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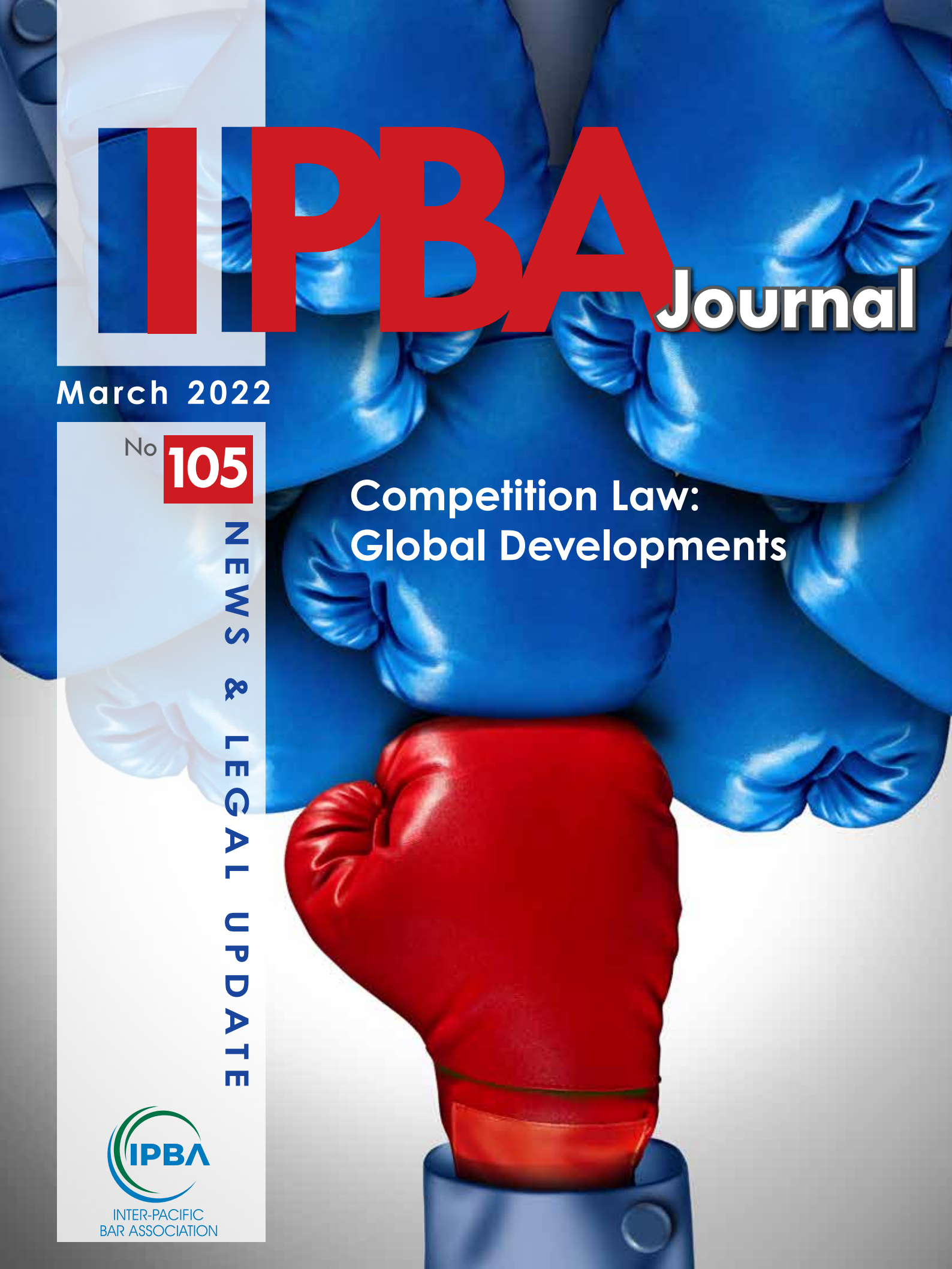
Competition Law: Global Developments



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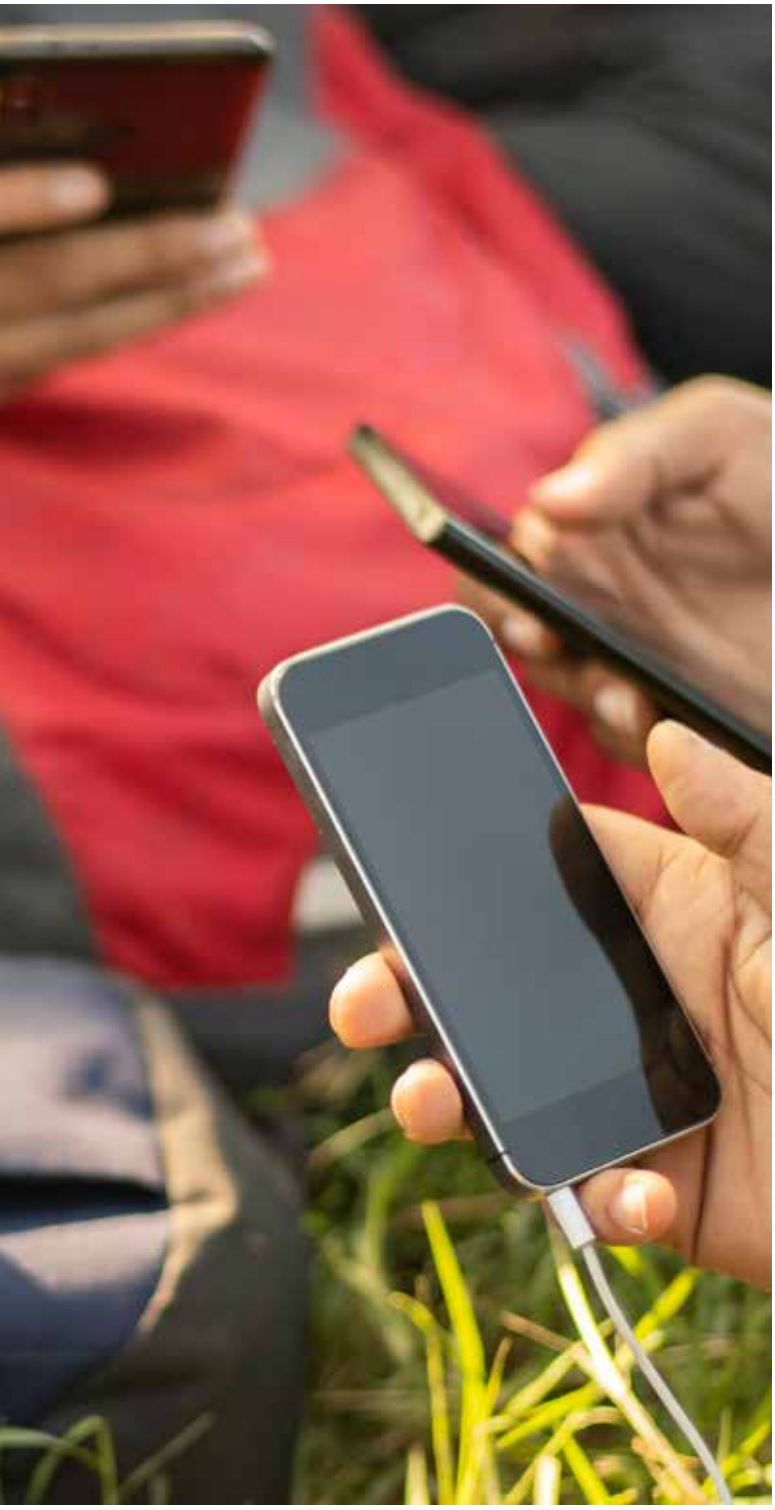
Competition Law: Indian Developments

The evolution of India's competition regime has not been free from multiple challenges. Besides the oversight of the appellate authorities, the Constitutional higher courts played roles in fine-tuning due process issues on regular basis. Amendments in Regulations helped attain predictability, but proposals for substantial amendments to the principal legislation is a newer challenge to all stakeholders which is yet to unfold.

Introduction

The Indian Competition Act 2002 (as amended) ('the Act')[1] is the core legislation which established the Competition Commission of India ('CCI' or 'Commission') on 14 October 2003 with an intent, *inter alia*, to eliminate trade practices of enterprises which cause or are likely to cause anti-competitive effects in the markets of India.[2] The Act superseded the Monopolies and Restrictive Trade Practices Act 1969 ('MRTP Act') by a notification[3] since the MRTP Act had 'become obsolete in certain respects in the light of international economic developments relating more particularly to competition laws and there is a need to shift the focus from curbing monopolies to promoting competition'.[4] The Act is civil legislation premised on the principles of natural justice and the rule of reason.[5]



Reasons for Delay in Operationalisation of the CCI

Even though the Act obtained Presidential assent on 13 January 2003, it still took more than six years to operationalise the CCI.[6] The reasons for this delay was primarily on account of the filing of two Constitutional Writ Petitions against the proposed structure of the Commission by private individuals. The petitioners were of the view that since the MRTP Act, the predecessor agency, had always been headed by judicial members, then the CCI also should be headed by judicial members, whereas the intention of the Act was for flexibility between judicial and non-judicial members or experts from the fields of competition law and economics.

The first Writ Petition was filed in August 2003 before the High Court of Madras and the second was before the Supreme Court of India in October 2003.[7] The Writ Petition before the Supreme Court was heard in great detail and was disposed of by a well-contested order on 20 January 2005. While disposing of the matter, the Supreme Court of India observed that since the Act had a combination of adjudicatory, advisory, regulatory and inquisitorial powers, it would be appropriate to have a specialised appellate tribunal between the CCI and the Supreme Court of India as the Court of First Appeal to be headed by a judicial member. Pursuant to the observations of the Supreme Court of India, the Government of India drafted an amendment bill and placed the same before Parliament which decided to have open public consultation on the Bill and constituted a high-powered Parliamentary Committee for the same. Evidence was collected for over a year from all stakeholders by this high-powered committee and, based on such feedback, the Bill was further modified and once again placed before Parliament for deliberation. On 25 September 2007, Parliament approved the Bill and the Act stood amended.[8]

Notifications of Different Provisions of the Act

The Act is divided into nine chapters. Chapter II discusses the substantive provisions of the Act. There are four provisions (sections) in this Chapter. Sections 3 and 4, respectively, prohibit enterprises from entering into anti-competitive agreements—both horizontal and vertical—and abusing a dominant position in the markets within India. Whereas, sections 5 and 6, respectively, mandate the CCI to regulate a combination between two or more enterprises ('merger control'), either by way of acquisition of shares, voting rights, controls and mergers and amalgamations. The Government of India notified sections 3 and 4 of the Act on 20 May 2009 and regulation of combinations, pertaining to sections 5 and 6, on 1 June 2011.[9] The operationalisation of the first court of appeal was also simultaneously notified on 15 May 2009.

Vertical agreements may be declared void if they cause or are likely to cause an AAEC within the markets of India.

The Salient Features of the Act

Anti-Competitive Agreement Cases

Horizontal agreements, including cartels and the rigging of bids in public procurement, are presumed to cause appreciable adverse effect on competition ('AAEC')[10] within India, whereas vertical agreements may be declared void if they cause or are likely to cause an AAEC within the markets of India. Thus, the finer legal interpretation which has evolved over the years shows that once an agreement between competitors on 'price or price signals' or any other 'commercial coordination between them e.g., market allocation or limiting production' has been established, the presumption of breach of the Act is concluded against the respondents.[11] An 'agreement' under the Act has been defined very broadly with an intent to capture coordination and understanding between independent enterprises which may fall within the ambit and scope of cartels and bid rigging.[12]

However, in the case of commercial agreements in vertical business chains between different levels of businesses, the Act mandates the CCI to apply the rule of reason test. For example, if a manufacturer in a vertical business chain has been enjoying market power for a long period of time and sets a price for the product manufactured by it and dictates the same to be maintained by downstream dealers, then the defence of the rule of reason may be distinguished. Maruti Suzuki India Ltd ('MSIL'), the passenger vehicle auto market leader of India, has been found to have been engaged in minimum resale price maintenance ('RPM') with its dealers across India for a long duration of time. The salient portion of the contested order is given below:

> The Commission concludes that MSIL of India not only entered into an agreement with its dealers across India for the imposition of Discount Control Policy amounting to RPM, but also monitored the same by appointing MSAs and enforced the same through the imposition of penalties, which resulted in AAEC within India, thereby committing contravention of the provisions of Section 3(4)(e) read with Section 3(1) of the Act.

A penalty amounting to INR 2 billion (US$26.8 million) was directed to be paid within 60 days of the receipt of the order by MSIL. The Order was passed on 23 August 2021.[13] MSIL has preferred an appeal before the first court of appeal and the appeal is currently sub-judice.

Abuse of Dominance in the Digital Market

Section 4 of the Act frowns upon abuse of the dominant position of an enterprise but not the dominance itself. It is another prohibitory decree of the Act. The inquiry and investigation proceeds on the rule of reason. There are a few cases, although at very preliminary stages, which are worth noting for developments. The CCI is considering the unilateral conduct of some digital companies, which require a fair competition assessment, ensuring that other markets, more specifically retail brick-and-mortar markets, will not be adversely affected by their operations in India.

For instance, after issuing an investigation against Google for alleged abuse of its dominant position in the market for licensable mobile OS for smart mobile devices and the market for app stores for Android OS in 2020,[14] the CCI has directed two new investigations against Google in 2021 and in 2022. CCI's investigation order of 2021[15] is related to allegations of abuse of a dominant position in the smart TV operating systems ('TV OS') market. The CCI, in its *prima facie* decision, noted that the agreements between Google and Android TV licensees granting access to the Android smart TV OS, required Android TV

licensees to (1) mandatorily preinstall the entire suite of Google applications; (2) comply with minimum Android compatibility requirements; and (3) preload Google applications and place them on the default home screen. Considering these aspects, the CCI was of the preliminary view that Google's conduct amounted to an anti-competitive vertical agreement as well as abuse of dominant position and directed an investigation by the DG. In January 2022, the CCI ordered another investigation against Google into allegations of abuse of dominant position suffered by news publishers.[16] The CCI, *inter alia*, found that Google's unilateral and opaque methodology for determining and sharing ad revenues with online news publishers and not paying them for using their website's 'snippets' in Google's search results, was abusive and directed the DG to investigate.

The CCI has also directed an investigation against Apple in December 2021 into abuse of dominant position allegations in the market for app stores for iOS (the operating system for Apple's phones).[17] The CCI found that: (a) mandatory use of Apple's proprietary 'in-app purchase' mechanism to enable a user to unlock the app's various paid features; (b) prohibition from enabling such features in the app which encouraged use of purchasing methods other than 'in-app purchase'; and (c) charging a high commission of up to 30 per cent on subscriptions, *prima facie* amounted to imposing unfair pricing and conditions, denying market access and leveraging. All of these matters are sub-judice as of writing.

Investigation by the office of the DG is a fact-finding statutory exercise, hence, in terms of the relevant provisions of the Act, it does not necessarily indicate that the digital enterprises which are being investigated would definitely receive adverse orders by the CCI.

Merger Control: Main Updates

(1) Approval of the CCI

On 31 May 2021, the merger control or regulation of combinations mandate of the CCI successfully completed ten years of the implementation of the substantive provisions dealing with Indian merger control (sections 5 and 6). If the combined asset or turnover thresholds provided in section 5 are exceeded, subject to de minimis thresholds, the acquirer, and in some cases the parties, must mandatorily notify the CCI. No part of a reportable transaction can be implemented or put into effect without the CCI's prior approval. Breach of this rule can attract monetary penalties.[18] During the initial enquiry, namely the Phase I review, the CCI is required to form a preliminary view on the likelihood of the transaction to cause or not to cause an AAEC within India.[19] In the absence of any competitive concerns, the CCI expeditiously approves the transaction in the Phase I review. If the CCI is of the *prima facie* view that the transaction can cause an AAEC, it is required to commence a detailed investigation (that is, a Phase II review) and may approve or modify or block the transaction.[20] Notably, to date, the CCI has not blocked any transaction and has, either conditionally or unconditionally, approved all notified transactions.[21]

(2) Non-Renewal of the Notification Regarding 50 per cent Voting Rights for a 'Group'

Section 5 of the Act defines the term 'group' to include two or more enterprises when one enterprise can, either directly or indirectly, exercise 26 per cent or more of the voting rights in the other enterprise.[22] However, by way of a notification dated 4 March 2016 ('Group Threshold Notification'), the Ministry of Corporate Affairs ('MCA') had exempted enterprises exercising less than 50 per cent of voting rights in other enterprises from section 5 of the Act and, hence, from the 'group' definition. As a result, only subsidiaries were to be considered when calculating the assets and turnover under the Group Test for assessing a transaction's reportability.

The Group Threshold Notification lapsed on 3 March 2021 and has not been renewed since. Therefore, the 26 per cent voting rights threshold for a 'group' stipulated in section 5 of the Act revives in application. Consequentially, the value of assets and turnover of non-subsidiary investee entities in which voting rights exceed 26 per cent must be factored in while assessing a transaction's reportability under the Group Test. This can potentially trigger a surge in merger filings with substantial additions to the value of assets or turnover of any 'group'. Additionally, the impact of the drop in shareholding for 'group' qualification on the applicability of intra-group exemptions is yet to be fully ascertained.

(3) Success of the Green Channel Route

By way of a notification dated 13 August 2019[23], the CCI amended the Combination Regulations[24] and introduced a fast-track 'Green Channel' mechanism for notifying transactions where parties to a transaction (including downstream affiliates) do not exhibit any horizontal, vertical or complementary overlaps ('Green

Channel Route'). A transaction notified under the Green Channel Route receives 'automatic' CCI approval upon filing and is not subject to the conventional 30-day waiting period. Moreover, the burden of information and competitive analysis of parties is significantly lower. Such a notification can be made only through Form-I but without market-facing information.

The Green Channel Route was introduced in the wake of the rise in private equity investments in India which are typically characterised by non-problematic minority acquisitions. Statistics are telling regarding the Green Channel Route's success—out of approximately 220 transactions notified to the CCI since August 2019, as many as 45 transactions were notified under this route.

Digital Enterprises: The New Challenge

The digital economy is primarily based on innovation and more innovation and, as all competition law professionals know, this is one of the 'safe-harbour' defences against any alleged breach of anti-competitive practices relating to abuse of dominance.

It is noteworthy that the CCI has all along been well supported by the constitutional higher courts thus far.

The market-share concentration among a few renowned digital enterprises, leading to either monopolisation or oligopolistic concentration, continues to attract the attention of competition agencies. Coupled with the foregoing facts, acquisition of start-up digital enterprises is another facet, often characterised as 'killer acquisition', which also engages the attention of competition agencies. However, on a detailed assessment of these acquisitions, the core justifications of these transactions may at times show enhancement of the economic efficiencies of the parties to such transactions. Thus, it is too early to confirm that all commercial *ex ante* regulatory activities of digital enterprises are per se anti-competitive.

Options are being considered to introduce an *ex ante* legal regime to check the unfettered growth of a few digital enterprises. However, *ex ante* assessment of *ex post facto* breaches, if any, may rarely be identical to exercising suo motu powers, hence, there is perhaps an inherent legal contradiction. Economists and other professional experts who regularly assist and advise the Commissioners of competition agencies in all matters, must engage in carrying out thorough research to find out the authentic and real objective and economic justifications of the business models of these innovative enterprises and help agencies minimise contrarian evolution of law.

As regards 'self-preferencing', 'gatekeeping' and 'network effects', where the emerging terminologies governing the current thought processes of competition agencies are concerned, all of these ingredients are also very significantly found in traditional markets. The members of trade associations, when using the platform of trade association collectively, tend to promote their own business interests with all authorities and plead for better commercial terms, which seems very similar to 'self-preferencing'. These traditional industry sectors, either represented by their trade associations or by their own corporate business strategies, directly or indirectly prefer not to allow new entrants to enter the relevant market, which seems identical to 'gatekeeping'. Finally, the unwritten and sometimes written strategies of integration in the market structure, more particularly, among upstream, mid-stream, downstream and end consumers/customers are identical to 'networking' among the various independent enterprises in the entire vertical business chain of any industry segment.

With a bit of up-to-date but robust research by experts within a competition agency, it seems that digital enterprises can be investigated successfully and possible anti-competitive adverse effects, if any, can also be remedied without carrying out drastic amendments to the law. The CCI successfully applied the existing provisions of the Act and met the repeated challenges of aggrieved enterprises in Constitutional Writs[25] filed against it before various High Courts and more often than not before the Supreme Court of India in Special Leave Petitions on the sole ground primarily that it lacked jurisdiction to investigate digital enterprises. A bouquet of a few on-going cases[26] successfully handled by the CCI within the existing framework of the Act, clearly substantiate the foregoing analyses more comprehensively:

> The CCI via a *prima facie* order directed the office of the DG to investigate allegations of abuse of dominance against Amazon and

Flipkart and both these digital enterprises challenged the jurisdiction of the CCI in Constitutional Writs before High Court and finally before the Supreme Court of India but failed to get any favourable order against the CCI. Investigation before the DG has resumed and the same is sub-judice as on date.

The CCI took *suo motu* cognisance of WhatsApp's updated privacy policy which enabled it to share user data with Facebook and its subsidiaries. The CCI *prima facie* held privacy to be an element of non-price competition and that in digital markets, unreasonable data collection and sharing may grant competitive advantages to the dominant players and may result in exploitative as well as exclusionary effects. The investigation is sub-judice.

Apple is alleged to impose unlawful restraints on app developers from reaching users of its mobile devices (e.g., iPhone and iPad) unless they go through the 'App Store' which is stated to be controlled by Apple. The Commission is of the *prima facie* view that mandatory use of Apple's IAP for paid apps & in-app purchases restrict the choice available to the app developers to select a payment processing system of their choice especially considering when it charges a commission of up to 30 per cent for app purchases and in-app purchases.

Comprehensive amendment, as normally has been suggested across jurisdictions, may solve some issues momentarily, but as innovation in the digital market is extremely fast-paced, the competition agencies may at times not be able to keep pace with such dynamism. Frequent amendments to the Act to meet the challenges of the changes in this market also *prima facie* appear onerous, if not impossible. Most of the competition legislation does not per se envisage that all business entities must be investigated. All businesses are *prima facie* not engaged in anti-competitive practices. It is the statutory duty of the competition agency, assisted by a competent investigating wing and experts on law and economics, to find solutions to this problem. Adhering to the 'principles of natural justice', 'due process' and carving out the sub-set of business within a whole pie of any business model and establishing breach, if any, should be the right way forward. This process must be considered on merit and be done with proper due diligence.

In terms of sections 5 and 6 of the Act, the first trigger to scrutinise any combination of enterprises is assessing the combined thresholds of assets and turnover of such enterprises. However, applying these thresholds for digital enterprises may not always allow the CCI to scrutinise a combination of digital enterprises. This legal infirmity may be remedied by introducing the transactional value of the deal in addition to the existing rule of assets and turnover tests. No further amendment in law may be needed as of now.[27]

High Courts and Supreme Court and Jurisdictional Challenges

It is noteworthy that the CCI has all along been well-supported by the constitutional higher courts thus far in its *prima facie* orders on competition law investigations of any sector, including the digital sector in particular:

- The CCI directed the office of the DG to cause an investigation into alleged exclusivity arrangements, deep discounting and preferential listing with respect to mobile phone brands by Flipkart's and Amazon's e-commerce platforms in 2020[28] by adopting the due processes laid down in the Act. However, challenges by Flipkart and Amazon to the investigation were not only quickly dismissed by the single bench[29] and the division bench[30] of the Karnataka High Court, but were also promptly rejected by the Supreme Court of India.[31] The promptness of disposal by the constitutional courts clearly reemphasised the elaborate ratio enunciated by the Supreme Court of India in September 2010.[32]

- The CCI initiated an investigation in March 2021 into possible abuse of dominance by WhatsApp on account of the 'take-it-or-leave-it' nature of the policy[33] imposed upon subscribers. Facebook and WhatsApp challenged the CCI's order before the Delhi High Court on the ground that the 2021 policy itself was disputed and pending adjudication before the Supreme Court of India. However, as early as April 2021, the Court rejected this argument and refused to interfere with the CCI's investigation, upholding its jurisdiction to initiate an antitrust enquiry.[34]

- Similarly, the contents of an investigation report against Google with respect to abuse of its dominant

position in the (1) market for licensable mobile operating systems for smart mobile devices; and (2) market for app stores for the Android operating system, were leaked to the media. Google filed a petition against the CCI challenging the leak before the High Court of Delhi in September 2021. The CCI contended that it did not leak any information to the media and committed to establishing a fact-finding inquiry panel to investigate the incident. To expedite proceedings, it recalled a previous order that rejected certain confidentiality claims by Google and accepted the claims in full. Considering the CCI's concessions, the Court refused to grant any interim relief to Google and dismissed the petition, while clarifying that Google was still at liberty to seek legal recourse for the leak.[35]

Hence, the attempts to stall any competition law investigations in the digital sector have been quashed by the Indian higher constitutional courts repeatedly.

International Co-operation With Competition Agencies[36]

The CCI is an active member of the International Competition Network ('ICN') and the Brazil, Russia, India, China and South Africa ('BRICS') Competition Agencies. The CCI is mandated to enter into international cooperation with competition agencies to additionally implement the 'effects doctrine'.[37] A Memorandum on Co-operation ('MoC') entered into with Japan's competition agency, the Japan Fair Trade Commission, in July 2021 is testimony to the importance of this mandate. The CCI has dealt with Japan-based entities in both enforcement and merger control cases. In fact, the CCI recently imposed a penalty on two Japanese companies after a leniency application revealed coordination on prices, allocation of markets and bid rigging in the electrical power steering systems market.[38]

The CCI also entered a Memorandum of Understanding with the Competition Commission of Mauritius in late December 2021. The CCI already has cooperation agreements with several antitrust agencies, including those of Europe, USA, Brazil, Russia, China, Australia, South Africa and Canada.

Competition (Amendment) Bill 2020

The Competition (Amendment) Bill, 2020 proposes important changes to both the behavioural and the merger control regimes. Various positive issues emerged during the continuance of the evolution of the jurisprudence ever since various provisions of the Act were implemented, which *prima facie* triggered consideration of some of them by way of a comprehensive amendment to the principal legislation. The Bill is under consideration by the Indian Parliament. Should the Bill be approved by the Parliament and assented to by the President of India, quite a few newer mandates will emerge. Some of the salient features of the Bill are discussed below:

- The introduction of the settlements and commitments regime for vertical restraining conduct and abuse of dominance unilateral conduct, excluding cartel conduct, may bring about an expeditious disposal of enforcement matters besides providing predictability in procedural law.

- The right to appeal certain CCI orders will be contingent on the payment of 25 per cent of the penalty which may have been aimed at enhancing penalty recovery and preventing superficial appeals, but could simultaneously cause hardship to some appellants.

- It specifically introduces buyers' and hub-and-spoke cartels, bringing non-conventional anti-competitive conduct within the Act's ambit.

- It fortifies the leniency regime by proposing a 'leniency plus' policy, which will permit a leniency applicant part of one cartel to disclose another cartel in a separate market and avail penalty mitigation for both cartels.

- In relation to merger control, it is reiterated that the Bill introduces deal value thresholds (in addition to existing asset and turnover thresholds) to confront inadequate regulation of combinations, with a focus on digital markets.

Evidently, the Bill is indicative of the dynamic approach of India's competition regime. It remains to be seen when the proposed amendments will be given effect to.

Conclusion

The active participation of the CCI in the International Competition Network and BRICS conferences, both as a key participant and host, sometimes has strengthened its commitment to contribute proactively on an

international pedestal on issues of shared interests and common themes. The last few years demonstrate that the CCI has thoughtfully strategised a multi-pronged approach to discharge its mandate effectively—on the one hand it has launched market studies to decode complexities in emerging markets and identify areas susceptible to anti-competitive conduct and, on the other hand, its concerted efforts towards cracking down on big tech has emerged as a clear enforcement priority. Even on the merger control front, while the green channel benefit appears to have accomplished what it was positioned to achieve (that is, easing the merger approval process for financial investors), the standard of control devolving towards material influence could reshape the future of merger control in India.

Finally, with the Competition Amendment Bill on the verge of being introduced, the existing competition law landscape is poised for a major overhaul and will likely mark a paradigm shift with the introduction of a whole suite of new features, such as settlement and commitments, extension of IPR exemption of abuse of dominance, deal value thresholds, etc. The unfolding of an interesting regime, more predictable than before, is well on the cusp of transitioning into a new era of competition law enforcement in India.

Notes

[1] Obtained the assent of the President of India on 13 January 2003 after both Houses of the Indian Parliament had passed the Competition Bill.
[2] The Government of India by Notification SO 1198(E) dated 14 October 2003 established the CCI in terms of, section 7 of the Act.
[3] With effect from 1 September 2009.
[4] Extracted from the Statement of Object and Reasons of the Act.
[5] Section 36(1) read with section 36(2) of the Act.
[6] From 20 May 2009, the CCI was permitted to enforce antitrust disputes relating to anti-competitive agreements and abuse of dominant position of enterprises.
[7] Brahm Dutt v Union of India and Others [WP 490 of 2003 before the Supreme Court of India].
[8] The Competition (Amendment) Act 2007 (39 of 2007).
[9] The section 1(3) proviso enables the Government of India to notify different provisions of the Act on different dates.
[10] Section 3(3) of the Act.
[11] Case 29 of 2010 [BAI v CMA and Others], a cement cartel case currently sub-judice before the Supreme Court of India, order passed in August 2016.
[12] Section 2(b) of the Act: 'agreement includes any arrangement or understanding or action in concert: (i) whether or not, such arrangement, understanding or action is formal or in writing; or (ii) whether or not such arrangement, understanding or action is intended to be enforceable by legal proceedings'.
[13] Suo Motu Case No 01 of 2019.
[14] XYZ v Alphabet Inc and Others, Order dated 9 November 2020 in Case No. 07 of 2020, see http://cci.gov.in/sites/default/files/07-of-2020.pdf;
[15] Kshitiz Arya and Another v Google LLC and Others, Order dated 22 June 2021 in Case No. 19 of 2020, see http://cci.gov.in/sites/default/files/19-of-2020.pdf.
[16] Digital News Publishers Association v Alphabet Inc and Others, in Case No. 41 of 2021, see www.cci.gov.in/sites/default/files/order_41_2021.pdf.
[17] Together We Fight Society v Apple Inc and Another, Order dated 31 December 2021 in Case No. 24 of 2021, see www.cci.gov.in/sites/default/files/24-of-2021.pdf.
[18] Section 43A of the Act.
[19] Section 29 of the Act and regulation 19 of The Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Regulations 2011 ('Combination Regulations').
[20] Section 31 of the Act.
[21] Section 31(7) of the Act.
[22] Explanation (b) to section 5 of the Competition Act 2002.
[23] The Competition Commission of India (Procedure in regard to the transaction of business relating to combination) Amendment Regulations, 2019 vide Notification No. F. No. CCI/CD/Amend/Comb. Regl./2019, dated 13 August 2019.
[24] The Combination Regulations (see n 19 above) set out the procedure, inter alia, for filing and scrutiny of a merger notification before the CCI.
[25] Amazon & Flipkart v Delhi Vyapar Mahasangh; SLP dismissed in the Supreme Court in August 2021.
[26] Please visit the website of the CCI at www.cci.gov.in for details of these orders in the section relating to 'Orders' under section 26(1) of the Act.
[27] Competition (Amendment) Bill 2020.
[28] Supra at 11.
[29] Flipkart Internet Private Limited v Competition Commission of India and Others, Judgment dated 11 June 2021 of the High Court of Karnataka in W.P. No. 4334/2020 and other connected matters.
[30] Flipkart Internet Private Limited v Competition Commission of India and Others, Judgment dated 23 July 2021 of the High Court of Karnataka in Writ Appeal No 562/2021 and other connected matters.
[31] Flipkart Interest Private Limited v Competition Commission of India and Others, Judgment dated 9 August 2021 of the Supreme Court of India in SLP (C) Nos. 11518 and 11615 of 2021.
[32] CCI v SAIL, Order dated 10 September 2010, Supreme Court of India.
[33] Supra at 13.
[34] WhatsApp LLC v Competition Commission of India and Another, Judgement dated 22 April 2021 of the High Court of Delhi in W.P. (C) 4378/2021 and other connected matters.
[35] Google LLC and Another v Competition Commission of India and Others, Order dated 27 September 2021 of the High Court of Delhi in W.P.(C) 10824/2021.
[36] Section 18, Proviso of the Act.
[37] Section 32 of the Act.
[38] In Re: Cartelisation in the supply of Electric Power Steering Systems, Order dated 9 August 2019 in Suo Motu Case No. 07 (01) of 2014.

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