

Competition (Amendment) Act, 2009

39 of 2009

[22 December 2009]

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An Act further to amend the Competition Act, 2002. Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:--

1. Short Title And Commencement :-

(1) This Act may be called the Competition (Amendment) Act, 2009.

(2) It shall be deemed to have come into force on the 14th day of October, 2009.

2. Amendment Of Section 66 Of Act 12 Of 2003 :-

In section 66 of the Competition Act, 2002,--

(a) in sub-section (1), the proviso and the Explanation thereto shall be omitted;

(b) in sub-section (3),--

(i) for the words, brackets and figure "after the expiry of two years referred to in the proviso to sub-section (1)", the words, brackets and figures "on the commencement of the Competition (Amendment) Act, 2009" shall be substituted;

(ii) the following Explanation shall be inserted, namely:--

"Explanation.-- For the removal of doubts, it is hereby declared that all cases referred to in this sub-section, sub-section (4) and

sub-section (5) shall be deemed to include all applications made for the losses or damages under section 12B of the Monopolies and Restrictive Trade Practices Act, 1969(54 of 1969) as it stood before its repeal;

(c) in sub-section (4),--

(i) for the words, brackets and figure "on or before the expiry of two years referred to in the proviso to sub-section (1)", the words, brackets and figures "immediately before the commencement of the Competition (Amendment) Act, 2009, shall, on such commencement" shall be substituted;

(ii) after the proviso, the following proviso shall be inserted, namely:--

"Provided further that all the cases relating to the unfair trade practices pending, before the National Commission under this sub-section, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President, shall, on and from that date, stand transferred to the Appellate Tribunal and be adjudicated by the Appellate Tribunal in accordance with the provisions of the repealed Act as if that Act had not been repealed.";

(d) in sub-section (5), for the words, brackets and figure "after the expiry of two years referred to in the proviso to sub-section (1)", the words, brackets and figures "on the commencement of the Competition (Amendment) Act, 2009" shall be substituted;

(e) in sub-section (7), the following proviso shall be inserted, namely:--

"Provided that all investigations or proceedings, relating to unfair trade practices pending before the National Commission, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President shall, on and from that date, stand transferred to the Appellate Tribunal and the Appellate Tribunal may conduct or order for conduct of such investigation or proceedings in the manner as it deems fit.".

3. Repeal And Savings :-

(1) The Competition (Amendment) Ordinance, 2009(Ord. 6 of 2009) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Competition Act, 2002(12 of 2003), as amended by the said Ordinance, shall be deemed to have been done or taken under the said Act as amended by this Act.

