December 2025 and January 2026

Contents

Supreme Court of India

Supreme Court of India upholds Competition Commission of India's jurisdiction over competition issues in the broadcasting sector

The Supreme Court of India ("**SC**") upheld the decision of the Kerala High Court ("**KHC**") affirming the jurisdiction of the Competition Commission of India ("**CCI**") to investigate allegations of abuse of dominance in the broadcasting sector against Jiostar India Private Limited ("**Jiostar India**"), Disney Broadcasting (India) Limited ("**Disney**"), and Asianet Star Communications Private Limited ("**Asianet Communications**").

Background

On January 31, 2022, Asianet Digital Network Private Limited filed an information before the CCI against Jiostar India and its subsidiaries, including Disney and Asianet Communications. It was *inter alia* alleged that Jiostar India granted excessive and preferential discounts to a competing distributor, Kerala Communications Cable Limited, thereby conferring an undue competitive advantage and breaching the discount caps prescribed under the Telecom Regulatory Authority of India ("**TRAI**") Regulations, 2017 ("**TRAI Regulations**"). On February 28, 2022, the CCI directed the Director General ("**DG**") to investigate the matter ("**CCI Order**"). Summary of the CCI Order is available at JSA Newsletter of March 2022.

Aggrieved, Jiostar India challenged the CCI's jurisdiction before the KHC *inter alia* arguing that the presence of the TRAI as the sectoral regulator ousted the CCI's jurisdiction.

KHC findings

Both the Single Judge and the Division Bench of the KHC rejected this contention, affirming that allegations of anti-competitive agreements and abuse of dominance under Sections 3 and 4 of the Competition Act, 2002 ("**Competition Act**") squarely fall within the CCI's remit, notwithstanding a parallel sectoral regulator. The KHC clarified that a sector-specific framework neither impliedly repeals nor curtails the Competition Act. Consequently, it permitted the DG's investigation to proceed and directed that all jurisdictional and substantive objections be considered by the CCI upon receipt of the investigation report through a separate, reasoned order ("**KHC Judgment**").

Aggrieved by the decision of the Division Bench, Jiostar India challenged the KHC Judgment before the SC. The SC dismissed the appeal and declined to interfere with the findings of the Division Bench, thereby affirming the KHC Judgment.

(Source: KHC judgment dated December 3, 2025 and SC order dated January 27, 2026)

National Company Law Appellate Tribunal

National Company Law Appellate Tribunal upholds CCI's order against sewing machine manufacturers for indulging in a bid-rigging cartel

The National Company Law Appellate Tribunal ("**NCLAT**") dismissed the appeal challenging the CCI's order penalising M/s Klassy Enterprises ("**Klassy**"), M/s Nayan Agencies ("**Nayan**") and M/s Jawahar Brothers ("**JB**") (collectively referred to as the "**Bidders**") and their office bearers for indulging in a bid rigging cartel, in contravention of Section 3(3)(d) of the Competition Act.

Background

On March 17, 2021, the CCI passed an order penalising the Bidders for indulging in a bid-rigging cartel in relation to a tender floated by the Pune Zilla Parishad for the procurement of pico-fall-cum-sewing machines under a social welfare scheme of the Government of Maharashtra. The CCI *inter alia* noted that the Bidders: (a) quoted similar prices in the tender for procurement of sewing machines and submitted the bids using single IP address without any objective justification; (b) engaged in frequent discussions with each other which was evident from call data records; and (c) made payment of charges for the alleged tender through the same bank account. The CCI imposed penalties of INR 10 lakh (Indian Rupees ten lakh) (USD 11,229 (US Dollars eleven thousand two hundred twenty-nine)) on each Bidder and INR 10,000 (Indian Rupees ten thousand) (USD 113 (US Dollars one hundred and thirteen)) on each of their office bearers ("**CCI Order**"). Summary of the CCI Order is available at JSA Newsletter of March 2021.

Aggrieved, Klassy challenged the CCI Order before the NCLAT and *inter alia* contended that: (a) the CCI Order had been passed without any evidence of bid rigging; (b) the CCI ignored the fact that Klassy had reduced the bid price twice prior to award of the tender, which would not have occurred had there been any cartelisation; and (c) quantum of monetary penalty imposed was unsustainable, disregarded settled law, and ignored the mitigating factors.

NCLAT findings

The NCLAT upheld the CCI Order and *inter alia* noted that: (a) there are sufficient circumstantial evidence to establish bid-rigging by the Bidders, including near-identical bid prices, use of a common IP address for bid submissions, shared financial arrangements, and frequent *inter se* communications indicating a meeting of minds; (b)direct evidence of cartelisation is rarely available and that an agreement may be inferred from surrounding circumstances, which in turn raises a statutory presumption of appreciable adverse effect on competition ("**AAEC**"); and (c) penalties imposed were proportionate and correctly computed on the basis of relevant turnover, consistent with the principles laid down by the SC in Excel Crop Care Case.

(Source: NCLAT order dated January 7, 2026)

Competition Commission of India

Enforcement

CCI dismisses complaint against Northern Railways Central Hospital for alleged anti-competitive practices

The CCI received a complaint against Northern Railway Central Hospital ("**Railway Hospital**") for indulging in alleged anti-competitive practices, in contravention of Sections 3 and 4 of the Competition Act.

Background

Railway Hospital is a government-run hospital functioning under the Ministry of Railways, Government of India, which provides healthcare services to railway employees and procures medicines and consumables by empanelling local chemists through a tendering process.

The complainant[1], *inter alia*, alleged that the tender issued by Railway Hospital for empanelment of local chemists ("**Impugned Tender**") unfairly and discriminatorily increased the minimum turnover eligibility threshold from INR 7.5 crore (Indian Rupees seven crore fifty lakh) (USD 840,000 (US Dollars eight hundred and forty thousand)) to INR 19 crore (Indian Rupees nineteen crore) (USD 2,130,000 (US Dollars two million one hundred and thirty thousand). It

1 The complainant is a local chemist that was previously empaneled by the Railway Hospital for the supply of medicines, surgical items, consumables etc.

was contended that this steep enhancement, introduced pursuant to a new Railway Board policy and the applicable rules and guidelines, was designed to favour a specific bidder, M/s Kaushik Medical Store, thereby excluding other eligible participants and restricting fair competition.

CCI findings

The CCI dismissed the complaint and *inter alia*, noted that: (a) the prescribed turnover eligibility criteria did not violate the applicable rules, which do not stipulate any requirement concerning the average turnover of bidders, and in any event, a mere breach of a rule, or policy, absent a corresponding contravention of the Competition Act, does not attract scrutiny under the Competition Act; (b) in a competitive tender process, a procurer retains the commercial discretion to determine its own terms and conditions; and (c) the complainant failed to place sufficient material on record to substantiate the allegations against the Railway Hospital.

(Source: CCI order dated January 7, 2026)

CCI finds cloth manufacturing companies guilty of indulging in a bid-rigging cartel

On January 2, 2026, the CCI found M/S KKK Mills, and M/S Sankeshwar Synthetics Private Limited (collectively referred to as "**Bidders**") guilty of engaging in a bid rigging cartel, in contravention of Section 3(3) of the Competition Act.

Background

The complainant[2] *inter alia* alleged that the Bidders quoted identical rates in relation to the tender floated by the complainant for the procurement of underpant woolen, thereby engaging in a bid-rigging cartel. Based on these allegations, the CCI directed an investigation by the DG, who found the Bidders engaged in a bid-rigging cartel.

CCI findings

Concurring with the DG's findings, the CCI *inter alia* noted that the Bidders had quoted identical rates, matching up to 2 (two) decimal points, and had submitted their bids on the same dates within minutes of each other, circumstances that indicated prior coordination rather than independent conduct. The CCI also relied on supporting material, including call data records, email correspondence and bank transactions, which showed that the Bidders were in regular contact and had exchanged pricing information.

While holding the Bidders guilty of engaging in a bid-rigging cartel, the CCI refrained from imposing monetary penalties citing mitigating factors such as the Bidders qualify as micro, small and medium enterprises and have been supplying products to the armed forces for several decades. The Bidders were, however, directed to cease and desist from engaging in anti-competitive conduct.

(Source: CCI order dated January 2, 2026)

CCI finds Maharashtra's wine associations guilty of anti-competitive practices

On December 11, 2025, the CCI passed an order finding the Maharashtra Wine Merchants Association, the Pune District Wine Merchants Association and the Association of Progressive Liquor Vendors (collectively referred to as "**Wine Associations**") guilty of indulging in anti-competitive practices, in contravention of Section 3(3) of the Competition

[2] The complainant is CP Cell, Master General of Ordinance Branch, Directorate General of Ordinance Services.

Act. The Wine Associations are trade bodies representing licensed retail liquor vendors and wine shop owners in Maharashtra.

Background

The complainant[3] *inter alia* alleged that, since 2014, the Wine Associations collectively dictated uniform commercial terms to alcoholic beverage manufacturers and distributors, including retail margins, discount structures, delivery conditions, launch fees and credit terms. Manufacturers were also required to obtain letters of introduction and no objection certificates from the Wine Associations before introducing new products. Manufacturers that attempted to bypass these requirements reportedly faced coordinated boycotts by member retailers of the Wine Association.

Based on these allegations, the CCI directed an investigation by the DG, who found evidence of coordinated and restrictive conduct by Wine Associations in violation of Section 3(3) of the Competition Act.

CCI findings

Concurring with the DG findings, the CCI *inter alia* noted that the Wine Associations had effectively fixed commercial terms, mandated prior approvals for product launches, and collectively influenced negotiations that should have been independently determined between manufacturers and individual retailers. Such coordinated decision-making was held to restrict competition and market access.

While holding the Wine Associations and their office bearers liable under Section 3(3) of the Competition Act, the CCI refrained from imposing monetary penalties, citing mitigating factors such as discontinuation of the practices, undertakings for future compliance, first-time contravention, and the potential financial impact on the Wine Association, which conducted welfare-oriented activities for small and vulnerable retailers. The Wine Associations were, however, directed to cease and desist, with the warning that any recurrence would attract stricter consequences.

(Source: CCI order dated November 25, 2025)

Merger Control

CCI imposes penalty on Allcargo Logistics Limited for gun-jumping

The CCI imposed a penalty of INR 50 lakh (Indian Rupees fifty lakh) (USD 56,142 (US Dollars fifty-six thousand one hundred and forty-two)) on Allcargo Logistics Limited ("**Allcargo**") for consummating the acquisition of 30% shareholding of Gati-Kintesu Express Private Limited ("**Gati Express**") without prior approval of the CCI.

Background

On June 8, 2023, Allcargo acquired 30% shareholding in Gati Express ("**Transaction**") from KWE-Kintetsu World Express (S) Pte. Limited and KWE Kintetsu Express (India) Private Limited (collectively referred to as "**KWE**"). Allcargo, through its subsidiary, i.e., Allcargo Gati Limited, already held 70% in Gati Express. As a result, its shareholding increased from 70% to 100%, leading to sole control over Gati Express.

Issuance of show cause notice

On January 9, 2025, the CCI issued a show cause notice to Allcargo seeking an explanation for consummating the Transaction without prior approval. The CCI *inter alia* noted that, prior to the Transaction, Gati Express was jointly

[3] The complainant is a company engaged in the business of manufacturing, distribution and sale of alcoholic beverages and has requested confidentiality over his identity.

controlled by Allcargo and KWE. Given that KWE held more than 25% shareholding, it possessed the ability to block special resolutions, giving rise to a presumption of negative control. The CCI therefore took the *prima facie* view that the Transaction resulted in a shift from joint control to sole control by Allcargo, placing it outside the scope of the intra-group exemption and triggering a prior notification requirement.

Parties' response

In response to the show cause notice, Allcargo *inter alia* contended that the Transaction qualified for the benefit of Item 2 of Schedule I of the (erstwhile) CCI (Procedure in regard to the transaction of business relating to combinations), 2011, which exempts acquisitions where the acquirer already holds 50% or more shares or voting rights, unless there is a shift from joint to sole control.

Allcargo, in substance, always exercised decisive control over Gati Express and that KWE was merely a financial investor with no real influence over management or policy. Allcargo further contended that even if the Transaction resulted in sole control, there was no material change in the quality of control, as it had consistently held majority voting power at shareholder meetings.

CCI findings

The CCI *inter alia* noted that, prior to the Transaction, Allcargo and KWE exercised joint control, as KWE's 30% shareholding in Gati Express conferred veto rights over special resolutions and key reserved matters, amounting to negative control. The acquisition of 100% shareholding therefore resulted in a clear shift from joint to sole control, taking the transaction outside the scope of the exemption.

Considering the circumstances and the premature consummation of the deal, the CCI imposed a penalty of INR 50 lakh (Indian Rupees fifty lakh) (USD 56,142 (US Dollars fifty-six thousand one hundred and forty-two)) on Allcargo for gun-jumping.

(Source: CCI order dated January 8, 2026)

CCI approves 20 combinations in December 2025 and January 2026, including:

1. Acquisition of shareholding of Sammaan Capital by International Holding Company PJSC.
2. Combination involving Curefit Healthcare, Cultfit Healthcare, Curefit Services, and Fitness First Luxembourg.
3. Acquisition of shareholding of DCX Global by Coinbase Global.
4. Acquisition of shareholding of Logisteed Holdings by Japan Post.
5. Acquisition of certain business of Aditya Birla Real Estate by ITC Limited.
6. Acquisition of certain warrants of Federal Bank by Blackstone.
7. Acquisition of shareholding of Roppen Transportation Services by Prosus.
8. Acquisition of shareholding of Toyota Industries by Elliott Investment Management L.P.
9. Acquisition of shareholding of Nash Industries by ChrisCapital.
10. Acquisition of shareholding of Thriveni Pellets by Tata Steel.
11. Combination involving JFE Steel, JSW Kalinga, JSW Sambalpur and Bhushan Power and Steel.
12. Combination involving Emirates NBD Bank and RBL Bank.
13. Acquisition of shareholding of Apollo Health and Lifestyle by Apollo Hospitals.

14. Combination involving Capital Square Partners, One Holdings (Guernsey), One Equity Holdings, LHF Holdings, Mr Martin Roe, Mr Mark Chana, CCI Consulting FZCO, CCI Enterprises FZCO and Stockholm Parent under green channel.
15. Acquisition of shareholding of Boston Ivy Healthcare Solutions by CIF-II Scheme, Creaegis II and Creaegis Investments under green channel.
16. Acquisition of shareholding of Haier Appliances by Indigo Cove and Bharti Neo under green channel.

(Source: CCI 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 with its dedicated competition law practice group. The Competition team at JSA advises on all aspects of the Indian competition law including merger control, cartels, leniency, abuse of dominance, dawn raid, compliance, and other areas of complex antitrust litigation. 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.

On the **enforcement/ litigation**, the team's in-depth understanding of antitrust and the competition law, coupled with its commercially focused litigation skills has been the cornerstone on which it deals with matters relating to abuse of dominance, vertical restraints, and cartelisation (including leniency and dawn raid) before CCI and appellate courts. On the **merger control**, the team helps clients navigate the merger control and assessment process including obtaining approval of CCI in Green Channel Form, Form I and Form II.

The team regularly advises clients on general competition law issues arising from day-to-day business strategies and conducts competition compliance programs. Notably, the team has conducted forensic reviews of documents and created step-by-step procedures for companies on how to respond to both internal antitrust violations as well as investigations by the regulator, including dawn raids.

The team's expertise, including its members, has been widely recognised by leading international directories such as Chambers and Partners (Band 1), Benchmark Litigation (Band 1), Legal 500 (Band 2), GCR 100 (Highly Recommended), Lexology Index, and Asialaw.

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