

**GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 1950
ANSWERED ON MONDAY, THE 14TH MARCH, 2022
[PHALGUNA 23, 1943 (SAKA)]**

ABUSE OF DOMINANT POSITION BY COMPANY

QUESTION

1950. SHRI MARGANI BHARAT:

Will the Minister of CORPORATE AFFAIRS be pleased to state:

- (a) whether it is true that abuse of dominant position by any company, including e-commerce company, is in violation of the Companies Act;**
- (b) if so, whether the Competition Commission of India (CCI) has received any complaints against companies including e-commerce companies for abusing their dominant position and anti-competitive practices during the last three years;**
- (c) if so, the details thereof along with the action taken by CCI and status of cases, if any, filed by CCI or the Ministry; and**
- (d) the steps taken by CCI and the Ministry to control such companies?**

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): Section 4 of the Competition Act, 2002 ('Act') prohibits abuse of dominant position by enterprises or their groups. E-commerce companies are covered within the ambit of the provisions of the Act.

(b) & (c): The Competition Commission of India ('Commission') has received cases against companies (including e-commerce companies) for alleged abuse of dominant position and anti-competitive practices. The details of cases received against companies (including e-commerce companies) during the last three years including the present year are as under:

Particulars	2018-19	2019-20	2020-21	2021-22*
Cases pending at beginning of the year	210	188	155	140
Cases received during year	68	60	55	57
Total	278	248	210	197
Cases decided during the year	90	93	70	67

*** Data as on 28.02.2022**

As on 28.02.2022, the Commission has received a total of 1180 cases under Sections 3 and 4 of the Act. Of these, 1046 cases have been disposed of and 04 cases have been quashed/ set aside by the Courts. Thus, 88.64% of the total cases filed so far stand disposed of.

(d): The Commission has been undertaking various initiatives from time to time to ensure effective competition and fair play in the market. These, inter-alia, include conducting market studies on relevant sectors, undertaking competition assessment of Model Concession Agreements in the infrastructure and other public delivery sectors, advocacy outreach initiatives including State Resource Person Schemes and conducting roadshows on competition laws & practices, upgradation of IT infrastructure and increased use of technology in functioning, opening of regional offices, introduction of green channel for certain combination notifications, collaboration with other international anti-trust authorities etc. The Commission in the recent past had undertaken a "Market Study on E-Commerce in India" to better understand the functioning of e-commerce in India and its implications for markets and competition. The Report enumerates certain areas for self-regulation by the e-commerce platforms. These include transparency in search ranking parameters, clear and transparent policy on the actual and potential use of data collected by platforms; adequate transparency over user review and rating mechanisms; notification to business users regarding proposed revision in contract terms; and clear and transparent policies on discounts including discount rate and participation in discount schemes.
