The Quarterly Newsletter of Competition Commission of India (CCI)

Fair competition
for greater good

Fair Play

VOLUME 37 : APRIL-JUNE 2021

IN FOCUS

CCI Annual Day 2021

Hon'ble Union Minister of Finance and Corporate Affairs Smt. Nirmala Sitharaman delivering the inaugural address at 12th Annual Day of the Competition Commission of India through the virtual mode on 20.05.2021.

In this Issue....

Find us on our social media accounts:

https://www.facebook.com/pages/category/Government Organisation/Competition-Commission-of-India-529934074122118/

https://in.linkedin.com/company/competition-commission-of-india

https://twitter.com/CCI_India

FROM THE DESK OF THE CHAIRPERSON

I trust that you and your family are doing well in these difficult times. It gives me immense pleasure to share with you the 37th volume of *Fair Play*, highlighting the developments in the area of competition law and policy that have taken place during the second quarter of 2021.

On 20th May 2021, CCI celebrated its 12th Annual Day, the details of which you will find in the 'In-Focus' article of this volume. The event was held virtually and graced by the august presence of the Hon'ble Minister of Finance and Corporate Affairs Smt. Nirmala Sitharaman Ji and the Hon'ble Minister of State of Finance and Corporate Affairs Shri Anurag Singh Thakur Ji. On this occasion, the Hon'ble Union of Finance and Corporate Affairs Minister released CCI's *Competition Advocacy Booklets,* which have been translated into three languages – Bengali, Marathi and Tamil. The booklets will help the Commission take competition advocacy deeper in the respective regions reflecting our commitment to broaden advocacy efforts. The event also saw the release of the *CCI Journal on Competition Economics,* which was launched by the Hon'ble Union Minister. The journal aims to stimulate research and scholarship on competition law and policy, particularly in the Indian context.

In May 2021, we hosted the virtual Meeting of the Heads of BRICS Competition Authorities. The meeting deliberated on important matters such as the model recommendations on waivers in BRICS, the constitution of a BRICS Cartel Working Group and the organisation of the BRICS International Competition Conference 2021 in China. The work done by the BRICS Working Groups on Pharmaceuticals, Food, Automotive and Digital markets was appreciated, and the heads of BRICS competition authorities lauded the success of such initiatives, leading to deeper cooperation amongst the authorities.

The month of June saw another milestone in CCI's international cooperation with global authorities, when we signed a Memorandum of Understanding (MoU) with CADE (Administrative Council for Economic Defense), Brazil's competition authority. The MoU is a reaffirmation of trust and cooperation between the two nations and their competition authorities. I am gratified to inform you that CCI has now signed seven such MoUs with global competition authorities and multilateral fora, which underscores our commitment to international cooperation and understanding.

In the last quarter, the Commission found the strike by the Tamil Film Producers Council (TFPC) and the Telugu Film Chambers of Commerce to be anticompetitive and imposed appropriate penalties. An investigation was ordered by the Commission in respective cases against Tata Motors, Amateur Baseball Federation of India and Google after taking a *prima facie* view regarding contravention of the provisions of the Competition Act, 2002.

On the combinations front, the CCI approved the acquisition of Gangavaram Port Limited by Adani Ports and Special Economic Zones Limited, the acquisition of Magma Fincorp Limited by Rising Sun Holdings Private Limited and the acquisition of Principal Asset Management, Principal Trustee Company, and Principal Retirement Advisors by Sundaram Asset Management.

This quarter also saw two landmark judgements concerning the issue of the nature of orders passed by the Commission under Section 26(1) of the Competition Act, 2002. Firstly, the Delhi High Court refused to set aside CCI's investigation against WhatsApp and Facebook. In another important judgement, the Single Bench of the Karnataka High Court upheld the investigation ordered by CCI against Amazon and Flipkart. Both orders emphasised the purely administrative nature of the orders passed under Section 26(1) of the Act.

We at the CCI recognise the importance of the role played by competition in reviving the economy from the effects of the pandemic. We look forward to combining enforcement actions with advocacy initiatives towards promoting and sustaining competition in markets.

I hope the readers find this volume of *Fair Play* enriching and engaging.

Ashok Kumar Gupta

IN-FOCUS

12th Annual Day of Competition Commission of India

The Competition Commission of India (CCI) commemorated its 12th Annual Day on 20.05.2021. The day marks the commencement of the enforcement provisions of the Competition Act in 2009. The event was held virtually and was attended by stakeholders comprising the Judiciary, representatives of Central and State governments, regulatory authorities, industry leaders, academicians and researchers.

The **Hon'ble Union Minister of Finance and Corporate Affairs, Smt. Nirmala Sitharaman** was the Chief Guest on this occasion. Addressing the audience, the Hon'ble Minister emphasised the importance of competition for economic growth and innovation. The Hon'ble Minister further complimented CCI for adopting a forward-looking approach over the last 12 years and implementing the Act in true letter and spirit. Talking about the challenges posed by the ongoing pandemic, she stated that, as a regulator, the Commission has to adopt a market-friendly approach with a focus on a trust-based system that is critical to open, transparent and free markets.

She stressed that, as the nation's economy recovers, it is important that the legitimate claims of companies are heard patiently by the Commission. She suggested that the Commission should rise from its usual role of keeping the letter and spirit of the Competition Act intact and ensure that it proactively engages with companies so that a stimulus is also given in terms of facilitating the revival of companies. She also cautioned that extra care should be taken to ensure that market process does not get undermined. Smt. Sitharaman also appreciated the Commission's rigorous approach in analysing mergers and acquisitions and ensuring that these mergers and acquisitions align with the goals of the Act. She also lauded the Commission's efforts in undertaking market studies, saying that such studies help ensure that fair market practices are given due importance.

> **"Commission as a regulator has to adopt a market friendly approach with an accent on trust-based system that is critical to open, transparent and free markets."**
>
> **- Smt. Nirmala Sitharaman, Hon'ble Union Minister of Finance and Corporate Affairs**

Smt. Nirmala Sitharaman released CCI's 'Competition Advocacy Booklets', translated into Bengali, Marathi and Tamil, and the 'CCI Journal on Competition Law and Policy' at the 12th Annual Day of the Competition Commission of India on 20.05.2021.

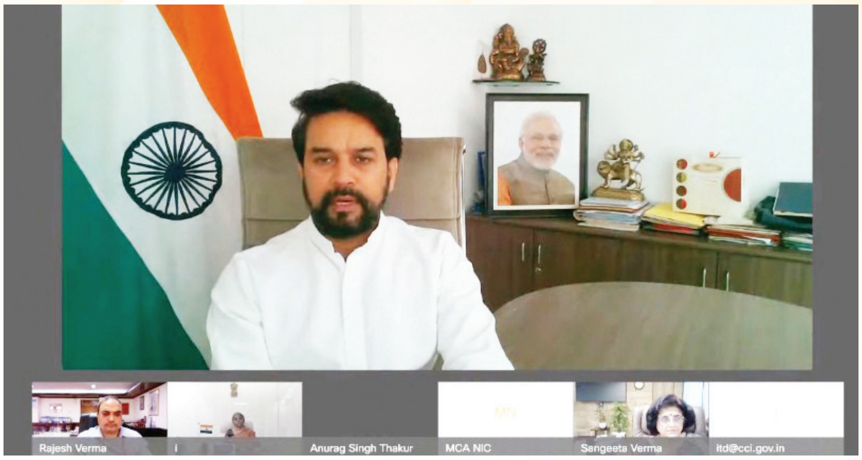
Going forward, Smt. Sitharaman advocated for a proactive approach for the Commission, suggesting it to stay ahead of the curve in order to keep market conditions sacrosanct. She expressed her belief that CCI will match the challenges of the post-COVID era with a progressively forward approach and ensure that free market economy thrives.

Smt. Sitharaman also released CCI's, *Competition Advocacy Booklets,* which had been translated into Bengali, Marathi and Tamil. These booklets serve as a tool of competition outreach and explain the complexities, relevance and impact of competition law through an accessible language.

The key components of the competition advocacy booklets are competition compliance for enterprises, and guidance to informants to file information regarding anti-competitive practices with the Commission. The booklets also discuss cartels and the manner of inquiry into bid rigging, abuse of dominance including exploitative and exclusionary behavior, and mergers. It also contains a section on Frequently Asked Questions for the convenience of stakeholders.

Smt. Nirmala Sitharaman also released the first edition of the '*CCI Journal on Competition Law and Policy'.* This journal was conceived with the aim of fostering indigenous scholarship and research in the field of competition law and policy.

Addressing the audience as a Guest of Honour on this occasion, **Shri Anurag Singh Thakur, Hon'ble Minister of State for Finance & Corporate**



Hon'ble Minister of State for Finance & Corporate Affairs Shri Anurag Singh Thakur addressing the audience as the Guest of Honour in the inaugural session of the 12th Annual Day of CCI on 20.05.2021.

Affairs, lauded the successful journey of CCI in the past 12 years. He stated that CCI has made its presence felt across the sectors of the economy by building a culture of competition through robust enforcement and outreach initiatives. Referring to the importance of competition in economic progress, Shri Thakur stated that "The system of controls has been increasingly replaced with a regime where the markets have to take the lead and become an instrument of growth and Atmanirbhar Bharat. It is therefore imperative that we have markets that are well functioning, bolstered by healthy competition."

> **"CCI has made its presence felt across the sectors of the economy and has built a culture of competition through robust enforcement and outreach initiatives."**
>
> **- Shri Anurag Singh Thakur, Minister of State for Finance and Corporate Affairs**

Shri Thakur described the field of competition law as constantly evolving, and suggested that CCI has to be nimble and change itself with changing market dynamics. He also appreciated the Commission's streamlining of processes and procedures as per the demand of the times. Shri Thakur stated that the CCI's initiative of conducting market studies in different sectors of the economy is an important tool for the Commission to build capacity towards the effective discharge of its legislative mandate. He emphasised the key role of advocacy to spread awareness of the importance of competition for efficient markets and larger cause of consumer welfare.

Delivering the event's Special Address, **Shri Rajesh Verma, Secretary, Ministry of Corporate Affairs** highlighted that the Competition Act, 2002 embodies the post-liberalisation philosophy of competition as the cornerstone of well-functioning markets. He stated that, in the last 12 years, CCI has made consistent endeavours to build a culture of competition

Shri Rajesh Verma, Secretary, Ministry of Corporate Affairs delivering the Special address during the inaugural session of 12th Annual Day of the CCI on 20.05.2021.

in markets. He expressed his pleasure at the fact that stakeholders are increasingly reposing their trust in the Commission as a forum for redressal of competition related concerns.

Shri Verma further stated that CCI, through its various orders, has aimed at protecting consumer interest, which may otherwise have been harmed owing to a lack of fair play in markets. He further stated that these interventions of the Commission have led to increased awareness of the Act, further complemented by the wide-ranging advocacy initiatives undertaken by the Commission.

> **Stakeholders are increasingly reposing their trust in the Commission as a forum for redressal of competition related concerns.**
>
> **- Shri Rajesh Verma, Secretary, Ministry of Corporate Affairs**

Shri Verma appreciated CCI's advocacy initiatives in the area of public procurement and stated that they will go a long way in bringing out the desired changes in government procurement systems to achieve best value for public money. He also highlighted that anti-competitive conduct and mergers will also not necessarily stop at the geographical boundaries of a nation, and thus, effective international engagement is vital to optimise enforcement.

Shri Ashok Kumar Gupta, Chairperson, CCI, highlighted in his welcome address that, since its inception, the Commission has endeavoured to develop a culture of competition in markets through proactive outreach and the effective enforcement of law. He emphasised that the focal point of CCI's actions and interventions has been to bring about market correction so that businesses can compete on merits and consumers can benefit from improved market outcomes. He spoke about the market-friendly approach of the Commission, with the only intervention being in cases where business conduct is found to seriously undermine market processes and competition. He further stated that the Commission has reviewed over 1100 cases of anticompetitive agreements and abuse of dominant position in diverse sectors of the economy.

Regarding combinations, Shri Gupta remarked that, "During these last 10 years, the Commission kept abreast with the changing business environment and the growing economy. Further,

Shri Ashok Kumar Gupta, Chairperson, CCI delivering the Welcome address during the inaugural session of the 12th Annual Day of CCI on 20.05.2021.

> **Focal point of CCI's actions and interventions has been to bring about market correction so that businesses can compete on merits and consumers benefit from improved market outcomes.**
>
> **- Shri Ashok Kumar Gupta, Chairperson, CCI**

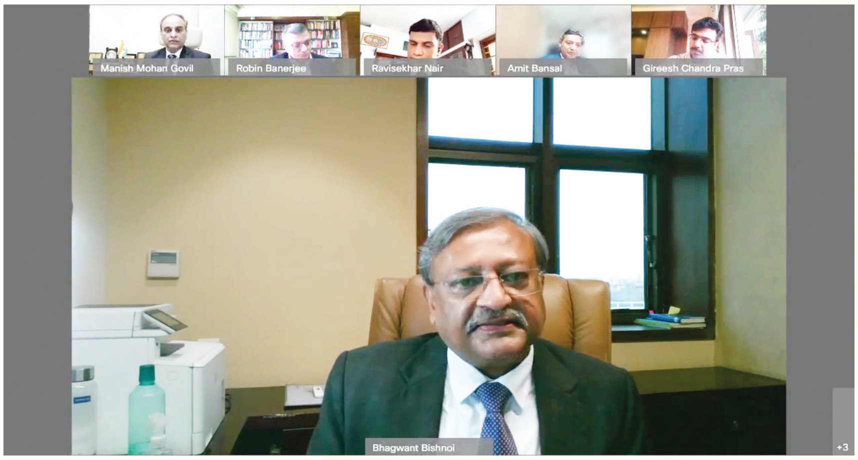
CCI has endeavoured to streamline the procedures and promote ease of doing business by amending Combination Regulations from time to time. The Commission has adopted a slew of measures to ensure speedy clearance to non-problematic transactions, to reduce procedural burden, and to make filings simpler."

Mentioning the Commission's response to the challenges posed by the COVID-19 pandemic, Shri Gupta stated that the Commission has striven to facilitate businesses in their legitimate responses to this extraordinary situation to make sure that consumers are not deprived of the benefits of competitive markets in these troubled times. In this regard, he mentioned the Commission's initiatives of facilitating e-filings, conducting virtual hearings and issuing advisory as well as its nuanced view in levying penalties, particularly for MSMEs.

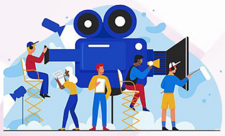
The inaugural session concluded with a vote of thanks by Shri S. Ghosh Dastidar, Secretary, CCI,.

The Annual Day commemoration also featured a half day workshop on Competition Law. The workshop had two plenary sessions. The first session was titled '*Anti-Trust Enforcement – Section 3 and 4 of the Act and its Journey Till Date*'. The session was chaired by Ms. Sangeeta Verma, Member, CCI. The second session, titled '*Merger Regime in India – Our Journey in the Last Ten Years and Way Forward*', was chaired by Shri Bhagwant Singh Bishnoi, Member, CCI. The plenary sessions saw engaging discussions and dialogue between the panellists on a range of contemporary competition law issues.

Dr. Sangeeta Verma, Member, CCI addressing the First plenary session 'Anti-Trust Enforcement – Section 3 and 4 of the Act and its journey till date' during the half day workshop on competition law organised on the 12th Annual Day of CCI on 20.05.2021.



Shri Bhagwant Singh Bishnoi, Member, CCI addressing the Second plenary session titled 'Merger Regime in India – Our journey in the last ten years and way forward' during the half day workshop on competition law organised on the 12th Annual Day of CCI on 20.05.2021.



Competition Issues in the Film and Entertainment Industry

Introduction

Indian film and entertainment industry is a major revenue and employment-generating industry. Films made in India are popular globally. Given the rise of various technology-driven platforms, viewing films has become easier and more comfortable.

However, apart from the glitz and glamour of the world of films, there is an important economic aspect to film-making as well. The entire value chain of the business of films is multilayered. From conception, to production, to the exhibition of the final product, there are many entities involved at every stage, contributing in a coordinated manner. The value chain in the film and entertainment industry comprises producers, directors, cine artists, post-production service providers, distributors, exhibitors, digitisation service providers etc.

Vertical integration is not an uncommon feature of this industry; it has been observed that often, a single entity is involved in multiple levels of the value chain. Further, there is a presence of associations of market players representing the interests of a particular group of entities at different levels. This involves multiple entities at every stage, including interest groups in the form of associations. The differences in bargaining powers of these entities gives rise to competition concerns when they interact *inter se*.

The Commission has had the occasion to look into competition issues in many cases involving the film and entertainment industry. The Commission has received cases with allegations of anti-competitive conduct by market players and or/associations of market players at different levels of value chain in the film industry.

Nature of competition issues

The major competition issues that have been identified in the cases before the Commission, *inter alia*, relate to revenue sharing agreement across the value chain,

[1] Case No. 01 of 2009
[2] Case No. 52 of 2010
[3] Case No. 56 of 2010
[4] Case No. 56 of 2011
[5] Case No 45 of 2012

denial of market access, refusal to deal in the form of boycotts, strikes, etc. Many of the issues pertain to the norms set by associations.

The parties have raised allegations against the conduct of associations, being restrictive in nature and hindering free trade in the industry.

The Commission has addressed the issues of resolutions being passed by such associations, whereby other constituents in the value chain are forced to stop dealing with the identified entities (which may be non-members of such associations), resulting in boycotts and creation of entry barriers. The Commission has directed cease and desist orders in most cases and imposed penalties wherever required. A summary of conduct by such associations found to be anticompetitive by the Commission is given below.

Dos and Don'ts

- ❖ Ensure that the platform of trade associations is not utilised for any anti-competitive behaviour.
- ❖ Don't issue resolutions that boycott/strike against any entity or a group of entities in the value chain.
  - refrain members from dealing with non-members.
  - fix wages for a group of entities in the value chain.
  - fix revenue sharing.
- ❖ Refrain from issuing mandatory membership requirements.

In *FICCI Multiplex Association of India v. United Producers/ Distributors forum & others*[1], association(s) of producers and distributors issued a notice against the association of multiplexes, whereby distribution of films was denied to the latter, resulting in boycott of multiplexes. The associations were also fixing the revenue ratio to be shared with multiplexes. In *EROS International Media Ltd v. Central Circuit Cine Association (CCCA)*[2]*, and Sunshine Picture Pvt. Ltd. v. Motion Pictures Association*[3]*,* various clauses of AoA and MoA of CCCA prohibited members from dealing with non-members. In *M/S Cinergy Independent Film Services Private Ltd. v. Telangana Telugu Film Distributors Association*[4], the distributors' association made it compulsory for every film distributor to become their member and/or register the film with them before exhibition, failing which, the distributor would not be allowed to distribute and exhibit the film in the territory.

In *Kerala Cine Exhibitors Associations v. Kerala Film Exhibitors Association & Others*[5], association of distributors, exhibitors and producers did not allow films to be released in theatres of particular exhibitors. In *Shri P.V. Basheer Ahmed v. M/s Film Distributors Association, Kerala*[6], the distributors' association directed its members not to commit any picture produced or directed by certain identified individuals for distribution in Kerala and made it binding on its members and subsequently suspended the Informant for not following the said direction of the Association. In

Indian Motion Picture Producers' Association (IMPPA) v. Federation of Western India Cine Employees (FWICE) and Ors[7], FWICE and its affiliates were compelling IMPPA to use their services by dictating certain terms (such as–producers could only engage with artists that were members of the artists' associations. Further, producers were restricted from engaging with non-members), and without their consent, no producer could proceed to produce a film or television program. In *Mr. G. Krishnamurthy v. Karnataka Film Chamber of Commerce (KFCC) and Ors*[8], KFCC was restricting the exhibition of dubbed cinema in the State of Karnataka, preventing new entrants in the dubbed film market from competing with Kannada films.

Corrective Course of the Commission

The Commission in almost all the cases issued cease and desist orders with respect to the practices which were found to be anti-competitive in terms of the provisions of Section 3 of the Act. In a few cases, the CCI also directed the associations to organise competition awareness and competition compliance programmes over a period of six months and file a compliance report with CCI within one month of hosting the last programme.

[6] Case No 32 of 2013
[7] Case No. 45 of 2017
[8] Case no 42 of 2017

CARTELS

CCI finds strike by Tamil Film Producers Council and Telugu Film Chamber of Commerce anticompetitive (Case No. 07 of 2018)

An Information was filed against the Tamil Film Producers Council (TFPC), and the Telugu Film Chambers of Commerce (TFCC) and their office bearers, alleging collective boycott of the production, supply, exhibition, distribution and technical development of Tamil and Telugu films in the State of Tamil Nadu and refusal to deal with several stakeholders in the film industry in Tamil Nadu, thereby violating Section 3(1) read with Section 3(3)(b) and Section 3(4)(d) of the Competition Act, 2002 (Act).

The Commission *vide* its order dated 25.06.2018, opined that the call of collective boycott coupled with the conduct of TFPC to control the release of Tamil films through the release regulation committee was *prima facie* in contravention of the provisions of the Section 3(1) read with Section 3(3)(b) of the Act. Further, the Commission observed that the conduct of the OPs in not allowing the exhibitors to deal with Digital Cinema Service Providers/ Digital Service Providers (DSPs) of their choice *prima facie* appeared to limit or control the provision of services of DSPs in violation of Section 3(1) read with Section 3(3)(b) of the Act. Accordingly, the Commission directed the Director General (DG), under the provisions of Section 26(1) of the Act, conduct an investigation into the matter and submit a report.

On the basis of material available on record, including the DG investigation report, the Commission, *vide* its order dated 22.06.2021 passed under Section 27 of the Act, observed that the impugned conduct of TFPC and TFCC was actuated to bargain better commercial terms for their members and is in contravention of the provisions of Section 3(1) read with Section 3(3)(b) of the Act. The Commission directed the two associations to ensure that the platform of trade associations is not utilised for anti-competitive behaviour and to cease and desist from indulging in such conduct in future. Further, the Commission issued a firm warning that any such future conduct would be construed as recidivism with attendant aggravated consequences.

CCI closes the case relating to the conduct of taxi unions in the State of Goa (Suo Motu Case No. 02 of 2018)

This case was taken up by the Commission *suo motu* against tourist taxi unions operating in the State of Goa (Opposite parties/ OPs) based on newspaper reports regarding alleged concerted action on the part of the unions to prevent the entry of app-based taxi aggregator companies in the State of Goa. In this regard, it was reported in various newspapers that tourists were being affected by the constant strikes by various taxi unions in Goa.

The Commission noted that the conduct of taxi unions in not allowing app-based service providers in the State of Goa, was *prima facie* putting a restraint on services based on technology and limiting the competition, technical development as well as investment in provision of relevant services. Further, the said conduct of taxi unions was also preventing the introduction of reforms by the State government. Accordingly, the Commission *prima facie* found a contravention of the provisions of Section 3(1) read with Section 3(3)(b) of the Act and directed the DG to carry out an investigation into the matter and submit a report

The DG found the conduct of tourist taxi associations in preventing the entry of app-based taxi service providers in the State of Goa to be in violation of the provisions of Section 3(1) read with Section 3(3)(b) of the Act.

On the basis of material available on record including the DG investigation report, the Commission held that no case of contravention of the provisions of the Act was made out against any of the opposite parties, and the matter was directed to be closed. In this regard, the Commission observed that, except for a few news clippings and social media content, the investigation has not adduced any material to corroborate the alleged concerted action which can be imputed to or otherwise attributed to the OPs. Further, in relation to restrictions on entry of Uber by the impugned conduct of opposite parties, the Commission observed that one of the app-based taxi aggregator companies had not even applied for any licence to start app-based taxi services in the State of Goa. The Commission also observed that the State of Goa had issued guidelines for taxi operator/radio taxis and taxi app aggregators, allowing them to operate with dynamic pricing. Further, despite the opposition of OPs, the Commission noted that the State of Goa notified the policy allowing entry of app-based taxi aggregators.

CCI closes its investigation against airlines for alleged collusion (Case no. 32 of 2016)

An Information was filed against domestic airlines alleging contravention of the provisions of Section 3 of the Act during the agitation in the month of February 2016 (Agitation period). Allegation pertained to an increase in air-ticket prices by domestic airlines on certain routes during the Agitation period.

The Commission, after analysing the price data supplied by the airlines, was of the *prima facie* view that there has been a general increase in ticket prices on certain routes, especially with respect to tickets sold near the departure date/time during the Agitation period. Accordingly, the Commission directed the DG to conduct an investigation into the matter.

The DG investigated six sectors that were specifically affected during the Agitation period, *i.e.,* Delhi-Amritsar, Amritsar-Delhi, Delhi-Jaipur, Jaipur-Delhi, Delhi-Chandigarh and Chandigarh-Delhi. The DG in its investigation report concluded that no contravention of Section 3(3) read with Section 3(1) of the Act was found against the airlines during the Agitation period.

Based on the DG investigation report and material available on record, the Commission noted that all six sectors witnessed a high demand for air tickets due to the onset of agitation which led to non-availability of alternative modes of transport like rail, road, *etc*. Although all the airlines sold their tickets at higher fare buckets, the investigation did not reveal any price parallelism or identical pricing of tickets by the airlines. Further, the investigation did not reveal any incriminating emails or any form of electronic communication that may establish an exchange of information or collusive behaviour among airlines. Further, the investigation revealed that the algorithms used by the airlines are different from each other as the inputs for the same are provided by the airlines themselves to software developers. The Commission also noted that the final call for inventory allocation is taken by the respective route analysts of different airlines.

Thus, the Commission was of the opinion that no case of contravention of the provisions of Section 3(1) of the Act read with Section 3(3) is made out against any of the airlines.

ABUSE OF DOMINANT POSITION

CCI finds no contravention in a case filed by Starlight Bruchem against Fauna Housing & Land Developments Private Limited and Others entities (Case No. 53 of 2017)

An Information was filed by Starlight Bruchem Ltd. ('The Informant') under Section 19(1)(a) of the Act against Flora and Fauna Housing & Land Developments Private Limited ('OP-1') and five others, Patiala Kings Liquor Pvt. Ltd. ('OP-2'), Royal Beverages Pvt. Ltd. ('OP-3'), Kiwi Wines and Beverages Pvt. Ltd. ('OP-4'), Chadha Holdings Pvt. Ltd. ('OP-5') and the Government of Uttar Pradesh ('OP-6'), [collectively referred to as 'OPs'] alleging contravention of the provisions of the Act.

The Informant alleged, *inter alia,* that (i) OP-1 to OP-4, exclusive licensees for wholesale trade in country liquor within the State of Uttar Pradesh, had been following a non-transparent policy of procurement of country liquor from manufacturers/distilleries and (ii) OP-1 to OP-4 were operating under a mutual agreement to source their purchases of country liquor only from certain manufacturers to the exclusion of others. Further, OP-1 to OP-4 were alleged to be owned or controlled by a common parent holding company, *i.e.,* OP-5.

The Commission, *vide* order dated 09.07.2018 passed under Section 26(1) of the Act, found, *prima facie* case and accordingly, directed the DG to conduct an investigation into the matter and submit report.

The DG investigated and analysed the market for purchase of licensed liquor from licensed manufacturers within the state of Uttar Pradesh in two relevant periods. As per the DG, there was contravention of the provisions of the Act during the first period and no violation by OPs during the second period. However, no contravention was noted by the DG against the Government of Uttar Pradesh (OP-6).

The Commission after analysing the evidence and material gathered by the DG and available on the record, found that most of the distilleries were stated to be closed due to pollution control norms, commercial/operational reasons, *etc.* Further, it was observed that, during the first period, the OPs made their purchase of country liquor from almost all entities that were regularly operating in the market. As regards the second period, the Commission noted that both the sellers and purchasers had multiple options to procure, and no preferential treatment was accorded in favour of OPs' own distilleries. In view of the above, the Commission did not find contravention of any of the provisions of the Act.

Investigation ordered against Tata Motors (Case No. 21 of 2019 and 16 of 2020)

Two separate Informations were filed by former Tata dealers under section 19(1)(a) of the Act against Tata Motors Ltd. (Tata Motors), Tata Capital Financial Services Limited and Tata Motors Finance Ltd, alleging contravention of Section 3 and 4 of the Act.

It was alleged, *inter alia,* that Tata Motors unduly favours its own captive financing companies to the exclusion of others, imposes unfair terms and conditions in their dealership agreement for commercial vehicles (CVs), coerces its dealers to order vehicles according to its whims and fancies, mandatorily deducts the cost of a loyalty card, imposes an Annual Maintenance Contract and mandatorily deducts ISO certification charges. It was also alleged that the dealer is confined to a territory specified in the Dealership Agreement (DA) and indulgence in resale price maintenance in violation of the provisions of the Act. Further, the DA provided that the dealer shall not start, acquire or indulge in any new business (of product or services), even if it is unrelated to the automobile industry.

The Commission was of the *prima facie* view that Tata Motors enjoys a dominant position in the *'market for manufacture and sale of commercial vehicles in India'*. Further, the practice of Tata Motors of coercing dealers to bill vehicles as per its own needs and the clause in DA that dealer shall not start, acquire or indulge in any new business (of product or services) even if it is not related to the automobile industry, were *prima facie* in contravention of the provisions of Section 4 of the Act.

With regard to the allegations pertaining to Section 3(4) of the Act, *i.e.*, that the dealership agreement of every dealer with Tata Motors restricts and confines the dealer to the allotted territory, the Commission noted that such a clause has the potential to create barriers to new entrants in the restricted market besides having the consequences of foreclosing competition by hindering entry into the market.

Considering the information filed and material available on record, the Commission *prima facie* found contravention of provisions of Sections 3(4) and 4 of the Act by Tata Motors and ordered an investigation by the DG under Section 26(1) of the Act.

CCI orders an investigation against the Amateur Baseball Federation of India (Case No. 03 of 2021)

An Information was filed by the Confederation of Professional Baseball Softball Clubs (CPBSC) under Section 19(1)(a) of the Act against the Amateur Baseball Federation of India (ABFI) alleging, *inter alia* contravention of the provisions of Section 4 of the Act.

The Commission observed that the Informant is primarily aggrieved of the communications sent by ABFI to the State Baseball Associations throughout the country, prohibiting State Associations from dealing with bodies and leagues not recognised by it and threatening disciplinary action on players who participated in the leagues and tournaments not recognised by it.

The Commission was of the *prima facie* view that ABFI is in a dominant position in the relevant market of *'market for organisation of baseball leagues/events/tournaments in India'* by virtue of its apex position in the baseball ecosystem coupled with its linkages/affiliations with continental and international organisations.

As regards the alleged abusive conduct, the Commission noted that ABFI has *prima facie* violated the provisions of Section 4(2)(c) of the Act by issuing communication to its affiliated State Baseball Associations, as the same results in denial of market access to other federations. Further, such conduct results in limiting and restricting the provision of services market, and therefore, *prima facie* is in contravention of the provisions of Section 4(2)(b)(i) of the Act.

The Commission also opined that the impugned conduct of ABFI *prima facie* seems to limit or control provision of services, thereby attracting provisions of Section 3(1) read with Section 3(3) of the Act.

Considering the information filed and material available on record, the Commission *prima facie* found contravention of provisions of Sections 3(3) and 4 of the Act by ABFI and ordered an investigation by the DG under Section 26(1) of the Act.

The Commission through separate order under Section 33 of the Act, restrained ABFI to issue any communication to its affiliated State Associations dissuading them, in any manner whatsoever from allowing their players to participate in tournaments organised by the Associations/ Federations/Confederations which are not purportedly 'recognised' by ABFI. ABFI was also directed not to threaten the players who want to participate in such events.

CCI orders an investigation in relation to the licensing of Android for Smart TVs by Google (Case no. 19 of 2020)

The Commission ordered an investigation in relation to the licensing of Android Operating System for Smart TVs. The order follows an Information filed against Google and two smart TV manufacturers alleging contravention of the provisions of Section 3(4) as well as Section 4 of the Act. Allegations are related to the imposition of several restrictions by Google on smart TV and smart mobile device OEMs by virtue of the agreements entered into with them, which are tantamount to abuse.

For the *prima facie* assessment, the CCI delineated two different markets, *i.e., the market for licensable smart TV device operating systems in India and the market for app store for Android smart TV operating systems in India.* The Commission *prima facie* found Google to be dominant in these two markets. In relation to the relevant markets, the Commission was of the *prima facie* view that there will be a separate relevant market for each of Google's proprietary applications, such as online video hosting platform, music and search, as these are not substitutable with each other.

The Commission's observations, in relation to allegations pertaining to the abuse of dominance are as under:

- Google has reduced the ability and incentive of device manufacturers to develop and sell devices operating on Android, *i.e.,* Android forks, by pre-installing Google's proprietary apps (particularly Play Store), conditional on signing the Android Compatibility Commitment (ACC) for all Android devices and such conduct *prima facie* limits the technical or scientific development in violation of Section 4(2)(b) of the Act.
- Preventing OEMs from manufacturing/distributing/selling any other device which operate on a competing forked Android operating systems. Therefore, given the dominance of Google in relevant markets and pronounced network effects, by virtue of this restriction, developers of such forked Android operating systems are denied market access resulting in *prima facie* contravention of Section 4(2)(c) of the Act.
- Mandatory pre-installation of all the Google applications amounts to the imposition of unfair conditions on smart TV device manufacturers and therefore, is in contravention of Section 4(2)(a)(i) of the Act. Further, it also amounts to prima facie leveraging of Google's dominance in the Play Store to protect relevant markets such as online video hosting services offered by YouTube, etc., in contravention of Section 4(2)(e) of the Act.
- *Prima facie* violation of Section 4(2)(d) of the Act considering that the obligations imposed by ACC restrict freedom of hardware manufacturers with regard to the whole of their device portfolio, and not just the device category on which the Android TV OS is pre-installed.

With regard to allegations pertaining to 'refusal to deal' and 'exclusive supply agreement' in terms of Section 3(4) read with Section 3(1) of the Act, the Commission noted that no separate directions are required to be passed, and the DG may also examine these allegations.

MERGERS AND ACQUISITIONS

CCI approves acquisition of Gangavaram Port Limited by Adani Ports and Special Economic Zones Limited

On 12.04.2021, the Commission approved the acquisition of up to 89.6% of the equity share capital of Gangavaram Port Limited (GPL) by Adani Ports and Special Economic Zones Limited (APSEZ).

APSEZ is a private sector port operator, currently having a presence in six maritime states in India, *viz.,* Gujarat, Goa, Kerala, Andhra Pradesh, Tamil Nadu and Odisha, through 10 ports. The Acquirer through these ports, *inter alia,* provides (i) full marine services (ii) cargo handling services, and (iii) value added services. APSEZ also manages a complete logistics chain through its subsidiary, *viz*., Adani Logistics Limited, which is an asset and service based end-to-end logistics service provider across the container, bulk, break bulk, and liquid industries. Besides these services, APSEZ also provides dredging and reclamation solutions, primarily for port and harbour construction.

GPL is engaged to own, develop and operate the deep-water port at Gangavaram, Andhra Pradesh, pursuant to a concession agreement on Build-Own-Operate-Transfer basis with the Government of Andhra Pradesh. GPL provides cargo handling and marine services, including but not limited to pilot age, berth hire, wharf age, stevedoring, railway rake loading, transporting by rail and road, storing and other activities within its port premises.

Both APSEZ and GPL are primarily engaged in the activity of operating ports in India and therefore exhibit horizontal overlaps. However, the Commission noted that the primary hinterland served by the GPL differed substantially from that of the ports operated by the APSEZ. In the minor overlapping and contestable areas where both parties may be considered to compete with each other, their combined market share based on volumes was not significant to raise any competition concern. The Commission also noted that the overlap in the upstream business activities would also not pose any AAEC in the market. Accordingly, the Commission approved the combination under Section 31(1) of the Act.

For a summary of the combination, please visit

https://cci.gov.in/sites/default/files/notice_order_summary_doc/C-2021-03-819.pdf

CCI approves the acquisition of Magma Fincorp Limited by Rising Sun Holdings Private Limited and others

The Commission received a notice under Section 6(2) of the Act, jointly given by Rising Sun Holdings Private Limited, Mr. Sanjay Chamria and Mr. Mayank Poddar (collectively referred to as **Acquirers**). The Notice had been filed in relation to combination envisaging: (i) subscription to 64.68% share capital of Magma Fincorp Limited (**Magma Fincorp**) by Acquirers; and (ii) obligation of Acquirers to acquire additional shares (up to ~ 26% share capital of Magma Fincorp pursuant to the open offer. Pursuant to the combination, Rising Sun will acquire control of Magma Fincorp and become its promoter.

MAGMA
Investing in the smallest dream

Rising Sun Holdings Private Limited (**Rising Sun**) is a private limited company primarily engaged in making investments, leasing property on rent and information sharing/business referencing. It is present in the financial services sector through its subsidiary, Poonawalla Finance Private Limited, which is a systemically important non-deposit taking non-banking finance company ("**NBFC**").

Magma Fincorp is a Mumbai-based public limited company and a non-deposit taking NBFC registered with the Reserve Bank of India. It has a housing finance subsidiary, *viz*., Magma Housing Finance Limited. Mr Sanjay Chamria is the Vice Chairman and Managing Director, and Mr. Mayank Poddar is Chairman Emeritus and

Non-Executive Director of Magma Fincorp.

Activities of the parties exhibit an overlap in the segment of provision of loans and its sub-segment, *viz.*, provision of loans to Micro, Small and Medium Enterprises (**MSMEs**) in India. Parties are also active in the market of provision of human resource services and consultancy.

Combined and incremental market shares of parties for the segment of provision of loans and its sub-segment, *viz.,* provision of loans to MSMEs are not significant to raise competition concern. Further, these segments/sub-segments are characterised by the presence of other players. For human resource services and consultancy position of parties, market position of parties is not significant to raise competition concern.

CCI approves acquisition of 100% of the issued and paid- up equity share capital of Principal Asset Management, Principal Trustee Company and Principal Retirement Advisors by Sundaram Asset Management

On 05.04.2021, the Commission approved the combination filed by Sundaram Asset Management Company Limited (SAMC/Acquirer) in relation to the acquisition of 100% of the issued and paid-up equity share capital of: (i) Principal Asset Management Private Limited (PAMPL); (ii) Principal Trustee Company Private Limited (PTCPL); and (iii) Principal Retirement Advisors Private Limited (PRAPL) by SAMC. Pursuant to the proposed combination, the schemes of the Principal Mutual Fund (PMF) shall be transferred to Sundaram Mutual Fund (SMF) and the trusteeship and management of the PMF schemes shall be transferred to Sundaram Trustee Company Limited (STCL) and SAMC, respectively.

IN A NUTSHELL

The acquisition of 100% of the issued and paid- up equity share capital of Principal Asset Management, Principal Trustee Company, and Principal Retirement Advisors by Sundaram Asset Management related to the mutual funds market in India. The combined market shares of the Parties were insignificant with negligible incremental market share. Further, the vertical relationship was also not significant to raise any competition foreclosure concern.

SAMC, a public limited company incorporated in India, is a wholly owned subsidiary of Sundaram Finance Limited (SFL). It is the investment manager for SMF and manages funds that cater to the investment needs of investors with different risk, reward and liquidity preferences. SFL along with its affiliates is referred to as the 'SFL Group'. It is mentioned that the Targets are indirect wholly owned subsidiaries of Principal Financial Services Inc. USA (Sponsor of Principal Mutual Fund) which, in turn, is a subsidiary of Principal Financial Group, Inc., a US publicly traded company.

The combination related to the market for mutual funds in India. At a broad level, the business of the parties exhibited overlap in the market for mutual funds in India, and at a narrow level, in the markets for (i) equity-oriented mutual funds schemes in India; (ii) debt-oriented mutual funds schemes in India; and (iii) hybrid mutual fund schemes in India. Since the SFL Group (through SFL) is also engaged in the market for the distribution of mutual funds in India, the business of the parties also exhibited a vertical relationship between the SFL Group and the Targets, with the Targets being present in the upstream market for mutual funds in India and the SFL Group being present in the downstream market for mutual funds distribution.

The Commission observed that the combined market shares of the parties both at the level of Broad Relevant Market as well as at the level of each of the Narrow Relevant Markets were insignificant with negligible incremental market share. Further, with respect to the vertical relationship, the Commission noted that the presence of the Parties at both the Upstream and Downstream level was not significant to raise any competition foreclosure concern in India. Thus, the Commission was of the opinion that the combination is not likely to have an appreciable adverse effect on competition in India and approved the same.

Copy of order passed by the Commission in the instant case is available at:

https://www.cci.gov.in/sites/default/files/Notice_order_document/C-2021-02-816.pdf

Delhi High Court refused to set aside CCI probe against WhatsApp and Facebook

CCI ordered an investigation into the new privacy policy of WhatsApp after making a *prima facie* observation that it was violative of the provisions of Section 4 of the Act, through its exploitative and exclusionary conduct in the garb of a policy update. CCI observed that the conduct of WhatsApp in sharing users' personalised data with other Facebook companies, in a manner that is neither fully transparent nor based on voluntary and specific user consent, appears *prima facie* unfair to users.

Aggrieved by the same, WhatsApp LLC and Facebook Inc. moved the Delhi High Court challenging the *prima facie* order passed by the CCI directing DG, CCI to conduct an investigation into the WhatsApp 2021 Terms and Privacy Policy update.

The Hon'ble Delhi High Court, *vide* its judgment dated 22.03.2021 in the matter of *WhatsApp LLC vs. CCI & Anr.,* at the outset, dealt with the scope and ambit of an order passed under Section 26(1) of the Act by relying upon the *CCI* vs. *SAIL* judgment of the Supreme Court. The court observed that, at the 26(1) stage, CCI was merely to form a *prima facie* opinion for directing an investigation to be carried out by the DG. It is not to make any final conclusions on the merit of the alleged violation or in defence of the petitioner(s) herein. The order passed under Section 26(1) of the Act is purely administrative in nature and does not entail any civil consequences. In fact, the 26(1) order could have been passed without notice or granting an opportunity of hearing to the petitioner(s). Further, the court held that, although the CCI is to give reasons in the 26(1) order, it need not deal with all the submissions of the petitioner(s) in detail as it is not to give any conclusive findings but only to form only a *prima facie* opinion to order an investigation.

With regard to the pendency of a similar issue before other fora, the Court observed that there cannot be an inviolable rule that, merely because an issue is pending before the Supreme Court or before the High Court, the CCI would be divested of the jurisdiction that it otherwise possesses under the Act. The court further held that the reliance upon the Hon'ble Supreme Court's judgment in *Bharti Airtel Ltd.* in this regard was ill-founded. In the Bharti Airtel case, the Hon'ble Supreme Court was considering the scope and ambit of two specialised regulators, *i.e.* the CCI and the TRAI, whereas, in the present case, the issue of whether the 2016 update/2021 update announced by WhatsApp in any manner infringes upon the Right of Privacy of the users guaranteed under Article 21 of the Constitution of India is pending adjudication before the Supreme Court and High Court. The question regarding the 2016 update/2021 update not giving an option to opt out is also an issue before the Supreme Court and High Court. However, the same cannot necessarily mean that during the pendency of those petitions, the CCI is completely denuded of the jurisdiction vested in it under the Competition Act or that it must necessarily await the outcome of such proceedings.

With regard to the contention of Facebook on its impleadment in the investigation, the Hon'ble Court upheld the CCI order wherein it was shown that Facebook shall be an integral part of such investigation and the allegations in relation to sharing of data by WhatsApp with Facebook would necessarily require the presence of Facebook in such an investigation. Accordingly, the petitions were disposed of and the CCI Order was upheld.

Single Judge, Karnataka High Court upheld the probe ordered by CCI against Amazon and Flipkart

CCI ordered an investigation upon allegations that Amazon and Flipkart were causing an appreciable adverse effect on competition (AAEC) in terms of Section 3(1) read with Section 3(4) of the Act in India by way of various vertical arrangements between (i) Amazon with their preferred sellers on the platforms; and (ii) Flipkart with their preferred sellers on the platforms, respectively which led to a foreclosure of other non preferred sellers from the online marketplace. Accordingly, CCI directed DG under Section 26(1) of the Act to conduct an investigation. However, the allegations of joint dominance were discarded against Amazon and Flipkart as the same is not envisaged under the provisions of the Competition Act.

Aggrieved by the same, Amazon and Flipkart moved the Karnataka High Court challenging the *prima facie* order passed by the CCI directing DG to cause an investigation, *inter alia*, on the grounds of jurisdiction.

The Hon'ble Karnataka High Court *vide* judgment dated 11.06.2021 in the matter of *Amazon Seller Services Private Ltd vs. CCI & Ors.*, dismissed the petitions filed by Amazon and Flipkart and while relying upon the judgment of the Hon'ble Supreme Court in SAIL case, held that an order under Section 26(1) of the Act is an administrative direction to one of its wings departmentally without entering upon any adjudicatory process and that Section 26(1) of the Act does not mention the issuance of any notice to any party before or at the time of formation of an opinion by the Commission on the basis of information received by it.

With regard to the scope of writ jurisdiction available to High Courts under Article 226 of the Constitution of India, it was held that, although the parties have pleaded *in extenso* and submitted elaborate arguments on the merits of the matter, in a writ petition filed under Article 226 seeking judicial review, the High Court can examine only the decision-making process with the exception namely the cases involving a violation of fundamental human rights. The law on the point is fairly well settled. The court further held that CCI has fulfilled the expectation that an order directing investigation be supported by some reasoning as laid down by the Hon'ble Supreme Court judgment in the SAIL case and therefore, it would be unwise to prejudge the issues raised in the writ petitions at this stage and scuttle the investigation. The court also held that the impugned order does not call for any interference, as a plain reading of the 26(1) order shows that the Commission has looked into the information in detail and applied its mind correctly.

Electricity reforms on the anvil: Electricity (Amendment) Bill, 2021

Historically, the electricity sector in India constituted vertically integrated monopolies–state-owned and subject to strict regulation. The Electricity Act, 2003, marked a paradigm shift in the sector by mandating licensee-free generation, non-discriminatory open access of the transmission system and gradual implementation of open access in the distribution system to pave way for the creation of competitive power markets in India.[1] The Electricity Act, 2003 enshrined various provisions indicating efficiency[2], unbundling[3], open access[4], competition neutrality[5], consumer choice[6], *etc.* However, in spite of such obvious expression of the legislative intent, it is widely felt that the stated objectives are not yet fully achieved. In this background, the Ministry of Power, in order to address some recurring issues and to promote further commercial incentives for private players to enter the market in generation, distribution and transmission of electricity, has been pushing for a course correction through the Electricity (Amendment) Bill 2021. Recently, the Bill has been sent for inter-ministerial consultation and to the Ministry of Law and Justice for critical examination and evaluation.[7]

One of the key concerns in the sector has been the financial health of the distribution companies (Discoms), which are mostly state-owned. The Discoms have had a high level of debt and have also been running losses. With the Discoms being the weakest link in the electricity value chain, the proposed amendment in the draft bill aims for liberalisation of the power distribution business. The amendment will end Discoms' monopoly, thereby allowing any company to supply power in any area. The Commission in the past has also received cases regarding non-provision of open access electricity to large industrial consumers by the Discoms and State Load Dispatch Centres. It is observed that non-discriminatory open-access in transmission and distribution is required for an efficient match-making between the consumers and alternative source of power suppliers. The provision of open access electricity allows competition to prosper in the electricity markets.

In this context, the amendment aims to induce competition in electricity distribution by allowing new players to enter the distribution market, and also empower consumers to switch between networks. Further, the draft amendments have sought to introduce direct benefit transfer mechanism for passing subsidies to consumers. This move will also help make subsidies competition neutral and help enhance competition in the market.

Insurance (Amendment) Bill, 2021

The Insurance (Amendment) Bill, 2021 passed recently amends the Insurance Act, 1938, which provides the framework for the functioning of insurance businesses. It regulates the relationship between an insurer, its policyholders, its shareholders, and the insurance sector regulator (IRDAI). The amendments of the bill seek to increase the maximum foreign investment allowed in an Indian insurance company.[8]

The Bill increases the limit on foreign investment in an Indian insurance company from 49% to 74%, and removes restrictions on ownership and control. Although the control will go to foreign companies with the increase in foreign investment limit above 49%, a majority of directors and key management persons will be resident Indians who will be covered by law of the land. The Bill also seeks to ease liquidity pressure and capital constraints faced by Indian insurance companies and improve insurance penetration in smaller regions of the country (Tier 2 and Tier 3 cities).

The Indian Insurance sector fares far behind compared to its global counter parts and has one of the lowest insurance penetration levels globally. The bill is likely to accelerate growth and spur competition in the sector raising optimism of a flux of foreign capital into private Indian insurers. It is also likely to help small insurance companies expand their presence in the country and reap benefits from foreign collaboration through the adaptation of global technology and practices. Higher insurance penetration with increased foreign capital will improve the availability and accessibility of products and services at lower costs, as well as aiding the integration of innovation, digitisation and technology into the sector, all of which is expected to enhance competition in the sector.

[1] R.K. Pachauri & Pooja Mehrotra (TERI), Vision 2020: *Sustainability of India's Material Resources*
[2] Preamble, Sec 29, 33, 61, 63, 79(2), 86(2), 134(5) of the of Electricity Act, 2003.
[3] Sec 26, 27, 31, 38, 41 of the Electricity Act, 2003.
[4] Sec 2(47), 38(2), 39(2), 40(c), 42(2), 42(3) of Electricity Act, 2003.
[5] Sec 38(2), 39(2), 40(c), 42(3), 60, 134 of Electricity Act, 2003.
[6] Sec 42(2) of the Electricity Act, 2003.
[7] https://www.livemint.com/news/india/bill-for-amending-electricity-act-sent-for-consultation-11615747095155.html
[8] https://prsindia.org/billtrack/the-insurance-amendment-bill-2021

KNOW YOUR COMPETITION LAW

Filing appeals under Competition Act

As per the scheme of the Act, the orders passed by the Commission are made appealable before Appellate Tribunal (the National Company Law Appellate Tribunal – NCLAT) and the decision or order of the Appellate Tribunal may thereafter be appealed before Hon'ble Supreme Court.

As per the provisions of Section 53A of the Act, the NCLAT constituted under Section 410 of the Companies Act, 2013 shall be the Appellate Tribunal for the purpose of this Act and the said appellate Tribunal shall a) hear and dispose of appeals against any direction issued or decision made or order passed by the Commission under Sections 26(2) and 26(6), 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; b) adjudicate on claim for compensation that may arise from the findings of the Commission or the orders of the Appellate Tribunal in an appeal against any finding of the Commission or under Section 42A or under Section 53Q(2) of the Act, and pass orders for the recovery of compensation under section 53N of the Act.

As per the provisions of Section 53B(1), the Central Government or the State Government or a local authority or enterprise or any person, aggrieved by any direction, decision or order referred to in Clause(a) of section 53A may prefer an appeal to the Appellate Tribunal. Section 53B (2) of the Act provides that every appeal shall be filed within a period of sixty days from the date on which a copy of the direction or decision or order made by the Commission is received by the party. Further, the proviso to Section 53B provides that the Appellate Tribunal may entertain an appeal after the expiry of sixty days if it is satisfied that there was sufficient cause for not filing it within that period. Section 53B(3) provides that upon receipt of an appeal, the Appellate Tribunal may, after giving the parties an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or setting aside the direction, decision or order appealed against.

Section 53T of the Act provides for the filing of an appeal before the Hon'ble Supreme Court. As per the provisions of Section 53T of the Act, the Central Government or any State Government or the Commission or any statutory authority or any local authority or any enterprise or any person aggrieved by any decision or order of the Appellate Tribunal may file an appeal to the Supreme Court within sixty days from the date of communication of the decision or order of the Appellate Tribunal to them. The proviso to Section 53T further provides that the Supreme Court may, if it is satisfied that the applicant was prevented by sufficient cause from filing the appeal within the period of sixty days, allow it to be filed after the expiry of the period of sixty days.

The provisions of the Act confers upon a person aggrieved, a right to move to the Appellate Tribunal within sixty days of receipt of the order of the Commission, and if any person is aggrieved with the decision passed by Appellate Tribunal, he can move to the Hon'ble Supreme Court within sixty days from the date of communication of said decision to him. Admission of appeal beyond sixty days before Hon'ble Supreme Court depends upon the satisfaction of the Court.

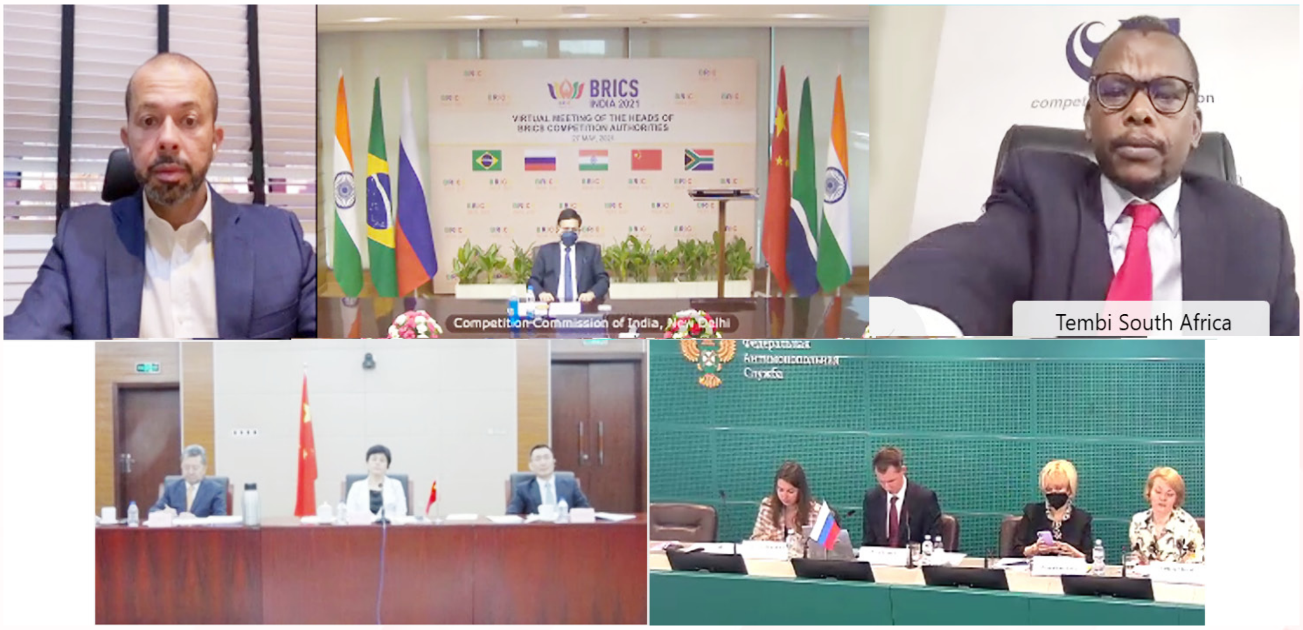
Hon'ble Supreme Court in the matter of *CCI vs. SAIL & Anr.; (2010) 10 SCC 744* held that, "*In terms of Section 53A(1)(a) of the Act, appeal shall lie only against such directions, decisions or orders passed by the Commission before the Tribunal which have been specifically stated under the provisions of Section 53A(1)(a). The orders, which have not been specifically made appealable, cannot be treated appealable by implication…...*" Thus, no appeal will lie from any decision, order or direction of the Commission which is not made specifically appealable under Section 53A(1)(a) of the Act.

The scheme of the Act does not provide any mechanism to file an appeal before High Court. However, the orders of the Commission where from no appeal has been prescribed by the Act have been challenged before the respective High Courts seeking issuance of the writ of *certiorari*.

ENGAGING WITH THE WORLD

Participation of the CCI in various international meetings/seminars/ conferences.

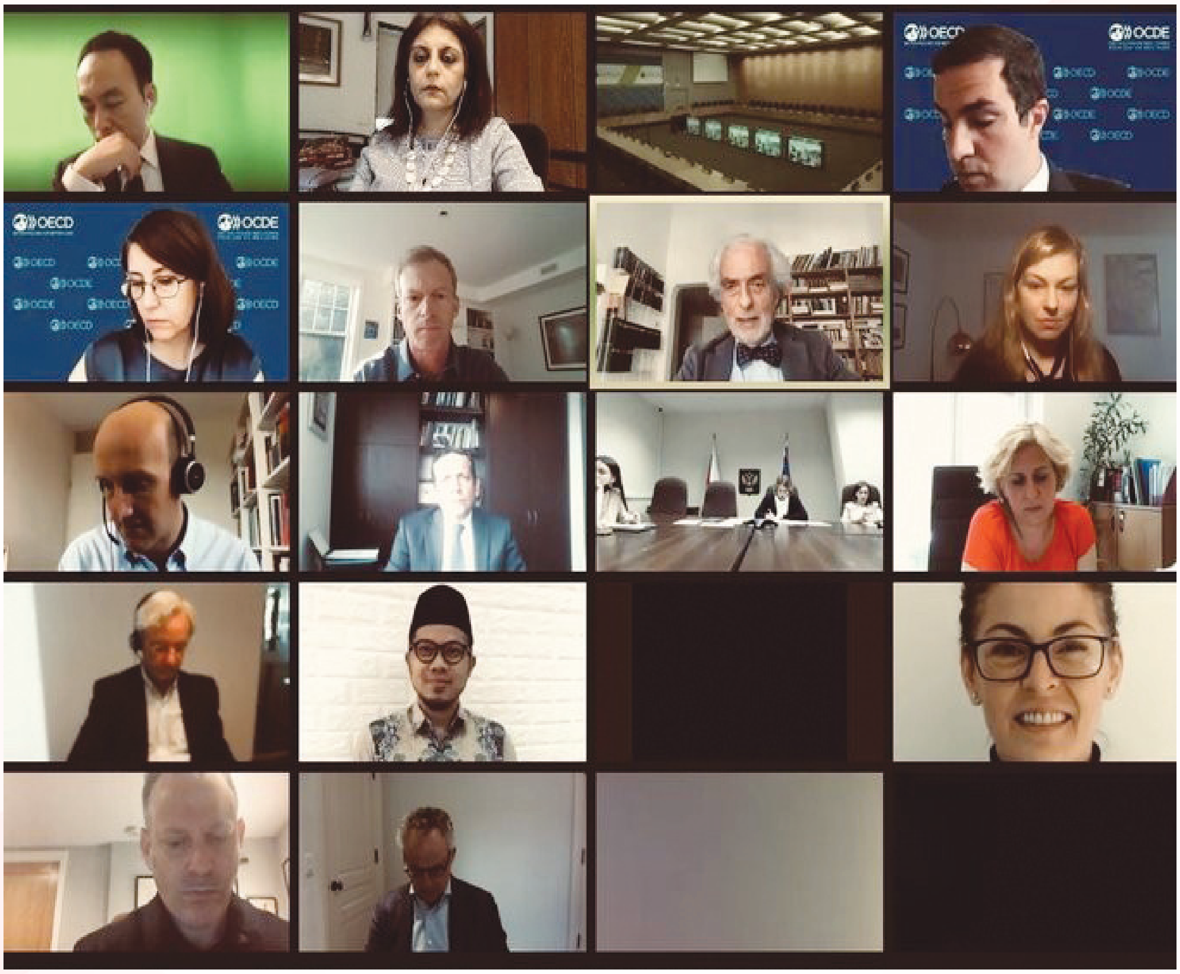
1. Mr. Hiroyuki Yamashita, First Secretary, Embassy of Japan, New Delhi, visited CCI on 08.04.2021 for a meeting to discuss the Memorandum of Cooperation between Competition Commission of India and Japan Fair Trade Commission. Dr. Sanjay Kumar Pandey, Adviser (Law) and International Cooperation Division officers attended the meeting.
2. CCI hosted a Virtual Meeting of the Heads of BRICS Competition Authorities on 27.05.2021. Mr. Ashok Kumar Gupta, Chairperson, CCI, Mr. Alexandre Cordeiro, Superintendent General, Administrative Council for Economic Defense (CADE), Brazil, Mr. Pyotr Ivanov, Deputy Head, Federal Antimonopoly Service (FAS), Russia, Ms. Gan Lin, Vice Minister, State Administration for Market Regulation (SAMR), China and Mr. Tembinkosi Bonakele, Commissioner, Competition Commission of South Africa (CCSA) represented their respective competition authorities in the meeting.



Clockwise from top left - Mr. Alexandre Cordeiro, Superintendent General, Administrative Council for Economic Defense (CADE), Brazil, Shri Ashok Kumar Gupta, Chairperson, CCI, Mr. Tembinkosi Bonakele, Commissioner, Competition Commission of South Africa (CCSA), Mr. Pyotr Ivanov, Deputy Head, Federal Antimonopoly Service (FAS), Russia and Ms. Gan Lin, Vice Minister, State Administration for Market Regulation (SAMR), China during the Virtual Meeting of the Heads of BRICS Competition Authorities on 27.05.2021.

3. OECD organised a virtual Competition Week (OECD Working Party and Competition Committee). The meeting for the same was held on 07-11.06.2021. The CCI delegation was led by Shri Ashok Kumar Gupta, Chairperson, CCI, and Ms. Jyoti Jindgar, Adviser (Economics), Ms. Payal Malik, Adviser (Economics) and Dr. Sanjay Kumar Pandey, Adviser (Law) attended the meetings.

4. Ms. Payal Malik, Adviser (Economics) discussed India's written submission to OECD for its Working Party 2 Roundtable on Competition Enforcement and Regulatory Alternatives held on 07.06.2021.



Ms. Payal Malik, Adviser (Economics), during the discussion on India's written submission to OECD for its Working Party 2 Roundtable on Competition Enforcement and Regulatory Alternatives on 07.06.2021.

Memorandum of Understanding (MoU) signed between Competition Commission of India (CCI) and Administrative Council for Economics Defense (CADE)

5. Shri Ashok Kumar Gupta, Chairperson, CCI, and Mr. Alexandre Barreto de Souza, President, Administrative Council for Economic Defense (CADE), Brazil, signed a Memorandum of Understanding between CCI and CADE on 18.06.2021.

6. Dr. Sanjay Kumar Pandey, Adviser (Law) and Mr. Kamal Sultanpuri, Deputy Director (Law), participated in the third meeting of the UNCTAD Working Group (WG) on Cross-Border Cartels (CBCs), held virtually on 01.06.2021.

Mr. Alexandre Barreto de Souza, President, Administrative Council for Economics Defence (CADE), Brazil signing the Memorandum of Understanding between Competition Commission of India and CADE, Brazil on 18.06.2021.

Shri Ashok Kumar Gupta, Chairperson, Competition Commission of India (CCI) signing the Memorandum of Understanding between Competition Commission of India and CADE, Brazil on 18.06.2021.

(Top): His Excellency Mr. Andre Aranha Correa do Lago, Ambassador Embassy of the Federative Republic of Brazil in India, (Bottom left): Mr. Alexandre Barreto de Souza, President, Administrative Council for Economic Defense (CADE), Brazil and Shri Ashok Kumar Gupta, Chairperson, CCI, during the signing of the Memorandum of Understanding between CCI and CADE, Brazil on 18.06.2021.

DEVELOPMENTS IN OTHER JURISDICTIONS

GERMANY

Bundeskartellamt approves takeover of Lehmanns by Thalia[1]

The Bundeskartellamt cleared the proposed acquisition of the specialist literature provider Lehmanns by the book retailer Thalia. With over 380 bookshops, Thalia is by far the largest bookstore chain in Germany. Lehmanns is primarily active as a provider of specialist literature for professional clients (universities, libraries, companies) and also operates 15 specialist bookstores in several German university towns.

The acquisition particularly affects the provision of specialist literature for professional clients in the areas of science/technology/medicine/law/business/taxation, book retailing and the procurement of books. In the final analysis, the merger project is not expected to significantly impede effective competition in any of the markets actually affected. The Bundeskartellamt based its assessment, among other things, on the specific characteristics of and development in the specialist literature provision sector.

In book retailing, the turnover of Lehmanns specialist bookstores was found to be comparatively low, and final customers have sufficient alternative brick-and-mortar as well as online bookstores to choose from. When assessing the procurement side, the Bundeskartellamt had to take account of the key significance of direct sales by publishers and international publications in the area of specialist literature. It was therefore possible to clear the planned acquisition in the first phase of merger control.

AUSTRALIA, UNITED KINGDOM AND GERMANY

Joint statement on merger control enforcement from Australian Competition and Consumer Commission (ACCC), the United Kingdom's Competition and Markets Authority (CMA), and Germany's Bundeskartellamt[2]

The ACCC, the CMA and Bundeskartellamt have issued a joint statement highlighting the importance of rigorous and effective merger enforcement. The statement was launched at a virtual event by the heads of each of the agencies. The statement makes clear that competition agencies, courts and tribunals must focus on the importance of protecting competition and preventing anti competitive mergers.

The joint statement emphasised that there is a real need for strong merger enforcement from competition agencies globally to ensure that high concentration levels do not become the accepted norm, and to maintain and promote competition for the benefit of consumers. Effective merger control is always essential for competitive economies and is in the interests of consumers but is even more crucial as some economies emerge and rebuild following the pandemic. Merger controls are the first line of defence; if a merger is approved and the new entity develops market dominance, there is often little that competition agencies can do to address the situation retrospectively with the available tools.

The joint statement also highlights that market power can be easily established and entrenched in dynamic and highly concentrated markets such as technology, where a seemingly small transaction of a start-up or mid-tier business by a dominant player can cause a competitive market to tip in an anticompetitive direction.

SINGAPORE

Competition and Consumer Commission of Singapore (CCCS) grants conditional approval for acquisition of certain subsidiaries and assets of Refinitiv Holdings Limited by London Stock Exchange Group[3]

The CCCS has granted conditional approval of London Stock Exchange Group plc's ("LSEG") acquisition (the Transaction) of certain subsidiaries and assets of Refinitiv Holdings Limited ("Refinitiv") (collectively, the Parties) after accepting commitments from LSEG. The Transaction was notified to CCCS on 27.03.2020 and completed on 29.01.2021.

Following its review of the Transaction, CCCS identified competition concerns arising from the Transaction based on information received from the Parties and third parties. Specifically, third parties raised

[1] https://www.bundeskartellamt.de/SharedDocs/Meldung/EN/Pressemitteilungen/2021/14_04_2021_Lehmanns_Thalia.html;jsessionid=A6AE33F3E7DF1D9D6379CF0530CADCB9.2_cid362?nn=3591568

[2] https://www.accc.gov.au/media-release/landmark-joint-statement-on-merger-control-enforcement-from-accc-uks-cma-and-germanys-bundeskartellamt

[3] https://www.cccs.gov.sg/media-and-consultation/newsroom/media-releases/conditional-approval-for-acquisition-of-refinitiv-holdings-limited-by-london-stock-exchange-group

concerns about their continued access to Refinitiv's WM/Reuters foreign exchange benchmarks ("WM/R FX benchmarks"), which are critical inputs with no reasonable substitutes to competing providers of index licensing and derivatives clearing services. Accordingly, CCCS was concerned that the transaction will reduce the incentive for the merged entity to continue to supplying WM/R FX benchmarks in a non-discriminatory manner, as the Transaction will result in Refinitiv being merged or affiliated to a major clearing provider (*i.e.,* LCH Group) as well as a major index licensing provider (*i.e.,* FTSE Russell) with a global presence.

To address these competition concerns, LSEG proposed a set of commitments. From 27.01.2021 to 09.02.2021, CCCS invited public feedback on whether the Proposed Commitments would sufficiently address the competition concerns arising from the transaction or not. Through the feedback received, industry players and customers generally agreed that the Proposed Commitments will achieve their objectives and made suggestions to further refine the Proposed Commitments to better address the identified competition concerns. In response to the suggestions raised during the public consultation, LSEG further submitted revised commitments. The Final Commitments were to be considered effective from 24.05.2021.

EUROPE

The European Commission (EC) opens investigation into possible anticompetitive conduct by Google in the online advertising technology sector[4]

The EC has opened a formal antitrust investigation to assess whether Google has violated EU competition rules by favouring its own online display advertising technology services in the so-called 'ad tech' supply chain, to the detriment of competing providers of advertising technology services, advertisers and online publishers. The formal investigation will notably examine whether Google is distorting competition by restricting access of user data to third parties for advertising purposes on websites and apps while reserving such data for its own use.

Many publishers rely on online display advertising to fund free online content for consumers. Google provides several advertising technology services that intermediate between advertisers and publishers in order to display ads on websites or mobile apps.

EC is *"concerned that Google has made it harder for rival online advertising services to compete in the so-called ad tech stack. A level playing field is of the essence for everyone in the supply chain. Fair competition is important – both for advertisers to reach consumers on publishers' sites and for publishers to sell their space to advertisers, to generate revenues and funding for content. The EC will also be looking at Google's policies on user tracking to make sure they are in line with fair competition."*

The Commission's investigation will focus on display advertising, where Google offers a number of services both to advertisers and publishers. If proven, the practices under investigation may breach EU competition rules on anticompetitive agreements between companies (Article 101 of the Treaty on the Functioning of the European Union (TFEU)) and/or on the abuse of a dominant position (Articles 102 TFEU).

UNITED STATES

United States Federal Trade Commission (USFTC) approves final order imposing conditions on Casey's General Stores, Inc.'s Acquisition of Buck's Intermediate Holdings, LLC[5]

Following a public comment period, the US FTC approved a final order, thereby settling charges that Casey's General Stores Inc.'s acquisition of Buck's Intermediate Holdings, LLC would violate federal antitrust law. Under the final order passed by the US FTC, the companies have agreed to divest retail fuel assets in local gasoline and diesel fuel markets across two states.

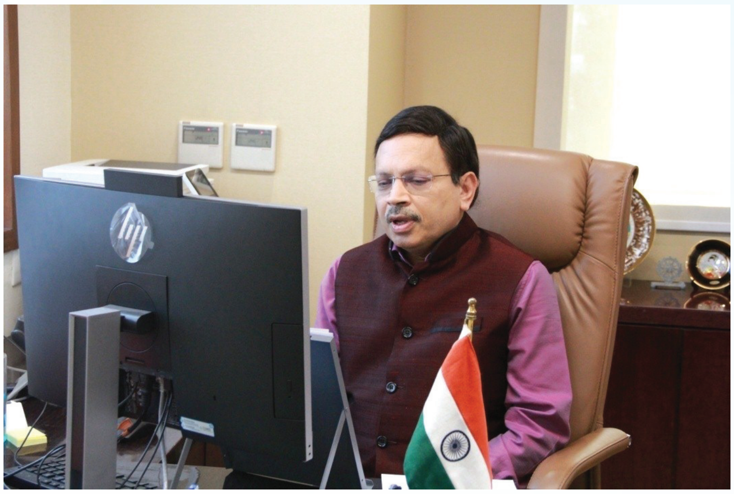
According to the complaint, which was first announced in April 2021, the proposed acquisition would likely harm competition for the retail sale of gasoline in seven local markets in Nebraska and Iowa. In four of these local markets, competition for the retail sale of diesel fuel would also be harmed.

The final order requires Casey's to divest six retail fuel outlets, three Casey's outlets and three Bucky's outlets to Western Oil II, LLC and its affiliate Danco II, LLC within 10 days of Casey's completing the acquisition. (One of the Casey's outlets, store 2886, serves two of the seven local markets). The parties are also required to provide the Commission with a notice before acquiring retail fuel assets within a fixed distance of any Casey's outlet in a market involving a divestiture for ten years.

[4] https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3143
[5] https://www.ftc.gov/news-events/press-releases/2021/06/ftc-approves-final-order-imposing-conditions-caseys-general

ADVOCACY INITIATIVES

1. Shri Ashok Kumar Gupta, Chairperson, CCI, delivered a Keynote Address at the inaugural session of the webinar on competition law organised by the Bangalore Chamber of Industry and Commerce (BCIC), Bangalore, through the virtual mode on 08.04.2021.



2. Shri Ved Prakash Mishra, Adviser (Law), judged the final round of the 7th AURO National Moot Court Competition on Competition Law organised by AURO University, Surat, through the virtual mode on 04.04.2021.

3. Shri Anand Vikas Mishra, Joint Director (Law), judged the semi-final round of the 7th AURO National Moot Court Competition on competition law organised by AURO University, Surat, through the virtual mode on 04.04.2021.

4. Shri Anand Vikas Mishra, Joint Director (Law), and Shri Anuj Verma, Deputy Director (FA), delivered a lecture on "Competition Law in India: Journey So Far" organised by Sharda University, Greater Noida, through the virtual mode on 07.04.2021.

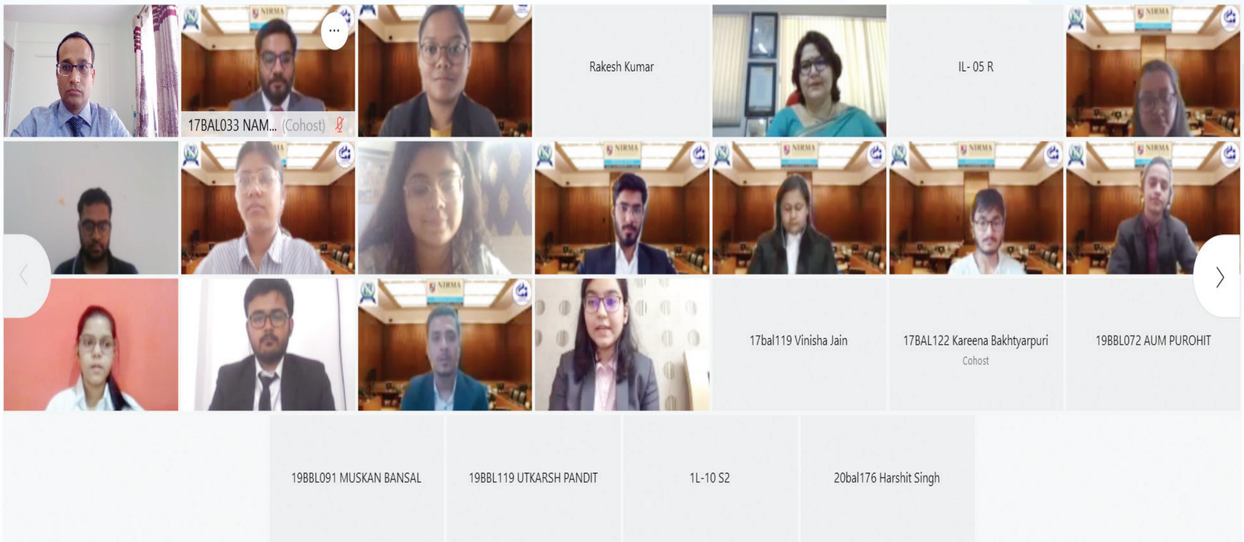
5. Shri Anand Vikas Mishra, Joint Director (Law), delivered a lecture on the "Historical Evolution of Competition Law, Competition Advocacy, Competition Impact Assessment & Competition Compliance" organised by New Delhi Institute of Management (NDIM), New Delhi, through the virtual mode on 12.04.2021.

6. Ms. Neha Raj, Joint Director (Law), delivered a lecture on "Public Procurement and Handling of Anti-Competitive Practices Under Section 3 of the Act" organised by the New Delhi Institute of Management (NDIM), New Delhi, through the virtual mode on 13.04.2021.

7. Ms. Jyotsna Yadav, Joint Director (FA), delivered a lecture on "Abuse of Dominant Position, Market Power and Delineation of Relevant Market" organised by the New Delhi Institute of Management (NDIM), New Delhi, through the virtual mode on 15.04.2021.

8. Mr. Arpit Gupta, Deputy Director (Economics), delivered a lecture on “Merger and Acquisitions Regime in India–Journey Till Date” organised by the New Delhi Institute of Management (NDIM), New Delhi, through the virtual mode on 16.04.2021.

9. Shri Anand Vikas Mishra, Joint Director (Law), judged the semi-final round of the 10th CCI–Institute of Law National Moot Court Competition, 2021, organised by Institute of Law, Nirma University, Ahmedabad, through the virtual mode on 18.04.2021.



10. Shri Rakesh Kumar, Adviser (Economics), judged the final round the 10th CCI – Institute of Law National Moot Court Competition, 2021, organised by the Institute of Law, Nirma University, Ahmedabad, through the virtual mode on 18.04.2021.

11. Shri V. Sriraj, Joint Director (Law), delivered a lecture to officials of Indian Oil Corporation Limited (IOCL), Southern Region on the “Basics of Competition Law with specific reference to Competition Compliance in Public Procurement and Long-Term Contracts” through the virtual mode on 23.04.2021.

12. Shri Rakesh Kumar, Adviser (Economics), delivered a lecture on competition law to 41 probationers from the Indian Defence Accounts Service, Indian Civil Accounts Service and Indian Postal & Telecom Accounts and Finance Service in the training organised by the Arun Jaitley National Institute of Financial Management (AJNIFM), Faridabad, through the virtual mode on 28.04.2021.

13. Dr. K.D. Singh, Director (Law), delivered a lecture on “Regulations of Big Tech and conflict with Data Protection and Privacy Laws” organised by the Bangalore Chamber of Industry and Commerce (BCIC), Bangalore, on competition law through the virtual mode on 29.04.2021.

14. Shri Rakesh Kumar, Adviser (Economics), delivered a lecture on competition law to 41 probationers from Indian Defence Accounts Service, Indian Civil Accounts Service and Indian Postal & Telecom Accounts and Finance Service in the training organised by the Arun Jaitley National Institute of Financial Management (AJNIFM), Faridabad, through the virtual mode on 29.04.2021.

15. Shri Rakesh Kumar, Adviser (Economics), delivered a lecture on competition law to 41 probationers from the Indian Defence Accounts Service, Indian Civil Accounts Service and Indian Postal & Telecom Accounts and Finance Service, in the training organised by the Arun Jaitley National Institute of Financial Management (AJNIFM), Faridabad, through the virtual mode on 30.04.2021.

16. Ms. Jyoti Jindgar Bhanot, Adviser (Economics), judged the final round of the CCI-Tamil Nadu National Law University Moot Court Competition organised by the Tamil Nadu National Law University, Tiruchirapalli, through the virtual mode on 30.05.2021.

17. Shri Yogesh Dubey, Joint Director (Economics), judged the semi-final of CCI-Tamil Nadu National Law University Moot Court Competition on competition law organised by the Tamil Nadu National Law University, Tiruchirapalli, through the virtual mode on 30.05.2021.

18. Ms. Jyoti Jindgar Bhanot, Adviser (Economics), was a panellist during a session on “Dominion Over Data: An Analysis of Modern Market Supremacy” at *Consilience 2021*– a conference organised by the Law and Technology Society of the National Law School of India University, Bangalore, through the virtual mode on 10.06.2021.

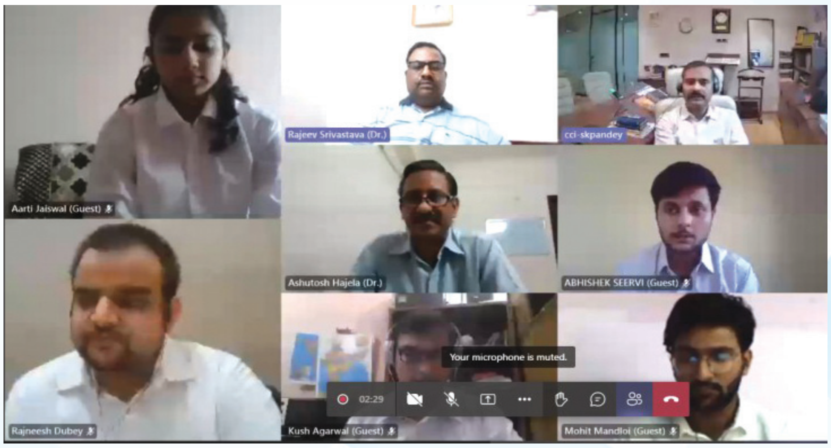
19. Dr. K. D. Singh, Director (Law), was a panellist during a session on “Anti-Competitive Alogrithms & Challenges in Antitrust” at *Consilience 2021*– a conference organised by the Law and Technology Society of the National Law School of India University, Bangalore, through the virtual mode on 11.06.2021.

20. Shri Manish Mohan Govil, Adviser (Law), was a panellist during a session on “Merger Review Decade” at *Consilience 2021*– a conference organised by the Law and Technology Society of the National Law School of India University, Bangalore, through the virtual mode on 12.06.2021.

21. Shri Shekhar, Joint Director (FA), was a panellist at the 6th NLIU - Trilegal Summit on “Corporate and Commercial Laws, 2021” organised by the Centre for Business and Commercial Laws, Bhopal, through the virtual mode on 12.06.2021.

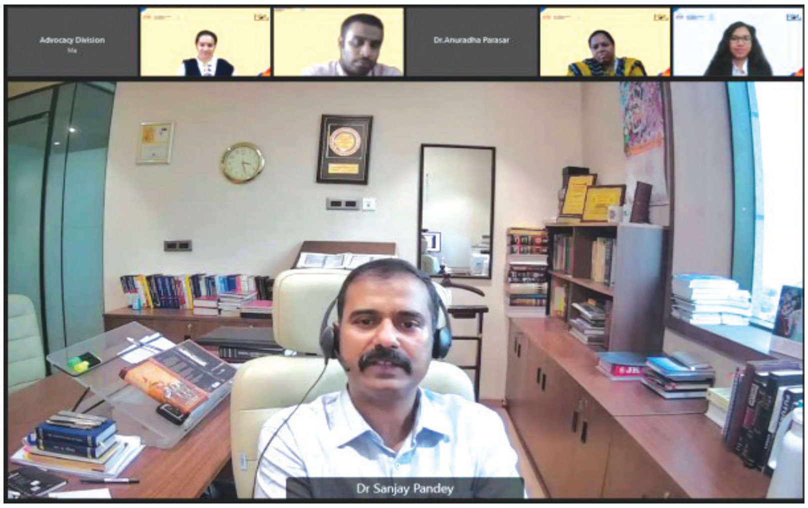
22. Shri Ashutosh Kumar, Joint Director (Economics), delivered a lecture on “Competition Law, Historical Overview and Journey” organised by KR Mangalam University, Gurugram, through the virtual mode on 16.06.2021.

23. Dr. Sanjay Kumar Pandey, Adviser (Law), delivered a lecture on “Competition Jurisprudence in a Decade” organised by the School of Law, Narsee Monjee Institute of Management Studies (NMIMS), Indore, through the virtual mode on 17.06.2021.

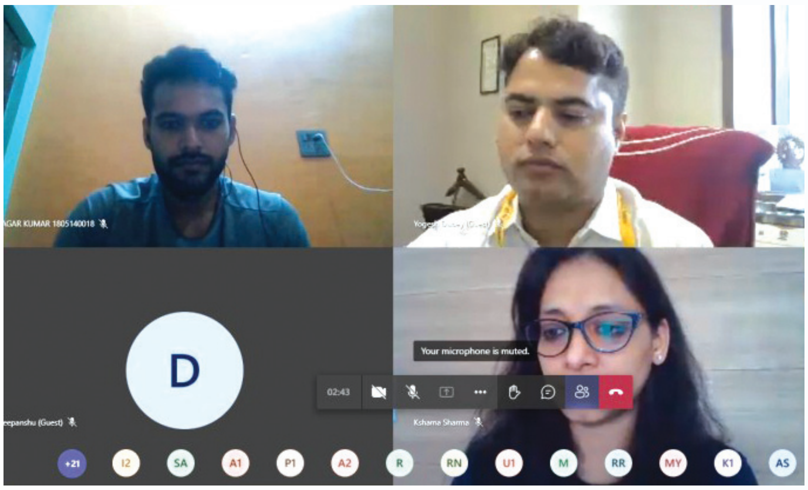


24. Dr. K.D.Singh, Director (Law), delivered a lecture during the valedictory programme at the two-day National Conference on “Changing Paradigm of Corporate and Commercial Laws” organised by Jagran Lake City University, Bhopal, through virtual mode on 19.06.2021 and 20.06.2021.

25. Ms. Sanskriti Jain, Deputy Director (Law), delivered a lecture on “Section 3 and 4 of the Competition Act, 2002 and Landmark Cases” organised by KR Mangalam University, Gurugram, through the virtual mode on 21.06.2021.



26. Dr. Sanjay Kumar Pandey, Adviser (Law), delivered a lecture on the “Importance of Competition Law in Today’s World” organised by MIT World Peace University, Pune, through the virtual mode on 23.06.2021.



27. Shri Yogesh Kumar Dubey, Joint Director (Economics), delivered a lecture on “Merger Regime in India- An Overview with Leading Cases” organised by KR Mangalam University, Gurugram, through the virtual mode on 23.06.2021.

28. Shri Anand Vikas Mishra, Joint Director (Law), delivered a lecture on “Understanding Competition Law – The Need of the Corporate World Today” organised by Amity University, Noida, through the virtual mode on 24.06.2021.

29. Dr. K. D. Singh, Director (Law), delivered a lecture on “Implementation of Competition Law During COVID-19 Pandemic” refresher course organised by the JLU School of Law in collaboration with the National Law Institute University, Bhopal, for law teachers through the virtual mode on 28.06.2021

ADVOCACY WITH STATES

State: Odisha

Resource Person: Shri Mahendra Kumar Mallick

Topic: Competition Law and Public Procurement

S. No.	Date	Organisation for which programme was conducted
1.	06.04.2021	Revenue Officers Training Institute (ROTI), Gothapatna, Bhubaneshwar
2.	29.06.2021	Utkal University, Vanivihar

State: Kerala

Resource Person: Shri Krishna Kumar KN

Topic: Competition Law and Public Procurement

S. No.	Date	Organisation for which programme was conducted
1.	13.04.2021	The District Industries Centre (DIC), Kottayam
2.	28.04.2021	The District Industries Centre (DIC), Alappuzha
3.	24.05.2021	The DICs of two districts(I) Idukki (II) Wayanad, Kottayam
4.	09.06.2021	Officers from DICs, Kasergod and Pathanamthitta
5.	17.06.2021	For the District Industries Centre (DIC), Malappuram
6.	25.06.2021	Officers and Directors of the Kerala Khadi and Village Industries Board (KKVIB)

State: Telangana

Resource Persons: Shri R. C. Kumar and Shri Prasanna Kumar

Topic: Competition Law and Public Procurement

S. No.	Date	Organisation for which programme was conducted
1.	16.04.2021	Bhagya Nagar Gas Limited
2.	25.05.2021	Telangana State Seeds Development Corporation (TSSDC)
3.	15.06.2021	For the Officers of Housing And Urban Development Corp Ltd. (HUDCO)
4.	24.06.2021	Telangana Industrialists Federation (TIF)

State: Himachal Pradesh

Resource Person: Shri Rangilu Ram Patyal

Topic: Competition Law and Public Procurement

S. No.	Date	Organisation for which programme was conducted
1.	27.04.2021	Government College of Pharmacy, Seraj, District Mandi
2.	30.04.2021	Govt. Polytechnic, Ambota, District Una
3.	31.05.2021	Govt. Polytechnic, Paonta Sahab
4.	24.06.2021	Govt. Polytechnics Lahaul and Spiti
5.	30.06.2021	Industry Association Bhamla, District Mandi

State: Assam

Resource Persons: Shri Umesh Kumar and Shri Tanuj Goswami

Topic: Competition Law and Public Procurement

S. No.	Date	Organisation for which programme was conducted
1.	22.04.2021	Oil India Limited (OIL), Duliajan
2.	24.04.2021	Assam Industrial Development Corporation Limited (AIDCL)
3.	26.05.2021	Assam Industrial Development Corporation (AIDC)
4.	31.05.2021	Laghu Udyog Bharti, Purvottar Prant
5.	04.06.2021	Assam Petrochemical Limited
6.	25.06.2021	Indian Oil Corporation Refinery
7..	30.06.2021	Assam Industry Development Corporation, Guwahati

State: Uttarakhand

Resource Person: Shri Rajiv Rautela

Topic: Competition Law and Public Procurement

S. No.	Date	Organisation for which programme was conducted
1.	30.04.2021	Various departments
2.	27.05.2021	Forest Department
3..	24.06.2021	Various departments

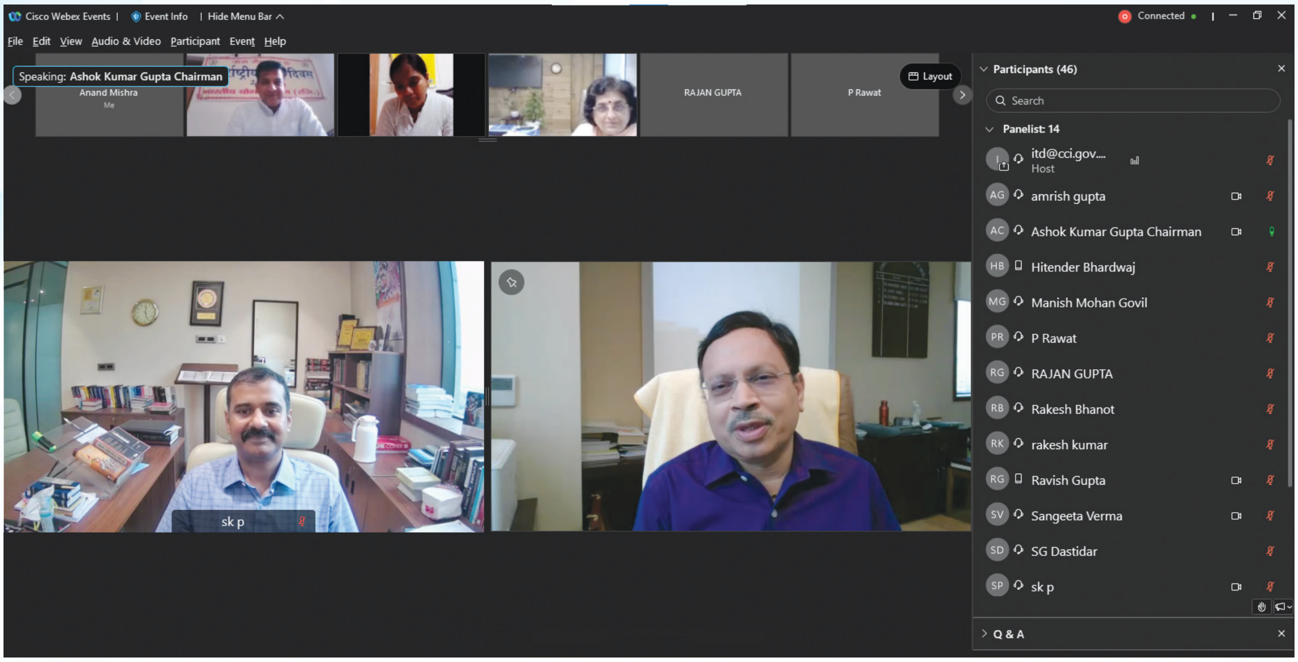
State: Puducherry

Resource Person: Dr. S Vaittianadane

Topic: Competition Law and Public Procurement

S. No.	Date	Organisation for which programme was conducted
1.	30.06.2021	Officers of Khadi Village Industries Board

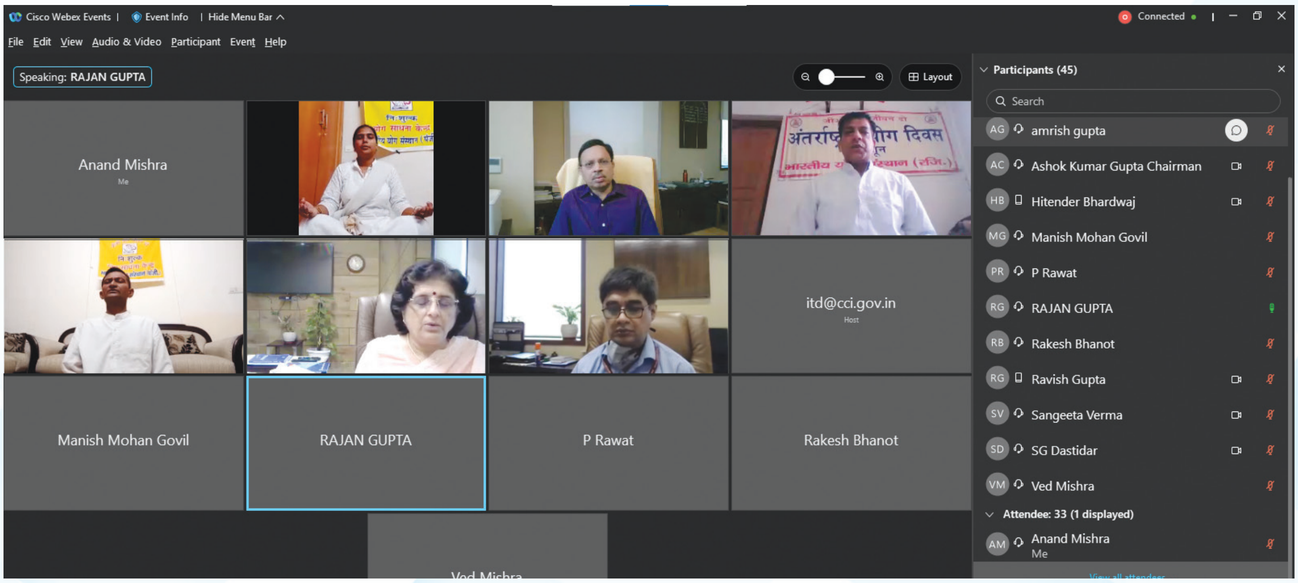
INTERNATIONAL YOGA DAY



From an ancient spiritual practice born in India, yoga is now being practised by people across the world as a way of living a healthy life. In recognition of its global appeal and significance, in 2014, the United Nations declared 21st June as International Yoga Day.

In 2021, the theme for the International Yoga Day is “Yoga for Well-being”. The COVID-19 pandemic, apart from posing the obvious physical challenge, has disrupted the mental well-being of individuals around the world, who have stayed indoors due to the lockdowns. In such a scenario, yoga has helped people stay physically and mentally healthy and adopt a healthy lifestyle.

Since 2015, the CCI has celebrated the International Yoga Day every year by conducting a special yoga session for its officers and staff. This year, the 7th International Yoga Day was celebrated on 20.06.2021 by organising an interactive session on the “Importance of Yoga” through video conferencing. Experts from the *Bhartiya Yog Sansthan* were invited to deliver a talk to officers and lead the yoga session.



CAPACITY BUILDING EVENTS

Webinars/ Trainings/ Workshops:

1. Three officers attended an online training programme on "Public Procurement (Basic)" during 21-24.06.2021 organised by the Arun Jaitley National Institute of Financial Management (AJNIFM).

Special Lecture Series (SLS):

1. The 19th lecture under Special Lecture Series (SLS) was delivered by Shri Sridar Padmanabhan Kannan, Consultant, World Bank, Washington DC, USA on the topic "Competition Law and the Mining Sector: A Developmental Approach to Advocacy and Adjudication" on 21.05.2021 for officers of CCI.

2. The 20th lecture under CCI's Special Lecture Series (SLS) was delivered virtually by Ms. Mallika Bhatia, Life Coach & Clinical Psychologist on the topic "Is Covid Only Physical – How Covid is Affecting Our Psyche" on 25.06.2021 for officers of CCI.

HR CORNER

A) Joining:

Shri Vipul Puri, Joint Director (FA) joined duty in CCI w.e.f. 16.04.2021 (A/N) after completion of his deputation tenure as Joint Advisor (F&EA) in TRAI.

B) Extension of tenure:

(i) Deputation tenure in r/o Ms. Payal Malik, Adviser (Economics), extended for a further period of one year, w.e.f. 27.04.2021 to 26.04.2022 (*i.e.,* upto the 5th year).

(ii) Deputation tenure in r/o Shri Manish Mohan Govil, Adviser (Law), extended for a further period of one year, w.e.f. 16.05.2021 to 15.05.2022 (*i.e.,* upto the 5th year).

(iii) Deputation tenure in r/o Ms. Anusha Khurana, Addl. Director General, extended for a further period of one year, w.e.f. 04.08.2021 to 03.08.2022 (*i.e.,* upto the 7th year).

(iv) Deputation tenure in r/o Shri Dharmvir Singh, Deputy Director General, extended for a further period of one year, w.e.f. 01.08.2021 to 31.07.2022(*i.e.,* upto the 7th year).

(v) Deputation tenure in r/o Shri Jayant Kumar, Assistant Director (CS), extended for a further period of one year, w.e.f. 08.04.2021 to 07.04.2022 (*i.e.,* upto the 3rd year).

C) Relieving:

(i) Shri Rahul Arya, Joint Director General, Shri Ravi Kant, Joint Director General and Shri Johney Sebastian, Deputy Director General, were relieved w.e.f. 01.04.2021 (A/N) on completion of their deputation tenure.

(ii) Ms. Jaya Chotia, Deputy Director General, was relieved w.e.f. 03.05.2021 (A/N) on completion of her deputation tenure.

(iii) Shri Suresh Kataria, Assistant Director General (CS), was relieved w.e.f. 02.07.2021 on completion of his deputation tenure.

D) Extension of term of Part Time Medical Officers:

Term of engagement of two Part Time Medical Officers, namely Dr. P.K. Sharma (Allopathy) and Dr. N.K. Jain (Homeopathy), was extended.

E) Issue of Vacancy Advertisement:

A vacancy advertisement to invite applications to fill up 09 posts of Deputy Director General in the O/o. DG, CCI, on deputation basis was issued on 07.05.2021 under special drive.

EVENTS

A) **Anti-Terrorism Day Pledge on 21.05.2021** and **No Tobacco Day Pledge on 31.5.2021** were taken by all Officers of CCI & O/o. DG, CCI, as per the directions of the Government of India. The pledges were administered by Shri Ashok Kumar Gupta, Chairperson, CCI.

B) **7th International Yoga Day** was celebrated in the Competition Commission of India on 21.06.2021. In this regard, an interactive session on the "Importance of Yoga" was organised through Video Conferencing by experts from the *Bhartiya Yog Sansthan*.

Shri Ashok Kumar Gupta, Chairperson, CCI delivering his address at the Virtual Meeting of the Heads of BRICS Competition Authorities on 27.05.2021.

Competition Commission of India
9th Floor, Office Block - 1, Kidwai Nagar (East),
New Delhi-110023, India

Please visit www.cci.gov.in for more information about the Commission. For any query/comment/suggestion, please write to advocacy@cci.gov.in

Follow us on:

https://www.facebook.com/pages/category/Government Organisation/Competition-Commission-of-India-529934074122118/

https://in.linkedin.com/company/competition-commission-of-india

https://twitter.com/CCI_India