Regulators as Enablers of Digital Innovation

A Case Study of the Competition Commission of India

KAIO

Table of Contents

Acknowledgement

Project Supervised By:

Prof. (Dr.) Risham Garg

Project Conceptualised By:

Lavanya Singh

Research Directed and Edited By:

Atulya Gupta

Authored By:

Akanshha Agrawal

Key Contributor:

Diti Kothari

Lead Researchers:

Nisha Bhaskar

Jyoti Sachan

Goohika Joshi

Eshita Razdan

Souhardya Roy

Disclaimer

This whitepaper was developed with financial support from Amazon Seller Services Pvt. Ltd (“**Sponsor**”). The Sponsor provided funding to facilitate independent research on this topic. However, the Sponsor did not exercise editorial control, influence the methodology, or dictate the findings and conclusions of this study. The contents are objectively formulated by the research team.

Suggested Citation: NLUDF. “Regulators as Enablers of Digital Innovation: A Case Study of the Competition Commission of India.” (July 2026).

Methodology

The research objectives of this white paper were pursued through a two-pronged methodological approach, combining doctrinal desk research with qualitative stakeholder engagement, to ensure both analytical rigour and practical relevance.

The first phase comprised comprehensive secondary research. This began with a detailed mapping of the Competition Act, 2002 ("**Act**"), including the substantive amendments introduced through the Competition (Amendment) Act, 2023 ("**Amendment Act**"), to assess their continued applicability and adequacy in the context of digital markets. Building on this doctrinal foundation, the study undertook a systematic empirical analysis of 68 orders passed by Competition Commission of India ("**CCI**") in matters concerning digital markets, spanning the period from 2014 to 2026. This exercise further examined the sufficiency of the existing legal and institutional framework in addressing contemporary digital market challenges, and informed the development of actionable recommendations aimed at strengthening enforcement mechanisms.

The second phase of the study involved qualitative primary research, conducted through structured interviews with a diverse set of stakeholders. These included officials of CCI, competition law practitioners, and subject-matter experts and industry associations. This qualitative component was designed to capture nuanced, practice-oriented perspectives, thereby grounding the analysis in the operational realities faced by both the regulator and the industry it oversees.

Executive Summary

India's digital economy is the connective tissue of Indian commerce, and the Viksit Bharat@2047 vision places its competitive governance at the centre of the national development agenda along with CCI as an important economic regulator. The Act, provides an effects-based and technology-neutral framework, one that regulates conduct and outcomes rather than specific business models. The Amendment Acts further strengthened this framework thereby promoting innovation and consumer welfare.

CCI has built a substantial enforcement record across the digital economy, including sectors such as online advertising, mobile operating systems, and aggregator applications.Since its operationalisation in 2009 till fiscal year **("FY")** 2026, it has dealt with a total of 2,768 matters, including 1,366 anti-trust and 1,402 combination cases.

CCI has addressed distinct forms of competitive harm, including self-preferencing, price parity obligations, tying arrangements, and exploitative data extraction. This disciplined posture, combined with the proactive use of suo motu cognisance, as evinced in the WhatsApp privacy case, where complaint-driven enforcement would have left harm unaddressed, reflects an institution that has developed genuine analytical sophistication in platform economics and which has deployed the existing framework with both rigour and proportionality.

Equally important is the CCI's record of calibrated restraint. In nascent or rapidly evolving markets such as cab aggregation, quick commerce, and early-stage e-commerce, the CCI has consistently chosen observation over premature intervention, recognising that enforcement action in unsettled markets risks foreclosing the very competitive dynamics it is designed to protect. Notwithstanding the vast data reserves, entrenched network effects, and cross-platform leverage that major platforms command, the CCI's enforcement mechanism prevents this dominance from spilling over into the startup ecosystem. It thereby provides a conducive environment for new market entrants to be better positioned to compete in the market.

However, three structural constraints continue to limit CCI's effectiveness in practice.

01 **The first is understaffing.** The Director General's (**"DG"**) investigative office currently operates at barely one third of its sanctioned capacity, which limits CCI's ability to conduct the rigorous, data-intensive analysis that complex platform investigations require.

02 **The second is adjudicatory delay.** Major digital market cases have taken between nearly five years from initiation to final order, a timeline that diminishes the value of remedies in fast-moving digital markets where competitive harm compounds in the interim.

03 **The third is appellate architecture.** The transfer of competition appeals from the specialist Competition Appellate Tribunal to National Company Law Appellate Tribunal (**"NCLAT"**) in 2017 has slowed resolution further, and the frequent grant of appellate stays means that behavioural remedies, often the most competitively significant component of CCI's orders, remain suspended for extended periods.

In order to combat the abovementioned shortcomings, it is recommended that three priorities should guide the Government's approach.

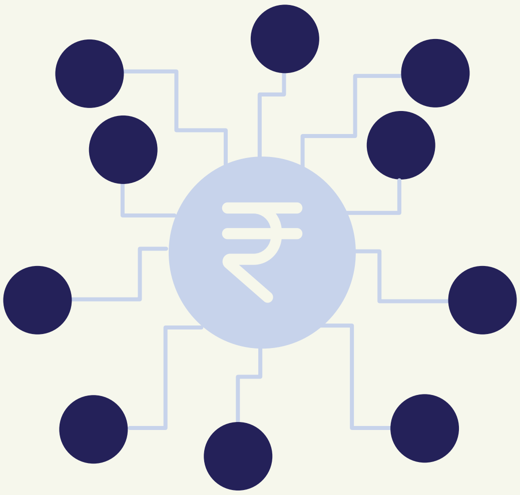
Firstly, technical vacancies within CCI should be filled and dedicated expertise in digital market economics and data analytics should be built into its permanent staff.

Secondly, investigation timelines should be streamlined, a specialised appellate forum for competition matters should be reinstated, and the settlements and commitments framework introduced by the 2023 amendments should be used more widely.

Lastly, coordination mechanisms with sectoral regulators, including Reserve Bank of India (**"RBI"**), Telecom Regulatory Authority of India (**"TRAI"**), and the forthcoming Data Protection Board, should be formalised to address the jurisdictional overlaps that increasingly characterise digital market enforcement.

Assessed against the full range of its functions, CCI has delivered meaningfully on its mandate and continues to evolve in the right direction. The volume of registered antitrust cases itself reflects institutional credibility and stakeholder trust. Its analytical quality is also widely recognised as improving, with orders that are increasingly technically sound and detailed in their treatment of complex platform economics and multi-sided market dynamics. The gap between the strength of its legal framework and the speed of its enforcement outcomes is real, but it is a function of understaffing, the appellate architecture, and procedural design, rather than any inadequacy in the Act itself.

The paper concludes that India's competition law framework is adequate to address the challenges of governing digital markets. Properly resourced and procedurally empowered, CCI’s track record is evidence that it is on the right track to ensure that India's digital markets remain open, contestable, and conducive to the innovation that the Viksit Bharat@2047 vision requires.



Chapter 1

Introduction - India’s Digital Economy and the Role of Regulators as Enablers of Innovation

1.1 India's Digital Transformation Journey

Digital transformation has occurred at a great speed in India. The proliferation of digital technologies, increased digital connectivity, as well as growth of technology-driven services in diverse parts of the economy are the main drivers of this digital transformation in India. This transformation is closely aligned with the policy vision articulated in Viksit Bharat@2047, which sets out India's aspiration to achieve the status of a developed economy by the centenary of its independence, with digital growth occupying a central place in that trajectory.

Digital markets exhibit structural characteristics that distinguish them from conventional sectors. Network effects, data-driven business models and platform-based competition can generate new forms of market power and give rise to competitive behaviour that doesn't always map neatly onto traditional analytical frameworks. As digital adoption deepens, ensuring that markets remain open, competitive, and innovation-friendly becomes an institutional imperative.

1.2 Digital Public Infrastructure and the Role of Sectoral Regulators

A distinctive feature of India's digital architecture is its reliance on interoperable Digital Public Infrastructure as the foundation for both public services and private innovation, rather than proprietary platforms controlled by a small number of private actors, as practised in the US. The ecosystem created by the Jan Dhan bank accounts, Aadhaar digital identity, and widespread mobile connectivity (JAM) trinity forms the structural backbone of this architecture. Built upon it are platforms such as DigiLocker, Open Network for Digital Commerce ("**ONDC**"), Unified Mobile Application for New-age Governance ("**UMANG**"), and Government e-Marketplace ("**GeM**"**)**, which facilitate service access, business transactions, and participation in the digital economy. ONDC in particular has restructured competitive dynamics in e-commerce by enabling MSMEs and traditionally offline sellers to access the same digital marketplace infrastructure as established players. Thereby allowing them to compete for visibility and customers across segments that were previously dominated by large platform incumbents. Crucially, this open infrastructure has allowed the private sector to develop services and applications on top of publicly accessible digital infrastructure, producing an ecosystem in which competitive entry is structurally enabled rather than incidentally permitted. This infrastructure operates alongside deliberate policy initiatives including the Startup India programme, Ease of Doing Business reforms and the Vikas Bharat@2047 vision, which collectively lower barriers to enterprise entry and formalisation, reinforcing the structural openness of the digital ecosystem.

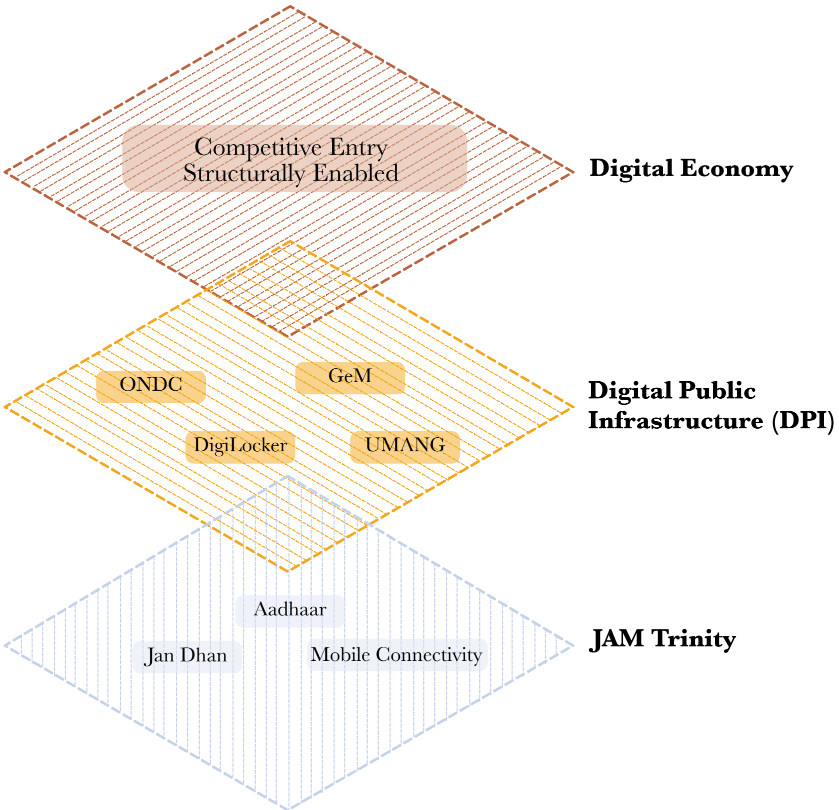


Figure 1. India's Digital Public Infrastructure Stack

Three sectoral regulators have played a particularly significant role in shaping the conditions under which India’s digital economy has developed. These are TRAI, RBI and CCI. Firstly, TRAI has managed spectrum allocation, opened up the telecom market, promoted competition among telecom service providers, holistically contributing to a policy environment that has made mobile data among the most affordable in the world. India's telecommunications network now serves over 1.25 billion wireless subscribers, with smartphone penetration extending across a broad demographic. This connectivity infrastructure is a prerequisite for virtually all digital services and its development at scale has been materially supported by TRAI's regulatory interventions.

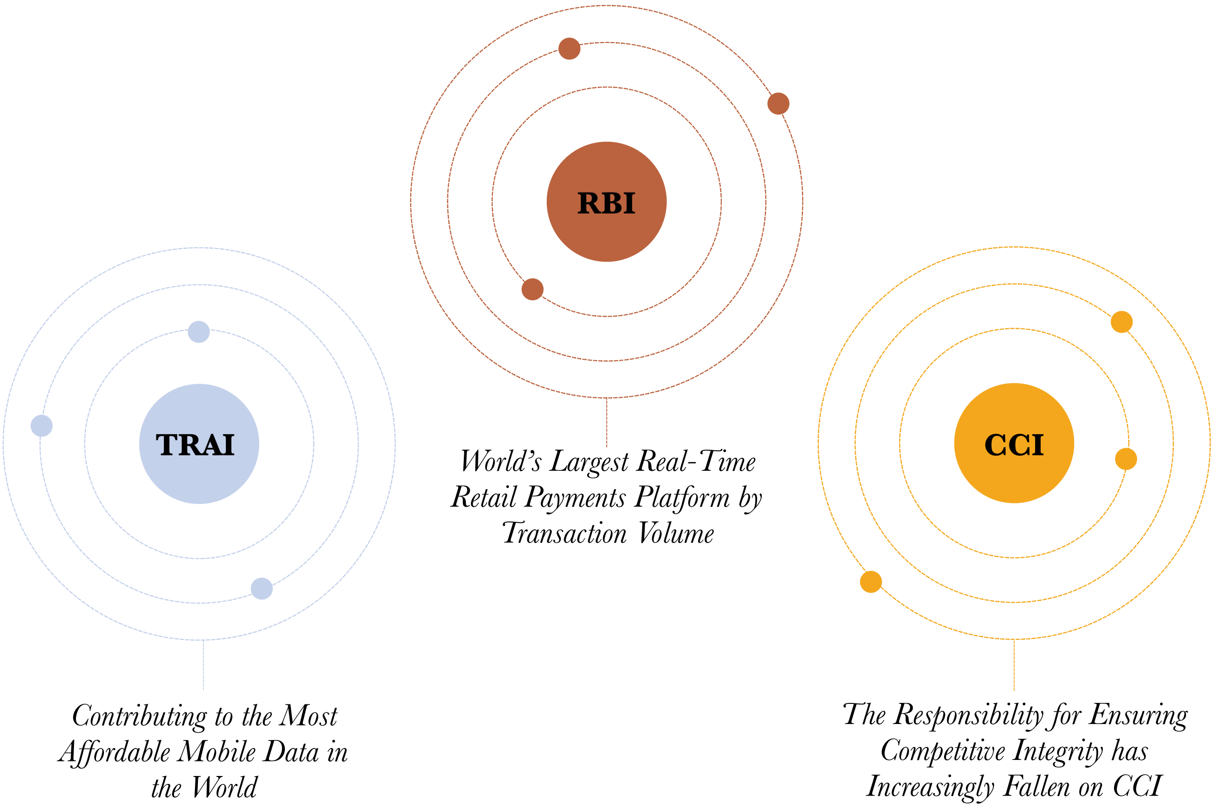


Figure 2. Three Sectoral Regulators (TRAI ·RBI ·CCI)

Secondly, RBI regulation of the economy has been just as important for the growth of India's digital transformation. Under the purview of the National Payments Corporation of India and the RBI, the Unified Payments Interface ("**UPI**") has made real-time digital payments commonplace. It has become the world's largest real-time retail payments platform by transaction volume, handling almost 49% of all real-time payment transactions. These developments exemplify a significant aspect of India's regulatory framework: regulatory institutions serve not only as supervisory entities but also as facilitators of technological innovation and market expansion.

Lastly, as the digital economy has grown in scale and complexity, the institutional responsibility for ensuring its competitive integrity has increasingly fallen on CCI. Established through the Act, CCI is the key economic regulator in charge of fostering competition in the Indian market. The Act was enacted in the post-liberalisation period to replace the earlier Monopolies and Restrictive Trade Practices ("**MRTP**") Act, 1969, which aimed at controlling the concentration of economic power. Where the MRTP regime treated concentration itself as the object of regulation, the Act adopted an effects-based approach to encourage competitive markets, protect consumer welfare, and promote free trade.

With the expansion of the scale and complexity of digital markets, the scope of CCI's mandate has evolved. CCI has initiated market studies to develop insights into the complexities of such markets, such as the Diagnostic Medical Imaging Equipment industry, pharmaceutical sector and e-commerce sector to name a few. Most recently, CCI's study in relation to Artificial Intelligence ("**AI**") highlights how the ability to leverage data, computing power, and technical expertise creates inherent advantages for large technology companies across multiple layers of the digital stack. Its changing involvement is part of a larger policy goal: to ensure that India's rapidly growing digital economy continues to encourage investment and innovation while the market remains competitive.

Additionally, CCI's active enforcement record across multiple large digital platforms, both foreign and domestic, already represents a meaningful and functioning regulatory posture. The question that follows is therefore not whether India has effective enforcement tools, but what specific market failure a separate *ex ante* digital competition regime would solve that the existing framework cannot.

1.3 India's Regulatory Philosophy – Innovation with Guardrails

India's approach to digital regulation is frequently characterised as enabling innovation within a framework of guardrails. The rationale is that digital markets require regulatory governance and support infrastructure that not only foster technological advancement but also uphold consumer interests, financial integrity, and healthy market competition. India's regulatory strategy has involved the use of various policy tools, including technology-neutral regulations, the implementation of regulatory sandboxes and effective coordination among sectoral regulatory authorities.

Coordination among various regulators has gained momentum, as digitisation has begun to erode existing sector demarcations. Complementing this broader strategy, the overarching application of competition law ensures the openness of developing digital markets to competition, contestability, and sustained innovation by regulating market structures and conduct in an across-the-economy manner and providing a framework to analyse the adverse impact on competition.

Digital markets pose certain distinctive challenges in comparison with those for conventional markets, and may therefore call for innovative solutions. Business models that are data-driven, the proliferation of AI, and the practice of algorithmic pricing tend to foster competitive situations which can be challenging to analyse under frameworks suitable for markets with divergent structural characteristics. In many countries, including India, policy deliberations are increasingly turning towards the efficacy of traditional antitrust provisions for addressing market dominance of platforms, accumulation of data, and network effects. However, even though digital markets could pose unique challenges because they grow at a rapid pace, the harm that the competition law theories are seeking to avert remains the same.

The core concepts of market power, abuse of dominance, and anticompetitive agreements do not transform merely because conduct occurs on a digital platform, a direct consequence of the Act's technology-neutral design. What changes, instead, is the complexity of the factual and economic analysis required to apply these established theories. This makes the delineation of the relevant market an especially consequential step.

In this regard, a discernible shift in CCI's approach to defining relevant markets for digital platforms warrants attention. Historically, CCI viewed online and offline segments as different channels of distribution forming part of the same relevant market; however, in the recent past, it appears to have tweaked its approach and started viewing online and offline distribution as separate relevant markets. This shift was signalled most notably in the *FHRAI v. MakeMyTrip-Go*, where CCI categorically noted that the online channel appears to be a distinct mode of distribution. This was in view of its increased popularity, which cannot be simply replaced or substituted by other offline modes or direct sales. It is therefore important to emphasise the necessity of an economics-driven approach to defining relevant markets for digital platforms, one grounded in the consumer substitutability framework mandated by the Act, rather than an assumed positional distinction between online and offline markets.

Therefore, the key question for India’s digital economy becomes: whether India’s existing competition law framework, particularly the Act, as amended in 2023, and its enforcement by CCI, is adequate to regulate the emerging competition challenges in digital markets.

In order to address issues pertaining to platform power, data concentration, network effects, and algorithm-driven decision-making, this paper investigates whether the existing institutional and legal framework offers adequate tools. In doing this, it assesses how CCI tackles issues related to competition in cyberspace while preserving an ecosystem that fosters innovation and consumer welfare.

Chapter 2

India's Competition Framework: Origin, Design, and Evolution

2.1 From MRTP to Competition: A Policy Shift

Before getting to the Act, it is important to understand the regulatory context it replaced. Prior to the Act, its closest counterpart, the MRTP Act was premised on the idea that size itself required regulatory intervention. It regulated firm size and market structure, not competitive conduct.

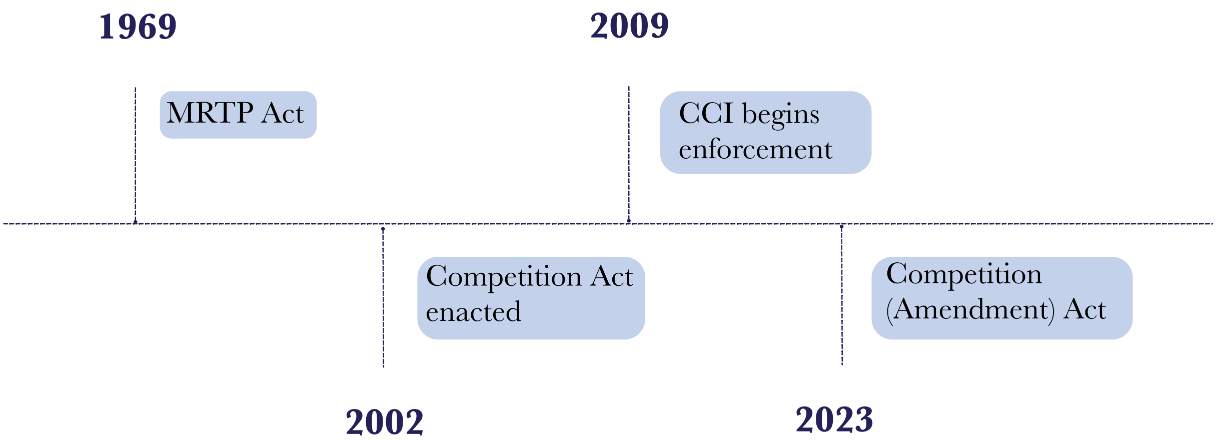


Figure 3. India's Competition-Law Journey, 1969–2023

By the 1990s, as India's development vision changed, this framework was visibly inadequate. The Government constituted the Expert Committee on Competition Policy and Law (Raghavan Committee) in 1999 to lay down the foundation of an act that would support this growth objective, one that would correct market structures and reduce entry barriers. The Raghavan Committee asked, "*how competition produces the best in innovative skills*" and the answer to this was a structure which very closely resembles the Act.

The shift from the MRTP Act to the Act was not a cosmetic change. It reflected a deliberate policy choice to move from controlling firm size to enabling competitive markets which support innovation and efficiency. As such, it provided the Indian markets with a set up where consumer welfare, innovation, and entrepreneurial entry could flourish without being foreclosed. The subsequent sections of this paper will go into greater detail on how CCI, through its robust decisional practice, has successfully furthered this objective.

2.2 Overview of the Act

The Act operationalises its vision through three core pillars: prohibiting anti-competitive agreements (Section 3), preventing abuse of dominant position (Section

4), and regulating combinations. Section 19, which governs how competitive harm is assessed, explicitly requires CCI to weigh the effect of impugned conduct on technical developments and innovation. This makes the Act one of the few competition statutes globally to embed innovation as a substantive factor in its analytical framework. It also reflects the Raghavan Committee's vision that competition and innovation are two sides of the same coin.

The Act has been amended several times since its enactment, and the trajectory of those amendments is itself instructive. Rather than representing a departure from the Act's original design, each successive amendment has deepened and refined it by addressing gaps that enforcement experience revealed without altering the effects-based framework that gives the Act its adaptability. The earliest amendments, introduced in 2007 and 2009, were largely operational in nature, establishing the institutional infrastructure necessary for CCI to begin functioning and bringing the combinations review regime into force. These changes were necessary preconditions for enforcement rather than substantive recalibrations of the law.

2.2.1 Anti-Competitive Agreements

The prohibition of anti-competitive agreements under Section 3 of the Act is sufficiently broad to capture both traditional collusion and more sophisticated forms of coordination emerging in digital ecosystems. The two key issues in regulating agreements in the new-age markets are that there may be a lack of explicit coordination and difficulty in tracing an enforcement mechanism. Instead, agreements may take the form of algorithmic coordination, platform-imposed parity clauses, or data-sharing arrangements that indirectly reduce competition. For instance, pricing algorithms deployed by competing firms can learn to align prices without any direct human communication, and raise complex questions about tacit collusion and liability. Similarly, the most-favoured-nation clause can be incorporated by real time algorithmic monitoring without possessing any sanction for the same under the international legal framework.

For both these issues, the framework of the Act provides appropriate remedial measures. The concept of "agreement" under the Act and in decisional practice is intentionally broad, including not only formal contracts.

In relation to determining when conduct satisfies the threshold of an “agreement”, both the statutory provision and the decisional practice are intentionally broad, including not only formal contracts but also tacit understandings and agreements inferred from circumstantial evidence, ensuring that reliance on algorithmic or indirect signalling mechanisms does not itself foreclose liability. Further, by evaluating effects such as market concentration, entry barriers, foreclosure effects, and consumer harm, CCI can appropriately assess whether a particular conduct causes appreciable adverse effect on competition.

2.2.2 Abuse of Dominance

The prohibition of abuse of dominance under Section 4 of the Act is equally adaptable to address anti-competitive conduct in digital and new-age markets, where market power is often exercised in non-traditional ways. Unlike conventional markets, dominance in digital ecosystems may stem not only from market share but also from control over data, network effects, economies of scale, and ecosystem integration. The key challenges in assessing abuse in such markets include identifying dominance in multi-sided platforms and distinguishing between growth on account of legitimate innovation versus anti-competitive foreclosure.

Critically, however, the identification of a relevant market is a foundational pre-condition to any finding of dominance, and such identification must be grounded in an evidence-driven approach applying the factors enumerated under the Act. Only once the relevant market is correctly delineated can CCI proceed to assess whether an enterprise holds a dominant position within it.

Abusive practices in the digital context may be both exclusionary and exploitative. Exclusionary practices can include self-preferencing, which is embedded in the algorithm and difficult to detect on that account. Exploitative abuses may include excessive data collection requirements in the form of take it or leave it agreements. Such conduct may not always be explicit, but can be embedded within automated systems, making detection and attribution more complex.

The framework of the Act can appropriately address both these concerns, i.e., assessment of dominance and establishing its abuse. Based on Section 19(4) of the Act, an indicative list of factors is provided such as market structure, countervailing buying power, entry barriers, etc., but CCI can assess dominance through any other factor as well. This means that CCI can account for the unique features of technology platforms such as network effects, whereby a platform's value to each user increases with the addition of further users. These are directly captured under the assessment of market structure, entry barriers, and consumer dependence; as the *MMT* order itself demonstrated, higher volumes of bookings meant the presence of a greater number of end users and hotels on the platform, demonstrating greater network effects that CCI treated as indicative of dominance.

Data-driven advantages, which confer on an incumbent platform structural superiority that new entrants cannot readily replicate, have been recognised as encompassed within the "*size and resources of the enterprise*" under Section 19(4)(b), which is broad enough to include specialised data assets as a source of market power. Economies of scale inherent in near-zero-marginal-cost digital services, and the technical and financial barriers to entry that foreclose competition against established platform ecosystems, are similarly capable of analysis within the entry barriers limb of Section 19(4). Further, as discussed in detail below, the concept of abuse is effects-based, focusing on whether the conduct results in causing foreclosure in the market.

As such, regardless of the new age practices that may have resulted in such foreclosure, CCI is equipped to assess them within the existing framework of the Act, ensuring that enterprises cannot use technological sophistication or complexity as protection for abusive conduct.

2.3 Overview of the Amendments

The most significant amendments were introduced through the Amendment Act, and they bear examination in some detail because they illustrate both the Act's continuing evolution and the consistency of its underlying purpose.

2.3.1 Settlements and Commitments

The first change was the introduction of a formal framework for settlements and commitments. This provided procedural mechanisms that allow CCI to resolve investigations without proceeding to a full adversarial hearing. Depending on the stage of the investigation, the parties can offer settlements and commitments, and subject to the satisfaction of CCI, the investigation can be closed. These tools serve the Act's underlying purpose directly: they allow market corrections to be achieved more quickly than full adjudication permits, reduce the cost of resolution for all parties, and free CCI's enforcement resources for cases that genuinely require a contested hearing. In some cases, even where enforcement authorities win cases, secure fines, and win on appeal, the proceedings can take so long that by the time the remedy is finalised it is no longer relevant to market realities. Therefore, regulators should adopt agile mechanisms, such as commitments and undertakings, rather than complex static rules, to continuously adapt remedies on the basis of observed outcomes. In digital markets, where competitive harm can compound rapidly and delayed remedies are diminished remedies, the ability to achieve swift behavioural change through a negotiated process is a significant addition to CCI's enforcement toolkit. The *Google Android TV* case offers an early illustration of this mechanism in practice, demonstrating CCI's willingness to deploy the framework to secure timely behavioural outcomes.

The growing uptake of commitments and settlements in technology cases is simultaneously evidence of CCI's analytical credibility and a signal that the existing framework can deliver swift, durable outcomes without years of adversarial litigation. This observation is also relevant to the broader question of whether India requires new legislative architecture to govern digital markets: the consensus among practitioners most closely engaged with the question appears to be that the 2023 amendments have meaningfully strengthened the existing framework, and that further legislative additions may be unnecessary.

However, the settlement regime is not without its limitations. A party that settles remains potentially exposed to follow-on private damage claims, given that the framework does not currently extend any protection against such claims. Addressing this gap by providing settling parties with some degree of insulation from private litigation could meaningfully enhance the attractiveness of the regime and encourage greater uptake.

Taken together, the 2023 amendments demonstrate that the Act's evolution has been disciplined and purposive. Each change addressed a specific gap without disturbing the effects-based framework that gives the Act its breadth and adaptability. The legislature has consistently taken the view, as borne out by CCI's enforcement record, that the core provisions are sufficiently robust to address new forms of competitive harm as they emerge, and that the Act's role in digital markets is not to enumerate prohibited practices but to provide a framework flexible enough to assess competitive harm wherever and however it arises.

2.3.2 Global Turnover for Penalty Calculation

The second change concerns the penalty ceiling. Prior to the Amendment Act, penalties under the Act were capped at a percentage of the turnover, which was understood as the domestic turnover. In *Excel Crop Care Limited v. CCI*, the Supreme Court addressed a situation where the enterprise had multiple streams of income, only one of which was connected to the alleged contravention. The enterprise argued that imposing a penalty on its total turnover would be disproportionate, as it would effectively penalise business activities entirely unrelated to the infringing conduct. The Hon'ble Supreme Court agreed, holding that the penalty should be calculated only on the relevant turnover, i.e., the turnover attributable to the specific products or services in respect of which the contravention was established.

This was meant to provide an appropriate deterrent effect in cases where the infringing conduct was confined to specific products or markets. However, this created particular difficulties in digital markets where one side of a multi-sided platform may generate no direct revenue at all. To address the unique nature of digital markets, the Amendment Act clarified the concept of global turnover, wherein the penalty amount can extend to up to 10% of global turnover.

The Competition Commission of India (Determination of Monetary Penalty) Guidelines, 2024 ("**Penalty Guidelines**") provide an important structural complement to this framework. Introduced in line with the Competition Law Review Committee's ("**CLRC**") conclusion that there was a need for a guidance framework to avoid subjectivity and bring greater certainty in the calculation of penalties, these have functioned as an effective check on arbitrary calculation. The penalty calculation process involves calculation of a base penalty (up to 30% of relevant turnover), adjustment for aggravating/mitigating factors, then capping of the result at 10% of global turnover which can be raised to that maximum if the penalty seems insufficient to deter future violations.

CCI's approach in the *Meta* case demonstrated how such a determination is made with considerable analytical care rather than by mechanical application of a threshold. On the question of penalty, CCI was confronted with a structural peculiarity characteristic of integrated digital platforms: WhatsApp does not maintain standalone financial statements, and its assets and turnover are included in the financial statements of Meta. Given this integration, CCI did not restrict itself to the relevant turnover of WhatsApp alone but also took into account the relevant turnover of Meta, citing Meta's control over WhatsApp and the other linkages between the two entities. Accordingly, it included Meta's revenue from online display advertising within the penalty base. Importantly, however, notwithstanding the availability of global turnover as a metric under the Amendment Act, CCI ultimately took into account the Indian turnover of Meta from online display advertising and WhatsApp for determining the penalty amount. The penalty base was thus anchored in India-specific relevant turnover across the two implicated markets, not Meta's global revenues.

It would be inaccurate, though, to reduce this to a simple proposition that global turnover is invoked only where it happens to be the relevant turnover. The Meta case illustrates CCI's willingness to interrogate how turnover of intertwined products and services ought to be derived in the first place, particularly where corporate structure, rather than market reality, dictates whether an entity's revenue appears standalone or consolidated. CCI's exercise of identifying and attributing turnover across linked entities, before even reaching the question of geographic scope, is what reflects its nuanced approach to penalty determination.

Importantly, in the case of *Nagrik Chetna Manch v. Fortified Security Solutions & Others*, the order relies on the Penalty Guidelines for the purpose of determining the quantum of penalty. CCI reasons, *inter alia,* that calculating penalty based on 'relevant turnover' will be anomalous as it will result in the purpose of the Act being undermined. Instead, CCI posits, global turnover should be the basis for computation, to make the penalty serve its deterrent purpose as prescribed by Section 27. Notably, the Penalty Guidelines state explicitly that global turnover is not the rule but is the exception. It would appear that there are also reports of a standing committee on subordinate legislation deliberating on the track record of this regulatory tool with the MCA for its potential recalibration.

The conflict between relevant and global turnover also assumes significance in the ongoing case against Apple where CCI seeks to rely on the global turnover to deter anti-competitive behaviour in India of multinational digital platforms, suggesting that use of this parameter as a purposive instrument rather than mechanical reliance. Apple, in turn, contends that this reliance on global turnover departs from the Supreme Court's proportionality-based "relevant turnover" standard in the *Excel Crop Care* case, and is arbitrary, disproportionate, and beyond CCI's jurisdiction. It is ultimately for CCI, within the discretion of the statute and the Penalty Guidelines vested in it, to determine which turnover metric is appropriate to a given case. The Apple proceedings accordingly offer CCI a timely opportunity to lay down a clear, principled procedure for making that determination, rather than leaving the relevant versus global turnover choice to be resolved on an *ad hoc* basis in future enforcement actions.

2.3.3 Hub and Spoke Cartels

The third change concerned hub-and-spoke cartel arrangements. The original Section 3 of the Act was framed around agreements between parties in a horizontal or vertical relationship. As such, its application to arrangements in which a common intermediary such as a platform, a software provider, or an algorithm (i.e., the hub) facilitates coordination among otherwise competing firms (i.e., the spokes) raises interpretive uncertainty. The Amendment Act addressed this by extending Section 3 liability explicitly to parties that participate in or facilitate anti-competitive arrangements, even in the absence of a direct horizontal agreement between the colluding parties. Importantly, the legislature's view was that this extension did not require a fundamental reworking of the provision. The existing framework was intentionally broad enough that the amendment needed only to make explicit (through an added proviso) what was already implicit. That interpretive groundwork had in fact been laid by CCIin *Samir Agrawal v. ANI Technologies Pvt. Ltd. & Others,* where the question of the existence of the hub-and-spoke cartel was raised again. CCI attempted to find collusion between the hub and spokes by investigating factors such as spokes using the hub to exchange sensitive information and if there existed any conspiracy in relation to price fixing. However, CCI dismissed the complaint because no hub-and-spoke cartel was discovered, as it was held that there was no collusion between the opposing parties. Further, in the case of *Shikha Roy v. Jet Airways and Ors.*, as well, the definition of "agreement" was discussed wherein it was held that it is inclusive rather than exclusive and might include agreements where collusion between the parties is indirect, such as hub-and-spoke agreements.

2.3.4 Deal Value Threshold

The fourth concern pertains to the merger review thresholds. Under the original regime, combinations were notifiable to CCI only if the parties exceeded specified asset or turnover thresholds. This framework, designed for conventional markets in which a firm's competitive significance is broadly correlated with its balance-sheet size, proved inadequate for digital markets in which competitive value is concentrated in user data, network position, and proprietary technology rather than physical assets. A nascent platform with a large and engaged user base but minimal revenues could be acquired by a dominant incumbent without triggering any review obligation. This led to the so-called 'killer acquisition' problem, in which potential competitive threats are neutralised before they can mature into meaningful rivals. Several high value transactions escaped mandatory notification of this basis, including Zomato's acquisition of Blinkit and Uber Eats, Meta's acquisition of WhatsApp, the PVR-Inox Merger and Flipkart's acquisition of Myntra. The Amendment Act addressed this structural gap by introducing a deal-value threshold. It brought acquisitions above

INR 2,000 crore in transaction value where the target enterprise has substantial business operations in India within CCI's review jurisdiction regardless of the target's asset or turnover value. This was a targeted and proportionate response which extended CCI's oversight to the transactions most likely to affect competition in digital markets without imposing a general notification obligation that would have burdened the vast majority of transactions that raise no competitive concern.

1 Settlements & Commitments

Faster resolution

A formal framework letting investigated parties resolve cases quickly — growing uptake in technology cases.

2 Global Turnover Penalties

up to 10%

Penalty ceiling extended to worldwide turnover for digital-era deterrence.

3 Hub-and-Spoke Cartels

Section 3 reach

Section 3 liability extended to hubs (platforms, algorithms) that facilitate collusion without direct agreement.

4 Deal Value Threshold

INR 2,000 crore

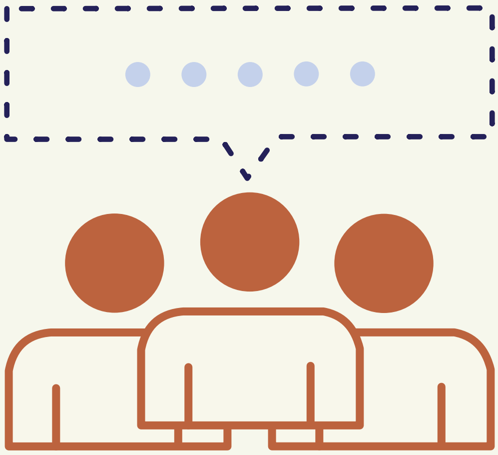
High-value acquisitions now face review regardless of the target's assets.

Figure 4. The 2023 Amendment's Four Key Reforms

Practitioners have pointed to the introduction of the deal-value threshold as an example of how the Act's framework empirically adjusts to enforcement experience. It is noted that the value threshold is a prime example of how CCI's regulatory approach has been constructed from scratch, refining its methods and filling legislative gaps on a case-by-case basis as the market has evolved. This observation highlights a larger point about the design philosophy of the Act. Its amendments have consistently been evidence-driven and targeted, addressing specific gaps identified through enforcement experience rather than preemptively importing structural frameworks designed for different regulatory contexts.

2.4 Technology-Neutral by Design

Notably, CCI is sector agnostic, and the framework of the Act is designed to appropriately regulate different sectors. A critical feature of the Act is that substantive prohibitions are defined by reference to economic effects, not industry-specific conduct. As digital markets have emerged and grown in significance, the Act's technology-neutral design has proved sufficient. CCI could apply Sections 3 and 4 to platform markets, algorithmic pricing, and data-driven ecosystems without waiting for legislative intervention.



Chapter 3

A Review of the Competition Commission of India's Mandate and Impact on the Digital Economy

3.1 Mapping CCI's Enforcement Footprint in the Digital Market

The preceding chapter established that the Act's framework is sufficiently broad and effects-based to address the competitive dynamics of digital markets without requiring legislative overhaul. This chapter examines how CCI has exercised that framework in practice, whether its enforcement record reflects the policy ambition embedded in the Act, and whether its interventions have, on balance, strengthened the conditions for competition and innovation in the Indian economy.

Since its operationalisation in 2009 till FY 2026, CCI has dealt with a total of 2,768 matters, including 1,366 anti-trust and 1,402 combination cases.CCI has progressively expanded its footprint across the digital economy, taking cognisance of conduct spanning a wide range of sectors and platforms. Its enforcement record in digital markets encompasses investigations into search and online advertising (Google), social media and messaging platforms (Meta and WhatsApp), e-commerce marketplaces (Amazon and Flipkart), app distribution and in-app payment ecosystems (Apple and Google Play), online travel aggregation (MakeMyTrip and Goibibo), ride-hailing and food delivery platforms (Ola, Uber, and Zomato), and hotel and accommodation aggregators (OYO). The concerns addressed have ranged from self-preferencing, deep discounting, and price parity obligations to tying arrangements, platform exclusivity, and the exploitative use of data. This breadth of engagement, across platform types, market structures, and forms of alleged abuse, reflects a regulator that has actively sought to apply a general competition framework to sector-specific digital conduct, rather than awaiting bespoke legislative mandates before acting.

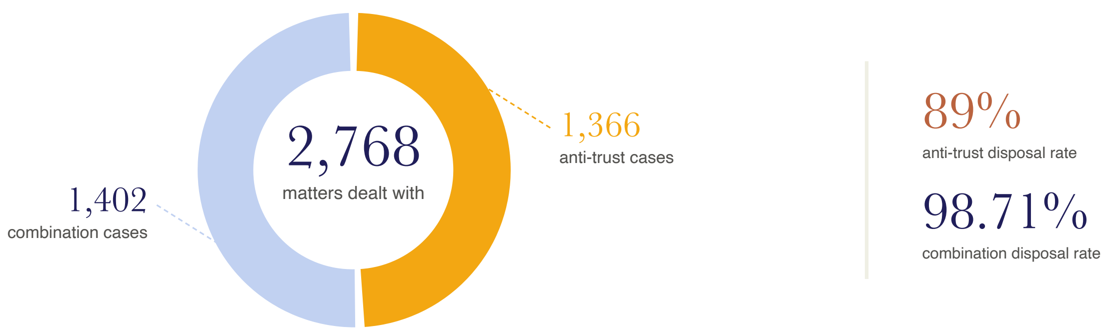


Figure 5. CCI Enforcement

Against this backdrop, CCI has demonstrated a consistent ability to reach the conduct of large technology firms without requiring additional legislative tools, and the absence of any instance in which a meritorious concern went unaddressed for want of statutory authority is itself indicative of the framework's sufficiency. Where CCI has held back, it has done so as a matter of enforcement judgment rather than legal constraint, a distinction that speaks to the framework's adaptability rather than its inadequacy. The analysis that follows is both qualitative and quantitative: it considers the nature and sophistication of CCI's orders, the range of conduct it has been willing to address, the instances in which it has deliberately held back, and the environment its enforcement posture has created for startups and new market entrants.

3.2 Performance Assessment

Measured by the breadth and technical quality of its decisional output, CCI's engagement with digital markets represents a substantial institutional achievement. Since its first significant digital order in 2018, CCI has addressed self-preferencing in general search (Google Search), contractual tying across mobile ecosystems (Android Play Store), parity obligations in platform intermediation (MakeMyTrip - GoIbibo), and exploitative data extraction by a dominant messaging platform (WhatsApp); each raising distinct competitive concerns, each requiring CCI to develop and apply analytical frameworks that had no direct precedent in Indian competition law. The broader body of CCI's digital market engagement, however, extends considerably further, spanning food delivery, cab aggregation, smart TV operating systems, real money gaming, digital news, digital payments, and video conferencing and includes orders in which CCI declined to intervene, a feature of its record that is as analytically significant as its enforcement actions.

The quality of CCI's decisional output is generally considered to be of a commendable standard, but it requires some improvement, especially in the initial investigation stage. In major tech cases, there is a clear pattern of remedies imposed by CCI being challenged and overturned in lengthy litigation, which is due to a lack of deeper economic assessments in the initial inquiries and investigation reports. While comparing this to the European Commission's practice of thoroughly assessing economic harm, productive efficiency and market-facing characteristics, it is observed that CCI's analytical rigour was improving but that there could be more investment in economic capacity.

This is evident from CCIs approach to defining the relevant market for digital platforms in e-commerce. In *Ashish Ahuja v. Snapdeal*, CCI observed that although offline and online markets differ with regard to the discounted prices and shopping experience. The products and the consumers, in effect, remained one as online and offline were mere differing channels of distribution. Further, the consumers compare the options in both channels before making a purchasing decision and tend to switch between the channels based on prices. Therefore, the relevant market in this case was a single market rather than two separate markets of offline and online channels. In *Mohit Manglani v. Flipkart,* CCI did not feel the necessity to define the relevant market of e-commerce because market features such as instantaneous price comparison were not unique to the digital space. However, CCI concluded that the concerned entities are not individually dominant either online or offline to require delineation of the relevant market for e-commerce.

Equally instructive are the cases in which CCI assessed the alleged conduct and declined to intervene, reflecting a calibrated rather than reflexive enforcement posture. The WhatsApp privacy policy was first challenged before CCI as far back as 2016, in *Vinod Kumar Gupta v. WhatsApp*, where CCI held against a finding of abuse of dominance. This was primarily because the 2016 policy update included an opt-out clause giving users a clear choice not to share data with Facebook. CCI’s *suo motu* order directed an investigation into WhatsApp's 2021 privacy policy for alleged abuse of dominance, marking a departure from CCI’s earlier reluctance to treat data and privacy concerns as falling within its competition mandate. In its final order, CCI found Meta and WhatsApp guilty of abusing their dominant position and imposed a fine of INR 213.14 crore, along with behavioural remedies including a ban on sharing WhatsApp user data with Meta for advertising purposes. CCI held that the 2021 policy imposed unfair conditions through its take-it-or-leave-it nature, and separately resulted in denial of market access and leveraging of dominant position.

This calibrated approach to the relevant market definition carries on to the cab aggregation sector. CCI’s early orders in *Fast Track Call Cab v. ANI Technologies* (Ola) and *Meru v. Uber* laid important groundwork on market definition for platform-based transport services. Crucially, CCI held that by merely adopting a new business model of operation for providing the same goods or services that an incumbent did, cannot qualify for a distinct relevant product market. It held that app-based aggregators and traditional radio taxis belonged to the same relevant market, a finding reinforced by the regulatory framework under the Delhi City Taxi Scheme, 2015, which treated aggregators and radio taxi providers as part of the same category. Offline cabs that did not form part of the aggregators' rider base were also considered part of the same relevant market, illustrating a willingness to apply a broad, substitutability driven market definition rather than confining the market to the digital channel alone

The companion cases of *M/s K.C. Marketing v. Oppo* and *M/s Karni Communication v. Vivo*, both of which were decided in 2019, have extended this reasoning to smartphone distribution. CCI rejected the allegations that the respective manufacturers had restrained their offline distributors from selling online. They further established that no appreciable adverse effect on competition had arisen, as the consumers had other ways of buying products from e-commerce platforms or the manufacturers' websites, and the manufacturers' distributions had not prevented the competitive access of online channels. These early orders, in treating online retailing as a channel of distribution within a broader product market rather than a self-contained digital market, and in declining to treat manufacturer-imposed channel restrictions as automatically anti-competitive, set a methodological baseline for understanding competitive dynamics of digital platforms.

CCI’s caution against premature intervention is also seen in its treatment of nascent digital markets. In *Harshita Chawla v. WhatsApp and Facebook*, CCI dismissed allegations of abuse of dominance arising from the launch of WhatsApp Pay's UPI-based payment feature, holding that the UPI payments market was still evolving. Further, it was implausible to assume WhatsApp Pay would automatically acquire a significant market share on the basis of pre-installation within the WhatsApp ecosystem.

CCI has also extended its scrutiny to several further sectors where digital platform conduct raises distinct competition concerns. In the food delivery sector, on the basis of a complaint filed by the National Restaurant Association of India, CCI ordered a detailed investigation into Zomato and Swiggy, finding a *prima facie* case that the platforms applied vertical restraints on restaurant partners. This conduct was carried out by mandating price parity and enforcing exclusivity obligations, while also raising concerns about conflict of interest arising from the platforms’ presence in the downstream market through private labels and cloud kitchens. The DG's investigation report found violations of competition law, and the matter is presently at the final adjudication stage before CCI.

In the travel sector, the case of *FHRAI v. MakeMyTrip-Go*, CCI found MMT-Go dominant in the market for online intermediation services for hotel bookings in India and held that wide price and availability parity clauses imposed on hotel partners foreclosed rival online travel agencies from competing on price differentiation. Further, a separate commercial arrangement with OYO that resulted in the delisting of competing hotel chains FabHotels and Treebo was found to constitute an anti-competitive vertical agreement. CCI imposed monetary penalties on both MMT-Go and OYO.

It is Google's conduct across multiple digital markets that has drawn the most sustained scrutiny from CCI, spanning search, mobile app distribution, digital advertising, and connected devices sectors.

In the earliest case of *Matrimony.com v. Google*, CCI found Google dominant in the market for general web search services in India and held that its practice of prominently displaying its own specialised search services in positions reserved exclusively for its own properties, and unavailable to independent vertical search providers through organic ranking, constituted an abuse of that dominance. CCI directed behavioural modifications requiring neutrality in search result display and the removal of exclusivity provisions from Google’s intermediation agreements.

However, CCI also drew limits on the scope of Google's liability where genuine consumer choice existed. In *Baglekar Akash Kumar v. Google LLC*, concerning the integration of Google Meet within the Gmail application, CCI dismissed the allegation, finding that Gmail users were not coerced to use Google Meet exclusively, that Meet was available as an independent application outside the Gmail ecosystem, and that consumers remained free to choose from competing video-conferencing services including Zoom, Skype, Cisco Webex, and Microsoft Teams.

In the digital news sector, CCI in January 2022 ordered an investigation into Google's conduct following a complaint by the Digital News Publishers Association whose members include leading Indian digital media companies, alleging that Google's dominant position in both search and digital advertising intermediation allowed it to unilaterally determine the revenue share paid to news publishers for content created by them, denying publishers a fair share in the digital advertising value chain.

This concern with unilateral control over digital infrastructure found its most consequential expression in CCI's scrutiny of the Android system. In *Umar Javeed v. Google*, CCI found that Google's Mobile Application Distribution Agreements, which conditioned OEM access to the Play Store on the mandatory pre-installation of a suite of Google applications, foreclosed rival search engines, browsers, and mapping services from default distribution across hundreds of millions of Android devices. Further, CCI found that Revenue Sharing Agreements with OEMs secured exclusivity for Google Search to the complete exclusion of competing search providers. Along with a monetary penalty, CCI issued directions to decouple Play Store licensing from pre-installation obligations. In the companion *Play Store* order (*XYZ v. Google*), CCI found that the mandatory use of Google's billing system for in-app purchases, from which Google's own applications were exempt, imposed a structural cost asymmetry on competing developers and constituted discriminatory conduct.

In the real money gaming sector, CCI in November 2024 ordered a detailed investigation into Google's Play Store listing and advertising policies for Real Money Gaming apps ("**RMG**"), finding a *prima facie* case that Google's pilot programme which restricted Play Store access to Daily Fantasy Sports and Rummy apps alone while excluding all other RMG platforms, including the complainant WinZO, created a discriminatory two-tier market and denied market access to excluded developers. Google subsequently filed a commitment proposal under Section 48B of the Act to open the Play Store to all skill-based RMG apps, which is currently under CCI's consideration.

CCI's engagement with Google's conduct extends to several additional markets. In April 2025, CCI approved the first-ever settlement under the Amendment Act, filed by Google in relation to its Smart TV operating system practices, following a finding that Google's Television App Distribution Agreement and Android Compatibility Commitments with Smart TV Original Equipment Manufacturer ("**OEMs**") constituted anti-competitive restrictions on OEM freedoms and leveraging of its dominant position in Android TV Operating System to protect its YouTube and Play Store positions.

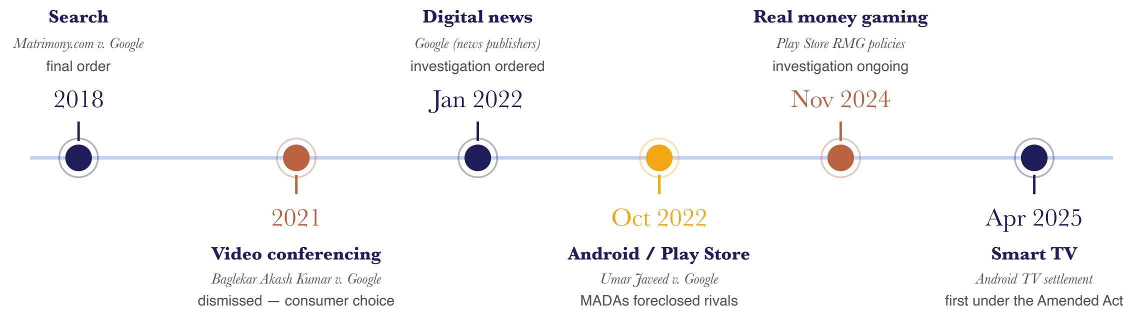


Figure 6. Google's Enforcement Footprint Across Sectors

What is notable about this body of work is not merely its volume but its orientation. In each case, CCI's analysis has gone beyond the immediate conduct to ask a structural question: does this practice/ ecosystem foreclose the competitive process in a way that diminishes the incentive to innovate and enter? For instance, the *Google Android* order examined not just the bilateral terms between Google and OEMs but the cumulative effect of those terms across the ecosystem, i.e., how pre-installation obligations, revenue-sharing agreements, and anti-fragmentation requirements interacted to produce a self-reinforcing cycle of default advantage that rivals could not overcome through product quality alone. The *MMT-Go* order examined whether the effect of parity clauses in a self-preferential ecosystem reduced innovation by eliminating competition based on price differentiation. The *WhatsApp* order examined whether the imposition of data-sharing obligations by a dominant enterprise with no viable substitute constituted an extraction of value from users who had no recourse. In each instance, CCI's reasoning was directed at the conditions necessary for markets to remain competitive and innovative, not at the formal characteristics of the conduct under review.

Quantitatively, CCI has imposed penalties exceeding INR 2,700 crore across its major digital market orders. These orders, however, do not stop at financial sanctions. They are typically accompanied by a set of behavioural directions aimed at addressing the underlying conduct. Measures such as separating Play Store licensing from pre-installation requirements, doing away with broad parity obligations, and restricting the compulsory sharing of user data point to an effort to correct market conditions rather than simply penalise past behaviour. Taken together, they suggest an approach that is attentive to how digital platforms operate in practice and to the kinds of interventions that may be necessary to keep those markets open.

Further, CCI's enforcement record in digital markets is very wide, both in terms of the sectors and the issues involved. Across these sectors, CCI has engaged with both abuse of dominance and anti-competitive agreements. It has recognised that distortions in digital markets may arise through unilateral conduct, as well as through vertical restraints, preferential arrangements, and exclusionary partnerships.

This breadth is complemented by a growing body of final orders in multiple segments. CCI has issued detailed decisions in relation to search and mobile ecosystems involving Google. It has also passed orders in online travel intermediation involving MakeMyTrip and OYO, and in digital messaging services involving WhatsApp. These decisions collectively demonstrate CCI's ability to engage with complex platform architectures. They also show its capacity to articulate competition harms in markets shaped by data, defaults, and ecosystem integration.

At the same time, a number of significant investigations remain ongoing across other digital sectors. This indicates an enforcement agenda that continues to evolve with the market. In e-commerce, CCI is examining the conduct of Amazon and Flipkart. The focus is on preferential treatment of select sellers, deep discounting structures, and exclusive launch arrangements. In the food intermediation sector, inquiries on Zomato and Swiggy focus on platform neutrality, exclusivity conditions, and the terms imposed on restaurant partners. In the mobile ecosystem, the inquiry focuses on Apple's app store policies, in-app payment restrictions, and potential self-preferencing concerns. Together, these ongoing cases highlight CCI's attention to platform governance. They also reflect the dependence of business users on digital intermediaries for market access.

Across both concluded and ongoing matters, CCI has consistently engaged with the structural features of platform markets. Its analysis goes beyond conventional indicators of market power. It takes into account network effects, data accumulation, switching costs, and the strategic use of defaults and pre-installation. CCI's remedial approach reflects a growing prioritisation of structural and behavioural changes. These are designed to restore competitive conditions. They include interventions addressing tying and bundling, self-preferencing, exclusivity arrangements, and discriminatory access to platform infrastructure.

This focus on structural correction is closely aligned with an innovation-oriented vision of Raghavan Committee. CCI targets conduct that entrenches market power through anti-competitive practices. The aim is to ensure that digital markets remain contestable. Accordingly, CCI uses behavioural directions which can recalibrate the underlying conditions of competition so that innovation, entry, and expansion by new and smaller players remain viable.

3.3 Proactive Intervention Through Suo Moto Cognizance

Another notable feature of CCI's approach is its willingness to initiate proceedings on its own where the circumstances warrant it. The statutory framework allows for such action, but its use in digital markets is particularly consequential. In many cases, those most affected by platform conduct i.e., individual users, small developers, or independent sellers, may lack both the resources and the incentives to approach the regulator. Their concerns may also remain fragmented or diffuse, making them difficult to translate into a formal complaint. In this context, CCI’s decision to step in on its own motion reflects an awareness of these practical limitations and a recognition that a purely complaint-driven model may leave certain forms of harm unaddressed.

This operational constraint of the ‘complaints-only’ approach has been pointed out by practitioners to be one of the key obstacles to the effectiveness of CCI. It has been noted that because of its limited resources, CCI tends not to start an investigation unless it is armed with extremely strong preliminary evidence, thus creating a vicious cycle: informants who do not have enough funds for proper legal assistance are expected to provide the most powerful proof just to convince CCI to start an investigation. Indeed, CCI’s *suo motu* authority is not just a legal prerogative but an important supplement to the complaints-based approach.

CCI’s investigation into WhatsApp's 2021 Privacy Policy is one of the most significant exercises of this proactive mandate. CCI did not wait for a market participant to bring a formal complaint before a harm had fully crystallised. It recognised that a dominant messaging platform imposing a take-it-or-leave-it data sharing policy was a competition concern that warranted investigation. The resulting order is the first in India to treat data privacy as a dimension of non-price competition and the first to find a digital platform in breach of the Act through exploitative data extraction. This may not have been possible under a purely reactive enforcement model. It required CCI to look beyond the immediate commercial arrangement to ask who was harmed, how, and whether the competitive process had been distorted in a way that the Act was designed to prevent.

This proactive posture is itself a form of innovation-enabling regulation. A digital market in which abusive conduct by dominant platforms goes unaddressed because its victims are too dispersed, too dependent, or too uncertain of their legal position to complain is one in which the returns to dominance are systematically higher than the returns to competition on merit. By acting *suo motu*, CCI signals that the cost-benefit calculation facing dominant platforms cannot be premised on the assumption that covert or structural harm will go undetected and unchallenged.

3.4 Restraint Where Intervention Is Not Warranted

According to the latest edition of the Internet in India report of the Internet and Mobile Association of India, India now has 958 million Active Internet Users (“**AIUs**”), reinforcing the country's position as one of the world's largest and fastest evolving digital markets. Yet the significance of this figure lies not merely in its scale, but in its trajectory, a market where connectivity continues to expand rapidly into rural areas and previously unconnected demographics is one where competitive dynamics are not yet settled and market structures remain contested. It is precisely in markets at this date of development that Competition policy carries its greatest long-term consequence, interventions that preserve contestability today lay the foundation for a more competitive digital economy tomorrow. A careful approach allows CCI to study how the market behaves over time. It helps separate short-term outcomes driven by innovation from conduct that may cause lasting harm to competition.

An enforcement record is defined not only by where a regulator acts but also by where it chooses not to. One of the more significant and less discussed features of CCI's approach to digital markets is its willingness to monitor evolving market structures without imposing premature intervention that can stifle innovation.

Central to this approach is CCI's use of market studies as a deliberate pre-enforcement tool. Rather than proceeding directly to investigation on the basis of complaint-driven information alone, CCI has institutionalised the practice of first building an independent, evidence-based understanding of how a market functions, what competitive dynamics are at play, and whether the conditions for intervention are in fact present. Market studies contribute significantly to the capacity of competition authorities in appreciating competitive dynamics in markets and can also form a useful basis for competition advocacy. This methodology allows CCI to act from a position of informed judgment rather than reactive enforcement.

CCI's market study on e-commerce published in 2020 is an instructive early example of this approach. The study sought to understand the functioning of e-commerce in India, engage with industry stakeholders, and identify emerging impediments to competition. It drew on desk research, market surveys, and stakeholder consultations, and crucially formed no part of any pending investigation. It was an exercise in market intelligence, not a precursor to a predetermined enforcement outcome.

The quick commerce sector shows a more recent example of this approach. The fast growth of platforms such as Blinkit, Zepto, and Swiggy Instamart has drawn attention from policymakers and regulators. Even so, there has been caution in how the market is assessed. The Parliamentary Standing Committee on Finance has pointed out that quick commerce is largely a home-grown sector. Indian companies are trying new models in logistics, supply chains, and customer service. The Committee has therefore said that any regulatory response should be carefully designed. It should not slow down innovation or disrupt the market at an early stage.

Across these sectors, the underlying logic is consistent. Intervening before dominance has clearly crystallised, before the competitive effects of market structure are observable, and before the market has had an opportunity to self-correct risks undermining the competitive process itself. Markets that are actively contested i.e., where firms are investing, experimenting, and competing for scale, are often those in which innovation is most intense.

CCI's calibrated approach to nascent markets has been identified by practitioners and comparative regulatory scholars as a defining feature of its enforcement philosophy. It has played an effective nurturing role for emerging sectors like e-commerce and quick commerce with a flexible, context-sensitive approach, knowing that in nascent upcoming industries, market shares are still being determined and that regulation that intervenes too early intervention risks closing off the very competitive dynamics that regulation aims to preserve. This domestic observation is supported by comparative experience.

This restraint reflects a sophisticated understanding of the relationship between competition enforcement and innovation. CCI's role in such contexts is to monitor rather than immediately regulate, and to intervene only when there is clear evidence that competitive processes have been durably distorted. The distinction between a market that is concentrating because one firm is more efficient and a market that is concentrating due to exclusionary conduct is analytically demanding. CCI's willingness to assess this rather than resolving it prematurely through enforcement reflects a degree of institutional maturity that is itself conducive to innovation.

This cautious approach is further reinforced by appellate scrutiny. NCLAT in several significant cases, has revisited, modified and scrutinised the scope of remedies and penalties, demonstrating the importance attached to rigorous economic evidence before imposing intrusive corrective measures. One may note that in the case involving Google, although NCLAT has confirmed the existence of abuse, it has re-examined some of the aspects relating to remedies and penalties imposed on the company. This example also shows the value of ensuring that any action taken against the entity under investigation is commensurate with the actual state of affairs as demonstrated by the economic evidence at hand. Similarly, the review of various abuse of dominance cases has emphasised the importance of not basing one's conclusions on presumptions but rather on careful economic evaluation of the situation. It should thus be stressed that the role of appellate review is instrumental in making sure that no inappropriate or unnecessary action is taken without sufficient economic evidence of competitive harm.

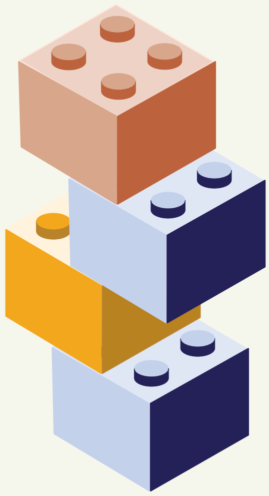
3.5 Conducive Environment for Startups and New Entrants

The cumulative effect of CCI's enforcement posture which is active where conduct is clearly exclusionary, restrained where markets are still contested, and consistently focused on the conditions necessary for competitive entry, is an environment in which startups and new market participants are better positioned to compete than they would be in the absence of effective competition enforcement.

This is perhaps CCI's most significant contribution to the Indian digital economy and it is directly aligned with the Raghavan Committee's founding vision. A startup entering a market in which a dominant incumbent can impose take-it-or-leave-it terms on developers, foreclose rival distribution channels through parity obligations, or leverage its platform position to extend advantages into adjacent markets faces a fundamentally different competitive environment than one entering a market in which these practices are subject to regulatory scrutiny and sanction. CCI's orders against *Google, MMT-Go, and Meta* have each, in their respective sectors, altered the terms on which dominant platforms can govern the ecosystems around them thereby making those ecosystems more open, more contestable, and more hospitable to the kind of competitive entry that produces innovation.

Equally important is what CCI has not done. It has not treated market concentration as inherently problematic, has not imposed regulatory burdens on firms for achieving dominant positions through competitive merit, and has not intervened in markets where the competitive process is functioning. This calibration matters enormously for startup ecosystems: a regulator that punishes success as readily as it punishes abuse creates uncertainty that chills investment and risk-taking. CCI's effects-based, conduct-focused approach inherited directly from the Act's design means that a firm can grow, achieve dominance, and continue to compete aggressively on the merits without attracting regulatory scrutiny, provided it does not use its position to foreclose the rivals and innovators that compete alongside it. That, ultimately, is the environment that the Act was built to create, and CCI's enforcement record in digital markets suggests it is delivering on that ambition.

Competition enforcement's role of creating and maintaining a level playing field as a condition for startup viability has been identified by practitioners as CCI's most significant contribution to the digital economy. CCI promotes a startup culture not directly but by ensuring competitive openness: by acting to prevent dominant incumbents from abusing their position, such as in the MakeMyTrip, Google and Amazon cases. The aim of the competition law is to protect equally efficient competitors against market foreclosure, and not to protect new or small competitors simply because they are small and resource-constrained. Under the Act, it is not automatically a violation to be big, but to use one's market power to foreclose rivals.



Chapter 4

Strengthening India's Institutional Capabilities

4.1 India's Unique Position in the Global Digital Landscape

Any assessment of how India should regulate digital markets must begin with a recognition that India is fundamentally different from the European Union (“**EU**”), the United Kingdom (“**UK**”), or the United States (“**US**”). The regulatory choices made in those jurisdictions reflect their specific economic structures, institutional histories, and political economies. While their experiences offer valuable lessons, direct transplantation of their frameworks into the Indian context would risk importing not just their solutions but their assumptions, many of which do not hold true for India.

India's structural characteristics place it in a category of its own. As the world's largest democracy with one of the fastest-growing digital economies, India is simultaneously a mature democratic polity and a developing market in which hundreds of millions of consumers are encountering digital platforms for the first time. Its consumer base is predominantly price-sensitive. As such, digital adoption has been driven in large part by the dramatic reduction in data costs and the availability of low-cost smartphones, and competitive pricing remains a central determinant of consumer welfare in a way that may not be equally true in wealthier markets. At the same time, India's start-up ecosystem is one of the most dynamic in the world, producing a steady pipeline of technology companies across fintech, edtech, health tech, and e-commerce that depend on open markets to grow and compete. These characteristics together suggest that the regulatory priority in India is not just the correction of existing market failures but the preservation of the competitive conditions that allow this ecosystem to continue generating the growth, employment, and innovation that India's development trajectory requires.

As discussed above, the Act has a technology-neutral and effects-based design. It does not presume that any particular market structure is harmful, impose obligations on firms for achieving dominance through competitive merit, or require the regulator to make *ex ante* predictions about competitive dynamics in markets that may look quite different in three years than they do today. What it requires instead is a rigorous, evidence-based assessment of whether specific conduct has produced specific harm. This is a standard that is demanding but proportionate, and that preserves space for the competitive experimentation that is the source of innovation. This framework is a genuine institutional asset, and the priority for Indian competition policy is to ensure that it is resourced, administered, and procedurally supported in a manner that allows it to function as designed.

That said, the strength of a regulatory framework is only as much as the institution administering it. A well-designed statute that is under-resourced, procedurally constrained, or unable to keep pace with the markets it regulates will not deliver the outcomes it was designed to produce. The gap between the Act's design and its delivery is therefore not a reason to question the framework itself, but to examine the institutional conditions under which it operates.

The EU's Digital Markets Act ("**DMA**") framework for India, observing that where Europe has increasingly become a mature, slower-growing economy that has fallen behind in technology and startup creation, India remains in a highly dynamic, high-growth phase of digital and application-layer innovation making the rigid *ex ante* frameworks of the DMA a poor structural fit. Regulations must be carefully tailored to specific economic conditions and market participants, and simply replicating a foreign law ignores the diverse variety of entities in India, for some of whom severe compliance costs would be unmanageable.

Early assessments from EU implementation workshops further indicate that when platforms altered their targeted advertising practices to comply with DMA obligations, it was the smaller businesses relying on those platforms, not the gatekeepers themselves, that lost out. For India, a price-sensitive, high-growth digital economy, such error costs would translate directly into higher prices and reduced service quality for consumers who have limited alternatives, precisely the opposite of the consumer welfare outcomes that competition regulation is designed to achieve.

4.2 Institutional Challenges Faced by CCI

CCI's analytical and enforcement capacity has grown considerably since it became operational in 2009, and its decisional record in digital markets, as discussed above, reflects genuine institutional sophistication. But a candid assessment of CCI's functioning must also acknowledge the structural constraints that limit its effectiveness. This, at times, has produced outcomes such as delayed investigations, stayed remedies, and cases that remain unresolved years after they were filed, which fall short of the Act's intended design.

The most fundamental constraint is staffing. According to the 2024-25 annual report, there were a total of 59 vacant positions in CCI out of the sanctioned strength of 154 positions, and only 14 out of 41 sanctioned positions were occupied in the office of the DG. The DG's office, the investigative engine of CCI, is accordingly functioning at barely one-third of its sanctioned capacity. The contrast with peer jurisdictions is instructive. The Federal Trade Commission, which shares antitrust jurisdiction in the US with the Department of Justice's Antitrust Division, has a total workforce of approximately 1,100 staff supported by a dedicated Bureau of Economics and a Bureau of Competition, enabling it to deploy large interdisciplinary teams on individual investigations. The Competition and Markets Authority ("**CMA**") in the UK similarly operates with a specialised workforce of 700, including data scientists, engineers, and behavioural experts recruited specifically for digital markets work. The UK's Digital Markets Unit had begun recruiting and training data scientists, engineers, and behavioural experts a year before its empowering legislation was even enacted, a degree of forward planning that reflects the resource prioritisation that effective digital enforcement requires. The technical demands of digital market investigations, which require economists, data scientists, and sector specialists in addition to legal expertise, exceed what a generalist regulatory body can reliably supply from its existing resource base. Complex platform investigations require the analysis of vast volumes of proprietary data, the construction of economic models of multi-sided market dynamics, and engagement with technical evidence about algorithmic systems and software architecture. These are not tasks that can be performed adequately by a commission that is understaffed, underfunded, and without dedicated internal capacity in digital market economics. On the occasion of CCI's 17th Annual Day, Chairperson Ms. Ravneet Kaur highlighted that CCI is building institutional capacity to better understand digital markets and the evolving role of AI.

Adjudicatory delay is a second systemic concern. The gap between the initiation of an investigation and the issuance of a final order has in several major cases extended to multiple years. This is a timeline that is particularly damaging in digital markets, where the competitive conditions that gave rise to the original concern may have changed substantially by the time a remedy is imposed. The *Matrimony.com* case, filed in 2012, resulted in a final order in 2018. The Apple App Store and Zomato/ Swiggy investigations, initiated in 2021, have yet to produce a final order at the time of writing. In fast-moving platform markets, delayed remedies are diminished remedies, and a dominant platform that knows an investigation will take several years to resolve, has a correspondingly reduced incentive to modify its conduct in the interim.

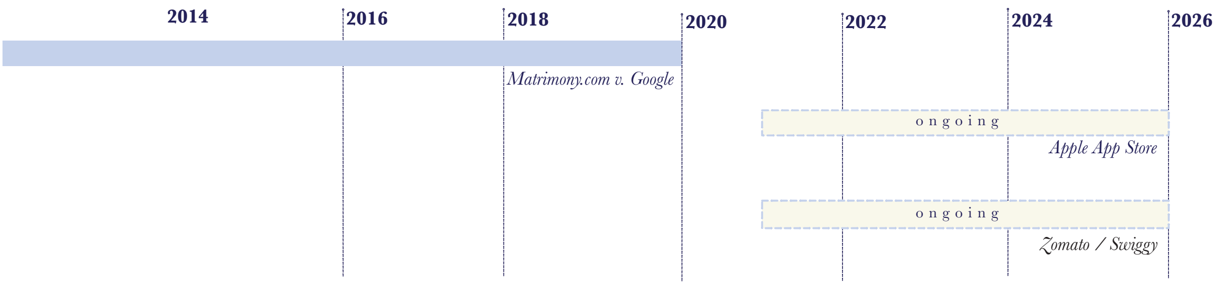


Figure 7. Time from Investigation to Final Order

The third structural challenge is enforcement friction arising from appellate stays. A recurring feature of this friction is the institutional context in which appeals are adjudicated. In 2017, the Competition Appellate Tribunal ("**COMPAT**") was dissolved and its functions transferred to NCLAT. COMPAT, established in 2009 under the Act as a specialised appellate forum, had developed focused competition law expertise over its eight years of operation. COMPAT typically disposed of competition appeals within twelve months owing to its exclusive focus on competition law; NCLAT, which also handles matters under the Insolvency and Bankruptcy Code ("**IBC**") and the Companies Act, where urgent IBC timelines frequently take precedence, has averaged eighteen months to decide competition appeals on their merits over the past three years. The Competition Law Review Committee's 2019 report recognised that NCLAT's broad mandate strains its capacity to deal with the rising volume and complexity of competition appeals, and recommended establishing a specialist NCLAT bench for competition cases. However, this recommendation has not yet been implemented.

The practical consequence is that the behavioural remedies CCI issues, which are typically the most competitively significant component of its orders, more so than the financial penalties, are frequently suspended for extended periods while appellate proceedings run their course. In the *Google Android* matter, NCLAT upheld CCI's findings of abuse of dominance but set aside four of the market correction remedies, including directions requiring Google to allow sideloading of applications, permit distribution of rival app stores through the Play Store, provide access to Play Services' APIs to prevent disadvantage to Android fork developers, and allow users to uninstall pre-installed apps. This was done on the basis that CCI had not established a direct nexus between those remedies and the specific conduct found to be in contravention. In the *Google Play Store* matter, NCLAT set aside four remedial directions and reduced the penalty from Rs. 936 crores to Rs. 216 crores, limiting the penalty base to Google's turnover from the infringing products alone. These outcomes reflect a principled concern about proportionality and conduct-remedy linkage that the appellate tribunal is entitled to apply; but they also illustrate that where CCI reaches beyond the conduct established on record, its remedial orders are vulnerable to significant curtailment. The *MMT-Go* order attracted a similar appellate challenge. Where the remedy is a cease-and-desist direction requiring a platform to modify conduct that is actively harming competition, a stay of that direction for the duration of appellate proceedings means that the harm continues unaddressed. The competitive damage accumulated during that period may be difficult or impossible to reverse. This enforcement gap can be addressed by procedural reform, including stronger presumptions against stays of behavioural remedies in digital market cases, instead of legislative change.

It is pertinent to note, however, thatNCLAT has shown an understanding of the fast-paced nature of digital markets by fast-tracking critical technology cases and by carefully avoiding granting blanket stays on Commission remedies, a feature of appellate practice that partially mitigates the structural delay problem even in the absence of formal reform.

4.3 Policy Implications and Recommendations

A comparative analysis of global approaches to digital market regulation yields a sobering conclusion: no jurisdiction has conclusively resolved the challenge of regulating powerful digital platforms in a manner that is timely, proportionate, and conducive to continued innovation. Each approach has costs as well as benefits, and each reflects the specific institutional and political conditions of the jurisdiction that produced it.

For India, its unique position discussed above supports a clear policy conclusion: the priority should not be the wholesale adoption of a foreign regulatory model, but the targeted strengthening of an existing framework that is, in its design, well-suited to India's regulatory context. The Act's effects-based, technology-neutral approach is not deficient in principle. However, it is constrained in practice by institutional limitations that are addressable through capacity-building and procedural reform.

The most urgent priority is the development and deepening of CCI's existing technical capacity before expanding its institutional footprint.

This means not only filling vacant positions but also building dedicated expertise in digital market economics, data analytics, and platform technology within CCI's permanent staff – something which is already underway. CCI has already taken steps in this direction: the Digital Markets and Data Unit, established as a specialised interdisciplinary centre of expertise drawing on officers from different divisions and streams within CCI, has since been upgraded into a full-fledged Digital Markets Division.

This model of internal specialisation, which builds institutional knowledge that stays within the organisation rather than leaving with deputationist officers, is the right template for capacity development and one that should be extended to the DG's investigative office as well.

Another recommendation would be the establishment of a freestanding chief economist office within CCI staffed with dedicated economists and data scientists, to rigorously analyse digital cases, aligning CCI with the practices of major global antitrust agencies such as the CMA. Structural reforms regarding the terms and conditions of CCI members as a means of attracting and retaining the calibre of expertise that digital market enforcement requires, will go a long way. Further any reform process should be grounded in systematic engagement with the industry, including industry associations, venture capital associations, and startups.

> *This will ensure that regulatory design reflects ground-level market dynamics rather than assumptions drawn from academic or bureaucratic perspectives alone.*

The second priority is procedural reform to address adjudicatory delay and the institutional design of the appellate mechanism.

The dissolution of COMPAT in 2017 and the transfer of competition appeals to NCLAT, a forum with a far broader docket, has measurably slowed appellate resolution. Over the last decade, the number of appeals have gone down from 31 in FY 2015 to 13 in FY 2025. However, the decline in the volume of appeals does not eliminate the need to strengthen the efficiency of the appellate framework. Reinstating a dedicated competition appellate forum, whether a revived specialist tribunal or a ring-fenced bench within NCLAT, is a proportionate and achievable reform that COMPAT's own disposal record demonstrates is workable. Alongside this, it is necessary to streamline the investigation process through clearer timelines, stronger information-gathering powers, and expanded use of the settlements and commitments framework introduced by the 2023 amendments.

> *Further, reforming the appellate stay regime can help ensure that behavioural remedies in digital market cases take effect without undue delay. Neither of these reforms requires new primary legislation; they are achievable through amendments to CCI's regulations; and, where necessary, through targeted amendments to the Act itself.*

The third priority is enhanced coordination with sectoral regulators, including TRAI, RBI, and the forthcoming Data Protection Board, whose mandates increasingly intersect with CCI's, in digital markets.

CCI's recent *IndiGo* order issued under Section 26(1) offers an instructive illustration of both the opportunity and the design of effective inter-regulatory cooperation. In December 2025, certain IndiGo return flights were cancelled shortly before departure, without alternative arrangements being provided to the affected passengers. Subsequently, when rebooking was attempted on the same sectors, seats were found to be available at significantly higher fares than usual. It was alleged that IndiGo's conduct of cancelling flights and subsequently charging elevated fares amounted to abuse of dominance. IndiGo contended that the matter fell exclusively within the Directorate General of Civil Aviation ("**DGCA's**") regulatory remit under the Bharatiya Vayuyan Adhiniyam 2024 and the Aircraft Rules 1937, and that competition law scrutiny was impliedly excluded. CCI rejected this, placing reliance on the Supreme Court's ruling in *Bharti Airtel Ltd. v. CCI* and holding that sectoral regulation does not oust the jurisdiction of competition law authorities.

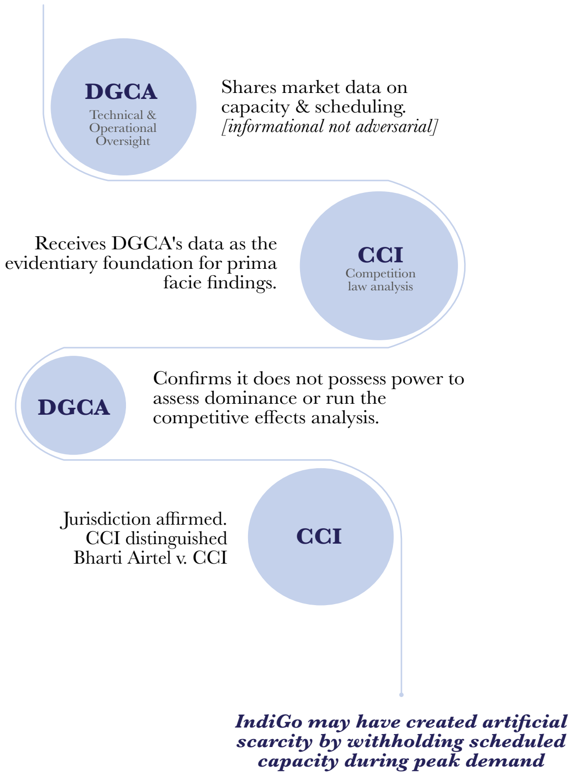


Figure 8. Inter-regulatory Coordination

Critically, the coordination between the two regulators was not adversarial but informational and duly supported by Section 21A of the Act.

DGCA furnished CCI with market data and confirmed to CCI that it does not possess the economic regulatory powers required to assess market dominance or conduct the competitive effects analysis that the Act mandates thereby both delineating the respective roles of the two regulators and providing CCI with the evidentiary foundation for its *prima facie* findings.

On the basis of market data provided by DGCA, CCI found that IndiGo may have created artificial scarcity by withholding significant scheduled capacity, thereby limiting consumer access to air travel during peak demand.

The episode illustrates precisely the kind of inter-regulatory architecture that should be formalised more broadly: DGCA managing technical and operational oversight, and CCI conducting the competition law analysis that DGCA expressly acknowledged it was not equipped to perform.

The *WhatsApp* order illustrated both the opportunity and the complexity of this intersection: the Commission was required to establish its jurisdiction to examine data practices under competition law, in a space where data protection regulators might also have had a role.

> *Clearer inter-regulatory coordination frameworks such as establishing which regulator leads on which category of concern, and how their findings interact would reduce the jurisdictional uncertainty that has complicated enforcement in several digital market cases and that respondents have exploited as a basis for appellate challenge.*

India's competition law framework, built on the effects-based foundations of the Act and administered by a commission that has demonstrated a genuine capacity for sophisticated digital market analysis, represents a context-specific model that is capable of regulating digital markets effectively while preserving the conditions for innovation and market growth.

The answer to its current challenges is not a new regulatory architecture, it is the institutional investment and procedural refinement needed to allow the existing architecture to function as intended and designed. That is a more achievable, proportionate, and ultimately durable solution than the transplantation of a regulatory model designed for a different economy, at a different stage of digital and socio-economic development, and facing a different set of competitive conditions.

> India's digital economy is too dynamic and important to India's broader development trajectory to be governed by borrowed assumptions. CCI, properly resourced and procedurally empowered, is the institution best placed to govern it.

Chapter 5

Conclusion and the Way Forward

5.1 India's Digital Economy and the Role of Competition Regulation

India's digital economy is integral to the overall economic growth; it is increasingly becoming the infrastructure through which the broader ecosystem functions. From payments and logistics to healthcare delivery and agricultural markets, digital platforms have become the connective tissue of Indian commerce, and their competitive dynamics have direct consequences for the welfare of consumers, the viability of small businesses, and the pace of technological development across the country. The Government's Viksit Bharat @2047 vision of India as a developed, self-reliant country by the centenary of independence places the digital economy at the centre of the growth story. The regulatory conditions that govern that economy are, accordingly, not a technical footnote to the development agenda but a core component of it.

Against this backdrop, CCI has emerged as a pivotal institutional force. The preceding chapters have traced how the Act's effects-based, technology-neutral framework has allowed CCI to engage meaningfully with the competitive dynamics of digital markets by addressing a wide range of anti-competitive issues in almost every technology-driven sector. This was possible without requiring a separate legislative mandate or a fundamental reconfiguration of its analytical framework. This track record is significant as a record of enforcement outcomes. CCI has demonstrated that it can understand complex platform economics, apply rigorous analytical reasoning to novel fact patterns, and design remedies that address competitive harm without unnecessarily disrupting the market dynamics that foster innovation.

Taken together, this record suggests that the Act has proved more durable and adaptable than its critics have suggested. Its core provisions remain robust and forward-looking, and its Amendment Act has addressed the most significant gaps that enforcement experience revealed without disturbing the effects-based design that gives the Act its breadth.

> The Act is not a relic of a pre-digital era in need of replacement but it is a framework that has grown with the markets it regulates, and that is well-positioned to continue doing so as those markets evolve in ways that no regulator can fully anticipate today.

5.2 Key Policy Takeaways

The analysis across the preceding chapters yields several policy conclusions regarding CCI's functioning which are as follows::

#1 The first is that India already possesses the institutional mechanisms necessary to address digital market challenges.

CCI has demonstrated this through its decisional practice. The question is not whether the Act can engage with digital markets (as the answer to that question is clearly a yes), but whether CCI is adequately resourced and procedurally supported to enforce it with the speed and technical rigour that digital markets require.

> *The policy priority, accordingly, is institutional strengthening rather than institutional replacement.*

#2 The second takeaway is that competition law enforcement in digital markets should remain effects-based rather than prescriptive.

The temptation to enumerate specific prohibited practices by listing the things that dominant digital platforms ought not to do might offer a degree of regulatory certainty. However, that certainty comes at a cost. A prescriptive framework is always fighting the last war, prohibiting the forms of conduct that were harmful in the markets that existed when the list was written while leaving space for new forms of equally harmful conduct that were not anticipated.

An effects-based framework, by contrast, asks the same foundational question regardless of the novelty of the conduct: has competition been harmed?

> *That question does not go out of date, and in a digital economy that is evolving faster than any regulatory process can track, it is the only question the answer to which remains relevant across market structures that do not exist yet.*

#3 The third takeaway concerns regulatory coordination.

CCI operates in an environment in which its jurisdiction increasingly overlaps with that of sectoral regulators whose mandates touch on competition-adjacent concerns. The *WhatsApp* order illustrated this with particular clarity. CCI was required to establish its authority to examine data practices through a competition law lens, in a space where the data protection regulator might also have had a view. As digital platforms continue to expand across regulated sectors i.e., financial services, telecommunications, healthcare, media, the risk of jurisdictional overlap, regulatory inconsistency, and enforcement gaps will only grow.

> Clearer frameworks for coordination between CCI and other sectoral regulators, establishing lead responsibility for different categories of concern, and mechanisms for sharing information and aligning enforcement approaches, are a necessary complement to CCI’s own institutional strengthening.

5.3 Performance Evaluation of the Commission

Evaluating a competition regulator like CCI requires looking beyond headlines. Three parameters stand out. First, advocacy reach and institutional credibility; has the regulator built enough of a reputation that market participants, consumers, and businesses actually turn to it with complaints? The volume of cases filed is a proxy for public confidence. Second, enforcement quality and speed; how quickly are investigations concluded, and how robustly are orders upheld? Third, procedural integrity and the use of modern resolution tools; does the regulator follow due process, and is it able to bring parties to the table through mechanisms like commitments and settlements rather than grinding through years of litigation?

Against these parameters, CCI's nearly eighteen-year record is mixed but broadly commendable. Basis the first parameter on institutionally credibility, till FY 2026, CCI has dealt with a total of 2,768 matters, including 1,366 anti-trust and 1,402 combination cases. The disposal rate of antitrust cases and combination cases is 89% and 98.71% respectively. These findings of violations and adjudicatory orders further reiterate the belief of the public in CCI. CCI demonstrates a consistent and diligent commitment to institutional transparency and accountability through the publication of a comprehensive annual report. This includes detailed accounts of investigations and inquiries ordered, sector-wise analyses of enforcement trends, the execution and disposal of orders, details of appeals received and disposed of, penalties levied, budgetary allocations and financial accounts, as well as ongoing capacity-building initiatives and ancillary programmes.

Basis the second parameter on enforcement efficiency, where the record is thinner is in the speed of enforcement: the *Matrimony.com* case, filed in 2012, produced a final order in 2018 and several major platform investigations remain unresolved. Critically, however, this delay is a function of institutional capacity and appellate architecture; the DG's office currently operates at barely one-third of its sanctioned strength.

Lastly, on the third parameter of procedural integrity and the use of modern tools, the commitment and settlement uptake in technology cases is an especially useful forward-looking metric. Seen this way, growing uptake, as in the ongoing *WinZO Games Pvt. Ltd. v. Google LLC and Ors*., is itself evidence of CCI’s analytical strength, and a signal that the framework can deliver swift, durable outcomes without the years of adversarial litigation that have characterised earlier enforcement cycles.

Also, the Google Smart TV settlement, the first under the Amendment Act, demonstrated that timely market correction is achievable when CCI's orders are sufficiently robust to bring investigated parties to the negotiating table.

This dynamic, however, is self-reinforcing rather than automatic: the mechanisms will only attract sustained uptake if CCI consistently demonstrates a sound analytical framework and rigorous economic reasoning in its orders. Parties are far more likely to engage on commitments or settlements when they perceive real strength in CCI's underlying assessment; a *prima facie* order seen as weak or poorly reasoned gives a party every incentive to contest the matter through full adjudication and appeal instead, where the odds of overturning a shaky finding are better. The credibility of the commitment and settlement route is therefore not just a product of the 2023 amendments themselves, but of the quality of CCI's reasoning going forward.

The overall evaluative picture that emerges from both CCI's decisional record and the perspectives of those who engage with it directly is of a regulator that has delivered meaningfully on its mandate, is evolving in the right direction, and not one that requires a new legislative architecture. The constraints CCI faces are real but institutional:- staffing, appellate delay, and enforcement friction. These are problems that targeted capacity-building and procedural reforms can solve. The framework is effects-based and technology-neutral, it asks not what a firm looks like, but what it has done. This design has proved more adaptable to digital markets and more capable of delivering competitive outcomes than either its critics or the proponents for a separate digital competition law would suggest.

5.4 Future Regulatory Focus

These three takeaways point towards a concrete reform agenda. The institutional investment required to allow CCI to function at its full potential is neither novel in concept nor beyond India's institutional capacity to deliver.

Building Technical Expertise

Enhanced technical expertise is the most urgent priority. Digital market investigations require economists who understand platform economics and multi-sided market theory, data scientists who can analyse the algorithmic systems at the heart of platform conduct, and technologists who can evaluate evidence about software architecture and system design. These are specialist skills that cannot be developed overnight, and CCI's ability to attract and retain such talent will depend on investment in compensation, training, and the creation of a professional environment that makes regulatory work in this area intellectually compelling.

Accelerating Adjudication

Expertise by itself is not sufficient if the overall adjudication stretches for years. Faster adjudicatory processes are an equally pressing need. The gap between investigation and final order that has characterised several of the CCI's major digital market cases is not a reflection of analytical inadequacy but of structural constraints: the volume of evidence in complex platform investigations, the procedural rights of respondents, and the demands placed on a commission that is simultaneously managing a large caseload across multiple sectors. Addressing this will require a combination of measures, including clearer investigation timelines, more effective use of the settlements and commitments framework introduced by the 2023 amendments, and reforms to the appellate stay regime that ensure behavioural remedies take effect without undue delay. None of these changes requires new primary legislation; they are achievable through regulatory reform and targeted amendments to CCI's procedural rules.

Inter-regulatory Coordination

Lastly, improved inter-regulatory coordination is imperative. It requires the development of formal coordination mechanisms between CCI and other regulators with whom its mandate most significantly overlaps such as RBI in financial services, TRAI in telecommunications, the forthcoming Data Protection Board in data governance, and the Securities and Exchange Board of India, where digital platforms intersect with capital markets.

5.5 Final Proposition: CCI as an Enabler of Innovation

The central argument of this paper has been that CCI is not merely a competition regulator in the conventional sense. It is an institution whose mandate, at its core, is to keep markets open: open to entry, open to competitive challenge, and open to the disruptive innovation that drives economic progress. The Raghavan Committee understood this when it asked how competition produces the best in innovative skills, and the answer it gave was the Act, which is a framework that does not prohibit success but protects the conditions under which success must be earned.

The same Committee, however, was equally clear-eyed about the risks on the other side of the ledger. It cautioned that competition law, however well-designed, carries within it the inherent danger of overreach: that discretion exercised in the name of public interest may slide into excessive intervention, defeating the very consumer welfare objectives for which the law was created.

The Committee's warning that *"great care needs to be taken that the scope for necessary intervention and over-regulation is minimised"* is not a counsel of passivity, it is a structural principle that CCI must uphold along with its enforcement mandate, particularly in digital markets where regulatory intervention in a nascent ecosystem can foreclose the very competitive dynamics it seeks to protect.

Balancing these two imperatives, flexibility in terms of intervention and restraint from overreach is precisely what the path forward is — one of institutional deepening rather than structural reinvention.

India has a competition law framework that is well-designed for the challenges of the digital economy, a commission that has demonstrated its capacity to apply that framework with sophistication and rigour, and a startup ecosystem that depends on the competitive conditions that effective enforcement preserves. CCI's record reflects a deliberate and carefully calibrated balance wherein it has taken strong, well-reasoned enforcement action against dominant global technology platforms where the evidence of competitive harm was clear, while adopting a measured and restrained approach in nascent markets where early-stage innovation and competitive entry are still finding their footing.

India's competition law journey offers a compelling case study in context-sensitive regulatory design. Through reasoned, technically grounded orders and a principled commitment to keeping markets open, CCI has contributed meaningfully to the conditions that have allowed India's digital economy to grow into one of the most dynamic in the world. India's economy carries with it immense untapped potential in the depth of its consumer markets, the ambition of its entrepreneurs, and the scale of the opportunities that digital infrastructure continues to unlock across sectors. Realising this potential requires not a new regulatory architecture but the sustained institutional investment needed to allow the existing one to perform at its optimum level. India's policy priority, accordingly, is to strengthen the implementation and institutional capacity of its competition law regime by ensuring that CCI remains well-resourced, procedurally agile, and analytically equipped to meet the demands of a digital economy that will continue to evolve in ways that no regulator can completely foresee. This is the foundation on which the Viksit Bharat@2047 vision must be built, and CCI, properly supported, is the institution best placed to help build it.

Annexure 1

List of Cases

S. No.	Case	Impugned Conduct	Findings
1	**Dinesh Kumar Dadsena v. Whitesheep Technology Pvt. Ltd., 01/2026.**	The informant, a paid subscriber of InVideo AI (operated by Whitesheep Technology Pvt. Ltd.), alleged that the company abused its dominant position by unilaterally cancelling his subscription, failing to provide the promised AI usage credits, delaying resolution of technical issues, and imposing unfair and discriminatory conditions. He contended that these practices restricted services and denied him market access in violation of Section 4(2)(a)(i), 4(2)(b)(i), Section 4(2)(c) and further Sections 4(2)(a) and 4(2)(e) of the Act.	The Commission observed that the issues appear to be in the nature of dispute, if any, between concerned/relevant parties which ipso facto does not require intervention of the Commission. Hence, it held that the instant matter did not raise any competition concern and remedy(ies), if any at the Competition forum.
2	**Natural Support Consultancy Services Pvt. Ltd. v. NABARD & Infosys Ltd., 26/2025.**	Natural Support Consultancy Services Pvt. Ltd. (NSCSPL) alleged that NABARD unfairly restricted participation in its 2023 tender for upgrading the Finacle Core Banking Solution (CBS) by permitting bids only from Infosys-authorised system integrators (SIs). The Informant contended that this eligibility condition amounted to abuse of dominance under Section 4 and an anti-competitive vertical agreement under Sections 3(4)(b) and 3(4)(d) of the Competition Act, 2002.	The CCI held that restricting the tender to Infosys-authorised system integrators was objectively justified because the project involved upgrading banks already operating on the Finacle platform, requiring technical compatibility, data security, and software integrity. The Commission found no evidence of abuse of dominance, exclusive dealing, or refusal to deal, concluded that the tender conditions were transparent and non-discriminatory, and closed the matter under Section 26(2) as no prima facie violation of Sections 3 or 4 was made out.
3	**Deep Chandra Pande v. Roppen Transportation Services Pvt. Ltd. (Rapido), 47/2025.**	The informant alleged that Rapido abused its dominant position by operating bike-taxi services using private (non-commercial) two-wheelers without the requisite permits, enabling it to avoid regulatory costs and offer allegedly predatory fares. It was further contended that these practices distorted competition, denied market access to compliant aggregators, and violated Section 4 of the Competition Act.	The CCI held that the allegations primarily concerned compliance with the Motor Vehicles Act, 1988, rather than competition law, and that the informant had failed to substantiate any abuse of dominant position under Section 4. Finding no prima facie evidence of anti-competitive conduct or denial of market access, the Commission closed the matter under Section 26(2) of the Competition Act and rejected the application for interim relief.
4	**Zucol Solutions Pvt. Ltd. v. Google India Pvt. Ltd., 17/2025.**	Zucol Solutions Pvt. Ltd. alleged that Google, through its Google Play Store, abused its dominant position in the market for app stores for Android OS in India by terminating its Google Play Developer Account and a subsequent developer account for alleged policy violations linked to the app "Pobreflix Series, Movies." The Informant contended that Google failed to provide adequate reasons or a fair opportunity to appeal and, by invoking its	The CCI held that although Google Play is dominant in the market for app stores for Android OS in India, Google's actions were in accordance with its publicly disclosed Developer Program Policies and Relation Ban Policy, which had already been examined in the Umar Javeed and Liberty Infospace cases. As Google had provided

S. No.	Case	Impugned Conduct	Findings
		Relation Ban Policy, unfairly denied it continued access to the Google Play ecosystem and the Android app distribution market.	an appeals process and ultimately reinstated the Informant's original developer account, and the Informant had suppressed material facts and made inconsistent submissions, the Commission found no prima facie abuse of dominance under Section 4 and closed the matter under Section 26(2) of the Competition Act.
5	**Vedansh Pandey v. Roppen Transportation Services Pvt. Ltd. (Rapido), 31/2025.**	The Informant alleged that Rapido permitted the use of private, unlicensed motorcycles for its bike-taxi services without verifying permits, commercial insurance, fitness certificates, and other statutory requirements, thereby enabling it to offer lower fares than licensed operators. The Informant alleged that Rapido violated the provisions of Section 4 of the Act, inter-alia, by providing services at a lower price, as compared to its competitors, in violation of Section 4(2)(a)(ii) of the Act. It is also alleged that Rapido indulged in the practice of denial of market access by steering customers in its favour which is in violation of Section 4(2)(c) of the Act. The Informant also alleged operation of hub and spoke style platform arrangement against Rapido.	The CCI held that the gravamen of the allegations concerned the use of private vehicles without the requisite statutory permits, a matter governed by the Motor Vehicles Act, 1988, and not by the Competition Act. Since the Information disclosed no prima facie competition concerns under Sections 3 or 4, the Commission declined to examine the relevant market or dominance, closed the case under Section 26(2), and rejected the application for interim relief under Section 33.
6	**Adv. Utkarsh Tiwari & Another v. Eros International Media Ltd., 28/2025.**	The Informants alleged that Eros International Media Ltd. re-released the film Raanjhanaa in Tamil Nadu after altering its ending using AI without possessing the rights to modify the original content. It was contended that the OP misused its exclusive distribution rights by entering into arrangements with distributors and proposed OTT platforms that could foreclose competition, distort pricing, reduce consumer choice, and constitute anti-competitive agreements under Section 3 and abuse of dominant position under Section 4 of the Competition Act.	The CCI held that the Informants' grievance essentially concerned the alteration and re-release of the film, which was in the nature of a dispute between the concerned parties and did not, by itself, warrant intervention under the Competition Act. As the Informants failed to furnish any evidence establishing anti-competitive agreements, abuse of dominance, or a nexus between the impugned conduct and the alleged contraventions of Sections 3 and 4, the Commission found no prima facie case, closed the matter under Section 26(2), and rejected the applications for interim relief under Section 33.
7	**In re Preeti Kodwani and Others 36 of 2025.**	The Informants alleged that Sundar Pichai and 22 other individuals/entities, including major technology companies, abused their dominant position by using AI and digital advertising systems to suppress the Informants' online visibility, divert web traffic and commercial opportunities to competitors, and restrict access to	The CCI held that the allegations were vague, broad, and unsupported by material particulars, and that the Informants had failed to specify the role of each of the 23 opposite parties or establish how their conduct violated Sections 3

S. No.	Case	Impugned Conduct	Findings
		customers, funding, and investment opportunities. They further alleged collusive conduct and abuse of dominance in India's digital services market in violation of Sections 3 and 4 of the Competition Act.	or 4 of the Competition Act. Finding the supporting material largely illegible and insufficient to disclose any prima facie competition law contravention, the Commission closed the matter under Section 26(2) and rejected the prayer for interim relief under Section 33.
8	**Showtyme (through Vijay Gopal, Prop. of Vanila Entertainments) v. Big Tree Entertainment Pvt. Ltd. (BookMyShow), 46/2021.**	The Informant alleged that BookMyShow abused its dominant position in the market for online intermediation services for booking movie tickets by entering into exclusive agreements with multiplexes and single-screen theatres through monetary deposits and revenue-sharing arrangements. It was contended that these arrangements amounted to exclusive dealing and refusal to deal, foreclosed market access to competing online ticketing platforms such as Showtyme, and enabled BookMyShow to charge excessive convenience fees to consumers.	The Commission, by order dated 16.06.2022 under Section 26(1) of the Competition Act, restricted the proceedings to Big Tree Entertainment Pvt. Ltd. (BookMyShow), deleted Opposite Parties 2–11, directed the DG to investigate the alleged abuse of dominance under Section 4, and rejected the Informant’s request for interim relief under Section 33. The DG concluded that BookMyShow was dominant in the market for online intermediation services for booking of movie tickets in India and found its discriminatory data-sharing practices with single-screen cinemas to be violative of Section 4(2)(a)(i). After considering the DG’s report, the Commission agreed that BookMyShow held a dominant position in the relevant market but found insufficient evidence that its conduct, including reserving seats under agreements with single-screen cinemas, amounted to abuse under Sections 4(2)(a)(i), 4(2)(b)(i) or 4(2)(c), and accordingly closed the matter.

S. No.	Case	Impugned Conduct	Findings
9	**Film & Television Producers' Guild v. UFO Moviez, Qube Cinema Technologies & PVR INOX Case No. 42 of 2023.**	The Film & Television Producers' Guild of India Ltd. alleged that UFO Moviez, Qube Cinema Technologies, and PVR INOX were continuing to levy Virtual Print Fee (VPF) and had entered into anti-competitive arrangements that compelled film producers to route digital cinema content through UFO or Qube. It was further alleged that restrictive contractual arrangements between the Digital Cinema Equipment (DCE) providers and PVR INOX foreclosed market access to alternative content delivery platforms, imposed unfair conditions on producers, and amounted to anti-competitive agreements and abuse of dominance under Sections 3 and 4 of the Competition Act.	The CCI observed that the allegations against UFO Moviez and Qube Cinema Technologies regarding restrictive content supply arrangements had already been comprehensively addressed in Case No. 11 of 2020, in which appropriate remedial directions had been issued. As regards PVR INOX, the Commission found a prima facie case that the continued levy of VPF, the differential treatment accorded to certain producers/studios, and making payment of VPF a condition for exhibition of films could amount to the imposition of unfair and discriminatory conditions and denial of market access in contravention of Section 4 of the Competition Act. Accordingly, the Commission closed the proceedings against UFO Moviez and Qube Cinema Technologies, but directed the Director General to investigate PVR INOX under Section 26(1) of the Act.
10	**Alliance of Digital India Foundation v. Alphabet Inc., Google LLC & Others Case No. 23(1) of 2024.**	The Alliance of Digital India Foundation (ADIF) alleged that Google abused its dominant position in the online display advertising services market by leveraging its Google AdTech Stack, comprising publisher ad servers, advertiser ad networks, ad exchanges, and related services. It was contended that Google's vertically integrated AdTech ecosystem enabled it to impose unfair conditions, favour its own services, distort the ad-tech supply chain, and foreclose competition in the online display advertising market.	The CCI observed, prima facie, that the allegations relating to Google's AdTech Stack warranted investigation independent of the other allegations raised by ADIF. Accordingly, the Commission segregated the Information into three separate cases, with Case No. 23(1) of 2024 confined to the alleged abuse of dominance in the online display advertising services market through Google's AdTech Stack, and directed the Director General to investigate the matter under Section 26(1) of the Competition Act.
11	**Maulik Surani v. Alphabet Inc. & Google entities Case No. 34 of 2024.**	The Informant alleged that Google abused its dominant position in the ad-tech intermediation services ecosystem by tying DoubleClick for Publishers (DFP) with Google Ad Exchange (AdX) through Google Ad Manager, favouring its own services, operating an anti-competitive Open Bidding system, imposing Unified Pricing Rules, charging opaque and excessive fees, and leveraging its dominance in the general web search market to strengthen its position in the ad-tech markets. It was	The CCI observed that the allegations substantially overlapped with the issues already under investigation in Case Nos. 41 of 2021, 10 of 2022 and 36 of 2022 concerning Google's ad-tech intermediation services. Referring to its prima facie order dated 07.01.2022 in Case No. 41 of 2021, the Commission reiterated its prima facie view that Google occupied

S. No.	Case	Impugned Conduct	Findings
		further alleged that these practices amounted to anti-competitive vertical agreements under Section 3(4) and abuse of dominance under Section 4 of the Competition Act.	a significant position in the market for online digital advertising intermediation services. Accordingly, invoking the proviso to Section 26(1), the Commission clubbed the present case with the ongoing investigations and directed the Director General to conduct a comprehensive investigation and submit a consolidated report.
12	**CCL Optoelectronics Pvt. Ltd. v. BSNL Case No. 19 of 2025.**	CCL Optoelectronics Pvt. Ltd. alleged that BSNL abused its dominant position by incorporating unfair and discriminatory eligibility conditions in its GeM tender for the procurement of Splice Closures for Optical Fiber Cables, including stringent past performance requirements, which led to the Informant's disqualification and allegedly favoured certain bidders in violation of Section 4 of the Competition Act.	The CCI held that BSNL was not dominant in the market for telecommunication services in India, having only a 2.09% market share. The Commission further observed that the allegations essentially concerned tender terms and procurement practices, that the Informant had failed to establish any unfair or discriminatory conduct, collusion, or abuse of dominance, and accordingly found no prima facie contravention of Section 4, closing the matter under Section 26(2) of the Competition Act.
13	**Liberty Infospace Pvt. Ltd. v. Alphabet Inc. & Others Case No. 07 of 2025.**	The Informant alleged that Google abused its dominant position by terminating its Google Play Developer Account without prior notice or fair warning, citing alleged policy violations and association with previously terminated accounts. It was contended that Google failed to provide adequate reasons or an effective grievance redressal mechanism, thereby imposing unfair conditions, denying market access to the Informant's HRMS application, and violating Section 4 of the Competition Act.	The Commission examined three issues: (i) the relevant market, (ii) Google's dominance, and (iii) whether its conduct violated Section 4 of the Act. It defined the relevant market as the “market for app stores for Android OS in India” and held that Google was prima facie dominant in that market. However, it found no prima facie evidence of abuse of dominance under Section 4, noting that Google’s developer account appeals process was reasonable, uniformly applied across jurisdictions (except the EU), and involved adequate human intervention. Accordingly, the Commission held that Google’s termination of the Informant’s developer account and disposal of the ensuing appeals did not amount to abusive or discriminatory conduct and closed the matter under Section 26(2) of the Act.
14	**Krishna Kumar Agrawal v. ICICI Securities, NSE & BSE Case No. 23 of 2025.**	The Informant alleged that ICICI Securities Ltd., in collusion with NSE and BSE, unilaterally terminated the agreements of hundreds of Authorised Persons (APs)	The CCI held that the standardised AP Agreement was prescribed pursuant to the SEBI regulatory framework and the

S. No.	Case	Impugned Conduct	Findings
		without cause while retaining the clients acquired by them. It was contended that the standardised AP Agreement, particularly its termination clause and restrictions on APs, constituted anti-competitive agreements under Section 3 and abuse of dominant position under Section 4 of the Competition Act.	role of NSE and BSE in adopting the agreement flowed from statutory obligations, thereby not attracting Section 3(3) of the Competition Act. The Commission further found that ICICI Securities neither possessed significant market power nor enjoyed a dominant position in the securities intermediation services market, and consequently found no prima facie contravention of Sections 3 or 4, closing the matter under Section 26(2) of the Act.
15	**In re Velusamy Karuppannan v. AVEVA Group Ltd. Case No. 09 of 2025.**	The Informant alleged that AVEVA Group Ltd. abused its dominant position in the market for MES, SCADA and Historian industrial automation software by tying the purchase of its Historian software and SCADA licences with complementary software products, imposing unfair conditions on customers, and leveraging its market position following acquisitions such as OSIsoft and Schneider Electric Software, in violation of Sections 3 and 4 of the Competition Act.	The CCI delineated the relevant market as the market for MES, SCADA and Historian industrial automation software in India and held that AVEVA was not dominant in the relevant market, noting the presence of several strong competitors such as Siemens, Rockwell, SAP, Oracle, Honeywell, Emerson, and ABB. The Commission further found no evidence that AVEVA had made the purchase of complementary software mandatory or engaged in any anti-competitive tying arrangement. Accordingly, it found no prima facie contravention of Sections 3 or 4 and closed the matter under Section 26(2) of the Competition Act.
16	**Lalit Wadher v. Zomato Ltd. Case No. 27 of 2024.**	The Informant alleged that Zomato Ltd. charged inflated food prices, platform fees, delivery charges and other fees, failed to ensure the edibility of delivered food, did not disclose the timing of payments to restaurants, and earned profits through treasury operations. It was further alleged that Zomato operated as a duopoly with another online food delivery platform, resulting in a lack of effective competition in the market.	The CCI observed that the allegations were primarily related to pricing and consumer grievances and did not disclose any unfair or discriminatory conduct raising competition concerns under Section 4 of the Competition Act. The Commission also noted the absence of any evidence supporting the allegation of a duopoly and held that there was no prima facie case of abuse of dominant position, closing the matter under Section 26(2) of the Act.
17	**XYZ v. Microsoft Corporation & Microsoft India Case No. 03 of 2024.**	The Informant alleged that Microsoft abused its dominant position in the market for Windows operating systems by restricting interoperability between Microsoft Defender and third-party antivirus	The CCI held that non-MVI antivirus developers were not prevented from distributing or operating their applications on Windows, but were only subject

S. No.	Case	Impugned Conduct	Findings
		software through its Microsoft Virus Initiative (MVI) programme. It was alleged that the MVI framework created barriers for non-MVI antivirus developers, denied them market access, and favoured Microsoft's own security solutions, in contravention of Section 4 of the Competition Act.	to reasonable compatibility and security requirements designed to protect users. The Commission found that the MVI programme was a legitimate facilitative mechanism rather than a gatekeeping arrangement and concluded that no prima facie case of abuse of dominant position under Section 4 was made out, closing the matter under Section 26(2) of the Act. The Commission also referred to its decision in XYZ (Confidential) and Others Vs. Alphabet Inc. and Others, where the Commission held that owing to technological differences and differences in intended usage and characteristics, there is no substitutability between smart mobile OS and desktop OS, and they form part of separate relevant markets.
18	**Kuldeepsinh Mahendrasinh Jadeja And Pragyawan Technologies Pvt. Ltd.,KLN Engineering Pvt.Ltd ,Ministry of Micro, Small and Medium Enterprises, The National Small Industries Corporation Ltd & Government e Marketplace Case No. 30 of 2024.**	The Informant alleged that Pragyawan Technologies Pvt. Ltd. and KLN Engineering Pvt. Ltd., in relation to tenders floated under the Pradhan Mantri Vishwakarma Yojana for procurement of toolkits through GeM, had engaged in bid-rigging and collusive bidding in contravention of Section 3(3) of the Competition Act by coordinating their bids and manipulating the tender process to eliminate genuine competition.	The CCI found that the Informant had failed to produce any credible evidence demonstrating an agreement, concerted practice, or collusive arrangement between the bidders. Holding that mere suspicion or similarity in bidding patterns was insufficient to establish bid-rigging under Section 3(3), the Commission found no prima facie case of contravention and closed the matter under Section 26(2) of the Competition Act.

S. No.	Case	Impugned Conduct	Findings
19	**XYZ and HP India Sales Private Limited & Others Case No. 26 of 2024.**	The Informant alleged that HP India Sales Pvt. Ltd., its authorised dealers, and other bidders had engaged in bid-rigging and cartelisation in tenders floated by the Gurugram Metropolitan Development Authority (GMDA) and Faridabad Metropolitan Development Authority (FMDA) for procurement of large-format printers. It was alleged that the bidders coordinated their quotations, uniformly offered identical warranty terms, and structured their bids to restrict competition in violation of Section 3 of the Competition Act.	The CCI found no material indicating any agreement or concerted practice among the opposite parties. It observed that the identical five-year warranty was mandated by the tender conditions, differences in quoted products negated the allegation of collusive bidding, and the procuring authorities were entitled to prescribe technical specifications according to their requirements. Accordingly, the Commission held that no prima facie case of cartelisation or bid-rigging under Section 3 was made out and closed the matter under Section 26(2) of the Competition Act.
20	**In Re: WhatsApp Privacy Policy Suo Motu Case No. 01 of 2021 with Case No. 05 of 2021 and Case No. 30 of 2021.**	The proceedings arose from WhatsApp's 2021 Privacy Policy, which required users to accept expanded data-sharing with Meta for continued access to certain services. The CCI examined whether WhatsApp and Meta were leveraging their dominance by imposing unfair privacy terms, excessive data collection, and cross-platform data sharing that could distort competition in digital markets.	The CCI held that WhatsApp and Meta had abused their dominant positions under Section 4 of the Competition Act, 2002 by imposing unfair conditions through the 2021 Privacy Policy and by enabling extensive data sharing that strengthened Meta's market power across digital services. The Commission imposed penalties of ₹213.14 crore on Meta and directed the companies to cease the anti-competitive conduct, and ordered measures to limit the sharing of WhatsApp user data with other Meta entities for advertising and non-essential purposes.
21	**People Interactive India Pvt. Ltd., Mebigo Labs Pvt. Ltd., Indian Broadcasting & Digital Foundation v. Alphabet Inc. & Others Case No. 37 of 2022, 17/2023, 27/2023.**	The informants alleged that Google abused its dominant position by continuing to impose restrictive policies governing the Google Play Billing System (GPBS) and app distribution on the Google Play Store. Despite modifications following the CCI's 2022 Google Play Billing decision, Google allegedly continued to require or incentivise developers to use its billing system and maintained policies that unfairly affected app developers, including online matchmaking, audio content, and OTT platform providers. The conduct was alleged to impose unfair conditions, restrict developers' commercial freedom, and disadvantage competing payment solutions and app distribution models.	The Commission held that the relevant markets remained the market for licensable operating systems for smart mobile devices in India and the market for app stores for Android smart mobile operating systems in India, in which Google was prima facie dominant, consistent with its earlier decisions. The CCI observed that the issues raised were not materially different from those examined in its 2022 Google Play Billing decision and found a prima facie case of abuse of dominance under Sections 4(2)(a), 4(2)(b), and 4(2)(c) of the Competition Act. Accordingly, it directed a detailed investigation into Google's

S. No.	Case	Impugned Conduct	Findings
			conduct under Section 26(1). However, in the interim order the Commission held that no case whatsoever has been made out by the Informants which warrants grant of interim relief.
22	**InstaAstro Technology Pvt. Ltd. v. Astrotalk Services Pvt. Ltd 22/2024.**	The Informant alleged contravention of Sections 3 and 4 of the Competition Act, 2002, contending that Astrotalk induced the Informant's consultants to terminate their contractual arrangements by offering higher remuneration and, being a dominant player in the market for online astrology services, abused its dominant position through such conduct.	The Commission held that the alleged inducement of consultants pertained to contractual arrangements and did not fall within the ambit of Section 3 of the Act. Further, the Informant failed to establish Astrotalk's dominance in the relevant market, as media statements of its CEO regarding market share could not, by themselves, substantiate dominance. Consequently, no prima facie contravention of Sections 3 or 4 was found, and the matter was closed under Section 26(2).
23	**In re Extreme Infocom Pvt. Ltd. v. National Internet Exchange of India (NIXI) 10/2023.**	The Informant alleged that NIXI, being dominant in the market for the provision of internet exchange services in India, engaged in predatory pricing by offering internet exchange services free of cost or below cost, without recovering transportation and interconnection costs, thereby denying market access to competing Internet Exchange Providers in contravention of Sections 4(2)(a)(ii) and 4(2)(c) of the Competition Act.	The Commission delineated the relevant market as the "provision of internet exchange services in India" and held that the Informant had failed to establish NIXI's dominance. The material on record indicated the presence of effective competition, with the Informant itself having greater traffic volume, more connected networks, and a larger number of IX points than NIXI. Consequently, the Commission found no prima facie abuse of dominant position and closed the matter under Section 26(2) of the Act.

S. No.	Case	Impugned Conduct	Findings
24	**Rachna Khaira v. Google India Pvt. Ltd. 03/2023.**	The Informant alleged that Google abused its dominant position in the market for Android app stores by according preferential treatment to Truecaller, including exclusive access to users' contact data and Android APIs, while selectively enforcing its Play Store policies, thereby limiting competition in the market for caller ID and spam protection applications in contravention of Section 4 of the Competition Act.	The Commission held that although Google was dominant in the market for app stores for Android smart mobile OS in India, the allegations of preferential treatment and discriminatory conduct remained unsubstantiated. The Informant failed to produce evidence of exclusive API access, discriminatory policy enforcement, or any competitive advantage conferred upon Truecaller. Accordingly, no prima facie contravention of Section 4 was found and the matter was closed under Section 26(2).
25	**Ravi Shankar Tiwari v. Automattic Inc. (WordPress) 01/2023.**	The Informant alleged that Automattic Inc. (WordPress) abused its dominant position by permanently banning the Informant's plugins, rejecting new plugin submissions, and thereby denying market access. It was further alleged that WordPress engaged in self-preferencing by deleting positive reviews of the Informant's plugins to favour its own plugin, Jetpack, in contravention of Sections 4(2)(b)(ii) and 4(2)(c) of the Competition Act.	The Commission held that although WordPress was dominant in the relevant markets, the Informant failed to establish any abuse of dominance. The plugin guidelines were found to be reasonable, transparent, and uniformly applied, the Informant's plugins had been delisted for repeated violations of those guidelines, and the allegations of self-preferencing in favour of Jetpack were unsubstantiated. Accordingly, no prima facie contravention of Section 4 was made out, and the matter was closed under Section 26(2).
26	**Ayudha Foundation v. Talk Charge Technologies Pvt. Ltd. 36/2023.**	The Informant alleged that Talk Charge Technologies Pvt. Ltd. abused its dominant position by imposing additional charges on the utilisation of wallet balances, restricting the use of cashback through arbitrary caps and mandatory subscription requirements, and modifying its cashback policy in a manner alleged to be unfair and anti-competitive under Section 4 of the Competition Act.	The Commission held that the Informant failed to establish the dominance of Talk Charge in the relevant market for digital payment platforms in India. In the absence of evidence demonstrating dominance, the allegations of abuse could not be examined under Section 4, and the matter was closed under Section 26(2), with the prayer for interim relief under Section 33 also being rejected.
27	**WinZO Games Pvt. Ltd. v. Google LLC & Others 42/2022.**	The Informant alleged that Google abused its dominant position by restricting the distribution of real-money gaming (RMG) applications on the Play Store to only Daily Fantasy Sports and Rummy under its pilot programme, while excluding other skill-based RMGs such as those offered by WinZO. It was further alleged that Google imposed discriminatory conditions, denied	The Commission formed a prima facie view that Google's differential treatment of RMG applications under its Play Store policy and related practices warranted investigation. Accordingly, it directed the Director General to investigate the alleged contraventions of

S. No.	Case	Impugned Conduct	Findings
		market access, and engaged in self-preferencing in violation of Section 4 of the Competition Act.	Section 4 under Section 26(1) of the Competition Act, observing that the allegations merited detailed examination.
28	**Transvahan Technologies India Pvt. Ltd. & Another And Sepson AB and its group entities & Another 30/2022.**	The Informants alleged that Sepson AB and its Indian subsidiary imposed unfair and onerous conditions under a subcontracting and manufacturing agreement, delayed orders and deliveries, arbitrarily fixed higher import costs, and eventually denied market access after establishing their own manufacturing operations in India. It was further alleged that such conduct amounted to anti-competitive vertical restraints under Section 3(4) and abuse of dominant position under Section 4 of the Competition Act.	The Commission held that the dispute essentially arose out of the termination and performance of a commercial subcontracting agreement and was contractual in nature. It further found that the Informants had failed to establish the Opposite Parties' dominance or any anti-competitive agreement or abuse under Sections 3(4) or 4. Accordingly, no prima facie case was made out, and the matter was closed under Section 26(2) of the Act.
29	**Creed Gym v. Curefit Services Pvt. (Cult.fit) Ltd. 27/2022.**	The Informant alleged that Curefit abused its dominant position and imposed anti-competitive contractual restrictions under its collaboration agreement by unilaterally extending discount schemes, withholding payments, restricting direct dealings with customers, denying access to customer data, sharing confidential information with competitors, and unilaterally terminating the agreement, thereby contravening Sections 3 and 4 of the Competition Act.	The Commission held that the allegations primarily arose from the alleged breach and performance of a commercial collaboration agreement and were contractual in nature. The Informant failed to delineate the relevant market or establish Curefit's dominance, and no prima facie contravention of Sections 3 or 4 was made out. Accordingly, the matter was closed under Section 26(2) of the Act.
30	**Sanjay Kumar And M/s Karagiri Studio 04/2023.**	The Informant alleged that Karagiri Studio supplied spurious Geographical Indication (GI)-tagged silk sarees instead of genuine products and engaged in predatory pricing, thereby abusing its dominant position in contravention of Section 4 of the Competition Act.	The Commission held that the allegations essentially pertained to a consumer dispute concerning the supply of allegedly spurious goods and did not disclose any competition law concern. The Informant failed to delineate the relevant market, establish dominance, or substantiate the allegation of predatory pricing. Accordingly, no prima facie contravention of the Act was found, and the matter was closed under Section 26(2).
31	**Praveen Khandelwal v. Sppin India Pvt. Ltd. (Shopee) Case No. 08 of 2022.**	The Informant alleged that Shopee engaged in predatory pricing by offering products at heavily discounted prices and incurring sustained losses to eliminate competition. It was further alleged that such practices contravened Sections 3 and 4 of the Competition Act by distorting competition, driving small retailers out of the market, and facilitating the creation of a	The Informant relied upon the order passed under Section 26(1) of the Act in Case No. 40 of 2019, in support of his allegations under Section 3 of the Act. The Commission held that Shopee was a recent entrant in the Indian e-commerce market and did not possess significant market power,

S. No.	Case	Impugned Conduct	Findings
		dominant position.	much less dominance. It further found no material to establish the existence of any anti-competitive agreement under Section 3. Accordingly, no prima facie contravention of Sections 3 or 4 was made out, and the matter was closed under Section 26(2) of the Act.
32	**AIOVA Sellers Association v. Amazon Seller Services & Others 29/2020.**	The informant alleged that Amazon Seller Services Pvt. Ltd. and the other opposite parties had entered into anti-competitive arrangements that resulted in a lack of platform neutrality on Amazon's online marketplace. It was alleged that certain sellers received preferential treatment, thereby distorting competition on the platform and disadvantaging other marketplace sellers.	The Commission did not examine the merits of the allegations as the Informant failed to furnish the requisite information, clarifications and admissible evidence, including the certificate under Section 65B of the Indian Evidence Act, 1872 for the electronic evidence relied upon, despite multiple opportunities. Finding insufficient material to form a prima facie opinion under the Competition Act, the Commission closed the matter under Section 26(2) and also rejected the Informant's request for interim relief under Section 33.
33	**Rohit Arora v. Zomato Ltd. 54/2020.**	The informant alleged that Zomato Ltd. abused its position by bundling food ordering services with its food delivery services, thereby compelling consumers to use Zomato's delivery network instead of allowing independent arrangements. The informant also alleged instances of discriminatory and abusive conduct towards users, contending that these practices amounted to abuse of dominance under Section 4 of the Competition Act.	The Commission found no prima facie case of abuse of dominance. It observed that Zomato operates in the competitive market for online food ordering and delivery platforms, where it competes directly with Swiggy, and therefore did not appear to enjoy a dominant position. The Commission also found no evidence to substantiate the alleged bundling or the specific instances of abusive conduct raised by the informant. Accordingly, it held that no contravention of the Competition Act was made out and closed the matter under Section 26(2) of the Act.
34	**Hexa Communications v. Atos India Pvt. Ltd. 07/2022.**	The informant alleged that Atos India Pvt. Ltd., an OEM of enterprise telecommunication products such as HiPath and OpenScape, along with its authorised channel partners, restricted competition by limiting the supply of genuine spare parts and after-sales support services to authorised partners. It was further alleged that Atos falsely represented to customers and government departments that the	The Commission found no prima facie contravention of either Section 3(4) read with Section 3(1) or Section 4 of the Competition Act. It held that a manufacturer is entitled to protect the integrity of its authorised distribution network and is under no obligation to certify or provide warranty for products or services

S. No.	Case	Impugned Conduct	Findings
		informant was not authorised to provide services, thereby foreclosing the informant from the aftermarket for maintenance and repair services and restricting independent service providers.	supplied outside that network. The CCI also noted that the market for enterprise communication systems was competitive, with several alternative suppliers, and that the informant failed to establish any restriction on the availability of genuine spare parts or any foreclosure of competition. Accordingly, the Commission concluded that no anti-competitive conduct was made out and closed the matter under Section 26(2) of the Act.
35	**Asianet Digital Network v. Star India & Others 09/2022.**	The informant alleged that Star India abused its dominant position by granting discriminatory discounts to its competing multi-system operator (MSO), Kerala Communicators Cable Limited (KCCL), through marketing and advertising arrangements that effectively exceeded the discount limits prescribed under the TRAI New Regulatory Framework. While the informant received only the permissible discounts, KCCL allegedly received substantially higher effective discounts, enabling it to offer television services at lower prices, attract subscribers, and place the informant at a competitive disadvantage. The conduct was alleged to constitute unfair/discriminatory pricing and denial of market access.	The Commission prima facie defined the relevant market as the market for provision of broadcasting services in the State of Kerala, found Star India to be dominant based on its market position, popular channel portfolio, exclusive sports content and Disney Group affiliation, and held that the alleged discriminatory discounts and promotional payments to KCCL could amount to abuse of dominance under Sections 4(2)(a)(ii) and 4(2)(c). Accordingly, it directed the DG to investigate and granted interim relief. The DG conducted the investigation, following which the Commission passed a further order that was challenged by Jiostar India Pvt. Ltd. before the Bombay High Court in Writ Petition (L) No. 12499 of 2026, with Asianet Digital Network intervening; the High Court considered preliminary objections on territorial jurisdiction and adjourned the matter.
36	**In Re: Allegations pertaining to private label brands related to Amazon sold on Amazon India marketplace. Suo Motu Case No. 04/2021.**	The CCI took suo motu cognisance of a Reuters report alleging that Amazon Seller Services Pvt. Ltd. (ASSPL) used confidential marketplace data of third-party sellers to develop and promote its private label products, while manipulating search results to favour its own brands on the Amazon India marketplace, thereby potentially distorting competition.	After examining the affidavit and submissions filed by ASSPL, in which it categorically denied the allegations, the CCI decided not to pursue the inquiry at that stage. However, the Commission clarified that its order did not amount to an expression on the merits, and that if the submissions were later found to be incorrect or the conduct was found to contravene the Competition Act, the Commission remained free to initiate

S. No.	Case	Impugned Conduct	Findings
			proceedings in accordance with law.
37	**News Broadcasters & Digital Association v. Alphabet Inc. & Others 36/2022.**	The News Broadcasters & Digital Association (NBDA) alleged that Google abused its dominant position by compelling news publishers to provide content without adequate compensation, imposing unfair terms for search indexing, and leveraging services such as Google Search, Google News, Google Discover, AMP, and its AdTech stack to strengthen its position. It was further alleged that Google restricted publishers' ability to monetize content, favoured its own advertising ecosystem, and imposed unfair conditions in violation of Section 4 of the Competition Act.	The Commission considered the Information and documents filed therewith in its ordinary meeting held today and noted that the subject matter of the allegations made in the instant Information is substantially the same, with the subject matter under examination before the Director General (DG) in the ongoing investigation in Case Nos. 41 of 2021 and 10 of 2022. Accordingly, in terms of proviso to Section 26(1) of the Act, the Commission decided to club the present matter with Case Nos. 41 of 2021 and 10 of 2022. Resultantly, the DG is directed to investigate the present matter also along with these cases and submit a consolidated investigation report in the matter.
38	**(07 of 2020) XYZ (Confidential) Vs. Alphabet Inc. and Others, (14 of 2021) Match Group, Inc. vs. Alphabet Inc. and Others, (35 of 2021) Alliance of Digital India Foundation vs. Alphabet Inc. and Others.**	The Informant alleged that Google's business model is driven by the interaction between its free online products and services and its online advertising services, which generate the majority of its revenue. It was further submitted that Google's core products including Android, Google Search, Chrome, YouTube, Gmail, Google Maps and the Play Store form part of the Google Mobile Services (GMS) suite, which is licensed to smartphone manufacturers (OEMs).	The Commission held Google to be dominant in the markets for licensable operating systems for smart mobile devices in India and app stores for Android smart mobile OS in India, and found that it had abused its dominant position in violation of Sections 4(2)(a)(i), 4(2)(a)(ii), 4(2)(b)(ii), 4(2)(c) and 4(2)(e) of the Competition Act. Observing that Google had failed to furnish the required data despite sufficient opportunities, the Commission imposed a penalty of 7% of Google's average relevant turnover for FY 2018–19 to 2020–21, amounting to ₹936.44 crore, and directed Google to deposit the penalty within 60 days of receipt of the order.
39	**The Indian Newspaper Society v. Alphabet Inc. & Others 10/2022.**	The Indian Newspaper Society (INS) alleged that Google abused its dominant position by exploiting news publishers through Google Search and related news services, denying publishers a fair share of advertising revenues, and imposing unfair conditions in relation to the use and monetization of news content. It was further alleged that Google's search algorithms lacked transparency and failed to provide a level playing field to publishers, in violation of Section 4 of the Competition Act.	The Commission considered the Information in its ordinary meeting held today and noted that the subject matter of the allegations made in the instant Information is substantially the same with the subject matter under examination before the Director General ('DG') in an ongoing investigation in Case No. 41 of 2021. Accordingly, in terms of proviso to Section 26(1) of the Act, the Commission decided to

S. No.	Case	Impugned Conduct	Findings
			club the present matter with Case No. 41 of 2021. And consequently ordered for DG investigation.
40	**Digital News Publishers Association v. Alphabet Inc. & Others 41/2021.**	The Digital News Publishers Association alleged that Google abused its dominant position by using news publishers' content through search snippets and Accelerated Mobile Pages (AMP) without ensuring fair revenue sharing. It was contended that Google's practices imposed unfair conditions, strengthened its bargaining power, diverted advertising revenue from publishers, and enabled Google to leverage its dominance in search to expand into the news aggregation services market, in contravention of Section 4 of the Competition Act.	The CCI formed a prima facie view that Google's practices relating to search snippets, AMP, and revenue sharing warranted investigation, as they could amount to the imposition of unfair conditions and unfair pricing under Section 4(2)(a), besides potentially violating Sections 4(2)(b)(ii), 4(2)(c), and 4(2)(e). Accordingly, the Commission directed the Director General to investigate the matter under Section 26(1), clarifying that its observations were only prima facie and did not constitute a final determination on the merits.
41	**PF Digital Media Services Ltd. v. UFO Moviez & Others Case No. 11 of 2020.**	The informant alleged that UFO Moviez, through its subsidiary Scrabble Digital, imposed contractual restrictions requiring cinema theatre operators (CTOs), distributors, and producers using UFO's Digital Cinema Equipment (DCE) to procure post-production processing and content delivery services exclusively from Scrabble Digital. These arrangements allegedly amounted to tying, exclusive supply agreements, and refusal to deal, preventing CTOs, distributors, and producers from procuring similar services from competing post-production service providers and thereby restricting competition in the market for post-production processing services.	The Commission held that Section 3(3) was not prima facie attracted as UFO Moviez and Scrabble Digital were not competitors at the same level of the production chain, but found a prima facie case under Sections 3(4)(a), 3(4)(b) and 3(4)(d) read with Section 3(1), observing that the tying of Digital Cinema Equipment (DCE) with content services and restrictions on procuring services from competing providers could foreclose competition and create entry barriers. Accordingly, it directed the Director General to investigate. Thereafter, by order dated 16.04.2025 under Section 27, the Commission held that the opposite parties had contravened Section 3(4) in the markets for the supply of Digital Cinema Equipment (DCE) on lease/rent to CTOs in India and post-production processing services in India, imposed a penalty of ₹165.8 lakh on Qube Cinema Technologies, and the NCLAT subsequently declined to grant an interim stay of the CCI's order.

S. No.	Case	Impugned Conduct	Findings
42	**National Restaurant Association of India ('NRAI') Vs. Zomato Limited ('Zomato') & Others 16/2021.**	The National Restaurant Association of India (NRAI) alleged that Zomato and Swiggy had entered into anti-competitive vertical arrangements by imposing price parity obligations, engaging in exclusive partnerships, operating private label and cloud kitchen businesses, and granting preferential treatment to select restaurant partners, thereby restricting competition in the online food delivery market in violation of Section 3(4) of the Competition Act.	The Commission held that the allegations relating to bundling and preferential treatment by Zomato and Swiggy warranted a rule of reason analysis under Section 3(4). It formed a prima facie view that the platforms' vertical integration and commercial interests in downstream markets could give rise to conflicts of interest and preferential treatment amounting to a potential contravention of Section 3(1) read with Section 3(4), while finding no prima facie competition concerns regarding allegations such as delayed payments, one-sided contractual clauses or excessive commissions. Accordingly, the Commission directed the Director General to investigate the matter under Section 26(1). Although the DG has completed the investigation, the Commission's final order is still awaited. In a recent development, the NRAI has sought interim relief before the CCI on the issue of price parity.
43	**R. Gunasekaran v. Broadcast Audience Research Council 11/2021.**	The Informant alleged that the Broadcast Audience Research Council (BARC) abused its dominant position by suspending the publication of television audience ratings for news channels, following allegations of TRP manipulation. It was contended that the suspension distorted competition among news broadcasters, denied market access, and imposed unfair conditions in violation of Section 4 of the Competition Act.	The CCI held that BARC's decision to suspend news channel ratings was a temporary regulatory measure adopted to preserve the integrity and credibility of the television audience measurement system, rather than an exclusionary or anti-competitive practice. Finding no prima facie evidence of abuse of dominant position or any contravention of the Competition Act, the Commission closed the matter under Section 26(2).
44	**Prachi Agarwal v. UrbanClap Technologies India Pvt. Ltd. (Urban Company) 30/2020.**	The Informant alleged that UrbanClap (now Urban Company) imposed exclusive supply obligations by compelling service professionals to procure beauty products exclusively from the platform and restricting them to selected brands. Such conduct was alleged to amount to exclusive supply agreements, refusal to deal, imposition of unfair conditions, and denial of market access in contravention of Sections 3(4) and 4 of the Competition Act.	The Commission held that there was no contractual stipulation requiring service professionals to procure products solely from UrbanClap or prohibiting purchases from third-party sources. It further observed that the identification of quality products and the optional facility to procure them through the platform constituted a legitimate business justification and did not amount to abusive conduct or an

S. No.	Case	Impugned Conduct	Findings
			anti-competitive vertical restraint. Accordingly, no prima facie contravention of Sections 3(4) or 4 was made out, and the matter was closed under Section 26(2).
45	**In re Baglekar Akash Kumar v. Google LLC 39/2020.**	The Informant alleged that Google abused its dominant position by integrating Google Meet into Gmail, thereby leveraging its dominance in the market for email services to enter and strengthen its position in the market for video conferencing applications, in contravention of Section 4(2)(e) of the Competition Act.	The Commission observed that Google Meet is available as an independent application and can be accessed through any Google Account, without requiring a Gmail account. It further noted that users are free to choose among competing video conferencing platforms such as Zoom, Skype, Cisco Webex and Microsoft Teams, and that the integration of the Meet tab within Gmail did not impose any supplementary obligation under Section 4(2)(d) or compel users to exclusively use Google Meet. Finding no prima facie evidence of abuse of dominant position under Section 4, the Commission closed the matter under Section 26(2) of the Competition Act.
46	**Meru Travel Solutions Pvt. Ltd. v. Uber India Systems Pvt. Ltd. 96/2015.**	The Informant alleged that Uber abused its dominant position in the radio taxi services market in Bengaluru by adopting a sustained strategy of below-cost pricing through deep discounts and incentives, with the objective of eliminating competitors and subsequently recouping losses. It was further alleged that such conduct amounted to predatory pricing in contravention of Section 4 of the Competition Act.	Upon investigation, the Commission held that the evidence did not establish that Uber had engaged in predatory pricing within the meaning of Section 4 of the Act. It found that the Director General had not demonstrated pricing below the relevant cost benchmark or the requisite predatory intent to foreclose competition. Accordingly, the Commission concluded that the facts and evidence on record do not establish the dominance of Uber, in the absence of which the question of abuse does not arise within the provisions of Section 4 of the Act. Further, the allegations under Section 3(4) read with Section 3(1) were also not found to be established. Hence, the case was closed under Section 26(6).
47	**Next Radio Ltd. v. Prasar Bharti & Others 29/2016 & 19/2017.**	The Informants alleged that Prasar Bharti and the Ministry of Information and Broadcasting abused their dominant position by imposing unfair and discriminatory terms and excessive licence fees for the use of FM transmission infrastructure under the Phase III migration	The Commission held that although Prasar Bharti was dominant in the market for providing terrestrial broadcasting infrastructure to private FM radio broadcasters, the evidence did not establish abuse of dominance

S. No.	Case	Impugned Conduct	Findings
		policy. It was further alleged that the impugned licence agreements and pricing framework amounted to anti-competitive conduct in contravention of Sections 3 and 4 of the Competition Act.	under Section 4 of the Competition Act. It agreed with the Director General that the impugned licence fee structure, infrastructure sharing arrangements and contractual conditions were uniformly applied, policy-backed, and neither unfair nor discriminatory, with no evidence of exploitative conduct or denial of market access. While finding no contravention of the Act, the Commission advised Prasar Bharti to improve transparency and timely communication regarding changes in rates and contractual terms.
48	**Lifestyle Equities C.V. and another Vs. Amazon Seller Services Private Limited and others 09/2020.**	The Informants alleged that Amazon Seller Services Pvt. Ltd., along with its affiliated entities, entered into anti-competitive exclusive arrangements with preferred sellers, particularly Cloudtail, resulting in preferential listing, enhanced product visibility, and foreclosure of competing brands on the Amazon marketplace. It was further alleged that Amazon abused its dominant position by imposing unfair conditions and hindering market access in contravention of Sections 3(4) and 4 of the Competition Act.	The Commission held that the Informants failed to establish Amazon's dominance in the relevant market or demonstrate that the impugned arrangements caused an appreciable adverse effect on competition. It found that the allegations were unsupported by sufficient evidence and that no prima facie contravention of Sections 3 or 4 was made out. Accordingly, the matter was closed under Section 26(2) of the Act.
49	**Harshita Chawla v. WhatsApp Inc. & Others 15/2020.**	The Informant alleged that WhatsApp abused its dominant position by pre-installing and integrating WhatsApp Pay within the WhatsApp Messenger application, thereby tying its messaging service with UPI-enabled digital payment services and leveraging its dominance in the market for OTT messaging applications to enter and strengthen its position in the digital payments market. It was further alleged that WhatsApp and Facebook exploited users' data to obtain an unfair competitive advantage.	The Commission held that although WhatsApp was dominant in the market for OTT messaging applications through smartphones in India, the integration of WhatsApp Pay did not, on the material placed on record, amount to unfair tying, leveraging, or abuse of dominance. It further found that the allegations concerning data sharing and privacy were unsupported by specific evidence and did not disclose a competition law concern. Accordingly, no prima facie contravention of Section 4 was established, and the matter was closed under Section 26(2) of the Act.
50	**In Re: Prachi Agarwal v. Swiggy 39/2019.**	The Informants alleged that Swiggy abused its dominant position by charging consumers prices higher than those charged by partner restaurants for the same food items, thereby imposing unfair	The Commission held that Swiggy merely operated as an intermediary platform and that the prices displayed on its platform were determined solely

S. No.	Case	Impugned Conduct	Findings
		prices and conditions in contravention of Section 4(2)(a)(ii) of the Competition Act.	by the partner restaurants. In the absence of any material demonstrating Swiggy's role in price fixation or abuse of dominance, no prima facie contravention of Section 4 was established, and the matter was closed under Section 26(2) of the Act.
51	**Delhi Vyapar Mahasangh v. Flipkart Internet Pvt. Ltd. & Others 40/2019.**	The Informant alleged that Flipkart and Amazon entered into anti-competitive vertical arrangements with preferred sellers involving exclusive product launches, preferential listing, deep discounting, and promotion of private labels, thereby causing foreclosure of competition and denial of market access to independent sellers in contravention of Sections 3(1), 3(4), and 4 of the Competition Act.	The Commission formed a prima facie view that the allegations relating to exclusive launches, preferential treatment of preferred sellers, deep discounting, and private label promotion warranted detailed examination under Sections 3(1) and 3(4) of the Act. Accordingly, it directed the Director General to cause an investigation under Section 26(1), while observing that no inquiry into joint dominance under Section 4 was warranted under the Act. Subsequent to the order dated 13.01.2020, both Amazon and Flipkart challenged the order before the Karnataka High Court in Amazon Seller Services Pvt. Ltd. & Anr. v. CCI and Ors.. The Hon'ble Karnataka HC upheld CCI's order for probing into the alleged breach of Sections 3(1), 3(4) and 4 by the opposite parties. The opposite parties further appealed to the SC which refused to interfere with the HC's judgment.
52	**Kshitiz Arya and another vs Google LLC and others Case no. 19/2021.**	The Informants, consumers of Android-based smartphones and smart TVs, alleged that Google had abused its dominant position under Section 4 read with Section 32 of the Competition Act and entered into anti-competitive agreements with OEMs in violation of Section 3 read with Section 32. Relying on the Commission's prima facie findings in Case No. 39 of 2018 (Google Android) regarding the MADA and ACC agreements, the Informants contended that Google had entered into similar restrictive agreements with smart TV OEMs, amounting to contraventions of Sections 3(4) and 4 of the Act.	The Commission, by order dated 22.06.2021, formed a prima facie view that Google had abused its dominant position by requiring OEMs to sign the ACC and TADA for pre-installation of Google apps, including the Play Store, thereby restricting Android forks and potentially violating Section 4 and Section 3(4). The DG found Google dominant and concluded that the mandatory pre-installation of Google TV Services and tying of YouTube with the Play Store violated Sections 4(2)(a)(i), 4(2)(b)(ii), 4(2)(c), 4(2)(d) and 4(2)(e), while finding no contravention of Section 3(4). Google subsequently filed a settlement application under Section 48A,

S. No.	Case	Impugned Conduct	Findings
			following which the Commission kept the inquiry in abeyance and considered its revised settlement proposal. By majority order dated 12.02.2025, the Commission approved a settlement amount of ₹20.24 crore (after a 15% discount), which Google accepted and paid, subject to revocation of the settlement order under Section 48A(3) in case of non-compliance.
53	**RKG Hospitalities Pvt. Ltd. v. Oravel Stays Pvt. Ltd. (OYO) 03/2019.**	The Informant alleged that OYO abused its dominant position by imposing one-sided and unfair terms under its hotel partnership agreement, including unilateral modification of contractual conditions relating to pricing, commissions, discounts, GST, and operational obligations, thereby exploiting partner hotels in contravention of Section 4 of the Competition Act.	The Commission held that the Informant failed to establish OYO's dominance in the relevant market for franchising services for budget hotels in India. It further observed that the grievances essentially arose from contractual arrangements between the parties and did not disclose any prima facie abuse of dominant position. Accordingly, the matter was closed under Section 26(2) of the Act.
54	**Adv. Jitesh Maheshwari v. National Stock Exchange of India Ltd. 47/2018.**	The Informant alleged that the National Stock Exchange of India Ltd. (NSE) abused its dominant position by providing preferential and discriminatory access to certain trading members through its co-location facility, thereby limiting the provision of services and denying market access to other similarly placed trading members in contravention of Sections 4(2)(b)(ii) and 4(2)(c) of the Competition Act.	The Commission observed that the allegations concerning the NSE co-location facility were already under investigation by SEBI and other competent authorities, and the precise role of NSE in the alleged discriminatory conduct had not yet been established. In the absence of sufficient material to form a prima facie opinion of abuse of dominance, the Commission closed the matter under Section 26(2) of the Act while leaving open the possibility of future action based on cogent evidence.
55	**Shri Kshitiz Arya & other Vs. Viacom18 Media Pvt. Ltd. & Others 03/2018.**	The Informants alleged that the producers of the films Padmavat and Padman entered into an anti-competitive agreement to allocate the market by coordinating the release dates of their respective films, thereby controlling the supply of movies and contravening Section 3(3) of the Competition Act.	The Commission held that the postponement of the release date was a legitimate commercial and business decision arising from prevailing market circumstances and not the result of any concerted action or collusion between the producers. In the absence of evidence of an anti-competitive agreement, no prima facie contravention of Section 3(3) was established, and the matter was closed under Section 26(2).

S. No.	Case	Impugned Conduct	Findings
56	**Vishal Gupta v. Google LLC (06/2014) & Albion InfoTel Ltd. v. Google LLC (46/2014).**	The Informants alleged that Google abused its dominant position in the market for online search advertising services by arbitrarily suspending and terminating their AdWords accounts, imposing unfair and discriminatory conditions under the AdWords Programme, and leveraging its dominance to favour its own remote technical support service, Google Helpouts, thereby denying market access in contravention of Section 4 of the Competition Act.	The Commission, by orders dated 15.04.2014 and 12.09.2014 under Section 26(1), directed the DG to investigate the allegations, noting that the issues in Case No. 46 of 2014 substantially overlapped with those in Case No. 06 of 2014. Upon completion of the investigation, the Commission held that although Google was dominant in the market for online search advertising services in India, the suspension and termination of the Informants' AdWords accounts were based on legitimate policy violations and were fair, non-discriminatory and non-abusive. Accordingly, it found no contravention of Section 4 and closed the proceedings.
57	**Samir Agrawal v. ANI Technologies Pvt. Ltd. (Ola) & Others 37/2018.**	The Informant alleged that Ola and Uber facilitated a hub-and-spoke cartel amongst their independent drivers by determining fares through algorithmic pricing, thereby resulting in price-fixing under Section 3(3)(a). It was further alleged that the centralized pricing mechanism amounted to resale price maintenance under Section 3(4)(e) by depriving drivers of the freedom to determine fares independently.	The Commission held that the algorithmic pricing mechanism was an integral feature of the app-based aggregation model and did not, by itself, establish any agreement or concerted practice amongst drivers. It further observed that dynamic pricing did not amount to resale price maintenance, and in the absence of evidence of collusion or any dominant enterprise, no prima facie contravention of Section 3 was made out. Accordingly, the matter was closed under Section 26(2) of the Act.
58	**Tamil Nadu Consumer Products Distributors Association v. Fangs Technology Pvt. Ltd. (Flipkart) 15/2018.**	The Informant alleged that Fangs Technology Pvt. Ltd., the distributor of Vivo smartphones, imposed anti-competitive and unfair conditions under its distributorship agreement, including restrictions on dealing with competing brands, resale price maintenance, prior approval for corporate sales, reduction of distributors' margins, and other restrictive conditions, in contravention of Sections 3 and 4 of the Competition Act.	The Commission held that the Informant failed to substantiate the alleged anti-competitive effects of the distributorship agreement or establish the dominance of Fangs Technology in the relevant market. It found that the impugned clauses were commercially justifiable and that no prima facie contravention of Sections 3 or 4 was made out. Accordingly, the matter was closed under Section 26(2) of the Act.

S. No.	Case	Impugned Conduct	Findings
59	**Matrimony.com Ltd. v. Google LLC & CUTS v. Google LLC Case No. 07 and 30/2012.**	Matrimony.com Ltd. and Consumer Unity & Trust Society (CUTS) alleged that Google abused its dominant position in the online general web search and search advertising markets by unfairly prioritising its own specialised search services (such as Google Flights) and manipulating search results. They also challenged Google's restrictive advertising practices through its online advertising platform.	The Commission, by orders dated 03.04.2012 and 20.06.2012 under Section 26(1), directed the DG to investigate the allegations, clubbed Case No. 30 of 2012 with Case No. 07 of 2012, and subsequently impleaded Google Ireland Ltd. as an opposite party. Although the DG found Google to have abused its dominant position across several aspects of its online search and search advertising business, the Commission accepted only part of the findings. While affirming Google's dominance in the markets for online general web search and online search advertising services in India, it found violations of Section 4 only in relation to the pre-2010 fixed placement of Universal Results, the prominent display of Google's Commercial Flight Unit, and restrictive search intermediation agreements. Accordingly, the Commission rejected the remaining allegations, imposed a penalty of ₹135.86 crore, and issued behavioural directions to Google.
60	**Advertising Agencies Guild vs DAVP & Ors. 21/2012.**	The Advertising Agencies Guild alleged that the Directorate of Advertising and Visual Publicity (DAVP), together with accredited advertising agencies, had imposed restrictive eligibility conditions and accreditation norms for empanelment, which allegedly excluded new entrants and smaller agencies from participating in government advertising contracts. The Informant further alleged that these practices amounted to anti-competitive agreements under Section 3 and abuse of dominant position under Section 4 of the Competition Act.	The CCI held that the DAVP's empanelment criteria and accreditation requirements were policy measures designed to ensure quality and efficient public procurement, and there was no evidence of any anti-competitive agreement, cartelisation, or abuse of dominant position. Finding no contravention of Sections 3 or 4 of the Competition Act, the Commission closed the matter under Section 26(6) after considering the Director General's investigation report. However, Mr. R Prasad passed a dissenting order under Section 26(1) of the Act and held that the policy of the government has the effect of producing a non-level playing field in the relevant market. This nonlevel playing field denies the other advertising agencies access to the relevant market. Moreover, the condition on the Government departments that in case they resort to private

S. No.	Case	Impugned Conduct	Findings
			advertising agencies, the final negotiated rate should not be more than the DAVP rates coupled with the DA\IP's passing on 15% discount to the advertising departments aggravates the issue of non-level playing field.
61	**Confederation of Real Estate Developers Association of India-NCR (CREDAI-NCR) Vs. Department of Town and Country Planning, Government of Haryana & Other Case no.: 40/2017.**	The informant contended that the opposite party has been empowered under Section 51(1) of the HUDA Act to grant licenses to developers for development of real estate in the State of Haryana and by virtue of this power, has been entering into Letter of Intent (LOI) with prospective developers and thereafter granting licenses to them under the HUDA Act for development of colonies in the State of Haryana. One such LOI, Sohna Licence, was challenged as it allegedly imposed unfair and extensive obligations on the developers in terms of the development works such that the developers were mandated to carry out in the specified territory and the charges levied on them were also required to be paid within tight timelines. Further, it was alleged that these charges were decided unilaterally.	The Commission held that the opposite parties were enterprises under Section 2(h) and that the developers qualified as consumers under the Act. While proceeding with the matter despite parallel proceedings before the Supreme Court, it formed a prima facie view that the EDC/IDC-related terms in the relevant agreements were one-sided and potentially violated Section 4(2)(a)(i), directing the DG to investigate and granting interim relief under Section 33 to protect developers from coercive recovery measures. The DG later found a contravention only against DTCP under Section 4(2)(a)(i), with no violation by HUDA. Following writ proceedings before the Delhi High Court, which stayed the CCI proceedings for a period, the Commission ultimately, by order dated 13.07.2022, closed the matter against both opposite parties.
62	**Vilakshan Kumar Yadav & Others v. ANI Technologies Pvt. Ltd. (Ola) 21/2016.**	The Informants alleged that ANI Technologies Pvt. Ltd. (Ola) abused its dominant position by engaging in predatory pricing, offering rides at fares below cost while paying substantial incentives to drivers, with the objective of driving existing competitors out of the market and preventing new entrants, in contravention of Section 4 of the Competition Act.	The Commission held that Ola was not dominant in either the market for radio taxi services in Delhi or the market for auto-rickshaw services in Delhi, noting the existence of effective competition and Ola's relatively low market share in auto-rickshaw services. In the absence of dominance, no question of abuse arose, and the matter was closed under Section 26(2) of the Act.
63	**Deepak Verma v. Clues Network Pvt. Ltd. (ShopClues) 34/2016.**	The Informant alleged that ShopClues and several other e-commerce platforms and sellers engaged in unfair trade practices by supplying defective and counterfeit products, issuing fake VAT invoices, overcharging consumers, cancelling orders, and indulging in other deficient business practices. It was further alleged that such conduct contravened Sections 3 and 4 of	The Commission held that the allegations essentially related to consumer grievances and deficiencies in goods and services, which did not raise any competition law concerns. It found no evidence of any anti-competitive agreement under Section 3 or dominance of any of

S. No.	Case	Impugned Conduct	Findings
		the Competition Act.	the opposite parties under Section 4, and accordingly closed the matter under Section 26(2) of the Act.
64	**Confederation of Real Estate Brokers' Association of India v. Magicbricks.com & Ors. 23/2016.**	The Informant alleged that Magicbricks.com, 99acres.com, Housing.com, Commonfloor.com, and NoBroker.in abused their dominant position by promoting a "No Brokerage Policy", enabling direct transactions between buyers and sellers and thereby imposing unfair conditions and eliminating traditional real estate brokers from the market in contravention of Section 4 of the Competition Act.	The Commission delineated the relevant market as the market for the services of real estate brokers/agents in India and held that none of the Opposite Parties was dominant in the relevant market. Consequently, no prima facie contravention of Section 4 was established, and the matter was closed under Section 26(2) of the Act.
65	**Taj Pharmaceuticals Ltd. & Others v. Facebook & Others 83/2015.**	The Informants alleged that Facebook, Google India Pvt. Ltd., and various online consumer complaint portals abused their dominant position by permitting the publication and dissemination of false and defamatory complaints against the Informants, thereby causing reputational and commercial harm and violating Section 4 of the Competition Act.	The Commission held that the allegations essentially pertained to publication of allegedly defamatory content and personal grievances, which did not raise any competition law concern. The Commission held that public fora as a platform for providing opportunities to individuals for registering their grievances and spreading public awareness. The general averments made by the Informant against these fora, including publication of defamatory materials on these websites allegedly maligning the Informant’s reputation, do not raise any competition concern. The Informants failed to establish any abuse of dominant position by the Opposite Parties, and accordingly, the matter was closed under Section 26(2) of the Competition Act.
66	**Mohit Manglani v. Flipkart India Pvt. Ltd. & Others 80/2014.**	The Informant alleged that e-commerce platforms entered into exclusive agreements with product sellers for the exclusive online sale of selected products, enabling them to determine resale prices, payment terms, delivery conditions, and service standards. It was further alleged that the platforms artificially controlled product supply to create a false impression of scarcity, resulting in market foreclosure and anti-competitive effects in contravention of Sections 3 and 4 of the Competition Act.	The Commission held that the Informant failed to establish any appreciable adverse effect on competition arising from the impugned arrangements. It further observed that none of the e-commerce platforms was individually dominant in the relevant market and, therefore, no prima facie contravention of Sections 3 or 4 was made out. Accordingly, the matter was closed under Section 26(2) of the Act.

S. No.	Case	Impugned Conduct	Findings
67	**Jasper Infotech Pvt. Ltd. (Snapdeal) v. KAFF Appliances (India) Pvt. Ltd. 61/2014.**	The Informant alleged that KAFF Appliances imposed resale price maintenance (RPM) by restricting its dealers from selling products below prescribed prices on online platforms, issuing caution notices denying warranty on products sold through Snapdeal, and coercing dealers to refrain from online discounting, thereby contravening Section 3(4)(e) read with Section 3(1) of the Competition Act.	The Commission formed a prima facie opinion that KAFF's conduct, including restrictions on online discounting and warranty denial, could constitute resale price maintenance and was likely to cause an appreciable adverse effect on competition. Accordingly, it directed the Director General to conduct an investigation under Section 26(1) of the Act. Post the DG the Commission held that although the Opposite Party had issued the impugned e-mail, Caution Notice, and Legal Notice, there was no conclusive evidence that these were used to impose resale price maintenance (RPM) on dealers or the online platform (Snapdeal). The investigation also found no agreement prescribing minimum resale prices, and the evidence showed that dealers continued to independently determine prices and compete with each other. Applying the rule of reason under Sections 3(4)(e) and 3(1) of the Competition Act, the Commission found that the Opposite Party's conduct did not result in an appreciable adverse effect on competition (AAEC). Online sales of the products continued to increase after the impugned notices, inter-brand and intra-brand competition remained strong, and no anti-competitive impact was established. Accordingly, the Commission found no contravention of Section 3(4)(e) read with Section 3(1) and closed the case under Section 26(2).

S. No.	Case	Impugned Conduct	Findings
68	**Umesh Chaudhary v. CSC e-Governance Services India Ltd. & Others 68/2014.**	The Informant alleged that CSC e-Governance Services India Ltd. abused its dominant position by transgressing its designated role under the Common Services Centre (CSC) Scheme and directly providing e-services through the CSC network, thereby denying market access to Service Centre Agencies (SCAs). It was further alleged that CSC e-Governance misrepresented itself as a Government enterprise and secured contracts from public institutions on a nomination basis by leveraging its position.	The Commission held that CSC e-Governance Services India Ltd. was not engaged in commercial activity in the relevant market for the provision of e-services under the CSC Scheme and, therefore, was not dominant in that market. In the absence of dominance or evidence of anti-competitive conduct, no prima facie contravention of Section 4 was established, and the matter was closed under Section 26(2) of the Act.

॥न्यायस्तत्र प्रमाणं स्यात्॥

NLU

DELHI

NLU DELHI FOUNDATION

KAIO