

**THE COMPETITION COMMISSION OF INDIA
NOTIFICATION
The Competition Commission of India (General) Regulations, 2009
(No. 2 of 2009)**

New Delhi, the 21 day of May, 2009

As amended by

**[The Competition Commission of India (General) Amendment Regulations, 2009,
(No. 5 of 2009), Published in the Gazette of India, Extraordinary, Part III, Section 4 on
20th August, 2009.]**

No R-40007/6/ Reg- General/ Noti/ 04- CCI -In exercise of the powers conferred by section 64 of the Competition Act, 2002 (12 of 2003) the Competition Commission of India hereby makes the following regulations, namely: .

1. Short title and commencement. –

- (1) These regulations may be called the Competition Commission of India (General) Regulations, 2009.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. –

- (1) In these regulations, unless the context otherwise requires, .
 - (a) **Act**+means the Competition Act, 2002 (12 of 2003);
 - (b) **Chairperson**+means the Chairperson appointed under sub-section (1) of section 8 of the Act;
 - (c) **Commission**+ means the Competition Commission of India established under sub-section (1) of section 7 of the Act;
 - (d) **Counsel**+ means a legal practitioner or a chartered accountant or a company secretary or a cost accountant as defined in the explanation to section 35 of the Act;
 - (e) **Director General**+ means the Director General appointed under sub-section (1) of section 16 of the Act and includes any Additional, Joint, Deputy or Assistant Directors General appointed under that section;
 - (f) **Expert**+means an expert engaged to assist the Commission under sub-section (3) of section 17 of the Act or an expert called upon to assist the Commission in any inquiry or proceeding under sub-section (3) of section 36 of the Act;
 - (g) **Media**+ includes newspapers, magazines, periodicals, journals, radio, cinema, television and internet;
 - (h) **Ordinary meeting**+, shall have the same meaning as assigned to it in the Competition Commission of India (Meetings for Transaction of Business) Regulations, 2009;
 - (i) **Party**+ includes a consumer or an enterprise or a person defined in clauses (f), (h) and (l) of section 2 of the Act respectively, or an information provider, or a consumer association or a trade association or

the Director General defined in clause (g) of section 2 of the Act, or the Central Government or any State Government or any statutory authority, as the case may be, and shall include an enterprise against whom any inquiry or proceeding is instituted and shall also include any person permitted to join the proceedings or an intervener;

- (j) ~~%eference+~~means a reference.
 - (i) received in the Commission from the Central Government or a State Government or a statutory authority under clause (b) of sub-section (1) of section 19 of the Act, or
 - (ii) received in the Commission from a statutory authority under section 21 of the Act for opinion, or
 - (iii) sent to a statutory authority for opinion by the Commission under section 21A of the Act, or
 - (iv) received in the Commission from the Central Government or a State Government for opinion under sub-section (1) of section 49 of the Act.
- (k) ~~%Secretary+~~ means the Secretary appointed under sub-section (1) of section 17 of the Act and includes an officer of the Commission authorized by the Chairperson to function as Secretary;
- (l) ~~%Tribunal+~~means Competition Appellate Tribunal established under sub-section (1) of section 53A of the Act;
- (m) ~~%working day+~~for the office of the Commission at New Delhi or any other office of the Commission means the day on which it functions but does not include Saturday or Sunday or any other day which is declared to be a public holiday by the Central Government under the Negotiable Instruments Act, 1881 (26 of 1881) for New Delhi or for such other place, as the case may be.

(2) Words and expressions used but not defined in these regulations shall have the same meanings respectively assigned to them in the Act or in the Companies Act, 1956 (1 of 1956), as the case may be.

3. Powers to determine procedure in certain circumstances. .

In a situation not provided for in these regulations, the Commission may, for reasons to be recorded in writing, determine the procedure in a particular case.

4. Seal and emblem. .

The official seal and emblem of the Commission shall be such as indicated by a drawing given in Annexure.

5. Language of the Commission. .

The language of the Commission shall be English.

6. Filing of documents in Hindi. .

Notwithstanding anything contained in these regulations, the parties may file documents drawn up in Hindi, if they so desire:

Provided that no information, reference or other papers contained in any language other than English shall be accepted by the Commission unless the same is accompanied by a true translation thereof in English as stipulated in regulation 7.

7. Translation of documents. .

Documents that are not filed in English shall be translated into English by a translator approved by the Commission, from time to time:

Provided that a translation, which is agreed to by all the parties to the proceedings, may be accepted by the Commission, in appropriate cases, as a true translation.

8. Holidays to be observed by the Commission. .

- (1) The head office of the Commission shall observe, besides Saturday and Sunday, holidays as declared by the Central Government at Delhi under the Negotiable Instruments Act, 1881 (26 of 1881).
- (2) Any other office of the Commission at places other than Delhi shall observe, besides Saturday and Sunday, holidays as declared by the Central Government under the Negotiable Instruments Act, 1881 (26 of 1881) for such place.

9. Computation of time. .

- (1) Where a period of time dates from a given day, act or event is prescribed by or allowed under these regulations for doing an act or taking a proceeding, the time shall be reckoned exclusive of the said day, or of the day of the act or event, from which the time runs.
- (2) Where the time prescribed by or allowed under these regulations for doing an act or taking a proceeding expires on a Saturday or Sunday or on a day on which the office of the Commission is closed, the act may be done or the proceeding may be taken on the first day following the Saturday, Sunday or the day on which that office is closed.

10. Contents of information or the reference. .

- (1) The information or reference (except a reference under sub-section (1) of section 49 of the Act) shall, *inter alia*, separately and categorically state the following *seriatum*-
 - (a) legal name of the person or the enterprise giving the information or the reference;
 - (b) complete postal address in India for delivery of summons or notice by the Commission, with Postal Index Number (PIN) code;
 - (c) telephone number, fax number and also electronic mail address, if available;
 - (d) mode of service of notice or documents preferred;
 - (e) legal name and address(es) of the enterprise(s) alleged to have contravened the provisions of the Act; and
 - (f) legal name and address of the counsel or other authorized representative, if any;
- (2) The information or reference referred to in sub-regulation (1) shall contain .
 - (a) a statement of facts;
 - (b) details of the alleged contraventions of the Act together with a list enlisting all documents, affidavits and evidence, as the case may be, in support of each of the alleged contraventions;
 - (c) a succinct narrative in support of the alleged contraventions;
 - (d) relief sought, if any;

- (e) such other particulars as may be required by the Commission.
- (3) The contents of the information or the reference mentioned under sub-regulations (1) and (2), alongwith the appendices and attachments thereto, shall be complete and duly verified by the person submitting it.

11. Signing of information or reference. .

- (1) An information or a reference or a reply to a notice or direction issued by the Commission shall be signed by .
 - (a) the individual himself or herself, including a sole proprietor of a proprietorship firm;
 - (b) the *Karta* in the case of a Hindu Undivided Family (HUF);
 - (c) the Managing Director and in his or her absence, any Director, duly authorized by the board of directors in the case of a company,
 - (d) the President or the Secretary in the case of an association or society or similar body or the person so authorized by the legal instrument that created the association or the society or the body;
 - (e) a partner in the case of a partnership firm;
 - (f) the chief executive officer in the case of a co-operative society or local authority;
 - (g) in the case of any other person, by that person or by some person duly authorized to act on his behalf.
- (2) A reference shall be signed and authenticated by an officer not below the rank of a Joint Secretary to the Government of India or equivalent in the State Government or the Chief Executive Officer of the Statutory Authority if the same has been received from the Central Government or State Government or Statutory Authority.
- (3) Without prejudice to the provisions of this regulation, the counsel may also append his or her signature to the information or reference as the case may be.

12. Procedure for filing of information or reference. .

- (1) Information or reference or responses thereto to the Commission shall be presented to the Secretary or to an officer authorized in this behalf by the Secretary, in person or sent by registered post or courier service or facsimile transmission addressed to the Secretary or to such authorized officer.
- (2) Any separate or additional document(s) that a party to the proceedings wishes to rely upon in support of its information, or reference shall be filed in the form of a ~~paper~~ ~~Book~~, at least seven days prior to the date of the ordinary meeting, after serving the copies of the said document(s) on the other parties to the proceedings, with documentary proof of such service. Such documents shall be serially numbered, prefaced by an index and shall be supported by a verification.
- (3) An information(s) or reference sent by post or courier service or facsimile transmission under sub-regulation (1) shall be deemed to have been presented to the Secretary or to the officer authorized by the Secretary, on the day on which it is received in the office of the Secretary or the authorized officer, as the case may be.

13. Procedure for filing of information or reference in electronic form. .

Subject to the provisions of regulation 12, information or a reference to the

Commission may be sent by a person or an enterprise to the Secretary in an electronic form duly authenticated with digital signature by the subscriber as and when so desired by the Commission through a public notice.

Explanation – For the purpose of this regulation, .

(a) ~~digital signature~~+means the digital signature as defined under clause (p) of section 2 of the Information Technology Act, 2000 (21 Of 2000);

(b)"electronic form" with reference to an information or a document means the electronic form as defined under clause (r) of section 2 of the Information Technology Act, 2000 (21 Of 2000);

(c) ~~subscriber~~+means the subscriber as defined under clause (zg) of section 2 of the Information Technology Act, 2000 (21 of 2000).

14. Powers and functions of the Secretary. .

- (1) The Secretary shall have the custody of records of the Commission and shall exercise such other functions as may be assigned by the Chairperson.
- (2) Subject to the Competition Commission of India (Meetings for Transaction of Business) Regulations, 2009, the Secretary shall circulate to all concerned, the date, time and place of each meeting, as per the directions of the Chairperson.
- (3) The Secretary shall be the nodal officer on behalf of the Commission for, .
 - (a) making or receiving all statutory communications;
 - (b) entering into any formal relationships, including signing of any memorandum or arrangement, with competition authority or any agency of any foreign country, with the prior approval of the Commission and the Central Government, as per section 18 of the Act.
- (4) The Commission may sue or be sued in the name of the Secretary and the Commission shall be represented in the name of the Secretary in all legal proceedings, including appeals before the Tribunal.
- (5) Subject to the provisions of section 51 of the Act, the Secretary shall assist the Committee of Members constituted under sub-section (3) of section 51 of the Act for, .
 - (a) preparation and approval of the annual budget of the Commission;
 - (b) administration of the competition fund.
- (6) The Secretary shall keep in custody the official seal of the Commission. The official seal of the Commission shall not be affixed to any document including the certified copies of the orders of the Commission, save and under the authority in writing of the Secretary.
- (7) Subject to sub-regulation (1) , to ensure a timely and efficient disposal of the matters brought before the Commission and for achieving the objectives of the Act, the Secretary shall have the following powers and functions, .
 - (a) to receive, endorse and categorize all the information, references, applications or documents including miscellaneous applications and other documents for transfer of proceedings and application for adjournment, etc.;
 - (b) to check the amount of fee received where applicable and to ensure the timely deposit of the same in the bank account of the Commission;
 - (c) to scrutinize all information, references, applications or documents so received to find out whether they are in conformity with the rules and

regulations;

- (d) to point out defects in such information(s), references, applications or documents to the parties requiring them to rectify such defects;
- (e) to serve copy of the information, reference, application or document along with the enclosures to the concerned parties including the Director General, within a reasonable time;
- (f) to serve the notice of the date of the ordinary meeting of the Commission to consider the information or reference or document to decide if there exists a prima facie case and to convey directions of the Commission for investigation or to issue notice of inquiry after receipt and consideration of the report of the Director General;
- (g) to bring on record executors, administrators or other legal representatives, in case of death of any party or adjudication of a party as insolvent, upon an application by any party to the proceedings;
- (h) to verify the service of notice or other processes and to ensure that the parties are properly served;
- (i) to requisition records on the direction of the Commission from the custody of any authority;
- (j) to allow inspection of records of the Commission;
- (k) to return the documents filed by any party or authority on orders of the Commission;
- (l) to certify and issue copies of the orders of the Commission to the parties;
- (m) to grant certified copies of documents filed in the proceedings to the parties, in accordance with these regulations;
- (n) to grant certified copies of the orders of the Commission for publication, in accordance with these regulations;
- (o) to dispose of all matters relating to the service of notices or other related processes, applications for issue of fresh notice or for extending the time for or ordering a particular method of service on a party including a substituted service by publication of notice by way of advertisement in the newspaper or putting it on the website, as the case may be;
- (p) To compile and preserve record of any proceeding during an ordinary meeting including:-
 - (i) the chronology of events;
 - (ii) the initiating document;
 - (iii) the notice of the meeting;
 - (iv) report of the Director General, if any;
 - (v) opinion of expert, if any;
 - (vi) any interim order made;
 - (vii) all documentary evidence filed;
 - (viii) the transcript, if any, of the oral evidence given;
 - (ix) the final order or decision of the Commission;
- (q) to disclose information subject to section 57 of the Act;
- (r) to ensure confidentiality of documents or evidences or statements or any analysis as per these regulations, by keeping them in safe custody;

- (s) to undertake maintenance of records including weeding out of records in accordance with retention schedule in force and in accordance with directions of the Chairperson issued from time to time;
- (t) to file complaint before the Chief Metropolitan Magistrate, Delhi for non-compliance with the orders or directions of the Commission under sub-section (3) of section 42 of the Act , if so directed by the Commission.

15. Procedure for scrutiny of information or reference. .

- (1) Each information or reference received in the Commission shall be scrutinized by the Secretary to check whether it conforms to these regulations and the defects, if any, shall be communicated to the party within a reasonable time not exceeding , .
 - (a) fifteen days in case of an information or reference received under clause (b) of sub-section (1) of section 19 of the Act; or
 - (b) seven days in case of a reference received under section 21 or sub-section (1) of section 49 of the Act.
- (2) The information provider referred to in clause (a) of sub-section (1) of section 19 of the Act or the Central Government or the State Government or the statutory authority referred under clause (b) of sub-section (1) of section 19 or in sub-section (1) of section 49 of the Act, as the case may be, shall, on receipt of the communication about the defects under sub-regulation (1), remove the defects within:-
 - (a) thirty days of receiving the intimation in case of an information or reference under clause (b) of sub-section (1) of section 19 of the Act; or
 - (b) fifteen days of receiving the intimation in case of a reference under section 21 or sub-section (1) of section 49 of the Act.
- (3) In case the defects are not removed by the Central Government or the State Government or the statutory authority or the concerned party, as the case may be, as per the provision of sub-regulation (2), the information or the reference or the application connected therewith shall be treated as invalid:

Provided that the Central Government or the State Government or the Statutory Authority or the concerned party shall be entitled to file fresh information, reference or application for consideration by the Commission together with applicable fees.
- (4) In the event of the information having been treated as invalid under sub-regulation (3), the fee paid on such information shall stand forfeited.
- (5) Nothing contained herein above shall preclude the Commission from using the contents of such information or reference in any manner as may be deemed fit, for inquiring into any possible contravention of any provision of the Act:

Provided that the time taken in removing the defects in such references shall not count towards the period of sixty days provided for giving of opinion by the Commission in sub-section (2) of section 21 or sub-section (1) of section 49 of the Act, as the case may be.

16. Opinion on existence of *prima facie* case. –

- (1) The Secretary, after scrutiny and removal of defects, if any, in an information or reference, as the case may be, shall place the same before the Commission to form its opinion on existence of a *prima facie* case.

- (2) In cases of alleged anti-competitive agreements and/or abuse of dominant position, the Commission shall, as far as possible, record its opinion on existence of a *prima facie* case within sixty days.
- (3) The Commission shall, as far as possible, hold its first ordinary meeting to consider whether *prima facie* case exists, within fifteen days of the date of placement of the matter by the Secretary under sub -regulation (1).

17. Preliminary conference. .

- (1) The Commission may, if it deems necessary, call for a preliminary conference to form an opinion whether a *prima facie* case exists.
- (2) The Commission may invite the information provider and such other person as is necessary for the preliminary conference.
- (3) A preliminary conference need not follow formal rules of procedure.

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

- (1) Where the Commission is of the opinion that a *prima facie* case exists, the Secretary shall convey the directions of the Commission to the Director General to investigate the matter and furnish a report to the Commission on or before the date specified therein.
- (2) A direction of investigation to the Director General shall be deemed to be the commencement of an inquiry under section 26 of the Act.

19. Communication of order when *no prima facie* case found. .

If the Commission is of the opinion that there exists no *prima facie* case, the Secretary shall send a copy of the order of the Commission regarding closure of the matter forthwith to the Central Government or the State Government or the Statutory Authority or the parties concerned, as the case may be, as provided in sub-section (2) of section 26 of the Act.

20. Investigation by Director General. .

- (1) The Secretary shall, while conveying the directions of the Commission under regulation 18, send a copy of the information or reference, as the case may be, with all other documents or materials or affidavits or statements which have been filed either along with the said information or reference or at the time of preliminary conference, to the Director General.
- (2) The Commission shall direct the Director General to submit a report within such time as is reasonable to collect relevant data, record statements, afford opportunity for cross-examination of witnesses and to carry out other necessary analysis in the circumstances of the particular case.
- (3) The Commission may, on an application made by the Director General, extend the time for submission of the report.
- (4) The report of the Director General shall contain his findings on each of the allegations made in the information or reference, as the case may be, together with all evidences or documents or statements or analyses collected during the investigation.
- (5) Eight copies of the report of the Director General, along with a soft copy in document format, shall be forwarded to the Secretary within the time specified by the Commission:

Provided that the Secretary may ask for more copies of the report as and when required.

- (6) If the Commission, on consideration of the report, is of the opinion that further investigation is called for, it may direct the Director General to make further investigation and submit a supplementary report on specific issues within a reasonable time to be specified in its direction.

21. Procedure for inquiry under section 26 of the Act. .

- (1) On receipt of the report of the Director General, the Secretary shall place the said report before the Commission for further orders and, in accordance with the direction of the Commission, forward copies thereof to the Central Government or the State Government or statutory authority or the parties concerned, as the case may be.
- (2) If the report of the Director General finds no contravention of the provisions of the Act, the Secretary shall convey the directions of the Commission for inviting objections or suggestions from the Central Government or the State Government or the statutory authority, or from the parties concerned, as the case may be on such report of the Director General.
- (3) If the Commission orders closure of the matter on consideration of the objections or suggestions, if any, referred to in sub-regulation (2), and agrees with the findings of the Director General, the Secretary shall convey the orders of the Commission to the Central Government or the State Government or the statutory authority or the parties concerned, as the case may be.
- (4) If the Commission, on consideration of the objections or suggestions, referred to in sub-regulation (2), directs further investigations in the matter by the Director General or further inquiries in the matter to be made by an officer of the Commission so authorized by it, the Secretary shall convey the directions of the Commission to the Director General or the officer so authorized, as the case may be.
- (5) On an application made by the officer authorized by the Commission justifying the production of specified books or other documents, as may be required to make further inquiries under sub-regulation (4), the Commission may direct any person to produce such specified books or other documents relating to any trade carried out by such person or enterprise, as per the provisions of sub-section (4) of section 36 of the Act.

Explanation. . For the purpose of this sub-regulation, the word %officer+ shall include the experts and professionals mentioned under sub-section (3) of section 17 or sub-section (3) of section 36 of the Act.

- (6) On receipt of the report of the Director General on further investigation or report of the authorized officer on further inquiries, as the case may be, the Secretary shall fix the meeting of the Commission for consideration thereof.
- (7) If the report of the Director General mentioned under sub-regulation (1) finds contravention of any of the provisions of the Act, the Secretary shall obtain the orders of the Commission for inviting objections or suggestions from the Central Government or the State Government or the statutory authority or the parties concerned, as the case may be.
- (8) On consideration of the objections or suggestions from the Central Government or the State Government or the statutory authority or the parties concerned, or the report of further investigation or further inquiries, as the case may be, if the Commission is of the opinion that further inquiry is called for, the Secretary shall fix the meeting of the Commission for consideration thereof, after issue of notice as per regulation 22, to the Central Government or the State Government or the statutory authority or the parties concerned, as

the case may be.

- (9) The Secretary shall keep the Director General informed of the dates of the meetings of the Commission for inquiry under sub-section (7) or sub-section (8) of section 26 of the Act for appearing in person or through any of his officers in accordance with the provisions of section 35 of the Act.

22. Mode of service of notice, etc. .

- (1) Every notice or other document required to be served on or delivered to any person, under these regulations, may be served personally or sent by registered post, or by speed post or by courier service at the address furnished by him or her or it for service, or at the place where the person ordinarily resides or carries on business or occupation or works for gain.
- (2) Additionally, this may also be sent through facsimile transmission or by electronic mail. The facsimile transmission shall contain a cover page giving details of the sender, the subject, date of transmission, and the recipient's name and telephone number.
- (3) An endorsement made by a postal or courier employee that the addressee or his agent has refused to take delivery of the notice shall be deemed to be proof of service by way of refusal.
- (4) In case, the postal or courier employee reports that the addressee has since left or is not available at the given address, the Commission relying on the information so furnished, may take a view as it may deem appropriate and may proceed to take steps for substituted service.
- (5) Where summons or notice was properly addressed, prepaid and duly sent by registered post acknowledgement due, and the acknowledgement having been lost or mislaid or for any other reason, has not been received by the Commission within thirty days from the date of issue of summons, the Commission may deem the service to be sufficient and may make a declaration accordingly.
- (6) Where the service of notice is not possible under the above referred modes and where the addressee cannot be found or is not traceable, the service may be effected by way of affixing a copy of summons or notice on the conspicuous part of the house in which the recipient ordinarily resides, the service may be deemed to be sufficient in view of Rule 20 of Order V of the Code of Civil Procedure, 1908 (5 of 1908).
- (7) Where the Commission is satisfied that the recipient of the notice is avoiding service or that for any other reason notice cannot be served in the ordinary way, it shall order service by an advertisement in the daily newspaper circulated in the locality where the recipient is last known to have resided.

23. Filings before Commission. .

- (1) All information(s) or references or responses thereto, or other documents which are required to be filed before the Commission shall be typed in Arial 12 fonts on one side of A4 size (210 x 297mm or 8.27x11.69) white bond paper in double space with 2+margin on the left and 1+margin on all other sides.
- (2) Only neat and legible photocopies or scanned documents duly certified as true copies may be filed as exhibits or annexes.
- (3) Eight copies of each document referred to in sub-regulation (1), in addition to a soft copy in document format, wherever possible, shall be filed:

Provided that the Secretary may, through public announcement, increase or decrease the number of copies depending on the number of Members of the

Commission and the number of parties to the proceedings:

Provided further that the Secretary may, through public announcement, vary the format in which the soft copy is to be filed.

24. Power of Commission to join or substitute parties in proceedings. .

- (1) The Commission, on an application made in writing, by any party to the proceedings, may combine any number of persons or enterprises, whether jointly, jointly and severally, separately, or in the alternative, as parties in the same proceedings, in an ordinary meeting if, .
 - (a) any right to relief in respect of, or arising out of, the same act or transaction or series of acts or transactions is alleged to exist in such applicants, whether jointly, severally or in the alternative ;
 - (b) the applicants can show, to the satisfaction of the Commission, that common question of law or fact would arise; and
 - (c) the Commission is satisfied that participation of such person or enterprise, as the case may be, is necessary for the determination of the issues before it.
- (2) If in any proceedings it becomes necessary to substitute a person or enterprise for an existing party, the Commission, may make an order of such substitution.
- (3) On an application made by a party, admitted to the proceedings under sub-regulation (1) or sub-regulation (2), the Secretary shall furnish to the person or enterprise, as the case may be, joined or substituted as parties, copies of such documents previously filed in the matter by other parties as may be decided by the Commission within ten days of the order.
- (4) No order under sub-regulation (1) or sub-regulation (2) shall affect any prior steps taken in the proceedings.

25. Power of Commission to permit a person or enterprise to take part in proceedings. .

- (1) While considering a matter in an ordinary meeting, the Commission, on an application made to it in writing, if satisfied, that a person or enterprise has substantial interest in the outcome of proceedings and that it is necessary in the public interest to allow such person or enterprise to present his or its opinion on that matter, may permit that person or enterprise to present such opinion and to take part in further proceedings of the matter, as the Commission may specify.
- (2) The application referred to in sub-regulation (1) shall be accompanied by proof of payment of fees, in accordance with regulation 49.
- (3) The application referred to in sub-regulation (1) shall contain, .
 - (a) legal name of the person or the enterprise making the request;
 - (b) address in India for service of notice or documents;
 - (c) telephone number, facsimile number and electronic mail address, if available;
 - (d) the mode of service of notice or documents to be used;
 - (e) a concise statement of the matters in issue in the proceedings which affect the person or the enterprise making the request;
 - (f) documents or affidavits or evidence in support of the statement, with a list thereof.

- (4) On an order made under sub-regulation (1), .
 - (a) on an application made by a party, Secretary shall furnish to the person or enterprise permitted to participate in the proceedings, copies of such documents previously filed in the matter by other parties as may be decided by the Commission within ten days of the order;
 - (b) the person or enterprise permitted to participate in the proceedings shall furnish copies of all documents filed under sub-regulation (3) to all other parties to the proceedings within ten days of the order.

26. Power to strike out unnecessary party. .

The Commission may, on an application by a party to the proceedings before it, during an ordinary meeting, stating that no relief has been claimed by or against him or that no relief has to be granted to or against him, permit the striking out of such party from the proceedings.

27. Power of Commission to join multiple information. .

- (1) At any time after receipt of an information or a reference or an application, the Commission, if satisfied that the matter raised in any information or reference or application received subsequently is directly and substantially similar, may consolidate two or more similar information or references or applications, as the case may be, for consideration.
- (2) At any time after receipt of an information or a reference for investigation from the Commission under sub-section (1) of section 26 of the Act, the Director General, if satisfied, that the matter raised in any information or reference received subsequently for investigation from the Commission is directly and substantially similar, may request the Commission to consolidate such similar information or references, as the case may be, for common investigation.
- (3) Where the Commission consolidates two or more information or references or applications, in accordance with sub-regulation (1) and sub-regulation (2), .
 - (a) each such information or references, as the case may be, shall continue to be separately identified by its own docket number;
 - (b) pending consolidation of information or references by the Commission, the Director General may continue to investigate the matters.

28. Amendment of information. .

The Commission may permit amendment of any information, upon an application made in this regard but such amendment shall not be allowed if it substantially changes the nature and scope of the information.

29. Manner of making submissions or arguments by parties before Commission.

- (1) Without prejudice to sub-section (1) of section 36 of the Act, the parties to the proceedings or their authorized representatives, as the case may be, shall declare to the Commission at the earliest opportunity whether they would make oral submissions or file written arguments during the course of an inquiry under section 26 of the Act:

Provided that where the parties to the proceedings or their authorized representatives, as the case may be, have chosen to file written arguments they shall arrange to forward copies thereof to all parties to the proceedings sufficiently in advance and shall submit proof of the receipt by all parties to the Secretary before the fixed date of consideration of the matter by the Commission.

- (2) Subject to sub-regulation (1), the Commission may fix or limit the time during which the oral submissions or written arguments shall be addressed or filed by the parties or their authorized representatives, as the case may be, before it and may proceed to decide a matter in the absence of the party which does not abide by such timings as per regulation 30.

30. Power of the Commission to continue proceedings in absence of party. .

- (1) Where on the day fixed for any particular matter during an ordinary meeting, including the day of the meeting re-fixed on adjournment, if any party or parties to the proceeding do not appear even after service of notice or having noted the date, the Commission may decide to continue proceedings in the absence of party or parties, as the case may be, and pass appropriate orders as it deems fit.
- (2) If any party refuses access to or otherwise does not provide necessary information within the stipulated time or significantly impedes investigation, the Commission may pass such order as it may deem fit on the basis of available facts.
- (3) Where an order has been passed by the Commission under sub-regulation (1) or sub-regulation (2) and the party shows that it was prevented from participating in the proceeding before the Commission and/or furnishing the information required, for reasons beyond its control, the Commission, on being satisfied, may recall the order.

31. Interim order. .

- (1) Where the Commission, during an inquiry, has, by an order, temporarily restrained any party from carrying on any act in contravention of sub-section (1) of section 3 or sub-section (1) of section 4 of the Act, until the conclusion of such inquiry or until further orders, under section 33 of the Act, such order, if any, shall be signed and dated by the Members, including a dissenting note by the dissenting Member, if that be the case, and shall be made at the earliest .
- (2) Where during an inquiry, the Commission has passed interim order, referred to in sub-regulation (1), it shall hear the party against whom such an order has been made thereafter, as soon as possible.

32. Final order. .

- (1) Every order of the Commission shall be signed and dated by the Members including a dissenting note by the dissenting Member, if that be the case.
- (2) Every order or decision of the Commission shall, as far as practicable, be made within twenty-one working days from the date of conclusion of final arguments.
- (3) A copy of the order duly certified by the Secretary or such other officer authorized by the Secretary shall be served on the parties to the proceeding as provided in regulation 22 within four weeks of the date of the order.

33. Reference from statutory authority or the Central Government or a State Government. .

- (1) A reference from statutory authority under section 21 of the Act or The Central Government or State Government under section 49 of the Act for opinion made to the Commission shall contain such particulars as may be specified by the Commission.
- (2) Without prejudice to sub-regulation (1), a reference from statutory authority under section 21 of the Act, shall contain:-
 - (a) the specific proposition of law or fact or specific issue or policy or any other matter relating to competition on which the opinion is solicited;

- (b) background and historical data relevant for the determination of the proposition or the issue or the policy or any other matter;
 - (c) duly authenticated copies of the relevant statutes including the rules, the regulations, the notifications, the orders as considered necessary, if applicable;
 - (d) duly authenticated and updated list of the parties with their complete addresses, telephone numbers, fax numbers, e-mail addresses;
 - (e) proof of having informed the parties concerned about the matter having been referred to the Commission for opinion under section 21 of the Act, if applicable.
- (3) The time to be reckoned for giving opinion on such reference under section 21 of the Act shall be subject to the proviso to sub-regulation (5) of regulation 15.
 - (4) On being satisfied that the reference is complete, the Secretary shall place it during an ordinary meeting of the Commission and seek necessary instructions regarding the parties to whom notice of meeting is to be issued.
 - (5) The Secretary shall give notice of the ordinary meeting to the said parties giving not less than seven days, in the manner specified, to take part in the proceedings.
 - (6) The parties to whom the notices are issued under sub-regulation (5), may file comments or reply to the notice after having served a copy thereof to each party at least seven days prior to the date of the ordinary meeting, if applicable.
 - (7) The Commission may call upon a representative of the statutory authority or the Central Government or the State Government or an expert in the field for discussion or evidence as it may consider necessary in the matter.
 - (8) The Commission may collect particulars and information from any person or enterprise or Central or State Government or statutory authority, which in its opinion is relevant to the reference received by the Commission.
 - (9) The Commission may form an opinion and send the same to the concerned parties and seek their objections and/or suggestions thereon within the time decided by it and after considering such objections or suggestions it shall give its final opinion to the statutory authority or the Central Government or the State Government, as the case may be.

34. Reference by the Commission to statutory authority for opinion. .

- (1) A reference from the Commission to any statutory authority for opinion under section 21A of the Act shall contain,.
 - (a) the specific proposition of law or fact or specific issue relating to competition on which the opinion is solicited;
 - (b) background and historical data relevant for the determination of the proposition or the issue;
 - (c) duly authenticated copies of the Act, the relevant rules and regulations framed thereunder, the notifications and the orders, if any, passed by the Commission in the pending matter as considered necessary;
 - (d) duly authenticated and updated list of the parties with their complete addresses, telephone numbers, fax numbers, e-mail addresses etc.;

- (e) proof of the Secretary having informed the parties concerned about the matter having been referred to the statutory authority for opinion under section 21A of the Act;
- (f) the Secretary shall certify that the reference being forwarded is in conformity with clauses (a) to (e);
- (2) Where the statutory authority seeks additional information in the reference made, the Secretary shall, as far as practicable, provide such additional information to the concerned statutory authority within fifteen days of receipt of the same from the statutory authority.
- (3) In case the opinion is not received from the statutory authority within sixty days of forwarding a reference under sub-regulation (1) or sub-regulation (2), the Secretary shall place the matter during an ordinary meeting of the Commission for further orders;
- (4) On receipt of the opinion from the statutory authority by sub-section (2) of section 21A of the Act, the Secretary shall place the same during an ordinary meeting of the Commission for orders.

35. Confidentiality. .

- (1) The Commission shall maintain confidentiality of the identity of an informant on a request made to it in writing.
- (2) Any party may submit a request in writing to the Commission or the Director General, as the case may be, that a document or documents, or a part or parts thereof, be treated confidential.
- (3) A request under sub-regulation (2) may be made only if making the document or documents or a part or parts thereof public will result in disclosure of trade secrets or destruction or appreciable diminution of the commercial value of any information or can be reasonably expected to cause serious injury.
- (4) A request under sub-regulation (2) shall be accompanied with a statement setting out cogent reasons for such treatment and to the extent possible the date on which such confidential treatment shall expire.
- (5) Where such document or documents, or a part or parts thereof, form part of the party's written submissions, the party shall file a complete version with the words "restriction of publication claimed" in red ink on top of the first page and the word "confidential" clearly and legibly marked in red ink near the top on each page together with a public version, which shall not contain such document or documents or part or parts thereof.
- (6) The public version of such written submissions shall be an exact copy of the confidential version with the omissions of the confidential information being indicated in a conspicuous manner, as stipulated in sub-regulation (5).
- (7) The public version of such written submissions alone shall be served on the other parties.
- (8) On receipt of a request under sub-regulation (2), the Commission or the Director General, as the case may be, if satisfied, shall direct that the document or documents or a part or parts thereof shall be kept confidential for the time period to be specified.
- (9) The Commission or the Director General, as the case may be, may also consider the following while arriving at a decision regarding confidentiality: .
 - (a) the extent to which the information is known to outside public;

- (b) the extent to which the information is known to the employees, suppliers, distributors and others involved in the party's business;
 - (c) the measures taken by the party to guard the secrecy of the information;
 - (d) the ease or difficulty with which the information could be acquired or duplicated by others.
- (10) In case the Director General has rejected the request of the party made under sub-regulation (2), the party may approach the Commission for a decision regarding confidential treatment.
 - (11) Where the Director General or the Commission has rejected the request for confidential treatment of a document or documents or a part or parts thereof and has informed the party of its intention, such document or documents or part or parts thereof shall, subject to sub-regulation (13), not be treated as confidential,
 - (12) If the party is unwilling to make the document or documents or a part or parts thereof public despite the Commission or the Director General having reached a decision that confidential treatment is not warranted, subject to any orders to the contrary that the Commission may pass under section 57 of the Act, such document or documents or part or parts thereof shall be returned to the party and the information contained therein shall be disregarded.
 - (13) The document or documents or a part or parts thereof that have been granted confidential treatment under this regulation shall be segregated from the public record and secured in a sealed envelope or any other appropriate container, bearing the title, the docket number of the proceeding, the notation "Confidential record under regulation 35" and the date on which confidential treatment expires.
 - (14) If the Commission includes in any order or decision or opinion, information that has been granted confidential treatment under this regulation, the Commission shall file two versions of the order or decision or opinion. The public version shall omit the confidential information that appears in the complete version, be marked "Subject to confidentiality requirements under regulation 35" on the first page, shall be served upon the parties, and shall be included in the public record of the proceeding. The complete version shall be placed in the confidential record of the proceeding as provided in sub-regulation (13).
 - (15) Any person or party, including any officer or employee appointed by the Commission under sub-section (1) of section 17 of the Act and any expert or professional engaged by the Commission under sub-section (3) of section 17 of the Act or any expert called upon to assist the Commission under sub-section (3) of section 36 of the Act privy to the contents of the document or documents or a part or parts thereof that have been granted confidential treatment under this regulation shall maintain confidentiality of the same and shall not use or disclose or deal with such confidential information for any other purpose other than the purposes of the Act or any other law for the time being in force:

Provided that breach of confidentiality by any officer or employee of the Commission appointed under sub-section (1) of section 17 of the Act shall constitute a ground for initiation of disciplinary proceedings under the relevant rules or regulations, as the case may be:

Provided further that breach of confidentiality by any expert or professional engaged by the Commission under sub-section (3) of section 17

of the Act or any expert called upon to assist the Commission under sub-section (3) of section 36 of the Act shall be sufficient ground for termination of the engagement or contract, as the case may be.

36. Compliance of orders of Commission. .

The Commission shall have power to direct the parties concerned to file an affidavit of compliance of its order or such other documents in the manner specified in its order.

37. Inspection and certified copies of documents. .

(1) Subject to the provisions of regulation 35, a party to any proceeding of an ordinary meeting of the Commission may on an application in writing in that behalf, addressed to the Secretary, be allowed to inspect or obtain copies of the documents or records submitted during proceedings on payment of fee as specified in regulation 51.

(2) The Commission may, on an application of a person, who is not a party to the proceedings, on sufficient cause demonstrated, allow such person inspection of documents or records mentioned in sub-regulation (1) on payment of fee as specified in regulation 51.

(3) An inspection shall be allowed only in the presence of an officer so authorized by the Secretary:

Provided that the inspection of documents or copying thereof as per sub-regulation (1) or sub-regulation (2) shall be allowed under the supervision of and subject to the time limits to be specified by the Secretary or an officer authorized by him in this behalf.

(4) An officer of the Central or State Government or the Director General or a statutory authority shall be allowed inspection and obtain copies of documents or records mentioned in sub-regulation (1) on making written request to the Secretary for the purpose.

38. Dress code for participating in ordinary meetings of Commission. .

(1) The Members, officers and employees of the Commission, the Director General, parties to any proceeding and their counsels shall attend the ordinary meetings of the Commission in the national dress or in lounge suit or jacket with tie. Ladies may wear jacket over *sari* or *salwar kameez*.

(2) Where a counsel belongs to a profession which has prescribed a dress for appearing in their professional capacity before any Court, Tribunal or such authority, he or she may appear in that dress and attend the ordinary meetings of the Commission.

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

Where a party to a proceeding in an ordinary meeting of the Commission dies or is adjudged insolvent or, in the case of a company, being wound up, the proceeding shall not abate and may be continued by or against the executor, administrator or other legal representative of the parties or by or against the assignee, receiver or liquidator, as the case may be.

40. Effect of non-compliance. .

Failure to comply with any requirement of these regulations shall not invalidate any proceeding, merely by reason of such failure, unless the Commission is of the view that such failure has resulted in miscarriage of justice.

41. Taking of evidence. .

- (1) Subject to the provisions of the Act, the Commission or the Director General, as the case may be, may determine the manner in which evidence may be adduced in the proceedings before them.
- (2) Without prejudice to sub-regulation (1), the Commission or the Director General, for the purpose of inquiry or investigation, as the case may be, may .
 - (a) admit evidence taken in the form of verifiable transcripts of tape recordings, unedited versions of video recording, electronic mail, telephone records including authenticated mobile telephone records, written signed unsworn statements of individuals or signed responses to written questionnaires or interviews or comments or opinions or analyses of experts based upon market surveys or economic studies or other authoritative texts or otherwise, as material evidence;
 - (b) admit on record every document purporting to be a certificate, certified copy or other document, which is by law declared to be admissible as evidence of any particular fact provided it is duly certified by a gazetted officer of the Central Government or by a State Government or a statutory authority, as the case may be or a Magistrate or a Notary appointed under the Notaries Act, 1952 (53 of 1952) or the Secretary of the Commission;
 - (c) admit the entries in the books of account, including those maintained in an electronic form, regularly kept in the course of business, including entries in any public or other official book, register or record or an electronic record, made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register or record or an electronic record is kept, as documentary evidence;
 - (d) admit the opinion of any person acquainted with the handwriting of the person by whom a document is supposed to have been written or signed, as relevant fact to prove the handwriting of the person by whom the document was written or signed;
 - (e) admit the opinion of the handwriting experts or the experts in identifying finger impressions or the persons specially skilled in interpretation of foreign law or of science or art;
 - (f) take notice of the facts of which notice can be taken by a court of law under section 57 of the Indian Evidence Act, 1872 (1 of 1872);
 - (g) accept the facts, which parties to the proceedings admit or agree in writing as proved;
 - (h) presume that any document purporting to be a certified copy of any record of any authority, court or government of any country not forming part of India as genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of the National Government of such country to be the manner commonly in use in that country for the certification of copies of such records, including certification by the Embassy or the High Commission of that country in India.
 - (i) admit such documents including electronic records in evidence as may be considered relevant and material for the proceedings.

(3) Subject to the provision of sub-regulation (2), the following sections of the Indian Evidence Act, 1872 (1 of 1872), in so far as they are applicable to the matters relating to, .

- (a) section 22-A . when oral admission as to contents of electronic records are relevant;
- (b) section 47-A - opinion as to digital signature when relevant;
- (c) section 65-B - admissibility of electronic records;
- (d) section 67-A - proof as to digital signature;
- (e) section 73-A - proof as to verification of digital signature;
- (f) section 81-A - presumption as to Gazettes in electronic forms;
- (g) section 85-A - presumption as to electronic agreements;
- (h) section 85-B - presumption as to electronic records and electronic signatures;
- (i) section 85-C - presumption as to digital signature certificates;
- (j) section 88-A - presumption as to electronic messages;
- (k) section 89 . presumption as to due execution etc., of documents not produced;
- (l) section 90-A - presumption as to electronic records five years old;

may be applicable for the purpose of inquiry or investigation, by the Commission or the Director General, as the case may be.

- (4) The Commission or the Director General, as the case may be, may call for the parties to lead evidence by way of affidavit or lead oral evidence in the matter.
- (5) If the Commission or the Director General, as the case may be, directs evidence by a party to be led by way of oral submission, the Commission or the Director General, as the case may be, if considered necessary or expedient, grant an opportunity to the other party or parties, as the case may be, to cross examine the person giving the evidence.
- (6) The Commission or the Director General, as the case may be, may, if considered necessary or expedient, direct that the evidence of any of the parties to be recorded by an officer or person designated for the said purpose.
- (7) The Commission may direct the parties to file written note of arguments or submissions in the matter.

42. Supporting of facts by filing of affidavit. .

- (1) The Commission or the Director General, as the case may be, may at any time, for sufficient reason, order that any particular fact or facts may be supported by affidavit.
- (2) Every affidavit shall be typed in Arial 12 fonts on one side of A4 size (210 x 297 mm or 8.27+x 11.69+) white bond paper in double space with 2+margin on the left and 1+margin on all other sides.
- (3) Every affidavit shall clearly state the cause or matter in which it is sworn.
- (4) Every affidavit shall be drawn up in the first person, and shall be divided into paragraphs to be numbered consecutively, and shall state the description, occupation and the true place of residence of the deponent.

- (5) Affidavits for the purposes of any cause or matter before the Commission may be sworn before any Court or Magistrate or a Notary appointed under the Notaries Act, 1952 (53 Of 1952) or any officer or other person a High Court may appoint in this behalf or any officer appointed by any other Court which the State Government has generally or specially empowered in this behalf *vide* authority mentioned in section 139 of the Code of Civil Procedure, 1908 (15 of 1908).
- (6) Every exhibit annexed to an affidavit shall be marked with the title and number of the cause or matter and shall be initialed and dated by the authority before whom it is sworn.
- (7) No affidavit having any interlineations, alteration or erasure shall be filed in Commission or the Director General, as the case may be, unless the interlineations or alteration is initialed or unless in the case of an erasure the words or figures written on the erasure are re-written in the margin and initialed, by the authority before whom, the affidavit is sworn.
- (8) The Commission or the Director General, as the case may be, may refuse to receive an affidavit where in its opinion the interlineations, alterations or erasures are numerous as to make it expedient that the affidavit should be re-written.
- (9) Where a specific time is given for filing affidavits, no affidavit filed after that time shall be used except by leave of the Commission or the Director General, as the case may be.
- (10) In these regulations, affidavit includes a document required to be sworn, affirmed or verified. In the verification of petitions and other proceedings, statements based on personal knowledge shall be distinguished from statement based on information and belief.
- (11) The Commission or Director General may, during the course of the proceedings, where considered necessary and expedient, in the interest of justice, relax any or all of the above provisions in this regulation.

43. Production of additional evidence before Commission. .

- (1) The parties to the proceedings shall not be entitled to produce before the Commission additional evidence, either oral or documentary, which was in the possession or knowledge but was not produced before the Director General during investigation under section 26 or sub-section (1A) of section 29 of the Act, but if the Commission requires any document to be produced or any witness to be examined or any affidavit to be filed to enable it to pass orders or for any other substantial cause, or if the Director General has not given sufficient opportunity to the party to adduce evidence, the Commission, for reasons to be recorded, may allow such document to be produced or witness to be examined or affidavit to be filed or may allow such evidence to be adduced.
- (2) Such document may be produced or such witness examined or such evidence adduced either before the Commission or before such authority as the Commission may direct.
- (3) If the document is directed to be produced or witness examined or evidence adduced before any authority, he or she shall comply with the direction of the Commission and after compliance send the document, the record of the deposition of the witness or the record of the evidence adduced, to the Commission.
- (4) Additional evidence/document shall be made available by the Commission to the parties to the proceedings other than the party adducing the evidence and

they may be afforded an opportunity to rebut the contents of the said additional evidence.

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

- (1) The Commission may, at any time before passing orders in a proceeding, require any of the parties or any other person whom the Commission considers appropriate, to produce such documents or other material objects as evidence as the Commission may consider necessary for the purpose of enabling it to pass orders.
- (2) The Commission or the Director General, as the case may be, may direct the summoning of the witnesses, discovery and production of any document or other material objects producible in evidence, requisition of any public record from any office, examination by an officer of the Commission the books, accounts or other documents or information in the custody or control of any person which the Commission considers relevant for the purpose.
- (3) The Commission or the Director General, as the case may be, at any time, summon and enforce the attendance of any person and examine him, or cause him to be examined on oath.

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

- (1) Subject to the provisions of clause (d) of sub-section (2) of section 36 and sub-section (2) of section 41 of the Act, the Commission or the Director General, as the case may be, either on its or his own motion or on an application made by a party to any proceeding before the Commission or the Director General, may issue a commission for the examination on questionnaires or otherwise of the specified witness (es), .
 - (a) residing within India;
 - (b) who is about to leave India before the date on which he or she is required to be examined as a witness;
 - (c) who ,being in the service of the Central Government, a State Government or a statutory authority, cannot, in the opinion of the Commission or the Director General, as the case may be, attend without detriment to the public service;
 - (d) who is unable to attend due to sickness or infirmity;
 - (e) who resides at a place which is more than five hundred kilometers distance from the office of the Commission or the Director General, as the case may be, and whose attendance, in the opinion of the Commission or the Director General, as the case may be, cannot be procured without incurring unnecessary expense within the stipulated time;
 - (f) not being covered under any of the situations mentioned in clauses (a) to (e), if his or her evidence is considered necessary in the interest of justice.
- (2) Subject to the provisions of sub-regulation (1), the Commission or the Director General, as the case may be, either on its or his own motion or on an application made by a party to any proceeding before the Commission or the Director General, may also issue a commission for the examination on questionnaires or otherwise of any witness residing at any place not within India if satisfied that the evidence of such witness is necessary and may issue a letter of request to the Indian High Commission or the Indian Embassy to

facilitate the execution of the commission, under this regulation.

- (3) Subject to the provisions of sub-regulations (1) and (2), the Commission or the Director General, as the case may be, either on its or his own motion or on an application made by a party to any proceeding before the Commission or the Director General, may also issue a commission for the examination of specific document(s) whether available in any place situated within or without India and whether or not held in the custody of any witness being examined on questionnaires as per sub-regulations (1) and (2).
- (4) A commission for the examination of a witness on questionnaires or otherwise or for examination of a document issued under sub-regulation (1) or (2) or (3) may be issued to any public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860) or a counsel and such public servant or the counsel, as the case may be, shall be appointed as ~~the~~ commissioner+only for the purposes of executing the commission.
- (5) Every public servant or the counsel, referred to in sub-regulation (4), upon receiving a commission under sub-regulation (4) shall examine the witness or the document, as the case may be, or cause the witness or the document to be examined pursuant thereto and on due execution, shall return the commission together with the evidence taken under it to the Commission or the Director General, as the case may be.
- (6) The Commission or the Director General, as the case may be, shall furnish the commissioner appointed under sub-regulation (4) with such part of record of the proceedings and such instructions as appear necessary and the instructions shall distinctly specify that the commission is restricted to finding the facts through the examination as directed and the Commissioner is merely required to transmit the record of the proceedings to the Commission on completion of the examination.
- (7) Any Commissioner appointed under this regulation may, unless otherwise directed by the order of appointment .
 - (a) examine the witness himself;
 - (b) call for and examine the documents and other things relevant to the subject of inquiry.
- (8) The Commission or the Director General, as the case may be, issuing a commission under this regulation shall fix a date on or before which the commission shall be returned after execution, and the date so fixed shall not be extended except, for reasons to be recorded, the Commission or the Director General, as the case may be, is satisfied that there is sufficient cause for extending the date.

46. Authorizing a representative to appear . .

- (1) Subject to the provisions of section 35 of the Act, in any proceeding, where the pleading is also signed by an authorized representative, the party shall append power of attorney or *Vakalatnama* in the manner specified authorizing the representative to appear for him or her or it, as the case may be.
- (2) The authorized representative shall not be allowed to represent the party unless such power of attorney or *Vakalatnama* is filed before the Secretary before commencement of the ordinary meeting.
- (3) No misconduct on the part of any authorized representative, appearing for and on behalf of any party during continuance of a proceeding before the Commission shall be permitted and the Commission in appropriate circumstances, for reasons to be recorded in writing, may pass necessary

orders debarring the representative, guilty of misconduct, from appearing in the proceedings before the Commission in future or till such time as the Commission deems necessary.

- (4) In the event of the misconduct being committed by any counsel, the Secretary, if so directed by the Commission shall forward a complaint to this effect in writing to the Bar Council of the State of which the legal practitioner is member or the Institute of Chartered Accountants of India or the Institute of Company Secretaries of India or the Institute of Cost and Works Accountants of India, as the case may be.

Explanation. For the purpose of this regulation, word "misconduct" shall include causing prejudice to or interfering with or attempting to interfere with, the due process of any proceeding or obstructing or attempting to obstruct, the compliance or execution of any order or direction of the Commission, in any manner, or using defamatory language or behaving defiantly or attempting to undermine or undermining the prestige of any Member or Officer of the Commission in any manner whatsoever.

47. Proceedings before Commission not to be open to public. .

Except where the Commission may so direct, for reasons to be recorded, the proceedings before the Commission, during an ordinary meeting, shall not be open to public. In taking the decision to open the proceedings to public, the Commission may take into account all or any of the following matters namely: .

- (a) whether disclosure to public does not cause significant harm to a party;
- (b) degree of inhibition or encouragement in providing information in public;
- (c) efficient and proper conduct of proceeding;
- (d) resources of the Commission.

48. Procedure for imposition of penalty under the Act. .

- (1) Notwithstanding anything to the contrary contained in any rules or regulations framed under the Act, no order or direction imposing a penalty under the Act shall be made unless the person or the enterprise or a party to the proceeding, during an ordinary meeting of the Commission, has been given a show cause notice and reasonable opportunity to represent his or her or its case before the Commission.
- (2) In case the Commission decides to issue show cause notice to any person or enterprise or a party to the proceedings, as the case may be, under sub- regulation (1), the Secretary shall issue a show cause notice giving not less than fifteen days asking for submission of the explanation in writing within the period stipulated in the notice.
- (3) The Commission shall, on receipt of the explanation, and after oral hearing if granted, proceed to decide the matter of imposition of penalty on the facts and circumstances of the case.

49. Fee under clause (a) of sub-section (1) of section 19 of the Act. –

- (1) ¹[Each information received under clause (a) of sub-section (1) of section 19 of the Act from any person shall be accompanied by proof of having paid the fee as under,-
 - (a) rupees 5000/- (five thousand) in case of individual or Hindu undivided

¹ Substituted for; "Each information received under clause (a) of sub-section (1) of section 19 of the Act or otherwise shall be accompanied by proof of having paid the fee of rupees fifty thousand+", by The Competition Commission of India (General) Amendment Regulations, 2009 published in the Gazette of India, Extraordinary , Part III, Section 4 with effect from 20th August, 2009.

family (HUF), or Non Government Organisation (NGO), or Consumer Association, or a Co-operative Society, or Trust, or

(b) rupees 20,000/- (twenty thousand) in case of firm or company having turnover in the preceding year upto rupees one crore, or

(c) rupees 50,000/- (fifty thousand) in the cases not covered under clause (a) or (b).]

- (2) The fee may be increased or decreased on the basis of annual notification of Cost Inflation Index by the Central Board of Direct Taxes, Department of Revenue, Ministry of Finance by an order of the Commission.
- (3) The fee can be paid either by tendering demand draft or pay order or bankers cheque, payable in favour of Competition Commission of India (Competition Fund), New Delhi or through Electronic Clearance Service (ECS) by direct remittance to the Competition Commission of India (Competition Fund), Account No. 1988002100187687 with Punjab National Bank, Bhikaji Cama Place, New Delhi-110066+

50. Inspection and copying charges. .

- (1) A party to the proceedings, on application, may be allowed inspection of records relating to its case by the Secretary, on such conditions as may be specified, on payment of rupees one thousand per day per case.
- (2) Copying charges for the parties to the proceedings shall be rupees fifty per page.

51. Empanelment of special counsel by Commission. .

- (1) The Commission may draw up a panel of legal practitioners or chartered accountants or company secretaries or cost accountants to assist in proceedings before the Competition Appellate Tribunal or any other quasi judicial body or Court.
- (2) The Director General may call upon the legal practitioners or chartered accountants or company secretaries or cost accountants from the panel for assistance in the proceedings before the Commission, if so required.
- (3) The remuneration payable and other allowances and compensation admissible to counsel shall be specified in consultation with the Commission.

52. Inviting experts of eminence to assist Commission. .

Without prejudice to sub-section (3) of section 36 of the Act, or guidelines issued thereunder, the Commission may invite experts of eminence to assist the Commission in discharging of its functions under the Act on such terms and conditions and at such times as may be decided by the Commission:

Provided that the Commission shall have absolute discretion as regards the evaluation of expertise or eminence of those invited to assist the Commission.

53. Publication. .

- (1) The Commission may cause publication of a brief summary or the full text of its orders or decisions in the media, if it so desires in the interest of public, but shall have regard to the business secrets of the persons concerned and may direct deletion of such portions of the orders or decisions as it deems fit.
- (2) A summary of all orders or decisions made by the Commission under sub-section (2) or sub-section (6) of section 26 of the Act directing the closure of the matter, as the case may be, shall be published on the web site of the Commission.
- (3) It shall be the duty of the Secretary to publish the orders or decisions referred to in this regulation.

54. Removal of difficulty. .

In the matter of implementation of these regulations, if any, doubt or difficulty arises, the same shall be placed before the Commission and the decision of the Commission thereon shall be binding.

Annexure
(See regulation 4)

1. Seal



2. Emblem



(S.L. Bunker)
Secretary