



Luthra and Luthra
LAW OFFICES INDIA

COMPETITION LAW ALERT

APRIL EDITION

INSIDE

- **CCI orders probe into alleged abuse of dominance by TASMAC in Tamil Nadu Beer Market**
- **CCI dismisses allegations of bid rigging and collusion in toolkit procurement under the Pradhan Mantri Vishwakarma Yojana**
- **CCI dismisses abuse of dominance allegations against Delhi Airport Operators**
- **NCLAT Upholds CCI's Findings Against Google, Reduces Penalty**
- **CCI launches dawn raids on GroupM, Dentsu, IBDF & Interpublic group**
- **CCI approves acquisition of Ayana Renewable Power by ONGC NTPC Green**
- **CCI Approves Acquisition of Uprising Science by Hindustan Unilever**
- **CCI Approves Acquisition of Up to 72.8% Stake in Orient Cement by Ambuja Cements**
- **National Conference on Economics of Competition Law 2025 organized by CCI**



As we dive into the April Edition of our Competition Law Newsletter, we are thrilled to connect with you once again. This month we have curated a blend of exciting updates and noteworthy CCI Orders that happened last month.

CCI orders probe into alleged abuse of dominance by TASMAL in Tamil Nadu Beer Market

The Competition Commission of India (“**CCI**”) vide order dated [25.03.2025](#) passed under Section 26(1) of the Competition Act, 2002 (“**Act**”) directed the Director General (“**DG**”) to investigate the conduct of Tamil Nadu State Marketing Corporation Limited (“**TASMAL**”) for abuse of dominance in violation of Section 4 of the Act. The order stems from an Information filed by Mr. Chakra R Prabhakaran (“**Informant**”).

It is alleged that TASMAL holds exclusive rights to sell alcohol across Tamil Nadu through over 5,000 retail outlets. The Informant alleged that TASMAL selectively promotes specific beer brands—such as “SNJ 10000” and “British Empire”—produced by particular breweries, while limiting the availability of other competing brands. This, according to the Informant, creates an anti-competitive market and restricts fair market access.

The CCI observed that the data submitted by TASMAL revealed a significant concentration in its procurement pattern, with a few brands dominating sales and widely recognized brands having minimal market presence. The CCI found *prima facie* merit in the allegations that the conduct of TASMAL violates Section 4(2)(c) of the Act by limiting market access to competing beer producers and directed the DG to carry out a detailed investigation into the conduct of TASMAL.

CCI dismisses allegations of bid rigging and collusion in toolkit procurement under the Pradhan Mantri Vishwakarma Yojana

The CCI vide order [03.03.2025](#) dismissed an information filed by Shri Kuldeep Singh Mahendrasinh Jadeja against Pragyawan Technologies Pvt. Ltd. (“**OP-1**”), KLN Engineering Pvt. Ltd. (“**OP-2**”), the Ministry of Micro, Small and Medium Enterprises (“**OP-3**”), the National Small Industries Corporation Ltd. (“**OP-4**”), and the Government e-Marketplace (GeM) (“**OP-5**”) for alleged violation of Section 3 of the Act.

The Informant contended that OP-1 and OP-2 had engaged in cartelization, bid-rigging, and collusive bidding in response to Request for Proposals (“**RFPs**”) in connection with tenders floated by OP-4, and further alleged complicity on the part of OP-3 and OP-4 in relaxing eligibility criteria to favor OP-1.



Specifically, the Informant claimed that the RFPs were not published on the GeM Portal, in violation of the General Financial Rules, 2017 and the Manual for Procurement of Works, 2022. It was alleged that in all of the non-cancelled tenders, OP-1 emerged as L1 whereas OP-2 consistently emerged as a mere contestant in the bidding process, never proceeding to win the bid. As per the Informant, this clearly indicates that OP-1 and OP-2 were acting collusively, and OP-2 was giving a supporting bid in all these RFPs.

Upon evaluation, the CCI noted that OP-1 had indeed been declared technically qualified in several RFPs but was not the L1 bidder in any of the tenders where financial evaluation had been completed and results declared. The CCI further observed that there was no material on record indicating any coordination or collusive arrangement between OP-1 and OP-2. Both companies were found to be independent entities with no shared directors, key managerial personnel, or overlapping ownership structures. Consequently, the CCI found no *prima facie* evidence of a contravention of Section 3(3) and ordered closure of the matter under Section 26(2) of the Act.

CCI dismisses abuse of dominance allegations against Delhi Airport Operators

The CCI vide order dated [06.03.2025](#) dismissed the information filed against Zomato for alleged violation of Section 4 for the Act.

The Informant alleged that Zomato's app operates through a multi-step process, beginning with the consumer placing an order, selecting a restaurant, making a payment, and then receiving delivery through Zomato's partners. According to the Informant, the prices charged by Zomato are typically 20-30% higher than the prices at the restaurants, and the app does not display the actual restaurant prices on the food packaging, preventing consumers from knowing how much they are overcharged.

Additionally, the Informant claimed that Zomato fails to take responsibility for food quality, delivery issues, warranties, or customer complaints, instead redirecting them to the restaurants. The Informant argued that, as the seller under the Sale of Goods Act, 1930, Zomato should be responsible for these issues. The Informant also raised concerns about Zomato levying undisclosed extra charges, such as platform fees, delivery charges, packing charges, donations, and tips, which are automatically added by default without an option for consumers to opt out.

Furthermore, the Informant alleged that Zomato operates in a duopoly with another similar company, leading to monopolistic pricing. The Informant also pointed out that Zomato raised its platform fee from Rs. 5 to Rs. 6 without any noticeable improvements in app features or the overall consumer experience.

After considering the above allegations, the CCI noted that the Informant did not cite any specific violation under the Act, and no evidence regarding market competition was provided. Additionally, concerns about mandatory tipping, food edibility, and non-disclosure of prices were



found not to raise competition issues. Accordingly, the CCI concluded that there was no *prima facie* case and closed the matter.

NCLAT Upholds CCI's Findings Against Google, Reduces Penalty

The National Company Law Appellate Tribunal (“**NCLAT**”) vide order dated [28.03.2025](#) upheld most of the CCI’s findings against Google for abusing its dominant position but reduced the amount of monetary penalty imposed on Google’s parent company, Alphabet Inc., to Rs. 216.69 crore from Rs. 936.44 crore.

The NCLAT ruled that Google imposed unfair conditions on app developers by mandating the use of the Google Play Billing System (“**GPBS**”) for in-app and app purchases. It upheld CCI's decision that Google distorted competition by favoring Google Pay over other UPI apps in the Android and Play Store ecosystem. Additionally, it was held that Google must allow developers to use third-party payment systems and cannot prevent them from promoting their apps outside the Google Play ecosystem. Further, Google was also prohibited from discriminating against competing UPI apps or limiting user access to developer features.

However, the NCLAT overturned certain CCI directives, including the claim that Google denied market access to rival payment processors and engaged in discriminatory pricing by exempting its own apps like YouTube from the 15-30% fee charged to developers. The penalty reduction was based on recalculating the fine on Google's Play Store-related revenue rather than its total India revenue.

CCI launches dawn raids on GroupM, Dentsu, IBDF & Interpublic group

On 18, March 2025, the [CCI conducted surprise dawn raids](#) on several leading advertising and media buying agencies, including GroupM, Dentsu, Madison, and Interpublic Group, as a part of an investigation into alleged price collusion and anti-competitive practices within the media buying ecosystem. The offices of key industry bodies such as Advertising Agencies Association of India (“**AAAI**”), the Indian Broadcasting and Digital Foundation (“**IBDF**”), and the Indian Society of Advertisers (“**ISA**”) were also searched. The CCI is investigating claims that these entities engaged in fixing advertising rates and operating opaque rebate and incentive structures, which may have distorted competition and created an uneven playing field for smaller market participants. The raids mark a significant development in the CCI’s scrutiny of the advertising sector, with a focus on enhancing market transparency and fairness.



CCI approves acquisition of Ayana Renewable Power by ONGC NTPC Green

The CCI on [11.03.2025](#) has approved the proposed combination involving the acquisition of 100% equity share capital of Ayana Renewable Power Private Limited ("**Target**") by ONGC NTPC Green Private Limited ("**Acquirer**").

The Acquirer is a joint venture between ONGC Green Limited and NTPC Green Energy Limited, which are wholly owned subsidiaries of Oil and Natural Gas Corporation Limited (ONGC) and NTPC Limited, respectively. Currently, the Acquirer is not engaged in any business activities. The Target, along with its affiliates, is involved in the power sector, specifically in the generation of power through renewable sources and the transmission of power in India.

CCI Approves Acquisition of Uprising Science by Hindustan Unilever

The CCI on [17.03.2025](#) approved the proposed acquisition of 90.5% shareholding in Uprising Science Private Limited ("**Target**") by Hindustan Unilever Limited ("**HUL**"), with the remaining 9.5% shareholding to be acquired in approximately two years, as per the Share Purchase & Subscription Agreement between the parties.

HUL, a leading company in the manufacture and sale of home care, beauty & personal care, and food products, owns over 50 brands including Lux, Surf Excel, and Knorr. The Target specializes in beauty and personal care products, including skincare, body care, baby care, and hair care items.

CCI Approves Acquisition of Up to 72.8% Stake in Orient Cement by Ambuja Cements

The CCI on [17.03.2025](#) approved the proposed acquisition by Ambuja Cements Limited (Acquirer) of up to 72.8% shareholding in Orient Cement Limited (Target). The transaction will take place in two steps. In the first step, Ambuja Cements will acquire 46.80% of the issued share capital of Orient Cement, including 37.90% held by the current Promoter and Promoter Group and 8.90% from certain public shareholders.

The second step of the transaction triggers an obligation on Ambuja Cements to make an open offer under the Securities and Exchange Board of India (Substantial Acquisition of Shares and Takeovers) Regulations, 2011. This open offer aims to acquire up to 26% of the expanded share capital of Orient Cement. Assuming full acceptance of the open offer, Ambuja Cements' total shareholding in Orient Cement will reach 72.8%.

Both companies are involved in the manufacture of grey cement, including Ordinary Portland Cement and Pozzolona Portland Cement. Ambuja Cements operates 22 integrated cement plants



across India, along with several grinding units, while Orient Cement has three manufacturing facilities in Telangana, Karnataka, and Maharashtra.

National Conference on Economics of Competition Law 2025 organized by CCI

The 10th National Conference on Economics of Competition Law, organized by the CCI on March 16, 2025, in New Delhi, brought together scholars, policymakers, and legal experts to explore the evolving landscape of competition law in the digital era. The conference was inaugurated by Shri Harsh Malhotra, Minister of State for Corporate Affairs, who emphasized the critical role of competition policy in supporting MSMEs and ensuring fair market practices. CCI Chairperson Smt. Ravneet Kaur highlighted the challenges posed by technological advancements such as AI and algorithmic collusion, stressing the importance of innovation-friendly regulation. Technical sessions addressed topics like the impact of digital markets and mergers on competition, while a plenary discussion focused on new trust-based mechanisms like settlements and commitments aimed at expediting market corrections.



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.

KEY CONTACTS



G.R. BHATIA
Partner
Email - GBhatia@luthra.com



ARJUN NIHAL SINGH
Partner
Email - ansingh@luthra.com



MANAV GUPTA
Associate
Email - manavg@luthra.com



SANYAM JUNEJA
Associate
Email - sjuneja@luthra.com



NEW DELHI
1st and 9th Floors, Ashoka Estate,
24 Barakhamba Road, New Delhi - 110 001
T: +91 11 4121 5100 F: +91 11 2372 3909
E: delhi@luthra.com



MUMBAI
20th Floor, Indiabulls Finance Center,
Tower 2 Unit A2, Elphinstone Road,
Senapati Bapat Marg, Mumbai - 400 013
T: +91 22 4354 7000
F: +91 22 6630 3700
E: mumbai@luthra.com



BENGALURU
3rd Floor, Onyx Centre, No. 5, Museum Road,
Bengaluru - 560 001
T: +91 80 4112 2800 / +91 80 4165 9245
F: +91 80 4112 2332
E: bengaluru@luthra.com



HYDERABAD
Serene Towers,
House No. 8-2-623/A,
Road No. 10, Banjara Hills,
Hyderabad, Telangana - 500034
T: +91 40 7969 6162
E: hyderabad@luthra.com



CHENNAI
Prestige Palladium Bayan,
8th Floor, Greams Road, Nungambakkam Division,
Egmore, Chennai - 600 006,
Tamil Nadu
T: +91 95604 88155
E: chennai@luthra.com