



Amendments to the CCI's General Regulations

On 20 November 2019, the Competition Commission of India (**CCI**) amended¹ its General Regulations² which were published on 22 November. There have been a number of significant changes: (i) the provisions relating to grant of confidential treatment have been modified; (ii) additional details must be provided in an Information (i.e., complaint) alleging anti-competitive agreements or abuses of dominance; and (iii) the filing fee to accompany an Information has been increased.

These amendments come into effect immediately and are detailed below.

Modifications to confidentiality provisions

The General Regulations empower the CCI to grant confidential treatment to the identity of the Informant (i.e., the complainant) where requested.³ The amendments allow the CCI, where expedient and “*for the purposes of the Act*”, to disclose the identity of the Informant. However, this can only be done after the CCI has given the Informant an opportunity of being heard.

These amendments also introduce a time limit within which a party can challenge the rejection of a request for confidential treatment on information or documents provided to the investigating Director General (**DG**), during the course of an investigation.⁴

Aggrieved parties must challenge the DG's rejection within 30 days of receipt of the DG's order.

Mandatory disclosure of parallel disputes/ litigation between parties before the CCI

An Informant is now required, at the time of filing an Information, to provide details of all pending disputes relating to the subject matter of the Information.⁵ These include proceedings before any court, tribunal, statutory authority or arbitrator.

This amendment appears to stem from the fact that some Informants have used the Information before the CCI as one of several channels of complaint against the same opposite party, and the CCI wants to avoid spending time on essentially commercial disputes being adjudicated in other fora.

Late last year, the Supreme Court of India upheld a direction of the High Court of Bombay to close a CCI investigation against Indian telecom companies noting that certain technical issues were yet to be decided by the sectoral regulator, and the CCI could only exercise jurisdiction after those were decided.⁶ Subsequently, the High Court of Bombay closed CCI proceedings against broadcasters Star and Sony for similar reasons.⁷ The CCI itself has started to take the existence of parallel proceedings into account

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when considering an Information and, at times, has closed complaints pending the settling of these jurisdictional issues.⁸ This requirement was already present in appeals filed before the appellate tribunal.

Increase in filing fees

These amendments have increased the fee to accompany an Information between 100 – 1000% depending on the class of Informant.⁹

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- 1 The Competition Commission of India (General) Amendment Regulations, 2019 (2019 Amendment Regulations), available [here](#).
- 2 The Competition Commission of India (General) Regulations, 2009 (General Regulations).
- 3 Regulation 35(1), General Regulations.
- 4 Regulation 35(10), General Regulations.
- 5 Regulation 10(2), General Regulations provides the details that must accompany an Information.
- 6 CCI v. Bharti Airtel and Others, SLP (C) No. 35574 of 2017, Supreme Court of India (5 December 2018).
- 7 Star India v. CCI and Others, Writ Petition No. 7195 of 2018, High Court of Bombay (16 October 2019).
- 8 Jitesh Maheshwari v. National Stock Exchange, Case No. 47 of 2018, CCI (7 January 2019).
- 9 Regulation 49, General Regulations.

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