

The Competition Commission of India (Form and Time of Preparation of Annual Report) Rules, 2008¹

In exercise of the powers conferred by clause (m) of sub-section (2) of Section 63 read with sub-section (2) of Section 53 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 Commission of India (Form and Time of Preparation of Annual Report) Rules, 2008.

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

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

- (a) “Act” means the Competition Act, 2002 (12 of 2003);
- (b) “Annual Report” means the annual report prepared by the Commission under sub-section (2) of Section 53 of the Act;
- (c) “Appellate Tribunal” means the Competition Appellate Tribunal established under sub-section (1) of Section 53-A of the Act;
- (d) “Commission” means the Competition Commission of India established under sub-section (1) of Section 7 of the Act;
- (e) “Year” means the financial year beginning on 1st April and ending on 31st March of the year immediately following.

(2) Words and expressions used herein and not defined but defined in the Act shall have the same meanings assigned to them in the Act.

3. Preparation and furnishing of the Annual Report.—(1) The Commission shall prepare once in every year an Annual Report in the form specified in the schedule, giving a true and full account of its activities performed in the year.

(2) The Commission may also include in the Annual Report any other item, not included in the form specified in the schedule, with the prior permission of the Central Government.

(3) The Commission, shall forward the annual report to the Central Government within a period of one hundred eighty days immediately following the close of the year for which it has been prepared.

(4) The matters relating to form and time of preparation of Annual Report, with respect to which no express provision has been made in these rules, shall be referred in each case to the Central Government for its decision and the decision of the Central Government thereon shall be final.

1. Ministry of Corporate Affairs, Noti. No. G.S.R. 808(E), dated November 21, 2008, published in the Gazette of India, Extra., Part II, Section 3(i), dated 21st November, 2008, pp. 9-16, No. 615

SCHEDULE

FORM OF THE ANNUAL REPORT

[See Rule 3(1)]

A. Introduction

- (i) Chairman's statement:
- (ii) Objectives:
- (iii) Important achievements:
- (iv) The year in review:
 - (a) Landmark decisions:
 - (b) Legislative work:
 - (c) Outreach programme:
- (v) Capacity building:
- (vi) International engagements:
- (vii) Most active sector:
- (viii) Impact on:
 - (a) Consumers:
 - (b) Economy:

B. Investigations and inquiries ordered by the Commission

(1) *Investigation and inquiry relating to Sections 3, 4 and 42 of the Act.*—A brief narrative along with a tabular statement on investigations and inquiries based on information received, suo motu inquiries taken up by the Commission and references received from Central Government, State Government or local authorities (both individually for each category and combined for all categories):

- (i) Number of matters pending at the beginning of the year:
- (ii) Number of matters received during the year:
- (iii) Total number of matters:
- (iv) Number of matters in which prima facie violations noticed:
- (v) Number of matters in which no prima facie violations noticed:
- (vi) Investigation reports received on prima facie matters ordered for investigation:
- (vii) Inquiries conducted:

(2) *Investigations and enquiries undertaken by Director General.*—A brief narrative along with a tabular statement of investigations/enquiries undertaken by the Director General.

- (i) Number of matters pending at the beginning of the year:
- (ii) Number of matters received during the year:
- (iii) Total number of matters:
- (iv) Number of matters pending at the end of the year:

C. Orders passed by the Commission.—A brief narrative of the orders passed by the Commission separately for where no offence is made out, and in case offence is proved, category-wise for each category of orders passed along with a tabular statement indicating the section under which the order was passed and brief particulars of the orders.

D. Execution of orders of Commission and penalties

(a) Monetary penalties—

- (i) Details on recovery of penalty levied under Sections 27, 42, 43, 43-A, 44 and 45 (separately and combined):
- (ii) Total number of matters and total amount of monetary penalties levied:
- (iii) Total amount realized without resorting to Section 39(2):

- (iv) Total number of matters and amount therein referred to Income-tax authorities for collection as arrears of Income-tax under Section 39(2):
- (v) Total number of matters and amount therein collected by Income-tax authorities as arrears of Income-tax:
- (b) Matters referred to Chief Metropolitan Magistrate, New Delhi under Section 42—
 - (i) Details of matters referred to Chief Metropolitan Magistrate, Delhi under Section 42:
 - (ii) Number of matters pending at the beginning of the year:
 - (iii) Number of references made during the year:
 - (iv) Total number of matters:
 - (v) Number of references disposed of out of (i) above:
 - (vi) Number of references disposed of out of (ii) above:
 - (vii) Total number of references disposed of during the year:
 - (viii) Number of references pending at the end of the year:
- (c) Imposition of lesser penalties under Section 46—
 - (i) Matters in which lesser penalty has been imposed under Section 46:
 - (ii) Number of matters in which lesser penalty imposed:
 - (iii) Number of persons or enterprises on whom lesser penalty imposed:
 - (iv) Number of persons granted full leniency and partial leniency in each matter:

E. Appeals

- (1) (i) Number of appeals filed against Commission's order in the year:
 - (ii) Number of appeals pending at the beginning of the year:
 - (iii) Appeals filed during the year:
 - (iv) Total:
- (2) Number of appeals allowed by the Appellate Tribunal:
 - (i) From appeals pending at the beginning of the year:
 - (ii) From appeals filed during the year:
 - (iii) Total:
- (3) Number of appeals disallowed by Appellate Tribunal:
 - (i) From appeals pending at the beginning of the year:
 - (ii) From appeals filed during the year:
 - (iii) Total:
- (4) Number of appeals partially allowed by the Appellate Tribunal:
- (5) Brief write-up on the appeals allowed by the Appellate Tribunal:

F. Matters received regarding combinations.—A brief narrative along with a tabular statement of requests received under sub-section (2) of Section 6 and action taken thereon by the Commission:

- (i) Number of matters pending at the beginning of the year:
- (ii) Number of combination/merger notifications received during the year:
- (iii) Total number of combinations/merger notifications under consideration at the end of the year:
- (iv) Number of combinations approved by the Commission:
 - (a) within 30 days of receipt
 - (b) from 31 to 60 days
 - (c) from 61 to 120 days
 - (d) from 121 to 210 days
- (v) Number of combination/merger notifications ordered for enquiry:

- (vi) Number of combination/merger notifications not disposed of within 210 days, with brief reasons therefor, and combinations deemed to have been approved:
- (vii) Number of combinations not approved by the Commission with brief reasons therefor:

G. References by Central Government or State Governments.—(1) A tabular statement on references from Central Government under Section 49(1) of the Act:—

- (i) Number of references pending at the beginning of the year:
- (ii) Number of references received during the year:
- (iii) Total:
- (iv) Number of references disposed of out of (i):
- (v) Number of references disposed of out of (ii):
- (vi) Total number of references disposed of during the year:
- (vii) Number of references pending at the end of the year:
- (viii) Brief write-up on opinions of the Commission accepted or not accepted by the Central Government.

(2) References from State Governments (State-wise details to be given in annex) under Section 49(1) of the Act, in the following format:

- (i) Number of references pending at the beginning of the year:
- (ii) Number of references received during the year:
- (iii) Total:
- (iv) Number of references disposed of out of (i):
- (v) Number of references disposed of out of (ii):
- (vi) Total number of references disposed of during the year:
- (vii) Number of references pending at the end of the year:

Brief write-up on opinions of Commission accepted or not accepted by State Governments.

(3) Orders of Central Government received under Section 54 of the Act.

(4) Directions of Central Government under Section 55 of the Act, and the action taken thereon.

H. References from and to the statutory authorities.—A brief narrative on the references received and reference made along with a tabular statement of reference from Statutory Authorities under Section 21 of the Act and reference to statutory authorities under Section 21-A separately including:

- (i) Number of references pending at the beginning of the year:
- (ii) Number of references received during the year:
- (iii) Total:
- (iv) Number of references disposed of out of (i):
- (v) Number of references disposed of out of (ii):
- (vi) Total number of references disposed of during the year:
- (vii) Number of references pending at the end of the year:

I. Competition advocacy.—A brief narrative of activities undertaken under sub-section (3) of Section 49:—

- (i) Workshops, seminars and other interactions with public/experts/policy makers/regulatory bodies on Competition Advocacy and for creating awareness of competition issues:
- (ii) Papers and studies published for competition advocacy and for creating awareness of competition issues:
- (iii) Capacity building of stakeholders to participate in competition regulatory process:
- (iv) Competition related Sectoral/Regulatory impact assessment; Market studies and research projects carried out by the Commission:
- (v) Consultation papers published/placed on website of the Commission:

- (vi) Analytical papers prepared and examined:
- (vii) Others

J. Administration and establishment matters

- (1) Report of the Secretary:
- (2) Composition of the Commission:
- (3) Meetings of the Commission:
- (4) Details of Chairperson or Members appointed in the year and Members who demitted office, along with reasons for demitting office, in the year:
- (5) Organizational structure:
- (6) A tabular statement containing information on Personnel in Commission, category-wise: Sanctioned posts, posts filled up, vacancies, appointments made in the year (separately for Secretary's office and Director General's office), along with a sub-table giving similar details for the posts reserved for various categories under the reservation policy of the Government:
- (7) Experts and professionals engaged under Section 17(3) and experts called upon under Section 36(3):
- (8) Details of delegation of power made in the year by Chairperson to any other Member or the officer of the Commission under Section 13 of the Act:
- (9) Employee welfare measure, if any, beyond the regular terms and conditions of employment, undertaken by the Commission:

K. Budget and accounts

- (1) Budget estimates and revised estimates, under broad categories:
- (2) Receipts, under broad categories, in the Competition Fund established under sub-section (1) of Section 51 of the Act:
- (3) Actual expenditures under broad categories:
- (4) Balance available in the Competition Fund established under sub-section (1) of Section 51 of the Act:
- (5) Any other information:

L. International co-operation

- (1) Brief notes on Memorandums or arrangements signed by the Commission with agencies of foreign countries:
- (2) Brief notes on overseas projects undertaken by the Commission:
- (3) Details of memberships of international organizations:
- (4) Details of international delegations received by the Commission: from Foreign Governments, Foreign Competition Authorities, Multilateral Institutions, others including the purpose of the delegation and the outcome:
- (5) Foreign visits undertaken by Commission's Chairperson or Members or Officials indicating the purpose and outcome:
- (6) Others

M. Capacity Building.—A brief narrative of capacity building initiatives undertaken including:

- (i) Number of employees (category-wise and grade-wise) trained in-house with details of such programmes like content, duration and faculty:
- (ii) Number of employees (category-wise and grade-wise) trained by outside institutions (separately within India and outside India) with details of names of institutions and duration also to specify whether training was under internship, exchange programmes, fellowships, study leave, special arrangements with foreign universities/institutions:
- (iii) Expenditure on capacity building initiatives:

N. Ongoing programmes

²[O. RTI Act:

- (a) Number of applications received by CPIO/ACPIO seeking information under RTI Act;
 - (b) Number of applications for which information has been provided by CPIO;
 - (c) Number of applications pending with CPIO;
 - (d) Number of appeals filed before First Appellate Authority against the order of CPIO;
 - (e) Number of appeals which have been disposed of by First Appellate Authority;
 - (f) Number of appeals pending with First Appellate Authority;
 - (g) Number of applications/appeals not disposed of in the stipulated time frame.]
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2. *Ins.* by G.S.R. 398(E), dated 24-5-2011 (w.e.f. 24-5-2011).