INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary Peer Reviewed

www.ijlra.com

ISSN: 2582-6433

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions ofthe authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsever for any consequences for any action taken by anyone on the basis of information in theJournal.

IJLRA

Copyright © International Journal for Legal Research & Analysis

ISSN: 2582-6433

EDITORIALTEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board

Dr. Namita Jain

Head & Associate Professor
School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC-NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.
Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020).Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law,Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration.10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.

Avinash Kumar

Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ISSN: 2582-6433

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANLAYSIS ISSN- 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

ISSN: 2582-6433

JURISDICTIONAL OVERLAPS IN INDIAN COMPETITION LAW: RESOLVING CONFLICTS BETWEEN THE CCI AND SECTORAL REGULATORS

AUTHORED BY - PARTH CHHABRA & ARPIT AGRAWAL

ABSTRACT

The regulatory landscape of India comprises both a competition regulator the Competition Commission of India (CCI) and multiple sector-specific regulators (SSRs) such as SEBI, TRAI, IRDAI, and CERC. As India's economy has diversified and grown since post-liberalization, these specialized bodies have developed distinct mandates, leading to instances of overlapping jurisdiction and regulatory conflict. This paper critically examines the evolution of such jurisdictional overlaps in Indian competition law, identifying how these conflicts manifest in practice, analyzing key case studies, and reviewing judicial approaches to their resolution. Drawing from comparative international experiences, the study explores both current and potential mechanisms for harmonizing regulatory functions, recommending coordinated frameworks, clearer statutory boundaries, and possible legislative amendments to promote balanced, effective regulation. The findings aim to contribute towards a more coherent and efficient interface between competition law enforcement and sectoral regulation in India.

KEY WORDS

Competition, Regulation, Jurisdiction, Sectoral

INTRODUCTION

According to the competition act, 2002, the main purpose of the act is to keep in view of the economic development of the country, for the establishment of a Commission to prevent practices having adverse effect on competition, to promote and sustain competition in markets, to protect the interests of consumers and to ensure freedom of trade carried on by other participants in markets, in India, and for matters connected therewith or incidental thereto[1]. It promotes competition rather than curbing monopolies, which was previously the position under the Monopolies and Restrictive Trade Practices Act, 1969. Moreover, one important aspect of

[1] https://www.cci.gov.in/images/legalframeworkact/en/the-competition-act-20021652103427.pdf

the Act is its competitive neutrality. All public sector enterprises as well as departments of the governments at the Centre and State, except for their sovereign functions as identified under Section 2(h), are enterprises under the Act. They can be enquired into for any alleged infringement of the Act.2

India is a home of multiple bodies that are responsible for overseeing various bodies and industries which leads to an overlap jurisdiction. The ultimate authority which is responsible for the enforcing competition legislation in the Competition Commission of India (CCI), which was established in compliance with section 7(1) of the competition act which states that with effect from such date as the Central Government may, by notification, appoint, there shall be established, for the purposes of this Act, a Commission to be called the "Competition Commission of India".

However, due to development in competition has not been the only problem that needs an economic regulations, due to which India implemented different sector-specific regulators (SSR), each with a distinct regulatory framework and role in regulating specialized industries such as power, banking, insurance, and telecommunications. These sector-specific regulators (SSR) have been granted authorities to look after different authorities after the 1991 post-liberalization, few of these SSR includes authorities such as the Securities and Exchange Board of India (SEBI) in 1992, the Telecom Regulatory Authority of India (TRAI) in 1997, the Central Electricity Regulatory Commission (CERC) in 1998, the Insurance Regulatory and Development Authority of India (IRDAI) in 1999, and the Petroleum and Natural Gas Regulatory Board (PNGRB) in 2006.3

The overlapping duties of multiple sectoral regulators such as the Securities and Exchange Board of India (SEBI), the Telecom Regulatory Authority of India (TRAI), and others have given rise to jurisdictional concerns. In spite of this, the competition authority was excluded by the Indian courts in order to address the jurisdictional duplicity issue rather than the sectoral regulators. The purpose of this paper is to examine these issues and offer suggestions for how the CCI and sectoral regulators might work together more effectively.

[2]https://one.oecd.org/document/DAF/COMP/GF/WD(2022)16/en/pdf#:~:text=2.5.&text=23.,petroleum%20and%20natural%20gas%20sectors.

[3] Mapping the Distinct Jurisdictions of the CCI and Sectoral Regulators - Vivek Agarwal, Divyansh Prasad and Rohan Zaveri

1.1 Background on Indian competition law and sectoral regulation

Section 18[4] of the Competition Act, 2002 (the "Competition Act") bestows an incredibly expansive mandate on the Competition Commission of India (the "CCI"), stating that it is to "eliminate practices having adverse effect on competition, promote and sustain competition, protect the interests of consumers and ensure freedom of trade in markets in India."

This objective, however, conflicts with the competition-related authority given to certain sectoral regulators in India, who were put in place both before and after the Competition Act was put into effect. Apart from the CCI, several sectoral regulators oversee certain industries, ensuring moral conduct and protecting the interests of customers. Banking is supervised by the Reserve Bank of India (RBI), insurance by the Insurance Regulatory and Development Authority of India (IRDAI), electricity by the Central Electricity Regulatory Commission (CERC), and telecommunications by the Telecommunications Regulatory Authority of India (TRAI).Each regulator is empowered to handle issues specific to their industry, including cost, requirements for licensure, and quality of service.

Certain sectoral laws, such as the Petroleum and Natural Gas Regulatory Board Act, 2006 and the TRAI Act, only provide a general declaration of competition goals without providing specifics. However, other laws, such as the Electricity Act of 2003, outline this jurisdiction by using legislative language that is identical to that found in the Competition Act, giving the Central Electricity Regulatory Commission the authority to "issue directions" to a licensee in the event that the licensee "enters into any agreement or abuses its dominant position or enters into a combination which is likely to cause or causes an adverse effect on competition."
The lines between ex-ante regulation and ex-post competition evaluation have become hazier as a result of these legislation, enabling numerous sectoral regulators to exercise competition enforcement authority even in the lack of specific clauses in their governing statutes.

1.2 Importance of studying jurisdictional overlaps

The growing area of agreement can turn into a hot spot for arguments. Let's look at the dispute over the CCI and SEBI's overlapping areas of competence in relation to merger negotiations, as well as the consequences that followed. In India, any merger, acquisition, or amalgamation must receive the consent of the regulatory organizations, SEBI and CCI. CCI has a wider

[4] Section 18, Competition Act, 2002

authority than other regulatory authorities because it can look into any combination that happened outside of India but greatly lowers competition in the relevant Indian market.

Considering Indian competition law is still evolving, there aren't many cases that directly relate to the jurisdiction of the CCI. The judiciary has recently had to handle disputes involving competing claims to jurisdiction made by the CCI and certain agencies. For the parties involved, the conflict between the CCI and industry-specific regulators has been ongoing, and they have often looked to the legal system for help.

The goal of this paper is to accomplish two goals. The main goal of the study is to critically analyse the complexities of negotiating institutional independence in its juxtaposition. Its second goal is to clarify the antitrust laws that various sectoral organizations have enacted. We want to examine the major provisions found in various laws, including the Competition Act of 2002, the SEBI Act of 1992, and the Electricity Act of 2003, in order to ascertain whether these laws tend to overlap or are individualistic on their own.

1.3 Historical Evolution of Competition Law in India

India's changing economic interests and need to adapt to global economic trends are reflected in the country's evolving competition law. The Monopolies and Restrictive Trade Behaviours Act of 1969 was the first comprehensive piece of legislation in India to regulate monopolistic behaviour and protect consumers (MRTP Act). The MRTP Act's primary objectives were to prevent the concentration of economic power, restrict unfair business practices, and control monopolies. However, due to its limited scope, it was unprepared to handle the complexities of a more liberalized and international economy.

India enacted the Liberalization, Privatization, and Globalization (LPG) Policy in 1991 by opening its economy to the outside world. To keep the recently opened economy under control, numerous structural modifications were made. It was thought that a market-based economy would ensure economic efficiency since it leads to the most effective use of resources. The closed, centrally planned economy unexpectedly gave way to an open, free-market economy. Several changes to the market were required to guarantee the transfer's success.

Consequently, with the passing of the Competition Act in 2002, India's perspective on competition law experienced a significant shift. The amended Act was more comprehensive

ISSN: 2582-6433

and adhered to international best practices. It aimed to prevent anti-competitive agreements and the abuse of dominant positions, as well as to regulate mergers and acquisitions that might negatively affect market competition. The Competition Act also established the Competition Commission of India (CCI), an unbiased regulatory body entrusted with enforcing the Act's requirements.

II. COMPETITION ACT, 2002

A high-level committee headed by Shri S.V.S. Raghavan was established to evaluate the MRTP Act. It proposed a new competition law that would be compliant with changes in antitrust law throughout the world. Keeping pace with the times led to the passage of the Competition Act of 20022. The objective of jurisprudence has evolved from opposing monopolies, unjust trade practices, and limitations to promoting consumer welfare and market competition.

The Competition Act, 2002, which took the place of the Monopolies and Restrictive Trade Practices (MRTP) Act of 1969, has been a crucial piece of legislation guiding economic competition in India. The Act addresses concerns of wealth concentration and the avoidance of monopolistic behaviours in addition to its primary objective of preventing acts that could harm competition inside the country. The primary goals of the legislation are to safeguard the interests of consumers, promote healthy competition, and put an end to any actions that can obstruct a free and open market.

By regulating combinations and granting the CCI greater jurisdiction, the legislation aims to strike a balance between fostering competition and ensuring consumer welfare. The Competition Act of 2002's primary objectives are to reduce anti-competitive agreements such as price-fixing and cartels, which are prohibited under the Act since they harm competition. The Act also prohibits companies from abusing their dominant market position, which includes taking practices like enforcing entrance barriers for new competitors or charging exploitative rates. The Act also regulates mergers, acquisitions, and other combinations in an effort to prevent monopolies that would obstruct competition.

III. COMPETITION COMMISSION OF INDIA

The three main pillars that support the Competition Act are the Competition Commission of India (CCI), the Competition Appellate Tribunal (COMPAT), and—most importantly—the

National Competition Policy (NCP). To ensure compliance, the Competition Commission of India (CCI) and the Competition Appellate Tribunal (CAT) were established. The CCI oversees competition regulation in India. Although the Commission was established in 2003, it wasn't fully operating until 2009.

It aspires to establish a competitive environment in the Indian economy through assertive engagement with all stakeholders, the government, and international jurisdiction. It was meant to be an independent organization with quasi-judicial powers to preserve consumer interests, prevent activities that have a negative impact on competition, promote and maintain competition in markets, and ensure freedom of commerce in Indian markets. The CCI is responsible for investigating and rendering rulings on anti-competitive agreements, abuses of dominant market positions, and mergers and acquisitions that may harm competition.

3.1 Sectoral Regulators in India: Roles and Responsibilities

Sectoral regulators in India are specialized government organizations established to keep an eye on, manage, and progress specific industries or sectors. Each regulator is empowered by a specific statute, and their duty is to ensure that the sector they regulate functions efficiently, fairly, and in the public interest. These regulators have a big influence on the state of many industries, such banking, insurance, telecommunications, and energy, by setting rules, monitoring compliance, and protecting consumer rights. Following 1991, a number of sectorspecific regulators entered the scene. Securities and Exchange Board of India4 was the first and most significant of them in 1992. Later, more authorities were established, including the Telecom Regulatory Authority of India and the Competition Commission of India.

IV. SECTOR SPECIFIC REGULATORS SEBI

The Securities and Exchange Board of India (SEBI) is the sectoral regulator for securities and capital markets in India. The SEBI Act of 1992 granted SEBI formal status after it was established in 1988. Its duties include keeping an eye on, managing, and ensuring the effectiveness, integrity, and transparency of the securities market. As a sectoral regulator, SEBI's primary objectives are to safeguard investor interests, promote the expansion of the securities industry, and monitor the conduct of market participants. Periodically, its powers were bolstered to enable it to combat the numerous frauds that came to light. The Ketan Parikh and Harshad Mehta scams, among others, exposed legal loopholes, which is why SEBI was granted more power to look into and prosecute such cases in the future.

In addition, Section 32 of the Act states that it will take effect in addition to any other current legislation. Because of this, SEBI's authority coexists with other authorities' and cannot take their place. Many regulations governing various aspects of the securities market are contained in the SEBI Act. To be more precise, if a company acquires more than 25% of the voting rights in the target corporation, it will be subject to SEBI's review of the acquisition under the SAST Regulations, 2011.

TRAI

The telecom sector is an oligopoly. The small number of competitors shows how intensely they compete with each other. Furthermore, there is a good likelihood that cartelization will occur in this market due to the similarity of the products produced in this industry. The Supreme Court's decision in the Bharti Airtel case provides clarification on the jurisdictional disagreement between the commission and the sectoral organization.

The Telecommunications Regulatory Authority of India (TRAI) is the primary sectoral regulator for the Indian broadcasting and telecommunications industries. Established in 1997 under the Telecom Regulatory Authority of India Act, TRAI's mission is to oversee the rapidly expanding telecommunications industry and ensure that its operations are equitable, competitive, and customer-focused. With the addition of broadcasting services to its list of responsibilities, TRAI has been instrumental in creating the foundation for digital communication in the country. Section 38 of the Act states that any other Act affording the Telegraph any authority or responsibility would have its provisions supplemented.11 As such, TRAI has a very specific role to play under the Act.

IRDAI

The Insurance Regulatory and Development Authority of India (IRDAI) is the principal sectoral regulator tasked with overseeing and managing the insurance industry in India. The 1999 recommendations of the Malhotra Committee resulted in the establishment of the Insurance Regulation and Development Authority, an independent body whose goals are to safeguard the financial stability of the insurance industry, promote the growth of the insurance sector, and safeguard the interests of policyholders. IRDAI's role as a sectoral regulator is critical to the integrity and efficacy of the insurance sector, which includes life, general, and reinsurance. It was established in compliance with the IRDA Act, 1999, with the goals of promoting the expansion of the business, protecting investor interests, and regulating the

insurance market.

According to Section 28 of the Act, the IRDA will coexist as a regulatory authority in the market with other regulatory agencies. One of the main objectives of the IRDA is to promote competition to increase consumer choice and reduce costs while maintaining the financial stability of the industry to increase customer satisfaction. The IRDA's primary objectives are equal treatment and policyholder interest protection.

CERC

The Central Energy Regulatory Commission (CERC) is India's primary sectoral regulator for the energy sector. The Central Power Regulatory Commission is the organization in charge of overseeing the power sector. The Electricity Act of 2003 was followed in its creation. Among its responsibilities are the regulation of the national electricity market, interstate power transmission, and the pricing of electricity produced by central public sector enterprises. CERC is necessary to ensure that the electrical business operates efficiently, transparently, and in the public interest.

To complicate matters even more, Section 174 of the act contains a non-obstante clause that grants the act precedence over any other legislation that opposes it. Moreover, Section 175 of the Electricity Act specifies that its rules must be followed "in addition to, and not in derogation of any other law in force."

V. DECIPHERING JURISDICTIONAL INCONSISTENCIES

Prior to focusing on other legislation, it is necessary to address internal contradictions included in the Act. It is necessary to recognize the conflict between these two Act provisions, 60 and 62. With the use of a notwithstanding clause that declares the Act would take effect regardless of the existence of any other provision in any other act that is opposed to it, Section 60 establishes the Act's supremacy over other statutes. The non-obstante clause merely states that other statutes will not impair the CCI's jurisdiction; as a result, other statutes will function to grant sectoral bodies jurisdiction, and the harmony must be interpreted in light of the duration of each body's jurisdiction. It is problematic that Section 62 exists in the Act. It states that the Act does not preclude other laws, which encourages the harmonious development of different acts. Owing to its existence, other sectoral bodies may exceed their jurisdictional boundaries in order to have an effect that overlaps with the CCI's authority to consider a subject. The phrase

"subject to other laws" should have been used in place of "notwithstanding" in Section 60 if the legislators had wanted to include the harmonious construction theory into the Act. Currently, CCI is the only body responsible for monitoring particular regions to determine whether anti-competitive behaviour has been observed. For instance, zero-priced markets and, to some extent, the arena of combinations This forces legislator to provide CCI a little greater degree of jurisdictional limits than they do for sectoral bodies.

There have been cases in the past when the applicability of two separate laws in a given circumstance overlapped because both laws had "non-obstante clauses." In such circumstances, Indian courts have adopted a number of criteria, such as the following: newer law takes precedence over older legislation, particular legislation takes precedence over generic legislation, etc. The Supreme Court of the Honour has stated that lex specialis, as a principle of interpretation, supersedes general legislation because the latter solely regulates a certain field. The idea underlying the rule that more recent legislation takes precedence over earlier legislation is that since it is presumed that the legislature is aware of the laws' existence, a "nonobstante clause" in the later enactment indicates a desire on their part on the application of the latter legislation over the former.

A harmonic reading of the two laws is sought for when the previously described guidelines are inapplicable. The areas of authority covered by CERC and CCI overlap significantly, for example, when it comes to anticompetitive agreements in the electrical industry. Does this imply that CERC will have precedence over CCI in the event of a disagreement in the future regarding the suitable venue for the resolution of a dispute involving an anticompetitive agreement in the electrical sector? Is it not inconsistent with the legal system for one industry to have a dedicated watchdog while other industries have a generic antitrust monitor? Having a sector-specific competition regulator and a general competition regulator for the left space would be a natural conclusion. One logical way out of this would be to establish sector specific competition regulator and a general antitrust watchdog for the remaining space. This however would mean segmentation of present day CCI into SEBI, IRDAI, RBI with their specific competition regulation powers and a general CCI. This might make a mockery of competition law in general if these authorities' decisions are inconsistent. A key issue would be placing various regulators in a hierarchy in order to determine the binding value of their instructions individually.

ISSN: 2582-6433

The most recent addition to the list is the Petroleum and Natural Gas Regulatory Board, which was formed in 2006 under the 'Petroleum and Natural Gas Regulatory Board Act', after the passage of the Competition Act of 2002. Furthermore, the statute has entrusted the Board with a responsibility that has been drafted in as broad a language as possible, giving the Board broad authority.

VI. CASE STUDIES HIGHLIGHTING JURISDICTIONAL OVERLAPS

In the matter of **In Re: Brickwork Ratings India Pvt. Ltd. and CRISIL Ltd.**, the CCI had a jurisdictional conflict with SEBI over charges of cartelisation among credit rating companies during a procurement procedure conducted by the National Highway Authority of India. The Informant charged CRISIL Ltd., India Ratings and Research Pvt. Ltd., CARE Ratings Ltd., and ICRA Ltd. of offering similar pricing, which could violate Section 3 of the Competition Act of 2002. Although SEBI, which oversees credit rating firms under the SEBI (Credit Rating firms) Regulations, 1999, asked CCI not to continue the issue, claiming it was within SEBI's jurisdiction, CCI proceeded due to SEBI's inaction. This case underlines the jurisdictional conflicts between CCI and SEBI, underlining the necessity for clear definition of authority.

In *Competition Commission of India v. Bharti Airtel*, the Supreme Court devised an exceptional two-step test to resolve the question of jurisdictional conflict. The case involves the telecom regulator TRAI hearing Reliance Jio's complaint against an alleged anti-competitive agreement between Bharti Airtel, Idea, and Vodafone. The Supreme Court concluded that if there is a dispute about such jurisdiction, the sectoral regulator should be the first to resolve it due to their greater experience, practical resources, and reasonable answers, if any. However, the Court stated that this would not prevent CCI from probing the matter. The court observed the extent of remedies available in both and deferred the jurisdiction of CCI rather than completely ousting it.

Another key ruling on CCI's jurisdiction came in *Monsanto Holdings Pvt. Ltd. v. CCI,* in which the Delhi High Court rejected Monsanto's claim that CCI lacked jurisdiction over the case. Monsanto claimed that the Patent Office is the appropriate entity to determine the patentee's rights and responsibilities. However, the Court separated this ruling from the Bharti Airtel case, stating that the two authorities, the Controller of Patents and TRAI, are separate expert bodies

with varying degrees of jurisdiction, and hence the cases are "materially different".

VII. PROVISIONS PERTAINING TO JURISDICTION

The preamble of the Competition Act of 2002, combined with *section 18* of the act, delegated to the Competition Commission of India (the "CCI") the responsibility of "promoting and sustaining competition" in India. This indicates that the CCI will have primary jurisdiction to regulate competition conditions in India's relevant markets.

Furthermore, *Section 60* of the Competition Act specifies that the Act's provisions will take effect irrespective of any other law that contradicts them. This section provides CCI a broad jurisdictional mandate, which could lead to confrontations with sectoral regulators whose statutes may also address competition issues.

While these sections confer upon CCI a single-handed jurisdiction to deal with matters affecting the competition in the market, it embodies within itself provisions diluting the same. Pertinent to *Section 62* of the Competition Act, the provisions shall be in addition of and not in derogation to any other such laws. *Section 21* empowers a governmental authority to refer any subject to CCI if it deems that a resolution on the issue might involve competition-related considerations. This provision creates a method for sectoral regulators to seek the CCI's opinion on competition issues that may arise in their areas of regulation, recognising potential jurisdictional overlaps and offering a way for coordination.

These Sector specific regulators do not only get their jurisdictional powers from the Competition Act but also from their sector specific laws. For instance, Section 14 of the TRAI Act sets up the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) to hear disputes and appeals involving telecom services. TDSAT has authority over disputes between service providers, between service providers and consumers, and appeals against TRAI judgements. However, CCI continues to have authority over competition law issues such as anti-competitive behaviour and abuse of dominance, which may result in jurisdictional overlaps. Pertaining to *section 11 of the SEBI Act, 1992*, SEBI is in charge of protecting the interests of investors in securities, regulating the securities market, and guaranteeing fair practices. SEBI regulates mergers and acquisitions in the securities industry, which may overlap with CCI's competence to assess combinations under the Competition Act.

ISSN: 2582-6433

Section 79 of the Electricity Act of 2003 accords CERC responsibility for regulating rates, interstate transmission, and ensuring the development of the electricity market. CERC's jurisdiction extends to preventing discriminatory acts in the electrical market, which may overlap with CCI's duty in addressing anti-competitive behaviour.

VIII. JUDICIAL INTERPRETATION OF THE CONFLICT

The Competition Act, 2002 and the Electricity Act, 2003 presented a jurisdictional issue that was resolved in the case of ***Anand Prakash Agrawal v. Dakshin Haryana Bijli Vitram Nigam***. A customer accused DHBVN of charging unfair prices for power, but the CCI rejected the complaint, saying the power Act should be used in this situation. In an appeal, COMPAT determined that the Electricity Act supersedes the Competition Act since it is a subsequent special statute with its own procedures to deal with problems like abuse of dominance. The jurisdictional issues between industry-specific legislation and competition law are highlighted by this case.

In contrast to the previous interpretation of the COMPAT, the Supreme Court determined in ***Competition Commission of India v. Fastway Transmissions Pvt. Ltd*** that the Act's Section 60 gives it precedence over other statutes when they conflict, taking into account the nation's overall economic development.

In ***Star India v. Sea T.V. Network***, an attempt was made to resolve the jurisdictional dispute. It was held that the Monopolies and Restrictive Trade Practices (MTRP) Commission, the predecessor of the CCI, has no mandate to exercise jurisdiction over a dispute that pertains to a violation of any provision of the TRAI Act, even if the provision involves an issue of monopoly and restrictive trade practices.

Furthermore, in ***Consumer Online Foundation v. Tata Sky***, Dish TV contested the CCI's jurisdiction, arguing that the matter was already before the Telecom Disputes Settlement and Appellate Tribunal ("TDSAT") and the TRAI. The CCI opined that, while TRAI is the market regulator, the CCI has exclusive jurisdiction over market competition. After reading the ruling, it appears that the CCI did not reach a definitive conclusion on the matter of jurisdictional dispute.

On December 5, 2018, a two-judge Supreme Court panel in ***Competition Commission of India***

v. Bharti Airtel Limited and Others addressed and resolved the ongoing jurisdictional conflict between the CCI and TRAI. The Supreme Court distinguished two important problems. Among them was the question of whether the CCI could exercise its authority given that the TRAI already had it.as well as TRAI. The court opined that it is a question of supremacy as to which authority should exercise jurisdiction first, not a total eviction of the CCI's jurisdiction. Since the CCI is specifically designed to handle matters of this nature, it will exercise its jurisdiction if an agreement has a negative impact on competition in the nation's relevant market. At no point should the authority to handle such matters be contested.

IX. COMMON AREAS OF CONFLICT

The Competition Commission of India (CCI) and sectoral regulators frequently clash on issues related to consumer protection, mergers, and pricing. Industry-specific regulations like tariffs and market operations are overseen by bodies like TRAI and CERC, but CCI has the authority to step in if these actions appear to be anti-competitive and result in jurisdictional overlaps. For instance, CCI may look into exploitative pricing, while TRAI controls telephone tariffs. Similar disputes arise during merger reviews by regulators based on sectoral consequences, while CCI assesses the effects on competition more broadly. The need for improved coordination between CCI and sectoral regulators is highlighted by these overlapping functions in controlling market dominance, access, and licensing.

Having these jurisdictional conflicts can have a detrimental effect on the efficiency of working of these sectoral regulators. Overlapping responsibilities can lead to duplicated efforts and conflicting directives, all of which will eventually lead to delays in the justice system, inefficacy in resolving matters in hand and further in enforcement of the orders. An unclear demarcation in responsibilities also creates a problem in the resource allocation.

Not coming out with a way to resolve these conflicts will not only have an impact on the efficacy of justice system but it also hinders business compliances and adds to their regulatory burden. Companies might have to face complexities while adhering to multiple sets of rules and can lead to erratic enforcement making it difficult for businesses to understand their obligations which may inadvertently lead to non-compliance.

ISSN: 2582-6433

X. COMPARATIVE ANALYSIS WITH OTHER JURISDICTIONS

Other jurisdictions set a clear demarcation in terms of roles & responsibilities in order to minimise overlaps. For instance, USA has several sectoral regulators who oversee specific markets and industries. These regulators are responsible for ensuring fair competition, consumer protection, and compliance with relevant laws and regulations within their respective industries. The FTC, FCC, SEC, CFTC, CFPB, and FDA fall among them. While conflicts arise among them and the FTC as well but the US Government has opted certain measure to cope with the situation. Exempli gratia there are arrangements already in place for the DOJ and the FTC to work alongside with several sectoral authorities. The procedures by which the regulatory bodies will work together to investigate mergers and other anticompetitive activity are outlined in these agreements. The FTC and the DOJ have also released memoranda of agreement with a few sectoral regulators. These memoranda clarify the roles and procedures of the various regulatory organisations, including how they resolve jurisdictional conflicts. There also exist statements of policy in place to regulate competition in particular industries.

The European Commission opts for a single market approach making sure that all member states apply competition laws uniformly, which diminishes the prospect of conflicting procedures. Nonetheless, regulatory overlaps may exist between national authorities' enforcement of sector-specific legislation and competition law. To wit, the only body authorised to investigate mergers that have an impact on competition within the EU or that have a community component is the European Commission. Among others, ESMA and EBA may have the authority to investigate mergers in the sectors they oversee. Moreover, the European Commission (EC) has the authority to challenge anticompetitive behaviour, such as price fixing and market sharing. ENISA and ERA, for example, are sectoral regulators who might additionally hold the power to control pricing in their particular industries.

XI. SUGGESTED MECHANISMS

India has implemented a multi-sector regulatory framework; wherein distinct industries are regulated by several agencies with varying jurisdictions. The diversity of regulators provides a more thorough approach to comprehending every industry and facet of a transaction. Judge B.N. Srikrishna chaired the Financial Sector Legislative Regulation Committee, which turned in its report in March 2013. It had recommended India's super regulator.

ISSN: 2582-6433

To this, Raghuram Rajan had replied:

“If it ain’t broke, don’t fix it!”

The FSLRC Report envisages a "twin peak" strategy would have one financial regulator overseeing transactions and a second, independent regulator that would only be focused on compensating and protecting investors. An approach that facilitates cooperation and coordination is the best choice if replacing the several regulators with a single body is not practical (as it may be in the current Indian scenario). Perhaps the jurisdiction with the greatest patent conflict is that of SEBI and CCI, two financial regulators without a specific sectoral purpose.

Two prominent models are the mandated consultation model, which necessitates communication between the two bodies, and the exclusive domain model, in which each body operates independently within its own specific region. On the other hand, a new path forward is the creation of an integrated regulatory collaboration model, wherein sectoral regulators and competition commissions collaborate, pool their knowledge, and provide comprehensive oversight and adaptable regulation. This eliminates the known conventional barriers and allows for seamless collaboration leading to creation of a symbiotic relation rather than a mutually exclusive one. It will ultimately leverage the strengths of each body leading to quick and better justice.

Taking ideas from the US or the EU model, cooperation agreements and memorandums can be made to draw a clear demarcation between the sectoral bodies and the CCI.

Mechanisms for Resolving Jurisdictional Conflicts

The complex issue of jurisdictional overlaps between the Competition Commission of India (CCI) and sectoral regulators still persists in India's regulatory system. Regulators often face overlaps because they must both enforce sector-specific rules and encourage competitiveness. The current methods, such as legal rules, partnerships, and court rulings, help with coordination to some extent but do not completely solve the issue of conflicts over jurisdiction.

The Competition Act of 2002 establishes the legal framework for dealing with overlaps by promoting communication between the CCI and other regulatory bodies through Sections 21 and 21A. Nevertheless, in reality, these clauses are primarily about procedures rather than content, frequently resulting in substantial uncertainty in how they are implemented. For

ISSN: 2582-6433

instance, although these parts facilitate referrals between the CCI and regulators, they do not create a compulsory or enforceable structure for resolving conflicts. In situations where both the CCI and a sectoral regulator have legitimate jurisdictional claims in sectors like telecommunications or banking, confusion can arise due to a lack of clarity.

Additionally, the lack of required referral duties has resulted in a scenario where industry regulators may not consistently seek advice from the CCI regarding competition matters, resulting in simultaneous investigations. The enforcement experience reveals that sectoral regulators can still use their powers without always consulting the CCI, leading to a lack of consistency in enforcing competition law across various sectors. For example, TRAI may concentrate on technical issues in the telecom sector as a specialized regulator, while competition issues like abuse of dominance or anti-competitive practices are more suited for the CCI to address. The issue is that both regulators lack complete authority, leading to possible inconsistencies and uncertainty in regulations.

Efforts by the Supreme Court and the NCLAT have been made to solve certain jurisdictional uncertainties through legal interventions. The NCLAT's role as the higher authority for CCI appeals enables it to play a crucial role in determining how regulatory conflicts are resolved. In various significant instances, such as the CCI v. Bharti Airtel case, the courts have emphasized the significance of sequential regulatory measures, with sectoral regulators assessing technical or industry-specific issues prior to CCI intervention in competition issues. This situation showed that sector-specific regulators, with their expertise, should be the first to tackle industry-specific regulatory issues, before the CCI steps in for competition concerns.

Although this legal method has provided a way to settle disputes, it does not get rid of the underlying issue of jurisdictional conflicts. The legal framework lacks full integration of sector specific regulations with general competition law principles, leading to ad-hoc judicial interventions instead of systematic resolutions. Moreover, the need to elevate the majority of cases with overlaps to higher courts indicates the inadequacy of current coordination mechanisms.

Given these difficulties, a number of expert committees and commissions have offered their opinions on potential changes. The Raghavan Committee (2000) recommended the significance of formal coordination among regulators, however, its suggestions have not been

completely implemented in reality. The more recent Competition Law Review Committee (2019) also tackled these issues by suggesting increased consultations and data sharing between the CCI and sectoral regulators. One of the main suggestions from the committee was to create a coordination forum for the CCI and other regulators to gather regularly and address common issues. This type of platform could formalize collaboration, decrease excessive legal action, and encourage a more unified regulatory strategy.

Furthermore, the Financial Sector Legislative Reforms Commission (FSLRC) has proposed the formation of a Unified Financial Authority (UFA) to consolidate multiple financial regulators in order to reduce disagreements. Although directed at the financial industry, this suggestion demonstrates a growing trend towards promoting unified regulatory agencies to prevent conflicts over jurisdiction. Extending the UFA model to different industries may create a more unified framework, minimizing conflicts between competition law and sector-specific regulations. However, resistance from current regulators could hinder this approach.

In summary, even though India's competition law framework allows for some cooperation between the CCI and sectoral regulators, the current processes are inadequate in resolving all jurisdictional conflicts. The NCLAT and higher judiciary have been crucial in defining jurisdictional boundaries, yet their involvement is more responsive than proactive. Specialized panels have continuously suggested more robust, structured coordination methods, such as establishing platforms for communication among different regulatory bodies. In order to better address these conflicts, it is crucial to move towards a more unified and mandatory system of collaboration between the CCI and sectoral regulators. These reforms would guarantee a more defined allocation of duties, eliminate uncertainty in regulations, and promote a uniform enforcement of competition law in all industries.

Proposals for Harmonizing Regulatory Jurisdiction

The Competition Commission of India (CCI) and sectoral regulators like the Telecom Regulatory Authority of India (TRAI), the Securities and Exchange Board of India (SEBI), and others have been causing concerns due to jurisdictional overlaps in India's regulatory framework. Potential conflicts may arise due to the overlapping mandates of regulators in regulating competition within their industries. This overlap causes confusion, delays, and inefficiencies in implementing competition law and regulations specific to sectors. Several suggestions have been made to synchronize regulatory jurisdictions in order to meet these

challenges. These suggestions center on changes in policies, setting up institutional mechanisms, adjusting legislation, and emphasizing the judiciary's important role in handling these intersections.

Policy Recommendations for Clearer Jurisdictional Boundaries

The lack of clearly defined boundaries between the CCI and sectoral regulators is a significant problem. Although the Competition Act, 2002, offers some direction through Sections 21 and 21A, it does not fully outline how sectoral regulators and the CCI should intervene in cases involving both sectoral regulation and competition matters.

An important policy suggestion for dealing with this problem is to create separate areas of authority for the CCI and sectoral regulators. The goal is to distinctly define the duties of each regulator to avoid duplications. For example, sector-specific regulators should focus on handling technical, regulatory, or compliance matters in their respective industries, with competition-related concerns being the responsibility of the CCI. This distinction between sector-specific regulation and general competition regulation would reduce conflicts and simplify the regulatory process.

Another important suggestion for policy is the implementation of explicit referral procedures. These protocols would mandate sectoral regulators to refer competition-related matters to the CCI, while maintaining authority over solely sectoral issues. In the same way, the CCI might need to seek advice from sectoral regulators when technical knowledge is necessary, especially in specialized industries such as telecommunications or finance. Requiring a referral process would guarantee that each regulator stays within their specific area of knowledge, minimizing potential conflicts.

Proposals for Institutional Mechanisms (e.g., Joint Committees, MoUs)

Institutional mechanisms have been suggested as a successful method to improve collaboration between the CCI and sectoral regulators. A suggestion is to form joint committees or coordination bodies with members from both the CCI and relevant sectoral regulators. These committees may be responsible for reviewing situations with potential overlapping jurisdictions and deciding which regulator should lead. The joint committee model could take inspiration from bodies like the UK's CMA and Ofcom, which collaborate to address conflicts in the UK telecommunications sector.

ISSN: 2582-6433

Proposed agreements between the CCI and sectoral regulators are also suggested to help streamline coordination. These agreements would officially establish the procedure of sharing information, conducting consultations, and referring between the CCI and sectoral bodies. Even though a few MoUs have been finalized, like the CCI and TRAI deal, they are mostly optional and lack legal enforcement. A better strategy would be to require these MoUs and include clauses that guarantee prompt referrals and mandatory discussions, holding both regulators responsible when jurisdictional lines are become blurred.

The suggestion of establishing an Inter-regulatory Coordination Forum as another institutional mechanism has been made for facilitating regular communication between the CCI and sectoral regulators. This kind of forum would convene at regular intervals to talk about new topics, exchange information, and organize inquiries. This would guarantee that possible conflicts are dealt with in a proactive manner, rather than a reactive one, which is commonly seen today. The forum could be utilized for training regulatory officials on competition law and sectoral regulations, promoting a more cohesive approach to regulation.

Case for Legislative Amendments

Policy reforms and institutional mechanisms alone may not be sufficient to completely resolve jurisdictional conflicts without the support of legislative amendments. The 2002 Competition Act would be improved by a few important changes to clarify jurisdictional overlaps.

One potential amendment could be to enhance Sections 21 and 21A of the Competition Act to require referrals between the CCI and sector regulators, instead of having them as optional. Presently, these rules permit consultations and referrals, but do not require them. This flexibility can sometimes cause regulators to not coordinate effectively, leading to simultaneous investigations and contradictory decisions. Requiring referrals would guarantee that regulators must collaborate and exchange information, decreasing opportunities for jurisdictional disagreements.

Another proposed law includes adding detailed rules to deal with sectoral overlaps straightforwardly. For instance, changes could specify when sectoral regulators must report issues to the CCI or the other way around. These changes could also establish deadlines by which referrals must be submitted, guaranteeing that cases are dealt with quickly and do not remain unresolved in regulatory uncertainty.

Moreover, there has been talk about incorporating a principle of regulatory deference into legislation, which would necessitate regulators to yield to the entity with more expertise when there is overlap. In situations where sectoral regulation and competition issues intersect, the regulator with more expertise in technical matters (typically the sectoral regulator) should take the lead, while the CCI would address the competition aspects. This will make sure that the correct knowledge is applied to each situation, decreasing the chances of excessive regulation and disagreement.

Role of the Judiciary in Addressing Jurisdictional Overlaps

The judiciary, specifically the NCLAT and the Supreme Court, has been crucial in resolving conflicts over jurisdiction between the CCI and sectoral regulators. Court decisions have offered valuable guidance in situations with ambiguous regulatory limits, establishing significant examples for handling similar overlaps later on.

A significant case in this area is CCI v. Bharti Airtel Limited (2018), where the Supreme Court specified that TRAI, as the sectoral regulator, must first address technical and sector-specific matters before the CCI could initiate its competition law probe. The Court stressed the importance of using a step-by-step regulatory method, starting with sectoral regulators' knowledge and then involving the CCI if competition issues continue. This decision has been referenced in multiple other cases, emphasizing the significance of letting sector regulators handle industry-specific matters prior to invoking competition law.

Another crucial scenario that underscored the judiciary's involvement in settling jurisdictional conflicts was CCI v. Tata Power Delhi Distribution Ltd. The Supreme Court emphasized the importance of adhering to the mandates of both the CCI and sectoral regulators, stating that conflicts of jurisdiction should be resolved through collaboration and discussion. The Court's ruling emphasized the idea that regulators must not infringe on one another's area of jurisdiction without adequate consultation.

However, despite clarifying some jurisdictional overlaps, judicial intervention is not a sustainable solution. Courts frequently intervene post-conflict, causing delays and a lack of clarity. Furthermore, the majority of these instances must be settled at the Supreme Court level, suggesting that the current legal system is not prepared to effectively manage jurisdictional disputes. Due to this, many experts suggest that the judiciary should play a more active role by

providing guidelines or frameworks to tackle these overlaps preemptively, instead of handling them one by one.

Conclusion

The issue of jurisdictional overlaps between the CCI and sectoral regulators is a complex one, requiring a multi-faceted approach to resolve. Policy recommendations focusing on clearer jurisdictional boundaries, institutional mechanisms like joint committees and MoUs, and legislative amendments are all critical components of a more harmonious regulatory framework. While the judiciary has played a crucial role in addressing these conflicts through landmark rulings, a more comprehensive legislative and institutional approach is necessary to prevent such conflicts from arising in the first place. By implementing these proposals, India's competition law framework can be strengthened, ensuring a more coordinated and efficient regulatory environment.

Implications for businesses and industry stakeholders

The Competition Commission of India (CCI) and sectoral regulators overlapping jurisdictions have important consequences for Indian businesses and industry stakeholders. These intersections may lead to ambiguity in regulations, higher costs for following rules, and longer wait times for getting permissions, all of which can hinder business activities and strategic planning. From a business standpoint, it can be overwhelming to navigate the intricate and often contradictory regulatory systems, especially in industries such as telecommunications, finance, and energy, where competition and industry-specific regulations are vital. The interaction of the CCI with sectoral regulators poses a complex situation for businesses, who need to adhere to regulations from both parties and navigate the potential for conflicting or duplicated directives.

One of the primary impacts for businesses is the possibility of delays in regulations. Jurisdictional overlaps can lead to a lengthy decision-making process, as businesses may need to interact with multiple regulators at the same time. For example, a telecom sector company undergoing a merger may have to obtain approvals from both TRAI and the CCI, each with their own specific worries and focuses. This simultaneous involvement can impede the progress, leading to delays that could affect the timing of important business deals like mergers, acquisitions, or market entry plans. Delays like these can lead to financial impacts, especially for companies in rapidly changing industries where the timing of entering or expanding in the

market is vital.

Another significant consequence is the potential for regulators to make conflicting decisions. If the CCI and a sectoral regulator both have jurisdiction over a case, they may issue conflicting rulings on the same issue. For instance, the CCI might see a specific business action as harmful to competition, while a regulatory body in the sector could find it essential for upholding technical or operational norms in the field. Conflicting choices can cause both confusion for businesses and difficulties in enforcement, as companies are uncertain which regulator's decision to focus on. This scenario may also put businesses at risk of incurring penalties or sanctions from one regulator while adhering to the other.

In addition, when businesses must engage with numerous regulators, the costs of compliance rise substantially. Having to comply with various regulatory requirements, submit different paperwork, and address multiple investigations at once leads to duplicated work, raising both the administrative and legal workload for companies. Small and medium-sized enterprises (SMEs) face a heightened risk from these rising compliance expenses, considering their limited ability to handle intricate regulatory systems or finance the necessary legal guidance to handle multiple jurisdictions effectively. This regulatory complexity has the potential to inhibit innovation and competition, especially in sectors with existing high entry barriers.

Impact on Consumers and Market Competition

Overlap in jurisdiction between CCI and sectoral regulators can greatly affect both consumers and market competition. Competition law's main goal is to safeguard consumer welfare through promoting a competitive marketplace. Yet, if conflicts arise in jurisdiction, it can hinder the efficiency and effectiveness of enforcing competition law, resulting in adverse outcomes for consumers.

A possible consequence for consumers is decreased market effectiveness. Regulatory approvals delays or contradictory rulings can impede business operations, resulting in increased prices or limited availability of products and services. In cases where mergers or acquisitions require approval from both the CCI and sectoral regulators, extended decision-making processes can hold up the launch of new products or services, limiting options for consumers. In addition, unclear regulations could prevent companies from entering or growing in the market, resulting in less competition and, in turn, increased prices for consumers.

Another possible issue is the division of regulatory enforcement, which may diminish the overall efficiency of competition law. If there is ineffective coordination between the CCI and sectoral regulators, there is a danger that certain sectors could see unchecked anti-competitive practices. If a sectoral regulator only pays attention to technical compliance and ignores competition problems, companies may take advantage of this gap to participate in anticompetitive actions like price-fixing or abuse of dominance. This may lead to increased expenses for customers and decreased creativity in the industry.

On the other hand, if regulators are able to work together effectively and coordinate their goals, overlapping jurisdictions could benefit consumers. Utilizing the knowledge of both the CCI and industry regulators can lead to a more thorough and refined regulatory approach. Sectorspecific regulators offer important knowledge on the technical and operational aspects of their sectors, while the CCI is responsible for addressing competition issues effectively. When regulators cooperate effectively, consumers can enjoy better market efficiency and safeguarding of their rights from anti-competitive actions.

Perspectives of Regulators and Policymakers

Regulators and policymakers understand the difficulties caused by overlapping jurisdictions, and they have made multiple attempts to tackle these issues through policy reforms and institutional mechanisms. Sectoral regulators prioritize ensuring that their regulatory authority is adhered to and maintained within their industries. Regulatory bodies like TRAI or SEBI possess specific knowledge in their respective sectors and are responsible for ensuring companies adhere to technical, operational, and safety regulations. Nevertheless, these regulators may be cautious of interference from the CCI, as it may diminish their power and result in conflicting priorities.

The main goal of the CCI is to encourage and uphold equal competition in every sector of the economy. According to the CCI, jurisdictional overlaps are difficult because they can restrict the Commission's ability to enforce competition law effectively and inclusively. The CCI could feel limited in specific industries when sector regulators exercise their power, even when competition issues are involved. The CCI is requesting clearer boundaries for jurisdictions and better cooperation among regulators to prevent competition law from being overlooked in favor of sector-specific factors.

Policymakers, especially those in charge of legal and economic reform, have supported increased institutional coordination between the CCI and sectoral regulators. This is clear in several suggestions given by expert committees, like the Competition Law Review Committee (2019), which stressed the importance of establishing formal methods to improve communication and collaboration among regulators. Policymakers understand that a disorganized regulatory system not only causes inefficiencies but also goes against the government's goal of improving business ease in India. Consequently, efforts have been made to establish institutional mechanisms, like joint committees or coordination forums.

Future Trends and Developments

In the future, various trends and advancements are expected to influence the regulation coordination's future in India. A major trend is the increasing focus on digital markets and the specific obstacles they present for competition law and industry regulation. As the Indian economy shifts towards digitalization, there are now new types of jurisdictional overlaps emerging in areas like e-commerce, fintech, and digital communications. The boundaries between sectors have become less clear due to the increasing presence of digital platforms, creating challenges for regulators in deciding jurisdiction. In return, we can expect increased cooperation between the CCI and regulators in the digital sector, along with the creation of new regulatory frameworks tailored to the specific features of digital markets.

Another important advancement is the possibility of making changes to laws to define jurisdictional limits. As previously mentioned, there have been demands to enhance the Competition Act, 2002, by making it necessary for referrals to be made between the CCI and sectoral regulators, and by implementing more defined regulations for handling jurisdictional conflicts. If these changes are put into effect, they may result in a smoother regulatory procedure, decreasing the chance of disagreements and setbacks. Furthermore, there is a possibility for establishing a super-regulatory entity or a structured inter-regulatory coordination system, which would act as a central organization supervising sector-specific regulators and the CCI. A body like this could improve coordination and lower the chance of regulatory gaps.

Finally, the judiciary is likely to continue playing a crucial role in shaping the future of regulatory coordination in India. As more cases involving jurisdictional overlaps are brought before the courts, judicial rulings will set important precedents that could influence how

ISSN: 2582-6433

regulators approach future conflicts. The judiciary's role in interpreting the scope of the CCI's jurisdiction and its relationship with sectoral regulators will be essential in ensuring that competition law is enforced effectively while respecting the mandates of sector-specific bodies.

Conclusion

Overlap in jurisdiction between the CCI and sectoral regulators has important consequences for businesses, consumers, regulators, and policymakers. Businesses struggle with regulatory delays, compliance costs, and conflicting decisions, while consumers may experience inefficiencies and weakened competition enforcement. Authorities and policy makers are more conscious of these difficulties and are striving for answers that encourage improved coordination and more defined jurisdictional limits. In the future, regulatory coordination in India will be influenced by advancements in digital markets, changes in legislation, and the involvement of the judiciary, all working towards establishing a more unified and effective regulatory framework for businesses and industry stakeholders.

Emerging Sectors and Potential for New Overlaps

With the evolution of the Indian economy, new sectors are emerging that pose considerable challenges for the regulatory framework. The rise of industries like e-commerce, fintech, digital communications, renewable energy, and artificial intelligence (AI) is marked by quick technological progress, intricate market shifts, and unclear industry distinctions. The growth of these sectors has heightened the possibility of jurisdictional conflicts between the Competition Commission of India (CCI) and different sector regulators, leading to new worries about the effectiveness of regulations, consistent enforcement, and market transparency.

In these fast-moving sectors, the boundaries between traditional industries are becoming more blurred. An instance would be the merging of telecommunications, media, and technology, leading to fresh issues for competition regulation and sector-specific oversight. Likewise, digital payment systems create potential areas of intersection between the CCI, RBI, and upcoming data protection authorities, as they blend finance, technology, and data privacy. India's regulatory system faces an ongoing challenge of predicting and dealing with these intersecting issues while also ensuring a balance between fostering innovation, preserving competition, and upholding consumer protection.

Technological Advancements and Regulatory Challenges

Advancements in technology have not just transformed how businesses function, but also brought about intricate difficulties for regulators. The rise of digital platforms like e-commerce and fintech has changed traditional ideas about markets and competition, presenting new regulatory obstacles. These platforms frequently work in various industries, managing tasks such as financial transactions, data collection, logistics, and retail services. Therefore, regulators are struggling with complex entities that do not easily fit into existing sector frameworks.

E-commerce giants such as Amazon and Flipkart have a significant impact on retail and logistics. This poses challenges in defining the boundaries of authority between the CCI, responsible for competition matters, and regulators like DPIIT, overseeing FDI and trade regulations. Moreover, the Consumer Protection Authority (CPA) plays a part in dealing with consumer complaints, while the Ministry of Electronics and Information Technology (MeitY) focuses on matters related to data privacy. When this happens, one organization may be examined by various regulators, resulting in overlaps of authority that could impede successful regulation.

The fintech sector offers yet another impressive illustration. The emergence of digital payment platforms such as Paytm, PhonePe, and Google Pay has transformed the financial sector, yet these advancements span various regulatory areas. Although the RBI oversees financial transactions and stability of currency, the CCI is vital in preventing market competition from being skewed by anti-competitive behavior. Furthermore, as fintech platforms gather and retain large quantities of consumer data, it will be necessary for organizations such as the Data Protection Authority (DPA) to step in. This leads to a complicated regulatory environment in which fintech firms must adhere to regulations established by various agencies, heightening the possibility of regulatory redundancies and clashes.

Furthermore, artificial intelligence (AI) and machine learning (ML), which are increasingly being integrated into everything from healthcare to financial services, present an entirely new set of challenges. AI algorithms can affect market competition, particularly in the areas of pricing strategies, product recommendations, and data-driven advertising. The role of AI in creating algorithm-driven anti-competitive behavior, such as price collusion, has raised concerns globally. The CCI may need to intervene in cases where algorithms distort

ISSN: 2582-6433

competition, while sectoral regulators would need to focus on issues like data security, ethical use of AI, and accountability. These overlapping concerns make it imperative for regulators to develop new frameworks for cooperation and consultation.

The renewable energy sector is yet another domain where regulatory challenges are likely to arise. With growing emphasis on sustainability and green technologies, companies in the renewable energy sector are expanding rapidly. This sector, however, intersects with various regulatory bodies, including the Central Electricity Regulatory Commission (CERC), the Ministry of Power, and the CCI. Regulatory overlaps may emerge in areas such as pricing, market dominance, and cross-sectoral investments, which will require better coordination between the CCI and sectoral regulators.

In each of these cases, the primary challenge lies in developing a regulatory approach that can keep pace with technological innovation while ensuring that market competition is maintained and consumer interests are protected. The rise of these industries not only requires a rethinking of existing regulatory frameworks but also demands greater coordination between the CCI and sectoral regulators to avoid conflicting mandates and enforcement actions.

Future Directions for Research and Policy Development

The increasing difficulties in industries influenced by technological advancements and merging indicate the necessity for extensive research and policy creation to tackle overlapping jurisdictions. The fast evolution of sectors like fintech, AI, and digital commerce demands a forward-thinking regulatory system that can adapt to new business models and market structures, all while providing clear regulations.

One of the crucial areas for further investigation involves the creation of regulatory sandbox frameworks, which permit companies in emerging industries to function within a monitored setting under regulatory oversight. Sandboxes have been introduced in a number of countries such as the UK and Singapore, and have shown to be successful in industries like fintech, where regulatory changes often lag behind innovation. The RBI in India has implemented a regulatory sandbox for fintech companies to experiment with new products and services under regulatory supervision. Applying this idea to different growing industries may aid regulators in grasping fresh business models and their possible effects on competition prior to implementing stringent regulatory actions. Moreover, sandboxes could improve coordination between the CCI and

sectoral regulators by providing a controlled environment to experiment with jurisdictional boundaries.

Another avenue for future study is exploring how data governance can help manage overlapping jurisdictions. During the era of big data, businesses in different industries are depending more and more on gathering, analyzing, and utilizing data to enhance their competitiveness and shape their business strategies. Still, the issue of determining which regulatory body should be in charge of data-related matters is still pending, especially with India working towards enacting a thorough data protection law through the Personal Data Protection Bill, 2019. Further exploration may be needed to create a harmonized regulatory structure for data management that considers both the CCI's expertise in competition issues and the sector-specific knowledge of data protection agencies. This framework would guarantee that anti-competitive practices driven by data are dealt with, while still maintaining data privacy and security technical aspects.

Policy development should prioritize the creation of formal mechanisms for regulatory coordination alongside research. Although the CCI has informally consulted with sectoral regulators before, a more organized method is needed to guarantee uniform and prompt resolution of conflicts over jurisdiction. Policy initiatives might involve setting up joint committees, like in other areas, or forming an inter-regulatory forum to regularly address emerging issues. Forums like these would enable regulators to exchange information, collaborate on investigations, and define jurisdictional boundaries quickly, decreasing the chance of contradictory decisions. In addition, upcoming policy efforts may consider the potential for legislative changes to clearly outline the duties of various regulators in new industries, thereby avoiding any regulatory conflicts.

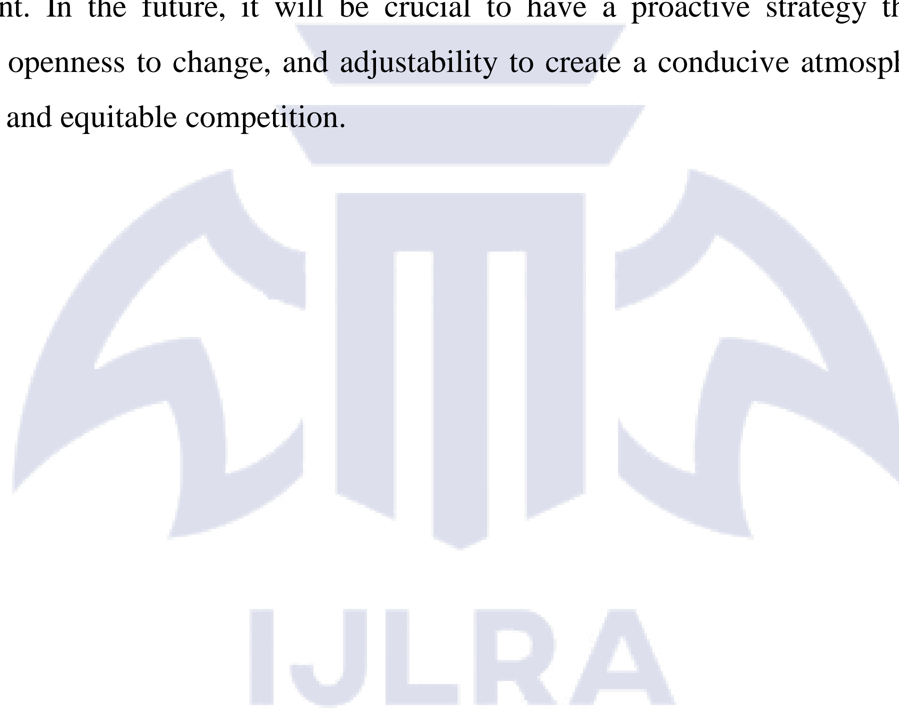
Conclusion

The rise of emerging sectors like fintech, e-commerce, renewable energy, and AI, driven by technological advancements and market convergence, has introduced significant challenges for India’s regulatory framework. As businesses in these sectors transcend traditional industry boundaries, jurisdictional overlaps between the CCI and sectoral regulators are becoming more pronounced. These overlaps have the potential to create regulatory uncertainty, increase compliance costs, and hinder both innovation and competition in the market.

ISSN: 2582-6433

In order to tackle these difficulties, it is essential for future studies and policy making to concentrate on creating regulatory structures that are more adaptable and coordinated to meet the changing demands of new industries. Regulatory sandboxes, data governance frameworks, and formal mechanisms for inter-regulatory coordination are crucial tools for navigating the complexities of these sectors. Moreover, legislative reforms are required to clearly define the responsibilities of various regulators in developing markets, with the goal of reducing jurisdictional conflicts and upholding efficient regulation.

As the Indian economy keeps advancing and expanding, the regulators' capability to foresee and manage jurisdictional overlaps will be crucial in influencing the country's competitive environment. In the future, it will be crucial to have a proactive strategy that promotes teamwork, openness to change, and adjustability to create a conducive atmosphere for both innovation and equitable competition.


IJLRA