

COMPETITION COMMISSION OF INDIA

06.10.2020

Standard Operating Procedure (SOP) for Virtual Hearings

Authorized Representatives (Advocates/ Chartered Accountants/ Company Secretaries/ Cost Accountants) / Parties/ Parties-in-Person shall follow the following protocol for hearings through virtual mode:

1. For conducting hearings through Video Conferencing (VC), a URL would be sent through e-mail in advance to one concerned authorized representative of each party, who, in turn, would circulate the same to the party to whom it is representing and the other authorized representative(s)/ senior counsel and their juniors, as per the protocol detailed hereinafter.
2. Authorized Representatives/ Parties, who wish to join virtual hearings, must sign an undertaking (as per the format indicated at S. No. 13) of this SOP and send a scanned copy thereof through e-mail to atdregistry@cci.gov.in at the earliest, preferably a day before the hearing date.
3. Only three logins (two for Authorized Representatives and one for the Party or its employee) per Party are allowed. In case a party engages a senior counsel, two additional logins will be allowed *i.e.* one for senior counsel and another for his/ her junior, respectively.
4. The Parties and their Authorized Representatives are expected to conduct in a decorous manner at all times during virtual hearings.
5. The Parties and their Authorized Representatives are strictly prohibited from recording the virtual proceedings in any manner whatsoever. Any such action shall be viewed seriously and appropriate action, as per law, would be initiated against such Parties/ Authorized Representatives.
6. The Parties/ Authorized Representatives desirous of availing VC infrastructure available at CCI premises, would contact the ATD Registry (at atdregistry@cci.gov.in) well in advance.
7. Any List of Dates/ Note of Arguments / Convenience Compilation has to be filed seven days in advance after serving copies thereof upon the other Parties.
8. The Parties/ Authorized Representatives shall not share/ disclose/ disseminate the link shared with them for the purposes of VC with any other person. Also, only the Parties-in-Person and/or Authorized Representatives shall remain present during the virtual hearings and no other person shall be allowed to attend the same.

General Instructions

1. The VC tool used by the Commission is URL based.
2. For enhanced VC quality, use of headphones is recommended.
3. The standard protocol about one person speaking at a time in VC shall be strictly followed.
4. All Parties/ Authorized Representatives shall be given opportunities to present their case. Any attempt to jump in during the presentation by another Party may disrupt the proceedings. Such conduct may also invite ‘muting’ of the microphone of the disrupting Party.
5. In case a person wishes to make a point, she/he may raise her/his hand to invite the attention of the Commission. She/he can start speaking only after she/he has been allowed to do so by the Commission.
6. Cross talking or discussion could be done only after the microphone has been put in ‘mute’ mode.
7. Parties/ Authorized Representatives must ensure that no other device or application is connected to or using the bandwidth when the hearing is in progress.
8. Upon clicking the “Join” button, the Parties/ Authorized Representatives would be prompted to enter their display names wherein they would be required to write their names in the following manner:

[XXX Singh - Informant OR XXX Singh - OP 1, as the case may be]
[XXX Singh-Counsel for the Informant OR XXX Singh-Counsel for OP 1, as the case may be]
9. Upon having joined the hearing in virtual mode, the arguing counsel shall introduce himself/ herself to the Commission and thereafter, shall wait for the instructions from the Commission. On being asked, the Party/ Authorized Representatives may make submissions and on completion of the submissions, shall at once ‘mute’ the microphone of the respective device. If the Commission requires the Party/ Authorized Representatives to make further submission(s), the party may then ‘unmute’ the microphone of the device and again, on completion of the submission, put the microphone on ‘mute’ mode.
10. Simultaneous submissions by more than one Party/ Authorized Representatives at any given time should be avoided and each Party/ Authorized Representatives may indicate their requirement to speak/submit by seeking permission from the Commission, by raising their hands. Once permitted by the Commission, the Party/ Authorized Representatives shall first ‘unmute’ the microphone and thereafter make submissions

11. Parties/ Authorized Representatives are required to ensure that the proceedings by video conference are neither recorded/ stored nor broadcast, in any manner whatsoever, as recording/ copying/ storing and/ or broadcasting, by any means of the hearings and proceedings before the Commission is expressly prohibited.
12. Parties are required to stay online (but in Self Mute mode) till the Commission concludes the hearing of their matter, whereafter the parties may disconnect from video-conference.

13. Format of Undertaking:

“I,..., aged about ... years, Party-in-Person/ Authorized Representative for ----- in Case No. --- of 20--- pending before Competition Commission of India, do hereby solemnly affirm and declare as under:

- i. That I shall strictly maintain the *in camera* nature of the proceedings before the Commission in accordance with Regulation 47 of the Competition Commission of India (General) Regulations, 2009.
- ii. That I shall not share/ disclose/ disseminate the video conferencing link shared with me from the Commission for the purposes of virtual hearing with any other person except as allowed by the Commission.
- iii. That I shall not make any recording (audio/ video) of the proceedings conducted in virtual mode before the Commission.
- iv. That I shall not allow any unauthorized person to remain present during the virtual hearing.”

For any technical support parties may contact the following official during the office hours on all working days:

Mr. Avadh Narayan Yadav
Assistant Director (IT)
Mobile: 9868027745
Email: itd@cci.gov.in
