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## **DISCLAIMER**

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*This quick guide is published as part of the advocacy programme of the Competition Commission of India (the Commission). Its contents should, in no way, be treated as official views of the Commission. Readers are advised to carefully study the Competition Act, 2002, as amended by the Competition (Amendment) Act, 2007, and seek legal advice, wherever necessary.*

# HOW TO FILE INFORMATION?

## Who can file the information ?

Any person, consumer or their association or trade association can file information before the Commission. Central Govt. or a State Govt. or a statutory authority can also make a reference to the Commission for making an inquiry. "Person" includes an individual, HUF, firm, company, local authority, cooperative or any artificial juridical person.

## What are the issues on which information can be filed?

The information can be filed on the issues like anti-competitive agreements and abuse of dominant position or a combination.

## What are the specific provisions in the Competition Act-2002 on anti-competitive agreements?

As per Section 3(1) No enterprise or associations of enterprises or person or association of persons shall enter into any agreement in respect of production, supply, distribution, storage, acquisition or control of goods or provision of services, which causes or is likely to cause an appreciable adverse effect on competition within India.

Any agreement entered into in contravention of the above provisions shall be void.

As per Section 3(3) of the Act any agreement entered into between enterprises or associations of enterprises or persons or associations of persons or between any person and enterprise or practice carried on, or decision taken by, any association of enterprises or association of persons,

including cartels, engaged identical or similar trade of goods or provision of services, which-

- directly or indirectly determines purchase or sale price;
- limits or controls production, supply, markets, technical development, investment or provision of services;
- shares the market or source of production or provision of services by way of allocation of geographical area of market, or type of goods or services, or number of customers in the market or any other similar way;
- directly or indirectly results in bid rigging or collusive bidding shall be presumed to have an appreciable adverse effect on competition.

### **What are the specific provisions in the Competition Act-2002 on abuse of Dominant Position?**

No enterprise or group shall abuse its dominant position.

There shall be an abuse of dominant position, if any enterprise or a group

- **directly or indirectly, imposes unfair or discriminatory -**
  - (i) condition in purchase or sales of goods or services; or
  - (ii) price in purchase or sale (including predatory price) of goods or service,
- **Limits or restrict -**
  - (i) production of goods, or provision of services or market therefor; or

(ii) technical or scientific development relating to goods or services to the prejudice of consumers; or

(iii) indulges in practice or practices resulting in denial of market access in any manner,

(iv) makes conclusion or contracts subject to acceptance by other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts; or

(v) uses its dominant position in one relevant market to enter into, or protect other relevant market.

## **How to file information before the Competition Commission of India?**

### **Your addresses:**

- Indicate your complete postal address with PIN code and telephone number, fax number and also electronic mail address.
- Indicate your preferred mode of service through which you would like to get reply from the Commission.
- Mention legal name and address(es) of the enterprise(s) alleged to have contravened the provisions of the Act and also the legal name and address of the counsel or other authorized representative, if any.

### **Text of Information:**

- The information should be in the form of statement of facts, containing details of the alleged contraventions of the Act. A complete list enlisting all documents, affidavits and evidence, as the case may be, in support of each of the alleged

contraventions may also be furnished. A succinct narrative in support of the alleged contraventions would help the commission to examine your case expeditiously and in its right perspective.

- Mention relief or interim relief which you may seek from the Commission.
- Ensure that the information alongwith the appendices and attachments are complete and duly verified by you before submitting to the Commission.
- The information filed should be signed by the individual himself/ herself, including a sole proprietor of a proprietorship firm, the Karta in the case of a Hindu Undivided Family (HUF), the Managing Director and in his or her absence, any Director, duly authorized by the board of directors in the case of a company, etc.
- Your counsel may also append his or her signature to the information or reference as the case may be.

### **Whom to address and where to file?**

- Information or reference or responses to the Commission should be sent to the Secretary, in person or by registered post or courier service or facsimile transmission addressed to the Secretary or to the authorized officer.
- However, any separate or additional document(s) you want to rely upon in support of the information, or reference should be filed in the form of a “Paper Book”, at least seven days prior to the date of the ordinary meeting, after serving the copies of the said document(s) on the other parties to the proceedings, with

documentary proof of such service. Such documents need to be serially numbered, prefaced by an index and should be supported by a verification.

- All information(s) or references or responses or other documents which are required to be filed before the Commission should be typed in Arial 12 fonts on one side of A4 size (210 x 297mm or 8.27"x11.69") white bond paper in double space with 2" margin on the left and 1" margin on all other sides
- Only neat and legible photocopies or scanned documents duly certified as true copies may be filed as exhibits or annexes.

### **What are the fees to be paid?**

The information you file with the Commission should be accompanied by proof of having paid the fee as under:-

- a) Rupees 5000/- (Five thousand only) in case of individual, or Hindu undivided family (HUF), or Non Government Organisation (NGO), or Consumer Association, or Co-operative Society, or Trust, duly registered under the respective Acts,
- b) Rupees 20,000/- (twenty thousand only) in case of firms, companies having turnover in the preceding year upto Rupees one crores, and
- c) Rupees 50,000/- (fifty thousand only) in case not covered under clause (a) or (b) above:

### **How to pay the fee?**

The fee can be paid either by tendering demand draft or pay order or banker's cheque, payable in favour of Competition Commission of India (Competition Fund), New Delhi or through Electronic Clearance Service

(ECS) by direct remittance to the Competition Commission of India (Competition Fund), Account No. 1988002100187687 with “Punjab National Bank, Bhikaji Cama Place, New Delhi-110066



## COMPETITION COMMISSION OF INDIA

**Sh. Dhanendra Kumar**

Chairperson,

E-mail: [cci-dkumar@nic.in](mailto:cci-dkumar@nic.in)

Tel No. 91-11-26177175, 26701605,

Fax No. 26169278

**Sh. H.C. Gupta**

Member,

E-mail: [cci-hcg@nic.in](mailto:cci-hcg@nic.in)

Tel No. 91-11-26162110,

26701603

Fax No. 26103853

**Sh. R. Prasad**

Member,

E-mail: [cci-ratneshwarp@nic.in](mailto:cci-ratneshwarp@nic.in)

Tel No. 91-11-26162085,

26701613

Fax No. 26103859

**Sh. P.N. Parashar**

Member,

E-mail: [cci-parashar@nic.in](mailto:cci-parashar@nic.in)

Tel No. 91-11-26162097,

26701611

Fax No. 26162084

**Dr. Geeta Gouri**

Member,

E-mail: [cci-geetagouri@nic.in](mailto:cci-geetagouri@nic.in)

Tel No. 91-11-26162107

Fax No. 26162108

**Sh. Anurag Goel**

Member,

E-mail: [agoel@nic.in](mailto:agoel@nic.in)

Tel No. 91-11-26162096

Fax No. 26162099

**Sh. M.L. Tayal**

Member,

E-mail: [cci-tayal@nic.in](mailto:cci-tayal@nic.in)

Tel. No. : 91-11-26107429

Fax No. : 91-11-26107428

**Sh. S.L. Bunker, IDAS**

Secretary,

E-mail: [cci-bunker@nic.in](mailto:cci-bunker@nic.in)

Tel. No. : 26701619

Fax No. : 26162097

**Sh. K.K. Sharma, IRS**

Director General,

E-mail: [cci-kksharma@nic.in](mailto:cci-kksharma@nic.in)

Tel. No: 91-11- 26701680

Fax No. 26172895

**Dr. Seema Gaur, IES**

Adviser (Eco)

E-mail: [seema.gaur@nic.in](mailto:seema.gaur@nic.in)

Tel. No: 91-11-26102314

**Sh. R.N. Sahay, IRS**

Adviser (Eco)

E-mail: [cci-rns@nic.in](mailto:cci-rns@nic.in)

Tel. No. 91-11-26701695

**Sh. Amit Pradhan**

Adviser (Law)

E-mail: [cci-amit@nic.in](mailto:cci-amit@nic.in)

Tel No. 91-11-26701630

Fax No. 26102313

### REGULATIONS NOTIFIED BY COMPETITION COMMISSION OF INDIA

- The Competition Commission of India (Procedure for Engagement of Experts and Professionals) Regulations, 2009; ( No. 1 of 2009)
- The Competition Commission of India (General) Regulations, 2009 ; ( No. 2 of 2009)
- The Competition Commission of India (Meeting for Transaction of Business) Regulations, 2009; ( No. 3 of 2009)
- The Competition Commission of India (Lesser Penalty) Regulations, 2009; (No. 4 of 2009)
- The Competition Commission of India (Determination of Cost of Production) Regulations, 2009; ( No. 5 of 2009)
- The Competition Commission of India (General) Amendment Regulations, 2009; (No. 6 of 2009)

**Above regulations are available on the website of the Commission : [www.cci.gov.in](http://www.cci.gov.in)**