**FORM III**

**[See regulation 6]**

FORM FOR FILING OF DETAILS OF ACQUISITION UNDER SUB-SECTION (5) OF SECTION 6 OF THE COMPETITION ACT, 2002

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Registration No. (To be assigned by the Competition Commission of India) |   |  |  |  |  |  |  |  |  |  |

1. Particulars of the parties filing details of acquisition :

Legal Name of the party(s) filing details of acquisition:

Principal Business Address (including Country/City/Area Code):

Telephone No.(including Country/City/Area Code):

Mobile No. (including Country/City/Area Code):

Fax No. (including Country/City/Area Code):

E-mail Address:

Website Address:

(in case there are more than one applicants use the same format for additional applicants).

1. Details of acquisition:
2. Describe the acquisition of control, shares (including share subscription or financing facility), voting rights or assets that the party filing details has taken, and the modalities involved therein. Describe the loan, financing facility, investment etc that the parties filing details has given to the entity whose shares, assets or control are being acquired or are liable to be so acquired.
3. Also explain as to how the provisions of sub–section (4) of section 6 of the Act are applicable in this case (attach documents/reports etc).
4. Whether the acquirer/buyer is:
5. public financial institution; or
6. foreign institutional investor; or
7. venture capital fund; or
8. bank.
9. Describe the nature and extent of acquisition and justification to the effect that acquisition attracts the provisions of sub-section (4) of section 6 of the Act.
10. Furnish details of approval by the board of directors of the acquirer or execution of agreement or other document and also whether filing of details is within the time specified, or otherwise, the extent of delay in filing and the reasons thereof.
11. Whether the “acquisition” is subject to foreign filing requirements, and, if yes, list the jurisdictions and furnish the details.
12. Whether details of acquisition being filed is original or corrective, and, in case of latter, indicate the date of original filing and attach a copy thereof.
13. Indicate as to whether: (i) entity to which loan has been given or investment has been made and (ii) any of the party to which the loan has already been given / investment has already been made, are engaged in production, supply, distribution, storage, sales or trade of similar or identical or substitutable “goods”, or provision of “services” and if so, the details thereof.
14. Whether the acquisition of control, shares (including share subscription or financing facility), voting rights or assets that the party filing details has taken, meets the threshold limits as provided in section 5 (a) or (b) of the Act. If yes, describe how either the parties filing details of such acquisition or the group to which the enterprise whose shares, assets, voting rights or control is being acquired shall belong pursuant to such acquisition, meet the thresholds provided under the Act or by way of a notification provided by the Central Government from time to time, based on the audited annual accounts of the financial year immediately preceding the financial year in which the acquisition has taken place. If the annual accounts for the immediate preceding financial year are not audited, furnish the details as per the last audited annual accounts as well as for the annual accounts of the each subsequent year, duly certified by the Managing Director/ Chief Executive Officer/ Chief Financial Officer as per the authorisation of the Board(s) of the parties concerned and supported by the certificate of the Auditor of the enterprises, up to the financial year immediately preceding the year in which the acquisition has taken place.
15. What is the ‘relevant product market’ of the products or services whose control, shares, assets or voting rights have been acquired or are being acquired?
16. What is the ‘relevant geographic market’ of the products or services whose control, shares, assets or voting rights have been acquired or are being acquired?
17. What is the relevant market for the acquisition keeping in view the relevant product market and relevant geographic market?

(In case relevant market has been worked on the basis of some study or is based on market report, the details of the organization which conducted the study and furnished the report and whether the organization which conducted the study and furnished report is a related party and whether any grant has been made to such organization which has given the report may also be furnished.)

1. To determine ‘control’ \*the following information is to be furnished:

|  |  |  |  |
| --- | --- | --- | --- |
| Parties to acquisition | Details of entities exercising control  | Form and manner in which control is exercised. | Details of common Directors / Partners/Co-parceners/ Trustees. |
|  |  |  |  |

\* Note: Furnish details of the nature of direct as well as indirect control as the case may be.

1. Whether, in your opinion, the acquisition of control, shares (including share subscription or financing facility), voting rights or assets is likely to cause or has caused an appreciable adverse effect on competition in the market in India?
2. Any other additional information which, in your opinion, is relevant may be furnished.

DECLARATION

The notifying party declares and confirms that all information given in this Form and all pages annexed hereto is true, correct and completeto the best of its knowledge and belief, and that all estimates are identified as such and are its best estimates based on the underlying facts.

The notifying party is aware of the provisions of sections 44 and 45 of the Act.

Signed by or on behalf of the notifying party

Signature(s)

Name (in block capitals):

Designation:

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[In case there are more than one notifying parties, each party may use the same format.]