



## EVENT REPORT APRIL, 2012

### Competition Law Workshop for Public sector enterprises

(Version: 03 May 2012)

#### Background

In the month of March 2012, a training calendar was drafted, discussed and finalized by CIRC wherein it was decided that CIRC will hold its first short term course of this year for Public Sector Enterprises on 27<sup>th</sup> April 2012. Hence a Competition law workshop for PSEs was organized by CIRC on 27<sup>th</sup> April, 2012 at India International Center, New Delhi.

#### Proceedings

The event began with Mr. Avinash Dadhich, Associate Fellow, CIRC welcoming all the guests and participants present there. He then invited Dr. Geeta Gouri, Member of Competition Commission of India, to inaugurate the workshop and address the participants.

She gave a brief outline on major Competition issues: anti-competitive agreements, abuse of dominance and combinations. She emphasized that Competitive neutrality and public procurement are necessary for progressive economy like India. She also discussed relevant and latest case laws pertaining to PSEs.





Thereafter, the workshop was divided into three Sessions with respective areas of competition law:

Session 1- Anti competitive agreements

Session2- Abuse of dominant position &

Session 3- Combinations.

Session 1 on anti-competitive agreements was taken by Mr. Sharad Bhansali, managing partner APJ-SLG. He spoke about anti-competitive behavior of enterprise and what are the bases of anti-competitive agreements. He equated it with corruption as both are difficult to understand and once caught penalties are very huge. He also said that “*Competition has tremendous teeth & it can bite, hence every company should have in-house training compliance.*” He also discussed the concept of Sovereign power with reference of latest cases.

Session 2- Abuse of dominance was taken by Mr. Manas Chaudhuri, partner, Khaitan & co. He began with explaining what amounts to abuse of dominance and discussed 5 typical examples of abuse of dominance referring Coal India Ltd, LPG case.

Session 3 on merger and amalgamation was taken by Mr. Samir Gandhi, partner, Economic Laws Practice. He began by giving a brief background of merger control and working of CCI in merger cases. From economics perspective, he said that it is not consumer welfare, but total welfare which is to be considered for the approval of mergers. He further suggested that India may learn from competition authorities of Pakistan as is composed of professionals from different sectors and also pointed out the need for appropriately handling the investigations in complex merger cases.

After each end of session a floor of comments/ questions was opened for participants wherein they were allowed to raise questions which were answered by the expert professionals.

The event ended with the vote of thanks by Mr. Avinash Dadhich to all the participants, expert professionals and all other colleagues present there.