



**FACULTY OF JURIDICAL SCIENCES**

**COURSE: B.A.LL.B. IX th Semester**

**SUBJECT: COMPETITION LAW**

**SUBJECT CODE: BAL 901**

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## LECTURE 35

### TOPIC: COMPETITION APPELLATE TRIBUNAL

#### Competition Appellate Tribunal

The *Competition Act, 2002* did not provide for *Competition Appellate Tribunal* (COMPAT). After the decision of the case *Brahm Dutt v. Union of India*, made the CCI a market regulator, the *Competition (Amendment) Act, 2007* was brought which provided for the establishment of *COMPAT*. Having, it was necessary to establish a separate body to perform adjudicatory functions under the *Competition Act, 2002*, and the 2007 amendment introduced by a new chapter, Chapter VIIIA. Chapter VIIIA provided for the establishment of the *COMPAT*, its functions, powers, composition, selection, and related matters, through Sections 53A to 53U.

#### Establishment of Appellate Tribunal:

**53A.** (1) The Central Government shall, by notification, establish an Appellate Tribunal to be known as Competition Appellate Tribunal –

(a) to hear and dispose of appeals against any direction issued or decision made or order passed by the Commission under sub-sections (2) and (6) of section 26, section 27, section 28, section 31, section 32, section 33, section 38, section 39, section 43, section 43A, section 44, section 45 or section 46 of the Act;

(b) 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 finding of the Commission or under section 42A or under subsection

(2) of section 53Q of this Act, and pass orders for the recovery of compensation under section 53N of this Act.

(2) The Headquarter of the Appellate Tribunal shall be at such place as the Central Government may, by notification, specify.

### **Appeals against the Orders of the *Competition Commission India***

The *Competition Act, 2002* provided for filing appeals against the orders of the *CCI*, under Sections 53A to 53U. The *Finance Act, 2017*, has amended Sections 53C to 53L of the *Competition Act, 2002*. An appeal may be made by the Central Government or the state government or a local authority or an enterprise or any person, aggrieved by any direction, decision or order referred to above and also in respect of a claim for adjudication of compensation within 60 days. The compensation can be claimed under Section 42A or 52Q(2) of the *Competition Act*. The other party will be given the opportunity of hearing and then the order will be passed. Both the *CCI* and the parties to appeal will be given copies of the order.

### **Appeal to Appellate Tribunal**

**53B.** (1) The Central Government or the State Government or a local authority or enterprise or any person, aggrieved by any direction, decision or order referred to in clause (a) of section 53A may prefer an appeal to the Appellate Tribunal.

(2) Every appeal under sub-section (1) shall be filed within a period of sixty days from the date on which a copy of the direction or decision or order made by the Commission is received by the Central Government or the State Government or a local authority or enterprise or any person referred to in that sub-section and it shall be in such form and be accompanied by such fee as may be prescribed:

Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of sixty days if it is satisfied that there was sufficient cause for not filing it within that period.

(3) On receipt of an appeal under sub-section (1), the Appellate Tribunal may, after giving the parties to the appeal, an opportunity of being heard, pass such orders

thereon as it thinks fit, confirming, modifying or setting aside the direction, decision or order appealed against.

(4) The Appellate Tribunal shall send a copy of every order made by it to the Commission and the parties to the appeal.

(5) The appeal filed before the Appellate Tribunal under sub-section (1) shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the appeal within six months from the date of receipt of the appeal.

**Exercise:**

1. Central Government replaced \_\_\_\_\_ with the National Company Law Appellate Tribunal in 2017

- a) CCI
- b) COMPAT
- c) CLB
- d) None of these

2. Appellate Tribunal is established under which section of competition Act, 2002

- a) Section 50
- b) Section 51
- c) Section 53A
- d) Section 53B

3. In case of removal of Chairperson of CCI on the ground of "prejudice as to financial interest", it is mandatory that such matters have to be referred to

- a) Central Government
- b) Appellate Tribunal
- c) Delhi High Court
- d) Supreme Court

4. Which chapter of Competition Act, 2002 provides for Competition Appellate Tribunal?

- a) VI
- b) VII
- c) V
- d) VIIIA

5. Which section of Competition Act provides for establishment of competition Appellate Tribunal

- a) 53
- b) 53A
- c) 53B
- d) 54