

Jan-June 2012

S.No.	Date	News/Abstract	Comment
1.	Jan 20, 2012	<p><u>MCA resists Competition Act changes</u> (By Sangeeta Singh)</p> <ul style="list-style-type: none"> – A proposed amendment would widen the ambit of cartels to include buyers’ cartels and trade associations, which are currently not subject to investigation. Besides, the committee has suggested the inclusion of joint ventures (currently a grey area) while notifying CCI before any M&A is executed. – It has also suggested tightening the definition of ‘change in control’. It would be one that leads to “decisive influence” by the acquirer. – The panel also proposed giving CCI the power of defining turnover for the purpose of deciding threshold limits that will require the watchdog’s clearance. – The proposed amendments would also empower the CCI chairman to allocate cases to members – The CCI chairman would be empowered to authorize its director general for search and seizure of documents of companies being investigated. – MCA on its part is reluctant to accept all changes. Senior MCA official said “The Act is still young and to bring in several changes will create confusion both within the CCI and the corporate world,” <p>http://www.livemint.com/2012/01/19224116/MCA-resists-Competition-Act-ch.html?atype=tp</p>	
2.	March, 2012	<p><u>CCI is an overall market regulator: Ashok Chawla</u></p> <ul style="list-style-type: none"> – CCI is an overall market regulator whose objective is to ensure that market forces operate with transparency and fair play. It has been put in place to identify the boundaries of behaviour of the industry. CCI ensures that the economic activity is not restricted and freedom of trade is not affected. The main objective is to ensure that the consumer should benefit by the more efficiency. He also said that self-regulation was of prime importance to avoid infringement of law or market practices. <p>http://www.mxmindia.com/2012/03/ff12-cci-is-an-overall-market-regulator-ashok-chawla/</p>	
3.	May 7, 2012	<p><u>Competition Commission of India disposed of 75 per cent of the cases till Mar'12: Government</u></p> <ul style="list-style-type: none"> – Competition Commission of India (CCI) received a total number of 304 cases up to March 	

		<p>31, 2012 under various sections of the Competition Act. Out of these, 227 cases have been disposed off," the Minister of State for Corporate Affairs R P N Singh</p> <p>http://articles.economictimes.indiatimes.com/2012-05-07/news/31610694_1_complaints-against-private-airlines-competition-act-cci</p>	☺
4.	May 15, 2012	<p><u>Competition panel ropes in key business leaders</u> (Mahua Venkatesh)</p> <ul style="list-style-type: none"> – CCI is taking advice from industry veterans to deal with complex deals. These eminent personalities would bring experience to ensure that fair-play and competition are upheld to eventually benefit the end consumer. – 8-member group advised CCI on issues ranging from monopolistic practices to cartel formation. Some of these members are NR Narayana Murthy, Kiran Mazumdar Shaw, Rakesh Mohan and Bakul Dhokalia <p>http://www.hindustantimes.com/business-news/WorldEconomy/Competition-panel-ropes-in-key-business-leaders/Article1-856339.aspx</p>	☺
5.	Jun 4, 2012	<p><u>CCI orders on tyre, cement cartels soon: Chawla</u></p> <ul style="list-style-type: none"> – CCI today said final orders on tyre and cement cartels are in the final stages and are expected in the next two-three weeks. Chawla said that the exclusion of banks and telcos from the purview of CCI weakens the institution. <p>http://www.firstpost.com/business/cci-orders-on-tyre-cement-cartels-soon-chawla-332109.html</p>	☺
6.	Jun 11, 2012	<p><u>CCI complements sectoral regulators like Trai</u> (By Rishi Raj, KG Narendranath)</p> <ul style="list-style-type: none"> – Market regulator is an expert in its area with mostly ex-post functions, unlike sectoral regulators who are supposed to take ex-ante actions, in keeping with their objectives. They (sectoral regulators) may have a role in issues like licensing. It is a misconception that when there are sector regulators, there isn't the need for another (market) regulator. <p>http://www.financialexpress.com/news/cci-complements-sectoral-regulators-like-trai/960425/9</p>	☺
7.	Jun 16,2012	<p><u>Turf War! Sectoral Regulators vs CCI</u></p> <ul style="list-style-type: none"> – One section in the Banking Laws Amendment Bill, 2011 is fuelling a potential turf war amongst sectoral regulators and CCI. The section says ‘nothing contained in the Competition 	

	Jun 22, 2012	<p>Act, 2002 shall apply to any banking company, the state bank of India, any subsidiary bank, any corresponding new bank or any regional rural bank or co-operative bank or multi-state co-operative bank in respect of the matters relating to amalgamation, merger, reconstruction, transfer, reconstitution or acquisition. This would mean that CCI will have no jurisdiction over banking sector.</p> <ul style="list-style-type: none"> - But majority of veterans, namely Ashok Chawla (CCI Chairman), Laura Carstensen (Former Deputy Chairman Competition Commission, UK), Christine Wilson (Partner, Kirkland & Ellis LLP, Former Vice Chair, Federal Civil Enforcement Committee, Antitrust Section) believe that both should co-exist. - Laura Carstensen said that there are no exemptions from the Competition rules in UK. Similarly in US exemptions are disfavoured and have very rare and limited in scope as informed by Christine Wilson. - However SL Rao (Former Chairman, CERC) have different opinion on the same. According to him no sector has the kind of differentiation that banking does. . Banking is a part of the overall financial and economic policies and if it is not closely regulated then , it can go completely out of hand. <p>http://thefirm.moneycontrol.com/story_page.php?autono=718698</p> <p><u>Former CCI chairman pushes for inclusion of all sectors under CCI's ambit</u> (By Shruti Choudhury)</p> <ul style="list-style-type: none"> - Several regulators like RBI and TRAI demands for exemption from Competition Act. - According to Dhanendra Kumar "Sectoral regulators specialize in mandating pricing, quality control etc within their sectors and CCI comes into the picture ex post when an activity leads to appreciable adverse effect on competition, therefore there is no reason why they cannot complement each other," <p>http://articles.economictimes.indiatimes.com/2012-06-22/news/32369085_1_sectoral-regulators-cci-competition-act</p>	
8.	June 19, 2012	<p><u>CCI finds cement firms guilty of forming cartel</u> (By Bindu D. Menon, Suresh P. Iyengar)</p> <ul style="list-style-type: none"> - CCI imposed penalties on 11 leading cement manufacturers for alleged cartelisation. CCI on investigation found that the companies were under reporting production and colluding to form a cartel. <p>http://www.thehindubusinessline.com/industry-and-economy/article3547504.ece</p>	

	June 22, 2012	http://articles.economictimes.indiatimes.com/2012-06-20/news/32335811_1_cement-companies-cci-ultratech http://business.topnewstoday.org/business/article/2214338/ http://www.moneycontrol.com/news/cnbc-tv18-comments/cci-says-cement-cos-guiltycartelisation-to-fine-10-cos_719816.html	😊
	June 22, 2012	<p>Over Rs.6,300 crore penalty slapped on 11 cement firms for cartel sale (K. T. Jagannathan)</p> http://www.thehindu.com/todays-paper/tp-business/article3556616.ece	
		<ul style="list-style-type: none"> – In July 2011, the Serious Fraud Investigation Office (SFIO), the probe arm of the Corporate Affairs Ministry was also asked to investigate cement manufacturing majors ACC , Ambuja and Ultratech. http://news.outlookindia.com/items.aspx?artid=766403 http://m.indiatoday.in/story/cement-firms-penalised-for-cartelisation/1/201766.html http://businesstoday.intoday.in/story/impact-of-competition-commission-fining-cement-firms/1/186476.html	
		<p><u>Cementing CCI's role</u></p> <ul style="list-style-type: none"> – The article complements CCI as it has emerged as a force to reckon with, a body that industry needs to watch out for. http://www.financialexpress.com/news/fe-editorial-cementing-ccis-role/965275/1	
9.	June 21, 2012	<p><u>Cement companies disappointed with Competition Commission order</u></p> <ul style="list-style-type: none"> – India Cements and Madras Cements have expressed indignation and disappointment over the CCI's order penalising them for manipulating the cement market. Both companies are planning to file an appeal against the order. http://www.thehindubusinessline.com/industry-and-economy/article3555190.ece	😐
10	June 22, 2012	<p><u>Competition panel now eyes 'milk, tyre cartels'</u></p> <ul style="list-style-type: none"> – After having looked at the real estate, aviation, pharmaceutical, cement and other sectors, CCI is now keeping eyes on milk and tyre industries. http://www.thehindubusinessline.com/industry-and-economy/article3559532.ece	😊

11	June 28, 2012	<p><u>Welcome assertiveness</u></p> <ul style="list-style-type: none">- CCI has demonstrated its assertiveness in the path breaking order of penalizing cement companies. CCI hopes firmly to delineate the contours of competition law.- The battle for an effective competition law has begun in earnest. The CCI's assertiveness is a welcome sign. <p>http://www.thehindu.com/todays-paper/tp-opinion/article3578951.ece</p>	
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