

# 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**

## 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

### Compendium of Research Papers

January 11, 2025

### FAQs on Setting Up of Offices in India

December 13, 2024

### FAQs on Downstream Investment

December 13, 2024

## Research Articles

### INDIA 2025: The Emerging Powerhouse for Private Equity and M&A Deals

January 15, 2025

### Key changes to Model Concession Agreements in the Road Sector

January 03, 2025

### The Revolution Realized: Bitcoin's Triumph

December 05, 2024

## Audio

### Securities Market Regulator's Continued Quest Against "Unfiltered" Financial Advice

December 18, 2024

### Digital Lending - Part 1 - What's New with NBFC P2Ps

November 19, 2024

### Renewable Roadmap: Budget 2024 and Beyond - Part I

August 26, 2024

## NDA Connect

Connect with us at events, conferences and seminars.

## NDA Hotline

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

## Video

### "Investment return is not enough" Nishith Desai with Nikunj Dalmia (ET Now) at FI8 event in Riyadh

October 31, 2024

### Analysing SEBI's Consultation Paper

on Simplification of registration for  
FPIs

September 26, 2024

Scope of judicial interference and  
inquiry in an application for  
appointment of arbitrator under the  
(Indian) Arbitration and Conciliation  
Act, 1996

September 22, 2024