

## **Dismissal of Complaint as well as Appeal of ACCAB under The Competition Act**

A private accreditation body, **Accreditation Commission for Conformity Assessment Bodies Pvt. Ltd. (ACCAB)**, based in Mumbai, had filed a **Complaint Case No. 51/2012 dated 08 August 2012** with the **“Competition Commission of India (CCI)”** under Section 3 and 4 of “The Competition Act of India, 2002” against the **National Accreditation Board for Certification Bodies (NABCB)**, one of the constituent Boards of the Quality Council of India (QCI); **National Accreditation Board for Testing and Calibration Laboratories (NABL)**; and 12 other respondents which are various ministries/departments of Govt. of India, including the parent Departments of NABCB and NABL – Department of Industrial Policy & Promotion (DIPP), Ministry of Commerce & Industry and Department of Science & Technology (DST), Ministry of Science & Technology respectively. The complaint by ACCAB alleged that both NABCB and NABL are having dominant position in the market and preventing / denying the complainant access to the market and thus sought a direction from CCI to all 14 respondents to accord recognition to accreditation services provided by the Complainant (ACCAB) at par with accreditation services provided by NABCB and NABL.

**Competition Commission of India (CCI) after examining the information / documents provided as well as on hearing the complainant passed an Order dated 07 November 2012 under section 26(2) of The Competition Act, 2002 dismissing the complaint stating that “Commission finds that no *prima facie* case was made out against the opposite party”**. This order was passed by majority members of the CCI. However, there was also a minority Order dated 07 November 2012 under section 26(1) of The Competition Act, 2002 by one of the members of CCI on the complaint filed by complainant.

The detailed orders as stated above by Competition Commission of India are available on CCI website at the weblink given: [http://www.cci.gov.in/index.php?option=com\\_content&task=view&id=180](http://www.cci.gov.in/index.php?option=com_content&task=view&id=180)

The detailed orders may be downloaded from the weblinks given below:

<http://www.cci.gov.in/May2011/OrderOfCommission/Case51of2012.pdf>

<http://www.cci.gov.in/May2011/OrderOfCommission/512012D.pdf>



**ACCAB subsequently filed an Appeal No. 03/2013 dated 16 January 2013 with Competition Appellate Tribunal (COMPAT) for setting aside the majority Order dated 07 November 2012 against the Appellant passed by CCI. COMPAT on examining the information / documents provided by the Appellant (ACCAB) in its appeal as well as the written replies filed by Respondents, and on hearing in detail the arguments by Appellant and Respondents, passed an Order dated 17 January 2014 under dismissing the complaint stating that “We, therefore, do not think that this is the case where the appellant had made out any *prima facie* case before the CCI. We are in agreement with the order of the CCI and dismiss the appeal”**.

The detailed order as stated above by Competition Appellate Tribunal is available on COMPAT website at the weblink given: [http://compat.nic.in/dates\\_of\\_comp\\_jan\\_orders2014.html](http://compat.nic.in/dates_of_comp_jan_orders2014.html)

The detailed order (page 24 onwards) may be downloaded from the weblink given below:

[http://compat.nic.in/upload/PDFs/janordersApp2014/17\\_01\\_14.pdf](http://compat.nic.in/upload/PDFs/janordersApp2014/17_01_14.pdf)

