

Competition Act, 2002

Section 27 - Orders by Commission after inquiry into agreements or abuse of dominant position.— Where after inquiry the Commission

(a) direct any enterprise or association of enterprises or person or association of persons, as the case may be, involved in such agreement, or abuse of dominant position, to discontinue and not to re-enter such agreement or discontinue such abuse of dominant position, as the case may be; 3 [(b) impose such penalty, as it may deem fit which shall be not more than ten per cent. of the average of the turnover or income, as the case may be, for the 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, the 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 the 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. Explanation 1. For the purposes of this clause, the expression turnover or income, as the case may be, shall be determined in such manner as may be specified by regulations. Explanation 2. For the purposes of this clause, turnover means global turnover derived from all the products and services by a person or an enterprise.] 4 * * * * (d) direct that the agreements shall stand modified to the extent and in the manner as may be specified in the order by the Commission; (e) direct the enterprises concerned to abide by such other orders as the Commission may pass and comply with the directions, including payment of costs, if any; 5 * * * * 6 (g) pass such other [order or issue such directions] as it may deem fit: 7 [Provided that while passing orders under this section, if the Commission comes to a finding, that an enterprise in contravention to section 3 or section 4 of the Act is a member of a group as