Fair Competition
for Greater Good

The Quarterly Newsletter of Competition Commission of India (CCI)

Fair Play

Volume 41: April–June 2022

IN FOCUS
13th Annual Day of CCI



Rao Inderjit Singh, Hon'ble Union Minister of State for Corporate Affairs, along with Shri Ashok Kumar Gupta, Chairperson, CCI, Shri Rajesh Verma, Secretary, Ministry of Corporate Affairs and other dignitaries during the lamp-lighting ceremony of the "National Conference on Competition Law", organised as part of the Ministry of Corporate Affairs' (MCA) Iconic Week celebrations under AKAM on 11.06.2022, at Ashok Hotel, New Delhi.

In this Issue...


3
From the Desk of the Chairperson

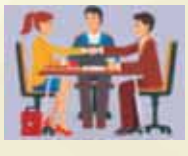

5
In-Focus


10
National Conference on Competition Law under AKAM


17
Digital Kiosk


18
Article -'Don't ignore CCI's teeth'


21
Cartels


23
Vertical Agreements


24
Abuse of Dominant Position


27
Mergers and Acquisitions


30
Judicial Pronouncement


31
Trends in Competition Law


33
Advocacy Initiatives


39
Advocacy with States


42
Yoga Day


44
Capacity Building


47
Engaging with the World


50
Eco-Watch


51
Developments in Other Jurisdictions



52
Know your Competition Law


54
HR Corner

Find us on:

https://www.facebook.com/pages/category/Government Organisation/Competition-Commission-of-India-529934074122118/

https://in.linkedin.com/company/competition-commission-of-india

https://twitter.com/CCI_India

FROM THE DESK OF THE CHAIRPERSON



It gives me immense pleasure to share with you the developments in the area of competition law and policy that have taken place during the last quarter through this 41st volume of Fair Play.

On 20.05.2022, CCI celebrated its 13th Annual Day. The day marks the commencement of the enforcement provisions of the Competition Act in 2009, details of which you will find in the "In-Focus" article of this volume. The event was graced by the august presence of the Hon'ble Minister of Finance and Corporate Affairs Smt. Nirmala Sitharaman and Shri Rajesh Verma, Secretary, Ministry of Corporate Affairs. On this occasion, the Hon'ble Minister released CCI's Competition Advocacy Booklets, which have been translated into two languages—Kannada and Malayalam. The booklets will help the Commission take competition advocacy deeper in the respective regions, reflecting our commitment to broaden advocacy efforts. The Hon'ble Union Minister also inaugurated CCI's Regional Office (East) at Kolkata. This is the second regional office after the Southern Regional office in Chennai, which was inaugurated in February 2021. Smt. Sitharaman also launched an upgraded website of CCI. It is our endeavour to engage with stakeholders by leveraging technology, and the upgraded website is an important step in that direction.

On 11.06.2022, CCI organised a "National Conference on Competition Law" as part of the Ministry of Corporate Affairs' (MCA) Iconic Week celebrations under Azadi Ka Amrit Mahotsav (AKAM). Rao Inderjit Singh, Union Minister of State (I/C) Ministry of Statistics and Programme Implementation; Planning and Union Minister of State, Minister of State, Ministry of Corporate Affairs was the Chief Guest at the event. On this occasion, the Hon'ble Minister released CCI's Competition Advocacy Booklets in Gujarati, Assamese, and Odia. He also released a short film capturing the 13 years of the Commission's journey in addition to releasing the special edition of *Fair Play,* the quarterly newsletter of CCI, which showcased the initiatives undertaken by the Commission under and during the period of AKAM.

The conference also featured two technical sessions on “Emerging Issues in Antitrust Enforcement” and “Emerging Issues in Regulation of Combinations”, which witnessed representation from diverse stakeholder groups.

In this quarter, the Commission issued a final order against eleven companies/firms for indulging in cartelisation in the supply of HPPA/SLPR Bushes to the Indian Railways by means of directly or indirectly determining prices, allocating tenders, controlling supply and market, coordinating bid prices, and manipulating the bidding process. The Commission also imposed penalties besides issuing a cease-and-desist order against the parties in the case of cartelisation in the supply of protective tubes to Indian Railways. CCI also imposed penalties on nine entities for bid rigging in the tender invited by the Department of Agriculture, Government of Uttar Pradesh. Further, the Commission directed investigation under Section 26(1) of the Competition Act, 2002 (‘Act’) against Zomato and Swiggy for indulging in various anti-competitive practices, such as exclusive listing with minimum guarantee obligation and the imposition of one-sided terms and conditions, etc. With regard to abuse of dominance, CCI issued cease-and-desist order against the Amateur Baseball Federation of India for abusing its dominant position; the Commission also directed investigation under Section 26(1) of the Act with respect to the conduct of BookMyShow.

On the combination front, the Commission approved the acquisition of 6.92% shareholding of Busybees Logistics Solutions Private Limited (Xpressbees) by TPG Growth VSF Markets Pte. Ltd. (TPG SF); the acquisition of 100% share capital of L&T Investment Management Limited by HSBC Asset Management (India) Private Limited; and the acquisition in ISMT Limited by Kirloskar Ferrous Industries Limited. This quarter also saw a landmark judgement concerning the Amazon–Future Coupons case, wherein NCLAT upheld the Commission’s order suspending the deal between the global e-commerce giant and Future Coupons Pvt Ltd (FCPL) and ordered Amazon to pay the penalty of Rs. 200 crore within 45 days. The appellate tribunal backed CCI’s findings that Amazon did not make full disclosures.

On the advocacy front, CCI organised various lectures and workshops on ‘Competition Law’ across the country in different educational institutions and departments of various states under the State Resource Persons (SRP) scheme. Apart from this, CCI sponsored various moot courts in law schools on competition law. We at CCI recognise the value of complementing our enforcement actions with competition advocacy such that it enables long-term market correction and benefits consumers.



Ashok Kumar Gupta

13th Annual Day of CCI



Hon'ble Union Minister of Finance and Corporate Affairs Smt. Nirmala Sitharaman addressing the audience during the 13th Annual Day of CCI at DRDO Bhawan on 20.05.2022.

The Competition Commission of India celebrated its 13th Annual Day on 20.05.2022. The day marks the commencement of the enforcement provisions of the Competition Act in 2009. The event was held at DS Kothari Auditorium, DRDO Bhawan, New Delhi, and was attended by an audience representing business and industry, Central and State governments, regulatory authorities, legal fraternity, and academia, among others.

The Hon'ble Union Minister of Finance and Corporate Affairs Smt. Nirmala Sitharaman was the Chief Guest at the event. Smt Sitharaman, in her address, appreciated CCI for taking timely initiatives during the peak of the pandemic to ensure continuity of regulatory work. She further stated that CCI had stood the test of time and met the expectations of stakeholders.

Smt. Sitharaman underlined three actionable areas to achieve the public policy goal of competition. First, she emphasised that, in order to speed up recovery, companies need to scale up. She said that scaling up is already happening, and CCI should have a proactive understanding of what is shaping markets in this process, especially in M&As.

> **"There is a global shortage of commodities due to the pandemic, and now, following the war in Eastern Europe, the supply chain has been adversely affected. There is a need to look into these and ensure that there are no monopolistic/duopolistic tendencies leading to price rise and supply side manipulations."**
>
> **Smt. Nirmala Sitharaman, Union Minister of Finance and Corporate Affairs**



Shri Rajesh Verma, Secretary, Ministry of Corporate Affairs, during his Special Address at the 13th Annual Day of CCI at DRDO Bhawan on 20.05.2022.

On this occasion, the Hon'ble Union Minister of Finance and Corporate Affairs inaugurated CCI's Regional Office (East) in Kolkata. This is the second regional office after the Southern Regional Office (South) in Chennai, which was inaugurated in February 2021. Smt. Sitharaman also launched an upgraded website of CCI and released CCI's Competition Advocacy Booklets, which have been translated into Kannada and Malayalam.

Secondly, she underlined her concerns that input costs are rising despite India having a huge capacity to cater to both domestic and export demands. Smt. Sitharaman highlighted that there is a global shortage of commodities due to the pandemic, and now, following the war in Eastern Europe, the supply chain has been adversely affected. She said that there is a need to look into these and ensure that there are no monopolistic/duopolistic tendencies leading to price rise and supply side manipulations.

Smt. Sitharaman also spoke about the challenges posed by digitisation. She said that India has made a brand name for itself, be it in fintech or in adopting digital tools such as artificial intelligence and the Internet of Things (IoT). She particularly cited how Aadhar, India Stack, and other necessary digital public infrastructure support have been harbingers of the digital revolution.

The Hon'ble Finance & Corporate Affairs Minister also appreciated CCI leadership over the past two years and wished the Commission the very best, especially as India moves towards Amrit Kaal, the 25 years leading to India@100.

Delivering the Special Address, Shri Rajesh Verma, Secretary, Ministry of Corporate Affairs, congratulated CCI for promoting and sustaining

> **"Today, Competition Commission of India completes 13 years of enforcement of the Competition Act, let me at the outset take this opportunity to compliment and congratulate the Chairperson, Members, and the staff of CCI who are diligently implementing the mandate of the law to promote and sustain competition in markets and protect the interests of consumers in letter and spirit.**
>
> **Shri Rajesh Verma, Secretary, Ministry of Corporate Affairs,"**

competition in markets and protecting the interests of consumers in letter and spirit. Shri Verma further mentioned that the common ideological thread of economic regulation in India has unequivocally been competition-based economic regulation. He also noted the critical interventions in antitrust enforcement undertaken by CCI over the years and that stakeholders are increasingly reposing their trust in the Commission as a forum for the redressal of competition-related concerns.

He noted that, within the legal framework of the Act, CCI has already issued some landmark decisions and ordered investigations in technology markets. He recognised that such cases involve complex technological issues and pose



Shri Ashok Kumar Gupta, Chairperson, CCI, delivering the Welcome Address during the 13th Annual Day of CCI at DRDO Bhawan on 20.05.2022.

challenges to the enforcer and investigators. "To meet such challenges, CCI will need to keep itself abreast of the developments in these markets and continue to redefine the antitrust toolkit," he stated. This, according to him, "would enable timely and evidence-based interventions and strike a balance, so that efficiency and innovation are not stifled and markets remain free from abuse of market power". Lastly, Shri Verma outlined the importance of regional offices that are expected to facilitate enforcement by acting as centres for filing and receiving cases and facilitating investigation, follow-up of court cases, and online depositions in coordination with the Head Office in Delhi.

Shri Ashok Kumar Gupta, Chairperson, CCI, in his welcome address, stated that a rebound of the economy is underway, and now, more than ever, markets should perform well. Antitrust law is aimed at fostering a public good that is competition, he said. Shri Gupta expressed confidence that the enforcement of law has been robust yet judicious, with calibrated interventions in some sectors when required. He also informed the audience that, over the last 13 years, CCI has reviewed over 1,100 antitrust cases, over 900 combination filings, and held over 1,200 advocacy events.

He expressed his appreciation at the slow but definite change in the behaviour of firms. Shri Gupta highlighted that CCI has been constantly upgrading its investigation toolkits and techniques to unravel anti-competitive conduct, which is often shrouded in secrecy. He also stated that forensic tools, data analytics, and dawn raids are increasingly becoming useful methods during the investigative process.

Addressing the gathering, Shri Gupta also underlined the role of CCI as a facilitator in the process of expeditious assessment of combination filings, with the

> **"A key metric that helps us gauge the effectiveness of our enforcement is the behavioural changes of market participants pursuant to our decisions. We are glad to observe that there is a slow but a definite change in the behaviour of firms. At times, after the initiation of proceedings, the parties have responded with behavioural self-corrections."**
>
> **Shri Ashok Kumar Gupta, Chairperson, CCI**

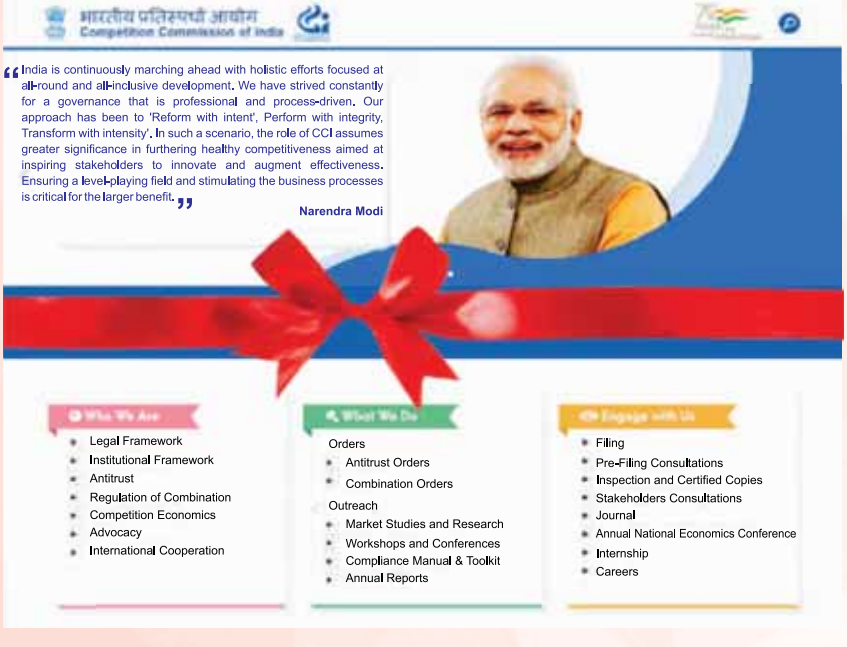
average time for approval of combination cases having come down to 17 working days. In over 900 combinations reviewed so far, remedies were ordered in only 2% cases, he informed the audience.

Shri Gupta, while delving into the novel issues posed by digital markets, stated that new skillsets are required for the investigation, adjudication, knowledge creation, and augmentation of capacities in areas such as artificial intelligence, machine learning, data analytics, algorithm design, etc. He also underpinned the need to sharpen the regulatory toolkit for both antitrust and mergers to account for data-centric ecosystems, as India has emerged as one of the biggest and fastest-growing digital consumer bases. In this process, while market distortions need to be corrected promptly, it is equally important that incentives for innovation are not compromised.



(From Left) Dr. Sangeeta Verma, Member, CCI; Shri Ashok Kumar Gupta, Chairperson,CCI; Hon'ble Union Minister of Finance and Corporate Affairs Smt. Nirmala Sitharaman; Shri Rajesh Verma, Secretary, Ministry of Corporate Affairs; and Ms. Jyoti Jindgar Bhanot, Secretary, CCI, during the release of advocacy booklets in regional languages (Kannada and Malayalam) at the 13th Annual Day of CCI on 20.05.2022.

Dr. Sangeeta Verma, Member, CCI, proposed the Vote of Thanks and thanked the Hon'ble Union Finance and Corporate Affairs Minister Smt. Nirmala Sitharaman for gracing the occasion and sharing her vision for CCI. Shri Bhagwant Singh Bishnoi, Member, present at the Regional Office (East) in Kolkata,spoke about the role of the regional offices of the Commission and thanked Smt. Sitharaman for inaugurating the Regional Office (East) in Kolkata.



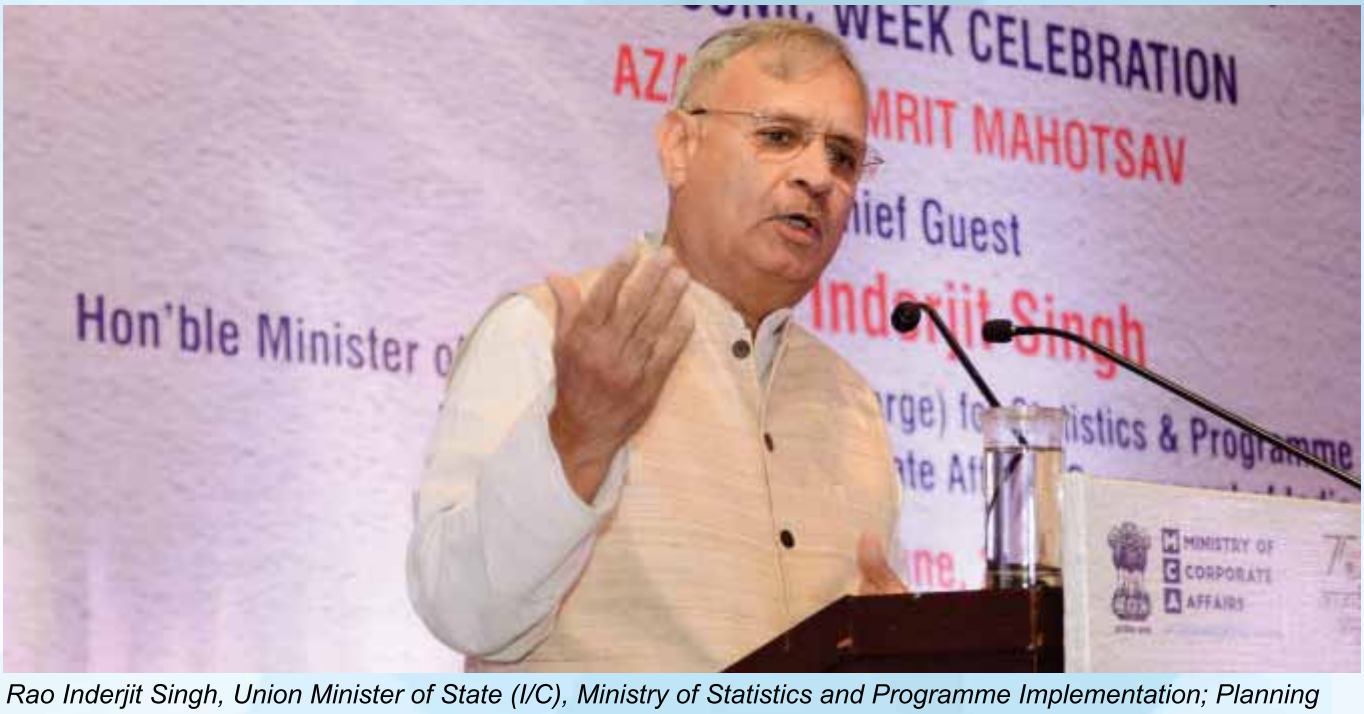


Shri Bhagwant Singh Bishnoi, Member, CCI, addressing the audience virtually from the Regional Office (East) in Kolkata during the 13th Annual Day of CCI at DRDO Bhawan on 20.05.2022.



Dr. Sangeeta Verma, Member, CCI, giving the Vote of Thanks during the 13th Annual Day of CCI at DRDO Bhawan on 20.05.2022.

National Conference on Competition Law under AKAM



Rao Inderjit Singh, Union Minister of State (I/C), Ministry of Statistics and Programme Implementation; Planning and Union Minister of State, Ministry of Corporate Affairs, delivering the inaugural address during the National Conference on Competition Law, organised as part of the Iconic Week celebrations under AKAM on 11.06.2022, at Ashok Hotel, New Delhi.



(From left): Hon'ble Mr. Justice Rakesh Kumar, Member (Judicial), NCLAT; Dr. Sangeeta Verma, Member, CCI; Shri Bhagwant Singh Bishnoi, Member, CCI; Hon'ble Dr. Ashok Kumar Mishra, Member, (Technical), NCLAT; Shri Rajesh Verma, Secretary, Ministry of Corporate Affairs (MCA); Rao Inderjit Singh, Hon'ble Union Minister of State for Corporate Affairs; and Shri Ashok Kumar Gupta, Chairperson, CCI during the lamp-lighting ceremony of the National Conference on Competition Law, organised as part of the MCA Iconic Week celebrations under AKAM on 11.06.2022, at Ashok Hotel, New Delhi.



(From left): Dr. Sangeeta Verma, Member, CCI; Hon'ble Dr. Ashok Kumar Mishra, Member (Technical), NCLAT; Shri Ashok Kumar Gupta, Chairperson, CCI; Rao Inderjit Singh, Hon'ble Union Minister of State for Corporate Affairs; Shri Rajesh Verma, Secretary, MCA; Hon'ble Mr. Justice Rakesh Kumar, Member (Judicial),NCLAT; and Shri Bhagwant Singh Bishnoi, Member, CCI, inaugurating the special issue of Fair Play (upper image) and the Competition Advocacy Booklets in regional languages (Gujarati, Assamese, and Odia) (lower image) during the national conference on Competition Law at Ashok Hotel, New Delhi, on 11.06.2022.

Azadi Ka Amrit Mahotsav (AKAM) was launched by the Hon'ble Prime Minister Shri Narendra Modi in March 2021 as a celebration of the remarkable journey of India and its people since independence. The launch marked the 75-week countdown to the 75th anniversary of India's independence in August 2022. On 11.06.2021, the Competition Commission of India organised a National Conference on Competition Law as part of the Iconic Week celebrations of the Ministry of Corporate Affairs (MCA) under AKAM.

> **We, as a nation, will be in the league of the most advanced and economically developed nations in the next twenty-five years, as envisioned by our Hon'ble Prime Minister.**
>
> **Rao Inderjit Singh**

The event commenced with the Welcome Address, which was delivered by Smt. Jyoti Jindgar



Rao Inderjit Singh, Hon'ble Union Minister of State for Corporate Affairs and Shri Ashok Kumar Gupta, Chairperson, CCI along with the winner of the essay competition Ms. Pragya Bajaj.



(From Left): Dr. Sangeeta Verma, Member, CCI; Hon'ble Dr. Ashok Kumar Mishra, Member (Technical), NCLAT; Shri Ashok Kumar Gupta, Chairperson, CCI; Rao Inderjit Singh, Hon'ble Union Minister of State for Corporate Affairs; Shri Rajesh Verma, Secretary, MCA; Hon'ble Mr. Justice Rakesh Kumar, Member (Judicial), NCLAT; and Shri Bhagwant Singh Bishnoi, Member, CCI, along with the winner of the quiz competition Ms. Payal Yadav.



Shri Rajesh Verma, Secretary, Ministry of Corporate Affairs*, delivering the Special Address during the National Conference on Competition Law, organised as part of the MCA Iconic Week celebrations under AKAM on 11.06.2022, at Ashok Hotel, New Delhi.*

Bhanot, Secretary, CCI.
Rao Inderjit Singh, Union Minister of State (I/C), Ministry of Statistics and Programme Implementation; Planning and Union Minister of State, and Ministry of Corporate Affairs, delivered the inaugural address as the Chief Guest at the event.

On this occasion, he also released a short film capturing the 13 years of the Commission's journey, in addition to releasing the special edition of *Fair Play*, the quarterly newsletter of CCI, which showcased the initiatives undertaken by the Commission under and during the period of AKAM, along with Competition Advocacy Booklets in regional languages (Gujarati, Assamese, and Odia). He also felicitated the winners of the essay and quiz competitions conducted earlier under the aegis of AKAM.

In his address, Rao Inderjit Singh congratulated MCA and CCI for celebrating the iconic event. He urged India to regain its lost glory and become an economic powerhouse. He stated that India, on an economic growth metric, is forging ahead of its peers. He also mentioned that, historically, before it was colonised, India was an advanced economy with a high share in world economy. Concluding his address, the Union Minister implored the citizens of India to work in unison to make India a better nation for the generations to come.

Shri Rajesh Verma, Secretary, Ministry of Corporate Affairs, delivered the Special Address on



Shri Ashok Kumar Gupta, Chairperson, CCI, delivering the address, highlighting initiatives taken by CCI, during the National Conference on Competition Law, on 11.06.2022, at Ashok Hotel, New Delhi.

> **We are now planning to set up a dedicated digital markets unit within CCI as a centre of expertise for digital markets.**
>
> **Shri Ashok Kumar Gupta, Chairperson, CCI**



(From left): Shri Suraj Saharan, Co-founder, Delhivery; Shri Sanjeev Bikhchandani, Founder & Exe. Chairman, Info Edge; Shri Ramji Srinivasan, Sr. Advocate, Supreme Court of India; Ms. Jyoti Jindgar Bhanot, Adviser, CCI; Dr. Sangeeta Verma, Member, CCI (Session Chair); Ms. Nisha Poddar, Editor, CNBC TV18, (Moderator); Dr. Rajat Kathuria, Dean, Shiv Nadar University; Dr. K. D. Singh, Director, (Law) CCI; and Shri Manu Chaturvedi, Advocate, Delhi High Court during Technical Session I on "Emerging Issues in Antitrust Enforcement" during the "National Conference on Competition Law", organised as part of the Ministry of Corporate Affairs (MCA) Iconic Week celebrations under AKAM on 11.06.2022 at Ashok Hotel, New Delhi.

the occasion and complimented CCI for holding the AKAM and Jan Bhagidari advocacy events. He mentioned that, since the launch of AKAM, CCI has conducted more than 250 advocacy programmes across India, which is the highest number of programmes conducted by any regulator under MCA, engaging stakeholders from various quarters and using technology to the fullest extent.

He said that the focus and design of competition law has changed fundamentally, i.e., to protect competition rather than curb monopolies and ensure a level playing field regardless of whether



(From left): Shri Karan Singh Chandhiok, Partner, Chandhiok & Mahajan; Shri Roshan Thomas, Group General Counsel, BYJU's; Shri Ramesh Subramanyam, Sr. Vice President, Tata Sons; Shri Manish Mohan Govil, Adviser, CCI; Shri Bhagwant Singh Bishnoi, Member, CCI (Session Chair); Shri Arijit Barman, Deputy Resident Editor, The Economic Times (Moderator); Dr. Ramji Tamarappoo, Sr. Economist, Econ One Research, LLC; Ms. Avaantika Kakkar, Partner, Cyril Amarchand Mangaldas; and Shri Vipul Puri, Joint Director (FA), CCI during Technical Session II on "Emerging Issues in Regulation of Combinations", organised as part of the Ministry of Corporate Affairs (MCA) Iconic Week celebrations under AKAM on 11.06.2022 at Ashok Hotel, New Delhi.

the enterprise is domestic or foreign, public or private, and leaves lesser discretion with government functionaries. He said that the Commission regulates the exit strategies of companies, i.e., mergers, acquisitions, amalgamations, etc., and plays a key role even at the insolvency resolution stage.

He commended CCI for becoming an effective and credible regulator in a relatively short span of time. He made special mention of the advocacy initiatives of the Commission, particularly the State Resource Person Scheme. He spoke about the necessity of strong international cooperation in a globalised world and the various MoUs signed between CCI and other competition regulators. In his concluding remarks, Secretary, MCA placed confidence in the working of the Commission and said that an institution like CCI can be a propelling force to aid a culture of competition.

Shri Ashok Kumar Gupta, Chairperson, CCI, in his address, welcomed the dignitaries and reaffirmed the unwavering commitment of CCI to protect the interests of all stakeholders by making markets work well. Shri Gupta emphasised that, as we enter Amrit Kaal, there is a need to constantly strategise and retool ourselves to provide the necessary institutional support for well-functioning markets.

Shri Gupta also highlighted that CCI has developed a sound body of jurisprudence through its review of over 1,100 antitrust cases. With increasing use of forensic tools, data analytics, and dawn raids to aid the investigation process, coupled with incentivising self-reporting through the leniency programme, the enforcement regime is now well-equipped to uncover cartels, he said. As India emerges as one of the biggest and fastest-growing digital consumer bases, market distortions need to be corrected promptly, he stated. He also emphasised the need to address competition problems in technology markets, with due regard to aspects of innovation and efficiency. In his concluding remarks, he stated that it is the endeavour of CCI to build a harmonised, trust-based regime for the industry.

The conference featured two technical sessions on “Emerging Issues in Antitrust Enforcement” and “Emerging Issues in Regulation of Combinations”, which witnessed engaging discussions on various aspects of antitrust enforcement and combination regulations.

Technical session I on “Emerging Issues in Antitrust Enforcement” was chaired by Dr. Sangeeta Verma, Member, CCI. Ms.Nisha Poddar, Editor, CNBC TV18, was the moderator of the session. Ms. Jyoti Jindgar Bhanot, Adviser (Anti-trust Division); Dr. K. D. Singh, Director (Law), CCI; Shri Ramji Srinivasan, Sr. Advocate, Supreme Court of India; Shri Manu Chaturvedi, Advocate, Delhi High Court; Shri Sanjeev Bikhchandani, Founder & Exe. Chairman, Info Edge; Shri Suraj Saharan, Co-founder, Delhivery; and Dr. Rajat Kathuria, Dean, Shiv Nadar University, were the panelists.

Technical Session II on “Emerging Issues in Regulation of Combinations” was chaired by Shri Bhagwant Singh Bishnoi, Member, CCI, and moderated by Shri Arijit Barman, Deputy Resident Editor, Economic Times. Shri Manish Mohan Govil, Adviser, (Combination Division); Shri Vipul Puri, Joint Director (FA), CCI; Shri Karan Singh Chandhiok, Partner, Chandhiok & Mahajan; Ms. Avaantika Kakkar, Partner, Cyril Amarchand Mangaldas; Shri Ramesh Subramanyam, Sr. Vice President, Tata Sons; Shri Roshan Thomas, Group General Counsel, BYJU's; and Dr. Ramji Tamarappoo, Sr. Economist, Econ One Research, LLC, were the panelists.

The conference was concluded with a Vote of Thanks by Ms. Sayanti Chakrabarti, Director (Economics). Simultaneously with the conference, Regional Advocacy Programmes on “Competition Compliance and Public Procurement” were conducted in four different regions of the country, i.e., Central, Eastern, Western, and Southern regions, through the hybrid mode.

In the Central region, the event was organised at the National Law Institute University (NLIU), Bhopal. Shri Yogesh K. Dubey, Joint Director (Economics), was the resource person from CCI. For the Eastern region, the event was organised at National Law University Odisha (NLUO), and Shri Nilotpal Bal (Joint Director General) was the resource person from CCI. In the Western region, the event was organised at the Maharashtra National Law University (MNLU), Mumbai, with Dr. Saurabh Mishra, Joint Director (Economics), as the resource person from CCI. In the Southern region, the event was organised at ICFAI Law School, Hyderabad. Shri Mohan Rao Ronanki, Joint Director (Economics), was the resource person from CCI. The events were attended by stakeholders, including officers from State government departments, PSUs, academia, members of the industry, and the legal fraternity.



Shri Ashok Kumar Gupta, Chairperson, CCI; Dr. Sangeeta Verma, Member, CCI; and Shri Bhagwant Singh Bishnoi, Member, CCI, with the officers of the Commission during the "National Conference on Competition Law", organised as part of the Ministry of Corporate Affairs' (MCA) Iconic Week celebrations under AKAM on 11.06.2022 at Ashok Hotel, New Delhi.

DIGITAL KIOSK

The Hon'ble Union Minister for Finance and Corporate Affairs Smt. Nirmala Sitharaman inaugurated the Iconic Week of the Ministry of Corporate Affairs during AKAM celebrations at Vigyan Bhawan, New Delhi, on 07.06.2022.

Rao Inderjit Singh, Union Minister of State (I/C), Ministry of Statistics and Programme Implementation; Planning and Union Minister of State, Ministry of Corporate Affairs, graced the celebrations as the Guest of Honour. Shri Rajesh Verma, Secretary, MCA; Shri Sanjay Kumar, Additional Secretary & Financial Advisor, MCA; and Shri Ashok Kumar, Postmaster General (Operations), along with heads of other subordinate and regulatory organisations under the Ministry were also present at the celebrations.

Different organisations and institutes under the Ministry of Corporate Affairs showcased their accomplishments at an exhibition organised on the occasion. A digital kiosk of the Competition Commission of India was set up at the exhibition, which featured snippets of the activities undertaken by the Commission under AKAM, the Commission's advocacy material for various stakeholders, short videos for spreading competition law awareness, and highlights of CCI's journey.

The Hon'ble Union Minister of Finance & Corporate Affairs Smt. Nirmala Sitharaman, along with the Hon'ble Union Minister of State for Corporate Affairs Rao Inderjit Singh, visited the kiosk and were briefed about the Commission's initiatives during AKAM by Shri Ashok Kumar Gupta, Chairperson, CCI.





Shri Ashok Kumar Gupta, Chairperson, CCI, briefing the Hon'ble Union Minister for Finance and Corporate Affairs Smt. Nirmala Sitharaman and Rao Inderjit Singh,Union Minister of State (I/C),Ministry of Statistics and Programme Implementation; Planning and Union Minister of State, Ministry of Corporate Affairs, during Azadi Ka Amrit Mahotsav (AKAM) celebrations at Vigyan Bhawan, New Delhi, on 07.06.2022.



ARTICLE - 'DON'T IGNORE CCI'S TEETH'

- By Shri Dhanendra Kumar, Former Chairperson, CCI, and Shri Rahul Singh, Associate Professor of Law, National Law School of India University, Bangalore (NLSIU).

*Reproduced from the article published in Law dot Asia on 02.05.2022.[1]



Shri Dhanendra Kumar



Shri Rahul Singh

The covid pandemic led to muted antitrust enforcement in many jurisdictions to help tide over the difficulties faced by industry and trade, and keep businesses afloat. In fact, there were all-round calls to dilute enforcement of competition policy during the time of the pandemic and facilitate combinations.

The Federal Trade Commission in the US created an expedited procedure for green lighting collaborations, which was aimed at augmenting health supply in the US. Similarly, a tacit acknowledgement by the Department of Justice aimed to tone down antitrust enforcement. In the EU we saw new exemptions to antitrust enforcement in medicines, wine, milk, potatoes, automobiles, etc.

The cumulative impact of these announcements has been to push competition policy to the back seat for the time being. Enforcement was further hindered by restrictions on physical movement and subpoenas, all of which impacted discovery and investigations. Initially, the Competition Commission of India (CCI) responded by suspending its regulatory functions temporarily in order to help tide over the difficulties from the spread of the covid pandemic. Soon a procedure was put in place to conduct virtual hearings, pre-filing consultations and meetings with CCI officers. In terms of enforcement, the Indian competition regime showed great empathy, but also some variance, compared to its global peers. The CCI seemed to follow the adage: "Keeping markets competitive is no less important during times of economic hardship than during normal times," although with procedural accommodation as needed.

In fact, we saw active merger regulation and anti-cartel orders even during the height of the pandemic. A hybrid mode was leveraged to ensure that even advocacy efforts did not suffer due to the pandemic. It would not be wrong to suggest that, in a post-pandemic era, somewhat assertive competition enforcement is visible. Recent high-profile orders like the investigations into the business models of food delivery apps such as Swiggy and Zomato pertaining to allegations of cartelization, or investigations into the abuse of dominant position by Google in the news media market, reflect this stance. Even Google and Apple's play store policy have come under CCI scrutiny.

It is not only the technology sector that has seen aggressive enforcement. In December 2021, the Indian retail sector saw an intense fight develop between Amazon and Reliance over Future Retail. The CCI not only suspended approval for Amazon's deal with Future Coupons, but also imposed

[1] https://law.asia/dont-ignore-cci-teeth/

an INR2 billion (USD26million) penalty, stating that there was a failure to adequately identify and notify Amazon's strategic interest in Future Retail.

The deal was seen as an attempt to acquire strategic rights over Future Retail. This order of abeyance was a bit unprecedented and sent shock waves. Bid rigging of government tenders has also been a new thrust for enforcement. The CCI very recently imposed penalties exceeding INR10 million on 24 entities, including individuals, for indulging in bid rigging and cartelisation in tenders floated by the Indian Railways. As many as 11 entities and 14 individuals of these entities were found to have violated competition norms.

The North Western Railway had referred to the commission of cartelization in the supply of high-performance polyamide bushes and self-lubricating polyester resin bushes. Similarly the CCI recently penalized seven entities for bid rigging in a tender related to SBI signage. Fines totaling over INR10 million were imposed on seven entities. Such orders were also issued in tenders called by the Food Corporation of India and GAIL. The CCI also appointed resource persons at the state level and evolved diagnostic toolkits, highlighting a continued thrust during the pandemic. Some people feel that there had been some change in the CCI's priorities, responsiveness and assertiveness. During the peak of the first wave of the pandemic in India, the CCI imposed a massive penalty of over INR3 billion on Grasim Industries for abusing its dominant position. It had been held to be charging its customers a discriminatory price for the supply of Viscose Staple Fibre. However, the most striking feature of the CCI's newly invigorated posture was the use of dawn raids as a tool by the director general to collect evidence against violations of competition law. The Supreme Court, in 2019, upheld the sanctity of evidence gathered through such a raid. The tool proved most effective in its investigations against zinc carbon battery manufacturers Eveready, Nippo and Panasonic.

The pandemic has not slowed down the use of this intrusive tool aimed at busting cartels. In fact, in the past 18 months there has been a string of raids conducted in sectors such as tarpaulins, commodities, cement, beer, vegetable seeds and country liquor. Even during the second wave of the covid pandemic, we saw an active director general's office conduct raids at prominent tyre manufacturers Continental, Apollo Tyres and CEAT.

The high conviction rate in these cases reflects the success of the dawn raids. In the beer manufacturers' case, they provided evidence of cartelisation with an otherwise difficult investigation. Several people feel that dawn raids can be a future mainstay of competition enforcement in India. Aggressive investigations have also been complemented by capacity building and infrastructure augmentation. On 26 February 2021, when the pandemic was at its peak and global competition regulators were lying low, the CCI inaugurated its regional office in Chennai, which was created for more effective competition enforcement in the relatively industrialized southern states of India. This is not to suggest that the CCI has been blind to the economic and practical consequences of the covid pandemic. In the case of cartelization with Industrial and Automotive Bearings, in a rare move it refused to impose a monetary penalty, recognizing the economic impact of covid on micro, small and medium enterprises (MSMEs). Furthermore, through its aggressive enforcement the CCI has also sought to address competition concerns in sectors most influenced by the pandemic. While aggressively rising commodity prices driven by increasing freight costs were prominently in the news, the CCI took an active role in regulating the market, keeping in view the interest of consumers. It held that four Japanese shipping companies, Nippon Yusen Kabushiki Kaisha, Kawasaki Kisen Kaisha, Mitsui OSK Lines and Nissan Motor Car Carrier Company, had indulged in cartelisation. It reiterated how multinational corporations must keep a close watch for competition concerns within local units.

The CCI also concluded a market study in the pharma sector on 18 November 2021 and clearly declared its aim to actively shape the structure of the pharma market. It sought to leverage the insights gained from the market study to contribute significantly to the design of the pharma sector in India, and to attain the objective of affordable medicines for all. Thus, unlike its global peers, the CCI has been proactive in using both its enforcement and non-enforcement tools to proactively guide the sector

during the pandemic. While actively enforcing competition priorities, it has also sought to balance this with the government's ease of doing business initiatives. It has expeditiously cleared more than 100 combinations in a record time. It also introduced the first expedited green channel route to encourage enterprises undertaking self-scrutiny in straightforward combinations and to prioritise the CCI's own resources for examining more complex merger approvals. It is pertinent to note how the courts have reacted to the CCI's active enforcement. Very recently, Delhi High Court refused to set aside a CCI investigation against WhatsApp and Facebook. Similarly, the Karnataka High Court upheld an investigation ordered by the CCI against Amazon and Flipkart.

The Madras High Court also upheld the CCI's investigation against domestic tyre manufacturers. All the above-mentioned orders emphasised the purely administrative nature of the orders passed by the CCI under Section 26(1) of the act. This clearly established CCI orders under the section to the director general to be an administrative direction to one of its wings departmentally, without entering upon any adjudicatory process.

The Supreme Court has also refused to interfere with these orders, further augmenting the CCI's assertive enforcement actions. Furthermore, a recent Supreme Court judgment confirming CCI jurisdiction over the lotteries business, in spite of active state regulation on the subject, has further expanded the scope of CCI jurisdiction.

The CCI, however, has been accused of jumping the gun in some cases, whereas the Supreme Court, in 2018, had laid down the rule with regard to a jurisdictional tussle between sectoral and market regulator. It established a clear verdict, where the CCI was to intervene after the relevant sectoral regulator had made its findings. The Bombay High Court recently relied on this to direct the CCI not to take any action against the Trustees Association of India and its members until the Securities and Exchange Board of India (SEBI), the relevant regulator for debenture trustees, gave its opinion on the subject. Rather than hindering CCI active enforcement efforts, these judgments have actively aided and augmented CCI enforcement efforts. It shows how a clear trend of expanding competition enforcement in India is inevitable. So, how should one take these trends? Obviously, take competition enforcement more seriously and don't take the CCI for granted. A better course would be to undertake self-regulation and voluntary compliance of competition law, where the CCI is always available to help. Another thing, in many jurisdictions a scheme exists for commitment and settlement, where enterprises can voluntarily offer to the CCI corrections in their market practices, which can also help in the achievement of CCI basic objectives as envisaged in its preamble, removal of anti-competitive practices, and the development of a competitive market. Such practice, if introduced – for which a Competition Amendment Bill is pending with the parliament – can also help in achieving avowed objectives, and saving time and costs involved in protracted litigation for everyone.

Chief Materials Manager, North Western Railway v. Moulded Fibreglass Products & Others (Ref. Case No. 03 of 2018)

This matter was initiated by the Commission on receipt of a Reference under Section 19(1)(b) of the Act from the Chief Materials Manager, North Western Railways ('Informant') against Moulded Fibreglass Products ('OP-1') and Power Mould ('OP-2') alleging that OP-1 and OP-2 indulged in cartelisation in the Informant's bidding process for the procurement of High Performance Polyamide (HPPA) Bushes and Self Lubricating Polyester Resin (SLPR) Bushes (which are alternatives for each other) used in Bogie Mounted Brake Cylinder Coaches, in contravention of the provisions of the Act.

The Commission, after forming a *prima facie* view of contravention of the provisions of Section 3(3)(d) of the Act by OP-1 and OP-2, directed the Director General (DG), *vide* order dated 16.10.2018, to cause an investigation into the matter and submit a report. The Commission made it clear that if, during the course of investigation, the DG comes across anti-competitive conduct of any other entity/person in addition to those mentioned in the information, the DG shall be at liberty to investigate the same as well.

Based on the evidence collected and findings in the investigation report submitted by the DG and other material available on record, the Commission found that, apart from OP-1 and OP-2, there were nine (09) other companies/firms that indulged in cartelisation in the supply of HPPA/SLPR Bushes to the Indian Railways by means of directly or indirectly determining prices, allocating tenders, controlling supply and market, co-ordinating bid prices, and manipulating the bidding process. The evidence in the matter included regular e-mail communications and WhatsApp exchanges between the parties, quoting of identical/similar prices by certain parties, filing of bids from the same IP addressed by certain parties in close proximity, etc.

Thus, the Commission issued a final order against eleven (11) companies/firms which were found to have contravened the provisions of Sections 3(3)(a), 3(3)(b), 3(3)(c), and 3(3)(d) read with Section 3(1) of the Act. Further, fourteen (14) individuals of these entities were found liable by the Commission for anti-competitive conduct of their respective companies/firms, in terms of the provisions of Section 48 of the Act.

Of the eleven (11) entities, four (04) were lesser penalty applicants before the Commission under the provisions of Section 46 of the Act. CCI imposed penalties @5% of the average turnover/income upon the companies/firms and their respective individuals found guilty of violating the provisions of the Act. After giving benefit of reduction in penalty of 80% to first lesser penalty applicant and its individuals, 40% to second lesser penalty applicant, 30% to third lesser penalty applicant and its individuals, and 20% to fourth lesser penalty applicant and its individuals, CCI directed the parties to pay penalties totalling to approx. INR 1.16 crores, besides issuing a cease-and-desist order.

CCI imposed penalty on nine entities for bid rigging in the tender invited by the Department of Agriculture, Government of Uttar Pradesh (Suo Motu Case No. 01 of 2020)

Suo motu cognizance was taken by the Commission on the basis of a complaint dated 07.08.2018 alleging bid rigging in respect of two e-tenders, namely, tender dated 31.05.2018 ('Tender No.1') and tender dated 18.06.2018 ('Tender No.2'), for soil sample testing invited by the Department of Agriculture, Government of Uttar Pradesh.

The Commission was of the *prima facie* view that a case of contravention of the provisions of Section 3(1) read with Section

3(3)(d) of the Act was made out against Yash Solutions, M/s Satish Kumar, M/s Siddhi Vinayak, M/s Saraswati Sales, and Austere Systems Private Limited as, despite being competitors, these entities appeared to manipulate the process of bidding in the soil-testing tenders in the state of Uttar Pradesh. Accordingly, the Director General (DG) was directed to cause an investigation into the matter under Section 26(1) of the Act.

Based on the documentary evidence collected during investigation, the DG found that Yash Solutions, M/s Satish Kumar Agarwal, M/s Siddhi Vinayak & Sons, M/s Saraswati Sales Corporation, and Austere Systems Pvt. Ltd (the *'*Opposite Parties*'* as identified by the Commission at *prima facie* stage) as well as other parties/bidders (identified during the course of investigation), namely, Delicacy Continental Private Limited, Fimo Info Solutions Pvt. Ltd., M/s Toyfort, and Chaitanya Business Outsourcing Pvt. Ltd., indulged in cartelisation and bid rigging in the 2017 and 2018 tenders pertaining to soil testing work. The DG also identified certain individuals of the Opposite Parties to be liable in terms of Section 48 of the Act.

On analysing and assessing the evidence and other material placed before it, the Commission, after hearing the parties, observed that the Opposite Parties had indulged in cartelisation/bid rigging in respect of the tenders so invited, more particularly by resorting to the production and submission of fake invoices and false experience certificates for manipulating the bidding process in order to achieve predetermined objects. The findings of the investigation could not be rebutted by the parties.

The Commission, thus, held that all nine Opposite Parties, viz., Yash Solutions, M/s Satish Kumar Agarwal, M/s Siddhi Vinayak, M/s Saraswati Sales Corporation, M/s Austere System Pvt. Ltd., Delicacy Continental Pvt. Ltd, Fimo Infosolutions Private Limited, M/s Toyfort, and Chaitanya Business Outsourcing Pvt. Ltd., had contravened the provisions of Section 3(1) of the Act read with Section 3(3)(c) and 3(3)(d) and accordingly, imposed penalty upon the parties and their individuals @5% of their respective average turnover and average incomes, respectively.

In Re: Cartelisation in the supply of protective tubes to Indian Railways (Case No. 06 of 2020)

This matter was initiated by the Commission *suo motu* pursuant to receipt of an application under Section 46 of the Act read with Regulation 5 of the Competition Commission of India (Lesser Penalty) Regulations, 2009 (LPR) for alleged cartelisation in the supply of protective tubes to the Indian Railways by seven (07) firms/companies from 10.06.2015 to 29.06.2020.

The Commission, after forming a *prima facie* view of contravention of the provisions of Section 3(1) read with Section 3(3) of the Act, directed the Director General (DG), *vide* order dated 17.11.2020, to cause an investigation into the matter and submit a report.

Based on the evidence collected by the DG and its findings in the investigation report and other materials available on record, the Commission found the seven (07) companies/firms to have contravened the provisions of Sections 3(3)(a), 3(3)(b), 3(3)(c), and 3(3)(d) read with Section 3(1) of the Act. It was found that these entities indulged in cartelisation in the supply of protective tubes to the Indian Railways by means of directly or indirectly determining prices, allocating tenders, controlling supply and market, co-ordinating bid prices, and manipulating the bidding process.

The evidence in the matter included regular email communications between the parties, filing of bids from same IP addresse by certain parties, etc. Ten (10) individuals of the seven (07) entities were also held liable for the anti-competitive conduct of their respective companies/firms in terms of the provisions of Section 48 of the Act.

Accordingly, the Commission imposed penalties @5% of the average turnover/income upon the companies/firms and their certain individuals found guilty of violating the provisions of the Act. However, benefit of reduction in penalty under the provisions of Section 46 of the Act, of 100% was given to the

lesser penalty applicant. Post reduction, the Commission directed the parties to pay penalties totalling to approx. INR 18.5 lakh, besides issuing a cease-and-desist order.

Leniency programmes are instrumental in assisting competition authorities in detecting, investigating, and prosecuting cartels. Under the existing framework, CCI may impose a lesser penalty on a person involved in a cartel alleged to have violated Section 3 if such person has made a full and true disclosure in respect of alleged violations and such disclosure is vital.



VERTICAL AGREEMENTS

National Restaurants Association of India v. Zomato and Swiggy (Case No. 16 of 2021)

Information was filed by National Restaurant Association of India (NRAI) under Section 19(1)(a) of the Act against Zomato and Swiggy, two online food delivery apps, alleging contravention of provisions of Section 3(4) read with Section 3(1) of the Act. It was, *inter alia*, alleged that Zomato and Swiggy indulged into various anti-competitive practices, namely, coerced bundling of food ordering with food delivery, data masking and platform neutrality, price parity restriction/arrangements, exclusive listing with minimum guarantee obligation, imposition of one-sided terms & conditions, exorbitant commissions, etc.

With regard to allegation of bundling of ordering services with delivery services, the Commission *prima facie* did not find the same to be leading to an appreciable adverse effect on competition either between restaurants or between hyperlocal delivery service providers.

However, on careful perusal of allegations as well as submissions made by parties, the Commission found that a conflict of interest situation exits both with regard to Swiggy as well as Zomato, because of the presence of commercial interest in the downstream market, which may get in the way of them acting as neutral platforms. The Commission noted that both Swiggy and Zomato operate as major intermediary platforms in the food delivery space, underscoring their market power and ability to adversely as well as appreciably affect the level playing field. Preferential treatment accorded to the Restaurant Partners (RPs) in which these platforms have an equity or revenue interest can create barriers for the existing RPs to compete on fair terms. Such preferential treatment can be through various ways given the platform's control over different aspects that influence competition, including control over deliveries, search ranking, etc., which can only be examined appropriately in an investigation. In view of the foregoing as well as conflicting submissions made by the parties, including relevant data brought on record, the Commission directed an investigation under Section 3(4) read with Section 3(1) of the Act.

The Commission further noted that NRAI also alleged that OPs often induce the RPs to commit exclusively to be listed on their respective platforms. NRAI has averred that exclusivity, minimum business guarantee agreements and preferential listings in terms of advertising, etc., show that the platform is not neutral and intentionally fosters an uneven playing field for the RPs. The

Commission thus directed that, during investigation, it may also be seen whether exclusivity in conjunction with minimum guarantee obligation further accentuates the structure, which may get in the way of the platform operating in a neutral manner.

Further, as regards the price parity clauses, the Commission directed that such clauses in the agreements of Zomato and Swiggy appear to indicate wide restrictions where the RPs are not allowed to maintain lower prices or higher discounts on any of their own supply channel or on any other aggregator, so that the minimum price or maximum discounts can be maintained by the platform. In case of food delivery apps, such clauses may result in removal of the incentive for platforms to compete on the commission they charge to restaurants, may inflate the commissions and final prices paid by consumers, and may also prevent entry from new low-cost platforms. The Commission held that, given that Zomato and Swiggy are the two biggest platforms in the food delivery segment, their respective agreements with RPs of this nature are likely to have an AAEC on the market by way of creating entry barriers for new platforms, without accruing any benefits to consumers. Thus, investigation was ordered under the price parity clauses in Section 3(4) read with Section 3(1) of the Act.

The Commission was of the view that there exists a *prima facie* case with respect to the aforesaid allegations against Zomato and Swiggy, and directed investigation under Section 26(1) of the Act.



ABUSE OF DOMINANT POSITION

In Re: Showtyme (through Vijay Gopal, proprietor of Vanila Entertainments) and Big Tree Entertainment Pvt. Ltd. (BookMyShow) (Case No. 46 of 2021)

Information was filed by Mr. Vijay Gopal under Section 19(1)(a) of the Act, against Big Tree Entertainment Pvt. Ltd (BookMyShow), an online movie ticket portal, and other multiplexes, alleging contravention of provisions of Sections 3 and 4 of the Act.

It was, *inter alia*, alleged that BookMyShow has signed *'*exclusive and refusal to deal*'* agreements with the multiplexes/theatres, owing to which these multiplexes/theatres sell their movie tickets only through BookMyShow, whereby BookMyShow charged exorbitant charges under the guise of convenience fee. It was alleged that cash loans/monetary deposits were given on zero interest by BookMyShow to such multiplexes/theatres, and were unable to associate with the Informant's online movie ticketing portal, Showtyme. It was also alleged that BookMyShow is abusing its dominant position under Section 4 of the Act by imposing unfair and discriminatory conditions on the theatres/multiplexes i.e., making them sign contracts for sale of 100% tickets on its platform. The Commission noted that the primary allegations *qua* the conduct of BookMyShow were under the provisions of Section 4 of the Act. Considering the nature of intermediation services provided by online movie ticket booking portals, the Commission delineated the relevant market as *'market for online intermediation services for booking of movie tickets in India'*. The Commission relied upon the information available in the public domain for market share along with

other factors such as reach, scale, and network effects and the ability of BookMyShow to enter into exclusive agreements within India. This has corroborated its position of strength and the various provisions in its agreements with cinema theatres/multiplexes, and indicated its superior bargaining power in deciding contractual terms. These factors, taken together, *prima facie* appeared to substantiate the dominant position of BookMyShow in the relevant market.

The Commission perused the agreements of BookMyShow and noted, *inter alia*, that the exclusive and restrictive agreements with single-screen cinemas and multiplexes, in conjunction, *prima facie* appear to have the potential of denying market access to competing platforms and potential entrants. Cinema theatres as well as cinegoers alike are restricted in their choice of alternate ticketing platforms, during the working of the contracts that BookMyShow has with a large number of theatres/multiplex chains. Further, the reservation of seats during the term of agreement is likely to restrict the ability of cinema theatres to sell tickets during the currency of such agreements. Regarding exclusivity relating to data ownership and access to data, the Commission noted that it can increase the bargaining power of the platform over time and further strengthen and entrench the network effects, limiting inter-platform competition, and noted that such an aspect merits investigation. Though the Commission opined that it cannot act as a price regulator regarding convenience fee, it noted that the exclusivity agreements may result in the softening of competition, bolstering market power without any incentive to lower the fee in the future.

The Commission was of the view that there exists a *prima facie* case with respect to the conduct of BookMyShow, and directed an investigation under Section 26(1) of the Act- by the Director General to determine whether the conduct of BookMyShow has resulted in contravention of the provisions of Section 4 of the Act.

CCI issued a cease and desist order against the Amateur Baseball Federation of India for abusing dominant position (Case No. 03 of 2021)

The Information in this matter was filed by the Confederation of Professional Baseball Softball Clubs (CPBSC) under Section 19 of the Act against the Amateur Baseball Federation of India (ABFI) alleging, *inter alia,* contravention of provisions of Section 4 of the Act. As per the Information, ABFI requested its affiliated State Baseball Associations by way of communication dated 07.01.2021 to not to entertain unrecognised bodies and not allow state-level players to participate in any of the tournaments organised by them.



The Commission, *vide* order dated 03.06.2021 passed under Section 26(1) of the Act, directed the Director General (DG) to cause an investigation into the matter. The Commission, through a separate order of even date passed under Section 33 of the Act, restrained ABFI to issue any communication to its affiliated State Associations dissuading them, in any manner whatsoever, from allowing their players from participation in tournaments organised by the Associations/Federations/Confederations which are not purportedly 'recognised' by ABFI.

The DG, after investigation, concluded that ABFI has misused its regulatory powers by imposing unfair and discriminatory conditions on the baseball players. This

behaviour of ABFI limited/restricted the services of players for organisers of tournaments such as the Informant, and hence, this conduct of ABFI of foreclosing market competition was found to be anti-competitive. Accordingly, the DG concluded that ABFI was in violation of the provisions of Sections 4(2)(a)(i), 4(2)(b)(i), and 4(2)(c) of the Act.

Based on the investigation report and other documents available on the record, the Commission found ABFI to be in a dominant position in the relevant market of organisation of baseball leagues/events/ tournaments in India and ABFI by issuing communication dated 07.01.2021 to its affiliated State Baseball Associations, was found to have contravened the provisions of Sections (4)(2)(a)(i), 4(2)(b)(i), and 4(2)(c) of the Act. The Commission refrained from imposing any monetary penalty considering ABFI has already withdrawn the impugned letter and, to that extent, the necessary market correction has already taken place. Against this backdrop, the Commission issued a cease-and-desist order against ABFI.



CCI approved acquisition of stake in Busybees Logistics by TPG (Combination Case No. C-2022/02/905)

The Commission, *vide* its order dated 23.03.2022, approved the acquisition of 6.92% shareholding of Busybees Logistics Solutions Private Limited ('Xpressbees') by TPG Growth V SF Markets Pte. Ltd. (TPG SF). TPG SF would also have the right to nominate a director on the Board of Directors of Xpressbees as well as the right to participate in matters requiring the consent of a certain threshold of investors. TPG Group claims to be a global, diversified investment firm. It also has a controlling stake in NewQuest Capital Partners ('NewQuest Capital'), a private equity investment firm. Xpressbees is engaged in the business of providing logistics and delivery solution services, including express parcel shipping services, B2B part truck load and full truck load freight services, cross border logistics, and third-party (3P) logistics/contract logistics.

The notifying party claimed that the said Combination should have benefited from item 1 of Schedule I of the Combination Regulations, as TPG SF would have a minority shareholding in Xpressbees, and TPG SF/TPG Group/NewQuest Capital does not hold any investment in any entity that has horizontal overlaps with or is vertically related to the business activities of Xpressbees. In this regard, the Commission referred to the order issued under Section 43A of the Act in relation to Combination Registration No. C-2017/05/509, where it was noted that the term 'ordinary course of business' is also meant to refer to transactions done during the ordinary course of sale and purchase of securities undertaken solely with the intent to benefit from the short-term price movement of securities. However, the Commission noted that the purpose of the Combination is not to benefit solely from short-term price movement. Further, acquisition in the ordinary course of business of sale and purchase of securities neither entails the right nor the ability of any of the parties to the acquisition (including their affiliates) to participate in the decision-making process of another party(ies) to the acquisition (including its affiliates), nor result in access to commercially sensitive information, nor envisages any other agreement or understanding having commercial significance. However, TPG SF would have the right to nominate a director on the Board of Directors of Xpressbees and participate in matters requiring the consent of a certain threshold of investors. Therefore, the Combination could not claim exemption under item 1 of Schedule I of Combination Regulations.

The Commission observed that shopping is one of the most important features of e-commerce.The sale of goods through e-commerce is not about just setting up an online portal/application but also warranting delivery of products at the address specified by the customer. Outbound logistics, i.e., end-customer facing logistics, bridge the distance between the fulfilment centres of the e-commerce operator and the delivery, on an order-to-order basis. End-customer facing 3PL services for e-commerce (3PL for e-commerce) require specialised features to suit the channel, such as robust last-mile delivery network, reverse pick-up, ability to handle returns, cash on delivery, timely and



IN A NUTSHELL

TPG SF is acquiring ~7% shareholding of Busybees Logistics.

The Commission provided an explanation of the term 'ordinary course of business' under item 1 of Schedule I of Combination Regulations.

The Commission observed that 3PL for e-commerce and sales of goods through e-commerce exhibit vertical interface.

cost-efficient delivery, delivery during specified time slot, size of parcel being larger than ordinary courier parcel but smaller than B2B shipments, integration with the system of e-commerce players, etc. Considering the significance and peculiar features of 3PL for e-commerce, the Commission noted that 3PL for e-commerce and sales of goods through e-commerce exhibit vertical interface. Further, the overall logistics industry and overall 3PL service businesses are broad and encompass services that are not interchangeable or substitutable with 3PL for e-commerce. Examination at a narrower level, i.e., 3PL for e-commerce, is warranted to assess the likely effect of the vertical interface. However, the Commission decided to leave the precise delineation of the relevant markets open as the Combination is not likely to raise competition concern, irrespective of the manner in which the relevant market is delineated.

The Commission approved the combination under sub-section (1) of Section 31 of the Act, as it was not likely to have an appreciable adverse effect on competition in India.

CCI approved acquisition of 100% share capital of L&T Investment Management Limited by HSBC Asset Management (India) Private Limited

The Commission, *vide* its order dated 09.03.2022, approved the acquisition of 100% share capital of L&T Investment Management Limited (L&T AMC/'Target') by HSBC Asset Management (India) Private Limited (HSBC AMC/'Acquirer') from L&T Finance Holdings Limited (L&T Sponsor/'Seller') and its nominees ('Proposed Combination').

HSBC AMC is a wholly owned indirect subsidiary of HSBC Holdings PLC (HSBC Group) and belongs to the HSBC Group of Companies. Its principal activity is to act as an asset management services provider to HSBC Mutual Fund schemes (HSBC MF). It also provides portfolio management and investment advisory services (PMS) to clients. It is responsible for managing investments of money pooled in through investments in HSBC MF.

L&T AMC is a wholly owned subsidiary of L&T Sponsor. It is an asset management entity for operating the day-to-day functioning of L&T Mutual Fund schemes (L&T MF). It is primarily engaged in the provision of mutual funds in India. It is responsible for managing the investment of money pooled in through investments made in L&T MF.

The activities of the parties exhibit horizontal overlaps at the (a) broad level of market for mutual funds in India ('Broad Relevant Market') and (b) narrow level: (i) market for equity oriented mutual funds schemes in India; (ii) market for debt-oriented mutual funds schemes in India; and (iii) market for hybrid mutual funds schemes in India [(i), (ii), and (iii) are collectively referred to as 'Narrow Relevant Markets']. However, the Commission decided to leave the precise delineation of the relevant market(s) open, as the Proposed Combination is not likely to cause an appreciable adverse effect on competition in any of the plausible relevant market(s) that could be delineated. The market share of parties are low, and other big players will continue to pose competitive constraints post the proposed Combination.

There is an existing vertical relationship between the supply of mutual fund products in India by

IN A NUTSHELL

- There is a horizontal overlap between HSBC AMC and L&T AMC in the broad market for mutual funds in India and in narrow-level markets.
- There is an existing vertical relationship between HSBC AMC and L&T AMC in the supply of mutual funds and distribution of mutual funds in India.
- Potential complementary relationship could arise as HSBC AMC is engaged in PMS in India; however, the PMS market is highly fragmented.
- No likelihood of AAEC considering the low market shares of parties and presence of major competitors.



L&T MF ('upstream market') and mutual fund distribution in India by the Acquirer's affiliate banking arm, The Hongkong and Shanghai Banking Corporation Limited (HSBC Bank) ('downstream market'). However, the market share of HSBC AMC in the segment of distribution of mutual funds in India is insignificant to raise any competition foreclosure concerns.

With regard to complementary relationship, it is observed that there could be a potential complementary relationship, as HSBC AMC is engaged in PMS in India. The market shares of parties in the Indian PMS market are low, and with over 300 portfolio managers registered with SEBI, it appears that the presence of parties is not likely to cause any competition foreclosure concerns in India.

The Commission approved the combination under Section 31(1) of the Act, as it was not likely to have an appreciable adverse effect on competition in India.

Commission approve acquisition of ISMT Limited by Kirloskar Ferrous Industries Limited

On 23.02.2022, the Commission approved the Proposed Combination involving (i) infusion of capital by Kirloskar Ferrous Industries Limited ('Acquirer') in ISMT Limited ('Target') by the acquisition of 51.25% equity shares of the Target; (ii) a consequent Open Offer for a sum of INR 239.71 crore (assuming full acceptance) in accordance with Securities and Exchange Board of India (Substantial Acquisition of Shares and Takeovers) Regulations, 2011; (iii) grant of an unsecured loan amounting to INR 194 crore by the Acquirer to the Target; and (iv) acquisition of management and control of the Target.

The Acquirer is a wholly owned subsidiary of the Kirloskar Group engaged in the business of manufacturing iron castings comprising two further product lines: pig iron and grey iron castings.

The Target is a part of the Indian Seamless Group engaged in the business of manufacturing steel, carbon steel billets, alloy and carbon casts, and hot and cold finished seamless tubes and pipes. The products manufactured by the Target are used in auto components, hydraulic cylinders, bearings, hollow bars, etc.

IN A NUTSHELL

The Acquirer is engaged in the business of manufacturing iron castings, whereas the Target is engaged in the business of manufacturing steel, carbon steel billets, alloy and carbon casts, and hot and cold finished seamless tubes and pipes. Parties exhibited no horizontal overlaps and only a minimal vertical relationship. No AAEC was found by the Commission.

Based on the information provided in the notice, it was observed that the products manufactured by both the Acquirer and the Target exhibited no horizontal overlaps. However, the products of the Parties exhibited a vertical relationship as the Acquirer was present at the upstream level in the market for manufacture and sale of pig iron in India and the Target was present at the downstream level in the market for the manufacture and sale of steel billets and cast rounds



in India and market for the manufacture and sale of seamless tubes in India.

It was noted that the vertical relationship between the parties was minimal as, out of total raw material consumed by the Target during 2020–21, less than 5% was supplied by KFIL. Moreover, the Target was purchasing pig iron from 34 other sources. Further, there were other players such as RINL, Tata Steel, and JSW Steel as well as other relatively smaller and medium-scale units. Thus, the Commission was of the opinion that the Proposed Combination is not likely to have any adverse appreciable effects in India and hence, approved the Proposed Combination under Section 31(1) of the Act.

NCLAT upheld CCI order on Amazon

The Commission, *vide* its order dated 28.11.2019, approved the Combination in relation to acquisition of 49% shareholding in Future Coupons Private Limited (FCPL) by Amazon ('Acquirer'). The notification 'Notice' was given by Amazon on 23.09.2019, pursuant to Section 6(2) of the Act, in Form I of Schedule II to the Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Regulations, 2011 (Combination Regulations). Considering the facts on record and the details provided by the parties, the Commission observed that the Proposed Combination is not likely to have any appreciable adverse effect on competition in India in any of the relevant market(s).

Based on an application filed by FCPL in respect of seeking action against Amazon.com NV Investment Holdings LLC ('Amazon') under Sections 44 and 45 of the Act, the Commission issued a show cause notice and concluded, *vide* order dated 17.12.2021, that Amazon failed to disclose and clarify the real purpose of the Combination in the notice and continued with its false/misleading assertions in response to the queries raised by the Commission. Considering this, the Commission found that the conduct of Amazon amounts to suppression and misrepresentation of the purpose of the Combination. Consequently, it was held to be in contravention of the provisions contained in clauses (a) and (b) of Section 44 and clause (a) of sub-section (1) of Section 45 of the Act. Accordingly, the Commission, *vide* its order dated 17.12.2021, directed Amazon to give Form II within 60 days from the receipt of the order and suspended the approval granted *vide* order dated 28.11.2019. The Commission considered it appropriate to levy the maximum penalty of INR 1 crore each under the provisions of Sections 44 and Sections 45 of Act. Regarding the failure to notify combination in terms of the obligation cast under Section 6(2) of the Act, Section 43 A of the Act empowers the Commission to impose a penalty which may extend to 1 per cent of the total turnover or the assets, whichever is higher, of such a combination. Accordingly, the Commission imposed a further penalty of INR 200 crores upon Amazon.

Aggrieved by the order of CCI, Amazon filed an appeal before NCLAT. The Hon'ble NCLAT, *vide* judgment dated 13.06.2022 in *Amazon.com NV Investment Holdings LLC v. Competition Commission of India & Ors*, upheld CCI's findings in respect of the non-disclosure of full information. The Tribunal in its order stated that: "Amazon had not made full, whole, fair, forthright and frank disclosure of relevant materials and had furnished only limited details/disclosures, pertaining to its 'acquiring strategic rights and interests' over 'FRL', and executing 'Commercial Contracts' among itself and FRL." The Tribunal observed that Amazon was required to reveal its 'economic and strategic' purpose, including business objective and rationale for each of the parties to the combination and the manner in which they are intended to be achieved of the combination. In respect of penalty, the Tribunal, without displacing the penalty of INR 200 crores under Section 43A of the Competition Act, 2002, lowered the penalty of INR 1 crore each to INR 50 lakhs each as per Sections 44 and 45 of the Competition Act, 2002, and directed Amazon to pay the penalty within 45 days. It also directed Amazon to give notice to CCI in Form II within 45 days from the date of the judgment, and till the disposal of such notice by CCI, the approval granted on 28.11.2019 shall be kept on hold.



Competition concerns in online news sharing: A tale of two approaches

The role of independent press and news media in the dissemination of authentic information and reports cannot be overemphasised. It is for this reason that press and news media has been called the fourth pillar of democracy. With the advent of digitisation and the penetration of the internet, there has been an exponential rise in the number of content creators, readers, and platform service providers in the sector. This has created its own set of problems and issues, which requires regulatory oversight and interventions. As the sector is still evolving, regulators across the world are continuously catching up and trying to address this.

In a specific example, Google News is a news aggregator platform developed by Google, whose operating system/internet browser commands phenomenal worldwide market share in respect of mobile devices. It presents a continuous flow of links to articles organised from thousands of publishers and magazines. The business model of Google seems to use consumer attention and data to sell advertisements. It tries to attract a large number of users and build a rich data set about their users, which enables them to offer highly targeted or personalised advertising. As noted by the Australian Competition and Consumer Commission (ACCC), the advertising businesses of Google now extend well beyond its core owned and operated platforms. Google sells advertising opportunities on third-party websites and apps which are part of its advertising networks, as well as on the platforms it owns and operates.

Recently, there has been growing debate around the world about whether search engines and various other content-sharing digital platforms, should be allowed to stick with their current business model of sharing news articles, which are created by newspapers and journalists, for free, or whether they should compensate the creator of the news. Given the asymmetry of information between platforms and content creators, there arises the issue of sharing of advertisement revenues and of sharing requisite information with digital news generators and creators. These are vital issues, given the heavy dependence of news media outlets on ad revenue and on digital platforms for viewers. In view of this, it is of interest to examine the recent shift in the focus of governments and regulatory bodies across the world regarding how to effectively regulate the practice of these news aggregator platforms.

In the following paragraphs, developments in different jurisdictions addressing the above mentioned issues have been discussed. It has been dealt with through two distinct models, namely, legislation and antitrust proceedings.

Route of legislation:

Australia:

The News Media Bargaining Code was passed by the Australian House of Representatives on 25.02.2021. The code alters the Australian Competition and Consumer Act 2010 to provide a mandatory code of conduct for news media enterprises and digital platform corporations when bargaining for news material made available through digital platform services. Digital platforms such as Google and Facebook are compelled by the Code to compensate Australian news organisations for the use of their content. Google, after warning that the Code would lower the quality of search offerings in Australia, later threatened to exit the market entirely if the Code were to be enacted. Nevertheless, it backed down from its threats after other companies, such as Microsoft, supported the Code and promised to fill the gap if Google were to shut down its search engine in Australia.

The law mandates for payment agreements to be negotiated between journalistic organisations and tech behemoths in good faith. According to ACCC, the Code's ultimate goal is to make tech giants compensate and thus, encourage local news organisations by balancing the power between the

two sides. Platforms may make standard offers, particularly for smaller news businesses to reduce the time and cost associated with negotiations. However, in the event that bilateral negotiations fail, the law stipulates that an independent arbiter can determine the sum that the tech companies must pay to the media. According to the legislation, tech companies must also notify news organisations of any modifications to their algorithms that may affect the stories that are displayed. The rule would also oblige digital platforms to provide Australian news publishers 28 days' notice before making algorithm modifications that potentially harm links to their material.

Countries like Canada and Indonesia are also leaning towards bringing in a codified law to address the issue — a move majorly inspired by the Australian Code. The main goal of the respective bills is reported to be ensuring that sources that generate core news and good journalism receive more equitable and fair share of revenue. Brazil has also introduced a bill known as the Fake News Bill, which assigns liability of reported news to reporters/agency. The Bill also specifies in a clause that copyright will be assigned for professional journalism.

Route of antitrust proceedings:

France:

In 2019, a complaint was filed by News Corp (publisher of The Times, The Sun and Wall Street Journal), a French newspaper *Le Figaro,* and Groupe Rossel of Belgium to the French Competition Authority (FCA). The complainants alleged abuse of dominance via the practices put in place by Google to favour its own advertising technologies, which has affected press groups, whose business model is heavily dependent on advertisement revenues. It was alleged that Google was not paying a fair price for using news content on its platform. The FCA chief noted that "Google used its vertical integration to skew the process and win almost every time". FCA fined Google €220 million for abusing its dominant position in the online advertising market. Earlier, FCA had concluded that Google used its algorithm to provide preferential treatment to its proprietary technologies, both on the supply side and the demand side. The tech giant settled the case and agreed to make operational changes. The FCA chief stated that "The decision sanctioning Google has a very special meaning because it is the first decision in the world to look into complex algorithmic auctions processes through which online display advertising works". This case has the potential for antitrust filings in other jurisdictions as well.

India:

On 07.01.2022, the Commission ordered an investigation, *inter alia*, for the assessment of whether Google imposes discriminatory conditions or the prices on various news publishers. This order was passed pursuant to information filed by the Digital News Publishers Association. It is alleged that Google imposes unfair requirements on its members. The crux of the impugned conduct is the denial of fair share in the digital advertising revenue to news publishers and the disclosure of inadequate information to reach a fair settlement. The Commission also took note of the developments in other jurisdictions. It is reported that the Commission has clubbed the information presented by the Indian Newspaper Society on similar issues.

Stakeholders will be keenly watching the development of the regulatory approach in India.



ADVOCACY INITIATIVES

1. Dr. Atul Verma, Director General, CCI, delivered a lecture on “Investigations under the Competition Act, 2002, with Analysis of a Few Cases” in a seminar course on “Competition Law and Practice” organised by the National Law University Delhi (NLUD), on 06.04.2022.



2. Shri Mukul Sharma, Joint Director (Economics), delivered a lecture on “Impact of Competition Law and Business” at Doon Business School, Dehradun, on 08.04.2022.

3. Shri Saurabh, Joint Director (Economics), delivered a lecture on “Economic Market Structures and Competition Law” at the Institute of Integrated Learning in Management University (IILM), Gurugram, on 13.04.2022.



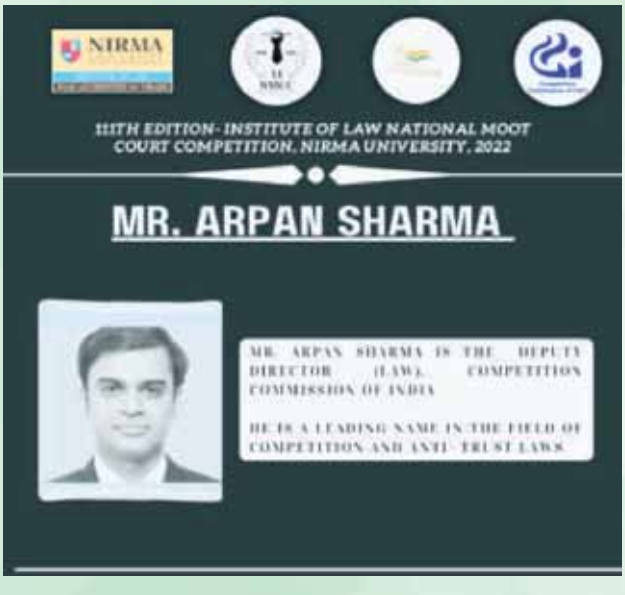
4. Shri Anuj Verma, Deputy Director (FA),delivered a lecture on “Regulation of Merger Regime In India Experience of a Decade” organised by KSOL Centre for Studies in Business and Corporate Law (KCBCL) under the aegis of the Department of Business Law and Corporate Governance, KIIT School of Law, on 22.04.2022.

5. Shri Sukesh Mishra, Director (Law), was the Guest of Honour at the 1st NLIU Seminar on Competition Law held at the National Law Institute of India University (NLIU) Bhopal, on 23.04.2022.

6. Shri Vipul Puri, Joint Director (FA), judged the semi-final rounds of the 11th Institute of Law, Nirma University (NLIU) National Moot Court Competition (ILNU-NMCC) 2022, held through the online mode on 24.04.2022.



7. Shri Arpan Sharma, Deputy Director (Law), judged the semi-final rounds of the 11th ILNU National Moot Court Competition (ILNU-NMCC) 2022, held through the online mode on 24.04.2022.



8. Ms. Payal Malik, Adviser (Economics Division), judged the final round of the 11th ILNU National Moot Court Competition (ILNU-NMCC) 2022, held through the online mode on 24.04.2022.



9. Dr. Sanjay Kumar Pandey, Adviser (Advocacy Division), took a session on “Overview of Competition Law” at the “Eastern Regional Workshop on Competition Compliance on Public Procurement” in collaboration with National Law University & Judicial Academy (NLUJA), Guwahati, held under AKAM on 25.04.2022.



10. Shri Anand Vikas Mishra, Joint Director (Law), took a session on “Competition Compliance in Public Procurement” at the “Eastern Regional Workshop on Competition Compliance on Public Procurement” in collaboration with National Law University & Judicial Academy (NLUJA), Guwahati, held under AKAM on 25.04.2022.

11. Shri Manish Mohan Govil, Adviser (Combination Division), delivered a keynote address on “Introduction to the Law and Economics of Mergers” at the regional workshop on “Competition Issues in Mergers and Acquisitions,” conducted by the CCI Regional Office (South) in Chennai in collaboration with Tamil Nadu Dr. Ambedkar Law University, Chennai, on 25.04.2022.



12. Shri Naresh Bodke, Director (Economics), took part in the inauguration of the 2nd MIT- WPU National Moot Court Competition as a representative of CCI, on 28.04.2022.

13. Ms. Yakshi Jaisingh Chauhan, Deputy Director (Law),delivered a lecture on “Overview of Competition Law with Reference to Concept of Cartel and Bid Rigging in Public Procurement,” at the Arun Jaitley National Institute of Financial Management (AJNIFM) on 28.04.2022.

14. Shri Anuj Verma, Deputy Director (FA), delivered a lecture on “Competition Issues in Public Procurement with Decided Cases,” at the AJNIFM on 28.04.2022.

15. Shri Mukul Sharma, Joint Director (Economics), judged the semi-final round of the 2nd MIT-WPU National Moot Court Competition, on 30.04.2022.



16. Shri Ved Prakesh Mishra, Adviser (Legal Division), judged the final round of the 2nd MIT-WPU National Moot Court Competition on 30.04.2022.



17. Shri Mukul Sharma, Joint Director, CCI, delivered a lecture on “Overview of Competition Law and Journey in Last 13 years” to the students and faculty of VIT-AP Law School, Vijayawada, Andhra Pradesh, through the virtual mode on 06.05.2022 under AKAM.

18. Ms. Shalini Shah, Deputy Director General, participated in the conference on “Journey of Corporate Governance in India@75”, organised by The National Foundation for Corporate Governance (NFCG) in partnership with the Confederation of Indian Industry (CII), at Hotel Le-Meridien, New Delhi, on 06.06.2022.

19. Shri Ashok Kumar Gupta, Chairperson, CCI, was the Guest of Honour at the conference on “Entrepreneurship Liberty: Freedom of Entry, Competition and Exit”, organised by the Insolvency and Bankruptcy Board of India (IBBI) at New Delhi on 10.06.2022.



20. Shri Arvind Kumar Anand, Joint Director (Economics), delivered a lecture on “Overview of Competition Law with reference to Concept of Cartel and Bid Rigging” organised by the AJNIFM, Faridabad, on 10.06.2022.

21. Shri Anil Kumar, Deputy Director (Economics), delivered a lecture on “Competition Issues in Public Procurement with Decided Cases”, organised by the AJNIFM,aridabad, on 10.06.2022.

22. Dr. Sangeeta Verma, Member, CCI, delivered the keynote address, at a webinar on “Importance of Competition Law for MSMEs”, organised by the PHD Chamber of Commerce and Industry on 21.06.2022.



23. Dr. Navdeep Singh Suhag, Deputy Director (Law), judged the final rounds of the 1st International Moot Court Competition and delivered a lecture on “Competition Law”,organised by IIM Rohtak on 24.06.2022.

24. Shri Mukul Sharma, Joint Director (Economics), delivered a lecture on “Economics of Competition Law” for faculty members of different colleges and universities at the first two week refresher course in social sciences, organised by Jamia Millia Islamia, HRD Centre, on 24.06.2022.



Market Study on Common Ownership in India

CCI had initiated a "Market Study on Common Ownership in India" on 01.04.2021. The study was an attempt to understand a situation where large institutional shareholders hold minority stakes in a number of companies that are active in the same industry and compete with each other. It aimed to gain visibility in markets with substantial institutional investors, gauge the trends and patterns in common ownership across various sectors in India, institutional investors' underlying incentives and motivations behind such investments, and understand common shareholders' rights on the decision-making process of a firm that may consequently impact competition. The study also intended to examine the safeguard mechanisms available in company policies for mitigating competition concerns, if any, that may arise as a result of common ownership. The market study report, comprising key findings and observations, was submitted by the implementing agency, M/s Deloitte Touche Tohmatsu India LLP (Deloitte), on 31.03.2022.

Competition Commission of India Journal on Competition Law and Policy

The **second volume** of the annual ***Competition Commission of India Journal on Competition Law and Policy*** **[ISSN: 2582-838X (Print), ISSN: 2583-0767 (Online)]** has been published. The same may be accessed at www.ccijournal.in.





ADVOCACY WITH STATES

State: Himachal Pradesh
Resource Person: Shri Rangilu Ram Patyal

Date	Organisation for which programme was conducted
22.04.2022	Various departments of sub-division Sarkaghat, such as PWD, Jal Shakti Vibhag, Education, Women and Child Development, BDO Office, etc.
27.04.2022	Rural Development & Panchayati Raj Department
05.05.2022	Himachal Pradesh Horticultural Produce Marketing and Processing Corporation Ltd.
06.05.2022	Urban Development Department
08.06.2022	Panchayati Raj Training Institute, Mashobra
09.06.2022	Secretariat Department, Vidhan Sabha

State: Uttarakhand
Resource Person: Shri Rajiv Rautela

Date	Organisation for which programme was conducted
08.04.2022	Panchayati Raj Department
21.04.2022	Public Works Department
05.05.2022	Department of Animal Husbandry
12.05.2022	Department of Medical Health and Family Welfare
03.06.2022	Co-operative Department
09.06.2022	Women Empowerment & Child Development Department

State: Telangana
Resource Persons: Shri R. C. Kumar and Shri Prasanna Kumar

Date	Organisation for which programme was conducted
07.04.2022	Office of Engineer-in-chief, Roads & Buildings Department
26.04.2022	Telangana State Road Transport Corporation
28.04.2022	BHEL Ancillary Industries
29.04.2022	Kushaiguda Industries Association
06.05.2022	Federation of Telangana Small (MSME) Industries Association

11.05.2022	Hyderabad Metro Rail Limited
25.05.2022	State Bank of India, Local Head Office, Hyderabad
07.06.2022	Police Commissionerate Office, Hyderabad City Police
09.06.2022	Backward Classes Welfare Department
22.06.2022	District Industries Centre, Ranga Reddy
28.06.2022	Handlooms & Textiles Department

State: Assam

Resource Persons: Shri Umesh Kumar and Shri Tanuj Goswami

Date	Organisation for which programme was conducted
26.04.2022	Office of Additional Chief Engineer, Upper Assam Zone, Water Resource Department, Dibrugarh
28.04.2022	Pollution Control Board
29.04.2022	Office of Deputy Commissioner, Hojai District
29.04.2022	Office of Deputy Commissioner, Chirang District
13.05.2022	Office of Deputy Commissioner, Lakhimpur District
20.05.2022	Assam Administrative Staff College
23.05.2022	Office of Deputy Commissioner, Dhemaji District
27.05.2022	Office of Deputy Commissioner, Baksa District
09.06.2022	Life Insurance Corporation of India
24.06.2022	Directorate of Fisheries
27.06.2022	Directorate of Social Welfare
29.06.2022	Central Reserve Police Force, North East Zone

State: Uttar Pradesh

Resource Person: Shri Laxmi Shanker Singh

Date	Organisation for which programme was conducted
01.04.2022	Panchayat, Pashupalan Vibhag, Sahkari tatha Vikas Vibhag, Lakhimpur District
20.04.2022	Panchayat, Animal Husbandry Department
06.05.2022	Panchayati Raj Department, Chandauli District

18.05.2022	Office of Chief Development Officer, Farrukhabad District
09.06.2022	Panchayati Raj Department, Animal Husbandry and Dairying, Rural Engineering Department, Public Works Department
22.06.2022	Panchayati Raj Department, Animal Husbandry, District Saharanpur

State: Kerala

Resource Person: Shri Krishnakumar K. N.

Date	Organisation for which programme was conducted
25.05.2022	Kerala State Small Industries Association, Kollam District
26.05.2022	Directorate of Handloom and Textiles, Vikas Bhavan, Thiruvananthapuram District
13.06.2022	Kerala State Pollution Control Board, District Labour Office
30.06.2022	Kerala Small Scale Industry Association

State: Odisha

Resource Person: Shri Ananda Satpathy and Shri Chudamani Seth

Date	Organisation for which programme was conducted
27.06.2022	Madhusudan Das Regional Academy of Financial Management

State: Puducherry

Resource Person: Dr. S. Vaittianadane

Date	Organisation for which programme was conducted
29.06.2022	Local Administrative Department

YOGA DAY

Born in India thousands of years ago, yoga is the art and science of healthy living, which is now being practised by people across the world in order to bring harmony between mind and body. Recognising its eminence and global appeal, in 2014, the United Nations declared 21st June as International Yoga Day.

Yoga serves as a therapy or exercise system for health and fitness. While physical and mental health are natural consequences of yoga, it also has more far-reaching benefits, such as improving heart health, managing stress, improving focus, boosting immunity, easing arthritis symptoms, improving brain functioning, reducing anxiety, increasing strength, etc.

Since 2015, CCI has celebrated International Yoga Day every year by conducting a special yoga session for its officers and staff. This year, the 8th International Yoga Day was celebrated on 21.06.2022 by organising an interactive session on theme of "Yoga for Humanity" to encourage yoga in daily life for the protection of health, wellness, and all-encompassing prosperity. The yoga sessions were organised under the supervision of yoga experts from Bhartiya Yog Sansthan, Rohini.

Shri Ashok Kumar Gupta, Chairperson, CCI; Dr. Sangeeta Verma, Member, CCI; and 180 officers and staff of the Commission and O/o DG actively participated in the yoga sessions.



Shri Ashok Kumar Gupta, Chairperson, CCI and Dr Sangeeta Verma, Member, CCI along with officers and staff of CCI during the special Yoga Session on 8th International Yoga Day.



(From Left) Shri Sachin Goyal, Joint Director (FA); Ms. Shayna Agarwal, grand-daughter of Shri Ashok Kumar Gupta, Chairperson, CCI



(From Left) Ms. Bhawna Gulati, Joint Director (Law); Shri Kuldeep Kumar, Joint Director General

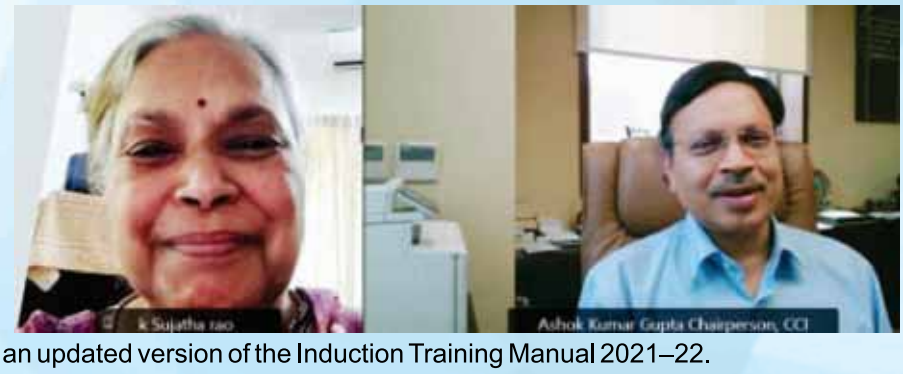


(From Left) Shri Kuldeep Kumar, Office Manager (CS); Shri Anil Kumar Vashisht, Assistant Director (CS); and Shri Vijay Kumar Juneja, Senior PPS

1. The 29th lecture under the Special Lecture Series (SLS) was delivered by Shri Satish Kumar Gupta, registered Insolvency Professional with IBBI, on the topic "Resolution of Essar Steel India Ltd. under IBC:Challenges & Learnings" through the hybrid mode on 13.04.2022 for the officers of CCI & O/o DG, CCI.

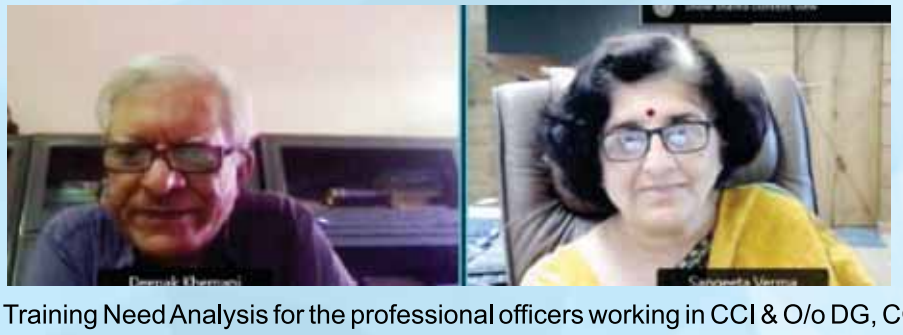


2. The 39th lecture under the Distinguished Visitors Knowledge Sharing Series (DVKS) was delivered virtually by Ms. K. Sujatha Rao, Former Union Secretary, Ministry of Health and Family Welfare, on the topic "Does Competition Work in Health Lessons from the COVID Pandemic" for the officers of CCI & O/o DG, CCI, on 29.04.2022.



3. CCI published an updated version of the Induction Training Manual 2021–22.

4. The 30th lecture under the Special Lecture Series (SLS) was delivered virtually by Prof. Deepak Khemani, Professor, IIT Madras, on the topic "Automated Reasoning in Artificial Intelligence" on 06.05.2022, for the officers of CCI & O/o DG, CCI.



5. CCI completed Training Need Analysis for the professional officers working in CCI & O/o DG, CCI.

6. Two (02) professional officers participated in a residential workshop on “Companies Law”, organised by the National Academy of Human Resource Development (NAHRD) from 05– 08.06.2022 at Ooty, Tamil Nadu.

7. The 40th lecture under CCI’s Distinguished Visitors Knowledge Sharing Series (DVKS) was delivered by Dr. Ashok Kumar Mishra, Member, National Company Law Appellate Tribunal (NCLAT), on the topic “Insolvency and Bankruptcy Code” on 13.06.2022 for officers of CCI and O/o DG, CCI.



8. Two (02) professional officers participated in a residential workshop on “Prevention of Sexual Harassment of Women at Workplace” organised by the National Academy of Human Resource Development (NAHRD) from 26–29.06.2022 at Manali, Himachal Pradesh.



9. CCI organised the “Attachment Programme with CCI” over two days for nine (09) Indian Corporate Law Services (ICLS) Officer Trainees (Batch-11) as part of their Professional Course under the On the Job (OTJ) Training Programme on 30.06.2022 and 01.07.2022. Chairman, CCI, inaugurated the programme and interacted with OTs on issues related to Competition Act and Policy.





10. Ms. Madhabi Puri Buch, Chairperson, Securities and Exchange Board of India (SEBI) in a meeting with Shri Ashok Kumar Gupta, Chairperson, CCI on 17.03.2022 at CCI premises.





Participation of CCI in various international meetings/seminars/conferences, etc.

1. Shri Ashok Kumar Gupta, Chairperson, CCI, and Dr. K. D. Singh, Director (Law), participated in the spring meeting of the American Bar Association Cartel Workshop, from 06–08.04.2022 in Washington, DC.



(From Left): Shri Ashok Kumar Gupta, Chairperson,CCI; Ms. Margrethe Vestager, Vice President, European Commission; and Dr. K. D. Singh, Director (Law) on the sidelines of the Enforcers Roundtable during the American Bar Association Antitrust Law Section 70th Annual Spring Meeting in Washington, DC during 06–08.04.2022.



(From Left): Ms. Lina Khan, Chairperson Federal Trade Commission, USA; Shri Ashok Kumar Gupta, Chairperson and Dr. K. D. Singh, Director (Law) on the sidelines of the American Bar Association Antitrust Law Section 70th Annual Spring Meeting in Washington, DC from 06–08.04.2022.

2. Seven(07) officers of CCI participated in OECD Korea Policy Centre's three-day online workshop on "Competition and Digital Markets" during 19–21.04.2022.

3. UNCTAD E-Commerce Week was held from 25–29.04.2022. Ms. Payal Malik, Adviser, (Economics Division), participated online as a speaker in the high level session on "Digital Platform Competition & Data Protection" on 28.04.2022.

4. Dr. Sanjay Kumar Pandey, Adviser, (Advocacy Division), participated in the 3rd Round of India UK Free Trade Agreement (FTA) negotiations for the Competition Chapter from 04–06.05.2022 in New Delhi. Dr. Sanjay Kumar Pandey,is the Competition Chapter lead for the India UK FTA.

5. Delegation led by Md Abdus Sabur, Secretary, and four officers from the Bangladesh Competition Commission, visited CCI on an exposure tour from 09–11.05.2022.





Shri Ashok Kumar Gupta, Chairperson, CCI, and Dr. Sangeeta Verma, Member, CCI, with Md Abdus Sabur, Secretary, and four officers from the Bangladesh Competition Commission, during the exposure tour on 09–11.05.2022.

6. Shri Ved Prakash Mishra, Adviser (Legal Division), along with an officer, attended the UNCTAD Volunteer Peer Reviewer (VPR) virtually on 18.05.2022.

7. Dr. Sanjay Kumar Pandey, Adviser (Advocacy Division), virtually attended the 2nd substantive meeting of the UNCTAD Working Group on Cross-Border Cartels 2022 on 30.05.2022.

8. Shri Shekhar, Joint Director (FA), and Ms. Sanskriti Jain, Deputy Director (Law), attended the call on the Review of Leniency Programmes in BRICS countries on 31.05.2022.

9. Dr. Sanjay Kumar Pandey, Adviser (Advocacy Division), track lead of Competition Chapter, participated in the 1st Round of the India–Canada CEPA for the Competition Chapter held on 01.06.2022, virtually.

10. Dr. Sanjay Kumar Pandey, Adviser (Advocacy Division), track lead of Competition Chapter, participated in the 4th Round of India–UK Free Trade Agreement negotiations held from 21–23.06.2022 in London.

11. Ten (10) CCI officers participated in the competition summer school organised under the EU's Asia Competition Cooperation Project held from 20.06–01.07.2022.

12. Ms. Sayanti Chakrabarti, Director (Economics), and Mr. Sachin Goyal, Joint Director (FA), attended the OECD Competition Week from 20–24.07.2022 in Paris.

13. Shri Shekhar, Director (FA), and Shri Amit Tayal, Joint Director (Law), participated in the UNCTAD conference held in Bangkok from 27–28.06.2022.

14. Dr. Sanjay Kumar Pandey, Adviser (Advocacy Division), track lead of Competition Chapter, participated in the 1st Round of India–EU Free Trade Agreement negotiations held during 27.06.2022 and 29.06.2022 in New Delhi.

15. Two (02) officers attended the X St. Petersburg International Legal Forum from 29.06–01.07. 2022.

India records highest-ever annual FDI inflow in FY 2021–22: A boon for competition

Foreign Direct Investment (FDI) refers to investment from foreign countries with the aim of achieving a lasting interest in the domestic economy and where the investor retains control over the investment. It typically takes the form of starting a subsidiary, acquiring a stake in an existing firm, or starting a joint venture in the foreign country. Direct investment and management of concerned firms normally go hand-in-hand. If the investor has only a sort of property interest in investing the capital in buying equities, bonds, or other securities abroad, it is known as a portfolio investment.

There is a general view that FDI can assist in the growth of economies and particularly help the development process of developing countries. Since the early-1990s, this view has led to a large number of regulatory changes in national FDI regimes worldwide towards creating more favourable environments for FDI. Developing countries are increasingly opening up their economies to FDI with one of the principal objectives being to enhance the competitiveness of domestic firms using their network, technology, and organisational skills.

India has also stressed FDI, and the Indian government has been reviewing the FDI policy on an ongoing basis, making significant changes from time to time. The result has been a steady rise in FDI inflows to India, which reached its highest annual FDI inflow, of USD 83.57 billion, in FY 2021–22. FDI inflows have increased twenty-fold in the last 20 years, from USD 4.3 billion in FY 2003–04 to USD 83.57 billion in FY 2021–22. FDI equity inflow in manufacturing sectors increased by 76% in FY 2021–22 (USD 21.34 billion) compared to FY 2020-21 (USD 12.09 billion), indicating that India is emerging as a preferred country for foreign investments in the manufacturing sector.

In developing countries, the per capita income and savings rate remain low which, in turn, keeps the domestic capital formation inadequate so as to give a boost to the economy to take it on a higher growth trajectory. In this scenario, FDI inflows give a push to the development process in a number of ways. First, FDI helps increase the investment level, resulting in a rise in the aggregate demand in the economy. This leads to higher income and employment in the host country. Second, FDI facilitates the transfer of technology and managerial revolution in the recipient country, which increases productivity and helps the industry become more competitive. The introduction of new technology also helps create an environment of innovation and enhance competition in the market. Third, FDI creates production linkages between foreign entities and domestic firms. Foreign affiliates need products and services for their production activities, which stimulate domestic firms to supply quality goods and services, indirectly increasing their competitiveness and encouraging competition in markets. Foreign affiliates also compete with domestic firms engaged in competing activities directly and help instill effective competition in the markets. Thus, foreign investment helps increase competition and break domestic monopolies.

The imitation of technology and production techniques by domestic firms, labour turnover from foreign multinationals, supply chains with domestic firms, and, most importantly, competition brought by foreign firms, enhances the productive capacity of domestic firms. Thus, the significant benefits of FDI are attributed to spillover effects in the form of introduction of technology, skills, and competition, which leads to greater efficiency. Thus, FDI inflows reaching their highest ever are an encouraging development and may lead to enhanced competition and growth.



AUSTRALIA

Australian Competition and Consumer Commission (ACCC) raises self-preferencing concerns from online marketplace algorithms

ACCC has raised concerns that the algorithms employed by the country's top online marketplaces could be used to preference their own products, to the detriment of rival sellers.

ACCC released its report on competition and consumer issues related to online marketplaces. The agency found that online marketplaces use algorithms to determine how products are ranked and displayed, which can include giving preference to their own products. ACCC said that claims of self-preferencing arose in its small business questionnaire.

The report is part of ACCC's ongoing mandate to examine digital platforms until 2025, which includes releasing interim reports every six months on specific issues to inform the government on how to tackle the digital economy. The agency launched its inquiry into online marketplaces in July 2021, focusing mainly on the country's four major players: eBay Australia, Amazon, Catch, and Kogan. The agency identified Amazon, Catch, and Kogan as examples of hybrid marketplaces, while eBay is a 'pure' marketplace.

ACCC noted that no single online marketplace has reached a dominant position in Australia, unlike in some other countries, but it found that there is potential for the market to 'tip' in favour of a single dominant marketplace. The authority found in its inquiry that the ranking algorithms and other practices such as tailoring or personalising products shown to certain consumers and offering price comparison displays of online marketplaces have a significant impact on purchasing decisions.

CANADA

Competition Bureau seeks full block of Rogers' proposed acquisition of Shaw

The Competition Bureau is seeking to block Rogers' proposed $26 billion acquisition of Shaw in an effort to protect Canadians from higher prices, poorer service quality, and fewer choices, particularly in wireless services.

The Bureau challenged the merger by requesting an order from the Competition Tribunal to prevent it from proceeding. The Bureau is also requesting an injunction to stop the parties from closing the deal until its application can be heard.

The Bureau alleges that removing Shaw as a competitor threatens to undo the significant progress it has made in introducing more competition into an already concentrated wireless services market, where Rogers, Bell, and Telus (the Big 3) serve approximately 87% of Canadian subscribers.

Following an extensive investigation, the Bureau determined that competition between Rogers and Shaw has already declined. The Bureau's position is that, if the proposed merger is allowed to proceed, harm will continue and may worsen. The applications filed seek to safeguard an effective, growing, and disruptive regional competitor for the benefit of consumers.

GERMANY

Bundeskartellamt proceeded against Google for possible anti-competitive restrictions of map services (Google Maps Platform)

The Bundeskartellamt has initiated a proceeding against Google Germany GmbH, Hamburg, and Alphabet Inc., Mountain View, USA, to examine possible anti-competitive restrictions imposed by the Google Maps Platform to the detriment of alternative map services providers.

The proceeding is largely based on the new competencies Bundeskartellamt received as part of the extended abuse control rules regarding large digital companies which were introduced early last year (Section 19 A German Competition Act GWB). In a two-step procedure, the authority can prohibit companies of paramount significance for competition across markets from engaging in anti-competitive practices. The Bundeskartellamt determined late last year that Google/Alphabet is of such significance. Parallel

proceedings are already ongoing to examine Google's terms and conditions for data processing and its news offer Google News Showcase.

The Google Maps Platform offers access to several map services. Applications of these services include embedding the maps into third-party websites, such as to show the locations of shops or hotels. The preliminary assessment is that Google restricts in particular the possibility to combine Google's map services with third-party maps. This practice could impair competition in the area of map services. The fact that Google makes use of its services in vehicle infotainment systems, subject to very strict terms of use applicable to its "Google Automotive Services", could restrict competition further.

EUROPEAN COMMISSION

European Commission opens investigation into possible anti-competitive disparagement by Vifor Pharma of iron medicine

The European Commission has opened a formal antitrust investigation to assess whether Vifor Pharma has restricted competition by illegally disparaging its closest and potentially only competitor in Europe on the market for intravenous iron treatment, Pharma Cosmos. Vifor Pharma's conduct appears to be aimed at hindering competition against its blockbuster high-dose intravenous iron treatment medicine, Ferinject.

The Commission has indications that, since several years, Vifor Pharma may have been disparaging Monofer by spreading misleading information regarding its safety. The Commission is concerned that Vifor Pharma pursued a misleading communication campaign, primarily targeting healthcare professionals, which may have unduly hindered Monofer's uptake in the European Economic Area (EEA).

Approximately 1.8 million patients suffering from iron deficiency are currently being treated with high-dose intravenous iron products annually in the EEA.

If the Commission's concerns are proven, Vifor Pharma's behaviour may amount to an abuse of dominant position and infringement of Article 102 of the Treaty on the Functioning of the European Union (TFEU) and Article 54 of the EEA Agreement.



KNOW YOUR COMPETITION LAW

New Confidentiality Regime of CCI

As per the scheme of the Act, Regulation 35 of the CCI (General) Regulations, 2009 ('General Regulations') provides a detailed mechanism to deal with the confidentiality request made by the parties. It, *inter alia,* provides the procedure and parameters for seeking confidentiality claims. Further, Section 57 of the Act provides the restriction on disclosure of information obtained by CCI under the provisions of the Competition Act, except with the previous written consent of the disclosing enterprise or in compliance with or for the purposes of the Competition Act or any other law for the time being in force.

Confidentiality processes and procedures are among the most important part of any competition enforcement framework. The provision of confidentiality facilitates the parties to safeguard sensitive information and identities so as to avoid commercially disadvantageous positions within the market. Therefore, the treatment of confidentiality under competition law is of the utmost importance to all stakeholders. In order to achieve this purpose, the Commission*, vide* gazette notification dated 08.04.2022, notified the revised confidential regime by substituting Regulation 35 of the General Regulations.

The amended Regulation 35(1) of the General Regulations provides for confidentiality over the identity of the informant as well as over the information provided by any of the parties to an investigation, to the Commission. Regulation 35(2) provides that the party seeking

confidentiality over the information/documents furnished by it shall set out cogent reasons for such treatment and self-certify that making the documents/information or parts thereof public will result in disclosure of trade secrets or destruction or appreciable diminution of the commercial value of any information or can be reasonably expected to cause serious injury. Therefore, the previous provision, where the process for assessment of each such claim by the CCI/Director General (DG), the acceptance/ rejection orders passed by the CCI/DG, and the appeals process against such orders stand replaced by providing a self-certifying regime where parties now have to submit an undertaking certifying their confidentiality claims, along with cogent reasons for seeking it. Further, the self-certification is subject to an undertaking that (i) the information is not available in the public domain; (ii) it is 'known only to limited persons' involved in the party's business; (iii) 'adequate measures' have been taken to guard the secrecy of such information; and (iv) it cannot be acquired or duplicated by others. If the party claiming confidentiality furnishes false undertaking, the party will be liable to be penalised under the provisions of the Act.

Regulation 35(6) provides CCI discretion to set up the 'Confidentiality Ring' to allow parties access to the confidential information/documents of other parties during an investigation to defend themselves effectively. The ring will comprise authorised representatives of the parties, including, but not limited to the authorised representatives specified under Section 35 of the Act, who will be given access to all confidential information. The informant will be included in the confidentiality ring only if CCI considers it necessary, thus making the inclusion of the informant discretionary. Regulation 35(7) provides that parties would have to undertake that their respective members would not disclose the information provided to them with anyone outside the confidentiality ring.

The amendments in the confidentiality regime are welcome steps and bring CCI closer to the international best practice. Such regime not only helps CCI preserve the confidential information of parties but also balances the right to defense of one party *vis-à-vis* the right of the other party to protect its confidential information.



HR CORNER

A. New joining on deputation basis in the O/o. Director General, CCI:

i) Shri Shishir Kumar Agnihotri as Deputy Director General w.e.f. 06.04.2022.
ii) Shri Sanjeeb Kumar Mishra as Deputy Director General w.e.f. 20.04.2022.
iii) Shri Rajiv Chakraborty as Deputy Director General w.e.f. 26.04.2022.
iv) Shri Nilkanta Chakraborty as Deputy Director General w.e.f. 02.05.2022 (A/N).
v) Shri Ajay Kumar Arora as Deputy Director General w.e.f. 18.05.2022.
vi) Shri Rishi Dev Verma as Deputy Director General w.e.f. 14.06.2022 (A/N)
vii) Shri Shri Kundan Bharti Sinha as Deputy Director General (CS) w.e.f. 22.06.2022

B. Promotions in CCI:

Ms. Aishwarya Rao promoted as Deputy Director (CS) on regular basis w.e.f. 01.04.2022.

C. Retirement:

Shri R. S. Rawat, Assistant Director (CS), CCI, retired on attaining the age of superannuation on 30.04.2022.

D. Amendment of regulation:

Vide notification published in the Gazette of India, the Competition Commission of India (Procedure for Engagement of Expert and Professions) Amendment Regulations, 2022 were issued to, *inter alia*, substitute the words 'Expert or Professionals including Research Associates' as mentioned in the principal regulations with the word 'Experts and Young Professionals' and also to enhance the amount of lump sum monthly remuneration payable to Experts and Young Professionals.

E. Advertisement for recruitment/engagement:

An advertisement was issued on 26.04.2022 to invite applications for the engagement of 30 Young Professionals (Law/Economics/Financial Analysis) and 01 Expert (Forensic Audit) on contractual basis.

F. The 8th International Day of Yoga 2022, under the theme "Yoga for Humanity," had interactive sessions to encourage incorporating yoga in daily life for health, wellness and all-encompassing prosperity and was organised on 21.06.2022 at the O/o Competition Commission of India, Kidwai Nagar (East), and O/o Director General, CCI, Bhikaji Cama Place. The yoga sessions were organised through the physical mode under the supervision of yoga experts from Bhartiya Yog Sansthan, Rohini. Shri Ashok Kumar Gupta, Chairperson, CCI and Dr. Sangeeta Verma, Member, CCI graced the occasion and participated in the session. Approximately 180 officers and staff actively participated in the sessions.

G. A health awareness session on stroke management was organised through the online mode and conducted by Dr. Mukesh Kumar, Medanta Medicity, Gurugram, on 23.06.2022 in association with Dr. Reddy's Foundation for Health Education (DRFHE).

Fair Play: Volume 41

AT A GLANCE

In Focus:

- Competition Commission of India celebrated its 13th Annual Day on 20.05.2022.

AKAM Iconic Day:

- Competition Commission of India organised a National Conference on Competition Law as part of the Ministry of Corporate Affair's (MCA) Iconic Week celebrations under AKAM on 11.06.2022.

Cartels

- Chief Materials Manager, North Western Railway v. Moulded Fibreglass Products & Others: CCI directed the parties to pay penalties totaling to approx. INR 1.16 crores, besides issuing a cease-and-desist order
- Cartelisation in the supply of Protective Tubes to Indian Railways: The Commission directed the parties to pay penalties totalling to approx. INR 18.5 lacs, besides issuing a cease-and-desist order.
- CCI imposed penalty on nine entities for bid rigging in the tender invited by the Department of Agriculture, Government of Uttar Pradesh.

Vertical Agreements:

- The Commission directed the investigation against anti-competitive practices by Zomato and Swiggy under section 26(1) of the Act.

Abuse of Dominance:

- Commission directed investigation under Section 26(1) of the Act, against BookMyShow.
- CCI issued cease and desist order against Amateur Baseball Federation of India for abusing its dominant position.

Mergers and Acquisitions:

- CCI approves acquisition of stake in Busybees Logistics by TPG, the acquisition of 100% share capital of L&T Investment Management Limited by HSBC Asset Management (India) Private Limited, and the acquisition in ISMT Limited by Kirloskar Ferrous Industries Limited.

Judicial Pronouncement:

- NCLAT upheld CCI order against Amazon, in respect of non disclosure of full information.

Advocacy Initiatives:

- Total 24 Advocacy Events were held during the 2nd quarter of 2022, i.e (April-June)

Advocacy with States:

- Total 47 SRP events were held during the 2nd quarter of 2022.

Capacity Building:

- Total 9 events were held under the Capacity Building events in the 2nd quarter of 2022.
- The 8th International Yoga Day was celebrated on 21.06.2022 by organising an interactive session on theme of "Yoga for Humanity"

Engaging with the world:

- CCI participated in 15 various international meetings/seminars/conferences in the 2nd quarter of 2022.

Eco-Watch:

- India records highest-ever annual FDI inflow in FY 2021–22 .



Members of the audience during the “National Conference on Competition Law”, organised by Competition Commission of India as part of the Ministry of Corporate Affairs’ (MCA) Iconic Week celebrations under AKAM on 11.06.2022 at Ashok Hotel, New Delhi.

Competition Commission of India

9th Floor, Office Block - 1, Kidwai Nagar (East),

New Delhi- 110023, India

Please visit www.cci.gov.in for more information about the Commission. For any query/comment/suggestion, please write to advocacy@cci.gov.in

Follow us on:

https://www.facebook.com/pages/category/Government Organisation/Competition-Commission-of-India-529934074122118/

https://in.linkedin.com/company/competition-commission-of-india

https://twitter.com/CCI_India

Disclaimer: The contents of this publication do not necessarily reflect the official position of the Competition Commission of India. Contents of this newsletter are only informative in nature and not meant to substitute for professional advice. Information and views in the newsletter are fact based and incorporate necessary editing.