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INSIDE

- **Supreme Court of India allows settlement in anti-trust enforcement matters**
- **Supreme Court upholds CCI's penalties and behavioral remedies against KFEF office bearers under Section 48 of the Competition Act**
- **Bombay High Court declines to interfere with CCI's probe against Asian Paints**
- **NCLAT upholds CCI's order in the beach sand mineral export case**
- **CCI orders probe into alleged abuse of dominance by PVR INOX in the Multiplex Film Exhibition Market**
- **CCI dismisses abuse of dominance allegations against Google in app store enforcement case**
- **CCI dismisses abuse of dominance allegations against GMR Hyderabad International Airport Ltd.**
- **CCI approves the acquisition of an additional 40% shareholding of PSA Bharat Investments Pte. Ltd. by PSA India Pte. Ltd.**
- **CCI and MeitY hold a meeting on Digital Personal Data Protection Act, 2023 and other related matters to build a secure, competitive, and innovation-driven Digital Economy**
- **Crackdown on Online Money Games: Implications for Market Players**
- **CCI releases new Market Study on AI and Competition**



Supreme Court of India allows settlement in anti-trust enforcement matters

The Supreme Court of India (“**SCI**”) vide its judgement dated [02.09.2025](#), dismissed Competition Commission of India’s (“**CCI**”) appeal, and upheld the Delhi High Court’s (“**DHC**”) Division Bench judgment dated [13.07.2023](#) which quashed CCI’s investigation into the alleged anti-competitive conduct by Monsanto Holding Private Limited (“**Monsanto**”) and Telefonaktiebolaget LM Ericsson (“**Ericsson**”) (collectively referred to as ‘**Appellants**’).

The CCI filed an appeal before the SCI on the ground that there is no provision for settlement between the concerned parties in the Competition Act, 2002 (“**Competition Act**”) and such investigations are *in rem* and not *in personam*. However, the SCI declined to interfere with the Division Bench ruling and dismissed the CCI’s appeal. The SCI noted that since the original informant and complainant had settled the dispute and the informants had “*nothing further to say*,” the substratum of the CCI proceedings lost meaning as there was no longer a basis for CCI to investigate.

However, the SCI clarified that any questions of law arising from this matter remain open and may be agitated in the future.

Supreme Court upholds CCI’s penalties and behavioral remedies against KFEF office bearers under Section 48 of the Competition Act

The SCI vide its judgment dated [26.09.2025](#) overruled the Competition Appellate Tribunal’s (“**COMPAT**”) decision dated 19.04.2016 (“**COMPAT Order**”).

By way of background, the matter arises from an Information filed by Crown Theatre (“**Informant**”) against the Kerala Film Exhibitors Federations (“**KFEF/Respondent No. 1**”), Mr. Basheer Ahamed, President of KFEF (**Respondent No. 2**) and Mr. M.C. Bobby, General Secretary of KFEF (“**Respondent No. 3**”) for allegedly contravening Section 3 of the Competition Act.

The COMPAT upheld the findings of the CCI to the extent that KFEF had contravened the Competition Act and upheld the penalties against KFEF, however, it set aside the penalties imposed and disqualifications orders against Respondent Nos 2 and 3 for violation of principles of natural justice. COMPAT, upholding principles of natural justice, held that CCI should have (i) issued and served a separate notice for the imposition of penalties; and (ii) given an opportunity of being heard before it debarred Respondents No. 2 and 3 from holding office at KFEF and imposed penalties on them. Consequently, COMPAT set aside the penalties imposed by the CCI on Respondents No. 2 and 3 for lack of notice in relation to the proposed penalties and violation of principles of natural justice.

Aggrieved by COMPAT’s Order, CCI filed an appeal under Section 53 T of the Competition Act before SCI.

The SCI examined whether the notice dated 10.06.2025 issued by CCI constituted sufficient notice to meet the requirements of principles of natural justice or, whether Respondents No. 2 and 3 were entitled to a second show cause notice proposing to impose the penalty under Section 27 of the Competition Act. After having considered Sections 26, 27, 36, and 48 of the Competition Act and the Regulations 21, 22 and 48 of



the Competition Commission of India (General) Regulations, 2009, the SC held that, at the time, the law did not impose an obligation on CCI to issue a separate notice for the proposed penalty once parties were informed of having contravened the Competition Act. Furthermore, the SCI noted that since Respondents No. 2 and 3 had been served the DG report, were called to respond to the same, were asked for their financial details, and were given a hearing, Respondents No. 2 and 3 cannot claim lack of notice or prejudice. In particular, the SCI clarified that the liability of individuals in contravention under Section 48 of the Competition Act arises by virtue of their role and responsibility within the organizations, and no second notice specifically proposing the penalty is necessary.

Therefore, SCI held that there was no violation of the principles of nature justice and the CCI notice was legally valid. Consequently, the SCI dismissed the appeal and restored the impugned CCI Order including the imposition of monetary penalties and behavioral remedies on Respondents No.2 and 3.

Bombay High Court declines to interfere with CCI's probe against Asian Paints

The Bombay High Court (“**BHC**”) vide its judgement dated [11.09.2025](#) dismissed a writ petition filed by Asian Paints Limited (“**Asian Paints**”) seeking to quash an ongoing antitrust investigation initiated by CCI. The probe stems from an allegations by rival Birla Opus (“**Informant**”) that Asian Paints abused its dominant position by offering incentives to dealers to not stock and sell competing brands, thereby restricting market access for competitors.

Asian Paints argued that the CCI initially published an order directing an investigation against Asian Paints on July 1st. However, this order was subsequently removed from the CCI's website, and an amended version was uploaded the following day. While both versions directed the DG to initiate an investigation, there were significant discrepancies between them. Asian Paints further contended that it was not given an opportunity to be heard before the order was issued, which amounted to a violation of the principles of natural justice. Finally, Asian Paints asserted that the CCI should have dismissed the information under Section 26A of the Competition Act, as it had already examined similar allegations raised by JSW Paints and Balaji Traders.

The BHC however, noted that the initial order was inadvertently uploaded by the CCI. Despite certain discrepancies between the two orders, the court found that their conclusions were substantially similar. The BHC further held that no opportunity of hearing was required prior to issuing an order of investigation, as such an order is purely administrative in nature. Additionally, since the allegations, evidence, and legal provisions invoked differed from those in the JSW complaint, the CCI was not precluded from proceeding with the investigation.

NCLAT upholds CCI's order in the beach sand mineral export case

The National Company Law Appellate Tribunal (“**NCLAT**”) vide its order dated [23.09.2025](#) upheld CCI's order passed under Section 26(2) of the Competition Act, dismissing allegations against Indian Rare Earths Ltd. (“**IREL**”) and the Directorate General of Foreign Trade (“**DGFT**”). The Information was filed by Beach Mineral Producers Association and Mr. V. Velmurugan (together referred to as “**Appellants**”), challenging a DGFT notification dated 21.08.2018 designating IREL as the sole canalising agency for export of beach sand minerals (“**BSMs**”).



The Appellants alleged that the said notification conferred a dominant position upon IREL and violated Section 4 of the Competition Act. However, the CCI held that the notification was a policy decision taken in furtherance of sovereign functions, particularly considering the strategic importance of BSMS in atomic energy, defence, and space applications.

NCLAT affirmed the CCI's reasoning, holding that Section 4 of the Competition Act applies only to enterprises and groups engaged in commercial activities and does not extend to government functions related to atomic energy. It noted that both DGFT and IREL were acting under statutory mandates and policy directions pursuant to the Atomic Energy Act, 1962 and the Mines and Minerals (Development and Regulation) Act, 1957. Consequently, their actions could not be scrutinized under competition law.

Consequently, NCLAT concluded that any challenge to the DGFT notification must be pursued through appropriate constitutional or administrative law remedies, and not under the Competition Act.

CCI orders probe into alleged abuse of dominance by PVR INOX in the Multiplex Film Exhibition Market

The CCI vide its order dated [30.09.2025](#) passed under Section 26(1) of the Competition Act directed the DG to investigate the conduct of PVR INOX Ltd. for abuse of dominance in violation of Sections 4(2)(a), 4(2)(b), 4(2)(c), and 4(2)(d) of the Competition Act. The order stems from an Information filed by the Film & Television Producers' Guild of India Ltd. ("**Informant**") alleging contraventions of Section 3 and Section 4 of the Competition Act, against UFO Moviez India Limited ("**OP-1**"), Qube Cinema Technologies Private Limited ("**OP-2**"), and PVR Inox Ltd. ("**PVR/ OP-3**").

It was alleged that PVR continues to impose the Virtual Print Fee ("**VPF**") despite the digitalization of theatres, thereby imposing unfair and discriminatory conditions on producers. The Informant contended that this conduct restricts market access and adversely affects smaller producers.

The CCI delineated the relevant market as the "*exhibition of films in multiplex theatres in India*" and observed that PVR holds a dominant position in the relevant market, operating approximately 1,700 screens across 114 cities, accounting for nearly 30% of the multiplex segment. The CCI found *prima facie* evidence of discriminatory conduct, noting that while Indian producers uniformly paid VPF, around 70% of Hollywood films were exempted. Additionally, selective "sunset clause" arrangements for certain studios indicated preferential treatment. The CCI further observed that the continued levy of VPF post-digitisation (completed by 2014) constitutes as a supplementary obligation, violating Section 4(2)(d) of the Competition Act, restricting market access and limiting film diversity. The CCI clarified that prevailing industry practice cannot justify such exclusionary or discriminatory conduct.

Simultaneously, the CCI closed proceedings against OP-1 and OP-2 under Section 26(2A) of the Competition Act, noting that similar allegations had already been adjudicated in Case No. 11 of 2020; wherein the CCI had directed removal of restrictive clauses in their Digital Cinema Equipment lease agreements. The CCI noted that reopening the matter would duplicate earlier findings of the CCI.

Accordingly, while no investigation against OP-1 and OP-2 was ordered, the CCI directed the DG to carry out a detailed investigation into the conduct of PVR under Section 26(1) of the Competition Act.

**CCI dismisses abuse of dominance allegations against Google in app store enforcement case**

The CCI vide its order dated [06.10.2025](#) dismissed an Information filed by Infospace Pvt. Ltd. (“**Informant**”) against Alphabet Inc. (“**OP-1**”), Google LLC (“**OP-2**”), and Google India Pvt. Ltd. (“**OP-3**”) (OPs are collectively referred to as “**Google**”) for alleged violation of abuse of dominance under Section 4 of the Competition Act.

The Informant, developer of “EasyDo Tasks- HRMS Payroll AI” app, contended that Google arbitrarily terminated its Google Play Developer Account without prior notice or justification, thereby denying market access and engaging in discriminatory and unfair practices. It was alleged that such termination violated Google’s Developer Distribution Agreement (“**GPDDA**”) and Enforcement Policy, which requires proportionality, transparency, and fair warning before enforcement actions. The Informant further challenged Google’s “relation ban” mechanism, which links unrelated developer accounts and applies automated enforcement, as violative of Section 4(2)(a), (b), and (c) of the Competition Act.

In response, Google submitted that the termination was in accordance with its Play Store policies, following detection of links between the Informant’s account and previously banned accounts associated with policy violations. It argued that Clause 10.3 of the GPDDA permits immediate termination in cases of serious breaches, and that its enforcement processes including automated and human review are fair, transparent, and globally consistent.

The CCI delineated the relevant market as the “market for app stores for Android OS in India” and reaffirmed Google’s dominance therein. However, the CCI found that the termination of the Informant’s account was consistent with Google’s contractual and policy framework. It noted that similar issues had been adjudicated in earlier cases such as *Umar Javeed v. Google LLC* and *XYZ (Confidential) v. Alphabet Inc.*, and observed that the Informant’s claim of having no connection with the previously banned account was factually incorrect.

Accordingly, the CCI found no *prima facie* case of abuse of dominance and dismissed the matter under Section 26(2) of the Competition Act.

CCI dismisses abuse of dominance allegations against GMR Hyderabad International Airport Ltd.

The CCI vide its order dated [15.09.2025](#) dismissed an Information filed by Air Works India (Engineering) Pvt. Ltd. (“**Informant**”) against GMR Hyderabad International Airport Ltd. (“**OP-1**”) and its wholly-owned subsidiary GMR Aero Technic Ltd. (“**OP-2**”) for alleged violation of Section 4 of the Competition Act.

The Informant, a leading provider of Line Maintenance Services (“**LMS**”) at Rajiv Gandhi International Airport (“**RGIA**”), Hyderabad alleged that OP-1 refused to renew its license within the airport, thereby restricting its ability to provide LMS and favouring OP-2, a competing entity. It was alleged that this conduct amounted to limiting competition, denying market access, and leveraging dominance in violation of Sections 4(2)(b), 4(2)(c), and 4(2)(e) of the Competition Act.

The DG identified the upstream relevant market as the “*provision of access to airport facilities/premises at RGIA*” and the downstream market as the “*provision of LMS at RGIA*”. The DG relying on internal



communications and client shifts, concluded that OP-1 was dominant in the upstream market and had leveraged its position to benefit OP-2. However, the CCI disagreed with the DG's findings.

On the issue of limiting services, the CCI noted that the Informant continued to offer LMS without the allotted space by using vehicles and obtaining necessary passes. CCI noted that several airlines opted for self-maintenance or services from providers without dedicated airport space, indicating that space was not indispensable for LMS.

Regarding denial of market access, the CCI accepted OP-1's submission that the space was required for airport expansion and noted that space had been reallocated from various entities, including OP-2, demonstrating no preferential treatment. On the allegation of leveraging dominance, the CCI found no evidence that OP-1's communications specifically endorsed OP-2 and noted that the contracts awarded to OP-2 were through competitive bidding or direct approaches by airlines.

After considering the allegations, the CCI held that no contravention of Sections 4(2)(b), 4(2)(c), or 4(2)(e) of the Competition Act by the OPs was established. Accordingly, the CCI passed overturned DGs finding and dismissed the allegations against OPs.

CCI approves the acquisition of an additional 40% shareholding of PSA Bharat Investments Pte. Ltd. by PSA India Pte. Ltd.

The CCI on [26.08.2025](#) approved the proposed acquisition of an additional 40% shareholding by PSA INDIA Pte. Ltd ('Acquirer') in PSA Bharat Investments Pte. Ltd. ('Target') from AIN Investment Ltd. ('Seller').

Pursuant to the Proposed Combination, the Acquirer shall be entitled to 100% of the equity shareholding of the Target.

The Acquirer is a Singapore-based investment holding company and a subsidiary of PSA International Pte. Ltd. The Acquirer holds investments in companies that are active in the Maritime Supply Chain in India. The Target is a Singapore-based investment holding company. The Target holds investments in India-domiciled subsidiaries that provide Container Terminal Services in India

CCI and MeitY hold a meeting on Digital Personal Data Protection Act, 2023 and other related matters to build a secure, competitive, and innovation-driven Digital Economy

The Chairperson and Members of the CCI on [28.08.2025](#) held a meeting with the Secretary, Ministry of Electronics and Information Technology ('MeitY'), to deliberate on issues relating to the Digital Personal Data Protection Act, 2023 ('DPDP Act'), and other matters such as interface with competition law.

The CCI emphasized the need for a consultative regulatory approach to ensure that data governance frameworks do not inadvertently stifle market competition or innovation. The dialogue highlighted concerns around data centrality, which while driving efficiency and innovation can also lead to market concentration and potential abuse of dominance.



The CCI reaffirmed its commitment to *ex-ante* regulation and evidence-based policymaking, aligning with its mandate under the Competition Act to prevent practices that may cause an Appreciable Adverse Effect on Competition ('AAEC'). This collaborative effort signals a strategic shift toward harmonizing privacy, consumer welfare, and fair competition in India's digital economy.

Crackdown on Online Money Games: Implications for Market Players

On 21.08.2025, the Indian Parliament approved the Promotion and Regulation of Online Gaming Bill, 2025 ('PROG Bill').

The PROG Bill introduces a sweeping ban on all forms of online money games—regardless of whether they are based on skill, chance, or both. The PROG Bill aims to address public health concerns, financial risks, and regulatory gaps by prohibiting the offering, advertising, and facilitation of money-based online games. It also bars financial institutions from processing related transactions and establishes a statutory authority to classify games and enforce compliance. As per the PROG Bill, violations will attract stringent penalties, including imprisonment and fines up to INR 10 million.

The PROG Bill categorizes online games into three types: e-sports (skill-based and officially recognized), online social games (non-monetary entertainment or educational games), and online money games (involving stakes or monetary returns). While e-sports and social games are promoted, money games are banned outright. The legislation empowers enforcement officers with wide-ranging powers including search, seizure, and blocking of platforms, raising concerns about overreach and due process.

From a competition law perspective, the PROG Bill could significantly disrupt market dynamics. It threatens the viability of a multi-billion-dollar industry employing over 200,000 people and contributing substantial tax revenues. The blanket ban is facing constitutional challenges, especially regarding legislative competence and the right to trade in skill-based games. Stakeholders—including gaming platforms, advertisers, and payment processors—must prepare for compliance restructuring, investment pivots, and potential litigation as the Bill awaits Presidential assent.

Thereby, PROG Bill compels the existing companies engaged in these games either shut their operations or restructure their business operations in compliance with the PROG Bill.

In essence the PROG Bill demonstrates how sectoral regulation can override and even neutralize the application of competition raising important issues about balancing consumer welfare through protection. The PROG Bill is expected to come into effect in the coming months.

CCI releases new Market Study on AI and Competition

The CCI, through MDI Gurgaon, on 06.10.2025 released its Market Study on Artificial Intelligence and Competition. The study provides a comprehensive overview of the AI ecosystem in India, identifies emerging competition issues, and outlines a roadmap for compliance and regulatory preparedness. While not legally binding, the report is expected to inform future enforcement and advocacy efforts by the CCI.



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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