There was no full or partial leniency in any matter, as evident from Table No. D6.

Table D6: Imposition of Lesser Penalties under Section 46

Sl. No	Description	Number
(i)	Number of matters in which lesser penalty imposed	0
(ii)	Number of persons or enterprises on whom lesser penalty imposed	0
(iii)	Number of persons granted full leniency and partial leniency in each matter	0

E. Appeals

Any person aggrieved by any direction issued or decision made or order passed by the Commission under sub-Sections (2) and (6) of Section 26, Section 27, Section 28, Section 31, Section 32, Section 33, Section 38, Section 39, Section 43, Section 43A, Section 44, Section 45 or Section 46 of the Act may prefer an appeal to the COMPAT. The scrutiny of orders by the COMPAT is a key accountability mechanism which ensures that the Commission works in a fair and transparent basis following the principles of natural justice. A person aggrieved by an order of the COMPAT may prefer an appeal to the Supreme Court.

(1) Appeals received and disposed of by Appellate Tribunal

The incidence of orders of the Commission being appealed against is presented in Table No. E1. It is observed that less than one third of the orders passed by the commission are appealed.

Table No. E1: Appeals against Orders* of the Commission

Year	No. of Orders Passed by Commission	No. of Orders, which were passed by the Commission during the year, is Appealed against	Percentage of Orders Appealed (%)
2009-10	06	02	33.33
2010-11	73	12	16.44
2011-12	130	40	30.77
2012-13	87	38	43.68
2013-14	103	33	32.04
2014-15	103	31	30.10
2015-16	130	34	26.15
Total	632	190	30.06

* Issued under Section 26(2), 26(6), 27 and 33 of the Act.

The disposal of appeals by the COMPAT over the years is presented in Table No. E2. It is observed that the COMPAT has disposed 360 appeals filed against the orders of the Commission till March 31, 2016. It has set aside about 40% (144 orders) of the orders of the Commission.

Table No. E2: Disposal of Appeals by the COMPAT

Year	No. of Orders* Passed by the COMPAT			
	Upholding Commissions' Order	Setting Aside Commissions' Orders	Remanding Commission's Orders	Total
2009-10	00	01	00	01
2010-11	08	00	00	08
2011-12	15	01	01	16
2012-13	35	05	00	40
2013-14	64	44	44	108
2014-15	45	06	02	51
2015-16	49	87	67	136
Total	216	144	114	360

*The data in Table No. E2 and E1 are not comparable. It is possible that there are more than one order passed by the COMPAT while disposal of multiple appeals against a single order of the Commission.

The details of disposal of appeals by the COMPAT during the year under review are shown in Table No. E3. It set aside Commission's orders in 20 matters. Whereas it remanded back 67 orders for reconsideration by the commission (including orders of investigation/ re-investigation by DG in certain cases). In the year under review, the COMPAT disallowed 49 appeals, thereby upholding Commission's order.

Table No. E3: Receipt and Disposal of appeals by the COMPAT in 2015-16

(No.)			
Description	Opening Balance	Added during 2015-16	Total
No. of Appeals	146	86	232
No. of Appeals Disallowed	08	41	49
No. of Appeals Allowed (setting aside Commissions order)	19	01	20
No. of Appeals remanded back to the Commission	63	04	67
Appeal Pending	56	40	96

(2) Brief write-up on the appeals allowed by the Appellate Tribunal

Brief write-up on the appeals that were allowed by the COMPAT in 2015-16 is as under:

1. Tamil Nadu Film Exhibitors Association vs. Competition Commission of India (Appeal No. 14/2014)

The Commission after due inquiry found the conduct of Tamil Nadu Film Exhibitors Association (OP1) to be anti-competitive, being in contravention of the provisions of Section 3(3) (b) read with Section 3(1) of the Act. In the order passed by the Commission, OP1 was directed to cease and desist from indulging in anti-competitive conduct in future and to pay a penalty @ of 10% of their average turnover under Section 27 of the Act.

The Commission's order was challenged before the COMPAT. The COMPAT allowed the Appeal solely relying on the by-laws of OP1 while rejecting all the other circumstantial evidence on-record. The COMPAT order expounded the scope of Section 2(b) which defines the term 'agreement'.

2. Thomas Cook vs. Competition Commission of India (Appeal No. 48/2014)

Thomas Cook (India) Limited ('TCIL') and its subsidiary, i.e., Thomas Cook Insurance Services (India) Limited ('TCISIL') decided to take-over the business of Sterling Holiday Resorts (India) Limited ('SHRIL') pursuant to a scheme of amalgamation & arrangement under the Companies Act. The Commission held that the scheme of amalgamation and arrangement and all the acquisitions (share purchase from promoters, share subscriptions, acquisition pursuant to open offer and the market purchases) envisaged by the parties are parts of one composite combination, whereas TCISIL had consummated the amalgamation even before filing the notice to the Commission. Therefore, the Commission held that the parties failed to give notice in terms of Section 6(2) of the Act. It imposed a penalty of Rs.1 crore on the parties under Section 43A of the Act for non-filing of the notice for the said combination in-time. However, it approved the combination under Section 31 (1) of the Act as it did not find AAEC.

The COMPAT allowed the appeal on the ground that the appellants had not suppressed the information regarding the market purchases of equity shares of SHRIL for the purpose of obtaining any advantage under the Act. Further, object of Regulation 9(4) is to facilitate filing of one notice in respect of various interconnected transactions implying that if the parties take several steps for achieving the object of combination, they are not required to file separate notices under Section 6(2). The violation was purely technical and penalty cannot be sustained on that alone.

3. Mr. Surendra Prasad vs. Competition Commission of India & Ors (Appeal No.43/2013)

The Informant/Appellant (Mr. Surendra Prasad) filed an information under Section 19(1)(a) before the Commission alleging that by abusing its dominant position, Maharashtra Power Generation Company (MAHAGENCO/Respondent No. 2) has facilitated formation of a cartel and awarded contracts in violation of Section 3(3)(c) and (d) of the Act. In support of this assertion, the appellant

relied upon the judgment dated October 31, 2006 passed by the Supreme Court in Civil Appeal No. 4613 of 2006 in M/s B.S.N. Joshi & Sons Ltd. vs. Nair Coal Services Ltd. and others and order dated December 19, 2008 passed in Contempt Petition No. 245 of 2007 in Civil Appeal No. 4613 of 2006 –in M/s B.S.N. Joshi & Sons Ltd. vs. Ajoy Mehta and another.

The Commission (by majority order) declined to direct an investigation into the allegations made by the appellant and closed the matter under Section 26(2) of the Act. However, a Member, Justice S.N. Dhingra recorded a dissenting order.

The COMPAT while setting aside the majority order, *inter alia* on the ground that the Commission had ignored the Supreme Court judgment cited by the informant, directed the DG to conduct an investigation into the informant's allegations and submit a report to the Commission within three months from the date of the decision by the COMPAT.

4. AP Film Chamber of Commerce vs. Competition Commission of India (Appeal No. 15/2013)

The issue before Commission was that Andhra Pradesh Film Chamber of Commerce (APFCC) along with other associations made its membership mandatory for every film distributor along-with compulsory registration of the film, before the exhibition of such film could take place. The Commission passed an order to cease and desist from practice of pressurising the distributors to settle the monetary disputes with its members. It also directed APFCC to suitably modify their respective Articles of Association, rules and regulations and to remove the condition of compulsory registration of films as a pre-condition for release of any film. In addition to the cease and desist order, it imposed a penalty of Rs.12,89,735.

The order was appealed against and the COMPAT allowed the appeal on the ground that evidence relied upon by the Commission was insufficient to implicate APFCC. The COMPAT also inferred that the exercise undertaken by the Jt. DG to go into the validity of Rules 4(ii)(j) and 52(a) and (b) was without jurisdiction *per se*. Therefore, it declared the finding, recorded on the issue, as null and void.

5. Chemist and Druggist Federation, Ferozepur vs. Competition Commission of India (Appeal No. 21-28/2014)

The Commission vide its order had held that the practice of issuing NOC by the Chemist and Druggist Federation (OP) as well as its office-bearer was anti-competitive *per se* as per the provisions under Section 3(3)(b) read with Section 3(1) of the Act. The order was challenged before the COMPAT by the Federation and its Members.

The COMPAT held that the Commission had failed to consider the following: a) the Informant had filed cases before the District Court in Ferozepur; b) notice to the office bearers was not served by the Commission; and c) the evidence was insufficient to prove violation of Section 3(3)(b) read with Section 3(1) of the Act. Therefore, it allowed the appeal setting aside the said order.

6. North East India Petroleum Dealers Associations, Greater Guwahati Unit (NEIPDA) vs. Competition Commission of India (Appeal No. 51/2014)

Information was filed before the Commission with respect to Public Sector Oil Marketing Companies (OMC) for instituting an enquiry into the Dealership Agreement alleging abuse of dominant position. The aggrieved parties raised the issue of unfair, discriminatory and one sided terms/clauses imposed upon the dealers by the OMCs through the Dealership Agreements for running the Petrol Pumps. The Commission considered the matter and passed an order under Section 26(2) of the Act, finding no *prima facie* case in the matter. An appeal was filed before the COMPAT.

The COMPAT allowed the appeal stating that the Commission can't delve deep into the merits of allegations at the *prima facie* stage and order for closure of the information under Section 26(2) by recording a finding in regards to the tenability of the allegations or otherwise.

7. Lafarge India Limited & Ors vs. Competition Commission of India & 22 tagged matters (Appeal No. 103/2012)

Builders Association of India (Informant) had alleged that Cement Manufacturer's Association (CMA) and 11 cement manufacturers ('appellants') had formed a cartel and did not undertake full production as per their installed capacity. Such reduced capacity utilization created an artificial shortage causing exorbitant rise in the price of cement. The Commission after an investigation by the DG passed two orders (confidential and non-confidential version) dated June 20, 2012. As per the order(s), it held that the Cement Manufacturers had colluded and, therefore, acted in violation of Section 3(3)(a), 3(3)(b) and Section 3(1) of the Act. An aggregate penalty of Rs.6,316.59 crore was imposed vide the said order(s). The Appellants challenged the aforesaid order before the COMPAT on multiple grounds, including the principle that 'he who does not hear, must not decide'.

The appellants relied on the fact that the then Chairperson of the Commission did not hear the matter, yet he was signatory to the order(s). The COMPAT did not agree with the submission by the counsel of the Commission that no prejudice had been caused to the appellants by participation of the Chairperson in the decision-making process. It observed that it could not be known whether the remaining six Members would have reached a similar conclusion, if the Chairperson had not participated in the decision making. Further that the principles of natural justice have been statutorily enshrined in the scheme of the Act and that the Commission is bound to comply with these principles while exercising its adjudicatory functions. The COMPAT allowed the appeal by remanding the matter back to the Commission, setting aside the order.

8. M/s Escorts Ltd vs. Competition Commission of India (Appeal No. 13/2014)

The COMPAT by its order dated December 18, 2015 set aside the order passed by the Commission in *suo-motu* Case No. 03/2012. Vide the impugned order, the Commission had found that the bidders, by quoting identical rates, had indirectly determined prices/ rates in the tenders and indulged in

bid rigging/ collusive bidding in contravention of the provisions of Section 3(1) read with Section 3(3)(a) and 3(3)(d) of the Act. The Commission had imposed penalty under Section 27 of the Act on the contravening parties.

The COMPAT order focused *inter alia* on the issue that a) the procedure adopted by the Commission was in violation of the principles of natural justice; b) relevant turnover had not been considered by the Commission; and c) the standard of proof required to establish cartel has not been met.

9. Dr. L.H. Hiranandani Hospital vs. CCI (Appeal No. 19/2014)

As per the majority order, the Commission had found that M/s L. H. Hiranandani Hospitals (OP) had violated Section 3(1) of the Act and along-with the cease and desist order, a penalty of Rs. 3,81,58,303/- was imposed. This order was challenged before the COMPAT. The Tribunal framed the following two questions:

- (i) Whether the finding, recorded by the majority of the Commission that the appellant is guilty of acting in violation of Section 3(1) of the Act, is legally sustainable? and
- (ii) Whether the penalty of Rs.3,81,58,303 imposed by the Commission, by taking into consideration the total turnover of the appellant for last three financial years, is legally justified?

The COMPAT, vide its order, asserted that neither the appellant has violated the provisions under Section 3(1) of the Act, nor is the imposition of penalty, considering total turnover of an enterprise, justified. It also raised questions, as to why there was no effort, by the DG while investigating the case, to seek the information from the person who was presumed to have faced the abusive conduct. In view of its observations, the COMPAT set aside the order.

10. Himachal Pradesh Society of Chemist & Druggist Alliance Vs. CCI & Ors (Appeal No. 58/2015)

The COMPAT, vide its order dated January 13, 2016, set aside the order dated January 29, 2015 passed by the Commission in Case number 78/2012. In the said order, the Commission had found that the appellants indulged in the practice of seeking an NOC before the grant of stockist-ship. This action was considered violating the provisions of Section 3(3)(b) read with Section 3(1) of the Act. The Commission had ordered OPs to cease and desist and imposed a penalty on Himachal Pradesh Society of Chemist and Druggist Alliance and its President.

The COMPAT observed that the investigation conducted by the DG was in violation of the principles of natural justice as it had relied upon forged and fabricated documents. It also noted that the appellants were not provided with the opportunity to cross examine Mr. Desh Bandhu (Respondent No. 1). It also observed that the Commission failed to consider the issue of violation of principles of natural justice by the DG.

II. Mr. Rajat Verma Vs. Haryana Public Works (B & R) Department and Ors (Appeal No. 45/2015)

The information filed before the Commission was with respect to abuse of dominant position by Haryana Public Works (B & R) Department (OP1). The Commission observed that OP1 being one of the departments of the Government of Haryana, is entrusted with the responsibility of construction and maintenance of roads, bridges and government buildings. It has a state-wide set-up of offices and bodies to accomplish the allocated task. The activities being performed by the OP1 cannot be covered under the definition of 'enterprise' as it does not engage directly in any economic or commercial activities. The role of the OP1 is limited to providing the infrastructural facilities to the people without any commercial consideration. Since the OP1 cannot be considered as an enterprise in terms of the provisions of Section 2(h) of the Act, provisions of Section 4 of the Act are not attracted in the matter. Accordingly, the Commission closed the matter under the provisions of Section 26(2) of the Act.

The COMPAT, however, held that PWD, Haryana falls within the definition of the term enterprise under Section 2(h) of the Act and allowed the appeal and remitted back the case for reconsideration. On similar grounds of interpretation of Section 2(h), it also remitted a similar case w.r.t. Madhya Pradesh PWD, vide Appeal No 51/2015; Prem Prakash vs. The Principal Secretary Madhya Pradesh Public Works Department and others and Appeal No. 63/2014; Biswanath Prasad Singh vs. Competition Commission of India back to the Commission.

12. Malwa Industrial & Marketing Ferti-Chem Cooperative Society Ltd. Vs. CCI & Ors (Appeal No. 25/2015)

The appellant, Malwa Industrial & Marketing Ferti-Chem Cooperative Society Ltd. had averred before the Commission that the Registrar, Co-operative Societies, was not allowing different co-operative agricultural societies to purchase micro-nutrients and agro-chemicals from the appellant and had issued instructions making it mandatory to make such purchases from Punjab State Co-operative Supply and Marketing Federation only. The Commission had passed an order under Section 26(2) on the ground that the Registrar, Co-operative Societies did not fall within the ambit of the term 'enterprise'. The COMPAT analyzed the definition of 'enterprise' and 'goods' in the Act and observed that though the Registrar, Cooperative Societies, Punjab had issued circulars in the purported exercise of his powers under the Punjab Cooperative Societies Act, 1961 and the Rules and Regulations framed thereunder, the fact remains that the same were definitely relating to the goods which could be purchased by primarily agricultural societies from Punjab State Co-operative Supply and Marketing Federation only. Therefore, the Registrar would fall within the ambit of term 'enterprise' as defined in Section 2(h) for the purpose of the Act and will be amenable to the jurisdiction of the Commission.

13. M/s ECP Industries Ltd. Vs. Competition Commission of India (Appeal No.47/2015)

The Commission considered a case of cartel of cylinder manufacturers in a tender of IOCL in 2010 and passed an order on February 24, 2012. As per the order, it was held that 48 cylinder manufacturers

(the bidders) had formed a cartel and indulged in bid-rigging. The Commission imposed a penalty @ 7% of average of the turnover of the last 3 preceding financial years. The cylinder manufacturers challenged the order by filing appeals before of the COMPAT. The COMPAT vide its order dated December 23, 2013, confirmed the findings by the Commission on merit. However, it remanded the matter to the Commission for reconsideration on the issue of penalties.

The Commission, vide its order dated August 6, 2014, upheld the penalty as imposed vide the original order dated February 24, 2012 upon the parties to these remand proceedings except M/s Confidence Petroleum India. Aggrieved by the above order, the appellants again filed appeals before the COMPAT.

The COMPAT allowed the appeal, mainly relying upon its decision in M/s Excel Care Crop matter wherein it had held that penalty should be imposed on relevant turnover and not on the entire turnover of the enterprise. It remitted the matter back to the Commission for fresh consideration of penalty imposed on the basis of relevant turnover.

F. Matters received regarding Combinations

The Act defines combination to mean acquisition of one or more enterprises by one or more persons or merger or amalgamation of enterprises. It prohibits any combination above a certain threshold of assets / turnover, which causes or likely to cause an appreciable adverse effect on competition (AAEC) within the relevant market in India. A person proposing to enter into a combination is, therefore, required to give a notice of such combination along with relevant details to the Commission under Section 6(2) of the Act to enable the latter to assess the proposal from competition perspective and approve it with or without modifications. Under Section 20(1) of the Act, the Commission may also, upon its own knowledge or on receiving information relating to acquisition referred to in clause (a) of Section 5 or acquiring of control referred to in clause (b) of Section 5 or merger or amalgamation referred to in clause (c) of that Section, inquire into whether such a combination has caused or is likely to cause an AAEC in India (*Suo moto* cases). The provisions relating to combinations came into force on 1st June 2011. Table No. F1 presents receipt of notices of combinations and disposal of such notices till March, 2016.

Table No. F1: Receipt and Disposal of Combination Notices 2011-16

(Number)

Year	Notices				Disposed of by			Closing Balance	Average No. days for Disposal
	Opening Balance	Received*	Suo Moto	Total	Without Modification	With Modification	Rejection		
2011-12	-	47	00	47	40	00	00	07	16.5
2012-13	07	63	00	70	64	00	00	06	17.2
2013-14	06	46	00	52	45	00	00	07	18.0
2014-15	07	91	00	98	82	02	00	14	24.8
2015-16	14	106	07	127	107	00	00	20	26.4
Total	-	353	07	-	338	02	00	-	-

*Excludes notices invalidated / withdrawn.

As on 31st March 2015, fourteen notices were pending for assessment. Further, during 2015-16, the Commission received 106 notices under Section 6(2) and seven notices pursuant to initiation of inquiry under Section 20(1) of the Act. Out of the 113 notices received during 2015-16, 97 were in Form-I and 16 were in Form-II. Sector wise break-up of the 113 notices (along with their respective shares in total notices filed) is as follows: Finance and Markets (22%); Pharmaceuticals & Health Care (11%); Information Technology and Services (11%); PVC & Chemicals (10%); Auto & Auto Components (4%); Mining & Metals (2%); Power & Power Generation (1%); Media & Entertainment (2%); Food & Refined Oil (4%); and Miscellaneous (35%). The Commission

took a final decision on 107 notices during 2015-16. The details regarding the notices received and disposed of in 2015-16 are presented in Table No. F2.

Table No. F2: Receipt and Disposal of Combination Notices 2015-16

Sl.No.	Particulars	Number
(i)	Number of matters pending at the beginning of the year	14
(ii)	Number of notices received during the year	113
(iii)	Total number of notices under consideration at the end of the year	20
(iv)	Number of combinations approved by the Commission*: Approved in ≤ 30 days Approved $31 \leq 60$ days Approved $61 \leq 120$ days Approved $121 \leq 210$ days	107 85 20 01 01
(v)	Number of combination notices ordered for enquiry	Nil
(vi)	Number of combination notices not disposed of within 210 days, with brief reasons therefor, and combinations deemed to have been approved	Nil
(vii)	Number of combinations not approved by the Commission with brief reasons therefor	Nil

* Section 6 (2A) of the Act prescribes a maximum of 210 days for examination of a notice of a 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 economic policies relating to trade, commerce, industry, business, investment, disinvestment, taxation, IPR, procurement, etc. These interventions usually strengthen the invisible hands of the market and promote competitive neutrality as well as the competition. However, despite best intentions and exercise of the best skills, care and due diligence, some of the interventions by the State may inadvertently carry potential to restrict the ability of economic agents to effectively compete at the market place. With a view to reduce such a possibility, Section 49 of the Act enables Central Government as well as the State Governments, while formulating a policy on competition, including review of laws related to competition, or any other matter, to make a reference to the Commission for its opinion on possible effect of such policy on competition. On the receipt of such a reference, the Commission is obliged, within sixty days of making such reference, to give its opinion to the Central Government, or the State Government, as the case may be, though such opinion of the Commission is not binding.

(1) References from Central Government

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

Table No. G1: References received from Central Government

Sl. No.	Description	Number					
		2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
(i)	Number of references pending at the beginning of the year	-	-	-	-	-	-
(ii)	Number of references received during the year	-	01	-	-	01	-
(iii)	Total	-	01	-	-	01	-
(iv)	Number of references disposed of out of (i)	-	-	-	-	-	-
(v)	Number of references disposed of out of (ii)	-	01	-	-	01	-
(vi)	Total number of references disposed of during the year	-	01	-	-	01	-
(vii)	Number of references pending at the end of the year	-	-	-	-	-	-
(viii)	Brief write up on opinions of the Commission accepted or not by the Central Government	NA	NA	NA	NA	NA	NA

(2) References from State Governments

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

Table No. G2: References received from State Governments

Sl. No.	Description	Number					
		2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
(i)	Number of references pending at the beginning of the year	-	-	-	-	-	-
(ii)	Number of references received during the year	-	-	-	-	-	-
(iii)	Total	-	-	-	-	-	-
(iv)	Number of references disposed of out of (i)	-	-	-	-	-	-
(v)	Number of references disposed of out of (ii)	-	-	-	-	-	-
(vi)	Total number of references disposed of during the year	-	-	-	-	-	-
(vii)	Number of references pending at the end of the year	-	-	-	-	-	-
(viii)	Brief write up on opinions of the Commission accepted or not by the Central Government	NA	NA	NA	NA	NA	NA

(3) Notifications of Central Government

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 (a) any class of enterprises if such exemption is necessary in the interest of security of the State or public interest;

(b) any practice or agreement arising out of and in accordance with any obligation assumed by India under any treaty, agreement or convention with any other country or countries; or (c) any enterprise which performs a sovereign function on behalf of the Central Government or a State Government.

In exercise of this power, the Central Government issued three notifications in 2015-16:

- (i) The Central Government had, vide notifications dated December 11, 2013 and February 2, 2015, exempted, for a period of one year each, the Vessels Sharing Agreements of Liner Shipping Industry from the provisions of Section 3 of the Act, for a period of one year from the date of publication of notification in respect of carriers of all nationalities operating ships of any nationality from any Indian port, subject to the conditions that (a) such agreements do not include concerted practices involving fixing of prices, limitation of capacity or sales

and the allocation of markets or customers, and (b) the Director General, Shipping monitors such agreements. Vide notification dated March 2, 2016, the Central Government granted such exemption for one more year from the date of notification.

- (ii) The Act requires the parties to give notice of combination of enterprises where the 'group', which these enterprises belong to, have a threshold values of assets or the values of turnover as stipulated in the Act. It defines a 'group' to mean two or more enterprises which, directly or indirectly are in a position to exercise 26% or more of voting rights in the other enterprise. Accordingly, the notice of a combination is required to be filed if the value of assets or the value of turnover of all enterprises within the 'group', as defined above, exceeds the threshold. The Central Government, vide a notification dated March 4, 2016, enhanced the voting rights from 26% to 50% in public interest, and thereby exempted, for a period of five years from the date of publication of the notification, the value of assets or the value of turnover of those enterprises where the voting rights held is less than 50% from the computation of the threshold. As a consequence, the number of enterprises to be considered as part of a 'group' for this purpose would reduce, and the value of assets and the value of turnover of only such enterprises where voting rights is at least 50% shall be considered for computation of the jurisdictional threshold.
- (iii) The Central Government had, in public interest, earlier exempted an acquirer from giving a notice of the combination to the commission where the enterprise, whose control, shares, voting rights or assets are being acquired has either assets of the value of not more than Rs. 250 crore in India or a turnover of not more than Rs. 750 crore in India. It has, vide a notification dated March 4, 2016, enhanced the threshold of values of assets and turnover to Rs. 350 crore and Rs. 1000 crore respectively, for a period of five years from the date of publication of the notification.

The Act further requires the parties concerned to give a notice of combination of enterprises having a threshold values of assets or the values of turnover and specifies such threshold values in nominal terms. It, however, empowers the Central Government to vary the threshold values periodically, in consultation with the Commission, keeping in view the wholesale price index or the exchange rate of rupee vis-a-vis foreign currencies. In exercise of this power, the Central Government, vide a notification dated March 4, 2016, enhanced, on the basis of the wholesale price index, the value of assets and the value of turnover, by one hundred per cent over the thresholds specified in the Act.

(4) Directions of Central Government

The Act obliges the Commission, in exercise of its powers or the performance of its functions under the Act, to abide by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time. However, no such direction was issued by the Central Government during 2015-16 to the Commission.

H. References from and to Statutory Authorities

It is possible that a sectoral regulator is pursuing an objective, such as, investor protection or systemic risk, and comes up with a measure or a decision which may have competition concerns. Similarly, the Commission, while promoting competition in markets, may come up with a measure or decision which may have concerns relating to systemic risk or investor protection. A measure or a decision may not always promote the objectives of the sectoral regulator and the Commission simultaneously. In recognition of this, the Act provides for mutual consultation. Where in the course of a proceeding before any statutory authority an issue is raised by any party that any decision which such statutory authority has taken or proposes to take is or would be contrary to any of the provisions of the Act, then such statutory authority may make a reference in respect of such issue to the Commission. It may also make a reference on its own. On receipt of such a reference, the Commission is obliged to give its opinion, within sixty days of receipt of such reference, to such statutory authority which shall consider the opinion of the Commission. Sections 21 and 21(A) of the Act also provides for similar reference from the Commission to any statutory authority. The details of references received from and made to statutory authorities are presented in Table No. H1 and H2 respectively. It is observed that this provision has hardly been used either by a statutory authority or by the Commission.

Table No. H1: References received from Statutory Authorities

Sl. No.	Description	Number					
		2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
(i)	Number of references pending at the beginning of the year	-	-	-	-	-	-
(ii)	Number of references received during the year	01	-	-	-	-	-
(iii)	Total	01	-	-	-	-	-
(iv)	Number of references disposed of out of (i)	-	-	-	-	-	-
(v)	Number of references disposed of out of (ii)	01	-	-	-	-	-
(vi)	Total number of references disposed of during the year	01	-	-	-	-	-
(vii)	Number of references pending at the end of the year	-	-	-	-	-	-

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Table No. H2: References made to Statutory Authorities

Sl. No.	Description	Number					
		2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
(i)	Number of references pending at the beginning of the year	-	-	-	-	0	4
(ii)	Number of references made during the year	-	-	-	-	4	1*
(iii)	Total	-	-	-	-	4	5
(iv)	Number of references disposed of out of (i)	-	-	-	-	0	4**
(v)	Number of references disposed of out of (ii)	-	-	-	-	0	1
(vi)	Total number of references disposed of during the year	-	-	-	-	0	5
(vii)	Number of references pending at the end of the year	-	-	-	-	4	-

*During 2015-16, the Commission sought the opinion of the Securities and Exchange Board of India (SEBI) on the allegations made in Case No. 104/2015. Reply received from SEBI.

**Replies were received on all the four references made to Electricity Regulatory Commissions during 2014-15.

I. Competition Advocacy

The Commission has been entrusted with the task of undertaking competition advocacy, creating awareness, and imparting training about competition issues under Section 49 of the Act. It encourages and facilitates voluntary compliance of the competition law with the objective to prevent anticompetitive conduct or policy. It creates awareness to nip the anti-competitive practices in the bud using various competition advocacy measures/ tools. It conducts advocacy programmes to ingrain competition principles in the minds of the stakeholders in the market, strengthen the awareness of competition law, inculcate competition culture, and thereby encourage self-compliance and reduce the need for action against erring enterprises. The advocacy complements enforcement of competition law to bring desired changes in conduct of enterprises.

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

Table No.II: Advocacy Initiatives

Year	No. of					
	Advocacy Programme	Interns	Issues of Fair Play	Competition Tracker	Annual Day	Advocacy Booklets
2011-12	62	48	-	-	-	Reprint with updation
2012-13	58	70	4	-	-	Reprint with updation + Booklet on Understanding Competition Law
2013-14	69	75	4	-	1	Reprint with Amendments
2014-15	49	79	4	1	1	Reprint with updation + Booklet on Provisions relating to Public Procurement
2015-16	73	78	4	-	1	All the Booklets (No.1 to 9) Reprinted with modification/ updation. A consolidated single volume comprising of advocacy material printed

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

Any law, particularly relatively new laws like competition law, cannot achieve the desired results if various stakeholders, viz., industry, central and state governments, legal fraternity, students, research

community are not adequately sensitized, informed and trained. To actualize this, the Commission organises advocacy events and participates / supports in advocacy events organized by stakeholders by providing speakers/resource persons and delegates.

The details of workshops, seminars, capacity building initiatives and other interactions where the Commission participated during 2015-16 are presented in Table No. 12.

Table No. 12: Workshops, seminars capacity building initiatives and other interactions with stakeholders in 2015-16

S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
Government/Regulators/Industry				
1	9 th Public Procurement Summit organised by ASSOCHAM at New Delhi	100	April 7, 2015	Government Officials, PSUs, Trade and Industry Associations, Consumers and other stakeholders
2	Conference for Fourth National Reference Group (NRG), organised by CUTS, Centre for Competition Investment and Economic Regulations (CUTSCCIER), Jaipur, at New Delhi	35	April 8, 2015	Government Officials, Trade and Industry Associations, Consumers and other stakeholders
3	Interactive session organised by MCC Chamber of Commerce and Industry at Kolkata	55	April 21, 2015	Trade and Industry Associations, Consumers and other stakeholders
4	Panel discussion organised by FICCI-Financial Express at New Delhi	40	April 22, 2015	Trade and Industry Associations, Consumers and other stakeholders
5	3 rd International Conference on 'Competition Law - Successes, Challenges and Reforms' organized by ASSOCHAM at New Delhi	75	May 2, 2015	Trade and Industry Associations, Consumers and other stakeholders
6	Seminar jointly organised by the EXIM Bank, World Bank and the FIEO at Bengaluru	50	May 14, 2015	Government Officials, Trade and Industry Associations, Consumers and other stakeholders
7	Inauguration of IICA's Certificate Course in Competition Law at SCOPE Complex, New Delhi	100	May 21, 2015	Students, Government Officials, Trade and Industry Associations, Consumers and other stakeholders
8	40 th SKOCH Summit Keynote address by the Chairperson on 'The Role of Competition in a growing Economy' at Mumbai	100	June 12, 2015	Business Leaders, Senior Government officials, Trade and Industry, BSE

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S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
9	Interactive Session in CCI, New Delhi, with Officers of Bangladesh Civil Service on the Role of CCI and Competition Policies and Practices in India	35	June 26, 2015	Officers of Bangladesh Civil Service
10	National Conference on Competition Compliance in association with ICSI and BSE, Mumbai	1050	June 29, 2015	Business Leaders, Senior Government officials, Trade and Industry, BSE
11	National Conference on Competition Law Compliances by Enterprises organised by ICSI at Kolkata	200	July 20, 2015	Company Secretaries, Students, Business Leaders, Senior Government officials, Trade and Industry,
12	3 rd International Conference 'Interface Between Intellectual Property & Competition Law: Invention, Growth & New Challenges' at New Delhi	60	August 7, 2015	Business Heads, Regulators, Senior Government officials, Trade and Industry
13	Training Programme on 'Intellectual Property Rights in Agriculture' organised by (ZTM & BPD) Unit, IARI, at New Delhi	35	August 20, 2015	Senior Government officials, Trade and Industry, Scientists, Academicians and Professionals
14	Conference on Competition Law and Practices organised by Confederation of Indian Industry (CII) at Mumbai	125	August 21, 2015	Business Leaders, Senior Government officials, Trade and Industry
15	IRILMM's Seminar on Vigilance and Ethics in Public Procurement-Fighting Anti-Competitive Behaviour – Legal Aspects and Strategies' at New Delhi	40	August 21, 15	Senior Government officials, officers of PSUs
16	Competition Law Programme organised by FICCI at Pune	60	August 27, 2015	Business Leaders, Senior Government officials, Trade and Industry
17	Meeting held with Secretary, Department of Pharmaceuticals at New Delhi	20	August 27, 2015	Secretary and Senior Government officials of the Department
18	Advocacy Interaction with the Chairman, Railway Board and other senior officers of the Ministry of Railways at New Delhi	20	September 1, 2015	Chairman, Railway Board and Senior Government officials of the Ministry
19	Lecture on Competition issues in Securities Market at Mumbai	150	September 4, 2015	Business Leaders, Trade and Industry
20	In-house Training Programmes of Power Grid Corporation of India for the benefit of officers upto Chief Manager level at New Delhi	20	September 7-8, 2015	Officers up to Chief Manager level of Power Grid Corporation of India

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S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
21	Advocacy Interaction with the Secretary, Ministry of Civil Aviation and other senior officers of the Ministry at New Delhi	5	September 8, 2015	Secretary, Ministry of Civil Aviation and other senior officers of the Ministry
22	Advocacy Interaction with the Secretary, Ministry of Coal and other senior officers of the Ministry at New Delhi	10	September 10, 2015	Secretary, Ministry of Coal and other senior officers of the Ministry
23	2-Day International Conference on Integrity Pact and Probity in Public Procurement organised by TII at New Delhi	60	September 17/18, 2015	Business Leaders, Senior Government officials, Trade and Industry
24	Confederation Of Indian Pharmaceutical Industry (CIPI) meeting at Gurgaon.	40	September 18, 2015	Business Leaders, Trade and Industry
25	In-house Training Programmes of Power Grid Corporation of India for the benefit of officers upto ED level at New Delhi	30	September 21-22, 2015	Officers upto ED level of Power Grid Corporation of India
26	CCI – World Bank advocacy program on ‘Competition Law and Public Procurement’ at Chennai	35	October 9, 2015	Business Leaders, PSUs, Senior State/Central Government officials, Trade and Industry
27	Session on Competition Law and Real Estate Sector, for the Executive Committee and Governing Council of CREDAI at Jaipur	95	October 9-10, 2015	Members of CREDAI, Industry and Business Leaders
28	National Workshop on Supply Chain Management and Warehousing of Essential Health Commodities for Central Medical Services Society (CMSS) at New Delhi	35	October 12, 2015	Members of Trade and Industry
29	Meeting with Secretary, D/o. Chemicals and Petrochemicals at New Delhi	10	October 15, 2015	Secretary and Senior officials of the Department
30	Meeting with Secretary, Department of Fertilisers at new Delhi	15	October 19, 2015	Secretary and Senior officials of the Department
31	Interactive session with the senior officials of Government of Rajasthan at Jaipur	25	October 20, 2015	Chief Secretary and Senior officials of the State Government
32	Interactive session with Chief Secretary, Government of Punjab at Chandigarh	25	October 26, 2015	Chief Secretary and Senior officials of the State Government
33	Interactive session with Chief Secretary, Government of Haryana at Chandigarh	15	November 2, 2015	Chief Secretary and Senior officials of the State Government

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S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
34	3 - Days Advanced Workshop cum Training on IP management entitled 'Identifying, Capturing, Protecting, Managing and Commercializing Innovations' at ICAR, New Delhi	50	November 11, 2015	Government Officials, Trade and Industry Associations, Consumers and other stakeholders
35	95 th Annual session of ASSOCHAM 'Believe in India: Restoring Confidence and Conviction in India's Economy' held at New Delhi	100	November 24, 2015	Business Leaders, PSUs, Senior Government officials, Trade and Industry
36	Workshop organised by CUTS International in Jaipur on November 30, 2015, along with Department of Finance, Government of Rajasthan at Jaipur	40	November 30, 2015	Government Officials, PSUs, Trade and Industry Associations, Business Leaders, Consumers and other stakeholders
37	Interactive session with Chief Secretary, Government of Haryana at Chandigarh	15	December 2, 2015	Chief Secretary and Senior officials of the State Government
38	Advanced Leadership Programme for senior and middle level executives from India's Public Sector Companies, at IIPA, IP Estate	25	December 14, 2015	Government Officials, PSUs, Consumers and other stakeholders
39	A session of Advocacy on Competition Law at SIDBI's Mumbai Office at Mumbai	35	December 17, 2015	Senior Bank Officials
40	43 rd National Convention of Company Secretaries on the theme 'Make in India – Innovate, Excel and Grow', at New Delhi	1000	December 19, 2015	Eminent persons and Experts in the respective fields from the Government, the profession and the corporate sector
41	Half-a-Day session on the Competition Act during the 5-Day Training programme of ONGC	30	January 6, 2016	Senior Officials of the PSU
42	Interactive meeting with Chief Secretary, Government of Maharashtra at Mumbai	15	January 11, 2016	Chief Secretary and Senior officials of the State Government
43	Two-day residential programme on securities market, at IICA, Manesar	40	January 15/16, 2016	Officers of the Ministry of Corporate Affairs
44	National Conference on 'Economics of Competition Law'	100	March 3-4, 2016	Trade and Industry Associations, Consumers and other stakeholders
45	International Management Conference on Business and Economy organized by Fortune Institute of International Business at New Delhi	300	March 5, 2016	Trade and Industry Associations, Consumers and other stakeholders

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S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
46	An interactive meeting with probationers of Indian Postal Services at New Delhi	15	March 11, 2016	Trainee Officers of Indian Postal Services undergoing training in RAK National Postal Academy
47	Interaction with Governor, RBI on competition issues in the banking sector at Mumbai	2	March 17, 2016	RBI Governor
48	Interaction with Chairman, SEBI on competition Issues in securities markets at Mumbai	2	March 18, 2016	SEBI Chairman
49	Focussed Group Discussion organised at ICSI- Center for Corporate Governance, Research and Training (CCGRT) Navi Mumbai and Mumbai	20	March 18, 2016	Company Secretaries, students, Trade and Industry and Government officials
50	Focussed Group Discussion organised at SEBI Building Bandra Kurla Complex, Mumbai	20	March 18, 2016	Company Secretaries, students, Trade and Industry Representatives
51	ICSI workshop on 'FEMA, Insolvency Code and Competition Law' at Navi Mumbai	200	March 19, 2016	Company Secretaries, students, Trade and Industry
Academia / Professional				
52	A session on Introduction to Competition Law at EIRC-ICSI, Kolkata	125	April 22, 2015	Students, Trade and Industry Associations, Consumers and other stakeholders
53	ICSI-QRB Symposium on Quality of Audit and Attestation services rendered by Professionals, at New Delhi	125	May 1, 2015	Students, Government Officials, Trade and Industry Associations, Consumers and other stakeholders
54	Symposium on Competition Law in the National Law School of India University, Bangalore	40	May 2, 2015	Students and faculty of the University and Academicians
55	Talk on Competition Advocacy at National Law University, Delhi	50	June 13, 2015	Students and faculty of the University
56	Valedictory Address - Capacity Development Programme for Corporate Laws at National Law University, New Delhi	50	June 13, 2015	Students and faculty of the University
57	ICSI-SCOPE Programme on Secretarial Audit at New Delhi	80	June 16, 2015	Students, Government Officials, Trade and Industry Associations, Consumers and other stakeholders

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S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
58	A Talk on Competition Issues in Securities Markets at NISM, Mumbai	100	June 27, 2015	Students and faculty
59	A Talk on Competition Law and Profession of Company Secretaries at ICSI, Navi Mumbai	60	June 27, 2015	Company Secretaries, students and faculty
60	National Seminar on Corporate Affairs organised by Osmania University at Hyderabad	125	July 26, 2015	Students and faculty
61	Lecture at Symbiosis Law School on Competition Law in India – An Overview with Case Study, at New Delhi	80	August 8, 2015	Students and faculty
62	16 th National Conference of Practising Company Secretaries organised by ICSI at Kochi	125	August 14, 2015	Company Secretaries, students, Trade and Industry
63	Joint seminar with the ICSI on ‘Competition Law and Compliance – A Growth Enabler’ at New Delhi	300	October 17, 2015	Company Secretaries, students and faculty, Trade and Industry
64	Seminar on ‘Competition Law Compliances by Enterprises’ ICSI at Cochin	125	October 31, 2015	Company Secretaries, students, Trade and Industry
65	Workshop on ‘Competition Law and Public Procurement’ at IIM, Lucknow	75	November 28, 2015	Students and faculty
66	1 st India Conference on Innovation, Intellectual Property & Competition – organised by IIM, Bangalore	125	December 7, 2015	Students and faculty
67	3 rd International Conference on ‘Competition Regulation and Competitiveness’ organised by IIM, Kashipur in partnership with Shaping Tomorrow at New Delhi	65	February 5, 2016	Students, Faculty, Regulators, Government Officials, Trade and Industry Associations, Consumers and other stakeholders
68	Annual conference of SOWL-India with the theme ‘Changes to the Indian Legal Ecosystem: Are we ready?’, New Delhi	60	February 6, 2016	Legal Students and Professionals, Consumers and other stakeholders
69	Seventh edition of NLU Antitrust Law Moot Court Competition, 2016, Jodhpur	100	March 11-13, 2016	Students, Faculty, Professionals, and other stakeholders
70	Session on Competition Law, during the Competition Programme of Chanderprabhu Jain College of Higher Studies & School of Law, at New Delhi	70	March 15, 2016	Students, Academicians, Professionals, and other stakeholders

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S. No.	Brief Description of the Event	Approximate Number of Participants	Dates during which held	Beneficiaries specified
Legislature				
71	Lecture series for Members of Parliament, organised in association with the Bureau of Parliamentary Studies and Training (BPST), New Delhi	50	May 7, 2015	Members of Parliament and Government officials
Judiciary/ Judicial Academy				
72	Session on Competition Law for the newly recruited Junior Civil Judges of Chandigarh Judicial Academy at Chandigarh	25	May 16, 2015	Judges and faculty of the Academy
73	An Overview of Competition Law and its Implementation – Lecture at Tamil Nadu State Judicial Academy, Chennai	30	June 20, 2015	Judiciary and faculty of the Academy



Mr. Sudhir Mital, Member CCI addressing a gathering at a competition advocacy event at Cochin

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

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



Mr. Ashok Chawla, Chairperson, CCI, inaugurating the 3rd International Conference on Interface between Intellectual Property & Competition Law at New Delhi

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

During the FY 2015-16, the Commission formed sectoral study groups for conducting in-depth study of four important sectors of the economy. The four sectors identified for the sectoral study are: (a) Information and Communications Technology including e-commerce (ICT), (b) Agriculture, (c) Pharmaceutical, and (d) Transport Sectors for identifying competition issue(s) involved therein.

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

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

(v) Analytical papers

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

(vi) Any other initiatives

(A) Fair Play: The Commission brings out a competition newsletter named 'Fair Play' every quarter. During the period under review, the 12th, 13th, 14th and 15th editions of Fair Play were

published and distributed among various stakeholders. The Fair Play is also made available to about 2000 stakeholders by email. In addition, Fair Play is also available as free download on website of the Commission.

- (B) Screening of Bills and Legislations:** The Commission has undertaken the competition assessment of economic policies, legislations and bills. It assessed a few bills / policies, including Indian Financial Code, Draft Legal Framework on Insolvency & Bankruptcy and the Tamil Nadu Transparency in Tenders Act, 1998

Further, as per the terms of the Competition Commission of India (Competition Assessment of Legislations and Bills) Guidelines, 2015, the Commission envisioned to maintain a Panel of 5-7 reputed institutions to carry out initial competition assessment of the economic legislations/bills referred to them. Based on a selection process as per an Expression of Interest, the following seven institutions have been empaneled for carrying out competition assessment of legislations and bills:

Sr. No.	Name of the Institution
1	CUTS International, Jaipur
2	Indian Institute of Management, Ahmedabad
3	Indian Institute of Management, Lucknow
4	Indira Gandhi Institute of Development Research, Mumbai
5	National Institute of Public Finance and Policy, New Delhi
6	National Law University, Delhi
7	The National Law Institute University, Bhopal

- (C) Booklets in the Advocacy Series:** As a part of the Advocacy Series, nine booklets on various aspects of competition matters; such as bid-rigging, abuse of dominance, cartel, etc. and a consolidated single volume of advocacy material have been published for the benefit of the stakeholders.
- (D) Video Campaign:** Month long Digital Cinema Campaign with 4 AV-spots in 20 cinemas of Delhi, was released from October 15, 2015 as per the media plan of the Commission.
- (E) Annual Day:** CCI celebrated its 6th Annual Day (the day of commencement of the Act) on May 20, 2015. Mr. N. R. Narayana Murthy, Founder, Infosys Limited delivered the Annual Day lecture on ‘Creating a Better India: Musings on Economic Governance ideas for India’.



Mr. N. R. Narayana Murthy, delivering the CCI Annual Day Lecture, 2015

- (F) **Internship:** As a part of advocacy with students, who are important stakeholders, CCI provides internship to students from the streams of Law and Economics etc. During the year financial year 2015-16, 78 students interned with CCI on various subjects and topics of competition law.
- (G) **Focused Group Discussions:** With the objective of developing an advocacy strategy so as to cover the areas of (a) knowledge, perception and attitudes about competition law and (b) communication and engagement with external stakeholders, CCI has initiated Focused Group Discussions with competition stakeholders like consumers' associations, professionals, practitioners, academia and industry associations, etc. in select cities with the help of a facilitator. To start with, two such FGDs were conducted in Mumbai on 18th March, 2016.

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 post of professionals, 91 posts are earmarked for the Commission and 33 posts are earmarked for DG office. Among the posts for support staff, 65 posts are earmarked for the Commission and 8 posts are for DG office. As per the Recruitment Rules, these posts in the Commission are required to be filled up by direct recruitment, deputation, absorption and promotion. The breakup of sanctioned posts is as under:

Category	Sanctioned Strength		Total
	Commission	DG's Office	
Secretary	01	00	01
Director General	00	01	01
Professionals	90	32	122
Support Staff	65	08	73
Total	156	41	197

Filling up of posts by Deputation

Applications were invited from time to time from eligible officers of various departments of the Government of India, State Governments, Judiciary, other Regulatory bodies, Autonomous bodies, etc. to fill up vacant posts of professionals from the level of Adviser to Deputy Director and of support staff from the level of Joint Director to Office Manager. The number of posts filled on deputation basis as on March 31, 2016 is 57. This includes 15 officers, who have opted for permanent absorption later. The process to fill up the remaining vacant posts is ongoing. As per the Recruitment Rules notified by the Government, all the posts in DG office are to be filled up by deputation. Accordingly, a total of 19 posts (15 professionals and 4 support staff) have been filled up by deputation as on March 31, in the DG office.

Filling up of posts by Direct Recruitment

Four rounds of direct recruitment have been completed so far and the fifth round was initiated during the year and written examination was conducted on January 31, 2016.

In the first round of the direct recruitment, 18 professionals and 8 support staff were appointed. In the second round, 05 professionals were appointed. In the third round, 01 professional and 02 support staffs were appointed. In the 4th round, 20 professionals and 01 support staff were appointed.



Mr. Devender K. Sikri, Chairperson, CCI inaugurating the Third International Conference on Competition Regulation & Competitiveness, organized by IIM, Kashipur at New Delhi

(2) Composition of the Commission

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

During the year, Mr. Ashok Chawla, demitted the office of the Chairperson of the Commission on January 7, 2016 on completion of his tenure. Mr. Devender K. Sikri joined as the Chairperson of the Commission on January 11, 2016. Justice G.P. Mittal joined as Member of the Commission on July 9, 2015. The composition of the Commission as on March 31, 2016 is as per Table No. J1.

Table No. JI: Composition of the Commission as on March 31, 2016

Sl. No.	Name	Position	Date of Joining
1	Mr. Devender K. Sikri	Chairperson	January 11, 2016
2	Mr. S.L. Bunker	Member	March 25, 2013
3	Mr. Sudhir Mital	Member	April 11, 2014
4	Mr. Augustine Peter	Member	April 11, 2014
5	Mr. U. C. Nahta	Member	August 12, 2014
6	Dr. M. S. Sahoo	Member	March 27, 2015
7	Justice G.P. Mittal	Member	July 9, 2015



*Swearing in Ceremony of Justice G.P. Mittal (second from right)
on joining as Member of the Commission on July 9, 2015*

(3) Meetings of the Commission

During the year, the Commission held 141 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 127 orders (both *prima facie* and final) during the year. It also held 34 special meetings during the year to discuss important issues with regard to its functioning, administration and other issues.

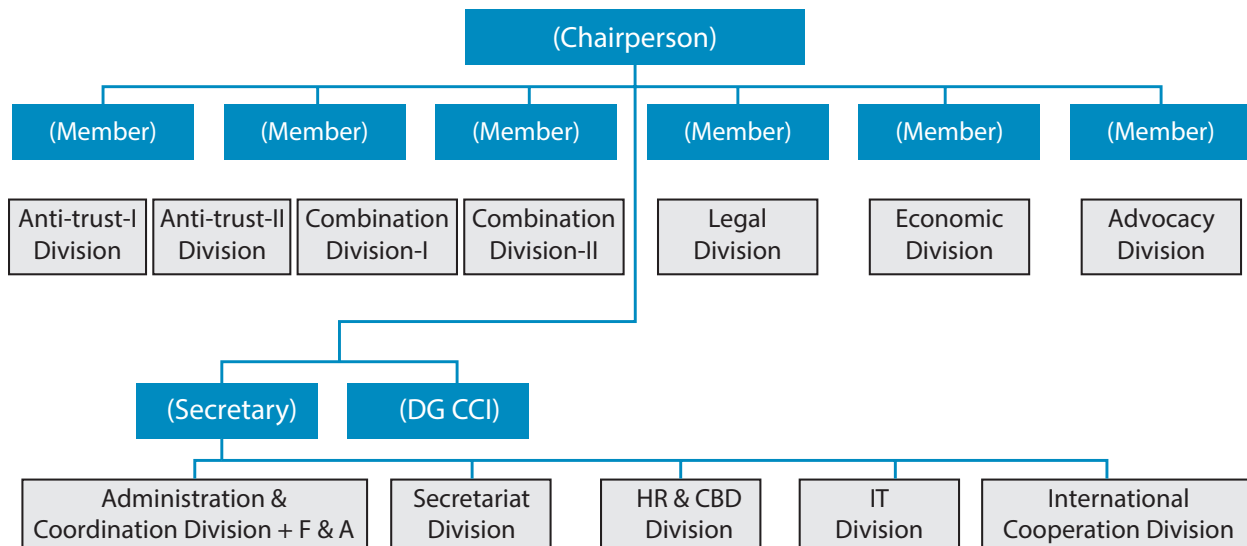
(4) Organisation structure

The Commission had notified its organizational structure in 2010. To further streamline its functioning, the Commission reviewed and modified its organizational structure vide an order dated September 18, 2015. The work of the Commission is now organised into eight functional Divisions, in addition to Secretariat, as presented in Table No. J2.

Table No. J2: Organisation Structure of the Commission

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

The Commission has the following organisation structure:



(5) Personnel in the Commission

The details of personnel at various levels in the Commission as on March 31, 2016 along with vacancy are presented in Table No. J3.

Table No. J3: Incumbency Position in the Commission

Sl. No.	Designation	No. of Sanctioned Positions	Existing Strength	No. of Vacant Positions
Professionals				
1	Secretary	01	01	00
2	Adviser (Law)	03	02	01
3	Adviser (Eco)	03	03	00
4	Adviser (FA)	02	01	01
5	Director (Law)	05	02	03
6	Director (Eco)	05	03	02
7	Director (FA)	02	01	01
8	Joint Director (Law)	10	02	08
9	Joint Director (Eco)	10	02	08
10	Joint Director (FA)	04	01	03
11	Deputy Director (Law)	18	13	05
12	Deputy Director (Eco)	18	14	04
13	Deputy Director (FA)	10	06	04
Support Staff				
14	Joint Director (F&A)	01	01	00
15	Joint Director (IT)	01	00	01
16	Deputy Director (CS)	05	05	00
17	Deputy Director (F&A)	01	01	00
18	Deputy Director (IT)	01	01	00
19	Sr. PPS	01	01	00
20	Assistant Director (CS)	14	14	00
21	Assistant Director (LS)	02	01	01
22	Assistant Director (IT)	03	03	00
23	Assistant Director (F&A)	02	02	00
24	Principal Private Secretary	06	06	00
25	Office Manager (CS)	20	14	06
26	Office Manager (F&A)	04	03	01
27	Office Manager (LS)	01	01	00
28	Private Secretary	03	02	01

The details of personnel at various levels in the office of Director General as on March 31, 2016 along with vacancy are presented in Table No. J4

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

Sl.No.	Designation	No. of Sanctioned Posts	No. of posts filled up	No. of Vacant Positions
Professionals				
1	Director General	01	01	00
2	Additional Director General	04	04	00
3	Joint Director General	08	05	03
4	Deputy Director General	20	05	15
Support Staff				
5	Deputy Director General (CS)	01	00	01
6	Assistant Director General (CS)	03	00	03
7	Office Manager (CS)	04	04	00

Reservation of posts for various categories under the reservation policy of the Government of India is applicable for direct recruitment by the Commission. Accordingly, out of 69 vacancies in different posts for direct recruitment, 22 vacancies were earmarked for reserved categories. The details of reserved vacancies and posts filled up on direct recruitment basis are given in Table No.J5.

Table No. J5: Details of Reservations in Direct Recruitment

Sl. No.	Name of Post	No. of Posts	Reserved for	No. of Posts Filled in	No. of Posts Carried Forward
1	Adviser (FA)	01	Unreserved	0	Unreserved - 3
2	Adviser (Eco)	01			
3	Adviser (Law)	01			
4	Director (Eco)	01	Unreserved	3	Unreserved -0
5	Director (Law)	01			
6	Director (FA)	01			
7	Jt. Director (Eco)	03	OBC - 3	Unreserved – 1 OBC – 1	Unreserved - 3 OBC - 2
8	Jt. Director (Law)	03			
9	Jt. Director (FA)	01			
10	Dy. Director (Eco)	13	OBC - 3 SC - 1	Unreserved – 9 (includes 1 for PH) OBC - 3 SC - 1	0
11	Dy. Director (Law)	13	OBC - 3 SC - 1 ST -1	Unreserved - 8 OBC - 3 SC - 1	ST - 1

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Sl. No.	Name of Post	No. of Posts	Reserved for	No. of Posts Filled in	No. of Posts Carried Forward
12	Dy. Director (FA)	07	OBC - 1 SC - 1	Unreserved - 5 SC - 1	OBC - 1
13	Asst Director (IT)	3	Unreserved	Unreserved - 3 (includes 1 for PH)	0
14	Office Manager (F&A)	04	OBC - 5 SC - 3	OBC - 1 ST - 1	Unreserved - 11 OBC - 4 SC - 3
15	Office Manager (Corporate Services)	15			
16	Office Manager (Library Services)	01			

(6) Experts and professionals engaged

In order to augment its capacity, the Commission has notified the Competition Commission of India (Procedure for Engagement of Experts and Professional) Regulations, 2009, to avail the services of experts and professionals. In terms of the said Regulations, 37 Research Associates (RAs) /Experts (22 in Law, 13 in Economics and 02 in FA stream) were engaged as on March 31, 2016.

(7) Delegation of power

As per Section 51 (3) of the Act the 'Competition Fund' shall be administered by a Committee of such Members as appointed by the Chairperson. The Chairperson has nominated Mr. S. L. Bunker and Mr. Sudhir Mital, Members of the Commission as Members of Fund Administration Committee (FAC).

(8) Employee welfare measure

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

(9) Other Activities

(i) Hindi Pakhwara

In order to encourage use of Hindi language in the official working of the Commission and also to promote awareness regarding the official language, 'Hindi Pakhwara & workshop' was organised during the period from September 15 – 30, 2015.

(ii) Rashtriya Swachhta Abhiyan (National Cleanliness Campaign)

As a part of the Rashtriya Swachhta Abhiyan (National Cleanliness Campaign), an extensive cleanliness drive was undertaken in the office premises of the Commission by identifying old office records for weeding out and old/obsolete furniture items for disposal. The officers and other staff of the Commission were sensitized about the importance of the cleanliness and they were advised and encouraged to take effective action in this regard.

K. Budget and Accounts

(1) Budget estimates and revised estimates

The Central Government extends budgetary support to the Commission in the form of Grants-in-Aid. Initially a Budget of Rs.5100 lakh was provided for 2015-16, which was revised to Rs.18025 lakh as Revised Estimate. Out of this, Rs.12926 lakh was on account of capital grant.

(2) Receipts under broad categories

The Commission has the Competition Fund which is credited by (a) all Government Grants received by the Commission, (b) the Fees received under the Act, and (c) the Interest accrued on these receipts. The Fund is administered by the FAC constituted under Section 51(3) of the Act. The FAC 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 2015-16 have been as under:

Sl.No.	Category	Amount (Rs. lakh)
1	Grants-in-Aid	18025.00
2	Fees	2305.45
3	Bank Interest	427.56
4	Other receipts	1.63
	Total	20759.64

(3) Actual expenditure under broad categories

The Commission incurred an expenditure of Rs.18713.10 lakh during the year 2015-16. The break-up of expenditure under broad categories is as under:

Sl.No.	Category	Amount (Rs.lakh)
1	Salaries	2208.29
2	Travel Expenses	98.76
3	Training/ Seminar	34.92
4	Professional charges	448.77
5	Rent	1779.00
6	Administrative expenses	1000.41
7	Advertisement and Publicity	27.83
8	Fixed Assets (incl. Capital W.I.P)	13104.87
9	Loans and Advances to Staff	10.25
	Total	18713.10

(4) Balance available in the Competition fund

The balance available in the Competition Fund as on March 31, 2016 is Rs. 5176 lakh.

(5) Any other information

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

The Commission is maintaining its accounts in the format as prescribed by the Central Government. The Annual Accounts of the Commission for 2015-16 have been approved by the Commission and the approved accounts have been forwarded to Comptroller & Auditor General of India (C&AG) for audit. The Annual Accounts of the Commission for 2015-2016, as certified by the C&AG or any other person appointed by him on his behalf, together with the audit report thereon, shall be forwarded to the Central Government for laying it before both the Houses of Parliament.

L. International Co-operation

(1) Memorandums or arrangements signed with agencies of foreign countries

In pursuance of its mandate under Section 18 of the Act, the Commission has entered into Memorandum of Understanding (MOU), after obtaining approval from the Government of India, with the following five competition authorities till March 2016:

- (i) Federal Trade Commission (FTC) / Department of Justice (DOJ), USA,
- (ii) Director General Competition, European Union (EU),
- (iii) Federal Antimonopoly Service (FAS), Russia,
- (iv) Australian Competition and Consumer Commission (ACCC), and
- (v) Competition Bureau (CB) Canada.

During the year 2015-16, CCI processed two more MOUs, i.e., MOU with Japan and BRICS competition authorities. These are under advance stage of approval/ signing.

(2) Overseas projects undertaken

As a co-chair of ICN Agency Effectiveness Working Group (AEWG), CCI has undertaken to lead the project on 'Competition Agency Staff Training Programme'. Objective of this project is to examine the steps undertaken by various agencies to train their investigative staff. The project will be completed in 2016-17.

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

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

(3) Memberships of international organisations

(i) International Competition Network

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

(ii) BRICS

India is a member of the BRICS, a group of emerging economies, viz., Brazil, Russia, India, China and South Africa. The heads of the competition authorities of Brazil, Russia, India, China and South Africa signed a joint accord, namely, 'Delhi Accord' in 2013 to enhance cooperation among them and to meet the challenges of competition enforcement. In pursuance of commitment of cooperation expressed in the 'Delhi Accord', CCI published the first online BRICS Competition Newsletter on behalf of the BRICS Competition Authorities in August 2015. The BRICS Competition Newsletter was conceived to facilitate experience sharing of BRICS competition authorities in competition law and policies with other competition authorities and multilateral agencies. The newsletter covers the areas of competition law and policy, enforcement actions, merger review and advocacy initiatives in BRICS countries.



Dr. M. S. Sahoo, Member, CCI at the meeting of Heads of BRICS Competition Authorities at Moscow, Russia

At the 4th BRICS International Competition Conference, a joint statement was signed in Durban in November, 2015 recognizing that effective competition policy enforcement by the BRICS countries requires strengthening of the cooperation and coordination among the BRICS competition authorities. BRICS countries are also working towards finalising the MOU amongst BRICS competition authorities.



*Mr. S. L. Bunker, Member, CCI, addressing a gathering
at 4th BRICS International Competition Conference, Durban, South Africa*

(iii) Organization for Economic Co-operation and Development

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

CCI has been making regular contributions at various roundtables in the conferences/meetings of OECD. In year 2015-16, the Commission submitted a paper on 'Serial offenders: why some industries seem prone to endemic collusion'. Officers of the Commission are regularly invited 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 Commission. During the year, officers of CCI participated in the following two programmes:

- (i) Two officers participated in 'Leadership Seminar on Advocacy' organized by CCS-OECD/KPC in Singapore during June 24 - 26, 2015, and
- (ii) One officer attended OECD-KPC workshop on 'Remedies in Merger Cases' during December 2-4, 2015 in Jeju Island, Korea.

(4) International delegations received

In order to get exposure to the best practices, CCI invites foreign delegates from mature jurisdictions to share their experiences in field of competition law and economics. In year 2015-16, CCI organized seven workshops/seminars in collaboration with Federal Trade Commission (FTC) & Department of Justice (DOJ) USA, DG Competition, EU and OECD. Brief details of these capacity building programmes are mentioned below:

- (a)** In pursuance of MOU, officials from the US FTC and DOJ visited the Commission to hold the following two programmes:
 - (i) Workshop on ‘Merger’ from July 21- July 23, 2015, and
 - (ii) Workshop on ‘IPR and Competition Law’ on November 20, 2015.
- (b)** Technical cooperation under the MOU with DG Competition, European Union, is being implemented through the Capacity Building Initiative for Trade and Development (CITD) programme. The CITD programme is executed with the help of resource persons from the competition authorities of EU member states. In the year 2015-16, following workshops have been organized at the Commission under this scheme:
 - (i) Specialized Workshop on ‘Combinations’ during October 12– 13, 2015,
 - (ii) Specialized Workshops on ‘Anti-Competitive Conduct’ during October 14-15, 2015 , and
 - (iii) Workshop on ‘Investigation skills’ during March 9-11, 2016.
- (c)** OECD assisted the Commission in organizing customized workshops by bringing experts from all over the world. Following workshops/seminars were organized at CCI in collaboration with OECD:
 - (i) A workshop on ‘Leniency’ during June 2-3, 2015,
 - (ii) A seminar on ‘Cartel Enforcement’ on November 19, 2015, and
 - (iii) A seminar on ‘Economics for non-economists’ on February 8, 2016.

(5) Foreign visits

The details of the foreign visits by senior functionaries of the Commission are presented in Table No. L1.:

Table No. L1: Details of Foreign Visits

S.No.	Name of the Functionary	Purpose of Visit	Duration, Place and Country	Outcome
1	Mr. Ashok Chawla, Chairperson	14 th ICN Annual Conference	April 28 –May 1, 2015 Sydney, Australia	Exposure to global best practices, capacity building and networking
2	Ms. Smita Jhingran, Secretary			
3	Dr. Seema Gaur, Adviser			
4	Mr. Augustine Peter, Member	OECD Competition Committee Meeting, Working Party No. 2 and Working Party No. 3	June 15-19, 2015, Paris, France	Exposure to global best practices, capacity building and networking
5	Mr. Ashok Chawla, Chairperson	7 th United Nations Conference to review the Set on Competition Policy	July 6-10, 2015, Geneva, Switzerland	Exposure to global best practices, capacity building and networking
6	Ms. Smita Jhingran, Secretary	RCEP Working Group on Competition (Meeting)	August 4-7, 2015, Nay Pyi Taw, Myanmar	Developing consensus on various issues in the Working Group on Competition
7	Dr. M.S. Sahoo, Member	Annual International Event (Russian Competition Day) and Meeting of the Heads of BRICS Competition Authorities	September 21-24, 2015, Moscow, Russia	Finalisation of on MOU with BRICS Competition Authorities and exposure to global best practices, capacity building and networking
8	Ms. Archana G. Gulati, Adviser	ICN Merger Workshop, 2015	September 24-25, 2015, Brussels, Belgium	Exposure to global best practices
9	Dr. Seema Gaur, Adviser	9 th Meeting of the Regional Comprehensive Economic Partnership (RCEP) & Trade Negotiating Committee.	October 12-16, 2015, Busan, Korea	Developing consensus on various issues in the Working Group on Competition
10	Mr. Ashok Chawla, Chairperson	OECD Competition Committee Meeting and 14 th Global Forum on Competition	October 26-30, 2015, Paris, France	Exposure to global best practices, capacity building and networking
11	Ms. R. Bhama, Adviser	Capacity Building Workshop by UNDP on 'Using Competition Law to Promote Access to Health Technologies'	October 29-31, 2015, Cape Town, South Africa	Exposure to global best practices, capacity building and networking

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S.No.	Name of the Functionary	Purpose of Visit	Duration, Place and Country	Outcome
12	Mr. S.L. Bunker, Member	Fourth BRICS International Competition Conference	November 10-13, 2015, Durban, South Africa	Exposure to global best practices, capacity building and networking
13	Dr. M.S.Sahoo, Member	Participated as a featured speaker at the international conference on 'Problems with Global Antitrust Enforcement' at Yale School of Management.	February 19-20, 2016, Connecticut, USA	Attracting global attention to India's competition regime
14	Mr.Ashutosh Kumar, Deputy Director	RCEP Intersessional Meeting	February 23-26, 2016, Singapore	Developing consensus on various issues in the Working Group on Competition
15	Mr. Kaushal Kishore, Adviser	ICN AEWG workshop	March 10-11, 2016, Gaborone, Botswana	Exposure to global best practices, capacity building and networking



Dr. M. S. Sahoo, Member, CCI as a featured speaker at international conference on Approaches to Global Cartel Enforcement at Yale School of Management

M. Capacity Building

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

CCI also regularly invites distinguished speakers from various fields to address its employees. During the year 2015-16, Dr. Rathin Roy, Director, National Institute of Public Finance and Policy (NIPFP) and Dr. Leena Srivastav, Vice Chancellor, TERI University addressed the employees of CCI as part of the DVKS programme.

(i) Employees trained in-house

During 2015-16, Capacity Building Division organized three in-house induction training programmes for its employees as per the details presented in Table No. M1 to M2.

Table No. M1: In-house Induction Training Initiatives

Sl. No.	Dates	Name of Programme	Faculty	Coverage of Programme
1	April 30, 2015	In-house Induction Training for RAs, Batch 1	Commission	Competition law, laws and economics, anti-competitive agreements, abuse of dominance, combination regulations, advocacy mandate, etc.
2	August 13, 2015	In-house Induction Training for RAs, Batch 2	Commission	Competition law, laws and economics, anti-competitive agreements, abuse of dominance, combination regulations, advocacy mandate, etc.
3	August 17-18 2015	In-house Induction Training for RAs, Batch 3	Commission	Applicability of economics in analysis of cases from competition angle, defining market – product & geographic etc.

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Offsite workshop on Team Building & Leadership 2016 for professional officers of CCI during



Offsite workshop on Team Building & Leadership 2016 for the support officers of CCI during February 12-14, 2016

(ii) Employees trained with the support of outside institutions

(a) Training Initiatives in India

During 2015-16, a total of 27 training programmes/workshops were organized by CCI in collaboration with other training institutions for its employees as per the details presented in Table No. M2 to M4.

Table No. M2: Training Initiatives in India

Sl. No.	Name of Programme	Coverage of Programme	Faculty/Institute	Venue / Duration
1	Training programme on 'Application of Econometric Methods and Software'	Econometric techniques & empirical approaches, use of Econometric Software like STATA and hands-on training on application of econometric techniques using STATA, etc.	The Indian Econometric Society (TIES).	CCI/May 8-July 4, 2015 (second & first half of every Friday & Saturday respectively)
2	Workshop on Leniency	Introduction of Leniency in India, general principles, processing of Leniency applications, etc.	OECD	CCI/June 2-3, 2015
3	Workshop on Mergers	Case studies on Merger	United States Federal Trade Commission (USFTC)	CCI / July 21-23, 2015
4	Training on Parliamentary Processes and Procedures	Parliamentary Processes and Procedures	BPST	BPST / July 27-29, 2015
5	Trainers Development Programme	Facilitation Skills	National Academy for Training & Research in Social Security (NATRSS)	NATRSS / July 27-29, 2015
6	Half-day workshop on the 'Use of SPSS Software'	Familiarization & Use of SPSS Software	SPSS Corporation	CCI/ July 31, 2015
7	2 nd Half-day workshop on the 'Use of SPSS Software'	Familiarization & Use of SPSS Software	SPSS Corporation	DG Office/ September 10, 2015
8	Training on Stress Management	Stress Management	ISTM	ISTM/ October 5-8, 2015

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Sl. No.	Name of Programme	Coverage of Programme	Faculty/Institute	Venue / Duration
9	Workshop on Combinations	Practical techniques in combination review.	CITD	CCI / October 12-13, 2015
10	Workshop on Anti-competitive conduct	Investigation strategies & planning, collecting & handling evidence in cartel investigations	CITD	CCI / October 14-15, 2015
11	Training on Personal Effectiveness and Behavioural Skills	Personal Effectiveness and Behavioural Skills	Indian Institute of Public Administration (IIPA)	IIPA/ October 28-29, 2015
12	Half day Seminar on Cartel Enforcement	Proving cartel without direct evidence, use of economic screens etc.	OECD	CCI/ November 19, 2015
13	Training Programme on Game Theory and Industrial Organisation	Theories of Industrial Organisation and Game Theory Models relevant for antitrust enforcement	Prof. Prabal Roy Chaudhary, Indian Statistical Institute, Delhi	CCI / October-December, 2015
14	Workshop on Intellectual Property Rights & Competition Law	Overview of patents and anti-trust principles, analyzing IPR in competition cases etc.	USFTC	CCI/ November 20, 2015
15	Training on Communication Skills	Communication Skills	ISTM	ISTM /January 5-6, 2016
16	Training programme on 'Primer on Security Markets'	Introduction to security markets, interface of securities and company law etc.	Indian Institute of Corporate Affairs (IICA)	IICA/ January 14-16, 2016
17	Half-days Training on 'Indian Accounting Standards'	Indian Accounting Standards-its overview, implementation, applicability etc.	Institute of Chartered Accountants of India (ICAI)	CCI / January 18-21, 2016
18	Public Seminar on 'Regulatory Impact Assessment for Improving Regulation in India'	Impact assessment	Mr. Scott Jacobs & Consumer Unity & Trust Society (CUTS)	National Institute of Public Finance & Policy (NIPFP)/ January 21, 2016
19	Offsite workshop on Leadership & Team Building for Professional Officers	Team building exercises	Institute of Leadership Development (ILD)	Jaipur / January 22-24, 2016

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Sl. No.	Name of Programme	Coverage of Programme	Faculty/Institute	Venue / Duration
20	Seminar on Economics for Non-economists	Economics and its applicability in Competition Law	OECD	CCI/ February 8, 2016
21	Workshop on Forensic Accounting & Fraud Prevention for Corporates and Regulators	Forensic accounting, due diligence, Audit techniques, fraud detection techniques etc.	ICAI	Indian Habitat Centre/ February 9, 2016
22	Offsite workshop on Leadership & Team Building for support officers	Team building exercises	ILD	Jaipur/ February 12-14, 2016
23	Seminar on 'Competition Law and Policy : Merger Control/ Review'	Legal framework, overview, merger control guidelines, vertical & horizontal mergers, etc.	CITD with IICA Component	CCI/ February 25-26, 2016
24	Seminar on 'Competition Law and Policy : Cartel Detection'	Overview & types of cartel, detection process/ techniques, case studies etc.	CITD with IICA Component	CCI/ March 1-2, 2016
25	Workshop on Investigation Skills	Legal framework, investigative process and case studies	CITD	DG Office/ March 9-11, 2016
26	Training programme on 'Office Procedure, Establishment Rules, Fundamental & Supplementary Rules and TA Rules' for DR officers	Overview & applicability of all the rules	Mr. K. S. Sachdeva, Former Jt. Director, Ministry of Defence & Faculty of ISTM.	CCI/ March 11, 2016
27	Training on 'XBRL Implementation in MCA21' under plan scheme Corporate Data Management of Ministry of Corporate Affairs	Introduction & benefits of XBRL, implementation of XBRL etc.	IICA	India International Centre/ March 10-11, 2016

Table No. M3: Level-wise Participation of Officers in Domestic Training Programmes

Sl. No.	Name of Programme	No. of Officers at the level of						Total
		Secy/ DG /Adviser	Addl DG /. Director	Jt. DG / Joint Director	Dy. DG / Dy. Director	Asst. DG /Asst. Director	Oth- ers	
1	Training program on “Application of Econometric Methods and Software”	4	4	1	15	-	5	29
2	Workshop on Leniency	5	4	4	13	-	1	27
3	Workshop on Merger	2	3	-	9	-	-	14
4	Training on Parliamentary Processes and Procedures	-	1	2	6	1	1	11
5	Trainers Development Programme	-	-	-	-	1	1	2
6	Half-day workshop on the ‘Use of SPSS Software’ for CCI officers.	1	2	1	12	-	4	20
7	2 nd Half-day workshop on the ‘Use of SPSS Software’ for DG-CCI officers.	1	3	1	10	-	9	24
8	Training on Stress Management	-	-	-	-	-	1	1
9	Workshop on Combinations	2	1	2	10	1	7	23
10	Workshop on Anti-competitive conduct	2	4	8	13	-	-	27
11	Training on Personal Effectiveness and Behavioural Skills	-	3	2	12	3	-	20
12	Half day Seminar on Cartel Enforcement	2	2	2	14	-	-	20
13	Training Programme on Game Theory and Industrial Organisation	-	2	1	13	-	10	26
14	Workshop on Intellectual Property Rights & Competition Law	6	3	4	15	1	1	30
15	Training on Communication Skills	-	-	-	1	-	-	1
16	Training program on ‘Primers on Security Markets’	-	1	-	2	-	-	3

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Sl. No.	Name of Programme	No. of Officers at the level of						
		Secy/ DG/ Adviser	Addl DG / Director	Jt. DG / Joint Director	Dy. DG / Dy. Director	Asst. DG /Asst. Director	Others	Total
17	Half-days Training on “Indian Accounting Standards”	-	1	4	6	-	-	11
18	Public Seminar on “Regulatory Impact Assessment for Improving Regulation in India”	-	-	-	1	-	-	1
19	Offsite workshop on Leadership & Team Building for Professional Officers	1	3	6	4	20	2	36
20	Seminar on Economics for Non-economists	8	-	3	10	-	-	21
21	Workshop on Forensic Accounting & Fraud Prevention for Corporates and Regulators	-	-	-	2	-	-	2
22	Offsite workshop on Leadership & Team Building for support officers	-	-	-	2	14	19	35
23	Seminar on “Competition Law and Policy : Merger Control	1	2	3	8	-	1	15
24	Seminar on “Competition Law and Policy : Cartel Detection”	1	1	6	8	-	1	17
25	Workshop on Investigation Skills	1	6	6	8	1	17	39
26	Training program on ‘Office Procedure, Establishment Rules, Fundamental & Supplementary Rules and TA Rules’ for DR officers.	-	1	1	6	4	2	14
27	Training on “XBRL Implementation in MCA21” under plan scheme Corporate Data Management of Ministry of Corporate Affairs.	-	-	-	1	-	-	1
	Total	37	47	57	201	46	82	470

Table No. M4: Discipline-wise Participation of Officers in Domestic Training Programmes

Sl. No.	Name of Programme	No. of Officers from the Disciplines of					Total
		Corporate Services	Econom-ics	Financial Analysis	Law	Others	
1	Training program on “Application of Econometric Methods and Software”	-	20	1	3	5	29
2	Workshop on Leniency	-	9	2	10	6	27
3	Workshop on Merger	-	4	4	6	-	14
4	Training on Parliamentary Processes and Procedures	2	4	-	5	-	11
5	Trainers Development Programme	2	-	-	-	-	2
6	Half day Workshop on the ‘Use of SPSS Software’ for CCI officers.	-	16	-	-	4	20
7	2 nd Half-day workshop on the ‘Use of SPSS Software’ for DG-CCI officers.	-	15	-	-	9	24
8	Training on Stress Management	-	-	-	-	1	1
9	Workshop on Combinations	1	8	4	3	7	23
10	Workshop on Anti-competitive conduct	-	6	3	3	15	27
11	Training on Personal Effectiveness and Behavioural Skills	2	8	1	7	2	20
12	Half day Seminar on Cartel Enforcement	-	10	2	8	-	20
13	Training Programme on Game Theory and Industrial Organisation	-	26	-	-	-	26
14	Workshop on Intellectual Property Rights & Competition Law	1	9	5	10	5	30
15	Training on Communication Skills	-	-	-	1	-	1
16	Training program on ‘Primers on Security Markets’	-	1	2	-	-	3
17	Half-days Training on “Indian Accounting Standards”	-	3	7	1	-	11
18	Public Seminar on “Regulatory Impact Assessment for Improving Regulation in India”	-	1	-	-	-	1
19	Offsite workshop on Leadership & Team Building for Professional Officers	2	10	6	12	6	36
20	Seminar on Economics for Non-economists	-	8	4	7	2	21
21	Workshop on Forensic Accounting & Fraud Prevention for Corporates and Regulators	-	1	1	-	-	2
22	Offsite workshop on Leadership & Team Building for support officers	25	-	-	-	10	35

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Sl. No.	Name of Programme	No. of Officers from the Disciplines of					Total
		Corporate Services	Economics	Financial Analysis	Law	Others	
23	Seminar on “Competition Law and Policy : Merger Control	-	6	3	5	1	15
24	Seminar on “Competition Law and Policy : Cartel Detection”	-	6	2	6	3	17
25	Workshop on Investigation Skills	-	-	-	-	39	39
26	Training program on ‘Office Procedure, Establishment Rules, Fundamental & Supplementary Rules and TA Rules’ for DR officers.	2	7	-	1	4	14
27	Training on “XBRL Implementation in MCA21” under plan scheme Corporate Data Management of Ministry of Corporate Affairs.	-	1	-	-	-	1
	Total	37	179	47	88	119	470

(b) Training initiatives outside India

Tables No. M5-6 present capacity building initiatives undertaken outside India during 2015-16. There were in all 11 such initiatives and in all 22 employees benefitted from these.

Table No. M5: Training Initiatives outside India

Sl. No.	Name of Programme	Faculty / Institute	Venue / Duration
1	International Visitor Leadership Programme	U.S. Department of State	April 13-24, 2015, Washington DC, USA
2	Economic Institute for Competition Enforcement Officials	Global Antitrust Institute, George Mason University, USA	May 2-7, 2015, Sydney, Australia
3	Leadership Seminar on Advocacy	OECD Korea Policy Centre (KPC)	June 24-26, 2015, Singapore
4	Lear Conference	Laboratory of Economics, Antitrust and Regulation	June 25-26, 2015, Rome, Italy
5	2015 ICN merger workshop	ICN	September 24- 25, 2015, Brussels , Belgium
6	P.G. Diploma Course in Economics for Competition Law	Kings College London	October 1, 2015 - May 31, 2016, London, U.K
7	Effective Tools for Combating Cartels and Abuse of Dominance	Taiwan Fair Trade Commission (TFTC)	October 6-7, 2015, Kualalumpur, Malaysia
8	Unilateral Conduct Workshop 2015	ICN	November 12-13, 2015, Istanbul, Turkey
9	Economics Institute for Competition Enforcement Officials	Global Antitrust Institute, George Mason University, USA	November 15 - 20, 2015, Hawaii, USA

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Sl. No.	Name of Programme	Faculty / Institute	Venue / Duration
10	Workshop on Merger	OECD KPC	December 2-4, 2015, Jeju, South Korea
11	Workshop on Building Cartel Enforcement	OECD KPC	March 30 -April 1, 2016, Hanoi, Vietnam

Table No. M6: Participation in Foreign Training Programmes by level of Officers

Sl.No	Name of the Programme	No. of Officers at the level of							Total
		Secy. / DG/ Advisers	Addl. DG/ Director	Jt. DG/ Joint Director	Dy. DG/ Deputy Director	Asst. DG/ Assistant Director	Others		
1	International Visitor Leadership Programme	-	-	-	2	-	-	2	
2	Economic Institute for Competition Enforcement Officials	-	-	1	1	-	-	2	
3	Leadership Seminar on Advocacy	-	1	-	1	-	-	2	
4	Lear Conference	-	-	-	1	-	-	1	
5	2015 ICN merger workshop	1	1	-	2	-	-	4	
6	P.G. Diploma Course in Economics for Competition Law from Kings College London	-	-	-	3	-	-	3	
7	Effective Tools for Combating Cartels and Abuse of Dominance	-	1	-	1	-	-	2	
8	Unilateral Conduct Workshop 2015	-	-	-	1	-	-	1	
9	Economics Institute for Competition Enforcement Officials	-	-	-	2	-	-	2	
10	Workshop on Merger	-	-	-	1	-	-	1	
11	Workshop on Building Cartel Enforcement	-	1	-	1	-	-	2	

N. Ongoing Programmes

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

Competition Assessment of Legislations: The Commission has undertaken the competition assessment of economic policies, legislations and bills. In this regard 07 institutions have been empanelled who would undertake the assessment process along with a few in-house officers.

Focused Group Discussions(FGDs): With the objective of developing an advocacy strategy so as to cover the areas of (a) knowledge, perception and attitudes about competition law and (b) communication and engagement with external stakeholders, CCI is conducting Focused Group Discussions with the help of facilitators.

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

Competition Compliance: In order to enable enterprises to develop good corporate governance and to avoid severe penalties under the competition law, the Commission is contemplating to build capacity of enterprises to put in place a sound competition compliance programme, which would help them in identifying the boundaries of permissible conduct and develop in-built alarm systems which would raise red flags in the event of possible transgression.

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

O. The RTI Act

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

Table O1: Receipt and Disposal of RTI Applications

Sl. No.	Description	Number	
		2014-15	2015-16
(a)	Number of Application received by CPIO seeking information under the RTI	115	130
(b)	Number of Application for which information has been provided by CPIO.	112	124
(c)	Number of Application pending with CPIO.	03	09
(d)	Number of Appeals filed before the FAA against the order of CPIO.	11	16
(e)	Number of Appeals which have been disposed of by the FAA.	11	15
(f)	Number of Appeals pending with the FAA.	00	01
(g)	Number of Application/Appeals not disposed of in the stipulated time frame	00	00