

## M&A Lab

May 22, 2009

### FAQS ON INDIAN COMPETITION LAW

To facilitate competition in the Indian market, the Indian Government has enacted the new competition law called the Competition Act, 2002 ("**Competition Act**") which is meant to replace the extant Monopolies and Restrictive Trade Practices Act, 1969 ("**MRTP Act**") and provide institutional support to healthy and fair competition. The Competition Act seeks to prohibit anti-competitive agreements including cartels; prohibit abuse of dominant position and regulate combinations (mergers and amalgamations, and acquisitions).

As per the Business Standard news article dated May 21, 2009, the substantive provisions of the 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 regulations of combinations (mergers, amalgamations and acquisitions) will also be notified soon with the formation of the New Government. In light of the same, it becomes critical to understand the implications that the Competition Act will have on trade and mergers and acquisitions in India.

This M&A Lab captures frequently asked questions ("FAQs") that both foreign and domestic acquirers may have with respect to Competition Act in India. For the sake of convenience and better understanding, these FAQs are divided into 4 parts – (Part I) Introduction; (Part II) Anti competitive agreements; (Part III) Abuse of dominance and (Part IV) Combinations.

For a detailed analysis of the commercial, legal, regulatory & tax considerations, [please click here for the document.](#)

As you would be aware, we have been providing regular information on latest legal developments. M&A Lab is our latest initiative to provide you in depth and knowledge based analysis of latest M&A deals. We will be happy to have your views / comments on our initiative. Please read the disclaimer carefully.

– Ruchi Biyani, Abir Roy, Nishchal Joshipura & Kartik Ganapathy

You can direct your queries or comments to Team M&A

### DISCLAIMER

The contents of this hotline should not be construed as legal opinion. View detailed disclaimer.

This Hotline provides general information existing at the time of preparation. The Hotline is intended as a news update and Nishith Desai Associates neither assumes nor accepts any responsibility for any loss arising to any person acting or refraining from acting as a result of any material contained in this Hotline. It is recommended that professional advice be taken based on the specific facts and circumstances. This Hotline does not substitute the need to refer to the original pronouncements.

This is not a Spam mail. You have received this mail because you have either requested for it or someone must have suggested your name. Since India has no anti-spamming law, we refer to the US directive, which states that a mail cannot be considered Spam if it contains the sender's contact information, which this mail does. In case this mail doesn't concern you, please unsubscribe from mailing list.

## Research Papers

### Evolution of Generative AI

July 11, 2024

### From Capital to Impact: Role of Blended Finance

June 15, 2024

### Opportunities in GIFT City

June 14, 2024

## Research Articles

### Private Client Insights - Sustainable Success: How Family Constitutions can Shape Corporate Governance, Business Succession and Familial Legacy

January 25, 2024

### Private Equity and M&A in India: What to Expect in 2024?

January 23, 2024

### Emerging Legal Issues with use of Generative AI

October 27, 2023

## Audio

### Pursuing Remedies against Non-signatories in Investment Agreements

July 03, 2024

### Why is the ad industry unhappy with MIB's self-declaration mandate?

June 18, 2024

### Incorporation of arbitral clause by reference: Position in India and other Asian Jurisdictions

June 12, 2024

## NDA Connect

Connect with us at events, conferences and seminars.

## NDA Hotline

[Click here to view Hotline archives.](#)

## Video

### Self Declaration Certificate For Ads: Decoding The Complexities Of Ad Regulations

July 08, 2024

**Future of India-Mauritius tax treaty –  
Impact of new Protocol on M&A  
deals and Private Equity structures**

April 23, 2024

**Q&A 2024 Protocol to the Mauritius  
India Tax Treaty**

April 22, 2024

---