

THE COMPETITION COMMISSION OF INDIA

NOTIFICATION

The Competition Commission of India (Meeting for Transaction of Business) Regulations, 2009

(No. 3 of 2009)

New Delhi, the 21 day of May 2009

No R-40007/6/ Reg- Meeting/ Noti/ 04- CCI – In exercise of the powers conferred by section 64 read with sub-section (1) of section 22 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 (Meeting for Transaction of Business) 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 of the Commission 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) “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;
 - (e) “information” means an information related to any anti-competitive agreement or abuse of dominant position as referred to in clause (a) of sub-section (1) of section 19 of the Act;
 - (f) “Member” means a Member of the Commission appointed under sub-section (1) of section 8 of the Act and includes the Chairperson;
 - (g) “non-compliance”, of orders of the Commission shall also include less than full payment of monetary penalty or partial compliance of orders, as the case may be;
 - (h) “reference” 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.
- (i) “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;
- (j) “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. Meetings for transaction of business and their procedure. –

- (1) The Commission may hold as many meetings and at such places as may be required for the purpose of discharging its functions under the Act.
- (2) The meetings of the Commission shall ordinarily be held at its head office situated in New Delhi:

Provided that the Commission may also hold meetings at its other offices or at any other place in India, whenever, in the opinion of the Commission, it is expedient to do so.

- (3) The Commission may conduct the following types of meetings, –
 - (a) ordinary meetings relating to a statutory inquiry or investigation, or other proceeding, to be conducted by the Commission, as per provisions of the Act, or the rules or regulations made thereunder; and
 - (b) special meetings relating to all other functions not covered by the ordinary meeting.
- (4) The Chairperson shall decide in advance, the date, time and place and the agenda for each meeting of the Commission:

Provided that an item not included in the agenda of an ordinary meeting may be taken up for consideration, on grounds of urgency shown by an applicant in writing, with the approval of the Chairperson.

- (5) Procedure for ordinary meetings, –
 - (a) the meeting hours of an ordinary meeting shall normally be from 10.30 AM to 1.00 PM and from 2.30PM to 4.30 PM, unless the Commission decides to extend the same in a particular matter;
 - (b) subject to section 35 of the Act, the Secretary and such other officers and persons as permitted by the Chairperson shall attend an ordinary meeting;
 - (c) subject to sub-regulation (4), the duration of each ordinary meeting shall be as directed by the Chairperson. Each party to the proceeding may be granted such opportunity to present its case as deemed appropriate by the Commission. The Commission may direct any party to file written

submissions, which shall be considered along with replies thereto of the other parties to the proceeding. The Commission may also grant oral hearing to any party if it deems necessary;

- (d) the Commission may, for reasons to be recorded in writing, adjourn the meeting;
 - (e) any Member unable to be present in a meeting for any reason, may if feasible, choose to participate in the said meeting, through video conferencing and this shall be considered as attendance by the Member for the purpose of casting vote during the meeting;
 - (f) subject to sub-regulation (4), the Commission shall hold, as far as practicable, an ordinary meeting once every month to review compliance of its orders and the Secretary shall report all matters of non-compliance for information or for further orders of the Commission, as the case may be;
 - (g) the proceedings of each ordinary meeting of the Commission shall be recorded under the superintendence and guidance of the Secretary or by any other officer authorized by the Chairperson. The minutes of each matter taken up during an ordinary meeting shall be given continuous serial number for a particular financial year.
- (6) Procedure for special meetings, –
- (a) all special meetings of the Commission shall be attended by the Secretary and such other officers as directed by the Chairperson;
 - (b) subject to the provisions of the Act and these regulations, the Secretary shall notify the date, time and place and the agenda for each meeting of the Commission to the Members and other concerned officers, as far as practicable, in advance;
 - (c) the Secretary, for all special meetings, shall –
 - (i) arrange to prepare and record the minutes of every meeting of the Commission and after obtaining the approval of the Chairperson circulate them amongst the Members, the Director General and the senior officers. The minutes of such meetings shall be given a continuous serial number for a particular financial year;
 - (ii) communicate the decisions taken on each item of the agenda to all concerned for compliance of the orders and shall report action taken in the next meeting;
 - (d) any Member unable to be present in a meeting for any reason, may if feasible, choose to participate in the said meeting, through video conferencing and this shall be considered as attendance by the Member for the purpose of casting vote during the meeting;
 - (e) the Chairperson may, without prior notice, convene a special meeting at any time to consider any item, which in his opinion requires urgent consideration;
 - (f) any matter to be considered in a special meeting, other than those requiring statutory approval of the Commission, may, with prior approval of the Chairperson, be decided on file by circulation.
- (7) Without prejudice to sub-regulation (1), the Commission shall have at least one meeting every month for the promotion of competition advocacy, public awareness and imparting training about competition issues in compliance to sub-section (3) of section 49 of the Act.

4. Power to regulate 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.

5. Effect of any irregularity of procedure. –

No act or proceedings of the Commission shall be invalid merely by reason of any irregularity in the procedure of the Commission not affecting the merits of the case.

6. 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 final.