



Manas Kumar Chaudhuri

Partner

Ashoka Estate, 12th Floor
24 Barakhamba Road
New Delhi 110 001, India

T: +91 11 4151 5454

F: +91 11 4151 5318

E: manas.chaudhuri@khaitanco.com

Practices:

Competition/Antitrust Law

Education:

B.Sc., M.A. (History)

LL.B., LL.M.,

PG Diploma in International Law,
Institutions & Diplomacy
PG Diploma in Personnel
Management & Industrial
Relations

Professional Affiliations:

Bar Council of West Bengal
Supreme Court Bar Association
Delhi High Court Bar Association,
New Delhi
Competition Law Bar
Association, New Delhi
Member American Bar
Association & IPBA
Competition Law Council of
ASSOCHAM
CII Legal Task Force and
Regulatory Law Committees
Vice Chair IPBA Competition
Law Committee

Manas Kumar Chaudhuri, an anti-trust litigator, advises Indian and overseas clients on Competition Law & Policy and related legal/regulatory issues. He has worked as the first Additional Registrar of the Competition Commission of India and was also associated with the drafting of various statutory Regulations under the Competition Act during his stay in the CCI.

Manas had addressed the members of USIBC and GCR in April 2014 and in March 2017 respectively in Washington DC on cross-border competition law issues with special reference to "cartels". He has also participated as one of the panel speakers on Competition Law in the IPBA Vancouver (2014) and Auckland (2017). He is also a regular guest faculty on Competition Law & Policy with several National Law Universities of India, IICA, Ministry of Corporate Affairs, Government of India and has been appointed as honorary faculty on Competition Law by National Law University Delhi for LL.M batches of 2015-16 & 2016-17.

Prior to joining the profession as a full-time lawyer, Manas has served as a Civil Judge in the West Bengal State Judicial Services. He also worked as the Joint Director (Legal) Monopolies and Restrictive Trade Practices Commission. He is the latest ranked Band 1 Competition Lawyer of India by the Chambers & Partners UK and Legal 500. He is the National Chair of Competition Law Council of the ASSOCHAM and Member of the CII Legal Task Force and Regulatory Law Committees. He has been appointed as the Vice-Chair of the IPBA Competition Law Council for 2018-2020. Besides national and international speaking assignments, he spoke in the 17th ICN Conference held in New Delhi in March 2018 as an Indian NGA and nominated to participate in the VI BRICS Competition Law conference in September 2019 at Moscow.

The Competition Law Team of Khaitan & Co has been ranked as Band 1 by the Chambers & Partners in the latest rankings. It has also been nominated by the Government of India as one of the key external experts to assist the CCI in suggesting amendments to the Competition Act. Manas is one of the NGAs of the CCI in ICN Project.

Manas also argues before the CCI, Appeal Tribunal and higher courts regularly.



Representative Matters:

In his area of expertise, Manas has advised and represented the following clients:

- **GAIL (India) Limited** successfully defended GAIL before the CCI in cases involving allegations of abuse of dominant position;
- **Alkem Laboratories Ltd.** regular advice on competition law issues and successful representation before the COMPAT and the CCI regarding allegations of entering into an anti-competitive agreement;
- **Eveready Industries India Limited** filed a leniency application before the CCI as a second applicant and successfully obtained a 30% reduction in penalty;
- **Lupin Limited** successfully represented Lupin before the COMPAT against the allegations that Lupin had entered an anticompetitive agreement with a regional chemist and druggist association. We are currently representing Lupin before the Supreme Court in appeal;
- **India Glycols Limited** successfully represented the Informant/India Glycols before the CCI in a case involving rigging of tenders by certain sugar mills floated by the public sector oil marketing companies for procurement of ethanol. The CCI imposed penalty on the sugar mills and their trade associations;
- **Akzo Nobel N.V.** filed a pre-merger notice and obtained approval of the CCI for acquisition of the industrial Coatings business of BASF by Akzo Nobel N.V.;
- **FMC Technologies & Technip S.A.** filed a pre-merger notice and obtained approval of the CCI in respect of the merger of FMC Technologies and Technip S.A.;
- **IHH Healthcare Berhad** secured approval of the CCI for the acquisition of shares of Fortis Healthcare Limited and Fortis Malar Hospitals Limited by IHH Healthcare. The transaction involved complex markets with several overlaps in quaternary and multispecialty tertiary hospital services of the parties. We obtained the clearance without a Phase II investigation;
- **British Tobacco** secured pre-merger approval of the CCI for the largest tobacco merger globally. The transaction involved assessing peculiar aspects of the tobacco sector in India;
- **Confidential:** 1. Filed several leniency applications in india;
2. Handled dawn raid conducted by the DG, CCI;
- **Liberty House Group Pte. Limited** secured approval of the CCI for the acquisition of 100% shareholding in Amtek Auto Limited by Liberty House Group pursuant to an Insolvency



and Bankruptcy proceeding. The transaction involved novel challenges of interconnected transactions involving separate and independent acquisitions of subsidiaries and controlled companies of Amtek Auto;

- **ANI Technologies Private Limited** secured approval of the CCI for acquisition of a stake by MacRitchie Investment Pte. Limited. Mr Ankit Bhati, and Mr Bhavish Aggarwal in ANI Technologies. ANI Technologies, amongst other businesses, operates cab and food aggregator businesses under the brand names *Ola* and *Foodpanda* respectively;
- **Flipkart India Limited** acted as co-counsel to Flipkart in securing an unconditional approval of the CCI for Wal-Mart International Holdings, Inc.'s acquisition of up to 77% shareholding in Flipkart. The transaction drew severe scrutiny from the CCI since this was the largest foreign direct investment into India then and several offline trade associations argued for blocking the deal;
- **Inox Leisure Limited** successfully defended Inox before the CCI against the allegations of entering into anticompetitive exclusive distribution and exclusive supply agreements with Hindustan Coca Cola Beverages Private Limited;
- **Shree Cement Limited** representing Shree Cement before the NCLAT and the CCI against the allegations of cartelisation and bid rigging;
- **Merlin Group** successfully defended the Merlin Group, a leading Indian real estate developer, against the allegations of abuse of dominant position and secured a closure order at the preliminary stage itself without any further investigation;
- **Adidas AG (including Reebok International Ltd and three other subsidiaries)** successfully represented before the COMPAT in relation to an alleged anti-competitive agreement;
- **Jasper Infotech Private Ltd (snapdeal.com)** regularly represented the client before the erstwhile COMPAT and the CCI and defended allegations against five e-commerce companies regarding abuse of dominance and anti-competitive vertical agreements including obtaining a *prima facie* order on minimum resale price maintenance;
- **Symantec Corporation** successfully defended Symantec Corporation before the CCI in a case involving allegations of abuse of dominant position and anti-competitive agreements;
- **JSW Steel Limited** successfully defended JSW Steel Limited before the CCI in a case involving allegations of cartelisation in the steel industry;
- **Ceat Limited** successfully defended Ceat Limited before



the CCI in a case involving allegations of cartelisation in the tyre industry; and

- **Indian Jute Mills Association (“IJMA”)** successfully appeared before the COMPAT against the CCI’s finding of cartelisation against IJMA and its certain constituent members. Also, successfully defended certain IJMA officials against the findings of personal liability.

Publications and Presentations:

- **The Delhi HC upholds the validity of final orders of the CCI passed in the absence of a judicial member** published by Lexology & Mondaq;
- **Competition Commission of India exonerates gail (India) limited from allegations of abuse of dominance** published by Lexology & Mondaq;
- **Hyundai NCLAT Decision: The Lack Of Evidence Or Not?** published by Mondaq;
- **Competition Commission of India issues amendments to the Combination Regulations** published by Mondaq;
- **Premium Pricing does not signify dominant position** published by Mondaq & Lexology;
- **International Public Procurement** - India Chapter (October 2018);
- **Etihad, Jet – what of the rest?** Published by The Hindu Business Line;
- **Continued relief for liner shipping industry: India extends exemption until July 2021** published by Mondaq;
- **Meru vs Ola, Uber: CCI wades in to decide if common investors dilutes competition** published by The Economic Times;
- **Supreme Court Clarifies NCLAT's Powers In Appeal** published by Mondaq;
- **M RTP Act to Competition Act: The Way Forward** published by Vikalpa IIM-Ahmedabad - The Journal for Decision Makers - April - June 2016;
- **SC shows CCI the direction on antitrust law** published by The Financial Express; and
- **Untimely end of COMPAT** published by Business Standard

Recognitions and Accomplishments:

- Ranked Band 1 Antitrust Lawyer of India 2019-20 by UK Chambers & Partners and Legal 500.



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Advocates since 1911

- WWL in 2019 says: Manas Kumar Chaudhuri is commended as a “great and sound competition Lawyer” who impresses with his extensive knowledge of competition regulation.