DSK Legal
True Value, True Values

Competition Law

Newsletter - May 2026

IN THIS ISSUE...

In this edition of the Competition Law Newsletter, we bring to you significant orders passed/published the Competition Commission of India (CCI/Commission) in April and a massive IBC Update which may change the competition landscape.

FROM PRIOR NOD TO POST-PLAN APPROVAL: IBC AMENDMENT

On 29 January, 2025, a three-judge bench of the Supreme Court, by a 2:1 majority in *Independent Sugar Corporation Ltd. v. Girish Sriram Juneja*, held that for any resolution plan under the Insolvency and Bankruptcy Code (**IBC**) that constitutes a notifiable combination, CCI approval must be obtained **prior to** the Committee of Creditors (**CoC**) voting on the plan. The Court ruled that the proviso to Section 31(4) of the IBC is mandatory in nature, not directory, and therefore, a resolution plan cannot be placed before the CoC for approval without first securing the Commission's nod. This landmark ruling invalidated AGI Greenpac's plan, which had secured CCI approval after the CoC's vote but prior to the National Company Law Tribunal's final order.

The IBC Amendment Act, 2026 amended the proviso to Section 31(4) of the IBC, replacing the words "*prior to the approval of such resolution plan by the committee of creditors*" with "*before* the *resolution plan is submitted to the Adjudicating Authority under sub-section (6) of section 30*". Thus, while the Supreme Court strictly interpreted the provision and held that CCI approval must come **before** creditors vote, the amendment now permits CCI approval to come **after** the creditors vote, as long as it is obtained before the resolution plan is filed with the Tribunal for final approval.

CCI FINDS BID RIGGING IN ASSAM POLICE HOUSING CORPORATION TENDERS

Vide order dated 07 April 2026, the CCI held that seventeen electrical contractors had engaged in bid rigging and collusive bidding in tenders floated by Assam Police Housing Corporation Limited for internal and external electrification works across police stations in the State of Assam.

The matter arose from a complaint filed by the Office of the Accountant General (Audit), Assam, which flagged irregularities in the tendering process for electrification works undertaken in 73 police stations. The DG's investigation confirmed extensive evidence of collusive conduct among the opposite parties (**OPs**), observing that in 71 out of the 73 tenders, only three bidders participated, while the remaining tenders had four bidders, despite there being seventeen eligible contractors. The pattern of participation revealed a rotational arrangement, with almost all bidders securing at least one tender, suggesting pre-determined allocation. The investigation further revealed that bidders alternated between L-1, L-2 and L-3 positions, and certain bidders participated merely to submit cover bids.

Evidence also included:

(i) Marginal increases in price with fixed multiples such as ₹10, ₹100, or ₹1000, with no correlation to legitimate cost factors.
(ii) Price of diesel generators was uniformly inflated across bids to align with the total estimated value of the tender.
(iii) An error in the consultant's estimate — where the rate for "solar power plant" was incorrectly applied in place of "solar streetlight"— was blindly replicated by all bidders across multiple tenders, except in a few instances where the estimate itself had been corrected.
(iv) Multiple bids were uploaded from the same IP addresses within short time intervals.
(v) Call data records indicated communication between bidders during the tender period.
(vi) Several demand drafts submitted as tender fees were found to be sequentially numbered, issued on the same date, and in many instances procured or submitted by one bidder on behalf of others.

The Commission in its analysis concurred with the findings of the DG, holding that the evidence clearly demonstrated a concerted arrangement among the OPs. While recording a finding of contravention, the Commission directed the parties to cease and desist from such conduct, and in the facts and circumstances of the case, did not impose any monetary penalty.

CCI ORDERS INVESTIGATION INTO VH GROUP FOR VERTICAL RESTRAINTS IN THE COMMERCIAL POULTRY SECTOR

CCI vide order dated 01 April 2026, initiated an investigation against Venkateshwara Hatcheries Pvt. Ltd. and its group companies (collectively, **VH Group/Opposite Parties**), based on information filed by People for Animals. The informant alleged abuse of dominance and vertical restraints in the Indian commercial poultry sector.

The Commission delineated the relevant markets as: (a) the market for production and supply of parent stock of commercially viable layer hen breeds in

India; and (b) the market for production and supply of grandparent/parent stock of commercially viable broiler chicken breeds in India. The OPs, the CCI observed, are the largest fully integrated poultry group in Asia, with their BV-300 and Vencobb breeds allegedly holding over 80% and 75% market share, respectively. They also exercise significant influence through the National Egg Coordination Committee (**NECC**), Bharat Egg Producers Association, and All-India Poultry Development and Services Pvt. Ltd.

The Commission rejected the preliminary objection that the matter was barred by res judicata or limitation due to a prior case (Case Nos. 09 and 36 of 2017), noting that the earlier case concerned horizontal collusion under Sections 3(3)(a) and 3(3)(b) against NECC, and Agro Corpex India Ltd., while the present case raises distinct allegations under Sections 3(4) and 4 against the VH Group specifically.

The Commission found that the Broiler Breeder Agreement and Layer Breeder Agreement are standard form agreements that: (i) restrict contract breeders from selling commercial chicks and hatching eggs to "unauthorised persons" which includes competitors and persons dealing with other breeds; and (ii) prohibit breeders from procuring or dealing with any other breed of parent stock. These exclusive supply and distribution arrangements *prima facie* contravened Section 3(4) of the Act.

Consequently, the Director General was directed to initiate an investigation into the matter and submit his report.

CCI DISMISSES COMPLAINT OF ANTI-COMPETITIVE CONDUCT AGAINST ADANI GROUP

The CCI, vide order dated 16 April 2026, dismissed allegations of anti-competitive conduct and abuse of dominance against Adani Enterprises Limited and its group entity, Azure Power, concerning solar power procurement under a Solar Energy Corporation of India (**SECI**) manufacturing tender.

According to the informant, the bidding process for solar manufacturing-linked power projects was designed to favour big conglomerates such as Adani Group entities, thereby excluding other small participants. It was further alleged that the bidding process, including provisions such as the "Green Shoe Option" (awarding additional capacity to the successful bidder without a new, separate tender process) and subsequent reallocation of project capacity, was manipulated to confer disproportionate benefits on Adani Group entities.

The Commission noted that electricity is generated through various sources, including coal, solar, wind, hydro, and nuclear, featuring several major public and private players, such as National Thermal Power Corporation, Tata Power, and JSW Energy. Consequently, the Commission found that the Adani Group does not, prima facie, hold a dominant position in the power generation market.

Regarding the allegations concerning the Request for Selection issued by SECI, the CCI reiterated its position as held in previous cases – "*A procurer, as a consumer, can stipulate certain technical specifications/ conditions/ clauses in the tender document as per its requirements which by themselves cannot be deemed anticompetitive. It may be noted that the party floating the tender is a consumer and it has the right to decide on the appropriate eligibility conditions based on its requirements*." Moreover, the CCI also noted that such conditions were within the guidelines issued by the Ministry of New and Renewable Energy.

In view of the above, CCI dismissed the complaint.

CCI DISMISSES ALLEGATIONS OF ABUSE DESPITE DOMINANCE OF ARTHUR FLURY

The CCI, vide order dated 07 April 2026 dismissed allegations of abuse of dominant position against Arthur Flury India Private Limited (**Arthur Flury**) in relation to the supply of Short Neutral Section Assemblies (**SNSA**) to the Indian Railways.

The Commission delineated the relevant market as the market for SNSA in India, noting the absence of substitutability given the product's critical safety function in railway electrification. The CCI noted that Arthur Flury, owing to its status as the only effectively eligible indigenous supplier under prevailing procurement norms, was dominant between 2023 and 2024.

On the allegation of abuse of dominant position, CCI noted that procurement specifications and standards are determined by the Railway Designs and Standards Organisation (**RDSO**), and thus, suppliers have limited ability to influence market conditions.

Firstly, on the issue of price escalation by Arthur Flury, the CCI examined the prices in detail and noted that the price increase had only occurred on one occasion, where the Swiss currency exchange rate increased substantially. The prices offered

across tenders were not uniform, and changes may be attributed to legitimate commercial factors, *inter alia*, fluctuations in exchange rates, order quantities, logistics costs, and inflation.

Secondly, on the alleged discriminatory pricing quoted to the Indian Railways and Engineering, Procurement, and Construction contractors, the CCI held the price differential not to be substantial and sufficient to establish discriminatory or exploitative conduct. Moreover, EPC contractors are not subject to RDSO requirements and can procure SNSA from other third parties.

Lastly, CCI noted that post entry of other developmental and approved vendors, Arthur Flury had started quoting lower rates, which signifies that sufficient competition exists.

In light of the foregoing, the Commission held that no prima facie case of abuse of dominant position was made out and accordingly closed the matter.

CCI DISMISSES ZUCOL'S ABUSE OF DOMINANCE CASE AGAINST GOOGLE OVER PLAY STORE ACCOUNT TERMINATIONS

Vide its order dated 24 March 2026, the CCI dismissed the allegations levied by Zucol Solutions Private Limited (**Zucol**) against Google India, stating that the tech major had abused its dominant position by arbitrarily terminating Zucol's developer accounts. The dispute was triggered in September 2023 when Google terminated the Zucol's primary Google Developer Account (**GDA**) after its detection tools identified malware and deceptive behaviour violations associated with an application titled "Pobreflix – Series, Movies."

In addressing the competition concerns, the Commission first delineated the relevant market as the "*market for app stores for Android OS in India*." Within this framework, the CCI analysed Google's market power and reaffirmed its previous findings from the Alphabet and Liberty Infospace cases, concluding that Google holds a dominant position. This dominance was characterised by the Google Play Store's status as the primary gateway for app distribution on Android, significant barriers to entry for competing stores, and the cumbersome nature of "side-loading" apps for average users, which left developers with little choice but to comply with Google's ecosystem requirements.

The Commission's detailed analysis of the alleged abuse, however, revealed significant issues with Zucol's conduct and the veracity of its claims. The CCI found that Zucol had made contradictory statements – while they initially claimed the problematic app did not belong to them, they later admitted it was published under their own account. More importantly, the Commission noted that Zucol had suppressed material facts, most notably that Google had already reinstated their primary account in September 2025 following an internal appeal. Zucol had neither informed the Commission of this reinstatement nor taken steps to resubmit its compliant applications to the Play Store. Further inconsistencies were noted in the Zucol's communication trail.

While arriving at its conclusion, the CCI heavily referenced the precedent set in the Liberty Infospace case, which dealt with substantially identical issues regarding Play Store policies. Similar to its findings in Liberty, the Commission held that standard-form contracts like the Developer Distribution Agreement (DDA) are standard industry practice and not inherently anti-competitive. The Commission reiterated that Google's "Relation Ban Policy" and its practice of providing limited disclosures during terminations are reasonable measures to prevent malicious actors from "gaming" the system. Ultimately, the CCI found that Google's enforcement was a routine application of platform security measures rather than an abuse of dominance.

CCI GREENLIGHTS INSURANCE DEKHO-RENEWBUY MERGER

The CCI, vide Order dated 07 November 2025, approved the proposed combination involving the merger of two individual groups, Insurance Dekho (**ID**) Entities and RenewBuy (**RB**) Entities into a single group. The parties included Girnar Software Private Limited, ID Entities, RB Entities, and various investors such as Goldman Sachs entities, TVS entities, Apis Growth, Dai-ichi Life Holdings, and the respective founders.

The Commission assessed horizontal overlaps and vertical relationships across several markets, including distribution of insurance products, advertising and marketing services, distribution of loans, small claims survey services, provision of life insurance, mutual funds, payment gateway services, and others. In each identified overlap or vertical linkage, the combined market shares of the parties were found to be minimal, typically in the 0-5% or 5-10% range, with sufficient alternative players present. Accordingly, the CCI concluded that the proposed combination is not likely to cause an appreciable adverse effect on competition in India and granted approval.

CCI UNCONDITIONALLY APPROVES ACQUISITION OF MAJORITY STAKE IN THRIVENI PELLETS BY TATA STEEL

CCI, vide order dated 20 January 2026, approved the acquisition of 50.01% shareholding in Thriveni Pellets Private Limited (**TPPL**) by Tata Steel Limited.

Upon adjudication, CCI noted that parties exhibit a horizontal overlap in the manufacture and/or sale of iron ore pellets in India. However, given that Tata Steel and its affiliates are not engaged in merchant sales of iron ore pellets and primarily utilise the same for captive consumption, the Commission noted that the horizontal overlap is not likely to raise any competition concerns.

On the vertical overlaps aspect arising out of the business of Tata Steel in (a) mining of iron ore in India; (b) production and/or sale of sponge iron in India ; and (c) production and/or sale of semi-finished steel products/crude steel in India and TPPL in the production and sale of iron ore pellets in India, the CCI noted that the market share of the parties in the above said markets is not significant enough to raise foreclosure concerns, coupled with the fact that there are other established players in the market.

Key Contacts

Abdullah Hussain
Partner
abdullah.hussain@dsklegal.com

Kanika Chaudhary Nayar
Partner
kanika.nayar@dsklegal.com

Abhishek Singh Baghel
Partner
abhisheksingh.baghel@dsklegal.com

DSK Legal
True Value, True Values

DSK Legal Knowledge Center

Contact Details for any queries: knowledge.management@dsklegal.com

Mumbai
1701, One World Centre,
Floor 17, Tower 2B,
841, Senapati Bapat Marg,
Mumbai - 400013.
Tel +91 22 6658 8000

Mumbai
C-16, Dhanraj Mahal,
3rd Floor,
Apollo Bunder, Colaba,
Mumbai - 400001.
Tel +91 22 6152 6000

New Delhi
Max House, Level 5,
Okhla Industrial Area, Phase 3,
New Delhi - 110020.
Tel +91 11 4661 6666

Dubai
Bay Square,
Building 12, P 03, Dubai,
United Arab Emirates
T: +971 50 450 4026

Bengaluru
201, 2nd floor, Prestige Loka,
7/1 & 7/7, Brunton Road,
Craig Park Layout, Ashok Nagar,
Bengaluru - 560025.
Tel +91 80 6954 8770

Pune
Ground Floor, 1 Modibaug,
Ganesh Khind Road, Shivajinagar,
Pune - 411016.
Tel +91 20 6684 7600

Abu Dhabi
3112, 31, Tamouh Tower,
ADGM, Abu Dhabi,
Al Reem Island, UAE
T: +971 50 450 4026

contactus@dsklegal.com
DSK Legal
www.dsklegal.com

Disclaimer

This newsletter is only for general informational purposes, and nothing in this edition of 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 reach out to any of the unique individuals above.