



Luthra *and* Luthra
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INSIDE

SCI transfers all Writ Petitions challenging the CCI's investigation into the e-commerce space to the Karnataka High Court

DG, CCI raids Pernod, AB InBev in for alleged 'Price Collusion' with retailers

CCI issues 'cease and desist' order against the Table Tennis Federation of India and its affiliate bodies

CCI dismisses information against Astrotalk

CCI dismisses complaint against Coal India Limited

NCLAT Dismisses Appeal filed by GDA

CCI approves UltraTech Cement Limited's acquisition of India Cements Limited



At the outset, we wish our readers, a very Happy New Year! In the January Edition of the Luthra and Luthra Law Offices India – ‘Competition Law Newsletter’, we cover some of the most pertinent developments in the competition law space over the last month.

SCI transfers all Writ Petitions challenging the CCI’s investigation into the e-commerce space to the Karnataka High Court

The Supreme Court of India (“**SCI**”) vide order dated 06 January 2025 has transferred all writ petitions filed by the sellers of Flipkart and Amazon as well as certain mobile phone manufacturers to the Karnataka High Court (“**KHC**”). The challenge in these writ petitions was the Competition Commission of India’s (“**CCI**”) and its investigative arm, the Director General’s office (“**DG**”) included third parties as opposite parties without following the due procedure of law. The writ petitions were filed across various High Courts in India which granted interim relief to the writ petitioners by staying the investigation process. The hearing is scheduled for 15 January 2025 before the KHC.

DG, CCI raids Pernod, AB InBev in for alleged ‘Price Collusion’ with retailers

[Media Reports](#) suggest that the DG conducted dawn raids at the premises of alcohol giants including Pernod Ricard and Anheuser-Busch InBev (“**AB InBev**”) in Hyderabad. The complaint against the alcohol manufacturers is in relation to price collusion with various retailers in southern states of India which resulted in the boycott of other brands of beer. Reports also suggest that retailers of liquor in Kagaznagar-Adilabad, Nirmal-Adilabad and Jammikunta-Karimnagar zones in Telangana, have entered into arrangements among themselves to sell only the products of AB InBev and exclude products of their competitors such as United Breweries, Carlsberg and Bira.

CCI issues ‘cease and desist’ order against the Table Tennis Federation of India and its affiliate bodies

The CCI vide order dated [12 December 2024](#) issued a ‘cease-and-desist’ order against The Suburban Table Tennis Association (“**TSTTA**”), Maharashtra State Table Tennis Association (“**MSTTA**”), Table Tennis Federation of India (“**TTFI**”) and Gujarat State Table Tennis Association (“**GSTTA**”), for the alleged contravention of provisions of Sections 3(4) and 4 of the Act.

It was alleged that TTFI and its affiliates indulged in anti-competitive practices by releasing a WhatsApp notice, by way of which, players caught joining and participating in any event organized by any unaffiliated entity, will not be allowed to participate in tournaments organized by District/ State bodies and will also result in suspension/ non-acceptance of their entries in TT tournaments. It was further alleged that there are certain restrictive clauses in the TTFI’s MoA which bars players from participating in unrecognized TT tournaments.

The matter was referred to the DG for conducting an investigation. The DG found that TTFI is a dominant player as it enjoys the position of being an undisputed apex body in India for TT



tournaments. Further, the DG found that the rules for conduct of tournaments along with various clauses of MoA, are restrictive in nature.

After hearing the parties, the CCI held that TTFI has exclusive authority to make critical decisions and is in a monopoly position stemming from its regulatory powers, which further restricts other competitors in the market. The CCI observed that the clauses in the MoA of TTFI are prohibitory and unfair in nature and thus in contravention of Section 4 of the Act. The CCI directed the OPs to cease and desist from indulging in such activities in future and refrained from imposing any monetary penalty.

CCI dismisses information against Astrotalk

The CCI vide order dated [11 December 2024](#) dismissed an information against Astrotalk Services Private Limited (“**Astrotalk**”) for alleged violation of Section 3 and 4 of the Competition Act, 2002 (“Act”).

It was alleged that Astrotalk abused its dominant position in the relevant market of “sale of astrology related products and services provided by online platform for selling astrology related solutions in India” by poaching consultants and employees of competitors by offering them higher remuneration. However, the CCI did not delve deep into the matter as it observed that Astrotalk did not hold a position of dominance in the relevant market. However the CCI did observe that *dominance of any entity cannot be solely established on the basis of media statements which are, more often than not, made to project a better standing of the entity in the market and consequently closed the case under Section 26(2) of the Act.*

CCI dismisses complaint against Coal India Limited

The CCI vide order dated [30 December 2024](#) dismissed the information filed against Coal India Limited (“**CIL**”) for alleged contravention of the provisions of Section 4 of the Act.

The case stemmed from the scheme introduced by CIL for e-auction which was effective from 21.12.2022 and replaced the earlier 2007 Scheme. It was alleged that the provisions of the scheme include requirement to clear pending dues before bidding, forfeiture of bid security under certain circumstances, unilateral cancellation rights for CIL, and lack of reciprocal penalties on CIL.

The CCI held CIL to be dominant in the market for “production and sale of non-coking coal to bidders under e-auction scheme in India”. It was held that CIL is the single largest coal-producing company, fulfilling approximately 79% of India’s coal production needs and constitutes over 90% of market share in e-auctions which makes it a dominant in the market. Further, the CCI observed that CIL possesses sufficient market power to influence terms of trade with minimal risk of losing customers to competitors. However, the CCI found no contravention of Section 4 of the Act as the provisions of the 2022 Scheme were justified by commercial necessity, policy compliance, administrative functions. Consequently, the CCI passed an order under Section 26(2) of the Act and dismissed the information against CIL.



NCLAT Dismisses Appeal filed by GDA

The National Company Law Appellate Tribunal (“**NCLAT**”) vide order dated 18 December 2024 upheld the order dated 28 February 2018 passed by the CCI wherein it held Ghaziabad development Authority (“**GDA**”) to be guilty of violating Section 4 of the Act and a monetary penalty of approximately INR. 1 crore was imposed on GDA along with a cease-and-desist directions. The NCLAT upheld the CCI’s findings, affirming that GDA qualifies as an enterprise and was correctly found to hold a dominant position in the housing schemes for the economically weaker section (“**EWS**”) in Ghaziabad. It was further held that GDA’s actions, including the price hike and one-sided contractual terms, constituted an abuse of dominance and is in violation of Section 4 of the Act. Thus, the NCLAT upheld the penalty imposed by the CCI on GDA and dismissed the appeal accordingly. This order sheds light on the fact that even statutory bodies can be penalized under the Act for violation of competition laws.

CCI approves UltraTech Cement Limited’s acquisition of India Cements Limited

The CCI approved the proposed transaction involving UltraTech Cement Limited’s (“**UltraTech/Acquirer**”) acquisition of India Cements Limited (“**India Cements/Target**”).

UltraTech is a public listed company in India and is engaged in the business of the manufacture and sale of grey cement, white cement, ready-mix concrete, clinker, and building products in India. UltraTech is also engaged in the provision of building solutions in India. UltraTech is a subsidiary of Grasim Industries Limited, a public listed company.

India Cements is a public listed company in India and operates both core and non-core businesses. The core business of India Cements is the manufacture and sale of grey cement and ready-mix concrete.



This newsletter is only for general informational purposes, and nothing in this edition of the newsletter could possibly constitute legal advice (which can only be given after being formally engaged and familiarizing ourselves with all the relevant facts). However, should you have any queries, require any assistance, or clarifications with regard to anything contained in this newsletter (or competition law in general), please feel free to contact G.R. Bhatia/ Arjun Nihal Singh, at the below mentioned coordinates. © Luthra and Luthra Law Offices India 2025. All rights reserved.

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