

Symbiosis Law School, Pune

Workshop on ‘Combating Anti-Competitive Practices and the Role of Competition Commission of India’ by Mr. Rajinder Kumar, Director, Regional Office (Western Zone), Competition Commission of India

Symbiosis Law School, Pune, a constituent of Symbiosis International (Deemed University) conducted a Workshop on ‘Combating Anti- Competitive Practices and the Role of the Competition Commission of India’, on 24th February, 2025. The workshop was held in Moot Court Hall at 2:00PM- 4:00PM and attended by over 130 students and faculties.

WELCOME ADDRESS

Prof. Dr. Shashikala Gurpur, Fulbright Scholar, Director, Symbiosis Law School, Pune, Dean, Faculty of Law, SIU, Jean Monnet Chair Professor (EUC-LAMP co-funded by EU) delivered the welcome address. She gave a brief overview of Anti- Competitive practices prevailing in the market globally and the way it affects customers at large. She discussed prominent international



Google case wherein google faced scrutiny from competition regulators globally due to its market power in search engines, online advertising, and other digital services and Cement Industry Cartel case, in which many cement industries, raised concerns regarding cartel-like behavior, where they manipulated prices and divided markets to secure higher profits, reducing consumer choice and increasing costs. In Google’s case, the focus is on the digital economy, where platform dominance and algorithm manipulation are central issues. For the cement industry, traditional concerns about pricing power and market manipulation are more prominent. Through these cases she highlighted the importance of vigilant enforcement of competition laws to ensure that

businesses compete fairly, consumers benefit from lower prices and better services, and innovation is not stifled by monopolistic practices. She shed light on the role of regulators to typically investigate companies engaging in agreements that restrict competition and harm consumers.

Dr. Gurpur mentioned that many such events and programs will be aligned in coming time for the benefit of students and faculties. Subsequently, she put forward her expectations from the discussion, which would result in holistic contribution to the cause with deep compassion.

Thereafter, she welcomed and felicitated the distinguished guest Mr. Rajinder Kumar, Director, Regional Office (Western Zone), Competition Commission of India.

KEY INSIGHTS FROM THE SESSION



Mr. Rajinder Kumar thanked Director Madam and began the session by explaining the evolution of Competition Act, 2002 subsequent to the recommendation given by Raghavan Committee in the year 2000 for new legislation and repealing of Monopolies and Restrictive Trade Practices Act, 1969. The speaker emphasized on the objectives of the Competition Act, 2002 (Act) which are to promote and sustain competition in markets, prevent practices having appreciable adverse effect on competition, protect the interest of consumers and ensure freedom of trade carried on participants in markets, in India. He informed

that Competition Commission of India (CCI) was established on October 14, 2003 while it started functioning in the year 2009. Further he explained Anti-Competitive Agreements comprising of Horizontal and Vertical agreements under Section 3 of the Act. After that abuse of dominant position was taken up by Mr. Kumar. More importantly he laid stress on the fact that dominance in the market is not prohibited but the abuse of such a position is prohibited and to identify this abuse, the relevant market should be identified and factors listed in Section 19(4) of the Act. The

speaker threw light on procedure for investigation in the cases of anti-competitive practices and abuse of dominant position.



The speaker gave an important statistic of antitrust cases on sections 3 and 4 of the Act and stated that out of 1187 total cases received under the Act, 89.88% cases (1066) have been disposed off while 121 are still under consideration. He also gave a sector wise break-up of 1187 cases out of which 224, 116, 84 and 73 are the highest number of cases received from real sector, automobiles,

financial sector and film industries. He proceeded with the combinations under Section 5 of the Act, explained its pre-investigation and investigation phases and informed through statistic that 921 cases are disposed off which is 98.71% of total 933 cases. The advocacy initiatives taken by Competition Commission of India was then enumerated by the guest along with the outreach measures. Global outreach programs like Memorandum of Understanding with competition

agencies of US, Russia, Australia, EU, Canada, Japan, Brazil, Mauritius and BRICS were signed by CCI, India.

LEARNING OUTCOME AND QUESTION AND ANSWER SESSION

This workshop paved the way to develop specialization in Competition Law and related career in the light of Startup cultures, related market evolution and upgradations in the business and laws

The floor was then kept open for students to ask questions and in answering them Mr. Kumar



rightly remarked that relevant market will ultimately be determined on basis of the demand and supply substitutes. Even though both belong to transport industry any increase of the price by 5 or 10% through small but significant and non-transitory increase in price (SSNIP) shall not affect the demand and supply substitute of products in the market.

In another answer, he talked on Cement cartel- a curious issue of cartelization relating to 11 cement manufactures intending to formulate an agreement with an intent to create artificial shortage in the market for the purpose of increasing the price of cement in the long run and Bharti Airtel v Jio Infocom in which CCI gauged that “action of Jio” in providing pro bono services for six months does

not amount to anti-competitive practices. He further stated that had the case existed today the situation would be different as Jio’s emergence lead to the demise of Vodafone and Idea and the necessity to merge both entities into Vi. Answering the success rate of mitigating cartelization and CCI’s approach to promote competition, he said that CCI is tasked with obtaining evidence from electronic means, WhatsApp or any other medium to understand the extent of the agreement amongst parties. Identifying a cartel is quite difficult as the process take two years and many a times information is missing from the reports of CCI which amounts to human errors and in other times National Company Law Tribunal’s (NCLT) perspective differs.

In his closing remarks he shared knowledge on the investigation procedure of cartel and anti-competitive practices of predatory pricing and deep discounting. Eventually he gave an open invitation to the 4th and 5th year BA/BBA LLB, 3rd Year LLB and LLM students of SLS, Pune to apply for the Internship and Young Professional Program of CCI.

VOTE OF THANKS

As the workshop concluded a vote of thanks was proposed by Dr. Pallavi Baghel (Faculty) to extend heartfelt gratitude to the distinguished speaker, Mr. Rajinder Kumar, for sharing his knowledge and expertise. She expressed that his insights had truly enriched understanding of competition law, anti-competitive market practices and the role of competition commission of India in combating the same.

A special thanks was given to Director Madam, for her continuous support and guidance in organizing such enlightening sessions. She extended appreciation to all the faculty members, IT Team, coordinators, volunteers and the participants for their efforts in making the event a success. With that, the workshop was formally concluded.

CONCLUSION

The workshop was an invaluable resource for students and faculties interested in understanding the Anti-competitive Practices prevalent in the market and the role of Competition Commission of India in addressing them. It was a valuable learning experience for all attendees providing them with both the theoretical knowledge and practical functioning for navigating the complexities of anti-competitive practices and help them build a strong edifice in Competition Law.

FACULTY COORDINATORS

Team Comprised- Dr. Pallavi Baghel, Dr. Santosh H Aghav and

SLS Staff- Students Team



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