

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

TA (AT) (Competition) No. 03 of 2017
(Old Appeal No. 44 of 2016)

IN THE MATTER OF:

Eli Lilly & Company

...Appellant

Versus

Competition Commission of India

...Respondent

Present:

**For Appellant : Mr. Amit Sibal, Sr. Advocate with Mr. Pranjal Prateek,
Mr. Aman Singh Baroka and Mr. Saksham Dhingra,
Advocates**

For Respondent : Ms. Bulbuli Richang, Deputy Director (Law), CCI

ORDER

31.07.2019: One of the question arises for consideration in this appeal is whether before passing any order under Section 43 of the Competition Act, 2002 the commission is required to notice whether the alleged combination come within the meaning of Section 5 and if so, whether acquirer of company stands exempted in terms of Section 54 r/w circulars issued by Central Government?

Heard the parties. **Judgment reserved.**

It will open to the parties to file short written submissions, not more than three pages by 02nd August, 2019.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)