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# COMPETITION LAW NEWSLETTER

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## Meta accused of violation of European privacy regulations

Meta (formerly Facebook) is being sued by 83 Spanish media outlets over allegations that the social media giant breached EU data protection rules from May 25, 2018, until July 31, 2023, leading to unfair competition in the advertising market.

The Information Media Association (La Asociación de Medios de Información, or AMI), has filed a €550 million (\$600 million) lawsuit against Meta, claiming Meta's ability to design personalized advertising on its Facebook, Instagram and WhatsApp platforms based on its enormous user base represents an unfair competitive advantage in the advertising market in Europe.

The basis of the AMI's argument is that Facebook has built its dominant position in online advertising by disregarding regulations aimed at protecting the privacy of its European users, reusing their data without their consent. This has caused damage to Spanish media companies who also use advertising revenue to support their businesses to the point that their sustainability is at risk.

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## Competition Commission of India (“CCI”) dismisses complaint against Indian Bank

The CCI dismissed the complaint filed by Mr A Ram Babu against the Indian Bank alleging violation of the provisions of section 4(2) (a) and (b) of the Competition Act, 2002 (“Act”). The allegations stemmed from penalties imposed by Indian Bank for premature withdrawal of fixed deposit accounts. The CCI identified the relevant market as the “market for the provision of term deposit services in India.”

The CCI found that the market for term deposit services in India is competitive, with numerous players operating in the relevant market. Further, there was no evidence to suggest that Indian Bank enjoyed a dominant position in the relevant market. Hence, the CCI concluded that absence of dominance negated the need for an investigation. Consequently, the case was ordered to be closed under section 26(2) of the Act.



## Google withdraws appeal before Delhi High Court

The Delhi High Court allowed Google to withdraw its appeal against the single judge order directing the CCI to take up the application moved by the Alliance of Digital India Fountain challenging Google’s new-in app user choice billing policy. The Court was

apprised of the fact that the CCI had the required quorum and had commenced hearing on the pleas filed by Alliance of Digital India Fountain. The CCI’s counsel said it had no objections to the withdrawal.



## NCLAT stays the CCI penalty on NTPC for non-disclosure on acquisition of shares in Ratnagiri Gas and Power

The National Company Law Appellate Tribunal (“NCLAT”) has stayed a CCI order that imposed a penalty on state-owned power producer NTPC for not disclosing the acquisition of 35.47 per cent equity share capital in Ratnagiri Gas & Power Private Ltd.

According to the NCLAT order, the penalty has been stayed as NTPC has submitted “Term Deposit Advice of Rs 10 lakh drawn on State Bank of India, which comes to 25 percent of the total penalty amount.”

The CCI had imposed a penalty of Rs 40 lakh on NTPC for non-disclosure of its acquisition of 35.47 per cent of the equity share capital in Ratnagiri Gas & Power Private Ltd.

A two-member NCLAT Bench has now directed that the matter be listed on February 27, 2024. NCLAT has also directed CCI to file a reply over NTPC appeal within four weeks. NTPC can file its rejoinder within four weeks thereafter.



## CCI closes complaint against Air India

CCI has dismissed an Information against Air India alleging cartelisation and bid rigging. The Informant was a former pilot of Air India. He had alleged that the merger of Tata SIA Airlines with Air India has led to an adverse impact on his career and service record as his service record have been maliciously destroyed by Air India. The acquisition process involved bid rigging which is in violation

of section 3(3)(d). He has also alleged a breach of section 3(4)(d) as Air India refused to deal with him.

The CCI held that the allegations are a result of an inter-se dispute relating to the service of the Informant and there was no contravention of the provisions of the Act.



## CCI invites comment on proposed regulation to ensure disciplined approach to proceedings

CCI has invited stakeholders' comments on the proposed regulation for the introduction of fees for filing miscellaneous applications in order to expedite the case disposal by discouraging unnecessary requests and bringing a more disciplined approach to the proceedings. The measure is aimed at streamlining the process and ensuring a more efficient resolution of cases before the commission.

In order to monitor and track interlocutory application, for speedy disposal of cases, every such application is required to be registered in running number and to be accompanied with a certain fee.

The proposed amendments involve levying fees for applications for adjournment, extension, cross examination, third party application, implement application and establishment of confidentiality circles.



## Delhi High Court rejects writ petition in regards to ongoing proceedings on cartelization and price manipulation by cement manufacturers

The Delhi High Court has declined to entertain the writ petition filed by UltraTech Cement Ltd., praying for a writ to set aside a CCI order that added Builders Association of India in ongoing proceedings against it. The proceedings are regarding an investigation of allegations of cartelisation and price manipulations by grey

cement manufacturers.

UltraTech challenged the order as CCI had allowed the Builders Association of India to access non-confidential records in ongoing proceedings. The company argued that this access could have disclosed sensitive information, violating its privacy rights.



The Delhi High Court held that, the impugned order did not grant confidential records to BAI and furthermore, there are enough

procedural safeguards in the law to ensure that confidentiality is maintained by the CCI under such circumstances.



## Combination orders

- i) CCI has approved the acquisition of shareholding of Delanord Investments Ltd. by Abu Dhabi Ports Company
- ii) CCI has approved the subscription to equity shares of Niva Bupa Health Insurance

Company by V Sciences Investments Pte Ltd. a subsidiary of Temasek Holdings.

- iii) CCI has approved the acquisition of majority stake in Glenmark Life Sciences Ltd by Nirma Ltd.



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