

**GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 852
ANSWERED ON TUESDAY, THE 30th July, 2024 / SRAVANA 8, 1946 (Saka)
CONSUMER PROTECTION AGAINST ANTI-COMPETITIVE PRACTICES
QUESTION**

852. Shri G.C. Chandrashekhar:

Will the Minister of Corporate Affairs be pleased to state:

- (a) the information on compensatory arrangements for consumers affected by anti-competitive practices from big-tech, e-commerce, and other cartels in manufacturing and services sectors, sanctioned by the Competition Commission of India (CCI);
- (b) the updated status and number of such cases annually;
- (c) whether Government has provisions or directives for class action suits and its impact on consumers;
- (d) if so, the details thereof; and
- (e) if not, the reasons for the absence and outline a timeline for its potential introduction?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF CORPORATE AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS.

(SHRI HARSH MALHOTRA)

(a) to (e): As per the provisions of the Section 53N of the Competition Act, 2002 (the 'Act'), the Central Government or a State Government or a local authority or any enterprise or any person may make an application to the Appellate Tribunal (NCLAT) to adjudicate on claim for compensation that may arise from the findings of the Commission (CCI) or the orders of the Appellate Tribunal in an appeal against any finding of the Commission or under section 42A or under sub-section (2) of section 53Q of the Act or the orders of the Supreme Court in an appeal against the findings of the Appellate Tribunal under section 53T or an order for settlement passed under section 48A, and to pass an order for the recovery of compensation from any enterprise for any loss or damage shown to have been suffered, by the Central Government or a State Government or a local authority or any enterprise or any person as a result of any contravention of the provisions of Chapter II of the Act, having been committed by enterprise or as a result of order of settlement passed by the Commission.

Contd...2/-

The Appellate Tribunal may, after an inquiry made into the allegations mentioned in the application seeking compensation, pass an order directing the enterprise to make payment to the applicant, of the amount determined by it as realisable from the enterprise as compensation for the loss or damage caused to the applicant as a result of any contravention of the provisions of Chapter II of the Act , having been committed by such enterprise.

Further, Section 53N (4) of the Act provides that where any loss or damage is caused to numerous persons having the same interest, one or more of such persons may, with the permission of the Appellate Tribunal, make an application for and on behalf of, or for the benefit of, the persons so interested.

List of applications filed before the National Company Law Appellate Tribunal for compensation, where CCI has been impleaded as a party is as below:

S. No.	CCI Case No.	Compensation Application No.	Title
1.	86/2016, Order u/s 27 dated 28.02.2018	01 of 2018	Satyendra Singh Vs. Ghaziabad Development Authority & CCI
2.	76/2011, Order u/s 27 dated 11/07/2018	01 of 2020	East India Petroleum Pvt. Ltd. Vs. South Asia LPG Co. Pvt. Ltd. & Anr. (CCI)
3.	33/2019, Order u/s 27 dated 23.02.2021	01 of 2021	International Subscription Agency Vs. Competition Commission of India & Ors. (Mr. Sunil Sachdev, Mr. S.C. Sethi and the Federation of Publishers' and Booksellers' Associations in India)
