

The Competition Appellate Tribunal (Term of the Selection Committee and the manner of selection of panel of names) Rules, 2008¹

In exercise of the powers conferred by clause (mb) of sub-section (2) of Section 63 read with sub-section (2) of Section 53-E of the Competition Act, 2002 (12 of 2003), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Competition Appellate Tribunal (Term of the Selection Committee and the manner of selection of panel of names) Rules, 2008.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

(a) ‘Act’ means the Competition Act, 2002 (12 of 2003);

(b) ‘Committee’ means the Selection Committee constituted under sub-section (1) of Section 53-E of the Act.

(2) Words and expressions used but not defined in these rules and defined in the Competition Act, 2002 (12 of 2003) shall have the same meaning assigned to them in that Act.

3. Term of the Committee.—The term of the Committee constituted under sub-section (1) of Section 53-E shall be for a period of one year from the date of its constitution.

4. Manner of Selection of a Panel of Names.—(1) Whenever any vacancy of Chairperson or other Members of the Appellate Tribunal exists or as and when such vacancy arises or is likely to arise, the Central Government may make a reference to the Committee in respect of such vacancy or vacancies for recommendation of a panel of names.

(2) The Committee shall devise its own procedure for selecting the persons for inclusion in the panel of names to be recommended for appointment as the Chairperson or a Member of the Appellate Tribunal.

(3) The Committee shall make its recommendations to the Central Government, within a period not exceeding one hundred and twenty days from the date of reference made under sub-rule (1).

(4) The Joint Secretary nominated by the Ministry of Corporate Affairs shall be the Convener of the Committee.

1. Ministry of Corporate Affairs, Noti. No. G.S.R. 387(E), dated May 16, 2008, published in the Gazette of India, Extra., Part II, Section 3(i), dated 19th May, 2008, pp. 1-2, No. 278

5. Functions of the Committee.—²[The Committee shall, under sub-rule (2) of Rule 4, recommend a panel of up to three names, in respect of each vacancy that has been referred to the Committee, provided that the panel of names shall be given in order of merit whenever it is not a single name panel.]

2. *Subs.* by G.S.R. 728(E), dt. 15-10-2014 (w.e.f. 15-10-2014).

“The Committee shall recommend a panel which may contain up to three names, selected under sub-rule (2) of Rule 4, in respect of each vacancy that has been referred to the Committee”.