



## JSA Newsletter Competition Law

April 2024

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## Delhi High Court

### Delhi High Court sets aside CCI order directing Geep Industries to pay interest on penalty amount

The Delhi High Court (“DHC”) by way of its judgement dated April 26, 2024 held that interest on penalty amount cannot be levied by the Competition Commission of India (“CCI”) in derogation to the procedure laid down in the Competition Commission of India (Manner of Recovery of Monetary Penalty) Regulations, 2011 (“**Penalty Recovery Regulations**”).

#### Brief Background

On August 30, 2018, the CCI found Geep Industries (India) Private Limited (“**Geep Industries**”) and Panasonic Energy India Co. Ltd. (“**Panasonic**”), guilty of indulging in cartelisation, in contravention of Section 3(3) of the Competition Act, 2002 (“**Competition Act**”). While the CCI granted 100% immunity to Panasonic and its office bearers for disclosing the existence of the cartel under the leniency regulations, it imposed a penalty @: (a) 4% of Geep Industries’ turnover for each year of the continuance of the cartel; and (b) 10% of the average income of Geep Industries’ office bearers (“**CCI Order**”). For a detailed summary of the CCI Order, refer to [JSA Newsletter of August 2018](#).

Aggrieved, Geep Industries challenged the CCI Order before the National Company Law Appellate Tribunal (“**NCLAT**”). On March 31, 2023, the NCLAT upheld the CCI Order to the extent that Geep Industries was guilty of indulging in cartelisation (“**NCLAT Judgment**”). However, it reduced the penalty from 4% to 1% of Geep Industries’ turnover. For a detailed summary of the NCLAT Judgment, refer to the [JSA Newsletter of April 2023](#).

Pursuant to the NCLAT Judgment, the CCI issued a demand notice to Geep Industries to deposit the penalty amount along with simple interest for every month commencing from December 10, 2018, till the penalty amount is paid (“**Interest**”). Geep Industries requested the CCI to withdraw the demand notice to the extent it directs it to pay the Interest and if the penalty amount can be paid in instalments, which was rejected by the CCI by order dated July 18, 2023 (“**Rejection Order**”).

#### Proceedings before the DHC

Aggrieved, Geep Industries filed a writ petition before the DHC challenging the Rejection Order to the extent that the CCI failed to follow the procedure prescribed under the Penalty Recovery Regulations for imposition of interest on the penalty amount. As per the Penalty Recovery Regulations, a party is only liable to pay interest on the penalty amount if it fails to deposit the penalty amount pursuant to a demand notice issued by the CCI.

In the instant case, the CCI issued a demand notice to Geep Industries after the NCLAT Judgment i.e., after March 31, 2023, and directed Geep Industries to pay the Interest starting December 10, 2018 till the penalty amount is paid. Geep Industries argued that, for any interest to be accrued, the CCI ought to have issued the demand notice after the expiry of the time period mentioned in the CCI Order. Since the CCI failed to follow the procedure, it does not have the authority to direct Geep Industries to pay the Interest.

The DHC *inter alia* held that the procedure prescribed under the Penalty Recovery Regulations is mandatory and the interest can only be levied on the party if the said procedure is followed by the CCI. Hence, the DHC set aside the Rejection Order.

*(Source: DHC Judgment dated April 26, 2024)*

## National Company Law Appellate Tribunal

### NCLAT reduces penalty imposed on Godrej and Boyce by the CCI for indulging in cartelisation

The NCLAT disposed of the appeal filed by Godrej & Boyce Manufacturing Co Ltd (“**Godrej**”) by reducing the penalty imposed on it by the CCI, for indulging in cartelisation, in contravention of Section 3(3) of the Competition Act.

## Background

On [January 15, 2019](#), the CCI passed a final order ("**CCI Order**") against Godrej and Panasonic for indulging in cartelisation, in contravention of Section 3(3) of the Competition Act ("**Cartel**"). While the CCI granted 100% immunity to Panasonic including its office bearers for disclosing the existence of the Cartel under the leniency regulations, it imposed a penalty @: (a) 4% of Godrej's turnover for each year of the continuance of the Cartel; and (b) 10% of the average income of Godrej's office bearers earned during the preceding 3 (three) financial years. For a detailed summary of the CCI Order, refer to [JSA Newsletter of January 2018](#).

## NCLAT Observations

Aggrieved, in 2019, Godrej and its office bearers challenged the CCI Order before the NCLAT, which was stayed by NCLAT upon Godrej depositing 10% of the penalty to the NCLAT.

Subsequently, Godrej submitted to the NCLAT that the appeal has been pending since 2019 and the interest payable on the penalty amount is mounting (i.e., interest @1.5% for every month commencing from the date on which the demand notice was served and ending on the date on which the penalty amount is paid). Thus, it sought to withdraw its appeal, deposit the penalty amount with the CCI and get a waiver of interest payable on the penalty amount. However, if the NCLAT was not inclined to waive the interest, Godrej sought a reduction in penalty as 4% of Godrej's turnover for each year of the continuance of the Cartel was high.

The NCLAT *inter alia* relied on its earlier decision involving the co-accused in the Cartel i.e., Geep Industries<sup>1</sup>, where the NCLAT reduced the penalty imposed on it from 4% to 1% of the turnover for each year for the continuance of the Cartel. The NCLAT *inter alia* held that Godrej, like Geep Industries was a small player in the market with no ability to influence competition. Further, Godrej's turnover in relation to the dry cell batteries was quite low and it in fact suffered losses, contrary to Geep Industries. Hence, the NCLAT decided to reduce the penalty imposed on Godrej from 4% to 2% of its turnover. It didn't modify the penalty amount imposed on the office bearers of Godrej.

The NCLAT further clarified that: (a) the pendency of an appeal and continuation of a stay, is not a ground for waiver of interest on the penalty amount; and (b) the penalty reduced is considering the peculiar facts of this case and should not be treated as a precedent.

Accordingly, the NCLAT disposed of the appeal.

(Source: NCLAT Order dated April 5, 2024)

## Competition Commission of India

### Enforcement

### CCI dismisses case against Covai Property and Ozone Urbana for indulging in alleged anti-competitive practices

The CCI received a complaint against Covai Property Centre (India) Private Limited ("**Covai Property**"), Covai Senior Citizen Services Private Limited ("**Covai Services**") and Ozone Urbana Infra Developers Private Limited ("**Ozone**") for violation of Section 3(4) and Section 4 of the Competition Act dealing with anti-competitive agreements and abuse of dominant position, respectively.

The complainant, Mr. Buchi Ramarao Valury, a senior citizen residing in 'Urbana Irene' developed by Ozone. Covai Property provides consultancy services and care to senior citizens in terms of designing, building and operating retirement communities. Covai Services is the authorised service provider for Urbana Irene.

The complainant *inter alia* alleged that: (a) he has been forced to accept catering and housekeeping services provided by Covai Services and could not choose any other service provider; (b) Covai Property determines the total

<sup>1</sup> Ms Pushpa M Vs CCI, Competition Appeal (AT) No. 87 of 2018

maintenance and service charges and unilaterally changed allotment of housekeeping staff and increased monthly maintenance charges.

The CCI defined the market as “*the market for provision of services for development and sale of apartment to cater to the needs of senior citizens in Bangalore Metropolitan Region*” and *inter alia* noted that: (a) as per its brochure, Urbana Irene offers amenities and is a residential complex specifically designed for senior citizens, which is a niche emerging market. Senior citizens, unlike the younger population require certain amenities<sup>2</sup>, which differentiates such apartments from regular apartments meant for the younger population. However, apart from Ozone, there are many other real estate developers offering development and sale of apartments catering to the needs of senior citizens, which impose competitive concerns on Ozone. Therefore, Ozone is not dominant in the relevant market. Absent dominance, there is no question of abuse of dominance.

On imposition of vertical restraints, the CCI noted that the relevant entities must operate at different levels of the supply/production chain. In the present case, given that the sale and service agreements are between an ‘enterprise’, (i.e., Ozone) and the end customer, the same is not covered within the ambit of a vertical agreement under Section 3(4) of the Competition Act.

Accordingly, the CCI dismissed the case.

(Source: CCI Order dated April 5, 2024)

## CCI dismisses case against NABL for indulging in alleged anti-competitive practices

The CCI received a complaint against National Accreditation Board for Testing and Calibration Laboratories (“NABL”), for indulging in alleged anti-competitive practices, in violation of Sections 3 and 4 of the Competition Act.

The complainant<sup>3</sup> *inter alia* alleged that NABL abused its dominant position by issuing a circular through which it directed testing laboratories which are constituted as sole proprietorships to convert themselves to one person company or limited liability partnership or company or society/ trust etc. (referred to as the ‘Circular’). The said circular is in favour of big players as most of the testing laboratories in India are sole proprietorships and therefore, forcing them to get registered as a company which requires complex regulatory compliances, would be commercially unviable for them.

The CCI *inter alia* noted that the Circular was challenged before the CCI in another case as well<sup>4</sup> where the CCI held that the Circular is merely mandating a structure which testing laboratories have to follow in order to receive accreditation from NABL and thus closed the case. In the present case, the CCI held that there is no reason to deviate from the previous order.

Accordingly, the CCI dismissed the case.

(Source: CCI Order dated April 5, 2024)

## Merger Control

### CCI approves 11 (eleven) combinations in the month of April 2024; detailed approval orders to be published

1. acquisition of shareholding of Max Life Insurance Company Limited by Axis Bank Limited;
2. acquisition of shareholding of Pritam International Private Limited by HCL Corporation Private Limited, India Advantage Fund and others;
3. acquisition of shareholding of Sharekhan Limited and Human Value Developers Private Limited by Mirae Asset Capital Markets (India) Private Limited and Mirae Asset Securities Co. Limited;

<sup>2</sup> Such as 24x7 medical emergency facility, food facility/community kitchen, geriatric gyms, community living concept, availability of nurse/paramedics on call, tie-up with hospitals, physiotherapy service, 24x7 housekeeping and ambulance service, senior friendly infrastructure *etc.*

<sup>3</sup> Association of Indian Laboratories.

<sup>4</sup> Prem Prakash And National Accreditation Board for Testing and Calibration Laboratories & Others (Case No. 12 of 2023)

4. acquisition of shareholding of Annapurna Finance Private Limited and subscription to its certain debentures by Piramal Alternatives Trust;
5. acquisition of shareholding of NFCL Assets and shareholding of ZeroC by AMG India;
6. acquisition of shareholding of Northern Arc Capital Limited by International Finance Corporation;
7. acquisition of shareholding of MG Motor India Private Limited by IndoEdge India Fund;
8. acquisition of additional shareholding of Thyssenkrupp Industries India Private Limited by Protos Engineering Company Private Limited and Paharpur Cooling Towers Limited;
9. acquisition of shareholding of PAMP Technologies (India) Private Limited and MMTC PAMP India Private Limited by PAMP Ventures SA;
10. acquisition of shareholding of Napino Auto and Electronics Limited by International Finance Corporation; and
11. acquisition of shareholding of Sanyo Special Steel Manufacturing India Pvt Ltd. by Sanyo Special Steel Co. Ltd.

*(Source: Summaries: Axis/Max, India Advantage Fund/ Pritam, Mirae/ Sharekhan, Mirae/ Human Value Developers , Piramal/Annapurna, ZeroC/AMG, IFC/Northern Arc, IndoEdge/MG Motor, Protos/Paharpur/Thyssenkrupp, PAMP Ventures/PAMP Technologies/MMTC PAMP, IFC/Napino, Sanyo Manufacturing/Sanyo Steel)*

## CCI approves acquisition of shareholding of Coastal Energen by Dickey Alternative Investment Trust and Adani Power

The CCI approved the acquisition of: (a) 51% shareholding of Coastal Energen Private Limited (“**CEPL**”)<sup>5</sup> by Dickey Alternative Investment Trust (“**DAIT**”)<sup>6</sup>; and (b) 49% shareholding of CEPL by Adani Power Limited (“**APL**”)<sup>7</sup> (referred to as the ‘**Proposed Transaction**’).

The CCI examined the horizontal overlaps between the activities of the parties<sup>8</sup> in the broad market for generation of power in India and the narrow market for generation of power through coal in India. On the competition assessment the CCI noted that: (a) the combined market shares of the parties are low; and (b) several significant players are present in each of the relevant markets which will pose competitive constraints on the parties. In view of the same, the Proposed Transaction is not likely to raise competition concerns.

In relation to vertical links, the CCI examined the existing vertical links between the activities of the parties<sup>9</sup> in the: (a) upstream market for generation of power in India and the downstream market for transmission and distribution of power in India; and (b) upstream market for provision of coal management services in India and the downstream market for generation of power in India. Given the low market shares of the parties with the presence of several significant players in each of the markets, the CCI noted that the Proposed Transaction is not likely to raise foreclosure concerns.

The CCI approved the Proposed Transaction in 43 (forty-three) calendar days.

*(Source: CCI Order dated February 13, 2024)*

<sup>5</sup> It is engaged in generation and sale of power using coal. It owns and operates a coal fired thermal power plant in the district of Tuticorin in the state of Tamil Nadu.

<sup>6</sup> It is a Category II Alternate Investment Fund registered with the Securities and Exchange Board of India (“**SEBI**”) and is managed by its investment manager Dickey Asset Management Private Limited.

<sup>7</sup> It is a private power producer supplying power to Bangladesh on transnational basis. It also has a solar power plant. APL is ultimately owned by certain members of the Adani family and belongs to the Adani group which is an Indian multinational conglomerate.

<sup>8</sup> Adani group (including its affiliates) and CEPL (including its affiliates). There are no horizontal overlaps between the activities of DAIT (including its affiliates) and CEPL (including its affiliates).

<sup>9</sup> Adani group (including its affiliates) and CEPL (including its affiliates).



## CCI approves combination involving Tianish Laboratories, Matrix Pharma and Kotak

The CCI approved the: (a) acquisition of 100% shareholding of Tianish Laboratories Private Limited ("**Tianish Laboratories**")<sup>10</sup> by Matrix Pharma Private Limited ("**Matrix Pharma**")<sup>11</sup>; and (b) subscription of optionally convertible debentures of Matrix Pharma by Kotak Strategic Situations India Fund II<sup>12</sup> and Kotak Alternate Asset Managers Limited<sup>13</sup> (together referred to as '**Kotak**') ((a) and (b) are together referred to as the '**Proposed Transaction**').

The CCI examined the horizontal overlaps between the activities of the parties<sup>14</sup> in the broad market for the manufacture and sale of active pharmaceutical ingredients ("**APIs**") and in the narrow market for manufacture and sale of 13 overlapping APIs.

On the competition assessment, the CCI noted that: (a) the combined market shares of the parties are low; and (b) several significant players are present in the relevant market which will pose competitive constraints on the parties. In view of the same, the Proposed Transaction is not likely to raise competition concerns.

In relation to the vertical links, the CCI examined the potential vertical links between the activities of the parties<sup>15</sup> in the upstream market of manufacture and sale of various APIs and downstream market of manufacture and sale of formulations from the said APIs. Given the low market shares of the parties with the presence of several significant players, the CCI noted that the Proposed Transaction is not likely to raise foreclosure concerns.

The CCI approved the Proposed Transaction in 41 (forty-one) calendar days.

*(Source: CCI Order dated February 13, 2024)*

## CCI approves the acquisition of Interise Investment Managers Limited by CPPIB, Allianz and Ontario

The CCI approved the acquisition of 100% shareholding of Interise Investment Managers Limited ("**IIML**")<sup>16</sup> by CPPIB India Private Holdings Inc. ("**CPPIB**")<sup>17</sup>, Allianz Infrastructure Luxembourg II SARL ("**Allianz**")<sup>18</sup>, and 2726247 Ontario Inc. ("**Ontario**")<sup>19</sup> (referred to as the '**Proposed Transaction**'). Post the Proposed Transaction, CPPIB, Allianz, and Ontario will hold 50%, 25%, and 25% shareholding of IIML, respectively.

<sup>10</sup> It is a private limited company and a wholly owned subsidiary of Mylan Laboratories Limited, which in turn is an indirect subsidiary of Viatris Inc. i.e., the ultimate parent company of the Viatris group. The Target does not have any subsidiaries or affiliates and currently does not undertake any commercial activity in or outside India.

<sup>11</sup> It is a private limited company for the purpose of acquiring the API manufacturing business of Mylan Laboratories Limited. At present, it does not carry out any business activity either in India or outside India.

<sup>12</sup> It is a scheme of Kotak Strategic Situations Trust and is registered with the SEBI as a Category-II Alternate Investment Fund. It is engaged in the business of investing in companies.

<sup>13</sup> It is a settlor and manager of Kotak Strategic Situations India Fund II. Kotak Mahindra Bank Limited holds, directly and indirectly, 100% of its shareholding. It acts as an investment manager, and *inter alia*, engaged in the business of managing and advising funds across various asset classes.

<sup>14</sup> Matrix group (including its affiliates) and Tianish Laboratories (including its affiliates) and Kotak group (including its affiliates) and Tianish Laboratories (including its affiliates). There are no overlaps between Matrix group (including its affiliates) and Tianish Laboratories (including its affiliates) in India.

<sup>15</sup> Investors' group (including its affiliates) and Tianish Laboratories.

<sup>16</sup> It is the investment manager of IndInfravit Trust ("**IndInfravit**"), entrusted with the responsibility of managing and operating the highways and roads. Therefore, IIML exercises control over IndInfravit, including its affiliates.

<sup>17</sup> It is an investment holding company belonging to the CPPIB. CPPIB is a professional investment management organization that invests the funds transferred to it by the Canada Pension Plan in public equities, private equities, real estate, infrastructure, and fixed income instruments.

<sup>18</sup> It is an alternative investment fund belonging to the Allianz group. Allianz group is an insurer and asset manager, providing a range of products, services and solutions including property and casualty insurance, health and life insurance, business insurance and asset management.

<sup>19</sup> Ontario belongs to OMERS Administration Corporation ("**OAC**"). OAC is the administrator of OMERS primary pension plan and the trustee of the pension funds thereunder. It manages a diversified portfolio of investments in public markets, private equity, infrastructure and real estate.

The CCI examined the horizontal overlaps between the activities of the parties<sup>20</sup> in the: (a) broad market for operation and maintenance of roads and highways in India; and (b) narrow market for operation and maintenance of roads and highways for each state where the parties are present.

On the competition assessment, the CCI noted that: (a) the combined market shares of the parties are low; and (b) several significant players are present in each of the relevant markets which will pose competitive constraints on the parties.

The CCI approved the Proposed Transaction in 49 (forty-nine) calendar days.

*(Source: CCI Order dated February 6, 2024)*

## CCI approves acquisition of minority shareholding of Shadowfax by TPG

The CCI approved the acquisition of approximately 13.24% shareholding in Shadowfax Technologies Private Limited ("**Shadowfax**")<sup>21</sup> by NewQuest Asia Fund IV (Singapore) Pte. Ltd. ("**TPG**")<sup>22</sup> (referred to as the '**Proposed Transaction**'). Pursuant to the Proposed Transaction, TPG will be entitled to certain rights in Shadowfax including the right to appoint an observer, a non-executive director, and information rights.

The CCI examined horizontal overlaps between the activities of the parties<sup>23</sup> in the broad market for provision of logistics services in India and narrow markets for provision of: (a) third-party logistics ("**3PL**") services in India; (b) 3PL services for e-commerce in India; (c) 3PL services for e-commerce in (i) Metro cities; (ii) Tier 1 cities; and (iii) Tier 2+ cities; (d) provision of warehousing services in India; and (e) market for the provision of freight services in India.

On the competition assessment, the CCI noted that: (a) although the combined market shares of the parties in the narrowest market are between 20-30%, the incremental change in the level of concentration in each of the markets does not raise a concern; (b) high countervailing buyer power exercised by the customers; and (c) several significant players are present in the relevant market which will pose competitive constraints on the parties. In view of the same, the Proposed Transaction is not likely to raise competition concerns.

In relation to the vertical links, the CCI examined the vertical links between the activities of parties<sup>24</sup> in the: (a) upstream market for logistics services and 3PL services for e-commerce in India ("**Logistics Market**") and downstream market for market for online business-to-business and business-to-consumer sales in India; and (b) Logistics Market and downstream market for online logistics aggregation services in India. Given the low market shares of the parties with the presence of several significant players, the CCI noted that the Proposed Transaction is not likely to raise foreclosure concerns.

The CCI approved the Proposed Transaction in 40 (forty) calendar days.

*(Source: CCI Order dated February 06, 2024)*

## CCI approves the internal restructuring of Endo International under Green Channel

The CCI approved the acquisition by Endo, Inc.<sup>25</sup> of: (a) substantially all business of Endo International, plc. ("**Target**")<sup>26</sup>; (b) 100% shareholding of Endo US Holdings Luxembourg I S.à.r.l. ("**Endo Luxembourg**"). Pursuant to an internal group structuring of the Target, Endo Luxembourg indirectly held 100% shareholding of the Indian

<sup>20</sup> CPPIB group (including its affiliates) and IndInfravit (including its affiliates). There are no overlaps between Allianz group (including its affiliates) and Ontario group (including its affiliates) in India.

<sup>21</sup> It is a crowd-sourced, tech-enabled logistics platform.

<sup>22</sup> It is managed by TPG NewQuest and its ultimate parent entity is TPG Inc. TPG NewQuest manages a diversified portfolio of private equity investments in a wide range of sectors, with a focus on five core sectors: business services, consumer, financial services, healthcare, and technology, media and telecom.

<sup>23</sup> TPG group (including its affiliates) and Shadowfax (including its affiliates).

<sup>24</sup> TPG group (including its affiliates) and Shadowfax (including its affiliates).

<sup>25</sup> It is a newly incorporated company for the Proposed Transaction.

<sup>26</sup> It is a global company headquartered in Ireland and operates a specialty biopharmaceutical business that produces and sells both generic and branded products. In India, it has the following subsidiaries, Endo India Holdings, LLC, PFPL, PATPL and PBPL.



subsidiaries Par Formulations Private Limited (“**PFPL**”), Par Active Technologies Private Limited (“**PATPL**”), and Par Biosciences Private Limited (“**PBPL**”) (together referred to as the “**Proposed Transaction**”). The Proposed Transaction was undertaken pursuant to an order of the United States Bankruptcy Court for the Southern District of New York. The parties notified the Proposed Transaction under green channel as there were no horizontal, vertical, or complementary overlaps between the activities of the parties in India.

*(Source: Summary)*

### CCI approves the acquisition of certain shareholding of Mudhra Lifesciences by Kingsman Wealth Fund PCC under Green Channel

The CCI approved the acquisition of certain shareholding of Mudhra Lifesciences Private Limited<sup>27</sup> by Kingsman Wealth Fund PCC – Aurisse Special Opportunities Fund<sup>28</sup> (“**Proposed Transaction**”). The parties notified the Proposed Transaction under green channel as there were no horizontal, vertical, or complementary overlaps between the activities of the parties in India.

*(Source: Summary)*

### CCI approves the relocation of investment portfolio of DSP Mauritius Fund to DSP India Fund, and migration of shares of Lenskart to DSP India Fund under Green Channel

The CCI approved the relocation or migration of the entire investment portfolio of the DSP India Fund, Mauritius to DSP India Fund – India Long/ Short Strategy Fund with Cash Management Option (“**Gift Fund**”) (referred to as the “**Proposed Relocation**”). DSP Fund Managers IFSC Private Limited<sup>29</sup> is the proposed investment manager of the GIFT Fund.

The Proposed Relocation *inter alia* includes the migration of 0.33% shareholding of Lenskart Solutions Private Limited<sup>30</sup> held by the DSP Mauritius Fund to the GIFT Fund. The parties notified the Proposed Relocation under the green channel as there were no horizontal, vertical, or complementary overlaps between the activities of the parties in India.

*(Source: Summary)*

## Media Updates

### All India Mobile Retailers Association writes to CCI raising concerns about the unfair business practices of POCO India

As per a media report, All India Mobile Retailers Association has written to the CCI raising concerns regarding the alleged unfair business practices of POCO India, a smartphone brand owned by Xiaomi. According to AIMRA, POCO India favours e-commerce platforms over offline distributors for selling its products in the market, for instance, POCO India’s exclusive launch of smartphone on e-commerce platform, Flipkart.

*(Source: ET Retail)*

<sup>27</sup> It is engaged in the business of manufacturing of pharmaceuticals, medicinal chemical and botanical products. The company is yet to commence its operations.

<sup>28</sup> It acts as an open-ended fund classifying as a self-managed expert fund for the purposes of the Securities Act 2005 and the Securities (Collective Investment Schemes and Closed-End Funds) Regulations 2008.

<sup>29</sup> It is registered with the International Financial Services Centres Authority as Registered Fund Management Entity (Retail) to manage and advise investors funds.

<sup>30</sup> It is engaged in the manufacture of eyewear products and wholesale trading of eyewear products in India.

## Director General submits its investigation report to the CCI in a case involving Amazon and Flipkart

As per a media report, the Director General, the investigative arm of the CCI, has submitted its investigation report to the CCI in a case against Amazon and Flipkart for alleged anti-competitive practice.

The investigation was started by the CCI in January 2020 pursuant to a complaint filed by Delhi Vyapar Mahasangh against Amazon and Flipkart.

*(Source: Business Standard)*

## Farmer Associations file an intervention application in the tyre cartel case pending before the Supreme Court

On August 31, 2018, the CCI passed an order imposing penalties of INR 1,788 crore (Indian Rupees one thousand seven hundred eighty-eight crore) (USD 214.132 million (US Dollars two hundred fourteen point one hundred thirty-two million)) on 5 (five) tyre manufacturers, namely, Apollo Tyres, MRF Tyres, CEAT Ltd, JK Tyre and Birla Tyres for cartelisation by fixing the prices of tyres even when the prices of natural rubber continued to fall.

The tyre companies challenged the CCI order before the NCLAT which remanded the matter to CCI to reconsider the matter due to certain arithmetical errors highlighted by the tyre manufacturers and insufficiency of evidence to prove cartel agreement, which could indicate a lack of violation of the Competition Act. The CCI filed an appeal against the NCLAT order before the Supreme Court of India, where the matter is presently pending.

As per a media report, All India Kisan Sabha and Kerala Karshaka Sangham filed an intervention application before the Supreme Court of India praying for their impleadment in the appeal filed by the CCI. According to the farmer associations, there was another cartel formed by tyre companies in the procurement of natural rubber, which was working in tandem with the tyre cartel. The cartel ensured that the domestic price of rubber is pulled down through imports and market manipulations, which has seriously affected the rubber farmers.

*(Source: [AIKS Website](#))*

## Competition Practice

Since the inception of the Indian competition regime, JSA has been a one-stop shop for all types of competition and anti-trust-related matters. As such, the team's in-depth understanding of the competition law, coupled with its commercially focused litigation skills has been the cornerstone on which it deals with matters relating to cartelisation (including leniency), abuse of dominance, vertical agreements, and dawn raid before the Competition Commission of India and appellate courts. The team regularly advises clients on general competition law issues arising from day-to-day business strategies and conducts competition compliance training for clients. Given the team's continued involvement with the regulator, coupled with its balanced and practical approach to competition law, it has been instrumental in shaping the competition law jurisprudence in India.

Over the years, the team has developed a reputation of not only being well regarded by its peers but also for having developed a good working relationship with the regulatory authorities. As such our lawyers have been involved in drafting statutory regulations and have represented the Indian competition law fraternity at various competition law seminars, workshops, and advocacy & public awareness programs across the world. The team's expertise (including team members) has been widely recognised by various leading international rankings and publications including Chambers and Partners, Who's Who Legal, Global Competition Review, Benchmark Litigation, Asialaw, and the Legal 500.

**This Newsletter has been prepared by:**



**Vaibhav Choukse**

Partner & Head of Practice  
(Competition Law)



**Ela Bali**

Partner



**Aditi Khanna**

Senior Associate



**Faiz Siddiqui**

Associate

		
18 Practices and 25 Ranked Lawyers	13 Practices and 38 Ranked Lawyers	Recognised in World's 100 best competition practices of 2024
		
19 Practices and 19 Ranked Lawyers	12 Practices and 42 Ranked Partners <b>IFLR1000 APAC Rankings 2023</b> ----- Banking & Finance Team of the Year ----- Fintech Team of the Year ----- Restructuring & Insolvency Team of the Year	Among Top 7 Best Overall Law Firms in India and 9 Ranked Practices ----- 11 winning Deals in IBLJ Deals of the Year ----- 12 A List Lawyers in IBLJ Top 100 Lawyer List
		
Innovative Technologies Law Firm of the Year 2023 ----- Banking & Financial Services Law Firm of the Year 2022 ----- Dispute Resolution Law Firm of the Year 2022 ----- Equity Market Deal of the Year (Premium) 2022 ----- Energy Law Firm of the Year 2021 ----- Employer of Choice 2021	7 Ranked Practices, 16 Ranked Lawyers ----- Elite – Band 1 - Corporate/ M&A Practice ----- 3 Band 1 Practices ----- 4 Band 1 Lawyers, 1 Eminent Practitioner	<b>Ranked #1</b> <b>The Vahura Best Law Firms to Work Report, 2022</b> ----- Top 10 Best Law Firms for Women in 2022
		
		7 Practices and 2 Ranked Lawyers

For more details, please contact [km@jsalaw.com](mailto:km@jsalaw.com)

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