

## Competition Act, 2002

### Chapter 9 - Miscellaneous

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#### **<sup>2</sup>[154. Power to exempt.**

The Central Government may, by notification, exempt from the application of this Act, or any provision thereof, and for such period as it may specify in such notification--

- (a) any class of enterprises if such exemption is necessary in the interest of security of the State or public interest;
- (b) any practice or agreement arising out of and in accordance with any obligation assumed by India under any treaty, agreement or convention with any other country or countries;
- (c) any enterprise which performs a sovereign function on behalf of the Central Government or a State Government:

Provided that in case an enterprise is engaged in any activity including the activity relatable to the sovereign functions of the Government, the Central Government may grant exemption only in respect of activity relatable to the sovereign functions.]

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1. Effective from 19.06.2003 by Notification No. SO 715 (E) Dated 19.06.2003.

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

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#### **Section 55 - Power of Central Government to issue directions**

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#### **<sup>2</sup>[155. Power of Central Government to issue directions .--**

(1) Without prejudice to the foregoing provisions of this Act, the Commission shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

Provided that the Commission shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.]

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1. Effective from 19.06.2003 by Notification No. SO 715 (E) Dated 19.06.2003.

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

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#### **Section 56 - Power of Central Government to supersede Commission**

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#### **<sup>2</sup>[156. Power of Central Government to supersede Commission .--**

(1) If at anytime the Central Government is of the opinion--

(a) that on account of circumstances beyond the control of the Commission, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or

(b) that the Commission has persistently made default in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Commission or the administration of the Commission has suffered; or

(c) that circumstances exist which render it necessary in the public interest so to do, the Central Government may, by notification and for reasons to be specified therein, supersede the Commission for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Commission to make representations against the proposed super session and shall consider representations, if any, of the Commission.

(2) Upon the publication of a notification under sub-section (1) superseding the Commission,--

(a) the Chairperson and other Members shall, as from the date of super session, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Commission shall, until the Commission is reconstituted under sub-section (3), be exercised and discharged by the Central Government or such authority as the Central Government may specify in this behalf;

(c) all properties owned or controlled by the Commission shall, until the Commission is reconstituted under sub-section (3), vest in the Central Government.

(3) On or before the expiration of the period of super session specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Commission by a fresh appointment of its Chairperson and other Members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for re-appointment.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.]

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1. Effective from 19.06.2003 by Notification No. SO 715(E) Dated 19.06.2003.

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

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#### **Section 57 - Restriction on disclosure of information**

##### **<sup>1</sup>57. Restriction on disclosure of information.--**

No information relating to any enterprise, being an information which has been obtained by or on behalf of <sup>2</sup>[the Commission or the Appellate Tribunal] for the purposes of this Act, shall, without the previous permission in writing of the enterprise, be disclosed otherwise than in compliance with or for the purposes of this Act or any other law for the time being in force.

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1. Effective from 19.06.2003 by Notification No. SO 715 (E) Dated 19.06.2003.

2. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] for the words "the Commission", w.e.f. 12.10.2007.

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#### **Section 58 - Chairperson, Members, Director General, Secretary, officers and other employees etc., to be public servants**

##### **<sup>2</sup>58. Chairperson, Members, Director General, Secretary, officers and other employees etc., to be public servants.--**

The Chairperson and other Members and the Director General, Additional, Joint, Deputy or Assistant Directors General and Secretary and officers and other employees of the Commission and the Chairperson, Members, officers and other employees of the Appellate Tribunal shall be deemed, while acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.]

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1. Effective from 19.06.2003 by Notification No. SO 715 (E) Dated 19.06.2003.

2. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] w.e.f. 12.10.2007. Prior to substitution it read as:

##### **<sup>1</sup>58. Members, Director General, Registrar, officers and other employees, etc., of Commission to be public servants.--**

The Chairperson and other Members and the Director General, Additional, Joint, Deputy or Assistant Directors General and Registrar and officers and other employees of the Commission shall be deemed, while acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860)."

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**Section 59 - Protection of action taken in good faith**

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**159. Protection of action taken in good faith .--**

No suit, prosecution or other legal proceedings shall lie against the Central Government or Commission or any officer of the Central Government or the Chairperson or any Member or the Director-General, Additional, Joint, Deputy or Assistant Directors General or <sup>2</sup>[the Secretary or officers or other employees of the Commission or the Chairperson, Members, officers and other employees of the Appellate Tribunal] for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

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1. Effective from 19.06.2003 by Notification No. SO 715 (E) Dated 19.06.2003.

2. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] for the words "the Registrar or officers or other employees of the Commission", w.e.f. 12.10.2007.

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**Section 60 - Act to have overriding effect**

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**160. Act to have overriding effect.--**

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

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1. Effective from 19.06.2003 by Notification No. SO 715 (E) Dated 19.06.2003.

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**Section 61 - Exclusion of jurisdiction of civil courts**

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**161. Exclusion of jurisdiction of civil courts.--**

No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the <sup>2</sup>[Commission or the Appellate Tribunal] is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

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1. Effective from 19.06.2003 by Notification No. SO 715 (E) Dated 19.06.2003.

2. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] for the word "Commission", w.e.f. 12.10.2007.

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**Section 62 - Application of other laws not barred**

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**162. Application of other laws not barred.--**

The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

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1. Effective from 19.06.2003 by Notification No. SO 715 (E) Dated 19.06.2003.

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**Section 63 - Power to make rules**

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<sup>1</sup> (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

<sup>3</sup> [(a) the term of the Selection Committee and the manner of selection of panel of names under sub-section (2) of section 9;]

<sup>1</sup> (b) the form and manner in which and the authority before whom the oath of office and of secrecy shall be made and

subscribed to under sub-section (3) of section 10;

4[\* \* \*]

1 (d) the salary and the other terms and conditions of service including travelling expenses, house rent allowance and conveyance facilities, sumptuary allowance and medical facilities to be provided to the Chairperson and other Members under sub-section (1) of section 14;

5[(da) the number of Additional, Joint, Deputy or Assistant Directors General or such officers or other employees in the office of Director General and the manner in which such Additional, Joint, Deputy or Assistant Directors General or such officers or other employees may be appointed under subsection (1A) of section 16;]

1 (e) the salary, allowances and other terms and conditions of service of the Director General, Additional, Joint, Deputy or Assistant Directors General or 6[such officers or other employees] under sub-section (5) of section 16;

1 (f) the qualifications for appointment of the Director General, Additional, Joint, Deputy or Assistant Directors General or 6[such officers or other employees] under sub-section (4) of section 16;

1 (g) the salaries and allowances and other terms and conditions of service of the 7[Secretary] and officers and other employees payable, and the number of such officers and employees under sub-section (2) of section 17;

8[\* \* \*]

8[\* \* \*]

8[\* \* \*]

2 (k) the form in which the annual statement of accounts shall be prepared under sub-section (1) of section 52;

1 (l) the time within which and the form and manner in which the Commission may furnish returns, statements and such particulars as the Central Government may require under sub-section (1) of section 53;

2 (m) the form in which and the time within which the annual report shall be prepared under sub-section (2) of section 53;

9[(ma) the form in which an appeal may be filed before the Appellate Tribunal under sub-section (2) of section 53B and the fees payable in respect of such appeal;

(mb) the term of the Selection Committee and the manner of selection of panel of names under sub-section (2) of section 53E;

(mc) the salaries and allowances and other terms and conditions of service of the Chairperson and other Members of the Appellate Tribunal under subsection (1) of section 53G;

(md) the salaries and allowances and other conditions of service of the officers and other employees of the Appellate Tribunal under sub-section (3) of section 53M;

(me) the fee which shall be accompanied with every application made under sub-section (2) of section 53N;

(mf) the other matters under clause (i) of sub-section (2) of section 53-O in respect of which the Appellate Tribunal shall have powers under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit;]

10[(n) the manner in which the monies transferred to the Competition Commission of India or the Appellate Tribunal shall be dealt with by the Commission or the Appellate Tribunal, as the case may be, under the fourth proviso to sub-section (2) of section 66;]

2 (o) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be, or may be, made by rules.

(3) Every notification issued under sub-section (5) of section 20 and section 54 and every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session, or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or rule, or both Houses agree that the notification should not be issued or rule should not be made, the notification or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the

validity of anything previously done under that notification or rule, as the case maybe.

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1. Effective from 31.03.2003 by Notification No. 340 (E) Dated 31.03.2003
2. Effective from 19.06.2003 by Notification No. SO 715(E) Dated 19.06.2003.
3. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] w.e.f. 12.10.2007. Prior to substitution it read as:  
"<sup>1</sup>(a) the manner in which the Chairperson and other Members shall be selected under section 9;"
4. Omitted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007]. Prior to omission it read as:  
"<sup>2</sup>(c) the financial and administrative powers which may be vested in the Member Administration under section 13;"
5. Inserted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] w.e.f. 12.10.2007.
6. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] for the words "such other advisers, consultants or officers", w.e.f. 12.10.2007.
7. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] for the word "Registrar", w.e.f. 12.10.2007.
8. Clauses (h), (i) and (j) omitted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] w.e.f. 12.10.2007. Prior to omission it read as:  
"<sup>2</sup>(h) for securing any case or matter which requires to be decided by a Bench composed of more than two Members under sub-section (4) of section 23;  
<sup>2</sup>(i) any other matter in respect of which the Commission shall have power under clause (g) of sub-section (2) of section 36;  
<sup>2</sup>(j) the promotion of competition advocacy, creating awareness and imparting training about competition issues under sub-section (3) of section 49;"
9. Inserted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] w.e.f. 12.10.2007.
10. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] w.e.f. 12.10.2007. Prior to substitution it read as:  
"(n) the manner in which the monies transferred to the Central Government shall be dealt with by that Government under the fourth proviso to sub-section (2) of section 66;"

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## Section 64 - Power to make regulations

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### <sup>1</sup>64. Power to make regulations.--

- (1) The Commission may, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing provisions, such regulations may provide for all or any of the following matters, namely:--
  - (a) the cost of production to be determined under clause (b) of the Explanation to section 4;
  - (b) the form of notice as may be specified and the fee which may be determined under sub-section (2) of section 6;
  - (c) the form in which details of the acquisition shall be filed under subsection (5) of section 6;
  - <sup>2</sup>[(d) the procedures to be followed for engaging the experts and professionals under sub-section (3) of section 17;
  - (e) the fee which may be determined under clause (a) of sub-section (1) of section 19;
  - (f) the rules of procedure in regard to the transaction of business at the meetings of the Commission under sub-section (1) of section 22;
  - (g) the manner in which penalty shall be recovered under sub-section (1) of section 39;
  - (h) any other matter in respect of which provision is to be, or may be, made by regulations.]

(3) Every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation, or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.

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1. Effective from 19.06.2003 by Notification No. SO 715 (E) Dated 19.06.2003.

2. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] w.e.f. 12.10.2007. Prior to substitution it read as:

"(d) the fee which may be determined under clause (a) of sub-section (1) of section 19;

(e) any other matter in respect of which provision is to be, or may be, made by regulations."

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## Section 65 - Power to remove difficulties

### 165. Power to remove difficulties.--

(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

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1. Effective from 19.06.2003 by Notification No. SO 715 (E) Dated 19.06.2003.

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## Section 66 - Repeal and saving

1[(1) The Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969) is hereby repealed and the Monopolies and Restrictive Trade Practices Commission established under sub-section (1) of section 5 of the said Act (hereafter referred to as the repealed Act) shall stand dissolved:

9[\*\*\*]

(1A) The repeal of the Monopolies and Restrictive Trade Practices Act, 1969(54 of 1969) shall, however, not affect,--

(a) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or

(c) any penalty, confiscation or punishment incurred in respect of any contravention under the Act so repealed; or

(d) any proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, confiscation or punishment as aforesaid, and any such proceeding or remedy may be instituted, continued or enforced, and any such penalty, confiscation or punishment may be imposed or made as if that Act had not been repealed.]

(2) On the dissolution of the Monopolies and Restrictive Trade Practices Commission, the person appointed as the Chairman of the Monopolies and Restrictive Trade Practices Commission and every other, person appointed as Member and Director General of Investigation and Registration, Additional, Joint, Deputy, or Assistant Directors General of Investigation and Registration and any officer and other employee of that Commission and holding office as such immediately before such dissolution shall vacate their respective offices and such Chairman and other Members shall be entitled to claim compensation not exceeding three months' pay and allowances for the premature termination of term of their office or of any contract of service:

Provided that the Director General of Investigation and Registration, Additional, Joint, Deputy or Assistant Directors General of Investigation and Registration or any officer or other employee who has been, immediately before the dissolution of the Monopolies and Restrictive Trade Practices Commission appointed on deputation basis to the

Monopolies and Restrictive Trade Practices Commission, shall, on such dissolution, stand reverted to his parent cadre, Ministry or Department, as the case may be:

<sup>2</sup>[Provided further that the Director General of Investigation and Registration, Additional, Joint, Deputy or Assistant Directors General of Investigation and Registration or any officer or other employee who has been, immediately before the dissolution of the Monopolies and Restrictive Trade Practices Commission employed on regular basis by the Monopolies and Restrictive Trade Practices Commission, shall become, on and from such dissolution, the officer and employee, respectively, of the Competition Commission of India or the Appellate Tribunal, in such manner as may be specified by the Central Government, with the same rights and privileges as to pension, gratuity and other like matters as would have been admissible to him if the rights in relation to such Monopolies and Restrictive Trade Practices Commission had not been transferred to, and vested in, the Competition Commission of India or the Appellate Tribunal, as the case may be, and shall continue to do so unless and until his employment in the Competition Commission of India or the Appellate Tribunal, as the case may be, is duly terminated or until his remuneration, terms and conditions of employment are duly altered by the Competition Commission of India or the Appellate Tribunal, as the case may be;]

Provided also that notwithstanding anything contained in the Industrial Disputes Act, 1947(14 of 1947), or in any other law for the time being in force, the transfer of the services of any Director General of Investigation and Registration, Additional, Joint, Deputy or Assistant Directors General of Investigation and Registration or any officer or other employee, employed in the Monopolies and Restrictive Trade Practices Commission, to <sup>3</sup>[the Competition Commission of India or the Appellate Tribunal, as the case may be] shall not entitle such Director General of Investigation and Registration, Additional, Joint, Deputy or Assistant Directors General of Investigation and Registration or any officer or other employee any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority:

Provided also that where the Monopolies and Restrictive Trade Practices Commission has established a provident fund, superannuation, welfare or other fund for the benefit of the Director General of Investigation and Registration, Additional, Joint, Deputy or Assistant Directors General of Investigation and Registration or the officers and other employees employed in the Monopolies and Restrictive Trade Practices Commission, the monies relatable to the officers and other employees whose services have been transferred by or under this Act to <sup>4</sup>[the Competition Commission of India or the Appellate Tribunal, as the case may be, shall, out of the monies standing], on the dissolution of the Monopolies and Restrictive Trade Practices Commission to the credit of such provident fund, superannuation, welfare or other fund, stand transferred to, and vest in, <sup>5</sup>[the Competition Commission of India or the Appellate Tribunal, as the case may be, and such monies which stand so transferred shall be dealt with by the said Commission or the Tribunal, as the case may be, in such manner as may be prescribed].

<sup>6</sup>(3) All cases pertaining to monopolistic trade practices or restrictive trade practices pending (including such cases, in which any unfair trade practice has also been alleged), before the Monopolies and Restrictive Trade Practices Commission shall, <sup>10</sup>[on the commencement of the Competition (Amendment) Act, 2009], stand transferred to the Appellate Tribunal and shall be adjudicated by the Appellate Tribunal in accordance with the provisions of the repealed Act as if that Act had not been repealed.]

<sup>11</sup>[Explanation. For the removal of doubts, it is hereby declared that all cases referred to in this sub-section, sub-section (4) and sub-section (5) shall be deemed to include all applications made for the losses or damages under section 12B of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969) as it stood before its repeal;]

(4) Subject to the provisions of sub-section (3), all cases pertaining to unfair trade practices other than those referred to in clause (x) of sub-section (1) of section 36A of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969) and pending before the Monopolies and Restrictive Trade Practices Commission <sup>12</sup>[immediately before the commencement of the Competition (Amendment) Act, 2009, shall, on such commencement], stand transferred to the National Commission constituted under the Consumer Protection Act, 1986 (68 of 1986) and the National Commission shall dispose of such cases as if they were cases filed under that Act:

Provided that the National Commission may, if it considers appropriate, transfer any case transferred to it under this sub-section, to the concerned State Commission established under section 9 of the Consumer Protection Act, 1986 (68 of 1986) and that State Commission shall dispose of such case as if it was filed under that Act.

<sup>11</sup>[Provided further that all the cases relating to the unfair trade practices pending, before the National Commission under this sub-section, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President, shall, on and from that date, stand transferred to the Appellate Tribunal and be adjudicated by the Appellate Tribunal in accordance with the provisions of the repealed Act as if that Act had not been repealed.]

<sup>8</sup>[(5) All cases pertaining to unfair trade practices referred to in clause (x) of sub-section (1) of section 36A of the Monopolies and Restrictive Trade Practices Act, 1969(54 of 1969) and pending before the Monopolies and Restrictive Trade Practices Commission shall, <sup>10</sup>[on the commencement of the Competition (Amendment) Act, 2009], stand transferred to the Appellate Tribunal and the Appellate Tribunal shall dispose of such cases as if they were cases filed under that Act.]

(6) All investigations or proceedings, other than those relating to unfair trade practices, pending before the Director General of Investigation and Registration on or before the commencement of this Act shall, on such commencement, stand transferred to the Competition Commission of India, and the Competition Commission of India may conduct or order for conduct of such investigation or proceedings in the manner as it deems fit.

(7) All investigations or proceedings, relating to unfair trade practices, other than those referred to in clause (x) of sub-section (1) of section 36A of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969) and pending before the Director General of Investigation and Registration on or before the commencement of this Act shall, on such commencement, stand transferred to the National Commission constituted under the Consumer Protection Act, 1986 (68 of 1986) and the National Commission may conduct or order for conduct of such investigation or proceedings in the manner as it deems fit.

<sup>11</sup>[Provided that all investigations or proceedings, relating to unfair trade practices pending before the National Commission, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President shall, on and from that date, stand transferred to the Appellate Tribunal and the Appellate Tribunal may conduct or order for conduct of such investigation or proceedings in the manner as it deems fit.]

(8) All investigations or proceedings relating to unfair trade practices referred to in clause (x) of sub-section (1) of section 36A of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), and pending before the Director General of Investigation and Registration on or before the commencement of this Act shall, on such commencement, stand transferred to the Competition Commission of India and the Competition Commission of India may conduct or order for conduct of such investigation in the manner as it deems fit.

(9) Save as otherwise provided under sub-sections (3) to (8), all cases or proceedings pending before the Monopolies and Restrictive Trade Practices Commission shall abate.

(10)The mention of the particular matters referred to in sub-sections (3) to (8) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897) with regard to the effect of repeal.

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1. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007]. Prior to substitution it read as:

"(1) The Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969) is hereby repealed and the Monopolies and Restrictive Trade Practices Commission established under sub-section (1) of section 5 of the said Act (hereinafter referred to as the repealed Act) shall stand dissolved."

2. Proviso substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007]. Prior to substitution it read as:

"Provided further that the Director General of Investigation and Registration, Additional, Joint, Deputy or Assistant Directors General of Investigation and Registration or any officer or other employee who has been, immediately before the dissolution of the Monopolies and Restrictive Trade Practices Commission, employed on regular basis by the Monopolies and Restrictive Trade Practices Commission, shall become, on and from such dissolution, the officer and employee, respectively, of the Central Government with the same rights and privileges as to pension, gratuity and other like matters as would have been admissible to him if the rights in relation to such Monopolies and Restrictive Trade Practices Commission had not been transferred to, and vested in, the Central Government and shall continue to do so unless and until his employment in the Central Government is duly terminated or until his remuneration, terms and conditions of employment are duly altered by that Government:"

3. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] for the words "the Central Government".

4. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] for the words "the Central Government shall, out of the monies standing".

5. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] for the portion beginning with the words "the Central Government and such monies" and ending with the words "as may be prescribed".

6. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007]. Prior to substitution it read as:

"(3) All cases pertaining to monopolistic trade practices or restrictive trade practices pending before the Monopolies

and Restrictive Trade Practices Commission on or before the commencement of this Act, including such cases, in which any unfair trade practice has also been alleged, shall, on such commencement, stand transferred to the Competition Commission of India and shall be adjudicated by that Commission in accordance with the provisions of the repealed Act as if that Act had not been repealed."

7. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007] for the words "on or before the commencement of this Act shall, on such commencement".

8. Substituted by the Competition (Amendment) Act, 2007 [Act No. 39 of 2007]. Prior to substitution it read as:

"(5) All cases pertaining to unfair trade practices referred to in clause (x) of sub-section(1) of section 36A of the Monopolies and Restrictive Trade Practices Act, 1969(54 of 1969) and pending before the Monopolies and Restrictive Trade Practices Commission on or before the commencement of this Act shall, on such commencement, stand transferred to the Competition Commission of India, and the Competition Commission of India shall dispose of such cases as if they were cases filed under that Act."

9. Omitted by the Competition (Amendment) Act, 2009 [Act No. 39 of 2009] to be effective from 14th October, 2009 for the following : -

"Provided that, notwithstanding anything contained in this sub-section, the Monopolies and Restrictive Trade Practices Commission established under sub-section (1) of section 5 of the repealed Act may continue to exercise jurisdiction and powers under the repealed Act for a period of two years from the date of the commencement of this Act in respect of all cases or proceedings (including complaints received by it or references or applications made to it) filed before the commencement of this Act as if the Monopolies and Restrictive Trade Practices Act, 1969(54 of 1969) had not been repealed and all the provisions of the said Act so repealed shall mutatis mutandis apply to such cases or proceedings or complaints or references or applications and to all other matters.

Explanation.--For the removal of doubts, it is hereby declared that nothing in this proviso shall confer any jurisdiction or power upon the Monopolies and Restrictive Trade Practices Commission to decide or adjudicate any case or proceeding arising under the Monopolies and Restrictive Trade Practices Act, 1969(54 of 1969) on or after the commencement of this Act."

10. Substituted by the Competition (Amendment) Act, 2009 [Act No. 39 of 2009] to be effective from 14th October, 2009 for the following : -

"after the expiry of two years referred to in the proviso to sub-section (1)"

11. Inserted by the Competition (Amendment) Act, 2009 [Act No. 39 of 2009] to be effective from 14th October, 2009.

12. Substituted by the Competition (Amendment) Act, 2009 [Act No. 39 of 2009] to be effective from 14th October, 2009 for the following : -

"<sup>7</sup>[on or before the expiry of two years referred to in the proviso to sub-section (1)]"

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