CHAPTER 7
FINDINGS, CONCLUSIONS AND SUGGESTIONS

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This chapter explains the findings and conclusions of the research study. This chapter also includes the suggestions made by the researcher on the basis of findings and conclusions. The findings, conclusions and suggestions are mentioned with respect to the related objectives.

7.1 **Findings and Conclusions Relating to the First Objective of the Study i.e.** To study and analyze the working of Competition Commission of India in curbing anti-competitive agreements.

7.1.1 In the research study the data of the cases filed by the complainant is collected and it is found that that most of the cases filed in the Competition Commission of India under section 3 of Competitors Act 2002 are either by the private individuals or are suo-moto. About 19.30 percent of the cases are filed by private individuals. These private individuals came to know about the anti-competitive practices of the opposition party and filed the cases against them in the CCI. 17.54 percent of the cases are filed as suo-moto i.e. the commission acted on its own cognizance and came forward to enquire into anti-competitive practices. The Competition Commission of India is empowered to act suo-moto in the interest of the general public. It is also observed that the cases are filed from various sectors of the economy. In the last 5 years of the working of the Competition Commission of India, a total of 57 cases have been filed under section 3 of the Competition Act 2002.

7.1.2 In the research study the effort is done to find out the outcome of the filed cases as well. It is found that out of the 11 cases filed by the private individuals, 5 cases are dismissed by CCI without referral to DG, 3 cases were found to have violated the provision of Section 3 of the Competition Act 2002 and 3 cases were dismissed by CCI after referral to the DG. Similarly, out of the 10 cases taken up as suo-moto. Four cases were dismissed by CCI without referral to DG. One case each was withdrawn and dismissed by CCI after referral to DG and in 4 cases violation of Section 3 of the Competition Act, 2002 was found. It is found that out of the 57 cases filed with CCI under section 3 of the Competition Act, 2002, 25
cases are dismissed by the CCI without referral to the Director General, 3 cases are withdrawn, 20 cases are found to have violated the provisions of Section 3 of the Competition Act 2002, 7 cases are dismissed by the CCI after referral to DG and in 1 case, CCI has imposed a penalty under Section 27 of the Competition Act, 2002.

7.1.3 In the study, the effort is also done to analyze the industries against which the cases were filed. It is found that highest number of cases is filed in the film industry, followed by real estate (8.77 percent) and aviation (8.77 percent). Three cases are found against pharmaceutical as well as cement industry, 2 cases against construction, travel and tourism and PVC glass industries. All other cases are related to different industries. In case of film industry, all the seven cases are found to have violated the provisions of Section 3 of the Competition Act, 2002. In the aviation industry out of the 5 cases, 4 are dismissed by CCI without referral to the DG and 1 was dismissed by CCI after referral to the DG. In pharmaceutical industry, out of the 3 cases filed against them, 2 cases were dismissed by CCI without referral to the DG and in 1 case, violation of Section 3 of the Competition Act, 2002 was found. Similarly, for the 3 cases that were filed against the cement industry, in 2 cases violation of the provisions of Section 3 of Competition Act, 2002 was found and in one case, penalty under section 27 was levied. All other cases were related to different industries.

7.1.4 In the research study few cases were studied. One of the case selected for discussion in the study is of Director General (Supplies & Disposals), Department of Commerce, Ministry of Commerce & Industry, Government of India, New Delhi v. M/s Puja Enterprises and Others. This case was initiated on a reference made by Director General Supplies & Disposal (DGS&D), Department of Commerce, Ministry of Commerce & Industry, Govt. of India, New Delhi. In 2011, the Ministry of Commerce, which is responsible for state procurement, put out to tender a contract to supply ankle boot rubber soles to the military. The shoe-makers submitted bids for the contract worth Rs.10.45 crores rupees (€1.3million) but suspicions were raised because their offers were similar.
It was found that the difference in quoted prices of different bidders was in a very narrow range and all the tenderers barring one, had restricted the quantity to be supplied by it during the Rate Contract period. The Directorate General of Supplies and Disposals, directly responsible for procuring the contract, passed on its concerns to the CCI. The reference alleged pre-determined, collusive and restrictive bidding pattern or cartel formation by the bidders thereby violating the various provisions of the Act. After a detailed investigation, Competition Commission of India held that the bidder-suppliers by quoting identical/near identical rates had, indirectly determined prices/rates in the Rate Contracts finalized by DGS & D and indulged in bid rigging/collusive bidding in contravention of the provisions of section 3(1) read with section 3(3)(a) and 3(3)(d) of the Act.

7.1.5 The second case selected for discussion was of M/s FCM Travels Solution (India) Limited Respondent: Travel Agents Federation of India & others. The informant filed the instant complaint before DG (I&R), MRTP Commission alleging cartelization and adoption of restrictive trade practices upon on the boycott call given by TAAI, TAFI & IAAI. The CCI upon inquiry found that the present case is similar to one of the cases that CCI has already decided in the past. The Commission did not agree to the view given by Director General that call to boycott call made by TAAI & other associations amounted to vertical agreements. The Commission stated that for the applicability of section 3(4) of the Act, it is necessary that the enterprise must be at different levels of production chain in different markets, which is not in the present case, since the travel association and travel agents both are not engaged in providing travel agency services, it’s only the agent. Thus the Commission opined that there is no penalty on associations but directed them to refrain from such anti-competitive activities in future. The case laid two cardinal principles in competition jurisdiction. Firstly, it expanded the scope of CCI in adjudicating past anti-competitive matters and secondly, it identified & addressed a thin line of difference between the anti-competitive agreement and collective bargaining.
7.1.6 In the case of Bengal Chemist and Druggist Association, the CCI received information via email on the alleged anti-competitive practices of Bengal Chemist and Druggist Association (BCDA). The BCDA was alleged of engaging in anticompetitive activities such as price-fixing, limiting supply as well as setting selling price of drugs. The CCI pursued a suo moto enquiry into the matter under section 19(1). With this order the CCI is sending a clear signal that it has moved a notch higher in dealing with competition compliance by Indian companies/bodies. The CCI has been successful in the lifting up of the corporate veil on the fact that the conduct of a company is a decision of a director and/or its corporate officers. So a director or a senior officer in charge of the affairs of a company need to be cautious of its activities now as the CCI is going to come down on its office bearers too.

7.1.7 Another case of CCI V/s SAIL was also studied by the researcher alleging anti-competitive practices and abusive behaviour by SAIL while it entered into an exclusive supply agreement with Indian Railways. The researcher found that both “competition law and policy” and the Commission are at a very nascent stage within the broad regulatory matrix of Indian economy. The judgement of the Supreme Court has rightly echoed the sentiments of proponents of free and fair market economy and it shall go in a long way to effectively sketch the competition law landscape in the country.

7.8.1 The CCI in its decision in the case of M/s Peeveear Medical Agencies, Kerala v. All India Organization of Chemists and Druggists and Ors. has increased its focus on anticompetitive issues in the Pharmaceutical and Medicines Sector given its sensitivity in providing life-saving drugs and medicines. The patent regime and protection of product and process patents in India allows for a mix of proprietary and generic drugs with prices regulated for essential medicines. With this order the CCI sought to protect consumer interest beyond the market place by ensuring supply conditions ensure optimum competition outcomes. The levy of the highest possible fine of 10% reflects the CCI’s strong message on stringent enforcement of the law in cases of consumer interest in essential sectors.
7.2 **Suggestions Relating to the First Objective of the Study i.e. To study and analyze the working of Competition Commission of India in curbing anti-competitive agreements.**

7.2.1 It is mentioned in the act itself that the CCI can act on its own cognizance and come forward to enquire into anti-competitive practices. But the researcher suggests that CCI should conduct random visits to different companies, or ask them to prepare interim reports of their functioning, so as to keep a better check on their anti-competitive practices. This is particularly mentioned for the film industry where most of the cases were reported violating the provisions of Section 3 of the Competition act, 2002 in the last 5 years.

7.2.2 CCI must take actions and impose heavy penalties in case of bid rigging, collusive bidding in government tenders so as to minimize the adverse effects on its purchases and public spending.

7.2.3 The provisions relating to collective bargaining and its difference from the anti-competitive agreements should be clearly elaborated in the Competition Act, 2002.

7.2.4 The CCI in the case of Bengal Chemists and Druggists Association held 78 senior office bearers personally liable for taking/endorse anti-competitive conduct and while imposing the penalty took into account their income certificates and thus lifted the corporate veil. The researcher suggests that the CCI should also thoroughly study the past records in consultation with the Income Tax Department, while adjudicating such cases.

7.2.5 It has been analyzed in the case of CCI v/s SAIL that the Competition Commission of India itself and the competition policy framework are in an infancy stage in India but the judgment of the Supreme Court didn’t question their viewpoint rather extended support to strengthen it through passing the orders in the favor of CCI. The researcher hereby suggests drafting of committees from
time to time so as to propose necessary amendments in the Act and those reviewed as suitable can actually be incorporated.

7.2.6 In the case of M/s Peeveear Medical agencies V/s All India Organization of Chemists and Druggists and Ors., and also in various other cases it is found that industry associations are guilty of encouraging anti-competitive practices. Therefore the researcher suggests the CCI to especially put its hands on various trade and industry associations to effectively curb anti-competitive practices.

7.3 Findings and Conclusions Relating to the Second Objective of the Study i.e.
To study and analyze the role of Competition Commission of India to prohibit abuse of dominant position.

7.3.1 In the research study the data of the cases filed by the complainants is collected and it is found that most of the cases filed in the Competition Commission of India under Section 4 of Competition Act, 2002 relating to prohibition of abuse of dominant position are either by the private individual or private parties. These private individuals (29.3%) and private (8.6%) parties came to know about the abuse of dominant position of the opposition party and filed the cases against them in the Competition Commission of India. It is also observed that the cases are filed from various sectors of the economy. In the last 5 years of the working of Competition Commission of India, a total of 58 cases have been filed under 4 of the Competition Act, 2002.

7.3.2 In the research study effort is done to find out the outcome of the filed cases as well. It is found that out of the 17 cases filed by the private individuals, 14 cases are dismissed by CCI after referral to the DG and in 2 cases violation of the provisions of Section 4 of Competition Act, 2002 was found. Similarly out of the 5 cases filed by the private party, 4 cases were dismissed by CCI without referral to the DG and 1 case was dismissed by CCI after referral to the DG.

7.3.3 Similarly out of the 58 cases filed with CCI under section 4 of the Competition Act, 2002, 41 cases are dismissed by CCI without referral to the DG, 6 cases are
dismissed by CCI after referral to DG, 1 case was withdrawn, in 9 cases violation of Section 4 of the Competition Act 2002 was found and penalty was imposed. Also one case was clubbed with case no. 19/2010.

7.3.4 In the study, effort is done to analyze the industries against which the cases were filed i.e. the details of the opposition party. It is found that out the cases filed by the complainant against parties belonging to different industries, the highest number of cases (17) were filed against the real estate industry, followed by (4) against construction industry (2) cases against glass and media industry and Ministry of Railways. All other cases are related the different industries. Similarly out of 17 cases of real estate industry, 12 cases were dismissed by CCI without referral to DG, in 4 cases, violation of Section 4 of Competition Act 2002 was found and penalty was imposed and 1 case was clubbed with case no. 19/2010. In construction industry for all the 4 cases filed against them, all the 4 cases were dismissed by CCI without referral to DG. In context of media, industry, out of 2 cases, 1 case was dismissed by CCI and in 1 case violation of the provisions of Section 4 of Competition Act, 2002 was found.

7.3.5 In the research study a few cases were reported. One of the cases selected for discussion was of Belaire Owners’ Association Vs. DLF Limited, HUDA & Ors. This case was initiated on getting a reference by the informant in which DLF, was alleged of abusing its dominant position, imposing highly arbitrary, unfair and unreasonable conditions on the informant through its agreements. It is found that DLF was guilty of abusing its dominant position in the market and a penalty of Rs. 630 crores was imposed on DLF. The CCI further directed DLF to cease and desist from formulating and imposing such unfair conditions in its agreement with buyers in Gurgaon and to suitably modify unfair conditions imposed on its buyers as referred to above, within 3 months of the date of receipt of the order on DLF.

7.3.6 CCI imposed a penalty of 3% of the average turnover of the last three years of the Coal India Limited, which amounted to approximately Rs. 1773.05 crores as it held that CIL and its subsidiaries to be in contravention of the provisions of
Section 4(2)(a)(i) of the Act for imposing unfair/discriminatory conditions and indulging in unfair/discriminatory conduct in the matter of supply of non-coking coal to power producers.

7.3.7 The CCI in the case of M/s Schott Glass Industries Pvt Ltd. dismissed the appeal filed by Kapoor Glass with cost for lack of bona-fide and imposed a fine of Rs.1,00,000 and opined that the COMPAT in this case has stuck to the competition principle that "Being big is not bad. Being big and abusive is bad in so far as the competition culture is concerned”.

7.3.8 The Board of Cricket Control of India was no exception from the jaws of CCI and was penalized with Rs 52.24 crores as it observed that BCCI’s dominance was a definite factor in ICL’s failure hence leading to abuse of its dominant position.

7.3.9 NSE was directed to modify its zero price policy in the relevant market and to cease and desist from unfair pricing, exclusionary conduct and unfairly using its dominant position in other market/s to protect the relevant CD market with immediate effect. The commission levied a penalty on NSE equivalent to 5% of their average turnover amounting to a total of INR 55.5 Crores (USD 12.23 Mn).

7.4 **Suggestions Relating to the Second Objective of the Study i.e. To study and analyze the role of Competition Commission of India to prohibit abuse of dominant position.**

7.4.1 It has been found from the secondary sources of information that 36.2 % of the total cases are filed together against the real estate industry (29.3%) and construction industry (6.9%) under Section 4 of the Competition Act, 2002. The researcher suggests CCI to keep a regular and thorough check on both these industries.

7.4.2 In the case of Belaire Owner’s Association V/s DLF Ltd, HUDA and Ors, though CCI found DLF guilty of abusing its dominant position in the market, but DLF challenged the order of the CCI before COMPAT and it is found that the case is still pending. The researcher therefore observes the weak legal system of India as
in the war between the tycoons; it is always the consumers that are exploited. The huge relaxations to all the property buyers in this case are still to be granted. Till that time they have no other option but just to keep waiting only.

7.4.3 CCI in the case of Coal India ltd formulated a list to determine the fairness of contracts and was directed by the COMPAT to record reasons and to consider appropriate aggravating and mitigating circumstances prior to imposition of penalty. The researcher suggests that CCI should go by the advice of COMPAT and record both the factors as this will not only reflect the seriousness of the infringement but also deter other undertakings from involving into infringement in future as well.

7.4.4 From the case of Schott Glass India Pvt Ltd, the researcher suggests that the past behavior or conduct of the parties must also be taken into consideration by CCI while arriving on any conclusion.

7.4.5 The researcher observes that in the case of Board of Cricket Control of India, the decision against the BCCI was an eye opener for the policy makers and firmly believes that where the regulator is also the economic beneficiary, it definitely is a competition concern. The researcher suggests that unlike cricket association, various other sports associations such as that of football, badminton, hockey, tennis, chess, swimming, weight lifting etc are also played in India, so there must be check on these associations as well for favoritism and partiality.

7.5 Findings and Conclusions Relating to the Third Objective of the Study i.e. To study and analyze the procedure followed by Competition Commission of India for Regulations of Combinations.

7.5.1 There are 103 cases reported under Section 5 of the Competition Act, 2002 till March 2014. All of them cater to only 26 types of industries, out of which 21 cases i.e. (20%) are reported in Banking and Finance sector.

7.5.2 It is found by the researcher that out of the total cases relating to Section 5 of the Competition Act, 1956, 46 cases are being filed under Section 5(a) i.e. cases
relating to acquisition and the remaining 57 cases relate to Section 5(c) i.e. amalgamation. Out of the total 46 cases of Section 5(a), in 15 cases the CCI gave unconditional approval, 29 cases were approved by the CCI, whereas for 2 cases the notice was found to be invalid. For the 57 cases relating to Section 5(c), in 16 cases, unconditional approval was given, for 8 cases order was passed and the remaining 33 cases were approved by the CCI.

7.5.3 In the research study an attempt is also done to analyze the cross tabulation results of nature of case and time of approval. It is found that out of the 46 cases filed under Section 5(a) relating to acquisition, the time of approval was less than 30 days for 25 cases, for 16 cases the time of approval was within 30-60 days whereas, for 5 cases, the time of approval was little longer as it extended beyond 60 days. Under Section 5(c) for 39 cases the time of approval was less than 30 days, for 10 cases within 30-60 days and for 8 cases more than 60 days. Cross tabulation was also conducted between the industry specific and the nature of decision.

7.5.4 Cross tabulation was also conducted between the specific industry and the nature of decision. It is found that out of the total 51 cases in which an unconditional approval was given by CCI, 11 cases were from the Banking and Finance Industry, 3 cases each were reported from Media, Chemical and IT Industry 2 cases from Automotive and Steel Industry whereas for Insurance, Bio-product, Power, Infrastructure, Manufacturing or Exporters, and Drilling Industry, 1 case was reported and given an unconditional approval. Similarly out of the 8 cases in which an order was passed by CCI, only for the Banking and Finance Industry, 2 cases were found but for the Industry of Infrastructure, Manufacturers and exporters, manufacturing, mining, IT and engineering only 1 case was reported. Out of the 62 cases in which CCI gave the approval of the combination, 14 cases related to the Manufacturing Industry, 8 were found to be of Banking and Finance, 5 for Infrastructure, 4 cases for Insurance and Media each 3 cases for Telecom and IT Industry each, 2 for Power, Automotive, Mining and Shipping Industry whereas for the industry of Bio—products, Steel, Manufacturers and Exporters,
Holding company, Business Services, Real Estate, Distillery, Engineering, Jewellery, Travel, Consultancy, Drilling and Gas, only 1 case for each industry was reported. For the Manufacturing and Telecom industry in 1 case, the notice was found to be invalid.

7.5.5 A cross tabulation was carried on between the specific industry filing the combination and the time of approval. It is found that out of the total 103 cases for 64 (62.13 %) the decision time was less than 30 days, for 26 cases (25.24 %) the time of approval was within the range of 30-60 days and for 13 cases (12.63 %) the time taken for approval was a little longer i.e. it extended beyond 60 days. It is also worth mentioning that as per industry wise for the 21 cases related to the Banking and Finance for 14 cases the time of approval was less than 30 days. Similarly for the 17 cases relating to Manufacturing Industry (i.e. the industry in which second most of the cases are filed after the banking and finance sector) for 14 cases the time of approval was less than 60 days.

7.5.6 In the case of Jet Airways (India) Limited and Etihad Airways PJSC, CCI decided upon AAEC without getting into investigation and basing its conclusion majorly upon the information/details provided by the parties. And therefore re-emphasizing the idea that where the material available is sufficient to form opinion for the purpose to ascertain the issue in a combination case, investigation is not necessary. CCI has imposed Rs. 1 crore penalty under Section 43 of the Act on Etihad for consummating parts of the deal without getting its approval.

7.5.7 It is found time and again that CCI is very strict to its rule of notifying the combination for its approval otherwise it is harsh enough and levies heavy penalties as in the case of Tesco Overseas Investment Limited (“TOIL”) and Trent Hypermarket Limited (“THL”)
7.6 **Suggestions Relating to the Third Objective of the Study i.e. To study and analyze the procedure followed by Competition Commission of India for Regulations of Combinations.**

7.6.1 Section 5 of the Competition Act, 2002 provides for the various thresholds of Combinations under the Act, the researcher suggests that CCI should review these thresholds annually so that the same are not rendered obsolete.

7.6.2 The majority of the combinations are reported in the banking and the finance sector therefore it becomes the need of the hour for CCI to exercise deep checks on it.

7.6.3 The researcher also wants to highlight that CCI should clearly state its decision regarding combination that in case of any incorrect information or in case of any modification in the proposed combination, fresh approval will be sought by parties.

7.6.4 The CCI’s order while being an instance of good law enforcement has resulted in creating a situation that may lead to poor market economics. The potentially higher costs of acquiring an Indian enterprise when compared to similarly placed targets in other jurisdictions may well create a disincentive for a potential acquirer to consider Indian targets. CCI should remain careful with such situations.

7.7 **Findings and Conclusions Relating to the Fourth Objective of the Study i.e. To assess the effectiveness of Competition Commission of India in attainment of its objectives**

7.7.1 In the research study the effort is done in order to study the perception of the respondents with respect to the attainment of the objectives of the CCI. These respondents were asked to rate the different statements related to the various objectives of CCI. The responses are analyzed with the help of construct analysis. The results of the analysis of the first construct show that the mean scores of all the statements are greater than three which indicates that the respondents agree with the statements related to the benefit and welfare of Competition Act for the
welfare of the customers. But for the statement of ‘healthy competition in the market encourages the companies not to exploit the customers’ is found to be the highest (3.65) the second highest mean score is found of the statement ‘consumers are getting better quality products and services’.

7.7.2 In the research study, the respondents were asked to rate the different statements related to faster, inclusive growth and development of the economy, mentioned in the structured questionnaire. It is found that the mean scores of all the statements are greater than three which indicates that the respondents agree with the statements related to ‘Faster, Inclusive Growth & Development of the Economy’. But for the statement of ‘CCI helps to improve the business competition for the development of the economy’ is found to be the highest (3.83) and for the statement of ‘CCI encourage small entrepreneur to participate in business which provides inclusive economic growth’ the mean scores are second highest (3.65).

7.7.3 The respondents were asked to rate the different statements related to the efficient utilization of resources, mentioned in the structured questionnaire. It is found that the mean score (3.71) of the statement “CCI keeping checks on regulation of Mergers & Combinations” is found to be the highest and also the mean scores of all the statements are greater than three which indicates that the respondents agree with the statements related to ‘Efficient Utilization of Resources’.

7.7.4 In the research study, the respondents were asked to rate the different statements related to smooth interaction with sectoral regulators, mentioned in the structured questionnaire. It is again found that the mean scores of all the statements are greater than three which indicates that the respondents agree with the statements related to smooth interaction with sectoral regulators. The mean score (3.40) of the statement ‘CCI successfully replaced MRTP Act to ensure better competition in the market’ is found to be the highest. The second highest mean score is found of the statement ‘There are no conflicts between CCI and the sector regulators due to legislative ambiguity’ which supports the fact that there is adequate legislative synchronization of the objectives and policies of CCI with its sectoral regulators.
7.7.5 Different statements related to the competition advocacy, mentioned in the structured questionnaire were rated by the respondents and it is found that mean scores of all the statements are greater than three which indicates that the respondents agree with the statements related to Competition Advocacy. The mean score (3.57) of the statement ‘CCI is successfully conducting enough training and awareness programs on competition issues’ is found to be the highest. The second highest mean score is found of the statement ‘CCI’s working continuously improves the competition culture in Indian economy’ which indicates effectiveness of CCI in the promotion of competition culture in India. 

7.7.6 In the research study, the respondents were asked to rate the different statements related to the various aspects of the procedures followed by the Competition Commission of India and the penalties imposed by it. The results indicate that the mean score (3.31) of the statement ‘CCI promptly hears the cases filed’ is found to be the highest. This indicates that the CCI is actively working in the hearing of the cases. It is also found that the mean scores of all the statements are greater than three which indicates that the respondents agree with the statements related to procedures and penalties. 

7.7.7 In the research study the effort is done to study the perception of respondents having different educational and professional backgrounds towards the perception of efforts of implementation of Competition Act, 2002 and the working of CCI. One way ANOVA test is applied to test the difference of the opinions of these respondents. It is found by the researcher that the probability value of F-Statistics if found to be less than 5% level of significance for the three variables namely, “Efficient Utilization of Resources”, “Competition Advocacy” and “Procedures & Penalties”. Hence with 95% confidence level the null hypothesis of no significant difference in the opinion of respondents of different educational and professional backgrounds towards the after effects of implementation of Competition Act, 2002 and the working of CCI cannot be accepted. The results indicate that the respondents belonging to the category of ‘ICWA’ are having the highest mean scores in case of their perception of ‘Efficient Utilization of
Resources’ which is significantly different from that of the CA. In case of perception about ‘Competition Advocacy’ the highest mean scores is found in case of ‘CS’ and the least scores is found in the case of ‘CA’. Significant difference is found in the case of ‘CS’ and ‘CA’ as the training and awareness programs are found to be more in case of ‘CS’ than that of the ‘CA’. Similarly in case of ‘Procedures & Penalties’ the highest scores are found in case of ‘ICWA’ and minimum is for the ‘CS’ as high difference is found between them.

In case of the variables of “Benefit and Welfare of Customers, Faster, Inclusive Growth & Development and Smooth Interaction with Setoral Regulators” the probability value of F-Statistic is found to be more than 5% level of significance. Hence with 95% confidence level null hypothesis of no significant difference can be accepted. Thus the respondents of different educational and professional backgrounds have the same opinion about these three variables as these variables are closely knit around the provisions of the Competition Act, 2002 and the act and its interpretations bound the different sections of the society in equitable and just manner. Therefore no significant difference is found amongst the respondents of different educational and professional backgrounds towards these three variables.

7.8 Suggestions Relating to the Fourth Objective of the Study i.e. To assess the effectiveness of Competition Commission of India in attainment of its objectives

7.8.1 Though the mean scores for all the five statements in the construct of ‘benefit and welfare of the customers’ is found to be greater than three, yet for the statement of ‘working of CCI provides benefit to the final consumers’, the mean scores are found to be the lowest. In the view of the researcher, CCI can seriously look into the matter.

7.8.2 For the statement of ‘CCI is successful in enhancing fair and healthy competition in the market’, the mean scores were found to be the lowest in the construct of ‘faster, inclusive growth and development of the economy’. The researcher suggests that in view of 100 experts if this is true then there is greater probability
of it holding true by a larger population, therefore it becomes the necessity of CCI to strengthen its role in enhancing fair and healthy competition.

7.8.3 As per the primary sources of data collection employed by the researcher it is clearly evident that for the statement ‘working of CCI promotes efficient utilization of resources by companies’ is barely crossing three which means still CCI has to go a long way in this direction.

7.8.4 The researcher suggests having parity between the aims and objectives of the CCI and the other laws of the land. Regulators apart from the Government, generally fall into two categories—those with a mandate pertaining to specific sectors (sector regulators) and competition authorities, established to enforce national competition laws. Competition authorities have a regulatory mandate over competition issues that cover all sectors of the economy. The two sets of regulators should share a common goal of protecting and enhancing social/economic welfare.

7.8.5 The researcher suggests that various stakeholders including the consumers are to be made familiar with the concept and the provisions of the law. The Commission should take up the work of advocacy in right earnest and try to reach out to all the stakeholders including the consumers, students, industrial organizations, legal practitioners etc. through various seminars, workshops and symposiums to make them aware of the need and beneficial role of the competition in the interest of stakeholders.

7.8.6 The researcher suggests that the mean score for the statement ‘procedure followed by CCI to regulate the combinations is adequate’ are found to be the lowest therefore CCI is hereby suggested by the researcher to strengthen its procedure of regulation of combinations.