

Bill No. 118-F of 2009

THE COMPETITION (AMENDMENT)  
BILL, 2009

(AS PASSED BY THE HOUSES OF PARLIAMENT—

LOK SABHA ON 14TH DECEMBER, 2009  
RAJYA SABHA ON 16TH DECEMBER, 2009)

**Bill No. 118-F of 2009**

THE COMPETITION (AMENDMENT) BILL, 2009  
(AS PASSED BY THE HOUSES OF PARLIAMENT)

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BILL

*further to amend the Competition Act, 2002.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

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

Short title and commencement.

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

2. In section 66 of the Competition Act, 2002,—

Amendment of section 66 of Act 12 of 2003.

(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 as it stood before its repeal;

54 of 1969.

(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to the Appellate Tribunal and be adjudicated by the Appellate Tribunal in accordance with the provisions of the repealed Act as if that Act had not been repealed.”;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 .”.

Repeal and savings.

3. (1) The Competition (Amendment) Ordinance, 2009 is hereby repealed.

Ord. 6 of 2009.

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

12 of 2003.

The above Bill has been passed by the Houses of Parliament.

Dated the

Chairman.

I assent to this Bill.

Dated the

President.

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BILL  
further to amend the Competition Act, 2002.

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*(As passed by the Houses of Parliament)*