

Trilegal successfully obtains stay of INR 751.83 crore penalty imposed on United Breweries Limited by Competition Commission of India (CCI) – single largest penalty imposed by the CCI in the last 5 years

Friday, December 24, 2021: On 24 December 2021, the National Company Law Appellate Tribunal (“NCLAT”) stayed the order passed by the Competition Commission of India (“CCI”), including recovery of penalty amount of INR 751.83 crore imposed on United Breweries Limited (“UBL”), subject to deposit of 10% penalty amount.

UBL had challenged the CCI’s order which held that UBL, Anheuser-Busch InBev and Carlsberg were (allegedly) engaged in cartelisation through the platform of the All India Brewers’ Association (“AIBA”), in contravention of Section 3 of the Competition Act, 2002. This is the single largest penalty imposed by the CCI in last five years across cartel, abuse of dominance and merger control cases.

Trilegal acted for UBL before the NCLAT. Based on the submissions of UBL on the fundamental flaws in the CCI’s order, the NCLAT stayed the CCI’s order including the recovery of penalty for all the appellants (i.e. AIBA and individual employees) subject to deposit of 10% penalty amount.

The Trilegal competition team was led by Nisha Kaur Uberoi, Partner & National Head – Competition Law, with assistance from Gautam Chawla, Partner; Sonam Mathur, Counsel; Rahat Dhawan, Senior Associate; and Shivangi Chawla, Aditi Khemani, Parumita Pal, Samriddha Gooptu, Raghav Harini, Associates.

Trilegal instructed senior advocates, Gopal Subramaniam and Amit Sibal on behalf of UBL.

The individual employees of UBL were represented by Economic Laws Practice (ELP), who had instructed Senior Advocate Amit Sibal. AIBA was represented by Saikrishna & Associates.

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