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INDIA – COMPETITION LAW 2024 YEAR IN REVIEW



A year of critical legislative developments but low enforcement activity

Slowdown in enforcement

- Only 8 new investigations initiated; and only 2 cases where a contravention was found.

Digital sector remained in focus

- 2 new investigations against Google.
- Meta and WhatsApp found in violation of the Competition Act, 2002 (**Competition Act**).
- The Ministry of Corporate Affairs (**MCA**) released the report of the Committee on Digital Competition Law along with a draft Digital Competition Bill (**DCB**), proposing an *ex-ante* regulatory framework for the digital sector, for public consultation.
- A market study on 'Artificial Intelligence and Competition' was launched by the Competition Commission of India (**CCI**), signaling its focus on AI-driven markets.

Rulemaking dominated the CCI's and the MCA's agendas

- Amendments relating to combinations, settlement, commitment, and leniency provisions under the Competition (Amendment) Act, 2023 notified by the MCA.
- New regulations and guidelines relating to combinations, settlement, commitment, leniency, and penalty published by the CCI.

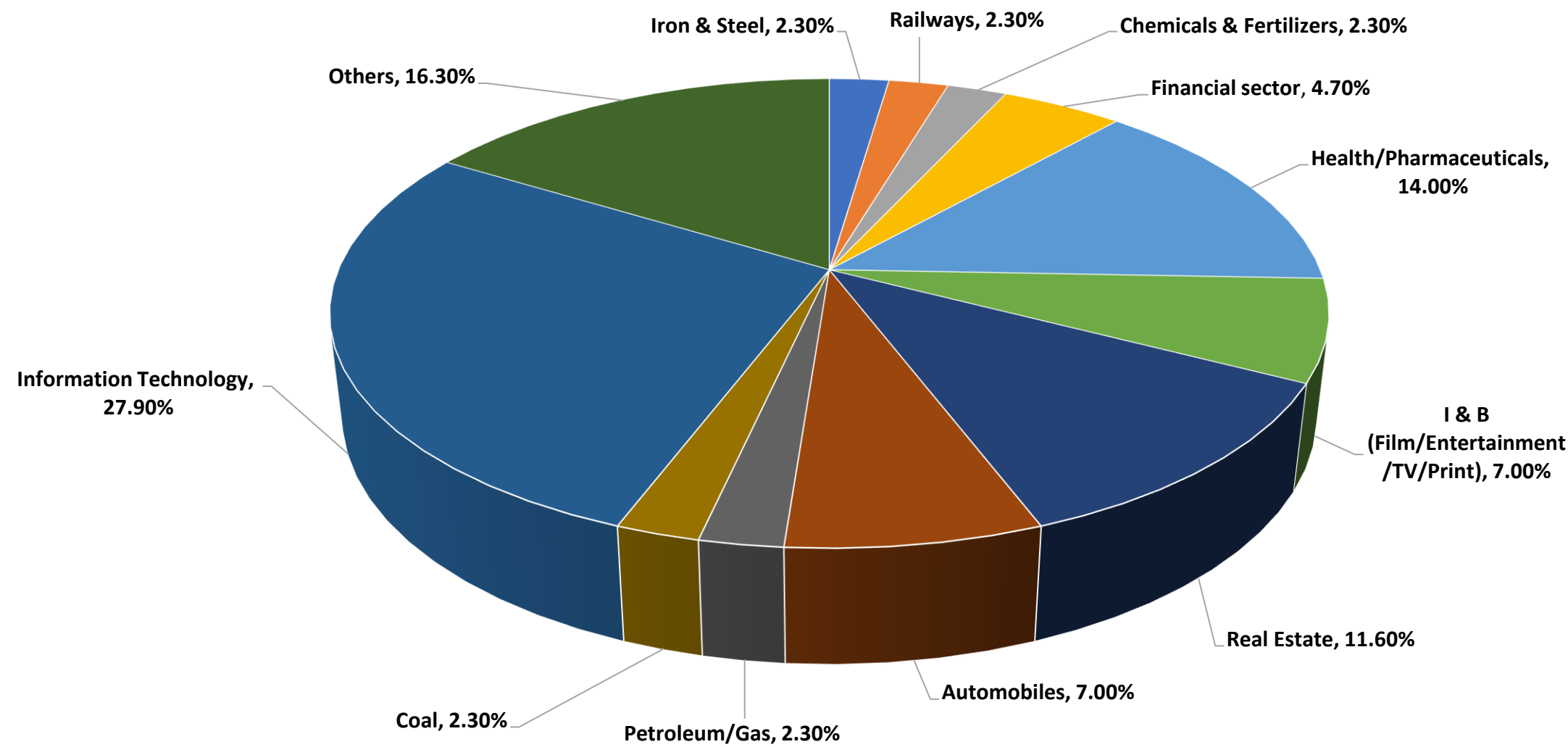


ENFORCEMENT TRENDS & KEY CASES

	2023	2024
Number of investigations initiated	2	8
Number of cases where violations were found	2	2
Number of cases closed after investigation	3	2
Total amount of penalty imposed	0	INR 2131.4 million (~USD 25.25 million)
Number of cases closed at <i>prima facie</i> stage	21	36

Note: The data is based on information available on the CCI’s website.

CCI: Sectoral enforcement trends for 2024



Note: This accounts for all investigations initiated by the CCI, and cases closed at the prima facie stage under Section 26(2) of the Competition Act.

Background and key allegations

In March 2024, the CCI launched an investigation against Google over alleged abuse of dominance concerning the Google Play Billing System (**GBPS**) and User Choice Billing (**UCB**).

Key allegations were that:

- Google imposed a mandatory service fee on digital delivery apps while exempting physical delivery apps.
- High service fees significantly increased costs for app developers, limiting their ability to invest in their own platforms.

Initiation of investigation

The CCI directed an investigation *prima facie* observing that:

- App developers were compelled to allocate substantial revenue to Google's commission, leaving fewer resources for innovation and competition.
- High service fees acted as a barrier to market entry, deterring new players, and forcing some app developers to exit the market.

Background

In November 2024, the CCI directed another investigation against Google over Google's Play Store and advertisement policies concerning Real Money Gaming (**RMG**) apps.

Initiation of investigation

The CCI directed an investigation *prima facie* observing that:

- Ambiguity in the selection criteria for Google's Play Store Pilot Program (**Pilot**) only allowed certain RMG apps while excluding others.
- Extended duration of the Pilot led to preferential treatment, benefiting the included RMG apps at the expense of competitors.
- Selective advertising permissions restricted some RMG apps from advertising on Google's platform, favoring those included in the Pilot.
- Inconsistent payment warnings - Google Pay displayed warnings for certain RMG apps but not for Daily Fantasy Sports and Rummy apps, suggesting a potential bias.

Meta and WhatsApp found guilty of abuse of dominance

BACKGROUND

In November 2024, the CCI penalized WhatsApp and Meta for abuse of dominance in the implementation of WhatsApp’s 2021 privacy policy update (**2021 Policy**), observing that:

- The ‘take-it-or-leave it’ nature of the 2021 Policy pressured users into acceptance as they apprehended loss of access to WhatsApp services.
- Unclear data collection terms left users uninformed about its purpose.
- The 2021 Policy allowed Meta to collect more user data through WhatsApp, furthering Meta’s dominance.

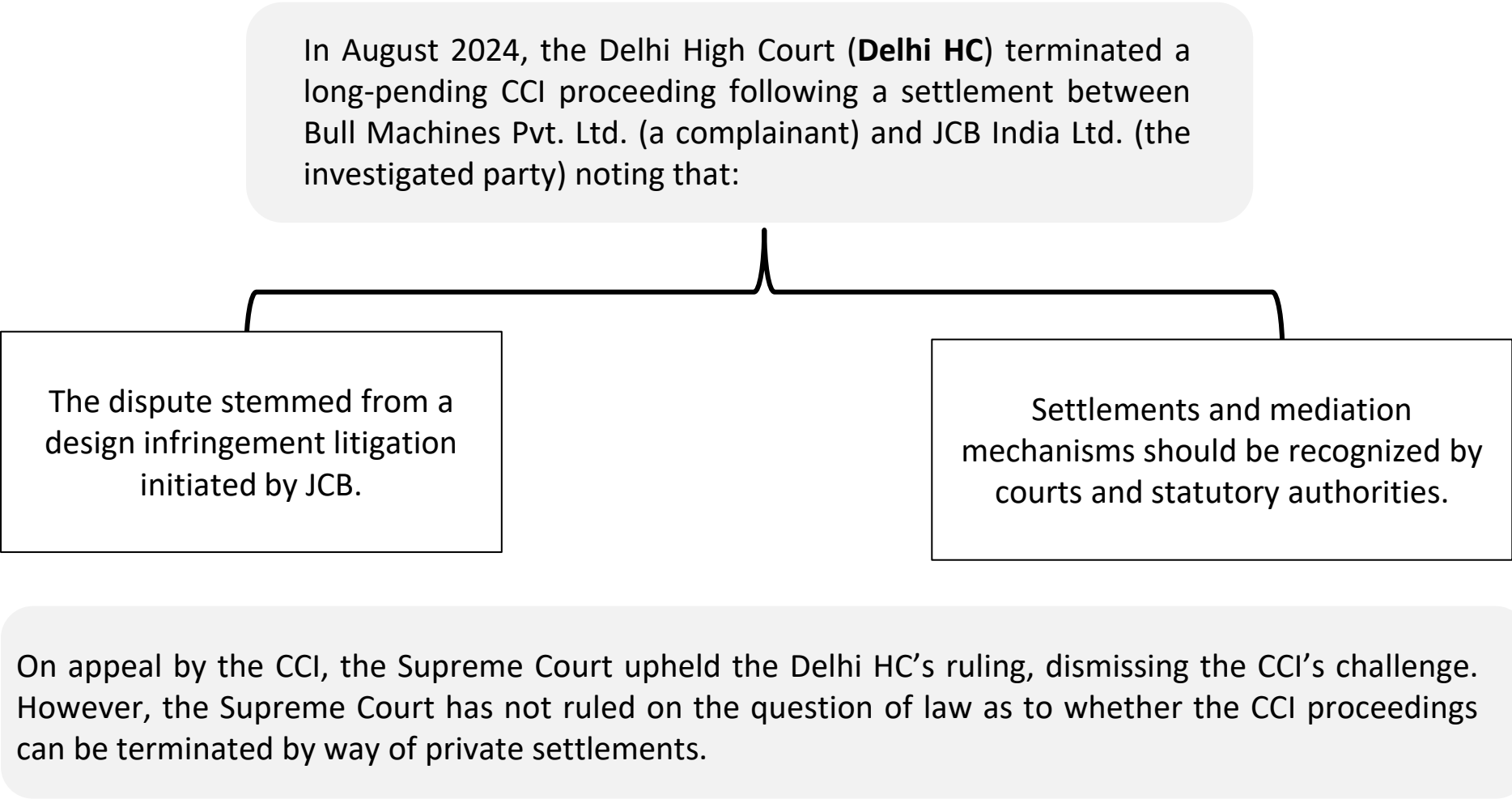
PENALTY & REMEDIES

Along with a penalty of INR 2131.4 million (~USD 25.25 million), the CCI also directed:

- A five-year ban on sharing users’ WhatsApp data with Meta companies for advertising purposes.
- Increased transparency in user-data sharing for non-advertising purposes.
- An opt-out option for WhatsApp users, for sharing of user data for non-advertising purposes.

CURRENT STATUS

- Meta and WhatsApp have appealed the CCI’s order before the National Company Law Appellate Tribunal (**NCLAT**).
- In 2025, NCLAT granted a stay on penalty payment and a partial stay on remedies.



Delhi HC strikes down interest levied on penalty; Appeal pending

In April 2024, the Delhi HC set aside a levy of interest on a penalty imposed by the CCI following a challenge by Geep Industries, noting that:

The CCI imposed a penalty (subsequently, upheld by the NCLAT) and later issued a demand notice requiring the party to pay the penalty along with interest for a period prior to the period specified in the demand notice.

Under the existing regulations concerning recovery of penalty, an interest is leviable only if a party fails to pay a penalty amount within the period specified in the demand notice (typically 30 days).

The Delhi HC ruled that levy of interest must be consistent with the applicable regulations and set aside the additional levy of interest.

The CCI has challenged the decision before a Division Bench of the Delhi HC, and the proceedings are ongoing.



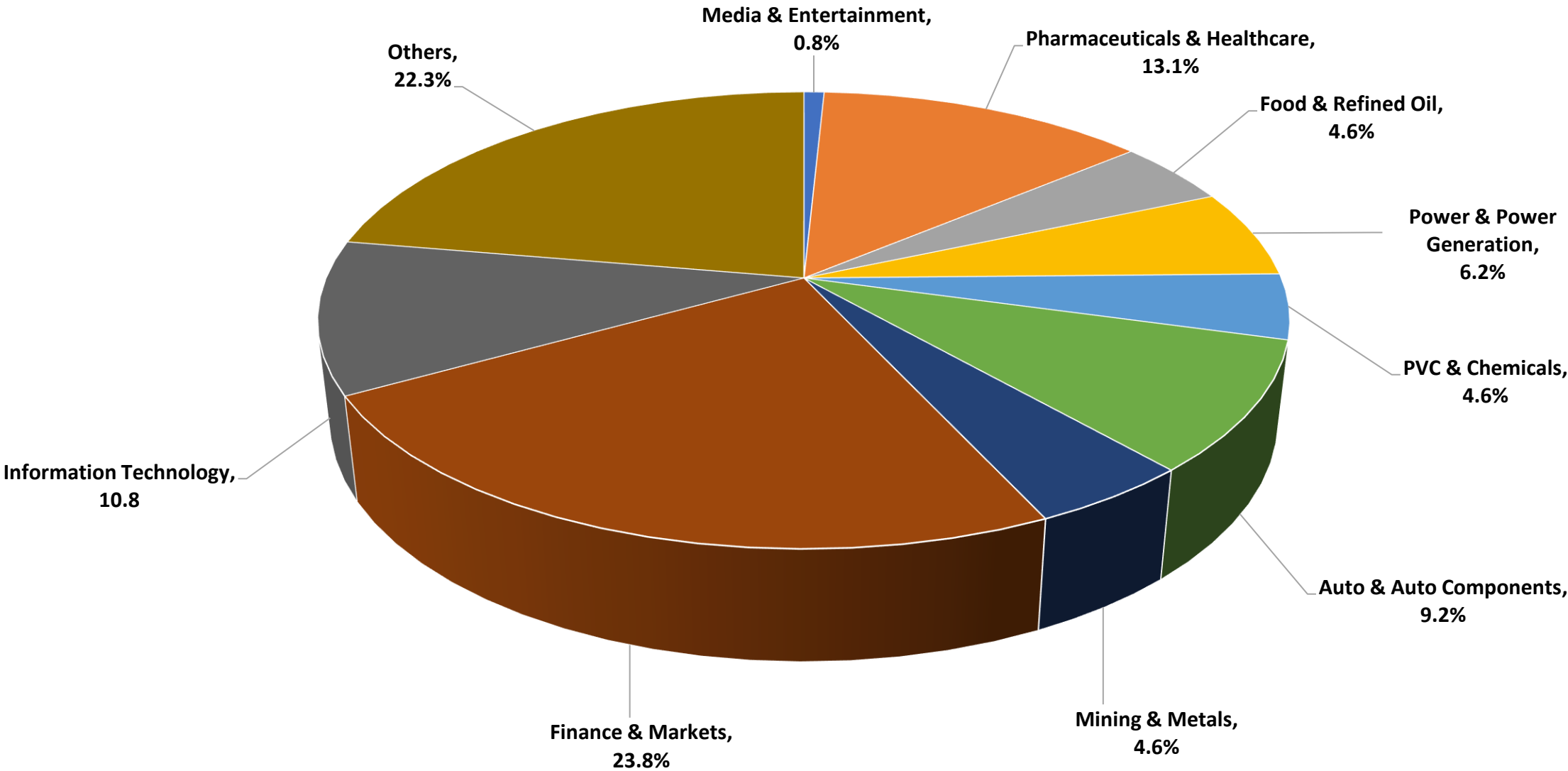
MERGER CONTROL

Merger Control: Comparison between 2023 and 2024

	2023	2024
Total Form I filings (including green channel filings)	97	100
Green channel filings	26	20
Total Form II filings	6	14
Total combinations approved	64	107
Combinations approved with modifications	3	2
Penalty imposed under Section 43A / 44	INR 25.5 million (~USD 0.297 million)	INR 1 million (~USD 11.6 thousand)
Combinations that met the deal-value threshold	N/A	3

***Note:** The data is based on information available on the CCI’s website and public sources.*

CCI: Sectoral trends in merger control for 2024



CCI's assessment trends for combinations

In 2024, the CCI assessed and cleared 107 combinations, an uptick from 64 clearances in 2023.

The clearances spanned several sectors including:

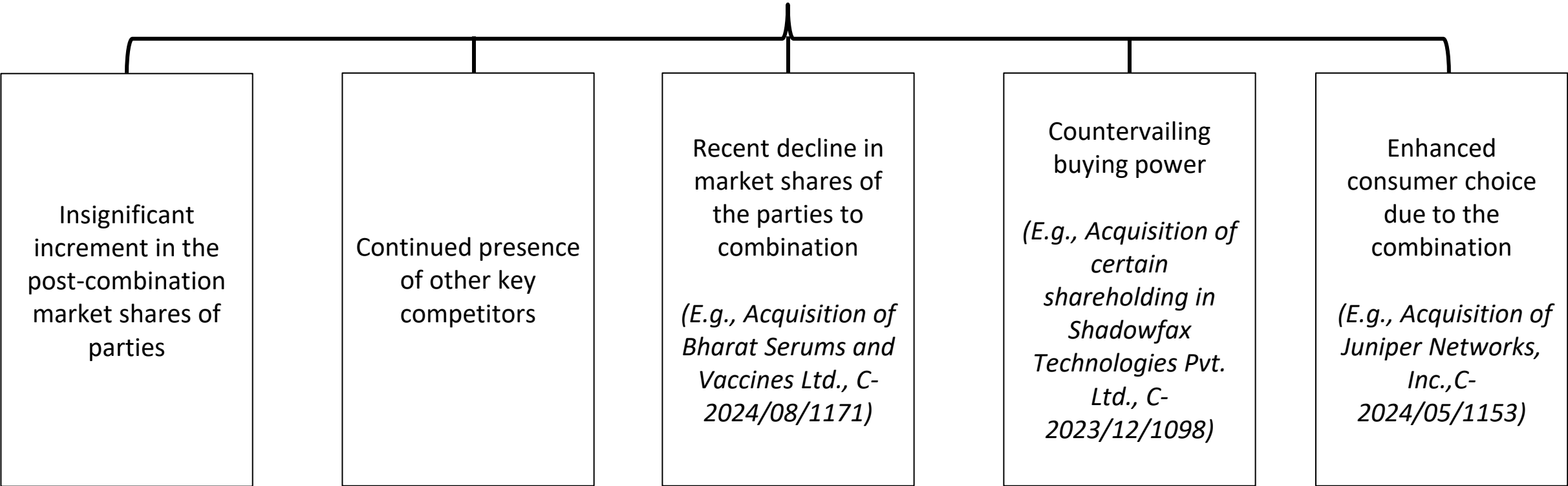
Finance and
markets

Information technology and
services

Healthcare and
pharmaceuticals

Most filings to the CCI involved reasonably fragmented markets. In one of its clearances, the CCI noted the market as being “moderately” concentrated but approved it due to an insignificant change to the post-combination concentration levels in the market among other factors (*Acquisition of Viterra Ltd. C-2024/04/1140*).

Given the diversity of sectors and factual contexts in combinations notified to the CCI, it is challenging to discern specific trends in its approval decisions. However, the CCI has broadly looked at the following factors:



CCI approved two combinations with modifications

In August 2024, the CCI approved the merger between the entertainment businesses of Viacom18 (part of the Reliance Industries Limited Group) and The Walt Disney Company.

The parties voluntarily proposed certain commitments to the CCI, considering:

- their presence in various TV channel segments.
- the CCI’s concerns about sports streaming particularly the bundling of advertisement slots for cricket rights leading to price hikes or limited choices.
- the CCI’s concerns about increased TV advertisement prices.

The merger was approved by the CCI subject to the following commitments:

Divestment of certain channels in identified markets.

Refraining from bundling TV and over-the-top (OTT) advertisement slots for IPL, ICC, and BCCI events.

Ensuring fair allocation of ad space on streaming platforms and reasonable ad rates for cricket events on TV and OTT platforms until current rights expire.

Offering major cricket events on TV and streaming platforms through ad, subscription, or hybrid models.

CCI approved two combinations with modifications (contd.)

In November 2024, the CCI approved the acquisition of shares by Ruby Asia Holdings II Pte. Ltd. and Singtel Interactive Pte. Ltd. (part of Singapore Telecommunications group) (**Singtel**) in STT GDC Pte. Ltd. (data center colocation services provider) (**STT GDC**).

The CCI raised concerns regarding concentration in the relevant markets as Singtel owned an indirect stake in STT GDC’s competitor, Nxtra Data Ltd. (**Nxtra**).

To address these concerns, the parties offered certain voluntary safeguards, including:

- **Preventing exchange of ‘CSI’:** Safeguards prohibit sharing commercially sensitive information (**CSI**) between STT GDC and Nxtra.
- **Restricting information flow:** Singtel representatives involved in competing businesses like Nxtra cannot receive market-specific information about the concerned STT GDC entity in India.
- **Prohibiting overlapping boards:** Singtel cannot appoint any person on STT GDC’s board if such person has been involved in management of a competing platform (such as Nxtra).



LEGISLATIVE DEVELOPMENTS

Key legislative developments

The CCI issued new regulations for the lesser penalty regime.

- Introduces the 'lesser penalty plus' mechanism.
- Applicants for lesser penalty would also include 'hubs' in 'hub and spoke' cartels.

The CCI published regulations governing the settlement and commitment mechanisms.

- Provides eligibility for availing of the settlement/ commitment mechanisms.
- Sets out timelines and factors for consideration of settlement/ commitment applications.

The CCI issued the penalty guidelines along with regulations for the determination of turnover.

- Sets out the methodology for calculating penalty for contraventions under the Competition Act.
- Provides methodology for determining 'turnover' of an enterprise.

The MCA published the report of the Committee on Digital Competition Law and the draft Digital Competition Bill (DCB) for public consultation.

- Identifies 'core digital services' and provides for the designation of 'systemically significant digital enterprises' (SSDEs).
- Introduces self-assessment, reporting, and other obligations for SSDEs.

Access ELP's alerts here

- [Key Regulatory Changes To The Indian Competition Law Regime](#)
- [The Ministry of Corporate Affairs publishes the Report of the Committee on Digital Competition Law along with the Digital Competition Bill, 2024](#)

The MCA notified key amendments to the Competition Act.

- Provisions pertaining to 'deal value' threshold, expedited merger review timelines, definition of 'control', and exemption from standstill obligations notified.

The CCI issued new regulations governing merger control/ combinations.

- Sets out criteria for computing 'deal value' and assessing the substance of a target's operations in India.
- Provides for enhanced filing fees timelines for proposing modifications.

The MCA notified rules for exempted combinations, *de minimis* thresholds, and green channel notifications.

The CCI issued new General Regulations.

- Sets out appointment of monitoring agencies by the CCI.
- Introduces categorization for filing interlocutory and miscellaneous applications.
- Introduces updated requirements for filings before the CCI.

--- **Access ELP's alert here** ---

[Indian merger control regime revamped: Should you be concerned?](#)

Advent of the ‘Competition Regime 2.0’: The CCI enters its 16th year of enforcement with strengthened enforcement capabilities and a more streamlined merger review process.

What can be expected in 2025?

Settlements and commitments. Likely increased adoption of the newly introduced settlement and commitment mechanisms, allowing parties to resolve cases faster and reducing appeals before the NCLAT.

‘Deal value’ threshold. The introduction of the ‘deal value’ threshold is likely to capture more transactions, particularly in the digital sector, bringing a higher number of deals under the CCI’s scrutiny.

Quicker merger clearances. The shortened merger review timelines would likely quicken clearances by the CCI.

Continued spotlight on the digital sector. The digital sector is expected to remain a key focus area for the CCI, with further developments anticipated in the "digital competition" regime in the upcoming year.

----- **What can be expected in 2025?** -----

Digital Markets Division (DMD).
With the establishment of the DMD within the CCI last year, interventions in digital markets are expected to increase, driven by a stronger emphasis on evidence of harm.

Regulatory overlaps.
In its order against Meta and WhatsApp, the CCI emphasized its role in addressing anti-competitive conduct linked to data access to and usage. With the introduction of the Data Protection Board and the likely implementation of the Digital Personal Data Protection Rules, the CCI may encounter overlapping jurisdictions, necessitating collaborative approaches to regulate data and competition effectively.

Digital Competition Law.
The MCA is likely to conduct further public consultations on the DCB, aiming to refine and implement a robust framework for digital competition in India.

Market Study on Artificial Intelligence.
The CCI's market study on artificial intelligence (AI), expected to be published by mid-2025, could serve as a catalyst for enforcement actions, addressing competition risks in the AI market.

Quick commerce sector.
Traditional retailers and local mom-and-pop shops have raised concerns over the rapid expansion of the quick commerce sector (e.g., Blinkit, Zepto), which may lead to complaints to the CCI on issues such as predatory pricing.

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