

**GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF TELECOMMUNICATIONS**

**LOK SABHA
UNSTARRED QUESTION NO. 2576
TO BE ANSWERED ON 3RD JANUARY, 2018**

COMPLAINTS AGAINST TELECOM COMPANIES

2576. DR. K. GOPAL:

Will the Minister of COMMUNICATIONS be pleased to state:

- (a) whether the Competition Commission of India (CCI) has decided to conduct a detailed investigation into charges of cartelization by telecom companies;
- (b) if so, the details thereof;
- (c) whether the CCI has also received complaints against some telecom companies for predatory pricing and anticompetitive behaviour; and
- (d) if so, the details thereof?

ANSWER

**THE MINISTER OF STATE (IC) OF THE MINISTRY OF COMMUNICATIONS &
MINISTER OF STATE IN THE MINISTRY OF RAILWAYS
(SHRI MANOJ SINHA)**

(a) & (b) The Competition Commission of India (CCI) received the following three complaints alleging cartelization by the telecom companies:

- (i) 81/2016; Mr CA Ranjana Sardana vs Cellular Operators Association of India (COAI) and Others.
- (ii) 83/2016; Mr Kantilal Ambala Puj vs Cellular Operators Association of India (COAI) and Others.
- (iii) 95/2016; Reliance Jio Infocomm Ltd vs Cellular Operators Association of India (COAI) and Others.

The Commission, having prima facie satisfied itself about the allegations of cartelization by telecom companies, had ordered Director General, CCI for investigation into the matter under Section 26 (1) of the Competition Act, 2002 vide a common Order dated 21.04.2017.

The order dated 21.04.2017 of the Commission was challenged in Bombay High Court through a Writ Petition. The Hon'ble High Court vide their Order dated 21.09.2017 set it aside. CCI has preferred Special Leave Petition against the order of Bombay High Court in the Supreme Court.

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(c) & (d) The CCI has received nine (9) more cases [including one Monopolies and Restrictive Trade Practices (MRTP) Case] against some telecom companies alleging predatory pricing and anti-competitive behavior which have been disposed of by the Commission under section 26 (2) of the Competition Act, 2002 at prima facie stage without further investigation into allegations or under section 26 (6) after investigating into the allegations.

Following two (2) complaints alleging predatory pricing against Reliance Jio on account of it offering free telecom services to customers were also received which have been disposed of finally under section 26 (2):

- (i) 98/2016; Mr C.Shanmugam and Others vs Reliance Jio Infocomm Ltd. closed under section 26 (2) vide order dated.15.06.2017
- (ii) 03/2017; Bharti Airtel vs Reliance Industries Ltd and Others; Closed under section 26 (2) vide order dated 09.06.2017.

The Commission closed above two cases as Reliance Jio was not found dominant in the market for provision of wireless telecommunication services.

Following seven (7) complaints having allegation of anti-competitive behaviour were received and were finally disposed of by the Commission under sections indicated in each case:

- a) 63/2010; Mr. Anuj Kumar Bhati vs. Sony Entertainment Television and Others; Closed under section 26 (2) vide order dated 29.03.2011.
- b) 24/2011; Mr. Sonam Sharma vs. Apple Inc. USA and Others; Closed under section 26 (6) vide order dated 19.03.2013.
- c) 55/2013; Mr. M.K. Shrivastava, BSNL vs. M/s. Bharati Airtel Ltd. and Others; Closed under section 26 (2) vide order dated 16.01.2014.
- d) 29/2014; Telecommunication Users Group of India vs. United Telecoms Ltd (UTL) and Others; Closed under section 26 (2) vide order dated 03.09.2014.
- e) 79/2014; Mr. Babit Singh Jamwal vs. Paras Buildtech India Pvt. Ltd. and Others; Closed under section 26 (2) vide order dated 29.01.2015.
- f) Mr. Vishwambhar M Doiphode vs. M/s. Vodafone India Limited; Closed under section 26 (2) vide order dated 05.05.2016.
- g) MRTP Case No.C-125/2009 (DGIR/22/28); Mr. Achintya Mukherjee vs. Loop Telecom Ltd. and Others; Closed under section 26 (2) vide order dated 20.01.2011.
