

FAQs

Topic – Market Competition - Competition

The FAQs are intended solely for general guidance and do not constitute a legal document for the purposes of any legal proceedings.

I. Competition Regulatory Framework and Competition Authority

B-Ready Assessment Area	Relevant Provisions	Links
<p>4. Are there any other authorities (e.g., sectoral regulators) that are responsible for protecting and fostering competition in a targeted sector? (Not Scored)</p> <p>4.1 Do any of these sector regulators have exclusive jurisdiction over antitrust or merger review in their sector?</p> <p>4.2 Please provide the legal basis:</p> <p>4.3 Do all these sector regulators have well-defined mandates in the areas of antitrust and merger control, to avoid overlapping interventions with the Competition Authority?</p> <p>4.4 Please provide the legal basis:</p>	<p>Apart from CCI, certain sectoral regulators are also mandated under their respective statutes for protecting and fostering competition in the respective sectors being regulated by them.</p> <p>Section 11, TRAI Act, 1997; Section 15(HA), SEBI Act, 1992 ; Section 23, 60, 61, 62, 79, 86, 131, The Electricity Act, 2003 ; Section 11, 20, 21, 22 & 23, PNGRB Act, 2006</p>	

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II. State Owned Enterprises (SOEs) and Exclusions from the Application of Competition Law

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<p>Exemption Regulations Require to Identify the Efficiency, Harm and Consumer's Impact of the Exempted Agreement</p>	<p>India's regulatory framework does not explicitly require governments to justify the creation of SOEs based on economic, social, or sustainability criteria. However, sector-specific laws and policies such as those under the Companies Act, 2013 often reflect these considerations. SOEs are commonly established to address market failures, ensure equitable access to services, and support national development goals in areas like healthcare, infrastructure, and energy.</p>	
<p>Requirement to Carry out an Evaluation Assessment to Justify SOE Commercial Activities</p>	<p>The regulatory framework in India doesn't universally mandate impact evaluation assessments throughout the entire life cycle of state-owned enterprises (SOEs) to specifically evaluate their effects on market distortions and ensure competitive neutrality. However, specific industries or sectors may have their own regulations or guidelines that necessitate such evaluations either at the creation of SOEs or periodically throughout their existence. This implies that while not all SOEs are subject to mandatory impact evaluation assessments, certain ones may be required to undergo such evaluations at their inception or at certain points in their life cycle.</p>	
<p>SOEs Receive Preferential Treatment Compared to Private Firms</p> <ul style="list-style-type: none"> • <i>Preferential treatment or exemptions specifically benefiting SOEs compared to private firms</i> • <i>Specific exemptions or preferential treatment in relation to taxes or fiscal obligations (e.g. corporate income tax, VAT, or land-use taxes) compared to private firms</i> • <i>Specific exemptions or preferential treatment in relation to access to land compared to private firms</i> 	<p>Competition law does not distinguish between government and public enterprise. It is ownership and sector agonistic. The provisions of the Competition Act, 2002 are applicable upon all 'enterprises' or their individuals, except upon sovereign functions of the Government. Further, all activities carried on by the departments of the Central Government dealing with atomic energy, currency, defence and space are excluded from the definition of 'enterprise'.</p>	<p>https://www.cci.gov.in/legal-framework/act</p>

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<ul style="list-style-type: none"> • <i>Specific exemptions or preferential treatment in relation to access to natural resources (e.g. obtain electricity, gas or water at subsidized prices) compared to private firms</i> • <i>Specific exemptions or preferential treatment in relation to access to public procurement to private firms</i> 		
<p>Competition Law Applies to All Sectors of the Economy</p>	<p>The only sectors excluded from competition law enforcement under Section 2(h) of Competition Act, 2002 are sovereign functions of Government such as activities related to atomic energy, currency, defense, space, etc. These are not considered enterprises and fall out of the scope of the Act's provisions.</p>	<p>https://www.cci.gov.in/legal-framework/act</p>
<p>Competition Law Applies to All SOEs and Legal Monopolies</p>	<p>Competition law does not distinguish between government and public enterprise. It is ownership and sector agonistic. The provisions of the Competition Act, 2002 are applicable upon all 'enterprises' or their individuals, except upon sovereign functions of the Government. Further, all activities carried on by the departments of the Central Government dealing with atomic energy, currency, defense and space are excluded from the definition of 'enterprise'. However, there are no absolute exclusion procedures where firms are entirely removed from the scope of Competition Law, exemptions provide conditional or temporary relief or flexibility only</p>	<p>https://www.cci.gov.in/legal-framework/act</p>
<ul style="list-style-type: none"> • Existence of Procedure to Exclude Firms or Sectors from the Application of Competition Law and Merger Control • Existence of Procedure to Exempt Agreements from the Application of Competition Law <ul style="list-style-type: none"> • <i>Procedure to exempt individual agreements exists</i> • <i>Procedure to exempt category of agreements exists</i> 	<p>The regulatory framework under Section 54(a) of the Competition Act, 2002 allows the Central government to exclude specific firms or sectors from antitrust or merger control regulations. The Central Government may issue notifications granting such exemptions for a defined period if deemed necessary in the interest of national security or public interest. There are no absolute exclusion procedures where firms are entirely removed from the scope of Competition Law, exemptions provide</p>	<p>https://www.cci.gov.in/legal-framework/act</p>

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	conditional or temporary relief or flexibility only.	
Requirement to Justify Exemption Decision Based on Economic, Social or Sustainability Grounds	As provided under section 54(a) of the Competition Act, 2002, the Central Government may, by notification, exempt from the application of the Competition act, or any provision thereof, and for such period as it may specify in such notification, any class of enterprises if such exemption is necessary in the interest of security of the State or public interest.	https://www.cci.gov.in/legal-framwork/act
Exemptions are Granted for a Certain Time Period and Renewals are Reviewed <ul style="list-style-type: none"> • <i>Exemptions granted for certain time periods</i> • <i>Renewal of exemptions conditions</i> 	Section 54(a), Competition Act, 2002 The statute does not contain a specific provision for renewal. However, when an enterprise requests renewal of the exemption, the Ministry thoroughly reviews relevant comments as per Competition Act before proceeding. The renewal is therefore dependent on a review of the reasons for which the exemption was originally granted by the GoI.	https://www.cci.gov.in/legal-framwork/act
Online Publication of all Antitrust and Merger Control Decisions and Exemptions <i>Exemption decisions</i>	As provided under section 54 (a) of the Competition Act, 2002, the Central Government may, by notification, exempt from the application of the Competition act, or any provision thereof, and for such period as it may specify in such notification, any class of enterprises if such exemption is necessary in the interest of security of the State or public interest. The exemptions are notified in gazette notification which is published in e-gazette at https://egazette.gov.in/	https://egazette.gov.in/

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III. Antitrust and Enforcement of Competition Regulations

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Legal Framework Prohibits Anticompetitive Agreements	Section 3 of the Competition Act, 2002 (Conjoint reading of Section 3(1) with Section 3(2) of the Act) prohibits anticompetitive agreements between firms. Section 3(3) of the Act prohibits horizontal anti-competitive agreements which are presumed to have an appreciable adverse effect on competition within India which is rebuttable. Section 3(4) prohibits vertical anti-competitive agreements and other anti-competitive agreements for which appreciable adverse effect on competition within India is required to be established.	https://www.cci.gov.in/legal-framework/act
Exemptions for Non-Competitive Agreements Must be Justified Based on Public Interest	Under Section 54(a) of the Competition Act, 2002, the Central Government may, by notification, exempt from the application of the Act or any provision thereof, and for such period as it may specify in such notification, any class of enterprises, if such exemption is necessary in the interest of security of the State or public interest. Thus, the regulatory framework provides exemptions for anticompetitive agreements that advance certain public interests.	https://www.cci.gov.in/legal-framework/act
Exemption Regulations Require to Identify <ul style="list-style-type: none"> • <i>Efficiency</i> • <i>Harm</i> • <i>Consumer's Impact of the Exempted Agreement</i> 	Under Section 54(a) of the Competition Act, 2002, the Central Government may, by notification, exempt from the application of the Act or any provision thereof, and for such period as it may specify in such notification, any class of enterprises, if such exemption is necessary in the interest of security of the State or public interest.	https://www.cci.gov.in/legal-framework/act
Legal Framework Distinguishes Between which Agreements Restrict Competition by Object	Conjoint reading of Section 3(1) with Section 3(2) and Section 3(3) of the Competition Act, 2002 prohibits horizontal anti-competitive agreements (between competitors) which are presumed to have an appreciable adverse effect on competition within India. The presumption is rebuttable.	https://www.cci.gov.in/legal-framework/act

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Cartels are Forbidden Per Se	Section 3(3) read with Section 3(1) and 3(2) of the Competition Act, 2002 considers agreements including Cartels that directly or indirectly fix purchase or selling price, as forbidden agreements. Section 2(c) defines cartel as an association of producers, sellers, distributors, traders or service providers who, by agreement amongst themselves, limit, control or attempt to control the production, distribution, sale or price of, or, trade in goods or provision of services.	https://www.cci.gov.in/legal-framework/act
Legal Framework Prohibits Abuse of Dominance	There is prohibition of abuse of dominant position under section 4 (1) of the Competition Act, 2002, As per Section 4(1) No enterprise or group shall abuse its dominant position. Section 19(4) stipulates that while inquiring whether an enterprise enjoys a dominant position or not under Section 4, the Commission shall have due regard to all or any of the factors mentioned therein.	https://www.cci.gov.in/legal-framework/act
Definition of Market Dominance and Abuse of Dominant Position	Section 19(4) of the Competition Act, 2002 provides factors to be considered by the Commission, while inquiring whether an enterprise enjoys a dominant position or not under section 4, have due regard to all or any of the factors as specified in the Act. Section 19(4) outlines factors like market share, size, and consumer dependence that Commission considers when assessing dominance. Section 4(2) of Competition Act, 2002 defines specific forms of abuse of dominance, including imposing unfair prices or conditions, limiting production or innovation, denying market access, tying contracts to unrelated obligations, and leveraging dominance across markets. These provisions clearly outline when firm's conduct constitutes abuse.	https://www.cci.gov.in/legal-framework/act

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<p>Availability of Leniency Programs with Procedural Guarantees <i>Availability of leniency program</i></p>	<p>Section 46 of the Competition Act, 2002, provides for a leniency programme i.e. power to impose lesser penalty. Pursuant to the same, the Commission has formulated its leniency regulations which define the entire process for availing leniency benefit and the quantum of leniency. Section 46 of the Competition Act read with the Competition Commission of India (Lesser Penalty) Regulations, 2024</p>	<p>https://www.cci.gov.in/legal-framework/act</p>
<p>Leniency Programs Establish Clear Immunity Regimes</p>	<p>Section 46 of the Competition Act read with Regulation 4(a) of the Competition Commission of India (Lesser Penalty) Regulations, 2024 provides reduction in penalty up to or equal to one hundred percent, to the first applicant that self reports involvement in anticompetitive behaviour. Section 46 of the Competition Act read with Regulations 4(b) of the Competition Commission of India (Lesser Penalty) Regulations, 2024 provide that the applicants who are subsequent to the first applicant may also be granted benefit of reduction in penalty on making a disclosure by submitting evidence, which in the opinion of the Commission, may provide significant added value to the evidence already in possession of the Commission or the Director General, as the case may be, to establish the existence of the cartel, which is alleged to have contravened the provisions of section 3 of the Act.</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act • https://cci.gov.in/legal-framework/regulations/54/0
<p>Availability of Leniency Programs with Procedural Guarantees <i>Leniency program provides procedural guarantees</i></p>	<p>As per Section 46(1) of Competition Act, 2002, Commission may, if it is satisfied that any producer, seller, distributor, trader or service provider included in any cartel, which is alleged to have violated section 3, has made a full & true disclosure in respect of alleged violations & such disclosure is vital, impose upon such producer, seller, distributor, trader or service provider a lesser penalty as may be specified by regulations, than leviable under this Act or rules or regulations made under</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act

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	<p>this Act. Section 46(2), 46(3), & 46(4) provide other procedural aspects including provision for lesser penalty for disclosure of another cartel by leniency applicant.</p>	
<p>Cooperation with Competition Authorities Offers Confidentiality</p> <ul style="list-style-type: none"> • <i>Confidentiality of applicant</i> • <i>Confidentiality of co-operating organizations</i> 	<p>Disclosure is allowed when there is a legal obligation to do so as part of judicial proceedings Regulation 8 of the Competition Commission of India (Lesser Penalty), 2024 provides inter-alia that the Commission or the Director General shall treat as confidential,— (a) the identity of the applicant; and (b) the information, documents and evidence furnished by the applicant under regulation 6 and/or regulation 7: Provided that the identity of the applicant or such information or documents or evidence may be disclosed if,— (i) the disclosure is required by law; or (ii) the applicant has agreed to such disclosure in writing; or (iii) there has been a public disclosure by the applicant.</p> <p>Section 46 of the Competition Act read with Regulation 8 of the Competition Commission of India (Lesser Penalty), 2024 provides inter-alia that the Commission/ Director General shall treat the identity of the leniency applicant as confidential. Section 46 of the Competition Act read with Regulation 8 (1) (a) of the Competition Commission of India (Lesser Penalty) Regulations, 2024</p>	<ul style="list-style-type: none"> • https://cci.gov.in/legal-framework/regulations/54/0 • https://cci.gov.in/legal-framework/regulations/54/0
<p>Incentives for Voluntary Compliance</p>	<p>Section 48A & 48B, Competition Act, 2002; Para 3(2)(h) and 5(2)(c), CCI Penalty Guidelines, 2024; Section 46, Competition Commission of India (Lesser Penalty) Regulations, 2024</p> <p>Entities under inquiry may apply for settlement (Section 48A) or offer commitments (Section 48B). Voluntary termination of anti-competitive conduct is considered a mitigating factor under Para 3(2)(h) of the CCI Penalty</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act • https://cci.gov.in/legal-framework/regulations/54/0

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	Guidelines, 2024. Additionally, the leniency programme under Section 46 and the Lesser Penalty Regulations, 2024 allows for reduced penalties to applicants who self-report and cooperate.	
<p>Procedural and Fairness Guarantees During Investigation <i>At the beginning of an investigation, the Competition Authority issues a notice of the reasons and concerns leading to the investigation</i></p>	<p>Section 26(1), Competition Act, 2002; CCI (General) Regulations, 2024</p> <p>The Commission, in order to initiate an investigation into an alleged anti-competitive conduct, passes a prima facie order under Section 26(1) of the Competition Act, 2002, detailing out the alleged conduct and material in support thereof. The Competition Act, 2002 and the regulations framed thereunder provide for the procedural and fairness guarantee during investigation/Inquiry. Section 26 (1) of the Competition Act, 2002 read with CCI (General) Regulations, 2009 provide for procedural and fairness guarantees during investigation/ inquiry.</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act • cci-general-regulations-20091652176202.pdf
<p>Procedural and Fairness Guarantees During Investigation <i>Investigation procedures are written</i></p>	<p>Section 19 + 26, Competition Act, 2002</p> <p>The investigation procedures are written as part of the Competition Act, 2002, certain regulations framed thereunder, as well as under other internal documentation issued from time to time. The Competition Act, 2002 and the regulations framed thereunder provide for the procedural and fairness guarantee during investigation/Inquiry. Section 26 of the Competition Act, 2002 read with CCI (General) Regulations, 2024 provide for procedural and fairness guarantees during investigation/ inquiry. Apart from the same, other internal documentation are issued from time to time in this regard.</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act

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<p>Investigation Phase Completed within a Set Amount of Time and Extensions are Only Allowed under Certain Criteria</p>	<p>The investigation phase of the Competition Authority must be completed within a set amount of time. Presently, a period of 90 days, extendable from time to time by the Commission, has been provided in the Regulation 21(2) of the CCI (General) Regulations, 2024 for the DG to complete its investigation. The Competition Act, 2002 and the regulations framed thereunder provide for the procedural and fairness guarantee during investigation/Inquiry. Section 26 of the Competition Act, 2002 read with Regulation 21(2) of the CCI (General) Regulations, 2024 provide for procedural and fairness guarantees during investigation/ inquiry.</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act • cci-general-regulations-20091652176202.pdf
<p>Procedural and Fairness Guarantees During Investigation</p> <ul style="list-style-type: none"> • <i>Parties are provided a reasonable opportunity to consult with the Competition Authority</i> • <i>Parties have a reasonable opportunity to be heard and provide evidence or testimony in their defense (This includes testimony of experts, and the opportunity to review or rebut any evidence brought forward)</i> • <i>Parties are provided with an opportunity to settle or to reach a consent agreement</i> 	<p>Consultation with Competition Authority: Section 26(4) + 26(9) + 36(1), Competition Act, 2002</p> <p>Opportunity to provide evidence and testimony: Section 41(2) + 41(7), Competition Act, 2002; Regulations 41-43, CCI (General) Regulations, 2024</p> <p>Opportunity to settle/reach consent agreement: Section 3(4) + 4 + 48A-B, Competition Act, 2002</p> <p>The Competition Act, 2002 and regulations framed thereunder provide for the procedural and fairness guarantee during investigation/Inquiry. As per Section 36(1), the Commission shall be guided by the principle of natural justice and subject to other provisions of this Act and of any Rules made by the Central government. Section 26 provides for procedure for inquiry into anti-competitive agreements or abuse of dominant position. Section 26 inter alia provides for forwarding a copy of the report to the parties concerned, issue a show cause notice indicating the contraventions alleged to have been committed and such other details as may be specified by regulations and give a</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act • cci-general-regulations-20091652176202.pdf

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	<p>reasonable opportunities of being heard to the parties concerned</p> <p>Parties are provided with an opportunity to settle or to reach a consent agreement.</p> <p>Sections 48A and 48B of the Competition Act, 2002 read with CCI (Settlement) Regulations, 2024 and CCI (Commitment) Regulations, 2024, allows parties to reach a settlement agreement with or provide commitments to the Commission. Further, the CCI (Settlement), Regulations, 2024 and CCI (Commitment), Regulations, 2024 and provide for settlement and commitment mechanism(s) for specified conducts. The Competition Act, 2002 and the regulations framed thereunder provide for the procedural and fairness guarantee during investigation/Inquiry</p>	
<p>Adequate Powers to Investigate and to Enforce Sanctions are Conferred to the Competition Authority</p> <ul style="list-style-type: none"> • <i>Framework provides the Competition Authority with the power to conduct unsolicited inspections of firm’s premises to investigate illegal anticompetitive practices</i> • <i>Framework provides for penalties to firms which fail to comply with information requests from the Competition Authority</i> 	<p>As per Section 41 of the Competition Act, 2002, the Director General shall, when so directed by the Commission, assist the Commission in investigating any contravention of the provisions of the Act or any rules or regulations made there under. As per Section 41(8), 41(9) and 41(10) the Director General may conduct inspections of firms' premises (such as dawn raids) to investigate illegal anticompetitive practices with a court order or warrant.</p> <p>The Commission has power to impose penalty on firms failing to comply with merger control regime. Section 43A of the Competition Act, 2002 inter-alia provides for penalties for the transaction (meeting thresholds) which have been consummated without Commission approval Section 42 (2) If any person, without reasonable cause, fails to comply with the orders or directions of the Commission issued under sections 27, 28, 31, 32, 33, 42A and 43A of the Act, he shall be punishable with fine which may extend to rupees one lakh for each day during which such non-compliance occurs, subject to a maximum of rupees ten crore, as the Commission may determine.</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act

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<p>Framework considers the Competition Authority’s decisions as binding and enforceable</p>	<p>Competition Commission of India has been empowered to enforce sanctions under the Competition Act, 2002. The orders of CCI are binding and enforceable, subject to the rights of the parties to appeals and judicial review. Under Chapter VI “Penalties” of the Competition Act, 2002, the Commission is conferred with the power to impose monetary penalties and to take other actions to ensure compliance/enforce sanctions inter-alia for non-compliance. Further Section 39 of the Act read with CCI (Manner of Recovery of Monetary Penalty), Regulations, 2025 , empower to proceed for recovery of penalties.</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act • https://cci.gov.in/legal-framework/regulations/117/0
<p>Competition Authorities Have the Powers to Collect Monetary Sanctions and to Enforce Non-Monetary Sanctions</p>	<p>The Commission has been conferred with the power to impose/collect monetary penalties. Power to impose penalties has been provided under Section 27 of the Competition Act, 2002 as well as Chapter VI of the same. Power to recover monetary penalties has been bestowed upon by CCI under Section 39 of the Competition Act, 2002, pursuant to which the CCI has also framed the CCI (Manner of Recovery of Monetary Penalty), Regulations, 2025 laying down the procedure for such recovery. Under Section 27 of the Competition Act 2002, the Commission may impose monetary penalties for anti-competitive practices.</p> <p>The Commission can issue various non-monetary sanctions including cease and desist orders, modification of agreements, division of enterprises and other measures. Sections 27 and 28 of Competition Act</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act • https://cci.gov.in/legal-framework/regulations/117/0
<p>Framework establishes a cap on fines that can be imposed on a firm</p>	<p>The Commission can impose such penalty, as it may deem fit which shall be not more than ten per cent. of average of turnover or income, as the case may be, for last three preceding financial years, upon each of such person or enterprise which is a party to such agreement or has abused its dominant position Provided that in case any agreement referred to in section 3 has been entered into by a cartel,</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act

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	Commission may impose upon each producer, seller, distributor, trader or service provider included in that cartel, a penalty of up to three times of its profit for each year of continuance of such agreement or ten per cent. of its turnover or income, as the case may be, for each year of the continuance of such agreement, whichever is higher	
Framework designates a specialized body to review decisions of the Competition Authority	At appeal stage, competition cases are adjudicated through specialized chambers/benches or designated judges within the general court. NCLAT hears and disposes of appeals against any direction issued or decision made or order passed by the CCI on Competition Cases under Section 53 A of the Competition Act, 2002. Similarly, Supreme Court hears and disposes of appeals against any decision or order of NCLAT on Competition Cases under Section 53 T of the Competition Act, 2002.	<ul style="list-style-type: none">• https://www.cci.gov.in/legal-framework/act
Framework allows firms to file for an action for damages resulting from infringement of competition law	Under Section 53N, any person, enterprise, or government body may apply to the NCLAT for compensation arising from CCI's findings or appellate decisions. Sections 42A, 48A, 53Q, and 53T further support claims for damages, including those from settlement orders or contraventions of CCI directives.	<ul style="list-style-type: none">• https://www.cci.gov.in/legal-framework/act

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IV. Merger Control Regulations

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Framework establishes thresholds for merger notifications	<p>Section 5, Competition Act, 2002; Section 54, Competition (Criteria for Exemption of Combinations) Rules, 2024.</p> <p>Transactions are subject to review by CCI if the same meet the thresholds provided under Section 5 of the Competition Act, 2002 (as amended) and are not exempt under (i) any of the notification issued by GoI under Section 54 of the Competition Act, 2002 (as amended) or (ii) Section 5 (e) of the Competition Act, 2002 (as amended) or (iii) do not fall under any of the items of Competition (Criteria for Exemption of Combinations) Rules, 2024. Sections 5 and 54 of the Competition Act, 2002.</p>	<p>https://www.cci.gov.in/legal-framework/act</p>
Framework specifies whether thresholds are individual, aggregate or both	<p>The regulatory framework specifies both individual and aggregate turnover thresholds for merger notifications. Section 5 of Competition Act, 2002 includes thresholds at enterprise and group levels, and introduces individual thresholds based on value of target firm's turnover or assets, depending on transaction type.</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act • Link of Regulation and Rules: https://www.cci.gov.in/combination/legal-framework/notifications
Framework specifies a threshold based on the value of the transaction	<p>If value of any transaction in connection with acquisition of any control, shares, voting rights or assets of an enterprise, merger or amalgamation exceeds INR 2000 crore, provided that the enterprise which is being acquired, taken control of merged or amalgamated has such substantial business operations in India as may be specified by regulations, it is required to be notified as per Section 5(d), Competition Act, 2002.</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act • Link of Regulation and Rules: https://www.cci.gov.in/combination/legal-framework/notifications

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<p>Legal Framework Establishes a Merger Control Procedure to Assess Competition Distortions</p>	<p>Yes, the transaction must be notified. Regime is ex-ante, mandatory and suspensory in nature as per Section 6 (2) of the Competition Act, 2002. Section 6(2) captures the mandatory nature of filing of notice for transactions exceeding the thresholds under the Act. Section 6(2A) captures the standstill obligations which imply suspensory regime as the combination cannot come into effect until the expiry of timelines contained in Section 6(2A). Regime is ex-ante, mandatory and suspensory in nature. Section 6(1), 6 (2) and 6(2A) of the Competition Act, 2002.</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act
<p>Framework grants the Competition Authority with powers to investigate whether firms have concluded a transaction that might raise competition concerns</p>	<p>Yes, but only for transactions that fall within mandatory notification thresholds. In antitrust matters (anti-competitive agreements), CCI has the power to order investigation by the Director General under Section 26(1) of the Competition Act, 2002 in any case where prima facie contravention is observed, whereas on merger control side, only transactions meeting the threshold can be inquired into. Further, under Section 3 of the Act, anti-competitive agreements which may be “likely to cause appreciable adverse effect on competition”, are also covered. As such, the regulatory framework grants the Commission power to investigate whether firms have concluded a transaction (anti-competitive agreement) that might raise competition concerns.</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act
<p>Framework confers the Competition Authority with the power to impose sanctions based on the firm’s turnover</p>	<p>The Commission has power to impose penalty on firms failing to comply with merger control regime. Section 43A of the Competition Act, 2002 inter-alia provides for penalties for the transaction (meeting thresholds) which have been consummated without Commission approval. Section 42 (2) If any person, without</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act

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	reasonable cause, fails to comply with the orders or directions of the Commission issued under sections 27, 28, 31, 32, 33, 42A and 43A of the Act, he shall be punishable with fine which may extend to rupees one lakh for each day during which such non-compliance occurs, subject to a maximum of rupees ten crore, as the Commission may determine.	
Framework confers power to Competition Authority to impose a set of remedies to guarantee that the merger maintains, restores and does not distort competition	Section 29 (7), 29A (2), 29A (3) and Section 31(3) of the Competition Act, 2002 provides for modifications/remedies proposed by the parties or the Commission, as the case may be.	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act
Remedies imposed by the Competition Authority must address competitive harm identified, must be proportionate to competition concerns identified, and must be capable of being implemented in a time-bound manner	<p>Remedies should adequately address the potential competitive harm identified, Section 29 (7), 29A (2), 29A (3) and Section 31(3) of the Competition Act, 2002 provide for modifications/remedies proposed by the parties or the Commission, as the case may be. Also relevant in this regard is Regulation 25 of the Competition Commission of India (Combinations) Regulations, 2024.</p> <p>Section 31(4) reads “where a Combination is approved by the Commission under sub-section (3), the parties to the Combination shall carry out such modification within such period as may be specified by the Commission. All remedies proposed by the Commission under Regulation 25(1) are subject to acceptance or non-acceptance by the parties to the proceedings. This ensures that remedies proposed are capable of effective implementation within a definite timeframe.</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act

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Competition Authority has the jurisdictional power to enforce a remedy order directly or indirectly	Section 31(3), 31(4) & 31(5) of the Competition Act provides the power to the Commission to enforce a remedy order.	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act
Framework confers Competition Authority the power to block mergers	As per Sections 31 (2) of the Competition Act, 2002 (as amended), where the Commission is of the opinion that the combination has, or is likely to have an appreciable adverse effect on competition, it shall direct that the combination shall not take effect.	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act
Multi-phased merger review procedure available in the economy	There is an integrated multi-phased merger control procedure Detailed procedure is given as per Section 29, 29A and 31 of the Competition Act, 2002 (as amended). The regulatory framework under the Competition Act, 2002 (as amended), establishes a multiphase merger control procedure. It involves an initial review whether the proposed combination prima facie causes any adverse effect on competition, followed by a more detailed investigation phase if needed, to thoroughly examine the potential competitive impact before making a final decision.	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act
Framework mandates procedure to be completed within set statutory time limits	Sections 6 (2), 29, 29A and 31 of the Competition Act, 2002 details the procedure along with the timelines. The outer limit for approval of the combination is 150 days and the same is captured under Section 31(6) of the Competition Act, 2002.	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act
Existence of a Simplified Merger Procedure	Section 6 (4) and 6 (5) of the Competition Act, 2002 (as amended) and relevant rules i.e. the Competition (Criteria of Combination) Rules, 2024 relate to the provisions and procedure for the cases filed under simplified merger control procedure are deemed approved on filing.	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act

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	Parties intending to file a notice with CCI can approach it for an informal pre-filing consultation (PFC) in case of any doubts/queries. A pre-filing consultation is provided on interpretational as well as substantive issues. The framework of pre-filing consultation is provided in the FAQs available on the website of the Commission. (Question No. 106-110). Further, the procedure of availing PFC is also available on the website of the Commission.	
Use of the Simplified Merger Review Procedure	Green Channel Mechanism was introduced on August 13, 2019. Since then 128 cases filed under Green Channel route till August 31, 2025, which are deemed approved on filing.	<ul style="list-style-type: none"> • https://cci.gov.in/combination/green-channel-view • https://cci.gov.in/combination/green-channel
Time to File a Simplified Merger Review	0 Days. Combination notification filed under simplified merger review is deemed approved on filing under section 6(4) and 6(5) of Competition Act, 2002.	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act
Time to Clear a Simplified Merger Review	0 Days. Combination notification filed under simplified merger review is deemed approved on filing under section 6(4) and 6(5) of Competition Act, 2002.	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act
Framework establishes a cap on filing fees paid by firms for notifications	Mandatory Filing Fees: Section 6(4) & 6(5), Competition Act, 2002 (INR 30,00,000) Regulation 5 & 11(a), CCI (Combination) Regulation 2024.	<ul style="list-style-type: none"> • https://cci.gov.in/legal-framework/regulations/67/
Legal Framework Defines What Constitutes Confidential Information	Regulation 36 of CCI (General) Regulations, 2024 lays down the parameters on what constitutes confidential information.	<ul style="list-style-type: none"> • https://cci.gov.in/legal-framework/regulations/67/

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Framework requires the Competition Authority to conduct a substantive economic assessment on competitive effects of a merger transaction	The Commission inquires into whether a combination causes or is likely to cause an AAEC in India considering factors provided in Section 20(4) of the Competition Act, 2002 (as amended). Section 20(4) of the Competition Act, 2002.	<ul style="list-style-type: none">• https://www.cci.gov.in/legal-framework/act
Availability of Legitimate Justifications for Increases in Market Power Resulting from a Merger or Acquisition <ul style="list-style-type: none">• <i>Framework allows firms to justify an increase in market power when the transaction increases efficiency</i>• <i>Framework allows firms to justify an increase in market power when the firm would otherwise exit the market</i>• <i>Framework allows firms to justify an increase in market power when there is an underlying public interest</i>	These parameters are included in factors to be considered for assessing appreciable adverse effect on competition in India which are provided in Section 20(4) of the Competition Act, 2002 (as amended).	<ul style="list-style-type: none">• https://www.cci.gov.in/legal-framework/act

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V. Institutional Framework

B-Ready Assessment Area	Relevant Provisions	Links
Competition Authority is Operationally Independent	Competition Authority is operationally independent as per Section 26 & 27, Competition Act, 2002.	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act
Competition Authority Decisions Cannot Be Overridden or Vetoed	NCLAT hears and disposes of appeals against any direction issued or decision made, or order passed by the Commission under Section 53(A), Competition Act, 2002.	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act
Term Limits for Board Members of the Competition Authority <ul style="list-style-type: none"> • <i>Existence of terms limits for board members</i> • <i>Existence of limits to the number of terms for board members</i> 	<p>The Competition Act, 2002 provides for term (05 years or attainment of 65 years of age, whichever is earlier) of office of the Chairperson and other Members of the Commission. Section 10 of the Competition Act, 2002</p> <p>Chapter III (Competition Commission of India), Section 10(1) of the Competition Act, 2002 provides for term of office of five years or attainment of 65 years of age whichever is earlier. Subject to the same there is no limit on the number of terms a Board member of the Competition Authority can serve.</p> <p>The Chairperson and every other Member shall hold office as such for a term of five years from the date on which he enters upon his office and shall be eligible for reappointment: [Provided that the Chairperson or other Members shall not hold office as such after he has attained the age of sixty-five years.]</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act
Establishment of Procedure for Selection and Dismissal of Board Members	Chapter III (Competition Commission of India), Section 9, Competition Act, 2002 provides for manner of selection of office of the Chairperson and other Members of the Commission.	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act

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<p>Cooling off Periods After Term Limits for Board Members of the Competition Authority for Private Sector Jobs in Previously Investigated Companies</p>	<p>As per Rule 3 sub-clause (xiii) of CCS (Conduct) Rules, 1964, "Every government servant shall at all times declare any private interests relating to his public duties & take steps to resolve any conflicts in a way that protects public interest." As per Section 12 (1) of Competition Act, 2002, Chairperson & other Members shall not for a period of two years from date on which they cease to hold office, accept any employment in, or connected with management or administration of any enterprise which has been a party to a proceeding before the Commission under this Act. With respect to all other officers of CCI, guidelines issued by Government of India are followed. E.g. Rule 15 of CCS (Conduct) Rules, 1964</p>	<ul style="list-style-type: none"> • https://dopt.gov.in/sites/default/files/CS_Conduct_Rules_1964_Updated_27Feb15_0.pdf
<p>Competition Authority Issues Opinions on Policies and Regulations</p>	<p>As per Section 49(1) of the Competition Act, 2002, if the Central Government and State Government in formulating a policy on competition or any other matter, make a reference to the Commission for its opinion on possible effect of such policy on competition and on the receipt of such a reference, the Commission is mandated to give its opinion as the case may be.</p>	<ul style="list-style-type: none"> • https://www.cci.gov.in/legal-framework/act
<ul style="list-style-type: none"> • Issuance of Guidelines on Competition Compliance Tools for Businesses • Issuance of Guidelines on Horizontal and Vertical Agreements • Issuance of Guidelines on Abuse of Dominance • Issuance of Guidelines on Leniency Programs • Issuance of Guidelines on Market Definition 	<p>https://cci.gov.in/advocacy/publications/compliance-manual</p> <p>https://www.cci.gov.in/images/publications/booklet/en/competition-advocacy-booklet-in-english1689143284.pdf</p> <p>https://www.cci.gov.in/advocacy/publications/training-module-for-administrative-and-judicial-academies</p> <p>https://www.cci.gov.in/images/marketstudy/en/market-study-on-e-commerce-in-india-</p>	

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<ul style="list-style-type: none"> • Issuance of Guidelines on Competition-Related Issues in Digital Platforms • Issuance of Guidelines on Merger Control • Issuance of Guidelines on Labor Markets 	<p>key-findings-and-observations1653547672.pdf</p> <p>https://www.cci.gov.in/images/publications_booklet/en/faqs-on-combinations-english1747725949.pdf (FAQs on Combinations)</p> <p>https://www.cci.gov.in/advocacy/publications/training-module-for-administrative-and-judicial-academies</p> <p>https://www.cci.gov.in/images/publications_booklet/en/faqs-on-combinations-english1747725949.pdf (FAQs on Combinations)</p> <p>http://164.100.58.95/sites/default/files/662013_0.pdf</p>	
<p>Issuance of Analytical Reports on Competition</p>	<p>https://www.cci.gov.in/economics-research/market-studies</p>	
<p>Organization of Workshops to Disseminate Competition Policy</p>	<p>CCI organized a Regional Workshop on Competition Law in collaboration with PHD Chamber of Commerce and Industry (PHDCCI) in Chandigarh on 28.03.2025.</p>	<p>The details of other advocacy events can be accessed on the CCI website at the following link: https://cci.gov.in/advocacy/events/recent</p>
<p>Online Publication of all Antitrust and Merger Control Decisions and Exemptions</p>	<p>https://www.cci.gov.in/combination/orders-section31</p> <p>https://www.cci.gov.in/antitrust/orders</p> <p>https://www.cci.gov.in/international-cooperation/mous</p>	

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Mechanisms are Established for Competition Authority to Cooperate with Other Sector Regulators	Section 18 of Competition Act, 2002, empowers Commission, for purpose of discharging its duties or performing its functions under this Act, enter into any memorandum or arrangement with any statutory authority or department of Government. Under Section 21(1), of Act, statutory authority may make a reference to CCI in course of its proceeding. U/s 21A of Act, CCI may make a reference to statutory authority in course of its proceeding.	<ul style="list-style-type: none"><li data-bbox="1346 228 1745 289">• https://www.cci.gov.in/legal-framework/act