

## PREFACE

The Competition Act along with the Rules & Regulations made thereunder has *inter alia* made the provisions for promoting competition in India, protection against abuse of dominant position and Anti-Competitive Agreements, Regulation of Combinations, Commitments, Settlements and Penalties. Competition Commission of India (CCI) is the Authority which is entrusted with the duties to eliminate practices having adverse effect on competition, promote and sustain competition, protect the interests of consumers and ensure freedom of trade, in Indian markets. This law also has addressed aspects which have the potential of harming businesses in the country and eventually may have a drastic effect on individuals as well, if remained unaddressed. At the same time, the possibility of deceitful complaints also cannot be ruled out and therefore honest businesses are required to be protected and represented before CCI properly.

The Competition Act under Section 35 and Section 53S has recognized Company Secretaries to represent the Company/(Parties) before Director General/CCI/ NCLAT. Although, these recognitions may seem handful for the Practicing Company Secretaries, yet given their vast ranging impact, they are not only sharpen their advocacy skills before Authorities but at the same time accord the professionals an opportunity to serve the nation impactfully.

In the view of the same, the ICSI is launching this publication titled “**Guide to Competition Act, 2002**”. The publication while analyzing various precedents of CCI, NCLAT, High Courts and Supreme Court also gives an insight on Leniency Provisions and makes an attempt to develop the understanding of relation between Competition Act and Other Laws. An insight of international aspects of Competition Laws in foreign jurisdictions also has been covered.

I take this opportunity to eulogize the commitment of the expert members of the Task Force under the leadership of CS Venkata Ramana Rajavolu, Council Member and Chairman, Professional Research and Publication Committee and CS Sandip Kumar Kejriwal, Central Council Member and Chairman of Task Force on “Guide to Competition Act, 2002” who have worked relentlessly in preparing this publication and ensuring its comprehensiveness.

I also commend the dedicated efforts placed in by the Directorate of Academics, under the guidance of CS Lakshmi Arun, Director, comprising of Mr. Chittaranjan Pal, Deputy Director and CA Govind Krishna Agarwal, Deputy Director in bringing out this publication under the leadership of CS Asish Mohan, Secretary, ICSI.

I am confident that this publication will prove to be of immense academic and professional assistance for the professionals as well as the regulatory authorities, government bodies, Chambers of Commerce and Industries and students in comprehending various aspects under competition law.

In any publication, there is always scope for further improvement. I would personally be grateful to users and readers for offering their suggestions/ comments for further refinement.

Place : Bengaluru

**(CS B. Narasimhan)**

Date : December 20, 2024

*President*

The Institute of Company Secretaries of India