



COMPETITION COMMISSION OF INDIA

18th February, 2016

Case No: 03/2016

Filed by: All India Kissan Sabha (AIKS)

**Against: OP-1 Monsanto Inc, USA
OP-2 Maharashtra Hybrid Seeds Company Ltd (Mahyco)
OP-3 Mahyco Monsanto Biotech (India) Limited (MMBL)**

With

Reference Case No: 01/2016

Filed by: Department of Agriculture & Cooperation, State of Telangana

**Against: OP-1 Mahyco Monsanto Biotech (India) Limited (MMBL)
OP-2 Monsanto Inc, USA.
OP-3 Maharashtra Hybrid Seeds Company Ltd (Mahyco)
OP-4 Monsanto Holdings Private Limited (MHPL)**

With

Case No: 10/2016

Filed by: National Seed Association of India (NSAI)

**Against: OP-1 Mahyco Monsanto Biotech (India) Limited (MMBL)
OP-2 Monsanto Holdings Private Limited (MHPL)
OP-3 Monsanto Inc., USA (MIU)
OP-4 Maharashtra Hybrid Seeds Company Ltd (MAHYCO)**



Order under section 26(1) of the Competition Act, 2002

Today, Case No. 10 of 2015 has been listed for the consideration of the Commission. With the permission of the Chair, Case No. 03 of 2016 and Reference case No.01 of 2016 were also considered today.

2. The Information in Case No. 03 of 2016 has been filed under Section 19(1)(a) of the Competition Act, 2002 ('Act') by All India Kisan Sabha (Informant), against Monsanto Inc., U.S.A., Maharashtra Hybrid Seeds Company Ltd. and Mahyco Monsanto Biotech Ltd., alleging, *inter alia*, contravention of the provisions of Sections 3 and 4 of the Act. Subsequently, the Informant has also filed additional documents on 21st January, 2016.

3. Further, Reference Case No. 01 of 2016 has been referred under Section 19(1)(b) of the Act by the Department of Agriculture and Cooperation, State of Telangana against Mahyco Monsanto Biotech India Ltd., Monsanto Inc, U.S.A., Maharashtra Hybrid Seeds Company Private Ltd. and Monsanto Holdings Pvt. Ltd., alleging, *inter alia*, contravention of the provisions of Sections 3 and 4 of the Act.

4. Also, Information in Case No. 10 of 2015 has been filed under Section 19(1) (a) of the Act by National Seed Association of India (Informant) against Mahyco Monsanto Biotech India Ltd., Monsanto Holding Pvt. Ltd. Monsanto Inc., U.S.A., Maharashtra Hybrid Seeds Company Ltd., alleging, *inter alia*, contravention of the provisions of Sections 3 and 4 of the Act.

5. In all these cases, allegations have been made, *inter alia*, in connection with the OPs imposing unreasonable and restrictive clauses in the sub-licensee agreements through which Bt Technology is sub-licensed to the seed manufacturing companies, charging unfair trait values, and leveraging their dominant position in Bt cotton technology market for expanding their presence in Bt cotton seeds market.

6. The Commission notes that it had already passed a common order dated 10th February 2016 under Section 26 (1) of the Act in Ref. Case No. 2 of 2015 and Case No. 107 of 2015, directing the Director General ('DG') to cause an investigation into the issues/allegations that are substantially similar to those raised in the instant cases. The



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Opposite Parties against whom allegations have been made in the instant cases are also the same as in the earlier cases. Therefore, in exercise of the powers conferred under proviso to Section 26(1) of the Act read with Regulation 27 of the Competition Commission of India (General) Regulations, 2009, the Commission decides to club the present cases with Ref. Case No. 2 of 2015 and Case No. 107 of 2015. The DG shall investigate the instant cases along with the other two said cases and file a consolidated investigation report.

7. Further, in view of the rectification allowed *vide* order dated 18th February 2016 in Case No. 107 of 2015, any reference to 'Monsanto Inc. USA' shall be read as 'Monsanto Company'.

8. The Secretary is directed to communicate this order to DG along with copies of the Information/Reference and submissions of the parties, accordingly.

Sd/-
(S. L. Bunker)
Member

Sd/-
(Sudhir Mital)
Member

Sd/-
(Augustine Peter)
Member

Sd/-
(U. C. Nahta)
Member

Sd/-
(Justice G. P. Mittal)
Member

Sd/-
(Devender Kumar Sikri)
Chairperson