



ECONOMIC
LAWS
PRACTICE
ADVOCATES & SOLICITORS

INDIA – COMPETITION LAW: YEAR-IN REVIEW 2025



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INDIA- COMPETITION LAW - YEAR-IN REVIEW 2025

2025 marked a year of steady momentum for India's competition regime with an upturn in the Competition Commission of India's (CCI) enforcement activity, deployment of enforcement tools such as dawn raids and settlements/commitments, and consistent merger review. Rule-making did not dominate the agenda as it did in 2024, but the digital sector remained in focus, following the Parliament's Standing Committee on Finance's report on "*Evolving Role of Competition Commission of India in the Economy, particularly the Digital Landscape*" and the CCI's market study report on "*Artificial Intelligence and Competition*".

This review examines the pivotal developments in India's competition landscape throughout 2025, a year characterized by the following key themes:

- **An overview.** Snapshot of the key developments in enforcement activity, including the dawn raids in the paper, seamless steel pipes and tubes and media sectors, settlements, and trends in merger review marked by an increase in gun-jumping orders and higher penalty amounts.
- **Landmark rulings from appellate courts.** Judgements which address critical issues including jurisdictional boundaries of the CCI, demonstration of harm to competition for proving an abuse of dominance, and interplay between data privacy and competition law.

This review also offers a statistical breakdown of the CCI's enforcement activity in 2025, and a peek into the possible enforcement trends for 2026.

A. QUICK OVERVIEW OF 2025

I. CCI'S ENFORCEMENT SEES AN UPTICK IN 2025

- **Enforcement activity on the rise.** The CCI's enforcement activity saw a relative uptick in 2025 over the previous year, with renewed scrutiny across industry sectors including technology, aviation, paints and chemicals, agri-chemicals, film exhibition, sports, and liquor procurement. The CCI initiated 14 inquiries against notable players in these sectors including Google, Tamil Nadu State Marketing Corporation, Asian Paints, Rashtriya Chemicals and Fertilizers, PVR INOX, Basketball Federation of India, and Indigo.
- **Deployment of dawn raids.** In on-going inquiries in the paper, seamless steel pipes and tubes, and media advertisement sectors, the CCI reportedly carried out 3 dawn raids against several players including Silverton Pulp, Satia Industries, GroupM, Publicis, Maharashtra Seamless, Jindal SAW etc.
- **Newer enforcement tools gain traction.** The newly introduced settlement and commitment framework under the Indian competition regime also witnessed meaningful uptake. The CCI accepted Google's settlement proposal addressing concerns in the smart TV sector, with a settlement amount of INR 202.4 million (~USD 2.38 million), and is separately progressing an on-going commitments process involving Google's Play Store, which is reportedly in the market testing phase.

II. CCI'S MERGER REVIEW

- **Merger review.** The CCI cleared 116 combinations in 2025, up from 107 clearances in 2024. With the 'deal value threshold' coming into force in 2024, the past year saw 16 combinations being notified under this category. In 2025, green-channel filings saw a decline, presumably reflecting the CCI's cautious approach towards even remote overlaps/ vertical relationships between transacting parties. This shift was underscored by the CCI imposing¹ a gun-jumping penalty for the incorrect use of the green channel route, where the transacting parties' mis-assessed the existence of overlaps/ vertical relationships.
- **Gun-jumping.** 2025 saw a significant rise in both the frequency and quantum of gun-jumping penalties, with the total penalty imposed by the CCI standing at INR 6.9 million (~USD 0.0766 million), and the highest penalty of INR 4 million (~USD 0.044 million) being imposed on Goldman Sachs (India) Alternative Investment Management. The CCI's gun-jumping decisions touched upon key issues including (i) transactions that constitute "*ordinary course of business*" investments; (ii) material changes to the transaction structure after the CCI's approval of the transaction; (iii) mis-assessment of affiliate overlaps in availing of the green channel route.
- **Clearance following a Phase-II investigation.** The CCI approved Bharat Forge's acquisition of AAM India Manufacturing Corporation following a detailed investigation by the Director General (DG) and a public stakeholder consultation - marking the first such approval following a Phase-II investigation in 6 years.

III. CULMINATIONS IN CCI'S BEHAVIOURAL INQUIRIES

- **CCI's contravention findings.** The CCI found contraventions and imposed monetary penalties in 3 cases in sectors including book publishing and liquor distribution. The penalties imposed by the CCI ranged from INR 633 thousand (~USD 7,049) to INR 27 million (~USD 0.3 million). In one contravention, the CCI issued a 'cease and desist' order without imposing a monetary penalty.
- **CCI's 'no-contravention' closures.** Following investigations by the DG, the CCI closed inquiries in three cases, in sectors including atomic energy, technology, aviation involving firms such as IREL (India), Google, GMR Hyderabad International Airport.

IV. HIGH COURT LITIGATIONS IN THE SPOTLIGHT

2025 also saw regime-shaping disputes unfolding before various the High Courts in India, broadly involving:

- The CCI's power to impose penalties based on global turnover.
- Scope and limits of investigative powers, including dawn raids.
- Access to case records.
- Right to be heard before an inquiry is initiated.
- Bar on appeals to the CCI's settlement orders.
- Jurisdictional boundaries of the CCI.

¹ CA Plume Investments and Bequest Inc., Combination Registration No. C-2023/10/1066.

V. FOCUS ON THE DIGITAL SECTOR

- The digital sector has continued to remain in focus, with the Parliament's Standing Committee on Finance issuing its report "*Evolving Role of Competition Commission of India in the Economy, particularly the Digital Landscape*" and the CCI issuing its market study report on "*Artificial Intelligence and Competition*".
- The Ministry of Corporate Affairs (**MCA**) issued a 'request for proposal' to engage an agency for a market study on "*Qualitative and Quantitative Thresholds for Big Tech Companies and Core Digital Services*", following months of feedback and concerns on India's proposed Digital Competition Bill (**DCB**).

B. DECISIONS THAT MATTERED

The year 2025 proved to be eventful for the Indian competition regime (*please see our annual overview above*) and from these, here are our top picks for the year that will potentially shape the Indian competition regime:

I. REGULATORY OVERLAPS AND THE CCI'S JURISDICTION

In July 2023, ruling on a challenge by Telefonaktiebolaget LM Ericsson (Publ) (**Ericsson**), the Division Bench of the Delhi High Court (**HC**) held that the CCI lacked jurisdiction in matters concerning the exercise of patent rights and once litigating parties have 'settled' the dispute, the CCI's inquiry loses its basis. Deciding on the CCI's appeal, in September 2025, the Supreme Court upheld² the Division Bench's ruling, considering the parties' settlement, but the Supreme Court left open the question of the CCI's jurisdiction in matters involving exercise of patent rights for future consideration.

In December 2025, the Kerala HC rejected³ a challenge by JioStar India Private Limited (**JioStar**) to the CCI's jurisdiction finding that, for anti-competitive concerns, the Competition Act is the 'special' legislation that would prevail over the Telecom Regulatory Authority of India Act, 1997 (**TRAI Act**). The Kerala HC distinguished with the Supreme Court's *Bharti Airtel*⁴ ruling on facts, noting that the CCI is not required to wait for a prior determination by a sectoral regulator unless the dispute is purely technical or limited to licensing conditions mandated under the TRAI Act.

KEY TAKEAWAYS AND POTENTIAL IMPACT

The Kerala HC's ruling in the JioStar case and the Supreme Court's ruling in Ericsson case, which effectively endorsed the Delhi HC's decision, reflect different judicial approaches to the question of the scope and boundaries of the CCI's jurisdiction. While the JioStar case and the Ericsson case involved materially different facts, it would be interesting to see the Supreme Court's approach on determining the CCI's jurisdiction, should there be an appeal against the Kerala HC's order.

² *Competition Commission of India v. Monsanto Holdings (P) Ltd.*, 2025 SCC OnLine SC 2329.

³ *JioStar India (P) Ltd. v. Competition Commission of India*, 2025 SCC OnLine Ker 13387.

⁴ *Competition Commission of India v. Bharti Airtel Ltd.*, (2019) 2 SCC 521.

II. THE CCI MUST UNDERTAKE AN 'EFFECTS' ANALYSIS TO DEMONSTRATE AN ABUSE OF DOMINANCE

After the NCLAT's judgment in March 2023 in the *Android Smartphones case*⁵, it has been settled that the CCI must undertake an 'effects' analysis to establish an abuse of dominance. In May 2025, the Supreme Court endorsed this position in the *Schott Glass case*⁶ stating that for establishing an abuse of dominance, the CCI *must* undertake an 'effects' analysis showing that the conduct has resulted in or is likely to result in 'appreciable adverse effect on competition' (AAEC).

KEY TAKEAWAYS AND POTENTIAL IMPACT

The Supreme Court's landmark ruling in Schott Glass has settled the position that to establish a contravention under Section 4 of the Competition Act, the CCI must demonstrate actual or likely AAEC. Recently, in the Whatsapp case, the CCI's 'effects' analysis, which indicated a 'likelihood' of harm, was upheld by the NCLAT. In view of the law settled by the Supreme Court, it would be interesting to see how the 'effects' analysis is undertaken by the CCI in future inquiries to establish an abuse of dominance.

III. PRIVACY RECOGNIZED AS A NON-PRICE PARAMETER FOR 'COMPETITION'

The NCLAT's decision in the *Meta case* upheld the CCI's finding of an abuse of dominance by Whatsapp. The NCLAT set aside the CCI's 5-year ban on data sharing within the Meta group for advertising purposes but subsequently clarified that user transparency and consent apply for all data sharing, including advertising and non-advertising purposes. In its decision, the NCLAT noted the significance of privacy as a non-price parameter of competition and recognized the complementarity of competition law and data protection frameworks, noting that data-related practices can breach both data privacy and competition law and can be examined by the CCI.

KEY TAKEAWAYS AND POTENTIAL IMPACT

The NCLAT's decision cements the CCI's jurisdiction into data-sharing practices that gives rise to competition concerns, factoring in privacy as a non-price parameter of competition. In view of the Kerala HC ruling in the JioStar case, which has upheld the CCI's jurisdiction to examine anti-competitive conduct even in case of a regulatory overlap, the CCI will very likely examine allegations of anti-competitive conduct associated with violation of personal data protection law, in parallel with scrutiny by the Data Protection Board of India (DPBI) under the recently enacted Digital Personal Data Protection Act, 2023 (DPDP Act).

IV. 'SETTLEMENT' OF THE CCI'S INQUIRY

In 2023, an investigation directed by the CCI found that Google had abused its dominance by (i) conditioning the pre-installation of Google applications (like the Play Store) on compatibility commitments; (ii) offering the Play Store only

⁵ *Google LLC v. Competition Commission of India*, 2023 SCC OnLine NCLAT 147.

⁶ *Competition Commission of India v. Schott Glass India (P) Ltd.*, 2025 SCC OnLine SC 1097.

as part of a suite of apps; (iii) compelling original equipment manufacturers (**OEMs**) to pre-install an app suite for accessing 'must-have' apps like the Play store; and (iv) requiring pre-installation of YouTube as a condition for Play Store access. Google proposed to 'settle' the CCI's concerns, offering (i) a standalone Play Store license; (ii) decoupling the compatibility requirement for Android TV devices shipped into India without Google apps; and (iii) reiterating existing flexibility available to its Android TV partners to use open-source Android operating system and competing operating systems. Following market testing and feedback, the CCI accepted Google's settlement proposal and in April 2025, the CCI issued a final decision accepting Google's proposal for 5 years with a settlement amount of INR 20.24 crore (~USD 2.33 million.)

KEY TAKEAWAYS AND POTENTIAL IMPACT

Google's settlement is the first one concluded under the recently operationalized settlement mechanism. The CCI's approval followed a rigorous market testing process and going forward, settlements that squarely address the CCI's concerns and pass muster through market testing are more likely to find favour with the CCI. The technology sector has long been an area of focus for the CCI and a settlement in this space might encourage future settlements - a mechanism that has been introduced to ensure faster and more effective market corrections.

V. THE CCI'S DISCRETION IN SCRUTINIZING 'COMBINATIONS'

In 2022, AGI Greenpac Limited (**AGI**) and Independent Sugars Corporation Limited (**INSCO**) submitted resolution plans for the insolvency resolution process of Hindustan National Glass and Industries Limited (**HNG**). Under the Insolvency and Bankruptcy Code, 2016, these plans required approval from a creditor committee and from the CCI (since the resolution plan was a 'combination'). The resolution professional allowed the CCI's approval to be obtained after the committee's approval but before approval by the National Company Law Tribunal (**NCLT**). AGI's plan was cleared by the committee and soon after, by the CCI. INSCO unsuccessfully challenged AGI's plan being approved, before the NCLT and the NCLAT, with the NCLAT upholding both the committee and the CCI approval. On appeal, the Supreme Court set aside⁷ NCLAT's decision, holding that the CCI's approval must precede the committee's consideration and the CCI must properly scrutinize 'combinations' where there is a likelihood of market impact (i.e., mandating investigation by the DG and stakeholder consultation once a show cause notice has been issued by the CCI). The Supreme Court, in a subsequent review, held that where the CCI *prima facie* finds likely harm due to a combination, it retains discretion to direct an investigation by the DG (once a show cause notice has been issued) or a stakeholder consultation.

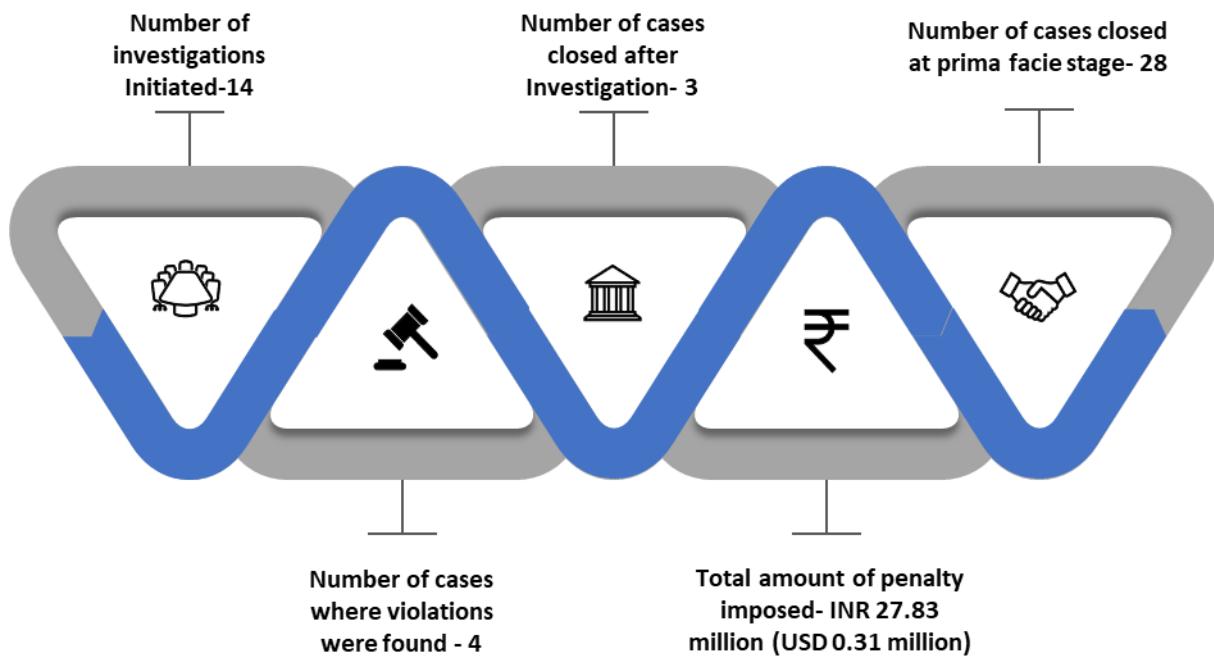
KEY TAKEAWAYS AND POTENTIAL IMPACT

The Supreme Court's ruling harmonizes India's competition and insolvency regimes, noting that the committee's commercial wisdom takes primacy in insolvency proceedings and the CCI's approval must be taken before the committee can consider a resolution plan. By reaffirming the CCI's statutory discretion to determine the necessity of a detailed investigation, the judgment aligns with the letter of the law while promoting more efficient, streamlined combination reviews.

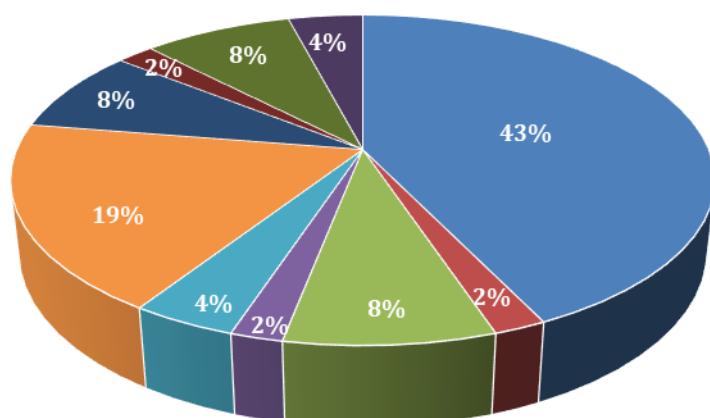
⁷ *Independent Sugar Corp. Ltd. v. Hindustan National Gas & Industries Ltd. (Resolution Professional)*, (2025) 5 SCC 209.

C. STATISTICS

ENFORCEMENT STATISTICS



CCI: Sectoral Trends for Enforcement in 2025



- Others
- Financial Sector
- I & B (Filem/Entertainment/TV/Print)
- Real Estate/Infrastructure
- Coal/Minerals
- Railways
- Health/Pharmaceuticals
- Information Technology
- Automobiles
- Sports

COMBINATIONS - STATISTICS

Total Form I filings (including green channel filings)- 102

Green channel filings- 18

Total Form II filings- 14

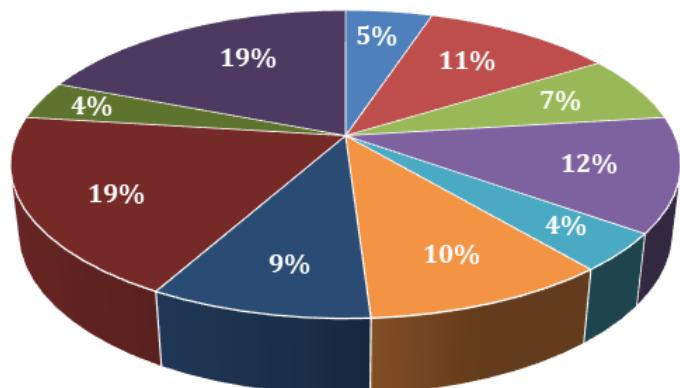
Total combinations approved- 116

Combinations approved with modifications- 1

Penalty imposed under Section 43A / 44- INR 6.9 million (~USD 0.0766 million)

Combinations that met the deal value threshold- 16

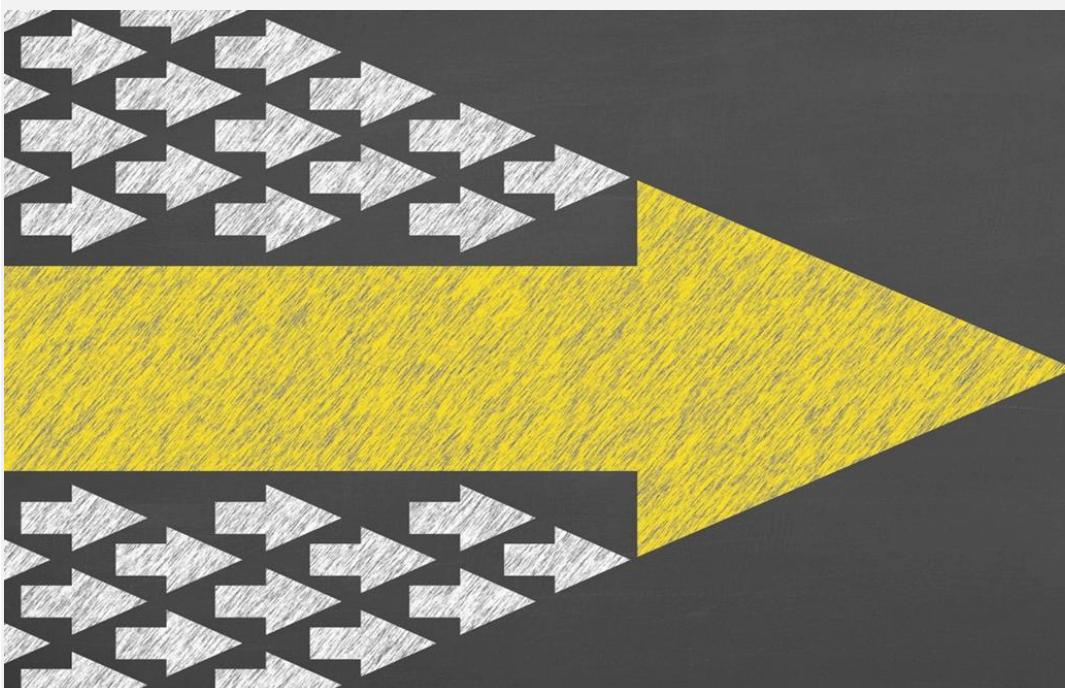
CCI: Sectoral Trends for Combinations in 2025



- Media & Entertainment
- Power & Power Generation
- Mining & Metals
- Others
- Pharmaceuticals & Healthcare
- PVC & Chemicals
- Finance & Markets
- Auto & Auto Components
- Information Technology
- Food & Refined Oil

A peek into 2026 – What could be in store?

- **Enforcement push to continue.** The CCI is entering its seventeenth year of enforcement and with the inquiries that have been initiated in 2025 along with the dawn raids carried out across sectors, 2026 will likely be another eventful year for the regulator's enforcement activity. Challenges before the High Courts may also witness further developments and potential regime-shaping outcomes.
- **Increasing regulatory overlap.** With the enactment of the DPD Act and the establishment of DPBI India's data protection regime is gaining steam. The NCLAT's ruling in the *Whatsapp* case has underscored the CCI's jurisdiction even in data protection related matters and with the advent of the DPD Act, there may be increasing overlap between competition and data protection regimes. The Kerala HC's *Jiostar* ruling, if upheld by the Supreme Court, could prove to be the North Star for determining jurisdiction in cases of regulatory overlaps.
- **Digital/ and emerging technology sectors may remain in the spotlight.** Stakeholder consultations and other developments concerning India's DCB may take further shape and galvanize India's push to bring in a framework for digital competition law. The CCI issued its market study report on "Artificial Intelligence and Competition" and the coming year may see the CCI examining practices of key Artificial Intelligence firms, similar to global scrutiny of such practices. The MCA's proposal for a detailed market study on the Indian DCB may address concerns of regulatory overreach that may potentially harm smaller firms and a revised DCB can be anticipated following this study.





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MARKET MATTERS – ANTITRUST BRIEF

DECEMBER 2025



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I. THE CCI FINDS WINE AND LIQUOR ASSOCIATIONS IN MAHARASHTRA GUILTY OF PRICE FIXING AND CONTROLLING SUPPLY

On December 11, 2025, the Competition Commission of India (CCI) found Maharashtra Wine Merchants Association (**Maharashtra Association**), Pune District Wine Merchants Association (**Pune Association**), and Association of Progressive Liquor Vendors (**Liquor Vendors Association**) (together, the '**Associations**'), to have contravened the Competition Act, 2002 (**Competition Act**) by (i) issuing circulars/ directives to their members (vendors/retailers) on prices, discounts, payment terms etc.; and (ii) requiring alco-beverage companies to obtain a 'no-objection' certificate (**NOC**) from the Associations before launching a new product. The CCI's inquiry was initiated following an information alleging, amongst others, cartelization among the Associations with respect to determination of retail margins, new product launching schemes, transport delivery terms, cash discounts rates, credit, mandatory launching fees etc. since 2014.

THE CCI'S FINDINGS

- ***The Associations influenced commercial terms for liquor procurement.*** The CCI noted that the Maharashtra Association issued letters of introduction (**LOIs**) applicable for a certain product, setting out commercial terms such as retail margins, discount structures, and launch schemes, which were required to be shared with the member retailers. The CCI also observed that the Pune Association actively circulated similar LOIs amongst its members. The Liquor Vendors Association was also noted to have pursued alco-beverage companies to revise the vendor retailer margins, on behalf of its member retailers. The CCI noted that through such practices, the Associations had restricted the independent decision making by retailers and alco-beverage companies.
- ***The Associations controlled the launch of new products.*** The CCI noted that the Maharashtra Association required alco-beverage companies to obtain NOC before launching new products in the market. The LOIs circulated by the Pune Association to its members also specified launch schemes and conditioned product launches on compliance with uniform terms. The Liquor Vendors Association was also noted to have imposed NOC requirements on alco-beverage companies for launching their products in specific areas and also setting out conditions for the launch of new products. The CCI noted that this practice of the Associations limited or controlled supply and market access to the alco-beverage companies.

NO MONETARY PENALTY, ONLY A 'CEASE AND DESIST' DIRECTION

The CCI directed the Associations and their identified individuals to 'cease and desist' from the anti-competitive conduct without imposing any monetary penalty, primarily considering that (i) the Maharashtra Association had discontinued its practices and had undertaken not to engage in the conduct in the future; (ii) the Associations were first time offenders; and (iii) a monetary penalty would affect the financial viability of the Associations and cause a discontinuation of welfare activities for small and vulnerable liquor retailers.

The order can be accessed [here](#).

BEYOND THE BRIEF

Under Section 27 of the Competition Act, the CCI has the discretion to impose a monetary penalty for a contravention along with other directions including 'cease and desist' directions. The CCI's discretion to impose a monetary penalty is central to effective market regulation. Indeed, it recognises that market correction does not always require the imposition of a monetary penalty and where the facts warrant, the CCI has refrained from doing so. In exercising its discretion, the CCI has considered case-specific relevant facts and circumstances to refrain from imposing a monetary penalty. Mitigating factors that have been previously considered by the CCI in exercising its discretion to not impose a monetary penalty illustratively include (i) penalties already imposed following a different inquiry for a similar period¹; (ii) economic hardship faced by micro, small and medium enterprises due to the COVID 19 pandemic²; (iii) welfare-oriented nature of certain activities undertaken by associations³. Moreover, the CCI is also guided by the CCI (Determination of Monetary Penalty) Guidelines, 2024 to consider mitigating factors such as the (i) duration of contravention; (ii) admission of contravention; (iii) extent of cooperation during investigation by the Director General (DG); (iv) implementation of an internal competition compliance program; (v) voluntary termination of alleged anti-competitive conduct under intimation to the CCI; etc. to determine the amount of penalty that may be imposed.

II. THE NCLAT CLARIFIES THE APPLICABILITY OF CERTAIN REMEDIES IMPOSED BY THE CCI ON WHATSAPP

On December 15, 2025, following an application by the CCI, the National Company Law Appellate Tribunal (**NCLAT**), clarified that WhatsApp LLC (**WhatsApp**) would have to comply with directions on providing users with an explanation on the data being shared with other Meta Platforms Inc. (**Meta**) group entities, user optionality for data sharing, and user choice for data shared with Meta group companies for *both* advertising and non-advertising purposes.

Through its judgment dated November 4, 2025 (**Judgment**), the NCLAT had set aside the CCI's direction prohibiting WhatsApp from sharing data with Meta group companies for advertising purposes for 5 (five) years. Along with this direction, the NCLAT had also set aside the portion of CCI's direction which required WhatsApp to comply with remedial directions on user optionality for data sharing and user choice with respect to data shared for advertising purposes. In this context, the CCI contended that the Judgment leads to a lack of clarity on whether remedial directions on providing users an explanation on data shared with other Meta group entities, user optionality for data sharing, and user choice would be applicable to data shared for advertising purposes as well (*please see our previous newsletter [here](#) for a complete coverage on the Judgment*).

¹ *In Re: Cartelisation in the supply of Protective Tubes to Indian Railways*, Suo Motu Case No. 06 of 2020; *In re: Cartelization in Tender No. 59 of 2014 of Pune Municipal Corporation for Solid Waste Processing*, Suo Motu Case No. 04 of 2016.

² *Mr. Rakesh Khare v. Krishna Engineering Works and Ors.*, Reference Case No. 02 of 2020; *Food Corporation of India v. Shivalik Agro Poly Products Ltd.*, Ref. Case No. 07 of 2018.

³ *Solar Life Sciences Medicare v. Chemist Association Raising Nagar and Ors.*, Case No. 20 of 2020.

THE NCLAT'S FINDINGS

- ***The NCLAT has the power of review.*** NCLAT rejected Meta and WhatsApp's contention that under the guise of obtaining a clarification, a review of the Judgment is being sought and that the NCLAT did not have such power of review. The NCLAT noted that even if clarifying the Judgment required undertaking a review, the NCLAT has the power under the Competition Act to review its own decisions⁴.
- ***Transparency and consent related remedies apply to data shared for both advertising and non-advertising purposes.*** The NCLAT noted that, as set out in the Judgment, the objective of the remedial directions is to remove exploitation and restore user choice by providing them with the right to decide which data is collected and the purpose and duration of such collection. The Judgment reasoned that any non-essential collection or cross-use of data (like advertising) must only be with express and revocable user consent. In this context, the NCLAT observed that setting aside the CCI's remedial direction (discussed above) resulted in a mismatch between NCLAT's reasoning on restoring user choice and inadvertently permitting data sharing for advertising purposes without following the remedial directions providing users an explanation on data shared with other Meta group entities, user optionality for data sharing, and user choice. The NCLAT clarified that directions on providing users an explanation on data shared with other Meta group entities, user optionality for data sharing, and user choice would apply for *both* data shared with Meta group companies for advertising and non-advertising purposes.
- ***Compliance timeline.*** The NCLAT allowed WhatsApp a period of three months to comply with these directions.

The order can be accessed [here](#).

III. THE KERALA HC DISMISSES JIOSTAR'S APPEAL, UPHOLDING THE CCI'S POWER TO DECIDE ITS OWN JURISDICTION

On December 3, 2025, a division bench of the High Court (HC) of Kerala dismissed an appeal filed by JioStar India Private Limited (**JioStar**) (formerly known as Star India Private Limited) against a single judge's decision that upheld the CCI's jurisdiction to examine allegations of abuse of dominant position, irrespective of the claimed applicability of the Telecom Regulatory Authority of India Act, 1997 (**TRAI Act**).

BACKGROUND

Initially, a complaint was filed before the CCI by Asianet Digital Network Private Limited (**Asianet**), a multi-system operator (**MSO**) providing digital TV services primarily in Kerala, alleging that JioStar, a broadcaster, had abused its dominant position by providing discriminatory discounting payments and preferential treatment to another MSO, Kerala Communicators Cable Limited (**Kerala Communicators**). In February 2022, through a *prima facie* order (**CCI Order**), the CCI directed an investigation into these allegations, which was challenged by JioStar before a single judge bench of the Kerala HC⁵.

⁴ Section 53-O(2)(f) of the Competition Act.

⁵ Prior to the challenge before the Kerala HC, JioStar had approached the Bombay HC which issued an interim direction restraining CCI from proceeding with its inquiry. Subsequently, the Bombay HC dismissed the challenge due to lack of territorial jurisdiction relegating the petitioner to the Kerala HC instead. The interim relief was continued by the single judge of the Kerala HC until the dismissal of the writ on May 28, 2025.

Through its judgment, the single judge of the Kerala HC noted that the Competition Act operates independent of the TRAI Act and merely because a violation of the TRAI Act and its regulations is involved, the CCI cannot be restrained from examining allegations of conduct. The single judge also noted that the Competition Act and the TRAI Act are both special legislations in their respective fields and even though there is an overlap between the functions of the TRAI and the CCI, the provisions of the Competition Act cannot be overridden. In appeal, the division bench upheld the order of the single judge.

KEY OBSERVATIONS BY THE DIVISION BENCH

- **The CCI is empowered to examine anti-competitive conduct irrespective of the applicability of the TRAI Act.**
 - ***The Competition Act is the “special” law governing anti-competitive behaviour.*** The division bench noted the different domains of the TRAI and the CCI under their respective parent enactments and observed that a legislation must be interpreted in the context of the subject matter at issue. As far as allegations of abuse of dominance are concerned, the Competition Act will be the special legislation prevailing over the TRAI Act. In the present matter, since the issues extend beyond violations under the TRAI Act and rules, the CCI would have the jurisdiction to examine those issues.
 - ***The Competition Act is not curtailed if there is a conflict with another law.*** The division bench also noted that considering the *non-obstante* clause under the Competition Act which provides that the Competition Act will have effect even in case of an overlap or inconsistency with provisions of another act, the Competition Act would take precedence in case of an overlap or inconsistency with any provision of the TRAI Act. If there is no inconsistency with another law such as the TRAI Act, then both such laws will continue to operate parallelly.
 - ***The Competition Act is a self-contained code.*** The Competition Act is a self-contained code empowered with a comprehensive investigative mechanism to curb anti-competitive activities across sectors. Therefore, the CCI's exercise of jurisdiction cannot be watered down by the existence of a sector-specific legislation such as the TRAI Act. With this in view, the division bench held that the Competition Act and the TRAI Act would operate in parallel and the complainant could not have been required to exhaust the remedy of approaching the TRAI before approaching the CCI.
- **The Supreme Court's *Bharti Airtel* judgment can be distinguished in the present matter.** In the *Bharti Airtel* case⁶, the Supreme Court had held that the TRAI, being the expert regulatory body governing the telecom sector, is empowered to examine jurisdictional facts first involving matters concerning issues such as reciprocal obligations of service providers and points of interconnection for access. Only after the jurisdictional facts are established first by the TRAI, the CCI could examine if the violations of TRAI Act read with relevant regulations resulted from an anti-competitive conduct. In other words, in the *Bharti Airtel* case, the Court pushed out CCI's power to intervene to a subsequent stage. The division bench noted two points of distinction from the *Bharti Airtel* case: (i) in that case, the TRAI was already seized of the dispute; and (ii) the dispute solely concerned the enforcement of licensing conditions that telecom companies were bound by. The division bench observed that if only the TRAI were allowed to exercise jurisdiction, to the exclusion of the CCI, in issues pertaining to the TRAI regulations, it would impact the parallel operation of the Competition Act. It reiterated that the Competition Act must be allowed complete operation, irrespective of any overlapping provisions under another act.

⁶ *CCI v. Bharti Airtel Limited*, (2019) 2 SCC 521.

With the above observations, the division bench directed the CCI to preliminarily decide the issue of its own jurisdiction and determine whether any issues must be raised before the TRAI first. The CCI has been allowed 8 weeks to decide this issue and pass a reasoned order.

A detailed summary of Single Bench's judgement can be accessed [here](#).

The order can be accessed [here](#).

BEYOND THE BRIEF

In Bharti Airtel, while the Supreme Court clearly held that the CCI is exclusively empowered to examine anti-competitive conduct and its jurisdiction cannot be ousted in disputes involving overlapping domains, it pushed out CCI's intervention to a subsequent stage. In the JioStar case, the Kerala HC has also clearly noted that the CCI has the exclusive domain to examine anti-competitive issues and nothing prevents parallel operation of the Competition Act. Therefore, to the limited extent as to the stage at which the CCI can intervene in matters concerning compliance with TRAI Act and relevant regulations which also raise competition concerns, there seems to be, arguably, some degree of variance in approach between the two decisions. Interestingly, in the recent Ericsson⁷ judgement, the Supreme Court, refused to set aside the Delhi HC's ruling, effectively upheld the operation of the Patents Act, 1970 over the Competition Act, in patent-related matters. Given these developments, it would be interesting to see how the Supreme Court considers this issue of overlapping jurisdictional domains, in a future challenge.

⁷ CCI v. Monsanto Holdings Pvt. Ltd., 2025 SCC OnLine SC 2329.

IN THE NEWS

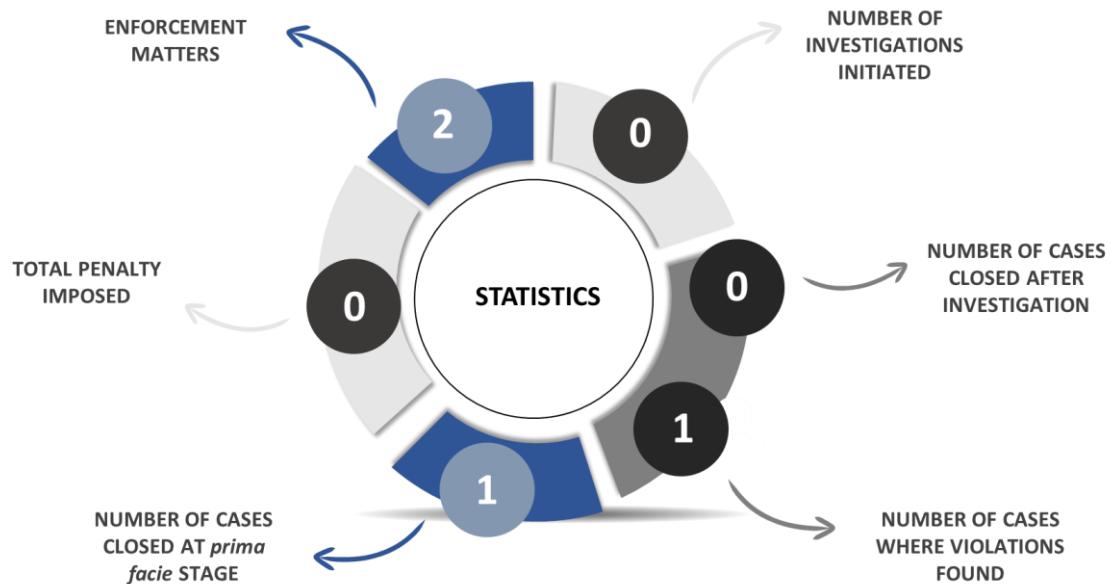
- The CCI is examining complaints of anti-competitive conduct by IndiGo following recent flight cancellations which caused widespread operational disruptions and surged airfares. The CCI's cognizance in the matter reportedly focuses on whether the airline abused its alleged dominant position in the domestic airline industry, by allegedly cancelling confirmed bookings only to offer the same seats at significantly higher prices.

The CCI's press release on taking cognizance of the alleged conduct can be accessed [here](#).

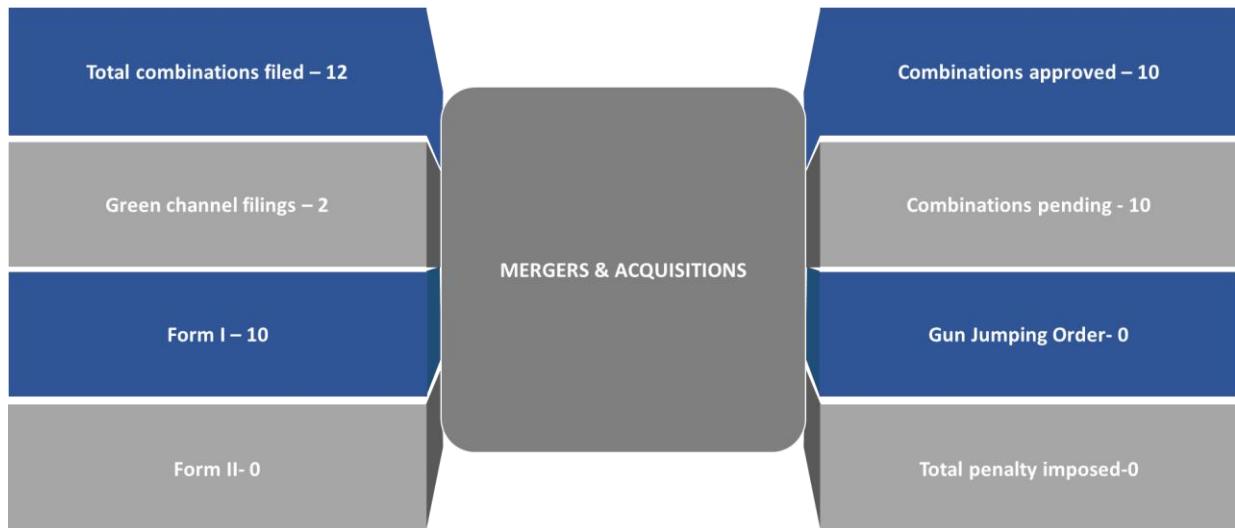
- Madison Communications Private Limited (**Madison**) filed a second writ petition before the Delhi HC challenging the constitutional validity of several provisions of the Competition Act and The CCI (General) Regulations, 2024 (**General Regulations**). Madison argued that the investigating powers cannot be delegated to the DG to include unnamed parties. The CCI must identify and form a *prima facie* opinion against specific, named parties, else the provisions should be declared unconstitutional. Madison also contested that the disciplinary powers conferred upon the CCI by the General Regulations effectively prohibits the witness from seeking legal assistance. The writ petition also challenged ongoing investigations against the advertising agencies for lacking transparency. The readers will recall, Madison filed the first writ petition in the Delhi HC in October 2025, questioning the DG's authority to include new parties in the investigation without prior approval from the CCI. The investigation, triggered by a leniency application from Dentsu, involves allegations of price coordination among major advertising agencies and broadcasters.



V. STATISTICS



MERGERS & ACQUISITIONS



We hope you have found this information useful. For any queries/clarifications please write to us at insights@elp-in.com

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