

Competition Law Hotline

July 22, 2009

M&As: WILL COMPETITION ACT BE SHOWSTOPPER?

The substantive provisions of the Indian Competition Act, 2002 ("**Competition Act**") relating to (i) prohibition of Anti-competitive agreements and (ii) Abuse of Dominance have been notified. Further, it is expected that the substantive provisions of the Competition Act with respect to regulation of combinations (mergers, amalgamations and acquisitions) will also be notified soon.

Interestingly, the Competition Act provides that the provisions of the Competition Act shall override all other provisions contained in any law. In light of the same, there might be certain potential conflicts between the provisions of the Competition Act and other Indian laws and regulations if the provisions relating to combinations are notified in their existing form. To elaborate on the above conflicts between the provisions of the Competition Act and other Indian laws and regulations such as Takeover Code, Disclosure & Investor Protection Guidelines, Corporate laws and Telecom sector related guidelines, we had authored an article on "M&As: Will Competition Act be showstopper" which was published in Economic Times, a leading financial daily in India, on July 16, 2009.

[Please click here to view the article.](#)

- **Abir Roy & Nishchal Joshipura**

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