

# **Competition Promotion and Market Protection Act, 2063 (2007)**

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## **Act number 35 of the year 2063 (2006/07)**

### **An Act Made to Provide for Promotion of Competition and Protection of Market**

**Preamble:** Whereas, it is expedient to make legal provisions in order to further make national economy more open, liberal, market-oriented and competitive by maintaining fair competition between or among the persons or enterprises producing or distributing goods or services, to enhance national productivity by developing the business capacity of producers or distributors by way of competition, to protect markets against undesirable interference, to encourage to make the produced goods and services available to the consumers at a competitive price by enhancing the quality of goods or services by way of controlling monopoly and restrictive trade practices, and to maintain the economic interests and decency of the general public by doing away with possible unfair competition in trade practices;

Now, therefore, be it enacted by the House of Representatives in the First Year of the issuance of the Proclamation of the House of Representatives, 2063(2006).

## **Chapter - 1**

### **Preliminary**

**1. Short title, extension and commencement:** (1) This Act may be called "Competition Promotion and Market Protection Act, 2063 (2007)."

(2) This Act shall extend to the whole of the State of Nepal, and shall also apply to any person who commits an act contrary to this Act in any place outside Nepal.

(3) This Act shall come into force immediately.

**2. Definitions:** Unless the subject or the context otherwise requires, in this Act,-

(a) "chairperson" means the chairperson of the Board;

- (b) “enterprise” means any firm, company or corporate body who is engaged in the production or distribution of any goods or services, and this expression also includes any subsidiary or affiliate firm, company or body controlled directly or indirectly by such firm, company or body;
- (c) “Board” means the competition promotion and market promotion board as referred to in Section 12;
- (d) “tender” means a bid or offer submitted or made by any person or enterprise in a sealed envelope in such form as prescribed by any body or entity in response to a notice published by such body or entity for the procurement of any goods, construction work or repair or maintenance of construction work or services, and this expression also includes unit price schedule and document pertaining thereto or a quotation with price rate;
- (e) “advertisement” means any information made publicly for market promotion or publicity of any goods or services;
- (f) “member” means a member of the Board, and this expression also includes the chairperson and member secretary of the Board;
- (g) “agreement” means any contract, agreement, arrangement or understanding entered into between two or more than two persons or enterprises to do or not to do any thing, which has been entered into verbally or in writing or by conduct and which is enforceable or unenforceable under the laws in force, and this expression also includes any decision or recommendation made between such persons or enterprises;
- (h) “Court” means the commercial bench of such a court as designated by the Government of Nepal, in consultation with the Supreme Court, by a notification in the Nepal Gazette;
- (i) “market protection officer” means the market protection officer referred to in Section 22;

- (j) “sale price” means a value, any kind of rent, insurance, fee, interest rate, exchange rate, premium or any other amount of a similar kind received in consideration for the production or distribution of any goods or services; and
- (k) “prescribed” or “as prescribed” means prescribed or as prescribed by the Rules framed under this Act.

## **Chapter-2**

### **Anti-Competitive Practices**

3. **Prohibition on anti-competitive agreements:** (1) No person or enterprise that produces or distributes any goods or services shall, with an intention to limit or control competition, enter into, or cause to be entered into individually or collectively, any agreement with any other person or enterprise that produces the identical or similar goods or services.
- (a) directly or indirectly determines purchase or sale prices of any goods or services or specifies the terms of purchase and sale of such goods or services;
  - (b) limits or controls production, distribution or markets of any goods or services or limits or controls investment to be made for the technical development or advancement thereof;
  - (c) limits or controls the over all quantity of the production or distribution of any goods or services or reduce the retail consumption quantity of such goods or quality thereof;
  - (d) restrains the sale and distribution of such goods or services in any particular place or restricts or causes to restrict the sale and distribution thereof to any particular place only;
  - (e) restrains the purchase, sale or distribution of the goods or services of any other person or enterprise producing or distribution identical or similar goods or services or prevents that entry of such goods or services in the market in such a manner so as to promote the market of

only the goods or services produced or distributed by any particular person or enterprise;

- (f) allocates the market, mutually, between the persons or enterprises that produce or distribute any goods or services;
- (g) provides for the production or distribution of any goods or services on a rotational basis or determines quota for the production or distribution of such goods or services;
- (h) specifies different prices any goods or services for the purchase, sale or distribution of such goods or services or specifies different terms and conditions of the purchase, sale or distribution thereof without any reasonable cause;
- (i) provides for the submission of tenders or quotations through mutual agreement or submission of tenders or quotations offering the same price or other details, in response to an invitation to tenders or quotation made publicly;
- (j) applies a syndicate system in the transportation or distribution of goods or services;
- (k) provides for doing or causing to be done any other acts as prescribed.

(2) \*With prejudice to the generality of Sub-section (1), no two or more than two persons or enterprises that produce or distribute any goods or produce, distribute or operate any services shall, in association with any body or by way of adopting any other measure, enter into any type of agreement which restrains another person or enterprise from producing, distributing or operating such goods or services in the area where those persons or enterprises are producing, distributing or operating such goods or services or requires that such other person or enterprise should be associated with such persons or enterprises or involved in such measure or should comply with any terms and conditions

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\* Amended by The Act Amending Some Nepal Acts, 2064

specified by such agreement or measure in order to produce, distribute or operate such goods or services.

(3) Any agreement entered into in contravention of Sub-section (1) shall, ipso facto, be void.

4. **Prohibition on abuse of dominant position:** (1) No enterprise holding dominant position shall abuse, or cause to be abuse, such position with intent to control competition in the production and distribution of any goods by that enterprise or through its affiliation .

**Explanation:** For the purposes of this Section, the expression “dominant Position” means a position of strength enjoyed by any person or enterprise that produces or distributes any goods or services, whereby such person or enterprise holds, either individually or jointly with another enterprise that produces or distributes the identical or similar goods or services, at least forty percent or more of the annual production or distribution of such goods or services within the State of Nepal or a position of strength which enables such person or enterprise, either individually or jointly with another person or enterprise that produces or distributes the identical or similar goods or services, to affect the relevant market or to implement its decision independently.

(2) \*With prejudice to the generality of Sub-section (1), if an enterprise holding dominant position does any of the following acts in the State of Nepal or any area of the State of Nepal, it shall be deemed to have abused its dominant position:

- (a) preventing or restraining any goods or services produced or imported by another person or enterprise that produces or distributes identical or similar goods or services from entering into the market of its goods or services;
- (b) limiting or controlling the production or distribution of any goods or services which is likely to decrease the market supplies for any

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\* Amended by The Act Amending Some Nepal Acts, 2064

reasonable cause or limiting or controlling investment to be made for the development of technology related to the production or distribution of such goods or services;

- (c) without any reasonable cause, fixing different prices in purchase or sale of any goods or services in the market of the same geographical area or prescribing additional terms and conditions of sale or purchase of such goods or services;
- (d) prescribing the price of the goods or services produced by it in such a manner so as to prevent competition in the market, directly or indirectly;

Provided that nothing contained in this clause shall be deemed to be prejudicial to the fixation of the price of such goods or services or alteration in the price of such goods or services by the concerned enterprise, by obtaining prior approval of the Government of Nepal or the competent authority under the laws in force.

- (e) without any reasonable cause, reducing the quantity of the goods or services that it produces or distributes or reducing the quality of such goods or services in a manner to be prejudicial to the consumers;
- (f) in the production or distribution of any goods or services, prescribing any terms and conditions which are unnecessary or irrelevant with such goods or services.

(3) Notwithstanding anything contained in Sub-section (2), where any of the following acts is proved to have resulted in the commission of any of the acts referred to in that Sub-section, it shall not be deemed to be an abuse of dominant position:

- (a) doing any activity by any person or enterprise holding dominant position in order to enhance the quality of the goods or services

that such person or enterprise has been produced or distributed or to improve technical standards thereof and the results achieved from such activity are applied in the interests of consumers of such goods or services;

(b) doing any act for the protection or enforcement of any kind of intellectual property owned by any person under the laws in force.

(4) For the purposes of this Section, the Board shall prepare a list of enterprises which produce or distribute various goods or services and hold dominant position and publish the list publicly from time to time.

(5) Such enterprises shall be deemed to continue to hold dominant position until the list referred to in Sub-section (4) is altered.

5. **Prohibition on merger or amalgamation with intent to control**

**competition:** No enterprise that produces or distributes any goods or services shall, with intent to maintain monopoly or restrictive trade practices in the market, merge or amalgamate with another enterprise that produces or distributes the similar or identical goods or services or purchase, either singly or jointly with its subsidiary enterprise, fifty percent or more of the shares of such enterprise or take over the business of such enterprise.

**Explanation:** For the purposes of this Section, where a merger, amalgamation, share purchase or take over of persons or enterprises that produce or distribute any goods or services of a similar nature results in more than forty percent of the production or distribution of the total production or distribution of such goods or services within the State of Nepal, such merger, amalgamation or take over shall be deemed to have been made with intent to control competition.

6. **Prohibition on bid rigging:** (1) No bidder submitting tender in response to an invitation to tender made by an entity publicly shall not commit bid rigging by doing any of the following acts:

(a) entering into an agreement which provides that any bidder shall not submit a tender or only one bidder shall submit a tender or all

bidders shall submit tenders with similar price or details, directly or indirectly;

- (b) mutual sharing of information to be set forth in tender or other matters with bidders prior to the submission of tenders;
- (c) submitting tenders by mutual agreement so that the tender of any one bidder can be accepted.

(2) Notwithstanding anything contained elsewhere in this Section, the mutual exchange of information of information relating to tender between an enterprise and a subsidiary of such enterprise shall not be deemed to be a bid rigging referred to in Sub-section (1).

7. **Prohibition on exclusive dealing:** (1) A person or enterprise that produces or distributes any goods or services shall not make, or cause to be made, an exclusive dealing of such goods or services.

**Explanation:** For the purposes of this Section, where any enterprise produces or distributes any goods or services by prescribing any of the following terms and conditions, such enterprise shall be deemed to have made an exclusive dealing:

- (a) restraining from purchasing the similar or identical goods or services produced or distributed by another person or enterprise other than the goods or services produced or distributed by any person or enterprise or doing any relevant transaction with such person or enterprise;
- (b) supplying goods or services on more favorable terms and conditions if the purchase, sale or transaction of such goods or services is made subject to the terms and conditions referred to in Clause (a).

(2) Notwithstanding anything contained in Sub-section (1), an exclusive dealing shall not be deemed to have been made where any enterprise makes a provision that any goods or services can be obtained from its principal or subsidiary enterprise only or that its goods or services are distributed through its authorized seller or agency.



8. **Prohibition on market restriction:** No person or enterprise that produces or distributes any goods or services shall do, or cause to be done, any transaction in such a manner as to restrict the market of the production or distribution of such goods or services.

**Explanation:** Where a person or enterprise that produces or distributes any goods or services supplies such goods or services to any seller, dealer, trader or enterprise on the condition that such goods or services shall be produced or distributed only in any certain market specified by such person or enterprise or that reimbursement of compensation shall be claimed if such goods or services are distributed in any place other than the certain market as specified by such person or enterprise.

9. **Prohibition on tied selling:** No person or enterprise that sells any goods or services shall engage in tied selling.

**Explanation:** For the purposes of this Section, where any person or enterprise sells and distributes any goods or services on any of the following conditions, such person or enterprise shall be deemed to be engaged in tied selling:

- (a) requirement that a purchaser of any goods or services shall also purchase any other goods or services produced or distributed by such person or enterprise or such person or enterprise as may be specified by that person or enterprise;
- (b) requirement that any goods or services procured pursuant to Clause (a) shall not be used, sold or distributed in combination with any goods or services produced or distributed by any person or enterprise other than the person or enterprise that produces or distributes such goods or services or such person or enterprise as may be specified by such person or enterprise;
- (c) distribution of goods or services on more favorable terms and conditions if the use, sale or distribution of such goods or services

is made subject to the terms and conditions referred to in Clause (a) or (b).

10. **Prohibition on misleading advertisement:** (1) No person or enterprise that produces or distributes any goods or services shall do, or cause to be done, any misleading advertisement with intent to control or limit competition.

**Explanation:** For the purposes of this Section, where any person or enterprise does any of the following acts, such person or enterprise shall be deemed to be engaged in a misleading advertisement:

- (a) doing an advertisement supplying misleading or false statements deviating from the actual quality, quantity or price of any goods or services;
- (b) promoting market by doing misleading or false advertisement about the warranty, benefits, characteristics or durability of any goods or services;
- (c) doing a misleading or false advertisement in such a manner as to prejudice the market of any goods or services produced or distributed by any person or enterprise or against such goods or services;
- (d) selling, distributing any goods or services at a price higher than the price set forth in the advertisement.

11. **Non-applicability of this Act:** Notwithstanding anything contained elsewhere in this Chapter, this Act, except the provisions contained in Section 10, shall not apply to the following business or trade activities:

- (a) business relating to cottage and small industries as referred to in the Industrial Enterprises Act, 2049(1991);
- (b) agricultural products produced by such small farmers as prescribed, and agricultural cooperative business;
- (c) procurement of raw materials;
- (d) export business;
- (e) activity to be done for the labor's right to collective bargaining;
- (f) research and development related activity;

- (g) management collaboration;
- (h) collaboration made for organizational and procedural improvements intended to enhance trade capacity.

### **Chapter-3**

#### **Constitution, and Functions, Duties and Powers of Board**

**12. Constitution of Board:** (1) A Competition Promotion and Market Protection Board is hereby constituted in order to enhance fair competition in market by protecting the market.

(2) The Board referred to in Sub-section (1) shall consist of the following members:

- (a) Secretary, Ministry of Industries, Commerce and Supplies  
Chairperson
- (b) Representative, Ministry of Law, Justice and Parliamentary Affairs  
Member
- (c) Representative, Ministry of Finance  
Member
- (d) Representative, Ministry of Industries, Commerce and Supplies  
Member
- (e) Two persons nominated by the Government of Nepal from amongst the persons engaged in organizations relating to industry and commerce  
Member
- (f) Four persons consisting of at least one woman nominated by the Government of Nepal from amongst the persons engaged in organizations relating to the rights and interests of consumers  
Member
- (g) Director General, Department of Commerce  
Member  
Secretary

(2) The tenure of office of the members nominated pursuant to Sub-section (2) shall be two years.

(3) Notwithstanding anything contained in Sub-section (3), where the performance of any member does not appear to be satisfactory, the Government of Nepal may, assigning the reason therefor, remove such member from the office of member of the Board at any time.

**13. Meeting and decision of Board:** (1) The Board shall meet as per necessity.

(2) The Board shall hold its meeting at such place, time and date as may be specified by the chairperson.

(3) The presence of more than fifty percent members of the total number of members of the Board shall be deemed to constitute a quorum for a meeting of the Board.

(4) The meeting of the Board shall be presided over by the chairperson and by the member selected by the attending members from amongst themselves in the absence the chairperson.

(5) The majority decision shall prevail in the meeting of the Board and in the case of a tie, the chairperson may exercise the casting vote.

(6) The decisions of the Board shall be authenticated by the member secretary of the Board.

(7) Where the Board considers necessary, it may invite any expert in the field concerned to participate, as an observer, in the meeting of the Board.

(8) Other procedures relating to the meeting of the Board shall be as determined by the Board itself.

**14. Functions, duties and powers of Board:** The functions, duties and powers of the Board shall, in addition to the functions, duties and powers mentioned elsewhere in this Act, be as follows:

- (a) to formulate such policies as to be pursued in relation to the maintenance of fair competition and submit the same to the Government;

- (b) if deemed necessary, to review law relating to competition and make suggestions to the Government of Nepal for necessary improvement in the law;
- (c) to raise public awareness about positive impacts of fair competition in economy and negative impacts of anti-competitive practices;
- (d) to give necessary suggestions to the Government of Nepal in relation to the economic condition, status of trade of the country, and acts required to be done for the enhancement of fair competition in the market and of the interests of consumers;
- (e) to identify the problems with the enhancement of fair competition in the market and give suggestions to the concerned body for the resolution of such problems;
- (f) to have collaboration with the private sector for the promotion of fair competition in the market;
- (g) to do, or cause to be done, such study and research work as may be required for the promotion of fair competition in the market;
- (h) to formulate an action plan for the promotion of fair competition;
- (i) to carry out, or cause to be carried out, inspection, monitoring and inquiry as to whether any anti-competitive activity has been done by any one;
- (j) where it appears from an inspection, monitoring and inquiry carried out pursuant to clause (h) that any anti-competitive activity has been done by any person, to cause such person to stop such activity immediately;
- (k) to form committees as required in relation to the functions required to be performed by the Board;
- (l) to perform, or cause to be performed, such other functions as may be required in relation to the maintenance of fair competition.

15. **Meeting allowance:** The chairperson and members shall be entitled to such meeting allowance as may be prescribed for taking part in a meeting of the Board.
16. **Secretariat of Board:** The Department of Commerce shall act as the secretariat of the Board.

## **Chapter-4**

### **Provisions Relating to Offence and Punishment**

17. **Offence against fair competition deemed to be committed:** Where any person or enterprise does, or causes to be done, any of the activities contrary to Chapter-2, such person or enterprise shall be deemed to have committed, or caused the commission of, an offence against fair competition.
18. **Punishment:** (1) Any person or enterprise who does, or causes to be done, any of the following activities shall be liable to punishment as follows, according to the degree of offence:
  - (a) where any person or enterprise does, or causes to be done, any activity contrary to Section 3, 4 or 5, such activity shall be void, and such person or enterprise shall be punishable with a fine not exceeding five hundred thousand rupees;
  - (b) where any person or enterprise does, or causes to be done, any activity contrary to Sub-section (1) of Section 6, such activity shall be void, and such person or enterprise shall be punishable with a fine not exceeding three hundred thousand rupees;
  - (c) where any person or enterprise does, or causes to be done, any activity contrary to Section 7, such person or enterprise shall be punishable with a fine not exceeding one hundred thousand rupees;

- (d) where any person or enterprise does, or causes to be done, any activity contrary to Section 8, such person or enterprise shall be punishable with a fine not exceeding fifty thousand rupees;
- (e) where any person or enterprise does, or causes to be done, any activity contrary to Section 9 or 10, such person or enterprise shall be punishable with a fine not exceeding twenty five thousand rupees;
- (f) where any person or enterprise does, or causes to be done, any activity contrary to this Act or the Rules framed under this Act, other than those mentioned in Clauses (a), (b), (c), (d) and (e), such person or enterprise shall be punishable with a fine not exceeding ten thousand rupees.

(2) Where any person or enterprise who has been punished pursuant to Sub-section (1) repeats the commission of any offence under this Act, such person or enterprise shall be punished with a fine that is two-fold of the fine to be imposed under that sub-section.

(3) Where any activity referred to in Sub-section (1) has been done in pursuance of any agreement, such agreement shall also be void.

(4) Where it is held that any person has made a false complaint with intent to cause any loss or damage or suffering to any person or enterprise, such person shall be punishable with a fine not exceeding ten thousand rupees.

**19. Punishment to one who causes obstruction:** Where any person causes obstruction in any act or action pertaining to investigation of and inquiry into any offence under this Act, the Court may, based on a report of the market protection officer, punish such person with a fine not exceeding twenty five thousand rupees.

**20. Person in charge to be deemed to have committed offence:** Where any firm, company or corporate body does any act that constitutes an offence under this Act, in the case of the firm, the partners of the firm existing at the time such

offence was committed, and in the case of the company or corporate body, a person in charge of the company or body for the conduct of such company or body shall be deemed to have committed the offence.

Provided that where it is proved that such act was done prior to the appointment of the person in charge or the decision to do that act was made without the consent of the person in charge, any one who did such act shall be deemed to have committed the offence.

**Explanation:** For the purposes of this Section, the expression “person in charge” means the chairperson, member of the board of directors, general manager, managing director of a company or body corporate or any person who acts in that capacity.

**21. Lesser punishment:** (1) Where, in the course of carrying out investigation of and inquiry into an offence, any person or enterprise related with such offence renders assistance as follows, the market protection officer may, while filing a case, make a demand to the Court for full or partial exemption from the punishment that can be imposed on such person or enterprise pursuant to Section 18:

- (a) information or notice was given about such offence prior to the initiation of investigation and inquiry;
- (b) where such important evidence or information has been provided as the investigating authority has not been able to discover it in the course of investigation and inquiry;
- (c) any other special assistance has been rendered in the proceedings of investigation and inquiry.

(2) Where the demand for exemption from punishment made by the market protection officer pursuant to Sub-section (1) appears to be reasonable, the Court may make full or partial exemption from the punishment that can be imposed under this Act on the person or enterprise who commits an offence.



(3) Notwithstanding anything contained in Sub-section (2), any person or enterprise involved in an offence shall not be exempted from the liability to pay compensation pursuant to Section 29.

## **Chapter-5**

### **Provisions Relating to Investigation and Filing of Cases**

**22. Designation of market protection officer:** (1) The Government of Nepal may, by notification in the Nepal Gazette, designate any officer employee as the market protection officer in any required district of the State of Nepal for investigating and inquiring cases relating to any offences punishable under this Act and filing cases in the Court.

(2) The qualification and other functions, duties and powers of the market protection officer shall be as prescribed.

**23. Filing of complaints:** (1) Where any person or enterprise does any act in contravention of this Act, any person who has the information of such contravention may make a complaint, accompanied by the information, proof or evidence that such person has to the Board or the market protection officer.

(2) Where any person making a complaint pursuant to Sub-section (1) wishes to keep his or her name secret, the name of such person shall be kept secret.

**24. Investigation and filing of cases:** (1) Where a complaint is received pursuant to Section 23 as to the commission of any offence punishable under this Act or information as to such commission is received from any other source, the market protection officer shall make investigation of and inquiry into that case.

(2) Notwithstanding anything contained in Sub-section (1), where a complaint is made to the Board pursuant to Section 23 as to the commission of any offence punishable under this Act, the Board may send such complaint to any market protection officer for necessary action or make investigation of or

inquiry into such offence on its own by forming a sub-committee for that purpose.

(3) Where a person making a complaint pursuant to Section 23 provides additional evidence or information in the course of investigation of or inquiry into the offence, the investigating or inquiring authority shall make such investigation or inquiry also having regard to such evidence or information.

(4) Where any case is investigated or inquired into by a sub-committee pursuant to Sub-section (1), the Board shall, upon completion of the investigation of and inquiry into such case, order any market protection officer to file a case in the Court.

(5) The market protection officer shall file the case in the Court no later than thirty five days after the date of completion of the investigation of and inquiry into the case pursuant to Sub-section (1) or after the date of receipt of order from the Board to file the case pursuant to Sub-section (4).

(6) In filing the case pursuant to Sub-section (5), the market protection officer shall consult the government attorney.

(7) Any case filed in the Court pursuant to Sub-section (5) shall be pleaded and defended by the government attorney.

**25. Power to inspect, inquire or search:** (1) Where there is a reasonable ground to believe that any person is doing any act in contravention of this Act or the Rules framed under this Act or a complaint is received in relation thereto pursuant to Section 23, the market protection officer or sub-committee formed by the Board may inspect, inquire or search the concerned place.

(2) The procedures to be followed while making inspection, inquiry or search pursuant to Sub-section (1) shall be as prescribed.

**26. To be state case:** Any case related with any offence under this Act shall be a state case.

**27. Power to seek assistance of expert:** Where it is necessary to seek assistance of an expert in the concerned field in the course of investigation of and inquiry

into any offence in view of the nature or gravity of such offence, the investigating sub-committee or market protection officer may seek the service of the concerned expert.

**28. Trial and settlement of case:** (1) The Court shall have the power to try and settle cases under this Act.

(2) The Court shall, while trying and settling cases filed under this Act, follow the procedures set forth in the Summary Procedures Act, 2028(---).

## **Chapter-6**

### **Miscellaneous**

**29. Compensation:** (1) Where any person suffers any kind of loss or damage as a result of the commission by any person or enterprise of any offence under this Act, that person may make a petition to the Court for the award of compensation for such loss or damage.

(2) Where, upon taking action on the petition made pursuant to Sub-section (1), it appears that compensation should be awarded, the Court shall ascertain the loss or damage and award the compensation from the person or enterprise so causing loss or damage to the petitioner.

**30. Special power of Government of Nepal:** Notwithstanding anything contained elsewhere in this Act, where there arises or it is likely to arise any crisis in the production or distribution of any goods or services throughout the State of Nepal or any specific area of the State of Nepal, in view of the situation of the supply and distribution of any goods or services, the Government of Nepal may, by notification in the Nepal Gazette, issue necessary orders waiving the application of any provisions contained in Chapter-2 in such area and for such period as specified in that notification.

Provided that any provision made and any order issued by the Government of Nepal in relation to supply and distribution prior to the commencement of this Act shall be deemed to have been made and issued under this Act.

31. **Power to make order to stop/stay activity:** Where the Court is informed by the market protection officer or Board that an immediate serious adverse condition may arise in the supply or distribution of any goods or services in the market unless any activity about to be done by person in contravention of this Act is stopped immediately and where the Court is satisfied with that matter, the Court may issue an order to stop such activity immediately.
32. **Power to make provisions to prevent abuse of intellectual property:**  
Where the owner of any intellectual property prejudices fair competition by abusing his or her intellectual property or does any act contrary to the rights and interests of consumers, the Government of Nepal may make necessary provisions in that respect.
33. **Not to interfere with institution of cases under the laws in force:** Where any act that constitutes an offence under this Act is also deemed to be an offence under any other laws in force, nothing contained in this Act shall be deemed to interfere with the institution of any case under such other laws in force.
34. **Power to give reward:** Where any information given to the Board or market protection officer that any offence has been committed or about to be committed by any person in contravention of this Act is held to be true on the final settlement of the case by the Court, the Board may give appropriate reward to such informer.
35. **Duty to render assistance:** It shall be the duty of all the concerned to render necessary assistance to the Board, sub-committee formed by the Board or market protection officer in making investigation of and inquiry into any offence under this Act.

- 36. Secrecy of information:** The Board or market protection officer shall keep secret such business transaction and information that the Board or officer receives in the course of making inspection, monitoring, investigation or inquiry pursuant to this Act.  
Provided that any referral to such transaction and information in the course of discharging own functions or provision of information of public importance shall not be deemed to be a breach of secrecy.
- 37. Delegation of power:** Competition Promotion and Market Protection Act, 2063 (2007) The Board may, as per necessity, delegate any of the powers conferred on it to the chairperson, member, member secretary of the Board, any committee formed pursuant to this Act or any officer employee of the Government of Nepal.
- 38. Annual report:** (1) The Board shall submit an annual report containing its activities to the Government of Nepal within sixty days after the date of completion of each financial year.  
(2) The Government of Nepal may make public the annual report submitted pursuant to Sub-section (1).
- 39. Powers to frame rules:** The Government of Nepal may frame necessary rules in order to implement the objective of this Act.