

The Competition Appellate Tribunal (Procedure) Regulations, 2011

UNION OF INDIA

India

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Regulation

THE-COMPETITION-APPELLATE-TRIBUNAL-PROCEDURE-REGULATIONS of 2011

- Published on 1 January 2011
- Commenced on 1 January 2011
- [This is the version of this document from 1 January 2011.]
- [Note: The original publication document is not available and this content could not be verified.]

The Competition Appellate Tribunal (Procedure) Regulations, 2011

1. Short title and commencement.-

(1)These regulations may be called the Competition Appellate Tribunal (Procedure) Regulations, 2011.(2)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.-

(1)In these regulations, unless the context otherwise requires,-(a) "Act" mean the Competition Act, 2002 (12 of 2003);(b)"appeal" means an appeal filed under sub-section (1) of section 53B of the Act;(c)"appellant" means a person who has filed an appeal under sub-section (1) of section 53B of the Act;(d)"application" means an application for claim for compensation filed under section 42A or sub-section (1) of section 53N or sub-section (2) of section 53Q of the Act;(e)"authorised representative" means-(i) an individual in case of an individual complaint, sole proprietor of a proprietorship firm,(ii)the Karta in case of Hindu Undivided Family,(iii)the Managing Director of the Director, duly authorised by the Board of Directors in case of a company,(iv)the President or the Secretary in case of an association or society,(v)a partner in case of a partnership firm,(vi)the Chief Executive Officer of the co-operative society or the local authority,(vii)the Joint Secretary of the Government of India or a State Government, or(viii)the Chief Executive Officer in case of a statutory authority;(f)"Chairperson" means the Chairperson of the Tribunal appointed under sub-section (1) of section 53D of the Act;(g)"Commission" means the Competition Commission of India established

under sub-section (1) of section 7 of the Act;(h)"Member" means a member of the Competition Appellate Tribunal appointed under sub-section (2) of section 53D of the Act;(i)"party" means a person who files an application or who prefers an appeal before the Tribunal and includes respondent to such application or appeal, as the case may be;(j)"Registrar" means Registrar of the Tribunal and includes the Deputy Registrar of the Tribunal;(k)"Registry" means the registry of the Competition Appellate Tribunal;(l)"Tribunal" means the Competition Appellate Tribunal established under sub-section (1) of section 53A of the Act.(2)Words and expressions used herein and not defined in these regulations but defined in the Competition Act, 2002 (12 of 2003) shall have the meanings assigned to them in that Act.

3. Language of Tribunal.-

(1)The proceedings of the Tribunal shall be conducted in English.(2)No appeal, application, document or other papers contained in any language other than English, shall be accepted by the Tribunal unless the same is accompanied by a translation thereof in English attested by a translator and countersigned by the party concerned.

4. Sittings of Tribunal.-

The Tribunal shall ordinarily have sittings at its headquarters at New Delhi and at such places as the Chairperson may by general or special order direct.

5. Official seal of Tribunal.-

(1)Every notice, order and judgment of the Tribunal shall bear the seal of the tribunal.(2)The official seal of the Tribunal shall be in the custody of the Registrar.

6. Functions of Registrar.-

The Registrar shall-(a) receive and register appeals, applications, interlocutory and all other miscellaneous applications relating to such appeals or applications, as the case may be;(b)maintain all records of the Tribunal;(c)represent the Tribunal before the Supreme Court in the event of an appeal under section 53(T) of the Act; and(d)perform such other functions as the Chairperson may, from time-to-time, direct.

7. Registration of appeal or application.-

(1)Every appeal or application supported by an affidavit and a certified copy of the impugned direction, decision or order of the Commission, shall be verified and if found to be in order, be registered by the Registrar and shall be given a serial number.(2)If the appeal, on scrutiny, is found to be defective, the appellant shall be advised to rectify the defects and after rectification of the defects by the appellant, the appeal shall be registered.(3)The appeal registered shall be put up for hearing before the Tribunal with a notice to the appellant and the Tribunal, after hearing the

appellant, may either dismiss it summarily or direct issue of notice to all necessary parties or may make such orders as the circumstances of the case may require.(4)In case, the Tribunal directs issuance of notice to the concerned parties, the Registrar shall issue notice, along with the order of the Tribunal and copy of the appeal to all the respondents.(5)Where at any stage prior to the hearing of the appeal, the appellant desires to withdraw his appeal, he shall make an application to that effect to the Tribunal.

8. Pleadings before Tribunal.-

(1)Appeal or application, counters, rejoinders, supplemental pleadings or other documents, as the case may be, shall be accompanied by four copies thereof for the Tribunal's record and such additional number of copies thereof for being served on respondents.(2)No pleadings, subsequent to the reply, shall be presented except by the leave of the Tribunal upon such terms as the Tribunal may think fit.

9. Service of notice or other documents.-

Every notice or other document, required to be served on or delivered to any person, may be sent by the Registrar by speed post or by courier or by e-mail to the person or his agent empowered to accept service.

10. Adjournment of hearings.-

The Tribunal may, if sufficient cause is shown at any stage of any proceeding, adjourn the hearing for such time or date as it may consider appropriate provided that in any case, the Tribunal shall not grant more than three adjournments during the course of the whole proceeding.

11. Ex-parte hearings.-

If a party to the proceeding does not appear on the day fixed for hearing, the Tribunal may continue with the proceedings in the absence of such party.

12. Custody of records.-

The Registrar shall maintain the records of the Tribunal and no record or document filed in any case or matter shall be allowed to be taken out of the custody of the Tribunal without the leave of the Tribunal.

13. Inspection and certified copies of documents and other papers.-

(1)A party to any proceeding before the Tribunal may, subject to the provisions of the Act, on an application made by it or on its behalf, addressed to the Registrar, be allowed to inspect or obtain copies of pleadings and other documents or records in the proceeding on payment of fees and

charges specified in the rules.(2)An inspection shall be allowed only in the presence of the Registrar.(3)Copies of the proceedings, required under sub-regulation (1) or (2), may be certified, as true copies, by the Registrar.(4)Every authorised officer, not below the rank of Under Secretary to the Central Government or the State Government or the Competition Commission of India shall, at all reasonable times, be entitled free of charge inspection of the file of proceedings of the Tribunal and the Tribunal shall provide such copies or extracts to the aforesaid officers, as they may request in writing.

14. Order of judgment of Tribunal.-

Every order, or judgment of the Tribunal shall be signed and dated by the Chairperson and Members who have heard the case: Provided that the Chairperson or a Member who dissents with the final conclusion, shall record his reasons separately under his signature and date.

15. Rectification of errors.-

Any clerical or arithmetical mistakes in any proceeding, amendment of proceeding, declaration or order of the Tribunal or error may, at any time, be corrected by the Tribunal, either on its own motion or on the application of any party.

16. Interpretation.-

In case of any doubt as to the interpretation to these regulations, the matter shall be placed before the Chairperson who shall have the power to modify, waive and exempt the operation of any of these procedures by specific or general order and for reasons to be recorded in writing.

1. Came into force on 18-7-2011.