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## INSIDE

- **NCLAT clarifies that CCI data-sharing remedies apply across advertising and non-advertising use**
- **CCI penalises liquor trade associations for cartelisation through LOI/NOC mechanism**
- **Delhi High Court questions fairness of CCI proceedings in publishers' complaint against logistics firms**
- **CCI refrains from imposing monetary penalties upon entities found to have engaged in bid rigging**
- **CCI dismisses allegations against Eros International Media Limited for altering the ending of the film "Raanjhanaa"**
- **Ministry of Ports, Shipping and Waterways asks Ministry of Corporate Affairs to exempt Vessel Sharing Agreements from applicability of Section 3 of the Competition Act**
- **CCI approves the acquisition of Aditya Birla Group's paper and pulp manufacturing business by ITC Limited**



## NCLAT clarifies that CCI data-sharing remedies apply across advertising and non-advertising use

The National Company Law Appellate Tribunal (“NCLAT”), vide its order dated 15.12.2025 clarified the scope and applicability of the remedial directions issued by the Competition Commission of India (“CCI”) in its order dated 18.11.2024 against WhatsApp LLC and Meta Platforms, Inc., arising out of WhatsApp’s 2021 update to its Privacy Policy.

The clarification application was filed by the CCI following an apparent inconsistency between the findings recorded in the NCLAT’s judgment dated 04.11.2025. While the NCLAT had upheld the CCI’s findings of abuse of dominant position under Sections 4(2)(a)(i) and 4(2)(c) of the Competition Act, 2002 (“**Competition Act**”), it had set aside the five-year blanket prohibition on sharing WhatsApp user data for advertising purposes contained in paragraph 247.1 of the CCI’s order dated 18.11.2024 (“**CCI Order**”). However, in doing so, the operative portion of the NCLAT judgement inadvertently also set aside a part of paragraph 247.2 of the CCI Order creating ambiguity as to whether the remaining remedial directions continued to apply to data sharing for advertising purposes.

NCLAT noted that its findings consistently emphasised that the **core principle** underlying the CCI’s remedial framework was the removal of exploitation by restoring user choice. The NCLAT observed that users must retain the right to decide what data is collected, for which purposes, and for how long, and that any non-essential collection or cross-use of data, including for advertising purposes, can occur only with the user’s express and revocable consent. Therefore, the NCLAT held that the inadvertent deletion in the operative part could not be permitted to defeat this principle or dilute the effect of the remedies upheld on merits.

Accordingly, the NCLAT clarified that the remedial directions contained in paragraphs 247.2.1 to 247.2.4 of the CCI Order apply to the sharing of WhatsApp user data for **all non-WhatsApp purposes**, including both advertising and non-advertising purposes. These directions require WhatsApp to ensure transparency, user choice, and purpose limitation in relation to such data sharing. In particular, WhatsApp is required to clearly disclose the categories of user data shared with Meta Companies or Meta Company Products and the specific purposes for such sharing. Further, WhatsApp is prohibited from making such data sharing a condition for access to WhatsApp services in India and that it must provide all users in India with prominent and revocable opt-out mechanisms to manage such data sharing, and also must ensure that all future policy updates comply with these requirements.

In view of the above clarification, the NCLAT directed WhatsApp and Meta to implement the remedial directions within a period of three months from the date of receipt of this clarification order and to submit a compliance report to the CCI in accordance with the CCI’s original directions.

## CCI penalises liquor trade associations for cartelisation through LOI/NOC mechanism

The CCI, vide its order dated [11.12.2025](#) passed under Section 27 of the Competition Act, has held the Maharashtra Wine Merchants Association (“**OP-1**”), the Pune District Wine Merchants Association (“**OP-2**”), Association of Progressive Liquor Vendors (“**OP-3**”) and, the Pimpri Chinchwad Liquor



Dealers Association (“OP-4”) (collectively, the “**Opposite Parties/OPs**”) guilty of engaging in conduct in violation of Sections 3(3)(a) and 3(3)(b) read with Section 3(1) of the Competition Act .

The case stems from an Information filed by an alcoholic beverages manufacturer alleging that the OPs, which are associations of licensed retail liquor vendors, have been collectively prescribing uniform commercial terms for the sale and launch of alcoholic beverages since 2014. It was alleged that manufacturers were compelled to obtain Letters of Introduction / No Objection Certificates (“**LOIs/NOCs**”) from the OPs before launching new products and were forced to adhere to the fixed retail margins, discounts, credit periods, transport charges, and mandatory launch fees, failing which their products would be boycotted.

After considering the DGs report, the OPs objections, and oral submissions, the CCI rejected the defence that the OPs were merely engaging in legitimate representation or information sharing. The CCI reiterated that decisions and practices of trade associations comprising of members engaged in identical or similar trade fall squarely within the scope of Section 3(3) of the Competition Act, and that collective determination of margins and launch conditions cannot be justified on grounds of efficiency or industry practice. The CCI further found that the LOI/NOC mechanism effectively eliminated independent decision-making by manufacturers and retailers and facilitated coordination on prices and commercial terms.

Accordingly, the CCI held OP-1, OP-2, and OP-3 to have violated Sections 3(3)(a) and 3(3)(b) of the Competition Act. The CCI also found five office bearers liable under Section 48, while proceedings against one individual were dropped for lack of evidence. Accordingly the CCI passed a cease and desist order under Section 27(a) of the Competition Act and directed the associations and the concerned individuals to cease and desist from the impugned practices. Taking note of mitigating factors, including the non-commercial nature of the associations and the fact that they were first-time offenders, the CCI refrained from imposing any monetary penalty, noting that any recurrence would be treated as aggravated conduct.

### **Delhi High Court questions fairness of CCI proceedings in publishers’ complaint against logistics firms**

As per news reports, the Delhi High Court (“**DHC**”), while hearing *Federation of Indian Publishers v. Competition Commission of India* on 19.12.2025, raised significant concerns regarding the fairness and procedural conduct of ongoing proceedings before the CCI in a complaint involving major logistics and courier companies. The observations were made in the context of a writ petition filed by the Federation of Indian Publishers (“**FIP**”) challenging actions taken by the CCI and its investigative arm, the DG in the underlying matter.

The FIP’s grievance stemmed from the CCI’s handling of cross-examinations before the DG, alleged denial of access to case records, and actions taken against the complainant’s advocates during the course of the investigation. The Division Bench of the DHC, presided over by the Hon’ble Chief Justice,



questioned whether the conduct of the DG and the procedural orders issued in the matter adhered to the principles of natural justice and fairness that are fundamental to quasi-judicial proceedings.

The matter is expected to be taken up for further hearing, with the FIPs petition asserting that the procedural conduct of the CCI and DG, if left unexamined, could impinge upon effective legal representation, due process, and the credibility of competition law in India.

### **CCI refrains from imposing monetary penalties upon entities found to have engaged in bid rigging**

The CCI vide its order dated [02.01.2026](#) found M/s KKK Mills (**OP-1**) and M/s Sankeshwar Synthetics Pvt. Ltd. (**OP-2**) to have engaged in bid-rigging in tenders for procurement of woollen underpants, in violation of Section 3(3)(d) of the Act.

CCI observed that that OP-1 and OP-2 communicated frequently with each other, had common personnel and familial ties, quoted identical prices and also submitted bids within a gap of few minutes on 2 separate occasions. As such the CCI observed that the OPs colluded to rig the tenders issued by CP Cell, Master General of Ordnance Service.

On the issue of penalty, however, the CCI observed that the OPs were MSMEs and have been supplying to the Indian Army for decades. In the facts and circumstances of the case, the CCI found it fit to pass a cease and desist direction against the OPs but refrained from imposing monetary penalties.

### **CCI dismisses allegations against Eros International Media Limited for altering the ending of the film “Raanjhanaa”**

The CCI vide order dated [05.01.2026](#), dismissed allegations of abuse of dominance and anti-competitive conduct against Eros International Media Limited (Eros).

The Informants had alleged that Eros digitally altered the ending of the movie “Raanjhanaa” through the use of Artificial Intelligence and released it in the State of Tamil Nadu, without taking due permission from the director or artists involved in the writing, making and directing of the feature film. It was further alleged that Eros only had the rights for theatrical and television distribution of the film and as such, the digital alteration of the film amounted to abuse of dominance and anti-competitive conduct.

The CCI, after a review of the allegations, observed that the issues raised by the Informant along with the remedies sought, did not fall within the ambit of the Competition Act, and thus closed the case under Section 26(2) of the Competition Act.

### **Ministry of Ports, Shipping and Waterways asks Ministry of Corporate Affairs to exempt Vessel Sharing Agreements from applicability of Section 3 of the Competition Act**

The Ministry of Ports, Shipping and Waterways has asked the Ministry of Corporate Affairs (“MCA”) to exempt vessel-sharing agreements (“VSAs”) from the purview of Section 3 of the Competition Act, which prohibits anti-competitive agreements, to help Indian shipping lines and non-vessel operating common carriers (“NVOCCs”) compete better in the global container trade under Section 54 of the Competition Act. The earlier exemption, first introduced in 2012 and extended several times, lapsed in 2021, and [a draft Notification from October 2024](#) proposed a three-year exemption with conditions that at least 5 %



of VSA space be on Indian-flag vessels and 5 % be allocated to Indian NVOCCs. The Draft Notification had also suggested that the Directorate General of Shipping monitor compliance and report potential anti-competitive conduct to the Competition Commission of India. The decision of the MCA is awaited.

### **CCI approves the acquisition of Aditya Birla Group's paper and pulp manufacturing business by ITC Limited**

The CCI, on 16.12.2025, granted approval to the acquisition of Aditya Birla Group's paper and pulp manufacturing business by ITC Limited on a going concern basis.

The acquisition, valued at around INR 3498 crore, covers Aditya Birla Groups's pulp and paper undertaking business at Lalkuan in Uttarakhand, and is subject to other statutory/ regulatory approvals.



*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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