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PRACTICE  
ADVOCATES & SOLICITORS

# MARKET MATTERS – ANTITRUST BRIEF MARCH 2026



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## I. The CCI exonerates BookMyShow from abuse of dominance allegations, accepts conduct as commercially justified.

On March 12, 2026, the Competition Commission of India (CCI) dismissed allegations of abuse of dominance against Big Tree Entertainment that operates BookMyShow (BookMyShow), an online ticketing platform. Following an investigation by the Director General (DG), the CCI confirmed that BookMyShow holds a dominant position. However, the CCI held that BookMyShow's contested business practices, including exclusivity and seat reservations, were commercially justified and not anti-competitive in nature.

### Background.

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The case originated from a 2021 complaint by Showtyme (Informant), an online ticketing portal. The Informant alleged that BookMyShow utilized exclusive agreements and predatory financial arrangements with cinemas to foreclose its competitors and charge consumers exorbitant convenience fees.

The CCI, in its *prima facie* order identified “market for online intermediation services for booking of movie tickets in India” as the relevant market. It observed that along with a prominent market share in the relevant market, BookMyShow's ability to enter into exclusive agreements signifies its position of strength. It noted that BookMyShow had entered into exclusivity agreements with cinemas/ multiplexes across India which prevented the Informant from offering similar services to such cinemas, thus denying market access. Consequently, the CCI ordered the DG to investigate the matter.

### The DG's findings.

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On November 23, 2023, the DG concluded that BookMyShow was dominant in the relevant market, and has indulged in the following abusive practices:

- **Seat reservation.** By mandating single-screen cinemas to reserve a portion of inventory exclusively, BookMyShow restricted cross-platform availability.
- **Data exclusivity.** By sharing full customer data with major multiplex chains but providing only hashed or restricted data to single-screens, BookMyShow prevented smaller theaters from effectively targeting customers.
- **Revenue discrimination.** By offering lower convenience fee shares to smaller cinemas without objective cost justifications, BookMyShow discriminated against them in favour of multiplex chains.
- **Exclusive agreements foreclosing competitors.** By using long-term exclusive agreements and interest-free security deposits to “lock-in” cinemas, BookMyShow created significant entry barriers for new aggregators.

### The CCI's conclusion.

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The CCI concurred with the DG's delineation of relevant market and finding of dominance but disagreed with the finding of abuse while making the following observations:

- **Box office and online intermediaries are not substitutable.** Online ticketing apps offer unique benefits to consumers such as the convenience of comparing show times across multiple cinemas simultaneously, diverse payment options, cancellation features, and promotional offers which make online movie ticketing a distinctly separate market from traditional offline sales. The CCI, therefore, accepted the DG’s market definition as the “*market for online intermediation services for booking of movie tickets in India*”.
- **BookMyShow’s dominance.** BookMyShow’s sustained market share, scale of operations, economic strength and presence over time, and strong network of users and cinema partners indicate that BookMyShow holds a dominant position in the relevant market. The CCI noted that this dominance is, however, tempered by commercial dependence on cinemas and sustained presence of competitors in the market.
- **Reservation of seats is commercially justified.** The reservation of seats for BookMyShow is a practical necessity and not an unfair restriction. In smaller cities where cinemas lack real-time digital integration, reserving a specific number of seats temporarily prevents double-booking of the same seat through BookMyShow and box-office.
- **Data sharing policies are not discriminatory.** BookMyShow’s data sharing policies are not discriminatory as they are based on technical differences. Multiplexes and single-screen cinemas have very different infrastructure and technical abilities to handle customer data securely. The CCI noted that provisions of abuse of dominance under the Competition Act, 2002 (**Competition Act**) prohibit unequal treatment only among like entities and since multiplexes and single-screen cinemas are not on the same footing technically, applying different data-sharing rules is fair.
- **Variable convenience fees are not exploitative.** Sharing different amounts of convenience fees with different cinemas is driven by standard commercial realities. These variations are based on factors, including the cinema's scale, operating costs, and marketing needs.
- **Exclusivity clauses do not foreclose the market.** Agreements with lock-in periods act as capital protection and do not block competitors. These lock-in periods are directly tied to the financial advances and security deposits BookMyShow provides to cinemas. This ensures the platform has a reasonable opportunity to recover its financial investment. The continued growth of rivals like Paytm and Zomato proves the market remains contestable.

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

#### BEYOND THE BRIEF

In this case, in light of the commercial justifications offered by BookMyShow for its conduct, the CCI exonerated BookMyShow which had a significant market share (70-80%, as per the *prima facie* order). This analysis of commercial justifications is crucial to adjudicate whether there are objective reasons for alleged abusive conduct and ultimately decide whether there was adverse impact on the competition. In a recent case, *Matrix Info Systems*

*Pvt. Ltd. And Intel Corporation*,<sup>1</sup> the CCI had factored the justifications offered by Intel but disagreed on their objectivity and found its conduct to be abusive since it eliminated price competition.

The CCI's approach of weighing objective considerations and analyzing the effect on competition is also in line with the Supreme Court ruling in *CCI v. Schott Glass India*<sup>2</sup> where it held that the CCI must assess commercial justifications offered by a dominant entity and undertake an effects-based analysis before arriving at a finding of abuse.

A detailed summary of the CCI order in *Matrix Info Systems Pvt. Ltd. And Intel Corporation* can be accessed [here](#), and of the Supreme Court judgement in *CCI v. Schott Glass* [here](#).

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<sup>1</sup> *Matrix Info Systems Pvt. Ltd. And Intel Corporation*, Case No. 05 of 2019.

<sup>2</sup> *Competition Commission of India v. Schott Glass India (P) Ltd.*, 2025 SCC OnLine SC 1097.

## II. Delhi HC dismisses a challenge to CCI’s condonation of delay in a cartel investigation order.

On February 23, 2026, the Delhi High Court (**HC**) dismissed a writ petition filed by International Flavors and Fragrances (**IFF**) challenging a CCI order which condoned a delay in filing of a lesser penalty application filed beyond the three-year limitation provided under the Competition Act. The lesser penalty application was filed before the CCI, following search and seizure operations by competition authorities in other jurisdictions. Based on this application, the CCI initiated an investigation into allegations pertaining to labour related coordination amongst certain fragrance manufacturers in India, including IFF. The CCI condoned the delay in the filing of the leniency application since it had sufficient grounds to believe that there is a continuing cause of action as alleged conduct may still be going on.

**Maintainability of the challenge.** IFF argued that a decision condoning the breach of the statutory three-year period limitation also decided substantive rights of the parties and it should not have been based on merits of the case. While the Delhi HC accepted the submission, it held that a *prima facie* order initiating an investigation is an administrative order and that the general principles of limitation may not have a direct bearing at this stage where no adverse order has been passed against IFF.

**Sufficient cause for condonation of delay.** The Delhi HC noted that the CCI considered the justification for delay in filing by the lesser penalty applicant and that the alleged coordination “*may*” still be continuing making the cause of action persisting. Moreover, the Delhi HC noted that the CCI is an expert body and it condoned the delay in light of this justification while being fully aware of the three-year limitation period.

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

### BEYOND THE BRIEF

The Competition (Amendment) Act, 2023 introduced, among other things, a limitation on the CCI from entertaining an information or a reference after three years from the date of cause of action, unless it decides to condone such delay for a sufficient cause. Since the amendment, there seem to be only two other cases where the ground of limitation was invoked. In *Mr. Rajesh George v. Honda Motorcycle & Scooter India*<sup>3</sup>, the CCI did not find sufficient cause to condone a delay, yet it examined the allegations on merits and subsequently dismissed the information at the *prima facie* stage due to absence of any anti-competitive conduct. In the other case, namely, *Fight Against Corruption (NGO) & Anr. v. Airports Authority of India & Ors.*<sup>4</sup>, while one of the opposite parties argued that the information was barred by limitation, the CCI still examined the allegations on merits and subsequently dismissed it at the *prima facie* stage as well.

The CCI has not dismissed any information solely because it was filed after the limitation period, *i.e.*, 3 years and assessed whether *prima facie* there is an anti-competitive conduct. This signifies a liberal approach as the CCI seemingly has not mechanically dismissed information that breaches the limitation period but condoned the delay.

<sup>3</sup> *Mr. Rajesh George v. Honda Motorcycle & Scooter India Pvt. Ltd.*, Case No. 16 of 2024.

<sup>4</sup> *Fight Against Corruption (NGO) & Anr. v. Airports Authority of India & Ors.*, Case No. 12 of 2024.

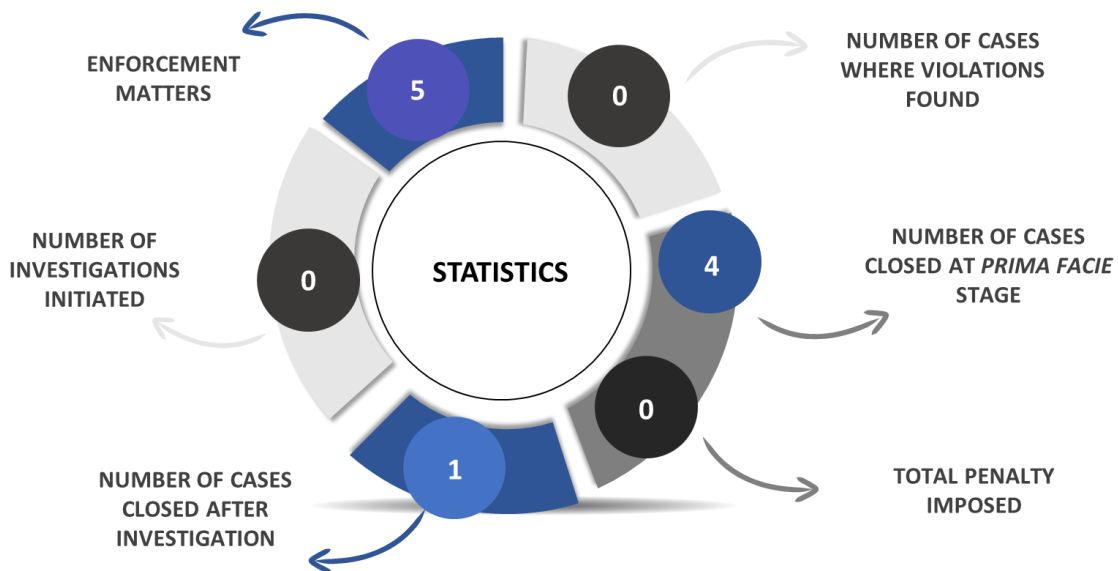
# IN THE NEWS

- On March 18 and 20, 2026, the Delhi HC heard arguments regarding the constitutional validity of the Competition Commission of India (General Regulations), 2024 (**General Regulations**). The Oil and Natural Gas Corporation (**ONGC**) filed a complaint before the CCI in 2023, alleging anti-competitive practices regarding procurement tenders for seamless pipes. In September 2025, the CCI conducted raids on major steel pipe manufacturers like Jindal Saw, Welspun, and Maharashtra Seamless and subsequently summoned their officials in January 2026, prompting the companies to challenge the legality of the raids and the constitutional validity of the General Regulations before the Delhi HC.

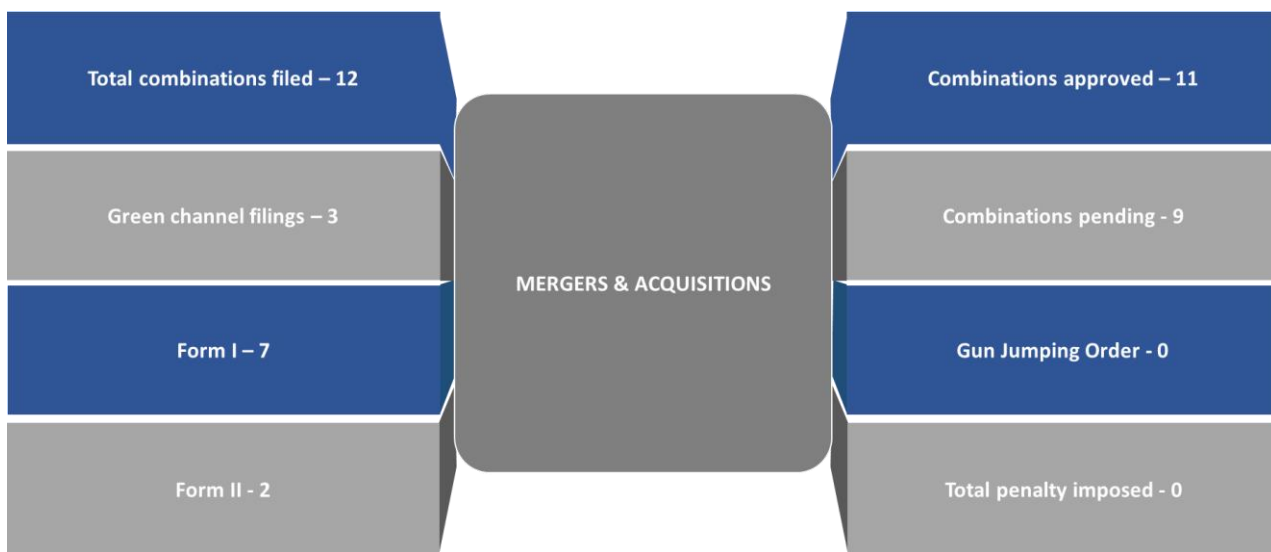
On behalf of the petitioners, it was argued that Regulations 46 and 47 of General Regulations which allow the CCI to debar advocates and define misconduct are in excess of the power delegated under the Competition Act and the Advocates Act, 1961 as the power to discipline legal professionals' rests exclusively with Bar Councils. The submissions highlighted that Section 36 of the Competition Act only permits the CCI to determine its own procedure and does not grant substantive power to regulate or punish advocates, further asserting that the General Regulations have a chilling effect on a lawyer's ability to appropriately represent a client. With the Delhi HC focusing on whether the CCI has overstepped its legislative mandate, the matter is now scheduled for further arguments on April 6, 2026.

- On March 16, 2026, the CCI hosted its 11th National Conference on Economics of Competition Law, focusing on the intersection of market regulation, digital economies, and emerging technologies. The NITI Aayog Member Mr. Rajiv Gauba delivered the keynote address, emphasizing the necessity of robust competition policies to prevent market monopolies, regulate artificial intelligence (**AI**) risks, and support the vision of Viksit Bharat 2047 through open, contestable markets. The CCI Chairperson Ms. Ravneet Kaur highlighted the CCI's recent operational milestones, including the implementation of the Competition (Amendment) Act, 2023, processing the first settlement proposal in the Android Smart TV in 2025, and proactively issuing guidelines for preventing anti-competitive outcomes of AI applications. The event also featured technical and plenary sessions exploring firm conduct, consumer welfare, and the broader business impact of AI.
- On March 11, 2026, the Standing Committee on Finance in its thirty-first report on 'Demands for Grants (2026-27)' (**Report**) made the following key recommendations:
  - **Introduction of the DCB should be expedited.** The Report stated that the pendency of the Digital Competition Bill (**DCB**) leaves a critical regulatory gap at a time when digital markets are expanding rapidly. It strongly recommended that the Ministry of Corporate Affairs should expedite the introduction of the DCB.
  - **CCI vacancies should be filled expeditiously.** While the CCI has proactively recruited economists and data analysts, it continues to operate with only 117 of 195 sanctioned posts which limits its capacity to monitor and enforce competition law, especially in the digital and duopolistic sectors. The Report recommended that the vacant capacity should be expeditiously filled with a particular focus on the Digital Markets Division within the CCI.
  - **Monitoring of concentrated markets should be intensified.** The report also recommended that the CCI should intensify its proactive monitoring of duopolistic and high concentration sectors across the economy, covering both traditional and digital markets. The report recommended that the CCI should undertake regular market studies, competition risk assessments, and supplement these efforts with stronger coordination with sectoral regulators.

## IV. STATISTICS



### MERGERS & ACQUISITIONS



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

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