



Ministry of Corporate Affairs issues a notification exempting every person or enterprise who is a party to a combination from giving notice within 30 days for a period of 5 years from the date of publication of the notification; Measure has been taken to alleviate the concerns of stakeholders who felt constrained by 30 days deadline stipulated in the Act for submission of notices of combination to the Competition Commission of India.

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The Ministry of Corporate Affairs, in exercise of the powers conferred by clause (a) of Section 54 of the Competition Act, 2002, has issued a notification, in public interest, exempting every person or enterprise who is a party to a combination as referred to in Section 5 of the said Act from giving notice within thirty days mentioned in sub-section (2) of Section 6 of the said Act, subject to the provisions of sub-section (2A) of Section 6 and Section 43A of the said Act, for a period of five years from the date of publication of the notification.

The measure has been taken to alleviate the concerns of stakeholders who felt constrained by the thirty days deadline stipulated in the Act for submission of notices of combination to the Competition Commission of India.

India has a suspensory regime wherein combinations come into effect only after either 210 days have passed from the day on which the notice has been given to the Commission or the Commission has passed orders under Section 31, whichever is earlier. In most jurisdictions with such suspensory regimes, notice of combinations can be given by enterprises to Competition Authorities at their convenient point of time but prior to giving effect to the said combination. With this measure, the combinations regime in India will be in line with the global best practices and enterprises will be free to submit notice of combinations to the Commission at a time convenient to them but prior to giving effect to such combinations. Enterprises are also, as per the notification, mandated to submit the notice in compliance of sub-section (2A) of Section 6 of the Act prior to giving effect to combinations and are liable for penalty, under section 43A of the Act, if they fail to do so.

The measure is in line with the Government's objective of providing Ease of Doing Business in India and is expected to bring about immense relief in cases of combinations covered under the Competition Act, 2002.

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