

Contents

COMPETITION ACT, 2002

PAGE

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement *2*

2. Definitions *3*

CHAPTER II

PROHIBITION OF CERTAIN AGREEMENTS, ABUSE OF DOMINANT POSITION AND REGULATION OF COMBINATIONS

Prohibition of agreements

3. Anti-competitive agreements *12*

Prohibition of abuse of dominant position

4. Abuse of dominant position *21*

Regulation of combinations

5. Combination *26*

6. Regulation of combinations *31*

6A. Open offers, etc. *35*

CHAPTER III

COMPETITION COMMISSION OF INDIA

7. Establishment of Commission *36*

8. Composition of Commission *37*

PAGE

9. Selection Committee for Chairperson and Members of Commission *38*

10. Term of office of Chairperson and other Members *38*

11. Resignation, removal and suspension of Chairperson and other Members *39*

12. Restriction on employment of Chairperson and other Members *40*

13. Administrative powers of Chairperson *40*

14. Salary and allowances and other terms and conditions of services of Chairperson and other Members *41*

15. Vacancy, etc., not to invalidate proceedings of Commission *41*

16. Appointment of Director General, etc. *41*

17. Appointment of Secretary, experts, professionals and officers and other employees of Commission *42*

CHAPTER IV

DUTIES, POWERS AND FUNCTIONS OF COMMISSION

18. Duties and functions of Commission *43*

19. Inquiry into certain agreements and dominant position of enterprise *44*

20. Inquiry into combination by Commission *48*

21. Reference by statutory authority *50*

21A. Reference by Commission *51*

22. Meetings of Commission *51*

23. [*Omitted by the Competition (Amendment) Act, 2007, w.e.f. 12-10-2007]* *52*

24. [*Omitted by the Competition (Amendment) Act, 2007, w.e.f. 12-10-2007]* *52*

25. [*Omitted by the Competition (Amendment) Act, 2007, w.e.f. 12-10-2007]* *53*

26. Procedure for inquiry under section 19 *53*

27. Orders by Commission after inquiry into agreements or abuse of dominant position *60*

28. Division of enterprise enjoying dominant position *62*

29. Procedure for investigation of combinations *63*

29A. Issue of statement of objections by Commission and proposal of modifications *64*

30. Procedure in case of notice under sub-section (2) of section 6 *65*

PAGE

31. Orders of Commission on combinations *65*

32. Acts taking place outside India but having an effect on competition in India *68*

33. Power to issue interim orders *68*

34. [*Omitted by the Competition (Amendment) Act, 2007, w.e.f. 12-10-2007]* *69*

35. Appearance before Commission *70*

36. Power of Commission to regulate its own procedure *70*

37. [*Omitted by the Competition (Amendment) Act, 2007, w.e.f. 12-10-2007]* *73*

38. Rectification of orders *73*

39. Execution of orders of Commission imposing monetary penalty *73*

40. [*Omitted by the Competition (Amendment) Act, 2007, w.e.f. 12-10-2007]* *74*

CHAPTER V

DUTIES OF DIRECTOR GENERAL

41. Director General to investigate contraventions *74*

CHAPTER VI

PENALTIES

42. Contravention of orders of Commission *77*

42A. Compensation in case of contravention of orders of Commission *78*

43. Penalty for failure to comply with directions of Commission and Director General *78*

43A. Power to impose penalty for non-furnishing of information on combination *79*

44. Penalty for making false statement or omission to furnish material information *80*

45. Penalty for contraventions in relation to furnishing of information *80*

46. Power to impose lesser penalty *81*

47. Crediting sums realised by way of penalties to Consolidated Fund of India *83*

48. Contravention by companies *83*

48A. Settlement *84*

48B. Commitment *85*

48C. Revocation of the settlement or commitment order and penalty *86*

PAGE

CHAPTER VII

COMPETITION ADVOCACY

49. Competition advocacy *86*

CHAPTER VIII

FINANCE, ACCOUNTS AND AUDIT

50. Grants by Central Government *87*
51. Constitution of fund *87*
52. Accounts and audit *87*
53. Furnishing of returns, etc., to Central Government *88*

CHAPTER VIIIA

APPELLATE TRIBUNAL

53A. Appellate Tribunal *88*
53B. Appeal to Appellate Tribunal *90*
53C. [*Omitted by the Finance Act, 2017, w.e.f. 26-5-2017*] *91*
53D. [*Omitted by the Finance Act, 2017, w.e.f. 26-5-2017*] *91*
53E. [*Omitted by the Finance Act, 2017, w.e.f. 26-5-2017*] *91*
53F. [*Omitted by the Finance Act, 2017, w.e.f. 26-5-2017*] *91*
53G. [*Omitted by the Finance Act, 2017, w.e.f. 26-5-2017*] *91*
53H. [*Omitted by the Finance Act, 2017, w.e.f. 26-5-2017*] *91*
53-I. [*Omitted by the Finance Act, 2017, w.e.f. 26-5-2017*] *91*
53J. [*Omitted by the Finance Act, 2017, w.e.f. 26-5-2017*] *91*
53K. [*Omitted by the Finance Act, 2017, w.e.f. 26-5-2017*] *91*
53L. [*Omitted by the Finance Act, 2017, w.e.f. 26-5-2017*] *91*
53M. [*Omitted by the Finance Act, 2017, w.e.f. 26-5-2017*] *91*
53N. Awarding compensation *91*
53-O. Procedure and powers of Appellate Tribunal *94*
53P. Execution of orders of Appellate Tribunal *94*
53Q. Contravention of orders of Appellate Tribunal *95*
53R. [*Omitted by Finance Act, 2017, w.e.f. 26-5-2017*] *95*
53S. Right to legal representation *95*

PAGE

53T. Appeal to Supreme Court *96*

53U. Power to punish for contempt *96*

CHAPTER IX

MISCELLANEOUS

54. Power to exempt *96*

55. Power of Central Government to issue directions *97*

56. Power of Central Government to supersede Commission *97*

57. Restriction on disclosure of information *98*

58. Chairperson, Members, Director General, Secretary, officers and other employees, etc., to be public servants *99*

59. Protection of action taken in good faith *99*

59A. Compounding of certain offences *99*

60. Act to have overriding effect *99*

61. Exclusion of jurisdiction of civil courts *100*

62. Application of other laws not barred *100*

63. Power to make rules *101*

64. Power to make regulations *104*

64A. Process of issuing regulations *105*

64B. Commission to issue guidelines *106*

65. Power to remove difficulties *106*

66. Repeal and saving *107*

SUBJECT INDEX *113*

COMPETITION COMMISSION OF INDIA (DETERMINATION OF COST OF PRODUCTION) REGULATIONS, 2009

1. Short title and commencement *119*

2. Definitions *119*

3. Determination of cost *120*

4. Engagement of experts *120*

5. Request for confidentiality *120*

6. Removal of difficulty *120*

PAGE

COMPETITION COMMISSION OF INDIA (RETURN ON MEASURES FOR THE PROMOTION OF COMPETITION ADVOCACY, AWARENESS AND TRAINING ON COMPETITION ISSUES) RULES, 2008

1. Short title and commencement *121*

2. Definitions *121*

3. Preparation and furnishing of the Return on Measures *121*

SCHEDULE : Form of the Return on Measures on Competition Advocacy and Annexures *122*

COMPETITION COMMISSION OF INDIA (MANNER OF RECOVERY OF MONETARY PENALTY) REGULATIONS, 2025

1. Short title and Commencement *124*

2. Definitions *124*

3. Issuance of demand notice *125*

4. Extension of time and grant of instalments *126*

5. Interest on penalty *126*

6. Issuance of recovery certificate *126*

7. Functions of Recovery Officer *127*

8. Maintenance of Penalty Recovery Register *127*

9. Modes of Recovery *127*

10. Other modes of Recovery *129*

11. Reference by the Commission to the Income-tax authority *129*

12. Intimation of recovery by Income-tax authority *129*

13. Monitoring and supervision in proceedings of recovery of penalty *129*

14. Refund of excess penalty *130*

15. Power to determine procedure in certain circumstances *130*

16. Removal of difficulties *130*

17. Repeal and Savings *130*

FORM I : Demand Notice *131*

PAGE

FORM II : Challan to be filled in quadruplicate for Bank/PAO/CCI/ Depositor *132*

FORM III : Recovery Certificate *133*

FORM IV : Penalty Recovery Register *134*

FORM V : Reference to the Income-tax Authority *135*

COMPETITION APPELLATE TRIBUNAL (FORM AND FEE FOR FILING AN APPEAL AND FEE FOR FILING COMPENSATION APPLICATIONS) RULES, 2009

1. Short title and commencement *136*

2. Definitions *136*

3. Form and verification while filing an appeal *137*

4. Fee *137*

5. Powers to relax *138*

FORM : Memorandum of appeal preferred under sub-sections (1) and (2) of section 53B of the Competition Act, 2002 *138*

COMPETITION COMMISSION OF INDIA (PROCEDURE FOR ENGAGEMENT OF EXPERTS AND PROFESSIONALS) REGULATIONS, 2009

1. Short title and commencement *142*

2. Definitions *142*

3. Engagement of experts and young professionals *143*

4. Functions of experts and young professionals *143*

5. Qualifications, experience and classification of experts and young professionals *143*

6. Remuneration payable to experts and young professionals *143*

7. Evaluation of performance *144*

8. Procedure of selection of experts and young professionals *144*

9. Terms and condition of engagement of experts and young professionals *145*

10. Power to relax *146*

PAGE

11. Removal of difficulties *146*

SCHEDULE I *146*

SCHEDULE II *150*

SCHEDULE III *150*

COMPETITION COMMISSION OF INDIA (FORM OF ANNUAL STATEMENT OF ACCOUNTS) RULES, 2009

1. Short title and commencement *151*

2. Definitions *151*

3. Forms of Financial Statements *151*

4. Incurring of Expenditure by the Commission *152*

5. Annual Statement of Accounts *152*

6. Maintenance of Accounts etc. *152*

SCHEDULE I : Fund *155*

SCHEDULE II : Reserves and Surplus *155*

SCHEDULE III : Earmarked/endowment funds *156*

SCHEDULE IV : Secured loans and borrowings *157*

SCHEDULE V : Unsecured loans and borrowings *157*

SCHEDULE VI : Deferred credit liabilities *158*

SCHEDULE VII : Current liabilities and provisions *158*

SCHEDULE VIII : Fixed asset *159*

SCHEDULE IX : Investments from Earmarked/Endowment Funds *160*

SCHEDULE X : Investments - others *160*

SCHEDULE XI : Current Assets, Loans, Advances Etc. *160*

SCHEDULE XII : Grants/subsidies *161*

SCHEDULE XIII : Fees/subscriptions *162*

SCHEDULE XIV : Income from investments *162*

SCHEDULE XV : Income From Royalty, Publication etc. *162*

SCHEDULE XVI : Interest earned *163*

SCHEDULE XVII : Other income *163*

SCHEDULE XVIII : Establishment Expenses *163*

SCHEDULE XIX : Other administrative expenses *164*

PAGE

SCHEDULE XX : Expenditure on Grants, Subsidies etc. *165*

SCHEDULE XXI : Interest *165*

SCHEDULE XXII : Significant accounting policies (Illustrative) *165*

SCHEDULE XXIII : Contingent liabilities and notes on accounts (Illustrative) *166*

COMPETITION COMMISSION OF INDIA (FORM AND TIME OF PREPARATION OF ANNUAL REPORT) RULES, 2008

1. Short title and commencement *168*

2. Definitions *168*

3. Preparation and furnishing of the Annual Report *168*

SCHEDULE : Form of the Annual Report *169*

COMPETITION APPELLATE TRIBUNAL (TERM OF THE SELECTION COMMITTEE AND THE MANNER OF SELECTION OF PANEL OF NAMES) RULES, 2008

1. Short title and commencement *175*

2. Definition *175*

3. Term of the Committee *175*

4. Manner of selection of a Panel of Names *175*

5. Functions of Committee *176*

COMPETITION APPELLATE TRIBUNAL (SALARIES AND ALLOWANCES AND OTHER TERMS AND CONDITIONS OF SERVICE OF THE CHAIRPERSON AND OTHER MEMBERS) RULES, 2009

1. Short title and Commencement *177*

2. Definitions *177*

3. Salary, allowances, etc., of the Chairperson *178*

4. Other conditions of service of Chairperson *178*

PAGE

5. Salary of Member *178*
6. Dearness allowance and other allowances *179*
7. Leave *179*
8. Leave sanctioning authority *179*
9. Pension *180*
10. Travelling allowance *180*
11. Leave travel concession *180*
12. Facilities of medical treatment *180*
13. Transport *180*
14. Accommodation *181*
15. Official visits abroad *181*
16. Applicability of rules *181*
17. Oath of office and secrecy *182*
18. Declaration of financial or other interest *182*
19. Residuary provisions *182*
20. Powers to relax *182*

FORM I: Form of oath of office for Chairperson or Members of the Competition Appellate Tribunal *182*

FORM II: Form of oath of secrecy for Chairperson or Members of the Competition Appellate Tribunal *183*

FORM III: Declaration against acquisition of any adverse financial or other interest *183*

COMPETITION COMMISSION OF INDIA (TERM OF THE SELECTION COMMITTEE AND THE MANNER OF SELECTION OF PANEL OF NAMES) RULES, 2008

1. Short title and commencement *184*
2. Definitions *184*
3. Term of the Committee *184*
4. Manner of Selection of a panel of names *185*
5. Functions of Committee *185*

PAGE

COMPETITION COMMISSION OF INDIA (SELECTION OF CHAIRPERSON AND OTHER MEMBERS OF THE COMMISSION) RULES, 2003

1. Short title and commencement *186*

2. Definitions *186*

3. Constitution of committee *186*

4. Functions of Committee *187*

5. Vacancy etc., not to invalidate proceedings of the Committee *187*

COMPETITION COMMISSION OF INDIA (SALARY, ALLOWANCES AND OTHER TERMS AND CONDITIONS OF SERVICE OF CHAIRPERSON AND OTHER MEMBERS) RULES, 2003

1. Short title and commencement *188*

2. Definitions *188*

3. Pay *188*

4. New Pension Scheme *189*

5. [*Omitted by the Competition Commission of India (Salary, Allowances and other Terms and Conditions of Service of Chairperson and other Members) Amendment Rules, 2009, w.e.f. 27-2-2009*] *189*

6. Leave *189*

7. Travelling and Daily Allowances *190*

8. Official visits abroad *190*

9. Leave Travel Concession *190*

10. [*Omitted by the Competition Commission of India (Salary, Allowances, and other Terms and Conditions of Service of Chairperson and other Members) Amendment Rules, 2009, w.e.f. 27-2-2009*] *190*

11. Facility for Medical Treatment *190*

12. Other Conditions of Service *190*

PAGE

COMPETITION COMMISSION OF INDIA (OATH OF OFFICE AND OF SECRECY FOR CHAIRPERSON AND OTHER MEMBERS) RULES, 2003

1. Short title and commencement *191*

2. Definitions *191*

3. Oath of office and of secrecy *191*

SCHEDULE *192*

FORM I : Form of Oath of Office for Chairperson/Members of the Competition Commission of India *192*

FORM II : Form of Oath of Secrecy for Chairperson/Members of the Competition Commission of India *192*

COMPETITION COMMISSION OF INDIA (COMBINATIONS) REGULATIONS, 2024

1. Short title and commencement *193*

2. Definitions *193*

3. Power to determine procedure in certain circumstances *194*

4. Value of transaction and substantial business operations in India *194*

5. Form of notice for the proposed combination *196*

6. Exercise of rights in case of open offer and acquisitions on stock exchanges *197*

7. Request for confidentiality *197*

8. Failure to file notice *198*

9. Obligation to file the notice *198*

10. Obligation to pay the fee *199*

11. Amount of Fee *199*

12. Mode of payment *199*

13. Procedure for filing notice *199*

14. Scrutiny of notice and inquiry *200*

15. Intimation of any change *201*

16. Withdrawal and re-filing of notice *202*

PAGE

17. Termination of proceedings *202*
18. Mode of service of notice(s), etc. *202*
19. Calling for a report from the Director General *202*
20. Report by the Director General *202*
21. Publication of the details of the combination *203*
22. Proof of publication *203*
23. Appearance of the parties before the Commission *203*
24. Statement of Objections *203*
25. Modification to the proposed combination *204*
26. Compliance by the parties for carrying out modification *204*
27. Appointment of independent agencies to oversee modification *205*
28. Orders of the Commission *205*
29. Overriding effect *205*
30. Cooperation with other agencies or statutory authorities *205*
31. Removal of difficulty *205*
32. Power to Issue directions *205*
33. Repeal and Savings *205*
34. Transition Provision *206*
SCHEDULE I *206*
SCHEDULE II *219*
SCHEDULE III *219*

COMPETITION APPELLATE TRIBUNAL (PROCEDURE) REGULATIONS, 2011

1. Short title and commencement *220*
2. Definitions *220*
3. Language of Tribunal *221*
4. Sittings of Tribunal *221*
5. Official seal of Tribunal *221*
6. Functions of Registrar *221*
7. Registration of appeal or application *222*
8. Pleadings before Tribunal *222*
9. Service of notice or other documents *222*
10. Adjournment of hearings *222*

PAGE

11. *Ex parte* hearings *222*
12. Custody of records *222*
13. Inspection and certified copies of documents and other papers *223*
14. Order of judgment of Tribunal *223*
15. Rectification of errors *223*
16. Interpretation *223*

COMPETITION COMMISSION OF INDIA (LESSER PENALTY) REGULATIONS, 2024

1. Short title and commencement *224*
2. Definitions *224*
3. Conditions for Lesser Penalty or Lesser Penalty Plus *225*
4. Grant of Lesser Penalty *226*
5. Grant of Lesser Penalty Plus *227*
6. Procedure for Grant of Lesser Penalty *228*
7. Procedure for Grant of Lesser Penalty Plus *229*
8. Confidentiality *230*
9. Inspection and Certified Copies of Documents *230*
10. Withdrawal *231*
11. Removal of Difficulty *231*
12. Repeal and Savings *231*
SCHEDULE I *231*
SCHEDULE II *232*

COMPETITION COMMISSION OF INDIA (DETERMINATION OF MONETARY PENALTY) GUIDELINES, 2024

CHAPTER I

PRELIMINARY

1. Short title and commencement *233*
2. Definitions *233*

PAGE

CHAPTER II

METHODOLOGY FOR DETERMINATION OF PENALTY FOR ENTERPRISES UNDER SECTION 27(b) OF THE ACT

3. *234*

CHAPTER III

METHODOLOGY FOR DETERMINATION OF PENALTY UNDER PROVISO TO SECTION 27(b) OF THE ACT

4. *235*

CHAPTER IV

METHODOLOGY FOR DETERMINATION OF PENALTY FOR PERSONS LIABLE UNDER SECTION 48 OF THE ACT

5. *236*

CHAPTER V

METHODOLOGY FOR DETERMINATION OF MONETARY PENALTY UNDER SECTION 43A OF THE ACT

6. *236*

CHAPTER VI

METHODOLOGY FOR DETERMINATION OF MONETARY PENALTY UNDER SECTIONS 42, 43, 44 AND 45 OF THE ACT

7. *237*

CHAPTER VII

RESIDUARY POWERS OF THE COMMISSION

8. *237*

COMPETITION (MINIMUM VALUE OF ASSETS OR TURNOVER) RULES, 2024

1. Short title and commencement *239*

2. Definitions *239*

3. Minimum value of assets and turnover *239*

PAGE

COMPETITION (CRITERIA OF COMBINATION) RULES, 2024

1. Short title and commencement *240*
2. Definitions *240*
3. Criteria of Combination *240*

COMPETITION (CRITERIA FOR EXEMPTION OF COMBINATIONS) RULES, 2024

1. Short title and commencement *242*
2. Definitions *242*
3. Criteria for exemption of categories of Combinations *242*
SCHEDULE : Criteria for Exemption *242*

COMPETITION COMMISSION OF INDIA (GENERAL) REGULATIONS, 2024

1. Short title and commencement *246*
2. Definitions *246*
3. Powers to determine procedure in certain circumstances *247*
4. Seal and emblem *248*
5. Language of the Commission *248*
6. Filing of documents in Hindi *248*
7. Translation of documents *248*
8. Holidays to be observed by the Commission *248*
9. Computation of time *248*
10. Contents of information or the reference *248*
11. Signing of information or reference *249*
12. Procedure for filing of information or reference *250*
13. Procedure for filing of information or reference in electronic form *250*
14. Filing of further submissions *251*
15. Powers and functions of the Secretary *251*
16. Procedure for scrutiny of information or reference *253*

PAGE

17. Opinion on existence of *prima facie* case *254*

18. Preliminary conference *254*

19. Issue of direction to cause investigation on *prima facie* case *255*

20. Communication of order passed under section 26(2) or 26(2A) of the Act *255*

21. Investigation by Director General *255*

22. Procedure for inquiry under section 26 of the Act *256*

23. Mode of service of notice, etc. *258*

24. Filings before Commission *258*

25. Power of Commission to join or substitute parties in proceedings *259*

26. Power of Commission to permit a person or enterprise to take part in proceedings *259*

27. Power to strike out unnecessary party *260*

28. Power of Commission to join multiple information *260*

29. Amendment of information *260*

30. Manner of making submissions or arguments by parties before Commission *261*

31. Power of the Commission to continue proceedings in absence of party *261*

32. Interim order *261*

33. Final order *261*

34. Reference from statutory authority or the Central Government or a State Government *262*

35. Reference by the Commission to statutory authority for opinion *263*

36. Confidentiality *263*

37. Compliance of orders of Commission *267*

38. Inspection and certified copies of documents *267*

39. Continuation of proceedings after death of a party or adjudication of a party as insolvent *267*

40. Effect of non-compliance *267*

41. Taking of evidence *268*

42. Supporting of facts by filing of affidavit *270*

43. Production of additional evidence before Commission *270*

44. Power of Commission to call for information etc. *271*

45. Power of Commission or Director General to issue commissions for examination of witnesses or documents *271*

PAGE

46. Authorizing a representative to appear *273*

47. Authorizing an Advocate to accompany any person summoned by the Director General *273*

48. Proceedings before Commission not to be open to public *274*

49. Procedure for imposition of penalty under the Act *274*

50. Fee under clause (*a*) of sub-section (1) of section 19 of the Act *274*

51. Inspection and copying fees *276*

52. Empanelment of special counsel by Commission *276*

53. Inviting experts of eminence to assist Commission *276*

54. Implementation and monitoring of orders passed by the Commission *276*

55. Publication *277*

56. Removal of difficulty *277*

57. Repeal and Savings *278*

ANNEXURE *278*