



## Sagardeep Rathi

Partner

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### Practices:

Competition/Antitrust Law

### Education:

B.A., LL.B. (Hons.), NALSAR  
University of Law, Hyderabad  
(2008)

LL.M., King's College London, U.K  
(2009)

### Professional Affiliations:

Bar Council of Punjab and  
Haryana

Competition Law Bar Association  
Delhi High Court Bar Association

Sagardeep Rathi is a Partner in the Competition / Antitrust practice group in the New Delhi office. He regularly advises clients on a variety of competition law issues on agreements, abuse of dominance and merger control filings in various sectors. He is also actively involved in conducting competition compliance trainings for clients in diverse sectors. Sagardeep also has extensive experience in relation to leniency applications filed at the Competition Commission of India (CCI) and assisting clients in dawn raids.

He has assisted in successfully defending many clients for alleged bid rigging and cartelisation. He is currently representing clients before the CCI, the National Company Law Appellate Tribunal (NCLAT) and higher courts. Sagardeep also regularly contributes to many domestic and international journals and magazines and has co-authored India Chapters for prestigious publications.

### Representative Matters:

In his area of expertise, Sagar has advised and represented the following clients:

- **IHH Healthcare Berhad** secured approval of the CCI for the acquisition of shares of Fortis Healthcare Limited and Fortis Malar Hospitals Limited by IHH Healthcare. The transaction involved complex markets with several overlaps in quaternary and multispecialty tertiary hospital services of the parties. We obtained the clearance without a Phase II investigation;
- **ANI Technologies Private Limited** secured approval of the CCI for acquisition of a stake by MacRitchie Investment Pte. Limited, Mr Ankit Bhati, and Mr Bhavish Aggarwal in ANI Technologies. ANI Technologies, amongst other businesses, operates cab and food aggregator businesses under the brand names *Ola* and *Foodpanda* respectively;
- **Royal Dutch Shell Plc** successfully represented the client before the NCLAT in an appeal filed by a private party challenging the CCI's approval of the merger of Royal Dutch Shell Plc with BG Group Plc.
- **InterGlobe Aviation Limited (IndiGo)** successfully appealed against a CCI decision before the former COMPAT in a case alleging cartelisation for air cargo fuel



surcharge. Currently representing IndiGo before the NCLAT in appeal against CCI decision;

- **Eveready Industries India Limited** filed a leniency application before the CCI as a second applicant and successfully obtained a 30% reduction in penalty; currently representing the client in an appeal at NCLAT against the CCI order.
- **India Glycols Limited** successfully represented the Informant/India Glycols before the CCI in a case involving rigging of tenders by certain sugar mills floated by the public sector oil marketing companies for procurement of ethanol. The CCI imposed penalty on the sugar mills and their trade associations;
- **Shree Cement Limited** representing Shree Cement before the NCLAT and the CCI against the allegations of cartelisation and bid rigging;
- **Lupin Limited** successfully represented Lupin before the COMPAT against the allegations that Lupin had entered an anticompetitive agreement with a regional chemist and druggist association. Currently representing Lupin before the Supreme Court in appeal filed by CCI;
- **Alkem Laboratories Ltd.** regular advice on competition law issues and successful representation before the COMPAT and the CCI regarding allegations of entering into an anti-competitive agreement; Currently representing Lupin before the Supreme Court in appeal filed by CCI
- **Confidential:**
  1. Filed several leniency applications in India;
  2. Assisted clients in 2 dawn raids conducted by CCI;

#### **Publications and Presentations:**

- **The Public Competition Enforcement Review - India Chapter** published by The Public Competition Enforcement Review - Eleventh Edition, 2019;
- **Antitrust Procedural Fairness - India chapter** published by Oxford University Press, 2019;
- **The Legal 500 & The In-House Lawyer Comparative Legal Guide India: Merger Control chapter** published by The Legal 500 & The In-House Lawyer (3rd Edition), 2018;
- **India's Antitrust Regulator Releases New Guidance for Strengthening Antitrust Compliance** published in The Competition Lawyer's Handbook by Indian Business Law Journal (IBLJ), 2017;



**KHAITAN  
&CO**

*Advocates since 1911*

- **SC clarifies: Delineation of relevant market not mandatory for all allegations of anti-competitive agreements** published by Lexology;
- **The Delhi High Court plays the balancing act: Lawyers' presence ensured during a competition investigation, but with riders** published by Mondaq;
- **Supreme Court Clarifies Scope of Penalties and Other Provisions Under the Competition Act** published by Mondaq & Lexology; and
- **Competition Commission of India grants leniency for the First Time** published by Mondaq

### **Recognitions and Accomplishments:**

- Who's Who Legal - Future Leaders - Partners in 2019
- Legal 500 Asia Pacific 2018 & 2019 - Next Generation Lawyer, Antitrust and Competition 2019
- GCR 100 2018 & 2019 - Noted Competition Lawyer