

**GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 1310
ANSWERED ON TUESDAY, THE 01st AUGUST, 2023**

**COMPENSATION TO CONSUMERS OF BIG-TECH COMPANIES FACING ANTI-
COMPETITIVE PRACTICES**

QUESTION

1310 SHRI ANEEL PRASAD HEGDE:

Will the Minister of CORPORATE AFFAIRS be pleased to state:

- (a) the type of provision under 53N of Competition Act, 2002 for compensating consumers of big-tech e-commerce and other manufacturing companies on whom the Competition Commission of India (CCI) has imposed fines and other penalties for anti-competitive practices;
- (b) the number of complaints that have been redressed in the last five years and details of compensation paid by companies to consumers within prescribed time limit;
- (c) if not, the reasons therefor, company-wise; and
- (d) the number of pleas challenging verdicts made to NCLAT in the last five years, year-wise details?

ANSWER

THE MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION; MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF CORPORATE AFFAIRS.

(RAO INDERJIT SINGH)

(a) : Under 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 or the orders of the Appellate Tribunal in an appeal against any findings of the Commission or under section 42A (Compensation in case of contravention of orders of Commission) or under sub-section (2) of section 53Q (Contravention of orders of Appellate Tribunal) of the Act, 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.

(b) & (c): Competition Commission of India (CCI) has informed that during the last five years and current financial year (till 30.06.2023), 292 cases alleging contravention of Section 3 and Section 4 of the Act have been filed, out of which final orders confirming contravention of the aforesaid Sections have been passed in 22 cases till 30.06.2023. As per information provided by NCLAT, during the last five years, 9 cases have been filed for compensation in NCLAT, out of which 3 cases have been disposed. There is no order/judgment of NCLAT awarding compensation in the aforesaid compensation applications filed under Section 53N of the Act.

(d): As per information provided by CCI, number of Appeals filed in last 5 years in Hon'ble NCLAT challenging verdicts of CCI, are mentioned below:

S. No	Years	No. of Appeals Filed
1	During 2018-19	111
2	During 2019-20	106
3	During 2020-21	19
4	During 2021-22	39
5	During 2022-23	61