

May 17, 2024

CHANGES BROUGHT IN BY THE COMPETITION COMMISSION OF INDIA (GENERAL) AMENDMENT REGULATIONS, 2024

The Competition Commission of India (“**CCI**”), in exercise of its powers conferred by Section 36 and 64 of the Competition Act, 2002 (the “**Act**”), on May 10, 2024, issued the notification regarding the Competition Commission of India (General), Amendment Regulations, 2024 (“**General Amendment Regulations**”) in order to further amend the Competition Commission of India (General) Regulations, 2009 (“**General Regulations**”).

The General Amendment Regulations has made significant changes across several areas, encompassing confidentiality, information accessibility and procedural timelines. The key changes brought by the General Amendment Regulations are as follows:

I. Concept of a Confidentiality Ring:

The concept of a Confidentiality Ring offers a systematic approach to manage sensitive information during investigations. In accordance with the General Amendment Regulations, the party wishing to access confidential information must submit an application to establish a Confidentiality Ring promptly. If such a request is made after receiving the non-confidential version of the investigation report, it must be submitted within 10 (ten) days from receipt of such report. However, if the CCI determines that the party had a valid reason for not submitting the request within the initial 10 (ten) days, it may consider request submitted within a further period of 7 (seven) days.

II. Timeline for Submission of Undertakings:

As per the General Amendment Regulations, the parties must submit undertakings within 10 (ten) days of receiving the order of establishing the Confidentiality Ring, stating that the information accessed by their members pursuant to such Confidentiality Ring, will not be shared with anyone else, including officials or employees of the concerned enterprise, joint ventures, subsidiaries, or any other entity and they will use this information solely for the proceedings under the Act, keep it secure, and destroy the same at the culmination of the current proceedings. However, if the CCI determines that a party had valid reasons preventing them from submitting the undertaking within the initial 10 (ten) days period, it may allow submission within an additional period of 5 (five) days.

III. Streamlined Process for Inspection and Certified Copies of Documents:

The General Amendment Regulations also simplify the process for seeking inspection and certified copies of documents. It provides that the parties involved in the Confidentiality Ring may apply for inspection under regulations

ABOUT THE FIRM

AKS Partners (formerly known as A.K. Singh & Co) is a law firm based in New Delhi (India) that provides a comprehensive range of legal services and solutions to domestic and international clients. The Firm offers a unique blend of the local knowledge to apply the regulatory, economic, political and cultural context to legal issues and develop case strategies.

We regularly handle technically challenging and complex multi-jurisdictional matters. Our team is spearheaded by one of the highly recognised lawyers with extensive experience in international dispute resolution and strong government and diplomatic backgrounds. This experience gives us the deepest understanding of the key decision points that are critical in navigating complex & complicated matters and managing government regulations.

37 and 50 of the General Regulations within 7 (seven) days of submitting their undertakings. This inspection must be completed within 21 (twenty-one) days, once granted. Subsequently, the parties may apply for certified copies within 7 (seven) days. Upon receiving such applications, certified copies must be provided within 14 (fourteen) days, with the Secretary having the option to extend this period by 7 (seven) days if necessary. In exceptional circumstances, as determined by the CCI based on the facts and the circumstances of a particular matter, the timelines outlined in General Amendment Regulation may be extended to ensure flexibility while upholding procedural integrity. However, failure to adhere this timelines, the CCI will proceed with the proceedings in accordance with the law.

IV. Increase in the Fees for Inspection of Case Records:

The parties involved in the proceedings, on application, may be granted access to records pertaining to their case by the Secretary, subject to specified conditions, upon payment of INR 2500/- per day per case, instead of the previous rate of INR 1000/- per day per case. This adjustment in fees is intended to address administrative expenses and safeguard the long-term viability of the CCI's activities.

COMPETITION LAW UPDATE

May 17, 2024

AWARDS & RECOGNITIONS



LEADERS IN LAW



BENCHMARK
LITIGATION
ASIA-PACIFIC



GlobalLawExperts®
Recommended Attorney



CONTACT US

Building No. G - 16, 3rd
Floor, Saket, New Delhi
110 017, India

T : +91-11-40522433
40536792

F : +91-11-41764559

E : delhi@akspartners.in
info@akspartners.in

www.akspartners.in

For regular updates
follow us @ [LinkedIn](#) |
[Facebook](#) | [Mondaq](#)