

- Competition Law

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- A. Effective date of implementation of specified sections of the Competition (Amendment) Act, 2007

The Ministry of Corporate Affairs has, vide notification dated August 28, 2009¹, as of September 1, 2009 repealed the Monopolies and Restrictive Trade Practices Act, 1969 (replacing it with the Competition Act, 2002) by bringing into effect Section 66 of the Competition Act, 2002 and section 50 of the Competition (Amendment) Act, 2007.

The Monopolies and Restrictive Trade Practices Commission ("MRTP Commission") will continue to handle all the old cases

¹ SO2204(E)

filed prior to September 1, 2009 for a period of 2 years. It will, however, not entertain any new cases from September 1, 2009 onwards. Upon the expiry of the specified two year period, the MRTP Commission shall stand dissolved.

For the full text of the Competition Act, 2002 with the insertions of the Competition (Amendment) Act, 2007 please see

http://www.cci.gov.in/images/media/competition_act/act2002.pdf

- B. The Competition Commission of India (Lesser Penalty) Regulations, 2009 (No. 4 of 2009)

The Competition Commission of India ("CCI") has, vide notification dated August 13, 2009², issued the Competition

² No. L-3(4)/Reg-L.P./2009-10/CCI

Commission of India (Lesser Penalty) Regulations, 2009. The said regulations provide for the following:

- the conditions pursuant to the fulfillment of which the applicant may apply for and may be granted lesser penalty;
- manner in which the reduced penalty shall be granted;
- procedure for grant of lesser penalty; and
- CCI shall treat as confidential the identity of the applicant or the information obtained from it subject to certain conditions.

For the full text of the said regulations please see

http://www.cci.gov.in/images/media/Regulations/regu_lesser.pdf

C. The Competition Commission of India (Determination of Cost of Production) Regulations, 2009 August

The CCI, vide notification dated August 20, 2009³, has issued the Competition Commission of India (Determination of Cost of Production) Regulations, 2009. The said regulations provide for the following:

- the manner of determination of costs;
- engagement of experts if the accused enterprise disputes the cost determined by CCI; and

- the accused entity may make a request for confidentiality.

For the full text of the said regulations please see

http://www.cci.gov.in/images/media/Regulations/cost_pro.pdf

³ No. L-3 (5)/Reg-Cost/2009-10/CCI

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