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Competition Act, 2002

Section 21 - Reference by Statutory Authority

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[3][(1) Where in the course of a proceeding before any statutory authority an issue is raised by any party that any decision which such statutory authority has taken or proposes to take, is or would be, contrary to any of the provisions of this Act, then such statutory authority may make a reference in respect of such issue to the Commission.

[1][Provided that any statutory authority, may, suo motu, make such a reference to the Commission.]

[2][(2) On receipt of a reference under sub-section (1), the Commission shall give its opinion, within sixty days of receipt of such reference, to such statutory authority which shall consider the opinion of the Commission and thereafter, give its findings recording reasons therefor on the issues referred to in the said opinion.]]

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1. Inserted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007].

2. Substituted for the following by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007]:

"(2) On receipt of a reference under sub-section (7), the Commission shall, after hearing the parties to the proceedings, give its opinion to such statutory authority which shall thereafter pass such order on the issues referred to in that sub-section as it deems fit:

Provided that the Commission shall give its opinion under this section within sixty days of receipt of such reference."

3. Effective date :20th May 2009- notified vide Ministry of Corporate Affairs Notification No S.O.1241(E) dated 15.05.2009.