



COMPETITION COMMISSION OF INDIA

Suo Motu Case No. 06 of 2017

In Re: Alleged Anti-competitive conduct in Beer Market in India

Against: United Breweries Limited	Opposite Party No. 1
Crown Beers India Private Limited (now a wholly-owned subsidiary of Anheuser Busch InBev SA/ NV)	Opposite Party No. 2
SABMiller India Limited (now renamed as Anheuser Busch InBev SA/ NV after being acquired by Anheuser Busch InBev SA/ NV)	Opposite Party No. 3
Carlsberg India Private Limited	Opposite Party No. 4
All India Brewers' Association	Opposite Party No. 5

ORDER UNDER SECTION 38 OF THE COMPETITION ACT, 2002

1. With the permission of the Chair, an ordinary meeting of the Commission was convened today, wherein the captioned matter was taken up by the Commission.
2. In this matter, the Commission passed a final order dated 24.09.2021 under Section 27 of the Competition Act, 2002 (the 'Act'), *inter alia*, imposing a penalty of ₹1,50,70,59,203/- (Rupees One Hundred and Fifty Crores Seventy Lacs Fifty Nine Thousand Two Hundred and Three Only), upon Carlsberg India Private Limited ('OP-4'), calculated in terms of the *proviso* to Section 27(b) of the Act @ 2% of its turnover for each year of continuance of cartel.
3. It is noted that the Commission has held OP-4 to be a part of the cartel from 2012 onwards to 10.10.2018. However, the calculation of penalty for OP-4 has been erroneously made for the period 20.05.2009 to 10.10.2018.



4. As such, in light of the afore-mentioned inadvertent error in the final order dated 24.09.2021, the Commission, *vide* the present order, recalculates the penalty amount for OP-4 for the period 01.01.2012 to 10.10.2018, as follows:

FINANCIAL YEAR	RELEVANT TURNOVER	RELEVANT PROFIT	2% OF RELEVANT TURNOVER	0.5 TIMES OF RELEVANT PROFIT
2012	4,31,60,00,000	-1,73,40,00,000	8,63,20,000	-86,70,00,000
Jan 2013 to March 14	6,98,30,00,000	-2,13,10,00,000	13,96,60,000	-1,06,55,00,000
2014-15	8,37,30,00,000	-2,32,90,00,000	16,74,60,000	-1,16,45,00,000
2015-16	11,82,70,00,000	-1,48,50,00,000	23,65,40,000	-74,25,00,000
2016-17	13,42,20,00,000	-1,67,00,00,000	26,84,40,000	-83,50,00,000
2017-18	14,84,80,00,000	1,06,60,00,000	29,69,60,000	53,30,00,000
2018-19	9,84,72,32,877	96,36,82,192	19,69,44,658	48,18,41,096
TOTAL	69,61,62,32,877	-7,31,93,17,808	1,39,23,24,658	-3,65,96,58,904

5. As 2% of the turnover for each year of continuance of cartel for OP-4 is higher than 0.5 times its profit for each year of continuance of cartel, the Commission decides to impose upon OP-4, penalty @ 2% of its turnover for each year of continuance of cartel, amounting to ₹1,39,23,24,658/- (Rupees One Hundred and Thirty Nine Crores Twenty Three Lacs Twenty Four Thousand Six Hundred and Fifty Eight Only).
6. Upon grant of reduction in penalty to the tune of 20% in terms of Section 46 of the Act read with Regulation 4 of the Competition Commission of India (Lesser Penalty) Regulations, 2009, the penalty amount payable by OP-4 amounts to ₹1,11,38,59,726 (Rupees One Hundred and Eleven Crores Thirty Eight Lacs Fifty Nine Thousand Seven Hundred and Twenty Six Only).
7. Accordingly, paragraphs 296, 297, 307 and 310 of the final order dated 24.09.2021 stand rectified in the above terms.
8. OP-4 is directed to deposit the revised penalty amount within 60 days of the receipt of the present order.



9. The Secretary is directed to forward a certified copy of the present order to all the parties through their respective legal counsel, accordingly.

Sd/-
(Ashok Kumar Gupta)
Chairperson

Sd/-
(Sangeeta Verma)
Member

New Delhi
Date: 04.10.2021

Sd/-
(Bhagwant Singh Bishnoi)
Member