



Competition Law

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We wish all our readers a Happy New Year!

In the first edition of the Competition Law Newsletter for the year 2025, we cover the orders passed/published in December by the Supreme Court, the Delhi High Court, the National Company Law Appellate Tribunal (**NCLAT**), and the Competition Commission of India (**CCI/Commission**).

VICTORY FOR SETTLEMENTS: SUPREME COURT SIDES WITH JCB IN CCI CASE

Vide Judgement dated [20 December 2024](#), the Supreme Court of India upheld the Delhi High Court's Judgement dated [14 August 2024](#) (covered in our September Newsletter [here](#)) to quash an inquiry initiated by the CCI against JCB India Limited and its UK-based parent company, JCB Bamford Excavators Limited. The inquiry pertained to allegations of abuse of dominant position.

The Delhi High Court had previously set aside the CCI's investigation after the original informant withdrew its complaint following a settlement with JCB. The Supreme Court dismissed the appeal, thereby reinforcing the validity of settlements in such cases.

DELHI HIGH COURT FINES FORECH INDIA FOR WASTING COURT'S TIME

The Delhi High Court imposed a fine of INR 1 lakh on Forech India Pvt. Ltd. (**Forech**) for resorting to delaying tactics to stall the ongoing proceedings before the Commission, and wasting the Court's time vide its order dated [16 December 2024](#).

The origin of the case dates back to 2013, when the CCI passed a *prima facie* order directing an investigation against several companies, including Forech, for allegedly bid rigging in the Conveyor Belt sector during the period 2009-10 to 2012-13.

The case has seen its share of court proceedings at various stages before the Delhi High Court and even before the Hon'ble [Supreme Court](#).

The main contention for the unending squabble is that the CCI did not provide a timely opportunity to inspect some two lakh pages worth of documents. This, Forech argued, amounted to contempt of an earlier order of the High Court dated [22 January 2020](#).

The Court dismissed the petition finding that the CCI had acted in accordance with the order, and to the contrary, it appeared that Forech was attempting to stall the CCI proceedings and consequently imposed the fine.

NCLAT SIDES WITH CCI'S DECISION TO IMPOSE PENALTY ON THE GHAZIABAD DEVELOPMENT AUTHORITY

The NCLAT, vide order dated [18 December 2024](#), dismissed the appeal filed by the Ghaziabad Development Authority (**GDA**) against the final order of the CCI imposing a penalty of a little over INR 1 crore for abusing its dominant position in relation to the allocation of flats to economically weaker section (**EWS**) in Ghaziabad.

Vide its order dated [28 February 2018](#), the CCI had found that the GDA had imposed unilateral and arbitrary conditions in the allotment letters and had also revised the price of flats by more than three times the initial rate. The terms permitted the GDA to impose a penal interest at a high rate of interest, in case of any delay in the payment of the instalment by the allottees, whereas no corresponding provision was made for the GDA in case there is a delay in giving possession of the flats.

The NCLAT while affirming the final order of the CCI noted that the relevant geographical market ought to be Ghaziabad and not the whole of NCR as EWS category has meagre resources and thus have restrictions in terms of price of flat, distance and travel cost. Further, the GDA had almost 77% market share and therefore was dominant during the relevant period.

On the issue of the quantum of penalty, NCLAT noted that CCI had enough discretion to impose a penalty of 10% of the total turnover and therefore the penalty of 5% on the turnover of the EWS operations was justified.

CCI HOLDS TABLE TENNIS ASSOCIATIONS ACCOUNTABLE FOR ANTI-COMPETITIVE CONDUCT

On [12 December 2024](#), the CCI issued an order addressing anti-competitive practices by table tennis associations, including the Suburban Table Tennis Association (**TSTTA**), Maharashtra State Table Tennis Association (**MSTTA**), Table Tennis Federation of India (**TTFI**), and Gujarat State Table Tennis Association (**GSTTA**) [collectively referred to as 'OPs'].

The information was filed by the TT Friendly Super League Association, an NGO working with the sole purpose of the promotion of Table Tennis (**TT**) in India. The OPs were accused of abusing their dominant position by restricting players, clubs, and academies from participating in unaffiliated tournaments, thereby violating Sections 3 and 4 of the Competition Act, 2002 (**Act**).

The CCI identified two relevant markets: (i) the organization of table tennis tournaments in India, and (ii) the provision of player services for table tennis tournaments in India. These markets were assessed nationally due to the unified structure of governance under the TTFI and its affiliated associations.

The Commission concurred with the findings of the DG and noted that TTFI is the apex body in India for the game of TT, recognized by the Central Ministry and affiliated to the International Table Tennis Federation and Indian Olympic Association. Furthermore, TTFI enjoys the regulatory powers and implements its policies across the country through its institutional members, state-level associations, and the district-level associations. Thus, the OPs enjoy a dominant position in their respective regions.

The CCI looked at a WhatsApp advisory issued by TSTTA in October 2020 that warned players, clubs, and academies against associating with unaffiliated organizations, threatening suspension or exclusion from official tournaments, and held this to be exploitative and create barriers to market entry.

The CCI also examined the By-laws and Public Notices issued by the Associations discouraging participation and concluded that Clauses in MSTTA, TTFI, and GSTTA constitutions restricted participation in non-sanctioned tournaments, imposing unfair penalties on players and organizers. Moreover, TTFI and GSTTA issued circulars and public notices labeling events like the Gujarat Super League and the Gujarat State Masters Games as

unauthorized, discouraging player participation. This was found to limit competition and deny market access to independent organizers and players.

The CCI found the conduct of the OPs to be anti-competitive and directed them to cease and desist from such practices in the future. No monetary penalty was imposed however since corrective measures had already been undertaken by the OPs, such as withdrawing restrictive advisories and amending the by-laws.

CCI DISMISSES ALLEGATIONS OF ABUSE OF DOMINANCE AGAINST COAL INDIA LIMITED

Vide an order dated [30 December 2024](#), CCI dismissed allegations of abuse of dominance levelled against Coal India Limited (**CIL**) for imposing one-sided, unfair, and discriminatory provisions in a CIL e-auction scheme 2022.

For the purposes of determining the dominance, following its previous decision in [Case No. 59 of 2013](#) and [Case No. 10 of 2017](#), the CCI first delineated the relevant market to be *production and sale of non-coking coal to bidders under e-auction scheme in India* and found that CIL is the single largest coal producing company in the world, fulfilling approximately 79% of India's coal production and has more than 90% market share in e-auction of coal. Thus, the CCI concluded that CIL *enjoys a position of strength, and its extensive reserves of coal and resultant share of the market provides it the market power to deal with its customers in favourable terms without any substantial risk of losing customers to its competitors.*

After establishing the dominance of CIL, CCI delved into each of the *fourteen* allegedly unfair and discriminatory clause/provision of the e-auction 2022 scheme and concluded (in a few instances, quite summarily) that broadly all the clauses were standard and administrative in nature and either did not require an intervention by the CCI nor did they arise as a result of an abusive conduct.

CCI DISMISSES AGI GREENPAC'S ABUSE OF DOMINANCE CLAIMS AGAINST BHAGYANAGAR GAS

Vide order dated [30 December 2024](#), the CCI allegations of abuse of dominance brought by AGI Greenpac Limited against Bhagyanagar Gas Limited (**BGL**).

AGI Greenpac, a major container glass manufacturer, alleged that BGL, a city gas distributor authorized by the Petroleum and Natural Gas Regulatory Board (**PNGRB**), abused its dominant position in the market for natural gas supply in Hyderabad. BGL was accused of charging excessively high prices for natural gas, refusing to enter into a tri-partite agreement for sourcing gas from third parties, and failing to disclose the basis for determining gas prices transparently.

The CCI identified the relevant product market as the “supply of natural gas to consumers with a demand of up to 50,000 SCMD” and the relevant geographic market as *Hyderabad*. BGL, by virtue of being the sole authorized entity for supplying natural gas in Hyderabad under the PNGRB Act and associated regulations, was found to hold a dominant position in the delineated market.

The CCI called for and examined the explanation proffered by BGL, and agreed that the pricing is linked to Re-gasified Liquefied Natural Gas prices due to government policies that restrict the allocation of cheaper domestic gas to specific categories, such as household consumers and the transportation sector. Further, the CCI agreed that price comparisons between Hyderabad and Bhongir were invalid because of differing tax structures and market conditions.

Regarding the tri-partite agreement, the CCI accepted BGL’s submissions that statutory limitations under the PNGRB Act and regulations prohibit such arrangements unless the entity is designated as a “common carrier” by the PNGRB, which admittedly BGL was not.

Finally, the Commission held that the issues primarily stemmed from contractual disagreements, posing no competition concerns. Consequently, the Commission dismissed the matter under Section 26(2) of the Act.

CCI APPROVES ACQUISITION OF VITERRA BY BUNGE

Vide an order dated [30 July 2024](#), the CCI approved the acquisition of 100 percent shareholding of Viterra Limited (**Viterra**) by Bunge Global SA (**Bunge**).

The CCI noted that parties to the proposed combination are engaged in the sale and marketing of vegetable oil in India. In terms of horizontal

overlap, it was noted that parties are engaged in the sale and marketing of crude soyabean and sunflower oil.

With regard to vertical overlaps, the CCI highlighted that Bunge is engaged in the sale of refined sunflower and soyabean oil, which could potentially be produced by crude oil supplied by Viterra, thus there exists a potential supply chain linkage between the parties.

However, given that the combined market share of the parties in India was below 25% in both crude soyabean and sunflower oils and other prominent players were present in the market, the CCI concluded that the proposed combination is not likely to have any adverse effect on competition and approved it.

CCI APPROVES ACQUISITION OF BHARAT SERUMS BY MANKIND PHARMA

The CCI, vide order dated [01 October 2024](#), approved the acquisition of 100 percent shareholding of Bharat Serums and Vaccines Limited (**BSV**) by Mankind Pharma Limited (**Mankind**).

The CCI noted that the parties are primarily engaged in the pharmaceutical sector, particularly in the manufacturing and supply of finished dosage formulations (**FDFs**). Based on the molecule level, ATC 3 and ATC 4 classifications, the CCI observed that there were up to 60 overlaps parties but narrowed its assessment to eight where the combined market shares were over 15% with an increment of over 5%.

However, only in two categories did the combined share result in the parties becoming the leading producer, and even for those products, there were other prominent players in the market.

In terms of vertical overlaps, CCI noted that while Mankind and BSV are present in different stages of the pharmaceutical supply chain, such as APIs, intermediates, and excipients, there exist a vertical overlap in the sale of excipients and provision of contract manufacturing services (**CMO**) of Mankind at the upstream level and sale and supply of FDF by BSV at the downstream level.

The CCI observed that the CMO services provided by Mankind are miniscule and used captively to other Mankind group affiliates and thus not likely to raise any adverse effect on competition.

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