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National Company Law Appellate Tribunal

NCLAT reduces penalty on a soil testing company in a case involving bid-rigging

The National Company Law Appellate Tribunal (“NCLAT”) reduced the penalty imposed by the Competition Commission of India (“CCI”) on Delicasy Continental Private Limited (“DCPL”) for indulging in a bid-rigging cartel.

Background

On [April 4, 2022](#), the CCI passed an order against 9 (nine) soil testing companies including DCPL and Austere Systems Private Limited (“ASPL”) (collectively referred to as the ‘**Soil Testing Companies**’) and their office bearers for indulging in a bid-rigging cartel in the e-tenders floated by the Department of Agriculture for soil sample testing in 2017 and 2018 (“**Tenders**”), in contravention of Section 3(3) of the Competition Act, 2002 (“**Competition Act**”)(referred to as the ‘**CCI Order**’).

The CCI *inter alia* noted that: (a) the Soil Testing Companies had common registered addresses; and (b) though DCPL had no experience in soil testing, ASPL sub-contracted the soil-testing work to DCPL and issued a fake experience certificate so that DCPL could meet the technical eligibility of the Tenders.

Accordingly, the CCI decided to impose a penalty at 5% of the average turnover of each of the Soil Testing Companies and at 5% of the average income of their respective office bearers. For a detailed summary of the CCI Order, refer to [JSA Competition Law Newsletter of April 2022](#).

Proceedings before the NCLAT

Aggrieved, DCPL challenged the CCI Order before the NCLAT and *inter alia* contended that: (a) there was no meeting of minds between DCPL and ASPL while submitting the bids; (b) bidding for the Tenders with no experience in soil testing did not make DCPL guilty of violating the Competition Act; (c) DCPL obtained the experience certificate from ASPL after completing soil-testing work for ASPL in 2017; and (d) while imposing penalty on DCPL, the CCI considered its total turnover and not the relevant turnover, even though DCPL made no turnover from the Tenders, disregarding the principles laid down by the Supreme Court in *Excel Crop Care v. CCI* (“**Excel Crop Case**”) in relation to relevant turnover.

NCLAT Observations

The NCLAT upheld the CCI Order and noted that DCPL provided cover bidding for ASPL and was working under the supervision of ASPL. Further, the experience certificate was only issued to DCPL to make it eligible for the Tenders.

On the penalty, the NCLAT distinguished the facts of the Excel Crop Case and noted that in the said case, the companies were engaged in the same business for many years and their balance sheets had segment-wise reporting which made it possible to identify their relevant turnover for imposing the penalty. In the present case, almost all the companies were first-time bidders and therefore, their earning in this regard was nil. Thus, considering the relevant turnover in this case would not be correct as it would lead to the penalty being nil.

Since DCPL was in a ‘supporting role’, the NCLAT decided to reduce the penalty on it from 5% to 3% of its average turnover.

(Source: NCLAT Order dated May 31, 2024)

NCLAT dismisses appeal filed against CCI order exonerating Kerala State Road Transport Corporation

The NCLAT dismissed the appeal filed by Mr. Shine P Sasidhar (“**Appellant**”) against the order passed by the CCI, through which it exonerated Kerala State Road Transport Corporation (“**KSRTC**”) from allegations of abuse of dominant position, in contravention of Section 4 of the Competition Act.

Brief Background

In 2009, the Government of Kerala published a notification, through which KSRTC had the exclusive right to operate buses on several routes including the Nilakkal Pamba route, which is used by pilgrims to reach the Sabrimala temple. The Appellant filed a complaint against KSRTC before the CCI *inter alia* alleging that KSRTC abused its dominant position by charging exorbitant fares from pilgrims who use this route to reach the Sabarimala temple.

On [January 22, 2024](#), the CCI dismissed the complaint and *inter alia* held that: (a) granting exclusivity to KSRTC to operate buses on certain routes was a policy decision and may not be considered anti-competitive; and (b) the fares charged by KSRTC were in line with the notification dated April 30, 2022 published by the Government of Kerala (“**Notification**”) and were charged uniformly by both public and private operators (“**CCI Order**”).

Proceedings before the NCLAT

Aggrieved, the Appellant challenged the CCI Order before the NCLAT which considered the Notification and noted that the fares charged by KSRTC were in accordance with the Notification and did not merit any interference.

(Source: NCLAT Order dated May 6, 2024)

Competition Commission of India

Enforcement

CCI dismisses complaint against Department of Atomic Energy and IREL (India) Ltd. for alleged abuse of dominant position

The CCI received a complaint against the Department of Atomic Energy (“**DAE**”)¹ and IREL (India) Ltd. (“**IREL**”)² for violation of Section 4 of the Competition Act for abuse of dominant position.

The Metallurgical Products India Private Limited (“**Complainant**”) was permitted by the DAE to set up a plant to process columbite and tantalite ores to produce niobium and tantalum products, which generates uranium bearing leach residue (“**ULR**”) which is required to be handled and safely disposed, being a radioactive substance. The Complainant and IREL executed certain off-take agreements for 15 (fifteen) years, basis which IREL was collecting and disposing safely the ULR produced in the Complainant’s plant. In February 2017, the Complainant applied for the renewal of the off-take agreement, however, the same was rejected by IREL and the DAE.

The Complainant alleged that DAE and IREL had abused their dominant position in the market for disposal of ULR produced during the processing of Columbite and Tantalite ores in India by *inter alia* arbitrarily refusing to renew the off-take agreement after 2017.

¹ It is the Union of India through the Secretary, Department of Atomic Energy.

² It is a Government of India undertaking which functions under the administrative control of DAE and is engaged in mining and chemical processing of mineral sands containing Uranium, etc.

The CCI noted that the processing of columbite and tantalite generated ULR, a radioactive substance, is regulated by the Atomic Energy Act, 1962 read with the Government of India (Allocation of Business) Rules, 1961. Therefore, the DAE could not be considered as an 'enterprise' and its conduct was not subject to scrutiny under the Competition Act.

Accordingly, the CCI dismissed the case.

(Source: CCI Order dated May 29, 2024)

CCI dismisses complaint against Maruti Suzuki Limited for alleged abuse of dominant position

The CCI received a complaint against Maruti Suzuki India Limited ("**Maruti**") for violation of Section 4 of the Competition Act for abuse of dominant position.

Mr. Harmit Ahuja ("**Complainant**"), bought the *alpha variant* of Maruti Jimny ("**Alpha Jimny**"), a new sports utility vehicle ("**SUV**") launched by Maruti. Subsequently, Maruti launched a limited edition model of Maruti Jimny called 'Thunder' at a discounted price making the Complainant worse off as he had paid a much higher price to buy the Alpha Jimny. Accordingly, the Complainant requested Maruti to refund the excess amount which Maruti refused.

The CCI noted that the market share of Maruti in the sale of SUV segment of passenger vehicles was approximately 22%, which does not enable it to operate independent of its competitors, hence, Maruti is not a dominant player. Absent dominance, no case of Section 4 of the Competition Act is made out against Maruti.

The CCI also noted that the present case arose from an *inter se* dispute between the parties regarding the price of Maruti Jimny and there are no competition concerns arising from the allegations made by the Complainant.

Accordingly, the CCI dismissed the case.

(Source: CCI Order dated May 6, 2024)

Merger Control

CCI approves 7 (seven) combinations in the month of May 2024; detailed approval orders to be published

- 1) acquisition of minority shareholding of HDFC Credila Financial Services Limited by Shinhan Bank Co., Ltd.
- 2) demerger of the hotels business of ITC Limited ("**ITC**") into ITC Hotels Limited ("**ITC Hotels**") and acquisition of shareholding of ITC Hotels by ITC and shareholders of ITC.
- 3) acquisition of 100% shareholding of Tianish Laboratories Private Limited by Matrix Pharma Private Limited and investments by: (a) Kingsman Wealth Fund PCC in Mudhra Lifesciences Private Limited ("**MLPL**"); and (b) MLPL, Mudhra Pharmacorp LLP, Kotak Strategic Situations India Fund II and Kotak Alternate Asset Managers Limited in Mudhra Labs Private Limited.
- 4) acquisition of the right to appoint a director in Embassy Office Parks Management Services Private Limited collectively by Bain and Kotak Alternate Asset Managers Limited.
- 5) acquisition of additional shareholding in Sikkim Urja Limited by Greenko Energies Private Limited.
- 6) acquisition of certain shareholding of Svatanttra Microfin Private Limited ("**Svatanttra Microfin**") and certain rights in Svatanttra Micro Housing Finance Corporation Limited ("**Svatanttra Micro**") by Multiples.
- 7) acquisition of certain shareholding of Svatanttra Microfin and certain rights in Svatanttra Micro by Violicina Limited

(Source: Summary: Shinhan Bank/HDFC Credila, ITC/ITC Hotels,, Bain/KAAML/Embassy,, Svatanttra Microfin/Svatanttra Micro/Multiples, Svatanttra Microfin/Svatanttra Micro/ Violicina)

CCI approves acquisition of shareholding of Pritam International Private Limited by HCL Corporation Private Limited, India Advantage Fund S5 I and others

The CCI approved the acquisition of:

- 1) 21.3%-24.1% shareholding of Pritam International Private Limited (“**PIPL**”)³ by India Advantage Fund S5 I (“**IAF S5 I**”)⁴ through ICICI Venture Funds Management Company Limited, HCL Corporation Private Limited (“**HCL**”)⁵, Mirabilis Investment Trust (“**Mirabilis**”)⁶ through its trustees⁷;
- 2) acquisition of additional shareholding by PIPL in certain group companies and partnership firms; and
- 3) internal reorganisation of shareholding of the members of the promoter family in PIPL

(referred to as the “**Proposed Transaction**”).

IAF S5 I, HCL, Mirabilis, Mr. Aashil Apurva Shah and Mr. Ansh Ashit Shah are together referred to as the ‘**Acquirers**’.

The CCI noted that there are no horizontal overlaps between the activities of the parties⁸.

In relation to vertical links, the CCI examined the potential vertical links between the activities of the parties⁹ in the upstream market for the contract manufacture of beauty and personal care products in India and the downstream market for the sale of beauty and personal care products in India. Given the low market shares of the parties with the presence of several significant players in the vertical market, the CCI noted that the Proposed Transaction is not likely to raise foreclosure concerns.

The CCI approved the Proposed Transaction in 74 (seventy-four) calendar days.

(Source: CCI Order dated April 2, 2024)

CCI approves acquisition of minority shareholding of Northern Arc Capital Limited by International Finance Corporation

The CCI approved the acquisition of approximately 6% shareholding of Northern Arc Capital Limited¹⁰ (“**Northern Arc Capital**”) by International Finance Corporation¹¹ (“**IFC**”) (referred to as the ‘**Proposed Transaction**’). Post the Proposed Transaction, IFC will also have certain affirmative voting rights and board representation in Northern Arc Capital.

The CCI examined the horizontal overlaps between the activities of the parties¹² in the broad market for the provision of loans and lending services in India and in the narrow markets for the provision of consumer loans, microfinance,

³ It belongs to the Wonder Product Group of Companies viz the Pritam Group. The Pritam Group is *inter alia* engaged in the development of formulation and contract manufacturing of personal care and grooming products.

⁴ It is a determinate and contributory trust registered under the Indian Trusts Act, 1882 and a category II alternative investment fund registered with the Securities and Exchange Board of India. Its trustee is IDBI Trusteeship Services Limited, and its investment manager is ICICI Venture Funds Management Company Limited.

⁵ It belongs to the HCL Group and is a non-banking finance company incorporated to hold investments in various entities within its group and invest in relevant securities.

⁶ It is registered under the Indian Trust Act, 1882 and has been incorporated to invest in Indian companies as a financial investor. Its beneficial owners hold 100% shareholding in Addvantis Enterprises LLP which runs a spa called “Veda Earth” and also uses/sells its own branded personal care products which are not manufactured in-house.

⁷ They are individual investors.

⁸ Acquirers (including their affiliates) and PIPL (including its affiliates).

⁹ Acquirers (including their affiliates) and PIPL (including its affiliates).

¹⁰ It is a non-banking finance company and offers a variety of services in the financial services sector including loans and lending services.

¹¹ It provides financial assistance to institutions in its member countries. It also offers advisory services and asset management services.

¹² IFC (including its affiliates) and Northern Arc Capital (including its affiliates).

supply chain loans, micro small and medium enterprises loans and agriculture loans. 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 relation to the vertical links, the CCI examined the existing vertical links between the activities of the parties¹³ and noted that the Proposed Transaction is not likely to raise foreclosure concerns.

The CCI approved the Proposed Transaction in 42 (forty-two) calendar days.

(Source: CCI Order dated April 2, 2024)

CCI approves the acquisition of cement business of Kesoram Industries Limited by UltraTech Cement Limited

The CCI approved the acquisition of the cement business of Kesoram Industries Limited (“**Kesoram**”)¹⁴ by Ultratech Cement Limited (“**Ultratech**”)¹⁵ belonging to the Aditya Birla Group (“**Proposed Transaction**”). The Proposed Transaction was notified to the CCI in Form II (long form).

The CCI examined the horizontal overlaps between the activities of the parties¹⁶ in the market for the manufacture of grey cement in Karnataka, Andhra Pradesh, Maharashtra and Telangana (“**Relevant Market**”).

On the competition assessment, the CCI noted that although the combined market shares of the parties are 22%-26% with an increment of 5%-6%, several players are present in the Relevant Market which will pose competitive constraints on the parties. In view of the same, the Proposed Transaction will not raise competition concerns.

The CCI approved the Proposed Transaction in 54 (fifty-four) calendar days.

(Source: CCI Order dated March 19, 2024)

CCI approves merger of Garagepreneurs Internet Private Limited with and into North East Small Finance Bank Limited

The CCI approved the merger of Garagepreneurs Internet Private Limited (“**GIPL**”)¹⁷ with and into North East Small Finance Bank Limited (“**NESFB**”)¹⁸ (referred to as the “**Proposed Transaction**”).

The CCI examined the horizontal overlaps between the activities of the parties¹⁹ in the broad market for the: (a) provision of loans and lending services; (b) provision of digital payment services; (c) distribution of insurance products; (d) distribution of mutual funds; and (e) provision of deposit taking services. On the competition assessment, the CCI noted that: (a) the combined market shares of the parties are low; and (b) the parties are not close competitors at a narrower level.

¹³ IFC (including its affiliates) and Northern Arc Capital (including its affiliates).

¹⁴ It is a public listed company engaged in the manufacture and sale of grey cement, rayon, transparent paper, and chemicals directly or through its subsidiaries. It belongs to the BK Birla Group which is also present in the cement sector through Mangalam Cement Limited.

¹⁵ It is a public listed company engaged in the manufacture of cement, concrete, clinker and other building materials. It is a subsidiary of Grasim Industries Limited and a flagship company of the Aditya Birla group.

¹⁶ Aditya Birla group (including its affiliates) and cement business of Kesoram.

¹⁷ It provides lending services, facilitates loans on its digital lending application, offers “slice” prepaid cards, UPI services (as a third-party application provider), and is a master policyholder of its insurance partner’s products.

¹⁸ It is a private sector small bank.

¹⁹ GIPL (including its affiliates), NESFB (and its parent entity, RGVN), Mr. Rajan Bajaj (promoter of GIPL), Gunosy Inc. and Gunosy Capital G.K. (collectively referred to as ‘**Gunosy Entities**’), 3F Ventures, Blume Ventures India Fund II, Blume Ventures Fund II and Blume Ventures (Opportunities) Fund IIB (collectively referred to as ‘**Blume Funds**’) and Insight Luxembourg XII S.a.r.l. (“**Insight**”) (including their affiliates). Gunosy Entities, Blume Funds and Insight are existing shareholders of GIPL.

In relation to the vertical links, the CCI examined the potential vertical links between the activities of the parties ²⁰in the provision of unified payments interface (“UPI”) architecture and services provided by third-party application providers in respect of provision of core banking solutions and provision of banking services. Given the low market shares of the parties in the vertical markets, the CCI noted that the Proposed Transaction is not likely to raise foreclosure concerns.

The CCI approved the Proposed Transaction in 54 (fifty-four) calendar days.

(Source: CCI Order dated March 12, 2024)

CCI approves combination between Raymond group and MPPL group

The CCI approved the:

- 1) acquisition of 3.88% shareholding of Maini Precision Products Limited (“MPPL”)²¹ by Kamini Motorsport India Limited
- 2) acquisition of 59.25% shareholding of MPPL by Ring Plus Aqua Limited (“RPAL”)²²
- 3) demerger of the following businesses into JK FEL Tools and Technologies Limited (“JK FEL”)²³:
 - a) engineering business of JK Files & Engineering Limited (“JK Files”)²⁴
 - b) transfer of entire shareholding of JK Files in JK Tablot Limited and RPAL to JK FEL
 - c) transfer of entire shareholding of RPAL in MPPL to JK FEL
- 4) merger of RPAL and MPPL to JK FEL

(referred to as the ‘Proposed Transaction’).

The CCI noted that there are no horizontal overlaps between the activities of the parties²⁵.

In relation to vertical links, the CCI examined the potential vertical links between the activities of the parties in the upstream market for the manufacture of tools in India and the downstream market for customised manufacturing 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 also examined certain complementary links between the activities of the parties including the market for the manufacture and sale of power tool accessories business and the manufacture and sale of power tool parts. 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 86 (eighty-six) calendar days.

(Source: CCI Order dated March 6, 2024)

²⁰ GIPL (including its affiliates), NESFB (and its parent entity, RGVN), Mr. Rajan Bajaj (promoter of GIPL), Gunosy Entities, 3F Ventures, Blume Funds and Insight (including their affiliates).

²¹ It is engaged in providing customised manufacturing services of high-precision parts for machines/assemblies based on the design requirements.

²² It is a subsidiary of Raymond Limited and is engaged in the manufacture and sale of ring gears, water pump bearing, and flex plate.

²³ It’s a newly incorporated entity, incorporated for the purpose of the Proposed Transaction.

²⁴ JK Files is a wholly owned subsidiary of Raymond Limited and is *inter alia* engaged in the: (a) manufacture and sale of files; (b) import of power tools and accessories.

²⁵ Raymond group (including its affiliates) and MPPL group (including its affiliates).

Miscellaneous

CCI proposes additional amendments to the CCI (General) Regulations, 2009

On June 6, 2024, the CCI published the draft amendments to the CCI (General) Regulations, 2009 (“**Draft Amendments**”) for public comments. The key additional amendments proposed to the General Regulations are set out below:

- 1) **Intimation to parties about the *prima facie* order:** Under the existing regime, the CCI is not obligated to intimate the parties once a *prima facie* order is passed directing the Director General (“**DG**”) to cause an investigation against the parties. The Draft Amendments propose that the CCI will now be required to share a copy of the *prima facie* order with the parties within 7 (seven) days from passing of the said order in cases concerning the *prima facie* contravention of Sections 3(4) (vertical anti-competitive agreements) or 4 (abuse of dominance position) of the Competition Act.
- 2) **Timelines regarding matters concerning Sections 3 and 4 of the Competition Act:** The Draft Amendments set out the following timelines for various procedural steps for conducting inquiry in matters concerning Sections 3 and 4 of the Competition Act:
 - a) **Timeline for placing the investigation report or the supplementary investigation report for CCI’s consideration:** Under the existing regime, the Secretary of the CCI (“**Secretary**”) is required to place the investigation report of the DG (“**DG Report**”) before the CCI for its consideration within 7 (seven) days from the date of receipt of such report. The Draft Amendments propose to extend this timeline to up to 4 (four) weeks. In cases where the CCI directs the DG to investigate further and submit a supplementary investigation report (“**Supplementary Report**”), the Draft Amendments propose the same timeline of 4 (four) weeks for such report to be placed before the CCI for its consideration.
 - b) **Timeline for filing objections/suggestions to the DG Report or the Supplementary Report:** The Draft Amendments propose that once the CCI shares the public version of the DG Report or the Supplementary Report with the parties, the parties are required to file their objections/suggestions to the DG Report or the Supplementary Report within 8 (eight) weeks from the date of receipt of the said reports.
 - c) **Timeline for submitting the DG Report to the CCI:** Under the existing regime, the DG is required to submit the DG Report to the CCI within 60 (sixty) days from the receipt of such directions from the CCI. The Draft Amendments propose to extend this timeline to up to 90 (ninety) days. However, the CCI has the power to grant a reasonable extension of time to the DG to submit the DG Report if it is satisfied with the reasons given by the DG for seeking the extension.
- 3) **Revision of fee for filing the information:** The Draft Amendments propose to revise the fee for filing the information before the CCI as set out below:

S. No.	Entity	Existing filing fee	Proposed filing fee
a)	Individual or Hindu Undivided Family	INR 5,000 (Indian Rupees five thousand)	INR 6,000 (Indian Rupees six thousand)
b)	Non-Government Organisation/ Consumer Association/Co-operative Society/ Trust	INR 10,000 (Indian Rupees ten thousand)	INR 12,000 (Indian Rupees twelve thousand)

S. No.	Entity	Existing filing fee	Proposed filing fee
c)	Firm or company with a turnover of up to INR 2,00,00,000 (Indian Rupees two crore) in a preceding financial year	INR 40,000 (Indian Rupees forty thousand)	INR 50,000 (Indian Rupees fifty thousand)
d)	Firm or company with a turnover exceeding INR 2,00,00,000 (Indian Rupees two crore) but up to INR 50,00,00,000 (Indian Rupees fifty crore) in the preceding financial year	INR 1,00,000 (Indian Rupees one lakh)	INR 1,25,000 (Indian Rupees one lakh twenty-five thousand)
e)	Any other entities not above	INR 5,00,000 ((Indian Rupees five lakh)	INR 6,00,000 (Indian Rupees six lakh)

- 4) **Appointment of the monitoring agencies:** The Draft Amendments propose that the CCI may appoint agencies for the purpose of monitoring the implementation of the orders of the CCI regarding combinations, commitments and settlements or any other provision of the Competition Act. Such agencies will be independent of the parties to the proceedings and may include an accounting firm, management consultancy, any other professional organisation or chartered accountants/ company secretaries/ cost accountants.
- 5) **Translation of documents:** Under the existing regime, documents that are not in the English language will be accepted by the CCI, if they are translated into English by any translator. The Draft Amendments propose that the documents translated in English language shall be accepted by the CCI as a true translation if: (a) the counsel for a party certifies the translation to be a true translation; and (b) the translation is done by the official translator of the Court or any authority or the government agency (which is also accepted by Courts as a true translation).

(Source: Background Note and Draft Amendments)

Government notifies certain amendments to the General Regulations, 2009

The Government of India (“GoI”), *vide* notification dated May 10, 2024, has brought into force the CCI (General) Amendment Regulations, 2024 (“**Amended General Regulations**”), which amends the CCI (General) Regulations, 2009 (“**General Regulations**”).

The Amended General Regulations *inter alia* provide as follows:

1) Undertaking in the form of an affidavit:

- a) **For Claiming Confidentiality:** Previously, a party that wished to claim confidentiality on any information was required to furnish an undertaking certifying that the information on which confidentiality was sought meets the prescribed standards under the General Regulations. By way of the Amended General Regulations, the parties are now required to submit an affidavit for claiming confidentiality.
- b) **For Confidentiality Ring:** Previously, a party was required to furnish an undertaking that the confidential information of a case accessed by it through the confidentiality ring will not be disclosed to any other person and will only be used for the purpose of the Competition Act. By way of the Amended General Regulations, the parties are now required to submit an affidavit in relation to the same.

- 2) **Timelines for accessing the confidential version of the case record:** The Amended General Regulations set out the following timelines for setting up a confidentiality ring, submission of an affidavit, and to access to confidential version of the case record:
- a) Application for setting up of confidentiality right: A party has to submit an application to the CCI for setting up of the confidentiality ring within 10 (ten) days from the receipt of the non-confidential version of the DG report, which can further be extended to up to 7 (seven) days, if the CCI is satisfied with the reason of delay provided by a party;
 - b) Filing of an affidavit for being part of the confidentiality ring: Within 10 (ten) days from the date of receipt of the order passed by the CCI, setting up the confidentiality ring, which can further be extended to 5 (five) days, if the CCI is satisfied with the reason of delay provided by a party;
 - c) Conducting inspection of the confidential case records: The parties included in the confidentiality ring shall:
 - i) submit an application for conducting an inspection of case records within 7 (seven) days from the submission of the affidavits;
 - ii) such inspection shall be completed within 21 (twenty-one) days of being allowed by the CCI;
 - iii) apply for the getting the certified copies of the confidential documents within 7 (seven) days thereafter;

From receiving an application seeking certified copies of confidential documents, the CCI is obligated to provide the same within 14 (fourteen) days
- 3) **Revision in fee for conducting inspection of case records:** Previously, the fee charged by the CCI for allowing the inspection of case records was INR 1,000 (Indian rupees one thousand). The same has now been increased to INR 2,500 (Indian rupees two thousand and five hundred).

(Source: Notification dated May 10, 2024)

Swiggy approaches Karnataka High Court against the CCI order which allows NRAI to access its confidential information

The CCI received a complaint against Zomato Limited ("**Zomato**") and Swiggy Limited ("**Swiggy**") for indulging in anti-competitive practices, in violation of Section 3(4) of the Competition Act. On April 4, 2022, the CCI *passed an order* directing an investigation against Zomato and Swiggy for alleged anti-competitive activities. For a detailed summary of the CCI order dated April 4, 2022, refer to [JSA Competition Law Newsletter for April 2022](#).

As per the media report, Swiggy has filed a writ petition before the Karnataka High Court ("**KHC**"), challenging the CCI order which allowed the representatives of National Restaurant Association of India (complainant) to access Swiggy's confidential information, which would cause irreparable harm to Swiggy. Before getting into the merits of the case, the KHC will ascertain whether it has the jurisdiction to adjudicate the present matter.

(Source: CNBC)

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.

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<p>18 Practices and 25 Ranked Lawyers</p>	<p>13 Practices and 38 Ranked Lawyers</p>	<p>Recognised in World's 100 best competition practices of 2024</p>
		
<p>19 Practices and 19 Ranked Lawyers</p>	<p>12 Practices and 42 Ranked Partners IFLR1000 APAC Rankings 2023 ----- Banking & Finance Team of the Year ----- Fintech Team of the Year ----- Restructuring & Insolvency Team of the Year</p>	<p>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</p>
		
<p>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</p>	<p>7 Ranked Practices, 16 Ranked Lawyers ----- Elite – Band 1 - Corporate/ M&A Practice ----- 3 Band 1 Practices ----- 4 Band 1 Lawyers, 1 Eminent Practitioner</p>	<p>Ranked #1 The Vahura Best Law Firms to Work Report, 2022 ----- Top 10 Best Law Firms for Women in 2022</p>  <p>7 Practices and 2 Ranked Lawyers</p>

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