

BACKGROUND NOTE:

DRAFT COMPETITION COMMISSION OF INDIA (DETERMINATION OF TURNOVER OR INCOME) REGULATIONS, 2023

The Competition Act, 2002 (Act) aims to prevent practices having adverse effect on competition, to promote and sustain competition in markets, to protect the interests of consumers and to ensure freedom of trade carried on by other participants in markets, in India. Section 64(1) of the Act empowers the Competition Commission of India (CCI) to make regulations consistent with the Act and the rules made thereunder for carrying out the purposes of the Act.

The Competition (Amendment) Act, 2023, inter alia, amended Section 27, 48 and Section 64 of the Act empowers the CCI to frame regulations for the purposes of imposition of penalty on enterprise and/or person based on turnover or income of such enterprise and/or person. Further, it has been provided that turnover or income will be determined in the manner as specified by regulations.

The CCI proposes the draft CCI (Determination of Turnover or Income) Regulations, 2023 which provide for the determination of turnover or income for the purposes of Section 27(b) and Section 48 of the Act.

The CCI invites stakeholders to submit written comments on the draft CCI (Determination of Turnover or Income) Regulations, 2023 from 22.12.2023 to 12.01.2024. The comments must be sent only by duly filling the form available on the website of the CCI (<https://www.cci.gov.in/stakeholders-topics-consultations>) .