

Amendments for CA (Final) Nov. 2010 Exams.

Recent amendments in the past are detailed below:

<i>Sl. No.</i>	<i>Chapter</i>	<i>Relevant Amendment</i>	<i>Amendment already incorporated in –</i>	<i>Source of Amendment</i>
1.	The Prevention of Money Laundering Act, 2002	The Prevention of Money Laundering (Amendment) Act, 2009 ▪ Amendment of Sec. 2(1)(y) ▪ Amendment of Sec. 12 ▪ Amendment in Schedule	▪ A Handbook on Corporate and Allied Laws – 7th Edition & 8th Edition ▪ Corporate and Allied Laws – 10th Edition & 11th Edition ▪ Workbook (Class Notes) – Nov. 09 Batch, April, 10 Batch and June, 10 Batch	Annexure 1 (Given below in this file on Page 2)
2.	The Competition Act, 2002	The Competition (Amendment) Act, 2009 ▪ Amendment of Sec. 66 (Not relevant from Exam. Point of view)	▪ Corporate and Allied Laws – 10th Edition & 11th Edition	Annexure 2 (Given below in this file on Page 11)
3.	SEBI (ICDR) Regulations	▪ SEBI (ICDR) (Amendment) Regulations, 2009 ▪ SEBI (ICDR) (Amendment) Regulations, 2010 ▪ SEBI (ICDR) (Second Amendment) Regulations, 2010 ▪ SEBI (ICDR) (Third Amendment) Regulations, 2010	▪ Corporate and Allied Laws – 11th Edition	Refer Chapter 24 of the Book ‘Corporate and Allied Laws – 11th Edition ’ (Q 20 to Q 42)
4.	The Competition Act, 2002	New Sections notified: Sec. 3, 4, 5, 6, 19, 20, 27, 28, 29, 30, 31, 33, 35, 38, 39, 66 (List of relevant sections from Exam. Point of view)	▪ A Handbook on Corporate and Allied Laws – 7th Edition & 8th Edition ▪ Corporate and Allied Laws – 10th Edition & 11th Edition ▪ Workbook (Class Notes) – Nov. 09 Batch, April, 10 Batch and June, 10 Batch	▪ Refer Chapter 26 of the Book ‘Corporate and Allied Laws – 10th Edition or 11th Edition’ (Q 24 to Q 37) ▪ Refer Chapter 26 of the Book ‘A Handbook on Corporate and Allied Laws – 7th Edition or 8th Edition’ (Topic 26.20 to 26.32)

Annexure 1

Amendment of Sec. 2(1)(y)

Scheduled Offence [Section 2(1)(y)]

Scheduled offence means –

- (i) the offences specified under Part A of the Schedule; or
- (ii) the offences specified under Part B of the Schedule if the total value involved in such offences is Rs. 30 Lakhs or more; or
- (iii) the offences specified under Part C of the Schedule.

Amendment of Sec. 12

Banking companies, financial institutions and intermediaries to maintain records (Section 12)

Q 5. What are the obligations of Banking Companies, Financial Institutions and Intermediaries with respect to maintenance of accounts?

OR

Enumerate the obligations of banking companies under the Prevention of Money Laundering Act, 2002.

[CA (Final), Nov. 2008 (New Course)]

Ans. The obligations of Banking Companies, Financial Institutions and Intermediaries with respect to maintenance of accounts is explained below:

1. Duties of Banking companies, Financial Institutions and Intermediaries [Section 12(1)]

Every banking company or financial institution and intermediary shall –

- (a) maintain a record of all transactions, the nature and value of which may be prescribed, whether such transactions comprise of a single transaction or a series of transactions integrally connected to each other, and where such series of transactions take place within 1 month;
- (b) furnish information of transactions referred to in clause (a) to the Director within such time as may be prescribed;
- (c) verify and maintain the records of the identity of all its clients, in such a manner as may be prescribed.

2. Furnishing of information where transaction(s) below the prescribed value are suspicious [Proviso to Section 12(1)]

Where the principal officer of a banking company or financial institution or intermediary, as the case may be, has reason to believe that a single transaction or series of transactions integrally connected to each other have been valued below the prescribed value so as to defeat the provisions of this section, such officer shall furnish information in respect of such transactions to the Director within the prescribed time.

3. Period of maintenance of records [Section 12(2)]

- (a) The records referred to in clause (a) of sub-section (1) shall be maintained for a period of 10 years from the date of transactions between the clients and the banking company or financial institution or intermediary, as the case may be.
- (b) The records referred to in clause (c) of sub-section (1) shall be maintained for a period of 10 years from the date of cessation of transactions between the clients and the banking company or financial institution or intermediary, as the case may be.

The Central Government may, in consultation with the Reserve Bank of India, prescribe the procedure and the manner of maintaining and furnishing information under sub-section (1) of section 12 for the purpose of implementing the provisions of this Act (Section 15).

Amendment in Schedule

THE SCHEDULE

[See section 2(y)]

PART A

PARAGRAPH 1

OFFENCES UNDER THE INDIAN PENAL CODE

<i>Section</i>	<i>Description of offence</i>
121	Waging, or attempting to wage war or abetting waging of war, against the Government of India.
121A	Conspiracy to commit offences punishable by section 121 against the State.
489A	Counterfeiting currency notes or bank notes.
489B	Using as genuine, forged or counterfeit currency notes or bank notes.

PARAGRAPH 2

OFFENCES UNDER THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985

<i>Section</i>	<i>Description of offence</i>
15	Contravention in relation to poppy straw.
16	Contravention in relation to coca plant and coca leaves.
17	Contravention in relation to prepared opium.
18	Contravention in relation to opium poppy and opium.
19	Embezzlement of opium by cultivator.
20	Contravention in relation to cannabis plant and cannabis.
21	Contravention in relation to manufactured drugs and preparations.
22	Contravention in relation to psychotropic substances.
23	Illegal import into India, export from India to transshipment of narcotic drugs and psychotropic substances.
24	External dealings in narcotic drugs and psychotropic substances in contravention of section 12 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
25A	Contravention of orders made under section 9A of the Narcotic Drugs and Psychotropic Substances Act, 1985.
27A	Financing illicit traffic and harbouring offenders.
29	Abetment and criminal conspiracy.

PARAGRAPH 3
OFFENCES UNDER THE EXPLOSIVE SUBSTANCES ACT, 1908

<i>Section</i>	<i>Description of offence</i>
3	Causing explosion likely to endanger life or property.
4	Attempt to cause explosion, or for making or keeping explosives with intent to endanger life or property.
5	Making or possessing explosives under suspicious circumstances.

PARAGRAPH 4
OFFENCES UNDER THE UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967

<i>Section</i>	<i>Description of offence</i>
10 read with section 3	Penalty for being member of an unlawful association, etc.
11 read with sections 3 and 7	Penalty for dealing with funds of an unlawful association.
13 read with section 3	Punishment for unlawful activities.
16 read with section 15	Punishment for terrorist act.
16A	Punishment for making demands of radioactive substances, nuclear devices, etc.
17	Punishment for raising fund for terrorist act.
18	Punishment for conspiracy, etc.
18A	Punishment for organising of terrorist camps.
18B	Punishment for recruiting of any person or persons for terrorist act.
19	Punishment for harbouring, etc.
20	Punishment for being member of terrorist gang or organisation.
21	Punishment for holding proceeds of terrorism.
38	Offence relating to membership of a terrorist organisation.
39	Offence relating to support given to a terrorist organisation.
40	Offence of raising fund for a terrorist organisation.

PART B
PARAGRAPH 1
OFFENCES UNDER THE INDIAN PENAL CODE

<i>Section</i>	<i>Description of offence</i>
120B	Criminal conspiracy.
255	Counterfeiting Government stamp.
257	Making or selling instrument for counterfeiting Government stamp.
258	Sale of counterfeit Government stamp.
259	Having possession of counterfeit Government stamp.
260	Using as genuine a Government stamp known to be counterfeit.
302	Murder.

304	Punishment for culpable homicide not amounting to murder.
307	Attempt to murder.
308	Attempt to commit culpable homicide.
327	Voluntarily causing hurt to extort property, or to constrain to an illegal act.
329	Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.
364A	Kidnapping for ransom, etc.
384 to 389	Offences relating to extortion.
392 to 402	Offences relating to robbery and dacoity.
411	Dishonestly receiving stolen property.
412	Dishonestly receiving property stolen in the commission of a dacoity.
413	Habitually dealing in stolen property.
414	Assisting in concealment of stolen property.
417	Punishment for cheating.
418	Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect.
419	Punishment for cheating by personation.
420	Cheating and dishonestly inducing delivery of properties.
421	Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors.
422	Dishonestly or fraudulently preventing debt being available for creditors.
423	Dishonest or fraudulent execution of deed of transfer containing false statement of consideration.
424	Dishonest or fraudulent removal or concealment of property.
467	Forgery of valuable security, will, etc.,
471	Using as genuine a forged document or electronic record.
472 and 473	Making or possessing counterfeit seal, etc., with intent to commit forgery.
475 and 476	Counterfeiting device or mark.
481	Using a false property mark.
482	Punishment for using a false property mark.
483	Counterfeiting a property mark used by another.
484	Counterfeiting a mark used by a public servant.
485	Making or possession of any instrument for counterfeiting a property mark.
486	Selling goods marked with a counterfeit property mark.
487	Making a false mark upon any receptacle containing goods.
488	Punishment for making use of any such false mark

PARAGRAPH 2
OFFENCES UNDER THE ARMS ACT, 1959

<i>Section</i>	<i>Description of offence</i>
25	To manufacture, sell, transfer, convert, repair or test or prove or expose or offer for sale or transfer or have in his possession for sale, transfer, conversion, repair, test or proof, any arms or ammunition in contravention of section 5 of the Arms Act, 1959. To acquire, have in possession or carry any prohibited arms or prohibited ammunition in contravention of section 7 of the Arms Act, 1959.

	Contravention of section 24A of the Arms Act, 1959 relating to prohibition as to possession of notified arms in disturbed areas, etc.
	Contravention of section 24B of the Arms Act, 1959 relating to prohibition as to carrying of notified arms in or through public places in disturbed areas.
	Other offences specified in section 25.
26	To do any act in contravention of any provisions of section 3, 4, 10 or 12 of the Arms Act, 1959 in such manner as specified in sub-section (1) of section 26 of the said Act. To do any act in contravention of any provisions of section 5, 6, 7 or 11 of the Arms Act, 1959 in such manner as specified in sub-section (2) of section 26 of the said Act. Other offences specified in section 26.
27	Use of arms or ammunitions in contravention of section 5 or use of any arms or ammunition in contravention of section 7 of the Arms Act, 1959.
28	Use and possession of fire arms or imitation fire arms in certain cases.
29	Knowingly purchasing arms from unlicensed person or for delivering arms, etc. to person not entitled to possess the same.
30	Contravention of any condition of a licence or any provisions of the Arms Act, 1959 or any rule made thereunder.

PARAGRAPH 3
OFFENCES UNDER THE WILD LIFE (PROTECTION) ACT, 1972

<i>Section</i>	<i>Description of offence</i>
51 read with section 9	Hunting of wild animals.
51 read with section 17A	Contravention of provisions of section 17A relating to prohibition of picking, uprooting, etc., of specified plants.
51 read with section 39	Contravention of provisions of section 39 relating to wild animals, etc., to be Government property.
51 read with section 44	Contravention of provisions of section 44 relating to dealings in trophy and animals articles without licence prohibited.
51 read with section 48	Contravention of provisions of section 48 relating to purchase of animal, etc., by licence.
51 read with section 49B	Contravention of provisions of section 49B relating to prohibition of dealings in trophies animals articles, etc., derived from Scheduled animals.

PARAGRAPH 4
OFFENCES UNDER THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

<i>Section</i>	<i>Description of offence</i>
5	Procuring, inducing or taking person for the sake of prostitution.
6	Detaining a person in premises where prostitution is carried on.
8	Seducing or soliciting for purpose of prostitution.
9	Seduction of a person in custody.

PARAGRAPH 5
OFFENCES UNDER THE PREVENTION OF CORRUPTION ACT, 1988

<i>Section</i>	<i>Description of offence</i>
7	Public servant taking gratification other than legal remuneration in respect of an official act.
8	Taking gratification in order, by corrupt or illegal means, to influence public servant.
9	Taking gratification for exercise of personal influence, with public servant.
10	Abetment by public servant of offences defined in section 8 or section 9 of the Prevention of Corruption Act, 1988.
13	Criminal misconduct by a public servant.

PARAGRAPH 6
OFFENCES UNDER THE EXPLOSIVES ACT, 1884

<i>Section</i>	<i>Description of offence</i>
9-B	Punishment for certain offences.
9-C	Offences by companies.

PARAGRAPH 7
OFFENCES UNDER THE ANTIQUITIES AND ARTS TREASURES ACT, 1972

<i>Section</i>	<i>Description of offence</i>
25 read with section 3	Contravention of export trade in antiquities and art treasures.
28	Offences by companies.

PARAGRAPH 8
OFFENCES UNDER THE SECURITIES AND EXCHANGE BOARD OF INDIA ACT, 1992

<i>Section</i>	<i>Description of offence</i>
12A read with section 24	Prohibition of manipulative and deceptive devices, insider trading and substantial acquisition of securities or control.

PARAGRAPH 9
OFFENCES UNDER THE CUSTOMS ACT, 1962

<i>Section</i>	<i>Description of offence</i>
135	Evasion of duty or prohibitions.

PARAGRAPH 10
OFFENCES UNDER THE BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976

<i>Section</i>	<i>Description of offence</i>
16	Punishment for enforcement of bonded labour
18	Punishment for extracting bonded labour under the bonded labour system.
20	Abetment to be an offence.

PARAGRAPH 11
OFFENCES UNDER THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986

<i>Section</i>	<i>Description of offence</i>
14	Punishment for employment of any child to work in contravention of the provisions of section 3.

PARAGRAPH 12
OFFENCES UNDER THE TRANSPLANTATION OF HUMAN ORGANS ACT, 1994

<i>Section</i>	<i>Description of offence</i>
18	Punishment for removal of human organ without authority
19	Punishment for commercial dealings in human organs.
20	Punishment for contravention of any other provision of this Act.

PARAGRAPH 13
OFFENCES UNDER THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000

<i>Section</i>	<i>Description of offence</i>
23	Punishment for cruelty to juvenile or child
24	Employment of juvenile or child for begging.
25	Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to juvenile or child
26	Exploitation of juvenile or child employee.

PARAGRAPH 14
OFFENCES UNDER THE EMIGRATION ACT, 1983

<i>Section</i>	<i>Description of offence</i>
24	Offences and penalties.

PARAGRAPH 15
OFFENCES UNDER THE PASSPORTS ACT, 1967

<i>Section</i>	<i>Description of offence</i>
12	Offences and penalties.

PARAGRAPH 16
OFFENCES UNDER THE FOREIGNERS ACT, 1946

<i>Section</i>	<i>Description of offence</i>
14	Penalty for contravention of provisions of the Act, etc.
14B	Penalty for using forged passport
14C	Penalty for abetment

PARAGRAPH 17
OFFENCES UNDER THE COPYRIGHT ACT, 1957

<i>Section</i>	<i>Description of offence</i>
63	Offence of infringement of copyright or other rights conferred by this Act.
63A	Enhanced penalty on second and subsequent convictions.
63B	Knowing use of infringing copy of computer programme.
68A	Penalty for contravention of section 52A.

PARAGRAPH 18
OFFENCES UNDER THE TRADE MARKS ACT, 1999

<i>Section</i>	<i>Description of offence</i>
103	Penalty for applying false trade marks, trade descriptions, etc.
104	Penalty for selling goods or providing services to which false trademark or false trade description is applied.

105	Enhanced penalty on second or subsequent conviction
107	Penalty for falsely representing a trade mark as registered.
120	Punishment of abetment in India of acts done out of India

PARAGRAPH 19
OFFENCES UNDER THE INFORMATION TECHNOLOGY ACT, 2000

<i>Section</i>	<i>Description of offence</i>
72	Penalty for breach of confidentiality and privacy
75	Act to apply for offence or contravention committed outside India.

PARAGRAPH 20
OFFENCES UNDER THE BIOLOGICAL DIVERSITY ACT, 2002

<i>Section</i>	<i>Description of offence</i>
55 read with section 6	Penalties for contravention of section 6, etc.,

PARAGRAPH 21
OFFENCES UNDER THE PROTECTION OF PLANT VARIETIES AND FARMERS, RIGHTS ACT, 2001

<i>Section</i>	<i>Description of offence</i>
70 read with section 68	Penalty for applying false denomination, etc.
71 read with section 68	Penalty for selling varieties to which false denomination is applied.
72 read with section 68	Penalty for falsely representing a variety as registered.
73 read with section 68	Penalty for subsequent offence.

PARAGRAPH 22
OFFENCES UNDER THE ENVIRONMENT PROTECTION ACT, 1986

<i>Section</i>	<i>Description of offence</i>
15 read with section 7	Penalty for discharging environmental pollutants.,
15 read with section 8	Penalty for handling hazardous substance.

PARAGRAPH 23**OFFENCES UNDER THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974**

<i>Section</i>	<i>Description of offence</i>
41(2)	Penalty for pollution of stream or well
43	Penalty for contravention of provisions of section 24

PARAGRAPH 24**OFFENCES UNDER THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981**

<i>Section</i>	<i>Description of offence</i>
37	Failure to comply with the provisions for operating industrial plant.

PARAGRAPH 25**OFFENCES UNDER THE SUPPRESSION OF UNLAWFUL ACTS AGAINST SAFETY OF MARITIME NAVIGATION AND FIXED PLATFORMS ON CONTINENTAL SHELF ACT, 2002**

<i>Section</i>	<i>Description of offence</i>
3	Offences against ship, fixed platform cargo of a ship, maritime navigational facilities, etc.

PART C

An offence which is the offence of cross border implications and is specified in-

- (1) Part A; or
- (2) Part B without any monetary threshold; or
- (3) the offences against property under Chapter XVII of the India Penal Code.

Annexure 2**Repeal of MRTP Act, 1969 (Section 66)**

Q 38. Explain the provisions regarding repeal of Monopolies and Restrictive Trade Practices Act, 1969.

Ans. The provisions relating to repeal of Monopolies and Restrictive Trade Practices Act, 1969 are explained below:

1. The Monopolies and Restrictive Trade Practices Act, 1969 is hereby repealed and the Monopolies and Restrictive Trade Practices Commission established under sub-section (1) of section 5 of the said Act (hereafter referred to as the repealed Act) shall stand dissolved.
- 1A. The repeal of the Monopolies and Restrictive Trade Practices Act, 1969 shall, however, not affect,—

- (a) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or
 - (b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or
 - (c) any penalty, confiscation or punishment incurred in respect of any contravention under the Act so repealed; or
 - (d) any proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, confiscation or punishment as aforesaid, and any such proceeding or remedy may be instituted, continued or enforced, and any such penalty, confiscation or punishment may be imposed or made as if that Act had not been repealed.
2. On the dissolution of the Monopolies and Restrictive Trade Practices Commission, the person appointed as the Chairman of the Monopolies and Restrictive Trade Practices Commission and every other person appointed as Member and Director General of Investigation and Registration, Additional, Joint, Deputy or Assistant Director General of Investigation and Registration and any officer and other employee of that Commission and holding office as such immediately before such dissolution shall vacate their respective offices and such Chairman and other Members shall be entitled to claim compensation not exceeding three months' pay and allowances for the premature termination of term of their office or of any contract of service:

Provided that the Director General of Investigation and Registration, Additional, Joint, Deputy or Assistant Directors General of Investigation and Registration or any officer or other employee who has been, immediately before the dissolution of the Monopolies and Restrictive Trade Practices Commission appointed on deputation basis to the Monopolies and Restrictive Trade Practices Commission, shall, on such dissolution, stand reverted to his parent cadre, Ministry or Department, as the case may be:

Provided further that the Director General of Investigation and Registration, Additional, Joint, Deputy or Assistant Directors General of Investigation and Registration or any officer or other employee who has been, immediately before the dissolution of the Monopolies and Restrictive Trade Practices Commission employed on regular basis by the Monopolies and Restrictive Trade Practices Commission, shall become, on and from such dissolution, the officer and employee, respectively, of the Competition Commission of India or the Appellate Tribunal, in such manner as may be specified by the Central Government with the same rights and privileges as to pension, gratuity and other like matters as would have been admissible to him if the rights in relation to such Monopolies and Restrictive Trade Practices Commission had not been transferred to, and vested in, the Competition Commission of India or the Appellate Tribunal, as the case may be, and shall continue to do so unless and until his employment in the Competition Commission of India or the Appellate Tribunal, as the case may be, is duly terminated or until his remuneration, terms and conditions of employment are duly altered by the Competition Commission of India or the Appellate Tribunal, as the case may be:

Provided also that notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any Director General of Investigation and Registration, Additional, Joint, Deputy or Assistant Directors General of Investigation and Registration or any officer or other employee, employed in the Monopolies and Restrictive Trade Practices Commission, to the Competition Commission of India or the Appellate Tribunal, as the case may be shall not entitle such Director General of Investigation and Registration, Additional, Joint, Deputy or Assistant Directors General of Investigation and Registration or any officer or other employee any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority:

Provided also that where the Monopolies and Restrictive Trade Practices Commission has established a provident fund, superannuation, welfare or other fund for the benefit of the Director General of Investigation and Registration, Additional, Joint, Deputy or Assistant Directors General of Investigation and Registration or the officers and other employees employed in the Monopolies and Restrictive Trade Practices Commission, the monies relatable to the officers and other employees whose services have been transferred by or under this Act to the Competition Commission of India or the Appellate Tribunal, as the case may be, shall, out of the monies standing on the dissolution of the Monopolies and Restrictive Trade Practices Commission to the credit of such provident fund, superannuation, welfare or other fund, stand transferred to, and vest in, the Competition Commission of India or the Appellate Tribunal, as the case may be, and such monies which stand so transferred shall be dealt with by the said Commission or the Tribunal, as the case may be, in such manner as may be prescribed.

3. All cases pertaining to monopolistic trade practices or restrictive trade practices pending (including such cases, in which any unfair trade practice has also been alleged), before the Monopolies and Restrictive Trade Practices Commission shall, on the commencement of the Competition (Amendment) Act, 2009, stand transferred to the Appellate Tribunal and shall be adjudicated by the Appellate Tribunal in accordance with the provisions of the repealed Act as if that Act had not been repealed.

Explanation.—For the removal of doubts, it is hereby declared that all cases referred to in this sub-section, sub-section (4) and sub-section (5) shall be deemed to include all applications made for the losses or damages under section 12B of the Monopolies and Restrictive Trade Practices Act, 1969 as it stood before its repeal.

4. Subject to the provisions of sub-section (3), all cases pertaining to unfair trade practices other than those referred to in clause (x) of sub-section (1) of section 36A of the Monopolies and Restrictive Trade Practices Act, 1969 and pending before the Monopolies and Restrictive Trade Practices Commission immediately before the commencement of the Competition (Amendment) Act, 2009, shall, on such commencement stand transferred to the National Commission constituted under the

Consumer Protection Act, 1986 and the National Commission shall dispose off such cases as if they were cases filed under this Act:

Provided that National Commission may, if it considers appropriate, transfer any case transferred to it under this sub-section to the concerned State Commission established under section 9 of the Consumer Protection Act, 1986 and that State Commission shall dispose of such case as if it was filed under that Act:

Provided further that all the cases relating to the unfair trade practices pending, before the National Commission under this sub-section, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President, shall, on and from that date, stand transferred to the Appellate Tribunal and be adjudicated by the Appellate Tribunal in accordance with the provisions of the repealed Act as if that Act had not been repealed.

5. All cases pertaining to unfair trade practices referred to in clause (x) of sub-section (1) of section 36A of the Monopolies and Restrictive Trade Practices Act, 1969 and pending before the Monopolies and Restrictive Trade Practices Commission shall, on the commencement of the Competition (Amendment) Act, 2009, stand transferred to the Appellate Tribunal and the Appellate Tribunal shall dispose of such cases as if they were cases filed under that Act.
6. All investigations or proceedings, other than those relating to unfair trade practices, pending before the Director General of Investigation and Registration on or before the commencement of this Act, on such commencement, stand transferred to the Competition Commission of India, and the Competition Commission of India may conduct or order for conduct of such investigation or proceedings in the manner as it deems fit.
7. All investigations or proceedings, relating to unfair trade practices other than those referred to in clause (x) of sub-section (1) of section 36A of the Monopolies and Restrictive Trade Practices Act, 1969 and pending before the Director General of Investigation and Registration on or before the commencement of this Act shall, on such commencement, stand transferred to the National Commission constituted under the Consumer Protection Act, 1986 and the National Commission may conduct or order for conduct of such investigation or proceedings in the manner as it deems fit:
Provided that all investigations or proceedings, relating to unfair trade practices pending before the National Commission, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President shall, on and from that date stand transferred to the Appellate Tribunal and the Appellate Tribunal may conduct or order for conduct of such investigation or proceedings in the manner as it deems fit.
8. All investigations or proceedings relating to unfair trade practices referred to in clause (x) of sub-section (1) of section 36A of the Monopolies and Restrictive Trade Practices Act, 1969 and pending before the Director General of Investigation and Registration on or before the commencement of this Act shall, on such commencement, stand transferred to the Competition Commission of India and the Competition Commission of India may conduct or order for conduct of such investigation in the manner as it deems fit.
9. Save as otherwise provided under sub-sections (3) to (8), all cases or proceedings pending before the Monopolies and Restrictive Trade Practices Commission shall abate.
10. The mention of the particular matters referred to in sub-sections (3) to (8) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal.

